

FACTSHEET

TITLE: CHANGE OF ZONE NO. 3412, from R-4 Residential to R-2 Residential, requested by the Antelope Park Neighborhood Association, for approximately 14 blocks within the Antelope Park Neighborhood, generally located between South 27th Street and the Rock Island Trail, from South Street to "A" Street.

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 08/06/03
Administrative Action: 08/06/03

RECOMMENDATION: Approval (8-1: Carlson, Duvall, Krieser, Larson, Marvin, Bills-Strand, Taylor and Steward voting 'yes'; Schwinn voting 'no').

FINDINGS OF FACT:

1. This is a request to change the zoning for approximately 14 blocks within the Antelope Park Neighborhood from R-4 Residential to R-2 Residential.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.5-8, concluding that this neighborhood appears to have reached a point where the density and mix of residential uses seems appropriate. The current mix is approaching a tipping point, at which additional two-family dwellings would start to overload the carrying capacity of the neighborhood.
3. The testimony of the representative of the Antelope Park Neighborhood Association is found on p.10-11. Additional testimony in support is found on p.11, and the record consists of a letter in support from the Everett Neighborhood Association (p.21) and a petition in support from the residents of Washington Street from 26th to 27th Street (p.22-23).
4. There was no testimony in opposition.
5. On August 6, 2003, the majority of the Planning Commission agreed with the staff recommendation and voted 8-1 to recommend approval (Commissioner Schwinn dissenting). See Minutes, p.12-13.
6. Commissioners Steward and Schwinn expressed concern about the number of these downzone applications coming forward from inner city neighborhoods and requested that the Planning Department provide the Commission with more guidance on this issue in the future. (See Minutes, p.12-13).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: August 12, 2003

REVIEWED BY: _____

DATE: August 12, 2003

REFERENCE NUMBER: FS\CC\2003\CZ.3412

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for August 6, 2003 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone 3412

PROPOSAL: To change the zoning on approximately 14 blocks within the Antelope Park Neighborhood from R-4 Residential to R-2 Residential.

LOCATION: Generally located between South 27th Street and the Rock Island Trail, from South Street to A Street.

LAND AREA: 59.24 acres, more or less.

CONCLUSION: This neighborhood appears to have reached a point where the mix of residential uses seems appropriate. The current mix is approaching a tipping point, at which additional two-family dwellings would start to overload the carrying capacity of the neighborhood. Approval of this change of zone would preserve the current development pattern and limit the potential for increasing housing density in an area with a fixed amount of infrastructure.

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

LEGAL DESCRIPTION:

The following additions and parts of additions:

Zehrun and Ames Addition, part of Lot 7, Block 1, Lots 10-18, Block 2, Lots 10-18, Block 3, all of Blocks 4 and 5, part of Lots 4, 5, 10, 11, and 12 and all of Lots 6-9, Block 6, all of Block 7 and the south half of the north-south alley adjacent thereto, the remaining portion of Block 8, and all of Blocks 9-12.

Farrels Replat of Lots 15-18, Block 8, Zehrun and Ames Addition

Arlington Heights Addition, Lots 1-24, the remaining part of Lots 25-29, Lots 30-48, Block 1, all of Blocks 2 and 3, Lots 6-24, Block 4

McManigells Subdivision of a part of Lots 25-29, Block 1, Arlington Heights Addition

Byers Replat of Lots 1-5, Block 4, Arlington Heights Addition

Franklin Park Addition Lots 1-12

Douglas Subdivision Lots 1-14

Jefferson Park Subdivision Lots 1 and 2, a part of Outlot A, all of Outlot B, and a part of the abandoned Chicago, Rock Island, and Pacific railroad right-of-way adjacent thereto

Parkside Place Addition Block 2, Lots 4 and 5, Block 7, Lots 8-17, Block 8

EXISTING ZONING: R-4 Residential

EXISTING LAND USE: Single-, Two-, and Three-Family dwellings, Church

SURROUNDING LAND USE AND ZONING:

North:	Residential uses	R-4 and R-6 Residential
	Commercial uses	B-3 Commercial
South:	Residential uses	R-2 Residential
	Commercial uses	B-1 Local Business
East:	Antelope Park and Rock Island Trail	P Public
West:	Residential uses	R-2 and R-4 Residential

HISTORY: Prior to the 1979 zoning update, this area was zoned B Two-Family Dwelling. As a result of the update, the zoning changed to R-4 Residential, which substantially reflects the B Two-Family District.

HISTORY OF OTHER RESIDENTIAL DOWNZONING

- Apr 2003 Change of Zone #3397 from R-4 Residential to R-2 residential was approved for an existing landmark district within the Near South Neighborhood.
- Oct 2002 Change of Zone #3378 from R-5 and R-6 Residential to R-2 Residential was approved within the existing Mount Emerald Neighborhood landmark district.
- Feb 2002 Change of Zone #3354 from R-4 Residential to R-2 Residential was approved for the area located immediately adjacent and southeast of this application. The area included approximately 106 dwelling units. The Planning Department recommended denial because the change would cause 35% of the lots to become nonstandard and the R-4 district allows a diversity of housing types.
- Jun 1995 Change of Zone #2890 from R-4 Residential to R-2 Residential was approved for a small area located immediately adjacent and west of this application. The area included 23 dwelling units (21 single-family and 2 duplex units). The Planning Department recommended denial because the change would result in 57% of the lots becoming nonstandard

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan shows the area as Urban Residential. (F 25)

Urban Residential: Multi-family and single-family residential areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling unit per acre. (F 27)

COMP PLAN SPECIFICATIONS THAT SUPPORT THIS CHANGE OF ZONE:

Preservation and renewal of historic buildings, districts, and landscapes is encouraged. Development and redevelopment should respect historical patterns, precedents, and boundaries in towns, cities and existing neighborhoods. (F 17)

The **Overall Guiding Principles** for future residential planning include:
One of Lincoln’s most valuable community assets is the supply of good, safe, and decent single family homes that are available at very affordable costs when compared to many other communities across the country. Preservation of these homes for use by future generations will protect residential neighborhoods and allow for many households to attain the dream of home ownership. (F 65)

The **Guiding Principles for Existing Neighborhoods** include:

Preserve, protect, and promote city and county historic resources. Preserve, protect and promote the character and unique features of rural and urban neighborhoods, including their historical and architectural elements. (F 68)

Preserve the mix of housing types in older neighborhoods. (F 68)

Promote the continued use of single-family dwellings and all types of buildings, to preserve the character of neighborhoods and to preserve portions of our past. (F 68)

Strategies for New & Existing Residential Areas

Single family homes, in particular, add opportunities for owner-occupants in older neighborhoods and should be preserved. The rich stock of existing, smaller homes found throughout established areas, provide an essential opportunity for many first-time home buyers. (F 72)

