

## FACTSHEET

**TITLE:** CHANGE OF ZONE NO. 15007  
(R-3 and B-2 to R-4 Residential District)  
(North 14<sup>th</sup> Street and Indigo Road)

**BOARD/COMMITTEE:** Planning Commission

**APPLICANT:** Clark Enersen Partners on  
behalf of M&W Holdings

**RECOMMENDATION:** Approval (6-1: Weber  
Harris, Hove, Beecham, Sunderman, and Lust voting  
'yes'; Corr dissenting; Scheer and Cornelius absent).

**STAFF RECOMMENDATION:**  
Conditional Approval

**OTHER DEPARTMENTS AFFECTED:** N/A

**SPONSOR:** Planning Department

**OPPONENTS:** Yes (See #4 below)

**REASON FOR LEGISLATION:** To change the zoning from R-3 Residential District and B-2 Planned Neighborhood Business District to R-4 Residential District, on property generally located at North 14<sup>th</sup> Street and Indigo Road.

**DISCUSSION/FINDINGS OF FACT:**

1. The purpose of this change of zone from R-3 and B-2 to R-4 is to permit a proposed community unit plan for 22 dwelling units.
2. The staff recommendation to approve this change of zone request is based upon the "Analysis" as set forth on p.5-6, concluding that the proposed change of zone will achieve the desired density allowable under R-4 zoning for Special Permit No. 15014.
3. The testimony on behalf of the applicant is found on p.9-10. The applicant did hold a neighborhood meeting.
4. Testimony in opposition is found on p. 10-11.
5. On April 1, 2015, the Planning Commission voted 6-1 to recommend approval of this change of zone request.
6. On April 1, 2015, the Planning Commission agreed with the staff recommendation for the associated Special Permit No. 15014, and voted 6-1 to adopt Resolution PC-01444, to allow a community unit plan for a mix of duplexes and triplexes, with conditions, on property generally located at North 14<sup>th</sup> Street and Indigo Road. The special permit has not been appealed to the City Council as of this date.

**FACTSHEET PREPARED BY:** Geri Rorabaugh, Administrative Officer

**DATE:** April 7, 2015

**REVIEWED BY:** David R. Cary, Acting Director of Planning

**DATE:** April 7, 2015



## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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### for APRIL 1, 2015 PLANNING COMMISSION MEETING

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

**PROJECT #:** Change of Zone #15007

**PROPOSAL:** A request to change of zone from R-3 and B-2 to R-4.

**LOCATION:** N. 14<sup>th</sup> Street and Indigo Road.

**LAND AREA:** 2.35 acres, more or less

**EXISTING ZONING:** B-2 Planned Neighborhood Business District and R-3 Residential

#### **WAIVER /MODIFICATION REQUEST:**

1. Reduce the front yard setback from 25 feet to 20 feet.
2. Reduce the minimum lot width from 50 feet to 22 feet.
3. Reduce minimum lot area from 5,000 sq. ft. to 2,500 sq. ft.

The following are waivers to the Design Standards.

1. Concrete curb height
2. Roadway cross section.
3. Minimum centerline radius.
4. Centerline tangent length to intersection.

#### **CONCLUSION:**

The proposed Community Unit Plan for 22 dwelling units is in general conformance with the Comprehensive Plan and should have minimal impact on the surrounding neighborhood. This project utilizes existing infrastructure and is an infill development. The waivers to reduce the lot width and lot area are typical of a townhome development.

<b>RECOMMENDATION:</b>	Conditional Approval
<b>Waivers/modifications:</b>	
1. Reduce the front yard setback from 25 feet to 20 feet.	Approval
2. Reduce the minimum lot width and minimum lot area.	Approval
The following are waivers to the Design Standards.	
1. Concrete curb height	Approval
2. Roadway cross section.	Approval
3. Minimum centerline radius.	Approval
4. Centerline tangent length to intersection.	Approval

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:**

Special Permit:

Lot 66 Irregular Tract and Outlot A, Prairie Ridge 7<sup>th</sup> Addition, located in the SW1/4 of Section 01, Township 10 North, Range 6 East, Lancaster County, NE

Change of Zone B-2 to R-4:

That portion of Outlot A, Prairie Ridge 7<sup>th</sup> Addition zoned B-2 located in the SW1/4 of Section 01, Township 10 North, Range 6 East, Lancaster County, NE

Change of Zone R-3 to R-4

Lot 66 Irregular Tract and that portion of Outlot A, Prairie Ridge 7<sup>th</sup> Addition zoned R-3, located in the SW 1/4 of Section 01, Township 10 North, Range 6 East, Lancaster County, NE

**EXISTING LAND USE:** Undeveloped

**SURROUNDING LAND USE AND ZONING:**

North:	R-3 Residential	Single family house and vacant residential lots
South:	R-3 Residential	Single family attached and single family houses
East:	R-3 Residential	Single family attached and single family houses
West:	R-1 Residential	Church and single-family dwelling

**HISTORY:**

This area was changed from "G" Local Business District to B-2 Planned Neighborhood Business District with the 1979 Citywide zoning update.

March 1984                      Change of Zone #2087 from B-2 to R-3 on 5,460 sq. ft. located approximately at N. 14<sup>th</sup> Street and Indigo Road was approved

by the City Council.

November 1, 1999                      Change of Zone #3175 from B-2 to R-3 on 0.33 acres located approximately at N. 15<sup>th</sup> Street and Prairie Lane Road was approved by the City Council

October 20, 2008                      Change of Zone #08046 from B-2 to R-3 on 2.7 acres was approved by the City Council on land immediately north of this application.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

The community's present infrastructure investment should be maximized by planning for well-designed and appropriately-placed 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 existing neighborhoods, redevelopment of underperforming commercial areas into mixed use redevelopment areas that include residential, retail, office and entertainment uses, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods. (p.2.7)

One of the essential elements of the community and LPlan 2040 is housing. Ensuring safe, adequate, and affordable housing is an important function in maintaining the vitality of neighborhoods and the city as a whole. (P.7.1)

Distribute and preserve affordable housing throughout the community to be near job opportunities and to provide housing choices within existing and developing neighborhoods. (p.7.2)

Provide a wide variety of housing types and choices for an increasingly diverse and aging population. (P.7.2)

Encourage a mix of housing types all within one area. (P.7.10)

Continue the City's growth policy of contiguous urban growth; urban development will occur in areas immediately abutting the City that reflect a logical and timely extension of urban infrastructure. (p.11.2)

The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use to another is often gradual. The Comprehensive Plan also encourages the integration of compatible land uses, rather than a strict segregation of different land uses. (p12.1)

The 2040 Lincoln Area Future Land Use Plan shows the amended area as urban residential and commercial (p.12.3)

**UTILITIES:**                      All utilities are available

**TRAFFIC ANALYSIS:**

N. 14<sup>th</sup> Street is a minor arterial. Indigo Road and N. 15<sup>th</sup> Street are local residential streets.

**PUBLIC SERVICE:**

The nearest fire department is located at N. 14<sup>th</sup> Street and Adams Street.

