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**Lincoln City - Lancaster County**

**PLANNING COMMISSION  
AGENDA**

**PLANNING COMMISSION**

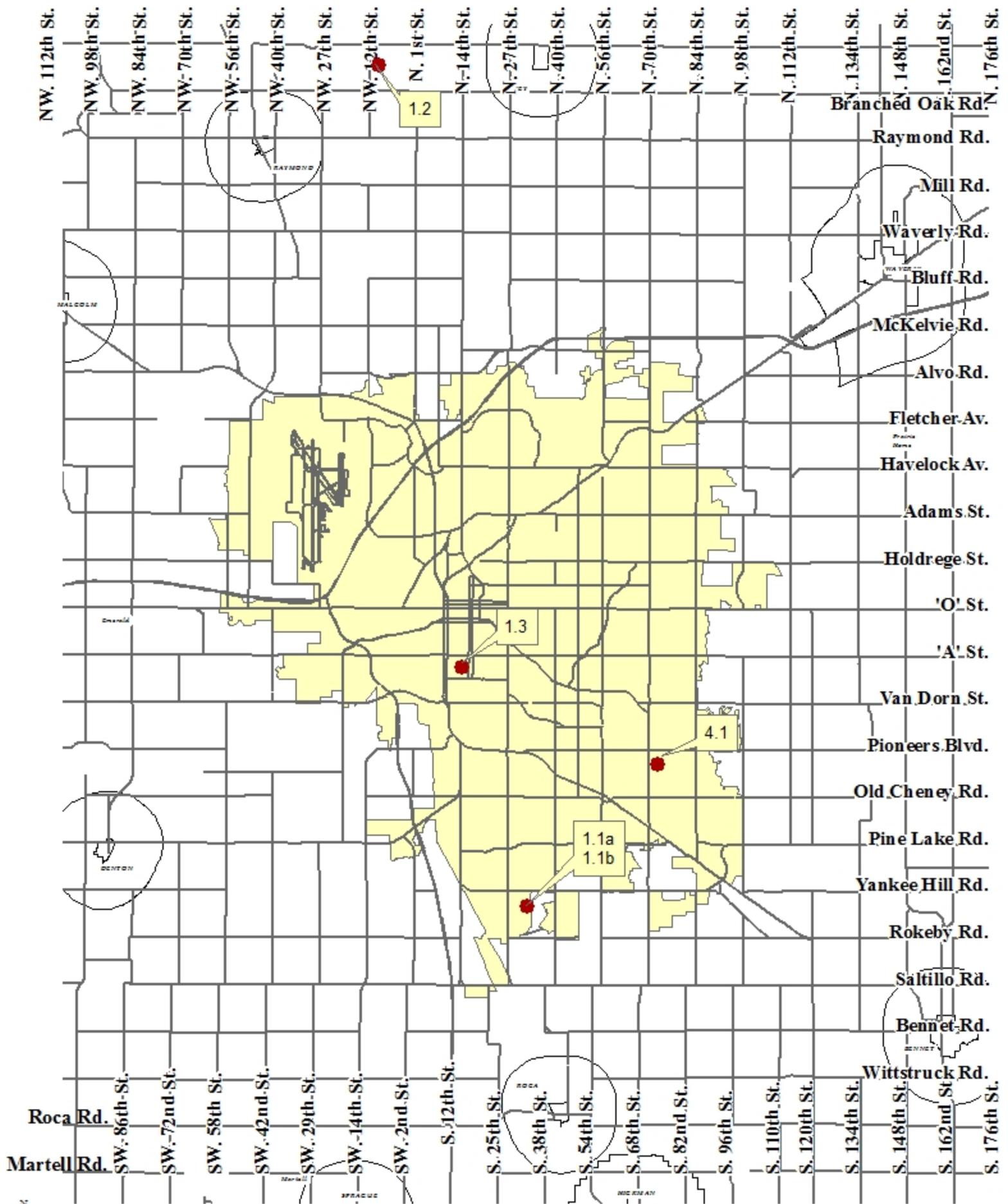
Chris Hove: Chair  
Dennis Scheer: Vice-Chair  
Cathy Beecham  
Michael Cornelius  
Tracy Corr  
Maja V. Harris  
Jeanelle R. Lust  
Lynn Sunderman  
Ken Weber

**PLANNING STAFF**

David R. Cary: Director  
Geri Rorabaugh: Administrative Officer  
Amy Huffman: Office Specialist

**March 30, 2016**

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Planning Commission Agenda Item Map

March 30, 2016

**NOTICE:** The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, March 30, 2016, at 1:00 p.m., in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

The Lincoln/Lancaster County Planning Commission will meet on Wednesday, March 30, 2016, from 11:30 a.m. through 1:00 p.m. to discuss the LRTP/Comprehensive Plan Updates, in Studio Room 113 of the County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska.

**\*\*PLEASE NOTE:** The Planning Commission action is final action on any item with a notation of "FINAL ACTION". Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission.

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

## **AGENDA**

**WEDNESDAY, March 30, 2016**

Approval of minutes of the regular meeting held March 16, 2016.

### **1. CONSENT AGENDA (Public Hearing and Administrative Action):**

#### **ANNEXATION AND RELATED CHANGE OF ZONE:**

Page 01 1.1a Annexation No. 16003, to annex approximately 19.37 acres, more or less, on property generally located at South 33rd Street and Wilderness Hills Boulevard.

**Staff recommendation: Approval**

**Staff Planner: Rachel Jones, 402-441-7603, [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)**

Page 01 1.1b Change of Zone No. 16009, from AG (Agriculture District) to R-3 (Residential District), to allow for the development of a residential subdivision, on property generally located at South 33rd Street and Wilderness Hills Boulevard.

**Staff recommendation: Approval**

**Staff Planner: Rachel Jones, 402-441-7603, [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)**

**SPECIAL PERMITS:**

Page 17 1.2 County Special Permit No. 16005, to allow for placement of a temporary mobile home during construction of new home, on property generally located southeast of NW 12th Street and Rock Creek Road. **\*\*FINAL ACTION\*\***

**Staff recommendation: Conditional Approval**  
**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)**

Page 23 1.3 Special Permit No. 16007, to allow for the reconstruction and expansion of an existing garage, on property generally located at 1821 South 13<sup>th</sup> Street. **\*\*FINAL ACTION\*\***

**Staff recommendation: Approval**  
**Staff Planner: Rachel Jones, 402-441-7603, [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)**

**2. REQUESTS FOR DEFERRAL:**

**3. ITEMS REMOVED FROM CONSENT AGENDA (Public Hearing and Administrative Action):**

3.1 \_\_\_\_\_

3.2 \_\_\_\_\_

**4. PUBLIC HEARING AND ADMINISTRATIVE ACTION**

**CHANGE OF ZONE:**

Page 33 4.1 Change of Zone No. 16007, from R-1 (Residential District) to R-2 (Residential District), on property generally located at 4811 Bradock Court.

**Staff recommendation: Conditional Approval**  
**Staff Planner: Brian Will, 402-441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)**

**AT THIS TIME, ANYONE WISHING TO SPEAK ON AN ITEM NOT ON THE AGENDA, MAY DO SO**

\*\*\*\*\*

**Adjournment**

**PENDING LIST:** *Special Permit No. 15064, to allow Avalon Event Paradise to be used for special events on property generally located at 12788 W. Roca Road. [01/06/15: Planning Commission voted 7-0 (Beecham and Lust absent) to place this item on Pending until such time that the applicant is ready to move forward.]*

**Planning Dept. staff contacts:**

David Cary, <i>Director</i> . . . . .	402-441-6364 . . . . .	<a href="mailto:dcary@lincoln.ne.gov">dcary@lincoln.ne.gov</a>
Stephen Henrichsen, <i>Development Review Manager</i> . . . . .	402-441-6374 . . . . .	<a href="mailto:shenrichsen@lincoln.ne.gov">shenrichsen@lincoln.ne.gov</a>
Paul Barnes, <i>Long Range Planning Manager</i> . . . . .	402-441-6372 . . . . .	<a href="mailto:pbarnes@lincoln.ne.gov">pbarnes@lincoln.ne.gov</a>
Michael Brienzo, <i>Transportation Planner</i> . . . . .	402-441-6369 . . . . .	<a href="mailto:mbrienzo@lincoln.ne.gov">mbrienzo@lincoln.ne.gov</a>
Tom Cajka, <i>Planner</i> . . . . .	402-441-5662 . . . . .	<a href="mailto:tcajka@lincoln.ne.gov">tcajka@lincoln.ne.gov</a>
Brandon Garrett, <i>Planner</i> . . . . .	402-441-6373 . . . . .	<a href="mailto:bgarrett@lincoln.ne.gov">bgarrett@lincoln.ne.gov</a>
Stacey Groshong Hageman, <i>Planner</i> . . . . .	402-441-6361 . . . . .	<a href="mailto:shageman@lincoln.ne.gov">shageman@lincoln.ne.gov</a>
Rachel Jones, <i>Planner</i> . . . . .	402-441-7603 . . . . .	<a href="mailto:rjones@lincoln.ne.gov">rjones@lincoln.ne.gov</a>
Andrew Thierolf, <i>Planner</i> . . . . .	402-441-6371 . . . . .	<a href="mailto:athierolf@lincoln.ne.gov">athierolf@lincoln.ne.gov</a>
Brian Will, <i>Planner</i> . . . . .	402-441-6362 . . . . .	<a href="mailto:bwill@lincoln.ne.gov">bwill@lincoln.ne.gov</a>
Kellee Van Bruggen, <i>Transportation Planner</i> . . . . .	402-441-6363 . . . . .	<a href="mailto:kvanbruggen@lincoln.ne.gov">kvanbruggen@lincoln.ne.gov</a>
Ed Zimmer, <i>Historic Preservation Planner</i> . . . . .	402-441-6360 . . . . .	<a href="mailto:ezimmer@lincoln.ne.gov">ezimmer@lincoln.ne.gov</a>

\* \* \* \* \*

**The Planning Commission meeting  
which is broadcast live at 1:00 p.m. every other Wednesday  
will be rebroadcast on Wednesdays at 7:00 p.m., Thursdays at 12:00 a.m. and  
Sundays at 12:30 p.m. on 5 City TV, Cable Channel 5.**

\* \* \* \* \*

**The Planning Commission agenda may be accessed on the Internet at  
<http://www.lincoln.ne.gov/city/plan/pcagenda/index.htm>**

**ACCOMMODATION NOTICE**

The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln, please contact the Director of Equity and Diversity, Lincoln Commission on Human Rights, at 402 441-7624 as soon as possible before the scheduled meeting date in order to make your request.

# LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for March 30, 2016 PLANNING COMMISSION MEETING

**PROJECT #:** Annexation #16003 and Change of Zone #16009

Note: 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.

**PROPOSAL:** To annex approximately 19.37 acres and change the zoning from AG Agriculture to R-3 Residential on approximately 15.78 acres.

**LOCATION:** South 33<sup>rd</sup> Street and Wilderness Hills Boulevard

**LAND AREA:** Annexation: 19.37 acres  
Change of Zone: 15.78 acres

**CONCLUSION:** The subject property is adjacent to the city limit, and the full range of municipal services can be provided if annexed. A change of zone to R-3 is consistent with the Future Land Use Map and compatible with the adjacent development. Both requests comply with the Zoning Ordinance and are consistent with the Comprehensive Plan.

