

# **Lincoln City - Lancaster County**

## **PLANNING COMMISSION AGENDA**

### **PLANNING COMMISSION**

Dennis Scheer: Chair  
Tracy Corr: Vice-Chair  
Thomas Beckius  
Tracy Edgerton  
Deane Finnegan  
Maja V. Harris  
Chris Hove  
Cristy Joy  
Sandra Washington

### **PLANNING STAFF**

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

## **September 12, 2018**



**NOTICE:** The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, September 12, 2018, 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.

**\*\*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, SEPTEMBER 12, 2018

Approval of minutes of the regular meeting held August 29, 2018.

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

**CHANGES OF ZONE:**

Page 01 1.1 Change of Zone 05002B, to amend the Links at Lincoln Planned Unit Development (PUD) to allow for the sale of alcohol for consumption on the premises as an accessory use to the golf course and clubhouse, on property generally located at 375 Fletcher Avenue.  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Brian Will, 402-441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)**

Page 11 1.2 Change of Zone 08041A, to expand the existing Planned Unit Development (PUD) boundary limits by approximately 3.03 acres, more or less, on property generally located at the SW Corner of South 70th Street and Pine Lake Road.  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Brian Will, 402-441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)**

2. **REQUESTS AND FOR DEFERRAL:**

2.1 \_\_\_\_\_

2.2 \_\_\_\_\_

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

3.1 \_\_\_\_\_

3.2 \_\_\_\_\_

4. **PUBLIC HEARING AND ADMINISTRATIVE ACTION:**

**COUNTY TEXT AMENDMENT:**

Page  
23

4.1 County Text Amendment 18008, to amend Article 2, Section 2.002 by adding a definition for "accessory dwelling unit"; Article 4, Section 4.007 to list accessory dwelling unit as a special permit; and Article 13, by adding Section 13.049 of the Lancaster County Zoning Regulations, to allow Accessory Dwelling Units (ADUs) by special permit in the AG Zoning District.

**Staff recommendation: Approval**

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

**SPECIAL PERMIT:**

Page  
35

4.2 Special Permit 18032, to allow for the development of a Community Unit Plan (CUP) to include 6 single family dwelling units, with requested waivers, on property generally located at 5405 Roose Street. **\*\*FINAL ACTION\*\***

**Staff recommendation: Conditional Approval**

**Staff Planner: George Wesselhoft, 402-441-6366, [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)**

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

\*\*\*\*\*

**Adjournment:**

**PENDING LIST:**

*Annexation No. 18003, to annex approximately 24.1 acres, more or less, on property generally located at 7420 Yankee Hill Road.*

*Change of Zone No. 18015, from AGR (Agricultural Residential District) to R-3 (Residential District), on property generally located at 7420 Yankee Hill Road.*

*Special Permit No. 18022, for a 55 lot CUP (Community Unit Plan), with waivers to allow sanitary sewer to flow opposite street grades, block length, pedestrian easements, lot lines radial to streets, 2 to 1 side slope for detention embankments, and sidewalks along one side of a street, on property generally located at 7420 Yankee Hill Road. **\*\*FINAL ACTION\*\****

**Planning Department 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>
Collin Christopher, <i>Planner</i> .....	402-441-6372 .	<a href="mailto:cchristopher@lincoln.ne.gov">cchristopher@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>
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>
Dessie Redmond, <i>Planner</i> .....	402-441-6373 .	<a href="mailto:dredmond@lincoln.ne.gov">dredmond@lincoln.ne.gov</a>
Andrew Thierolf, <i>Planner</i> .....	402-441-6371 .	<a href="mailto:athierolf@lincoln.ne.gov">athierolf@lincoln.ne.gov</a>
George Wesselhoft, <i>Planner</i> .....	402-441-6366 .	<a href="mailto:gwesselhoft@lincoln.ne.gov">gwesselhoft@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>

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**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.**

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**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 COMMISSION STAFF REPORT**

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Change of Zone #05002B The Links at Lincoln Planned Unit Development	FINAL ACTION? No	DEVELOPER/OWNER BVCEAI Lincoln I Apartments, LLC
PLANNING COMMISSION HEARING DATE September 12, 2018	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 375 Fletcher Avenue

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for an amendment to The Links Planned Unit Development (PUD) to allow the sale of alcohol for consumption on the premises. The golf course started as a residents and friends-only course that primarily served the surrounding apartment complex. That has changed and the course is now open to the public, and the intent is to allow it to function more like other golf courses with respect to alcohol sales. This request seeks to allow only on-sale alcohol in conjunction with the golf course and clubhouse as an accessory use.



Jim White, 402-610-4653 or  
jbwboomer@aol.com

**STAFF CONTACT**

Brian Will, 402-441-6362 or  
bwill@lincoln.ne.gov

**JUSTIFICATION FOR RECOMMENDATION**

It is typical for golf courses and their associated clubhouses to have on-sale alcohol as an accessory use. The Zoning Ordinance specifically allows on-sale as an accessory use to the recreation facility (golf course) where the facility is allowed as a permitted, conditional or special use. That is the circumstance in this case, and the request is consistent with the Zoning Ordinance.

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The sale of alcohol for consumption on the premises as an accessory use associated with a golf course and clubhouse is customary and not unusual. The coexistence of golf courses and alcohol sales with surrounding residential areas has a history of being compatible and not disruptive to the neighborhood. It adds to the mix of uses found in neighborhoods and therefore their variety and diversity, and provides a service many anticipate and associate with such outdoor recreation facilities. This request is consistent with the goals of the Comprehensive Plan.

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is designated for open space and residential land uses on the 2040 Lincoln Area Future Land Use Plan.

P. 1.2 - Quality of Life Assets:

- The community continues its commitment to strong, diverse neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies.
- LPlan 2040 is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's new and established neighborhoods.

P. 2.8 - Guiding Principles for Community Form: The Urban Environment

- Natural and environmentally sensitive areas should be preserved within and between neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods. The natural topography and features of the land should be preserved by new development to maintain the natural drainageways and minimize land disturbance.
- Mixed use redevelopment, adaptive reuse, and well-designed and appropriately-placed infill development, including residential, commercial and retail uses, are encouraged.

P. 7.2 - Neighborhoods & Housing Guiding Principles

- 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.
- 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.

P. 7.9 - Strategies for Redevelopment in Existing Neighborhoods

- Promote the preservation, maintenance and renovation of existing housing and neighborhoods throughout the city, with special emphasis on low and moderate income neighborhoods.
- Maintain and enhance infrastructure and services in existing neighborhoods.
- Encourage well-designed and appropriately placed density, including within existing apartment complexes and special needs housing where there is land available for additional buildings or expansions.
- Recognize that broad economic diversity within existing neighborhoods encourages reinvestment and improves quality of life for all residents while acknowledging the need for affordable housing.
- Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.

## ANALYSIS

1. This is a request to amend The Links at Lincoln Planned Unit Development (PUD) to include the sale of alcohol for consumption on the premises. It seeks to have the sale of alcohol permitted as an accessory use to the golf course and club house.
2. The golf course was initially developed as a residents and friends-only course which served the surrounding apartment complex. That changed over time and the course is now open to the public. The intent is to allow it to function more like other golf courses with respect to alcohol sales. This request is limited to only allowing on-sale alcohol as an accessory use to the golf course and clubhouse.
3. The sale of alcohol has been regulated by the Zoning Ordinance since 1994. It is typically not allowed in residential zoning districts, except as per Lincoln Municipal Code (LMC) 27.63.680(d) which states:
  - d. Alcoholic beverages may also be sold for consumption on the premises as an accessory use to an outdoor recreational facility as part of a separate special permit under Section 27.63.130 approving the outdoor recreational facility in any district where outdoor recreational facilities are allowed as a permitted use, permitted conditional use, or permitted special use.



Owner: BVCEAI Lincoln I Apartments, LLC  
ATTN: Jeanette Jayne  
Cohen-Esrey  
6800 West 64<sup>th</sup> Street, Ste 101  
Overland Park, KS 66202  
913-671-3347  
jjayne@cohenesrey.com

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## CONDITIONS OF APPROVAL - CHANGE OF ZONE #05002B

This approval permits allows the sale of alcohol for consumption on the premises as an accessory use to the golf course and clubhouse anywhere on Lot 1, The Links at Lincoln.

### Site Specific Conditions:

1. Before receiving building permits the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.
  - 1.1 Revise General Note #14 to state: "The sale of alcohol for consumption on the premises as an accessory use to the golf course and clubhouse is allowed anywhere on Lot 1, The Links at Lincoln."
2. Before the sale of alcohol commences the developer shall provide the following document to the Planning Department:
  - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the planned unit development has been recorded.

### Standard Conditions:

3. The following conditions are applicable to all requests:
  - 3.1 Before the sale of alcohol commences all development and construction shall substantially comply with the approved plans.
  - 3.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
  - 3.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
  - 3.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.
  - 3.5 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 therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
  - 3.6 The site plan as approved with this ordinance voids and supersedes all previously approved site plans, however all ordinances approving previous permits remain in full force and effect unless specifically amended by this ordinance.



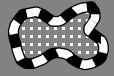


2018 aerial

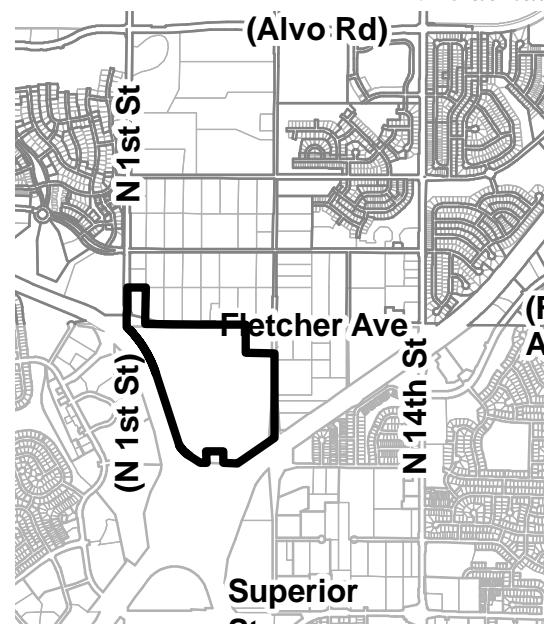
**Change of Zone #: CZ05002B**  
**The Links at Lincoln**  
**N 1st St & Fletcher Ave**

**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

Two Square Miles:  
 Sec.35 T11N R06E  
 Sec.02 T10N R06E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





**Jeanette Jayne**  
Managing Director  
Executive Vice President

Office 913.671.3347  
Cell 816.616.4996  
Email [jjayne@cohenesrey.com](mailto:jjayne@cohenesrey.com)

August 01, 2018

Mr. Brian J. Will, MCRP, AICP  
Planning Department  
Lincoln/Lancaster County  
555 South 10<sup>th</sup> Street, Room 213  
Lincoln, NE 68508

Re: Fairway at Lincoln Liquor License

Dear Mr. Will:

I, Jeanette Jayne, as manager of BVCEAI Golf Course Tenant, LLC; owner of the Fairway at Lincoln Golf Course, authorize James B White to sign, on our behalf, The Planning Department Application Request Form to amend the zoning overlay (PUD), allowing for the sale of alcohol as an accessory use to the golf course and clubhouse.

Sincerely,

Jeanette Jayne  
Managing Director  
Executive Vice President





REVISED SITE PLAN-LINKS@LINCOLN

GENERAL NOTES:

14. *ON-SALE ALCOHOL AS AN ACCESSORY USE TO, AND ASSOCIATED WITH THE GOLF COURSE/CLUBHOUSE IS ALLOWED ANYWHERE WITHIN THE LIMITS OF THE PUD.*



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

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Change of Zone #08041A Pine Woods Planned Unit Development	FINAL ACTION? No	DEVELOPER/OWNER Kelly Jacob
PLANNING COMMISSION HEARING DATE September 12, 2018	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 6909 Pine Lake Road

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for a change of zone from AGR to R-3 Planned Unit Development (PUD) and an amendment to the Pine Woods PUD to expand it to include a neighboring lot. The lot is developed with an owner-occupied single-family dwelling and two accessory buildings. The owner operates an auto repair business in north Lincoln but is down-sizing. He is seeking the amendment to allow him to relocate his auto repair business to the site and operate out of the accessory buildings. The owner will continue to live on site.



**JUSTIFICATION FOR RECOMMENDATION**

The subject property is impacted by floodway and floodplain on the west, and is adjacent to future commercial uses approved as part of the original Pine Woods PUD to the east. This request allows the owner reasonable use of his land, but subject to recommended conditions to maintain compatibility with surrounding properties.

**APPLICATION CONTACT**

Tim Gergen, 402-477-9291 or  
tim.gergen@clarkenersen.com

**STAFF CONTACT**

Brian Will, 402-441-6362 or  
bwill@lincoln.ne.gov

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

This proposed infill/redevelopment preserves sensitive areas and maintains compatibility with surrounding land uses. Now being subject to the PUD overlay, future changes will also be subject to review to ensure they also maintain compatibility with surrounding uses. Subject to the recommended conditions of approval this request is consistent with the goals of the Comprehensive Plan.

**WAIVERS**

1. Allow a 50 sq. ft. wall sign - LMC 27.69.340(a) - Recommend Approval

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is designated for urban density residential land uses on the 2040 Lincoln Area Future Land Use Plan.

P. 1.2 - Quality of Life Assets:

- The community continues its commitment to strong, diverse neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies.
- LPlan 2040 is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's new and established neighborhoods.

P. 2.8 - Guiding Principles for Community Form: The Urban Environment

- Natural and environmentally sensitive areas should be preserved within and between neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods. The natural topography and features of the land should be preserved by new development to maintain the natural drainageways.
- Mixed use redevelopment, adaptive reuse, and well-designed and appropriately-placed infill development, including residential, commercial and retail uses, are encouraged.

P. 7.9 - Strategies for Redevelopment in Existing Neighborhoods

- Promote the preservation, maintenance and renovation of existing housing and neighborhoods throughout the city, with special emphasis on low and moderate income neighborhoods.
- Maintain and enhance infrastructure and services in existing neighborhoods.
- Recognize that broad economic diversity within existing neighborhoods encourages reinvestment and improves quality of life for all residents while acknowledging the need for affordable housing.

## ANALYSIS

1. This is a request for a change of zone from AGR to R-3 Planned Unit Development (PUD) and to amend the Pine Woods Planned Unit Development (PUD) to include the adjacent 3 acre parcel. The lot is developed with an owner-occupied single-family dwelling and two accessory buildings. The owner operates an auto repair business in north Lincoln but is down-sizing. He is seeking the amendment to allow him to relocate his auto repair business to the site and operate out of the accessory buildings. The owner will continue to live on site.
2. The original Pine Woods PUD was approved in 2008. It allows up to 53,000 square feet of commercial floor area, which includes a mix of office and retail uses. It also includes a residential portion for up to 11 dwelling units. The proposed request expands the amount of commercial floor area by 5,500 for a total of 58,500 square feet.
3. There are development constraints within the section of land the subject property is located in. The section is bisected by both a railroad and Beal Slough floodplain. The railroad and creek have limited connections between the northeast quarter and the rest of the section. The outlet stream from Pine Lake also flows along the west property line of the subject. Significant portions of lots in the area adjacent to Beal Slough and the Pine Lake outlet are affected by both floodway and floodplain.
4. The applicant lives in the dwelling on the property, and is proposing to operate his auto repair business out of his home and two accessory buildings. A cap of 5,500 square feet is proposed on the added commercial floor area. As proposed, the allowed uses in the PUD would be expanded to include motorized vehicle service and repair. Long-term, a likely proposed use of the property may be for contractor services. Expanding the list of allowed uses to include contractor services is appropriate. Outdoor storage should be prohibited for all future uses due to the residential uses to the north, and all future development should be outside the floodway and floodplain.
5. The only waiver being requested is to the sign regulations, but is appropriate for the uses and the area. A 20 square foot freestanding sign and a 50 square foot wall sign are proposed. Allowed signs as part of a PUD are a freestanding sign up to 50 square feet in area, but no wall sign. The amount of signage requested is less than what which would typically be allowed in comparable zoning districts where these uses are found. Signs are typically allowed in the front yard in commercial districts. For comparison, two zoning districts where the proposed uses area also allowed, the B-2 and H-4, the allowed signs are:

-Freestanding signs - 50 sq. ft. when located in the front yard; 100 sq. ft when located outside the front yard.  
-Wall Signs - Shall not exceed 30% per architectural elevation; and, no sign shall not exceed 500 sq. ft. in area.

