

FACTSHEET

TITLE: **LETTER OF APPEAL**, filed by Mike and Carol Larkins, appealing Resolution No. PC-00888 approving **WAIVER NO. 04009**, requested by William E. Olson on behalf of John and LeeAnne Cooper, to waive the minimum lot depth requirements for lots abutting a major street in the J.W. Cooper final plat, on property located at the northwest corner of S. 40th Street and Calvert Street.

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 09/01/04 and 09/15/04
Administrative Action: 09/15/04

PLANNING COMMISSION ACTION: Approval (5-3: Larson, Krieser, Sunderman, Taylor and Bills-Strand voting 'yes'; Carroll, Marvin and Carlson voting 'no'; Pearson absent).

FINDINGS OF FACT:

1. The purpose of the waiver request is to waive the requirement that residential lots abutting a major street shall have a minimum lot depth of 120 feet. The lots in the associated J.W. Cooper Addition final plat are proposed to be 72.5 feet and 76.8 feet in depth.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.7-8, concluding that the reduction in lot depth is acceptable.
3. This application was previously denied by the City Council in March of 1999.
4. The minutes of the public hearing before the Planning Commission are found on p.9-13. The applicant advised that the purpose of the waiver is to accomplish subdivision of the two lots and that the intended use is a duplex, which is allowed in the R-4 zoning district. The applicant also assured that the developer will work with the City to comply with any existing or new design standards.
5. There was no testimony in opposition; however, the record consists of two letters in opposition (p.18-19). The concerns of the opposition are traffic and parking.
6. On September 1, 2004, a motion to approve the waiver failed 4-4, and a motion to deny the waiver failed 4-4 (p.10-11).
7. On September 15, 2004, a motion to place this application on pending for 90 days, or until the new design standards are heard by the Planning Commission, failed 4-4.
8. On September 15, 2004, the Planning Commission took additional testimony and voted 5-3 to approve the waiver request and adopted Resolution No. PC-00888 (p.3-5). Those voting in support did not believe the additional duplex would impact the traffic significantly and noted other duplexes in the immediate area. Those voting in opposition referred to the previous denial with no change in circumstances; the size of the lot being too small for what is being proposed; and the new neighborhood design standards not yet being in place to protect the neighborhood (See Minutes, p.12-13).
9. On September 27, 2004, Mike and Carol Larkins filed a letter of appeal (p.2).

FACTSHEET PREPARED BY: Jean L. Walker

REVIEWED BY: _____

REFERENCE NUMBER: FS\CC\2004\WVR.04009.Appeal

DATE: October 4, 2004

DATE: October 4, 2004

FILED
CITY CLERK'S OFFICE

SEP 27 P 1:28

September 27, 2004

CITY OF LINCOLN
NEBRASKA

Lincoln City Council
555 South 10th Str.
Lincoln, Ne. 68508

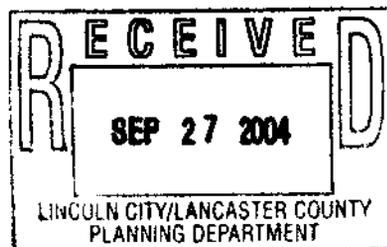
RE: Waiver No.#04009
(Northwest corner of S. 40th & Calvert Str.)
Resolution No. PC-00888

We are requesting an Appeal to the City Council in regards to the Lincoln City - Lancaster County Planning Commission action that was taken at there regular meeting on Wednesday, Sept. 15th, 2004. In regards to the above issue.

Please Respond.
Sincerely,

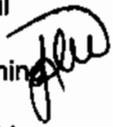


Mike & Carol Larkins
3611 S. 40th Str.
Lincoln, Ne.
(402) 327-9925 or (402) 464-1665



**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning 

DATE : September 16, 2004

RE : **Waiver No. 04009**
(Northwest corner of S. 40th Street and Calvert Street)
Resolution No. PC-00888

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, September 15, 2004:

Motion made by Larson, seconded by Taylor, to approve **Waiver No. 04009**, requested by William E. Olson on behalf of John and LeeAnne Cooper, to waive the minimum lot depth requirement for lots abutting a major street in the J.W. Cooper final plat, on property located at the northwest corner of S. 40th Street and Calvert Street. Motion for approval carried 5-3: Larson, Krieser, Sunderman, Taylor and Bills-Strand voting 'yes'; Carroll, Marvin and Carlson voting 'no'; Pearson absent.

