

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for October 25, 2006 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone #06066

PROPOSAL: Request by the Woods Park Neighborhood Association to change the zoning generally from R-4 Residential to R-2 Residential between 27th and 33rd, from 'N' to 'A' Street, from R-5 to R-4 Residential between 27th and 31st Street, from 'N' to 'O' Street and from R-6 to R-4 Residential from 'H' to 'N' Street on both sides of 27th Street and the east side of 26th Street.

LOCATION: This area is generally from O to A Street, from 26th to 33rd Streets.

LAND AREA: 215.5 acres, more or less.

CONCLUSION: This neighborhood contains a large number of affordable single family homes and a significant mix of housing types. Approximately 40% of the dwelling units in the downzoning area are either duplex or multi-family units. The overall average density is 6.3 dwelling units per acre, which is higher than typical. Approval of this change of zone would preserve the current development pattern, aid in the preservation of affordable single family homes and may encourage home-ownership. This application is consistent with many other downzoning applications that have been approved in the past four years.

Zoning should provide a degree of certainty. The R-2 zoning provides future single home owners greater certainty as to the use of adjacent properties. Most new neighborhoods are zoned R-3 (which is very similar to R-2), which along with private covenants typical of new subdivisions, provides more predictability for home owners.

The older neighborhoods provide the largest stock of affordable housing, both ownership and rental. This application will not significantly decrease the amount of affordable housing in Lincoln. To the contrary, it may aid in preserving affordable single family homes. Most single family homes have less floor area, fewer garage stalls and a smaller lot size than single family homes in newer neighborhoods, which means they will probably remain more affordable.

This application will also not significantly decrease the amount of rental housing in the areas. Existing duplexes and apartments can remain even after the downzoning.

This application provides future direction for this neighborhood. The City should not wait until the mix of housing within the neighborhood is viewed as a "problem." This application establishes a future direction for this neighborhood as one that is primarily single family, but includes a significant mix of duplex and rental housing.

This application conforms to the Antelope Valley Redevelopment Plan which designates the area east of 25th Street as Low Density Conservation.

The R-4 to R-2 portion of the downzone is consistent with the Comprehensive Plan and many past downzoning that have been approved. The direct driveway access along the west side and long alleys on the east side of 27th Street make it less than desirable for additional density in the R-6 area. However, the R-5 area north of N Street, with a predominance of duplexes and four-plexes with shorter alleys and along the O Street “transit corridor” should remain R-5.

RECOMMENDATION:	Approval, except for the R-5 to R-4 portion north of N Street
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GENERAL INFORMATION:

LEGAL DESCRIPTION:

R-4 Residential to R-2 Residential District

Lots 1-4, 17-32, Block 1; Lots 1-32 Block 2, Ellendale Addition; Lots 1-26, Block 1; Lots 12-22, Block 2; Lots 1-6 Block 3; Lots 1-6, Block 4; City Park Addition; Lots 1-11, Bickerts Subdivision; Lots 1-12 Block 1; Lots 1-12 Block 2, Davis 2nd Addition; Lots 1-24 Block 1; Lots 1-24 Block 2, Dolan's Addition; Lots 1-25 McAllister's Addition; Lots 6-23, Homesite addition; Lots 1-6, Homesite Replat of Lots 1-5 Homesite; Lots 1-20, Block 1; Lots 1-12, Block 2; Lots 1-14, Block 3, Park View Addition; Lots 1-20, Block 1; Lots 1-12, Block 2; Lots 1-14, Block 3, Capital View Addition;

Lots 1-14, Block 1; Lots 1-5, Block 2; Lots 1-3, remaining parts Lots 4 and 5, Lots 6-10, Block 3; Lots 3-5, Block 4; Lots 1-11, Block 6, Grant Addition; Lots 1 and 2, Lots 3-6, Lots 13-30, May's Subdivision; Lots 1-26, Lincoln American Subdivision;

Lots 1- 12 of American Subdivision of Lots 1 and 2, Block 2 Grant Addition; Lots 1-13 of American Subdivision of Lots 4 and 5, Block 3 Grant Addition;

Lots 1-8, Bishop's Addition; Lots 1-10, Block 1; Lots 1-10 and 17 -26, Block 2; Lots 1-13, Block 3, Summerdale Addition; Lots 1-6, Alpha Addition; Lots 1 and 2, S. M. Miller Subdivision; Lots 1-4, Miller & Winships Subdivision; Outlots B and C, Lots 4-10 and Lots 15 -25, Gillilan's Orchard Home Addition; Lots A-L and Outlot A, Gehrke's Subdivision; Lots 1-5, Catlin's Subdivision; Lots 1-3 and east half of lot 4, Elm Place; Lots 1-13, Randolph Addition;

Lots 1-52, Elmwood Park; Lots 1-26, Randolph Heights; Lots 1-39, Waite's Subdivision; Lots 1-13, Block 1; Lots 1-12, Block 2, Vore's Elm Park Annex; Lots 1-13, Block 1; Lots 1-24, Block 2: Lots 1-12, Block 3; Lots 1-12, Block 4; Lots 1-24, Block 5; Lots 1-14, Block 6, Elm Park Addition; Lots 1-7, De Ford's Subdivision; Lots 1-28, Jansen's Addition; Lots 9-16, Block 2; Lots 9-16, Block 3; Lots 1-16, Block 4; Lots 1-16, Block 5; Lots 1-16, Block 8; Lots 1-16, Block 9; Lots 1-8, Block 10; Lots 1-8, Block 11, East Lincoln; South half of Block 2; Lots 1-7, Block 3; Lots 5-7, Block 4, Plainview Addition; with adjacent vacated alleys and street right-of-way and C. R. I. & P. railroad right-of-way in the west ½ of Section 30-10-07

Outlots A-D, Lots 6 and 7, Lot 9, Block 15, East Lawn Terrace; in the NW 1/4 of Section 31-10-7

From R5 Residential to R4 Residential

Lots 9-13, Block 1; Lots 4-13, Block 6; Lots 4-13, Block 7; Lots 5-8, Block 12, East Lincoln Addition; in the NW 1/4 of Section 30-10-07.

From R6 Residential to R4 Residential

Lots 13-24, Block 3; Lots 16-24, Block 4, Elm Park Addition; Lots 1-8, Block 2; Lots 1-8, Block 3, East Lincoln; in the NW 1/4 of Section 30-10-7.

Lots 1-4, 7-12, Block 9; Lots 1-12, Block 10; Lots 1-12, Block 11, Young's East Lincoln; Lots 1-3, Schrank's Subdivision; Lots 1-4, East Side Addition; Lot 56, 57, 81, 87, 88, 136-145, Irregular Tracts; Lots 1-4 Cadwallader Place Subdivision; and adjacent vacated alley and street right-of-way in the east 1/2 of Section 25-10-6, Lancaster County, Nebraska.

EXISTING ZONING: R-6, R-5 and R-4 Residential.