Strategies for Existing Residential Areas

In existing neighborhoods adjacent to the Downtown, retain existing predominately single family blocks in order to maintain the mix of housing types. The current mix within each neighborhood provides ample housing choices. These existing neighborhoods have significantly greater populations and residential densities than the rest of the community. Significant intensification could be detrimental to the neighborhoods and be beyond infrastructure capacities. Codes and regulations which encourage changes in the current balance of housing types, should be revised to retain the existing character of the neighborhoods and to encourage maintenance of established older neighborhoods, not their extensive conversion to more intensive uses. (F 73)

COMP PLAN SPECIFICATIONS THAT DO NOT SUPPORT THIS CHANGE OF ZONE:

The **Guiding Principles for the Urban Environment: Overall Form** include:

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. (F 17)

Provision of the broadest range of housing options throughout the community improves the quality of life in the whole community. (F 65)

Strategies for New Residential Areas

Structure incentives to encourage more efficient residential and commercial development to make greater utilization of the community's infrastructure. (F 72)

COMP PLAN SPECIFICATIONS THAT ARE NEUTRAL TO THIS CHANGE OF ZONE:

One **Quality of Life Asset** from the **Guiding Principles from the Comprehensive Plan Vision** states:

The community continues its commitment to neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. (F 15)

The **Guiding Principles for the Urban Environment: Residential Neighborhoods** include:

Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood. (F 18)

Develop and promote building codes and regulations with incentives for the rehabilitation of existing buildings in order to make it easier to restore and reuse older buildings. Encourage reconversion of single family structures to less intensive (single family use) and/or more productive uses. (F 73)

AESTHETIC CONSIDERATIONS:

Many of the homes in the area appear to be of the same vintage, with similar architectural characteristics. The streetscapes appear consistent with older single-family areas; there is a rhythm to the size and shape of houses, there is some, but not a significant amount of parking on the streets, and many homes are still single-family.

ANALYSIS:

1. This is a request to change the zoning for approximately 14 blocks within the Antelope Park Neighborhood from R-4 Residential to R-2 Residential. The Applicant's goal appears to be to limit future two-family dwellings by increasing the minimum lot size for such uses.
2. A review process for change of zone proposals is not defined within the Zoning Ordinance. However, Neb. Rev. Stat. §15-902 provides a list of considerations that has traditionally been utilized for such reviews.
 1. **Safety from fire, flood and other dangers.**
No apparent impact.
 2. **Promotion of the public health, safety, and general welfare.**
This proposal appears to fulfill several of the policies and guidelines enumerated in the Comprehensive Plan. However, there are also several Comprehensive Plan policies and strategies that would suggest this downzoning is not appropriate.
 3. **Consideration of the character of the various parts of the area, and their particular suitability for particular uses, and types of development.**
The housing within this proposed change of zone is primarily single-family, with some two-family and multiple-family units. The majority of the approximately 302 primary structures in the area appear to have been constructed as single-family homes and are still in that use today. It appears as though there are 35 two-family homes, and 2 multiple-family homes. Some of these have been converted from single-family dwellings, while others may have been constructed for their current use.
 4. **Conservation of property values.**
It is difficult to determine the affect a change of zoning will have on property values. On one hand, property values could diminish if houses could no longer be converted into duplexes, due to increased lot coverage requirements. On the other hand, this may have the effect of encouraging home ownership, which could stabilize or increase property values.
 5. **Encouraging the most appropriate use of land throughout the area zoned, in accordance with a comprehensive plan.**
The Comprehensive Plan encourages efficient use of existing infrastructure and diversity of housing choices. At the same time, the Comp Plan identifies Lincoln's commitment to its neighborhoods, as well as an encouragement to preserve existing single-family homes for single-family uses. This area has developed over time as a predominantly single-family neighborhood, but it does have a number of two-family dwellings distributed throughout. This neighborhood demonstrates efficient use of existing infrastructure through its existing pattern of development. There appears to a reasonable mix of single- and two-family uses that is worthy of preserving.
3. There are several differences between R-2 and R-4 zoning requirements. The following table shows the requirements of each district.

	R-2	R-4
Lot area, single family	6,000 sq. ft.	5,000 sq. ft.
Lot area, two family	5,000 sq. ft. per unit	2,500 sq. ft. per unit
Avg. lot width, single family	50 feet	50 feet
Avg. lot width, two family	40 feet per unit	25 feet per unit
Front yard	25 feet	25 feet
Side yard, single family	5 feet	5 feet
Side yard, two family	10 feet (0 feet at common wall)	5 feet (0 feet at common wall)
Rear yard	Smaller of 30 feet or 20% of depth	Smaller of 30 feet or 20% of depth

4. The Permitted Uses in the R-4 and R-2 districts are nearly identical. The only two differences among Conditional Uses between these districts are the requirement that group homes be separated by 1,200 feet in R-4 and by one-half mile in R-2, and that the density of residents within a domestic shelter within the R-4 district is one per 1,000 square feet, while the R-2 district allows 1 per 2,000 square feet. The only difference among Special Uses is that garden centers are allowed in R-2 but not in R-4.
5. The 3 existing multiple-family dwellings are nonconforming uses under either R-4 or R-2 zoning, as they are not permitted uses in either district. There are 4 existing duplexes that are nonconforming under either R-4 or R-2 because there are 4 duplexes located on 2 lots.
6. LMC §27.61.040 provides that a nonconforming use “shall not be enlarged, extended, converted, reconstructed, or structurally altered unless such use is changed to a use permitted in the district in which the building or premises is located” or a special permit is obtained. Additionally, §27.61.050 provides that nonconforming uses that are damaged to an extent of more than 60% of their value “shall not be restored except in conformity with the regulations of the district in which the building is located, or in conformance with the provisions of Chapter 27.75 [variance], or Section 27.63.280 [special permit].”
7. However, §27.13.080(g) of the R-2 district regulations provides that “multiple family dwellings existing in this district on the effective date of this title shall be considered nonstandard uses in conformance with the provisions of Chapter 27.61 [nonconforming and nonstandard uses].” This rule allows multiple-family dwellings to be reconstructed, altered, and restored after damage by treating such uses as nonstandard rather than nonconforming.
8. Pursuant to LMC §27.03.460, nonstandard lots are defined as those that fail to meet the minimum lot requirements for the district, such as lot area, lot width, density, setbacks, height, unobstructed open space, or parking.
9. Under the current zoning designation, there are 59 single-family and 6 two-family dwellings that are nonstandard. If the zoning is changed to R-2, there will be 71 single-family and 32 two-family dwellings that are nonstandard. All of these lots are nonstandard based upon lot area only.

10. Pursuant to LMC §27.61.090, nonstandard uses, whether existent prior to the ordinance or due to changes in the zoning, may be enlarged, extended, or reconstructed as required by law for safety, or may otherwise be made “if such changes comply with the minimum requirements as to front yard, side yard, rear yard, height, and unobstructed open space...”
11. Therefore, any residential use within this area, whether single-, two-, or multiple-family, that is a nonstandard use, may be altered or rebuilt provided it meets setbacks, height, and open space requirements. While this may result in a slightly different building footprint, there is no need under the current zoning ordinance for a variance or special permit if these requirements are met.
12. In the case of a nonstandard use that wants to extend into one of the required yards, a special permit is available. This is different than for a use that is not nonstandard; such a use would have to obtain a variance from the Board of Zoning Appeals in order to occupy a required yard.
13. The total number of nonstandard and nonconforming uses, both before and after this change of zone, are presented below.