The Planning Commission's action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
William E. Olson, P.O. Box 81607, 68501
John and LeeAnne Cooper, 3959 S. 40th Street, 68506
Jim and Lauri Brunner, Bishop Park N.A., 3919 S. 31st St. Circle, 68502
Michael and Carol Larkins, 3611 So. 40th Street, 68506
Joyce and Eldon Jameson, 3805 Calvert Street, 68506

i:\shared\wp\jlu\2004 ccnotice.wvr\Waiver.04009

RESOLUTION NO. PC-00888

1 WHEREAS, the final plat of J W Cooper was previously submitted for
2 acceptance and approval by the Planning Director, on property generally located at the
3 northwest corner of S. 40th and Calvert Streets; and

4 WHEREAS, Lincoln Municipal Code § 26.23.140 requires lots to have a
5 minimum lot depth of 120 feet for lots abutting a major street; and

6 WHEREAS, applicant has requested a modification to waive said requirement
7 pursuant to § 26.31.010 of the Lincoln Municipal Code to allow the two lots in J W
8 Cooper Addition to have a depth of 72.5 feet and 76.8 feet; and

9 WHEREAS, the Planning Director has recommended approval of the requested
10 modification to § 26.23.140 of the Lincoln Municipal Code; and

11 WHEREAS, the Planning Commission finds that the strict application of all
12 requirements would result in actual difficulties or substantial hardship or injustice to the
13 property owner.

14 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County
15 Planning Commission of Lincoln, Nebraska:

16 That the provisions of Section 26.23.140 of the Lincoln Municipal Code which
17 provide that residential lots have a lot depth of 120 feet for lots abutting a major street is
18 hereby waived.

19 All other Planning Director conditions for approval of the final plat of J W Cooper
20 Addition shall remain in full force and effect.

1
2

The foregoing Resolution was approved by the Lincoln City-Lancaster County
Planning Commission on this 15 day of September, 2004.

ATTEST:


Chair

Approved as to Form & Legality:



Chief Assistant City Attorney

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for SEPTEMBER 1, 2004 PLANNING COMMISSION MEETING

P.A.S.: Waiver #04009

PROPOSAL: A waiver of the Land Subdivision Ordinance (Section 26.23.140) for the minimum lot depth of 120 feet for lots abutting a major street for J W Cooper final plat.

LOCATION: The northwest corner of S. 40th Street & Calvert Street.

LAND AREA: 10,779 square feet, more or less

CONCLUSION: The reduction in lot depth is acceptable

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 14 and the south 40 feet of Lot 15, Jenkins Addition; located in the NE 1/4, Section 6, Township 9, Range 7, Lancaster County, Nebraska

EXISTING ZONING: R-4, Residential

EXISTING LAND USE: Single family residential

SURROUNDING LAND USE AND ZONING:

North:	R-4	Residential
South:	R-2	Residential
East:	R-4	Residential
West:	R-4	Residential

HISTORY:

July 1, 2004 J. W. Cooper Addition final plat was resubmitted for review.

March 1, 1999 Waiver 99001 to reduce the required minimum lot depth for lots associated with J. W. Cooper Addition was denied by City Council.

December 16, 1998 Planning Department received an application for J. W. Cooper administrative final plat #98099.

June 20, 1975 Subdivision Permit #1593 to subdivide Lots 11, 12 and 13, Jenkins Addition was approved by the Planning Director.