EXISTING LAND USE: Single-, two-, and multiple-family dwellings, adjacent to Woods Park, American Legion Park, Muni Park and ball fields and Elliott Elementary School.

SURROUNDING LAND USE AND ZONING:

South: Lincoln Water System reservoir and a few commercial businesses P Public and B-3 Commercial

North: Commercial businesses along O Street and Woods Park P Public and B-1 Local Business

East: Single/ Two-family dwellings R-2 Residential

West: Single, Two-family and multi-family dwellings and Muni Park and ballfields R-7, R-6 and R-4 Residential

HISTORY:

In 1988 a downzoning in the Woods Park Neighborhood was approved for two areas: 1) R-5 to R-4 between M to N Street east of 27th and 2) an irregular area from R-6 to R-4 along 24th and 25th Street. A third part of the application from R-6 to R-4 south of J Street was denied. These downzonings were in conformance with the Woods Park Neighborhood Plan which was adopted in June 1988.

HISTORY OF OTHER RESIDENTIAL DOWNZONING:

Oct 2006 Change of Zone #06054 to amend the handling of nonstandard uses due to downzoning and other related text amendments was **approved** by the City Council.

- Oct 2006 Change of Zone #06045 by the Witherbee Neighborhood Association from R-4 Residential to R-2 Residential on approximately 48 blocks generally between 33rd and 48th, from O to Randolph Street, and from B-1 Local Business to R-2 Residential at 48th and Randolph St. and from O-2 Suburban Office to R-2 Residential for Calvary Cemetery at 40th and O Street was **approved**. Density was 4.1 units per acre.
- Oct 2006 Change of Zone #06040 from R-4 to R-2 with small areas from R-5 and R-6, and B-1 to R-2 and one area from B-1 to R-4 by the 40th & A Neighborhood Association was **approved**. Density was 6.2 units per acre.
- Apr 2005 Change of Zone #05021 from B-3 Commercial and R-4, R-5, and R-6 Residential to R-5, R-4, and R-2 Residential was **approved** for an area within the University Place Neighborhood. Density was 10.7 units/acre.
- Apr 2005 Change of Zone #05014 from R-4, R-5, R-6, and R-7 Residential to R-2 Residential was **approved** for an area within the Near South Neighborhood. Density was 7.6 units/acre.
- May 2004 Change of Zone #04026 from R-4 to R-2 was **approved** for an area within the Irvingdale/Country Club Neighborhood. Density was 4.9 units/acre.
- Jan 2004 Change of Zone #3424 from R-4, R-5, and R-6 Residential to R-2 Residential was **approved** for an area within the Everett Neighborhood. Density was 4.1 units/acre.
- Sept 2003 Change of Zone #3416 from R-4 Residential to R-2 Residential was **approved** for an area within the Witherbee Neighborhood. The Planning Department suggested the issue of downzoning areas within established neighborhoods should be further studied. Density was 3.8 units/acre.
- Aug 2003 Change of Zone #3412 from R-4 Residential to R-2 Residential was **approved** for an area within the Antelope Park Neighborhood. Density was 5.2 units/acre.
- Apr 2003 Change of Zone #3397 from R-4 Residential to R-2 residential was **approved** within the existing Franklin Heights Neighborhood Landmark District.
- 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. The Planning Department referred to new language in the recently adopted Comprehensive Plan on preserving the character of the existing neighborhoods.

Feb 2002 Change of Zone #3354 from R-4 Residential to R-2 Residential was **approved** for an area within the Antelope Park Neighborhood.

Jun 1995 Change of Zone #2890 from R-4 Residential to R-2 Residential was **approved** for a small area of the Near South Neighborhood located at 27th and Washington Streets.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan shows the requested area primarily as Urban Residential, with Commercial designations generally where commercial zoning is currently located. (F 25)

COMP PLAN SPECIFICATIONS IN SUPPORT OF 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)

OTHER RELEVANT COMP PLAN SPECIFICATIONS:

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)

Transit Corridors", oriented to transit stops, when properly planned and coordinated, can help organize urban development and revitalize existing commercial centers. Transit corridors should be developed by providing transit stops and greater concentrations of commercial and residential uses along corridors, such as particular arterial streets, in order to minimize transit travel times and maximize ridership. (F 19)

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)

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)

ANALYSIS:

1. This is a request by the Woods Park Neighborhood Association to change the zoning for:
 - a. approximately 46 blocks from R-4 Residential to R-2 Residential which includes 760 single family units (70%) and 236 duplex units (22%) and 83 multi-family units (8%) for a total of 1,079 dwelling units
 - b. from R-5 to R-4 Residential between 27th and 31st Street, from 'N' to 'O' Street which includes 8 single family units, 10 duplex units and 45 multi-family units for a total of 63 units.
 - c. from R-6 to R-4 Residential from 'H' to 'N' Street on both sides of 27th Street and the east side of 26th Street which includes 50 single family units, 54 duplex units and 122 multi-family units.
2. This request is made as part of the association's work since 1976 "to diligently preserve the historic character of our neighborhood." (See application letter)
3. The Woods Park Neighborhood Association has conducted two informational meetings in order to inform property owners about this proposal. Planning staff attended both meeting on September 13th nearly 6 weeks prior to the Planning Commission public hearing. The second meeting was held on October 11th. All property owners were mailed a notice of the informational meeting at the beginning of September by the neighborhood. On September 22nd notice letters of the Planning

Commission hearing were sent to over 1,000 property owners by the City – over 4 weeks prior to the October 25th public hearing.

4. 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.
 - a. **Safety from fire, flood and other dangers.** – No apparent impact
 - b. **Promotion of the public health, safety, and general welfare.** – This proposal appears to coincide with some policies and guidelines enumerated in the Comprehensive Plan, while other policies and guidelines are neutral or mixed on this proposal.
 - c. **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 proposal is a mixture of single- and two-family and multiple-family dwellings. There are 818 single-family, 150 two-family (300 units) and 57 multiple-family (250 units) buildings.

Conservation of property values. – It is difficult to determine the effect 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 the increased lot area requirements, or redeveloped for apartments. On the other hand, this may have the effect of encouraging home ownership, which could stabilize or increase property values. Higher density residential zoning can create uncertainties that tend to drive owner-occupants from a neighborhood and promote conversion of single-family houses and lots to multiple-family use. However, downzonings prevents new multiple-family on most of the lots.
 - d. **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 Plan identifies Lincoln’s commitment to its neighborhoods, as well as an encouragement to preserve existing single-family homes for single-family uses. These concurrent goals often pose as competing arguments in neighborhood downzone requests.
5. All new construction of principal buildings in residential districts within the 1950 city limits are required to meet the City of Lincoln 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.”

