

City Council Introduction: **Monday**, September 27, 2004
Public Hearing: **Monday**, October 4, 2004, at **1:30** p.m.

Bill No. 04R-264

FACTSHEET

SPONSOR: Planning Department

TITLE: **SPECIAL PERMIT NO. 1654B**, an amendment to the **Pine Lake Heights Community Unit Plan**, requested by Ross and Kara Parde, to reduce the rear yard setback from 22 feet to 15 feet to allow a garage with a deck above at 3500 Pela Verde Circle.

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda, 09/01/04
Administrative Action: 09/01/04

STAFF RECOMMENDATION: Conditional Approval

RECOMMENDATION: Conditional Approval (8-0: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Bills-Strand and Sunderman voting 'yes'; Taylor absent).

FINDINGS OF FACT:

1. This amendment to the Pine Lake Heights Community Unit Plan would allow the construction of a deck and garage in the rear yard.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3, concluding that the reduction in the rear yard for a portion of a deck should not have a negative impact on the adjacent property.
3. On September 1, 2004, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On September 1, 2004, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval, as set forth in the staff report dated August 17, 2004.
5. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: September 20, 2004

REVIEWED BY: _____

DATE: September 20, 2004

REFERENCE NUMBER: FS\CC\2004\SP.1654B

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for SEPTEMBER 1, 2004 PLANNING COMMISSION MEETING

P.A.S.: Special Permit 1654B Pine Lake Heights

PROPOSAL: To amend the Special Permit to reduce the rear yard setback from 22 feet to 15 feet to allow a garage with a deck above on Lot 14, Block 1, Pine Lake Heights 6th Addition.

LOCATION: 3500 Pela Verde Circle

WAIVER REQUEST:
Reduce the rear yard setback

CONCLUSION: The reduction in the rear yard for a portion of a deck should not have a negative impact on the adjacent property.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 14, Block 1, Pine Lake Heights 6th Addition, Lincoln, Lancaster County, Nebraska

EXISTING ZONING: R-3 Residential with a C.U.P.

EXISTING LAND USE: Single family house

SURROUNDING LAND USE AND ZONING:

North:	R-3	Residential
South:	R-3	Residential
East:	R-3	Residential
West:	R-3	Residential

HISTORY:

October 6, 2003 Special Permit #643E, Briarhurst West CUP to reduce the rear yard setback for a deck was approved by City Council.

October 6, 2003 Special Permit 572F, Thomasbrook Apartments CUP, to reduce the rear yard setback to enclose a patio was approved by City Council.

- August 31, 1998** Special Permit 1654A- Pine Lake Heights 1st Community Unit Plan was approved by City Council
- March 3, 1997** Special Permit 1654-Pine Lake Heights Community Unit Plan was approved by City Council
- December 6, 1995** Pine Lake Heights 6th Addition final plat was approved by the Planning Commission.
- June 28, 1993** Pine Lake Heights preliminary plat was approved by City Council.

COMPREHENSIVE PLAN SPECIFICATIONS: This area is shown as Urban Residential in the 2025 Comprehensive Plan. (F-25).

ANALYSIS:

1. This is a request to reduce the rear yard setback from 22 feet 6 inches to 15 feet for a deck and garage.
2. The applicant has requested a reduction in the rear yard across the entire rear yard. Only a portion of the deck (approximately 15'6" x 5'4") encroaches into the rear yard. The reduction to the rear yard should only include that area of the deck that extends into the required rear yard. (see attached drawing)
3. Reduction in required yard setbacks are commonly granted when Community Unit Plans are approved. Several amendments to CUP's to reduce the required rear yard setback have been approved.
4. Provided the abutting property owner does not object, planning staff does not object to this request.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

- 1.1 Show a building envelope around the proposed deck/garage and stairs on the site plan. The deck/garage and stairs shall not exceed the building envelope.
- 1.2 Identify the lot lines on the site plan.
- 1.3 Identify the stairs from the deck. The stairs must be within the building envelope.

2. Submit documentation that the abutting property owner to the north does not object to this application.
3. This approval permits a reduction in the rear yard setback for a portion of a deck as shown on the approved site plan.

Prepared by:

Tom Cajka

DATE: August 17, 2004

APPLICANT: Ross & Kara Parde
3500 Pela Verde Cir
Lincoln, NE 68516

OWNER: same as applicant

CONTACT: same as applicant

SPECIAL PERMIT NO. 1654B

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

September 1, 2004

Members present: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Bills-Strand and Sunderman; Taylor absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 04054; SPECIAL PERMIT NO. 1654B; COUNTY SPECIAL PERMIT NO. 04039, PRAIRIE VIEW ESTATES COMMUNITY UNIT PLAN; COUNTY PRELIMINARY PLAT NO. 04018, PRAIRIE VIEW ESTATES; STREET AND ALLEY VACATION NO. 04010; and WAIVER NO. 04009.**

Item No. 1.4, Street and Alley Vacation No. 04010, and Item No. 1.5, Waiver No. 04009, were removed from the Consent Agenda and scheduled for separate public hearing.

