

City Council Introduction: **Monday**, May 19, 2008
Public Hearing: **Monday**, June 2, 2008, at **1:30 p.m.**

Bill No. 08-60

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 08016**, a text amendment to Title 27 of the Lincoln Municipal Code, requested by Mark Hunzeker, relating to special permits for parking lots in R-1 through R-8 and O-2 zoning districts.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/07/08
Administrative Action: 05/07/08

STAFF RECOMMENDATION: Approval.

RECOMMENDATION: Approval (8-0: Gaylor Baird, Sunderman, Carroll, Cornelius, Taylor, Larson, Esseks and Francis voting 'yes').

ASSOCIATED REQUESTS: Special Permit No. 08018 (08R-119).

FINDINGS OF FACT:

1. This text amendment and Special Permit No. 08018 were heard at the same time before the Planning Commission. Special Permit No. 08018 is for a parking lot for First Plymouth Church at 21st & F Streets.
2. The purpose of this proposed text amendment to Sections 27.63.170, 27.67.030 and 27.69.030 of the Zoning Ordinance is to allow parking and signs in the front yard and side yard for special permits for parking lots in the R-1 through R-8 and O-2 zoning districts.
3. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3-4, concluding that the proposed text amendment allows the City Council to approve parking and allowed signs in the front and side yards if requested by an applicant as part of a parking lot special permit and to increase screening and landscaping requirements. The staff presentation is found on p.5-7.
4. The applicant's testimony is found on p.7-8.
5. There was no testimony in opposition.
6. On May 7, 2008, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval.
7. On May 7, 2008, the Planning Commission also voted 8-0 to recommend conditional approval of Special Permit No. 08018 (08R-119).

FACTSHEET PREPARED BY: Jean L. Preister

DATE: May 12, 2008

REVIEWED BY: _____

DATE: May 12, 2008

REFERENCE NUMBER: FS\CC\2008\CZ.08016+ Text

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for MAY 7, 2008 PLANNING COMMISSION MEETING

- PROJECT #:** Change of Zone No. 08016
- PROPOSAL:** Text amendments to allow parking and signs in the front yard and side yard for special permits for parking lots.
- LOCATION:** Sections of the Lincoln Municipal Code 27.63.170 Permitted Special Use: Parking Lots, 27.67.030 General Conditions (parking chapter), and 27.69.030 General Provisions (sign chapter).
- CONCLUSION:** The text amendment allows the City Council to approve parking and allowed signs in the front and side yards if requested by an applicant as part of a parking lot special permit and to increase screening and landscaping requirements.

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Sections 27.63.170, 27.67.030, and 27.69.030 of the Lincoln Municipal Code.

HISTORY:

The zoning ordinance has had methods in the past that allowed the City Council to approve different front yards. As early as August 1, 1955, the zoning ordinance had a provision that stated:

“Upon petition of the majority of the property owners of the frontage in a block the city council, after report by the city planning commission may establish a different front yard line.”

The same section was carried forward into the most recent re-write of the zoning ordinance in 1979. It was under Section 27.71.170 Adjustment of Front Yard Requirements. In 1983 the entire section was amended by Change of Zone #2005 to delete the above-mentioned language. Change of Zone #2005 also created a new special permit to allow permitted uses in the front yard by special permit (Section 27.63.480). The language of the special permit was as follows:

“A Permitted Use in the Front Yard. A use in the required front yard may be permitted by special permit upon the request by the majority of property owners on the frontage of the block except in the R-3, O-3, B-2, B-5, and I-4 zoning districts. However, in the H-4 District such uses shall not be closer to the street than the required front yard of any abutting zoning district fronting on the street. The uses shall be moved at the sole cost of the owner whenever necessary for public use.”

Section 27.63.480 was repealed by Change of Zone #2350 (Ordinance #14780) on November 2, 1987 after approving eleven for enclosed porches, six for parking lots, one for drive through stacking, and one for a carport over the four year time period. The ordinance also amended 27.71.100 to allow enclosed porches in the front yard setback.