6. The uses allowed by right in the R-2 and R-4 districts are identical. Neither district allows multiple-family by right. The R-2 district conditional uses require a greater separation between group homes, and allow a less densely occupied domestic shelter than the other districts.
7. On October 9, 2006 the City Council unanimously approved Change of Zone #06054 which addressed many of the concerns in regards to downzoning and nonstandard uses. In general this amendment:
 - a. **Removed Nonstandard Label from Existing Single Family and Two Family Residences** – Amended Height and Area Regulations in R-1 through R-8 Residential zoning districts to state that when an existing lot is occupied by a single or two family dwelling and has less lot area or width or both it shall not be considered nonstandard.
 - b. The change also permitted in the R-2 district an existing two family dwelling with less than the required 10 foot side yard setback to be enlarged, extended or rebuilt as long as a minimum 5 foot side yard setback (or existing setback, whichever is greater) is provided. It also stated that an existing two family dwelling with at least a 5 foot side yard setback will not be considered as nonstandard. A similar provision was included in R-1 as long as a 10 foot side yard setback in maintained.
 - c. **Amended Nonstandard Provisions for Multi-Family** – Amended R-1, R-2, R-3 and R-4 Residential zoning districts to clarify that multiple-family residential uses made nonstandard through a downzoning, if destroyed, retain the licensed number of units they had at the time the use was destroyed. It also specified that “grandfathering” of multiple-family units that become nonstandard based on the date of the zoning change (downzoning) should apply to all multiple-family dwellings licensed at the time of the change, not just those built prior to May, 1978.
8. The table on the next page shows the requirements for residential uses in each district.

	R-2	R-4	R-5	R-6
Lot area , single family	6,000 sf	5,000 sf	5,000 sq. ft.	4,000 sq. ft.
Lot area, two family	5,000 sf / family	2,500 sf / family	2,500 sf / family	2,500 sf / family
Lot area, townhouse	N/A	N/A	2,500 sf / family	2,500 sf / family
Lot area, multiple-family	N/A	N/A	1,500 sf / unit	1,100 sf / unit
Avg. lot width , single family	50 feet	50 feet	50 feet	50 feet
Avg. lot width, two family	40 feet / family	25 feet / family	25 feet / family	25 feet / family
Avg. lot width, townhouse	N/A	N/A	20 feet / family	20 feet / family
Avg. lot width, multi-family	N/A	N/A	50 feet	50 feet
Front yard , single-family	25 feet	25 feet	25 feet	20 feet
Front yard, two family	25 feet	25 feet	25 feet	20 feet
Front yard, townhouse	N/A	N/A	20 feet	20 feet
Front yard, multiple-family	N/A	N/A	20 feet	20 feet
Side yard , single family	5 feet	5 feet	5 feet	5 feet
Side yard, two family	10 feet, 0 at common wall	5 feet, 0 at common wall	5 feet, 0 at common wall	5 feet, 0 at common wall
Side yard, townhouse	N/A	N/A	10 feet, 0 at common wall	5 feet, 0 at common wall
Side yard, multiple-family	N/A	N/A	7 feet, 10 if over 20 feet in height	7 feet, 10 if over 20 feet in height
Rear yard	Smaller of 30 feet or 20% of depth	Smaller of 30 feet or 20% of depth	Smaller of 30 feet or 20% of depth	Smaller of 30 feet or 20% of depth
Parking	2 spaces / dwelling unit	2 spaces / dwelling unit	1.75 spaces / dwelling unit	1.75 spaces / dwelling unit

Nonstandard Uses

9. In addition to the text changes in Change of Zone #06054, there are a couple of special permits available for nonstandard uses as well. One permit allows a nonstandard single- or two-family structure to extend into a required yard up to the extent to which a portion of it already does. Another special permit allows nonstandard, and even nonconforming, uses to be rebuilt to the setbacks existing at the time the use was destroyed. Neither of these special permits can be used to allow a standard use to occupy a required yard setback.

- 10. This area as a whole appears to be fully built with very few vacant lots available. There are a few lots with very small homes on them, that could also be removed to permit redevelopment for duplex use. Therefore, the primary opportunity for additional two-family residences appears to be converting existing single-family dwellings.
- 11. The multi-family uses would be classified as non-standard and if they were destroyed, they could be rebuilt with the licensed number of units by right if they could meet the new required setbacks of 25 foot front yard and 10 foot side yard. They would also have the option to apply for a special permit to request the previous setbacks.

Older Neighborhood Characteristics

- 12. This neighborhood contains a mix of single-, two-, and multiple-family residences. The combined density for the blocks under consideration is 6.3 units per acre, which compares to densities of 3.8 to 10.7 units per acre in other neighborhoods where R-2 downzoning was approved under the current 2025 Comprehensive Plan.
- 13. Overall, the density in the older areas of Lincoln is 8.1 dwelling units per residential acre, which is about over a 50% increase compared to the 5.3 units per acre in newer areas.

	Older Neighborhoods	Newer Neighborhoods
Occupied Residential Acres	6,379	9,091
Total Dwelling Units	51,623	48,306
Dwelling Units Per Residential Acre *	8.1*	5.3*
Multi-Family Units D. U.	17,812	11,810
Multi-Family Units Per Residential Acre	28.2	20.3
Single Family Detached D. U.	28,880	30,235
Duplex D. U.	4,584	1,444
Single Family Attached D. U.	347	4,817

Notes: *Residential acres don't include right-of-way, so this number is not strictly comparable to the density stated in downzoning reports which includes right-of-way. The city limits as of January 1, 1950 was used for the definition between "old" and "new" areas and the outer boundary of the "new" area was city limits as of August 31, 2006. Dwelling unit and occupied acres count is as of January 1, 2006.

14. Currently, there are also about 6,000 more apartment units in older neighborhoods at this time. The Comprehensive Plan encourages apartments in older neighborhoods and also in newer neighborhoods so that there are housing choices near new shopping, employment, education and recreational areas.

Predictability in Zoning

15. Zoning should provide a degree of certainty. The R-2 zoning provides future single home owners greater certainty as to the use of adjacent properties. Most new neighborhoods are zoned R-3 (which is very similar to R-2), when in combination with private covenants, provides more predictability for home owners. A review of recent new subdivisions zoned R-3 such as Big Thompson Creek, North Hills, Old Mill Village, Prairie Village, Stone Bridge Creek and Timber Valley revealed that about 5 to 25% of the lots were large enough for duplex use. This compares to older neighborhoods zoned R-4 where as much as 75% to 95% of the lots may permit duplex uses.
16. Even in the neighborhoods where 20% of the lots would meet the lot size for a duplex, neighborhood covenants may prohibit duplex uses. Even if there were not protective covenants prohibiting a duplex use, once the neighborhood is built out, it is less likely any of the single family homes would be converted to a duplex.
17. For those neighborhoods in a Community Unit Plan (CUP), in addition to covenants, the CUP site plan often describes which lots are allowed for single family, which are two-family or multi-family uses.
18. The area from approximately 28th Street to the west is in the Antelope Valley Redevelopment Plan. The land west of 25th Street (outside of this application) is designated as "M" Medium Density. The land east of 25th is designated as "LDC" which is defined as

"LDC - Low Density Conservation District: Preservation, restoration and renovation of the area's many quality and viable older homes is the primary emphasis in this category. With a land use density similar to Low Density, new housing products would be allowed, but primarily to replace lesser quality housing structures that cannot be economically updated."