Larson moved to approve the remaining Consent Agenda, seconded by Krieser and carried 8-0: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Bills-Strand and Sunderman; Taylor absent.



2002 aerial

Special Permit #1654B 3500 Pela Verde Circle

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-6 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

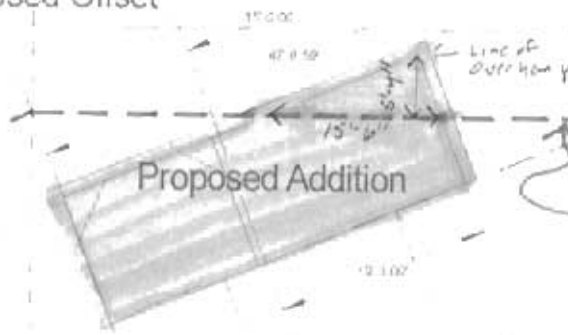
One Square Mile
Sec. 19 T9N R7E



Zoning Jurisdiction Lines
City Limit Jurisdiction



Proposed Offset



Proposed Addition

Line of Overhead

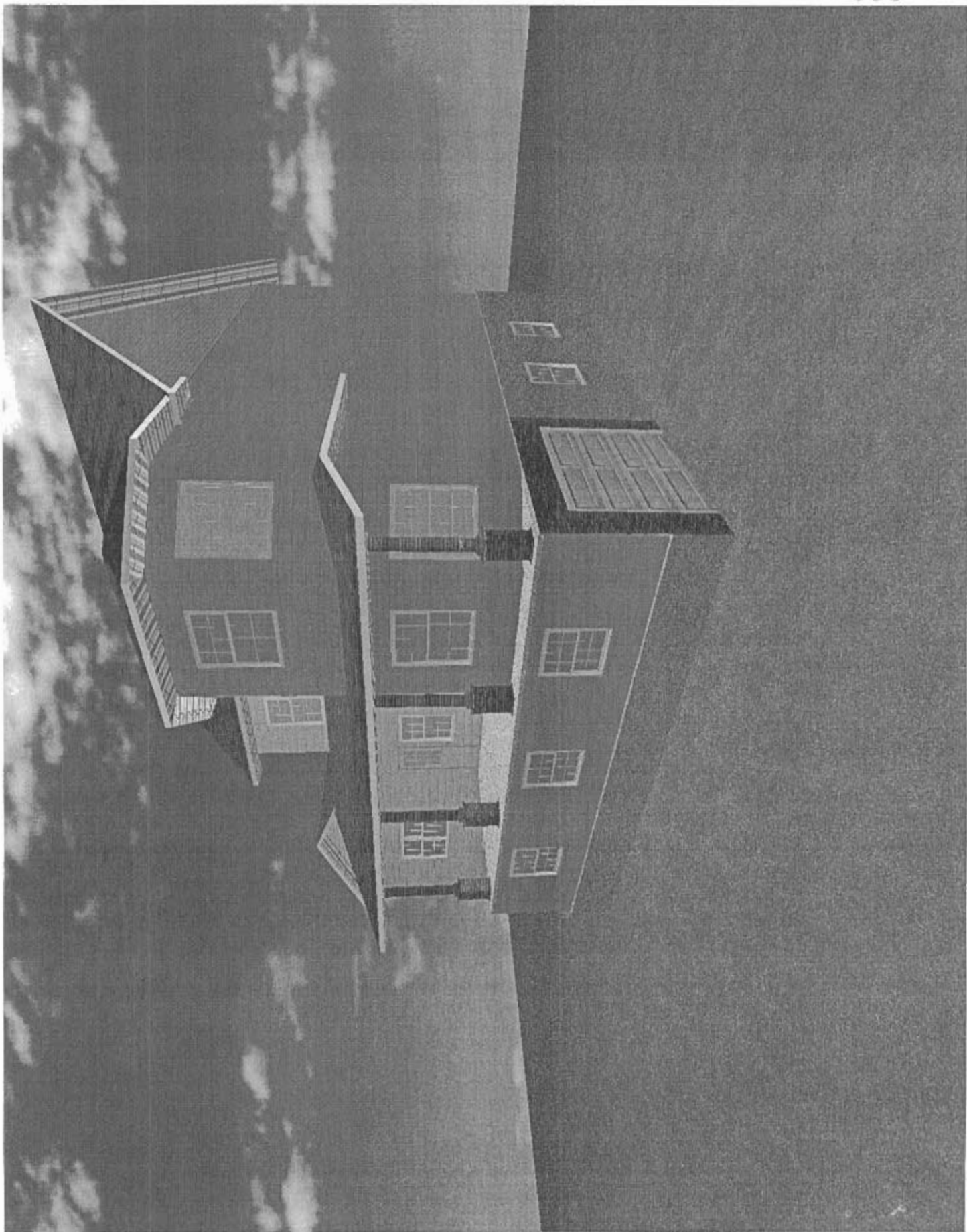
Current Offset

REQUIRED REAR YARD

RECEIVED

AUG 4 2004

007



CASA GRANDE

LANE

PHOENIX

DR.

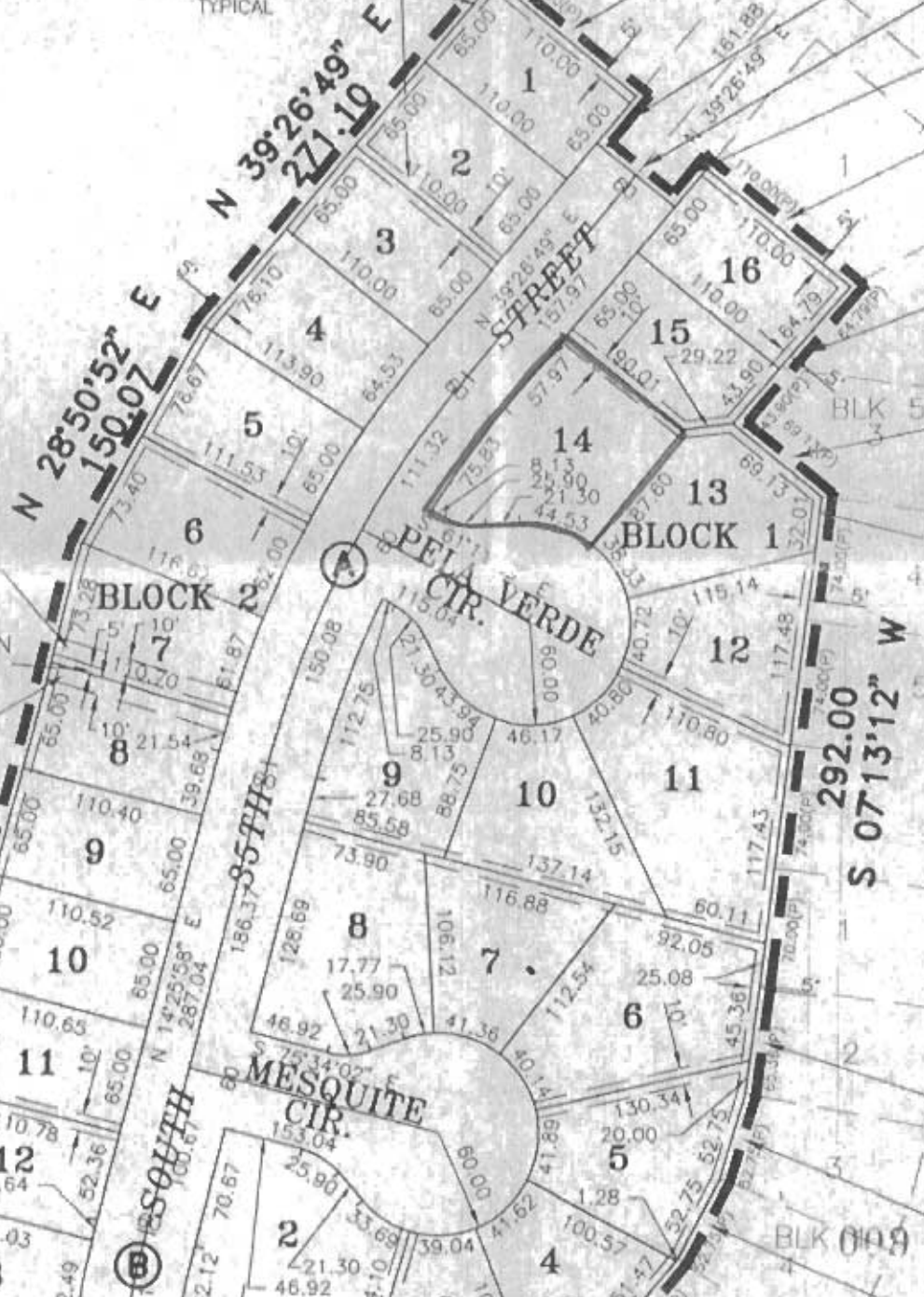
BLK 6
P.O.B.

