City Council Introduction: April 11, 2016
Public Hearing: April 18, 2016, 3:00 p.m.

Bill No. 16-34

FACTSHEET

TITLE: CHANGE OF ZONE NO. 16007
R-1 Residential District to R-2 Residential District
(4811 Bradock Court)

BOARD/COMMITTEE: Planning Commission

APPLICANT: Paden Daly

RECOMMENDATION: Conditional Approval (9-0: Sunderman, Cornelius, Corr, Weber, Harris, Beecham, Lust, Scheer and Hove voting 'yes').

STAFF RECOMMENDATION: Conditional Approval

OTHER DEPARTMENTS AFFECTED: N/A

SPONSOR: Planning Department

OPPONENTS: None present at hearing.

REASON FOR LEGISLATION:
Request for a change from R-1 Residential District to R-2 Residential District from a property owner seeking to reduce setback requirements for his lot to allow for the construction of an addition to his home, on property located at 4811 Bradock Court.

DISCUSSION/FINDINGS OF FACT:

1. The staff recommendation of approval is based upon the "Analysis" as set forth on pp.3-5, concluding the differences between R-1 and R-2 are not significant, and the application of the reduced setbacks to this area will not have an appreciable effect on the character of the neighborhood. This request complies with the Zoning Ordinance and is consistent with the 2040 Comprehensive Plan. The staff presentation is found on pp.6-9.

2. This request seeks to re-zone the 13 lots adjacent to Bradock Court from R-1 to R-2. The request is from the owner of the residence located at 4811 Bradock Court, who would like to construct an addition which extends both the front and side of the residence, meeting the R-2 requirements but not the R-1.

3. Staff informed the applicant that if approved, the application of the R-2 zoning regulations would only modify the side yard setback in this case. This is due to LMC Section 27.72.080(e) which states:

   "Where any forty percent (40%) or more of the frontage in the same zoning district is developed with two or more main buildings that have (with a variation of five feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the greater of the front yards established by the existing main building nearest the street line."

4. The Planning Department will be proposing a package of clean-up amendments to the Zoning Ordinance later this year. One of those changes will be an amendment to Section 27.72.080(e), which currently applies to all residential zoning districts except the R-3. Staff intends to propose an amendment to retain the provision but to have it only apply to the R-1. If this amendment is approved, the applicant's front setback will thereby be adjusted to 25 feet.

5. The applicant's testimony is found on pp.9-10.

6. There was no testimony in opposition to this application.

7. On March 30, 2016, the Planning Commission voted 9-0 to recommend conditional approval, as set forth in the staff report dated March 15, 2016.

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer **DATE:** April 4, 2016

REVIEWED BY: David R. Cary, Planning Director **DATE:** April 4, 2016

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LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for March 30, 2016 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone #16007 - Bradock Court

PROPOSAL: Change the zoning from R-1 Residential to R-2 Residential

LOCATION: South 70th Street and LaSalle Street

LAND AREA: Approximately 5 acres

CONCLUSION: But for this request, the City would not actively be seeking to re-zone the properties involved. Rather this request is coming forward from a property owner seeking reduced setbacks for his lot. The differences between R-1 and R-2 are not significant, and the application of the reduced standards to this area will not have an appreciable effect on the character of the neighborhood. This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

RECOMMENDATION: Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 1-13, Block 2, Edenton North, located in the NW 1/4 of Section 10-9-7 of the 6th P.M., Lancaster County, Nebraska.

EXISTING LAND USE: Residential

SURROUNDING LAND USE AND ZONING:

North:	Residential	R-1
South:	Residential	R-2
East:	Residential	R-1
West:	Undeveloped, Commercial	R-1, R-2

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 1.9 - The Future Land Use Map designates the area for urban-density residential land uses.

Pg. 7.2 - Guiding Principles
- Encourage public investment in neighborhood infrastructure and services such as parks, pools, libraries, and neighborhood business districts.
- Continue policies such as landmark districts and down-zonings that maintain a mix of single-family and multi-family housing and support home ownership and the preservation and enhancement of historic properties.
- Promote sustainability and resource conservation by preserving and improving housing in existing neighborhoods.
- Distribute and preserve affordable housing throughout the community to be near job opportunities and to provide housing choices within existing and developing neighborhoods.
- Make available a safe residential dwelling for all citizens.
- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.

- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.
- Provide safe and decent affordable and special needs housing for low- and moderate-income households.

Pg 7.4 - Strategies for Neighborhoods and Housing - Create housing opportunities for residents with special needs throughout the city that are integrated into and compatible with residential neighborhoods.

Pg 7.8 - Existing Neighborhoods - For existing neighborhoods, housing diversity is often already in place, but efforts must focus on maintaining this balance and variety. The diversity of architecture, housing types and sizes are central to what makes existing neighborhoods great places to live. New construction should continue the architectural variety, but in a manner that is sensitive to the existing neighborhoods. Neighborhood Design Standards for areas within Lincoln's 1950 corporate limits were adopted in 2004. Areas annexed after that are not currently covered by Neighborhood Design Standards. Preserving existing housing and promoting homeownership should remain the focus in established neighborhoods, with modest opportunities for infill and redevelopment. "Down-zonings" in established neighborhoods to help preserve a mix of single family homes and apartments have occurred in several areas over the past decade. In acknowledgment of this trend and community desire, the City's primary strategy for residential infill and redevelopment outside of the Greater Downtown is to encourage the redevelopment and reuse of sites and buildings in commercial areas in order to create new mixed use centers that are compatible and complementary to adjacent neighborhoods. 1,000 well-designed and appropriately-placed dwelling units are projected for neighborhoods in the existing city — a one percent increase to the existing housing stock—on vacant lots, expansions of existing apartment complexes with undeveloped land, and through accessory dwelling units. Residential redevelopment in existing neighborhoods tends to occur naturally without public intervention over a long period of time, as individual properties become obsolete or are acquired piecemeal by private or nonprofit developers.

ANALYSIS:

1. This request seeks to re-zone the thirteen lots adjacent to Bradock Court from R-1 to R-2. The request is from the owner of the residence located at 4811 Bradock Court.

2. The applicant is seeking the change of zone so that reduced setbacks can be applied to his property to allow for an addition to his home. The building plan submitted shows an addition which extends both the front and side of the residence, meeting the R-2 requirements but not the R-1. For comparison, the setbacks and lot area requirements for the R-1 and R-2 zoning districts are as follows:

	R-1	R-2
Front	30'	25'
Side	10'	5'
Rear	20' (or 20% lot depth)	20' (or 20% lot depth)
Min. Lot Area	9,000 sq. ft.	6,000 sq. ft.

3. Edenton North was annexed in 1976, then re-zoned and platted for development shortly thereafter. The original zoning applied was A-1 Residential, which is comparable to the R-1 zoning district with respect to allowed uses and area requirements. The A-1 district was replaced with R-1 with the 1979 Zoning Update, and many of the areas, including this one, were simply converted to R-1 zoning.

