

City Council Introduction: **Monday**, June 4, 2001  
Public Hearing: **Monday**, June 11, 2001, at **1:30 p.m.**

Bill No. 01R-136

## **FACTSHEET**

**TITLE:** **SPECIAL PERMIT NO. 277H**, an amendment to the **PINE LAKE COMMUNITY UNIT PLAN**, requested by John E. Sinclair on behalf of Michael and Terri Dunlap, to reduce the front yard setback from 50' to 30' on Lot 20, Pine Lake Addition, generally located at 6641 East Shore Drive.

**STAFF RECOMMENDATION:** Conditional Approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda, 05/16/01  
Administrative Action: 05/16/01

**RECOMMENDATION:** Conditional Approval (9-0: Schwinn, Taylor, Hunter, Steward, Newman, Duvall, Krieser, Carlson and Bayer voting 'yes').

### **FINDINGS OF FACT:**

1. The Planning staff recommendation of conditional approval is based upon the following analysis:
  - A. The Board of the Pine Lake Association has approved the plans.
  - B. The neighbors have signed a petition in support of the application.
  - C. The existing building is constructed 30' from the property line. Adjusting the front yard to 30' would bring the existing structure into conformance and would permit the applicant to construct an addition within the adjusted setback.
2. This application was placed on the Consent Agenda of the Planning Commission on May 16, 2001, and opened for public hearing. No one came forward to speak.
3. The Planning Commission agreed with the staff recommendation.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** May 21, 2001

**REVIEWED BY:** \_\_\_\_\_

**DATE:** May 21, 2001

**REFERENCE NUMBER:** FS\CC\FSSP277H

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

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**P.A.S.:** Special Permit #277-H, Pine Lake C. U. P.

**DATE:** April 27, 2001

**PROPOSAL:** Amend the community unit plan to allow a reduction in the front yard setback from 50' to 30' on Lot 20, Pine Lake Addition.

### **GENERAL INFORMATION:**

**APPLICANT:** John E. Sinclair, on behalf of the owners  
700 Q Street  
Lincoln, NE 68508  
(402) 476-7331

**OWNER:** Michael S. and Terri Dunlap  
6651 East Shore Drive  
Lincoln, NE 68516

**LOCATION:** 6641 East Shore Drive

**LEGAL DESCRIPTION:** Lot 20, Pine Lake Addition located in the SE 1/4 of Section 15, T9N, R7E of the 6<sup>th</sup> P.M., Lancaster County, Nebraska.

**EXISTING ZONING:** AGR with a special permit for a community unit plan

**EXISTING LAND USE:** Single family dwelling

**SURROUNDING LAND USE AND ZONING:** To the north, east and south are single family homes, all zoned AGR with a special permit for a community unit plan. To the west is Pine Lake.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Land Use Plan and the Southeast Lincoln/Highway 2 Subarea Plan show the site as Low Density Residential.

### **HISTORY:**

On **July 17, 1961**, Special Permit #209, Pine Lake C. U. P. was approved by the City Council.

On **September 8, 1964**, Special Permit # 277, Pine Lake C. U. P. was approved by Resolution #A-54422.

On **February 9, 1976**, Special Permit #277-A that changed the side yard setback from 15' to a 5' on those lots less than 90' in width measured at the 30' front yard line and to 10' on

those lots 90' or more in width on Blocks 1 through 5, Pine Lake 5<sup>th</sup> Addition was approved by Resolution # A-62465.

This property was converted from A-A Rural and Public Use to AGR Agricultural Residential in the **1979 Zoning Update**.

On **June 24, 1985**, Special Permit # 277-B that adjusted the front yard setback from 50' to 40' and the side yard setback from 15' to 10' on Blocks 3,4, & 5, Pine Lake 5<sup>th</sup> Addition was approved by Resolution #A-70146.

On **February 3, 1986**, Special Permit #277-C was withdrawn.