COMPREHENSIVE PLAN SPECIFICATIONS:

- Page 6** The community continues its commitment to neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies. The Comprehensive Plan is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's established neighborhoods.
- Page 35** In redeveloping areas, lesser setbacks may be acceptable due to the existing conditions, as long as industrial zoning does not get closer to existing residences.
- Page 36** New or established commercial uses should not encroach upon, or expand into, existing neighborhoods.
- Page 68** Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face. Similar housing types face each other: single family faces single family, change to different use at rear of lot. Commercial parking lots should not intrude into residential areas where residential uses predominate a block face. More intense commercial uses (gas stations, big box stores, car wash, fast food, etc.) may not be compatible due to impact on nearby housing. Expansion in existing centers should not encroach, or expand to encroach, on existing neighborhoods, and commercial areas must be screened from residential areas.

ANALYSIS:

1. Planning staff met with the applicant on April 22, 2008 to discuss the proposed text amendment as submitted. At this meeting, the applicant also requested that signs be added to the amendment so that the special permit could also allow signs in the front or side yard if approved by City Council. The applicant agreed to changes in the proposed text amendment recommended by the Planning Department and Law Department, and the additional changes were made to include language about allowed signs. The initial submittal by the applicant has been replaced with the text amendment as modified by staff.
2. The amendment would allow applicants to request that parking and allowed signs be within the front and side yards with the special permit. If the location of the proposed parking or allowed signs is within the front or side yard, then the special permit application must be approved by the City Council. If the application for a special permit does not request to locate parking or allowed signs within the front or side yard, then the Planning Commission may approve the special permit.
3. The special permit for parking lots applies to the following zoning districts: R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, and O-2. The special permit has two general conditions describing where these parking lots may be allowed. One states that the lot shall not be located more than 300 feet from the zoning district boundary of O-1, B-1, B-3, B-4, H-2, H-3, or I-1. The other states that the lot shall not be located more than 360 feet from a college, university, or church if used in connection with those uses.
4. The text amendment provides that if parking or allowed signs is permitted within the required front or side yards, then the City Council may increase the minimum screening and landscaping requirements.
5. The text amendment refers to "allowed signs" so that any sign that might be requested to be in a front or side yard is no more in number or size than what normally would be allowed with the use in the district. The amendment only permits the allowed sign to be modified so that

it can be constructed in a front or side yard if approved by City Council. The allowed sign for a special permit in all residential districts is twenty square feet and not more than eight feet in height if it is not a wall sign.

6. Other special permits where the City Council is authorized to modify yard requirements include community unit plans, health care facilities, recreational facilities, planned service commercial, scrap processing operations, salvage yards, and enclosed disassembly operations, mail order catalog sales, amateur radio antenna installations, use permits (R-T, O-3, B-2, B-5, and I-3), and planned unit developments.
7. The text amendment makes a change to the General Conditions section of Chapter 27.67 for parking. The amendments to that section refer to allowing parking in the front and side yards if a special permit for parking is approved by City Council.
8. The text amendment makes a change to the General Provisions section of Chapter 27.69 for signs. The amendment to that section refers to allowing signs in required yards if allowed by special permit.

Prepared by:

Brandon M. Garrett, AICP
Planner

DATE: April 29, 2008

APPLICANT: Mark Hunzeker
600 Wells Fargo Center
1248 O Street
Lincoln, NE 68508

**CHANGE OF ZONE NO. 08016
and
SPECIAL PERMIT NO. 08018**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 7, 2008

Members present: Larson, Sunderman, Cornelius, Taylor, Gaylor Baird, Francis, Esseks and Carroll.

Ex Parte Communications: None.

Staff presentation: **Marvin Krout, Director of Planning**, made the presentation and explained that the requirements of the associated special permit call for a change in the zoning text.

The text amendment changes several sections of the Zoning Ordinance concerning requests for parking lots in residential districts, which are currently reviewed and approved by the Planning Commission through the special permit hearing process. The proposed changes would allow the City Council (not the Planning Commission) to permit, on a case-by-case basis, parking or a sign to encroach into the front or side yard setbacks of parking lots that are approved through the special permit process.

The general rule in residential districts is that front yards and side yards are landscaped – not for parking nor for buildings – and there are limitations on paving in some of the residential parking lots. This text amendment would allow, on a case-by-case basis, some or all of those yard areas to be reviewed and considered and recommended by the Planning Commission, but the final decision would rest with the City Council because it is a zoning standard.

Krout further explained that for many years since 1955, there has been one provision or another in the zoning code that has allowed the City Council to consider individual waivers of the front yard setback standards, and those lasted until 1987. The last previous provision allowed the City Council to consider various types of waivers for encroachments into front yards. The most prevalent, until 1987, were for enclosed porches that would encroach into front yards, but in 1987, the recourse to the Board of Zoning Appeals (BZA) became available.