6. Construction is underway to improve Pine Lake Road. All necessary right-of-way has been acquired, and a sidewalk on the south side and bike trail on the north side are part of the project. Anticipating these improvements, the Pine Woods PUD shows South 69<sup>th</sup> Street intersecting with Pine Lake Road. A driveway access point is provided to the subject property off South 69<sup>th</sup> Street to help consolidate access points and eliminate drives onto the arterial street. At such time as South 69<sup>th</sup> Street is built, the subject property needs to take access off of it and remove the driveway onto Pine Lake Road. Until that time, the driveway can continue to be used. The responsibility for street trees and sidewalks where required adjacent to this property would be appropriate for this applicant.
7. Building and Safety noted that the accessory buildings were not originally built for the proposed occupancy, and that changes may be required if this amendment is approved. The applicant has been both advised of these comments and to meet with Building and Safety to discuss the impact of potential requirements.
8. This request provides the applicant a reasonable use of the property while maintaining compatibility with surrounding land uses. Subject to the recommended conditions of approval, this request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Single-family dwelling and associated accessory buildings AGR

**SURROUNDING LAND USE & ZONING**

North: Residential	AGR, R-1
South: Vacant	R-3(PUD)
East: Vacant	R-3(PUD)
West: Residential	AGR

**APPLICATION HISTORY**

**July 2005** - CZ#08041 for the Pine Woods Planned Unit Development was approved for up to 53,000 square feet of commercial floor area and up to 11 dwelling units was approved.

**APPROXIMATE LAND AREA:** 3.02 acres more or less (subject property)  
12.13 acres more or less (entire PUD)

**LEGAL DESCRIPTION:** Lot 109, located in the NE 1/4 of Section 21-9-7, Lincoln, Lancaster County, Nebraska,

Prepared by

\_\_\_\_\_  
Brian Will, 402-441-6362  
bwill@lincoln.ne.gov  
August 29, 2018

Applicant/  
Contact: Tim Gergen  
The Clark Enersen Partners  
1010 Lincoln Mall  
Lincoln, NE 68508  
402-477-9291  
Tim.gergen@clarkenersen.com

Owner: Kelly Jacob  
6909 Pine Lake Road  
Lincoln, NE 68516  
402-560-9003  
kellysautorepair@windstream.net

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## CONDITIONS OF APPROVAL - CHANGE OF ZONE #08041B

This approval expands the Pine Garden PUD and allows contractor services and motorized vehicle service and repair as permitted uses with an adjustment to the sign regulations to allow a freestanding sign up to one-half way into the front yard setback and one 50 sq. ft. in area wall sign on Lot 12, Block 2 of the PUD.

### Site Specific Conditions:

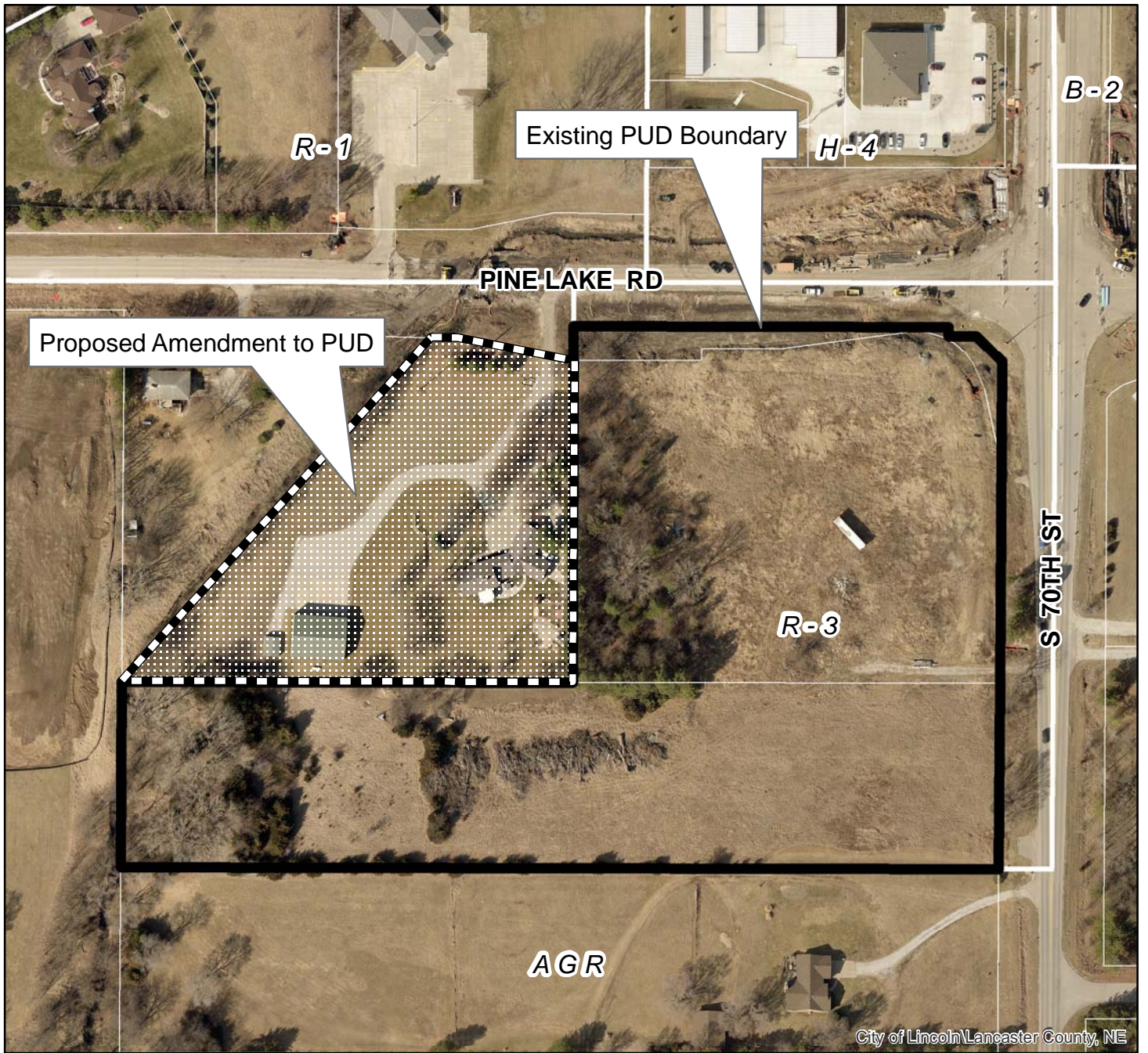
1. Before commencing any commercial use the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.
  - 1.1 Consolidate the development plan submitted with the notes on the site plan into a single document by removing General Notes 1-5, 7, 18, 19, and 21 from the site plan and adding them to the development plan.
  - 1.2 Add a note to the development plan that states "Contractor services and motorized vehicle service and repair permitted on Lot 12, Block 2."
  - 1.3 Add a note to the development plan that states "No outdoor storage allowed, except for cars waiting for customer servicing."
  - 1.4 Add a note to the development plan that states "No future development within the floodway or floodplain."
  - 1.5 Delineate the setbacks on Lot 12, Block 2 as per the R-3 zoning district, using the floodplain line as the setback line where it exists on the property.
  - 1.6 Add a note to the development plan that states "One 50 sq. ft in area wall sign is allowed on Lot 12, Block 2. The allowed freestanding sign may be located up to half way into the front yard setback."
  - 1.7 Add a note to the development plan that states "The owner of Lot 12, Block agrees to install the sidewalk and street trees along the west side of South 69<sup>th</sup> Street where the street is adjacent to Lot 12. Owner further agrees to install the remaining trees and sidewalks along the west side of South 69<sup>th</sup> Street adjacent to Outlot B if Owner purchases Outlot B.
  - 1.8 Add a note to the development plan that states "Owner agrees to relocate the driveway to South 69<sup>th</sup> Street after its construction and remove the old driveway access to Pine Lake Road.
  - 1.9 Add a note to the development plan that states "Owner agrees to plant street trees along Pine Lake Road per Design Standards."
2. Before commercial activity commences the developer shall provide the following document to the Planning Department:
  - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the planned unit development has been recorded.

### Standard Conditions:

3. The following conditions are applicable to all requests:
  - 3.1 Before commercial activity commences all development and construction shall substantially comply with the approved plans.
  - 3.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established owners association approved by the City Attorney.

- 3.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
- 3.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.
- 3.5 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 therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
- 3.6 The site plan as approved with this ordinance voids and supersedes all previously approved site plans, however all ordinances approving previous permits remain in full force and effect unless specifically amended by this ordinance.

F:\DevReview\CZ\08000\CZ08041A Pine Woods PUD.bjw.docx



City of Lincoln/Lancaster County, NE

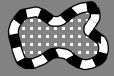


2018 aerial

**Change of Zone #: CZ08041A  
Pine Woods PUD  
S 70th St & Pine Lake Rd**

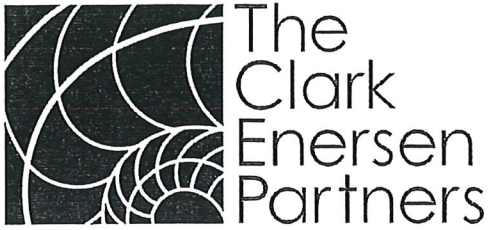
**Zoning:**

- 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.21 T09N R07E**

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





August 14, 2018

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

RE: Pine Woods PUD Amendment

Dear Mr. Cary:

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

1. Application fee: \$1,483 (\$988 base + \$495)
2. PUD Site Plan

On behalf of the Owner, Kelly Jacob, 6909 Pine Lake Road Lincoln Ne. 68516, we are requesting an Amendment to the Pine Woods Planned Unit Development located at the southwest corner of S. 70<sup>th</sup> and Pine Lake Road. The amendment is to expand the existing limits of the PUD boundary to the west to include the lot abutting the existing PUD.

The Owner is expanding the limits of the PUD to include their lot to allow an auto repair business on the lot where the owner resides. The owner has owned Kelly's Auto Repair for many years and desires to co-locate the business to the acreage lot. The business is surrounded by floodplain on the west; Pine Lake Road to the north and the existing PUD to the east and south.

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

Sincerely,



Tim Gergen

Architecture + Landscape Architecture + Engineering + Interiors

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

[www.clarkenersen.com](http://www.clarkenersen.com)  
Lincoln, NE | Kansas City, MO | Fairway, KS

**PINE WOODS PLANNED UNIT DEVELOPMENT GENERAL NOTES**

**August 15, 2018**

1. Any building outline shown on the PUD Site Plan is illustrative only. Fences, trash enclosures, decorative structures and accessory buildings are not shown. Buildings may be located anywhere on the lot subject to setback limitations.
2. Block 2, Lot 12 is allowed to be an auto repair facility up to 5,500 sf contained in two buildings with up to 3 employees and with an existing residence. The signage for Block 2, Lot 12 will be a single ground sign up to 20 square feet in size and a building signage of 50 square feet on one single building.



**GENERAL NOTES:**

1. THIS PLANNED UNIT DEVELOPMENT ALLOWS 53,000 S.F. OF OFFICE/MEDICAL/COMMERCIAL/RETAIL SPACE, 5,500 S.F. OF AUTOMOTIVE REPAIR SPACE, 10 SINGLE FAMILY ATTACHED UNITS AND 1 SINGLE FAMILY LOT.
2. MAXIMUM OF 58,500 SQUARE FEET OF COMMERCIAL FLOOR AREA ALLOWED. CONVENIENCE STORE/GAS STATION, FAST FOOD RESTAURANT WITH DRIVE-THROUGH FACILITY, AND BANK WITH DRIVE-THROUGH FACILITY ARE PROHIBITED. COMMERCIAL LAND USES ARE LIMITED TO A MAXIMUM OF 23,000 SQUARE FEET OF RETAIL, 10,000 SQUARE FEET OF MEDICAL OFFICE AND 5,500 SQUARE FEET OF AUTOMOTIVE REPAIR SPACE.
3. THE OWNER/DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES SHOWN ON THIS PLANNED UNIT DEVELOPMENT.
4. BUILDING HEIGHT SHALL NOT EXCEED 35 FEET (R-3).
5. DIRECT VEHICULAR ACCESS TO SOUTH 70TH STREET IS HEREBY RELINQUISHED EXCEPT AS SHOWN. THE TEMPORARY DRIVEWAY ONTO SOUTH 70TH STREET SHALL BE A RIGHT-IN/RIGHT-OUT ACCESS AT SUCH TIME AS SOUTH 70TH STREET IS IMPROVED AND THE EXTENSION OF SOUTH 69TH STREET TO REVERSE LANE HAS NOT BEEN COMPLETED. THE TEMPORARY DRIVEWAY ONTO SOUTH 70TH STREET TO BE REMOVED AT SUCH TIME AS SOUTH 69TH STREET IS EXTENDED TO THE SOUTH OF THIS PROPERTY AND THE INTERSECTION OF SOUTH 70TH STREET AND REVERSE LANE IS CONSTRUCTED. DIRECT VEHICULAR ACCESS TO PINE LAKE ROAD IS HEREBY RELINQUISHED EXCEPT AS SHOWN.
6. COMMON AND PUBLIC ACCESS EASEMENTS ARE HEREBY GRANTED OVER ALL PRIVATE DRIVES, DRIVING AISLES, PARKING STALLS AND SIDEWALKS SHOWN.
7. ALL SIGNAGE SHALL COMPLY WITH CHAPTER 27.69.340 OF THE LINCOLN MUNICIPAL CODE AND THIS PLANNED UNIT DEVELOPMENT. SIGNS AND SIGN LOCATIONS ARE NOT REQUIRED TO BE SHOWN ON THIS PLAN.
8. ALL EXTERIOR LIGHTING SHALL COMPLY TO THE DESIGN STANDARDS AS ADOPTED BY THE CITY OF LINCOLN.
9. PRIVATE ROADWAYS SHALL BE SURFACED WITH 6 INCHES OF PORTLAND CEMENT OR 5 INCHES OF PORTLAND CEMENT BASE AND 2-1/2 INCHES OF ASPHALTIC CONCRETE SURFACE OR 6 INCHES OF ASPHALTIC CONCRETE. ALL PRIVATE ROADWAYS SHALL HAVE A 5 INCH CROWN AND A 3 INCH ROLL-OVER CURB.
10. ALL PRIVATE ROADWAYS/DRIVEWAYS SHALL BE 27 FEET WIDE UNLESS OTHERWISE NOTED.
11. SIDEWALKS ALONG PRIVATE ROADWAYS SHALL BE A MINIMUM OF 4 FEET IN WIDTH AND LOCATED A MINIMUM OF 4 FEET FROM THE BACK SIDE OF THE CURB. SIDEWALKS SHALL BE A MINIMUM OF 4 INCH THICK CONCRETE, 5 INCH THICK AT DRIVEWAY CROSSINGS. SIDEWALKS IN THE COMMERCIAL AREA TO OTHERWISE BE PROVIDED IN COMPLIANCE WITH CHAPTER 3.105 OF THE DESIGN STANDARDS.
12. ALL PARKING AREAS SHALL BE SURFACED WITH A MINIMUM OF 5 INCHES OF CLASS 'A' PORTLAND CEMENT OR 5 INCHES OF ASPHALTIC CONCRETE. A 6 INCH RAISED CURB BARRIER SHALL BE PROVIDED AT THE PERIMETER.
13. THIS PLANNED UNIT DEVELOPMENT CONTAINS 10 SINGLE-FAMILY ATTACHED LOTS, 1 SINGLE FAMILY LOT AND 2 COMMERCIAL LOTS. THE TOTAL NUMBER OF LOTS ARE 13 AND 4 OUTLOTS.
14. ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
15. PRIVATE ROADWAYS/DRIVEWAYS, IMPROVEMENTS AND MEDIANS SHALL BE MAINTAINED BY THE OWNERS ASSOCIATION.
16. OUTLOTS 'A' AND 'B' SHALL BE OWNED AND MAINTAINED COLLECTIVELY BY THE OWNER/ OWNERS OF LOT 1, BLOCK 1. OUTLOTS 'C' AND 'D' SHALL BE MAINTAINED COLLECTIVELY BY THE OWNER/ OWNERS OF LOTS 1 THROUGH 11, BLOCK 2.
17. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION AND TO SUBMIT A SEEDING AND MAINTENANCE SCHEDULE BEFORE SITE GRADING IS DONE. THE DEVELOPER WILL BE RESPONSIBLE FOR CONTROLLING OFF-SITE DUST EMISSIONS IN ACCORDANCE WITH LINCOLN-LANCASTER COUNTY AIR POLLUTION REGULATIONS AND STANDARDS ARTICLE 2, SECTION 32.
18. LOTS 1 THROUGH 11, BLOCK 2 SHALL HAVE A SETBACK OF 30' FROM THE FRONT PROPERTY LINE TO THE FRONT OF THE GARAGES (NOT TO BE LESS THAN 22' FROM THE SIDEWALK TO THE FRONT OF THE GARAGE) AND A 20' SETBACK FROM THE FRONT PROPERTY LINE TO THE BUILDING.
19. THE OFFICE/MEDICAL BUILDINGS SHALL COMPLY WITH R-T DISTRICT HEIGHT AND 'R-T' RESIDENTIAL TRANSITION BUILDING REQUIREMENTS REGARDING PITCHED ROOFS, NONREFLECTIVE EXTERIOR SIDING AND ROOF MATERIALS AND PROHIBITION ON AIR CONDITIONERS ON THE ROOF.
20. STREET TREE PLAN SHALL BE SUBMITTED AT THE TIME OF FINAL PLAT, AND INDIVIDUAL LANDSCAPE PLANS TO BE SUBMITTED AT THE TIME OF BUILDING PERMIT, ALL IN COMPLIANCE WITH LINCOLN MUNICIPAL CODE AND DESIGN STANDARDS. LANDSCAPING AND SCREENING IN THE COMMERCIAL AREA TO BE PROVIDED CONSISTENT WITH THE REQUIREMENTS FOR THE B-2 ZONING DISTRICT.
21. THE RESIDENTIAL DRIVEWAY ONTO PINE LAKE ROAD LOCATED ON THE ADJACENT PROPERTY TO THE WEST MUST BE ELIMINATED WHEN SOUTH 69TH STREET IS BUILT. IF THE DEVELOPER HAS NOT REACHED AN AGREEMENT WITH THE ADJACENT LANDOWNER TO REMOVE THE DRIVEWAY PRIOR TO SOUTH 69TH STREET BEING CONSTRUCTED, THE CITY AGREES TO USE ITS AUTHORITY TO ASSIST IN ELIMINATING THE DRIVEWAY.
22. STRUCTURES LOCATED ON LOTS 5 THROUGH 7, BLOCK 2 SHALL HAVE NO BASEMENTS OR SHALL HAVE BASEMENTS WITH PUMP EJECTORS FOR THE SANITARY SEWER SERVICE.