The nearest elementary school is Campbell located at N.21st Street and Superior Street.



## **ANALYSIS:**

1. This is a request for a Change of Zone from R-3 and B-2 to R-4 and a Special Permit for a Community Unit Plan to develop 22 townhouse units. Each dwelling unit will be on its own lot.
2. Five of the dwelling units will take direct access off of Indigo Road. The other 17 dwelling units will have access off of a new street that will intersect with N. 15<sup>th</sup> Street. There will be no access to N. 14<sup>th</sup> Street.
3. Approximately 1.75 acres of the development is currently zoned B-2. This is the last remnant of the B-2 that was originally 5 acres. Over the years the B-2 has been changed to R-3, with the latest change being approved in October 2008.
4. The applicant is requesting R-4 zoning rather than R-3 zoning to achieve the desired density. The density shown is less than the allowed density under R-4 zoning. A community unit plan with R-4 zoning allows a density of 13.93 dwelling units per acre; which would be 37 dwelling units. Due to the small size of the parcel, the allowed density is decreased by 20 percent resulting in a total density of 31 dwelling units. The density for R-3 is 6.96 dwelling units per acre, resulting in 13 dwelling units after you deduct the 20 percent penalty.
5. The applicant is requesting waivers to lot area, lot width and front yard setback. Since townhomes are not permitted in the R-4 District, except in a CUP, the area and height requirements for townhomes fall under "other allowed uses." Other allowed uses require 50' lot width and 5,000 sq. ft. lot area, same as a single family dwelling. The site plan shows the smallest lot at 22' width and 2,816 sq. ft. lot area. Two-family dwellings in R-4 zoning require 25' lot width and 2,500 sq. ft. of lot area. Planning does not object to the waivers due to the lot width and lot area being similar to two-family dwellings.
6. Other townhome lots on Indigo Road have a lot width of 40 feet and 46 feet. Townhome lots on Turtle Creek Drive, northwest of this development, have lot widths of 27', 22' and 33 feet.
7. The applicant is also requesting waivers to street design standards. Public Works and Utilities does not object to the requested waivers of concrete curb height, roadway cross section, minimum centerline radius and centerline tangent length to intersection.
8. The proposed site plan leaves limited curb space along the south side of Makers Street and there is no parking allowed on Indigo Road. The plan does show 4 parking stalls for guest parking. The northern stall closest to the street will need to be removed because a vehicle parked in this spot would impede vehicles backing out of the drives on Lots 6 and 7. There is curb space along the street for 2 parking spaces, so a total of 5 guest parking stalls.. In similar townhome developments providing enough on

street or guest parking has been an issue. In some developments vehicles are parked across the sidewalk or the parking spills over into adjacent streets. If the lots were developed at the minimum 25' wide lot size, there would be more space on the street for parking. Since the applicant has requested a waiver to reduce lot width, the plan should be revised to provide at least 8 guest parking spaces. The 8 stalls are based on having at least one guest stall per every two dwelling units. There are 17 dwelling units on Makers Street.

9. The applicant is proposing that the north side of Makers Street can be used for on street parking. This is a temporary solution since when the land to the north develops the north side would be for their on street parking and driveways. There could be a townhome development similar to this one built on the north side of the street which would leave zero to minimal parking.
10. Each dwelling unit shall have at least one window per story facing the street as described in note 18 of the site plan. The design of the dwellings does not allow for the front door to face the street. This is due to the size of the lots and having the garages dominating the width of the lot.
11. The Comprehensive Plan encourages utilizing existing infrastructure by utilizing unused land in existing neighborhoods. This development maximizes the infill use of vacant land and should not significantly impact the character of the neighborhood.
12. The "Guiding Principles" of the Neighborhood and Housing Chapter of the 2040 Comprehensive Plan stresses the importance of providing different housing choices throughout each neighborhood for an increasingly diverse population. This application meets this principle.

Prepared by

Tom Cajka  
Planner

**DATE:** March 19, 2015

**APPLICANT:** The Clark Enersen Partners  
1010 Lincoln Mall Suite 200  
Lincoln, NE 68508  
402-477-9291

**OWNER:** M&W Holdings  
PO Box 81615  
Lincoln, NE 68501

**CONTACT:** Tim Gergen  
The Clark Enersen Partners  
1010 Lincoln Mall Suite 200  
Lincoln, NE 68508  
402-477-9291

## CHANGE OF ZONE NO. 15007

**CHANGE OF ZONE NO. 15007, FROM R-3 RESIDENTIAL DISTRICT AND B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO R-4 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT NORTH 14<sup>TH</sup> STREET AND INDIGO ROAD,**

April 1, 2015

**Staff Recommendation: Conditional Approval**

**AND**

**SPECIAL PERMIT NO. 15014, TO ALLOW A COMMUNITY UNIT PLAN (CUP), TO ALLOW A MIX OF DUPLEXES AND TRIPLEXES CONSISTING OF 22 DWELLING UNITS ON APPROXIMATELY 2.35 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 14<sup>TH</sup> STREET AND INDIGO ROAD.**

April 1, 2015

**Staff Recommendation: Conditional Approval**

There were no ex parte communications disclosed on these two items.

### Staff Presentation

Tom Cajak of the Planning Department reported that these two applications are being considered north of 14<sup>th</sup> Street and Superior Streets. Referring to the site plan, Cajak explained that the request is for a change of zone from R-3 residential and B-2 Planned Neighborhood Business District to R-4 Residential for the development of a community unit plan consisting of 22 dwelling units. Cajak reviewed the layout of the proposed development stating that 5 of the 22 units will have direct access to Indigo Road and the remaining 17 units will be from the new street (Maker's Street) to 15<sup>th</sup> Street, which curves and dead ends going to the north until such time the parcel to the north is developed, at which time the road would continue on north. The R-4 density would allow up to 31 units by density calculations. The applicant is requesting waivers for lot width, lot area, and front yard setback from 25 feet to 20 feet. The reason for the waivers is that the R-4 zoning does not allow town homes as defined by the zoning code of three or more attached units; the R-4 zoning is limited to two attached units unless done through a community unit plan. Cajak noted that because R-4 zoning does not allow town homes, you need to look under "Other Allowed Uses", which calculate the setback and lot size. The waiver of lot width, lot area and setbacks are in alignment with a 2-family dwelling unit; Cajak noted that Planning is not opposed to the waivers.