On **April 6, 1987**, Special Permit #277-D that revised the lot layout along South 84<sup>th</sup> Street was approved by Resolution #A-71309.

On **November 16, 1998**, Special Permit #277-E that approved an adjustment from a 40' to a 35' front yard and from a 10' to a 5' side yard on Lot 3, Block 3, Pine Lake 5<sup>th</sup> Addition was approved by Resolution # A-79158.

On **October 25, 1999**, City Council approved Special Permit #277-F, which reduced side yard setbacks on Perry Circle from 15' to 10'.

On **November 8, 1999**, City Council approved Resolution #A-79842, Special Permit #277-G, which permitted wireless communication antennae on an existing water tower within the C.U.P.

### **SPECIFIC INFORMATION:**

**UTILITIES:** The lots and all of Pine Lake are served by a private community water and sanitary sewer system.

**TRAFFIC ANALYSIS:** No increase in dwelling units.

**PUBLIC SERVICE:** The area is served by the Southeast Rural Fire Department. A fire station is located at Pine Lake Road and HWY#2.

**REGIONAL ISSUES:** None apparent

**ENVIRONMENTAL CONCERNS:** None apparent

**AESTHETIC CONSIDERATIONS:** None apparent

### **ANALYSIS:**

1. The Board of the Pine Lake Association has approved the plans.

2. The neighbors have signed a petition in support of the application.
3. The existing building is constructed 30' from the property line. Adjusting the front yard to 30' would bring the existing structure into conformance and would permit the applicant to construct an addition within the adjusted setback.

**STAFF RECOMMENDATION:**

Conditional approval

**CONDITIONS:**

Site Specific:

1. This approval permits a reduction from a 50' to a 30' front yard on Lot 20, Pine Lake Addition.

General:

2. Before receiving building permits:
  - 2.1 The construction plans shall comply with the approved plans.

**STANDARD CONDITIONS:**

3. The following conditions are applicable to all requests:
  - 3.1 Before occupying the new construction all development and construction shall have been completed in compliance with the approved plans.
  - 3.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 3.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 3.4 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.
4. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Jason Reynolds  
Planner

