LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for March 15, 2006 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No. 06012

PROPOSAL: From R-2 Residential, B-1 Local Business, and O-2 Suburban Office to B-3 Commercial District and from R-2 Residential to O-2 Suburban Office District.

LOCATION: On the block bounded by 9th, 10th, Hill, and Van Dorn Streets.

LAND AREA: Approximately 2 acres.

CONCLUSION: This change of zone is supported by the Comprehensive Plan as it will permit the redevelopment of the site. Considering the amount of passing traffic and its effects, this site is no longer ideally suited for residential uses and is more appropriately suited for commercial development.

RECOMMENDATION: Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION:
From R-2 Residential to B-3 Commercial District on Lots 3 & 4 and Lots 11 through 14 of Block 12, South Park Addition; from R-2 Residential to O-2 Suburban Office District on Lots 1 & 2 of Block 12, South Park Addition; from O-2 Suburban Office to B-3 Commercial District on Lots 5 & 6 of Block 12, South Park Addition; and from B-1 Local Business to B-3 Commercial District on the remaining portion of Lot 7, and North 20 feet of Lot 10 (also known as North 20 feet of Van Dorn Street, adjacent), Block 12, South Park Addition, located in the SE 1/4 of Section 35-10-6, Lancaster County, Nebraska, generally located at S. 10th Street and Van Dorn Street.

EXISTING/PROPOSED ZONING:

Existing	Proposed	Property
R-2	O-2	Lots 1 & 2
R-2	B-3	Lots 3 & 4, and 11-14.
B-1	B-3	North 20' of Lot 7 and North 20' of Lot 10
O-2	B-3	Lots 5 & 6

EXISTING LAND USE:
Residential and vacant.

SURROUNDING LAND USE AND ZONING:

North:	R-2	Residential

South:	B-1	Van Dorn Street right of way
	P	Recreation/Park
East:	R-2	Residential
	R-7	Multi-family residential
West:	R-2	Residential

HISTORY:

1998 Street and Alley Vacation 98018 vacated 170 feet of the north/south alley beginning 150 feet south of Hill Street and the north 20 feet of Van Dorn Street (also known as Lot 10).

1979 Change of Zone 1718 to Lots 5 & 6 from R-2 Residential to O-2 Suburban Office approved.

At one time single-family homes existed across the entire site. Today, many of the homes have been demolished and only a few standing remain occupied. All properties vacant or otherwise are owned by the applicant.

COMPREHENSIVE PLAN SPECIFICATIONS:

Community Form - Guiding Principles for the Urban Environment

F-19 Preserve and enhance entryway corridors into Lincoln and Capitol View Corridors.

Community Form - Guiding Principles for the Urban Environment

F-21 Transition of uses; less intense office uses near residential areas. F-21

Guiding Principles for Existing Neighborhoods

F-69 **1.** Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face. Similar housing types face each other: single family faces single family, change to different use at rear of lot. Commercial parking lots should not intrude into residential areas where residential uses predominate a block face. More intense commercial uses (gas stations, big box stores, car wash, fast food, etc.) may not be compatible due to impact on nearby housing. Expansion in existing centers should not encroach, or expand to encroach, on existing neighborhoods, and commercial areas must be screened from residential areas.

F-69 **2.** Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses.

F-69 **3.**Require new development to be compatible with character of neighborhood and adjacent uses (i.e., parking at rear, similar setback, height and land use).

Guiding Principles for Commercial Centers

F-42 Buildings and land uses at the edge of the center should be compatible with adjacent residential uses. Examples of compatible land uses include offices or child care centers. Buildings should be compatible in terms of height, building materials and setback. Small compatible commercial buildings at the edge could include retail or service uses. Buildings with more intrusive uses should have greater setbacks, screening requirements and be built of more compatible materials.

The most intensive commercial uses, such as restaurants, car washes, grocery stores, gasoline/ convenience stores and drive thru facilities should be located nearer to the major street or roadway and furthest from the residential area. Citizens of the community have become increasingly concerned about "light pollution" and its affects upon neighborhoods and the environment. Lighting, dumpsters, loading docks and other service areas should be shielded from the residential area.

