

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for SEPTEMBER 1, 2004 PLANNING COMMISSION MEETING

P.A.S.: Waiver #04009

PROPOSAL: A waiver of the Land Subdivision Ordinance (Section 26.23.140) for the minimum lot depth of 120 feet for lots abutting a major street for J W Cooper final plat.

LOCATION: The northwest corner of S. 40th Street & Calvert Street.

LAND AREA: 10,779 square feet, more or less

CONCLUSION: The reduction in lot depth is acceptable

<u>RECOMMENDATION:</u>	Approval
-------------------------------	----------

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 14 and the south 40 feet of Lot 15, Jenkins Addition; located in the NE 1/4, Section 6, Township 9, Range 7, Lancaster County, Nebraska

EXISTING ZONING: R-4, Residential

EXISTING LAND USE: Single family residential

SURROUNDING LAND USE AND ZONING:

North:	R-4	Residential
South:	R-2	Residential
East:	R-4	Residential
West:	R-4	Residential

HISTORY:

July 1, 2004 J. W. Cooper Addition final plat was resubmitted for review.

March 1, 1999 Waiver 99001 to reduce the required minimum lot depth for lots associated with J. W. Cooper Addition was denied by City Council.

December 16, 1998 Planning Department received an application for J. W. Cooper administrative final plat #98099.

June 20, 1975 Subdivision Permit #1593 to subdivide Lots 11, 12 and 13, Jenkins Addition was approved by the Planning Director.

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2025 Comprehensive Plan shows this area as urban residential. (F-23)

Guiding Principles for the Urban Environment includes:

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods and more dwelling units per acre in new neighborhoods. (F-17)

Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood. (F-18)

Home ownership is the foundation upon which successful neighborhoods and communities are built. Citizens should be able to afford to buy a safe and decent home. (F-18)

Encourage mixed-use redevelopment, adaptive reuse and in-fill development including residential, commercial and retail uses. (F-18)

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

UTILITIES: Utilities are available

TRAFFIC ANALYSIS: Calvert Street and S. 40th Street are classified as minor arterial.

ANALYSIS:

1. This request is to waive the requirement that residential lots abutting a major street shall have a minimum lot depth of 120 feet. (Sec. 26.23.140a). The lots are proposed to be 72.5 feet and 76.8 feet. The minimum lot depth for lots not abutting a major street is 90 feet.
2. The waiver request is associated with J. W. Cooper Addition final plat.
3. The intent of the 120 feet deep lots along a major road was to allow greater separation between the arterial and the house on double frontage lots. The proposed lots are not double frontage lots.
4. The existing lot is 148.5 feet in depth. The length of the lot allows for subdividing the lot. The replatting of this lot adds to affordable dwellings by taking advantage of existing infrastructure.
5. Proposed Lot 1 has an existing house. The R-4 district has a 25' front yard setback, a 5' side yard setback and the rear yard setback is the smaller of 30' or 20% of lot depth. The 72.5' lot depth for proposed Lot 2 would require a 14.5' rear yard setback from the north lot line. Proposed Lot 2 would have a buildable area of 2046 square feet.

6. The minimum lot area in the R-4 district for a single-family dwelling or two-family dwelling is 5,000 sq. ft. Proposed Lot 1 contains 5,562 sq. ft; more or less and proposed Lot 2 contains 5, 217 sq. ft; more or less. The average lot width in the R-4 district for single- family dwellings and two-family dwellings is 50 feet. Proposed Lot 1 has an average lot width of 76.8' and proposed Lot 2 has an average lot width of 71.96'. Both of the proposed lots meet the lot area and average lot width for single-family dwellings or two-family dwellings.
7. This pattern of subdividing the rear of oversized corner lots has been common throughout the city. The lot immediately to the west was subdivided in 1975 in a similar manner as the proposed plat. These lots have a lot width of 63.5' and 65' and a lot depth of 129 feet (see attached subdivision permit).
8. The applicant requested the same waiver in 1999. The waiver was supported by Planning staff and Planning Commission, but was denied by City Council.