**SPECIAL PERMIT NO. 277H**  
**Amendment to the Pine Lake Community Unit Plan**

**CONSENT AGENDA**

**PUBLIC HEARING & ADMINISTRATIVE ACTION**

**BEFORE PLANNING COMMISSION:**

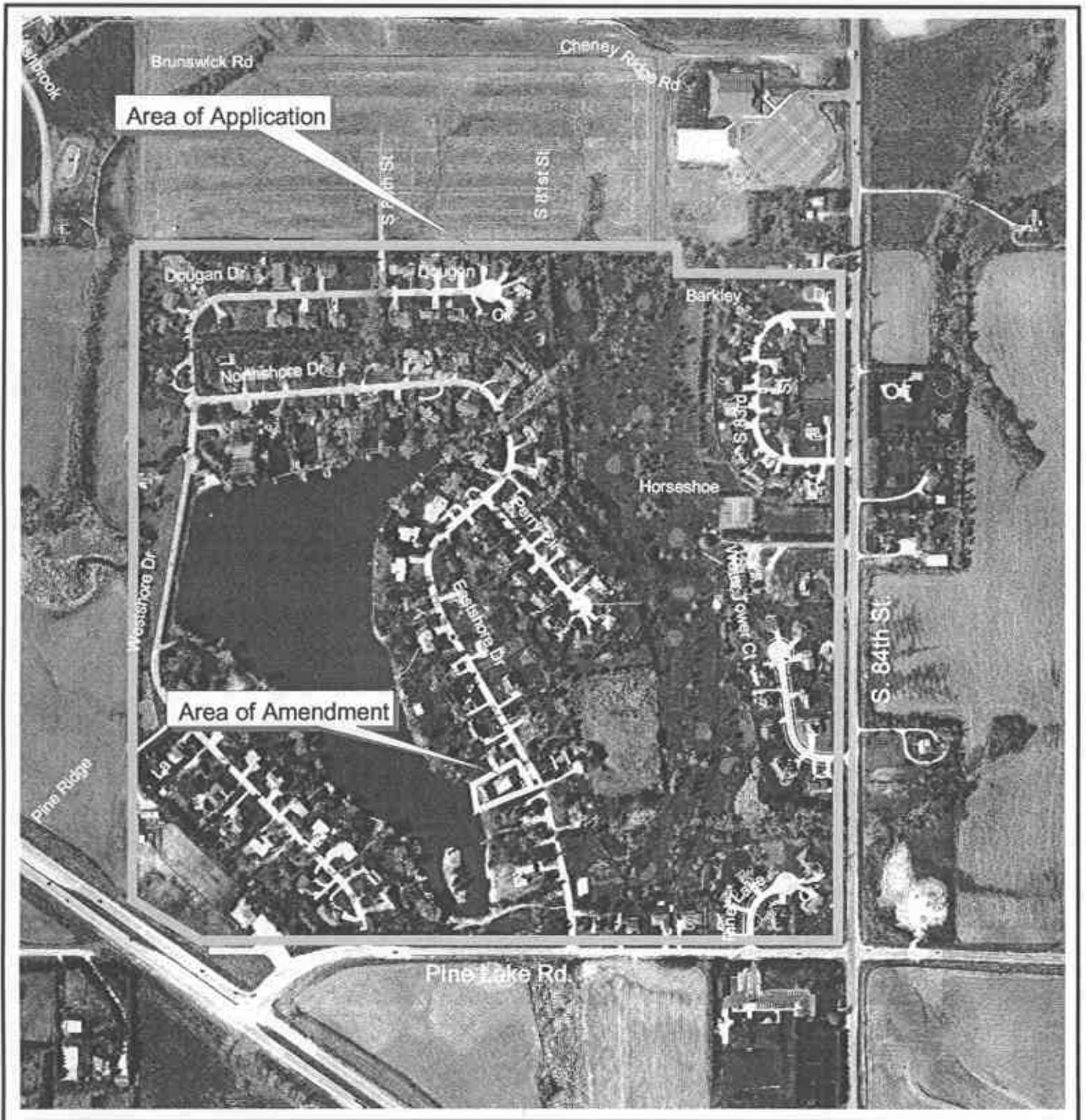
May 16, 2001

Members present: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Schwinn, Steward and Taylor.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3324, SPECIAL PERMIT NO. 277H, COMPREHENSIVE PLAN CONFORMITY NO. 01001, WAIVER OF DESIGN STANDARDS NO. 01003, STREET AND ALLEY VACATION NO. 01008 AND MISCELLANEOUS NO. 01004.**

**Item No. 1.4, Waiver of Design Standards No. 01003, and Item No. 1.6, Miscellaneous No. 01004,** were removed from the Consent Agenda and scheduled for separate public hearing.

Carlson moved to approve the remaining Consent Agenda, seconded by Hunter and carried 9-0: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes'.