ANALYSIS:

1. Most of the site is currently vacant with few occupied dwelling units remaining.

2. Lots 1 and 2 are proposed to be zoned O-2 as a transition from the commercial area proposed on the southern half of the site to the residential north of Hill Street and the lots west of the alley in the northwest corner of the block.

3. All remaining lots in the application are proposed to be zoned B-3 to permit the proposed commercial uses.

4. Two lots at the northwest corner of the block are not a part of this request and shall remain zoned R-2 with residential land use at this time. The applicants have indicated their plans to acquire these lots in the future.

5. The setback requirements of the O-2 district are a 30' front yard and a 10' side yard and a 40' rear yard.

6. There are no setback requirements in the B-3 District unless abutting or sharing the same block face with a residential district. A side yard of 5' and rear yard of 30' is required where a B-3 district abuts a residential district. The proposed B-3 zoned properties will share a side yard and a block face with property zoned R-2 in the northwest corner of the block thus requiring a 25' front yard setback along the entire 9th Street block face and 5' side yard setback where the two districts abut.

7. The applicant proposes a change of zone to B-3 on a majority of this site. B-3 districts permit a range of commercial and retail uses including automobile repair and sales, gas stations, and similar uses that may not be compatible with the adjacent residential neighborhood.

8. This change of zone is supported because it will allow and encourage the redevelopment of the site. Under the current zoning only residential uses are permitted, however given the location residential is not ideal and is not a marketable use. For these reasons, commercial zoning would be more appropriate for this site.

9. Because of the prominent location of this site and nearby residential uses, some uses permitted by B-3 zoning may not be compatible such as automobile repair

and sales, body shops and tire stores, and the site should have appropriate design controls.

10. A conditional zoning agreement could be used to restrict certain uses or to require specific design considerations to ensure that the development will meet the policies of the Comprehensive Plan. The applicant has signalled agreement with the restriction of the following uses:
    10.1 Automobile and vehicle sales, dealerships or lots.

    10.2 Automobile and vehicle service stations and automobile body repair shops.

    10.3 Tire stores and tire sales.

11. Staff recommends that the following design controls should also be included in an agreement:
    11.1 All exterior lighting on the site should utilize full-cutoff fixtures.

    11.2 The applicant shall plant street trees along the streets of the boundary of the site in accordance with the requirements of the Department of Parks Department and Recreation.

    11.3 Access will be limited in accordance with that drawn on the submitted site plan, that the left turn lane on 10th Street should be a minimum of 250' in length, and the left turn lane on 9th Street should be built from the driveway to the site northward to Hill Street.