**REQUESTED WAIVERS:**

1. LOT AREA PER FAMILY FOR TWO-FAMILY DWELLING FROM 5,000 SQUARE FEET TO 4,300 SQUARE FEET.
2. SANITARY SEWER RUNNING OPPOSITE STREET GRADE IN WEIGEL BAY.

**OWNER/DEVELOPER:**

REALTY TRUST GROUP, INC.  
2300 SOUTH 48TH STREET  
LINCOLN, NE 68508 (402) 484-8484

**ENGINEER & PREPARER**

THE CLARK ENERSEN PARTNERS

**OWNER**

KELLY JACOB  
6909 PINE LAKE ROAD  
LINCOLN, NE 68516





## LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Text Amendment #18008	FINAL ACTION? No
PLANNING COMMISSION HEARING DATE September 12, 2018	RELATED APPLICATIONS None

**RECOMMENDATION: APPROVAL**

### BRIEF SUMMARY OF REQUEST

This application is to amend the Lancaster County Zoning Regulations to add a new special permit for accessory dwelling units. An accessory dwelling unit is a self-contained dwelling unit on the same lot as a single-family dwelling. The proposed text would allow an accessory dwelling unit only by special permit and only in the AG District.

### JUSTIFICATION FOR RECOMMENDATION

There are multiple reasons for someone to construct an accessory dwelling, including:

- Living space for a relative
- Alternative income for homeowner
- Allow homeowners to “age in place”
- Guest house / hobby house
- Affordable housing option

### APPLICANT

David Cary, Planning Director

### STAFF CONTACT

Tom Cajka, (402) 441-5662 or  
tcajka@lincoln.ne.gov

Allowing accessory dwelling units by special permit with conditions would increase housing choices, allow a care giver to live nearby and protect the rural character of the County.

### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan states that the County should consider revising the zoning code to allow accessory dwellings where appropriate and adopt accompanying design standards. Accessory dwellings are compatible with multiple strategies found in the Comprehensive Plan, such as increasing housing diversity, providing special needs and affordable housing opportunities, and allowing for efficient use of existing infrastructure. The proposed conditions allow for site by site review to ensure compatibility with adjacent uses and not impact the rural area.

### KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

- P. 2.7 Acknowledge the fundamental “Right to Farm.” Preserve areas throughout the county for agricultural production by designating areas for rural residential development—thus limiting potential conflicts between farms and acreages.
- P. 7.2 Encourage acreages to develop in appropriate areas and preserve farmland.
- p. 7.2 Provide a wide variety of housing types and choices for an increasingly diverse and aging population.

- p. 7.4 ADUs allow for multiple generations of a family to live on the same property, provide smaller, more affordable units as part of an existing neighborhood fabric, and more efficiently and cost effectively utilize existing infrastructure and resources.
- p. 7.5 An Accessory Dwelling Unit (ADU) is an additional, self-contained housing unit that is secondary to the main residence. ADU's are sometimes referred to as "Granny Flats" or "Mother-In-Law Units" since many ADUs were initially constructed to provide for family members.
- P. 7.5 Examine opportunities to revise the zoning code to legalize new ADU's where appropriate and adopt design standards to facilitate the harmonious implementation of this housing choice.
- P. 7.12 LPlan 2040 supports the preservation of land in the bulk of the County for agricultural and natural resource purposes.

## ANALYSIS

1. This proposed text amendment is to allow accessory dwelling units (ADU) in the AG District by special permit. Currently in the AG District the minimum lot size is 20 acres for a single family dwelling, with a few exceptions such as farmstead splits, AG Preservation and Community Unit Plans. Approval of this text amendment would allow a principal dwelling as well as an ADU on lots of 20 acres or more.
2. Information about Accessory Dwellings was presented to the Lancaster County Board of Commissioners at a briefing in April 2018. The County Board directed the Planning Department to explore the idea of an Accessory Dwellings text amendment. A working group of seven persons with varied interests was assembled to help develop this text amendment. The group met five times between May and June. In addition a public meeting was held on July 25<sup>th</sup>.
3. An ADU is an additional self-contained housing unit that is secondary to the main residence. An ADU can either be attached to the principal dwelling, be part of the principal dwelling, such as converting a basement, or be a separate building detached from the principal dwelling. The ADU contains its own kitchen, sleeping area and bathroom. ADU's are subordinate in size to the principal dwelling.
4. In addition to adding a new special permit for ADU to the zoning regulations, a definition for ADU is also part of this application.
5. The working group developed a "purpose and intent" statement to help guide proposed conditions. The purpose and intent of allowing ADU's is to:
  - a. Allow persons with special needs to live semi-independently, but within close proximity to family or care giver.
  - b. Provide a variety of housing types and choices for different age groups and economic conditions.
  - c. Ensure that an ADU remains clearly subordinate and permanently associated to the existing principal dwelling.
  - d. Protect the rural character of Lancaster County
  - e. Minimize impacts on adjacent properties, infrastructure and the general public.
6. The working group agreed to recommend ADU by special permit subject to the following:
  - a. The lot area shall be 20 acres or larger. For purposes of determining minimum lot area, abutting County section line and one-half section line road right-of-way is included in the total area.

*The minimum lot size for a dwelling in the AG District is 20 acres. By maintaining a 20 acre minimum for an ADU it limits the potential amount of increased density and helps maintain the rural character. The 2040 Comprehensive Plan strives to preserve the majority of land in the county for agricultural purposes.*

- b. The total square footage of the ADU shall not exceed the lesser of 800 square feet or 40% of the square footage of the principal dwelling, excluding garages and carports. The calculation for the principal dwelling shall be based on the floor area prior to the construction of the ADU.

*These conditions would limit the size of the accessory dwelling to make it clear that it is subordinate to the main dwelling. The idea is that an accessory dwelling would contain no more than one family, usually just one or two people. Eight-hundred square feet is the upper limit for a reasonably-sized accessory dwelling. This can easily accommodate a kitchen, living room, dining area, bedroom and bathroom.*

- c. No more than two (2) bedrooms are allowed in the ADU.

*Limiting the number of bedrooms limits the size of the ADU and reinforces that the ADU is not meant to be a second house.*

- d. The owner is required to live on the property in either the principal dwelling or the ADU.

The owner shall file a deed against the property stating that the accessory dwelling cannot be sold separately from the main house. The deed must be to the satisfaction of the County Attorney. This deed shall be filed prior to any building permit for the ADU.

*Requiring the property owner to live on site will help to support and foster housing maintenance and reinforces the purpose and intent of an ADU.*

- e. The ADU must share the same access point to the public or private street as the principal dwelling.

*This will eliminate additional drives to county roads that the County would have to maintain. A shared drive enforces the intent that an ADU is subordinate to the principal dwelling and is not intended as a second house that could be subdivided onto its own lot.*

- f. The ADU must meet the same setbacks as the principal dwelling. The height of the ADU must meet the height limit of the district for a dwelling, but be no higher than the principal dwelling.

*The purpose of the setback being the same as the principal dwelling is so that the ADU cannot be in front of the principal dwelling and to further enforce that the ADU is accessory to the main dwelling.*

- g. A detached ADU shall be located a distance no greater than 200 feet from the principal dwelling and must not be closer to the street right-of-way than the principal dwelling.

*This condition emphasizes the ADU's subordinate relationship to the principal dwelling.*

- h. Must share utilities with principal dwelling unless owner can demonstrate a practical problem with sharing due to topography or other unique site considerations.

*Sharing utilities emphasizes that the ADU is subordinate to the principal dwelling.*

All of the above conditions could be waived by the County Board except for d and f.

7. The working group agreed that owner occupancy and having a shared access to the road were conditions that should not be waived. Owner occupancy helps to maintain the single family character of the area and fosters housing maintenance. Owner occupancy meets the purpose of having an ADU for a family member, care giver or for additional income. Allowing only one access to the county road reduces the number of culverts that the County must maintain.
8. The special permit for an ADU would be final action at Planning Commission unless waivers are requested. The only conditions that cannot be waived are owner occupancy and having a shared access point to the street. If waivers are requested the ADU special permit would go before the Lancaster County Board of Commissioners.

9. Approval of this application would amend Section 2.001 by adding a definition for ADU, amend Section 4.007 by adding a new special permit for ADU in the AG District and amend Article 13, Special Permits by adding a new special permit for ADU.
10. ADUs in the county, outside of city limits, is not as common as ADUs within cities. There was limited information to be found when researching ADUs allowed in counties. A review of several counties throughout Nebraska found that no county allowed ADUs. In counties of other states that do allow ADUs the maximum floor area varied from 600 sq. ft. to 1,250 square feet. Requiring the owner to live on site and share one access to the street were common conditions.

Prepared by

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Tom Cajka, Planner

Date: August 30, 2018

Applicant: David Cary, Planning Director

Contact: Tom Cajka, County Planner  
Lincoln-Lancaster County Planning Department

F:\DevReview\TX\18000\TX18008 ADU.tjc.docx

### **13.049 Accessory Dwelling Unit (ADU)**

An accessory dwelling unit may be allowed by special permit in the AG zoning district under the following conditions:

1. The lot area shall be 20 acres or larger. For purposes of determining minimum lot area, abutting County section line and one-half section line road right-of-way is included in the total area.
2. The total square footage of the ADU shall not exceed the lesser of 800 square feet or 40% of the square footage of the principal dwelling, excluding garages and carports. The calculation for the principal dwelling shall be based on the floor area prior to the construction of the ADU.
3. No more than two (2) bedrooms are allowed in the ADU.
4. The owner is required to live on the property in either the principal dwelling or the ADU.

The owner shall file a deed against the property stating that the accessory dwelling cannot be sold separately from the main house. The deed must be to the satisfaction of the County Attorney. This deed shall be filed prior to any building permit for the ADU.

5. The ADU must share the same access point to the public or private street as the principal dwelling.
6. The ADU must meet the same setbacks as the principal dwelling. The height of the ADU must meet the height limit of the district for a dwelling, but be no higher than the principal dwelling.
7. A detached ADU shall be located a distance no greater than 200 feet from the principal dwelling and must not be closer to the street right-of-way than the principal dwelling.
8. Must share utilities with principal dwelling unless owner can demonstrate a practical problem with sharing due to topography or other unique site considerations.

The County Board may adjust the conditions, with the exception of Conditions 4 and 5.

#### 4.007 Permitted Special Uses

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A building or premises may be used for the following purposes in the "AG" Agricultural District if a special permit for such use has been obtained in conformance with the requirements of [ARTICLE 13](#):

- a. Academies, Private Schools, or Post-Secondary Education Facilities; (Resolution No. [R-17-0040](#), May 30, 2017)
- b. Recreational facilities;
- c. Dwellings for members of religious orders;
- d. Broadcast Towers; (Resolution No. [R-17-0040](#), May 30, 2017; Resolution No. 3958, August 21, 1984)
- e. Campgrounds;
- f. Veterinary facilities;
- g. Excavation; (Resolution No. [R-17-0040](#), May 30, 2017)
- h. Sale barns;
- i. Garden centers;
- j. Facilities for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals;
- k. Except as provided in Section [17.031](#), place of religious assembly steeples, towers and ornamental spires which exceed the maximum district height; (Resolution No. [R-17-0040](#), May 30, 2017; Resolution No. 5408, November 19, 1996)
- l. Expansion of non-conforming use;
- m. Historic Preservation;
- n. Pet cemeteries; minimum area shall be five (5) acres;
- o. Clubs; (Resolution No. [R-17-0040](#), May 30, 2017; Resolution No. 3569, March 10, 1981)
- p. Health Care Facilities, Residential; (Resolution No. [R-17-0040](#), May 30, 2017; Resolution No. 3569, March 10, 1981)
- q. Non-commercial distillation and storage of fuel and fuel products produced in whole or in part from agricultural products raised within the County; (Resolution No. 3501, July 29, 1980)
- r. Mobile homes; (Resolution No. [R-17-0040](#), May 30, 2017)
- s. Heritage center; (Resolution No. 4277, April 28, 1987)
- t. Airfields, Commercial Agriculture Airfields and Heliports; (Resolution No. [R-17-0040](#), May 30, 2017; Resolution No. 5367, August 26, 1996)
- u. Storage of agricultural conservation construction equipment; (Resolution No. 5367, August 26, 1996)
- v. u) Race track, drag strip or motor sport facility; (Resolution No. R-07-0061, July 24, 2007)
- w. Expanded home occupations; (Resolution No. R-09-0076, September 29, 2009)
- x. Commercial Wind Energy Conversion Systems/Turbines; (Resolution No. [R-11-0022](#), March 29, 2011)
- y. Market Garden; (Resolution No. [R-12-0023](#), March 20, 2012)
- z. Commercial Composting Operation (Resolution No. [R-14-0007](#), Jan. 28, 2014)
- aa. Commercial feedlot; (Resolution No. [R-17-0040](#), May 30, 2017)

- bb. Community Unit Plan; (Resolution No. [R-17-0040](#), May 30, 2017)
- cc. Health Care Facilities Non-Residential; (Resolution No. [R-17-0040](#), May 30, 2017)
- dd. Private Recreational Activities; (Resolution No. [R-17-0040](#), May 30, 2017)
- ee. Flood Plain Construction; (Resolution No. [R-17-0040](#), May 30, 2017)
- ff. Personal Wireless Services Facility. (Resolution No. [R-17-0040](#), May 30, 2017)
- gg. **Accessory Dwelling Unit.**

## 2.001. Definitions - General Provisions.

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For the purpose of this title, certain terms and words are hereby defined. Certain chapters contain definitions which are additional to those listed here. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "structure" shall include the word "building" and the word "shall" is mandatory.

