

APPROVING REQUEST

Request for Reasonable Accommodation

RESOLUTION NO. A-_____

1 WHEREAS, Developmental Service of Nebraska, hereinafter DSN, presently operates a
2 facility housing three developmentally disabled persons at 4000 Lindsey Circle as a State
3 certified community based waiver setting; and

4 WHEREAS, DSN desires to house one additional disabled person at 4000 Lindsey
5 Circle; and

6 WHEREAS, the additional occupancy will cause the facility to be classified as a group
7 home rather than a single-family dwelling under the City of Lincoln Zoning Code; and

8 WHEREAS, the facility at 4000 Lindsey Circle is located in the R-1 Residential District;
9 and

10 WHEREAS, the use regulations in the R-1 Residential District allow group homes as a
11 permitted conditional use provided that the distance between the proposed group home and an
12 existing group home measured from lot line to lot line, is not less than one-half mile; and'

13 WHEREAS, a group home presently exists at 3800 N.W. 50th Street and is located
14 approximately 1,560 feet from the proposed group home at 4000 Lindsey Circle rather than the
15 required one-half mile; and

16 WHEREAS, DSN, pursuant to Lincoln Municipal Code Chapter 1.28, has requested
17 reasonable accommodation from Lincoln Municipal Code § 27.11.030(b)(2) that prohibits DSN
18 from operating a group home at 4000 Lindsey Circle because the group home located at 3800
19 N.W. 50th Street is within one-half mile in order to allow DSN to increase the number of persons
20 with developmental disabilities it is currently serving at 4000 Lindsey Circle from three residents
21 to four residents; and

1 WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a public
2 hearing on the application and has recommended approval of the requested accommodation;
3 and

4 WHEREAS, the City Council finds that (1) the facility at 4000 Lindsey Circle will be used
5 by an individual or a group of individuals considered disabled; (2) that the accommodation
6 requested is necessary to make 4000 Lindsey Circle available to the individual or group of
7 individuals with a disability; (3) that there are no alternative reasonable accommodations
8 available that would provide an equivalent level of benefit; (4) that the request for reasonable
9 accommodation would not impose an undue financial or administrative burden on the City; and
10 (5) that the grant of the requested reasonable accommodation and use of 4000 Lindsey Circle
11 as a group home would be consistent with the Comprehensive Plan, Land Use Designation, for
12 4000 Lindsey Circle and with the general purpose intent of the R-1 Residential District in which
13 4000 Lindsey Circle is located.

14 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,
15 Nebraska:

16 That the request of DSN for a reasonable accommodation to waive the requirement of
17 Lincoln Municipal Code § 27.11.030(b)(2) to allow a group home to be located at 4000 Lindsey
18 Circle is hereby granted subject to the condition that the occupancy of this group home will not
19 exceed four disabled persons.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2005: _____ Mayor