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2025 Comprehensive Plan shows this area as urban residential. (F-23)

Guiding Principles for the Urban Environment includes:

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods and more dwelling units per acre in new neighborhoods. (F-17)

Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood. (F-18)

Home ownership is the foundation upon which successful neighborhoods and communities are built. Citizens should be able to afford to buy a safe and decent home. (F-18)

Encourage mixed-use redevelopment, adaptive reuse and in-fill development including residential, commercial and retail uses. (F-18)

Require new development to be compatible with character of neighborhood and adjacent uses. (F-69)

UTILITIES: Utilities are available

TRAFFIC ANALYSIS: Calvert Street and S. 40th Street are classified as minor arterial.

ANALYSIS:

1. This request is to waive the requirement that residential lots abutting a major street shall have a minimum lot depth of 120 feet. (Sec. 26.23.140a). The lots are proposed to be 72.5 feet and 76.8 feet. The minimum lot depth for lots not abutting a major street is 90 feet.
2. The waiver request is associated with J. W. Cooper Addition final plat.
3. The intent of the 120 feet deep lots along a major road was to allow greater separation between the arterial and the house on double frontage lots. The proposed lots are not double frontage lots.
4. The existing lot is 148.5 feet in depth. The length of the lot allows for subdividing the lot. The replatting of this lot adds to affordable dwellings by taking advantage of existing infrastructure.
5. Proposed Lot 1 has an existing house. The R-4 district has a 25' front yard setback, a 5' side yard setback and the rear yard setback is the smaller of 30' or 20% of lot depth. The 72.5' lot depth for proposed Lot 2 would require a 14.5' rear yard setback from the north lot line. Proposed Lot 2 would have a buildable area of 2046 square feet.
6. The minimum lot area in the R-4 district for a single-family dwelling or two-family dwelling is 5,000 sq. ft. Proposed Lot 1 contains 5,562 sq. ft; more or less and proposed Lot 2 contains 5, 217 sq. ft; more or less. The average lot width in the R-4 district for single- family dwellings and two-family dwellings is 50 feet. Proposed Lot 1 has an average lot width of 76.8' and proposed Lot 2 has an average lot width of 71.96'. Both of the proposed lots meet the lot area and average lot width for single-family dwellings or two-family dwellings.
7. This pattern of subdividing the rear of oversized corner lots has been common throughout the city. The lot immediately to the west was subdivided in 1975 in a similar manner as the proposed plat. These lots have a lot width of 63.5' and 65' and a lot depth of 129 feet (see attached subdivision permit).

8. The applicant requested the same waiver in 1999. The waiver was supported by Planning staff and Planning Commission, but was denied by City Council.

Prepared by:

Tom Cajka
Planner

DATE: August 18, 2004

APPLICANT: John & LeeAnne Cooper
3539 S. 40th St.
Lincoln, NE 68506
(402) 483-5489

OWNER: same as applicant

CONTACT: William E. Olson, Attorney
P. O. Box 81607
Lincoln, NE 68501
(402) 438-2500

WAIVER NO. 04009

PUBLIC HEARING BEFORE PLANNING COMMISSION:

September 1, 2004

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

Staff recommendation: Approval.

Ex Parte Communications: Marvin reported that he talked to Steve Henrichsen about this application because there was not a zoning action sign posted on the property.

This application was removed from the Consent Agenda and had separate public hearing.

Tom Cajka of Planning staff submitted a letter in opposition from the property owner at 3805 Calvert Street with concerns about additional traffic, safety and additional on-street parking on Calvert Street.

Proponents

1. Bill Olson, 134 S. 13th, testified on behalf of the applicant, who lives at the northwest corner of 40th & Calvert. The applicant has been through this process before in 1999, at which time the Planning Commission recommended approval and the City Council disapproved it after neighborhood objections. This time the applicant has contacted all of the abutting neighbors personally and there have been no objections.

The purpose of this waiver is to accomplish subdivision of the two lots and the waiver is required to get the subdivision approved. Staff has recommended approval. This area is zoned R-4 and will support a single family house on each of the lots or a duplex. The applicant has a contract to sell the new lot and the intended use is to put in a duplex which would maximize the use of the property. There is a pattern of subdividing weird oversized lots throughout the city. The abutting property to the west was subdivided similarly in 1975, and the Planning report includes a copy of that subdivision permit.