## RECOMMENDATION:

Annexation #16003	Approval
Change of Zone #16009	Approval

**PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT:** District #2

## GENERAL INFORMATION:

**LEGAL DESCRIPTIONS:** See attached legal descriptions

**EXISTING ZONING:** AG Agriculture

## SURROUNDING LAND USE AND ZONING:

North: Open Space, Apartments, and Agricultural Production; B-2, R-5, and R-3  
South: Single Family Residential and Agricultural Production; R-3 and AG  
East: Agricultural Production; AG  
West: Single Family Residential; R-3

**EXISTING LAND USE: Agricultural Production**

**COMPREHENSIVE PLAN SPECIFICATIONS:**

P. 1.8 - This area is shown as Urban Density Residential on the Future Land Use Map of the 2040 Comprehensive Plan.

P. 5.2 - Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.

P. 7.2 - Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P. 7.5 - Provide for an adequate supply of affordable land and timely infrastructure improvements.

P. 11.2 - 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.

The ANNEXATION POLICY- page 12.14 of the 2040 Comprehensive Plan.

Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. Annexation is a necessary and vitally important part of the future growth and health of Lincoln. The annexation policies of the City of Lincoln include but are not limited to the following:

The provision of municipal services must coincide with the jurisdictional boundaries of the City – in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary sewer services) beyond the corporate limits of the City.

The extension of water and sanitary sewer services should be predicated upon annexation of the area by the City. City annexation must occur before any property is provided with water, sanitary sewer, or other potential City services.

The areas within Tier I Priority A that are not annexed serve as the future urban area for purposes of annexation per state statute and are appropriate for immediate annexation upon final plat. These areas have approved preliminary plans.

To demonstrate the City's commitment to the urbanization of land in Tier I Priority B, the City should annex land that is contiguous to the City and generally urban in character, as well as land that is engulfed by the City. Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed.

Annually the City should review for potential annexation all property in Priority B for which basic infrastructure is generally available or planned for in the near term.

Annexation generally implies the opportunity to access all City services within a reasonable period of time.

Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area. The annexation of large projects may be done in phases as development proceeds.

The character of existing residential areas should be respected as much as possible during the annexation process. When low density "acreage" areas are proposed for annexation due to the City's annexation policy, additional steps should be taken to ease the transition as much as possible, such as public

meetings, advance notice and written explanation of changes as a result of annexation. In general, many aspects of acreage life may remain unchanged, such as zoning or covenants. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan listed above.

Plans for the provision of services within the areas considered for annexation shall be carefully coordinated with the Capital Improvements Program of the City and the County.

**HISTORY:**

- June 2006                    The Wilderness Hills 1<sup>st</sup> Addition Preliminary Plat #06004 was approved by the Planning Commission.
  
- July 2014                    Final Plat #13096, Wilderness Hills 5<sup>th</sup> Addition, was approved, which platted the southern portion of this site as an outlot for future development.
  
- September 2015            An application was submitted for Final Plat #15111, Wilderness Creek Addition. The Wilderness Creek Addition final plat would include the area to be annexed with this application, and the plat would automatically annex this area if it is approved prior to approval of this annexation application.

**SPECIFIC INFORMATION:**

**UTILITIES & SERVICES:**

- A.     **Sanitary Sewer:** Sanitary sewer is available in Wilderness Hills Boulevard, Eldorado Drive, and on the east side of the site.
  
- B.     **Water:** Water is available in Wilderness Hills Boulevard and Eldorado Drive.
  
- C.     **Roads:** Existing roads would provide access to this site.
  
- D.     **Parks and Trails:** There are no future trails or parks planned in this area.
  
- E.     **Fire Protection:** The area included in the annexation application is in the Southeast Rural Fire District. After annexation, fire protection will be provided by Lincoln Fire and Rescue.

**TRAFFIC ANALYSIS:** Wilderness Hills Boulevard and South 33<sup>rd</sup> Street are classified as local streets.

**PUBLIC SERVICE:** The nearest Lincoln Fire and Rescue fire station is located at South 27<sup>th</sup> Street and Old Cheney Road.

**ANALYSIS:**

1. This request is to annex approximately 19.37 acres and a change of zone from AG to R-3 on approximately 15.78 acres in the same general location south of South 33<sup>rd</sup> Street and Wilderness Hills Boulevard. No annexation agreement is required with this annexation.
2. The purpose of the change of zone and annexation is to allow continuation of the existing single family residential development to the west. There are existing sanitary sewer lines on all sides of this property. The water main will not be extended until further development occurs on the site.
3. Preliminary Plat #06004 was approved in 2006 to address local streets, utilities, and lot layout. The preliminary plat shows approximately 59 single family dwellings in the area covered by the change of zone.
4. The land is contiguous to the City limits on the north and west. The area is within the future service limits and Tier I Priority A as identified in the Comprehensive Plan. Tier I reflects the "Future Service Limit" where urban services and inclusion in the city limits is anticipated within the 30-year planning period. Priority A is comprised of undeveloped land within the City limits, as well as areas that are not yet annexed but which have approved preliminary plans such as preliminary plats, use permits, community unit plans, or planned unit developments. Areas within Priority A are appropriate for immediate annexation upon final plat approval per state statute. This site would be automatically annexed if Final Plat #15111 is filed prior to approval of this request for annexation.

**CONDITIONS OF APPROVAL:**

This approval permits the annexation of approximately 19.37 acres and a change of zone from AG Agriculture to R-3 Residential on approximately 15.78 acres.

**Conditions:**

1. The City Council approves associated requests:
  - 1.1 Annexation #16003
  - 1.2 Change of Zone #16009

Prepared by:

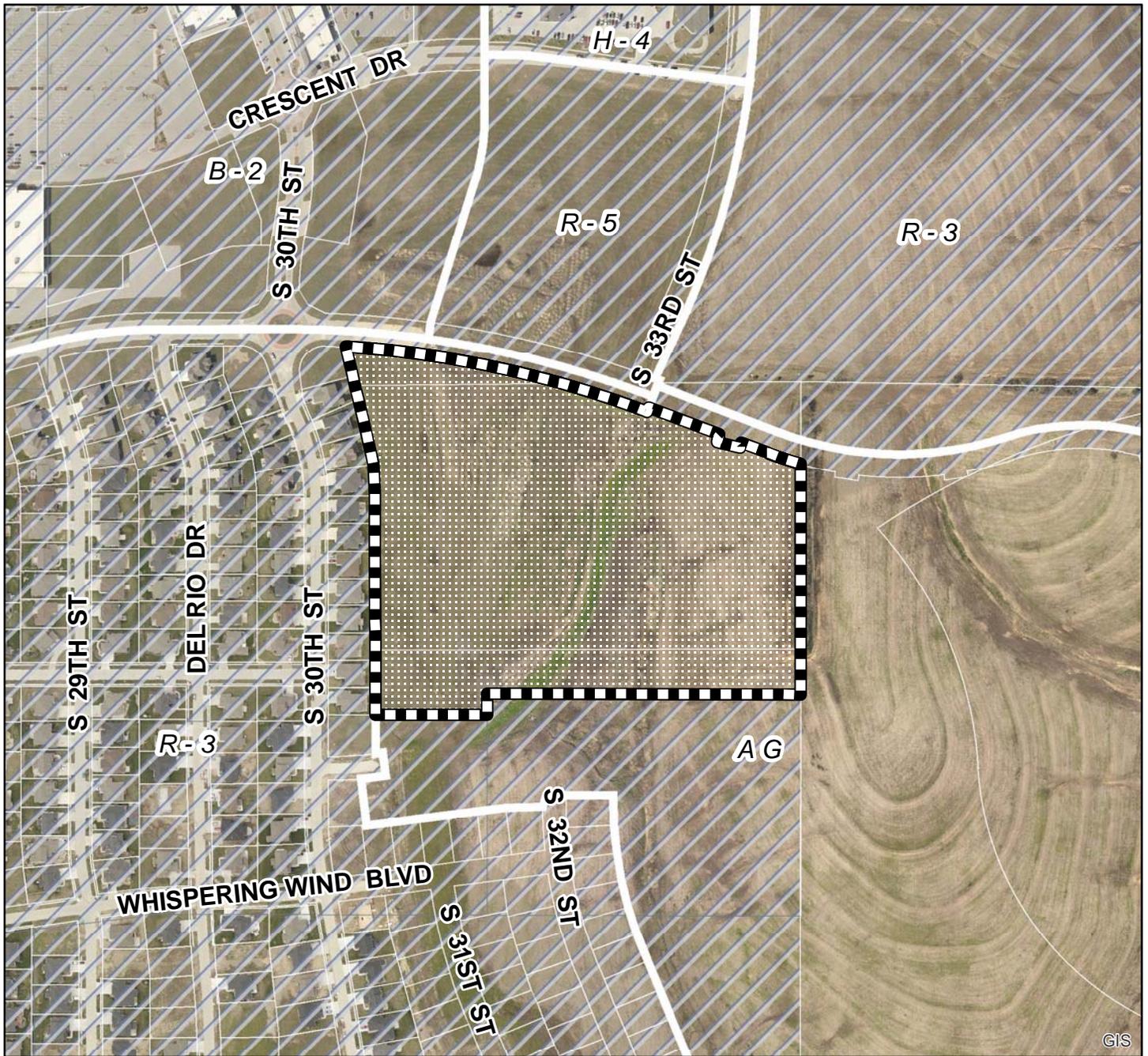
Rachel Jones, Planner

**DATE:** March 21, 2016

**APPLICANT :** Lincoln Federal Bankcorp  
1101 N Street  
Lincoln, NE 68508

**CONTACT:** Caleb Strate  
Engineering Design Consultants  
1021 D Street  
Lincoln, NE 68502

F:\DevReview\AN\16000\AN16003 and CZ16009 Wilderness Hills 7th.rkj.wpd



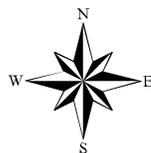
GIS

2013 aerial

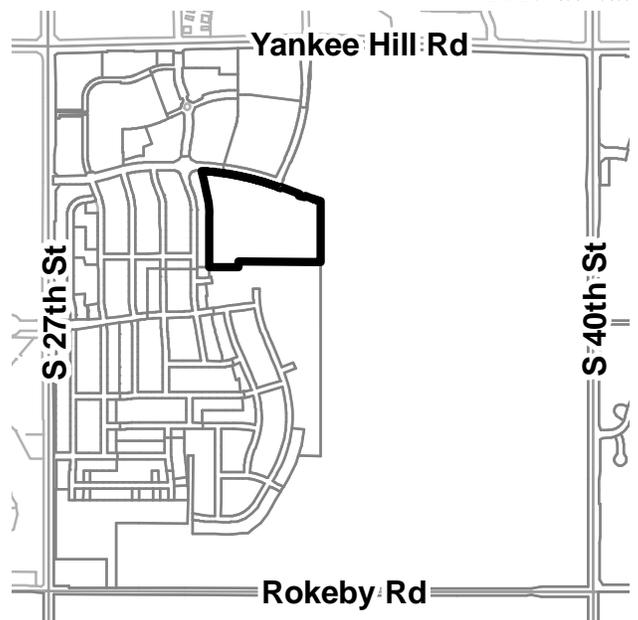
**Annexation #: AN16003  
Wilderness Hills 7th Addition  
S 33rd St & Wilderness Hills Blvd**

