

# **Lincoln City - Lancaster County**

## **PLANNING COMMISSION AGENDA**

### **PLANNING COMMISSION**

Dennis Scheer: Chair  
Tracy Corr: Vice-Chair  
Thomas Beckius  
Dick Campbell  
Tracy Edgerton  
Deane Finnegan  
Maja V. Harris  
Cristy Joy

### **PLANNING STAFF**

David R. Cary: Director  
Geri Rorabaugh: Administrative Officer  
Rhonda Haas: Office Specialist

## **June 26, 2019**



**NOTICE:** The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, June 26, 2019, 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, June 26, 2019

Approval of minutes of the regular meeting held June 12, 2019.

Resolutions of Appreciation presented to Maja V. Harris and Sändra Washington.

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

**TEXT AMENDMENT:**

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- 1.1 TEXT AMENDMENT 19003, amending Lincoln Municipal Code Chapter 27.02 Definitions by amending Section 27.02.190 to add a new definition for "Retail Sales, Large Items"; amending Section 27.67.040 Parking Requirements, Special Conditions to add that large item retail sales require 1 parking space per 600 square feet of floor area; amending Figure 27.67.040 Uses with Special Parking Requirements to add "Retail Sales, Large Items"; and repealing Sections 27.02.190, 27.67.040, and Figure 27.67.040 of the Lincoln Municipal Code as hitherto existing.

**Staff recommendation: Approval**

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

**CHANGE OF ZONE:**

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- 1.2 CHANGE OF ZONE 19017, from R-6 (Residential District) to B-3 (Commercial District), on property generally located at 534 North 27th Street.

**Staff recommendation: Approval**

**Staff Planner: George Wesselhoft, 402-441-5662, [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)**

2. **REQUESTS FOR DEFERRAL:**

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2.1 Preliminary Plat 18002, to add 430 residential lots on approximately 152.1 acres, more or less, on property generally located at the SW corner of West Old Cheney Road and South Folsom Street. \*\*\* FINAL ACTION \*\*\*

**Staff recommendation: Applicant has requested this application be placed on hold.**

**Staff Planner: Dessie Redmond, 402-441-6373, [dredmond@lincoln.ne.gov](mailto:dredmond@lincoln.ne.gov)**

3. **ITEMS REMOVED FROM CONSENT AGENDA:**

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

**SPECIAL PERMIT:**

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4.1 SPECIAL PERMIT 19025, for a CUP (Community Unit Plan) for one residential lot, with waivers to drainage study, grading plan, sidewalks, and post-construction storm water management plan, on property generally located at 66th Street and Pine Lake Road. The Planning Commission action is final, unless appealed to the Lincoln City Council.\*\*\*FINAL ACTION\*\*\*

**Staff recommendation: Denial.**

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

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

\*\*\*\*\*

**Adjournment**

**PENDING LIST:** *Special Permit 18045, to allow for a County AG (Agricultural District) CUP (Community Unit Plan), consisting of 148.49 acres, more or less, for 9 single family acreage lots on property generally located at North 14<sup>th</sup> Street and Rock Creek Road.*

**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>
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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>

Allan Zafft, *Transportation Planner*..... 402-441-6369 .. [azafft@lincoln.ne.gov](mailto:azafft@lincoln.ne.gov)  
Ed Zimmer, *Historic Preservation Planner* . ..... 402-441-6360.. [ezimmer@lincoln.ne.gov](mailto:ezimmer@lincoln.ne.gov)

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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.



## MEETING RECORD

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, June 12, 2019, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska

**MEMBERS IN ATTENDANCE** Tom Beckius, Dick Campbell, Tracy Corr, Tracy Edgerton, Cristy Joy, Maja V. Harris, Dennis Scheer and Deanne Finnegan. Brian Will, Tom Cajka, Geri Rorabaugh and Rhonda Haas of the Planning Department; media and other interested citizens.

**STATED PURPOSE OF MEETING:** Regular Planning Commission Hearing

Chair Scheer called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

Scheer announced that with the recent resignation of Sändra Washington, there is an open seat on the Planning Commission. On Monday, Sändra was officially approved to fill the vacant at-large seat of the City Council. Wishing Sändra a most sincere congratulations.

Scheer requested a motion approving the minutes for the regular meeting held May 29, 2019.

Motion for approval made by Campbell, seconded by Joy and carried 7-0: Beckius, Campbell, Edgerton, Harris, Joy, Corr and Scheer voting 'yes'; Finnegan abstained.

### **CONSENT AGENDA**

#### **PUBLIC HEARING & ADMINISTRATIVE ACTION**

#### **BEFORE PLANNING COMMISSION:**

**June 12, 2019**

Members present: Beckius, Campbell, Edgerton, Harris, Corr, Joy, Scheer and Finnegan.

Joy declared a Conflict of Interest on Item 1.1 and exited the chambers.

The Consent Agenda consisted of the following items: **Special Permit 19028 and Special Permit 19029.**

Note: This is **FINAL ACTION** on **Special Permit 19029** unless appealed by filing a letter in the Office of the County Clerk within 14 days. This is a recommendation to the City Council all other items.

There were no ex parte communications disclosed.

Beckius moved approval of the Consent Agenda, seconded by Campbell and carried 7-0: Beckius, Campbell, Edgerton, Harris, Scheer, Finnegan and Corr voting 'yes'; Joy declared a conflict of interest on Special Permit 19028 and, therefore, recused herself from voting on the Consent Agenda.

Joy returned to the chambers.

There being no further business to come before the Commission, the meeting was adjourned at 1:03 p.m.

Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, June 26, 2019.

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**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 19003

FINAL ACTION?  
No

PLANNING COMMISSION HEARING DATE  
June 26, 2019

RELATED APPLICATIONS  
Special Permit 19028

**RECOMMENDATION: APPROVAL**

**BRIEF SUMMARY OF REQUEST**

A text amendment is proposed on behalf of RR&T Enterprises, LLC to create a special parking requirement for Large Item Retail Sales with a parking ratio of 1 stall per 600 square feet. Large Item Retail Sales would include businesses that primarily sell items such as furniture, carpet, and large appliances. It would be a separate category from other retail sales for purposes of parking calculation.

**JUSTIFICATION FOR RECOMMENDATION**

Appropriate parking reductions support redevelopment, denser development, and greater site flexibility. The request is supported by the lower anticipated parking demand for sales of these large goods as compared to other types of retail sales.

**APPLICATION CONTACT**

Cristy Joy, (402) 464-6600 or  
[cjoy@archi-etc.com](mailto:cjoy@archi-etc.com)

**STAFF CONTACT**

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

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The 2040 Comprehensive Plan supports commercial development while striving for predictability for existing residential uses and neighborhoods. This request furthers the goals of preserving flexibility in the siting of commercial and industrial uses and retaining and attracting these businesses in the appropriate locations.

**KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN**

P. 5.1-5.2 - Business & Economy Guiding Principles

- Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.
- Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.
- Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.
- Provide flexibility to the marketplace in siting future commercial and industrial locations.
- Strive for predictability for neighborhoods and developers.

P. 7.7 - Detailed Strategies for Developing Neighborhoods: Encourage shared parking wherever possible.

## ANALYSIS

1. Architecture Etcetera on behalf of RR&T Enterprises, LLC proposes a text amendment to Section 27.67.040 that would create a special parking requirement for Large Item Retail Sales of 1 stall per 600 square feet. Large Item Retail Sales would include businesses that primarily sell large goods such as furniture, carpet, cabinets, and appliances.
2. Currently, retail sales parking is calculated at a standard ratio depending on the zoning district. Large Item Retail Sales would be a separate category from other retail sales for parking calculation purposes and would represent a reduced parking requirement in most zoning districts where the use is allowed.
3. The request is supported by the lower anticipated parking demand for these types of large goods compared to traditional retail sales. The reduction is based on published trip generation rates for different types of retail as well as documentation submitted by the applicant showing a lower parking demand at their furniture store.
4. The following text amendment was determined in cooperation between the applicant and City staff:

### 27.02.190 R.

Retail Sales, Large Items. Large Item Retail Sales shall mean where the primary business is the selling and display of large goods where the product sold is generally picked up from a warehouse area and/or delivered to the customer's home, rather than from the showroom or sales area. Examples include, but are not limited to, the sale of furniture, mattresses, carpet, large appliances, cabinets, and fireplaces. This use specifically excludes motorized vehicle sales and home improvement stores. Large Item Retail Sales are considered retail sales uses for purposes of the Use Groups chapter.

### 27.67.040 Parking Requirements; Special Conditions.

An alphabetical list of uses with special parking requirements for this title are set out in Figure 27.67.040 at the end of this chapter. Any change in use from one with a special parking requirement to another use in the future could result in a higher parking requirement, and the need to reconfigure the parking and/or building to accommodate the change in the requirement. The following special parking requirements shall apply to the listed uses in place of the general parking requirements found in Section 27.67.020:

(ah) Large item retail sales: One space per 600 square feet of floor area.

5. A definition was created for Large Item Retail Sales to clarify how this use category differs from other types of retail. The category would specifically exclude motorized vehicle sales and home improvement stores. Motorized vehicle sales already has a special parking requirement. Home improvement stores were excluded because they sell many smaller items in addition to large items and would not fit the definition. For clarification, it was also noted that a change in use from one with a special parking requirement to another use could result in a higher parking requirement. This would be the case in most zoning districts when changing from Large Item Retail Sales to standard retail sales.

The amendment includes language noting that for purposes of Use Groups, Large Item Retail Sales are considered under the umbrella of Retail Sales. However, they would be considered different uses for parking calculation purposes which would allow eligibility for the City Council parking waiver in Section 27.67.030.f for a change in use from large item to standard retail.

6. Minimum parking requirements should be reduced where appropriate to reduce the over-parking of sites due to City requirements. Appropriate parking reductions support redevelopment, denser development, and greater site flexibility. Many reductions in the parking requirements have been approved in recent years, many based on private sector requests and documentation.

The Institute of Transportation Engineers (ITE) 10<sup>th</sup> Edition Trip Generation Manual publishes trip generation rates for different land use types. The manual lists much lower trip generation rates for the category of "furniture store" compared to other retail categories. The trip generation figures generally demonstrate a lower level of

customer activity and demand for “furniture stores” and similar stores. The ITE trip generation rates for several retail types are listed below.

<b>Land Use</b>	<b>Trip Calculation</b>	<b>Average Trip Generation Rate per 1,000 square feet</b>
Furniture Store	Weekday, PM Peak Hour of Generator	0.7
Auto Sales (New)	Weekday, PM Peak Hour of Generator	2.65
Office Supply Superstore	Weekday, Peak Hour of Adjacent Street Traffic, One Hour bet. 4 and 6pm	2.77
Department Store	Weekday, PM Peak Hour of Generator	2.81
Sporting Goods Superstore	Weekday, PM Peak Hour of Generator	3.04
Home Improvement Superstore	Weekday, PM Peak Hour of Generator	3.29
Discount Supermarket	Weekday, PM Peak Hour of Generator	8.13
Convenience Market with Gasoline Pumps	Weekday, PM Peak Hour of Generator	49.59

The applicant’s support includes a study documenting a lower parking demand at a similar furniture retailer operated by the owner in Omaha. The study showed a range of 15-53 vehicles in the parking lot at any one time, with the average count being approximately 31 stalls. The applicant also submitted aerial photos of other similar stores in Lincoln that show relatively few cars in the parking lots, although it should be noted that the time of day these aerials were taken is unknown.

The applicant cited that both Omaha and Houston require a 1:500 parking ratio for a similar use, termed “Furniture Store” in Houston’s code. Omaha requires the 1:500 ratio for portions of a use characterized as “indoor sales display or service area”. An online search of other zoning ordinances conducted by staff located a number of other communities that have a specific parking requirement for “large item” retail in some form typically in the range of 1 stall per 400-600 square feet.

7. There are only three zoning districts where the proposed Large Item Retail Sales parking requirement would be higher than the standard retail sales requirement of the zoning district: the O-1, I-1 and I-2 districts. As mentioned above, the proposed ratio of 1 stall per 600 square feet represents a parking reduction for this use in most zoning districts. For comparison, the table below lists the standard retail sales parking ratios for the zoning districts where retail is allowed.

<b>Zoning District</b>	<b>Standard Retail Sales Parking Requirement</b>
O-1	1 per 1,200 sq. ft.
O-3	1 per 300 sq. ft.
B-1	1 per 300 sq. ft.
B-2	1 per 300 sq. ft.
B-3	1 per 600 sq. ft.
B-4	N/A – no parking required in the B-4 District
B-5	1 per 300 sq. ft.
H-2	1 per 600 sq. ft.
H-3	1 per 300 sq. ft.
H-4	1 per 300 sq. ft.
I-1	2 per 3 persons on max. shift or 1 per 1,000 sq. ft.
I-2	2 per 3 persons on max. shift or 1 per 1,000 sq. ft.
I-3	1 per 300 sq. ft.

8. Based on the evidence for lower parking demand of Large Item Retail Sales, the proposed parking change is appropriate, should provide a major benefit to new businesses, and should not have a significant impact on existing uses or neighboring properties.

Prepared by

    RJ    

Rachel Jones, Planner

Date: June 20, 2019

Applicant/Contact:     Architecture Etcetera c/o Cristy Joy  
                           2436 N. 48<sup>th</sup> Street, Suite E  
                           Lincoln, NE 68504  
                           (402) 464-6600 or [cjoy@archi-etc.com](mailto:cjoy@archi-etc.com)

F:\DevReview\TX\19000\TX19003 Large Item Retail Parking.rkj.docx

ORDINANCE NO. \_\_\_\_\_

1           AN ORDINANCE amending Lincoln Municipal Code Chapter 27.02 Definitions  
2 by amending Section 27.02.190 R. to add a new definition for “Retail Sales, Large Items”; by  
3 amending Section 27.67.040 Parking Requirements; Special Conditions to add that large item  
4 retail sales require 1 parking space per 600 square feet of floor area; by amending Figure 27.67.040  
5 Uses with Special Parking Requirements to add “Retail Sales, Large Items”; and repealing  
6 Sections 27.02.190, 27.67.040, and Figure 27.67.040 of the Lincoln Municipal Code as hitherto  
7 existing.

8           FURTHERMORE, this Ordinance amends Figure 27.67.040 to reflect the  
9 amendments to Chapter 27.67 adopted by Ordinance No. 20739.

10           BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

11           Section 1. That Section 27.02.190 of the Lincoln Municipal Code be amended to  
12 read as follows:

13   **27.02.190    R.**

14           **Recreational Facilities, Outdoor.** Outdoor Recreational facilities shall mean facilities  
15 primarily for participation in recreational activities such as but not limited to tennis, handball,  
16 racquetball, basketball, and other court games; jogging, track and field, baseball, football, soccer,  
17 and other field games; skating, skate boarding, swimming, golf and outdoor shooting or archery  
18 ranges. Recreational facilities shall include country clubs and athletic clubs; it shall not include  
19 facilities accessory to a private residence used only by the owner and guests, nor shall it include  
20 arenas or stadia used primarily for spectators to watch athletic events.

1           **Recreational Facilities, Enclosed Commercial.** Enclosed commercial recreational  
2 facilities shall mean facilities which are enclosed in a building and used for recreation including  
3 but not limited to: golf, racquetball, tennis, and other court games, fitness centers, bowling, skating,  
4 skate boarding, rock climbing, video gaming, indoor shooting or archery ranges, paint ball, laser  
5 tag or swimming.

6           **Recreational Vehicle.** Recreational vehicle shall mean a vehicular unit not exceeding  
7 forty feet in overall length, eight feet in width, or twelve feet in overall height, primarily designed  
8 as temporary living quarters for recreational camping or travel use having either its own motive  
9 power or designed to be mounted on or drawn by a motorized vehicle. Recreational vehicle  
10 includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel. This definition  
11 shall include a boat mounted on a trailer, together not exceeding forty feet in body length, eight  
12 feet in width, or twelve feet in overall height.

13           **Retail Sales.** Retail sales shall mean selling of merchandise directly to the consumer  
14 usually from a fixed location or by mail.

15           **Retail Sales, Large Items.** Large Item Retail Sales shall mean where the primary business  
16 is the selling and display of large goods where the product sold is generally picked up from a  
17 warehouse area and/or delivered to the customer's home, rather than from the showroom or sales  
18 area. Examples include, but are not limited to, the sale of furniture, mattresses, carpet, large  
19 appliances, cabinets, and fireplaces. This use specifically excludes motorized vehicle sales and  
20 home improvement stores. Large Item Retail Sales are considered retail sales uses for purposes of  
21 the Use Groups chapter.

22           **Retail Sales, Outdoor.** Outdoor retail sales shall mean generally the sale of large goods or  
23 large number of goods that requires the outdoor display and marketing of such goods.

1           **Recyclables.** See definition in Chapter 5.41.

2           **Recycling Center.** See definition in Chapter 5.41.

3           **Recycling Processing Center.** See definition in Chapter 5.41.

4                   Section 2. That Section 27.67.040 of the Lincoln Municipal Code be amended to  
5 read as follows:

6   **27.67.040   Parking Requirements; Special Conditions.**

7           An alphabetical list of uses with special parking requirements for this title are set out in  
8 Figure 27.67.040 at the end of this chapter. Any change in use from one with a special parking  
9 requirement to another use in the future could result in a higher parking requirement, and the need  
10 to reconfigure the parking and/or building to accommodate the change in the requirement. The  
11 following special parking requirements shall apply to the listed uses in place of the general parking  
12 requirements found in Section 27.67.020:

13           (a) A fraternity or sorority shall provide 0.75 spaces per resident. Parking shall be  
14 provided either onsite or within 600 feet of the premises. Notwithstanding the above, no parking  
15 shall be required for a fraternity or sorority located within the boundaries of 14th Street to 17th  
16 Street and Q Street to W Street.

17           (b) Group homes: One space per three client or employee residents, plus two spaces per  
18 three nonresident employees on the largest shift; provided, however, that no spaces shall be  
19 required for client residents who will not possess motor vehicle operator's licenses. Appropriate  
20 documentation from the group home licensing agency shall be provided evidencing the non-  
21 possession of motor vehicle operator's licenses by clients.

1 (c) Adult day service facilities: One space/employee on the largest shift, plus off-street  
2 loading/unloading area for one automobile per ten care receivers. Joint parking with another use  
3 is acceptable if the adult care center and the other use have nonconcurrent parking demands.

4 (d) Elderly or retirement housing: One space/dwelling unit.

5 (e) Mini-warehouses:

6 (1) Two spaces for manager's quarters or office; and

7 (2) One space for every 60 storage cubicles; however, if access lanes and roads to  
8 the storage area are twenty feet or greater in width, to allow vehicles to unload  
9 and pass, no additional parking for the storage cubicles is required.