4. As shown on the attached Exhibit A, there is R-2 zoning adjacent to the south, which extends west across South 70th Street. The portion of the R-2 area east of South 70th Street was re-zoned from R-1 to R-2 in the late 1980's. The proposed re-zoning is adjacent and would be an expansion of the existing R-2.

5. The applicant originally proposed re-zoning just his lot, but such a ‘spot zoning’ would not be appropriate or consistent with the Zoning Ordinance. However, a larger area, such as what is being proposed, affords the same development rights to a larger area, including the properties on either side of the applicant’s lot. Staff suggested he seek to re-zone a larger area with a logical boundary, such as all the lots on Bradock court. The applicant notes that he spoke with 11 of his 12 neighbors to inform them of his intention, and that no concerns were noted.

6. The area requirement differences for single-family dwellings between R-1 and R-2 are in the front and side yard setbacks, and the minimum lot area. The front and side setbacks are both 5' less, and the lot area requirement is 3,000 square feet less in the R-2. There would be no change for the lots involved with respect to two-family dwellings. None of the lots involved are large enough to accommodate two-family dwellings in the R-1, nor are they large enough to accommodate them if re-zoned to R-2.

7. But for this request, the City would not actively be seeking to re-zone the properties involved. Rather this request is coming forward from a property owner seeking reduced setbacks for his lot. The differences between R-1 and R-2 are not significant, and the application of the reduced standards to this area will not have an appreciable effect on the character of the neighborhood.

8. Staff informed the applicant that if approved, the application of the R-2 zoning regulations would only modify the side yard setback in this case. This is due to LMC Section 27.72.080(e) which states:

   “Where any forty percent (40%) or more of the frontage in the same zoning district is developed with two or more main buildings that have (with a variation of five feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the greater of the front yards established by the existing main building nearest the street line.”

9. The provision contained in 27.72.080(e) applies, as all the dwellings in the block were built with a 30' front setback. With the number of homes built exceeding 40% of the frontage, 30' becomes the setback under this provision regardless of the zoning district.

10. The application of 27.72.080(e) can cause inconvenience on smaller lots with respect to limited space and area constraints. The equity in holding subsequent home builders to a standard above the typical setback requirements in the Zoning Ordinance because others chose to do so is debatable. It can be argued the issue is a matter for developers to address via restrictive covenants, rather than to be regulated by a provision in the Zoning Ordinance.

    The Planning Department will be proposing a package of clean-up amendments to the Zoning Ordinance later this year. One of those changes will be an amendment to Section 27.72.080(e). Where the section currently applies to all residential zoning districts except the R-3, staff intends to propose an amendment to retain the provision, but to only have it only apply to the R-1.

The rationale for retaining the provision for the R-1 zoning district is that most all the very large lot, single-family dwellings in Lincoln are zoned R-1. This would include those in both Piedmont and the Country Club area, where a majority of homes are setback significantly more than the setbacks of the district. The effect of only meeting the 30' front setback of the R-1 zoning district would have a significant effect on the appearance, character, and 'feel' of these areas.

11. As noted previously in the Comprehensive Plan specifications section, there are some principles that reflect various aspects of this proposal. Re-zoning the lots involved will have an impact, the effect of which is largely a matter of perspective due to the limited impact of up-zoning from R-1 to R-2. On the one hand, affected owners will be able to make use of more of their lots for building area, arguably making more efficient use of the land. It can also lend a certain amount of variability to the character of the area, with some owners taking advantage of the reduced setback requirements while others will not.

    On the other hand, some may have purchased homes for the greater separation between dwellings and do not want to see that diminished. The R-1 zoning designation is the least dense, urban-density residential zoning designation in the Zoning Ordinance, and as such may carry value with prospective buyers at the time of resale.

    As with the several larger neighborhood down-zonings from several years ago, if the change of zone is the desire of most of the owners involved, then re-zoning is appropriate as there are no significant land uses issues involved. The change in regulations is not that great, and the degree of negative impact is relatively minor.

12. The Future Land Use Map designates this area for urban-density residential land uses. Both the R-1 and R-2 zoning designations allow the type of development consistent with this land use designation. This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

Prepared by:

_____
Brian Will
bwill@lincoln,ne.gov, 402-441-6362
March 15, 2016

OWNER/ APPLICANT/ CONTACT: Paden Daly
4811 Bradock Court
Lincoln, NE 68516
402-875-3118

CHANGE OF ZONE NO. 16007

CHANGE OF ZONE NO. 16007
FROM R-1 (RESIDENTIAL DISTRICT) TO R-2 (RESIDENTIAL DISTRICT)
ON PROPERTY GENERALLY LOCATED AT
4811 BRADOCK COURT.
PUBLIC HEARING BEFORE PLANNING COMMISSION: March 30, 2016

Members present: Beecham, Cornelius, Corr, Harris, Hove, Lust, Scheer, Sunderman and Weber.

Staff recommendation: Conditional Approval.

There were no ex parte communications disclosed.

Staff presentation: Brian Will of the Planning Department came forward to state that this property is located to the south of LaSalle Street, just south of the major intersection at South 70th Street and Pioneers Boulevard. This request for a change of zone comes about as the result of one property owner attempting to put an addition on his house. This has proved to be challenging due to the fact that this is an irregularly-shaped lot due to the cul-de-sac.

The proposed addition is along the northeast section of the existing home. It would go 5 feet into the current setback. The change in zone would allow for a change in setbacks which would solve the problem for the expansion occurring in the side yard. It would not solve the problem for the front yard setback, however, due to a provision in 27.72.080 of the Zoning Ordinance that states “that once an area is developed, if 40% of structures are built at a certain setback that is greater than allowed by the underlying zoning, that distance becomes the new setback”. When you look at this area, most homes are built at approximately a 30-foot setback. Even if the zoning is changed, we are required to fall back to this provision and, therefore, the proposed expansion in the front would not be allowed.

It is important to note that the Planning Department is in the process of working on some “clean-up” items to the Zoning Ordinance. It has been questioned for several years whether this particular provision is worth keeping or modifying. The current discussion suggests that the code could be amended so that this provision would apply only to R-1 zoning, where there are large setbacks of 50 feet or more and an adjustment to one home would be a significant change in character from surrounding homes. This is in contrast to a neighborhood like the one the applicant lives in, where a change of 5 feet would not change the character and would hardly be noticeable.

Will concluded by saying that this is an application brought forward by a property owner, and though Planning would not have sought out this change, we feel it is appropriate and would not cause a significant impact to this area.

Lust asked for clarification regarding the potential future text amendment change and how it will help the applicant accomplish the expansion. Will said that after the text amendment, the provision will only apply to the R-1 zone. If this body approves the applicant’s request for a zoning change today, his property would be zoned R-2 so that

the 40% provision would no longer apply. Right now the provision applies to all residential zoning districts.