**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.30 T09N R07E



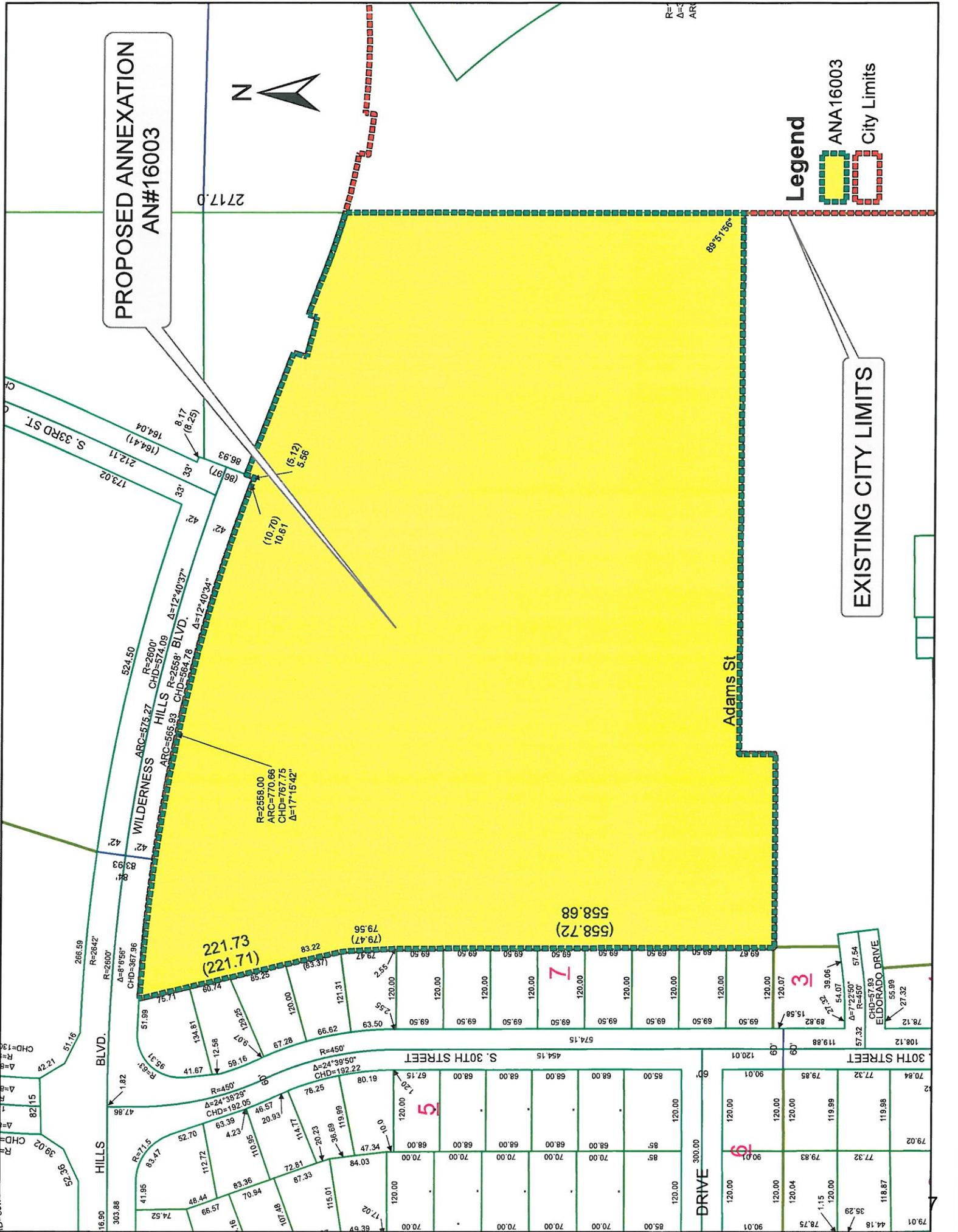
**PROPOSED ANNEXATION  
AN#16003**



**Legend**



**EXISTING CITY LIMITS**





**LEGAL DESCRIPTION**  
(Annexation)

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 56 I.T., LOCATED IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M.; THENCE SOUTHERLY ON THE EAST LINE OF SAID NORTHWEST QUARTER ON AN ASSUMED BEARING OF S00°03'02"W, A DISTANCE OF 1,567.24' TO THE **TRUE POINT OF BEGINNING**; THENCE CONTINUING S00°03'02"W ON SAID LINE, A DISTANCE OF 586.28' TO THE SOUTHEAST CORNER OF LOT 56 I.T.; THENCE N89°48'59"W, ON A SOUTH LINE OF SAID LOT 56 I.T., A DISTANCE OF 795.69' TO A POINT; THENCE S00°11'01"W, ON A EAST LINE OF SAID LOT 56 I.T., A DISTANCE OF 53.57' TO A POINT; THENCE S89°55'43"W, ON A SOUTH LINE OF SAID LOT 56 I.T., A DISTANCE OF 284.42' TO THE SOUTHWEST CORNER OF SAID LOT 56 I.T.; THENCE N00°08'21"W, ON A WEST LINE OF SAID LOT 56 I.T., A DISTANCE OF 558.73' TO A POINT; THENCE N02°58'40"W, ON A WEST LINE OF SAID LOT 56 I.T., A DISTANCE OF 79.63' TO A POINT; THENCE N12°37'17"W, ON A WEST LINE OF SAID LOT 56 I.T., A DISTANCE OF 83.21' TO A POINT; THENCE N13°27'21"W, ON A WEST LINE OF SAID LOT 56 I.T., A DISTANCE OF 221.63' TO THE NORTHWEST CORNER OF SAID LOT 56 I.T., SAID POINT BEING ON A SOUTH RIGHT-OF-WAY LINE OF WILDERNESS HILLS BOULEVARD, SAID POINT ALSO BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 17°15'42", A RADIUS OF 2,558.00', AN ARC LENGTH OF 770.66' ON A NORTH LINE OF SAID LOT 56 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 767.75', A TANGENT LENGTH OF 388.27', AND A CHORD BEARING OF S77°58'49"E TO A POINT; THENCE S69°20'58"E, ON A NORTH LINE OF SAID LOT 56 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 10.61' TO A POINT; THENCE S69°48'34"E, ON A NORTH LINE OF SAID LOT 56 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 5.56' TO THE SOUTHEAST CORNER OF SAID RIGHT-OF-WAY; THENCE N20°28'27"E, ON A WEST LINE OF SAID LOT 56 I.T., SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 12.33' TO A POINT; THENCE S69°02'05"E, A DISTANCE OF 191.87' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 02°24'28", A RADIUS OF 480.00', AN ARC LENGTH OF 20.17', A CHORD LENGTH OF 20.17', A TANGENT LENGTH OF 10.09', AND A CHORD BEARING OF S15°45'24"W TO A POINT; THENCE S75°26'50"E, A DISTANCE OF 60.00' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 01°50'04", A RADIUS OF 420.00', AN ARC LENGTH OF 13.45', A CHORD LENGTH OF 13.45', A TANGENT LENGTH OF 6.72', AND A CHORD BEARING OF N15°28'12"E TO A POINT; THENCE S69°02'05"E, A DISTANCE OF 71.82' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 05°24'11", A RADIUS OF 930.00', AN ARC LENGTH OF 87.70', A CHORD LENGTH OF 87.67', A TANGENT LENGTH OF 43.88', AND A CHORD BEARING OF S71°44'10"E, TO THE POINT OF BEGINNING, SAID TRACT

CONTAINS A CALCULATED AREA 843,808.73 SQUARE FEET OR 19.37 ACRES,  
MORE OR LESS.

Tuesday, October 13, 2015

F:\Projects\015-0625\40-Design\Survey\SRV\Final Plat\Documents\Parcel 3 legal.doc

March 3, 2016

**Electronically Submitted**

Ms. Rachel Jones  
Planning Department  
555 So. 10<sup>th</sup> Street  
Lincoln, NE 68508

**RE: Wilderness Hills Residential 7<sup>th</sup> Addition  
EDC Project #14005**

Dear Ms. Jones:

Enclosed are the following documents for the annexation that is for the referenced final plat and change of zone:

- Completed Application for Annexation
- Legal Description

The annexation application and corresponding legal description are to allow for the development of a residential subdivision with the Wilderness Hills 7<sup>th</sup> Addition Final Plat and a change of zone application for that project. The area being annexed is a portion of Lot 56 IT. This IT is being broken up into two separate ITs as part of the Wilderness Creek project that Olsson Associates is doing. The total area to be annexed is 19.37 acres.

The Owner and Developer of this property is Lincoln Federal Bancorp Inc., 1101 N Street, Lincoln, NE 68508.

Please contact me if you have any further questions or require additional information.

Sincerely,

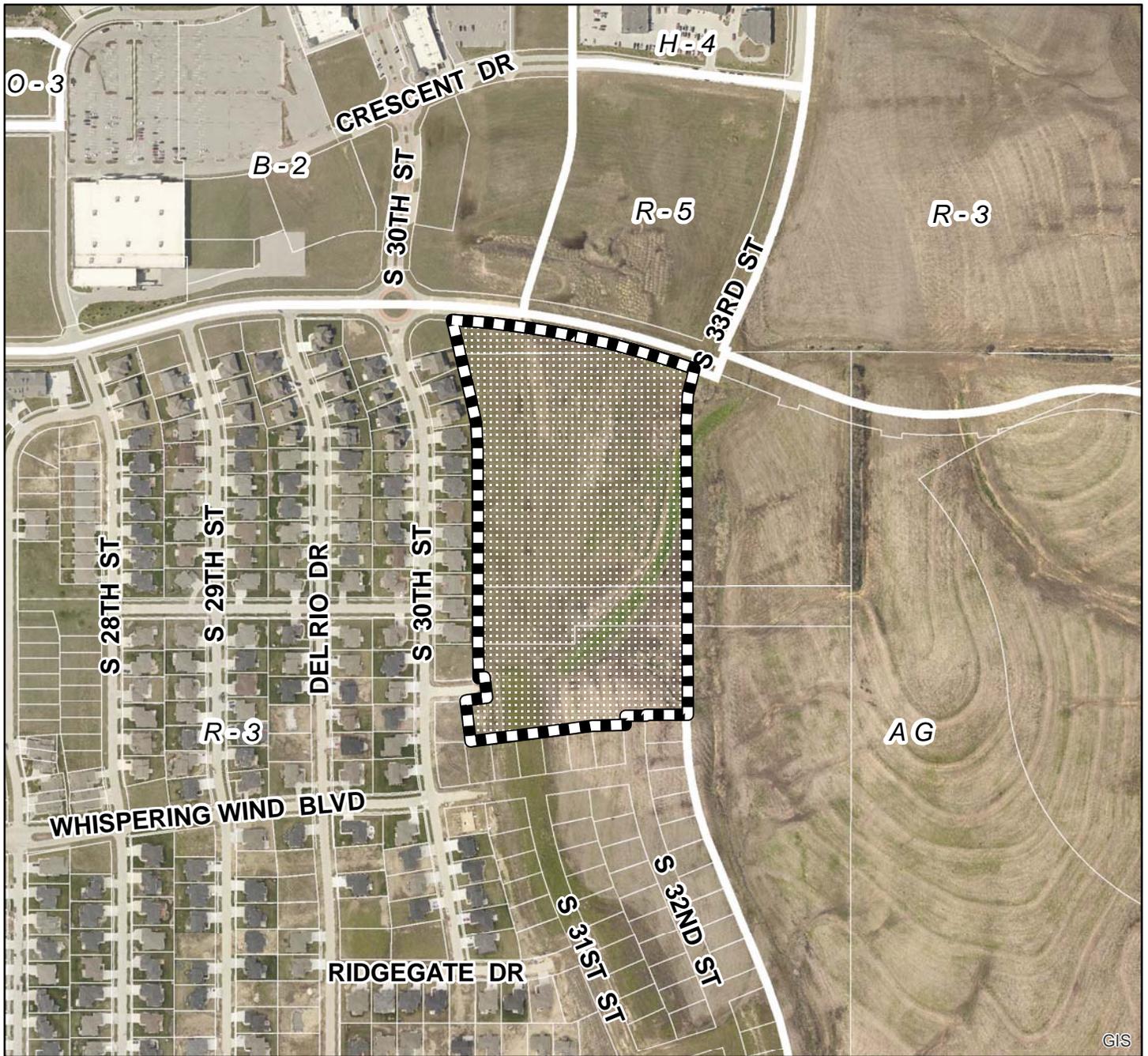
**ENGINEERING DESIGN CONSULTANTS, L.L.C.**