## Staff Questions

Corr asked for clarification regarding the reference to reducing the 20 percent penalty as indicated in the staff report.

Cajak explained that it depends on the size of the parcel, as the zoning code indicates that there are reductions or penalties for a community unit plan, i.e. if between 5 and 10 acres, there is a reduction of 10 percent of the allowable density, and if less than 5 acres, there is a 20 percent reduction.

Beecham asked about the placement of sidewalk and walking lanes and guest parking for the development

Cajak indicated that sidewalks are proposed along both sides of Maker's Street. The Planning Department has included a condition that the developer provide eight guest parking stalls. Staff is recommending that one of stalls shown on the site plan be removed due to interference with cars backing of the adjacent driveway. With the elimination of that stall, the developer is showing five guest stalls, including two stalls on the street.

## Applicant's Testimony

Tim Gergen, Clark Enersen Partners, representing M&W Holdings, reported that they met with city staff a number of times and also met with the neighborhood. The applicant is in agreement with all staff conditions, including the parking. Gergen indicated that the neighbors did voice concerns regarding the parking, and they want to be good neighbors. He explained that they are in agreement with providing parking but do not agree with how the parking will be provided. Gergen indicated that Maker's Street is a public street and that the city is interested in tying into the future development to the north. They are proposing to accommodate parking as much as possible by showing that the development would not have any driveways on the north side which would allow for ten parking stalls. However, if the lots develop into single-family homes with individual driveways, they would be reduced to eight stalls, providing for sufficient parking. He believes that the Planning Department is concerned that if the future development of the property to the north is developed into town homes, it would eliminate the parking on the north side of the roadway. The developer is showing that if the development consists of single-family homes, there would be a condition that the developer would be limited to two driveways off this street and would need to get approval by the Planning Commission. Gergen also noted that they have received neighbor concerns regarding access off of Indigo as well. He noted that the layout of the proposed units are put back from the street farther than the existing homes and this will enable them to accommodate more off-street parking. For the property to the north, Gergen indicated that they are fairly confident that because of a steep grade change, the homes will have driveways coming off of the north/south bound streets so the homes will face east and west, as there is a high-powered overhead line and it is unlikely that they will want it in their front yard. If this is the case, it would not reduce the number of parking stalls on the public street for their proposed development.

Lust asked for clarification in terms of the condition that is being requested by the developer.

Gergen indicated that they are requesting a modification to Condition 2.8 of the staff report to show a minimum of eight parking stalls on the property or Makers Street with the condition of the property to the north only being allowed to have two driveway access onto Makers Street to allow them to accommodate the eight parking stalls. Another option would be to eliminate Condition 2.8.

Lust expressed concern about putting conditions on a future development that is not before them at this time.

Corr asked how many bedrooms these units will have and whether they will be owner-occupied.

Gergen reported that they will be 3-bedroom units, which will be sold.

Corr asked if it would impact the number of allowable units if they went to R-3 zoning rather R-4 zoning.

Gergen stated that it would and this would very likely cause the application to be pulled due to not being able to meet the project cash flow. They are allowed quite a few more units than they are requesting, as identified in the staff report.

Lust referenced the map showing the parking and asked how many stalls could be accommodated on the south side of Makers Street.

Gergen indicated that they originally showed five stalls on the south side. They are struggling with finding the three additional parking stalls. They are trying to preserve their green space and landscaping rather than add pavement for additional parking. Each unit has a 2-stall garage, 2 stalls in front of the garage, which would allow each unit up to six parking stalls. In terms of modifying Condition 2.8, they could strike "south side".

In response to a question of inviting the owner of the property to the north, Gergen indicated that the owner was invited but did not attend the meeting.

Lust asked about the attendees of the meeting.

Gergen stated that two to three property owners, including the owner of the property at 15<sup>th</sup> and Indigo, attended the meeting as well as the neighborhood association president.

### Opposition

Danja Pegram Siders, 4900 North 14<sup>th</sup> Street, owner of the property to the north of the proposed development. She stated that this property has an historical preservation designation. If they alter the property, it would need to go before the Historic Preservation Committee. She noted that there is no future development planned for this property because

in order to do make the connection to Morton Street, it would need to go across her home. She indicated that she was unable to attend the neighborhood meeting due to the death of a family member. She has an entrance off of the 14<sup>th</sup> Street to her property and a minor hop that people try to use. She is concerned about the grade levels and the historic preservation of her property. Her property is well maintained with lots of green space and the adjacent are very happy with their property.

Chairman Lust directed Ms. Pegram Siders to visit with Mr. Gergen regarding her concerns.

### Proponent

None.

### Opposition

Todd Loseke, President of Prairie Ridge Homeowners Association, 5120 North 20<sup>th</sup> Street. Loseke indicated that most of the neighbor concerns have been addressed but noted that the primary concern is that of parking. The development on Indigo consists of duplexes and town homes that are primarily rented to college students. The parking is full along this street. By putting in 3-unit town homes in this area, this will only compound the problem making it more difficult to get in and out of the area. He stated that most of the garages are not used for parking but rather for parties. The neighborhood is also concerned about traffic. Future development shows Makers Street connecting to Morton Street and then intersecting with 14<sup>th</sup> Street. Based on the historic preservation designation and the testimony of the property owner, this is likely not going to happen any time soon; therefore, you have to use Prairie Lane to 20<sup>th</sup> Street to get out to Superior Street or go to Hilltop.

### Questions of Staff

Beecham asked what would happen if a condition is put on the parking to the north and questioned whether this can be done.

Cajak indicated that it is not likely this could be done, as there might be some legal ramifications. He noted that even though the developer is showing a conceptual layout of the development as single-family with parking, there is no guarantee this will occur. There is no condition that the property owner to the north develop the property that way. The Planning Department always includes a condition that requires a developer to show that they would not impact future development. He indicated that you cannot predict when a property may be developed. There was a similar situation where it was believed that future development would not occur for some time but a proposal was submitted within a couple of months. Cajak indicated that he does not support the proposed amendment to the conditions.