10 (f) Two-family or attached single-family dwellings, approved as part of a Special Permit  
11 for a Community Unit Plan pursuant to Chapter 27.65 Community Unit Plan, a development plan  
12 for a planned unit development pursuant to Chapter 27.60 Planned Unit Development District, or  
13 a use permit pursuant to Chapter 27.64 Use Permits on lots having a width of less than 35 feet and  
14 where garages take direct access from a public street or private roadway are required to provide 1  
15 off-premises guest parking stall per 2 dwelling units. On-street parking may be counted if there is  
16 at least 22 contiguous feet of uninterrupted curb space abutting each lot along the face of curb from  
17 the edge of the curb return to the lot line.

18 (g) Drive-in restaurants: One space/40 sq. ft. of floor area.

19 (h) Bowling alleys: 4 spaces/lane (plus required parking for affiliated uses.)

20 (i) Auditoriums, theaters, grandstands, stadia, amphitheaters, and other places of public  
21 assembly: One space/50 sq. ft. of seating area plus parking for affiliated uses within 300 ft. of the  
22 main use.

23 (j) Recreational uses:

- 1           (1) Racquetball and other court games: Four spaces/court (plus required spaces for  
2           affiliated uses);
- 3           (2) Swimming pools: One space/100 sq. ft. of water surface (plus parking for  
4           affiliated uses) as determined by the city;
- 5           (3) Golf courses: Two spaces/hole on course, plus parking for affiliated uses.
- 6           (k) Hospitals: One space/2.5 beds, plus one space/employee on the largest shift.
- 7           (l) Places of religious assembly, chapels, public schools, private schools having a  
8           curriculum equivalent to a public elementary or public high school, and private business or  
9           commercial schools: One space/50 sq. ft. in largest assembly hall as determined by the City.
- 10          (m) Academies, such as gymnastic, karate, judo, dance, or music academies: One space  
11          for every three students allowed per class session plus one space for every employee. In those  
12          instances where two sessions of classes occur one after another, without at least one-half hour  
13          separation between sessions, the maximum number of students allowed at both sessions shall be  
14          combined in determining the amount of required parking per class session.
- 15          (n) Housing for the physically handicapped: (see also Section 27.63.215) One space/  
16          dwelling unit.
- 17          (o) Domestic shelters: One space for every four residents and two spaces for every three  
18          employees on the largest shift.
- 19          (p) Salvage yard: Six spaces, two spaces/acre of lot area, or one space/1,000 square feet  
20          of floor area, whichever is greater.
- 21          (q) Dwellings for members of a religious order: one space for every three residents.
- 22          (r) Warehouses:

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(1) Warehouses with a floor area of 50,000 square feet or less: one space per every 1,000 square feet of floor area or a minimum of one space per employee on the largest shift. The floor area shall be calculated based on the total floor area of all structures on the lot.

(2) Warehouses with a floor area of more than 50,000 square feet: one space per every 1,000 square feet of floor area for the first 50,000 square feet of floor area and one additional space per 2,000 square feet of floor area in excess of 50,000 square feet, or a minimum of one space per employee on the largest shift. The floor area shall be calculated based on the total floor area of all structures on the lot.

(3) If the number of spaces required by the building ratio is greater than required by the employee ratio in (1) or (2) above, the additional parking spaces need not be provided physically, but sufficient areas shall be reserved to accommodate construction of the additional spaces. If the Building Official finds at any time that the character of the use of the warehouse is such as to require the full provision of parking facilities to be constructed, the Building Official shall report this fact to the City Council which may, after holding a hearing of which the owner shall be notified, require such additional parking to be installed.

(s) Hotels and motels: one space per room and one space per 100 square feet of accessory uses.

1 (t) Restaurants and Social Halls: one space per 100 square feet; one space per 200 square  
2 feet for restaurants located in the B-1 and B-3 zoning districts; one space per 300 square feet for  
3 restaurants located in the B-2 and B-5 zoning districts.

4 (u) Dwellings for caretakers employed and residing on the premises and/or accessory  
5 dwelling units: one space per dwelling unit in addition to the number required for the main use.

6 (v) Early childhood care facilities: One space/ employee on the largest shift, plus off-  
7 street loading/unloading area for one automobile per ten care receivers. Joint parking with another  
8 use is acceptable if the early childhood care facility and the other use have nonconcurrent parking  
9 demands.

10 (w) Residential Healthcare Facilities: One space for every four residents and two spaces  
11 for every three employees on the largest shift.

12 (x) Sale of alcoholic beverages for consumption on the premises: One space per 100  
13 square feet of floor area; one space per 200 square feet for premises for on-site alcohol  
14 consumption located in the B-1 and B-3 zoning districts; one space per 300 square feet for premises  
15 for on-site alcohol consumption located in the B-2 and B-5 zoning districts.

16 (y) Greenhouses and garden centers located in the AG or AGR zoning districts: For  
17 greenhouses, one parking space shall be provided for each employee on the maximum shift.  
18 Parking for greenhouses and garden centers in the AG zoning district may be provided on unpaved  
19 areas, except for ADA accessible stalls.

20 (z) Heritage Centers and Agricultural Attractions located in the AG zoning district: One  
21 space shall be provided for every 200 square feet of floor area devoted to permanent retail and  
22 service use. In addition, an overflow parking area shall be provided with three stalls for every acre

1 included within the special permit area. Parking may be provided on unpaved areas, except for  
2 ADA accessible stalls.

3 (aa) Community Halls, Farm Wineries, and Market Gardens located in the AG and AGR  
4 zoning districts: There shall be adequate parking for vehicles compatible with the number of  
5 people using the facility.

6 (ab) Off-street Freight Loading Requirements. At the time of construction, alteration, or  
7 enlargement of any commercial or industrial building having a floor area of 10,000 square feet or  
8 more, and containing a use or uses which requires off-street freight loading, off-street freight  
9 loading areas shall be provided on the premises to serve the use and maintained as follows:

10 (1) Six hundred square feet for the first 10,000 square feet of floor area;

11 (2) An additional 600 square feet for each additional 20,000 square feet of floor  
12 area.

13 (ac) Data Center: Two (2) spaces per three (3) employees on largest shift, plus land shall  
14 be reserved to provide required parking for office uses in the underlying zoning districts in the  
15 event the Data Center is changed to another office use.

16 (ad) Urban Gardens greater than two acres in size shall provide three off-street parking  
17 stalls per every acre or part thereof over two acres.

18 (ae) Dwellings for Nonrelated Persons, for four to six persons living as a single  
19 housekeeping unit permitted under a community unit plan: One space per resident.

20 (af) Parking for accessory buildings for retail sales, such as lumber storage areas, is not  
21 required to be provided, when they are not fully enclosed or are left open during business hours.

22 (ag) Three parking stalls shall be provided on premises used for motorized vehicle sales  
23 if the premises is less than two (2) acres in size. If the premises is two (2) or more acres in size,

1 parking shall be as shown on the parking matrix for the district the motorized vehicles sales is  
2 located in.

3 (ah) Large item retail sales: One space per 600 square feet of floor area.

4 Section 3. That Figure 27.67.040 of the Lincoln Municipal Code be amended to  
5 read as follows:

6 **Figure 27.67.040**

7 **Uses with Special Parking Requirements**

8 The following uses have special parking requirements that shall apply in place of the general  
9 parking requirements found in Section 27.67.020:

10	Academies .....	27.67.040(m)
11	Accessory buildings for retail sales .....	27.67.040( <del>af</del> <b>hh</b> )
12	Accessory Dwelling Units .....	27.67.040(u)
13	Adult day services facility .....	27.67.040(c)
14	Agricultural attractions (located in the AG zoning district) .....	27.67.040(z)
15	Amphitheaters .....	27.67.040(i)
16	Auditoriums .....	27.67.040(i)
17	Bowling alleys .....	27.67.040(h)
18	Chapels.....	27.67.040(l)
19	Community halls (located in the AG zoning district) .....	27.67.040(aa)
20	Court games .....	27.67.040(j)
21	Data center .....	27.67.040( <del>ac</del> <b>dd</b> )
22	Domestic shelters .....	27.67.040(o)
23	Drive-in restaurants.....	27.67.040(g)

1	Dwellings for members of a religious order .....	27.67.040(q)
2	Dwellings for caretakers employed and residing on premises.....	27.67.040(u)
3	Early childhood care facilities .....	27.67.040(v)
4	Elderly housing .....	27.67.040(d)
5	Farm wineries.....	27.67.040(aa)
6	Fraternities .....	27.67.040(a)
7	Grandstands.....	27.67.040(i)
8	Greenhouses (located in the AG or AGR zoning districts).....	27.67.040(y)
9	Group homes .....	27.67.040(b)
10	Golf courses .....	27.67.040(j)
11	Guest parking for small lot two-family and single--family dwellings .....	27.67.040(f)
12	Healthcare residential.....	27.67.040(w)
13	Heritage centers (located in the AG zoning district) .....	27.67.040(z)
14	Hospitals .....	27.67.040(k)
15	Hotels .....	27.67.040(s)
16	Housing for the physically handicapped.....	27.67.040(n)
17	<del>Joint parking.....</del>	<del>27.67.040(ee)(ff)</del>
18	Market Garden .....	27.67.040(aa)
19	Mini-warehouses.....	27.67.040(e)
20	Motels .....	27.67.040(s)
21	Motorized Vehicle Sales .....	27.67.040( <del>ag</del> ii)
22	Off-street freight loading requirements .....	27.67.040(ab)
23	Places of public assembly .....	27.67.040(i)

1 Places of religious assembly .....27.67.040(l)

2 Private business or commercial schools .....27.67.040(l)

3 Private schools having a curriculum equivalent to a public school .....27.67.040(l)

4 Public schools .....27.67.040(l)

5 Recreational uses .....27.67.040(jk)

6 Restaurants (also see Drive-in restaurants).....27.67.040(t)

7 Retirement housing .....27.67.040(d)

8 Retail Sales, Large Items ..... 27.67.040(ah)

9 Salvage yards .....27.67.040(p)

10 Sale of alcoholic beverages for consumption on the premises .....27.67.040(x)

11 Social halls .....27.67.040(t)

12 Sororities .....27.67.040(a)

13 Stadia.....27.67.040(i)

14 Swimming pools .....27.67.040(j)

15 Theaters.....27.67.040(i)

16 Warehouses .....27.67.040(r)

17 Urban gardens .....27.67.040(adee)

18           Section 4. That Sections 27.02.190, 27.67.040, and Figure 27.67.040 of the Lincoln  
19 Municipal Code as hitherto existing be and the same are hereby repealed.

20           Section 5. This ordinance shall be published, within fifteen days after the passage  
21 hereof, in one issue of a daily or weekly newspaper of general circulation in the City, or posted on  
22 the official bulletin board of the City, located on the wall across from the City Clerk’s office at  
23 555 S. 10<sup>th</sup> Street, in lieu and in place of the foregoing newspaper publication with notice of

1 passage and such posting to be given by publication one time in the official newspaper by the City  
2 Clerk. This ordinance shall take effect and be in force from and after its passage and publication  
3 or after its posting and notice of such posting given by publication as herein and in the City Charter  
4 provided.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_ day of \_\_\_\_\_, 2019:

\_\_\_\_\_  
Mayor

NOTICE OUR ETCETERA + BE INSPIRED BY OUR ARCHITECTURE

May 15, 2019

Ms. Rachel Jones  
Planning Department – City of Lincoln/Lancaster County  
555 S 10<sup>th</sup> Street, Ste 213  
Lincoln, Nebraska 68508

Re: Request for a special use permit and waivers for the Development of a Multi-Tenant Facility located at 2240 Fletcher Avenue, Unit D; Lincoln NE 68517

Dear Ms Rachel Jones,

Enclosed please find the following for the above mentioned project:

1. City Application
2. Application fee
3. Project Information

On behalf of the Owner, RR&T Enterprises, LLC, with the legal description North Creek Business Park Condominium, Amended, Unit D requests that you grant a special use permit with waivers for the Development for a Multi-Tenant Facility located at address 2240 Fletcher Avenue, Unit D; Lincoln NE 68517.

Text Amendment to the H-4 Zoning District parking requirements

Reduce the minimum parking in the H-4 zoning district for Retail Sales with Indoor sales, display or service area from 1 stall per 300 square feet to 1 stall per 600 square feet. These off-street parking requirements are for uses with elements having different functions or operating characteristics then the typical definition of retail sales.

Please let us know if you have any questions of need additional information.

Thank you for your thoughts and consideration.

Sincerely,



Cristy K Joy, AIA NCARB LEED AP

## **Text Amendment**

Reduce the minimum parking in the H-4 zoning district for Retail Sales with Indoor sales, display or service area from 1 stall per 300 square feet to 1 stall per 600 square feet. These off-street parking requirements are for uses with elements having different functions or operating characteristics than the typical definition of retail sales.

## **H-4 Zoning District**

This district is intended to provide a developing area for low-density commercial uses, requiring high visibility and access from major highways. The permitted uses should be planned to reduce internal conflicts and conflicts with surrounding uses. This district is specifically tailored to provide for certain general commercial uses as stated in the comprehensive plan.

## **2040 Comprehensive Plan**

Mixed Use Redevelopment should: Target existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and more efficiently utilize existing infrastructure.

Occur on sites supported by adequate road and utility capacity.

Be located and designed in a manner compatible with existing or planned land uses.

Enhance entryways when developing adjacent to these corridors.

Encourage substantial connectivity and convenient access to neighborhood services (stores, schools, parks) from nearby residential areas.

Incorporate and enhance street networks with multiple modes of transportation in order to maximize access and mobility options.

Promote activities of daily living within walking distance, and provide sidewalks on both sides of all streets, or in alternative locations as allowed through design standards or review process.

Help to create neighborhoods that include homes, stores, workplaces, schools, and places to recreate.

Encourage residential mixed use for identified corridors and redeveloping Regional, Community, Neighborhood, and Mixed Use Office Centers identified as nodes.

Develop with substantial connectivity between developing or existing neighborhoods and developing or redeveloping commercial centers.

**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 19017

FINAL ACTION?  
No

OWNER  
4B Kaibla LLC

PLANNING COMMISSION HEARING DATE  
June 26, 2019

RELATED APPLICATIONS  
None

PROPERTY ADDRESS  
534 N 27<sup>th</sup> Street

**RECOMMENDATION: APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for a change of zone over a 0.16 acre property from R-6 Residential District to B-3 Commercial for a property on the east side of N. 27<sup>th</sup> Street just south of T Street. This is a vacant property that the City sold to the applicant for the intended purpose of a bakery business. The property was sold as part of the N. 27<sup>th</sup> Street Redevelopment Plan. Previously there was a blighted 4-plex on the property which was demolished. The change of zone is consistent with the Comprehensive Plan and the N. 27<sup>th</sup> Street Redevelopment Plan.



**JUSTIFICATION FOR RECOMMENDATION**

The proposed change of zone conforms to the Comprehensive Plan. Changing the zoning from R-6 Residential to B-3 Commercial will allow for the extension of the commercial zoning along the mixed use corridor of N. 27<sup>th</sup> Street. The size of the property and the scale of the proposed redevelopment is limited and will not be detrimental to the neighborhood.

**APPLICATION CONTACT**

Hussain Kaibla, (402) 601-5437 or  
[kaibla11@yahoo.com](mailto:kaibla11@yahoo.com)

**STAFF CONTACT**

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

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The future land use map designates the property as residential-urban density as part of the mix of uses on N. 27<sup>th</sup> Street. There is B-3 Commercial zoning to the west and north with R-6 Residential zoning to the south. The predominate zoning adjacent to N. 27<sup>th</sup> Street is B-3 Commercial. The proposed change of zone would be consistent with the established land use pattern and would allow for commercial redevelopment in conformance with the N. 27<sup>th</sup> Street Redevelopment Plan.

**KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN**

P. 1.9 This site is shown as commercial and residential-urban density on the 2040 Lincoln Area Future Land Use Plan.

p. 5.2 Provide flexibility to the marketplace in siting future commercial and industrial locations.

P 5.14 Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.

**ANALYSIS**

1. This is a request for a change of zone from R-6 Residential District to B-3 Commercial District over a vacant lot located on the east side of N. 27<sup>th</sup> Street just south of T Street. This property is approximately 0.16 acres in size.
2. The property is part of the N. 27<sup>th</sup> Street corridor which includes a mix of uses, including residential and commercial. The existing zoning pattern reflects this mixture of uses and includes both B-3 Commercial, which is especially predominate to the north, and also R-6 Residential. The predominant zoning from O Street to Vine Street is B-3 Commercial, however.
3. The applicant is requesting this change of zone so that a bakery can be built on the property. This property was sold by the City to the applicant for this intended purpose and is part of the North 27<sup>th</sup> Street corridor. Previously there was a blighted 4-plex on the property which was demolished.
4. The future land use map in the 2040 Comprehensive Plan designates the property for commercial and residential-urban density. N. 27<sup>th</sup> Street at this location is mainly commercial in use from this location to the north. The proposal conforms to the N. 27<sup>th</sup> Street Redevelopment Plan which identifies the corridor for mixed uses and redevelopment that strengthens existing commercial and residential investments.
5. B-3 zoning is appropriate for this property as an extension of the existing B-3 zoning along the N. 27<sup>th</sup> Street corridor and will allow for a small scale commercial use. The use will be compatible with the commercial use to the north and the fraternal organization use to the south.
6. The applicant included a proposed site plan which includes the bakery building with parking behind it and access off the alley. There will be no access directly to N. 27<sup>th</sup> Street.

**EXISTING LAND USE & ZONING:** Vacant; R-6 Residential

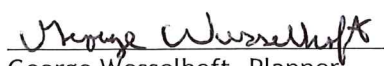
**SURROUNDING LAND USE & ZONING**

North:	Commercial; B-3 Commercial
South:	Fraternal Building; R-6 Residential
East:	Single Family Detached; R-4 Residential
West:	Commercial; B-3 Commercial

**APPROXIMATE LAND AREA:** 0.16 acres

**LEGAL DESCRIPTION:** Lot 11, Block 5 Houtz and Baldwin’s Subdivision, located in the SW ¼ of Section 19-10-07, Lincoln, Lancaster County, Nebraska.