With regard to the letter in opposition, Olson pointed out that this is a property owner almost 2 blocks away at 3805 Calvert. Their concerns have to do with traffic and parking. Olson could not address whether 40th Street will ever be expanded, but if it is, it will affect the setback off of 40th Street. He does not believe it is important in the consideration of this waiver.

With regard to additional traffic and parking, Olson agreed that a duplex might have six cars sitting on Calvert Street but they are going to have to have some kind of parking on-site. Olson believes that the traffic this development will actually add to Calvert Street would be minimal. The lot will only support a duplex under the existing zoning regulations. It just cannot add much to traffic on Calvert.

There was no testimony in opposition.

Carlson inquired about the reasons for the City Council denial previously. Cajka was not here at that time, but looking back through the files, it appears that it was based on the opposition from adjacent neighbors. He did not go back and read the minutes from the public hearing.

Marvin confirmed that the Planning Department mails notice of this hearing to the property owners within 200' of the application boundaries, but there is no requirement to post a zoning action sign on the property. Cajka concurred. This is not an action of the zoning ordinance which requires the posting of a sign. This is a waiver to the subdivision ordinance so it is not technically a zoning action. Notice was mailed to 18 residences.

Carroll inquired whether a duplex would need to comply with the new urban design standards. Cajka confirmed that they would be required to meet the urban design standards. Carroll believes then that they would be limited as far as garage doors facing the street because you would only get one garage door per unit. Cajka clarified that the requirement is two off-street parking stalls per dwelling unit. You can do tandem parking. Carroll believes that they might only have a single car garage, so you would have one car in the garage and one car on the driveway behind the garage. The rest would have to park in the street.

Response by the Applicant

Olson stated that he read the 1999 minutes of the City Council and the denial was based upon neighborhood opposition. He pointed out, however, that none of those neighbors live in the area any longer.

With regard to parking, they would be required to provide four parking stalls. You could probably get six cars in the parking if you built another parking space along the duplex. These lots are big enough to meet the design standard requirements.

The house immediately to the west is single-family. There are duplexes down 39th Street.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

September 1, 2004

Larson moved approval, seconded by Sunderman.

Marvin stated that he will vote against this because he does not believe the general concept of putting a duplex on such a small lot in an established area of single family homes is appropriate.

Pearson also stated that she will vote against this waiver. The access for the two houses originally along Calvert is on 39th Street and one is off of 40th Street. A new duplex would double the traffic coming onto Calvert. It looks like this would greatly increase the in and out, backup traffic onto Calvert.

Bills-Strand stated that she will support the waiver because there is a duplex directly across the street and there are at least three or more duplexes along 39th Street plus duplex lots. It is a mix between 39th and 40th to Sheridan. If we are trying to increase density, this is a good use.

Motion for approval failed 4-4: Sunderman, Krieser, Larson and Bills-Strand voting 'yes'; Carlson, Pearson, Marvin and Carroll voting 'no'; Taylor absent.

Carlson moved to deny, seconded by Marvin and failed 4-4: Carlson, Pearson, Marvin and Carroll voting 'yes'; Sunderman, Krieser, Larson and Bills-Strand voting 'no'; Taylor absent.

Application held over for continued public hearing and administrative action on September 15, 2004.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: September 15, 2004

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

Staff recommendation: Approval.

Ex Parte Communications: Marvin Krout, the Director of Planning, disclosed that after the last meeting, he sent a note to the Commissioners, failing to recognize that it was a 4-4 vote and would come back up for hearing today. This was a communication about this particular case but it also tried to place it in a larger context. This is a request to subdivide the rear of this unit and it would allow for a potential duplex as well as a single family lot. The point he was trying to make is that there are three issues: general appearance of what might happen; concern about on-street parking; and the issue of cars backing out onto Calvert. The appearance and the on-site parking issue versus on-street parking is going to be addressed to some extent by the proposed amendments to the Neighborhood Design Standards coming forward. In that proposal, there are some amendments, one of which will require the required parking for a duplex to be behind the front building line, and that is going to have an effect on design. There are going to be some new constraints and there is going to be more parking on the lot that is available on a driveway in the front yard as well as the two required spaces behind the front yard. Calvert Street has homes with fairly narrow frontages facing the street. In this case, you have a lot with 140' of frontage along Calvert which would have a single family or duplex unit with its driveway off of Calvert, with one or two driveways off Calvert. Down the street you might see 2-3 driveways in that same distance. It is not untypical of what you would see even if this area was developed in the typical pattern of single family lots on the street.