Harris asked how it would be possible to add three stalls.

Cajak stated that they would likely loose a unit and illustrated how this might look.

Harris asked about parking along 15<sup>th</sup> Street.

Cajak replied that the property is too close to the intersection and parking is prohibited within a certain number of feet of an intersection. In terms of access management, Cajak indicated that it is planned that some day Morton Street would go through to 14<sup>th</sup> Street.

Sunderman asked who would be responsible for paying for the new road?

Cajak reported that the developer would cover the costs. He explained that it is normal to put restrictions on the use of the roadway even though the developer is covering the costs.

Harris asked if there is anything that prevents someone from parking in the space that is proposed to be deleted.

Cajak indicated that they can put up no parking signs but people could still park there. It would be up to the homeowners association to regulate that because it is on private property.

Beecham asked if the community unit plan allows for increased density?

Cajak indicated that is true even with the reduction of one unit to accommodate for the parking. R-3 zoning would allow for 13 dwelling units.

Corr asked if the drainage issues have been addressed to satisfaction by Public Works. Cajak stated that this is a question for the developer but indicated that when the final plans are submitted and reviewed, the developer would have to meet the conditions for approval. Weber asked about the potential use of the strip of right-of-way land and whether or not there is room for angled parking

Cajak explained that the right-of-way can be used for curb, sidewalks, etc. and this would be considered a standard residential street.

#### Response by the Applicant

Tim Gergen reminded the commission that the property is currently zoned B-2, which would allow for a gas station to go in there today. They are proposing to down zone to a residential district and trying to make this commercial land fit in with the pro forma of commercially zoned land. The right-of-way width is wider than typical, which is burdening the property. They are trying to work with city staff and the neighbors in the area. The property owner to the north testified that they are not interested in developing the property and they are not really interested in connecting to the property. The developer's initial proposal was to allow for a private street with a cul-de-sac which would enable them to dictate driveways to the north, parking, etc. The city desires for connectivity to neighboring properties so they accommodated this by allowing for a public street, which created the issue of parking. He showed the original plan, showing the private street as initially proposed with 20 units but this was never an official submittal. By providing for connectivity, it does allow for a couple more units.

Hove asked if the developer is opposed to eliminating one of the units to create additional parking.

Gergen indicated that the developer is opposed to this. They feel that the street will provide adequate parking along the north side. The cost estimate to build a private street versus a public street is about 15 to 20 percent more for a public street.

Hove asked about why the cul-de-sac doesn't make sense.

Cajak indicated that the biggest issue is lack of connectivity. He further stated that every private street in the city has public access easements over them. The property to the north would have access rights to the private street. In addition, they would not recommended approval for adding two units at the end of the cul-de-sac, and they would be not allowed to count the end of the cul-de-sac for permanent parking. The city is trying to get away from private streets because some times homeowner associations dissolve and are not able to maintain the streets, etc.

Response by the Applicant:

None.

**ACTION BY PLANNING COMMISSION:**

April 1, 2015

Beecham moved to recommend approval of this application; seconded by Lust for discussion purposes.

Corr indicated that she has a lot of issues with the proposal, primarily related to the parking situation. There are already issues along Indigo Road with nuisance calls and parking issues; this will compound these problems. She also feels that this is considered spot zoning, as everything around it is zoned R-3. She does not support the change of zone to R-4.

Beecham stated that she is concerned about the parking as well. If the density is going to be increased in the area, they need to make sure they are not creating problems for the area. In addition, they cannot mandate what is going to happen to the property to the north.

Lust stated that she believes that these applications are a good compromise for this area and that R-4 zoning is a good fit. The main concern is parking and by having the condition to provide parking on the south, she believes that they will only lose one unit. Lust noted that she is not supportive of private streets. As a matter of process, Lust stated that they need to vote on the change of zone first and then on the special permit, which includes the parking condition. If the condition is not eliminated or modified, they will need to provide parking on the south side, which would result in the elimination of one unit.

Corr asked a procedural question regarding what would happen if they don't approve the R-4 zoning since it goes onto City Council but Planning Commission approves the community unit plan.

Lust stated that the CUP would not happen.

Corr indicated that there is already a problem with parking one block away and she believes that this will be a disaster. In addition, she believes there is a strong possibility that four or more unrelated people will be living in them, which is in violation of city code.

**CHANGE OF ZONE NO. 15007, FROM R-3 RESIDENTIAL DISTRICT AND B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO R-4 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT NORTH 14<sup>TH</sup> STREET AND INDIGO ROAD,**

April 1, 2015

**Staff Recommendation: Conditional Approval**

Beecham moved to recommend approval of this application; seconded by Lust for discussion purposes. The motion for recommending approval carried 6-1; Lust, Hove, Harris, Beecham, Weber, and Sunderman; Corr dissenting; Scheer and Cornelius absent.

**AND**

**SPECIAL PERMIT NO. 15014, TO ALLOW A COMMUNITY UNIT PLAN (CUP), TO ALLOW A MIX OF DUPLEXES AND TRIPLEXES CONSISTING OF 22 DWELLING UNITS ON APPROXIMATELY 2.35 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 14<sup>TH</sup> STREET AND INDIGO ROAD.**

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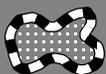
2013 aerial

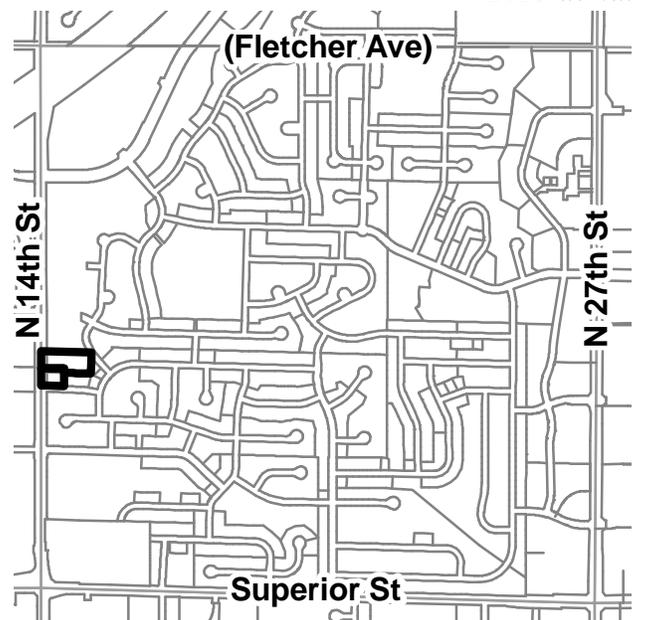
**Change of Zone #: CZ15007  
N 14th St & Indigo Rd**