Special Permit No. 08018, also on today's agenda, is a request for special permit for a parking lot. Ten years ago, the BZA approved a variance that allowed the applicant to encroach into the front yard setback areas. There is still that opportunity to go to the BZA but the BZA has since been working under a different philosophy, taking a more strict view of their area of authority and unless there is some kind of unique character to the site or lot in question that makes it different from the rest of the area, the BZA is generally reluctant to approve variances of all kinds, including this kind.

A couple of months ago, the Planning Commission reviewed a request for parking lot by First Presbyterian Church, which showed encroachment into front yards occupying most of the front yards with its parking. The Planning Commission approved that site plan conditional upon obtaining a variance from the BZA. That request for variance was subsequently denied by the BZA. Now,

First Plymouth wants to do the same and has requested the text amendment to avoid going to BZA for the variance. The proposed text amendment would allow review, on a case-by-case basis, with potential for waiver by the City Council using broader authority than the BZA. The staff believes this is a reasonable text amendment. The City Council has similar authority to reduce front yard requirements in other districts, such as community unit plans, use permits and planned unit developments, which often have waivers of the yards.

Krout cautioned that encroachments into yard areas should be considered carefully, but on a case-by-case basis, the Planning Commission can recommend and the City Council can approve these kinds of waivers. In some cases it may mean that you have a tradeoff – if you permit some encroachment and you have a better yield of parking on one lot or two lots, you may be able to avoid taking three lots or four lots to provide the parking to serve the need of the church or other use. In some cases, the City and the facility may be responding to complaints from neighbors about on-street parking.

In this particular case (First Plymouth), the Near South Neighborhood Association, in part responding to the large amount of on-street parking because of First Plymouth, supports the request for special permit.

Krout suggested the services provided to the neighborhood by the facility should be considered against the issue of forcing the facility to move. It must also be remembered that the philosophy of the BZA has changed and there is no other recourse.

With regard to the special permit, the staff is recommending approval, with some conditions of mitigation and more screening than the minimum standard and the addition of one street tree. The staff is also suggesting that access to F Street not be allowed, but to limit the access to the alley access because this lot is the farthest away from the church and intended for employees of the church.

Krout explained that the Public Works Department is recommending that the request to waive the design standard which requires a minimum 15' distance between the nearest parking space and the right-of-way line of an alley or a street be denied. The purpose of this is to make sure there is adequate area for queuing of cars to avoid cars backing up in the street and into the alley and blocking traffic. Staff has denied this waiver and it is now being appealed to the Planning Commission.

In addition, Krout advised that the Public Works Department has submitted a proposed alternative parking plan that shows two rows of diagonal parking instead of the 90 degree parking, the effect being to narrow down the area that is needed for parking so that there would be about 6' on either side for front yard landscaping, meaning that the landscaping would not need to be on public right-of-way. This alternative plan was provided to the applicant on Monday.

Krout clarified that this is a surface parking lot. The church does have ultimate plans to do some decked parking but they are not in a position to move ahead with that project at this time.

Dennis Bartels of Public Works explained that the conflict with the design standards is the three stalls that are within 6' of the alley. It is a public alley going the full block, paved from F Street west.

The design standards provide that all maneuvering space must be on the permittee's property. The end stalls cannot be entered without making a second maneuver, i.e. backing out into the public alley. Public Works has authority to waive the design standards, but Bartels does not believe that the applicant provided the necessary justification for this waiver. The only documentation provided was to maximize the number of stalls on a lot. He did not find that that was within the spirit of the design standards. Public Works is proposing an alternative layout with diagonal parking which provides a 13' aisle and keeps the 15' penetration clear. This would be two less stalls than shown on the applicant's plan. It also keeps the landscaping on private property.

Esseks asked staff to define and show the sight triangle and its purpose. Bartels explained that a lot of it will depend on the situation, but generally you look at where the car is parking or where they can pick up a line of sight for someone coming from the other direction. There will be through traffic coming down the alley at the same time that the parking lot is used. It is basically a line of sight from where the driver's eye is to where you see another car.