Harris said that if this applicant had not come forward, Planning would not have seen as much value in rezoning this area. She wondered whether requesting a waiver to setbacks would have been a simpler option, given the fact that the lot has some irregularities. Will said there is no zoning overlay, such as a CUP or PUD, in this area, so the only other potential remedy is through the Board of Zoning Appeals, but that is typically a last resort. The available option is to rezone the property. An appeal could be requested after all other remedies are exhausted. Will added that although he cannot predict what the appeals board would do, this may not be a good case for appeal due to the fact that there is no undue hardship or unique characteristics that deny the typical use of this property.

Harris said it is her understanding that the applicant did speak to all neighbors and there were no concerns expressed. She noted that if the 40% rule were eliminated, property owners gain the ability to build out, but they lose some separation and privacy that may be valued. She wondered if the neighbors had an accurate understanding of what they could be giving up. Will said he cannot speak for all of the neighbors, but the three he spoke with seemed to have a good sense of what this change was about. At first glance, the zoning change makes it appear that the setbacks will be reduced, but that is not entirely the case unless the text amendment occurs. That is a caveat that only a few experts know about, but it was explained to those who asked questions that the second action of the text amendment will be needed to reduce the front setback.

Harris said 3 of the property owners out of the 13 who will be affected called in and were made aware that Planning is potentially seeking the text amendment. She asked if it is fair to assume everyone else received notification. Will said they all got the same notification. Harris expressed that there is no way of knowing for sure since there is no one present to testify. Will said he would not speculate about whether they understand everything involved. The notification was sent out as ususal, and he has a high level of confidence that folks in the immediate area are aware. One called because they saw the sign in the yard, so that is further notice that something is going on.

Beecham said this feels like a big bandage for a small cut. She is uncomfortable with rezoning the entire area and wondered if there was a different mechanism. She understands that this does not meet the conditions to apply for a waiver, but wondered if a better solution should be created to deal with situations like this. Will said there are options and he does not believe any additional remedy is required. A zoning change is a valid solution. Major zoning changes have been made in the past at the request of neighborhoods. Beecham said those were usually driven by more than one property owner. Will said they did a good job of getting the word out and getting neighbors involved. In this case, this is a single, motivated applicant. Beecham said it does not seem like we have done the due diligence of holding public meetings. She does not find this case similar to the larger rezonings. Rezoning seems like too big a solution.

Steve Henrichsen of the Planning Department came forward to offer background on past down-zonings. Those areas were larger and, while there were meetings to discuss those changes, no one-on-one contact was made with each property owner. Having approximately 4 out of 12 surrounding homeowners make contact on any project is a good turnout. In contrast, he offered that there have been cases where a residential area was changed to commercial, houses were removed, and a convenience store built,

and only one person called. The letters went out and the large, yellow zoning sign was displayed on the property. The usual process for this type of change was followed. The Staff Report also notes that the cul-de-sac to the south is also zoned R-2. The area is surrounded by residential zoning and this change does not put this cul-de-sac out of character.

Beecham said with past actions, the question was whether or not the change made sense for the entire area. She wondered if there should be a special permit or some option to address cases where one person wants a different setback rather than rezoning the entire block. Henrichsen there are many tools to accomplish that very thing. In this case, there is no CUP or PUD. There has been no opposition to this change and, in fact, there may be others who would take advantage of the potential to expand.

Beecham asked if there is any differences in allowed uses between R-1 and R-2. Will said the uses are exactly the same. Duplexes are not allowed due to smaller lot size. The net difference is a 5-foot adjustment to setbacks.

Beecham asked what the applicant will do since this will not solve his problem. Will said the applicant is on hand to answer questions. He understands that there is a potential that the text amendment might not pass.

David Cary, Planning Director, came forward to state that the point Commissioner Beecham is making is well-taken. It is important to consider the context of the area. In this area, if starting from scratch, this could have easily been zoned R-2 or R-3. Going to R-2 does not change the lot layouts, which are really more akin to R-2 than R-1. The other point that Will alluded to is that the Board of Zoning Appeals is a last resort. This is the proper process for the applicant to take. Spot zoning is something to avoid, so doing a logical, inclusive change of the whole cul-de-sac is a consistent and appropriate action.

Corr said she understands the point being made by Commissioner Beecham. If this were any other application, we would have strongly suggested a meeting with the neighbors. Will said the applicant did meet with neighbors. Corr said going door-to-door is completely different from a full meeting where staff might be present to answer questions and verify what was said; the word of the neighbors is just hearsay without a group meeting. She went on to say that she was part of the down-zoning referred to earlier and there was spot zoning. Will said this area is adjacent to R-2, so this is expanding that chunk. There are multiple ways to see it. There are reduced setbacks so houses could end up closer together, but there is also extra use of the house on the property. Many see that as an advantage.

Lust asked for clarification about which portion of the proposed expansion cannot be accomplished by the change of zone. Will answered none of the front yard area. The house sits at 30 feet now. Lust wondered if there was some portion that could follow along the arc of the property line. Cornelius noted that it would be an impractical footprint. Lust said the entire front area is out and Will agreed. Lust said she is trying to determine how to distinguish the side area from the front. Since there is no guarantee about the text amendment, she wonders whether this project will go forward at all and what it will look like. That way, there is some concept of what will be gained by approving the change of zone today.

Cornelius wondered how the text amendment would apply to the situation and if the property would be grandfathered to state that at the time of the change of zone, the construction was such that 40% had setbacks of 30 feet and, therefore, that limitation still applies. Will said the provision refers to all districts right now and has nothing to do with the change of zone. Lust said a non-conforming use would have the opposite effect. Cornelius confirmed that in talking this point out, he understands.

Harris asked why this application would not be brought forward at the same time as the ordinance change, since this application hinges on the approval of that change. Will said an applicant could do that. Harris asked why that option wasn't chosen. Will said it is the choice of the applicant. Staff cannot tell people when to move forward or not. We have explained the additional component to the applicant, and his decision was to bring this portion forward.

Cornelius asked for clarification that all of the property owners in the change of zone area have been notified. Will said yes.

Corr asked for confirmation about the number who called in. Will said three.

Cornelius went on to ask for confirmation that there was no opposition. Will said correct; people simply had questions and those were answered. Cornelius asked if the notification went to all property owners within 200 feet of the boundary. Will said that is correct.

Proponents:

1. Paden Daly, 4811 Bradock Court, came forward as applicant. He addressed the question regarding whether or not neighbors know this action could decrease their setbacks by 5 feet by stating that they are aware of that change. When he spoke to them at first, he was unaware of the provision referred to earlier, so their assumptions was the 5-foot change.

Beecham asked about the timing and pursuing this change of zone before the text amendment. Daly said it seemed logical to do as much as possible before pursuing an appeal. He was also unsure if he would be required to pay a fee again.

Lust asked whether Daly would regroup and build only a portion in the side yard if the text amendment never goes through. She wondered if he had a contingency plan. Daly said it may not work. His house does not sit perpendicular to the property line. As it sits now, he could probably only add around 4 feet of additional space, which does not make sense financially.

Corr asked if he meant that he would not do any additions to the side if he cannot do the additions to the front. Daly said he does not know because they have not gotten that far yet. He wanted to see how far he could get through the process first. It might be an option. Corr said she thinks that is what Lust was getting at with her question. She wonders if he will be able to achieve what he needs to. Daly said not really, but he will take what he can get and take a chance on the text amendment.

