

Summary of the Farmhouse Fraternity development history:

- 1) March 1954: Special Permit #11 approved for the Nebraska Farm House Association to construct a fraternity house.
- 2) February 1965: Special Permit #300 amended Special Permit #11 to authorize additions to the existing fraternity house and to provide additional parking.
- 3) May 1979: Zoning in this area was changed from A-2 Residential District to R-2 Residential District during the 1979 zoning update.
- 4) May 1986: Special Permit #300A was approved to construct a two-story addition to the fraternity.
- 5) August 1987: Administrative Amendment #554 to the Special Permit #300A was approved to expand the parking lot and review the parking lot layout.
- 6) November 4, 1998: special Permit #300B was approved to expand and renovate the Farm House Fraternity. The approval permitted a total of 22,300 square feet with a total of 57 parking spaces. The resolution also limited the number of members to no more than 80 on site at any one time.

1. According to the zoning code a "Premises" shall mean a tract of land, consisting of one platted lot or irregular tract, or more than one platted lot or irregular tract, provided such lots or tracts are under common ownership and contiguous. If this is the case, could the FarmHouse buy one or two additional contiguous houses and use them for the fraternity? The fraternity could buy more properties, but they could not be used for a fraternity unless an amendment to the special permit were approved to expand the non-conforming use. Additional properties used for the expansion do not need to be rezoned if they are covered under the special permit.
2. Why did the AGR have to get a change of zone for the lot that was contiguous to their existing lot when they expanded? Was that because they are not a "Nonconforming or nonstandard use", or was there another reason the change of zone was required? The AGR Fraternity was zoned R-6 so the fraternity was a legal, permitted use. The adjacent lot was zoned R-2 and does not allow fraternities. The AGR Fraternity could not apply for the special permit to expand a non-conforming use because they were legally permitted.

The AGR Fraternity requested a rezoning from R-2 to R-6 on property located to the east of the existing building. The AGR building was to be rebuilt, and part of the new building was going to be on the adjacent lot. The rezoning was approved by City Council in 2011. A zoning agreement was a condition of zoning approval in order to protect the east and south properties. The zoning agreement required a 20 foot landscape buffer with berms and shrubs and a 90% screen. A 5 foot tall masonry wall was required on the east and south boundaries of the parking lot. No active uses were permitted in the landscape buffer. A subsequent amendment to the zoning agreement was approved in 2012 that adjusted the east setback to 15 feet, reduced the height of the building and lowered the elevation of the parking lot 2 feet.

3. What kinds of conditions can be put on the permit, i.e. number of people in the house, size of the structure, use of the house, etc.? Review of the special permit request should consider effects on adjacent property. This may include a number of things such as building height, setbacks, drainage, landscaping/screening, parking, etc. We would ask for a site plan to be submitted with the special permit application, and these items would be reviewed and noted on the plan. Development on the site would have to be in compliance with the approved site plan. Also, the existing resolution approved no more than 80 members to be on this site.
4. Once a fraternity house exists under a special permit, if the fraternity decides to move elsewhere, can the structure be used by another fraternity? Can it be used for another use, such as an apartment house or boarding house? This special permit is for a non-conforming use (fraternity in R-2 zone). In order to modify, expand or reconstruct the non-conforming use, the special permit must be amended. If the Farmhouse Fraternity leaves this property, another fraternity could occupy the building as long as they were within the conditions of the special permit. This could happen today, without approving an amendment to the existing special permit.

Another owner could request a CUP for this site to do apartments (rezoning would not be required). An R-2 CUP on this property would allow for 6 apartment units. All other uses allowed in the R-2 district would be allowed on this property as well (single family dwelling, two-family dwelling, etc.).

5. When considering the adverse effects on adjacent properties, the ordinance mentions traffic, city utility serviced needs. What other adverse effects could be considered? Would impact on property values of adjacent home owners, proximity of an intense use, such as a fraternity, to a family home, extent to which the building suits the character of the neighborhood, also be considerations? Impacts on property values are difficult to substantiate. However, the zoning ordinance considers appropriate use of land with a view to conserving the value of property. There is no easy tool to determine impact on value, but it is a valid consideration. In this case the "impact on value" would be reviewed through the building location, design and overall site plan and how they impact the neighborhood. The character and design of the building would also be reviewed because development on this site impacts a historic district.
6. In weighing the degree of hardship upon the applicant, is this compared to the hardship of granting the permit on existing neighbors? The zoning code says to consider "the degree of hardship upon the applicant...". The project considers the impact of the neighborhood when considering effects on adjacent property and can mitigate impacts through increased buffers, screening, building placement/orientation etc.