Luke A. Summers, PE

Enclosures: Legal Description

cc: Mr. Leo Schumacher – Lincoln Federal Bancorp  
Ms. Shelly Simonson – Lincoln Federal Bancorp  
Project File

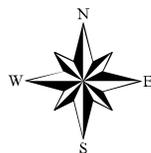


2013 aerial

**Change of Zone #: CZ16009 (AG to R-3)  
Wilderness Hills 7th Addition  
S 33rd St & Wilderness Hills Blvd**

**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

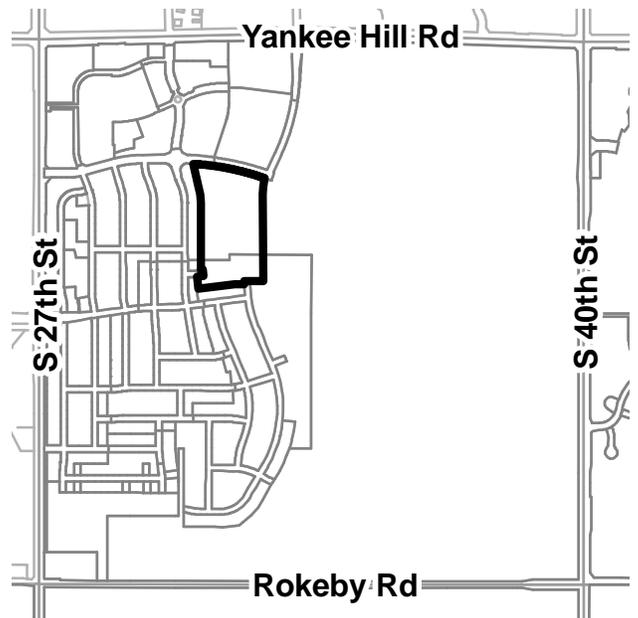


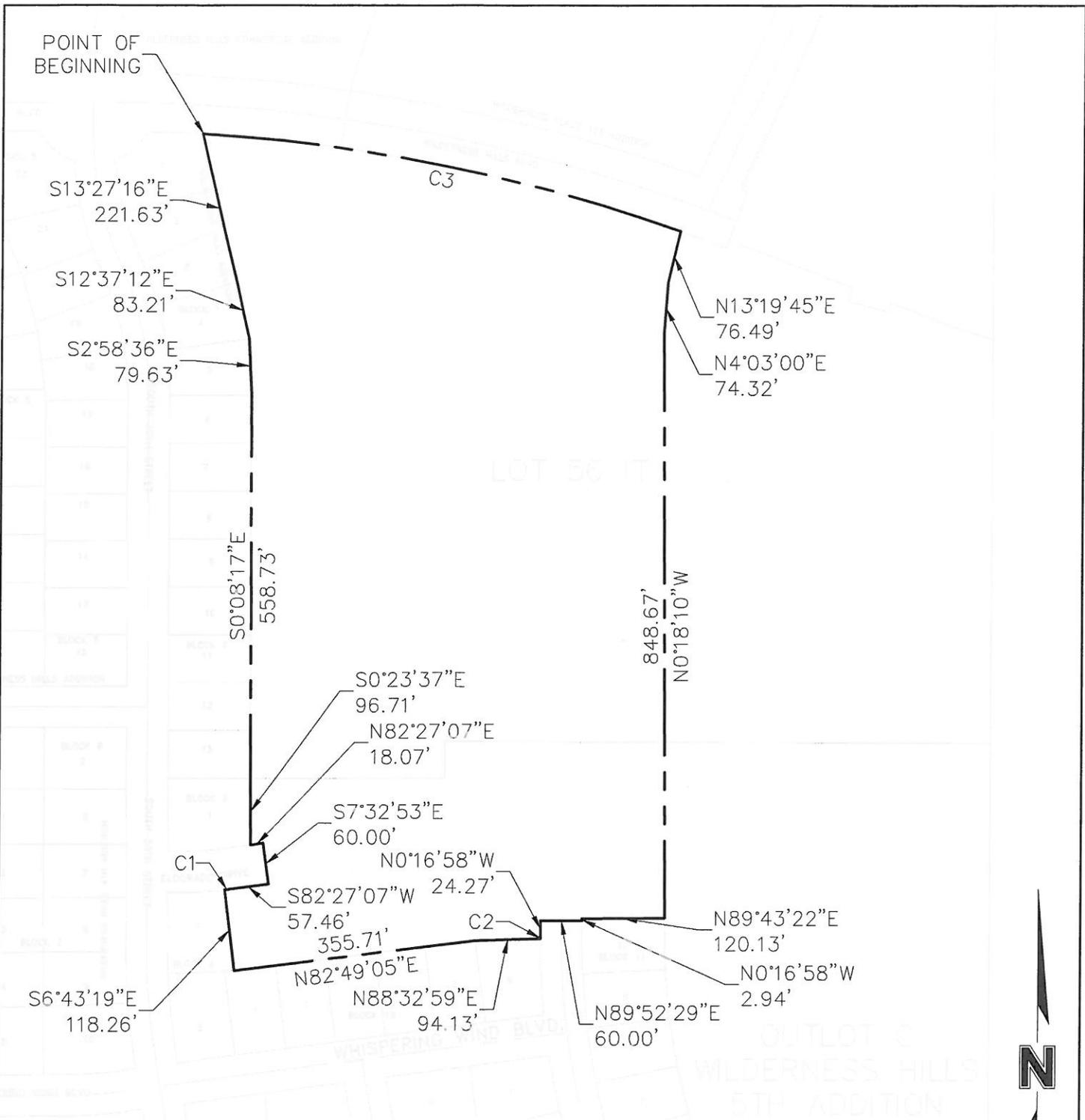
One Square Mile:  
Sec.30 T09N R07E

Area of Application

Zoning Jurisdiction Lines

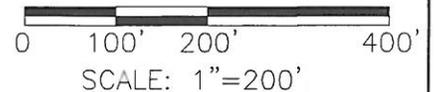
Lancaster County Jurisdiction





CURVE TABLE

CURVE	DELTA	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C1	0°41'38"	5.81	480.00	S82°47'56"W	5.81
C2	0°05'38"	1.85	1130.00	N0°19'47"W	1.85
C3	16°00'19"	714.56	2558.00	N78°36'26"W	712.24



D:\G:\Projects\14005\14005\_7th Addition\Drawings\Final\14005 WH7th Zoning Exhibit.dwg USER: hummers Date: 03/01/2016 10:55am



1021 D Street, Lincoln, NE 68502  
402-438-4014 • Fax 402-438-4026

**WILDERNESS HILLS 7TH ADDITION  
ZONING EXHIBIT  
LINCOLN, NEBRASKA**

Drawn By: LAS  
Dwg.: 14005 WH7th Zc... SHEET  
Date: 03/01/2016  
Job#: 14005

1 OF 2

BEGINNING AT THE NORTHWEST CORNER OF LOT 56 IT, SAID POINT BEING THE NORTHEAST CORNER OF LOT 1, BLOCK 7 "WILDERNESS HILLS ADDITION" SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILDERNESS HILLS BLVD., THENCE SOUTHERLY ON THE LINE COMMON TO "WILDERNESS HILLS ADDITION" AND LOT 56 IT ON AN ASSUMED BEARING OF S 13°27'16" E FOR A DISTANCE OF 221.63'; THENCE CONTINUING ON THE LINE COMMON TO "WILDERNESS HILLS ADDITION" AND LOT 56 IT THE FOLLOWING COURSES:

THENCE S 12°37'12" E FOR A DISTANCE OF 83.21';

THENCE S 02°58'36" E FOR A DISTANCE OF 79.63';

THENCE S 00°08'17" E FOR A DISTANCE OF 558.73' TO THE NORTHEAST CORNER OF LOT 1, BLOCK 3 "WILDERNESS HILLS 4TH ADDITION"; THENCE S 00°23'37" E FOR A DISTANCE OF 96.71' TO THE SOUTHEAST CORNER OF LOT 1, BLOCK 3 "WILDERNESS HILLS 4TH ADDITION", SAID POINT ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF ELDORADO DRIVE; THENCE N 82°27'07" E ON THE NORTH RIGHT-OF-WAY LINE OF ELDORADO DRIVE FOR A DISTANCE OF 18.07'; THENCE S 07°32'53" E FOR A DISTANCE OF 60.00' TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF ELDORADO DRIVE; THENCE S 82°27'07" W ON THE SOUTH RIGHT-OF-WAY LINE OF ELDORADO DRIVE FOR A DISTANCE OF 57.46'; THENCE CONTINUING ON THE SOUTH RIGHT-OF-WAY LINE OF ELDORADO DRIVE WITH A TANGENTIAL CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 5.81', WITH A RADIUS OF 480.00', WITH A CHORD BEARING OF S 82°47'56" W, WITH A CHORD DISTANCE OF 5.81' TO THE NORTHEAST CORNER OF LOT 1, BLOCK 4 "WILDERNESS HILLS 4TH ADDITION"; THENCE S 06°43'19" E FOR A DISTANCE OF 118.26' TO THE SOUTHEAST CORNER OF LOT 1, BLOCK 4 "WILDERNESS HILLS 4TH ADDITION";

THENCE ON THE NORTHERLY LINE OF BLOCK 12 "WILDERNESS HILLS 5TH ADDITION THE FOLLOWING TWO COURSES;

N 82°49'05" E FOR A DISTANCE OF 355.71'; THENCE N 88°32'59" E FOR A DISTANCE OF 94.13' TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF S. 32ND STREET; THENCE ON THE WESTERLY RIGHT-OF-WAY LINE OF S. 32ND STREET WITH A NON-TANGENTIAL CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 1.85', WITH A RADIUS OF 1130.00', WITH A CHORD BEARING OF N 00°19'47" W, WITH A CHORD DISTANCE OF 1.85'; THENCE CONTINUING ON THE WESTERLY RIGHT-OF-WAY LINE OF S. 32ND STREET, N 00°16'58" W FOR A DISTANCE OF 24.27'; THENCE N 89°52'29" E FOR A DISTANCE OF 60.00' TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF S. 32ND STREET; THENCE N 00°16'58" W FOR A DISTANCE OF 2.94' TO THE NORTHWEST CORNER OF LOT 10, BLOCK 11 "WILDERNESS HILLS 5TH ADDITION"; THENCE N 89°43'22" E FOR A DISTANCE OF 120.13' TO THE NORTHEAST CORNER OF LOT 10, BLOCK 11 "WILDERNESS HILLS 5TH ADDITION"; THENCE N 00°18'10" W FOR A DISTANCE OF 848.67'; THENCE N 04°03'00" E FOR A DISTANCE OF 74.32'; THENCE N 13°19'45" E FOR A DISTANCE OF 76.49' TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILDERNESS HILLS BLVD.; THENCE WITH A NON-TANGENTIAL CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 714.56', WITH A RADIUS OF 2558.00', WITH A CHORD BEARING OF N 78°36'26" W, WITH A CHORD DISTANCE OF 712.24'; TO THE POINT OF BEGINNING, AND HAVING A CALCULATED AREA OF 15.78 ACRES MORE OR LESS.