Unit type	Current R-4	Proposed R-2	Total units
Single-family	59 nonstd.	71 nonstd.	253
Two-family	6 nonstd./4 nonconf.	32 nonstd./4 nonconf.	35
Multiple-family	1 nonstd./2 nonconf.	1 nonstd./2 nonconf.	2
Other	1 nonstd.	1 nonstd.	6
Public	0 nonstd.	0 nonstd.	2
Vacant	3 nonstd.	3 nonstd.	<u>4</u>
			<u>302</u>

14. This area is adjacent to two existing R-2 Residential districts. The first area includes the southeast corner of this neighborhood, which was changed from R-4 Residential to R-2 Residential in February, 2002. The other is located across 27th Street, along Washington Street, and was changed from R-4 Residential to R-2 Residential in June, 1995. This area represents a transition from more dense residential areas located closer to Downtown, and less dense residential areas located further from Downtown.
15. This area appears to be fully built. There appears to be only 2 vacant lots large enough to construct another two-family dwelling under current R-4 zoning, one of which appears to be large enough even under R-2 zoning. Therefore, the primary opportunity for additional two-family dwelling is to convert existing single-family dwellings.
16. An argument can be made that reducing the density in the city effectively increases the need for more units in another location, namely the edge of the city, which increases the burden for all taxpayers by creating the need to fund new infrastructure. By retaining the R-4 Residential zoning district at this location, a greater number of housing units may be supplied through infill development and reuse of existing structures. However, the Comp Plan also stresses that “preservation of [single-family] homes for use by future generations will protect residential neighborhoods and allow for many households to attain the dream of home ownership,” and that “the rich stock of existing, smaller homes

found throughout established areas, provide an essential opportunity for many first-time home buyers.” (F 65, 72)

When discussing older neighborhoods located near Downtown, the Comp Plan states “Significant intensification could be detrimental to the neighborhoods and be beyond infrastructure capacities. Codes and regulations which encourage changes in the current balance of housing types, should be revised to retain the existing character of the neighborhoods and to encourage maintenance of established older neighborhoods, not their extensive conversion to more intensive uses.” (F 73)

17. The terms “tipping point” and “carrying capacity” as used in the Conclusion are not explicitly defined. These terms are used to identify the concept that there is a point at which a neighborhood will have a certain mix of single-, two-, and even multiple-family dwellings that works well for the existing infrastructure. The occurrence of this point will depend of infrastructure factors, such as water and sewer capacities, traffic capacities, and availability of off-street parking, as well as, character and compatibility with the surrounding neighborhood, and a recognition of the historic development pattern and the expectations of current residents. Each neighborhood not only has its own tipping point, but that point may change as the contributing factors change.
18. The Planning Department recommends the balance between an appropriate mix of single- and two-family residences currently exists within this neighborhood. The existing density of this area is 4.86 units per acre. Additional two-family dwellings would impact the availability of off-street parking, may cause increased congestion on narrow streets, and could disrupt the character of the neighborhood. Certainly, it is possible to design two-family dwellings that respect and address these types of concerns. But the reality is that the City cannot impose regulations on future two-family dwellings that hold them to a higher standard based upon the characteristics of a specific neighborhood.
19. The R-4 district requires all new construction to meet the City of Lincoln Design Standards, Chapter 3.75 Neighborhood Design Standards. These standards are designed to recognize that certain areas of Lincoln “retain much of the traditional physical character of their original lower density development,” even though they may have experienced recent higher density development. These standards do not apply to the R-2 district. However, since there is little opportunity for new construction within the neighborhood, it is unlikely these standards would be applied under current zoning. The loss of the protection of these design standards through a change of zone appears to be negligible.
20. At the time of this report, the Applicant has stated that there are 267 property owners within this area that have been contacted for their opinion. 199 have responded and 68 have not. There were 190 that responded in support, 4 responded in opposition, and 5 were indifferent. This calculates to a 95% rate of support of those that responded, and a 71% rate of support of all property owners.

Prepared by:
Greg Czaplewski
Planner

Date: July 16, 2003

Applicant: Antelope Park Neighborhood Association
1745 Jefferson Avenue
Lincoln, NE 68502
438.1745

Contact: Gary Hejl, Association President
1745 Jefferson Avenue
Lincoln, NE 68502
438.1745

CHANGE OF ZONE NO. 3412

PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 6, 2003

Members present: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Steward and Schwinn.

Staff recommendation: Approval

Ex Parte Communications: None.

Greg Czaplewski of Planning staff submitted a letter from the President of the Everett Neighborhood Association in support and a petition in support from neighbors to this area generally located at 27th & Washington, which neighborhood was also downzoned from R-4 to R-2 recently.

Proponents

1. **Gary Hejl**, 2745 Jefferson Avenue, appeared on behalf of the **Antelope Park Neighborhood Association**. This application continues the effort began last year to bring R-2 to the neighborhood. They are seeking this change to better represent the traditional and current usage of the majority of the residences in the neighborhood. They believe that the single family and duplex roles will comply with the goals of the Comprehensive Plan. This will also provide stability to the area. This is an attractive neighborhood. Most of the neighbors want to stay and they invest in their homes with the hope to stay in the future. This change of zone will lend substance to those hopes.

Hejl pointed out that the Comprehensive Plan provides some reassurance on p.F15:

The community continues its commitment to neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies. The Comprehensive Plan is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's established neighborhoods.

p.F65:

One of Lincoln's most valuable assets is the supply of good, safe, and decent single family homes that are available at very affordable costs when compared to many other communities across the country. Preservation of these homes for use by future generations will protect residential neighborhoods and allow for many households to attain the dream of home ownership.

p.F73:

In existing neighborhoods adjacent to the Downtown, retain existing predominately single family blocks, in order to maintain the mix of housing types. The current mix within each neighborhood provides ample housing choices. These existing neighborhoods have significantly greater population and residential densities than the rest of the community. Significant intensification could be

detrimental to the neighborhoods and be beyond infrastructure capacities. Codes and regulations which encourage changes in the current balance of housing types, should be revised to retain the existing character of the neighborhoods and to encourage maintenance of established older neighborhoods, not their extensive conversion to more intensive uses.

At present, Hejl pointed out that one-fourth of this neighborhood is zoned R-2. The neighborhood to the east is R-2; the neighborhood across 27th Street to the west is R-2. There is not a great difference in the character and R-2 is appropriate for this neighborhood. The neighborhood association has conducted a survey and has contacted 270 property owners, 198 of which signified that they approve; 6 did not have an opinion, and 5 are opposed. Therefore, 95% of the respondents are in support of this change, and more than 71% of all the property owners are in support.