Analysis of Individual Changes of Zones:

19. The R-4 to R-2 portion of this proposal is very similar to other downzoning which have recently been unanimously approved by the City Council such as
 - a. Witherbee II (Change of Zone #06045),
 - b. 40th & A (#06040),
 - c. Irvingdale/ Country Club (#04026),
 - d. Witherbee I (#3416),
 - e. Antelope Park II (#3412) and
 - f. Franklin Heights (#3397)
20. In each of these previous downzones, over 62 % of the dwelling units were in single family use with many duplexes mixed in the neighborhood. The density of these other downzones ranged from 4.0 to 6.5 dwelling units per acre. The R-4 to R-2 portion of this Woods Park application is 70% single family and has a density of around 5.5 dwelling units per acre, which are comparable to the other applications
21. The R-4 to R-2 portion includes 236 duplexes and 83 multi-family units. It already has a significant mix of housing types within the application area.
22. This R-4 area also includes the **East Lincoln/ Elm Park Historic District** and the **Bungalow Historic District**. Both are local landmark districts and are north of Randolph Street and range from 27th to 33rd Street. The Comprehensive Plan encourages the preservation of historic buildings. Previous downzonings in the Near South and University Place included downzoning of local and National Register Historic Districts as one aspect of preservation efforts of these historic areas.
23. The R-5 to R-4 portion affects property north of N Street, close to the commercial zoning along O Street. This area is primarily in use as 4 unit multi-family buildings, some of which were originally built as single family buildings. The Woods Park Neighborhood Association (WPNA) stated one reason they proposed R-4 zoning was due to concerns about parking in this area and the impact more 4 plexes on these and the adjacent blocks. Already there is competition for on-street parking with the adjacent commercial uses. Most lots in Woods Park are 50 by 142 feet in length which would allow a 4 plex in R-5 zoning or a duplex if zoned R-4 Residential.
24. These four blocks between N and O Street provide convenient access to O Street. There are only 8 buildings in single family use left in these four blocks. The Comprehensive Plan encourages the development of higher density residential along "Transit Corridors" such as O Street. This area is an appropriate place for a few more units that R-5 zoning would bring along this corridor.

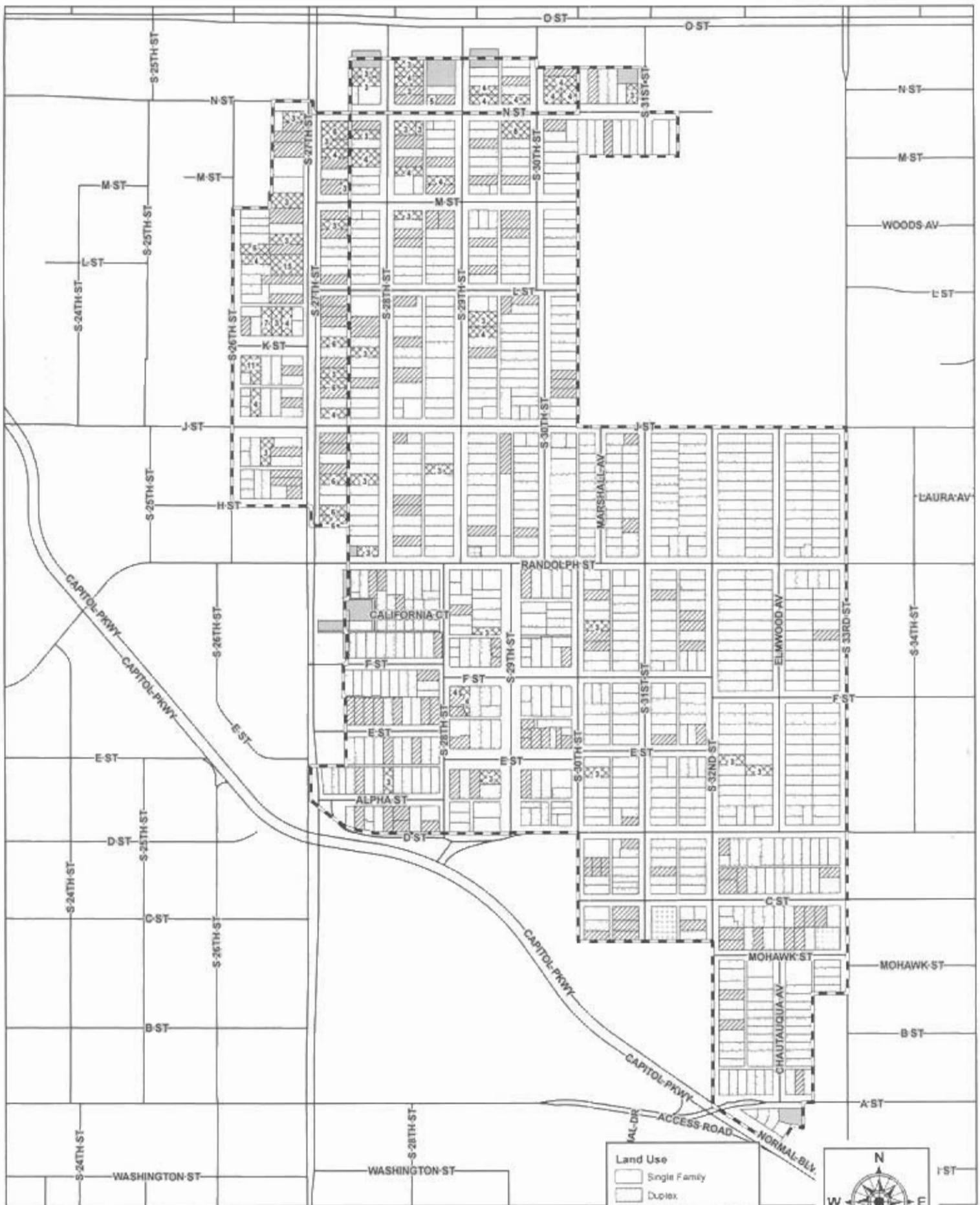
25. The R-6 to R-4 portion includes land on both sides of 27th Street. The WPNA notes in their application letter, that this area was included in part due to concern about traffic and parking in the alley between 27th and 28th Street. This north-south alley provides the sole access to lots on the east side of 27th Street. Increased density on the east side of 27th will only increase these problems.
26. Conversely, there is no alley access for most of the lots on the west side of 27th Street, which means that each lot has a driveway on 27th Street. There is a median in 27th which limits access to right-in and right-out. Additional density on the busy, four lane S. 27th Street only further increases the number of cars slowing to enter and exit the numerous individual driveways.

