

**CITY OF LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

**P.A.S.** Special Permit #1582A

**DATE:** November 5, 2001

**PROPOSAL** To amend Special Permit #1582 with a waiver of fall zone to accommodate the reconfiguration of lot lines from an administrative final plat.

**LAND AREA:** Approximately .5 acres.

**CONCLUSION:** No additional impact upon surrounding properties is created by this request, and it is consistent with Chapter 27.68 (Personal Wireless Facilities) of the Zoning Ordinance.

<b>RECOMMENDATION:</b>	Approve
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**GENERAL INFORMATION**

**LEGAL DESCRIPTION:** Lots 7 and 8, Block 9, Ackerman Addition to Havelock, Lancaster County, Nebraska.

**LOCATION:** Northeast of N. 69<sup>th</sup> Street and Seward Avenue

**OWNER:** Norman and Lois Cole  
6919 Old Post Place  
Lincoln, NE 68506

**APPLICANT:** Same

**EXISTING ZONING:** I-1 Industrial District

**EXISTING LAND USE:** Light Industrial/Warehouse and Broadcast Tower

**SURROUNDING LAND USE AND ZONING:**

North	Residential	R-2
South	Commercial	I-1
East	Commercial	I-1
West	Commercial	I-1

**HISTORY:** AFP#01060 - An administrative final plat under review that will resubdivide Lots 7 and 8, Akerman's Addition as Lots 1 and 2, Ackerman's 1<sup>st</sup> Addition.

SP#1582 - Approved a 150' monopole for cellular telephone antennas in 1995.

CZ#1953 - A change of zone from I-1 and R-2 to R-6 to allow multiple-family residential was denied for Lots 7, 8 and 9, Block 9, Ackerman Addition in 1982.

CZ#873 - Approved a change of zone in 1968 from A-2, Single-family Residential to K, Light Industrial for an approximately 300' wide strip of land along the railroad right-of-way that previously existed in this area.

## **ANALYSIS**

1. The property involved is currently configured as Lots 7 and 8, Ackerman Addition. The site is developed with an industrial-type building located on the north half of the site, and a 150' Western Wireless monopole located at the southeast corner. The property owner is attempting to re-subdivide to create two lots that are less shallow and less narrow.
2. Under the proposed lot reconfiguration, the existing lot line between Lots 7 and 8 becomes a north-south lot line separating Lots 1 and 2. Reconfigured, the lot line between Lots 1 and 2 is 47' from the tower - less than the 75' fall zone (equal to 1/2 the height of the tower) required under Chapter 27.68 of the Zoning Ordinance.
3. The special permit authorizing this tower predates Chapter 27.68. At that time, the fall zone requirement did not exist.
4. It is contrary to the intent of Title 26 (Land Subdivision) to approve plats that either create nonstandard uses, or increase their degree of nonconformity. Without a waiver, the tower does not comply with the required fall zone setback from the lot line between Lots 1 and 2, an increase in the degree of nonconformity would be caused by the approval of the plat.
5. Waivers to fall zone may be granted by the Planning Commission where it finds that such a reduction will not adversely impact adjacent properties, and that it is consistent with Chapter 27.68. In this case, proposed Lots 1 and 2 are under single ownership and are the only lands impacted by this waiver. Any future buyer of proposed Lot 1 will do so with full knowledge of the existing development and the proximity of the tower to property lines. Surrounding properties are not affected.

## **CONDITIONS**

1. The original terms and conditions of Special Permit #1582 remain in effect and are not modified by this waiver of fall zone from 75' to 47'.

Prepared by:

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Brian Will, AICP  
Planner



**Special Permit #1582A**  
**N. 69th St. & Seward Ave.**



Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.



**Special Permit #1582A  
N. 69th St. & Seward Ave.**

- 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. 9 T10N R7E