Commissioner Dan Marvin disclosed that he had a phone call from the applicant's attorney, as did Eugene Carroll.

Tom Cajka of Planning staff submitted a letter in opposition from the property owner at 3611 S. 40th, with concerns about traffic, parking on the street, and safety.

Proponents

1. Bill Olson, attorney for the applicant, clarified that the address on the agenda is incorrect. Instead of 3959 S. 40th, it should be 3539 South 40th. There is a contract to sell the west lot (Lot 2 of the proposed subdivision) and this is a request to waive the minimum lot depth. The proposed subdivision will create two lots, one with an existing single family home and the other will have a duplex built on it.

Both lots will meet the R-4 zoning square footage requirements. The builder/purchaser has agreed, at least tentatively, to build according to the new design standards which are not yet in place.

With regard to parking under the new design standards, Olson is concerned with the new garage design standards. The proposal would have a double car garage for each of the two duplexes, fronting on Calvert and flush with the front of the building. The new design standards may cause this to be changed. With two double car garages, one for each duplex, there will be enough parking for two more cars in each driveway, which is a total of 8 cars off the street.

In regard to safety and accidents at this location, Olson pointed out that the hit and run accident in mid-August was while 40th and Sheridan was closed and traffic on Calvert was increased substantially because of that. He does not believe that eight off-street parking spaces is going to increase traffic sufficiently to increase real hazards. This objector previously told the applicant they had no objection. The objectors both live in R-2 zoning and the owner at 3611 S. 40th lives on a lot that is 214 x 169 feet, and the other is 329 x 305 feet, so they have a lot of buffer.

Olson also pointed out that the staff report which recommends approval points out the Comprehensive Plan provisions which encourage this kind of development of excess land in residential zoning to increase density on a reasonable basis. The lot immediately to the west on 39th was subdivided in 1975, the west side was subdivided off and a duplex faces 39th Street. Around the corner on 39th, there are multi-family homes one-half block to the north. This is R-4 zoning. The zoning is appropriate for what this applicant is attempting to do.

There was no testimony in opposition

Staff questions

Carlson is concerned about how we bind someone to a design standard that is not passed yet. Cajka does not believe this can be done. If this waiver is approved and they come in with their building permit application, they have to meet the design standard that is in place today. However, with the design standard that is in place today, the garage door can only be 40% of the front facade. It will be difficult to have two double garage doors facing the street and maintain that 40%. Ed Zimmer clarified that the current standard is that the garage door can be no more than 40% and can serve no more than two stalls. So one cannot put two double garages on the front. The front door must also face the street under today's standards.

Cajka clarified that this action is only to approve or deny the waiver. The design standards will not be reviewed until a site plan is submitted at Building & Safety with the building permit.

Response by the Applicant

Olson added that the builder that builds a lot of homes in this city has worked with Ed Zimmer, and he has said he would work with the city to do whatever is necessary to get the duplex approved, whether it is current or new design standards. All we are trying to do today is get a waiver of the lot depth in order to subdivide the property. Then the builder can go forward and get a building permit.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

September 15, 2004

Carroll moved to place on pending until the new design standards are approved, seconded by Carlson.

Carroll is not opposed to the duplex, but the neighborhood needs to be protected. The new design standards will help provide that protection while still allowing the duplex. He has a problem with the design and the parking standards.

Larson asked when the design standards would be coming forward. Zimmer advised that they are scheduled to come before the Planning Commission on October 13th, and then they would go on to the City Council and might be adopted late October or early November.