**Special Permit #277H  
84th & Pine Lake Rd.**

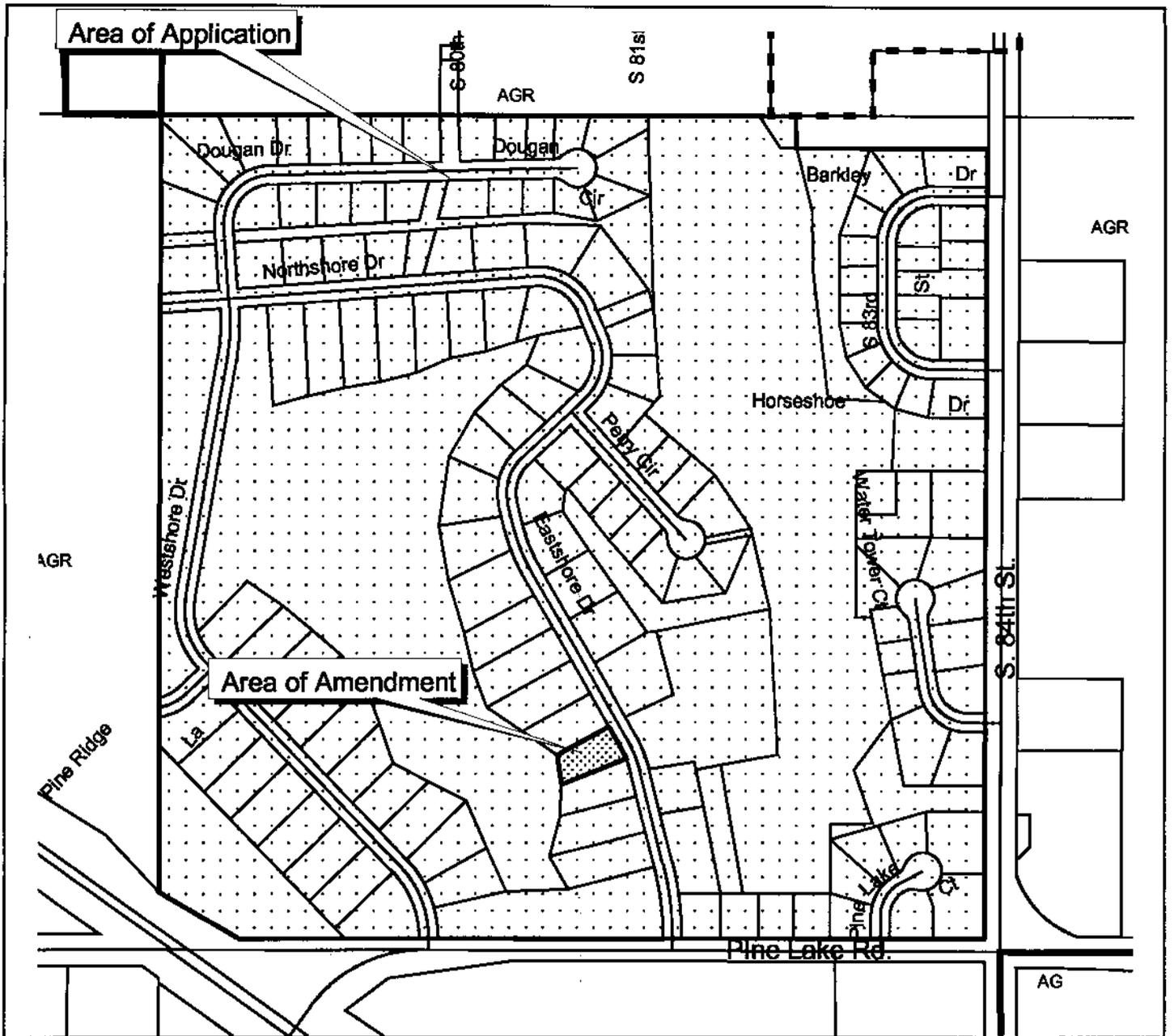


Date: 4-30-01

Photograph Date: 1999

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Lincoln City - Lancaster County Planning Dept.