Effective on: 1/1/1901

### 2.002. A.

**Academies** shall mean education and instruction facilities including but not limited to dance or music academies, gymnastic or martial arts school. Academies shall not include early childhood care facilities, public schools, or private schools that meet the State of Nebraska requirements for elementary or secondary education, or industrial trade schools. (Approved Resolution No. R-17-0040, May 30, 2017)

An **accessory building** is a subordinate building or a portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises. An **accessory use** is one which is incidental to the main use of the premises.

**Accessory Dwelling Unit. An accessory dwelling is a subordinate building or portion of the main building for use as a secondary single-family dwelling which is incidental to use of the main building for a primary single-family dwelling.**

**Agriculture** shall mean the use of land for the purpose of raising and harvesting crops; or for the raising, breeding, or management of livestock, poultry, fish or honeybees; or for dairying, truck gardening, forestry, nurseries or orchards; for the non-commercial on-farm storage or processing of agricultural products produced on the premises; or for any other similar agricultural, horticultural, or silvicultural or aquacultural use. (Resolution No. 4921, June 30, 1987)

**Airfield.** An area of land and/or water, publicly or privately owned, that is used or intended to be used for the landing and takeoff of aircraft, including general aviation aircraft, helicopters, seaplanes and ultra light aircraft or vehicles, but excluding air carrier aircraft, that may be open to the public for commercial or business purposes and shall meet State standards on the basis of Mean Sea Level (MSL) elevations. It may include appurtenant areas, facilities or buildings suitable to house, handle or service aircraft. Any such aircraft or vehicle operating from a private airfield shall attain safe and reasonable clearances over utility lines, poles, towers and appurtenances which may be located in the path of any runway. (Resolution No. 5367, August 26, 1996)

**Airfield, Commercial Agricultural** An airfield that is the permanent base of operation for an aerial applicator, under land ownership or lease, within the County, the operator of which is a certified applicator under the Rules and Regulations of the State of Nebraska, Department of Aeronautics. The Commercial Agricultural airfield shall be for the exclusive use and operation of the Commercial Agricultural airfield owner or lessee for their aircraft and shall not be open to the public. Any such aircraft or vehicle shall attain safe and reasonable clearances over utility lines, poles, towers and appurtenances which may be located in the path of any runway. (Resolution No. 5367, August 26, 1996)

### **13.049 Accessory Dwelling Unit (ADU)**

An accessory dwelling unit may be allowed by special permit in the AG zoning district under the following conditions:

1. The lot area shall be 20 acres or larger. For purposes of determining minimum lot area, abutting County section line and one-half section line road right-of-way is included in the total area.
2. The total square footage of the ADU shall not exceed the lesser of 800 square feet or 40% of the square footage of the principal dwelling, excluding garages and carports. The calculation for the principal dwelling shall be based on the floor area prior to the construction of the ADU.
3. No more than two (2) bedrooms are allowed in the ADU.
4. The owner is required to live on the property in either the principal dwelling or the ADU.

The owner shall file a deed against the property stating that the accessory dwelling cannot be sold separately from the main house. The deed must be to the satisfaction of the County Attorney. This deed shall be filed prior to any building permit for the ADU.

5. The ADU must share the same access point to the public or private street as the principal dwelling.
6. The ADU must meet the same setbacks as the principal dwelling. The height of the ADU must meet the height limit of the district for a dwelling, but be no higher than the principal dwelling.
7. A detached ADU shall be located a distance no greater than 200 feet from the principal dwelling and must not be closer to the street right-of-way than the principal dwelling.
8. Must share utilities with principal dwelling unless owner can demonstrate a practical problem with sharing due to topography or other unique site considerations.

The County Board may adjust the conditions, with the exception of Conditions 4 and 5.

#### **4.007 Permitted Special Uses**

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A building or premises may be used for the following purposes in the "AG" Agricultural District if a special permit for such use has been obtained in conformance with the requirements of ARTICLE 13:

- a. Academies, Private Schools, or Post-Secondary Education Facilities; (Resolution No. R-17-0040, May 30, 2017)
- b. Recreational facilities;
- c. Dwellings for members of religious orders;
- d. Broadcast Towers; (Resolution No. R-17-0040, May 30, 2017; Resolution No. 3958, August 21, 1984)
- e. Campgrounds;
- f. Veterinary facilities;
- g. Excavation; (Resolution No. R-17-0040, May 30, 2017)
- h. Sale barns;
- i. Garden centers;
- j. Facilities for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals;
- k. Except as provided in Section 17.031, place of religious assembly steeples, towers and ornamental spires which exceed the maximum district height; (Resolution No. R-17-0040, May 30, 2017; Resolution No. 5408, November 19, 1996)
- l. Expansion of non-conforming use;
- m. Historic Preservation;
- n. Pet cemeteries; minimum area shall be five (5) acres;
- o. Clubs; (Resolution No. R-17-0040, May 30, 2017; Resolution No. 3569, March 10, 1981)
- p. Health Care Facilities, Residential; (Resolution No. R-17-0040, May 30, 2017; Resolution No. 3569, March 10, 1981)
- q. Non-commercial distillation and storage of fuel and fuel products produced in whole or in part from agricultural products raised within the County; (Resolution No. 3501, July 29, 1980)
- r. Mobile homes; (Resolution No. R-17-0040, May 30, 2017)
- s. Heritage center; (Resolution No. 4277, April 28, 1987)
- t. Airfields, Commercial Agriculture Airfields and Heliports; (Resolution No. R-17-0040, May 30, 2017; Resolution No. 5367, August 26, 1996)
- u. Storage of agricultural conservation construction equipment; (Resolution No. 5367, August 26, 1996)
- v. u) Race track, drag strip or motor sport facility; (Resolution No. R-07-0061, July 24, 2007)
- w. Expanded home occupations; (Resolution No. R-09-0076, September 29, 2009)
- x. Commercial Wind Energy Conversion Systems/Turbines; (Resolution No. R-11-0022, March 29, 2011)
- y. Market Garden; (Resolution No. R-12-0023, March 20, 2012)
- z. Commercial Composting Operation (Resolution No. R-14-0007, Jan. 28, 2014)
- aa. Commercial feedlot; (Resolution No. R-17-0040, May 30, 2017)

- bb. Community Unit Plan; (Resolution No. R-17-0040, May 30, 2017)
- cc. Health Care Facilities Non-Residential; (Resolution No. R-17-0040, May 30, 2017)
- dd. Private Recreational Activities; (Resolution No. R-17-0040, May 30, 2017)
- ee. Flood Plain Construction; (Resolution No. R-17-0040, May 30, 2017)
- ff. Personal Wireless Services Facility. (Resolution No. R-17-0040, May 30, 2017)
- gg. **Accessory Dwelling Unit.**

## **2.001. Definitions - General Provisions.**

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For the purpose of this title, certain terms and words are hereby defined. Certain chapters contain definitions which are additional to those listed here. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "structure" shall include the word "building" and the word "shall" is mandatory.

Effective on: 1/1/1901

### **2.002. A.**

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**Academies** shall mean education and instruction facilities including but not limited to dance or music academies, gymnastic or martial arts school. Academies shall not include early childhood care facilities, public schools, or private schools that meet the State of Nebraska requirements for elementary or secondary education, or industrial trade schools. (Approved Resolution No. R-17-0040, May 30, 2017)

An **accessory building** is a subordinate building or a portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises. An **accessory use** is one which is incidental to the main use of the premises.

**Accessory Dwelling Unit. An accessory dwelling is a subordinate building or portion of the main building for use as a secondary single-family dwelling which is incidental to use of the main building for a primary single-family dwelling.**

**Agriculture** shall mean the use of land for the purpose of raising and harvesting crops; or for the raising, breeding, or management of livestock, poultry, fish or honeybees; or for dairying, truck gardening, forestry, nurseries or orchards; for the non-commercial on-farm storage or processing of agricultural products produced on the premises; or for any other similar agricultural, horticultural, or silvicultural or aquacultural use. (Resolution No. 4921, June 30, 1987)

**Airfield.** An area of land and/or water, publicly or privately owned, that is used or intended to be used for the landing and takeoff of aircraft, including general aviation aircraft, helicopters, seaplanes and ultra light aircraft or vehicles, but excluding air carrier aircraft, that may be open to the public for commercial or business purposes and shall meet State standards on the basis of Mean Sea Level (MSL) elevations. It may include appurtenant areas, facilities or buildings suitable to house, handle or service aircraft. Any such aircraft or vehicle operating from a private airfield shall attain safe and reasonable clearances over utility lines, poles, towers and appurtenances which may be located in the path of any runway. (Resolution No. 5367, August 26, 1996)

**Airfield, Commercial Agricultural** An airfield that is the permanent base of operation for an aerial applicator, under land ownership or lease, within the County, the operator of which is a certified applicator under the Rules and Regulations of the State of Nebraska, Department of Aeronautics. The Commercial Agricultural airfield shall be for the exclusive use and operation of the Commercial Agricultural airfield owner or lessee for their aircraft and shall not be open to the public. Any such aircraft or vehicle shall attain safe and reasonable clearances over utility lines, poles, towers and appurtenances which may be located in the path of any runway. (Resolution No. 5367, August 26, 1996)

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

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #18032 Roose Haven Community Unit Plan	FINAL ACTION? Yes	DEVELOPER/OWNER Random Business Adventures, LLC
PLANNING COMMISSION HEARING DATE September 12, 2018	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 5405 Roose Street

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for a Community Unit Plan (CUP) to include six single-family dwelling units, including both single family detached and single family attached on 1.15 acres. This property is located approximately two blocks west of S. 56<sup>th</sup> Street on the south side of Roose Street. The zoning for the property is R-2 Residential. Currently the property includes one existing single family home which will be removed along with existing accessory buildings for the CUP. Access for the development will include a private driveway connecting to Roose Street which will be part of a 26' wide public access and utility easement. Six visitor parking stalls will be provided along the private drive in addition to parking in garages and driveways.



**JUSTIFICATION FOR RECOMMENDATION**

This proposal for a CUP with six new single family dwelling units is justified as single family residential at urban residential density is an appropriate land use for this site. This site can easily be served by nearby infrastructure. The proposed plan is compatible with the character of the residential neighborhood. The waivers for lot requirements and from abutting sanitary sewer are acceptable to facilitate internal facing dwellings on the private drive. The storm water detention waiver is acceptable as there will not be a significant increase in flow. The neighborhood design standards waivers are based on the fact that the dwelling units generally will face toward the interior of the development with only two units with frontage on Roose Street.

**APPLICATION CONTACT**

Marcia L. Kinning, (402) 484-7342 or [marcia@regaeng.com](mailto:marcia@regaeng.com)

**STAFF CONTACT**

George Wesselhoft, (402) 441-6366 or [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The proposed land use and density are in conformance with the 2040 Comprehensive Plan, which identifies future urban density residential uses in this location.

## WAIVERS

1. Subdivision Ordinance, 26.23.140(a) to allow minimum lot depth reduction from 90 feet to 60 feet on Lots 1-6. (Recommend Approval)
2. Subdivision Ordinance 26.23.140(g) to allow lots without public street frontage. (Recommend Approval)
3. Zoning Ordinance, Table 27.72.020(a) to allow two-family dwelling lot area reduction from 5,000 square feet to 3,300 square feet on Lots 2-5. (Recommend Approval)
4. Zoning Ordinance, Table 27.72.020(a) to allow internal setbacks of 0 feet on Lots 1-6. (Recommend Approval)
5. Zoning Ordinance, Table 27.72.020(a) to allow minimum lot width per family for two family dwelling lot reduction from 40 feet to 34 feet. (Recommend Approval)
6. Design Standards, Title 2, Chapter 2.05, Section 3.3, to allow waiver from storm water detention facilities. (Recommend Approval)
7. Design Standards, Title 2, Chapter 2.00, Section 2.3 for abutting sanitary sewer from 20 feet of frontage to 6 feet of frontage along Lots 3 and 4. (Conditional Approval - Reduction to 10 feet of frontage)
8. Neighborhood Design Standards, Chapter 3.75, Section 4.1.2 requiring orientation of entrances to Roose Street is waived in light of Section 4.1.6. (Recommend Approval)

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future urban density residential and environmental resources on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 - Urban Residential. Multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre.

P. 7.2 - Neighborhoods and Housing Guiding Principles:

- 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.

P. 7.4 - Strategies for Neighborhoods and Housing

- Discourage residential development in areas of environmental resources such as endangered species, saline wetlands, native prairies, and in floodplain corridors.
- Encourage preservation or restoration of natural resources within or adjacent to development.

P. 7.4-7.8 - Strategies for Developing Neighborhoods

- Encourage new development to achieve densities greater than five dwelling units per gross acre.

## ANALYSIS

1. This is a request for a new Community Unit Plan (CUP) to develop six single-family dwelling units consisting of both single family attached and single family detached units on approximately 1.15 acres. The project is located on the south side of Roose Street approximately two blocks west of S.56<sup>th</sup> Street. The property is zoned R-2 and has an existing single family residence with accessory buildings which will be removed from the property.
2. The development will include a 22' wide private driveway as part of a 26' wide public access and utility easement in an outlot (Outlot A) that will serve as access for the development. Six visitor parking stalls will be provided in addition to the required parking for the dwelling units. A 6" public water and 8" public sanitary sewer will be provided as part of the utility easement to serve the development. As a condition of approval for Public Works & Utilities-Water, the proposed water location will need to be modified to meet design standards for back of curb location to avoid having a public water main located under the driveway.

3. The future land use map shows the proposed residential area for future urban density residential land uses. The community unit plan identifies six dwelling units, which is an appropriate urban density. A CUP in the R-2 district is permitted a maximum density of 5.80 dwelling units per acre, which equates to six dwelling units allowed for the 1.15 acres site. It should be noted that the property could be subdivided by right under the existing R-2 zoning with up to five dwelling units. By comparison the property to the west was subdivided as part of Roose Place Addition by right into four lots. If the adjacent house to the west is included with these dwellings in Roose Place, then there would be five units on nearly the same acreage (1.00 acre) as the proposed CUP (1.15 acres). Therefore, the proposed CUP is comparable to what was done by right on land to the west.
4. The proposed CUP includes an outlet (Outlot B) for open space that is associated with the floodplain to the south. No development will occur in this outlet. Part of this outlet includes property that was conveyed from Christ's Place, the owner of the church property to the east, as part of Harvest Acres 1<sup>st</sup> Addition final plat approved on August 30, 2018.
5. The applicant has requested the following waivers to the Lincoln Municipal Code and to Design Standards:
  - i) Subdivision Ordinance, 26.23.140(a) to allow minimum lot depth of 60 feet on Lots 1-6. In order to permit the number of dwelling units allowed under the CUP, the depth of the lots need to be reduced. This reduction is justified in that the homes will front internally on a private drive still with external facing setbacks as shown in the CUP.
  - ii) Subdivision Ordinance 26.23.140(g) to allow lots without public street frontage. The private driveway will allow the dwelling units to have access through a public access easement.
  - iii) Zoning Ordinance, Table 27.72.020(a) to allow two-family dwelling lot area of 3,300 square feet on Lots 2-5. The property includes significant area that will be left open by way of the 100 year floodplain and existing sanitary sewer easements. Thus, these areas will help offset the lot area reductions and preserve open space.
  - iv) Zoning Ordinance, Table 27.72.020(a) to allow internal setbacks of 0 feet on Lots 1-6. The development is interior facing in that the perimeter boundary will meet the R-2 zoning setbacks with the setback reduction internal only. Also, a 22' setback to the sidewalk will be maintained for the garage.
  - v) Zoning Ordinance, Table 27.72.020(a) to allow minimum lot width per family for two family dwelling lot width of 34 feet. The orientation of the two-family dwellings (single family attached lots) are not facing Roose Street, however, the 80 foot total width requirement is not shown along Roose Street. The actual width of the lots facing the private driveway will otherwise meet the 40 foot width.
  - vi) Design Standards, Title 2, Chapter 2.05, Section 3.3, to allow waiver from storm water detention facilities. The waiver for detention is justified as there is not a significant increase in flow. Also, water quality is not required as the land disturbed is less than 1 acre. In order to support the waiver, the City and the Lower Platte South Natural Resources District (NRD) are requesting that the applicant shows how erosion into Antelope Creek will be mitigated. This is generally required when a waiver to detention is requested. The concern is that the new street/driveway will increase runoff velocity and redirect it to one or two point where it enters Antelope Creek, instead of having flow enter the creek at multiple points (sheet flow), and since the banks of Antelope Creek are very steep with wire gabion baskets, this point flow may increase erosion. Therefore, as a condition of approval, the applicant will need to submit corrections to the satisfaction of the Lower Platte South NRD to show how erosion from increased flow and velocity into Antelope Creek will be prevented.
  - vii) Design Standards, Title 2, Chapter 2.00, Section 2.3 for abutting sanitary sewer from 20 feet of frontage to 6 feet of frontage along Lots 3 and 4. An existing public sanitary sewer main runs through the property and will serve four of the six lots. The other two lots, Lots 3 and 4 will be serviced from the proposed sanitary sewer main going north and south. Public Works & Utilities approved the reduction to 10 feet instead of 6 feet as this will allow sufficient space without unnecessary pipe installation.
  - viii) Neighborhood Design Standards, Chapter 3.75, Section 4.1.2 requiring orientation of entrances to Roose Street is waived in light of Section 4.1.6. The Urban Design Committee will review this proposal at their September 4, 2018 meeting (excerpts of draft minutes attached).
6. The proposal is subject to Neighborhood Design Standards and will be reviewed by the Urban Design Committee

(UDC) at their September 4, 2018 meeting.