Rick Peo of City Law Department expressed concern about an indefinite deferral, unless it is at the request of the applicant. If you do put it on pending, the waiver needs to come back and be run through simultaneously with the design standards.

Carroll amended his motion to place on pending for 90 days, seconded by Carlson. Motion failed 4-4: Larson, Carroll, Marvin and Carlson voting 'yes'; Krieser, Sunderman, Taylor and Bills-Strand voting 'no'; Pearson absent.

Larson moved approval, seconded by Taylor.

Bills-Strand stated that she would like to see the developer work with the design standards as they go forward and work with the neighborhood. She assumes that they want to get some work done before the snow flies. There is a duplex on the northeast corner of 40th and Calvert and another duplex in the area. She requested that the developer be very sensitive to the neighborhood design standards.

Marvin stated that he will vote against the waiver. When you look around and find areas where there have been problems, they are areas where we are adding a duplex and it becomes a sore spot within the neighborhood. We are giving this person a second bite at the apple. They were denied back in 1999. He doesn't see that anything has changed.

Carroll pointed out that the duplex to the west has a lot depth of 129'. There are a lot of duplexes in the area but the depths are 120' or more. This lot is 70 x 70. It is too small of an area for a duplex under today's design standards.

Motion for approval carried 5-3: Larson, Krieser, Sunderman, Taylor and Bills-Strand voting 'yes'; Carroll, Marvin and Carlson voting 'no'; Pearson absent. This is final action, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



2002 aerial

Waiver #04009
3539 S. 40th St.

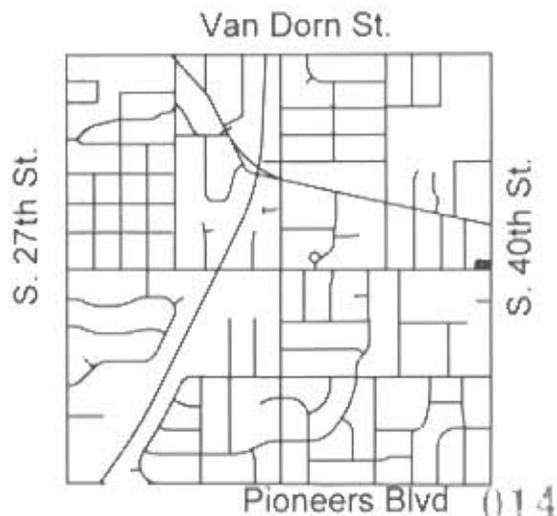
Zoning:

- 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. 6 T9N R7E



Zoning Jurisdiction Lines
 City Limit Jurisdiction



FEE \$ 2.00 (one dollar per parcel)

NO. 1593

NE 1/4, SEC. 6 T. 9 N., R. 7 E.

APPLICATION FOR SUBDIVISION PERMIT

TO THE LINCOLN CITY—LANCASTER COUNTY PLANNING DEPARTMENT

The undersigned hereby applies for a permit to subdivide the following described parcel of land:

LEGAL DESCRIPTION OF PROPERTY. LOTS 11, 12, AND 13, EXCEPT THE WEST 20' THEREOF, AND EXCEPT THE NORTH 4' OF LOT 11, JENKINS ADDITION TO COLLEGE VIEW, LINCOLN in Lancaster County, Nebraska

DESCRIPTION OF PARCELS CREATED:

DESCRIPTION KEY: Parcel numbers are not to be used for legal descriptions.

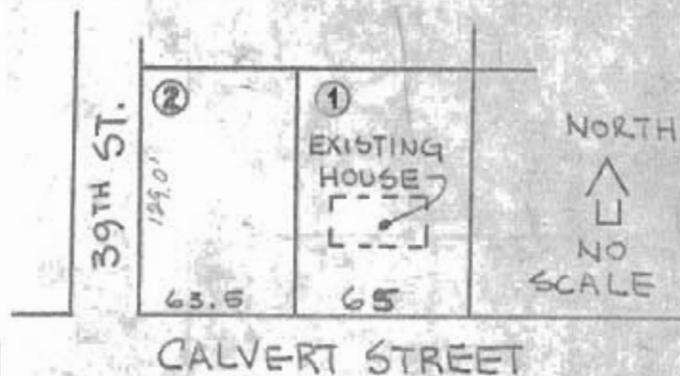
~~PARCEL 1~~ THE EAST 65' OF LOT 11, 12, AND 13, EXCEPT THE NORTH 4' OF LOT 11, JENKINS ADDITION TO COLLEGE VIEW, LINCOLN.