Lust asked if there is anything vitally important to the project that will go in the 5-foot area under discussion. Daly said yes. The depth of the garage is only 19 feet. He is in a wheelchair that takes up 24 inches. His truck is around 18 feet, so he does not fit

between his vehicle and the wall. He has looked at others homes in other locations, but he is retired from the Department of Defense Marine Corps and he goes to the VA often. This location is close to everything he needs and he likes where he is.

Harris asked if it was his original intent to only rezone his own property. Daly said yes. Harris said this was a recommendation to him from the Planning Department. Daly agreed. Harris reiterated that Mr. Daly had no intention for his neighbors to be part of this process. Daly said yes, but none of them mind. If Commissioners required a meeting with them, that would be fine, but he does not think many would attend. They are all very nice, mostly retired people and are good neighbors.

Opponents:

There was no testimony in opposition.

Staff Questions:

Harris asked if rezoning only this property was totally out of the question. Will said Staff would recommend against that. If there is a zoning action, it should be a larger area. Rezoning the entire cul-de-sac is logical. Doing only one lot would be true spot zoning and that would be a bad idea. Staff believes the likelihood of neighbors supporting this action is greater than 50% in this case. We are before you today with zero opposition.

Harris went on to ask how this action relates to the goal of the Comprehensive Plan since one component of that is maintaining predictability. She wondered if this action follows a normal pattern that is predictable for those homeowners and if it is unusual for the request of a single homeowner to spur this type of change. Will responded that there are examples of one or a few property owners bringing these changes forward, so in that respect, the request is not that different. The Planning Department was not actively seeking out this change for this area, but the Comp Plan supports questioning the best use of the land and allows for changes. In some cases, a change in setbacks could change the character to a point where it is no longer suitable. This adjustment is not that big in the big picture. R-1 was singled out as the area that would still be covered by the provision because with large-estate lots, a significant change in setbacks could change the character. This neighborhood is not like that.

Beecham stated that she believes that the applicant spoke with the neighbors, but she would have felt more comfortable knowing with certainty that they understand the change. It’s not always clear from the notices what the ramifications will be. She wondered if there is a rule-of-thumb for holding public meetings with staff present. Will said there is no rule-of-thumb. When there is an inquiry about a zone change, staff advises the applicant to go to neighbors and neighborhood associations before spending the money and time on the application process. We cannot require them to do so, but it is in their best interest. Additionally, staff cannot invite themselves to these meetings. Some do not want staff present.

Daly said the group of neighbors impacted by this is only 13 homes.

Corr expressed that these questions are not about Mr. Daly’s particular application, but about the process. Daly said he understood. If Commissioners wanted 100% approval, he suggested the best way to get it from his neighbors would be by making phone calls.

Lust moved Conditional Approval; seconded by Cornelius.

Corr said she is fine with this particular application and the R-2 zoning of the entire cul-de-sac, mainly because it is adjacent to a nearly identical R-2 cul-de-sac to the south. She stated for the record that all of these applications need to be treated the same, so if there is a change of zone, we need to encourage them to have a meeting and not just approach neighbors one by one. She would be suspicious of any applicant who did not want Planning staff present at a meeting. Many questions always come up and people need the expertise and objective information and observation from staff. She encourages staff to tell every applicant the same thing.

Harris said she would have been more comfortable if this application had come forward at the same time as the text amendment then everyone would know for sure that the applicant is achieving his goal rather than potentially rocking the boat, only to be unable to accomplish the desired outcome. She plans to support this application and asked questions not out of objection, but out of concern for neighbors and due process. Planning Commission is not final action, so there is time for any neighbors who would like to keep the extra separation of the R-1 zoning to come forward and voice that.

Cornelius said he will support the application. He wanted to talk about the process, including the public process, in the context of today and historical changes of zone. Worth mentioning again is that there already is a different recourse that addresses the micro-scale issue of needing more space and that is the Board of Zoning appeals. Whether or not an applicant should go that route first or attempt a neighborhood-wide change of zone is open for debate. He is comfortable with either process. He is also comfortable with the public process and believes Planning treats these applications the same. Advertising rules are very specific. Staff has said, and he has witnessed, that it is not necessarily Planning who puts these together, but rather, motivated neighbors who try to bring others onboard. This is a much smaller situation and he is comfortable that the notifications went out, questions were asked and answered, and that there was opportunity for neighbors to talk to each other. If there had been any opposition to this, we would have seen at least one person here today. He is comfortable with the processes and will support this application.

Weber said that when considering these types of requests, he places himself in the shoes of the neighbors. He does not see anything negative and, in fact, sees this as a positive if another neighbor wants to expand. There does not seem to be any opposition. If the request was for a 10- or 15-foot reduction to setbacks, that might cause some alarm, but driving through the neighborhood, it would be difficult to notice a 5-foot change without a tape measurer.

Lust said that while she appreciates what the applicant is trying to do and the reasons for bringing the application forward today, she wishes there were some way to make sure that Mr. Daly's project was getting approved. She is supportive of the change of zone for this neighborhood but is concerned with the idea that the specific project is dependent upon a future ordinance change. She stated for the record that this particular change of zone is appropriate but cannot be sure what the next step will be since that is not what is before this body today. At least today's action accomplishes some of the goals of the applicant.

