

City Council Introduction: **Monday**, November 5, 2007
Public Hearing: **Monday**, November 19, 2007, at **5:30** p.m.

Bill No. 07R-226

FACTSHEET

TITLE: **USE PERMIT NO. 04005A**, an amendment to Use Permit No. 04005, requested by RLM, LLC, to reduce the side and rear yard setbacks on property generally located at N.W. 1st Street and Barons Road.

STAFF RECOMMENDATION: Conditional approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 10/10/07 and 10/24/07
Administrative Action: 10/24/07

RECOMMENDATION: Conditional Approval (7-0: Carroll, Taylor, Cornelius, Esseks, Larson, Gaylor-Baird and Francis voting 'yes'; Moline and Sunderman absent).

FINDINGS OF FACT:

1. This request is an amendment to an approved use permit to include the following waivers:
 - A. Reduce the rear yard for Lots 1-17, Block 1, from 30 feet to 25 feet (single family);
 - B. Reduce the rear yard for Lots 1-13, Block 2, from 30 feet to 20 feet (single family); and
 - C. Reduce the side yard setback for Lots 1-17, Block 1, and Lots 1-13, Block 2, from 7.5 feet to 5 feet.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.4, concluding that the western boundary of the use permit abuts a R-3 Residential District. The reduction to the rear yard setback for lots in Block 1 is similar to the required rear yard in the R-3 District. The rear of the lots in Block 2 abut proposed office buildings and should not have a negative impact. The side yard setback of 5 feet is the same as the R-3 District. The staff presentation is found on p.9.
3. The applicant's presentation is found on p.10. The record consists of a letter in support signed by the applicant and six of the current landowners (p.14-15). The record also consists of a separate letter in support from Chad Cederberg (p.17).
4. There was no testimony in opposition; however, the record consists of one letter in opposition (p.18).
5. On October 24, 2007, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend conditional approval (Moline and Sunderman absent). The conditions of approval are found on p.4-8.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: October 29, 2007

REVIEWED BY: _____

DATE: October 29, 2007

REFERENCE NUMBER: FS\CC\2007\UP.04005A

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

**for October 24, 2007 PLANNING COMMISSION MEETING
REVISED**

PROJECT #: Use Permit No. 04005A

PROPOSAL: This application is to amend Use Permit #04005 by reducing the side yard setback from 7.5 feet to 5 feet for Lots 1-17, Block 1 and Lots 1-13, Block 2, reducing the rear yard setback from 30 feet to 25 feet on Lots 1-17, Block 1 and reducing the rear yard setback from 30 feet to 20 feet for Lots 1-13, Block 2.

LOCATION: NW 1st St. and Barons Road

LAND AREA: 7.8 acres, more or less

EXISTING ZONING: O-3, Office Park District

WAIVER REQUEST/MODIFICATION:

1. Reduce the rear yard for Lots 1-17, Block 1 from 30 feet to 25 feet (single family).
2. Reduce the rear yard for Lots 1-13, Block 2 from 30 feet to 20 feet (single family).
3. Reduce the side yard setback for Lots 1-17, Block 1 and Lots 1-13, Block 2 from 7.5 feet to 5 feet.

CONCLUSION: The western boundary of this Use Permit abuts a R-3 District. The reduction to the rear yard setback for lots in Block 1 is similar to the required rear yard in the R-3 District. The rear of lots in Block 2 abut proposed office buildings and should not have a negative impact. The side yard setback of 5 feet is the same as the R-3 district.

RECOMMENDATION:

Conditional Approval

Waivers/modifications:

- | | |
|---|----------|
| 1. Reduce the rear yard for Lots 1-17, Block 1 from 30 feet to 25 feet. | Approval |
| 2. Reduce the rear yard for Lots 1-13, Block 2 from 30 feet to 20 feet | Approval |
| 3. Reduce the side yard setback for Lots 1-17, Block 1 and
Lots 1-13, Block 2 from 7.5 feet to 5 feet. | Approval |

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 1-15, Block 1; Lots 1-13, Block 2, Outlots A & B; Baron’s Ridge Addition and Lots 1 & 2, Block 1; Lots 1 & 2, Block 2; Baron’s Ridge 2nd Addition, located in the SE 1/4 of Section 3-10-6, Lancaster County, NE.