- 7. The developer held an informational meeting with surrounding neighbors on August 14, 2018. The most common concern expressed was over the density (six houses on just over an acre of land), but the concern was in relation to the amount of green space provided, amount of parking provided, and long-standing neighborhood concerns regarding traffic on 56<sup>th</sup> and Normal Boulevard. In addition, attendees asked questions about infrastructure, drainage, building setbacks and the proposed Homeowners Association and covenants.
- 8. The proposed community unit plan subject to conditions of approval is consistent with the Comprehensive Plan and will be at appropriate urban residential density compatible with the neighborhood.

**CONDITIONS OF APPROVAL:** See attached.

**UTILITIES:** All utilities are available at this site.

**TOPOGRAPHY:** The site topography slopes from north to south and drops approximately 11 feet from Roose Street to the south just before it reaches the floodplain area which then has an approximate 10 feet of additional drop.

**TRAFFIC ANALYSIS:** Roose Street is classified as a local street in the 2040 Comprehensive Plan.

**PUBLIC SERVICE:** The nearest Lincoln Fire & Rescue Station is Fire Station #7 located at 1345 S. Cotner Street.

**EXISTING LAND USE & ZONING:** Single Family Residential      R-2 Residential

**SURROUNDING LAND USE & ZONING**

North:	Single Family Residential	R-2 Residential
South:	Park Land	P Public
East:	Single Family Residential, Church	R-2 Residential
West:	Single Family Residential	R-2 Residential

**APPROXIMATE LAND AREA:** 1.15 acres, more or less

**LEGAL DESCRIPTION:** Lot 2, Harvest Acres 1<sup>st</sup> Addition, located in the NE 1/4 of Section 5-9-7 and the SE 1/4 of Section 32-10-7, Lincoln, Lancaster County, Nebraska.

Prepared by

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George Wesselhoft, Planner  
(402) 441-6366 or [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)  
Date: August 30, 2018

Owner: Random Business Adventures LLC  
7031 S 45<sup>th</sup> Street  
Lincoln, NE 68516  
(531) 375-1056

Applicant/  
Contact: Marcia L. Kinning  
601 Old Cheney Road, Ste A  
Lincoln, NE 68512  
(402) 484-7342 or [marcia@regaeng.com](mailto:marcia@regaeng.com)

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## CONDITIONS OF APPROVAL - SPECIAL PERMIT #18032

Per Section 27.63.320 this approval permits a Community Unit Plan for six residential units of single family attached and single family detached residential uses with the following waivers:

1. Subdivision Ordinance, 26.23.140(a) to allow minimum lot depth of 60 feet on Lots 1-6.
2. Subdivision Ordinance 26.23.140(g) to allow lots without public street frontage.
3. Zoning Ordinance, Table 27.72.020(a) to allow two-family dwelling lot area of 3,300 square feet on Lots 2-5.
4. Zoning Ordinance, Table 27.72.020(a) to allow internal setbacks of 0 feet on Lots 1-6 except garage setback shall be 22 feet to sidewalk as shown on site plan.
5. Zoning Ordinance, Table 27.72.020(a) to allow minimum lot width per family for two family dwelling lot width of 34 feet.
6. Design Standards, Title 2, Chapter 2.05, Section 3.3, to allow waiver from storm water detention facilities.
7. Design Standards, Title 2, Chapter 2.00, Section 2.3 for abutting sanitary sewer from 20 feet of frontage to 10 feet of frontage along Lots 3 and 4.
8. Neighborhood Design Standards, Chapter 3.75, Section 4.1.2 to waive requiring orientation of entrances to Roose Street.

### Site Specific Conditions:

1. Before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **3** copies with all required revisions and documents as listed below:
  - 1.1 Make the following revisions:
    - 1.1.1 Delete the word "parallel" from General Notes Community Unit Plan Note 5.
    - 1.1.2 Remove the side setback line from Outlot B.
    - 1.1.3 Add requested easements per LES 8/17/2019 comments.
    - 1.1.4 Submit corrections to the satisfaction of the Lower Platte South NRD to show how erosion from increased flow and velocity into Antelope Creek will be prevented.
    - 1.1.5 Submit corrections per Public Works-Watershed Management 8/20/18 comments.
    - 1.1.6 Modify Waiver 7 by replacing it with the following text:  
Neighborhood Design Standards, Chapter 3.75, Section 4.1.2 requiring orientation of entrances to Roose Street.
    - 1.1.7 Modify Waiver 8 to replace 6 feet with 10 feet for requested waiver from abutting sanitary sewer.
    - 1.1.8 Revise water main location and easement to the satisfaction of Public Works & Utilities-Water.
2. Before a final plat is approved 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. Final plat(s) is/are approved by the City.

If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for sidewalks and street trees along major streets that have not been improved to an urban cross section. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.

No final plat shall be approved until the Permittee, as subdivider, enters into an agreement with the City whereby Permittee agrees:

to complete the street paving of public streets, and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.

to complete the installation of sidewalks along both sides of all streets as shown on the final plat within four (4) years following the approval of the final plat.

to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete the installation of public street lights along *streets* within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees along all streets within this plat within six (6) years following the approval of the final plat.

to complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.

to complete the installation of the street name signs within two (2) years following the approval of the final plat.

to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to complete the public and private improvements shown on the Community Unit Plan.

to keep taxes and special assessments on the outlots from becoming delinquent.

to maintain the outlots on a permanent and continuous basis.

to maintain the private improvements in good order and state of repair, including the routine and reasonable preventive maintenance of the private improvements, on a permanent and continuous basis.

to maintain the plants in the medians and islands, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

to maintain the landscape screens, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

to recognize that there may be additional maintenance issues or costs associated with the proper functioning of storm water detention/retention facilities as they were designed and construction within the development and that these additional maintenance issues or costs are the responsibility of the Permittee.

to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Permittee(s) may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:

- (1) Permittee shall not be relieved of Permittee's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.
- (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds

to pay all design, engineering, labor, material, inspection, and other improvement costs.

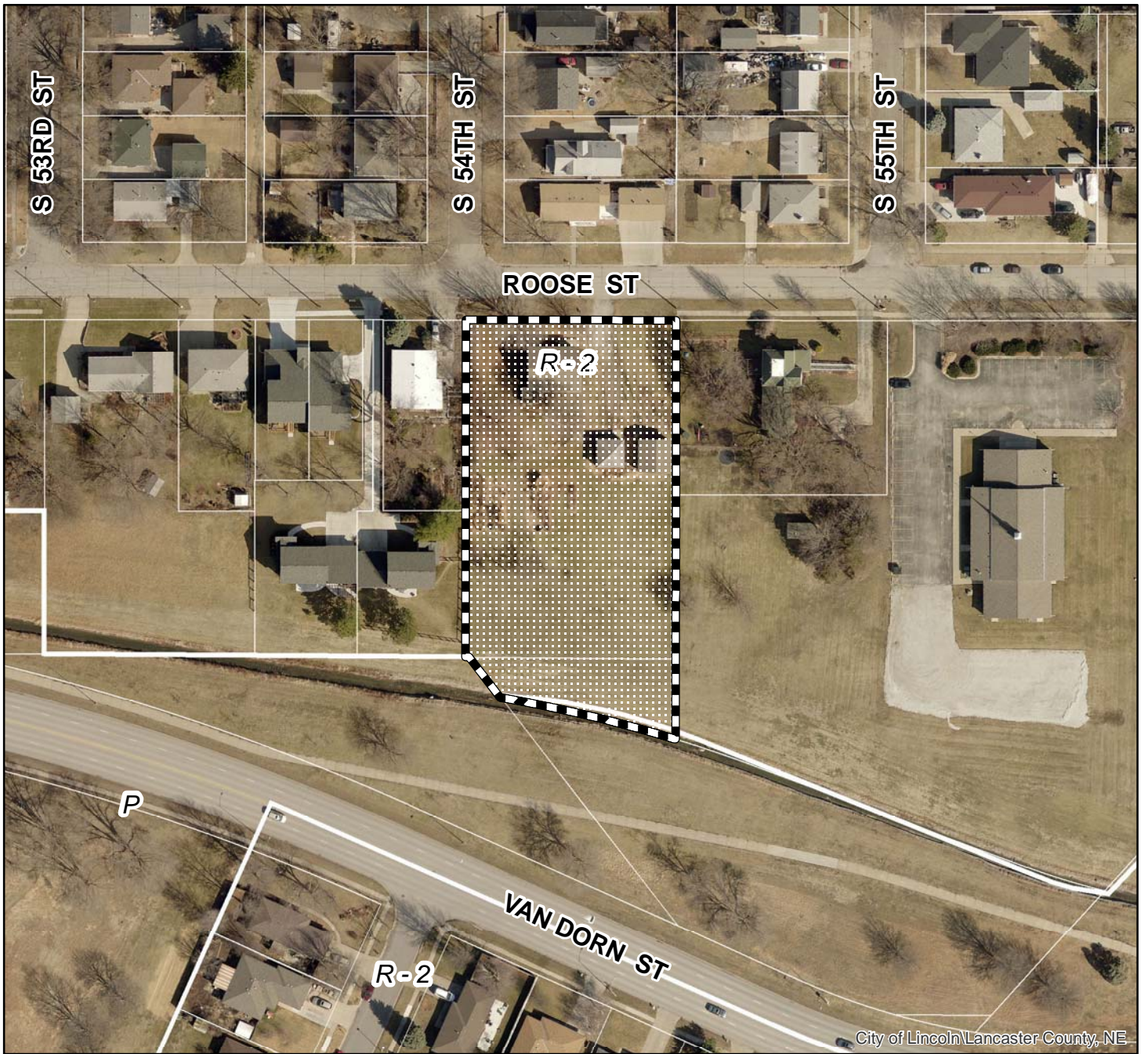
to inform all purchasers and users of land is located within the 100 year floodplain that the grading of the lots and outlots within the 100 year floodplain shall be in conformance with the approved grading plan or as amended by the Director of Planning. The volume of fill material brought into each lot and outlot from outside the floodplain shall not exceed that shown on the approved grading plan accompanying the preliminary plat.

to protect the trees that are indicated to remain during construction and development.

**Standard Conditions:**

4. The following conditions are applicable to all requests:

- 4.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.
- 4.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
- 4.3 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.
- 4.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
- 4.5 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. Building permits will not be issued unless the letter of acceptance has been filed.



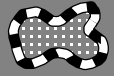


2018 aerial

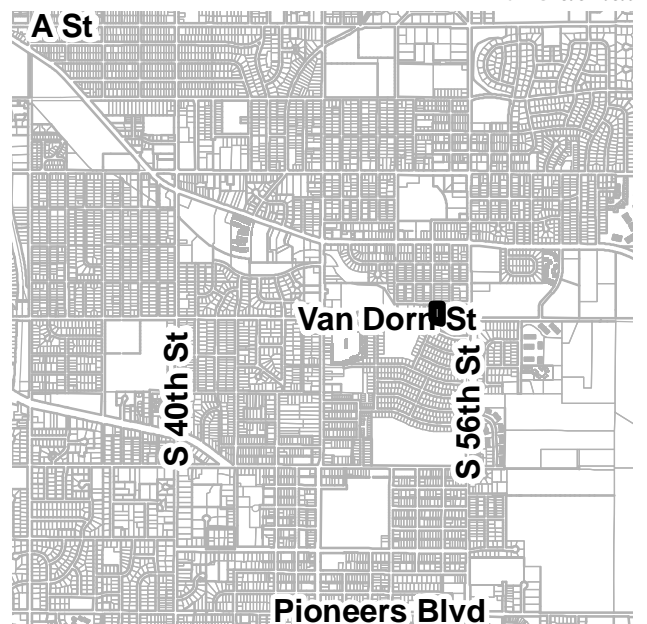
**Special Permit #: SP18032**  
**Roose Haven CUP**  
**S 54th St & Roose St**

**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
- 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

Two Square Miles:  
 Sec.32 T10N R07E  
 Sec.05 T09N R07E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



# REGA

ENGINEERING  
GROUP, INC.

File No. 181155  
August 1, 2018  
Revised August 15, 2018

David Cary  
Director of Planning  
George Wesselhoft, Planner  
City of Lincoln/ Lancaster County  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: ROOSE HAVEN  
SPECIAL PERMIT #18032/COMMUNITY UNIT PLAN  
5405 Roose Street

Dear David,

On behalf of Random Business Adventures, LLC, we submit the above-mentioned community unit plan application for your review. Currently a related final plat application, of Harvest Acres 1<sup>st</sup> Addition FPPL18076, is under review. The property within this special permit application is currently owned by Random Business Adventures, LLC and Christ Place Church. The mentioned final plat will be filed and the portion of property that is owned by Christ Place will be acquired by Random Business Adventures LLC prior to the approval of this special permit. It is the intent of the developer that Christ Place will not be responsible for any development or improvements of the property.

This project is located between Roose Street and Van Dorn Street, west of South 56<sup>th</sup> Street. The property is zoned 'R-2' and has an existing single family residence which includes out-buildings. All existing structures will be removed from the property.

Roose Haven is requesting 6 dwelling units as per the density calculations for the project area. The development consists of 4 single family attached lots, 2 single family lots, 1 outlot for a private driveway and 1 outlot for open space. This development is consistent with the surrounding area which provides diverse housing with the opportunity to offer density to the area.

The development consists of a proposed private driveway with public access, proposed public sanitary sewer and public water main lines. All proposed lots are located outside of the 100-year floodplain/floodway line.