Prepared by:

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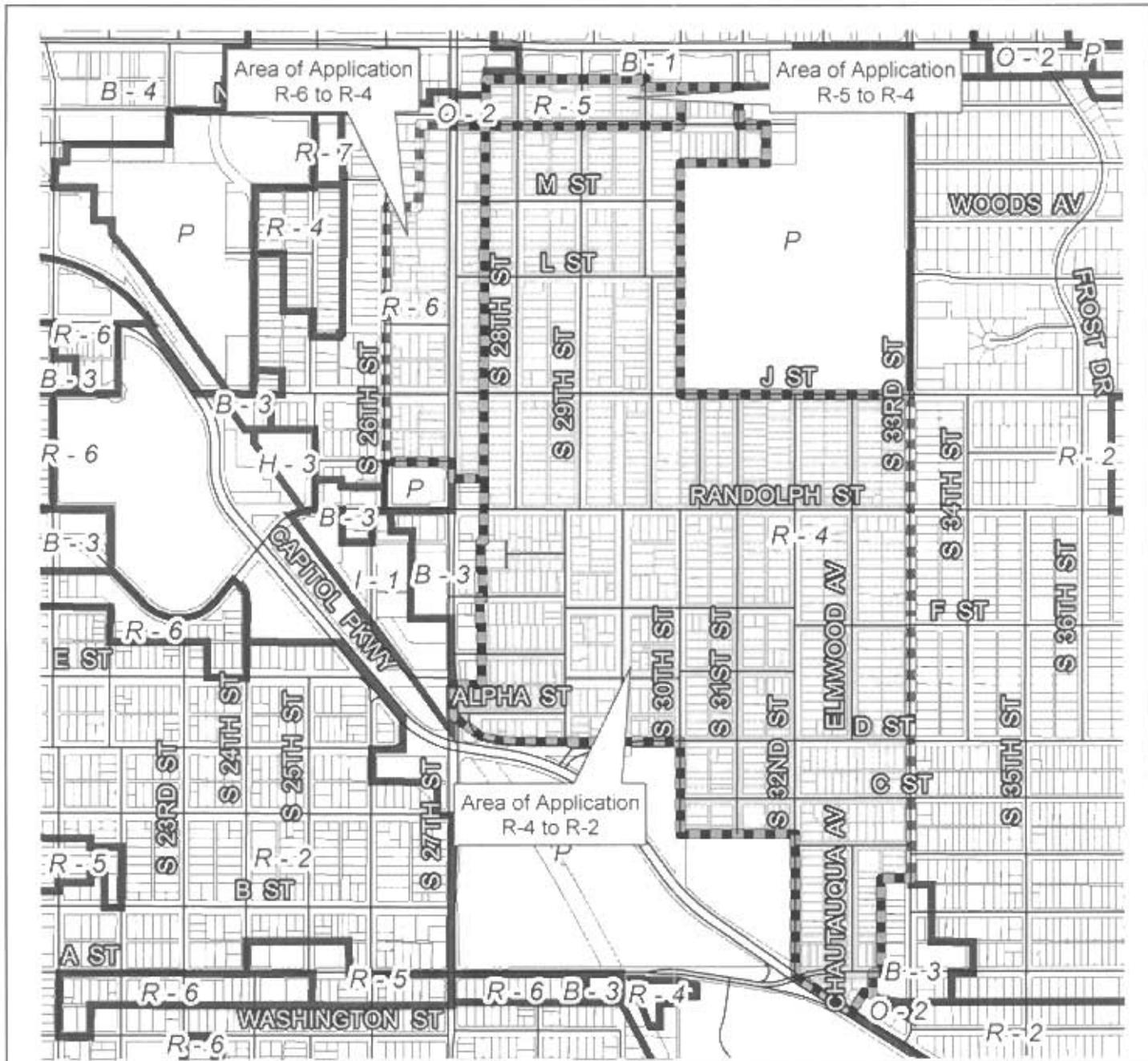
Date: October 16, 2006

**Applicant
and
Contact:** Woods Park Neighborhood Association
Becky Martin
338 S. 29th Street
Lincoln, NE 68510
402 - 435- 0740



EXISTING LAND USE

Woods Park Neighborhood Proposed Change of Zone



Change of Zone #06066 Woods Park Neighborhood

Zoning:

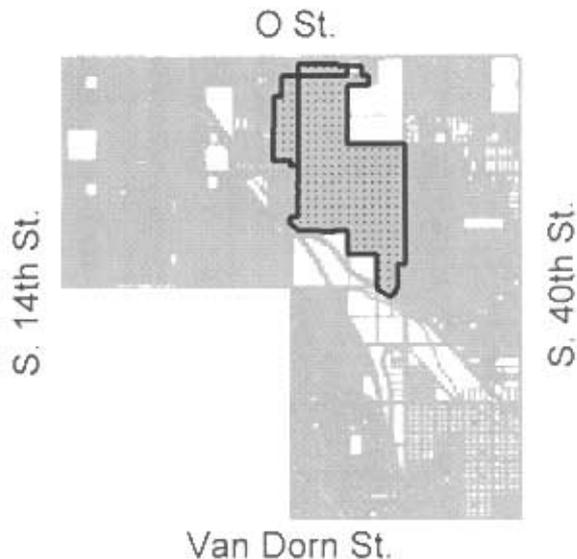
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-7 Residential Transition District
- B-1 Local Business District
- B-2 Planned 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

Three Square Miles
 Sec. 25 T10N R06E
 Sec. 30 T10N R07E
 Sec. 31 T10N R07E



Zoning Jurisdiction Lines

City Limit Jurisdiction



September 15, 2006

Steve Henrichsen
Lincoln – Lancaster Co. Planning. Dept.
555 South 10th Street
Lincoln, NE 68508

RE: Woods Park Neighborhood Association Down Zoning Purpose Statement

Dear Mr. Henrichsen:

The Woods Park Neighborhood Association is requesting a change of zone for the areas indicated on the attached legal description sheet. Please also note the areas as indicated on the attached zoning map.

Since 1976 Woods Park Neighborhood Association has worked diligently to preserve the historic character of our neighborhood. Two areas have been designated historic landmark districts about 1992: East Lincoln/Elm Park and the Bungalow District. We also down zoned two residential areas in 1988. The neighborhood boasts strong business districts, Elliott School and community non-profits that support needs, not only of our neighborhood, but also the city of Lincoln. Additionally we are very proud of the parks we have: Antelope Park, Neighbors Park, American Legion Park and, of course, Woods Park. The preservation of this neighborhood is an asset to the City – especially with the Antelope Valley Project encompassing a part of our neighborhood.

As a core neighborhood in the Heart of Lincoln, we have many concerns about the increased density and the resulting problems of that density. These concerns support our desire to down zone. Following are the concerns that the neighborhood has.