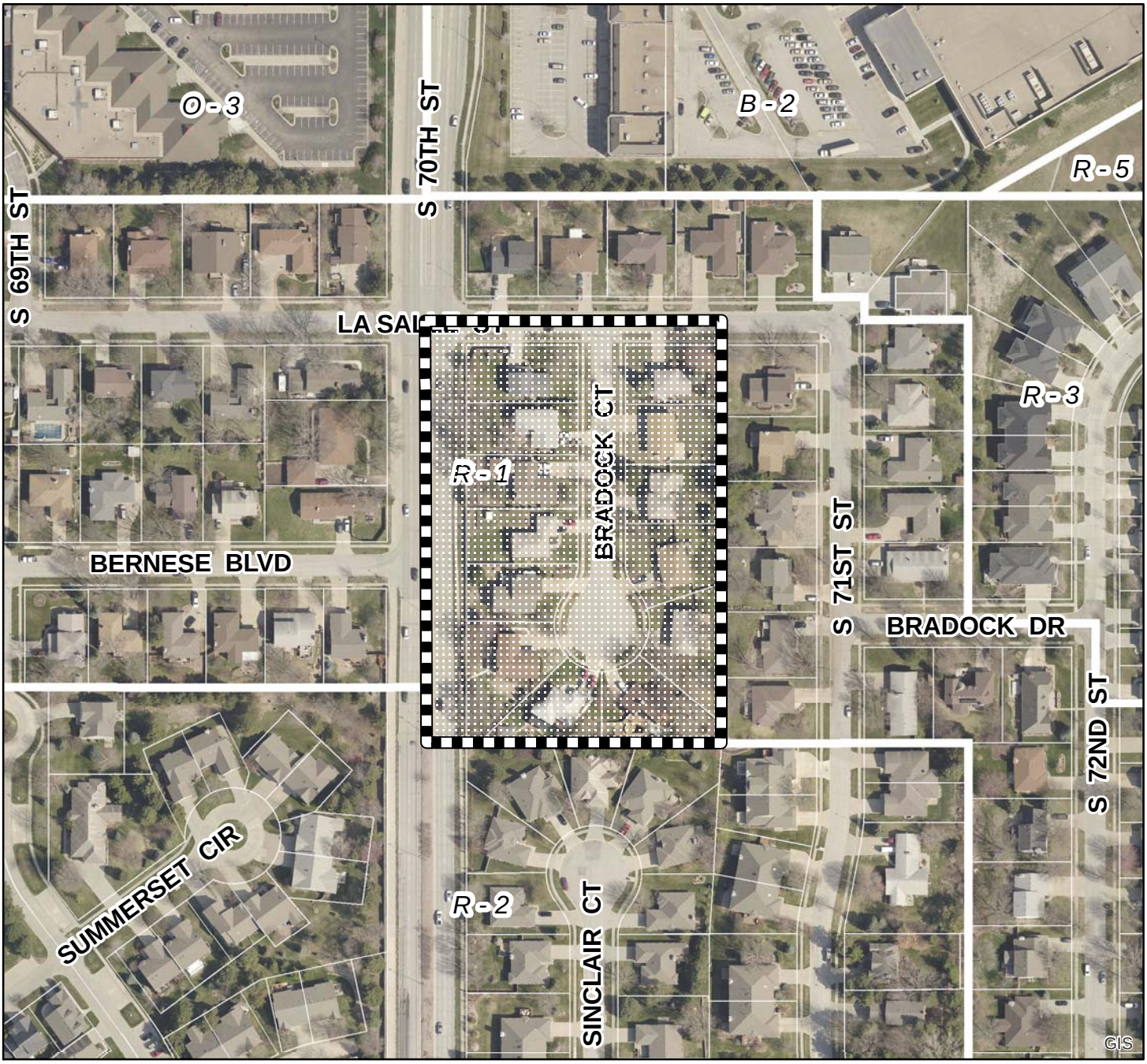
Sunderman said he will support the application. This is a reasonable and just use of the property and the applicant has done nothing incorrectly by bringing it forward; he would have chosen the same thing if in the same position. The discussion that this application got caught up in was about public process, notification and education. This body, along with staff, may need to consider a workshop on this topic to come up with something more concrete rather than the pseudo-regulations.

Scheer said he wanted to expand on Commissioner Lust's comments since the next steps are tenuous. The applicant may want to work with an architect and see how the expansion can work without the additional 5 feet in the front yard. In looking at the schematic floor plans, it looks like it might be possible to make it work.

Beecham said she has no objections to this project, which makes sense. She is comforted by the surrounding R-2, so this would not be out-of-line. She still feels that this is a big bandage on something small in a case where a single resident wants to make a change. She wishes there were some way that an applicant could meet some conditions to be approved because, in the future, there may be a case where there will be a lot of objections, and it seems important to give the individual some flexibility without rezoning an entire area.

Hove said he intends to support this. We have discussed an item that has no objection whatsoever for the last hour. The fact is, it is good for the individual and could be good for the neighbors. They have been made aware of the change and are supportive.

Motion for Conditional Approval carried 9-0: Beecham, Cornelius, Corr, Harris, Lust, Scheer, Sunderman, Weber, and Hove voting 'yes'. <u>This is a recommendation to the City Council.</u>