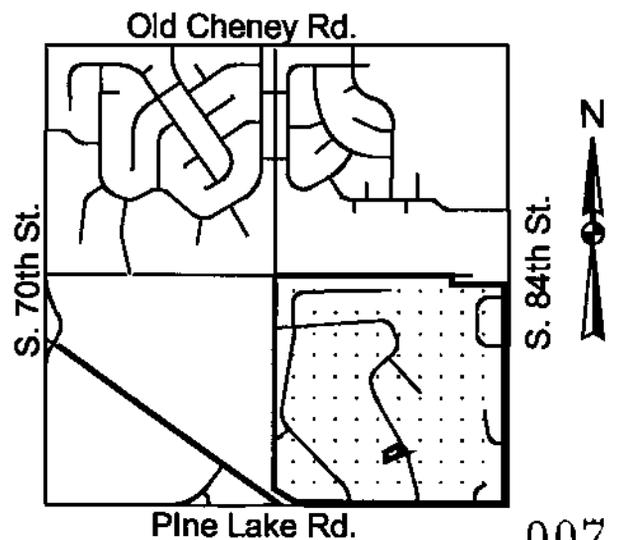
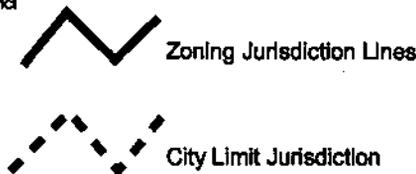


## Special Permit #277H 84th & Pine Lake Rd.

### 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-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. 15 T9N R7E

