LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for July 6, 2016 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No. 16019

PROPOSAL: From I-1 Industrial District to R-T Residential Transition District

LOCATION: 1430 South Folsom Street

LAND AREA: 0.57 acres, more or less

EXISTING ZONING: I-1 Industrial District

CONCLUSION: The proposed change of zone to the R-T zoning district provides an appropriate transition from residential to industrial uses in the area and is in conformance with the intent of the 2040 Comprehensive Plan.

RECOMMENDATION: Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 28, I.T., located in the NE 1/4 of Section 34-10-6, Lincoln, Lancaster County, Nebraska.

EXISTING LAND USE: Single family detached dwelling

SURROUNDING LAND USE AND ZONING:

North: Vacant; I-1 (B-1 zoning is located approx. 60' to the north at the intersection of South Folsom and West A Streets)
South: Apartments and Light Industrial; R-6 and I-1
East: Light Industrial; I-1 (Lester Electrical)
West: Single family detached residential; R-2

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 1.9 - The Future Land Use Map of the Comprehensive Plan designates industrial land uses for this site.

P. 5.2 - Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.

P. 5.17 - *Hazardous Materials:* There are considerations for industrial uses in regard to the potential impact on adjacent property.

P. 5.18 - *Public Health & Safety Measures: Risk Reduction:* In areas where industrial and residential uses are already close, efforts should focus on changes in the quantity and type of hazardous materials used and on increasing the distance between where hazardous materials are stored and residential districts.

P. 7.1 - In existing neighborhoods, preservation, maintenance, and rehabilitation of existing housing should continue to be the focus.

P. 7.2 - *Neighborhoods & Housing Guiding Principles*

- Promote sustainability and resource conservation by preserving and improving housing in existing neighborhoods.
- Distribute and preserve affordable housing throughout the community to be near job opportunities and to provide housing choices within existing and developing neighborhoods.
- Make available a safe residential dwelling for all citizens.
- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

UTILITIES: All utilities are available.

TOPOGRAPHY: The site is generally flat.

TRAFFIC ANALYSIS: South Folsom Street and West A Street are classified as minor arterials in the 2040 Comprehensive Plan.

PUBLIC SERVICE: The nearest fire station is located at 1700 South Coddington Avenue.

ANALYSIS:

1. This is a request for a change of zone from I-1 Industrial District to R-T Residential Transition District over one lot that has an existing single family dwelling.

2. The use of the property as a dwelling makes it a legal nonconforming use, as housing is not permitted in the I-1 district. Section 27.61.050 states: “When the use of a building is nonconforming as defined in this chapter and such a building is damaged by a fire, explosion, act of God, or the public enemy to the extent of more than sixty percent of its fair market value, it 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 [approval by the Board of Zoning Appeals], Section 27.63.280 [the Special Permit for Expansion of Nonconforming Uses], or this chapter.”

3. The Lester Electrical property located to the east of this property is classified as a Light Industrial land use. To the west are single-family homes. A short distance

to the north is the intersection of South Folsom and West A Streets, which contains single family and mixed use buildings. To the south along South Folsom street are nine apartment buildings that were preliminary platted in 1979 and re-zoned from I-1 to R-6.

4. The house on this property was constructed in 1900. The property was originally zoned as Single Family (A-2) but much of the area was re-zoned as Light Industrial District (K) in 1969, causing the house to become nonconforming. With the 1979 zoning update, the K zoning was revised to I-1 Industrial District. The house pre-dates the industrial use to the east, which was constructed in 1976. Under the proposed R-T zoning, the house would once again become a conforming use. The R-T district is considered to be primarily a commercial district, but it permits single family dwellings by right.

5. The Future Land Use Map in the 2040 Comprehensive Plan shows this property and the property to the north as Industrial. However, this portion of South Folsom Street is more suited as a transitional area between the single family housing to the west and the industrial use to the east. If this property were to redevelop as a commercial use, it would act as a buffer between the industrial and residential areas to the west and south.

6. A change of zone to R-2 Residential District was initially considered. However, the R-2 zoning would cause the Lester Electrical building to become nonconforming because buildings in the I-1 district have a greater side yard setback when adjacent to residential zoning. A change of zone to the B-1 district was also considered to match the zoning at the intersection. However, under the B-1 district, the existing use would still be nonconforming because housing on the first floor is not permitted in the B-1 district. The proposed R-T district was chosen because it would make the house conforming, and because it a commercial district, it would not create a larger setback on the Lester Electrical property.