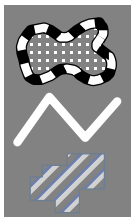
2013 aerial

Change of Zone #: CZ16007
S 70th St & Bradock Ct
R-1 to R-2

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

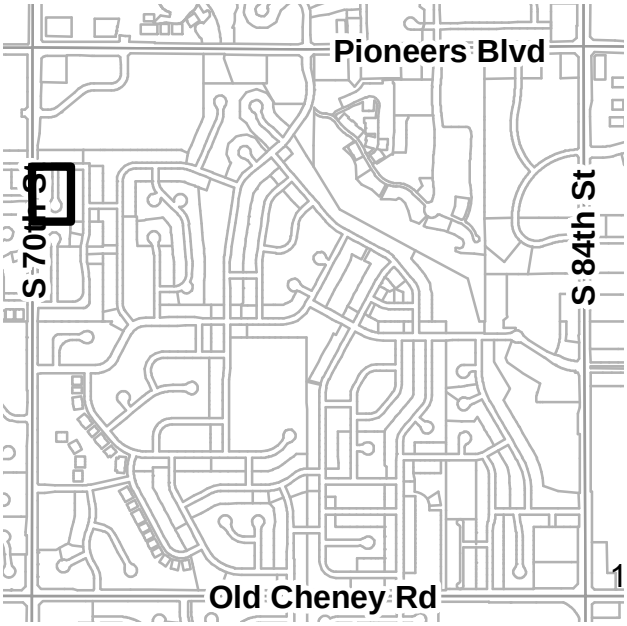
One Square Mile:
Sec.10 T09N R07E



Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



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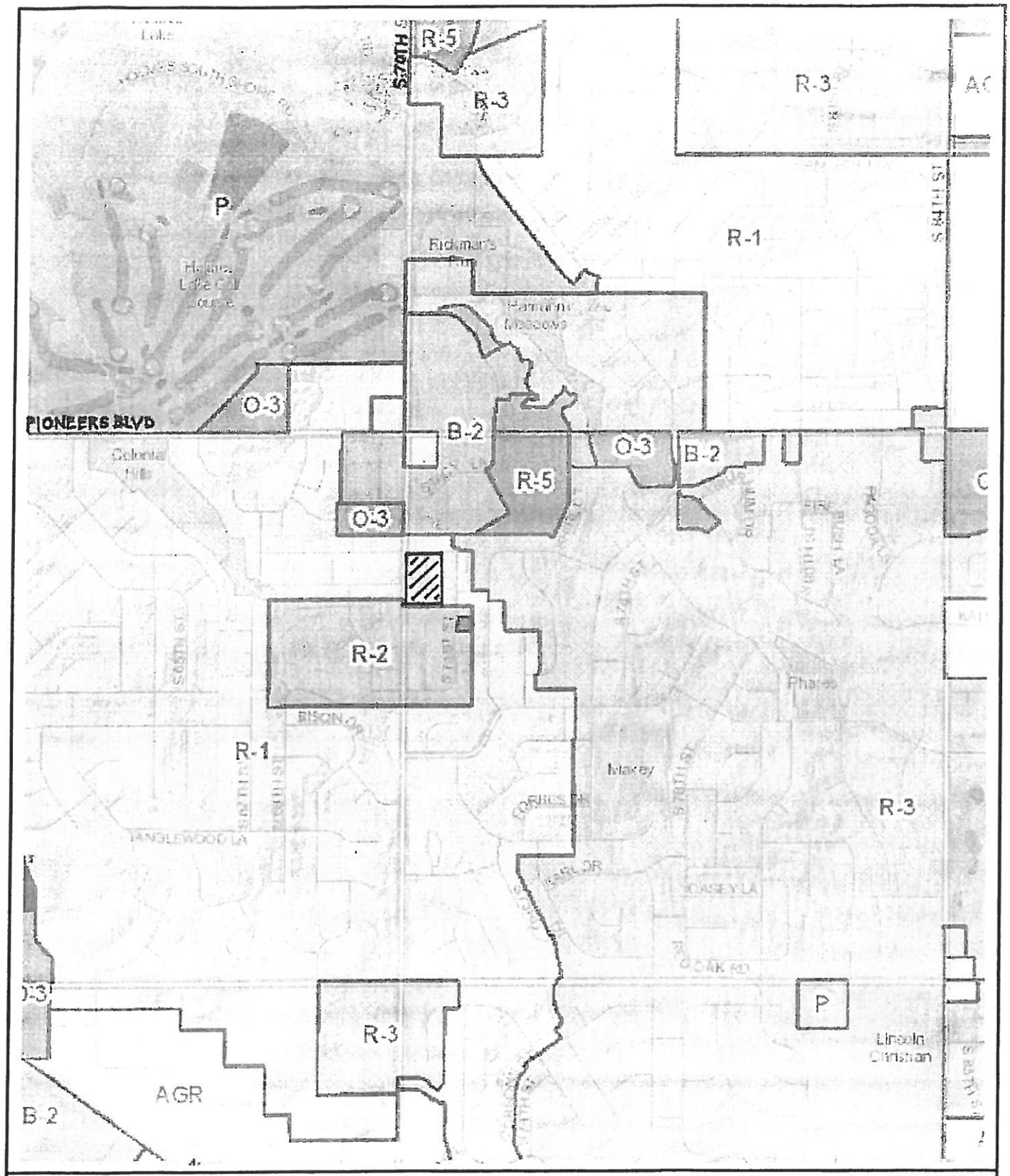
AREA ZONING MAP



Lancaster County/City of Lincoln GIS Map

N W E S

- SUBJECT AREA

EXHIBIT 'A'

Printed: Mar 17, 2016

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email ags@lincoln.ne.gov and you will be directed to the appropriate department.

Lincoln Planning Department

Firstly I would like to thank Brian Will and any of the other staff who have helped me thus far with the proposed improvements I would like to make to my property. My name is Paden Daly residing at 4811 Bradock Court. I am medically retired from the Department of Defense and permanently in a wheelchair which is the main reason for my filing this application. My original idea was the rezoning of my property from R1 to R2 but was informed since that was spot zoning my better option would be to request a rezoning of all thirteen residents of the Bradock Court cul-de-sac. I have approached 11 of the homeowners with the idea and none of them have voiced any concerns of being rezoned.

The reason for the rezoning application is so that I can add a third stall and more useable space to my garage. As stated before I am in a wheelchair and it takes a lot of square footage for me to be able to adequately move around an area and the adaptive equipment I require surprisingly takes up more room than I had anticipated. Changing the current zoning of R1 with 30 ft front setback and a 10 ft side setback to an R2 zoning with a 25ft front setback and a 5 ft side setback will give me enough room for the addition. It is only 5 feet but as my home sits at an angle to the property line it would greatly help.

I very much enjoy building things with my hands whether it be in wood working, metal fabrication, and working on the never ending project of my 68 mustang I've had since I was fourteen and this would give me the space I would need. It also wouldn't hurt to be able to store my vehicle inside during inclement weather. I also very much enjoy the location of my home as it is in very close proximity to the VA clinic in which I frequent and being able to make these improvement to my home would allow me to continue to reside here.

-Paden Daly

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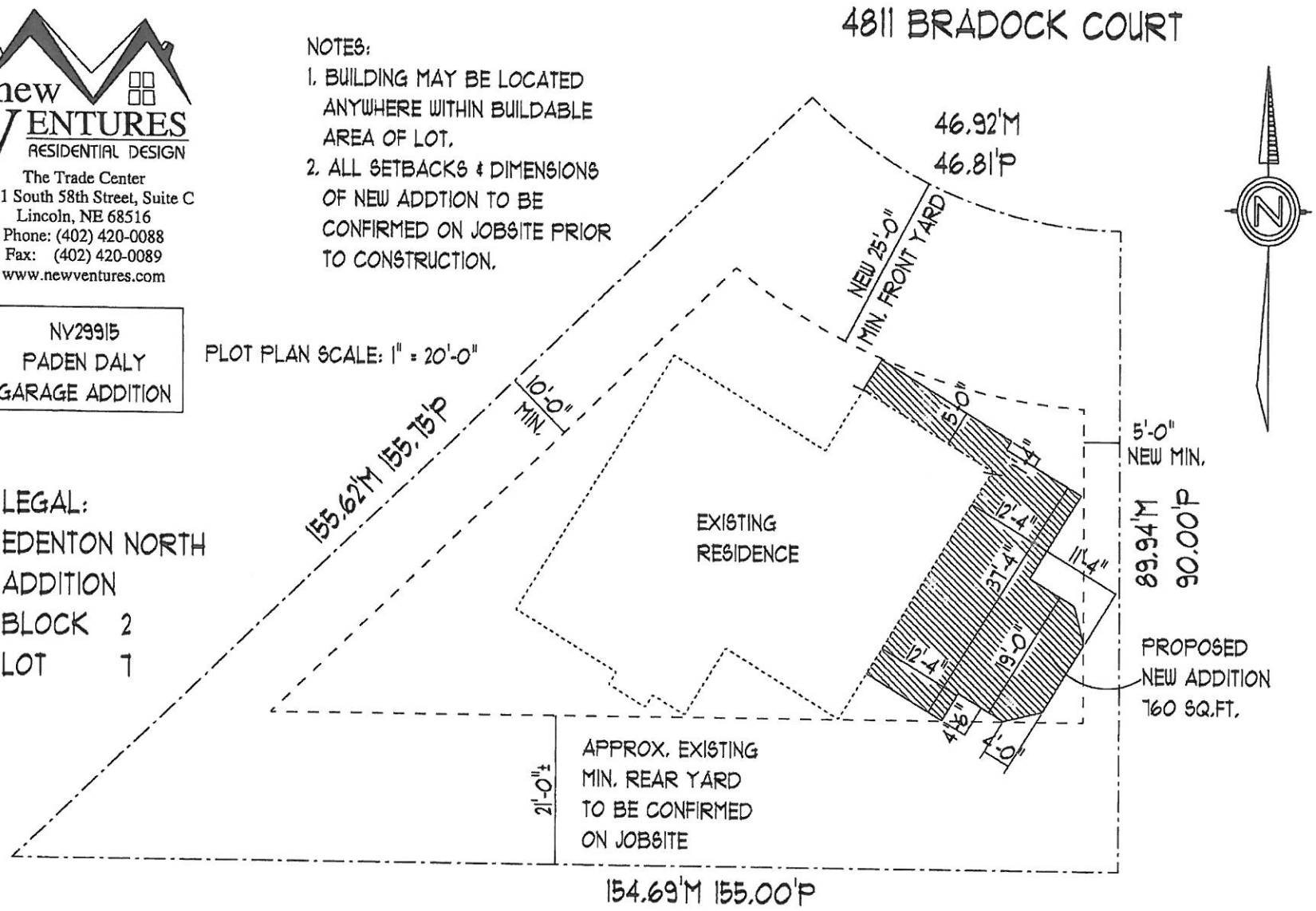
Fax: (402) 420-0089
www.newventures.com