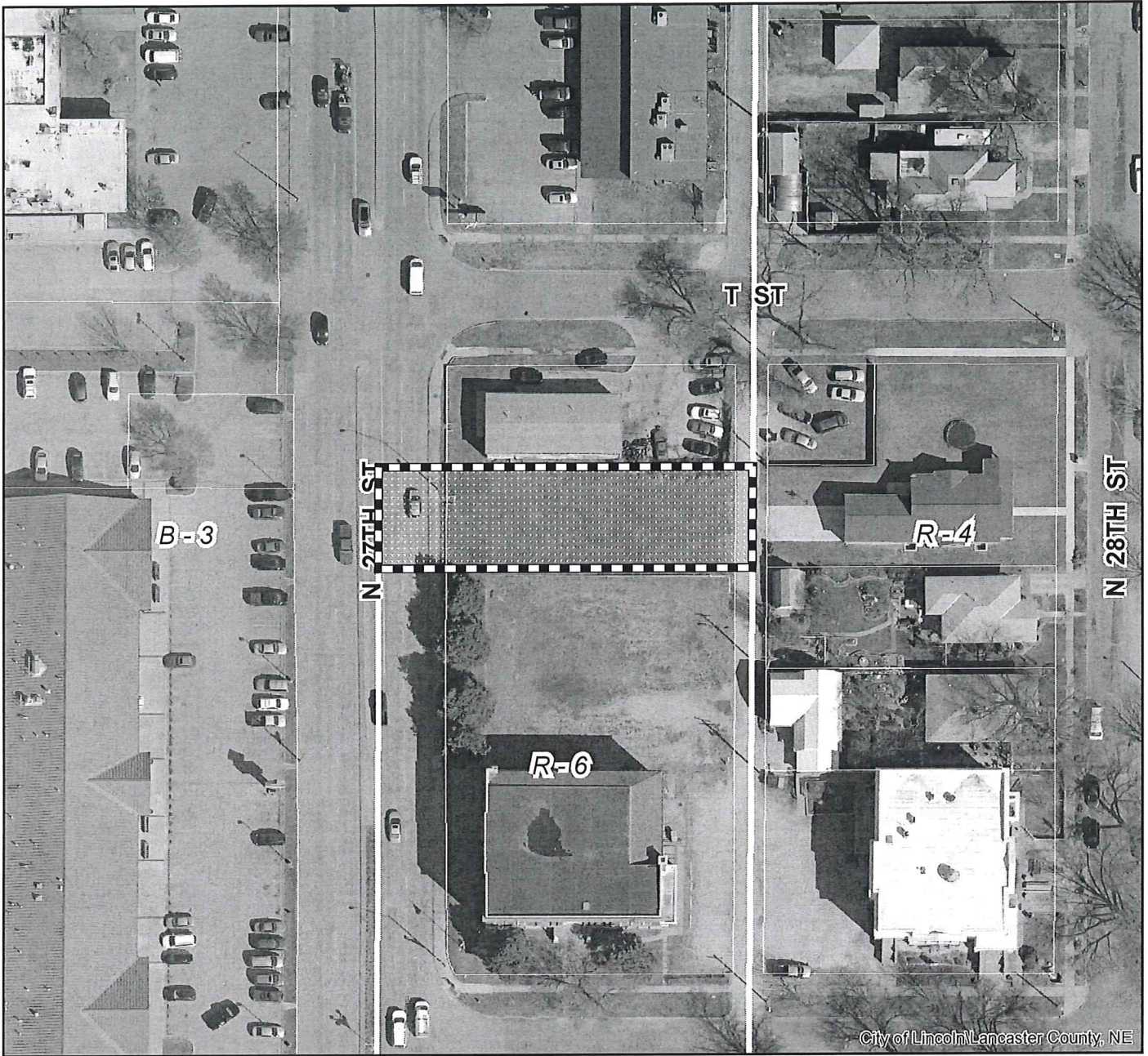
Prepared by

  
 George Wesselhoft, Planner  
 Date: June 13, 2019

Applicant/Contact: Hussain Kaibla  
2958 Dudley Street  
Lincoln, NE 68503  
402-601-5437  
[kaibla11@yahoo.com](mailto:kaibla11@yahoo.com)

Owner: 4B Kaibla LLC  
2958 Dudley Street  
Lincoln, NE 68503

F:\DevReview\CZ\19000\CZ19017 N 27th St Bakery.gjw.docx



2018 aerial

**Change of Zone #: CZ19017 (R-6 to B-3)  
N 27th St & T St**

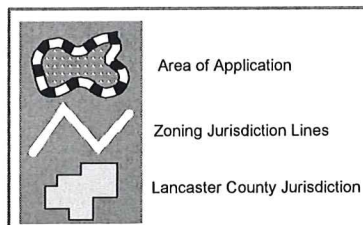


**One Square Mile:  
Sec. 19 T10N R07E**



**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



Dear Zoning Commission:

This is a request to change the zoning on the property located at 534 North 27<sup>th</sup> Street from a zoning of R-6 to a zoning of B-3. It is the intent of the 4-B Kiabla LLC to build and run a bakery at this location. The purpose of this bakery will be to create jobs and unity in my community.

I believe this Bakery will benefit the community greatly by:

- \* Generating revenue in my community
- \* Beautifying the area ( please see attached building plan)
- \* Promoting unity in my Community
- \* Adding to the identity of my community
- \* Promoting health in my community
- \* Creating jobs

This is the beginning of the benefits this zone change will add to the community. Research reported by the United States Environmental Protection Agency shows that small businesses in community locations encourage people to walk or bike to the locations, in turn benefiting personal health and environmental health. Small businesses like mine also increase the tax base as our tax dollars tend to stay within our community.

In conclusion, I ask that you look over my information and grant a zone change from the current R-6 zoning to a B-3 zoning, that you might be a part of my dream to build up my community for the future of our children and the generations to come.

Sincerely,

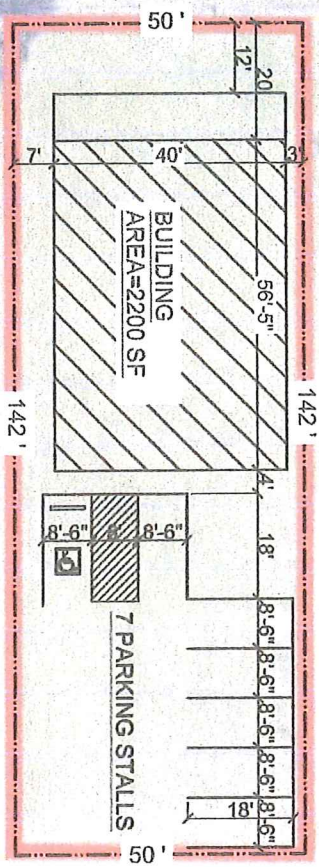


5-28-2019

Hussain Kaibla  
Owner 4-B Kaibla LLC

T STREET

N 27th STREET



ALLEY

# SITE PLAN

SCALE 1/32"=1'0"



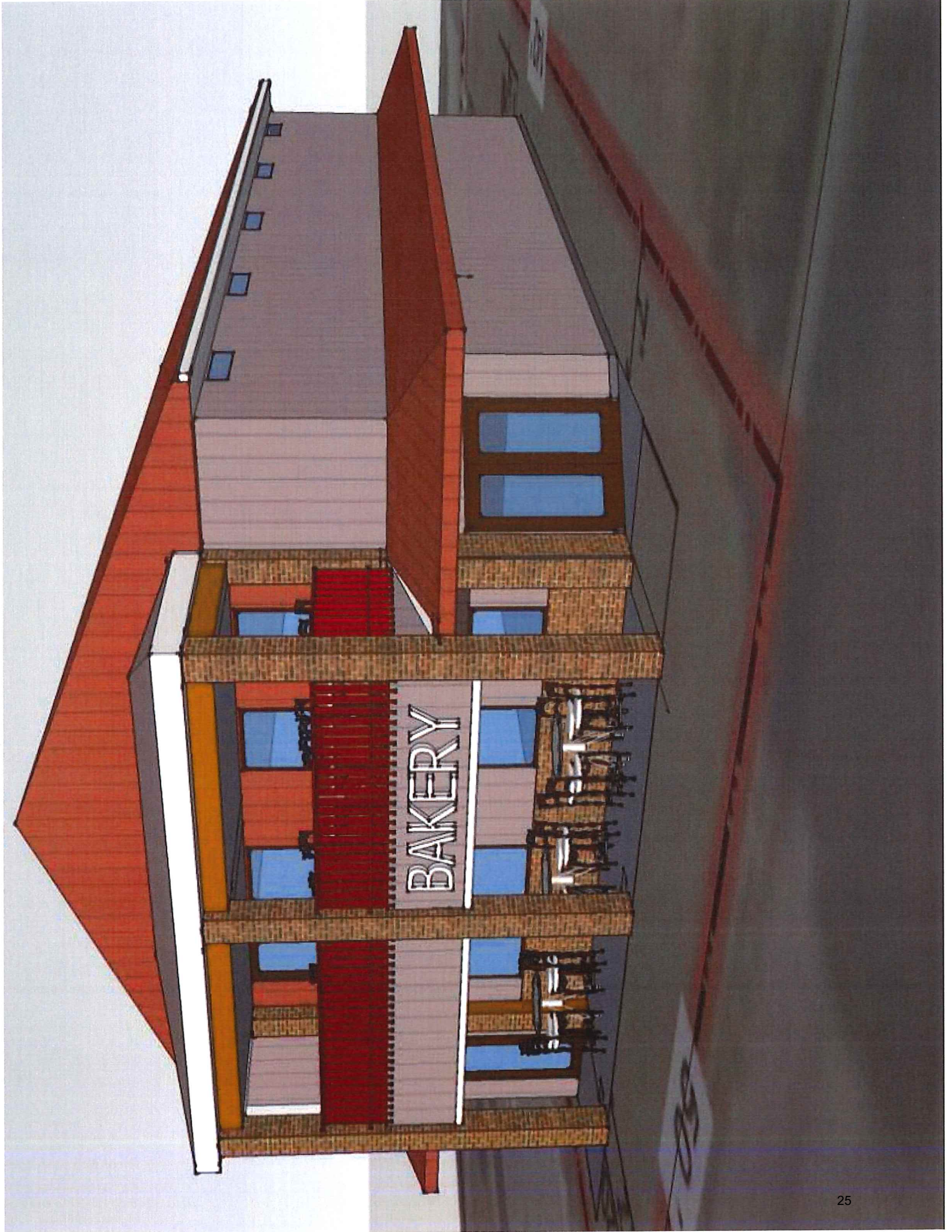
SITE ADDRESS: 534 N 27 ST, LINCOLN, NE

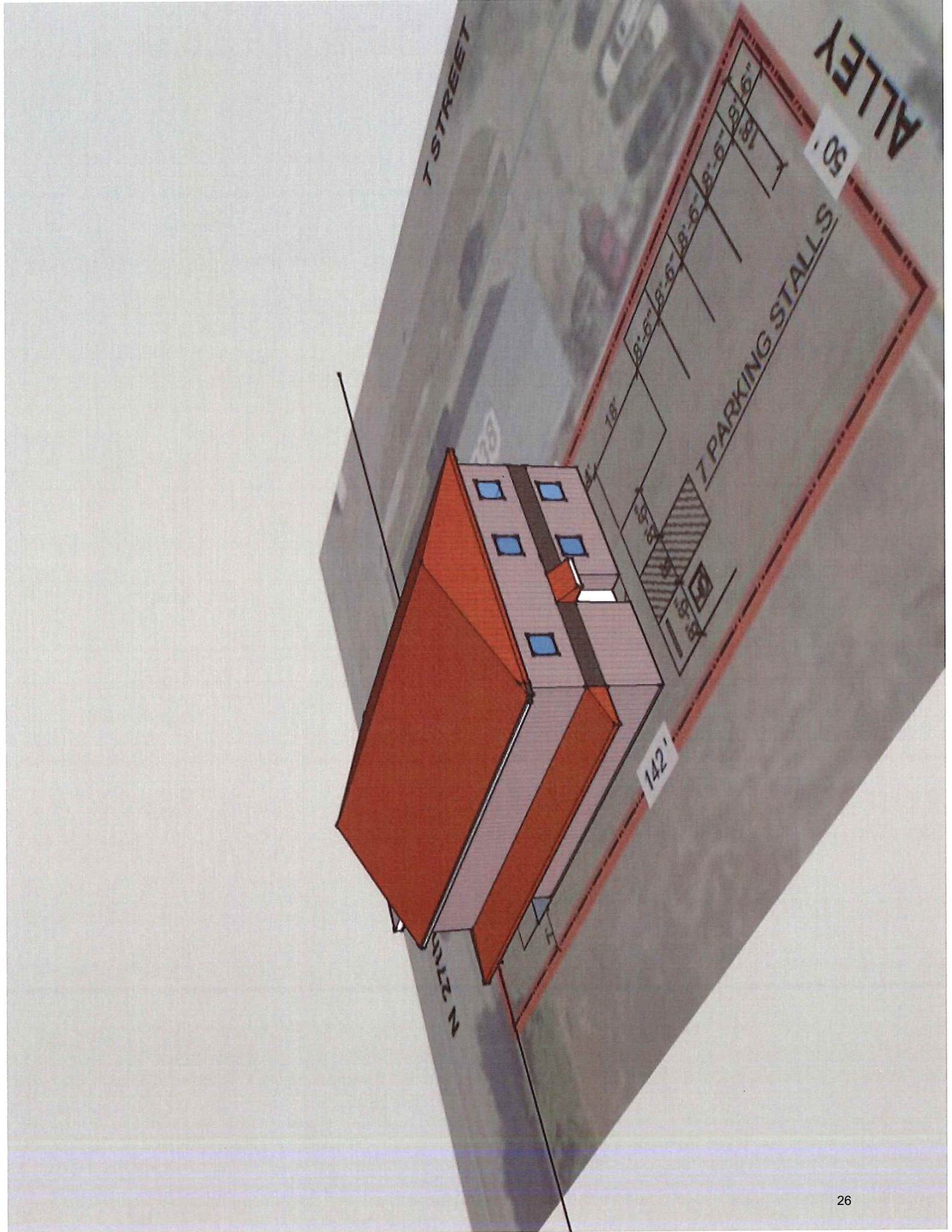
LEGAL DESCRIPTION: HOUTZ AND BALDWIN'S SUBDIVISION (W1/2 NW SW 19-10-7), BLOCK 5, LOT 11

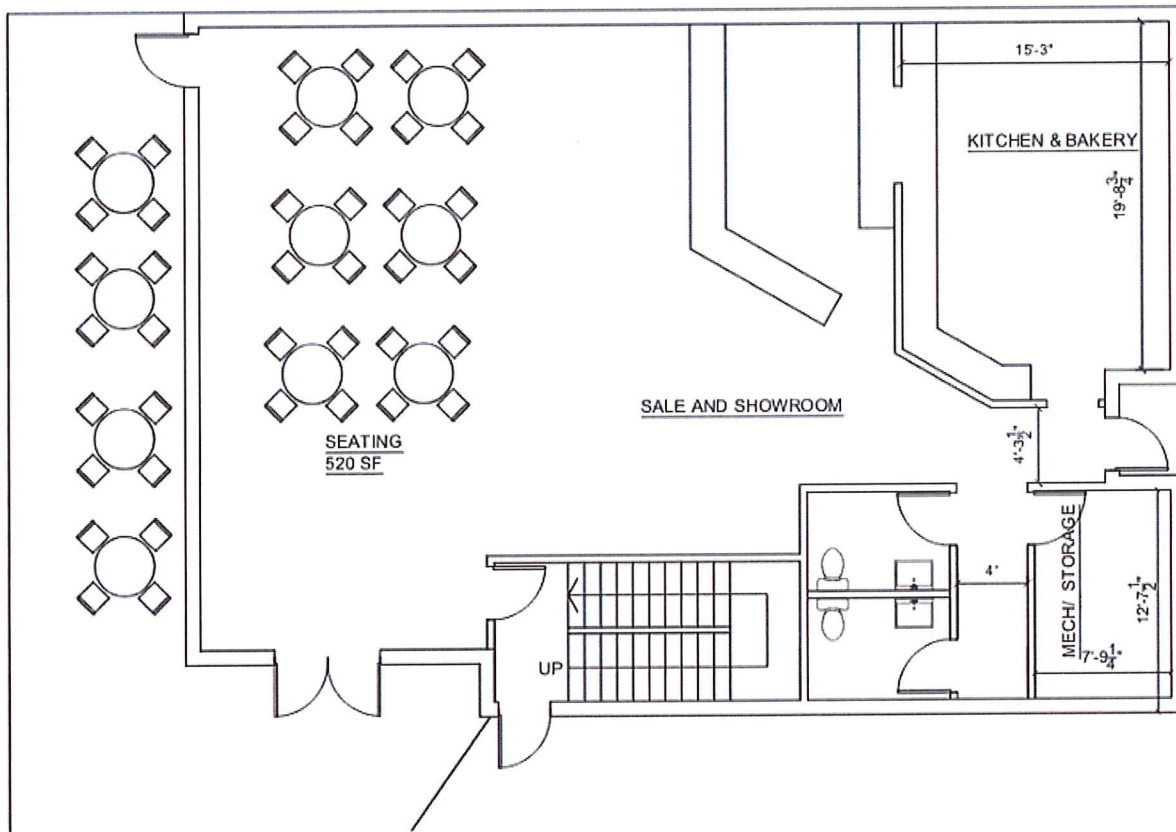
534 N 27 ST, LINCOLN, NE

4/14/19

A100







**FIRST FLOOR PLAN**

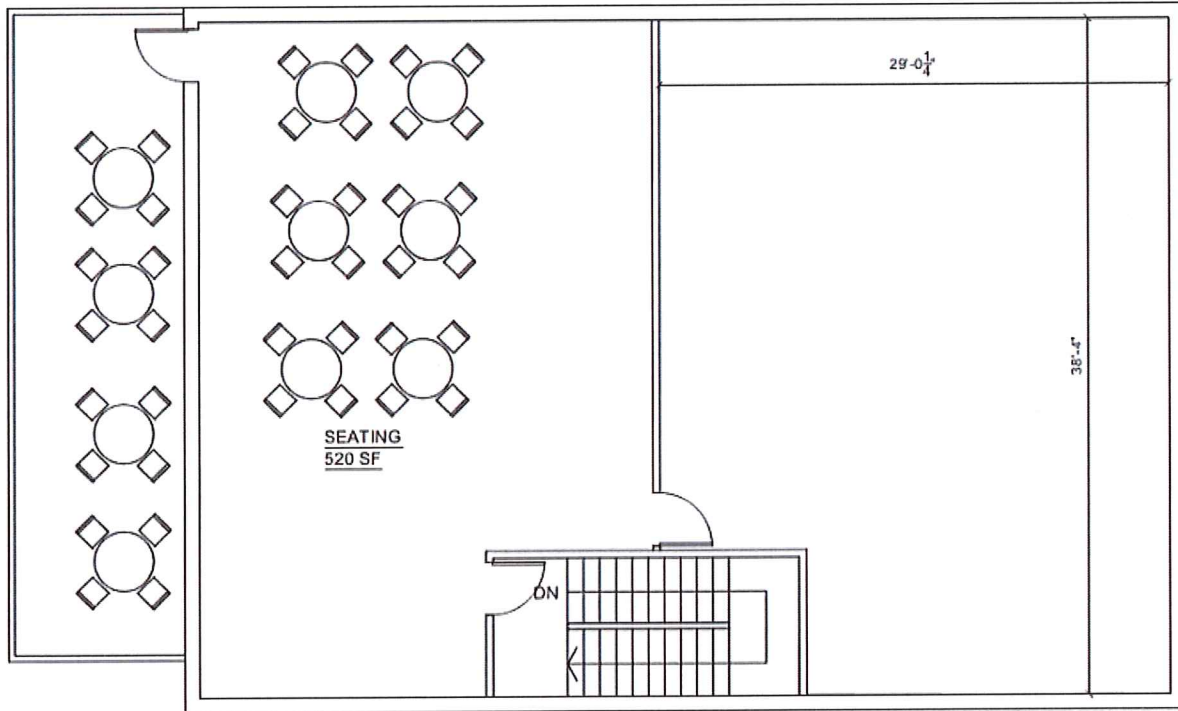
SCALE : 1/8" = 1'0"



534 N 27 ST, LINCOLN, NE

5/13/19

A100



**SECOND FLOOR PLAN** NORTH  
 SCALE : 1/8"=1'0" 

534 N 27 ST, LINCOLN, NE

5/13/19

A100

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## MEMORANDUM

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**TO:** Lincoln-Lancaster County Planning Commission  
**FROM:** Dessie Redmond, Planning Department  
**SUBJECT:** PP18002 Southwest Village Heights 1<sup>st</sup> Addition  
**DATE:** June 12, 2019  
**CC:** Geri Rorabaugh, City of Lincoln  
Mark Palmer, Olsson

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The purpose of this memo is that the applicant has requested this application be put on the hold list as they are working on submitting additional information that is needed based on their request.