**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-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

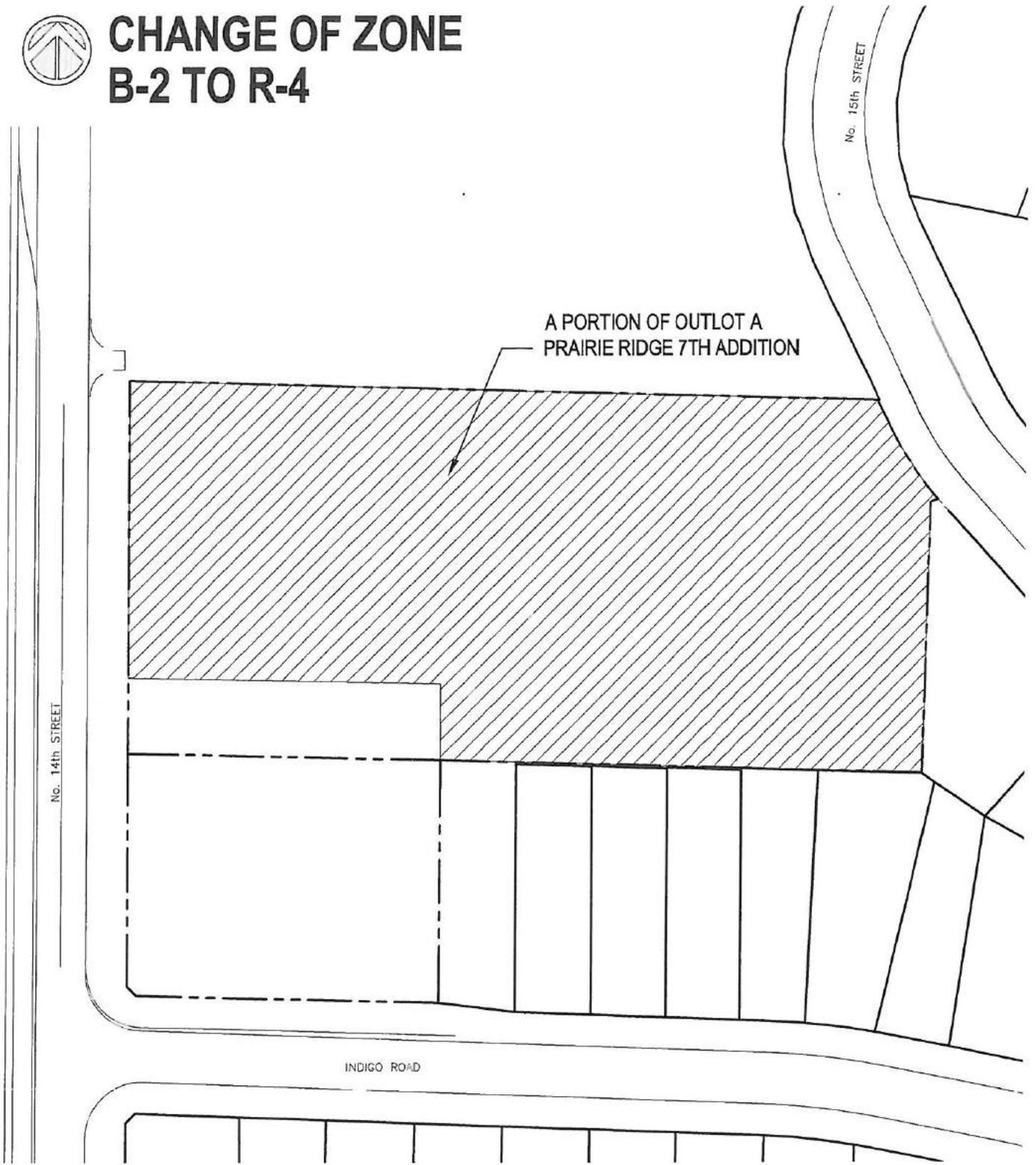
One Square Mile:  
Sec.01 T10N R06E

-  Area of Application
-  Zoning Jurisdiction Lines
-  Lancaster County Jurisdiction





# CHANGE OF ZONE B-2 TO R-4



The  
Clark  
Enersen  
Partners

Architecture + Landscape Architecture + Engineering + Interiors

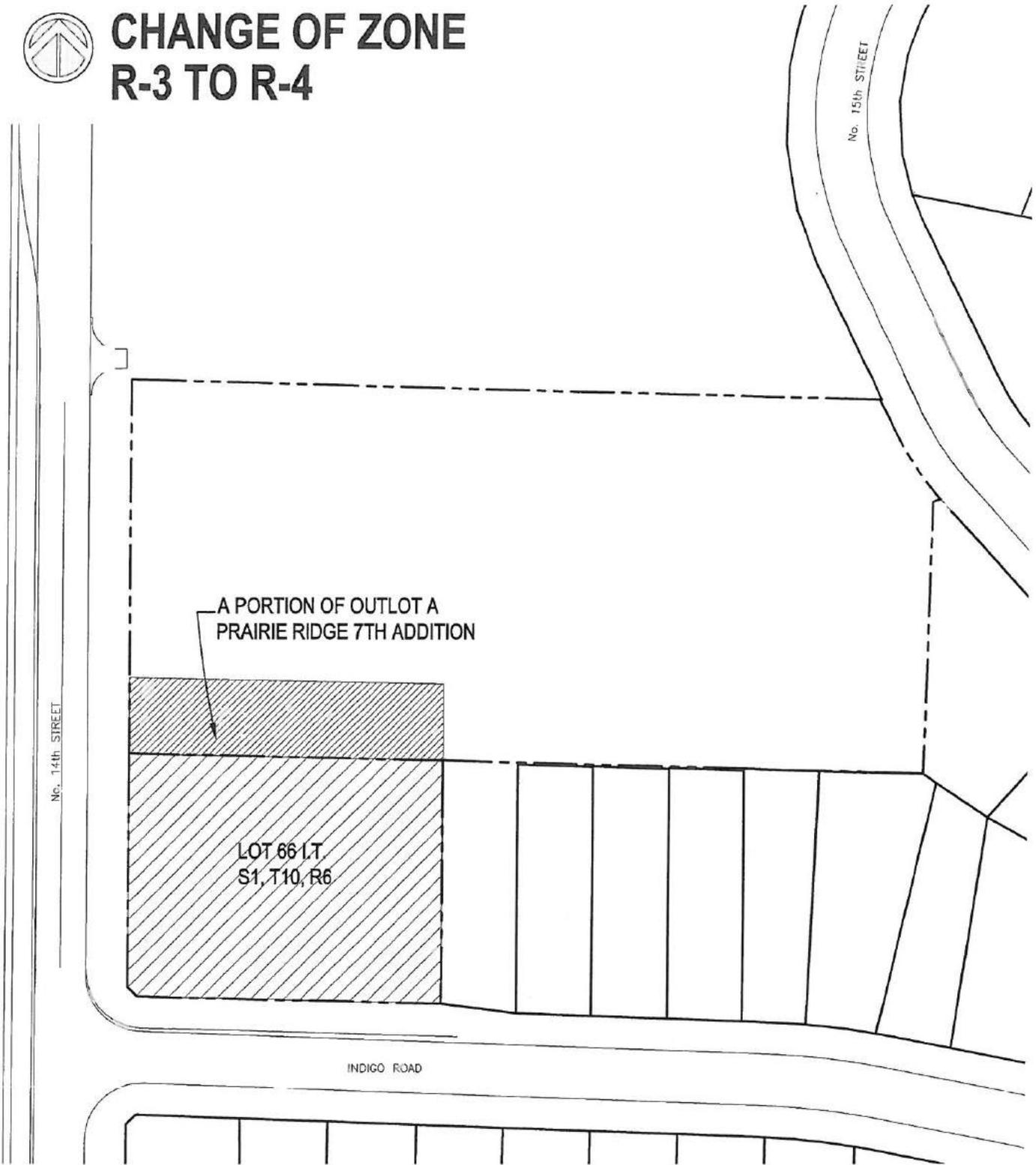
Makers Row  
Lincoln, NE  
TCEP Project No.: 899-001-15