DWG: C:\Projects\14005\Wilderness Hills 7th Addition\14005-01\14005-01.dwg USER: hsummers  
 DATE: 03/01/2016 11:45:00 AM



**WILDERNESS HILLS 7TH ADDITION**  
**ZONING EXHIBIT**  
**LINCOLN, NEBRASKA**

Drawn By: LAS Dwg.: 14005 WH7th Zc... Date: 03/01/2016 Job#: 14005	SHEET 2 OF 2
---	-----------------

March 1, 2016

**Electronically Submitted**

Ms. Rachel Jones  
Planning Department  
555 So. 10<sup>th</sup> Street  
Lincoln, NE 68508

**RE: Wilderness Hills Residential 7<sup>th</sup> Addition  
EDC Project #14005**

Dear Ms. Jones:

Enclosed are the following documents for the change of zone that is for the referenced final plat:

- A check in the amount of \$792
- Completed Application for Change of Zone
- Zoning Exhibit (Submitted Electronically)

The zoning exhibit details the area in the final plat that requires a zoning change from AG to R3 to allow for the development of a residential subdivision. The proposed change of zoning is occurring on portions of outlots that have been annexed by the City – Outlot C, Wilderness Hills 5<sup>th</sup> Addition and Outlot H, Wilderness Creek Addition, of which the latter plat is still in the process of being completed by Olsson Associates. The total area being zoned R3 is 15.78 acres.

The Owner and Developer of this property is Lincoln Federal Bancorp Inc., 1101 N Street, Lincoln, NE 68508.

Please contact me if you have any further questions or require additional information.

Sincerely,

**ENGINEERING DESIGN CONSULTANTS, L.L.C.**



Caleb S. Strate, PE

Enclosures: Zoning Exhibit

cc: Mr. Leo Schumacher – Lincoln Federal Bancorp  
Ms. Shelly Simonson – Lincoln Federal Bancorp  
Project File



## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for MARCH 30, 2016 PLANNING COMMISSION MEETING

**PROJECT #:** Special Permit No. 16005

**PROPOSAL:** A request per Article 13.001 (T) for a Temporary Trailer while constructing a house.

**LOCATION:** NW 12<sup>th</sup> Street and W. Rock Creek Road

**LAND AREA:** 1 acre

**EXISTING ZONING:** AG Agricultural

**CONCLUSION:** In conformance with the Comprehensive Plan and County Zoning

<b>RECOMMENDATION:</b>	Conditional Approval
------------------------	----------------------

### GENERAL INFORMATION:

**LEGAL DESCRIPTION:** Lot 27 I. T. Located in the NW 1/4 of Section 22, Township 12 North, Range 6 East, Lancaster County, NE.

**EXISTING LAND USE:** Farm ground

### **SURROUNDING LAND USE AND ZONING:**

North:	AG Agricultural	Farm land
South:	AG Agricultural	Farm land
East:	AG Agricultural	Farm land
West:	AG Agricultural	Farm land

### **COMPREHENSIVE PLAN SPECIFICATIONS:**

The 2040 Future Land Use Plan identifies this area as agricultural.

**UTILITIES:** Private well and wastewater system.

**ENVIRONMENTAL CONCERNS:** The majority of the frontage along NW 12<sup>th</sup> Street is in the 100 year flood plain.

**ANALYSIS:**

1. This request is to allow a temporary trailer for residential occupancy while constructing a residence under the provision of Article 13.001(T).
2. The special permit allows for a temporary trailer not to exceed three years in duration.
3. The applicant states this will be a temporary residence while building a new home. The applicant estimates the house will take 2 years to complete.

**CONDITIONS OF APPROVAL:**

Per Article 13.001(T) this approval permits one temporary trailer for residential occupancy which shall be removed at the end of 36 months from the adoption of this permit or at the time of occupancy of the house, whichever comes first.

**Site Specific Conditions**

1. Construction of a new house shall be initiated within six months and completed within 36 months of approval of this special permit unless extended by the Building and Safety Department.
2. Once initiated, if the construction ceases for a period in excess of six months this permit shall terminate.

**Standard Conditions:**

3. The following conditions are applicable to all requests:
  - 3.1 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
  - 3.2 The applicant shall sign and return the letter of acceptance to the County Clerk. This step should be completed within 60 days following the approval of the special permit. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.

Prepared by

Tom Cajka  
Planner

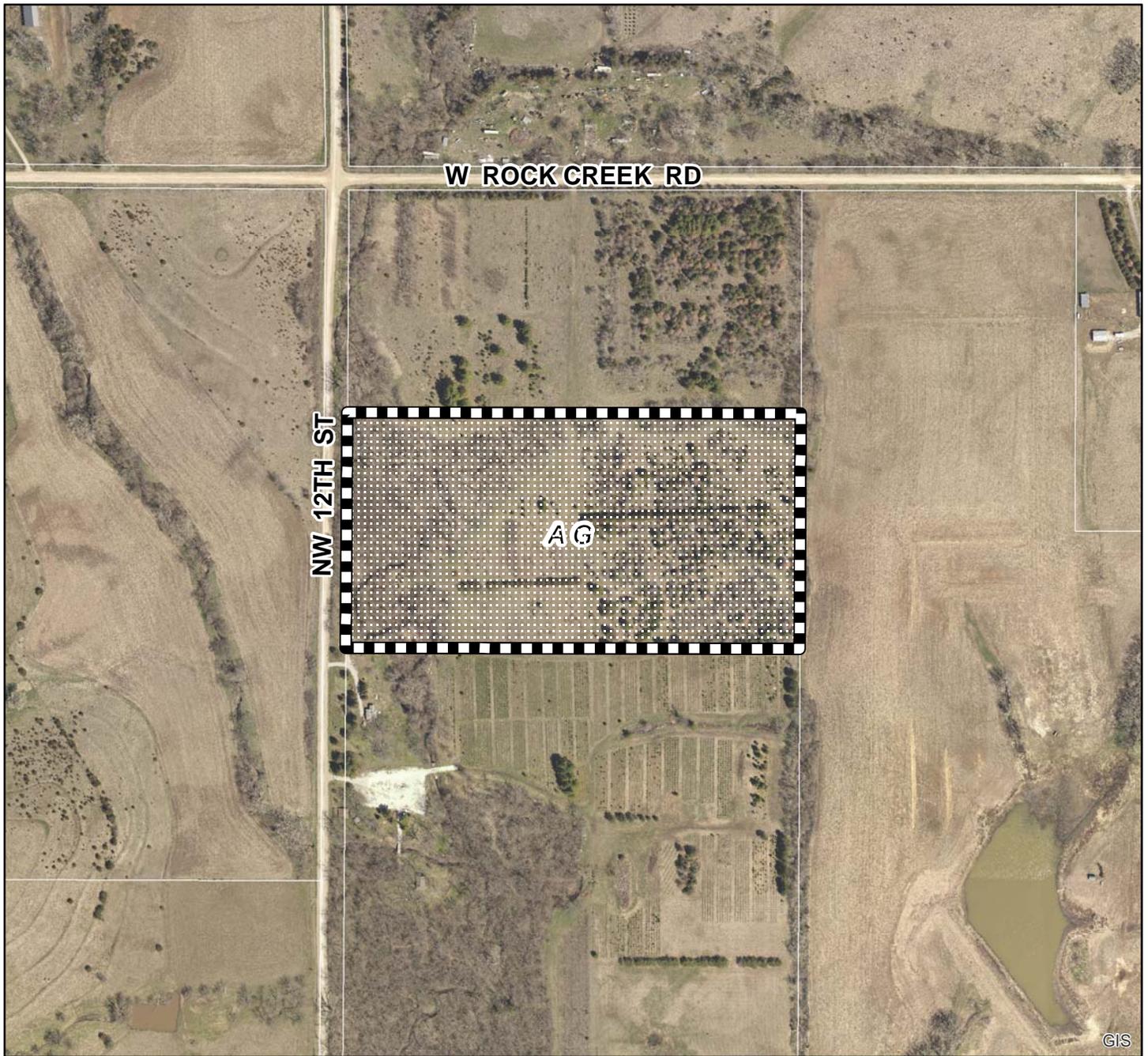
**DATE:** March 15, 2016

**APPLICANT:** Corey Becker  
1001 Meadow Dale Drive  
Lincoln, NE 68505  
402-202-8457

**OWNER:** Corey and Brandi Becker  
1001 Meadow Dale Drive  
Lincoln, NE 68505

**CONTACT:** Same as applicant

F:\DevReview\SP\16000\SP16005 Beckers trailer.tjc.wpd



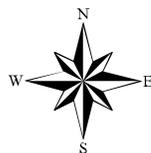
GIS

2013 aerial

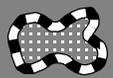
**Special Permit #: SP16005**  
**Becker Home**  
**NW 12th St & W Rock Creek Rd**

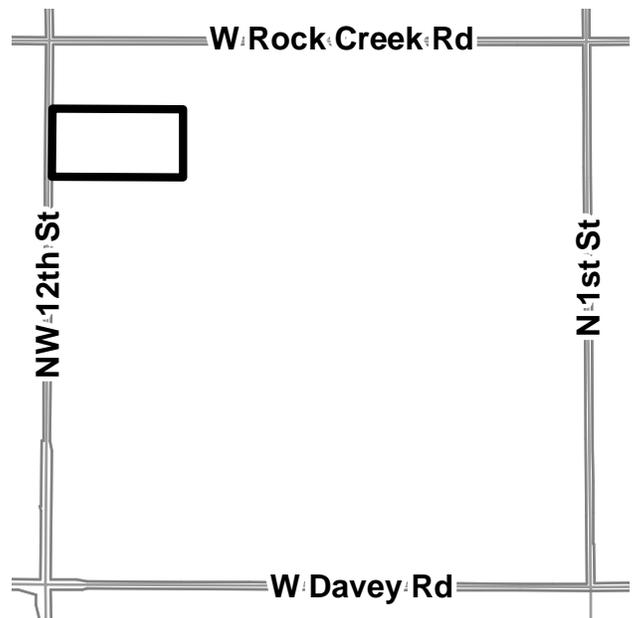
**Zoning:**

- 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

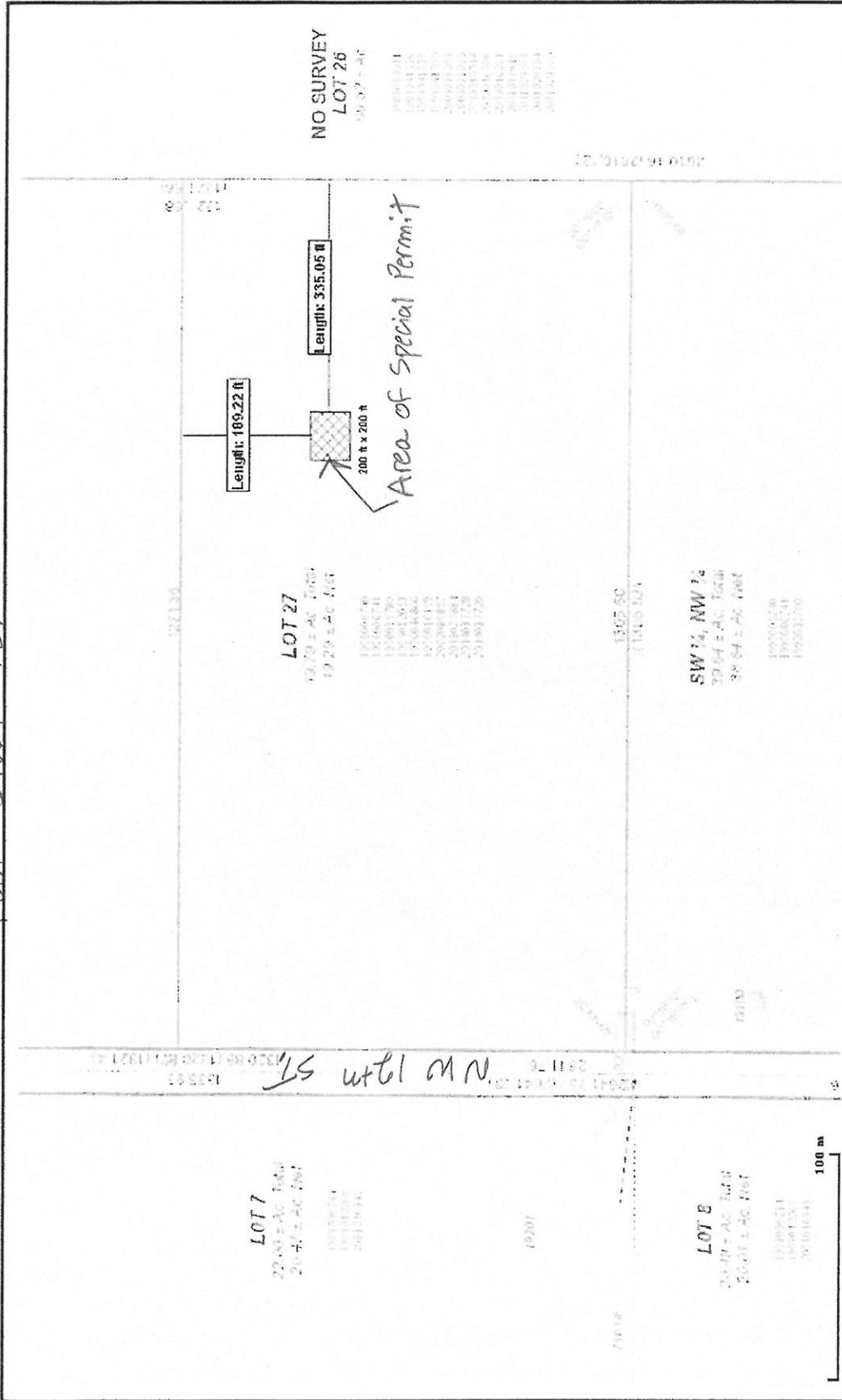


One Square Mile:  
 Sec.22 T12N R06E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