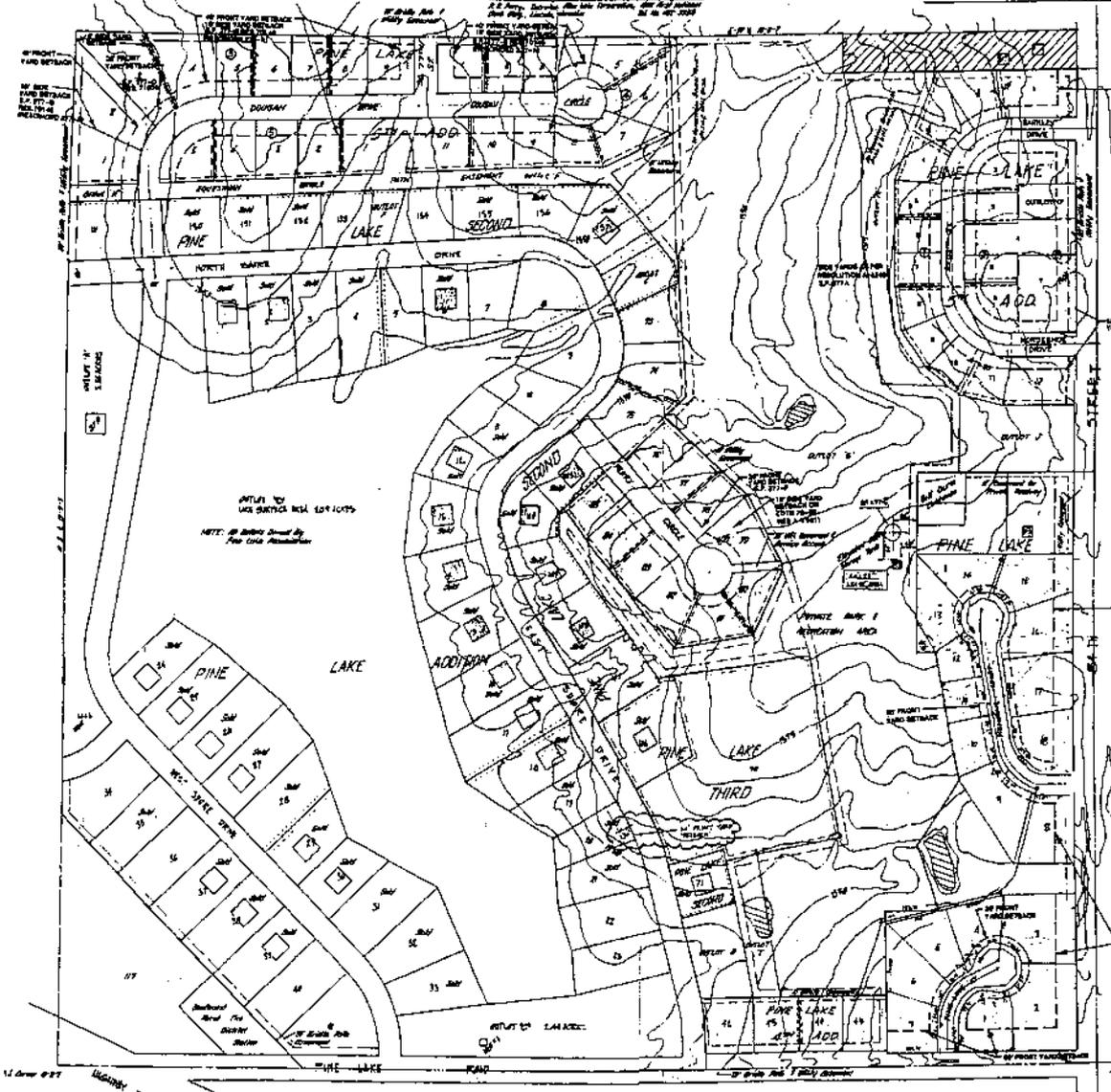


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COMMUNITY UNIT PLAN

PINE LAKE SUBDIVISION

GARBER & WORK CONSULTANTS  
LINCOLN, NEBRASKA



Date: 4-30-01 North

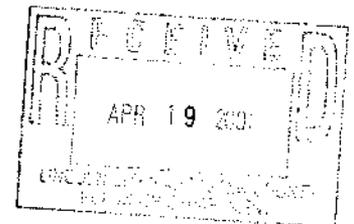


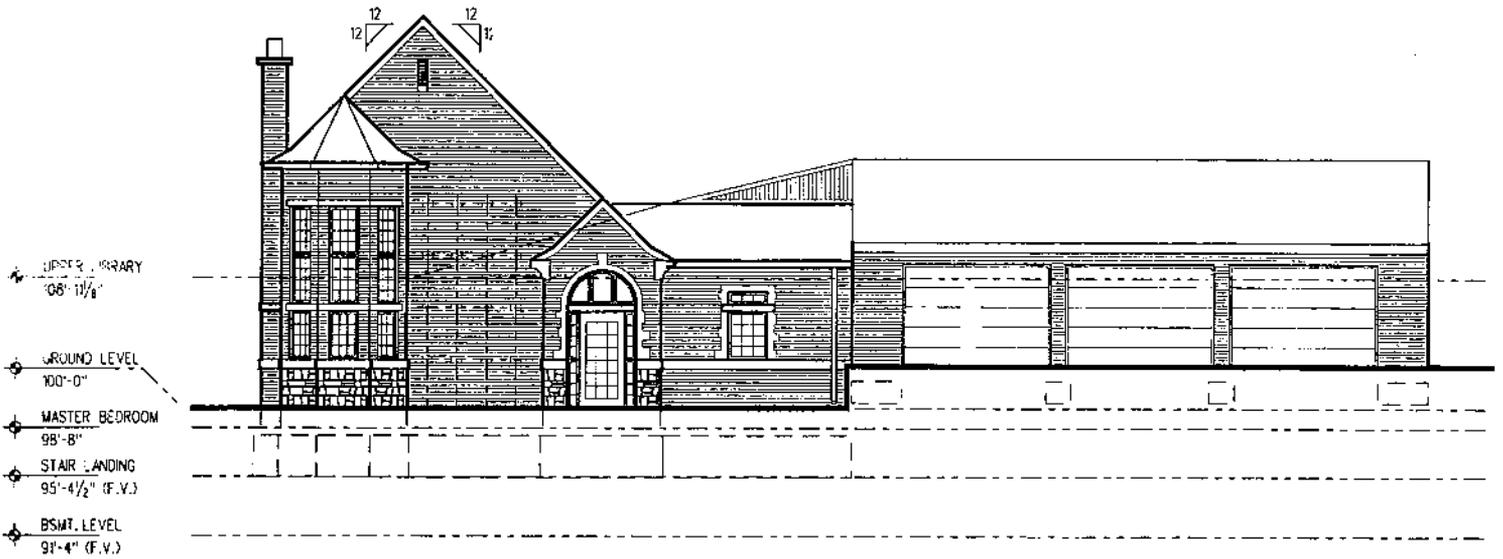


J1

SOUTH ELEVATION

SCALE: 1" = 10'-0"