We are requesting the following waivers at this time:

1. *Storm water detention facilities. (Design Standards, Chapter 2.05, Section 3.3)*  
Results of the drainage study determined a slight increase in runoff from the site into Antelope Creek. Due to the proximity of the drainage channel on the south side of the property, a detention area is not desirable. In addition, per the Antelope Creek Watershed Master Plan the basin is nearly 100% urbanized and is our opinion the development will not affect any property in a negative manner downstream.
2. *Minimum lot depth to 60 feet on Lots 1 through 6. (Subdivision Ordinance 26.23.140(a))*  
The existing property is limited in size. To acquire the number of dwelling units allowed, the depth of the lots have been reduced from the required depth. The reduction in the depth of the lots will still allow the proposed structures to meet the setbacks as shown.
3. *Two-Family Dwelling lot area to 3,300 square feet on Lots 3 through 5. (Zoning Ordinance 27.72.020(a))*  
The southern portion of the property is affected by the 100-year floodplain/floodway and existing sanitary sewer lines run through the property. The developer understands that no structure can be built within these areas and easements, thus the square footage of the lots are reduced.
4. *Internal setbacks on Lots 1 through 6 to zero. (Zoning Ordinance 27.72.020(a))*  
The perimeter boundary of the proposed development is being requested to serve as the entity for the R-2 zoning setbacks to apply. A building envelope has been shown on each lot to show the building limits as well as a line showing the garage setback.
5. *Minimum lot width from 40 feet to 34 feet on two-family dwellings. (Zoning Ordinance 27.72.020(a))*  
The orientation of the two-family dwellings (single family attached lots) are not faced towards Roose Street, however the 80 foot total width requirement is not shown along Roose Street. The actual width of the lots that faces the driveway does meet the 40 foot requirement per two-family dwelling.
6. *Lot access to a public street or private roadway. (Subdivision Ordinance 26.23.140(g))*  
The private driveway shown to access the dwelling units is shown with a public access easement which includes a sidewalk on the west side of the private driveway.
7. *Neighborhood Design Standards. (Design Standards, Chapter 3.75, Section 4.1.3 and 4.1.7)*  
A separate request will be submitted to the Urban Design Committee to request a waiver of garage doors occupying more than 40% of the length of the principal street façade and a waiver to allow the depth of the front porches to be 6 feet in depth instead of 10 feet. Elevations of the proposed buildings and an additional site plan which shows the location of the structures within the lots have been uploaded for review.
8. *Abutting sanitary sewer from 20 feet to 6 feet along Lots 3 and 4. (Design Standards, Chapter 2.00, Section 2.3)*  
An existing public sanitary sewer main runs through the existing property and will serve 4 of the 6 lots. The other 2 lots, Lots 3 and 4 will be serviced from the proposed sanitary sewer main going north and south. In discussions with the Wastewater Department, a distance of 6 feet of sewer frontage is enough area to connect onto the sanitary services for Lots 3 and 4 to the proposed main.

# REGA

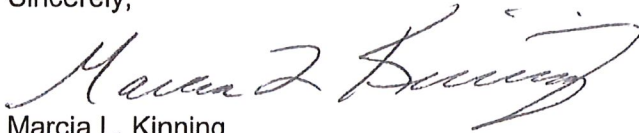
ENGINEERING  
GROUP, INC.

Page 3

A meeting was held on August 14<sup>th</sup> with the neighbors and adjacent homeowners associations. The neighbors appreciated meeting to discuss the development. They were favorable to the consideration of a private drive for 6 houses as well as additional parking. They appreciated the efforts to make the project a part of the neighborhood. The most common concern expressed was over the density (6 houses on just over an acre of land), but the concern was in relation to amount of green space provided, amount of parking provided, and long-standing overall neighborhood concerns regarding traffic on 56th and Normal Blvd. As we laid out our plans and explained the site layout, neighbors saw that the density would work well, green space is included in the plans, and more than enough additional parking has been provided to minimize on-street parking. Neighbors were also very pleased to hear that we are in the process of working on covenants that include an HOA to handle exterior maintenance and require home ownership rather than rental properties.

We look forward to working with the Planning Department and other City Departments on this application. Please do not hesitate to contact me if you have any additional questions or comments.

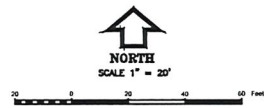
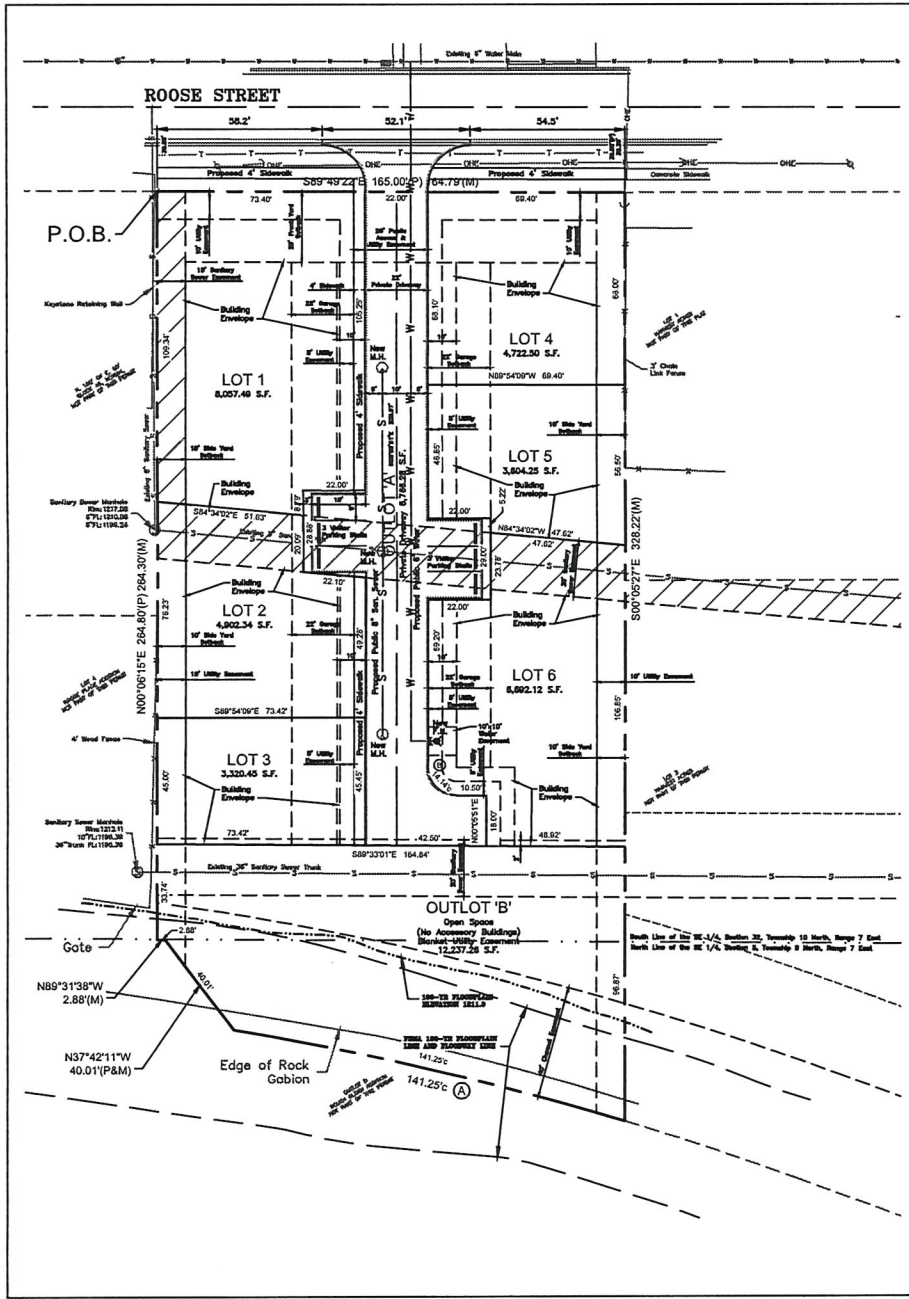
Sincerely,



Marcia L. Kinning

Cc: Random Business Adventures, LLC

Enclosures: Waiver Request List Revised  
General Notes Revised  
Building Elevations



REVISIONS				PROJECT
NO.	DESCRIPTION	DATE	BY	181155
REVISIONS PRIOR TO P.C.		8/18/18	MLK	

**REGA**  
ENGINEERING  
GROUP, INC.

801 OLD CHERRY RD., SUITE A  
LINCOLN, NEBRASKA 68512  
(402)484-7342

ENGINEERING  
PLANNING  
LAND SURVEYING

**OWNER/DEVELOPER:**  
RANDOM BUSINESS ADVENTURES, LLC  
7031 SOUTH 46TH STREET  
LINCOLN, NE 68518 (531)375-0156

**SURVEYOR:**  
LYLE L. LOTH  
REGA ENGINEERING GROUP, INC.  
801 OLD CHERRY ROAD, SUITE 'A'  
LINCOLN, NE 68512 (402)484-7342

**ENGINEER:**  
MATTHEW P. BURNETT  
REGA ENGINEERING GROUP, INC.  
801 OLD CHERRY ROAD, SUITE 'A'  
LINCOLN, NE 68512 (402)484-7342

**LEGAL DESCRIPTION:**

A portion of Lot 2, Harvest Acres, located in the Northwest Quarter of Section 5, Township 9 North, Range 7 East, and the West half of Block 44, Normal, located in the Southwest Quarter of Section 32, Township 10 North, Range 7 East, of the 8th P.M., Lincoln, Lancaster County, Nebraska, (to be known as Lot 2, Harvest Acres 1st Addition) more particularly described as follows:

BEARING at the Northwest corner of the West half of Block 44, Normal, Thence S89°49'22"E along the southerly right-of-way line of Roose Street, also being the North line of said West half of Block 44, a distance of 184.78 feet;

Thence S07°00'27"W, a distance of 328.22 feet to a circular curve to the left having a radius of 1113.00 feet, a central angle of 71°00' and whose chord (141.25 feet) bears N70°04'47"E;

Thence along the arc of said circular curve, also being said common line of Lot 184 Irregular Tract and said Lot 2, a distance of 141.25 feet to a point of tangency;

Thence N27°42'11"W along the common line of Outlot 'D', South Glenn Addition and said Lot 2, a distance of 40.01 feet;

Thence N89°31'38"W, a distance of 2.88 feet to the Southwest corner of said West half of Block 44;

Thence N20°04'15"E along the West line of said West half of Block 44, a distance of 254.30 feet to the POINT OF BEGINNING and containing a contained area of 20,302.89 square feet or 1.15 acres.

**SURVEYOR'S CERTIFICATE:**

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY WAS MADE UNDER MY SUPERVISION AND THAT I AM A LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

DATE: LYLE L. LOTH L.S. # 314

- GENERAL NOTES**
- COMMUNITY UNIT PLAN**
- THIS SPECIAL PERMIT CONTAINS 2 SINGLE FAMILY UNITS, 4 SINGLE FAMILY ATTACHED UNITS, 1 OUTLOT FOR PRIVATE DRIVEWAY AND 1 OUTLOT FOR OPEN SPACE.
  - ZONING IS R-2 WITH A C.U.P.
  - THE OWNER/DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES AS SHOWN.
  - DIRECT VEHICULAR ACCESS TO ROOSE STREET WILL BE RELINQUISHED EXCEPT AT THE PRIVATE DRIVEWAY AS SHOWN.
  - THE PRIVATE DRIVEWAY SHALL BE 22 FEET WIDE, WITH A 3 INCH ROLL-OVER CURBS AND OUTER, AND SHALL NOT ALLOW PARALLEL PARKING.
  - PROPOSED SANITARY SEWER AND WATER TO BE PUBLIC. EXACT LOCATION OF THE PROPOSED FIRE HYDRANT SHALL BE DETERMINED PRIOR TO APPROVAL OF FINAL PLAN AND EXECUTIVE ORDINANCE. RELATED WATER EASEMENT SHALL BE LOCATED AS DETERMINED.
  - ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
  - TOPOGRAPHIC GRADING CONTOURS ARE AT NAVD 1988.
  - LAND DISTURBANCE WITHIN THIS SPECIAL PERMIT SHALL NOT EXCEED ONE ACRE.
  - LOT LINES ARE CONCEPTUAL AND MAY VARY AT THE TIME OF FINAL PLAN.
  - SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT WILL COMPLY WITH THE REQUIREMENTS OF THE ZONING ORDINANCE AT THE TIME OF SIGN PERMITS.

**DENSITY:**

Total Project Area 20,302.89 sq. ft.

or 1.15 acres

at 0.50 R-2 Zoning

8.17 Units Allowed

**0 UNITS ALLOWED**

**SHEET INDEX**

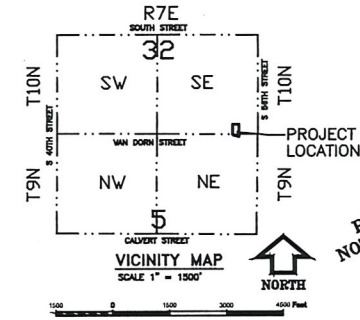
SITE/UTILITY PLAN	1
PREPOST DRAINAGE PLAN	2
GRADING PLAN/STREET PROFILES	3

- WAIVERS:**
- STORM WATER DETENTION FACILITIES (DESIGN STANDARDS, CHAPTER 2.05, SECTION 3.3)
  - MINIMUM LOT DEPTH TO 80 FEET ON LOTS 1 THROUGH 6. (SUBDIVISION ORDINANCE 28.23.14(a))
  - TWO-FAMILY DWELLING LOT AREA TO 3,300 SQUARE FEET ON LOTS 2 THROUGH 6. (ZONING ORDINANCE 27.72.02(a))
  - INTERNAL SETBACKS ON LOTS 1 THROUGH 6 TO ZERO. (ZONING ORDINANCE 27.72.02(a))
  - MINIMUM LOT WIDTH FROM 40 FEET TO 34 FEET ON TWO-FAMILY DWELLINGS. (ZONING ORDINANCE 27.72.02(a))
  - LOT ACCESS TO A PUBLIC STREET OR PRIVATE ROADWAY (SUBDIVISION ORDINANCE 28.23.14(a))
  - NEIGHBORHOOD DESIGN STANDARDS (DESIGN STANDARDS, CHAPTER 3.75, SECTION 4.1.3, SECTION 4.1.7)
  - ABUTTING SANITARY SEWER FROM 20 FEET TO 8 FEET ALONG LOTS 3 AND 4. (DESIGN STANDARDS, CHAPTER 2.00, SECTION 2.3)

**CURVE DATA:**

⊙ R = 1113.00'  
 Δ = 07°18'30"  
 T = 70.77'  
 L = 141.35'  
 CH = 141.25'  
 CHBEG = N79°35'42"W

⊙ R = 10.00'  
 Δ = 90°00'00"  
 T = 10.00'  
 L = 15.71'  
 CH = 14.14'  
 CHBEG = N44°54'09"W



DATE: 08/01/2018  
 DESIGNED BY: MLK/LLL  
 DRAWN BY: MLK/MG  
 CHECKED BY: DJR/NPB

**PRELIMINARY PLAN**  
**NOT FOR CONSTRUCTION**

SHEET NO.  
**1 of 3**

**GENERAL NOTES  
COMMUNITY UNIT PLAN**

1. THIS SPECIAL PERMIT CONTAINS 2 SINGLE FAMILY UNITS, 4 SINGLE FAMILY ATTACHED UNITS, 1 OUTLOT FOR PRIVATE DRIVEWAY AND 1 OUTLOT FOR OPEN SPACE.
2. ZONING IS R-2 WITH A C.U.P.
3. THE OWNER/DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES AS SHOWN.
4. DIRECT VEHICULAR ACCESS TO ROOSE STREET WILL BE RELINQUISHED EXCEPT AT THE PRIVATE DRIVEWAY AS SHOWN.
5. THE PRIVATE DRIVEWAY SHALL BE 22 FEET WIDE, WITH A 3 INCH ROLL-OVER CURB AND GUTTER, AND SHALL NOT ALLOW PARALLEL PARKING.
6. PROPOSED SANITARY SEWER AND WATER TO BE PUBLIC. EXACT LOCATION OF THE PROPOSED FIRE HYDRANT SHALL BE DETERMINED PRIOR TO APPROVAL OF FINAL PLAT AND EXECUTIVE ORDERS. RELATED WATER EASEMENT SHALL BE LOCATED AS DETERMINED.
7. ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
8. TOPOGRAPHIC GRADING CONTOURS ARE AT NAVD 1988.
9. LAND DISTURBANCE WITHIN THIS SPECIAL PERMIT SHALL NOT EXCEED ONE ACRE.
10. LOT LINES ARE CONCEPTUAL AND MAY VARY AT THE TIME OF FINAL PLAT.
11. SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT WILL COMPLY WITH THE REQUIREMENTS OF THE ZONING ORDINANCE AT THE TIME OF SIGN PERMITS.