Prepared by:

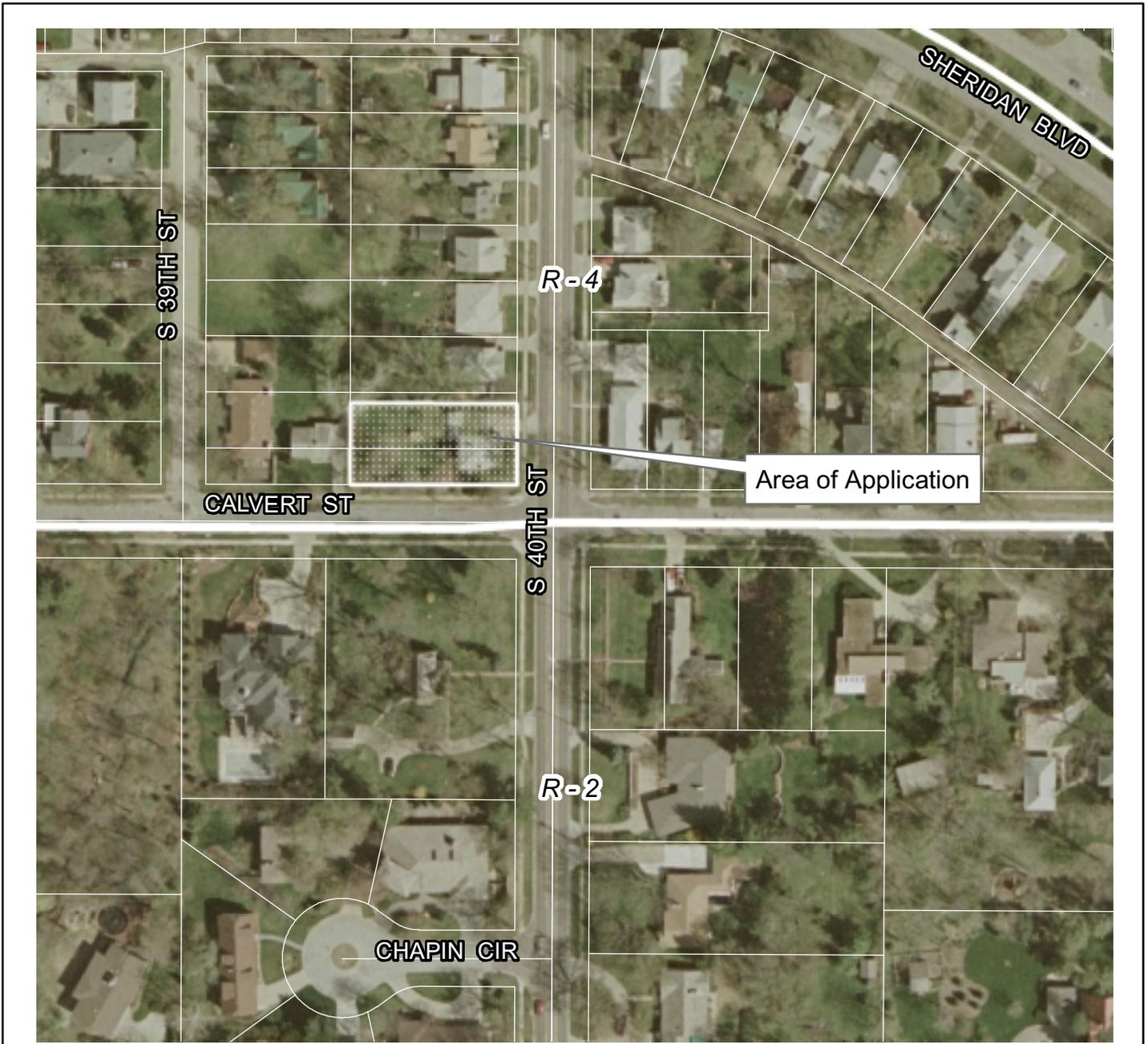
Tom Cajka
Planner

DATE: August 18, 2004

APPLICANT: John & LeeAnne Cooper
3539 S. 40th St.
Lincoln, NE 68506
(402) 483-5489

OWNER: same as applicant

CONTACT: William E. Olson, Attorney
P. O. Box 81607
Lincoln, NE 68501
(402) 438-2500



2002 aerial

Waiver #04009
3539 S. 40th St.