Schwinn asked Hejl why there is a need for this zone change if it is now a stable neighborhood. Hejl pointed out that R-4 would allow more intensification of density in population. He believes they have a very good balance at the present time and do not want to upset that balance. R-2 is reflective of the uses they have and will help stabilize the future. It has been zoned R-4 since 1979. One-fourth of the neighborhood was changed to R-2 last year. Franklin Heights was changed to R-2 this year and Hejl believes that the character of the neighborhood is similar. He does not see any arbitrary reason to restrict Antelope Park from that same zoning.

Schwinn pointed out that there are some lots that are already less than 5,000 sq. ft. and will be nonconforming. Hejl believes this change of zone will protect them because if there is a disaster they would have some protection to rebuild, whereas at the present they may not be able to rebuild.

Bills-Strand inquired whether the people, especially on Sumner, are aware that when they sell their properties those buyers may have to carry additional insurance to guarantee the rebuildable situation. Hejl indicated that some of them are aware.

2. Mr. and Mrs. Bill Price, 1810 Jefferson Avenue, testified in support. They have lived in the neighborhood for over 10 years. Currently, the neighborhood is a mix of single family housing, duplexes, and tri-plexes—a very nice mix. This is a very small neighborhood. They are seeking the R-2 to maintain the character as it is today. This is a multi-use neighborhood with the church and businesses. They want to maintain what they have today. The houses are very small and there are a lot of elderly people in the neighborhood and they would like to protect those homes.

3. Dell Darling, 2932 Arlington, testified in support. He would love to keep the character of the neighborhood just as it is and he believes this change will facilitate that.

4. Britt Miller, 2840 Garfield, 10 year home owner in Antelope Park, testified in support. One of the considerations every homeowner looks at before making any major investment in their house, remodeling, etc., is the zoning and the stability and integrity of the character of the neighborhood. He believes that this change is going to enhance the character, integrity and stability of this neighborhood.

There was no testimony in opposition.

Staff questions

Bills-Strand noted that there are two tri-plexes in this area. What is going to happen if they are destroyed by fire or storm? Greg Czaplewski of Planning staff advised that right now, under R-4 zoning, and even R-2 zoning, those would be nonconforming uses. His assumption, under R-4 zoning, is that as a nonconforming use, if destroyed beyond 60% of the value, the tri-plexes would have to be restored in conformity with the zoning ordinance. They would no longer be able to be 3-family. They would have to be single family/two-family. The R-2 has a provision that treats multiple family as nonstandard rather than nonconforming.

Ray Hill of Planning staff added that nonstandard relates to lot area and setbacks. A tri-plex or any multi-family is a nonconforming use in either R-4 or R-2. If the zoning is changed to R-2, the tri-plex gets some type of exception that they don't get in the R-4.

Bills-Strand recalled discussing the nonstandard versus nonconforming during the Emerald Heights downzoning. How does this differ? Hill stated that it does not differ. Nonconforming uses would be treated the same as any other district changed from R-4 to R-2.

Bills-Strand then referred to the north side of Sumner where there are very narrow lots. Hill suggested that to be a nonstandard issue relating to setbacks and lot area. They are nonstandard under R-4 or R-2. As nonstandard, if they were to be rebuilt, they would have to meet the setback requirements. If they are meeting setbacks now, even though the lot is smaller than minimum, they would be able to build in the same footprint. Bills-Strand believes there are less setbacks in the R-4. Hill advised that the R-4 and R-2 have the same front, side and rear yard setbacks. Changing from R-4 to R-2 zoning does not change the yard requirements.

Steward stated that he will support this change primarily because it is surrounded, more or less, by other R-2 zoning actions from previous times. He further noted, however, that there are more and more of these requests coming forward from inner city neighborhoods. He is pleading for the Planning Department to give the Commission some more guidance. In the face of continuing spread at the edges of the city, there is a certain logic which says we should be downzoning instead of upzoning in portions of the city. Where those portions are located, however, he was not prepared to say. If the Commission continues to get these downzone requests, the Commission does not have a good basis for making the decision on one neighborhood or one small part of a neighborhood. He believes we run the risk of having unintended consequences in other parts of the city. Because of an interpretation used by the applicant from the Comprehensive Plan, he believes there is a danger of interpreting "neighborhood" to mean only single family residences. We need to be cautious that neighborhoods are made up of many different people living in all sorts of structures and types of housing.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

August 6, 2003

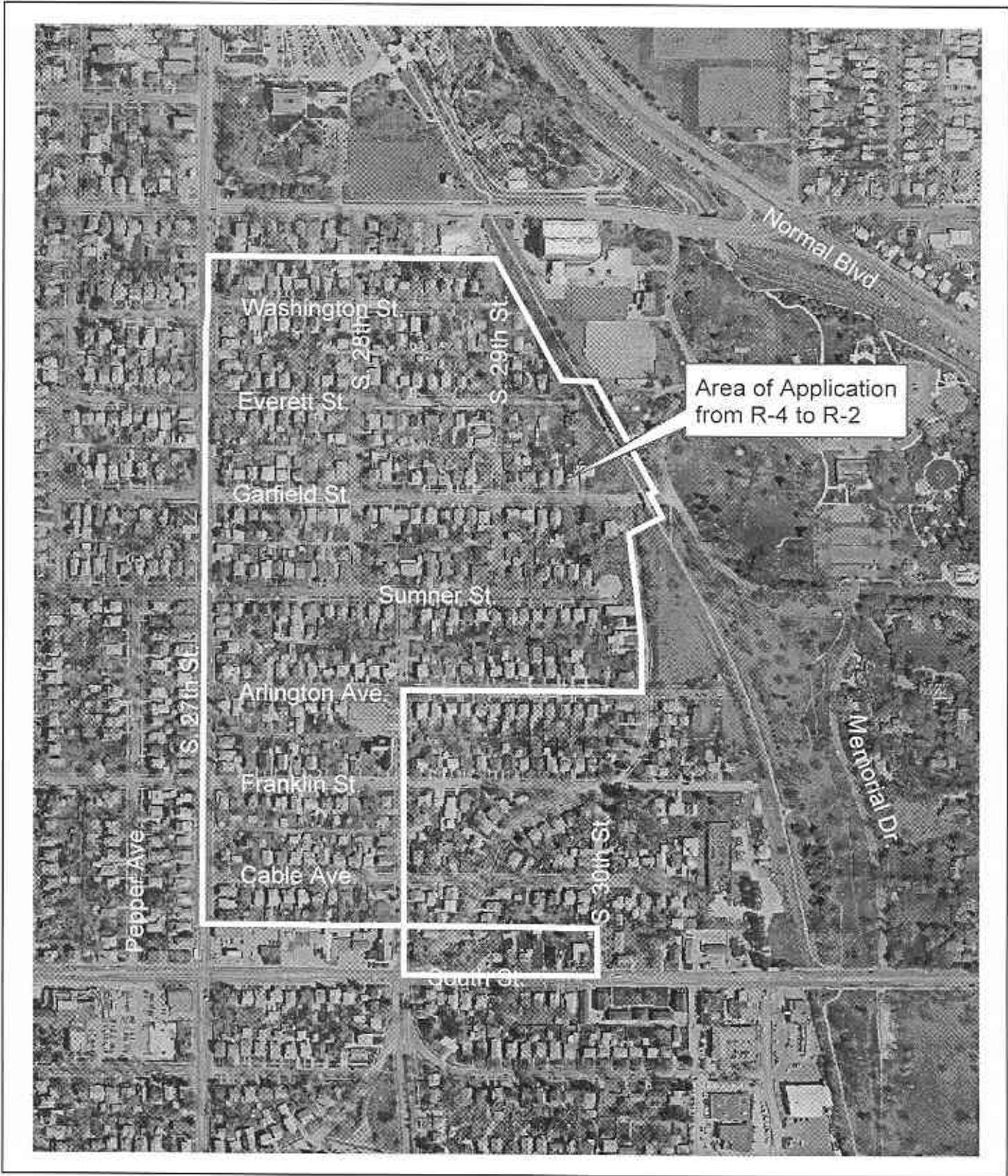
Steward moved approval, seconded by Taylor.