---

Lincoln City-Lancaster County Planning Department  
555 S. 10th St., Rm. #213 • Lincoln NE 68508  
Phone: (402) 441-7491 • Fax: (402) 441-6377



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

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

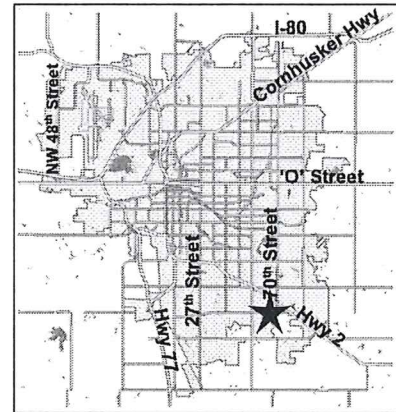
APPLICATION NUMBER Special Permit #19025 - Hannan Place Community Unit Plan	FINAL ACTION? Yes	DEVELOPER/OWNER Vic and Kathleen Hannan
PLANNING COMMISSION HEARING DATE June 26, 2019	RELATED APPLICATIONS Deviation Request to Lincoln Transportation and Utilities (LTU)	PROPERTY ADDRESS/LOCATION 6900 South 66 <sup>th</sup> Street, at approximately South 66 <sup>th</sup> Street and Pine Lake Road

**RECOMMENDATION: DENIAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for a one lot Community Unit Plan (CUP) located at approximately South 66<sup>th</sup> Street and Pine Lake Road. The purpose of the request for the CUP is to be granted permission to build a private roadway with access onto Pine Lake Road for the one lot/dwelling in the CUP. The private roadway will then provide access for both the proposed lot in the CUP, and the property owned by the church adjacent to the east at such time as it redevelops.

Waivers are also requested with the CUP to not be required to submit a grading plan, a drainage plan, sidewalks along the private roadway, and a storm water management plan.



**JUSTIFICATION FOR RECOMMENDATION**

Access to Pine Lake Road for the subject property is contrary to the Access Management Policy. Construction to improve Pine Lake Road in this area is just being completed, and those improvements do not include another driveway for the subject property. The associated deviation request was denied by the Directors of Lincoln Transportation and Utilities (LTU) and Building and Safety, and included both the denial of the location of the access point and the request to not be required to install a necessary right turn lane.

The history of the subject property dates back to 1982 with the approval of the Country Place preliminary plat. The denial of access to Pine Lake Road has been carried forward by subsequent subdivisions involving the subject property. Staff has consistently supported re-subdivision/re-development of this property, but only if the lot being created didn't require its own access to Pine Lake Road. That is still the case today.

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

This site was rezoned to R-1 in 2003, and redevelopment which allows for more urban density residential development in this area is consistent with the Plan. However, arterial streets are primary traffic movers in the city, and the Comprehensive Plan supports limited access (as described in the Access Management Policy) to these facilities, as well as eliminating unnecessary driveways where possible. Allowing a new access point as is being proposed is in conflict with the Plan.

**APPLICATION CONTACT**

Ann Post (402) 475-1075 or  
[apost@baylorevnen.com](mailto:apost@baylorevnen.com)

**STAFF CONTACT**

Brian Will, (402) 441-6362 or  
[bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)

## WAIVERS

- |  |                  |
|--|------------------|
| 1. Drainage study - LMC 27.65.070(o)(8) -                    | Recommend Denial |
| 2. Grading plan - LMC 27.65.070(o)(11) -                     | Recommend Denial |
| 3. Sidewalks along a private roadway - LMC 26.27.020         | Recommend Denial |
| 4. Post construction storm water management plan - LMC 28.03 | Recommend Denial |

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.8 - This site is designated for future urban density residential land uses in the 2040 Lincoln Area Future Land Use Plan .

P. 7.1 - Housing - In existing neighborhoods, preservation, maintenance, and rehabilitation of existing housing should continue to be the focus. Infill and redevelopment needs to respect the street pattern, block sizes, and development standards of the area, such as parking at the rear and porches, windows, and doors on the front street side. Diversity of land uses, including commercial and special needs housing, is important provided the use fits within the character of the block and neighborhood.

P. 7.2 - Neighborhoods and Housing Guiding Principles:

- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.
- Encourage alley access and shared driveways to parking areas in order to reduce interruptions to pedestrian traffic, to preserve on street parking capacity, and to reduce automobile conflict points.

P. 10.35 - Congestion Management - Driveway consolidation/elimination and the addition of turn lanes where needed are components of the larger process of congestion management.

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.

## ANALYSIS

1. This is another attempt by the applicant to gain individual access to Pine Lake Road after being denied previously by the City. The last attempt was in 2003, where the attempt to subdivide the property with a final plat was approved by the City Council, but with the condition that access to the new lot either be off South 66<sup>th</sup> Street, or via use of a shared driveway located on the church property immediately adjacent to the east. The applicant was not willing to create a new driveway back to South 66<sup>th</sup> Street, and claimed that the church was unwilling to grant shared access. There is prior zoning/subdivision history associated with this property dating back to 1982.

2. This application is a request for a special permit for a one-lot CUP served by a private roadway. It is over an area 1.56 acres in size, and is approximately the eastern two-fifths of Lot 1, Country Place 7<sup>th</sup> Addition. This 1.56 acres of land is the subject property of this request.

The CUP only proposes one dwelling unit, along with the creation of a private roadway stub to serve both the one lot and the neighboring church property at such time as it may redevelop.

3. While this is a request for a CUP, one is not necessary to subdivide the lot as proposed. However, a CUP is necessary for the creation of a private roadway (which can only be created as part of a zoning overlay) and is shown as part of the CUP. The private roadway is proposed to provide shared access for the both the new dwelling and the adjacent church property in the future. The adjacent church property currently has a driveway onto Pine Lake Road, while the subject property does not.

4. The subject property has been involved in several plats over the years, they are as follows:

1982 - The original preliminary plat was Country Place, a development plan for the larger area (including the subject tract) was approved. Access to Pine Lake Road was relinquished for the subject tract with the preliminary plat (see Exhibit A).

1986 - The final plat of Country Place Addition was approved. It included the subject tract involved in this request, as well as several other lots in the area (see Exhibit B).

1988 - The final plat of Country Place 7<sup>th</sup> Addition created Lot 1, of which the subject property is a part of. The relinquishment of access to Pine Lake Road for Lot 1 was restated with the final plat of Country Place 7<sup>th</sup> Addition (see Exhibit C).

2003 - The final plat of Hannan Addition was approved by City Council, but upon the condition that access be consolidated on the church property to the east, and that the new lot only be used for a single-family dwelling. The plat expired in 2008 because the applicant never demonstrated the conditions of approval were met. The history of this final plat is attached as Exhibit D.

5. The larger lot, Lot 1, Country Place 7<sup>th</sup> Addition, is developed with a single-family which was built in 1987. After the failed attempt to subdivide the lot in 2003 to split off the subject property as its own lot, a condominium regime was created by the applicant and ownership interest in the approximate western two-thirds of the lot was sold off. The applicant retained ownership interest in the remainder of the lot with the intent of someday constructing a dwelling on it.
6. Access for the proposed lot has been denied because Pine Lake Road is an arterial street, and it is contrary to the City's Access Management Policy to allow new access points at locations other than those specified. In general, those locations for access points are limited to the 1/8 (660'), 1/4 (1,320'), and 1/2 (2,640') mile locations. In this case, the church property has a driveway at approximately 750' from the center line of South 70<sup>th</sup> Street, where this request seeks to locate another access point at approximately 850'. The CUP then anticipates the church property taking access to this new roadway, which effectively moves the 1/8 mile access from 750' to 850' and further from the 660' standard. Until the church property redevelops, there will be two access points onto Pine Lake Road less than 100' away from one another.
7. As proposed, the church property's driveway would go away upon redevelopment and the 1/8 mile access point would be located upon the Hannan property instead of the church property. The church will be notified of this zoning request as part of the City's notification process, but the level of their understanding of the implication of this request is not known. Up to this point the Planning Department has not been contacted by the church property owner, so that owner's reaction to this proposal is not known.
8. The subject property has a zoning/subdivision history that dates back to 1982. The full history is detailed in the Application History section later in this report. Also, the documents associated with last request from 2003 are attached to provide a sense of the background and history of this request as Exhibit D.
9. The applicant has requested four waivers, one to Title 26 and one to Title 27. They are as follows:
  - a. Drainage study - LMC 27.65.070(o)(8).

The CUP itself only contains one lot and allows only one dwelling. Due to the limited nature of the development, and separate drainage study would not be warranted.
  - b. Grading plan - LMC 27.65.070(o)(11).

As with the drainage study, the limited scope of the CUP would not warrant a grading plan.
  - c. Sidewalks along a private roadway - LMC 26.27.020  

Given the proposal is for the private roadway to provide shared access for the new lot and for the church property, it needs to accommodate the redevelopment of the church property. That is, shared access will only occur when the church property redevelops and access to Pine Lake Road is relinquished. There are sidewalks along Pine Lake Road, so at least the church property should have pedestrian access via a sidewalk on the east side of the private roadway.
  - d. A post construction storm water management plan - LMC 28.03  

As with the drainage study and grading plan, due to the limited nature of the development this plan would not be warranted.
10. There is an associated deviation request that was submitted requesting both the roadway access onto Pine Lake Road, and to not be required to build a right turn lane. The request was denied by the Director's of LTU and Building and Safety. Denial of that request serves as the primary basis for the recommendation of denial on this application. A copy of that request is attached to this report.



## APPLICATION HISTORY - SPECIAL PERMIT 19025

- Jul 1982 The Country Place Preliminary Plat PP#82604, which included the subject property, was approved and relinquished access to Pine Lake Road.
- Oct 1986 The final plat of Country Place Addition FP#86502, which included the subject property, was approved but made no mention of access to Pine Lake Road.
- Apr 1988 The final plat of Country Place 7<sup>th</sup> Addition FP#88210 was approved. This plat expanded the subject lot by approximately 30', and relinquished access to Pine Lake Road.
- Oct 2002 The Planning Department issued the director's letter for AFP#02071 Hannan Addition final plat. The letter noted that access to Pine Lake Road had previously been relinquished and so the owner would need to show how access was provided to both lots being created. This requirement was never satisfied and the plat expired on July 6, 2008.
- Aug 2003 The owner submitted the final plat of FPPL#03014 Hannan Addition for consideration by the Planning Commission and City Council - essentially a resubmittal of AFP02071. Because the original preliminary plat had been approved by the City Council and included the relinquishment of access, the Law Department determined that the condition could only be reversed by the City Council. The City Council approved this final plat subject to the condition that "The owners provide the necessary easement and consolidate the existing access to Lot 1, Country Place 22<sup>nd</sup> Addition to the east of Lot 2, Hannan Addition; and (2) agree the access provided to Lot 2, Hannan Addition be restricted to an access for one single-family dwelling." This final plat also expired on July 6, 2008 due to the inability of the owner to satisfy the conditions of approval.
- Aug 2003 A change of zone request CZ#3385 from AGR to R-1 was associated with FPPL#03014. Because of the 3-acre lot area minimum of the AGR zoning district, a change of zone to R-1 was required to allow the two sub 3-acre lots being proposed by the final plat. This request was approved, but it was noted in the report that access to the lots would not be onto Pine Lake, and that the owner had to show how access would otherwise be accommodated.

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #19025

1. Per Section 27.63.320 this approval permits a Community Unit Plan for one lot and one dwelling unit with waivers to a drainage study, a grading plan, a post construction storm water management plan, and to only require a sidewalk along the east side of the private roadway.

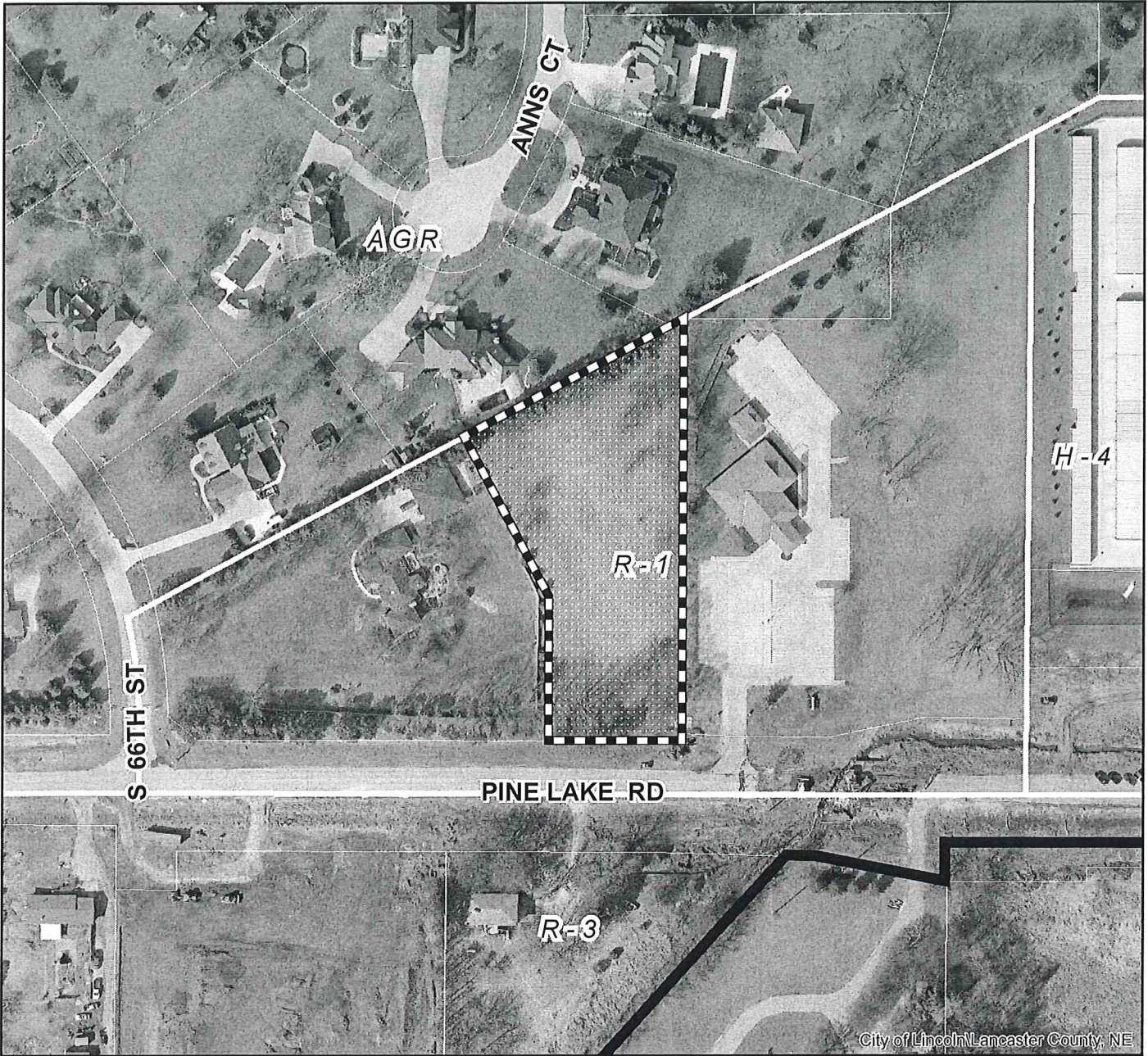
### Site Specific Conditions:

1. 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 to the CUP site plan:
    - 1.1.1 Correct the lot numbering to show the subject property as Lot 2.
    - 1.1.2 The width of the private roadway needs to be shown as 24' to allow for two-way traffic.
    - 1.1.3 Show the tree removal to match the wider roadway.
    - 1.1.4 Update the waiver table to indicate a sidewalk is waived only on the west side of the private roadway.
    - 1.1.5 Show the private roadway in an outlet.
    - 1.1.6 Delete the portion of General Note #7 which requires the owner of Lot 1, Country Place 22<sup>nd</sup> Addition to assume all maintenance responsibilities of the private roadway.
2. Prior to building permits:
  - 2.1 A final plat including all of Lot 1, County Place 7<sup>th</sup> Addition is approved.
  - 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.

### Standard Conditions:

3. The following conditions are applicable to all requests:
  - 3.1 Before occupying the dwelling unit all development and construction shall substantially comply with the approved plans.
  - 3.2 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.
  - 3.3 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.

- 3.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, 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 therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.