Rock Creek Rd



### Lancaster County/City of Lincoln GIS Map

Printed: Mar 02, 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@lincolne.gov](mailto:ags@lincolne.gov) and you will be directed to the appropriate department.

## SPECIAL PERMIT

Tom,

We are requesting this special permit, so we can temporarily provide a home to live in while building our permanent resident. Allowing us to enjoy our property while building, the convenience of being on site and the security of watching over the building site and material. We propose this will take two years, our plans are currently being drawn and wish to break ground late this summer or early fall.

Thanks for your time and consideration,

Corey and Brandi Becker

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

**for March 30, 2016 PLANNING COMMISSION MEETING**

**PROJECT #:** Special Permit No. 16007

**PROPOSAL:** A request per Section 27.63.280 for Expansion of a Nonconforming Use to accommodate the expansion and reconstruction of a garage.

**LOCATION:** 1821 South 13<sup>th</sup> Street

**LAND AREA:** 0.08 acres, more or less

**EXISTING ZONING:** R-2 Residential District

**CONCLUSION:** The nonconforming condition is caused by the existing garage not meeting the rear and side yard setbacks. The proposal is to reconstruct the garage within the same footprint with the exception of expanding the footprint to the south by 3 feet 8 inches. The proposed reconstruction and expansion of this garage should not significantly impact surrounding properties, and is consistent with the Comprehensive Plan.

<b>RECOMMENDATION:</b>	Conditional Approval
Waivers/modifications:	
1. Reduction of the side yard setback from 5 feet to 3 feet 2 inches	Approval
2. Reduction of the rear yard setback from 10 feet to 9 inches	Approval

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** The south 73 feet of Lot 1, Block 38, Dawsons Addition South Lincoln, in the NE 1/4 of Section 35-10-6, Lincoln, Lancaster County, Nebraska.

**EXISTING LAND USE:** Single family dwelling

**SURROUNDING LAND USE AND ZONING:**

North: Single family dwelling; R-2  
South: Single family dwelling; R-2  
East: Single family dwelling and apartments; R-2  
West: Single family dwelling; R-2

**COMPREHENSIVE PLAN SPECIFICATIONS:**

P. 1.8 - The 2040 Future Land Use Map shows this area as Urban Density Residential.

P. 7.2 - Promote sustainability and resource conservation by preserving and improving housing in existing neighborhoods.

P. 7.8 - 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.

P. 7.9 - Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.

**UTILITIES:** This site is served by existing utilities.

**TRAFFIC ANALYSIS:** South 13<sup>th</sup> Street is classified as a local street.

**AESTHETIC CONSIDERATIONS:** The design of the reconstructed garage will be substantially similar to the existing garage, and will match the height of the neighboring garage to the north.

**ANALYSIS:**

1. This is an application to expand a nonstandard garage that encroaches into the required rear yard on the west side of the property and into the required side yard on the north side of the property. The applicant would like to demolish the existing garage and build a new garage. The north, west, and east sides of the new garage new garage will be constructed in the same locations as the existing garage. The new garage will be extended an additional 3 feet 8 inches to the south to allow for a second bay and space for lawn care equipment.
2. The west wall of the garage will be constructed 9 inches from the property line and 1 foot 6 inches from the neighboring garage to the west. Because the west wall is closer than 3 feet to the property line, installation of 1-hour fire rating will be required for that wall. The north wall of the garage will be constructed 3 feet 2 inches from the property line and 1 foot 5 inches from the neighboring garage to the north. The neighboring garage to the north is constructed over the property line and encroaches 1 foot 9 inches onto the property in question. Fire rating is not required for the north wall because it is over 3 feet from the property line.
3. The property is nonconforming because the rear yard on the west side is 10 feet and the side yard on the north side is 5 feet wide. Since the new garage will be less than 6 feet from the main structure, the garage must meet the same setbacks as the house. In the R-2 zoning district the required side yard for the main structure is 5

feet and the required rear yard is 20 feet or 20% of the lot depth whichever is less, or 10 feet for this property.

4. A nonstandard use is defined by LMC §27.02.150 as a lot or use that existed prior to the effective date of the zoning ordinance or due to a change in the zoning ordinance or district boundaries and no longer complies with the minimum lot requirements for the district in which it is located. This house was built in 1920 and became nonstandard when the City adopted revised zoning regulations.
5. LCM §27.63.280 provides the following criteria shall be given specific consideration:
  - (a) *Effects on adjacent property, traffic, city utility service needs;*  
There will be no significant impact. The new garage will be constructed within the existing footprint on the north, east, and west sides. The expanded portion of the garage will be extended closer to the house rather than to neighboring properties.
  - (b) *Density of land use zoning for the subject property and adjacent property;*  
There will be no significant impact. No additional buildings are proposed with this application. If reconstructed, the garage would need to meet all current building codes, including fire-rating of the west wall.
  - (c) *The degree of hardship upon the applicant which would be caused by failure to grant.*  
Given the small size of the lot (50 feet by 73 feet), there are limited options of where a garage could be placed. Rebuilding the garage in the same location is the most appropriate. If the special permit was not approved, the property owner could not proceed with the improvements as proposed. The property owner could conduct routine maintenance on the garage, but it could not be reconstructed or expanded. The owner reports that the garage is in disrepair and in need of reconstruction.
6. The special permit is warranted because 1) the reconstruction will remove a deteriorated condition; 2) the footprint of the garage will not change on three sides including the two sides adjacent to neighboring properties; 3) given the small lot size there are no feasible alternative locations for the garage; and 4) the new structure will meet current building codes.

**CONDITIONS OF APPROVAL:**

Per Section 27.63.280, this approval permits the reconstruction and expansion of a nonconforming use to accommodate the reconstruction and expansion of a garage with waivers to the side yard setback to 3 feet 2 inches and the rear yard setback to 9 inches.

**Conditions:**

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **3** copies.
2. Before receiving building permits provide the following documents to the Planning Department:
  - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
3. The following conditions are applicable to all requests:
  - 3.1 Before occupying the buildings all development and construction shall substantially comply with the approved plans.
  - 3.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
  - 3.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
  - 3.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.

Prepared by

Rachel Jones, Planner

**DATE:** March 21, 2016

**APPLICANT:** Bruce Davidson  
1821 S. 13<sup>th</sup> Street  
Lincoln, NE 68502

**OWNER:** Same as applicant

**CONTACT:** Rachel Jones, Planner  
402-441-7603 or [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)

F:\DevReview\SP\16000\SP16007 Garage Rebuild.rkj.wpd



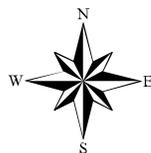
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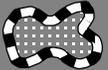
**Special Permit #: SP16007**  
**S 13th & Rose St**

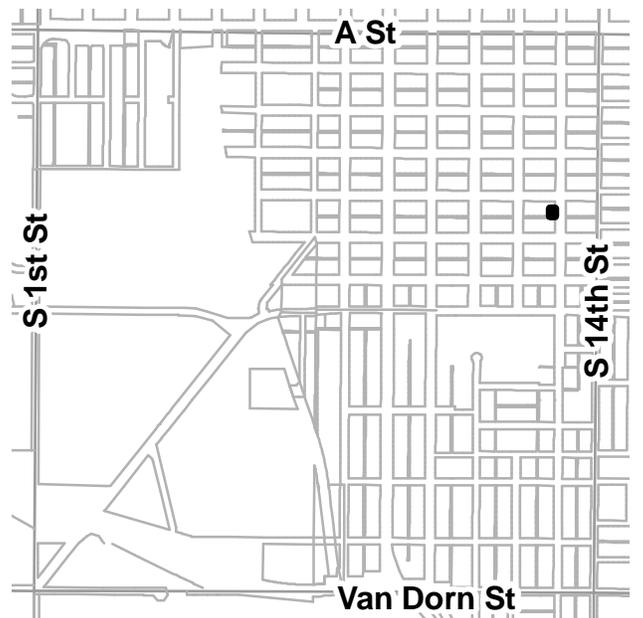
**Zoning:**

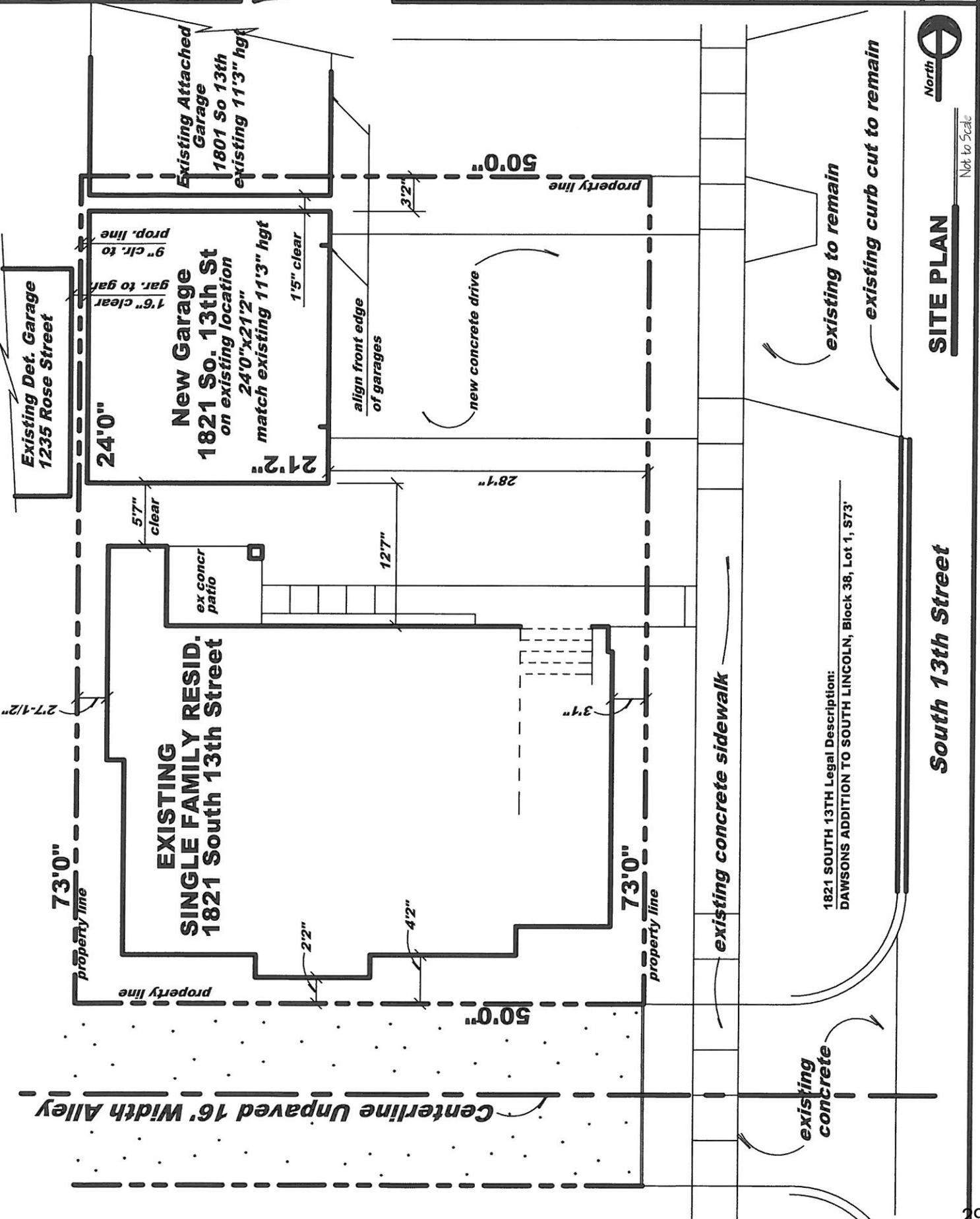
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
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- 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.35 T10N R06E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