Taylor thinks it is interesting how some of these neighbors are taking charge of their future and he believes that speaks highly for an organized association. Many times we need to get a feel for the wants and needs of the community and he appreciates the testimony.

Carlson is very supportive. He thinks the neighbors are doing this because it is the best tool they have available. Maybe we need to work on some finer options. Maybe there are some design standards or intermediate zones that should be considered. Zoning, by its very nature, is not only descriptive but prescriptive. If you say it is R-4, you are prescribing that it ought to be changed to something different than it already is.

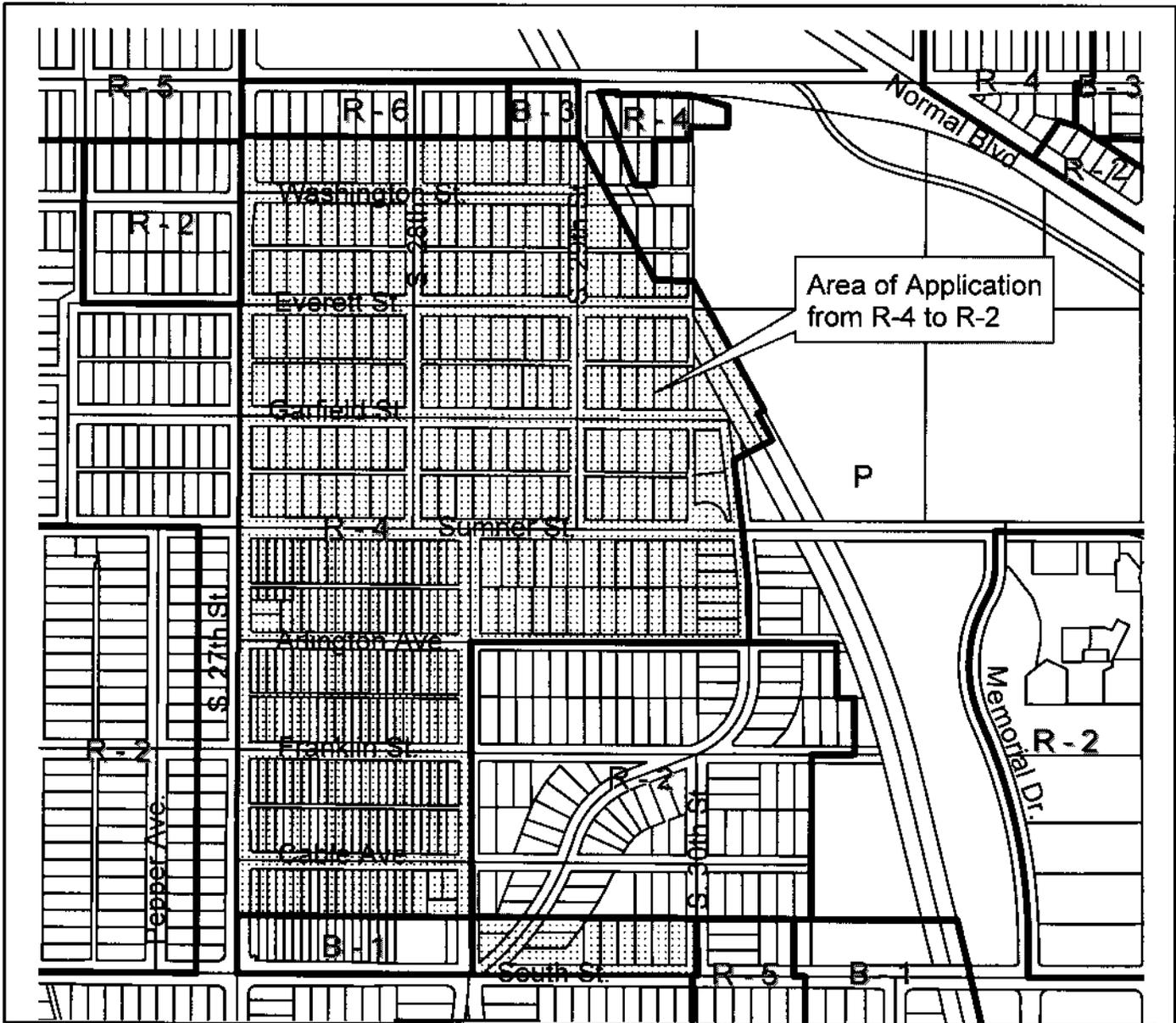
Schwinn suggested considering the history of R-4 zoning and where it came from. A lot of it had to do with people subdividing their basements to add extra living quarters, especially after the war. He wonders if R-4 zoning is even relevant to our community anymore. Maybe we should have a better concept in planning when making these changes. A lot of the newer neighborhoods are zoned R-3, which allows closer setbacks on the street side and larger back yards. He will vote against this change of zone because he wants to see a larger consideration from the Planning staff. There are concerns about "smart growth" that say we want to utilize our infrastructure, and this means increasing density in existing neighborhoods. We need to look more closely at this because we have a lot of R-4 zoning.

Motion for approval carried 8-1: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin and Steward voting 'yes'; Schwinn voting 'no'.