City of Lincoln \ Lancaster County, NE

2018 aerial

**Special Permit #: SP19025**  
**Hannan CUP**  
**S 66th St & Pine Lake Rd**




**Zoning:**

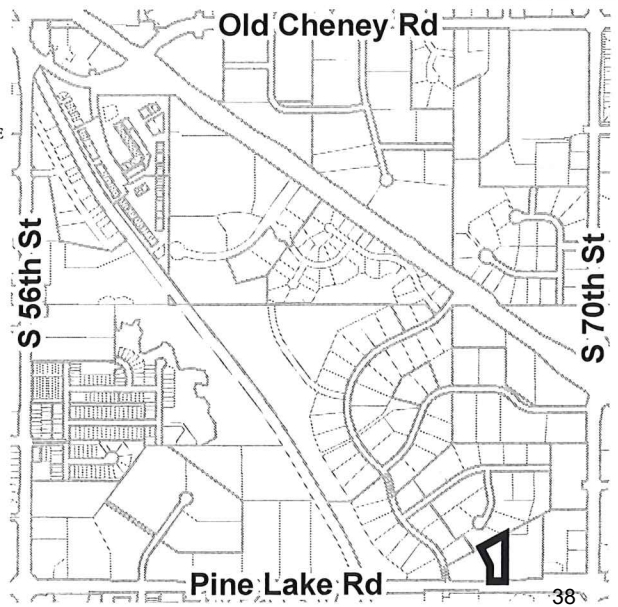
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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

PDF: F:\Boards\PC\Internet\out  
 File: F:\Dev\Review\Planner\Packet\MXD\Agenda\drawings.mxd (SP19025)

**One Square Mile:**  
**Sec. 16 T09N R07E**



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





Randall L. Goyette [IA]\*  
Stephen S. Gealy  
Dallas D. Jones  
David A. Dudley  
Brenda S. Spilker  
Timothy E. Clarke [IA]\*  
Robert S. Lannin [KS, MO]\*

Andrew M. Loudon  
Christina L. Ball [KS]\*  
Jenny L. Panko  
Caroline M. Westerhold [IA]\*  
Jarrod P. Crouse  
Jennifer S. Caswell [CO]\*  
Paul T. Barta [IA]\*

Torrey J. Gerdes [IA]\*  
Brett E. Ebert [IA]\*  
Emily R. Motto [IA]\*  
Michael D. Reisbig [IA]\*  
Susan M. Foster  
Thomas B. Shires [IA]\*  
Ann K. Post

Kara E. Brostrom  
Christopher M. Schmidt  
Eric J. Sutton [IA]\*  
Phoebe L. Gydesen  
Katherine Q. Martz [IA]\*  
Jenna M. Christensen

Of Counsel:  
Robert T. Gritit  
Donald R. Witt  
Walter E. Zink II  
W. Scott Davis  
Peter W. Katt  
Mark A. Hunzeker  
\*Admitted In Other States

June 5, 2019

*Delivered via Hand Delivery and via email to [cblahak@lincoln.ne.gov](mailto:cblahak@lincoln.ne.gov) and [mesposito@lincoln.ne.gov](mailto:mesposito@lincoln.ne.gov)*

~~Chad Blahak  
Director, Building and Safety  
555 S 10<sup>th</sup> Street  
Lincoln, NE 68508~~

~~Miki Esposito  
Director, Transportation and Utilities  
555 S 10<sup>th</sup> Street  
Lincoln, NE 68508~~

RE: Request for Deviation

Dear Mr. Blahak and Ms. Esposito:

Our office represents Vic and Kathleen Hannan, owners of Hannan Place Condominium, Unit #2 (“Property”) located at approximately 66<sup>th</sup> and Pine Lake Road. The Hannan’s currently live in Kansas but their intent is to build their retirement home on the Property and relocate to Lincoln. To do this, first they need to obtain access to the Property via Pine Lake Road. Enclosed is our City of Lincoln Request for Deviation, requesting a deviation of the City of Lincoln Access Management Policy (“Policy”). This request is intended for simultaneous consideration with the Community Unit Plan, Application Number SP19025 (“CUP”).

The Hannan’s are requesting a deviation from the Policy to allow private roadway access to Pine Lake Road that is less than 660 feet from adjacent connections. However, this connection is intended to replace an existing nonconforming connection and aligns with goals of the Policy by replacing an individual access point to create an access shared by multiple owners all without materially increasing delay or congestion or otherwise affecting the safety of the motoring public.

The proposed CUP creates a private roadway on the Property that provides access to Pine Lake Road from the Property and would eventually replace the private driveway of the adjoining property to the east. The CUP does this by dedicating a private roadway, creating a public access easement over the private roadway, and creating a driveway easement for the adjoining property to the east to take access from the private roadway. Additionally, the Hannan’s have agreed to pave 48’ of the private roadway to city specifications and restrict the Property to use for one single family dwelling.

This resolution enables infill development increasing density and utilizing a valueless parcel. It creates the means for future consolidation of access and elimination of an access driveway on Pine Lake Road all with minimal impact. This driveway will be right-in right out only, with uses limited to one single family home and church uses, neither of which generate traffic during peak times.

**Omaha Office**  
619 North 90<sup>th</sup> Street  
Omaha, NE 68114  
Phone 402.934.5468

**Lincoln Main Office**  
Wells Fargo Center  
1248 O Street, Suite 600, Lincoln, NE 68508  
Phone 402.475.1075 | Fax 402.475.9515

**Syracuse Office**  
920 12th Street  
Syracuse, NE 68446  
Phone 402.269.3200

This plan as presented is the culmination of sixteen years of efforts to gain access to the Property, including generous offers to the owners of adjoining parcels for access easements and extensive discussions with the City of Lincoln Department of Transportation and Utilities, Planning Department, and Law Department. In the end, this solution furthers the infill and density goals of the comprehensive plan without a material negative impact on congestion, delay, or the safety of the motoring public.

We appreciate your consideration Request for Deviation. If you have any questions or need additional information please do not hesitate to contact me.

Sincerely,



Ann K. Post  
For the Firm  
APost@bayloreven.com

✓ CC: Brian Will, City of Lincoln Planning

Enclosure

APO/apo

2505008

**Requests for Waiver**  
**Hannan Community Unit Plan**

We are requesting the following waivers:

1. Waiver of the requirement for a drainage study (LMC 27.65.070(o)(8))

This project is limited in scope and will have no material impact on drainage in the watershed basin.

2. Waiver of the requirement for a site grading plan (LMC 27.65.070(o)(11))

No material grading is proposed or anticipated in this project.

3. Waiver of requirement for sidewalks along a private roadway (LMC 26.27.020)

The proposed private roadway serves one single family residence until such time as the eastern adjoining lot converts to commercial use. This project is not anticipated to generate material pedestrian traffic.

4. Waiver of Post Construction Storm Water Management Plan (LMC 28.03)

Though the proposed project is greater than one acre, the anticipated construction of a single family dwelling will generate less than one acre of construction activity.



UNIT #2

A legal description of a part of Lot 1, Block 1, Country Place 7<sup>th</sup> Addition located in the Southeast Quarter of Section 16, Township 9 North, Range 7 East of the 6<sup>th</sup> P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

Referring to the Southeast corner of Southeast Quarter of said Section 16, THENCE in a Westerly direction along the South line of the Southeast Quarter of said Section 16, on an assumed bearing of North 90 degrees 00 minutes 00 seconds West for a distance of 819.41 feet.

THENCE North 00 degrees 01 minutes 54 seconds East for a distance of 55.00 feet to the Point of Beginning.

THENCE continuing said bearing of North 00 degrees 01 minutes 54 seconds East for a distance of 434.57 feet to the Northeast corner of said Lot 1, Block 1, Country Place 7<sup>th</sup> Addition

THENCE South 61 degrees 41 minutes 40 seconds West for a distance of 261.13 feet

THENCE South 28 degrees 14 minutes 55 seconds East for a distance of 178.89 feet

THENCE South 00 degrees 00 minutes 00 seconds East for a distance of 148.16 feet

THENCE South 90 degrees 00 minutes 00 seconds West for a distance of 360.00 feet

THENCE South 51 degrees 26 minutes 38 seconds East for a distance of 8.02 feet to a point 55.0 feet North of the South line of the Southeast Quarter of said Section 16

THENCE North 90 degrees 00 minutes 00 seconds East for a distance of 498.73 feet to the Point of Beginning

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 1.56 acres more or less



**PUBLIC WORKS & UTILITIES DEPARTMENT**  
555 South 10th Street Suite 208 Lincoln, NE 68508  
lincoln.ne.gov

June 13, 2019

Ann K. Post, Esq.  
Baylor Evnen, LLP  
Wells Fargo Center  
1248 O Street, Suite 600  
Lincoln, NE 68508

RE: Request for Deviation

Dear Ms. Post:

We received the attached Request for Deviation dated June 6, 2019 regarding the proposed Hannan Place Condominium, Unit #2 located at approximately 66<sup>th</sup> and Pine Lake Road. The specific request is to allow private roadway access to Pine Lake Road that is less than 660 feet from adjacent connections and the absence of turn lanes.

We are denying the request for the following reasons:

- 1) According to the 1988 Administrative Final Plat under the section entitled DEDICATION, the right of direct vehicular access to Pine Lake Road from Lot 1 was relinquished.
- 2) While the intent of the request is to replace an existing connection to Pine Lake Road of the adjoining property to the east, the City has no information or assurances that the adjacent property owner to the east agrees to relinquish their property right to that access in exchange for a newly constructed private roadway.
- 3) Finally, we have concerns about the lack of a right turn lane to serve the proposed connection.

We understand that there were questions regarding which Director had administrative authority for approval/denial of this particular request. While we believe the request for a private roadway access is under the purview of the Director of Transportation and Utilities, we have coordinated closely with the Building and Safety Director as well.

Should you have any questions about the denial, please contact Bob Simmering in LTU at (402) 525-5617 or Brian Will in the Planning Department at (402) 441-6362.

Sincerely,

Handwritten signature of Miki Esposito in black ink.

Miki Esposito, Director  
Transportation and Utilities

Handwritten signature of Chad Blahak in black ink.

Chad Blahak, Director  
Building and Safety

## Request for Deviation

A request for deviation must be complete and submitted in writing to the Director of Lincoln Transportation and Utilities or designee and may be approved if it meets the requirements set forth in the City of Lincoln Access Management Policy. The Director of Lincoln Transportation and Utilities has five (5) working days from receipt of a completed form to approve or deny such request. The Lincoln Transportation and Utilities Director reserves the right to request additional information from the Applicant in order to make a determination.

Property Owner: Vic Hannan and Kathleen Hannan f/k/a/ Kathleen Hoyt

Applicant Name: Ann K. Post

Contact Phone: 402-475-1075 Email: apost@baylorevnen.com

Property Address/Location: East of 66th and Pine Lake Road; Hannan Place Condominium, Unit #2, Lincoln, Lancaster County, NE

**Deviation(s) Requested:**

Request private roadway access to Pine Lake Road as depicted in the enclosed site plan. Deviations include access to Pine Lake Road less than 660 ft. from adjacent connections and without turn lanes.

**Justification for deviation(s):**

Please see the enclosed letter

Signature Ann K Post Date 6/6/2019

Attach maps, drawings, and other information to aid in understanding the request for deviation.

**Transportation and Utilities Use Only**      **Comments:** \_\_\_\_\_

Date Received: \_\_\_\_\_

Deviation:     Approved     Denied

\_\_\_\_\_  
Date \_\_\_\_\_

Director, Transportation and Utilities

cc:    Building and Safety (if request involves a single or two-family residential unit)  
      Nebraska Department of Roads (if involving a State Highway)  
      Planning Department

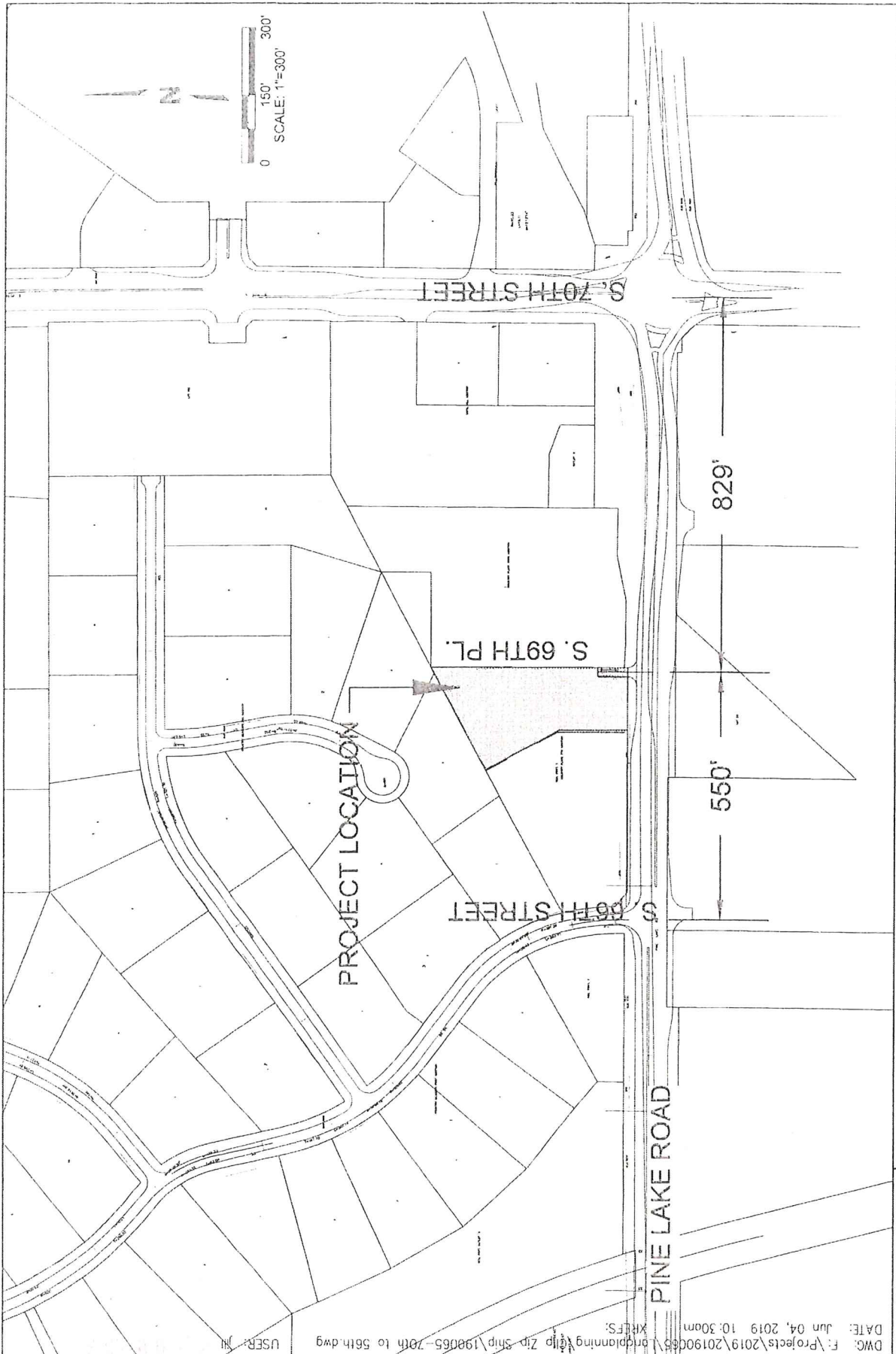


EXHIBIT  
1

**Civil Design Group, Inc.**  
 6535 EXECUTIVE WOODS DR., SUITE 200  
 Lincoln, Nebraska 68512  
 Ph. 402-434-8484 Fax 866-215-8747  
 www.civildg.com

**CONSULTING ENGINEER** LAND USE PLANNERS  
**CIVIL DESIGN** SITE DEVELOPMENT PLANNING AND ZONING

**DEVIATION EXHIBIT  
 HANNAN CONDOMINIUM UNIT 2  
 LINCOLN, NEBRASKA**

drawn by: JDS  
 checked by: -  
 project no.: 2019-0065  
 date: 06/04/2019

## Brian Will

---

**Subject:** FW: Request for Deviation: Hannan Community Unit Plan

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**From:** Randy W. Hoskins

**Sent:** Friday, June 07, 2019 9:21 AM

**To:** Chad E. Blahak <[cblahak@lincoln.ne.gov](mailto:cblahak@lincoln.ne.gov)>; Miki M. Esposito <[MEsposito@lincoln.ne.gov](mailto:MEsposito@lincoln.ne.gov)>

**Cc:** Brian Will <[bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)>; Tim S. Sieh <[TSieh@lincoln.ne.gov](mailto:TSieh@lincoln.ne.gov)>; Steve S. Henrichsen <[shenrichsen@lincoln.ne.gov](mailto:shenrichsen@lincoln.ne.gov)>; Robert K. Simmering <[RSimmering@lincoln.ne.gov](mailto:RSimmering@lincoln.ne.gov)>; Mark E. Lutjeharms <[MLutjeharms@lincoln.ne.gov](mailto:MLutjeharms@lincoln.ne.gov)>; Lonnie J. Burklund <[LBurklund@lincoln.ne.gov](mailto:LBurklund@lincoln.ne.gov)>

**Subject:** RE: Request for Deviation: Hannan Community Unit Plan

The applicant proposes to add a new access point approximately 60' from an existing access, both of which could be kept in perpetuity. The Access Management Policy requires a minimum separation distance of 660' between access points. The new access point would also be approximately 550' from existing 66<sup>th</sup> Street. With the current Pine Lake Road construction project, LTU has eliminated and combined access points, in keeping with the Access Management Policy. To add a non-conforming access point prior to the project even being finished is a step backwards in access management.

The lack of a right turn lane being installed on this arterial street creates the biggest concern. While the request points out that for right now it would be just a single family home and a church using the access, both of which would be non-peak hour users, that can change at any time. The church could add a daycare or school facility, which could bring in several hundred children being dropped off and picked up during peak hours. There is also the fact that half of the church property is currently vacant and could be used for any number of purposes.

LTU also has concerns that the applicant is proposing to only build the new private street 48' north of Pine Lake Road. With the Pine Lake Road project, LTU reconstructed 43' of the church driveway just to connect it back to their existing driveway. From the proposed drawing, it is unclear how far the "right-of-way" for the private street extends, but as a minimum, it would need to be available to connect directly to the existing parking lot via a straight east/west driveway. There is also a question as to what rights the church would have to construct additional street within the public access easement if only 48' are constructed at this time.