EXISTING LAND USE: Single family and undeveloped.

SURROUNDING LAND USE AND ZONING:

North:	R-3, Residential P, Public	Single family homes Open space
South:	O-3, Office Park	Town homes and undeveloped
East:	O-3, Office Park	Undeveloped
West:	R-3, Residential	Single family homes

HISTORY:

- May 21, 2007 Baron’s Ridge 3rd Addition final plat was approved by the Planning Director.
- April 17, 2007 Baron’s Ridge 2nd Addition final plat was approved by the Planning Director.
- July 24, 2006 Use Permit #04006A, Barons Ridge 1st Addition, to reduce the rear yard setback was approved by the City Council.
- Nov. 16, 2005 Baron’s Ridge Addition final plat was approved by the Planning Director.
- July 29, 2005 Baron’s Ridge 1st Addition final plat was approved by the Planning Director.
- February 14, 2005 Use Permit #04006, Baron’s Ridge 1st Addition, was approved by the City Council.
- January 24, 2005 Use Permit #04005, Baron’s Ridge, was approved by the City Council.

COMPREHENSIVE PLAN SPECIFICATIONS:

Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population. (F-18)

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

UTILITIES: All utilities are available to the site.

ANALYSIS:

1. This is a request to reduce the rear yard setback from 30' to 25 feet for Lots 1-17, Block 1, from 30' to 20 feet for Lots 1-13, Block 2 and reduce the side yard setback from 7.5 feet to 5 feet. These lots are intended for single-family dwellings.
2. The O-3 district requires a 40 feet rear yard setback. The rear yard setback was reduced from 40' to 30' with Use Permit #04005. The following waivers were approved with Use Permit #04005 and will remain in effect; depth to width ratio to 4.5/1, frontage to 20 feet and sanitary sewer running opposite street grade.
3. The O-3 district requires a 15 foot side yard setback. The side yard setback was reduced from 15 feet to 7.5 feet with Use Permit #04005. The side yard setback of 5 feet is the same as the adjacent R-3 district.
4. The area immediately to the west of this Use Permit is zoned R-3. The proposed rear yard setback for lots in Block 1 is similar to the R-3 district. The rear yard setback in the R-3 district is 30 feet or 20% of the lot depth, whichever is less. The reduced setback should not have a negative impact on the adjacent lots.
5. Office buildings are proposed east of Lots 1-13, Block 2. The office buildings have a 40' rear yard setback. The reduction to the rear yard setback for the residential lots to 20' west of the office buildings should not have a negative impact. There will still be a minimum separation of 60' between dwellings and office buildings.

CONDITIONS OF APPROVAL:

Site Specific Conditions:

1. This approval permits 10,000 square feet of office and 30 dwelling units with variance to rear yard setback from 30' to 25' for Lots 1-17, Block 1 and from 30' to 20' for Lots 1-13, Block 2. Reduction to the side yard setback from 7.5 feet to 5 feet for Lots 1-17, Block 1 and Lots 1-13, Block 2. All previous waivers approved by Use Permit #04005 remain in effect.

Final plat(s) is/are approved by the City.

If any final plat on all or a portion of the approved use permit is submitted five (5) years or more after the approval of the use permit, the city may require that a new use permit plan be submitted, pursuant to all the provisions of section 26.31.015. A new use permit may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the use permit as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water

detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for sidewalks and street trees along major streets that have not been improved to an urban cross section. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.

Permittee agrees:

To complete the paving of private roadway, and temporary turnarounds and barricades located at the temporary dead-end of the private roadways shown on the final plat within two (2) years following the approval of this final plat.

to complete the installation of sidewalks along both sides of NW Pemberly Lane as shown on the final plat within four (4) years following the approval of the final plat.

to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed private drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat

to complete the installation of private street lights along the private street within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees along NW Pemberly Lane within this plat within four (4) years following the approval of the final plat.

to complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.

to complete the installation of the street name signs within two (2) years following the approval of the final plat.

to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to complete the public and private improvements shown on the Use Permit.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Owner(s) may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:

- (1) Owner shall not be relieved of Owner's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.
- (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to maintain the outlots and private improvements on a permanent and continuous basis.

to continuously and regularly maintain the street trees along the private roadways and landscape screens.

to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

to maintain the street trees along the private roadways and landscape screens on a permanent and continuous basis.

to submit to the lot buyers and home builders a copy of the soil analysis.