Zoning:

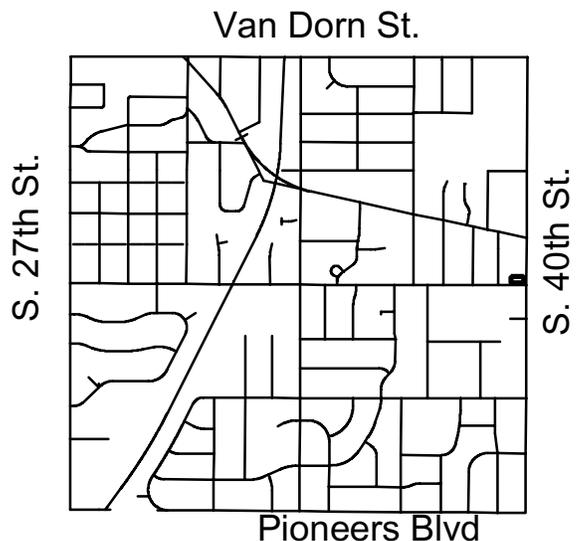
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
 Sec. 6 T9N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction



FEE \$ 2.00 (one dollar per parcel)

NO. 1593

NE 1/4, SEC. 6 T. 9 N., R. 7 E.

APPLICATION FOR SUBDIVISION PERMIT

TO THE LINCOLN CITY—LANCASTER COUNTY PLANNING DEPARTMENT

The undersigned hereby applies for a permit to subdivide the following described parcel of land:

LEGAL DESCRIPTION OF PROPERTY LOTS 11, 12, AND 13, EXCEPT THE WEST 20'
THEREOF, AND EXCEPT THE NORTH 4' OF LOT 11, JENKINS ADDITION TO
COLLEGE VIEW, LINCOLN in Lancaster County, Nebraska

DESCRIPTION OF PARCELS CREATED:

DESCRIPTION KEY: Parcel numbers are not to be used for legal descriptions.

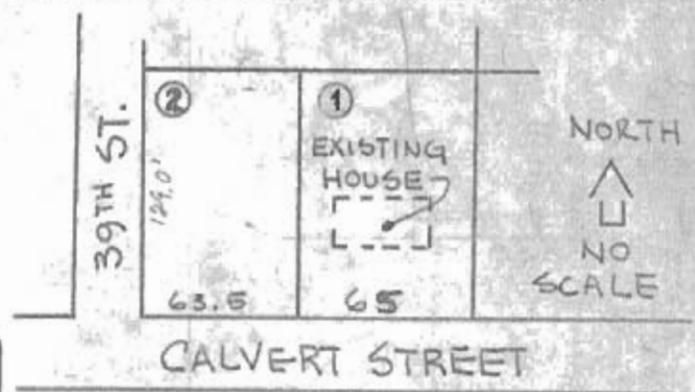
~~PARCEL 1~~ THE EAST 65' OF LOT 11, 12, AND 13, EXCEPT THE NORTH 4' OF
LOT 11, JENKINS ADDITION TO COLLEGE VIEW, LINCOLN,

~~PARCEL 2~~ LANCASTER COUNTY, NEBRASKA

~~PARCEL 2~~ THE EAST 63.5' OF THE WEST 83.5' OF LOTS 11, 12, AND

~~PARCEL 3~~ 13, EXCEPT THE NORTH 4' OF LOT 11, JENKINS ADDITION
TO COLLEGE VIEW, LINCOLN, LANCASTER COUNTY,

~~PARCEL 4~~ NEBRASKA



APPROVED THIS 20TH DAY OF JUNE 1975.

1. CITY OF LINCOLN, AND ITS CITY COUNCIL
D.E. BROGDEN BY Walt Coxnell
PLANNING DIRECTOR

—OR—

2. LANCASTER COUNTY, AND
ITS COUNTY BOARD

CHAIRMAN, COUNTY BOARD

COUNTY SURVEYOR

I HEREBY CERTIFY THAT THE ABOVE
STATEMENTS ARE CORRECT

Jeffrey Campney
OWNER
3601 Calvert

STATEMENT REGARDING APPLICATION

The applicant requests a waiver of the minimum lot depth of 90' requirements for residential property. The lot depths proposed for the two lots are:

Lot 1: 76.80'

Lot 2: 72.35'