**Randy Hoskins, P.E.**

Assistant City Engineer | Transportation  
City of Lincoln Transportation and Utilities  
M: 402-450-1216

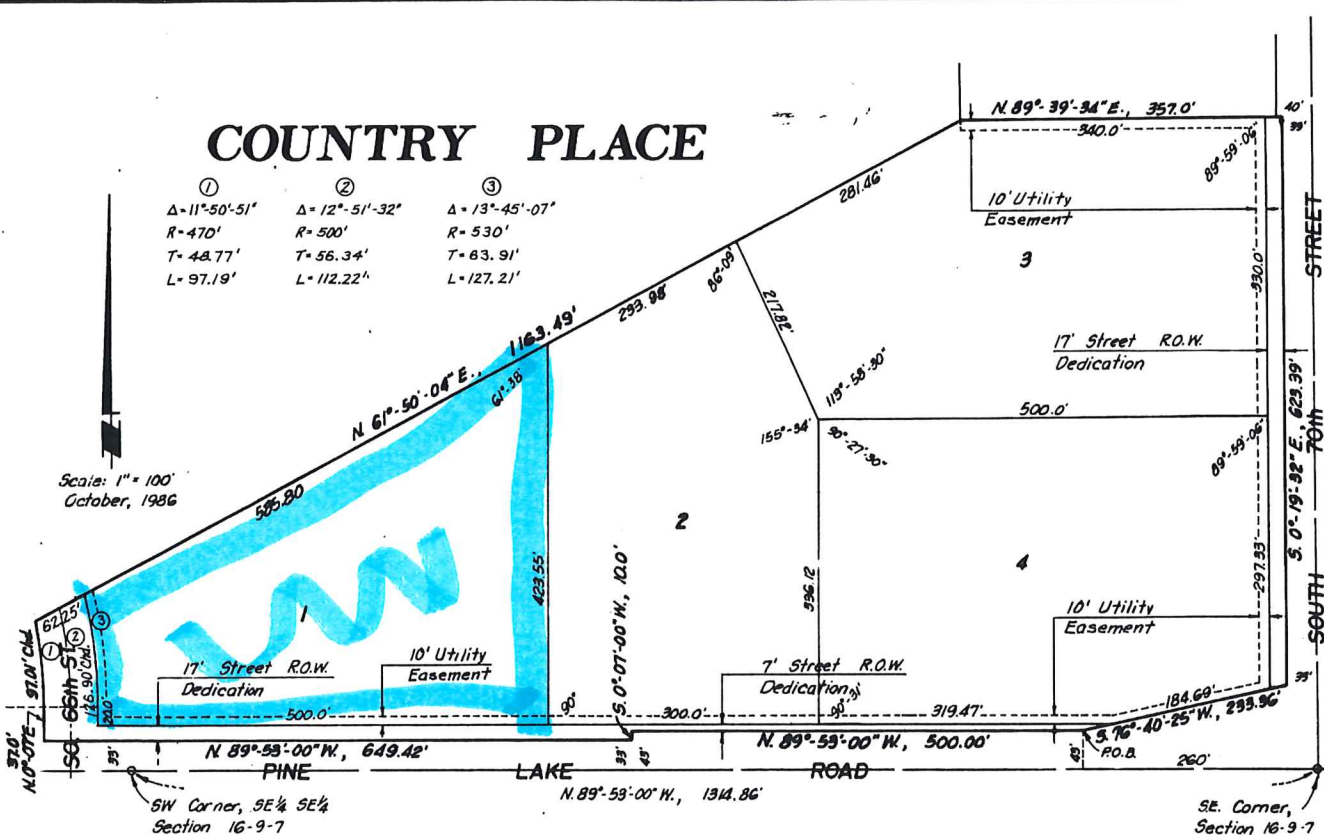


EXHIBIT B

COUNTRY PLACE

①	②	③
$\Delta = 11^{\circ}50'51''$	$\Delta = 12^{\circ}51'32''$	$\Delta = 13^{\circ}45'07''$
$R = 470'$	$R = 500'$	$R = 530'$
$T = 44.77'$	$T = 56.34'$	$T = 63.91'$
$L = 97.19'$	$L = 112.22'$	$L = 127.21'$

Scale: 1" = 100'  
October, 1986



DEDICATION

The foregoing plat, known as "COUNTRY PLACE," and as described in the Surveyor's Certificate is made with the free consent and in accordance with the desire of the undersigned, sole owner, and the easements shown thereon are hereby granted in perpetuity to the City of Lincoln, Nebraska, a municipal corporation, The Lincoln Telephone and Telegraph Company, TV Transmission, Inc., Minnegaseo, their successors and assigns, to allow entry for the purpose of construction, reconstruction, replacement, repair, operation and maintenance of wires, cables, conduits, fixtures, poles, towers, pipes, and equipment for the distribution of electricity and gas; telephone and cable television; wastewater collectors; storm drains; water mains; and all appurtenances thereto, over, upon, or under the easements as shown on the foregoing plat. The construction or location of any building or structure, excluding fences, over, upon, or under any easement shown thereon shall be prohibited.

The City of Lincoln, its successors or assigns are hereby held harmless for the cost of replacement or damage to any improvement or vegetation over, upon, or under any easement shown thereon.

The streets shown thereon are hereby dedicated to the public.

Witness my hand this 21 day of Oct, 1986

By William G. Krein  
William G. Krein, President  
Townhouse, Inc.

ACKNOWLEDGEMENT



STATE OF NEBRASKA } SS  
LANCASTER COUNTY }

On this 21 day of Oct, 1986, before me the undersigned, a Notary Public, duly commissioned, qualified for and residing in said county, personally came William G. Krein, President of Townhouse, Inc., to me personally known to be the identical person whose name is affixed to the dedication of this plat and he acknowledged the same to be his voluntary act and deed and the voluntary act and deed of said Townhouse, Inc., and that the corporate seal of said corporation was affixed thereto by its authority.

Rodney Scott Henley  
Notary Public

My Commission expires the 27 day of Oct, 1987

APPROVAL

The foregoing plat was approved by the Lincoln City-Lancaster County Planning Commission on this 17th day of November, 1986.

ATTEST: Thomas Peter Chairman

ACCEPTANCE

The foregoing plat and dedication was approved and accepted by the City Council of the City of Lincoln, Nebraska, by Ordinance No. 14877, passed the 23rd day of March, 1987.

ATTEST: Paul A. M. [Signature] City Clerk

SURVEYOR'S CERTIFICATE

I hereby certify that I have accurately surveyed and staked out the foregoing plat of "COUNTRY PLACE", a Subdivision of part of Lot 24 I.T., and part of Lot 113 I.T., in the S.E. 1/4 of Section 16, T. 9 N., R. 7 E., of the 6th P.M., Lancaster County, Nebraska, and more particularly described as follows:

- Commencing at the southeast corner of said Section 16, and extending thence N. 89°-53'-00" W., along the south line of said Section 16, for a distance of 260.0 feet;
- thence N. 0°-07'-00" E., for a distance of 43.0 feet to a point on the north right-of-way line of Pine Lake Road, the point of beginning;
- thence N. 89°-53'-00" W., along said right-of-way line for a distance of 500.0 feet;
- thence S. 0°-07'-00" W., for a distance of 10.0 feet;
- thence N. 89°-53'-00" W., for a distance of 649.42 feet;
- thence N. 0°-07'-00" E., for a distance of 37.0 feet to the point of curvature of a circular curve to the left having a central angle of 11°-50'-51", a radius of 470.0 feet; and a tangent length of 48.77 feet;
- thence along the arc of said circular curve, 97.19 feet to the point of tangency;
- thence N. 61°-50'-04" E., for a distance of 1163.49 feet to the southwest corner of Lot 112, I.T.;
- thence N. 89°-39'-34" E., along the south line of said Lot 112 for a distance of 357.0 feet to the west right-of-way line of South 70th Street;
- thence S. 0°-19'-32" E., along said right-of-way, for a distance of 623.39 feet;
- thence S. 76°-40'-25" W., for a distance of 233.36 feet to the point of beginning, containing 14.96 acres, more or less.

Permanent monuments (Iron Pipe) have been placed at all lot corners, street intersections, points of curvature, centerline points of tangency, and at all other points required by the City of Lincoln, Land Subdivision Ordinance, Title 26 of the Lincoln Municipal Code.

All dimensions are chord measurements unless shown otherwise, and are in feet or decimals of a foot.

Signed this 12th day of November, 1986.



Lyle L. Loth  
Lyle L. Loth  
L.S. 314

178A  
2092  
INDEXED  
MICRO-FILED  
GENERAL  
7-738  
41-525  
INST. NO. 87 11531 9240



**EXHIBIT D – DOCUMENTS RELATING TO THE FINAL PLAT OF HANNAN ADDITION  
2003 - 2008**



Lincoln-Lancaster County 555 South 10th Street / Suite 213 Eugene W. Carroll, Chair  
Planning Department Lincoln, Nebraska 68508 City-County  
Marvin S. Krout, Director 402-441-7491 / fax: 402-441-6377 Planning Commission



MAYOR CHRIS BEUTLER

lincoln.ne.gov

May 30, 2008

Mark Hunzeker  
Attorney at Law  
1248 O Street, Suite 600  
Lincoln, NE 68508

RE: **Administrative Final Plat No. 02071 - Hannan Addition**  
**and Final Plat No. 03014 - Hannan Addition**  
(S. 56<sup>th</sup> & Pine Lake Road)

Dear Mark:

The Lincoln City Council has adopted ordinances that allow the Planning Department to close the files on applications which have become inactive. The above-referenced application for an administrative final plat will automatically expire and become null and void on **July 6, 2008**, unless the conditions of approval set forth in the Planning Director letter dated October 28, 2002, and the agreement of joint access with the church to the east pursuant to letter dated June 3, 2005 (attached) are satisfied.

If you have any questions, please do not hesitate to contact the project planner, Brian Will, at 441-6362.

Sincerely,

  
Marvin S. Krout  
Director of Planning

q:\shared\wp\jlu\expiration letters\AFP.02071 and FP.03014.second notice





**CITY OF LINCOLN  
NEBRASKA**

MAYOR COLEEN J. SENG

lincoln.ne.gov

Lincoln-Lancaster County  
Planning Department  
Marvin S. Krout, Director

Mary F. Bills-Strand, Chair  
City-County Planning Commission

555 South 10th Street  
Suite 213

Lincoln, Nebraska 68508

402-441-7491

fax: 402-441-6377

June 3, 2005

Vic and Kathleen Hannon  
6900 South 66<sup>th</sup> Street  
Lincoln, NE 68516

RE: Hannon Addition - Final Plat #03014

Dear Mr and Mrs. Hannon:

The City Council approved access to Pine Lake Road for Lot 2, Hannon Addition on September 8, 2003, with the condition that access to Lot 2 be consolidated with the existing access to Lot 1, Country Place 22<sup>nd</sup> Addition.

To date, verification of the consolidation of access has not been provided, and as a result the final plat of Hannon Addition was neither signed by the Planning Commission Chair nor recorded with the Register of Deeds. Also please note that since the final plat was originally submitted, the Planning Director has been granted the authority to approve final plats, and the final plat must be revised to include the director's signature block.

Please advise the Planning Department of your intention regarding the final plat. If you do not intend to proceed with approval of the final plat, please request that the plat be withdrawn so that the file may closed-out.

If you have any questions, please do not hesitate to contact Brian Will at 441-6362, or at [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov).

Sincerely,

Marvin S. Krout  
Director of Planning

xc: Brian Carstens, 601 Old Cheney Road, Lincoln, NE 68512  
Mark Hunzeker, PO Box 95019, Lincoln, NE 68508  
Dennis Bartels, Public Works  
Rick Peo, Law Department

F:\FILES\PLANNING\PC\FP\03000\FP03014 Hannon Addition.ltr.bjw.wpd



October 28, 2002

Brian Carsténs  
Brian Carstens and Associates  
601 Old Cheney Road, Suite C  
Lincoln, NE 68512

RE: Administrative Final Plat #02071- Hannan Addition

Dear Brian:

Sections 26.11.015 and 26.11.017 of the Lincoln Municipal Code (the Land Subdivision Ordinance), provides that the plat shall be accurately, and legibly drawn to a scale that clearly shows all pertinent information. Those provisions are not met by your submittal dated October 3, 2002. When your plat includes all the required information and substantially complies with the requirements of the Land Subdivision Ordinance and the Adopted Design Standards, your project can be approved.

1. The Public Works Department survey check review has not yet been received. It will be forwarded to you when received by the Planning Department and you will be required to make any corrections noted.
2. Complete the installation of sidewalks along the north side of Pine Lake Road and the east side of South 66<sup>th</sup> Street or post a surety in the amount of \$8,280 to guarantee the completion of the sidewalks, then the sidewalks shall be completed within four (4) years following the approval of this final plat.
3. If you proceed with the plat showing Lot 2 taking access to Pine Lake Road, you must post a surety in the amount required to pay for one-half the cost of local street paving to improve Pine Lake Road including curb and gutter, and grading Pine Lake Road to its full width adjacent to the plat. When the cost of this improvement has been provided to the Planning Department from the Public Works and Utilities Department, it will be forwarded to you.
4. The Public Works and Utilities review noted that access to Pine Lake Road was relinquished with Country Place 7<sup>th</sup> Addition final plat. Recommend that the plat be revised to show an alternate lot layout that allows both lots to front upon and take access to South 66<sup>th</sup> Street. If this alternate layout is used, you will be responsible for the cost of installing curb and gutter, and grading Pine Lake



Road to its full width adjacent to this plat. You must post a surety in the amount required to pay for curb and gutter, and grading Pine Lake Road to its full width adjacent to the plat. When the cost of this improvement has been provided to the Planning Department from the Public Works and Utilities Department, it will be forwarded to you. If access to Pine Lake Road is relinquished with this plat, you will not be required to pay for one-half the cost of local street paving to improve Pine Lake Road adjacent to the plat as noted in #3 above.

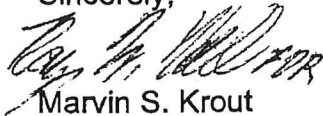
5. If access to Pine Lake Road is relinquished, revise the 19<sup>th</sup> line in the dedication to state "Direct vehicular access to Pine Lake Road is hereby relinquished."
6. Post a surety in the amount required to pay the connection fee to the sanitary sewer in Pine Lake Road. When the cost of this improvement has been provided to the Planning Department from the Public Works and Utilities Department, it will be forwarded to you.
7. The 24" water main in Pine Lake Road cannot be tapped to provide service to proposed Lot 2. Show how water service will be provided to this lot.
8. The street tree plan is being reviewed by the Parks and Recreation Department, and you will be required to complete the planting of the street trees along Pine Lake Road or post a surety in an amount to be determined by the Parks and Recreation Department to guarantee the planting of the trees, then the trees shall be planted within four (4) years following the approval of this final plat.
9. Add the standard street dedication statement to the "Dedication".
10. Show utility easements requested by the October 10, 2002 L.E.S. review. You may review the easements at the Planning Department.
11. Change of Zone #3385 must be approved by the City Council before this administrative final plat can be approved.
12. Submit a statement from the County Treasurer's office that there are no delinquent taxes against the land within the proposed subdivision and there are no liens for taxes which have been levied but which are not yet delinquent, and a statement that all special assessment installment payments are current as applied to said proposed subdivision.
13. Provide a ½ inch blank margin around the edge of the plat.

14. All affidavits, certificates, acknowledgments, dedication, notary seals, and lien holder consent and subordination shall be signed with **opaque black ink**.
15. Submit the fee to record the plat in the Lancaster County Register of Deeds. The fee is determined at \$.50 per existing lot and per new lot, plus \$20.00 per plat sheet. Other documents will add to the fee. Should there be other documents to file, please contact the Register of Deeds. The check should be payable to the Lancaster County Register of Deeds.
16. Submit the administrative final plat and three (3) copies to the Planning Department.

All information required to be submitted with a final plat is described in Sections 26.11.015 and 26.11.017 of the Land Subdivision Ordinance. An application will be processed as soon as all required information is submitted. Please find attached reports from other departments who reviewed your plans.

We are committed to working with you as you proceed through your development review. Please contact Brian Will at 441-6362 if you have any questions.

Sincerely,



Marvin S. Krout  
Director of Planning

xc: Vic and Kathleen Hannan, 6900 South 66<sup>th</sup> Street, Lincoln, NE 68516  
Dennis Bartels, Public Works  
Steve Nosal, Parks & Recreation  
Ray Hill, Planning  
File

I:\AFP\PD02071.bjw.wpd

43



03R-230

Introduce: 8-18-03

RESOLUTION NO. A- 82315

AMENDED 9/8/03

1 WHEREAS, Vic and Kathleen Hannan (Owners) have submitted the  
2 administrative final plat of Hannan Addition consisting of two residential lots for  
3 acceptance and approval; and

4 WHEREAS, said administrative final plat presently cannot be approved as  
5 access to Pine Lake Road was relinquished with the approval of Country Place Addition  
6 and Owners now request that said relinquishment be released to allow access to Pine  
7 Lake Road from Lot 2 of the final plat of Hannan Addition; and

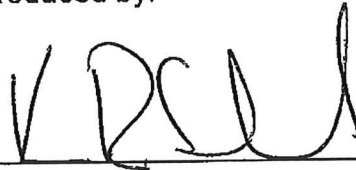
8 WHEREAS, the Lincoln City - Lancaster County Planning Commission  
9 has reviewed said request and recommends that access to Pine Lake Road be allowed  
10 for Lot 2 provided that such access is restricted to a single access for one single-family  
11 dwelling and that a common access easement be established with the church to the  
12 east at the time of widening of Pine Lake Road.

13 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
14 Lincoln, Nebraska:

15 That the relinquishment of access to Pine Lake Road is hereby released  
16 to allow access to Lot 2, Hannan Addition, provided that Owners provide the necessary  
17 to allow access to Lot 2, Hannan Addition, provided that Owners agree to enter into a-  
easement and consolidate the access to Lot 2, Hannan Addition with  
subdivision agreement with the City of Lincoln whereby Owners agree (1) that such -  
18 the existing access to Lot 1, Country Place 22nd Addition to the east  
access shall be restricted to a single access for one single-family dwelling; (2) that such  
of Lot 2, Hannan Addition; and (2) agree that access provided to Lot 2,  
Hannan Addition be restricted to an access for one single-family  
dwelling.

1 ~~access may be consolidated with the access for the church east of Lot 2, Hannan-~~  
2 ~~Addition at the time of widening of Pine Lake Road, and (3) that Owners agree to grant~~  
3 ~~the church any necessary common access easement to consolidate the two access~~  
4 ~~drives into a single access.~~

Introduced by:

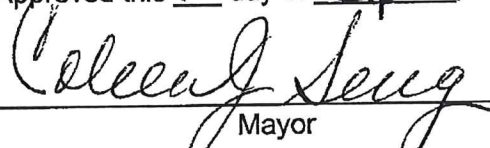


AYES: Camp, Cook, Friendt,  
McRoy, Newman, Svoboda,  
Werner; NAYS: None.