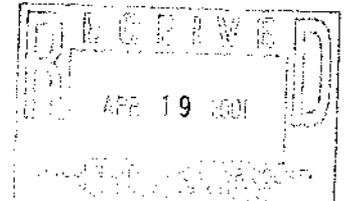




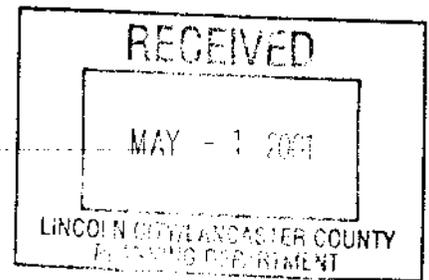
J1

EAST ELEVATION

SCALE: 1" = 10'-0"



# M e m o r a n d u m



**To:** Jason Reynolds, Planning Department

**From:**  Dennis Bartels, Public Works & Utilities

**Subject:** Pine Lake CUP Amendment

**Date:** April 30, 2001

**cc:** Roger Figard, Nicole Fleck-Tooze

Public Works has no objections to revising the front yard setback from 50' to 30' for the lot at 6651 Eastshore Drive.

April 13, 2001

Lincoln/Lancaster County Planning Department  
555 S. 10<sup>th</sup> St., Room 213  
Lincoln, NE 68508

RE: Dunlap Addition and Remodel  
6651 Eastshore Drive  
Lincoln, NE 68516

Dear Commissioners,

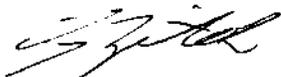
Last night the Pine Lake Association had the opportunity to view and familiarize itself with the proposed addition to the Dunlap residence. The consensus expressed by the board was: "This is exactly the type of improvement we would like to see in our neighborhood".

As I am sure you are aware, current zoning requires a 50' front yard setback, thus completion of this project would require an amendment to the Community Unit Plan by reducing the front yard setback to 30'. There is precedent for this type of action in our neighborhood, records show similar side and front yard changes as recently as 1998.

On behalf of the association, we wholeheartedly and enthusiastically support the proposed improvement, and respectfully ask for yours.

Thank you for your consideration regarding this matter.

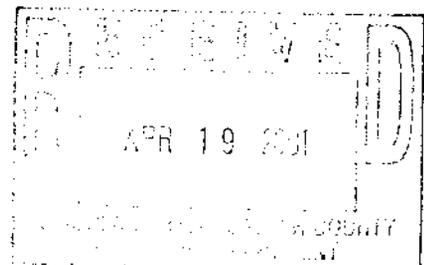
Sincerely,



Larry Zitek  
Secretary  
Pine Lake Association

Pc. Mike and Terri Dunlap

kls  
99086-04-1.Z-planningdept



April 18, 2001

RE: Dunlap Addition and Remodel

Dear Commissioners,

At the request of our homeowners association, we, the neighbors in close proximity, have seen the home improvement plans for the Dunlap home at 6651 Eastshore Drive. We understand that the association board members have given their approval for this project and we are signing this letter to signify that we also give our approval.

Sincerely,

<u>NAME</u>	<u>ADDRESS</u>
Thomas D. Waley	6811 Eastshore Dr
Charles A. Huber	6811 Eastshore Dr
Mary Sue Pardee	6825 Eastshore Dr.
Robert W. North	6500 EASTSHORE DR
Siare Kavan	6360 Eastshore Dr.
David A. Aubrey	6501 Eastshore Dr.
Honny D. Smith	6789 Eastshore Dr.