    11.4 Signs detached from any building should be limited to ground signs only.

Prepared by:
Joe Rexwinkle

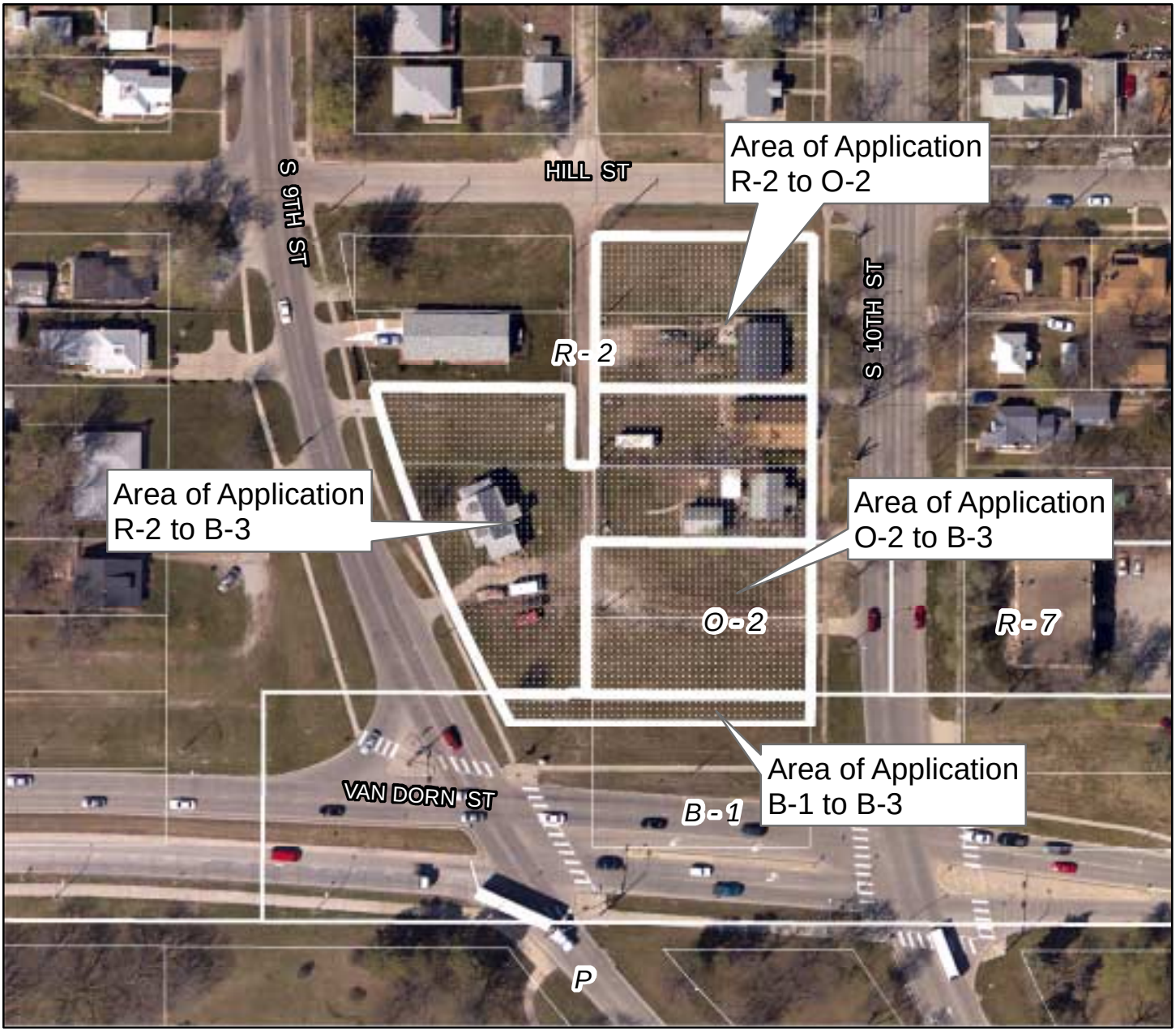
Planner

DATE: March 1, 2006

APPLICANT: B&J Partnership, Ltd.
340 Victory Lane
Lincoln, NE 68528

OWNER: Same as above

CONTACT: Michael J. Tavlin
B&J Partnership, Ltd.
340 Victory Lane
Lincoln, NE 68528



Change of Zone #06012
S 10th & Van Dorn Streets

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Convervation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

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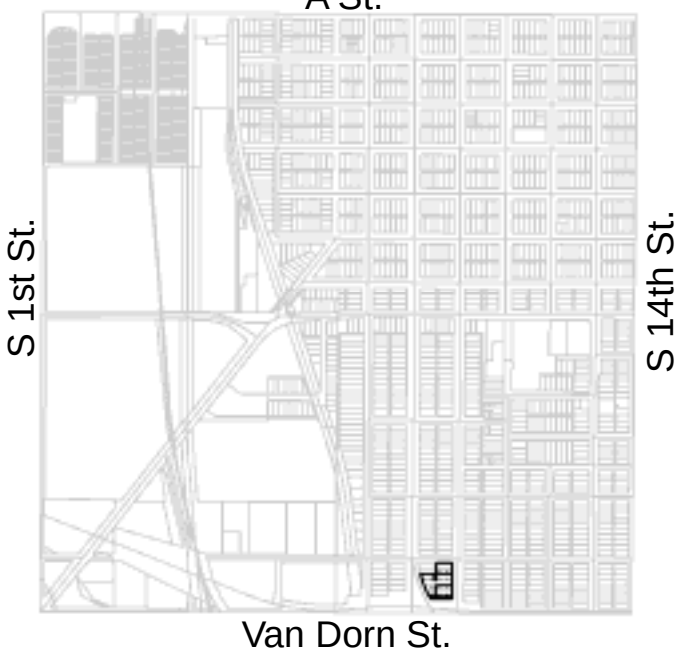
One Square Mile
Sec. 35 T10N R6E