General Conditions:

2. Upon approval of the Use Permit by the City Council, the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 5 copies with all required revisions and documents as listed below.
 - 2.1 Add to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation".
 - 2.2 Delete Note #18 under General Notes. Administrative Amendment #06048 deleted this note.
 - 2.3 In Waiver #1, change 40 feet to 30 feet.
 - 2.4 In Waiver #2, change 15 feet to 7.5 feet and 7.5 feet to 5 feet.
 - 2.5 Identify the lot line for Lots 14 & 15, Block 2.
3. Prior to building permit:
 - 3.1 Ornamental street lights for private roadways and pedestrian way easements are approved by L.E.S.
 - 3.2 The construction plans comply with the approved plans.

Standard Conditions:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the dwelling units / buildings all development and construction is to comply with the approved plans.
 - 4.2 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the owner or an appropriately established homeowners association approved by the City.
 - 4.3 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.

- 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
5. 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

Tom Cajka
Planner

DATE: October 10, 2007

APPLICANT: ESP
601 Old Cheney Rd. Suite "A"
Lincoln, NE 68512
(402) 421-2500

OWNER: RLM LLC
Dan Klein
1901 SW 5th St. Suite 100
Lincoln, NE 68522
(402) 435-3550

CONTACT: ESP
Marcia Kinning
601 Old Cheney Rd. Suite "A"
Lincoln, NE 68512
(402) 421-2500

USE PERMIT NO. 04005A

PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 10, 2007

Members present: Cornelius, Taylor, Larson, Gaylor-Baird, Esseks, Francis and Sunderman (Carroll and Moline absent).

This application was removed from the Consent Agenda.

The Clerk announced that the applicant has requested a two-week deferral in order to advertise an additional waiver request.

Cornelius moved to defer for two weeks, with continued public hearing and action scheduled for October 24, 2007, seconded by Esseks and carried 7-0: Cornelius, Taylor, Larson, Gaylor-Baird, Esseks, Francis and Sunderman voting 'yes'; Carroll and Moline absent.

There was no public testimony.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 24, 2007

Members present: Taylor, Esseks, Larson, Gaylor-Baird, Cornelius, Francis and Carroll; Moline and Sunderman absent.

Ex Parte Communications: None.

Staff recommendation: Conditional approval.

Staff presentation: **Tom Cajka of Planning staff** explained that this proposed amendment is to reduce the setbacks in the rear yard and the side yard on an approved use permit. The request on the rear yard setbacks is from 30 feet to 25 feet, and from 30 feet to 20 feet. The request on the side yard setbacks is from 7.5 feet to 5 feet. All of the lots are for single family residential. A similar request to reduce the rear yard setback was granted in July of 2006 for nearby properties; however, that request did not include the side yard. The proposed setbacks are the same as the setback requirements in the R-3 zoning district. The property is zoned O-3 Office Park. The proposed setbacks will match the setbacks on abutting property. These lots are roughly 120-122 feet in depth, so 20% would be 24'. They are asking for 25'. The reason they are asking for a lesser rear yard is because the lots back onto commercial sites and an outlot, and commercial properties have a 40' setback.

Larson observed that the homes would be pretty small. Cajka suggested that it looks like the lot area would be anywhere from 6,500 up to 10,000 sq. ft. Most of the lots are around 50 feet x 120-122 feet deep.

Proponent

1. Dan Klein, the builder and developer, explained that this will result in the same setbacks as the adjacent single family homes and these same setbacks were approved in July for the townhomes immediately to the south. He acknowledged that they should have asked for these waivers when the original use permit was proposed. He believes that this request is fully supported by the individuals for whom he has built homes in the neighborhood.

The ranch homes will be 1,361 sq. ft., and there will be two 2-story homes of 1,800 and 2,200. The two-story homes are well within the setbacks. These are really narrow lots, varying from 46 to 52 feet wide.

The record consists of one letter in support from Chad Cederberg, owner of the property at 5235 N.W. Pemberly Lane.

There was no testimony in opposition; however, the record consists of one letter in opposition from Katie Bugbee of Bugbee Homes.