NY29915
PADEN DALY
GARAGE ADDITION

NOTES:
1. BUILDING MAY BE LOCATED ANYWHERE WITHIN BUILDABLE AREA OF LOT.
2. ALL SETBACKS & DIMENSIONS OF NEW ADDTION TO BE CONFIRMED ON JOBSITE PRIOR TO CONSTRUCTION.

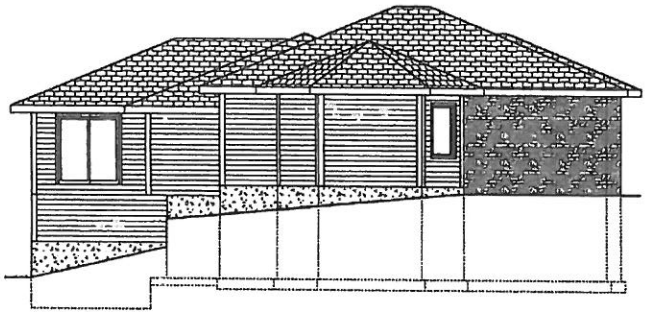
PLOT PLAN SCALE: 1" = 20'-0"

LEGAL:
EDENTON NORTH ADDITION
BLOCK 2
LOT 7



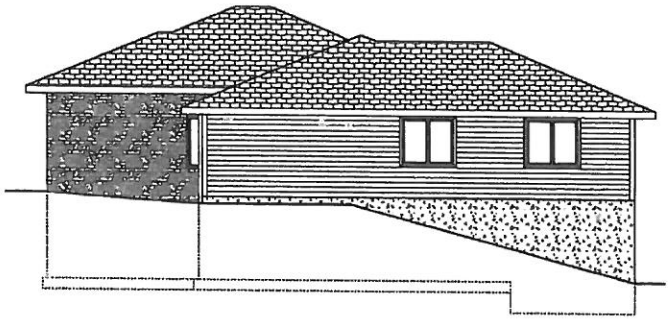
REAR ELEVATION

SCALE: 1/8" = 1'-0"



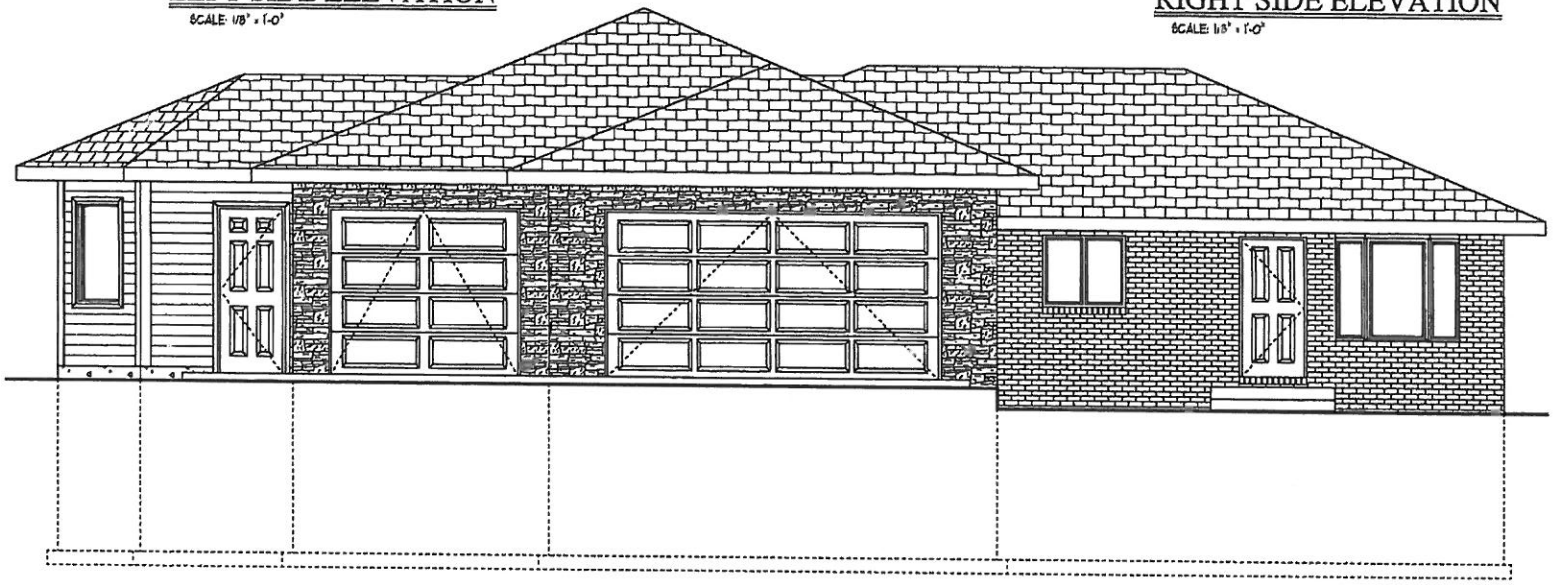
LEFT SIDE ELEVATION

SCALE: 1/8" = 1'-0"



RIGHT SIDE ELEVATION

SCALE: 1/8" = 1'-0"



FRONT ELEVATION

SCALE: 1/4" = 1'-0"