**DENSITY:**

Total Project Area 50,302.1  
 or  $\frac{1}{6.6}$

**6 UNITS ALLOWED**

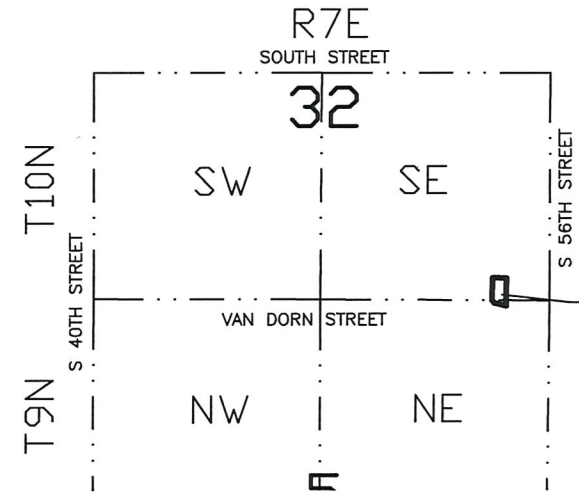
**SHEET INDEX**

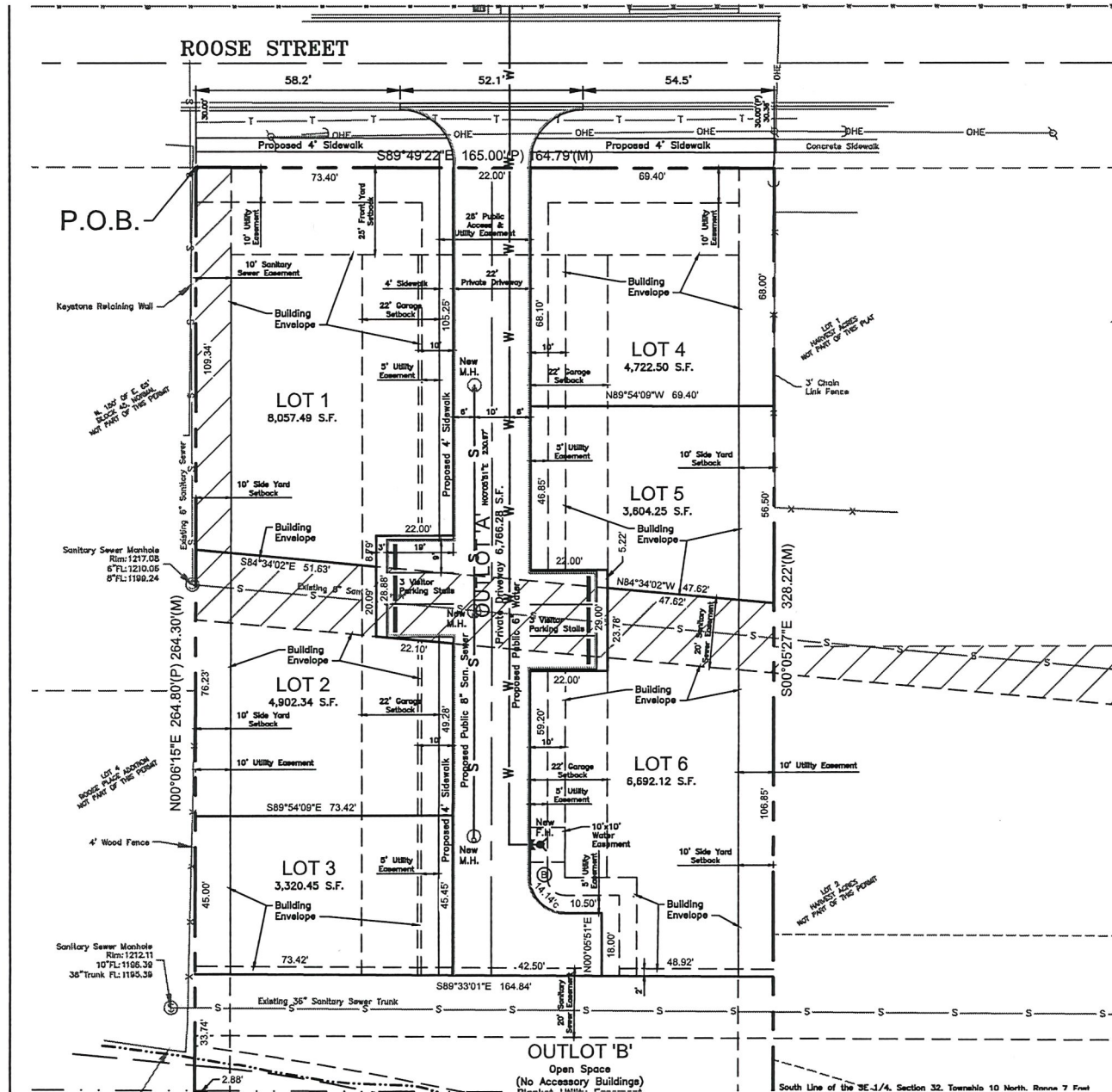
SITE/UTILITY PLAN  
 PRE&POST DRAINAGE P  
 GRADING PLAN/STREET

**WAIVERS:**

1. STORM WATER DETENTION FACILITIES (DESIGN STANDARDS, CHAPTER 2.05, SECTION 3.3)
2. MINIMUM LOT DEPTH TO 60 FEET ON LOTS 1 THROUGH 6. (SUBDIVISION ORDINANCE 26.23.140(a))
3. TWO-FAMILY DWELLING LOT AREA TO 3,300 SQUARE FEET ON LOTS 2 THROUGH 5. (ZONING ORDINANCE 27.72.020(a))
4. INTERNAL SETBACKS ON LOTS 1 THROUGH 6 TO ZERO. (ZONING ORDINANCE 27.72.020(a))
5. MINIMUM LOT WIDTH FROM 40 FEET TO 34 FEET ON TWO-FAMILY DWELLINGS. (ZONING ORDINANCE 27.72.020(a))
6. LOT ACCESS TO A PUBLIC STREET OR PRIVATE ROADWAY (SUBDIVISION ORDINANCE 26.23.140(g))
7. NEIGHBORHOOD DESIGN STANDARDS (DESIGN STANDARDS, CHAPTER 3.75, SECTION 4.1.3, SECTION 4.1.7)
8. ABUTTING SANITARY SEWER FROM 20 FEET TO 6 FEET ALONG LOTS 3 AND 4. (DESIGN STANDARDS, CHAPTER 2.00, SECTION 2.3)

32, Township 10 North, Range 7 East  
 5, Township 9 North, Range 7 East





**LEGAL DESCRIPTION:**

A portion of Lot 2, Harvest Acre and the West half of Block 44, 7 East, of the 8th P.M., Lincoln, more particularly described as follows:  
 BEGINNING at the Northwest corner right-of-way line of Roose Street;  
 Thence S00°05'27"W, a dist feet, a central angle of 7°16'35";  
 Thence along the arc of a circle of Lot 2, a distance of 141.35 feet;  
 Thence N37°42'11"W along 40.01 feet;  
 Thence N89°31'38"W, a dist feet;  
 Thence N00°08'15"E along 1 POINT OF BEGINNING and contain

**SURVEYOR'S CERTIFICATE**

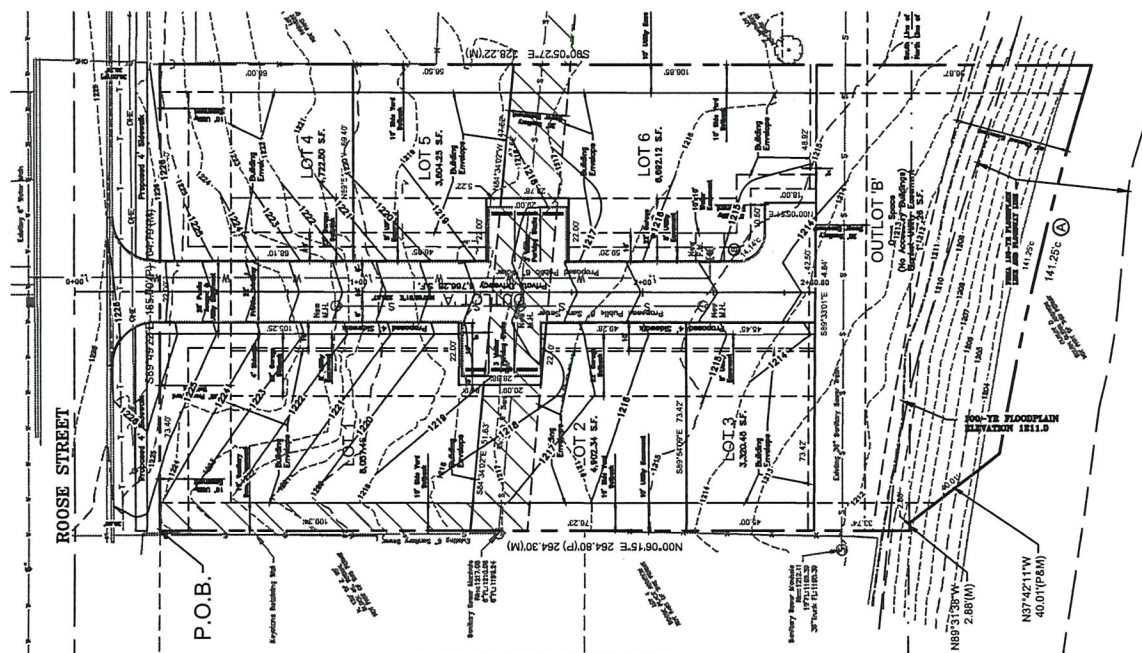
I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD AS DEPOSITED IN MY OFFICE.

DATE \_\_\_\_\_ LYLE L. LI

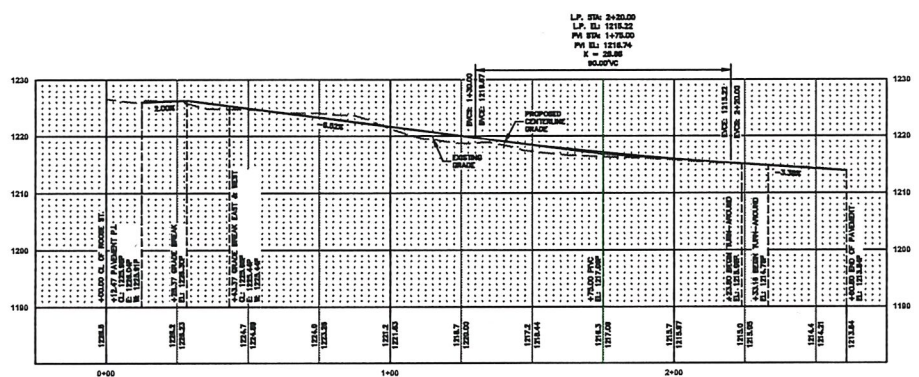
**GENERAL NOTES**  
**COMMUNITY UNIT PLAN**

1. THIS SPECIAL PERMIT CONTAINS DRIVEWAY AND 1 OUTLOT FOR LOT 1.
2. ZONING IS R-2 WITH A C.U.I.
3. THE OWNER/DEVELOPER RESERVE THE RIGHT TO RELOCATE THE DRIVEWAY.
4. DIRECT VEHICULAR ACCESS TO THE DRIVEWAY SHALL BE PARALLEL PARKING.
5. THE PRIVATE DRIVEWAY SHALL BE PARALLEL PARKING.
6. PROPOSED SANITARY SEWER DETERMINED PRIOR TO APPROVAL AS DETERMINED.
7. ALL CURVILINEAR DIMENSIONS SHALL BE SHOWN.
8. TOPOGRAPHIC GRADING CONTAINS SHALL BE SHOWN.
9. LAND DISTURBANCE WITHIN THE DRIVEWAY SHALL BE SHOWN.
10. LOT LINES ARE CONCEPTUAL.
11. SIGNS NEED NOT BE SHOWN AT THE TIME OF SIGN PERMIT.

**WAIVERS:**



**PRIVATE DRIVE PLAN VIEW**  
SCALE: 1"=20'



**PRIVATE DRIVE PROFILE**  
SCALE: HORIZ: 1"=20'  
VERT: 1"=10'

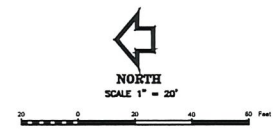
NO.	REVISIONS		
	DESCRIPTION	DATE	BY
	REVISIONS PRIOR TO P.C.	8/15/18	MLK

PROJECT  
181155

**REGA**  
ENGINEERING  
GROUP, INC.

801 OLD CHENEY RD., SUITE A  
LINCOLN, NEBRASKA 68512  
(402) 484-7342

● ENGINEERING  
● PLANNING  
● LAND SURVEYING



- LEGEND**
- PROPERTY LINE (ASSUMED)
  - - - - - EXISTING CONTOURS
  - — — — — PROPOSED CONTOURS

**MINIMUM OPENING ELEVATIONS**

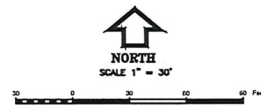
LDT	ELEV(MAYDBD)
3	1212.0
8	1212.0

ROOSE HAVEN  
CUP/SPECIAL PERMIT #18032  
GRADING PLAN/STREET PROFILE  
5405 ROOSE STREET

DATE: 08/01/2018  
DESIGNED BY: MLK/LLL  
DRAWN BY: MLK/MG  
CHECKED BY: DJR/NPB

**PRELIMINARY PLAN  
NOT FOR CONSTRUCTION**

SHEET NO.  
**3 of 3**



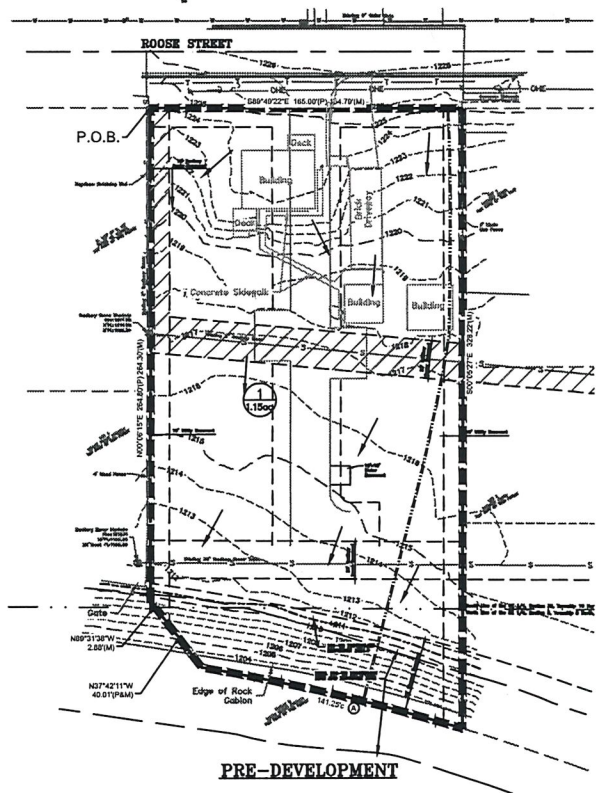
NO.	REVISIONS		
	DESCRIPTION	DATE	BY
	REVISIONS PRIOR TO P.C.	8/15/18	MLK

PROJECT  
181155

**REGA**  
ENGINEERING  
GROUP, INC.

801 OLD CEMERY RD., SUITE A  
LINCOLN, NEBRASKA 68502  
(402)484.7342

● ENGINEERING  
● PLANNING  
● LAND SURVEYING

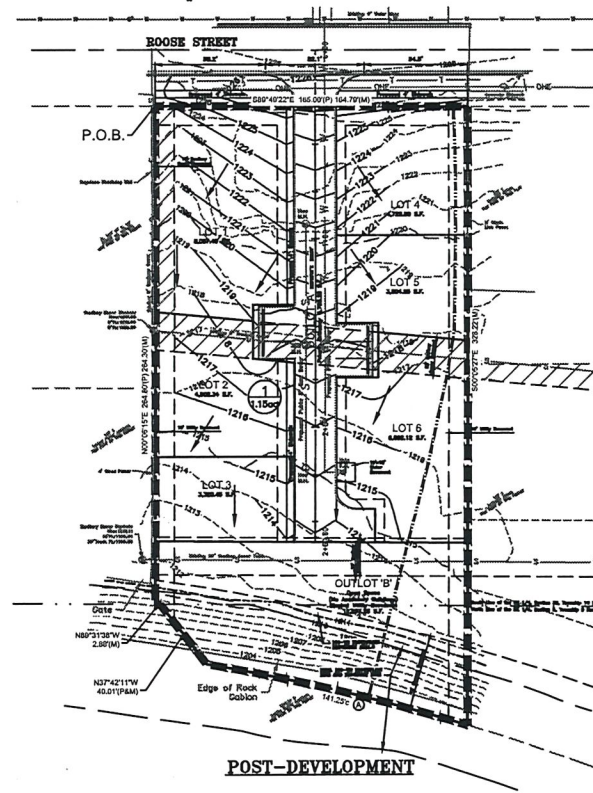


**PRE-DEVELOPMENT**

**PRE-DEVELOPMENT CALCULATIONS**

Drainage Basin #	Area acres	Curve Number	Time of Conc. Tc minutes	2-Year Storm etc	10-Year Storm etc	100-Year Storm etc
I	1.15	76	8.0	1.9	4.3	7.4

