

City Council Introduction: **Monday**, April 23, 2001  
Public Hearing: **Monday**, April 30, 2001, at **5:30 p.m.**

Bill No. 01-68

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 3308**, a text amendment to section 27.65.090 of the Lincoln Municipal Code, requested by DaNay Kalkowski on behalf of Pine Lake Heights Apartments, L.L.C., to allow the City Council to modify the parking requirements for multi-family dwellings within a community unit plan to allow a percentage of parking spaces located on a driveway behind a garage attached to a dwelling to be considered as required parking.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda, 4/04/01  
Administrative Action: 4/04/01

**RECOMMENDATION:** Approval (7-0: Carlson, Hunter, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes'; Bayer and Duvall absent).

**STAFF RECOMMENDATION:** Approval.

### **FINDINGS OF FACT:**

1. The Planning staff recommendation to approve this proposed text amendment is based upon the "Analysis" as set forth on p.2-3.
2. This application was placed on the Consent Agenda of the Planning Commission on April 4, 2001, and opened for public hearing. No one came forward to speak.
3. The Planning Commission agreed with the staff recommendation of approval.

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

**DATE:** April 16, 2001

**REVIEWED BY:** \_\_\_\_\_

**DATE:** April 16, 2001

**REFERENCE NUMBER:** FS\CC\FSCZ3308

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

**P.A.S.:** Change of Zone #3308

**DATE:** March 20, 2001

**PROPOSAL:** DaNay Kalkowski, on behalf of Pine Lake Heights Apartments L.L.C., is requesting a change to Section 27.65.090 to allow the City Council to modify the parking requirements for multi-family dwellings within a Community Unit Plan to allow a percentage of parking spaces located on a driveway behind a garage attached to a dwelling to be considered as required parking.

### **GENERAL INFORMATION:**

**APPLICANT:** DaNay Kalkowski  
Seacrest and Kalkowski  
1111 Lincoln Mall, Suite 350  
Lincoln, NE 68508  
(402) 435-6000

**CONTACT:** Same

**LEGAL DESCRIPTION:** To add the following text to Chapter 27.65 "Community Unit Plan", as follows:

#### **27.65.090 Parking.**

All parking within the community unit plan shall be regulated in conformance with the provisions of Chapter 27.67-; however, the City Council may modify the parking regulations for multi-family dwellings to allow a percentage of parking spaces located on a driveway behind a garage attached to a dwelling unit to be considered as required parking stalls for creative designs otherwise meeting the purpose and intent of this chapter, provided the minimum depth of the parking spaces is 22 feet.

### **ANALYSIS:**

1. This is a request to amend the text of the zoning ordinance to allow the City Council to modify to parking requirements for multi-family dwellings within a Community Unit Plan to allow a percentage of the parking spaces located on a driveway behind a garage attached to a dwelling to be considered as required parking for creative designs otherwise meeting the purpose and intent of the Community Unit Plan chapter.
2. Parking spaces behind a garage may be counted toward the required parking for single-family and two-family dwellings in the R-1 through R-4 zoning districts.

3. Parking spaces behind garages for multi-family dwellings are not been permitted due to the impact that could have on older neighborhoods. If it were permitted by right in the multi-family districts, the result could be an apartment building with a front facade consisting of garage doors, and a front yard that was primarily a parking lot.
4. The applicant has requested this text change so that an attached garage with direct access to an apartment can use a portion of the driveways behind the garages as required parking spaces. The intent is to minimize the number of un-used parking spaces.
5. The purpose of the Community Unit Plan chapter of the Zoning Ordinance is to “permit and to encourage the creative design of new living areas,...., in order to permit such creative design in buildings, open space, and their interrelationship while protecting the health, safety and general welfare of existing and future residents of surrounding neighborhoods.
6. The proposed text change would provide additional flexibility to allow the City Council to grant a reduction if there is found to be a creative design, and if the reduction in the number of surface parking spaces is found to be reasonable. A reduction would not be automatic.
7. It would be the responsibility of the developer to demonstrate that a reduction in parking was reasonable. The City Council could still require that an area be set aside for future parking, if needed.
8. A reduction in un-utilized parking stalls would reduce the amount of impervious surface in a development, which would reduce storm water run-off.