- Woods Park neighborhood, which was platted in the late 1800s, does not accommodate the increase in density;
- Higher density has resulted in an increase in parking problems (i.e. lack of parking space has resulted in parking on yards or set backs);
- The infrastructure, including water, sewer, streets and alleys, were designed for single-family dwellings and lower density;
- Increased use of alleys with the increase in density has resulted in deterioration of the alley surfaces.
- The alley east of 27th Street between “N” and Randolph Streets is the only garage/parking access for the homes facing 27th and for many homes facing 28th Street. It is unable to handle an increase in traffic as it is currently a street for these residents even though it is the size of an alley.

We have noticed with the increase in density a shift from a neighborhood made up of homeowners to one made up of renters. Many of the single family dwellings are now

used as duplexes or multiples. These are generally rental properties operated by absentee landlords. While we appreciate the many responsible landlords, we have noticed that absentee landlords tend to allow properties to deteriorate over time. These properties also often have an accumulation of trash, old discarded appliances, furniture and tires – all a health hazard. This condition leads to overall decline of property values throughout the neighborhood. The combination of a deteriorating neighborhood and higher density is often a formula for higher crime rates, which is true in Woods Park neighborhood. Currently members of the Woods Park Neighborhood Association are working with the City on gang related issues, such as graffiti, drug and alcohol abuse, and drive-by shootings.

Our neighborhood understands this change in zone would not eliminate multiple family dwelling units nor do we wish to do so. We simply need to put a lid on the number of units so as not to increase the density and thus stabilizing it.

To our knowledge, there are not any associated applications or projects related to our application.

Included in our application packet, please find our application and fee, a map from the City of Lincoln outlining the proposed zoning change area, as well as a hard copy and an electronic file of legal descriptions of the parcels affected. In addition, I have included copies of correspondence to our neighbors concerning this proposed zone change. Since our first neighborhood meeting on this issue, several owners in the R-6 to R-4 zoned area have requested being added to our application. We are in the process of contacting the owners in this area.

Woods Park Neighborhood Down Zone Request would like to be slated for the Planning Commission meeting scheduled October 25, 2006.

If any additional information is needed or if you need to notify our neighborhood about the progress of our application, please feel free to contact me at 435-0740. Thank you very much for your assistance with our request.

Sincerely,



Becky Martin
Woods Park Neighborhood Association
Down Zoning Committee, Chair

Wednesday, September 13, 2006
Elliot School 7:00 p.m.
WPNA Down Zoning

August 28, 2006

Dear Woods Park Neighbor:

Woods Park Neighborhood needs your help. On Wednesday, September 13, the first of two public informational meetings will be held to discuss a proposed residential down zoning application to the city of Lincoln. We want to insure that Woods Park Neighborhood continues to be

- strong,
- safe, and
- a highly desirable place to live.

Woods Park has a long history of working diligently to encourage home ownership and to preserve the historic character of the neighborhood. High-density development in neighborhoods designed primarily for single-family use can threaten those values and can result in an increase in problems with

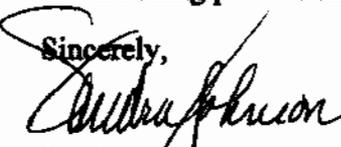
- parking,
- infrastructure,
- alley deterioration,
- higher crime rates,
- graffiti and vandalism.

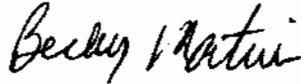
This neighborhood down zoning proposal will not eliminate multiple family dwelling units, but will put a lid on future high-density development. Down zoning grandfathers in all existing investments so no one is at risk of losing what they own, but it gives assurance to single family homeowners that if they buy a house in an older neighborhood, they won't be faced with a slip-in apartment next door, as has happened in many older neighborhoods in the past. All current properties will be grandfathered for their current use and not all properties will be affected.

Not all properties will be affected by the down zoning request. Please see the enclosed map and zoning table showing current zoning and proposed changes.

The Lincoln City Council has unanimously approved down zoning in many neighborhoods all over town, including Near South, University Place, Irvingdale, Witherbee, Everett, and Woods Park. Now is the time to act. If the quality of life in Woods Park is important to you please come to the meeting on September 13. Steve Henrichsen of the Planning Department will be present to answer questions and to discuss the down zoning process and what it means to you.