~~PARCEL 2~~ LANCASTER COUNTY, NEBRASKA

PARCEL 2 THE EAST 63.5' OF THE WEST 83.5' OF LOTS 11, 12, AND

~~PARCEL 3~~ 13, EXCEPT THE NORTH 4' OF LOT 11, JENKINS ADDITION TO COLLEGE VIEW, LINCOLN, LANCASTER COUNTY,

~~PARCEL 4~~ NEBRASKA



APPROVED THIS 20TH DAY OF JUNE 1975

1. CITY OF LINCOLN, AND ITS CITY COUNCIL

D.E. BROGDEN BY Walt Cornwell
PLANNING DIRECTOR

—OR—

2. LANCASTER COUNTY, AND ITS COUNTY BOARD

CHAIRMAN, COUNTY BOARD

COUNTY SURVEYOR

I HEREBY CERTIFY THAT THE ABOVE STATEMENTS ARE CORRECT

Jeffrey Camping 015
OWNER
3001 Calvert

540 W. INDUSTRIAL LAKE DR.,
 SUITE 1 · LINCOLN, NE 68528
 (402) 476-3020
 (402) 476-3138 FAX

SURVEY RECORD

K&M *inc.*

Land Surveying

PLANNING DEPARTMENT

PROJECT # 9812083

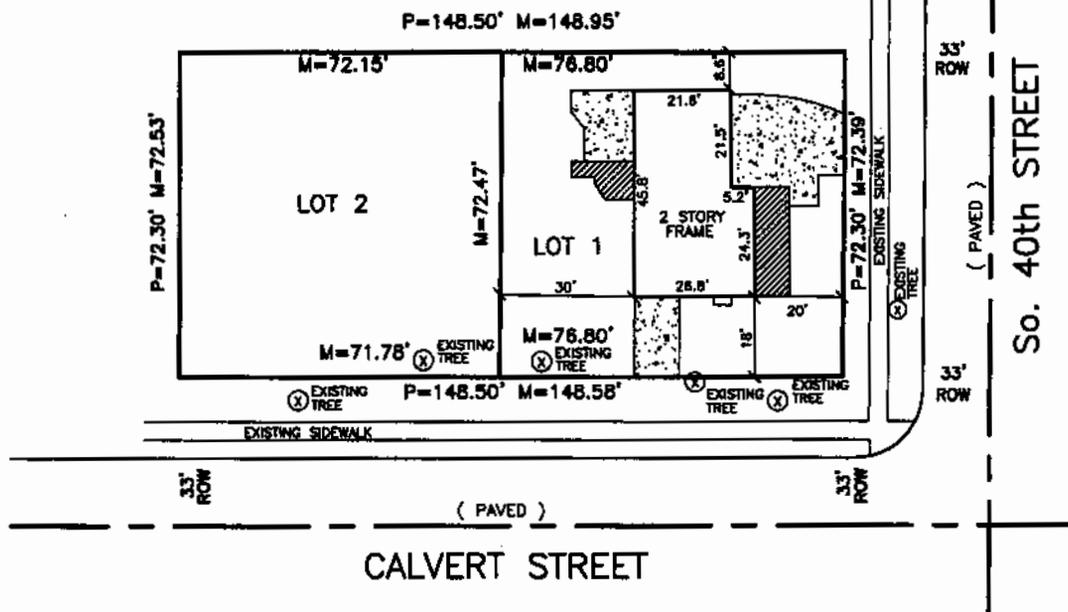
DATE: 6-4-~~2004~~ B/P: 79-33

Survey Of: LOTS 1 AND 2, J. W. COOPER ADDITION, (PROPOSED), LOCATED IN
 THE NORTHEAST QUARTER OF

Section: 6 , T 9 N, R 7 E, of the 6th P.M. LINCOLN, LANCASTER County, Nebraska

3539 So. 40th STREET

SCALE 1" = 40'