North  
 Not to Scale

**SITE PLAN**

**South 13th Street**

**DATE:** 29 February 2016

**FROM:** Bruce C. Davidson, *homeowner*

1821 South 13<sup>th</sup> Street, *circa 1920 bungalow purchased by me in May 1995*  
Lincoln, Nebraska 68502 Tel: 402.417.6333

**TO:** Mr. David Cary, Planning Director  
City of Lincoln, Nebraska

**REGARDING:** Letter of Project Description for Replacement of Residential Garage @ 1821 South 13<sup>th</sup> St.

The existing wood-framed garage structure at my residence at **1821 South 13<sup>th</sup> Street** is in disrepair. The original, "existing" garage's construction date based upon City of Lincoln Building & Safety Department permit records #12252 is 10 April 1924. I am seeking **special permit** approval for the demolition of the "existing" garage and the construction of a "new garage" using 1-hr fire-rated wall construction for the West and North walls. The North, West and East sides of the planned new garage will be constructed in exact same locations as the existing garage. Also requesting approval to increase the width of the new garage on the South end (closer to my residence) an additional 3'8" to an overall width from 24'0" from existing 20'4" to provide a more flexible two-car garage with lawn care equipment area on one side for lawn mower, snow blower, etc.

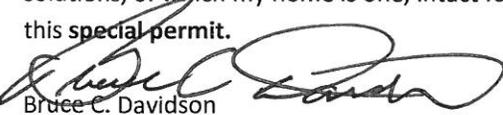
The existing garage's roof and wall condition failed during the 2006-2009 time frame when I was deployed overseas in the military serving in Operation Iraqi Freedom and Enduring Freedom locales as a Navy Seabee (civil eng./architect) attached to a naval regiment in charge of various base and aligned construction projects. During my military absence the home was unoccupied, looked after by relatives and neighbors but unoccupied. Since my permanent return to Lincoln I in 2010, I have scrutinized solutions for this garage's repair. The only reasonable solution given it's condition is full replacement with code-complied construction using new materials/methods of the day.

The existing condition of the single story detached garage is as follows:

1. the foundation concrete floor slab is cracked in several places and has separated/raised to irregular levels.
2. the single layer of concrete block which starts wall construction around the structure on the concrete floor slab was incorrectly laid/anchored/shifted from initial placement. This concrete block layer is absent in some areas around the garage structure perimeter.
3. existing wall finish is similar to ¼" thickness T1-11 siding which was installed in close proximity to exterior finish grade. Resulting in moisture migration and rotting of the panels for several inches vertically from the base of the panels in most locations around the perimeter. There is no underlying structural wall sheathing to resist shear forces. I installed temporary bracing to account for shear.
4. existing overhead door of heavy wood panel construction has not withstood the years since it's construction. The overhead door track inclusive of rollers is a continual source of remedial work to ensure "reasonable" working condition. The overhead door operator has failed on several occasions, been replaced by me, and is not worth any further investment of time and money to repair it any further.
5. the flat roof system is decades old roll roofing over plywood sheathing over wood rafters. The roll roofing finish has failed in several areas, leaked to the wood framing below and is rotting several of the wood rafter members.

I have accomplished several home improvement projects over the years on my residence at 1821 South 13<sup>th</sup>. Full roof replacement by **White Castle** roofing with a very attractive architectural shingle which enhances the look of the home. The home exterior is brick which has had its joints repointed by another home repair contract. The interior mechanical system and water heater has been replaced by **John Henry**. In addition, I have plans for interior remodeling projects of first floor bath and kitchen. These will follow that of the new garage's construction and area landscaping.

The design and construction of my "new" garage shall be a blend of the existing garage's theme integrating newer exterior finish materials for interest. Existing garages at 1821 and 1801 (my immediate neighbor's to the North) have overall garage height of 11'3". The new garage will match height and setback from street for symmetry. The garage's demolition and replacement project will beautify both the home and the neighborhood. Keeping the dynamic mix of these quaint bungalow style home solutions, of which my home is one, intact for years to come. Thank you for both your time and consideration of my request for this **special permit**.

  
Bruce C. Davidson

# Current Project - Agency Review Report

Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
Airport Authority	jon large	1	No Review Required	27.58 - This area is outside of the Airport Environs District and no review is necessary. 27.59 - This request is outside of the Airport Hazard Area and no review is necessary.	First In Group
Building & Safety	christy eichorn	1	Corrections Required	See Markups	First In Group
County Health	chris schroeder	1		The Lincoln-Lancaster County Health Department does not object to the approval of this application.	Individual
Development Review Manager	steve henrichsen	1	Recommend Approval		Individual
Planning Dept	brenda thomas	1	No Review Required		First In Group
Stronger Safer Neighborhoods	Jon Carlson	1	Pending		Individual



**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 70<sup>th</sup> 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.

<b>RECOMMENDATION:</b>	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 6<sup>th</sup> 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:

	<u>R-1</u>	<u>R-2</u>
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 70<sup>th</sup> Street. The portion of the R-2 area east of South 70<sup>th</sup> 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:

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March 15, 2016

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

F:\DevReview\CZ116000\CZ16007 Bradock Ct.bjw.wpd

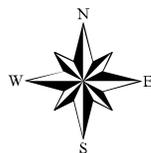


2013 aerial

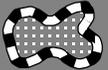
**Change of Zone #: CZ16007  
S 70th St & Bradock Ct  
R-1 to R-2**

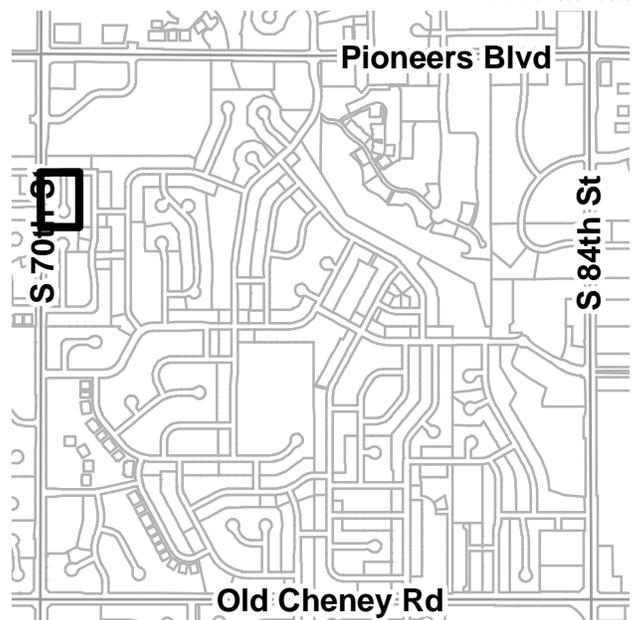
**Zoning:**

- 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





Lincoln Planning Department

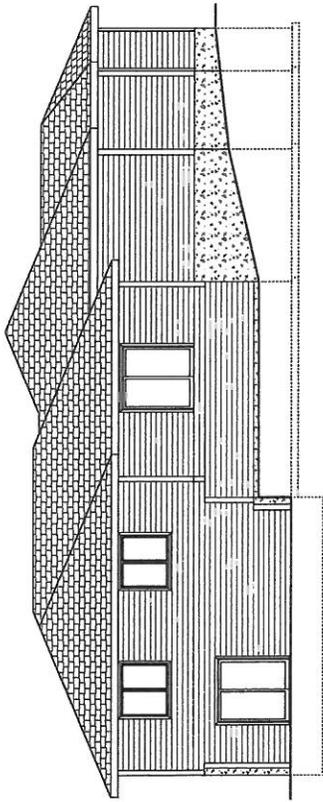
Firstly I would like to thank Brian Will and any of the other staff who have helped me thus far with the proposed improvements I would like to make to my property. My name is Paden Daly residing at 4811 Bradock Court. I am medically retired from the Department of Defense and permanently in a wheelchair 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.

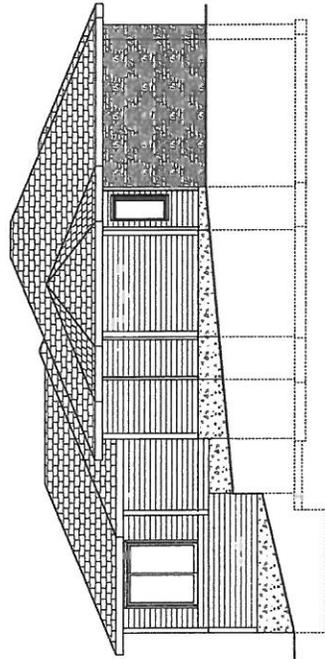
I very much enjoy building things with my hands whether it be in wood working, metal fabrication, and working on the never ending project of my 68 mustang I've had since I was fourteen and this would give me the space I would need. It also wouldn't hurt to be able to store my vehicle inside during inclement 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