UTILITY EASEMENT
TYPICAL

OUTLOT "A"
Area = 13.88 Acres

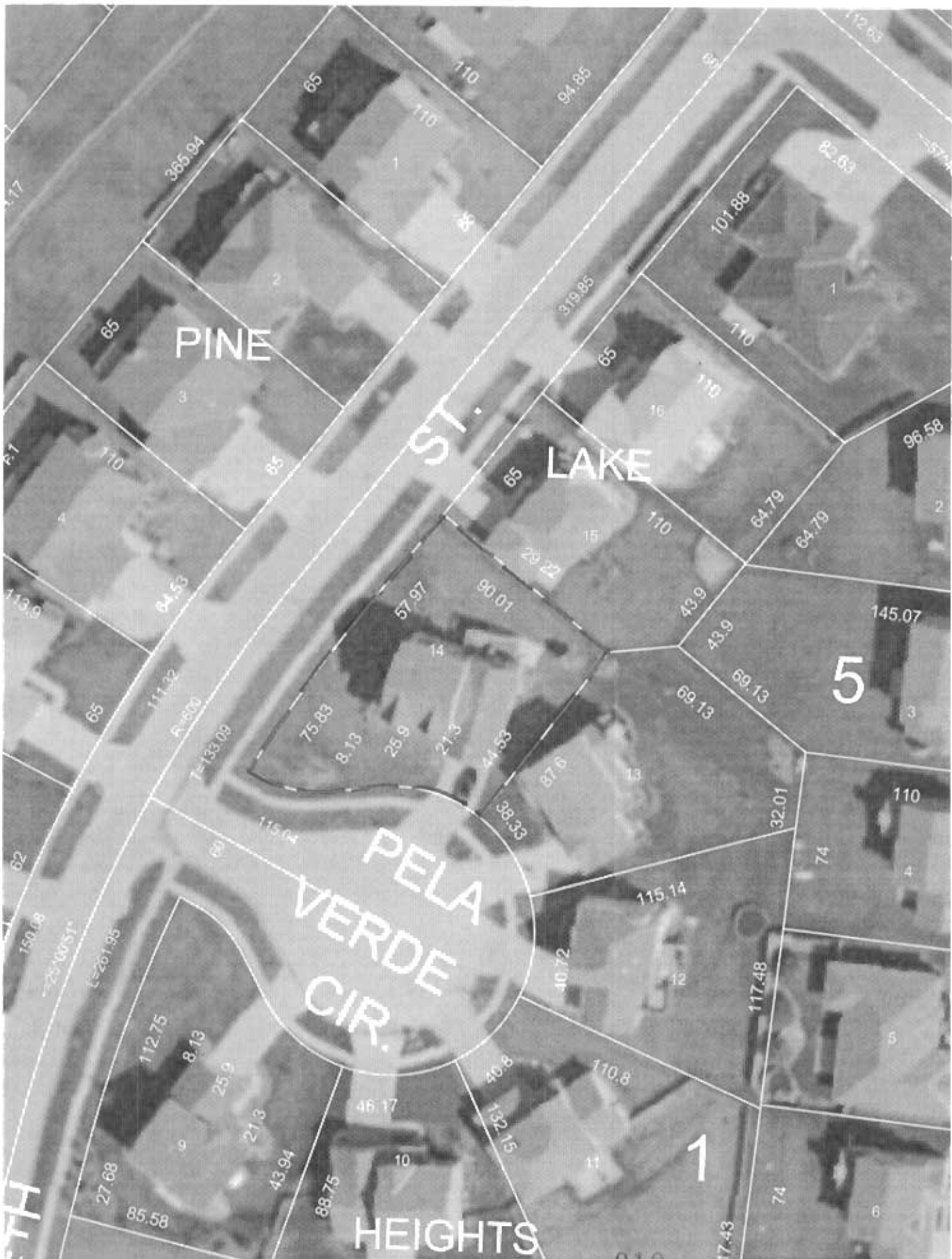
RESERVED FOR THE FUTURE
AFTER PLATTING AND SUBDIVISION
WITH THE APPROVED PRELIMINARY
WITH THE CITY OF LINCOLN)

10' BUILDING
SETBACK LINE
5' PEDESTRIAN
EASEMENT
10' BUILDING
SETBACK LINE



E
W
W

BLK 109



8-4-04

As homeowner and resident I respectfully request that the board consider this proposal to change the rear yard offset to 15'-0" from 22 1' for the property on Lot 14, Block 1, Pine Lake Heights 6th Addition, Lincoln, Lancaster County, Nebraska.



Ross A. Parde
3500 Pela Verde Cir.
Lincoln, NE 68516
423-6035

RECEIVED
AUG 4 2004
CITY LANCASTER CO
PLANNING DEPARTMENT