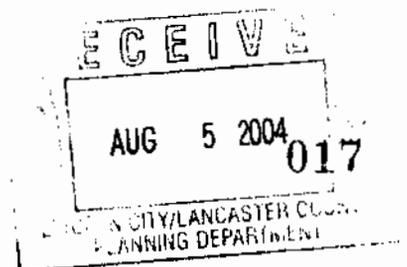
RECEIVED
 JUN 1 2004 016

STATEMENT REGARDING APPLICATION

The applicant requests a waiver of the minimum lot depth of 90' requirements for residential property. The lot depths proposed for the two lots are:

Lot 1: 76.80'

Lot 2: 72.35'



City of Lincoln, Planning Dept.
555 So 10th St.
Lincoln, NE. 68508

RE: WAIVER NO. 04009

Dear Planning Department:

We received the letter concerning waiver no. 04009 on 3959 So. 40th St and want to respond. As a neighbor on Calvert we are opposed to this waiver. This is a busy intersection. It is already difficult to turn onto Calvert when going north or south on 40th because a majority of the time there is a vehicle parked close to the corner. With 40th being a 35 mph zone, turning onto 25 mph, it creates an unnecessary danger coming off 40th onto Calvert. .

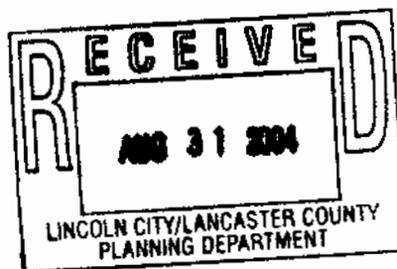
School buses and trucks have a hard time making it, especially if there is traffic coming from the west. If he were to put a duplex on the new lot, and it being close to Union College, there could be up 6 cars around there, so parking would be a potential problem, especially if they park on both sides of the street thereby creating a one lane traffic pattern. We don't need any more cars parked on that block.

What if 40th would ever be further widened? What would be the remaining lot size on the east lot?

We noted the comment that 40th is not considered a high traffic street. When was the last time a traffic count was done? On 40th & Normal AM traffic is backed up a good half mile.

Respectfully Submitted,

Joyce & Eldon Jameson
3805 Calvert



City of Lincoln
Attn: Mr. Tom Cajka
555 South 10th Street
Lincoln, NE 68508

RE: Waiver No. 04009
3959 South 40th Street

Dear Mr. Cajka:

This application is not in accordance with sound planning practices. As a neighbor at 40th & Calvert we are opposed to this waiver because of the sheer magnitude of an already busy intersection. Regrettably there are too many cars parked on that block already.

In Mid-August there was a hit and run accident that left a vehicle pushed on our property between curb and sidewalk from Friday morning till being ticketed and towed the following Friday.

I see no improvement to quality of life with SLIP-IN rental housing and more on street parking in our older neighborhoods. Of course, it's often prudent to adapt to new conditions and better ideas that pop up, but the trick is to not become distracted or disillusioned.

The answer is not so clear. Few would deny that what makes so many historic neighborhoods dating from before the 1940's so interesting is their mix of houses from different decades. The axiom "good taste is timeless" rings true in residential architecture as it does in other endeavors. Trouble is, in a superheated building environment good new design and sensitivity to existing good design are often given a backseat to maximizing space, speedy construction, or return on investment. The shortsighted results can be new construction build right to the lot line without traditional features such as porches, window bays, or even setbacks that add visual appeal, but don't contribute resellable floor space.

Thank you for submitting our opposition comments on Wavier No. 04009 to the Planning Commission today. Please acknowledge receipt.

Respectfully Submitted,

Michael & Carol Larkins
3611 South 40th