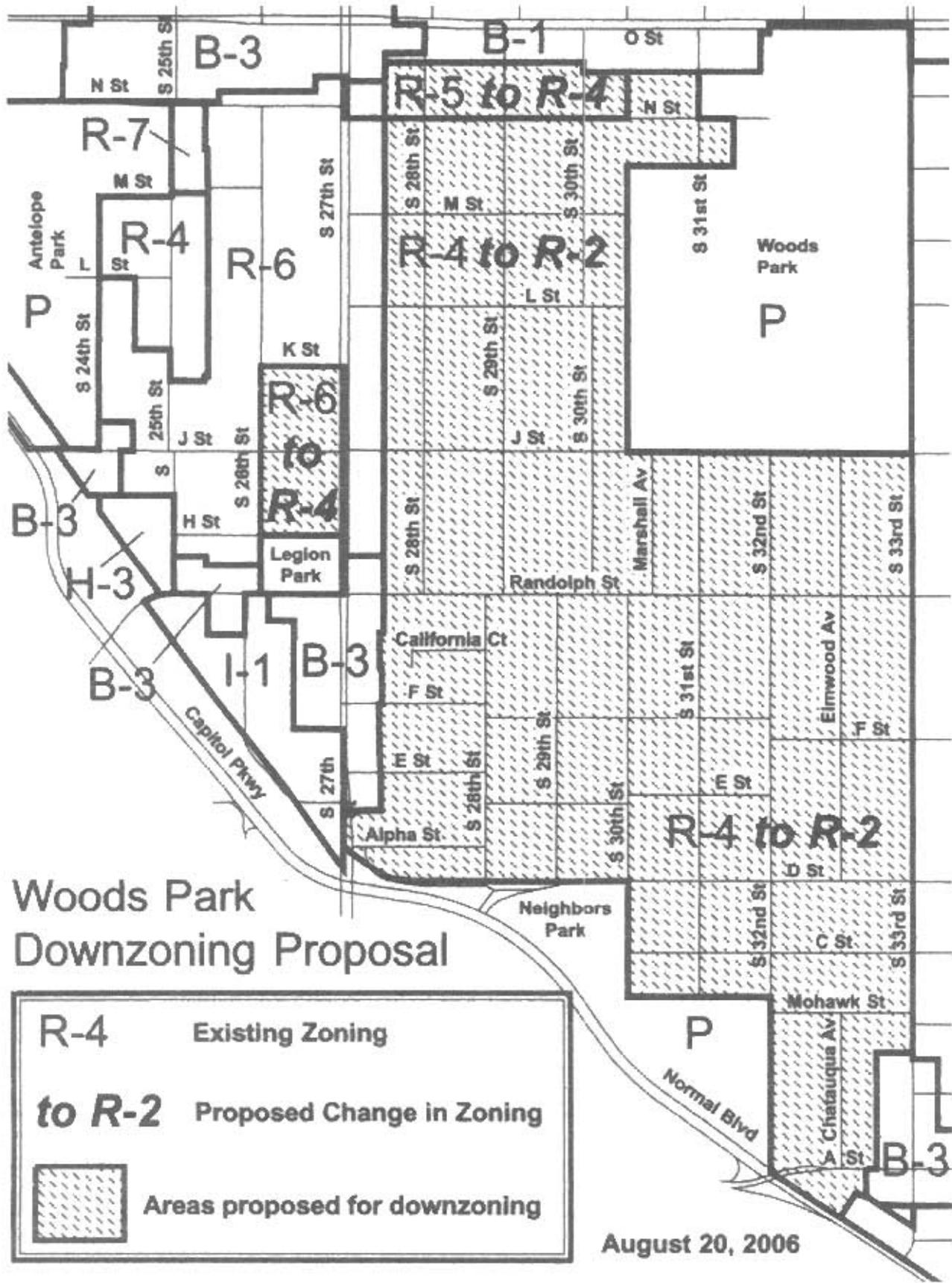
Sincerely,


Sandra Johnson
WPNA President
sjohnson5@neb.rr.com
435-3226


Becky Martin
Down Zone Committee Chair
rjmartin2@windstream.net
435-0740

Zoning District Requirements

	R-2	R-4	R-5	R-6	R-7
Lot area, single family	6,000 sq. ft.	5,000 sq. ft.	5,000 sq. ft.	4,000 sq. ft.	4,000 sq. ft.
Lot area, two family	5,000 sq. ft. / family	2,500 sq. ft. / family	2,500 sq. ft. / family	2,500 sq. ft. / family	2,000 sq. ft. / family
Lot area, townhouse	N/A	N/A	2,500 sq. ft. / family	2,500 sq. ft. / family	2,000 sq. ft. / family
Lot area, multiple-family	N/A	N/A	1,500 sq. ft. / unit	1,100 sq. ft. / unit	700 sq. ft. / unit
Avg. lot width, single family	50 feet	50 feet	50 feet	50 feet	50 feet
Avg. lot width, two family	40 feet / family	25 feet / family	25 feet / family	25 feet / family	25 feet / family
Avg. lot width, townhouse	N/A	N/A	20 feet / family	20 feet / family	20 feet / family
Avg. lot width, multiple-family	N/A	N/A	50 feet	50 feet	50 feet
Front yard, single-family	25 feet	25 feet	25 feet	20 feet	20 feet
Front yard, two family	25 feet	25 feet	25 feet	20 feet	20 feet
Front yard, townhouse	N/A	N/A	20 feet	20 feet	20 feet
Front yard, multiple-family	N/A	N/A	20 feet	20 feet	20 feet
Side yard, single family	5 feet	5 feet	5 feet	5 feet	5 feet
Side yard, two family	10 feet, 0 at common wall	5 feet, 0 at common wall	5 feet, 0 at common wall	5 feet, 0 at common wall	5 feet, 0 at common wall
Side yard, townhouse	N/A	N/A	10 feet, 0 at common wall	5 feet, 0 at common wall	5 feet, 0 at common wall
Side yard, multiple-family	N/A	N/A	7 feet, 10 if over 20 feet in height	7 feet, 10 if over 20 feet in height	Total of 15 feet, min. 7 / side
Rear yard	Smaller of 30 feet or 20% of depth	Smaller of 30 feet or 20% of depth	Smaller of 30 feet or 20% of depth	Smaller of 30 feet or 20% of depth	Smaller of 30 feet or 20% of depth



Woods Park
Downzoning Proposal

R-4	Existing Zoning
<i>to R-2</i>	Proposed Change in Zoning
	Areas proposed for downzoning

August 20, 2006

Thursday, September 21, 2006

Dear Woods Park Neighbor,

Our neighborhood has a long tradition of beautiful homes and caring citizens. In a continuing effort to enhance living and working conditions for all of us, we need your help.

Following the example of many Lincoln neighborhoods, the Woods Park Neighborhood Association is proposing zoning changes to a majority of residential properties in the Woods Park area. We are writing to you because you live, or own property, along 26th or 27th Street. This area is a mix of single and multiple family dwelling units. As a result, parking problems, as well as other high density population issues, have arisen.

Currently, a majority of property along 26th and 27th Streets is zoned R-6. This zoning designation allows construction of new multiple family units. R-4 zoning prevents construction of new multiple family units where single and double family units currently exist.

The proposed zoning changes, from R-6 to R-4 (see attached map), will not affect current living structures. Furthermore, if existing multiple family units in the affected area are destroyed by acts of nature, or must be completely replaced due to deterioration, the R-4 designation will not prevent that.

The main benefits of the proposed change are additional stability and predictability in our neighborhood. This, in turn, will increase the desirability of owning property or living in the Woods Park Neighborhood. If you own a home and live along 26th or 27th Street, you will not have to worry about multiple family units being built next door where a single family home now exists. If you own rental property along 26th or 27th Street, the proposed change limits any growth in population density and will make your property more attractive to potential buyers and tenants alike.

Please take a few moments to review the enclosed information. Your opinion is critical as we discuss the proposed changes with city representatives. A stamped, self-addressed postcard is included for your convenience.

You will be receiving another letter soon about the next informational meeting. In the meantime, if you have additional questions, please contact any one of us.

Thanks again for helping us enhance health and safety in the Woods Park Neighborhood.

Sincerely,

Matt Spilker
519 South 27th Street
mspilker@earthlink.net
402-601-5589

Sandra Johnson
WPNA President
sjohnson5@neb.rr.com
402-435-3226

Becky Martin
Down Zone Committee Chair
rjmartin2@windstream.net
402-435-0740

___ I support down zoning my property from R-6 to R-4.

___ I oppose down zoning my property from R-6 to R-4.

Name (please print):

Address of affected property:

Signature:

Date:

Thank you for your help!

___ I support down zoning my property from R-6 to R-4.

___ I oppose down zoning my property from R-6 to R-4.

Name (please print):

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Signature:

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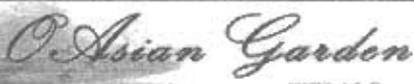
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Residential Satisfaction Report Positive

About 30 Woods Park home owners living west of 27th Street recently completed a city survey on their opinions about their neighborhood. 60% or more of respondents said they were satisfied or very satisfied about living conditions in their area. They almost unanimously feel safe in the daytime, 70% feel safe at night, and 65% think that the condition of most houses, sidewalks, and streets are acceptable. Areas they would like to see addressed by the city include crime, the level of lighting, and the conditions of some yards. The survey was part of the Antelope Valley Redevelopment project.

Down-zoning the Neighborhood?

A committee of Woods Park neighbors are meeting to discuss approaching the City Council about down-zoning the residential parts of Woods Park neighborhood to R-2. Current zoning ranges from R-4 to R-6. The higher the R number, the more multi-unit housing can be built or converted on any given lot. R-2 zoning allows no more than a single house or duplex on a lot. The goal is to reduce crime in the area and create a more stable, enjoyable neighborhood. Existing apartment buildings would be grandfathered in but could not be rebuilt on the same scale. For more information, contact Becky Martin at 435-0740.