ACTION BY PLANNING COMMISSION:

October 24, 2007

Larson made a motion to approve the staff recommendation of conditional approval, seconded by Cornelius and carried 6-0: Esseks, Larson, Gaylor-Baird, Cornelius, Francis and Carroll voting 'yes'; Moline, Sunderman and Taylor absent. This is a recommendation to the City Council.



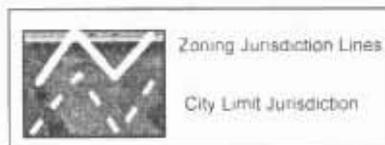
2005 aerial

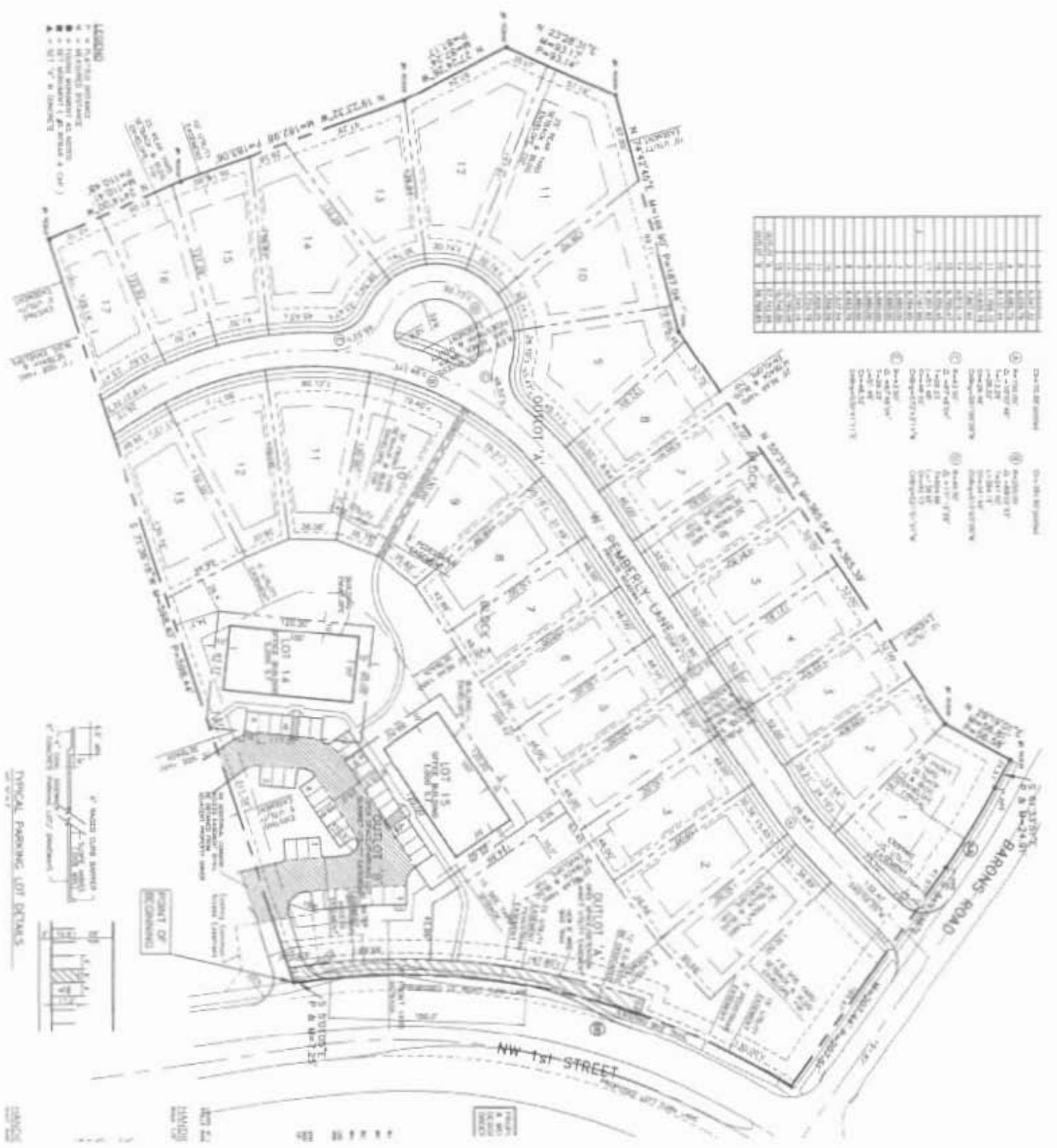
Use Permit #04005A NW Pemberly Ln & Barons Rd