N

Zoning Jurisdiction Lines

City Limit Jurisdiction

2005 aerial



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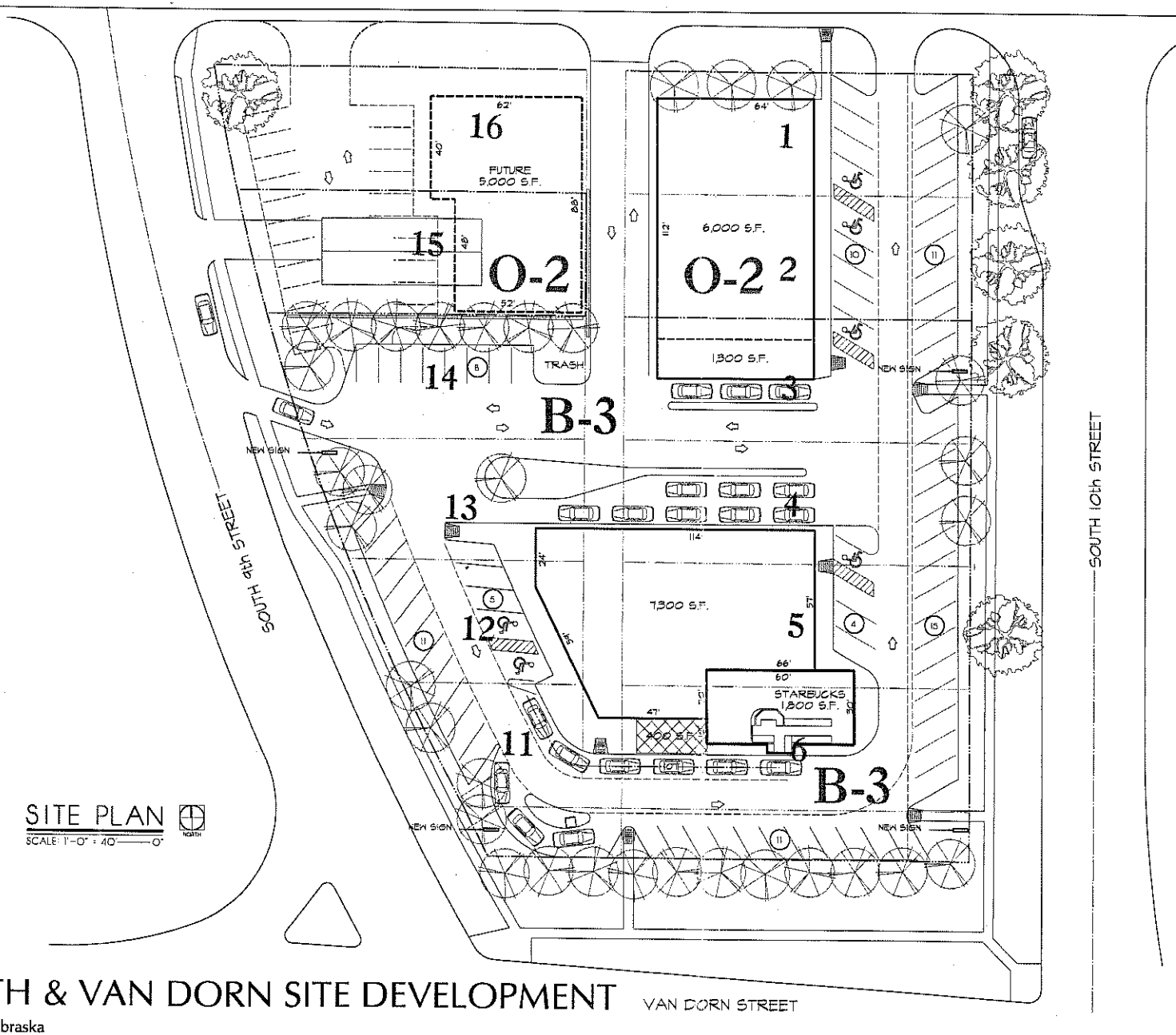

SITE PLAN
SCALE: 1'-0" = 40'——0"
NORTH

NINTH & VAN DORN SITE DEVELOPMENT

VAN DORN STREET

Lincoln, Nebraska

CHAMPION OLSON Architects

Scale:	1" = 40'-0"
Date:	22 FEB 06
Project:	99020.nvd
Dwg:	nvd09.dgn