**STAFF RECOMMENDATION:** Approval

Prepared by:

Jennifer L. Dam, AICP  
Planner

## CHANGE OF ZONE NO. 3308

### CONSENT AGENDA

### PUBLIC HEARING & ADMINISTRATIVE ACTION

### BEFORE PLANNING COMMISSION:

April 4, 2001

Members present: Carlson, Hunter, Krieser, Newman, Schwinn, Steward and Taylor; Bayer and Duvall absent.

The Consent agenda consisted of the following items: **CHANGE OF ZONE NO. 3308, CHANGE OF ZONE NO. 3317 AND SPECIAL PERMIT NO. 1905.**

Hunter moved to approve the Consent Agenda, seconded by Krieser and carried 7-0: Carlson, Hunter, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes'; Bayer and Duvall absent.



**Rodger P Harris**

03/21/2001 08:13  
AM

To: Jennifer L Dam/Notes@Notes  
cc: Chuck A Zimmerman/Notes@Notes  
Subject: CZ 3308, Revised stacked parking provisions.

We have reviewed the amended text change to allow some stacked parking to be counted as required parking, and have the following comment to offer:

1. We have no objection to this amendment. Since it is limited to parking spaces for multiple dwellings only in community unit plans, those stacked parking spaces to be used as required parking will be shown on the approved CUP plan.

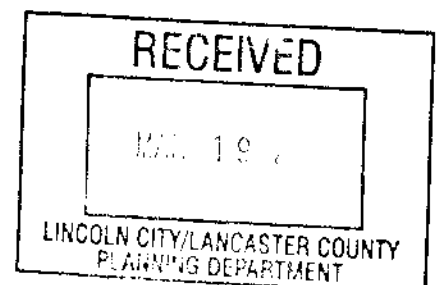
# M e m o r a n d u m

[REDACTED]

**To:** Ray Hill, Planning Department  
**From:** Dennis Bartels, Public Works & Utilities  
**Subject:** Change of Zone #3308  
**Date:** March 16, 2001  
**cc:** Roger Figard, Nicole Fleck-Tooze

Engineering Services has reviewed the proposed change of zone to allow tandem parking stalls behind attached garages in multiple family developments and has the following comments:

1. To make the tandem parking operate, both of the tandem stalls will need to be assigned to the same apartment. The outside stall cannot be used by anyone not having access to the garage. This may be an operational or enforcement problem. If the garage is not used either temporarily or permanently as a parking stall, the remaining parking may not be sufficient and the apartment parking may utilize adjacent streets.
2. If a garage and a parking stall in front of the garage is allowed, the depth of the stall in front of the garage should be at least 22' deep.



**INTER-DEPARTMENT COMMUNICATION**

**TO** Jennifer Dam  
**DEPARTMENT** Planning  
**ATTENTION**  
**COPIES TO**

**DATE** March 21, 2001  
**FROM** Rick Peo *Rick Peo*  
**DEPARTMENT** City Law  
**SUBJECT** Change of Zone 3308

I originally advised DaNay Kalkowski to amend both §27.63.320 and §27.65.090 to adjust the parking requirements. The rationale for that advise was that § 27.63.010 provides that:

Where specifically authorized under the applicable provisions below for any of the buildings or uses designated in this chapter as permitted special uses, the City Council may decrease the minimum regulations of the district in which the permitted special use is located or modify the specific conditions for approval of the special permit.

Since § 27.63.320 does not specifically authorize modifications, I originally thought that section should be amended to so provide. However, upon further reflection, I do not believe that is necessary and that it would be appropriate only to amend § 27.65.090.

With respect to your proposed amended language, I believe that is satisfactory.