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-1 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. 3 T10N R06E





BARONS RIDGE
 USE PERMIT #04005A



GENERAL NOTES

1. THIS USE PERMIT CONTAINS 32 BUILDABLE LOTS AND 2 OUTLOTS. THE LOTS INCLUDE 30 SINGLE FAMILY LOTS AND 2 LOTS EACH WITH ONE 5,000 S.F. OFFICE BUILDING.
2. THE CURRENT ZONING IS 'O-3'.
3. THE MAXIMUM BUILDING HEIGHT SHALL NOT EXCEED 35 FEET.
4. THE DEVELOPER / OR OWNER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES SHOWN.
5. PUBLIC WATER AND PUBLIC SEWER LINES SHALL BE INSTALLED THROUGH EXECUTIVE ORDERS AND DESIGNED AS REQUIRED BY THE CITY OF LINCOLN.
6. PRIVATE ROADWAYS SHALL BE 27 FEET IN WIDTH (BACK TO BACK OF CURB), UNLESS OTHERWISE SPECIFIED, AND SHALL BE SURFACED WITH 6" OF PORTLAND CEMENT OR 5" OF PORTLAND CEMENT AND 2-1/2" OF ASPHALTIC CONCRETE SURFACE COURSE.
7. PUBLIC SIDEWALKS SHALL BE INSTALLED AS SHOWN ALONG PRIVATE ROADWAYS. SIDEWALKS SHALL BE 4 FEET IN WIDTH AND SHALL BE 4" THICK, AND 5" THICK AT DRIVEWAY CROSSINGS.
8. ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
9. COMMON AND PUBLIC ACCESS EASEMENTS ARE HEREBY GRANTED OVER ALL PRIVATE ROADWAYS AND SIDEWALKS SHOWN.
10. DECKS AND PATIOS SHALL NOT BE ENCLOSED OR COVERED IF THEY ARE WITHIN THE FRONT, REAR OR SIDE YARD SETBACKS.
11. EXISTING TOPOGRAPHICAL CONTOURS ARE IN NORTH AMERICA VERTICAL DATUM (NAVD) 1988.
12. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION AND TO SUBMIT A SEEDING AND MAINTENANCE SCHEDULE BEFORE SITE GRADING IS DONE. THE DEVELOPER WILL BE RESPONSIBLE FOR CONTROLLING OFF-SITE DUST EMISSIONS IN ACCORDANCE WITH LINCOLN-LANCASTER COUNTY AIR POLLUTION REGULATIONS AND STANDARDS ARTICLE 2, SECTION 32.
13. ANY RELOCATION OF EXISTING FACILITIES WILL BE AT THE OWNER/DEVELOPER'S EXPENSE.
14. STREET TREES ON THE PRIVATE STREETS SHALL BE PLANTED AT LEAST FIVE (5) FEET FROM THE BACK OF THE SIDEWALK.
15. A BLANKET UTILITY EASEMENT IS GRANTED OVER ALL OUTLOTS. ADDITIONAL EASEMENTS WILL BE GRANTED AT THE TIME OF THE FINAL PLAT PROCESS.
16. THE TWO OFFICE BUILDINGS MAY CONTAIN ANY USE ALLOWED IN THE 'D-3' ZONING DISTRICT.
17. ALL OUTLOT AREAS TO BE MAINTAINED BY THE DEVELOPER AND/OR FUTURE HOMEOWNER'S ASSOCIATION.
18. THE GRANT OF AN AVIGATION AND NOISE EASEMENT TO THE LINCOLN AIRPORT AUTHORITY IS A CONDITION OF APPROVAL AS ALL OR PART OF THE LAND IS LOCATED WITHIN THE AIRPORT ENVIRONS NOISE DISTRICT AND POTENTIALLY SUBJECTS THE LAND TO AIRCRAFT NOISE LEVELS WHICH MAY AFFECT USERS OF THE PROPERTY AND INTERFERE WITH ITS USE.
19. LANDSCAPING WHICH MEETS DESIGN STANDARDS WILL BE SHOWN AT THE TIME OF BUILDING PERMITS.
20. LOTS 12 & 13, BLOCK 2 AND LOTS 16 & 17, BLOCK 1 WILL NOT BE FINAL PLATTED UNTIL THE SANITARY SEWER ISSUE IS RESOLVED. SANITARY SEWER CAN BE EXTENDED FROM THE SOUTH (BARON'S RIDGE 1ST ADDITION) AT NORMAL DEPTHS.