- LEGEND**
- DIRECTION OF FLOW
  - - - PROPERTY LINE
  - - - EXISTING CONTOURS
  - - - PROPOSED CONTOURS
  - ▨ DRAINAGE AREAS
  - TIME OF CONCENTRATION
  - - - EXISTING FLOODPLAIN LINE



**POST-DEVELOPMENT**

**POST-DEVELOPMENT CALCULATIONS**

Drainage Basin #	Area acres	Curve Number	Time of Conc. Tc minutes	2-Year Storm etc	10-Year Storm etc	100-Year Storm etc
I	1.15	82	8.0	2.8	5.2	8.4

ROOSE HAVEN  
 CUP/SPECIAL PERMIT #18032  
 PRE AND POST DRAINAGE PLAN  
 5405 ROOSE STREET

DATE: 08/01/2018  
 DESIGNED BY: MLK/LLL  
 DRAWN BY: MLK/MG  
 CHECKED BY: DJR/NPB

**PRELIMINARY PLAN  
 NOT FOR CONSTRUCTION**

SHEET NO.  
**2 of 3**

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CONSULTANTS:

+

ELEVATIONS

ROOSE HAVEN

5405 ROOSE STREET  
 LINCOLN, NE

Project Number

PRELIMINARY SET

DATE: 08/11/18

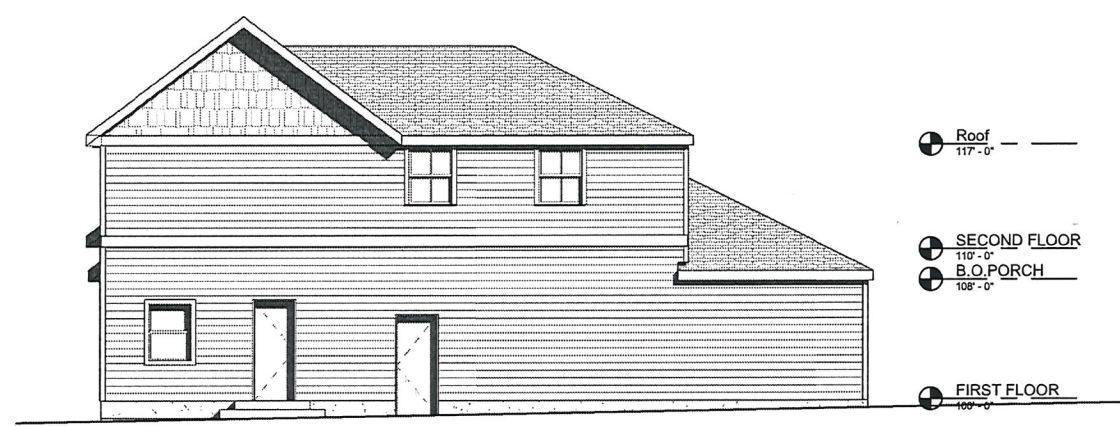


**ERICKSON SULLIVAN**  
**ARCHITECTS**  
 110 S. 4TH STREET, SUITE 200  
 LINCOLN, NE 68503 TEL. 402.475.9797

A101



WEST ELEVATION1  
 1/8" = 1'-0"



EAST ELEVATION1  
 1/8" = 1'-0"



**NORTH ELEVATION**  
1/8" = 1'-0"



**SOUTH ELEVATION**  
1/8" = 1'-0"

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CONSULTANTS:

+

ELEVATIONS

ROOSE HAVEN

5405 ROOSE STREET  
LINCOLN, NE

Project Number

PRELIMINARY SET

DATE: 08/14/18

**ERICKSON SULLIVAN  
ARCHITECTS**  
110 S. 4TH STREET, SUITE 200  
LINCOLN, NE 68508 TEL. 402.475.9787

A102

ROOSE STREET

58.2'

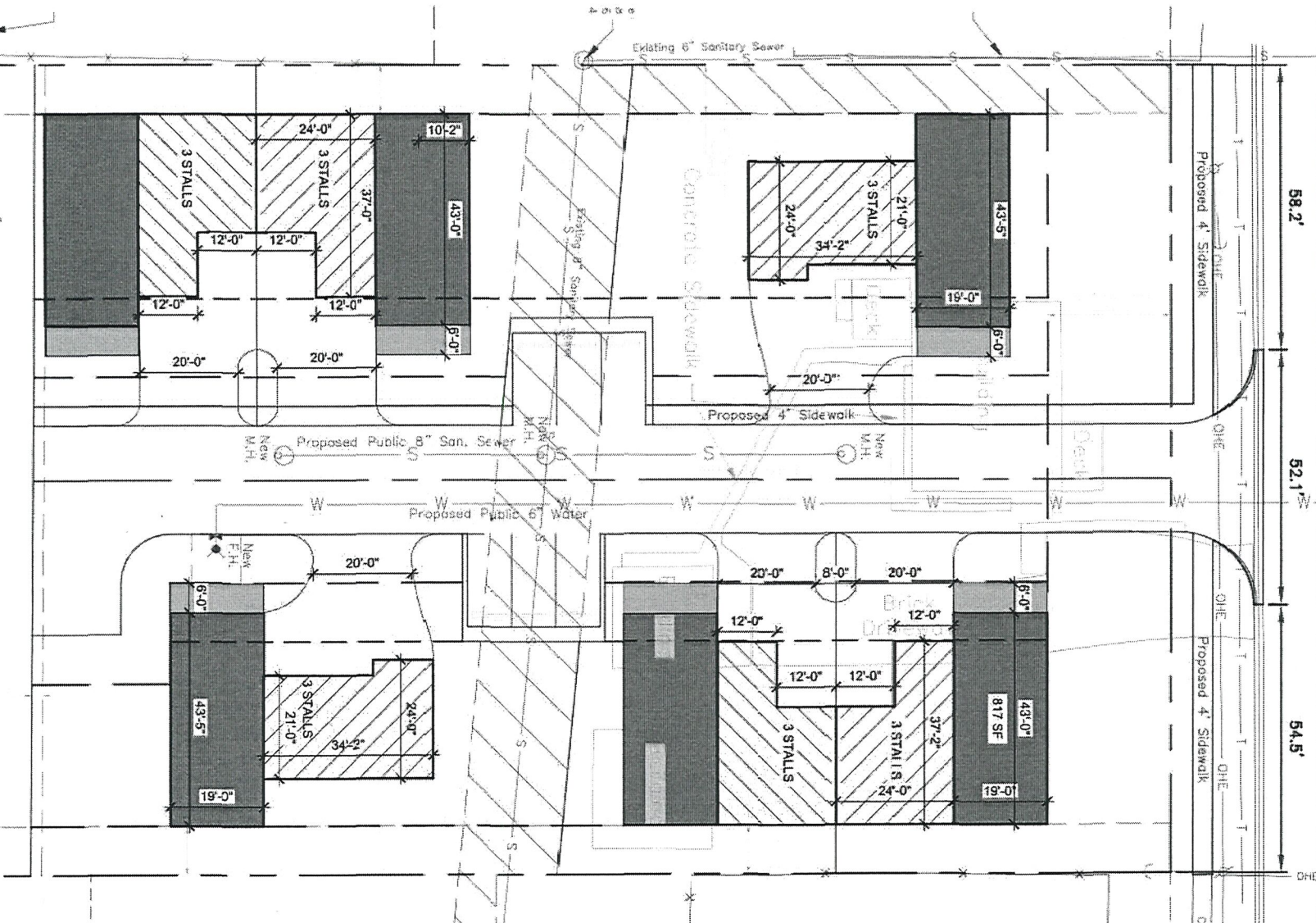
52.1'

54.5'



SCALE: 1" = 20'-0"

SITE PLAN



ERICKSON SULLIVAN ARCHITECTS  
110 S. MAIN STREET, SUITE 200  
LINCOLN, NE 68502 TEL. 402.478.2100



ROOSE HAVEN  
8405 ROOSE STREET  
LINCOLN, NE  
PROJECT NO. XXXX  
PRELIMINARY SET  
DATE: 8/20/15

CONSULTANTS:  
Main Office: 4000 South 10th Street, Suite 200, Lincoln, NE 68502  
Tel: 402.478.2100 Fax: 402.478.2101  
www.erickson-sullivan.com

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**CONSULTANTS:**

+

**ELEVATIONS**

**ROOSE HAVEN**

5405 ROOSE STREET  
 LINCOLN, NE

Project Number

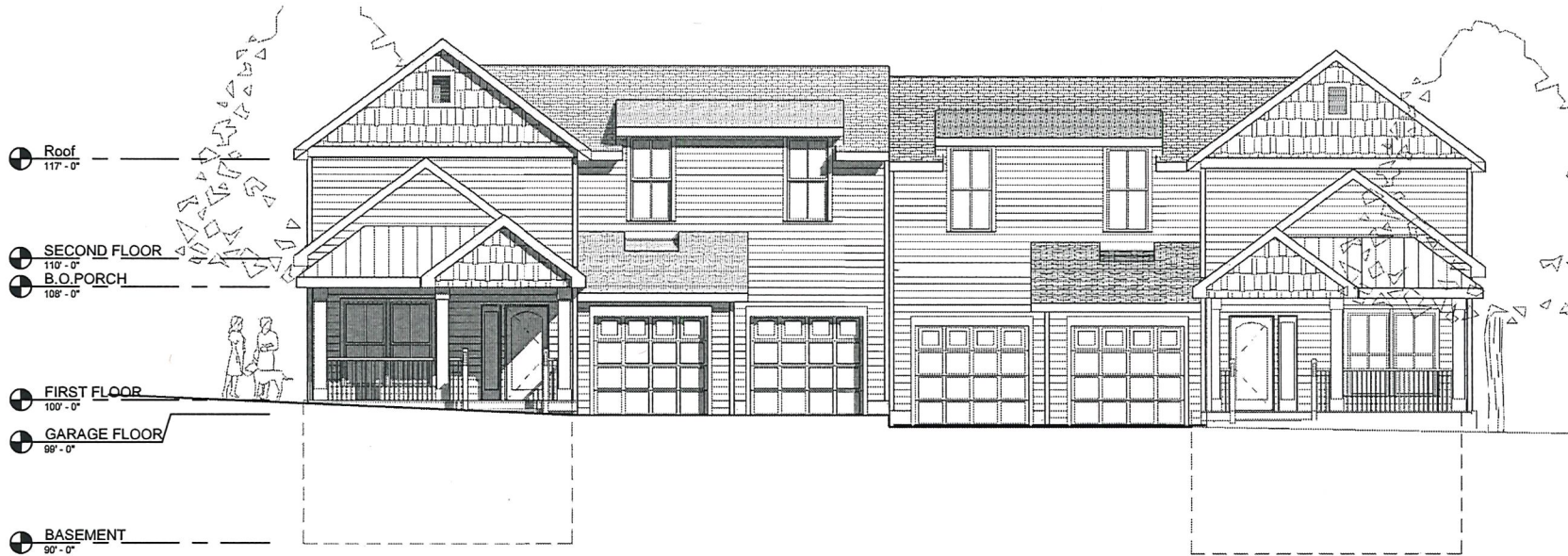
**PRELIMINARY SET**

DATE: 08/14/18



**ERICKSON SULLIVAN**  
**ARCHITECTS**  
 110 S. 14TH STREET, SUITE 200  
 LINCOLN, NE 68508 TEL: 402.425.9787

**A101**



**WEST ELEVATION**

1/8" = 1'-0"



**NORTH ELEVATION**

1/8" = 1'-0"



EAST ELEVATION  
1/8" = 1'-0"

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Note: Original drawing format is 11"x17". Any other sheet size will affect drawing scale.

CONSULTANTS:

+

ELEVATIONS

ROOSE HAVEN

5405 ROOSE STREET  
LINCOLN, NE

Project Number

PRELIMINARY SET

DATE: 08/13/18



**ERICKSON SULLIVAN**  
**A R C H I T E C T S**  
110 S. 4TH STREET, SUITE 200  
LINCOLN, NE 68503 TEL: 402.475.9797

A102

## MEETING RECORD

**NAME OF GROUP:** URBAN DESIGN COMMITTEE

**DATE, TIME AND PLACE OF MEETING:** September 5, 2018, 3:00 p.m., Conference Room 210, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, NE.

**MEMBERS IN ATTENDANCE:** Emily Casper, Tom Huston and Michelle Penn; (Amber Brannigan, Tammy Eagle Bull, Gill Peace and Trent Reed absent).

**OTHERS IN ATTENDANCE:** Ed Zimmer and Teresa McKinstry of the Planning Dept.; Hallie Salem of Urban Development Dept.; Mark Palmer, Jen Seacrest and Kaylyn Nerverve of Olsson Associates; Bart Thomsen; Nolan Schaefer and Dan Grasso from Sinclair Hille; Christine Meyer and Russ Meyer from Nebraska Home Sales; Scott Sullivan with Erickson Sullivan; Brent Robinson and Rich Robinson.

Michelle Penn called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

### **ROOSE HAVEN (SCOTT SULLIVAN):**

Russ Meyer appeared. They are looking with an eye for residential development. They want to develop one acre in the vicinity of 56<sup>th</sup> St. and Van Dorn. The proposal is for three bedroom, three bath homes with an unfinished basement. There is a high desire to have a three car garage. We want to have the intimacy of a pocket neighborhood. We are aiming for a very desirable price point. We are looking at a sales price of \$275,000.00 to \$325,000. This will add to the City's tax base. There is one existing home that will be taken down. We are interested in providing infill on urban lots. We hosted a neighborhood meeting. We invited 215 of our neighbors. About 25 people attended and provided great feedback. This is a one acre lot that backs onto Antelope Creek and the Billy Wolfe Trail.

Scott Sullivan stated that this is a very eclectic neighborhood. He showed houses in the area. The site plan shows six houses. Economically, we needed six houses to make this project work. There will be two single family houses and two duplexes. There are three stall garages to all the units. We tried to lay these out so the garages are tucked behind. These will be on a private drive. These will have very traditional elements with a front porch and gabled ends. The plans for both single and duplex are very similar. These will have fiber cement siding. You start to get a sense of the garages stepping back. The two end units do not front Roose Street, they front

the private drive. There was an effort to conceal the garages. They were stepped back. The Roose Street view would be the side of the house. That is why we are here.

Huston questioned why this is appearing before Urban Design Committee. Does this need replatted? Ed Zimmer responded that this is a CUP (Community Unit Plan) that is going on to Planning Commission. Neighborhood Design Standards need to be applied. Other houses that have been reviewed on Roose Street was related to garage door placement. This request was harder to interpret. The design standards require that houses orient to the street. Planning Commission can waive design standards for a CUP. Since there is not quorum present today, he would recommend giving advice and let Planning Commission review the proposal.

Sullivan stated that the decision about fronting Roose St. he believes was more towards the marketability, the notion of being able to turn this into a "micro-neighborhood" instead of facing Roose.

Zimmer added that this plan this would gain the sixth unit. He does not believe this is excessive.

Huston believes this fits the Comprehensive Plan ideas of encouraging infill and using lots for density.

Sullivan stated that part of what we like is that this introduces eighteen garages and we can screen it from the primary street. This seemed important.

Zimmer stated that Planning Dept. is recommending in favor of the CUP.

Casper questioned the property line being shown on the map. She inquired if an association will be created. Russ Meyer responded that there will be six lots and outlots. There will be an association that takes care of this. Sullivan assumes the association will have rules that will limit anything outlandish. Casper wondered about fences. Meyer responded that fences are allowed in the rules, but they must be wrought iron. We want the area to look nice.

Huston questioned the depth of the lot. Meyer stated it is about 265 feet deep.

Casper wants to make sure there is still something attractive facing Roose Street.

Penn believes the porches look a little shallow. Sullivan believes they are about eight feet.

Huston would recommend approval to the Planning Commission. Casper and Penn agreed.