Approved as to Form & Legality:

  
City Attorney

AMENDED 9/8/03

Approved this 11 day of (Sept), 2003:  
  
Mayor

**03R-230**

8/25/03 Council Proceedings:

COOK            Moved to delay action of Bill No. 03R-230 to 9/8/03.

                  Seconded by McRoy & carried by the following vote: AYES: Camp, Cook,  
Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

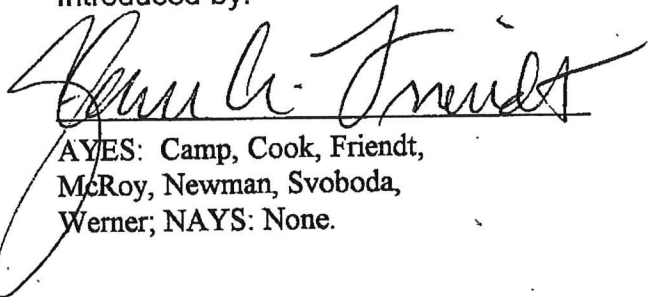
MOTION TO AMEND NO. 1

I hereby move to amend Bill No. 03R-230 in the following manner:

1. Beginning on page 1, line 16, after the word "Owners" delete the remainder of that paragraph through page 2, line 3, and insert in lieu thereof the following language:

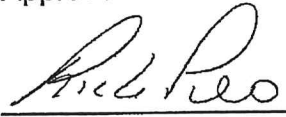
(1) provide the necessary easement and consolidate the access to Lot 2, Hannan Addition with the existing access to Lot 1, Country Place 22nd Addition to the east of Lot 2, Hannan Addition; and (2) agree that access provided to Lot 2, Hannan Addition be restricted to an access for one single-family dwelling.

Introduced by:



AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

Approved as to Form & Legality:

  
\_\_\_\_\_  
City Attorney

Requested by: Roger Figard

Reason for Request: To modify the provisions for conditional access to Lot 2, Hannan Addition.

**ADOPTED**  
SEP 08 2003  
BY CITY COUNCIL

# CITY OF LINCOLN

Request for:  Ordinance  
 Resolution

(Do Not Write in this Space)

Bill Control No. 03R-230 Date: 8/8/03

Docketing Date 8/18/03 PH: 8/25

(To Be Entered by City Clerk)

DATE August 8, 2003	REQUEST MADE BY Marvin S. Krout, Director	DEPARTMENT Planning
DESIRED DOCKET DATE: August 18, 2003	IF EMERGENCY, GIVE REASON (See Art. 6, Sec. 2 of Charter)	
Emergency Measure Required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

**REASONS OR JUSTIFICATION FOR PROPOSED LEGISLATION**

Request for Resolution for Council action on **FINAL PLAT NO. 03014, Hannan Addition**, requested by Brian D. Carstens and Associates on behalf of Vic and Kathleen Hannan, consisting of two lots for residential development, on property generally located northeast of the intersection of South 66<sup>th</sup> Street and Pine Lake Road.

On August 6, 2003, the Planning Commission recommended conditional approval.

**ASSOCIATED REQUESTS:** The following applications are associated requests and should be scheduled for hearing at the same time with action in the following sequence:

- Change of Zone No. 3385
- Waiver No. 03000 03R-229
- Final Plat No. 03014, Hannan Addition 03R-230

FILED  
 CITY CLERK'S OFFICE  
 03 AUG 8 PM 1 08  
 CITY OF LINCOLN  
 NEBRASKA

REQUESTOR <input checked="" type="checkbox"/> DOES <input type="checkbox"/> DOES NOT	WISH TO REVIEW AND APPROVE THIS ORDINANCE PRIOR TO ITS INTRODUCTION	[Signature] 8/08/03 DIRECTOR'S SIGNATURE DATE
---	--	--

**TO BE USED BY THE FINANCE DEPARTMENT**

BUDGET REVIEW	DATE:	ACCOUNT NUMBER AND APPROPRIATE BALANCES	DATE:	FUND AVAILABILITY APPROVED	DATE:
DIRECTOR OF FINANCE SIGNATURE					

**DISTRIBUTION**

Return two (2) copies to City Clerk for Docket Number

City Council Introduction: **Monday**, August 18, 2003  
Public Hearing: **Monday**, August 25, 2003, at **1:30 p.m.**

Bill No. 03R-230

### FACTSHEET

**TITLE:** FINAL PLAT NO. 03014, HANNAN ADDITION, requested by Vic and Kathleen Hannan, for two lots for residential development on approximately 3.56 acres generally located northeast of the intersection of South 66<sup>th</sup> Street and Pine Lake Road.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 07/23/03 and 08/06/03  
Administrative Action: 07/23/03 and 08/06/03

**STAFF RECOMMENDATION:** Denial

**RECOMMENDATION:** Approval, with amendment to add a Condition of Approval (9-0: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Steward and Schwinn voting 'yes').

**ASSOCIATED REQUESTS:** Change of Zone No. 3385 (03-132) and Waiver No. 03000 (03R-229).

#### FINDINGS OF FACT:

1. This final plat is associated with Change of Zone No. 3385 (03-132) and Waiver No. 03000 (03R-229) and should be heard at the same time.
2. The staff recommendation to deny this final plat is based upon the "Analysis" as set forth on p.3, and the comments at the Planning Commission hearings (p.6 and p.9). Limiting access to arterials preserves the safety and capacity of these main roadways by limiting the number of potential traffic conflicts. It is the applicant's responsibility to find a solution by reaching agreement with the church on the adjacent land to share a driveway, or bring a drive from 66<sup>th</sup> Street across this lot. Leaving the problem for the City to solve by forcing the church to cooperate when Pine Lake Road is widened will be an added cost to that project.
3. This final plat had public hearing before the Planning Commission on July 23, 2003, and a motion for approval failed 3-2 (Larson, Bills-Strand and Marvin voting 'yes'; Taylor and Carlson voting 'no'; Duvall, Krieser, Schwinn and Steward absent). Commissioners voting for approval cited the numerous driveways already existing along this segment of Pine Lake Road. The final plat was held over for continued public hearing on August 6, 2003.
4. The applicant's testimony is found on p.5-6 and p.7-10. The letter from the applicant's attorney submitted at the public hearing on July 23, 2003, is found on p.18-19. The applicant's proposed condition of approval regarding access to Pine Lake Road submitted at the continued public hearing on August 6, 2003, is found on p.20.
5. There was no testimony in opposition.
6. On August 6, 2003, the Planning Commission disagreed with the staff recommendation and voted 9-0 to recommend approval, subject to the following condition: The subdivision agreement shall include restriction of access to and from Pine Lake Road for Lot 2 to one single-family dwelling, and require a common access easement with the church to the east at the time of widening of Pine Lake Road. Commissioner Steward suggested that an exception is warranted in this case in order to encourage re-subdivision of large lots into a more urban pattern.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** August 12, 2003

**REVIEWED BY:** M. Knout

**DATE:** August 12, 2003

**REFERENCE NUMBER:** FS\CC\2003\FP.03014 plu

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

**for July 23, 2003 PLANNING COMMISSION MEETING**

**\*\*As Revised and Recommended for Approval by Planning Commission: 8/06/03\*\***

**P.A.S.:** Final Plat #03014 - Hannan Addition

**PROPOSAL:** A final plat consisting of two lots for residential development.

**LOCATION:** Northeast of the intersection of South 66<sup>th</sup> Street and Pine Lake Road

**LAND AREA:** Approximately 3.56 acres.

**CONCLUSION:** Access to Pine Lake Road was relinquished with the original preliminary plat and subsequent final plats. There has been no change in the status of Pine Lake Road to warrant the approval of the driveway access being proposed with this plat.

<b>RECOMMENDATION:</b>	Denial
<b>Planning Commission recommended Conditional Approval on 8/06/03</b>	

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** A part of Lot 1, Block 1, Country Place 7<sup>th</sup> Addition, more particularly described on the attached sheet.

**EXISTING ZONING:** AGR Agricultural Residential

**EXISTING LAND USE:** Residential

**SURROUNDING LAND USE AND ZONING:**

North:	Single-family Residential	AGR
South:	Single-family Residential	AGR
East:	Single-family Residential	AGR
West:	Single-family Residential	AGR

**HISTORY:** AFP#02071 - Hannan Addition. Submitted October 3, 2002, an administrative final plat essentially the same as this request, however the Planning Director could not approve it with Lot 2 having direct access to Pine Lake Road since the previous plat relinquished access to Pine Lake Road.

FP#88210 - Country Place 7<sup>th</sup> Addition was approved April 7, 1988.

FP#86502 - Country Place Addition was approved October 21, 1986.

PP#86502 - Country Place preliminary plat was approved July 20, 1982.

**ASSOCIATED APPLICATIONS:** CZ#3385 - A change of zone from AGR to R-1 for Hannan Addition. The Planning Commission recommended approval at the February 19, 2003 public hearing. The application has been pending before being forwarded to City Council to allow it to accompany this final plat request.

W#03000 - A waiver to street trees and a sidewalk along Pine Lake Road. The Planning Commission recommended approval at the February 19, 2003 public hearing. The application has been pending before being forwarded to City Council to allow it to accompany this request.

**ANALYSIS:**

1. During the review of AFP#02071 staff noted that access to Pine Lake Road had been relinquished with the preliminary plat and subsequent final plats.
2. Direct access to Pine Lake Road was relinquished as a condition of approval of the preliminary plat at the request of City staff. As with all arterial streets, staff's goal, then and now, was to limit the number of access points onto Pine Lake Road to preserve its primary role of moving vehicle traffic.
3. Because AFP#02071 showed driveway access to Pine Lake Road for Lot 2, it could not be approved administratively. The Law Department determined that because access to Pine Lake Road was relinquished with the preliminary plat, and because preliminary plats are accepted by City Council, that access to Lot 2 can only be granted by City Council.
4. Staff has met the applicant's representatives in attempts to devise alternate solutions. Suggestions from staff have included reconfiguring the lot layout to provide Lot 2 with frontage to South 66<sup>th</sup> Street, or seek to gain joint access with the church adjacent to the east for use of the existing driveway. These alternatives have proven to be either not feasible or not acceptable to the applicant. The difficulty in finding an acceptable solution to re-subdividing this lot demonstrates the need for effective "build-through" requirements when acreage lots are platted in the City's future growth area.
5. In their April 28, 2003 review, Public Works comments that access to Pine Lake Road from Lot 2 is not recommended, especially considering that further subdivision could occur given the size of the lots involved. The concern is that further subdivision may mean additional requests for drives onto Pine Lake Road.
6. If W#03000 is approved, all required improvements are accounted for. The required improvements are either in place, or in the case of the extension of a water main, the funds to make the improvement have been deposited with the City.
7. There are no delinquent taxes against the land and there are no liens for taxes which have been levied but not yet delinquent.
8. If approved, a subdivision agreement is required and will be submitted to the owners for their signature.

**CONDITION OF APPROVAL (Recommended by Planning Commission: 08/06/03)**

1. The subdivision agreement shall include restriction of access to and from Pine Lake Road for Lot 2 to one single-family dwelling, and require a common access easement with the church to the east at the time of widening of Pine Lake Road. (\*\*Per Planning Commission: 8/06/03\*\*)

Prepared by:

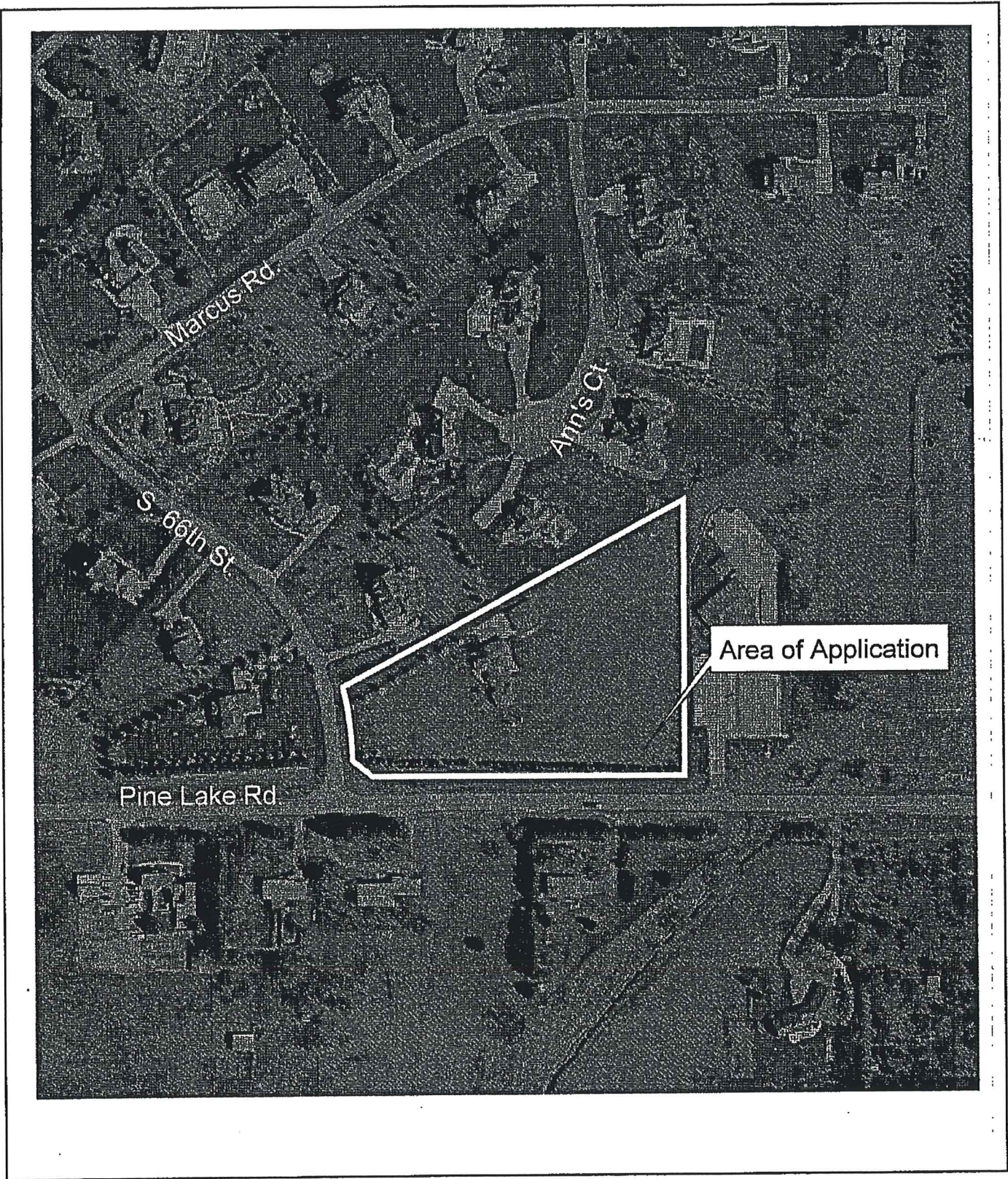
Brian Will  
Planner  
July 8, 2003

**APPLICANT/  
OWNER:**

Vic and Kathleen Hannan  
6900 South 66<sup>th</sup> Street  
Lincoln, NE 68516

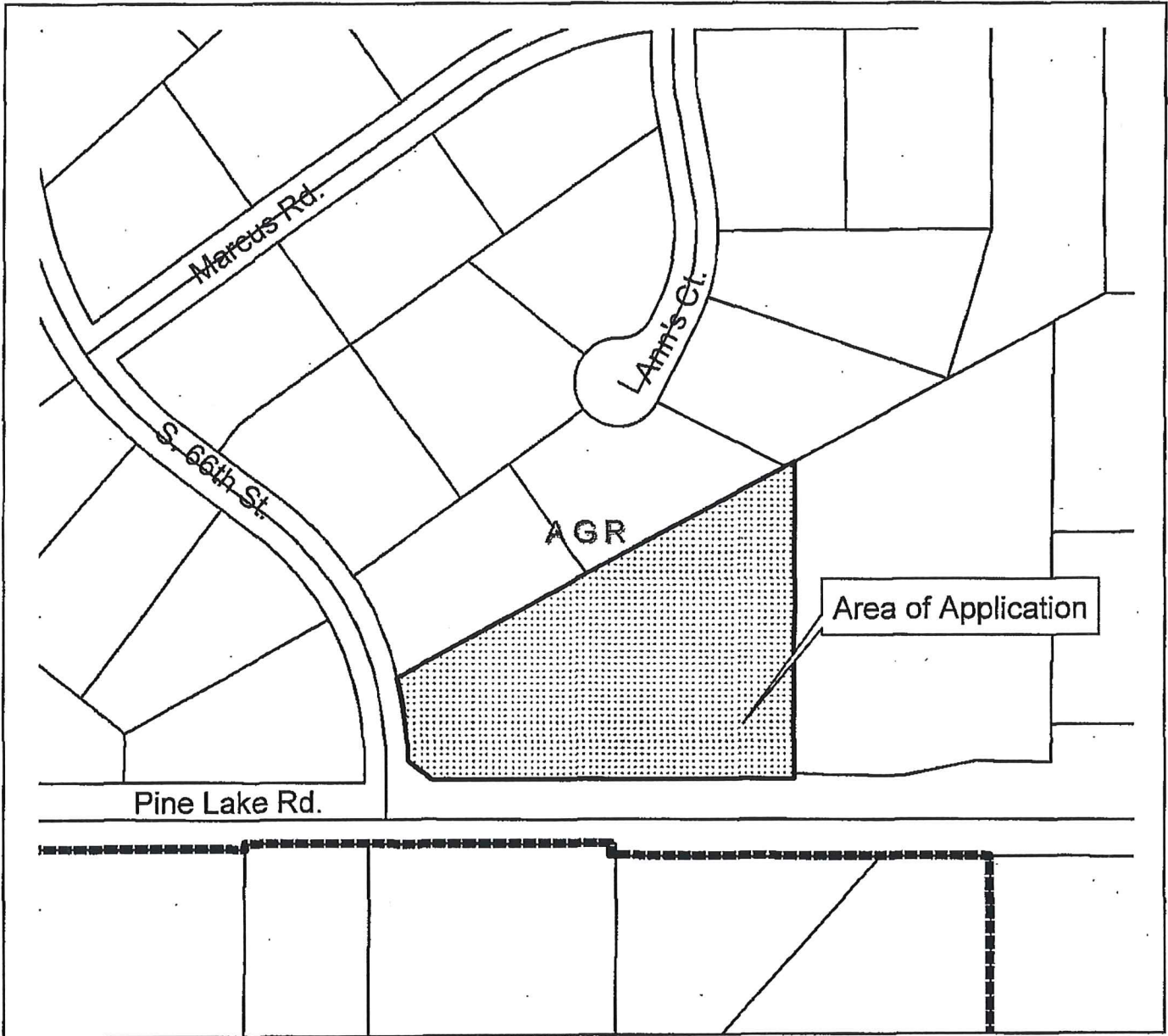
**CONTACT:**

Brian Carstens  
Brian Carstens and Associates  
601 Old Cheney Road                      Suite C  
Lincoln, NE 68512