REQUESTED WAIVERS

1. Waiver of rear yard setback from 40 feet to 20 feet on Lots 1 through 13, Block 2 and 40 feet to 25 feet on Lots 1 through 17, Block 1 (single family).
2. Waiver of side yard setback from 15 feet to 7.5 feet (single family).
3. Waiver of the depth to width ratio from 3/1 to 4.5/1 (single family).
4. Waiver of frontage from 50 feet to 20 feet (single family).
5. Waiver of the sanitary sewer running against street grade, at the south end of West Pemberly Lane.



1901 SW 5th STREET · SUITE 100 · LINCOLN, NE 68522 · PHONE (402) 435-3550 · FAX (402) 435-5070
www.regalbuildingsystems.com rbs@regalbuildingaystems.com

September 19, 2007

Mr. Marvin Krout, AICP
Director of Planning
City of Lincoln/Lancaster County
555 South 10th Street
Lincoln, NE 68508

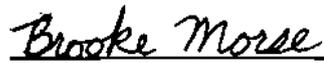
Dear Marvin,

This letter is to support the request for an amendment to Use Permit #04005 to change the rear yard setbacks in the residential area known as Barons Ridge. Specifically, the amendment would revise the setback to 25 feet in Block 1, Lots 1-17. The amendment would also revise the setback to 20 feet in Block 2, Lots 1-13.

The signatures of the current landowners below indicate support of the revisions.



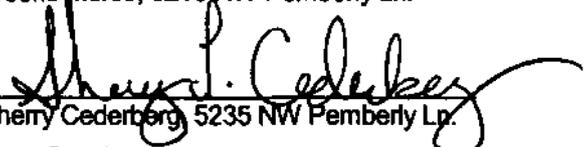
Mark Morse, 5210 NW Pemberly Ln.



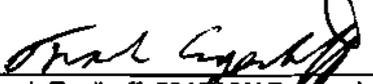
Brooke Morse, 5210 NW Pemberly Ln.



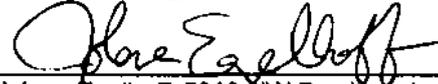
Chad Cederberg, 5235 NW Pemberly Ln.



Sherry Cederberg, 5235 NW Pemberly Ln.



Frank Egelhoff, 5010 NW Pemberly Ln.



Jolene Egelhoff, 5010 NW Pemberly Ln.



Dan Klein, RLM LLC



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www.regalbuildingsystems.com rbs@regalbuildingsystems.com

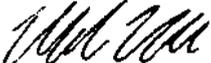
October 8, 2007

Mr. Marvin Krout, AICP
Director of Planning
City of Lincoln/Lancaster County
555 South 10th Street
Lincoln, NE 68508

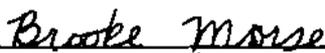
Dear Marvin,

This letter is a request for an amendment to Use Permit #04005 to change the side yard setbacks in the residential area known as Barons Ridge. Specifically, the amendment would revise the side yard setbacks on all lots from 7.5 feet to 5 feet in Block 1, Lots 1-17 and Block 2, Lots 1-13. This would make the setbacks on the single family lots in Barons Ridge the same as the abutting R-3 residential subdivision.

The signatures of the current landowners below indicate support of the revisions.



Mark Morse, 5210 NW Pemberly Ln.



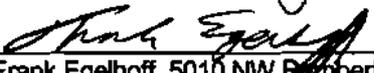
Brooke Morse, 5210 NW Pemberly Ln.



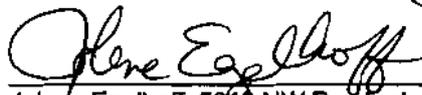
Chad Cederberg, 5235 NW Pemberly Ln.