Proponents

1. Mark Hunzeker appeared on behalf of **First Plymouth Church**. This is an addition to an existing parking lot that was approved about ten years ago, which is identical in configuration to that which is being proposed with this special permit. The existing screening exceeds the requirements as well as what is proposed for the new lot. The church needs additional parking. The church has doubled in membership since the 1970's. The other central city churches in the community are roughly half the membership that they were in the 1970's. This church is a center of neighborhood activity – music program, community outreach, preschool and daycare – they have all been a very strong part of the Near South Neighborhood for a very long time. Any sort of negative aspect of the parking and parking lot encroachment into the neighborhood has been more than offset by the positive influence of this institution being a vital part of the neighborhood for a very long time.

Hunzeker acknowledged that this special permit will not solve their parking problem. An additional 38 parking stalls will simply alleviate the problem to a certain extent, giving the staff and other people in the church on a regular basis a place to park that will not take up a lot of space right near the church. It is designed to match the existing facility with the same setbacks, same lighting standards, the same or better landscaping, with a small sign at the intersection of 21st and F Streets for the purpose of defining the edge of the church campus.

With respect to the waiver of the site penetration design standard, Hunzeker submitted that this should not be viewed as being two separate parking lots, but simply a single parking lot with two entrances, one on E Street and one from 21st Street. And from each of those entrances there is more than 40' from the curb line of the street where they take access to the entrance of the parking area. It is a two-way alley, and it is a two-way drive aisle. People have ample opportunity to maneuver into the stalls. He does not believe there is a problem. It does not cause a problem with traffic backing out onto the public street. This is an alley paved only to a certain point and not paved to the west. It is infrequently traveled except for people accessing the parking lot.

In response to the alternative site plan submitted by Public Works, Hunzeker suggested that the use of the angled stalls is an inferior design because it encroaches into the sight triangle at 21st & F Streets. They would lose a stall there and at least one or two more because the design does not

provide a location to comply with the lighting standards. The Public Works alternative design shows a 13' wide driving aisle. Hunzeker suggested that drivers cannot see one another backing out of those diagonal stalls. The applicant's proposed design provides for a 23' aisle with 90 degree parking, much like any commercial parking lot in town, providing ample opportunity to view other people on the other side of the aisle.

With regard to the screening in the right-of-way, Hunzeker explained that they are requesting to utilize a portion of the 4' between the lot line and the sidewalk for the landscaping, just like on the parking lot on the south half of the block. The church maintains the screening in a way that is trimmed up vertically to avoid getting into the sidewalk area. He does not believe there has been any objection from the Parks Department on this issue.

Esseks observed that they are also wanting to put some bushes outside the property line to the north facing F Street. Hunzeker concurred that there would be some in the area between the sidewalk and the curb on the north side. But, there is a much greater distance because the east/west streets in this area are 100' wide rights-of-way providing a wider distance from the property line to the curb and sidewalk. They would landscape between the curb and the sidewalk.

Hunzeker also pointed out that, in conjunction with the Planning Department, they redesigned this parking lot to delete the access to F Street and removed a stall so that any parked cars will be back a distance from F Street, providing a fairly straight line giving more consistent setback and additional opportunity to do some landscaping.

Esseks is concerned about setting a precedent with the waiver of the design standard. He asked Hunzeker to provide a very strong reason for approving this waiver. Hunzeker suggested that it should be considered on the analysis of the property involved on a case-by-case basis. He agreed that there could be a concern about setting a precedent, but at the same time, each application must be reviewed on its own merits and in the context of the neighborhood and the property being served. This parking lot serves an institution which is very important and vital for this neighborhood. There is no opposition from the neighborhood. There have been meetings between the church and the neighborhood association and the neighborhood association is supportive of the church and its efforts to alleviate some of the street parking concerns. Hunzeker believes that the existing parking lot on the south half of this block and this addition to it make a lot of sense in the context of providing parking to serve this institution. He did not know whether there would ever be an additional request for a parking lot. At this time there are no such plans, but there have been plans they have dreamed about to having a second deck on the parking lot east of the building, but they do not own enough property there. They don't have very many options. If the variances are not granted, it eliminates approximately half of the area that is available for parking on the same amount of property. It would be impossible to gain 38 parking stalls on these two lots with a 20' setback along 21st Street and 20' setback along F Street. "We need to maximize." Hunzeker stated that the church does not want to discount the impact of having additional parking on the edge of the neighborhood, but he believes they have minimized the adverse impacts to have as little impact on the housing stock in the area as possible.