Change of Zone  
Makers Row  
March 5, 2015

0016



# CHANGE OF ZONE R-3 TO R-4



The  
Clark  
Enersen  
Partners

Architecture + Landscape Architecture + Engineering + Interiors

Makers Row  
Lincoln, NE  
TCEP Project No.: 899-001-15

Change of Zone  
Makers Row  
March 5, 2015

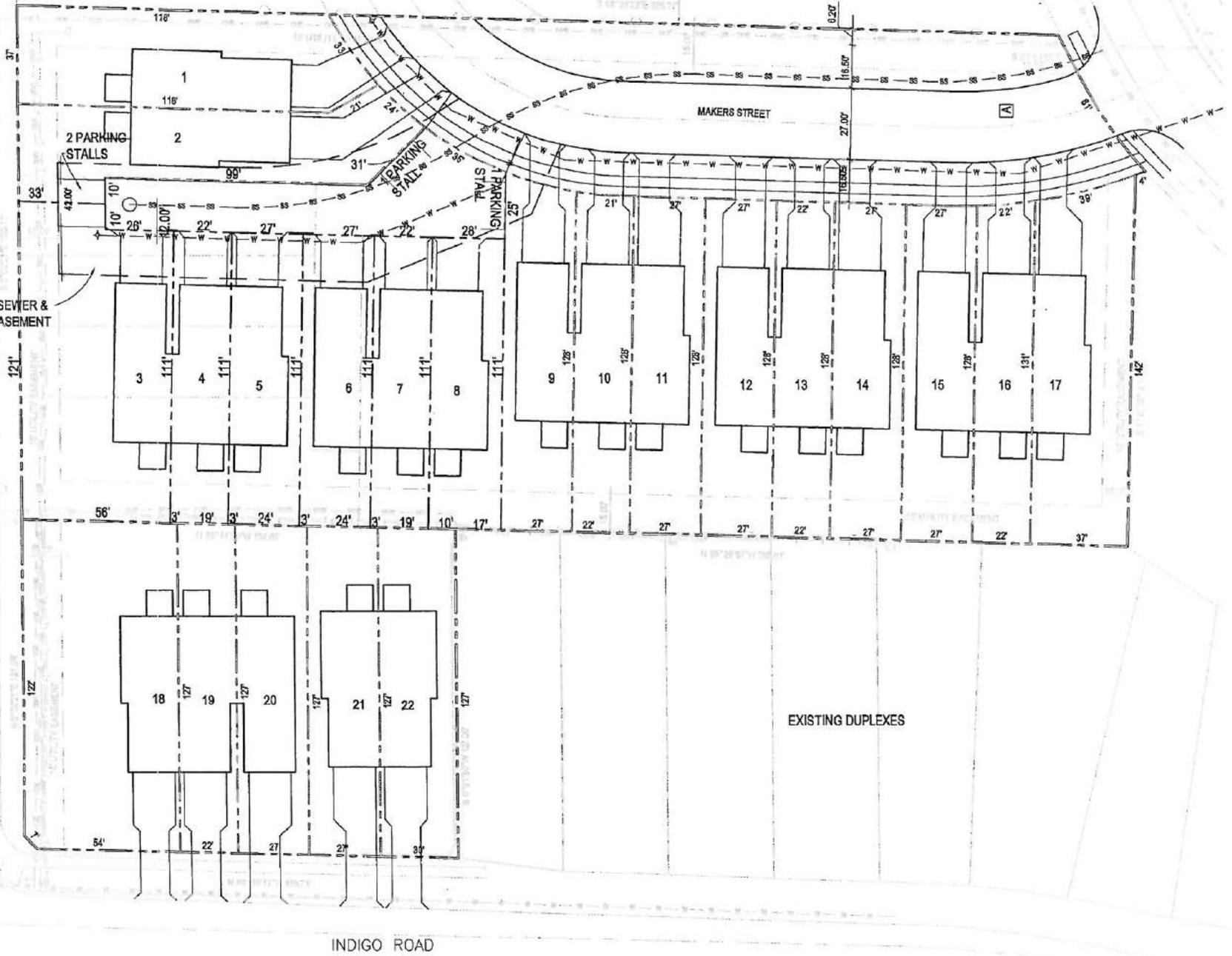
0017

# ITE LAYOUT PLAN

LE: 1" = 40'

42' WIDE PUBLIC SEWER & PUBLIC WATER EASEMENT

No. 14th STREET



EXISTING DUPLEXES

INDIGO ROAD

**SPECIAL PERMIT C.U.P.  
CHANGE OF ZONE (B-2 & R-3 TO R-4)**

**ENGINEER**

THE CLARK ENERSEN PARTNERS  
1010 LINCOLN MALL, SUITE 200  
LINCOLN, NE 68508  
CONTACT: TIM GERGEN  
402-477-9291

**OWNER/DEVELOPER**

M & W HOLDING LLC  
PO BOX 81615  
LINCOLN, NE 68501

**LEGAL DESCRIPTION**

A LEGAL DESCRIPTION FOR A PARCEL OF LAND COMPOSED OF LOT 66 I.T. IN THE SOUTHWEST QUARTER AND OUTLOT A PRAIRIE RIDGE 7TH ADDITION, ALL IN SECTION 1, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY.