Sherry Cederberg, 5235 NW Pemberly Ln.



Frank Egelhoff, 5010 NW Pemberly Ln.



Jolene Egelhoff, 5010 NW Pemberly Ln.



Dan Klein, RLM LLC



LYLE L. LOTH, P.E./L.S.

Suite A - 601 Old Cheney Road
Lincoln, NE 68512

Phone (402) 421-2500
Fax (402) 421-7096

Email: lyle@espeng.com

September 7, 2007

Mr. Marvin Krout, AICP
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: USE PERMIT #04005A
NW 1ST STREEET AND BARONS ROAD

Dear Marvin,

On behalf of RLM, L.L.C., we are submitting an Amendment to Use Permit #04005. We are requesting that the rear yard setbacks adjacent to the residential area (Lots 1 through 17, Block 1) be revised to 25 feet. We are also requesting that the rear yard setback adjacent to the internal office area (Lots 1 through 13, Block 2) be revised to 20 feet. The development directly to the south of this project acquired approval with the same request approximately a year ago. The adjacent project is Barons Ridge 1st Addition with Use Permit number 04006A.

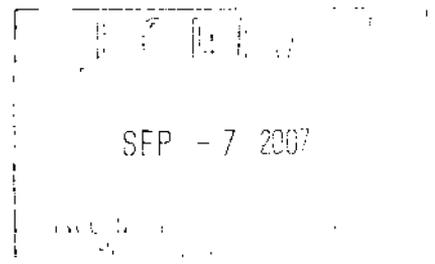
A letter signed by all the owners within the application will be submitted next week which will state that they are in agreement with the requested modifications.

Please feel free to contact me if you have any further questions or comments

Sincerely,

Marcia L. Kinning

Cc: Dan Klein Sr. - R.L.M
Enclosures: Application for an Amendment
Application Fees of \$740.00
Owner's List
21 Copies of Sheet 1 of 4
8 Copies of Sheet 2 through 4 of 4





"Chad Cederberg"
<ccdrbrg@gmail.com>
10/04/2007 11:34 AM

To plan@lincoln.ne.gov
cc
bcc

Subject Comments Regarding Use Permit 04005A

My name is Chad Cederberg and I would like to submit the following comments in reference to Use Permit 04005A, an amendment to reduce the rear yard setback.

I am the home owner of property 5235 NW Pemberly LN (Baron's Ridge Addition, Block 1, Lot 1) and I am in support of the amendment.

The plating for this development is for narrow single family homes. The lots are nominally 120ft deep and sized for home 30ft wide. For a home footprint of less than 1000 s.f. living area, the current rear yard requirement is very restrictive and inhibits improving the property with any form of patio decking or covering. Resizing the requirement from 30 to 25ft is consistent with the 30ft or 20% of lot depth for residential zoning.

In our particuar situation we would like to erect a pergola over our patio to provide shade. Our patio and has full exposure to the afternoon sun. Our patio (10ft concrete slab) currently extends into the required rear yard by 4ft. Without this amendment our alternative is a temporary (tent-like) yard accessory. Being a corner lot of a main arterial into the highlands neighborhood and across from the trail head into the highlands park, this would adversely affect the acsthetics of area.

Chad Cederberg
5235 NW Pemberly LN
ph: 466.6491



Jean L Walker/Notes
10/10/2007 03:36 PM

To Jean L Walker/Notes,
cc
bcc
Subject Fw: Against the zoning changes

--- Forwarded by Thomas J Cajka/Notes on 10/10/2007 02:16 PM ---



"Katie Bugbee"
<katie.bugbee@homerealest
ate.com>
10/10/2007 02:08 PM

To <tcajka@lincoln.ne.gov>
cc
Subject Against the zoning changes

Tom,

I am writing to let you know that we are strongly against the zoning changes for Premably Ln and Barrons subdivision. These builders knew the lot covenants when they purchased these lots and it will affect the houses that are behind these lots. We don't want houses that close to our back yards, We want the setbacks to stay as they are. Thank you for your time and consideration.

Thanks,

Katie Bugbee

Katie Bugbee
Bugbee Homes Representative
Home Real Estate North
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