PRELIMINARY PLAN

PLAN FOR REVIEW AND BIDDING PURPOSES ONLY NOT FOR CONSTRUCTION

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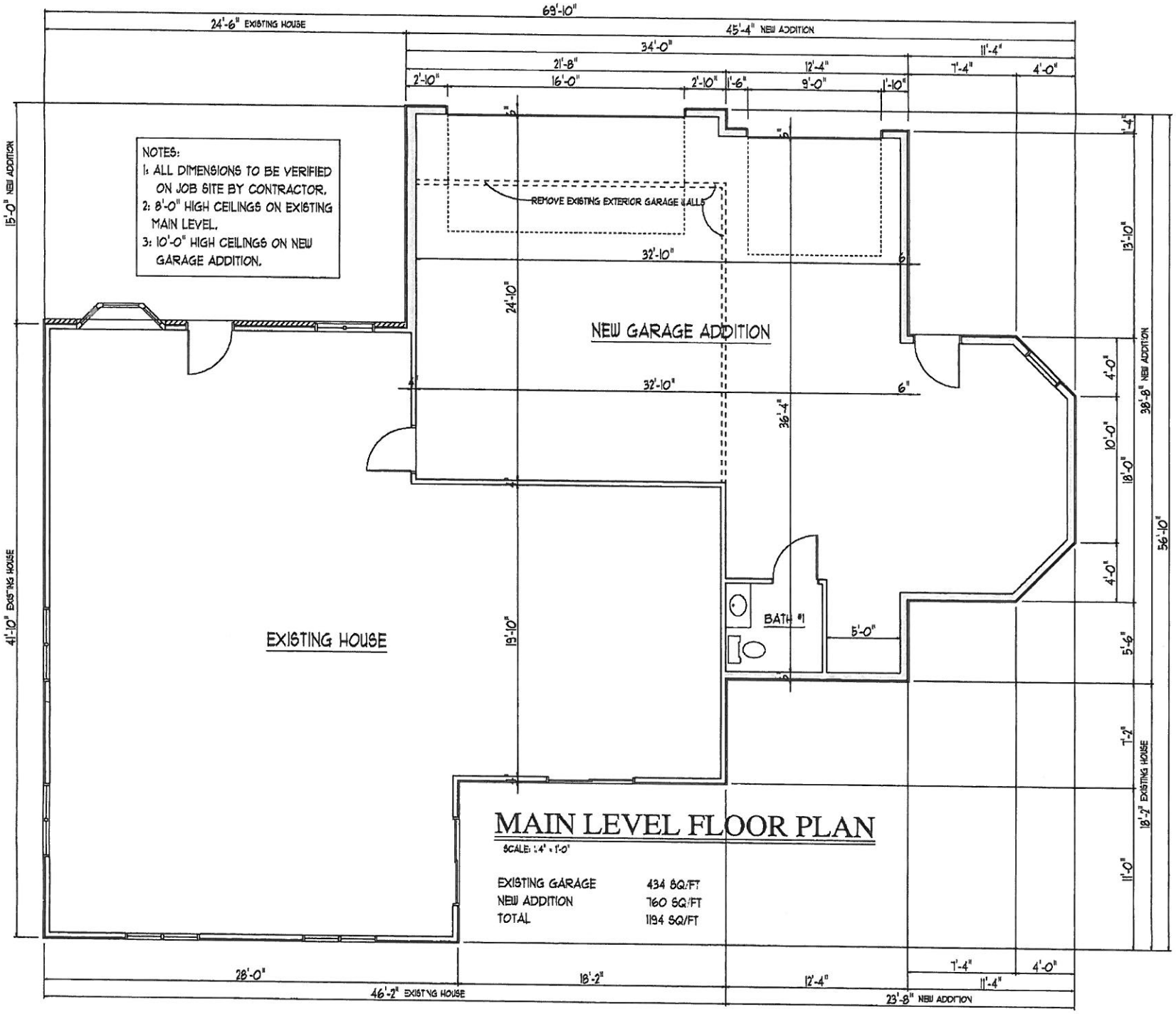
GARAGE ADDITION
SHT 2 OF 7



MAIN LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"

EXISTING GARAGE	434 SQ/FT
NEW ADDITION	760 SQ/FT
TOTAL	1194 SQ/FT

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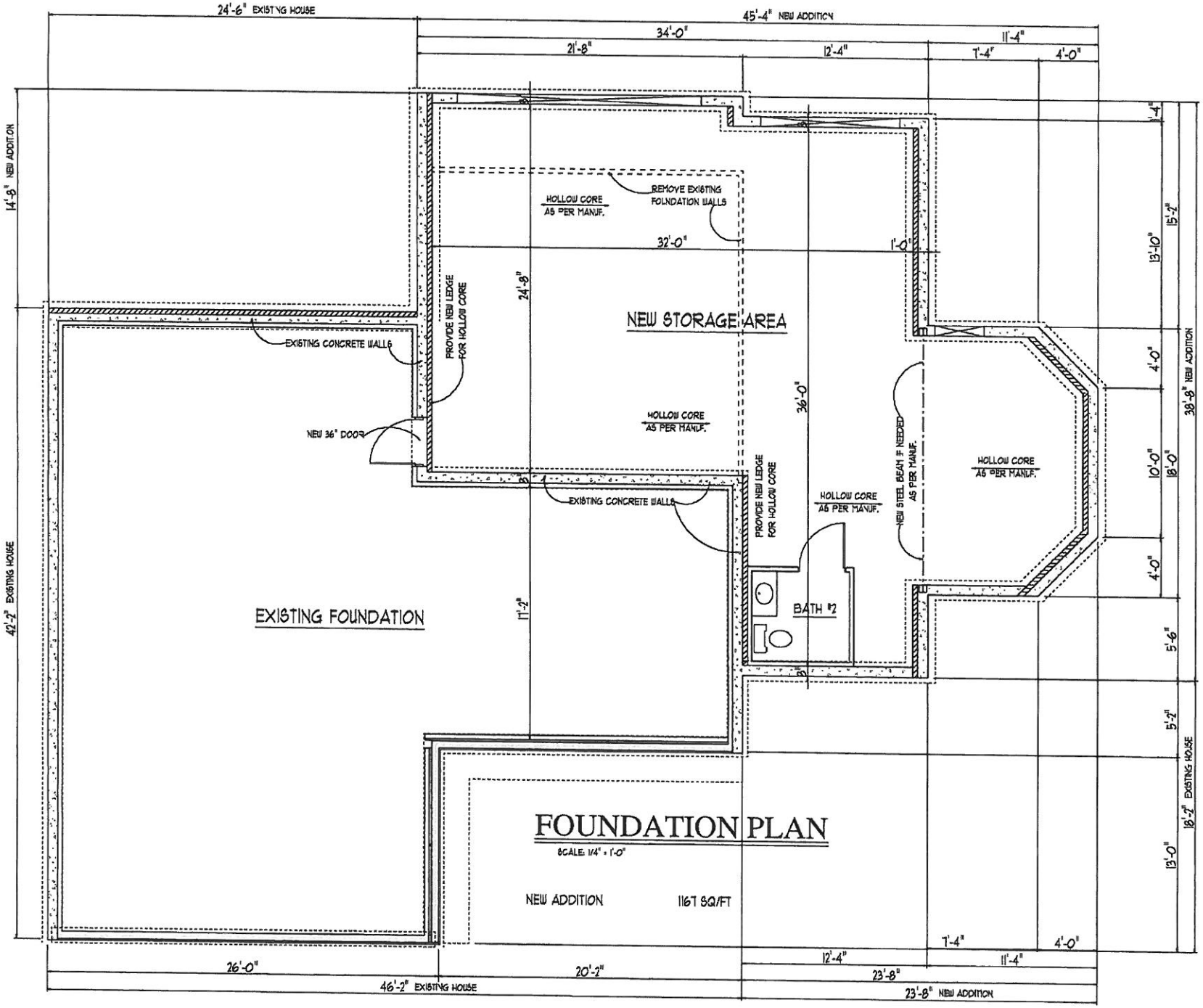

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SHT 2 OF 1