7. The Comprehensive Plan supports the preservation of existing housing and neighborhoods. With regards to areas where industrial and residential uses are already close, the Plan states that efforts should focus on tracking changes in the quantity and type of hazardous materials used in the industrial area and on increasing the distance between where hazardous materials are stored and residential districts.

8. The Lincoln-Lancaster County Health Department reviewed this application and recommends approval of this change of zone due to the existing use being residential and the existing residential zoning to the south of this proposed change of zone.

9. R-T Residential Transition zoning is appropriate in this location. This property is an existing single family dwelling that was made nonconforming through a zoning action several decades ago. The R-T district is considered a commercial district but it permits single family and two family housing by right. This change of zone is supportive of the intent of the future land use map in the Comprehensive Plan, which shows commercial and industrial uses along the east side of South Folsom Street in this location. This change of zone will make the existing house a conforming use and will not cause any properties to become nonconforming.

Prepared by:

Rachel Jones, Planner

DATE: June 28, 2016

APPLICANT/OWNER/CONTACT: Frieda Buskirk
1430 South Folsom Street
Lincoln, NE 68522

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2013 aerial

Change of Zone #: CZ16019 (I-1 to R-2)
S Folsom St & W A St

N
W E
S

Zoning:

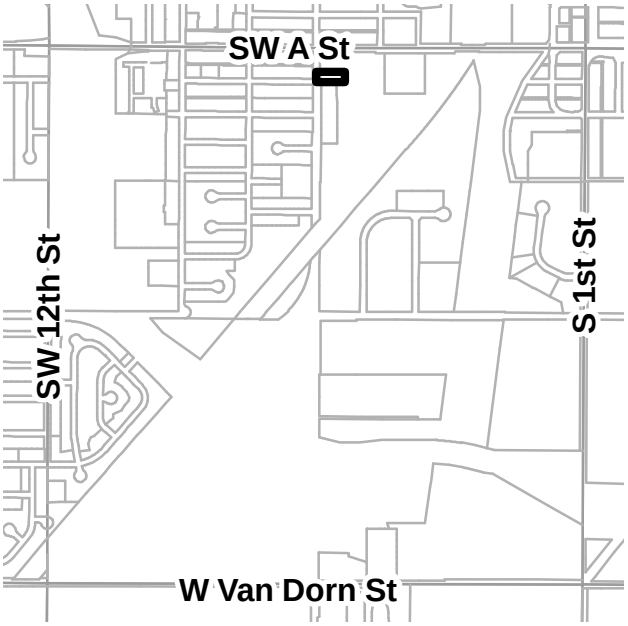
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4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