SAID TRACT CONTAINS A CALCULATED AREA OF 102,242.00 SQUARE FEET OR 2.35 ACRES, MORE OR LESS.

**GENERAL SITE NOTES**

1. SANITARY SEWER AND WATER LINES TO BE 8" PIPE AND 6" PIPE RESPECTIVELY AND TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS.
2. ALL SANITARY SEWERS & WATER MAINS TO BE PUBLIC.
3. THE CURRENT ZONING IS B-2 AND R-3. WE ARE REQUESTING ENTIRE PARCEL TO BE ZONED R-4.
4. SIDEWALKS TO BE BUILT ALONG ONE SIDE OF PUBLIC STREET.
5. ALL SIDEWALKS SHALL BE 4' WIDE MINIMUM.
6. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
7. ALL PAVING RADII TO BE 20' UNLESS OTHERWISE NOTED.
8. TOTAL AREA OF CUP = 2.35 ACRES.  
2.35 ACRES X 13.93 UNITS PER ACRE X 20% REDUCTION = 26 MAX UNITS
9. ALL STREET DIMENSIONS ARE TO BACK OF CURB.
10. 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 AND SAFETY DEPARTMENT PRIOR TO INSTALLATION.
11. ALL ELEVATIONS ARE BASED ON NAVD 1988.
12. EXISTING AND PROPOSED EASEMENTS TO BE IDENTIFIED AND SHOWN AT TIME OF FINAL PLATTING.
13. DIRECT VEHICULAR ACCESS TO NORTH 14TH STREET IS RELINQUISHED EXCEPT AS SHOWN.
14. LOT DIMENSIONS ARE APPROXIMATE AND MAY VARY AT THE TIME OF FINAL PLAT.
15. ALL OUTLOTS SHALL BE OWNED AND MAINTAINED BY EITHER THE DEVELOPER OR THE HOMEOWNERS ASSOCIATION.
16. THE YARD SETBACKS REGULATE STRUCTURAL WALLS ONLY AND DOES NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCROACHING INTO THE SETBACKS.
17. ANY RELOCATION OF EXISTING FACILITIES WILL BE AT THE OWNER/DEVELOPERS EXPENSE.
18. THE PRINCIPAL STREET FACADE OF EACH DWELLING SHALL HAVE A MINIMUM OF ONE WINDOW PER STORY ORIENTED TO THE STREET. IF THE DWELLING IS TWO STORIES IN HEIGHT BOTH REQUIRED WINDOWS MAY BE LOCATED ON THE SECOND FLOOR. THE MINIMUM GLAZED AREA OF A WINDOW SHALL BE FIVE SQUARE FEET.

**ENGINEER'S CERTIFICATE**

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF NEBRASKA. THESE PLANS MEET THE REQUIREMENTS OF THE CITY ENGINEER'S OFFICE DESIGN REQUIREMENTS.



March 4, 2015  
DATE

TIM GERGEN E-10344

**LEGEND**

-  - WATER MANHOLE
-  - STORM SEWER MANHOLE
-  - SANITARY SEWER MANHOLE
-  - LIGHT POLE
-  - TELEPHONE PEDESTAL
-  - CABLE TV PEDESTAL
-  - SPRINKLER CONTROL BOX
-  - WATER VALVE
-  - FIRE HYDRANT
-  - ELECTRICAL TRANSFORMER
-  - PROPOSED SANITARY SEWER MANHOLE
-  - PROPOSED FIRE HYDRANT
-  - PROPERTY LINE
-  - EXISTING WATER LINE
-  - GAS LINE
-  - EXISTING SANITARY SEWER LINE
-  - OVERHEAD TELEPHONE LINE
-  - UNDERGROUND TELEPHONE LINE
-  - OVERHEAD POWER LINE
-  - UNDERGROUND POWER LINE
-  - PROPOSED SANITARY SEWER LINE
-  - PROPOSED WATER LINE

**CURVE DATA  
ROADWAY CENTERLINE**

**A**

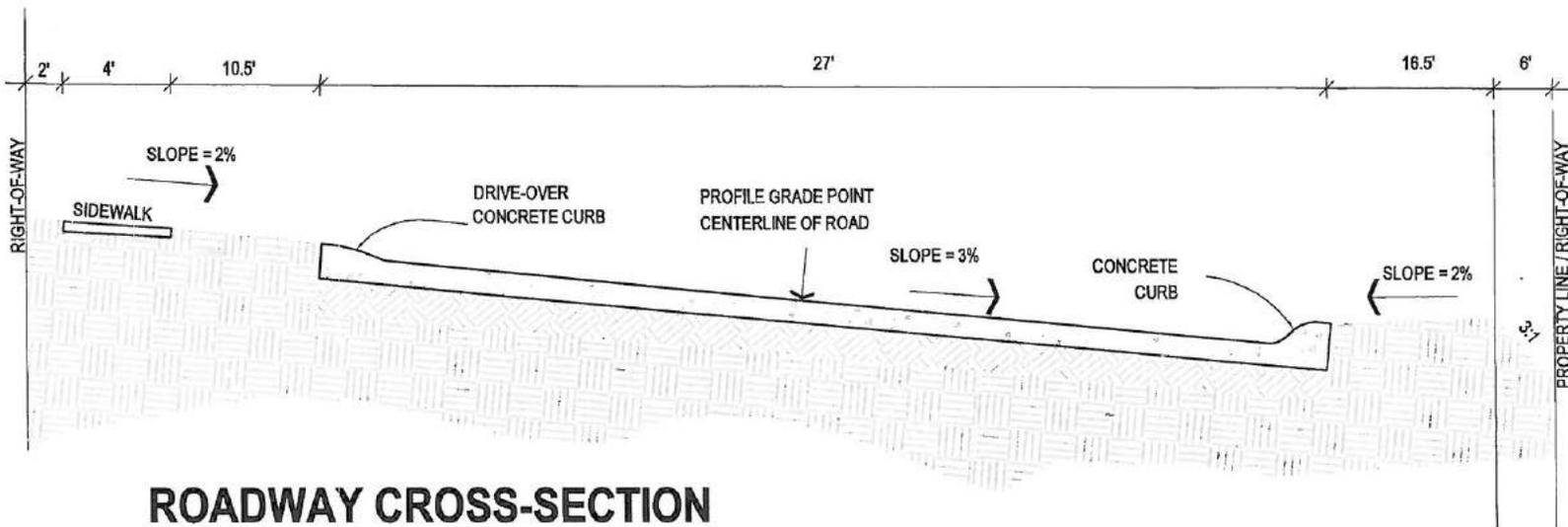
L = 62.71'  
R = 150.00'  
T = 31.82  
Δ = 23°57'08"