Staff comments

Buff Baker of Public Works and Utilities, Engineering Services, clarified that Public Works fully supports the parking lot for the church. The only objection is that what the applicant believes to be “a better design” with the site penetration waiver does not help Public Works justify all of the other variances that will be requested. Public Works uses the diagonal parking stalls on public streets with 11' drive aisles, designed for 25 mph speed limit, with very few crashes on public streets when backing out of stalls. He does not believe that is a valid excuse. Public Works is attempting to uphold the design standards. The proposed alternative also allows the applicant to put the screening on their own property and provides the proper sight triangles.

Response by the Applicant

Hunzeker acknowledged that there are 55 degree parking stalls on public streets with 11' drive aisles, but he is not aware of any public streets with 11' or even 13' drive aisles with parking stalls on both sides. In addition, he does have a problem with locating lights in the offset parking stalls if the Public Works alternative is used. The proposed driving aisles will not line up with the driving aisles coming out from the south into the area to the north. If this is to function as a single parking lot, the driving aisles need to line up. 15' is not a good design given the circumstances. The current situation and the applicant's design are the best alternative.

CHANGE OF ZONE NO. 08016

ACTION BY PLANNING COMMISSION:

May 7, 2008

Larson moved approval, seconded by Francis.

As a member of the Board of Zoning Appeals, Carroll acknowledged that the BZA is following a state law that states that it must be a peculiar, unusual and exceptional circumstance or situation to approve a variance and that is why the BZA denied the First Presbyterian request. This text amendment allows opportunity for parking lots in the urban inner city to do this and to help churches get extra parking off the street. He is in favor.

Motion for approval carried 8-0: Larson, Sunderman, Cornelius, Taylor, Gaylor Baird, Francis, Esseks and Carroll voting 'yes'. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 08018

ACTION BY PLANNING COMMISSION:

May 7, 2008

Larson moved approval, with the conditions set forth in the staff report, seconded by Esseks. (Approval of the applicant's design but denial of the site penetration waiver).

Esseks made a motion to amend Condition #1.1.1 to in effect remove the landscaping from the public right-of-way in the sight triangle, seconded by Sunderman. Esseks is concerned about safety for pedestrians and traffic.

Upon further discussion, Esseks withdrew the motion to amend and Sunderman agreed as the seconder of the motion.

With regard to the 15' site penetration, Sunderman believes it is important to mirror what is to the south of this particular lot to keep them equal and even, and since this is an alleyway he does not believe the 15' penetration is as important as on a main street; however, this is a waiver that must be approved by the City Council.

Carroll agreed with Sunderman. He does not see the problem with the 15' intrusion of the standard. As far as the landscaping, it is apparent that the church does a very good job and he knows the parking lot will look nice and good for the neighborhood.

Motion for conditional approval carried 8-0: Larson, Sunderman, Cornelius, Taylor, Gaylor Baird, Francis, Esseks and Carroll voting 'yes'. This is a recommendation to the City Council.



Status of Review: Complete

Reviewed By Building & Safety

Terry Kathe

Comments:

Status of Review: Approved

04/11/2008 12:22:18 PM

Reviewed By Building & Safety

ANY

Comments: approved

Status of Review: Routed

04/14/2008 2:21:03 PM

Reviewed By Fire Department

ANY

Comments: We have no issues from the perspective of our department.

Status of Review: Approved

04/17/2008 4:37:09 PM

Reviewed By Health Department

ANY

Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION

TO: Christy Eichorn DATE: April 17, 2008

DEPARTMENT: Planning FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: BEH File # SUBJECT: Ch. 27.63.170

BEH Administration Adjust yards for

Parking Lots

CZ #08016

The Lincoln-Lancaster County Health Department has reviewed the change of zone application and does not object to the approval of the proposed text amendments.

Status of Review: Active

Reviewed By Law Department

ANY

Comments

Status of Review: **Active**

Reviewed By **Lincoln Electric System**

ANY

Comments:

Status of Review: **Active**

Reviewed By **Lincoln Police Department**

ANY

Comments:

Status of Review: **Approved**

Reviewed By **Parks & Recreation**

ANY

Comments:

Status of Review: **Routed**

Reviewed By **Planning Department**

COUNTER

Comments:

Status of Review: **Complete**

Reviewed By **Planning Department**

RAY HILL

Comments:

Status of Review: **Active**

Reviewed By **Planning Department**

BRANDON GARRETT

Comments:

Status of Review: **Active**

Reviewed By **Public Works - Development Services**

ANY

Comments:

Status of Review: **FYI**

Reviewed By **Urban Development**

ANY

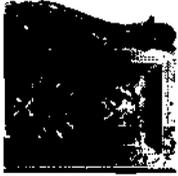
Comments:

Status of Review: **FYI**

Reviewed By **Urban Development**

ANY

Comments:



Christy J Eichorn/Notes
04/11/2008 12:42 PM

To Brandon M Garrett/Notes@Notes
cc
bcc
Subject Ch. 27.63.170 Adjust yards for parking lots

Christy J Eichorn
City / County Planning Department
555 S. 10th St. #213
Lincoln NE 68508

Phone 402-441-7603
Fax 402-441-6377

ceichorn@lincoln.ne.gov

--- Forwarded by Christy J Eichorn/Notes on 04/11/2008 12:42 PM ---



"Sgt. Don Scheinost"
<lpd798@CJIS.LINCOLN.NE.
GOV>

04/11/2008 12:28 PM

To Christy Eichorn <ceichorn@lincoln.ne.gov>
cc
Subject Ch. 27.63.170 Adjust yerds for parking lots

Ms. Eichorn,

The Lincoln Police Department does not object to the Ch. 27.63.170-Adjust yards for parking lots project.

Sergeant Don Scheinost
Management Services
Lincoln Police Department
575 South 10th Street
Lincoln, NE 68506
402.441.7215
mail to: lpd798@cjis.lincoln.ne.gov

M e m o r a n d u m

To: Christy Eichorn, Planning Department
From: Charles W. Baker, Public Works and Utilities
Subject: Chapter 27.63.170, Adjust Yards for Parking Lots, Change of Zone #08016
Date: April 16, 2008
cc: Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Chapter 27.63.170 amendment to adjust yards for parking lots with the requested Change of Zone #08016 Public Works has the following comments:

- It appears that this request will be in conflict with 27.63.170 (a) (1) B. (ii) that states "The parking lot will not disrupt the continuity of the block face, and the character of the existing residential neighborhood shall be preserved."
- If this amendment is to be approved, Public Works recommends that the wording be changed in the text amendment to allow the parking to be in the minimum yard set backs rather than an adjustment of the minimum yard requirements. Public Works also recommends that all design standards be required to be met even if the yard set backs are modified.



DONALD R. WITTY
M. DOUGLAS DEFFCILLER
WALTER E. ZINK II
RANDALL L. GOYETTE
STEPHEN S. GEALY
GAIL S. PERRY
DALLAS D. JONES
JILL GRADWOHL SCHROEDER
DAVID A. DUDLEY

BRENDA S. SPILKER
STEPHANIE F. STACY
W. SCOTT DAVIS
MARK A. HUNZEKER
WILLIAM C. BLAKE
PETER W. KATT
CHRISTOPHER M. FREDICO
DARLA S. JORUS
JARROD S. BUDINDIT

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ANDREW M. LOUDON
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AMANDA A. DULTON
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JOHN J. HEIECK
MARK W. BUCKWALTER
JARROD P. CROUSE
OF COUNSEL
ROBERT T. GRIMM
J. ARTHUR CURTISS
DAVID D. ZWART

*ALSO ADMITTED IN KANSAS

April 9, 2008

APR - 9 2008

Marvin Krout
Planning Director
555 South 10th Street Room 213
Lincoln, NE 68508

RE: First Plymouth Congregational Church Special Permit for parking lot

Dear: Marvin

In addition to the waivers requested in our previous application, we hereby request a waiver of the front and side yards setbacks, in accordance with the site plans submitted, and pursuant to the text amendment which we have submitted today.

If there are any further questions please call.

Sincerely,

Mark A. Hunzeker
For the Firm
mhunzeker@baylorevnen.com

213790

015

Proposed Amendment to Section 27.63.170

We propose that a new subparagraph (c) be added to Section 27.63.170 as follows;

- (c) In approving a parking lot pursuant to subparagraphs (a) or (b) above, the Planning Commission may decrease the minimum yard requirements and increase the minimum landscaping requirements consistent with adequate protection of the environment of adjacent land uses. The Planning Commission shall hold a public hearing on the requested adjustment at the same time that it hears the application for the Special Permit period.

Purpose: To allow the Planning Commission to make the adjustments to yards and landscaping as noted.

210736