One Square Mile:
Sec.34 T10N R06E

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



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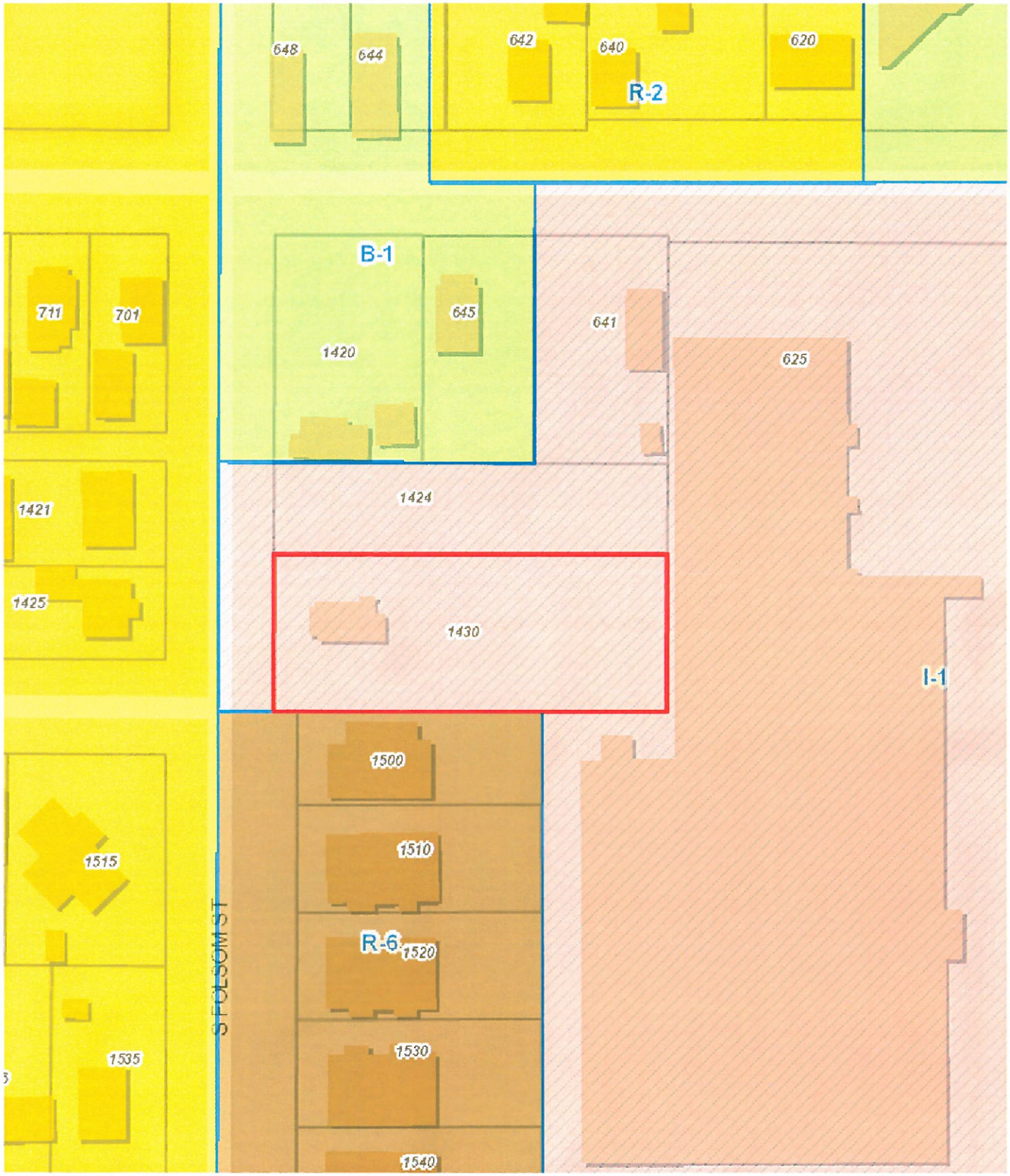
File: F:\DevReview\PlannerPacket\MXD\Agendadrawings.mxd (CZ16019)



Lancaster County/City of Lincoln GIS Map

1430 S. Folsom Street - Change of Zone from I-1 to R-T

N
W E
S

Printed: Jun 03, 2016

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email ags@lincoln.ne.gov and you will be directed to the appropriate department.

June 2, 2016

Why I'm trying to get the reverse mortage I had hip replacement and I had to hire someone to mow my lawn which cost me $75.00 a week had to get a new furnace and central air Conditioner which cost me $6,000 dollars Have yet to get a new roof which will cose $5,000 dollars and I'm slowly running out of money Plus paying my ~~house insurance and car insurance~~ and I would rather stay in my house than sell my house and move somewhere else. and now I can now my own lawn have a rider lawn mower.

over

My house is paid for
I'd be alot happier in
my home than living
somewhere else.

Thankyou for everything
you have done.
and Thank you
Rachel Jones for all
your help

And to get the reverse
mortage I have to get
my house re zoned.
to residential In case
my house would catch fire for me to be
Thanks able to rebuild

Freda Bushert

Current Project - Agency Review Report

Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
Airport Authority	jon large	1	Recommend Approval	27.58 - Outside Airport Environs District. 27.59 - In Turning Zone, between approaches to Runways 32 and 35. Any future structures should follow the requirements of the chapter.	First In Group
Building & Safety	christy eichorn	1	Recommend Approval	Rezoning this property to residential will make the adjacent property non conforming/non standards with regards to their side yard setback.	First In Group
County Health	chris schroeder	1	Recommend Approval	The Lincoln-Lancaster County Health Department is recommending approval of this change of zone due to the existing use being residential and the existing residential zoning to the south of this proposed change of zone.	Individual
Development Review Manager	steve henrichsen	1	Recommend Approval		Individual
Planning Dept	brenda thomas	1	No Review Required		First In Group
Public Works - Engineering Services	bob simmering	1	No Review Required	6-14	First In Group
Stronger Safer Neighborhoods	Jon Carlson	1	Pending		Individual
United States Post Office	kerry kowalski	1	Recommend Approval	Recommend approval on the condition all new delivery addresses are established in Centralized Box Units (CBUs) which will be purchased and installed at the developer's expense in a location mutually agreed upon by the developer and the US Postal Service.	First In Group