American Legion Park Remodeling Underway / Planting Delayed

Lincoln Parks and Recreation Department has removed the existing features from the park at 27th and Randolph and will begin rebuilding the playground shortly. Construction on the new shelter, sidewalks, lighting, and other features will follow. More trees will be planted this fall. The scheduled planting of a garden between 27th Street and the parking lot has been delayed until fall in order to improve the irrigation system. If you would like to help with the planting of this garden, contact Jean Chicoine at 476-7134.

Swimming Pools Required to be Fenced

City code requires that home swimming pools 18" or deeper must be surrounded by a 4' high fence with a self-latching gate. Young children should also be supervised when using a pool.

WPNA Down Zoning Project – Special Neighborhood Meeting

The Down Zoning Committee has been working with the City Planning Department to identify areas of the Woods Park neighborhood to be down zoned. Down zoning is a process to change the type and number of residences in an area from a higher density to a lower density. It does not eliminate multiple family dwelling units, such as apartments and townhouses, but it will restrict the kind of housing that can be built in the future. Down zoning also grandfathers in all existing investment property so landlords are not at risk of losing income.

The Planning Commission and the City Council will hold public hearings on the proposed zoning change. There is a \$370 application fee and the Down Zoning Committee is accepting donations to cover this cost as well as expenses such as postage and printing. Send your contribution to the WPNA Treasurer: Dan Sloan, 405 South 28th Street, Lincoln, NE 68510.

The goal of down zoning is to insure a strong, safe neighborhood that is a desirable place to live. Woods Park has a long history of working diligently to encourage home ownership and to preserve the historic character of the neighborhood. High-density development in neighborhoods designed primarily for single-family use can threaten those values and often results in an increase in crime rates, vandalism and graffiti, neighborhood deterioration, parking problems, and infrastructure degradation. Many neighborhoods in central Lincoln have recently down zoned, including Near South, University Place, Irvingdale, Witherbee, Everett, and 40th & A.

The first of two public informational meetings to discuss the proposed residential down zoning will be held on **Wednesday, September 13th**, at **Elliot Elementary School, 25th and N Streets**. The meeting will begin at **7 PM** and is in the school cafeteria. Enter on the south side of the school; the cafeteria is on the lower level. See the attached map and table to determine the zoning on your block and the impact of any proposed change. For more information, contact Becky Martin at 435-0740 or rjmartin2@windstream.net



Rich Rodenburg
Partner, Realtor
402-440-7570 (cellular)

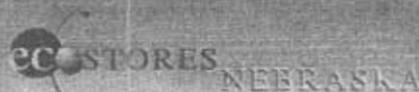


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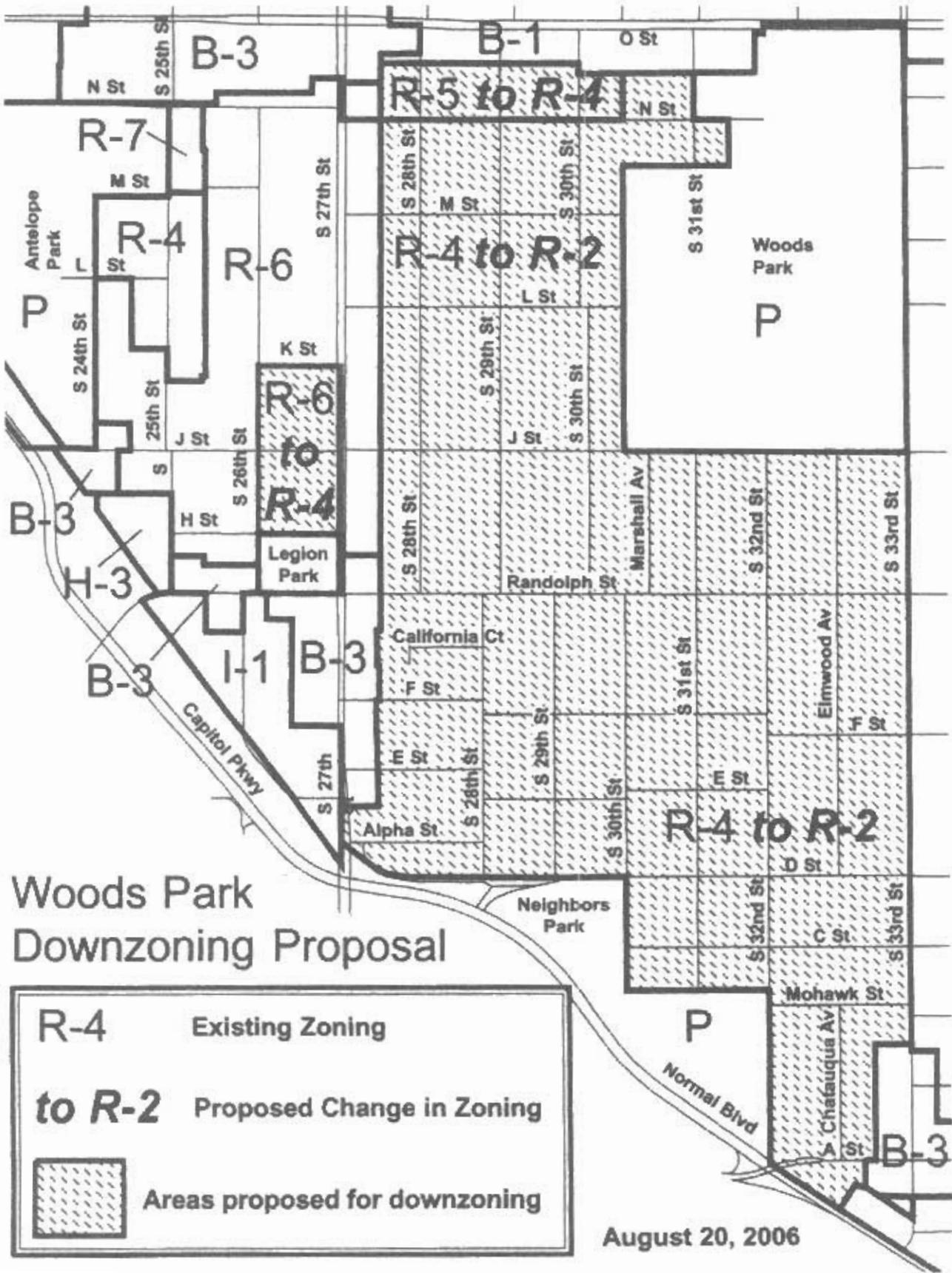
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Woods Park
Downzoning Proposal

R-4	Existing Zoning
<i>to R-2</i>	Proposed Change in Zoning
	Areas proposed for downzoning

August 20, 2006

Zoning District Requirements

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