ERP/tb

007

# SEACREST & KALKOWSKI, P.C.

1111 LINCOLN MALL, SUITE 350  
LINCOLN, NEBRASKA 68508-3905

TELEPHONE (402) 435-6000  
FACSIMILE (402) 435-6100  
E-MAIL: [sk@sklaw.inetnebr.com](mailto:sk@sklaw.inetnebr.com)

KENT SEACREST  
DANAY KALKOWSKI

March 21, 2001

## HAND DELIVERY

Jennifer Dam  
Planning Department  
County-City Building  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

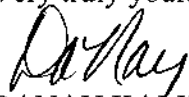
RE: Change of Zoning Text

Dear Jennifer:

On March 8, 2001, we sent Kathleen revised language for the zoning text amendment we requested on behalf of Pine Lake Heights Apartments, L.L.C. for Lincoln Municipal Code § 27.63.320 and 27.65.090. Since that time we have had an opportunity to meet with the Mayor's Neighborhood Round Table. As a result of the discussion held at that meeting, we are proposing that the revised text be amended to refer to attached garages and not simply any garage. This is consistent with the language we originally proposed which only referred to attached garages. In addition we have added language to address the issues outlined by Public Works. Finally, we are limiting our text amendment request to § 27.65.090 in accordance with Rick Peo's March 21, 2001 memo.

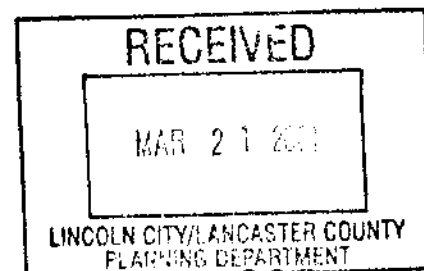
Enclosed herein please find an amendment which restates our proposed zoning text amendments with the above revisions. If you have any questions regarding the enclosed, please give me a call.

Very truly yours,

  
DANAY KALKOWSKI  
For the Firm

Enclosure

cc: John Schleich  
Mike Eckert



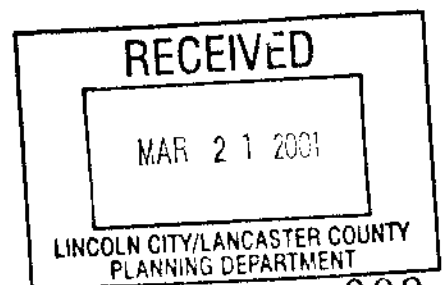
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## PROPOSED ZONING TEXT AMENDMENTS

### 27.65.090 Parking.

All parking within the community unit plan shall be regulated in conformance with the provisions of Chapter 27.67; however the City Council may modify the parking regulations for multi-family dwellings to allow a percentage of parking spaces located on a driveway behind a garage attached to a dwelling unit to be considered as required parking stalls for creative designs otherwise meeting the purpose and intent of this chapter, provided the minimum depth of the parking spaces is 22 feet.



# SEACREST & KALKOWSKI, P.C.

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LINCOLN, NEBRASKA 68508-3905

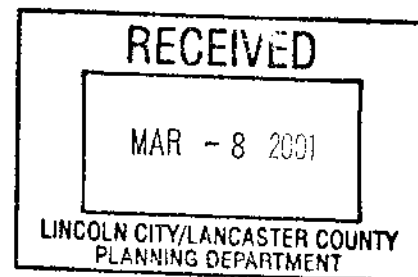
TELEPHONE (402) 435-6000  
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E-MAIL: sk@sklaw.inetnebr.com

KENT SEACREST  
DANAY KALKOWSKI

March 8, 2001

## HAND DELIVERY

Kathleen Sellman  
Planning Department  
County-City Building  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508



RE: Change of Zoning Text

Dear Kathleen:

Our office represents Pine Lake Heights Apartments, L.L.C., the owner of an existing and a proposed apartment complex located south of Pine Lake Road and west of South 40<sup>th</sup> Street. On February 12, 2001, we filed a Petition to Amend the Zoning Ordinance with you to add an additional general condition to Lincoln Municipal Code 27.67.030 applicable to the parking requirements for multi-family dwellings permitted in any zoning district.


Since our February submittal, we have had additional discussions with City staff. As a result of those discussions, we are hereby requesting that our February Petition be replaced with the enclosed Petition.

The purpose of the amendments is to allow a percentage of parking spaces located behind garages in multi-family developments to be counted as required parking spaces, as they are for single-family and two-family dwellings in the R-1, R-2, R-3 and R-4 zoning districts.

We will be discussing our request with the Mayor's Neighborhood Roundtable this evening.

If you have any questions regarding the above, please give me a call.

Very truly yours,

  
DANAY KALKOWSKI  
For the Firm

Enclosure

cc: John Schleich  
Mike Eckert

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