**Final Plat #03014  
Hannan Addition  
S. 66th & Pine Lake Rd.**



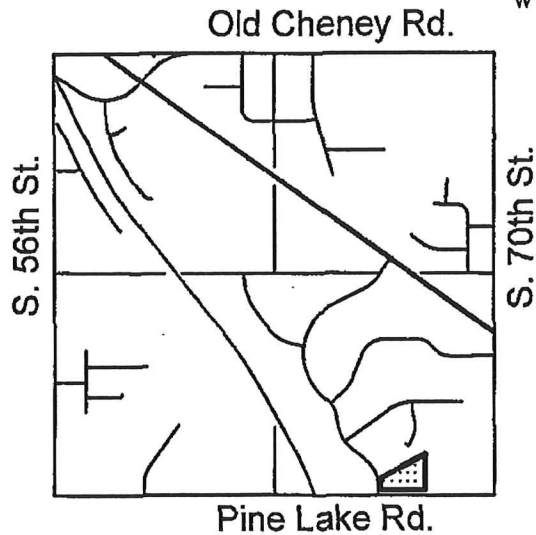


**Final Plat #03014  
Hannan Addition  
S. 66th & Pine Lake Rd.**

**Zoning:**

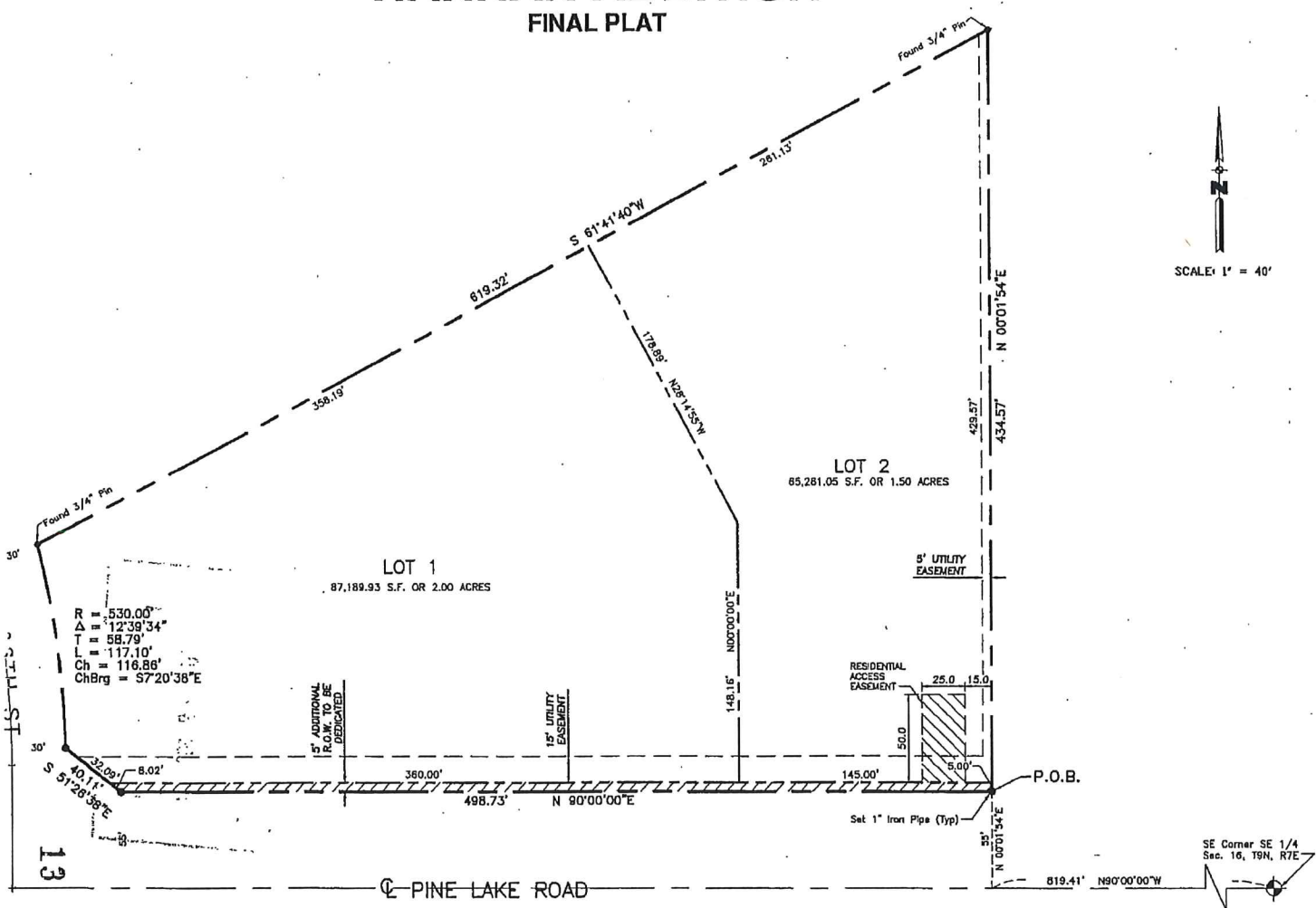
One Square Mile  
Sec. 16 T9N R7E

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conversion 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



# HANNAN ADDITION

## FINAL PLAT



## FINAL PLAT NO. 03014, HANNAN ADDITION

### PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 23, 2003

Members present: Larson, Bills-Strand, Taylor, Marvin, and Carlson; Duvall, Krieser, Schwinn and Steward absent.

Staff recommendation: Denial.

Ex Parte Communications: None

### Proponents

1. **Brian Carstens** appeared on behalf of the **Hannan's**. In February, they brought forward a request to waive the sidewalks and street trees on Pine Lake Road. They are attempting to carve a three-acre lot into 2 acres for the existing house and 1.5 acres for a future residential lot. This had originally been submitted as an administrative final plat to create these two lots. When it was originally created in the 1980's, access was relinquished to Pine Lake Road. They are now showing that access easement on the final plat. Public Works continues to recommend that there be no access on Pine Lake Road, so this is the appeal of the administrative final plat to the Planning Commission and City Council to grant that access that was previously relinquished.

Carstens suggested that when Pine Lake Road is widened, it would be the desire that the Jehovah's Witnesses church would work with the Hannan's to collocate a joint driveway to provide access to their parking lot and to the new single family lot. Carstens believes the city could force the issue with the church in the future. The sureties for the sidewalks and street trees along 66<sup>th</sup> Street have been posted as well as for the water main improvements. Hannan is willing to pay his portion for the 1.5 lanes of Pine Lake Road that will be improved in front of that new lot.

Carstens advised that they did look at putting another private roadway over to 66<sup>th</sup> Street to provide access and frontage for Lot 2, but it would run in front of the house, which would make it difficult to sell the house. Mr. Hannan is trying to sell the home now and they have been working on this for a year.

Carstens submitted a letter from Mark Hunzeker suggesting that the applicant "...is willing to have this subdivision conditional upon his agreement that the proposed access to Pine Lake Road be restricted to one single-family dwelling, and that the access be consolidated at the common property line with the Jehovah's Witness Church at such time as Pine Lake Road is widened to 4 lanes." Carlson inquired whether this contingency situation is reflected on the final plat documents, i.e. "...when Pine Lake Road is widened to four lanes." Carstens stated that he would have no objection to adding that into the subdivision agreement.

There was no testimony in opposition.

### Staff questions

Carlson inquired about the potential for such a contingency condition. Is there opportunity to consolidate the access? Buff Baker of Public Works believes that to be what they discussed with the applicant -- that the joint access at the church location would be acceptable. The original plat did relinquish access to that lot and that was Public Work's point. As long as we are not increasing driveways onto the future Pine Lake Road, Public Works would be happy with that.

Marvin Krout, Director of Planning, stated that he visited with Mark Hunzeker yesterday. At that time, he thought there were conditions of approval attached to this final plat. He understands the concept and it is a concept that the city has used when there are two different properties owners along a street to consolidate driveways over time, making each one agree to cooperate. The problem is that when you have the city in the position of trying to force the owners to cooperate as part of a street widening process, when the city is acquiring land and paying damages, it is possible for the city to make this happen in the future, but because we don't have the church signed on the dotted line, it probably means that down the road there will be extra cost for the city to try to make this happen. It is a compromise solution. It is better than not having this property owner's agreement, but it still leaves the city with some potential for uncertainty and future costs.

Carlson posed the scenario: If this access is denied, and at such time as the church rebuilds and they come up with a private agreement, would this applicant have to do any further city process to create a common access? Krout believes they would have to refile. If the property owner was able to obtain access, the city would be in a position to process an administrative final plat. Ray Hill of Planning staff added that if this access is denied, and sometime in the future they are able to work out an agreement to share a driveway, they could then reapply for another administrative final plat. At that time, the staff could see that it meets the criteria of sharing the driveway and it could be approved administratively.

Bills-Strand wondered whether the plat could be approved contingent upon them finding an alternative. Hill does not know what that would accomplish. They would not be able to do anything with the lot because it does not have any access. Each piece of property needs to have access to a public street. The original subdivision creating the one lot relinquished all access to Pine Lake Road based upon the fact that Pine Lake Road was a major street. The city likes to keep the number of intersections to a minimum on a major street. If they can come up with a shared driveway, that would be acceptable, but they have not been able to do that. Possibly this should be placed on pending until they have it worked out with the church.

### Response by the Applicant

Carstens stated that the church is a moot issue. "We're stuck and that is why we are here." The house will not sell with a private roadway in front of it unless it is at a much lesser value.

Vic Hannan, 6900 So. 66<sup>th</sup>, advised the Commission that he spoke to the Elders of the church, which is governed by their headquarters, and they will not allow the church to grant an easement or share driveways. He did make an offer to buy an easement and it is not possible to do. Hannan has been trying to do this for a year. The plat meets all of the requirements except for the access.

Carlson was confused then by Mr. Hunzeker's letter because Hannan suggests that there is not a possibility to consolidate with the church. Hannan reiterated that in his discussions with the Elders of the church, there is no possibility that they can be allowed by their parent church to enter into any agreements for accesses onto their property.

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

July 23, 2003

Bills-Strand moved approval, with access onto Pine Lake Road, seconded by Larson.

Bills-Strand drives this area all of the time and there are plenty of driveways going onto Pine Lake Road, with the Christian Youth group across the street having access and numerous residences across the road with access. She realizes that we asked them to give that access up, but it's a huge lot. If the church is not going to cooperate, she hates to deny someone the ability to put in another residence.

Larson pointed out that there is no other opportunity for access to any street. You can't get to 70<sup>th</sup> or 66<sup>th</sup>. Carlson noted that getting to 66<sup>th</sup> would require a road in front of the existing home. Bills-Strand thinks it makes sense to make an exception, even though they previously gave up that access. She does not want to add the condition proposed in Mr. Hunzeker's letter because she does not want to cost the city money down the road for damages.

Marvin pointed out that there are about 5 driveways across the road just in the photograph.

Motion for approval failed 3-2: Larson, Bills-Strand and Marvin voting 'yes'; Taylor and Carlson voting 'no'; Duvall, Krieser, Schwinn and Steward absent. This application is held over, with continued public hearing and administrative action scheduled for August 6, 2003.

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:**

August 6, 2003

Members present: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Steward and Schwinn.

Staff recommendation: Approval.

Ex Parte Communications: Steward indicated that he had a brief telephone conversation with the attorney for the applicant, Mark Hunzeker, to discuss information which he missed from the last hearing.

Proponents

1. **Mark Hunzeker** appeared on behalf of **Vic Hannan**, the owner and subdivider. In February of this year, the Planning Commission approved a change of zone from AGR to R-3 on this property and the staff report on that change of zone acknowledged several Comprehensive Plan quotations which support this type of development and stated explicitly that:

If approved, the plat would allow for a more efficient use of land, and is supported by the Comprehensive Plan. It is the type of re-subdivision anticipated to occur within older, acreage developments as they become engulfed by the city and it becomes economical to do so. The more efficient use of land also results in better utilization of municipal infrastructure.

The only reason for denial of this final plat, and the only issue associated with this final plat, is the access to Pine Lake Road for Lot 2. Access was relinquished when the Country Meadows plat was approved because this was one large single family lot. The plat seeks to provide one access for one single family home onto Pine Lake Road.

Hunzeker further pointed out that in the next 2-4 years, Pine Lake Road will be widened in accordance with the CIP and the Comprehensive Plan, and it will be a four-lane road and there will be a need to acquire right-of-way for that widening project. Hunzeker suggested that at that time, it will be a very simple matter for Public Works to consolidate the access that this applicant seeks today with the access that now serves the church immediately to the east. The church has an access that is just a few feet east of Mr. Hannan's east property line, and Mr. Hannan is willing to consolidate that access.

Hunzeker submitted a proposed condition to be added to the final plat to accomplish the access issue:

The subdivision agreement shall include restriction of access to and from Pine Lake Road for Lot 2 to one single-family dwelling, and waiver of objection to consolidating that access at the property line with the church to the east at the time of widening of Pine Lake Road.

Hunzeker believes this to be a very good solution to this problem. The addition of a single family home to the traffic on Pine Lake Road is less than a small drop in a big bucket.

Carlson pondered that the proposed amendment does not "require" the consolidation. Hunzeker suggested that if Public Works elects not to require it, it would not have to be required, but the condition also waives any objection to the consolidation of those access points and it will be incumbent on Public Works, as a part of their right-of-way acquisition, to consolidate that access point. Hunzeker then gave an example of a similar situation that exists, i.e. several single family lots will eventually take access to the stub street that exists south of 70<sup>th</sup> & Old Cheney that serves the new Sheridan Lutheran Church site. That access stub will serve the church as well as maybe at least six lots within the Hawkswood Estates plat. This type of sharing seems adequate and workable. The only alternative on this plat was to bring a long driveway through the front yard of the existing home, and, aesthetically and practically, that really wasn't a good solution.

Hunzeker further advised the Commission that Mr. Hannan has accepted an offer to purchase that home contingent on this subdivision and that sale will not close if they have to have a driveway running through it to serve the lot behind it.

Steward inquired whether the interests of the church are affected by this condition of approval and whether this has been discussed with the church. Hunzeker stated that there has been some discussion with the church; however, it is very difficult to get this type of transaction approved with that church. There is a national organization that is very, very difficult to work through for something like this. Public Works is in a position where the existing access to the church will have to be rebuilt

when the street is widened. If there is a house built on the new lot, that access would also have to be changed at the time the street is widened. This is the perfect time to do it and Public Works will have the position and power to require it.

Krieser asked whether it will be a separate drive. Hunzeker indicated that they would prefer and hope that the access point gets placed at the property line so that both parties can use it. In the meantime, assuming a house is built, there would be two access points. This property was platted as one large lot and the lot the church is on was platted as one lot with access. The relinquishment of access affected this lot and the lot across 66<sup>th</sup> Street to the west. There has never been an access to Pine Lake Road directly from this lot. It was platted that way with the thought that it was going to be a three-acre lot with a single family house. At the time this was platted, at least 15 years ago, it was not anticipated that it was going to be brought into the city and served with city utilities.

There was no testimony in opposition.

Schwinn asked staff to respond to the proposed amendment. Dennis Bartels of Public Works suggested that if the Commission votes to approve the plat, that is probably better than getting rid of the relinquishment of right-of-way. The city does have the authority to do it, but he has not been involved enough to know the increment of cost it might add to the city project. He would recommend that they provide different frontage with this lot. In the future, Bartels does not want the city put in the position of having to provide a private or public roadway to additional lots beyond the one being created now. Eliminating driveways on arterial streets is a good policy for safety and capacity reasons. That is the reason for the staff's recommendation of denial. The driveway to the church will be rebuilt at some location when the rural paving is converted to urban paving. Moving it east or west is immaterial. The church lot is not the corner lot. Its location east or west for a right-in and right-out driveway is not critical. If this amendment is approved, the way to enforce it would be to require a common access easement along the east property line so that the city doesn't have to acquire the property.

In response to further inquiry from Taylor, Bartels stated that this lot is of sufficient size such that as land becomes available, it is not unusual to see re-subdivision of a lot of this size. There is potential for two or three single family lots in the future. Taylor asked whether staff is suggesting that instead of access being on Pine Lake Road, there should be an access further north. Bartels stated that if the access was to be handled with this subdivision, it would have to be 66<sup>th</sup> Street to the west, but he realizes that is an awkward situation.

Krieser wondered what would happen if the applicant revised the lot. Bartels indicated that they would have to apply for a driveway. If they wanted to construct a driveway under the rural cross section, they would have to pay for the culvert or pay to grind the curb if they made application after the city's street project was there.

Taylor believes this could be resolved if the applicant got an easement with the church and used their driveway. Bartels agreed--that is what Public Works had suggested. They should explore getting that common driveway now. Minimizing the number of driveways on an arterial street is a typical goal to maximize the capacity and the safety of the street. The way the lot is created for the church, there is not an effective way of eliminating that driveway. If this lot was to be created, it

should be consolidated with the church driveway. The need for more driveways would only occur if this particular property were subdivided into additional lots.

Response by the Applicant

Hunzeker reminded the Commission that the language he proposed does restrict the access point to a single family house, which was done deliberately to address the issue of resubdivision, and the consolidation implies granting an easement:

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

August 6, 2003

Bills-Strand moved approval, adding the following condition: The subdivision agreement shall include restriction of access to and from Pine Lake Road for Lot 2 to one single-family dwelling, and require a common access easement with the church to the east at the time of widening of Pine Lake Road, seconded by Steward.

Steward commented that this is a classic acreage issue of the build-through conversion, urbanization question and he thinks it behooves the city to be flexible and to work with the property owners and the new subdivision intent in every way possible. He believes this seems like a good alternative.

Carlson stated that he will support the motion.

Motion for approval, with the added condition of approval, carried 9-0: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Steward and Schwinn voting 'yes'.