**Change of Zone #3412
S. 28th & Sumner St.**



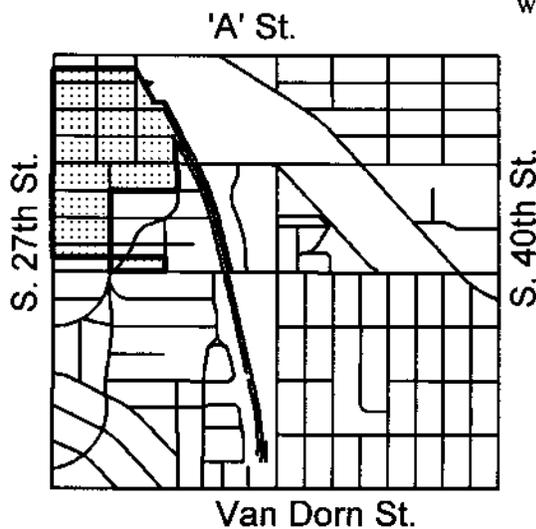
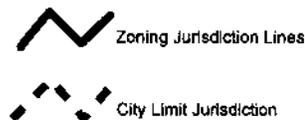


Change of Zone #3412 S. 28th & Sumner St.

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation 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-6 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. 31 T10N R7E



ANTELOPE PARK NEIGHBORHOOD ASSOCIATION

City of Lincoln
Planning Commission
555 South 10th Street
Lincoln, Nebraska 68508

Dear Members;

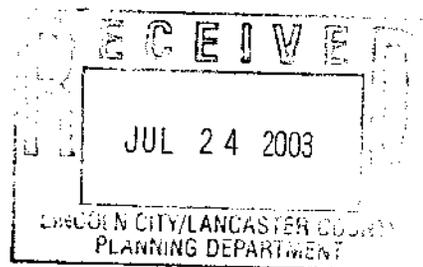
In 2002, our neighbors were granted change of zone to R-2 for nearly a quarter of the neighborhood. At the time of application approval last year, our neighbors stated that in the future we would seek zone modification for the rest of our neighborhood. At the urging of a great number of our residents, the Antelope Park Neighborhood is now applying for change of zone to R-2 for most of our remaining area still zoned R-4.

The historic use of the property in our neighborhood has been for single-family homes. The current property use is still as single-family homes, with a few duplex living units. Our intention is to better preserve and protect the integrity and character of our neighborhood by adopting a residential zone category more consistent with the traditional and current property use. Our neighborhood homes are valued as affordable housing for first-time home buyers and small families, and as a good place to live and invest.

The Antelope Park neighborhood is flanked on the west with R-2 zoning, as well as on the east. In the Near South area, both Mount Emerald and Franklin Heights have been recently re-zoned to R-2. The approval of this application will recognize the common character and purpose of our neighborhoods, and rectify a disparity of zoning inconsistent with current and traditional property usage.

We thank you for your consideration.

Gary Hejl
Antelope Park Neighborhood Association



Greg Czaplewski
Planning Department
Lincoln/Lancaster County
555 South 10th Street
Lincoln, Nebraska 68508

25 July 2003

Dear Mr. Czaplewski;

The Antelope Park neighborhood has provided sufficient support to proceed with the residential change of zone application 3412, which the neighborhood association filed in May.

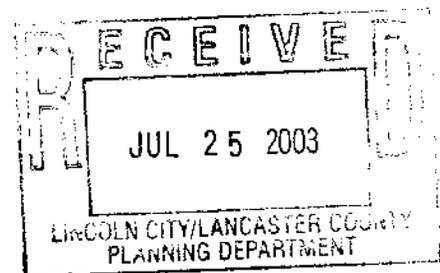
We canvassed in person, and by mail, the owners of 267 properties in the Antelope Park Neighborhood. 199 owners have responded, while 68 still have not. Of the 199 respondents: 190 have responded in support, 5 have responded that they didn't care, and 4 did not support the application. Of the respondents: 95% support the application, and the remaining 5% is divided between don't care and don't support. Of the total number of owners of property: 71% support the application.

The level of support that we have seen compares favorably with our earlier application, and is similar to the support shown in Franklin Heights, on the other side of 27th Street. A substantial majority of our neighbors have signified support, and responses from the absentee owners continue to come in.

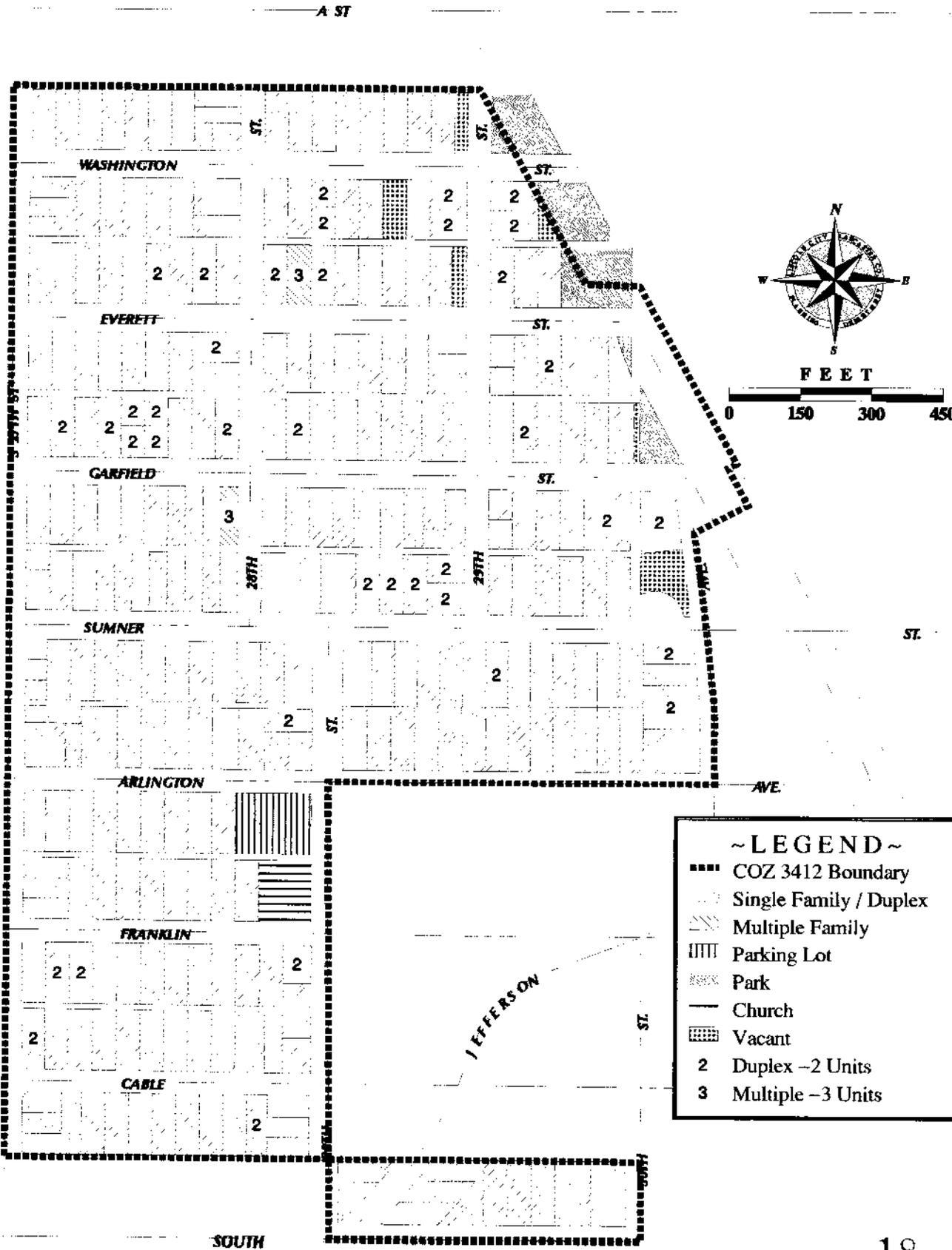
I hope that this information can be useful in the preparation of your report to the commission. If there is anything else I can assist with, or if any additional information is needed, please let me know.