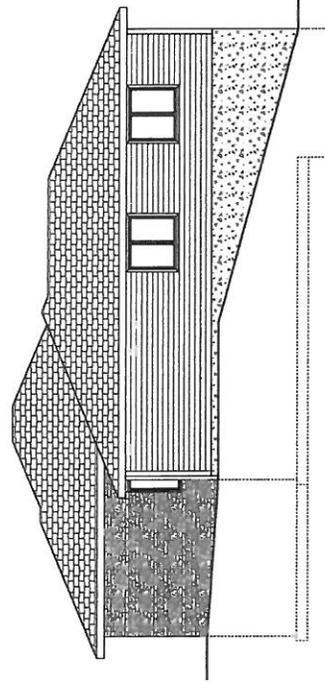




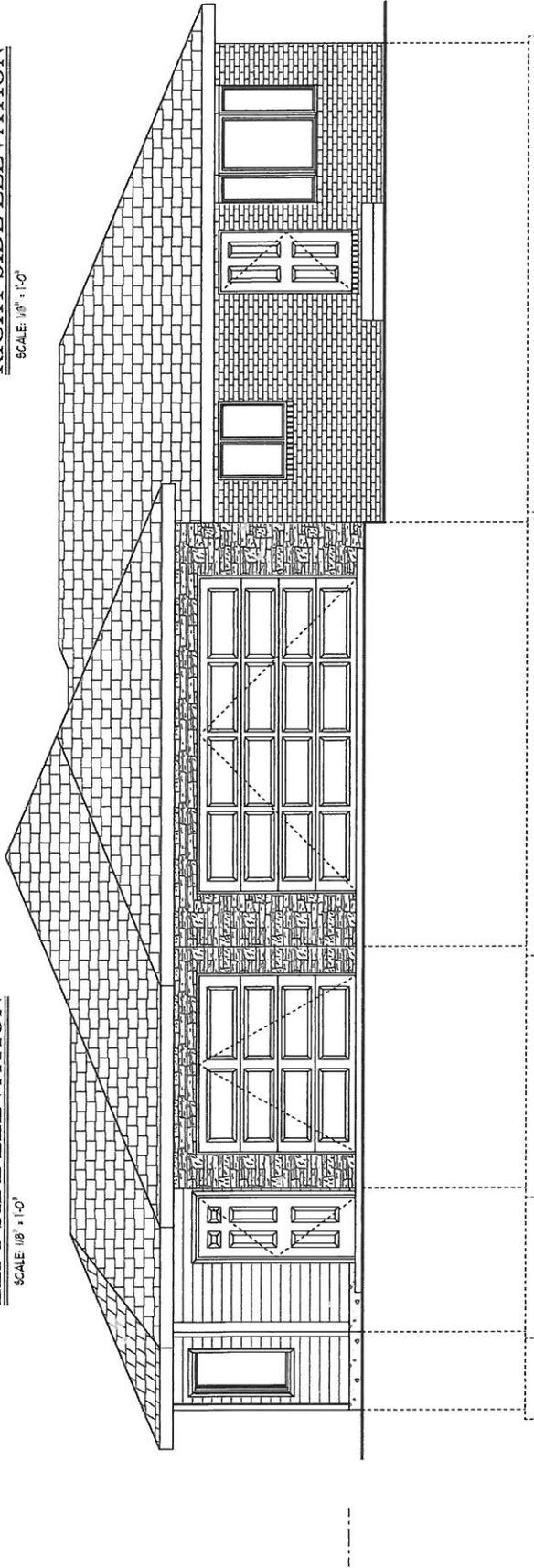
**REAR ELEVATION**  
SCALE: 1/8" = 1'-0"



**LEFT SIDE ELEVATION**  
SCALE: 1/8" = 1'-0"



**RIGHT SIDE ELEVATION**  
SCALE: 1/8" = 1'-0"



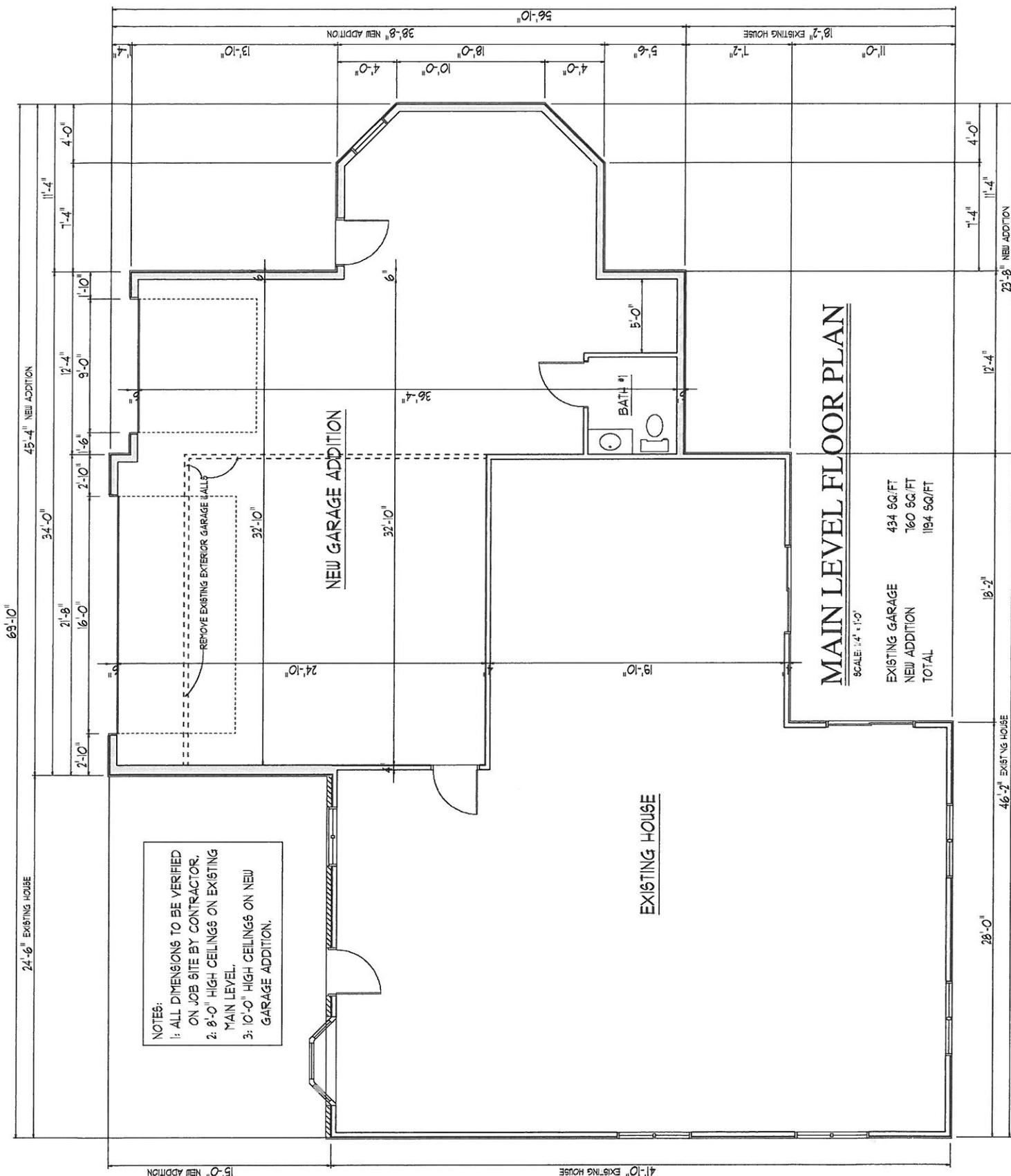
**FRONT ELEVATION**  
SCALE: 1/4" = 1'-0"

**PRELIMINARY PLAN**  
PLANS FOR REVIEW AND  
BIDDING PURPOSES ONLY  
NOT FOR CONSTRUCTION



The Trade Center  
6031 South 58th Street, Suite C  
Lincoln, NE 68516  
Phone: (402) 420-0088  
Fax: (402) 420-0089  
www.newventures.com

NY29315  
PADEN DALY  
GARAGE ADDITION  
SHT 2 OF 1



NOTES:  
 1: ALL DIMENSIONS TO BE VERIFIED ON JOB SITE BY CONTRACTOR.  
 2: 8'-0" HIGH CEILINGS ON EXISTING MAIN LEVEL.  
 3: 10'-0" HIGH CEILINGS ON NEW GARAGE ADDITION.

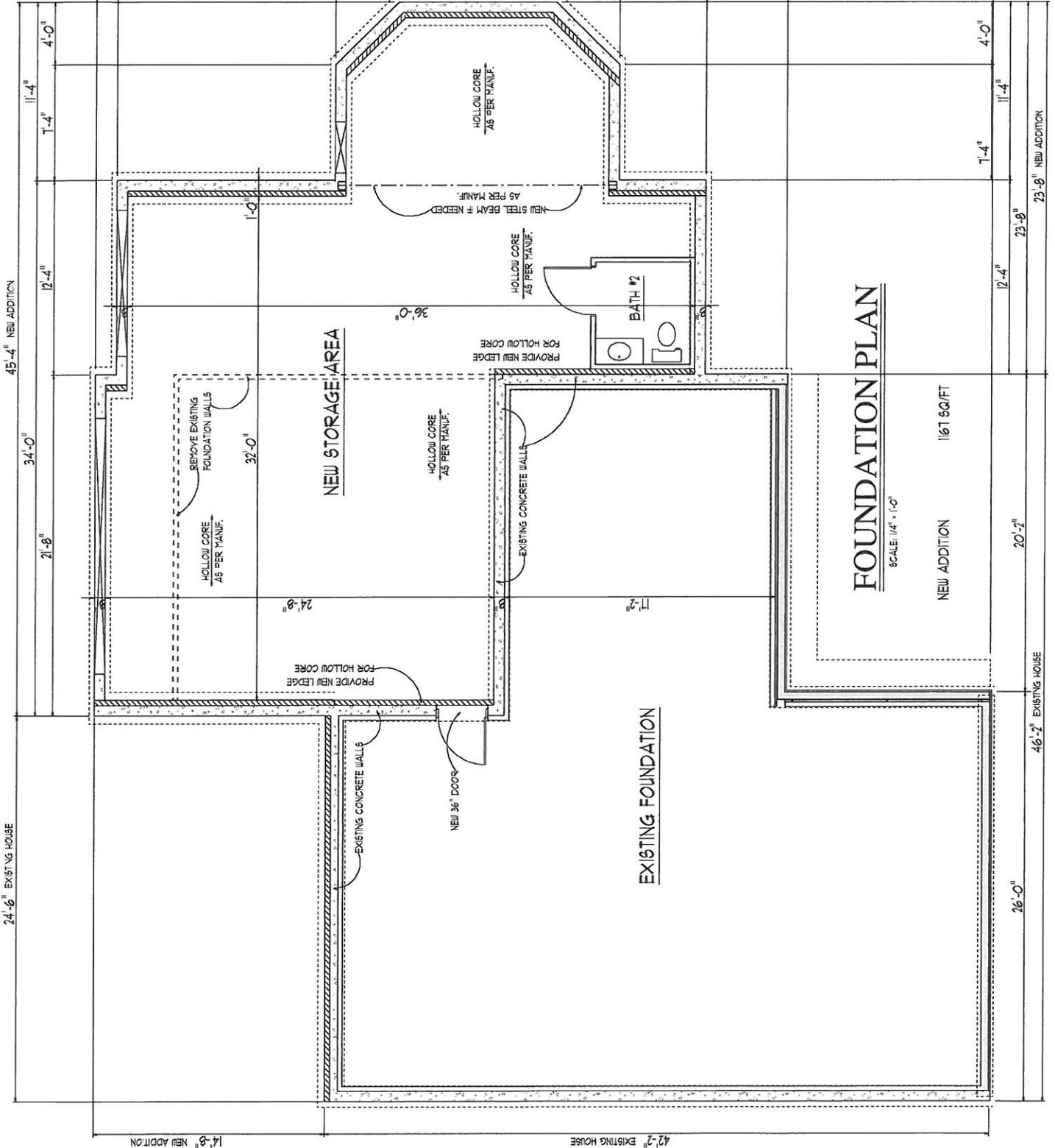
**MAIN LEVEL FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"

EXISTING GARAGE	434 SQ. FT.
NEW ADDITION	160 SQ. FT.
TOTAL	1194 SQ. FT.

**PRELIMINARY PLAN**  
 PLAN FOR REVIEW AND BIDDING PURPOSES ONLY  
 NOT FOR CONSTRUCTION

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NY29315  
 PADEN DALY  
 GARAGE ADDITION  
 SHIT 2 OF 1



# FOUNDATION PLAN

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

NEW ADDITION 116T 50/FT

**PRELIMINARY PLAN**  
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NV29915  
 PADEN DALY  
 GARAGE ADDITION  
 SHEET 2 OF 1