**B**

L = 156.82'  
R = 100.00'  
T = 99.74  
Δ = 89°50'57"

**WAIVERS**

1. CONCRETE CURB HEIGHT
2. ROADWAY CROSS-SECTION
3. FRONT YARD SETBACK TO 20'
4. MINIMUM CENTERLINE RADIUS
5. CENTERLINE TANGENT LENGTH TO INTERSECTION
6. MINIMUM LOT WIDTH AND MINIMUM LOT AREA



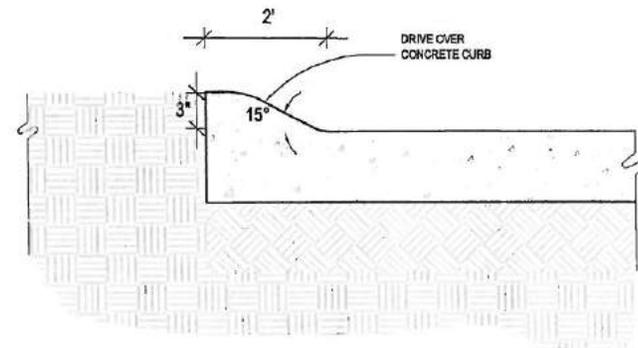
# ROADWAY CROSS-SECTION

NOT TO SCALE



# VICINITY MAP

NO SCALE



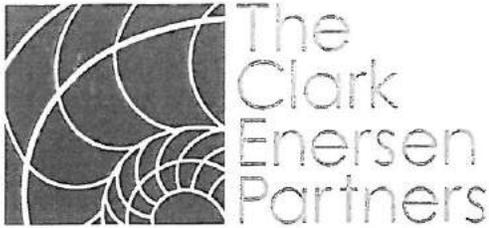
# 3" DRIVE OVER CURB DETAIL

# Current Project - Agency Review Report

Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
Building & Safety	Terry Kathe	1	Pending		Individual
County Health	chris schroeder	1	Recommend Approval	<p>Developers are responsible for all mosquito control issues during the building process and all outlots, green-spaces, and/or natural corridors subsequently controlled by the owner, tenant, occupant, lessee, or otherwise, for that subdivision would be responsible for vectors of zoonotic disease in those areas.</p> <p>All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.</p> <p>During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.</p>	Individual
Development Review Manager	steve henrichsen	1	Corrections Required		Individual
Emergency Communications	Emergency Communications	1	Pending		First In Group
Fire Department	patrick borer	1	Recommend Approval	LF&R recommends approval of this application.	First In Group
LES	nancy hegner	1	Corrections Required	3/18/15, See uploaded redlined drawing, preliminary easements shown on CUP. These will be reviewed when final plat is approved. Added easement for street light; please add easements as shown.	First In Group
Lincoln Police Department	Lincoln Police Department	1	Pending		First In Group
Planning Dept	amy huffman	1	No Review		Individual

# Current Project - Agency Review Report

			Required		
Public Works - Engineering Services	bob simmering	1	Corrections Required	Verify that first drive is 50' from 15th street curb. Reduce X slope to 2.5%	First In Group
Public Works - Watershed Management	jared nelson	1	Corrections Required	1. Concern of additional impervious area draining to southern & eastern edge of proposed lots 9-17. Provide drainage path or otherwise show how drainage will not negatively impact existing structures to the south & southeast. 2. Show how proposed grading will not send or increase flows to property to the north, especially near western portion of proposed development.	Individual
Public Works & Utilities - Wastewater	brian kramer	1	Recommend Approval	Add manhole at makers street where sanitary angles to the SW	Individual
Public Works & Utilities - Water	Nick McElvain	1	Pending		Individual
Stronger Safer Neighborhoods	Jon Carlson	1	Pending		Individual
United States Post Office	kerry kowalski	1	Recommend Approval	Recommend approval with the condition that all new deliveries are established in Centralized Box Units(CBUs) which will purchased and installed at the developers/owners expense in a location mutually agreed upon by the US Postal Service and the developer/owner.	First In Group
Windstream	Bill Lange	1	Pending		Individual



March 3, 2015

Mr. David Cary  
Planning Department, City of Lincoln  
County-City Building  
555 So. 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: Makers Row, Change of Zone & Special Permit CUP

Dear Mr. Cary:

Enclosed please find the following for the above-mentioned project:

1. Zoning Application
2. Change of Zone Application fee (\$792.00)
3. CUP Application fee(\$792.00+\$132x2.35=\$1,102.20)
4. CUP Site Plan
5. CUP Grading & Drainage Plan

On behalf of the Developer, M&W Holdings, LLC, PO Box 81615, Lincoln, NE 68501, we are requesting a change of zone from R-3 and B-2 to R-4 with a CUP Special Permit on Outlot A, Prairie Ridge 7<sup>th</sup> Addition and Lot 66 IT. The CUP special permit is to allow a mix of duplexes and triplexes for a density of 22 dwelling units on approximately 2.35 acres. A public roadway is being shown on the site plan with a conceptual lot layout and continuation of the roadway connection to the north. It is our intent that the lot layout for the property to the north will not have driveways facing the Makers Row development and thus the public roadway will be able to provide additional on-street parking along the north curb line for the residents and will not require additional parking stalls to be added. Please contact me if you have any questions or require additional information.

Sincerely,



Tim Gergen

cc: M&W Holdings, LLC

Architecture + Landscape Architecture + Engineering + Interiors

1010 Lincoln Mall, Suite 200  
Lincoln, NE 68508-2883 402 477.9291 Fax 402 477.6542

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