Sincerely,

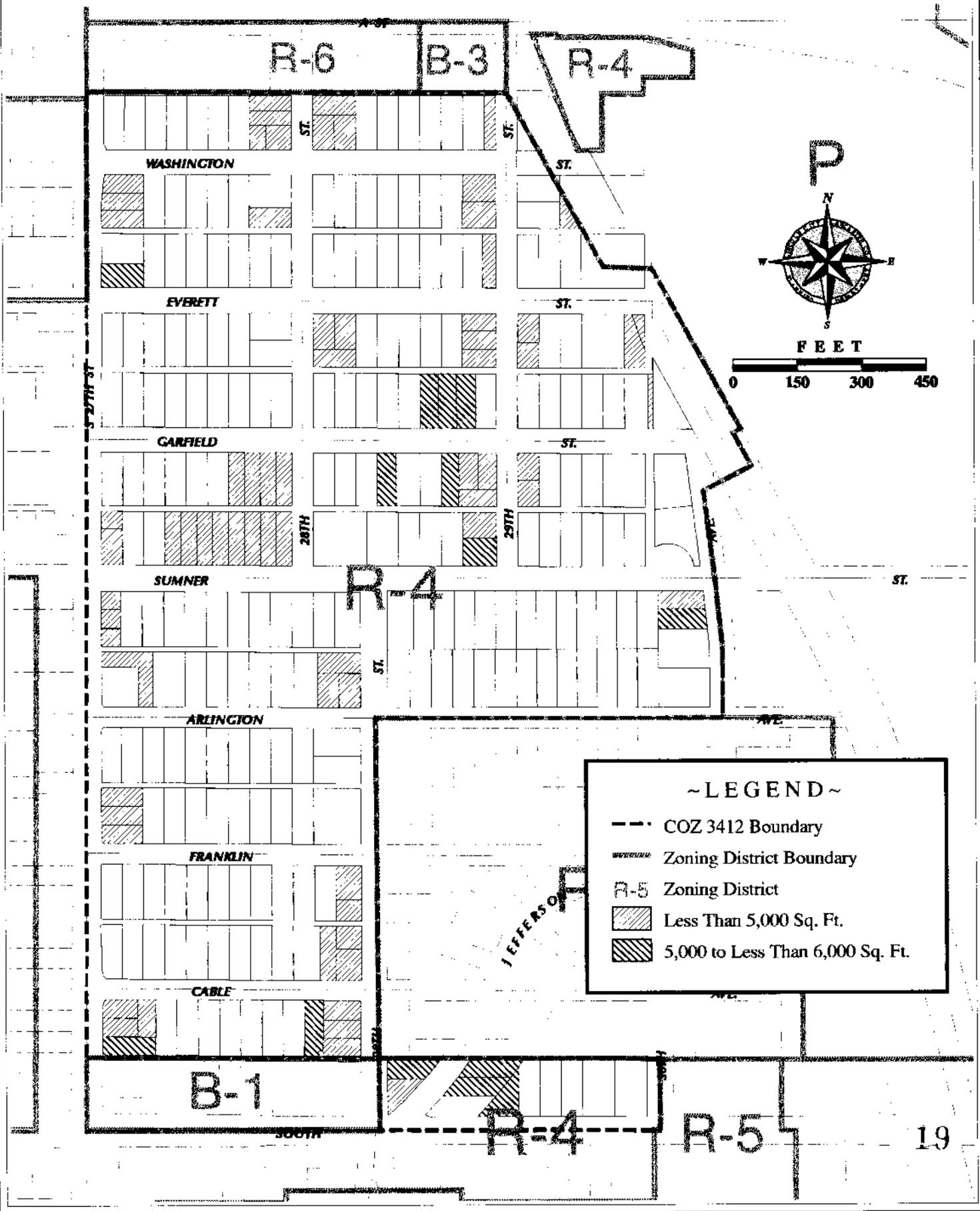
Gary Hejl
Antelope Park Neighborhood Association



COZ 3412: EXISTING LAND USE



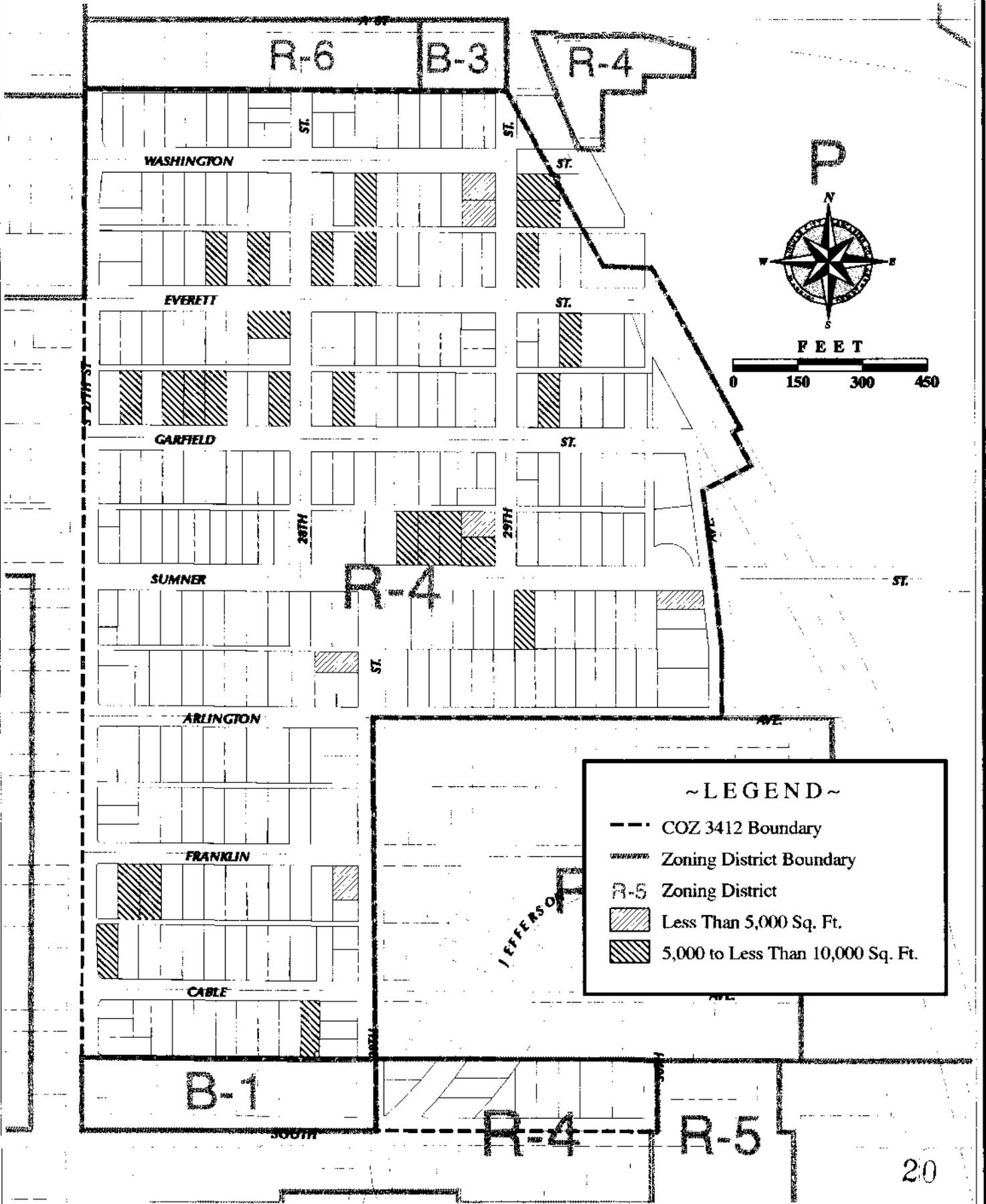
COZ 3412: OWNERSHIP PARCEL SIZE



~ LEGEND ~

- COZ 3412 Boundary
- Zoning District Boundary
- R-5 Zoning District
- [White Box] Less Than 5,000 Sq. Ft.
- [Hatched Box] 5,000 to Less Than 6,000 Sq. Ft.

COZ 3412: DUPLEX PARCEL SIZE



~ LEGEND ~

- COZ 3412 Boundary
- ~~~~~ Zoning District Boundary
- R-5 Zoning District
- [Diagonal Hatching] Less Than 5,000 Sq. Ft.
- [Cross Hatching] 5,000 to Less Than 10,000 Sq. Ft.

IN SUPPORT

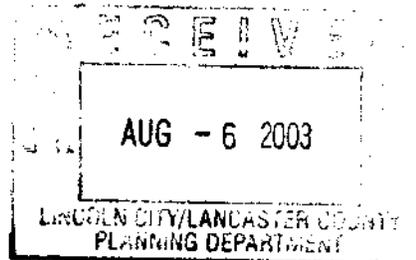
Dear Planning Commissioners,

I am writing in favor of change of zone #3412, the downzoning of the Antelope Park Neighborhood from R-4 to R-2.

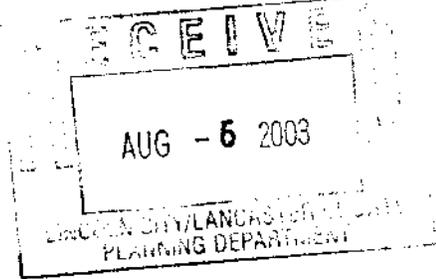
The city of Lincoln needs to preserve the residential integrity of its older neighborhoods. Over the years, the zoning map has changed with respect to the older neighborhoods in Lincoln, as the city has expanded to the South, what once were neighborhoods of the well-to-do and the common people within the central core became over time dense areas of apartments. Many fine single family homes were converted to apartment usage or bulldozed to make way for slip-in style apartments increasing the residential density and straining the infrastructure of an area intended to be single family residential. The downzone of the Antelope Park neighborhood will be an aid in preserving the single family residential character of this established neighborhood. I strongly urge each of you to vote in favor of this change of zone.

sincerely yours,

Jeffrey Tangeman
President, Everett Neighborhood Association



August 5, 2003

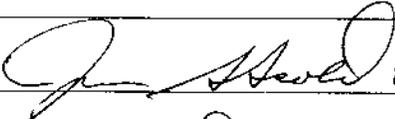
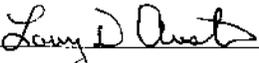
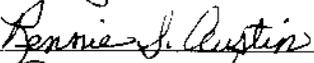
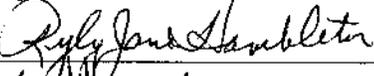


Lincoln City/Lancaster County Planning Commission
555 South 10th Street, Suite 213
Lincoln, NE 68503

Re: CHANGE OF ZONE NO. 3412, S. 28th Street & Sumner Street

We the undersigned are residents of Washington Street from 26th to 27th Street and we successfully changed the zoning of our block and the north one half of Everett Street during the mid 1990's from R-4 to R-2. We believe this has been very beneficial to our neighborhood and we fully support what the Antelope Park Neighborhood Association is attempting to do in the neighborhood bordering us on the east. R-2 neighborhoods border this area on the west and southeast. We believe this change of zone is very important to older neighborhood to encourage families to move in and discourage multifamily units that cause crowding problems, including lack of parking, lack of pride of ownership that comes with rentals, and a host of other problems we observe just west of our neighborhood. Please accept this letter into the record as support for this zone change from each of the undersigned as individuals, as well as our neighborhood. Thank you for your consideration.

<u>Name</u>	<u>Signature</u>	<u>Date</u>	<u>Address</u>
Mark Brohman	<i>mark Brohman</i>	8/5/03	2637 Washington
Anessa Brohman	<i>Anessa Brohman</i>	8/5/03	2637 Washington
MARVIN CATTERSON	<i>Marvin E. Catterson</i>	8/5/03	2640 Washington
JaniceKCatterson	<i>Janice K. Catterson</i>	8-5-03	2640 Washington
Dean Cole	<i>Dean Cole</i>	8-5-03	2644 Washington
Cindy J. Rutan	<i>Cindy J. Rutan</i>	8-5-03	2644 Washington
RUSS MALOUSEK	<i>Russ Malousek</i>	08-05-03	2648 WASHINGTON
Beverly J. Eno	<i>Beverly J. Eno</i>	8/5/03	2613 Washington
Mary Herres	<i>Mary Herres</i>	8/5/03	2631 Washington
Christ Cooney	<i>Christ Cooney</i>	8/5/03	2611 Washington

Name	Signature	Date	Address
Mark			
Jason Skold		08-05-03	2627 Washington
SINARO Skold	SINARO Skold	08-05-03	" "
Larry Austin		8-5-03	2615 Washington
Rennie Austin		8-5-03	2615 Washington
Ryly Jane Hambleton		8-5-03	2600 Washington
Kent Hambleton		8-5-03	2600 Washington
SCOTT SWIHART		8-5-03	2610 WASHINGTON
Cathy Swihart	CATHY SWIHART	8/5/03	2610 Washington