

City Council Introduction: **Monday**, July 12, 2004
Public Hearing: **Monday**, July 19, 2004, at **1:30** p.m.

Bill No. 04R-173

FACTSHEET

TITLE: SPECIAL PERMIT NO. 04023, Flat Iron Crossing Community Unit Plan, requested by Brian D. Carstens and Associates on behalf of Rose Investments, Inc., for 34 residential units and associated waiver requests, on property generally located west of North 33rd Street and south of Apple Street.

STAFF RECOMMENDATION: Conditional Approval

ASSOCIATED REQUESTS: Change of Zone No. 04031 (04-132).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/26/04
Administrative Action: 05/26/04

RECOMMENDATION: Conditional Approval (8-0: Marvin, Krieser, Carlson, Larson, Sunderman, Taylor, Pearson and Bills-Strand voting 'yes'; Carroll declaring a conflict of interest).

FINDINGS OF FACT:

1. This community unit plan and the associated change of zone request were heard at the same time before the Planning Commission.
2. The purpose of this proposal is to redevelop the former Mo-Pac right-of-way into 34 residential units.
3. The applicant has requested the following waivers:
 - To eliminate the preliminary plat process;
 - Block length;
 - Pedestrian way easement;
 - To allow an increase in the lot depth-to-width ratio;
 - Sidewalks on one side of the street;
 - Recreational facility;
 - Location of sanitary sewer main; and
 - To reduce the minimum lot area and lot width.
4. The staff recommendation of conditional approval, including approval of all waiver requests, is based upon the "Analysis" as set forth on p.4-5, concluding that, while not in strict conformance with the Land Use Plan, the redevelopment for affordable housing and the creativity used for site and architectural design are in general conformance with the zoning ordinance and the Comprehensive Plan.
5. The applicant's testimony is found on p.10. The Director of Urban Development also testified in support (p.11).
6. There was no testimony in direct opposition; however, attorney Larry Albers, on behalf of Kingery Construction Company, the owner and tenant of the property located immediately to the north, requested that a 6' high opaque fence along the north property line be required, and the staff submitted a proposed condition of approval to be added (p.27). The applicant objected to this condition. (See Minutes, p.10-12).
7. On May 26, 2004, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval (Commissioner Carroll had declared a conflict of interest). The 6' opaque fence along the north property line was not recommended as a condition of approval by the Planning Commission.
8. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied. The Planning Director agrees with the Planning Commission's recommendation that the screening fence along the north property line is not needed.

FACTSHEET PREPARED BY: Jean L. Walker

REVIEWED BY: _____

REFERENCE NUMBER: FS\CC\2004\SP.04023

DATE: July 1, 2004

DATE: July 1, 2004

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 26, 2004 PLANNING COMMISSION MEETING

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

P.A.S.: Change of Zone #04031, **Special Permit #04023**

PROPOSAL: To obtain a special permit for **Flat Iron Crossing Community Unit Plan**, change the zoning from I-1, Industrial to R-4, Residential and P, Public and change the zoning from R-4, Residential to P, Public.

LOCATION: Generally located west of N. 33rd Street and South of Apple Street.

WAIVER REQUEST:

Preliminary Plat process
Block length
pedestrian way easement
Lot depth to width ratio
Recreational facility
Location of sanitary sewer main
Sidewalks on one side of the street

LAND AREA:

Change of zone from R-4 to P	0.09 acres, more or less
Change of zone from I-1 to P	0.36 acres, more or less
Change of zone from I-1 to R-4	4 acres, more or less
Special Permit:	4.41 acres, more or less

CONCLUSION: While not in strict conformance with the Land Use Plan, the redevelopment of affordable housing and the creativity used for site and architectural design is in general conformance with the Comprehensive Plan and Zoning Ordinance.

RECOMMENDATION:

Change of Zone from R-4 to P:	Approval
Change of zone from I-1 to P:	Approval
Change of zone from I-1 to R:	Approval
Special Permit:	Conditional Approval
Eliminate the preliminary plat process	Approval
Block length	Approval
pedestrian way easement	Approval
Increase lot depth to width ratio	Approval
Sidewalks on one side of the street	Approval
Eliminate recreational facility	Approval

Location of sanitary sewer main	Approval
Reduce minimum lot area	Approval
Reduce minimum lot width	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

EXISTING ZONING: R-4 and I-1.

EXISTING LAND USE: Warehouse buildings, to be removed.

SURROUNDING LAND USE AND ZONING:

North:	Industrial, vacant and residential	I-1, Industrial, R-2, Residential
South:	Warehouses, Peter Pan Park	I-1, P, Public
East:	Industrial and residential	I-1, R-2
West:	Residential	R-4

HISTORY:

Comprehensive Plan Conformance #03008 that determined the property was surplus was approved by the City Council on September 29, 2003.

2003 City of Lincoln Parks and Recreation Department determined that the land was surplus to their needs and pursued a declaration of surplus property finding of conformance with the Comprehensive Plan.

June 8, 2001 City of Lincoln acquires property and plans to use the land for the MoPac trail.

1993 City of Lincoln builds the MoPac trail south of the abandoned railroad right of way.
September 23, 1997 Union Pacific Railroad Company filed for abandonment for use of a trail.

The zoning was updated to I-1, Industrial during the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan indicates this area as Industrial (F-25). The Comprehensive Plan indicates a current trail in the general area (F-95). (This represents the existing MoPac trail just to the south of this site.)

“Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. Preserve existing affordable housing and promote the creation of new affordable housing throughout the community.” (F-65)

“Transit, pedestrian, and bicycle networks should maximize access and mobility to provide alternatives and reduce dependence upon the automobile. Sidewalks should be provided on both sides of all streets, or in alternative locations as allowed through design standards or the Community Unit Plan process.” (F-66)

“Interconnected networks of streets, trails and sidewalks should be designed to encourage walking and bicycling and provide multiple connections within and between neighborhoods.” (F-66)

“Require new development to be compatible with character of neighborhood and adjacent uses” (F-69)

“Encourage a mix of housing types, including single family, duplex, attached single family units, apartments, and elderly housing all within one area. Encourage multi-family near commercial areas.” (F-69)

“Maintain existing pattern of streets.” (F-69)

“Encourage public/private partnerships with housing entities including Lincoln Housing Authority, Nebraska Housing Resource, and Neighborhoods, Inc” (F-72)

UTILITIES: Utilities will be provided adjacent to the private roadway.

TRAFFIC ANALYSIS: The internal street is considered a local street and N. 33rd is classified as an Urban Minor Arterial (F-103). An existing drive is located on the east side of the property connecting to N. 33rd street at the proposed location of the private roadway.

AESTHETIC CONSIDERATIONS: This area falls within the reach of the neighborhood design standards. All construction must meet these standards.

ANALYSIS:

1. This is a request to redevelop the former Mo-Pac right-of-way into 34 residential units. The developer indicated these will be affordable housing units.
2. The applicant requests to coordinate the preliminary plat and special permit for community unit plan as allowed under Section 26.31.015. Staff does not object.
3. Due to the unusual configuration of the lot several waivers are needed and other waivers are requested. A waiver to the block length, lot depth to width ratio, minimum lot area and lot width are requested so the developer may increase density and maximize the present infrastructure in the area.
4. The Mo-Pac trail and Peter Pan Park are located immediately to the south of this property. Residents will be able to easily access the trail with without the need for a pedestrian easement. Additionally, the existing park may justify the waiver of recreational facilities on this property, as required by design standards.
5. O’Carrol Street is proposed to function more like an alley, rather than a street. Residential units will be oriented toward the park, with garages in the rear of the units. Therefore, planning staff does not object to waiving the sidewalk requirement on the north side of O’Carrol Street.
6. The landscaping requirement does not apply to these units as they are not multi-family units. Planning staff considers single and two family units exempt from this requirement. Consequently, a waiver is not required.

7. Neighborhood design standards apply to this property. The applicant has met with the urban design committee and is currently working out a design that is compatible with design standards. Concern with the long straight layout of this site is alleviated by the fact that the developer has agreed to provide alternative methods of site construction in order to meet the neighborhood design standards. These alternative methods may include orienting the front-face of the buildings to the park, providing front porches on the south side of the buildings, variation of color, and style. This will be handled entirely through the neighborhood design standards and are not a requirement of this special permit.
8. The applicant indicated that the property owner to the north is interested in changing the zoning to residential, only after this property is proven to be successful. Planning staff is presently evaluating the zoning and land use of the area to determine whether or not a more extensive zoning change to residential is appropriate. Since the railroad is decommissioned and residential abuts the area, planning staff believes this is a good redevelopment of this property.
9. The Lincoln Lancaster County Health Department is concerned about the industrial zoning designation to the north. Since the area is presently unoccupied, with the exception of the building to the east of the property used by the Nebraska Game and Parks Commission, and the neighbor is likely to change the zoning to residential in the near future, planning staff believes the risk factor is minimal. The developer should disclose the Lincoln Lancaster County Health Department's concerns in the subdivision agreement.
10. The Public Works and Utilities Department had several comments about street grades, storm sewers, grading and drainage which are in their attached comments. Additional detail is needed. The Public Works and Utilities Department does not object to the requested waiver for the location of sanitary sewers, block length, and sidewalks on the north side of the private roadway.
11. The property is less than 5 acres, which causes a 20% reduction in allowed dwelling units. Under the R-4 district is allowed 49 units, however, the applicant only requests a total of 34 units. The density calculations and land use must be shown on the site plan.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan to show:

1.1.1 All required waivers in the waivers table.

1.1.2 The landscaping waiver removed from the waivers table.

- 1.1.3 O'Carrol Street renamed to meet the requirements of Section 26.
- 1.1.4 Revisions to the satisfaction of the Public Works and Utilities Department.
- 1.1.5 Provide fire hydrants to the satisfaction of the Fire Department.
- 1.1.6 Indicate density calculations on the site plan.
- 1.1.7 Provide a land-use table indicating lot areas.

1.2 Revise the landscape plan to show:

- 1.2.1 Revisions to the satisfaction of the Parks and Recreation Department.

2. This approval permits 34 dwelling units with waivers to design standards for maximum block length, pedestrian way easement, lot depth to width ratio, recreational facility, location of sanitary sewer main.

The waiver of the preliminary plat process shall only be effective for a period of ten (10) years from the date of the city's approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

General:

3. Before receiving building permits:

- 3.1 The permittee shall have submitted a revised and reproducible final plan including 6 copies and the plans are acceptable.
- 3.2 The construction plans shall comply with the approved plans.
- 3.3 Final Plats will be approved by the Planning Director after:
 - 3.3.1 You have completed or posted a surety to guarantee the completion of the public streets, private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs.

3.3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

- to complete the street paving of O'Carroll Street (to be renamed) shown on the final plat within two (2) years following the approval of the final plat.
- to complete the installation of sidewalks along both sides of O'Carroll Street (to be renamed) and along N. 30th and N. 33rd Streets is shown on the final plat within four (4) years following the approval of the final plat.
- to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.
- to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.
- to complete the enclosed drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.
- to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat.
- to complete the installation of private street lights along streets within this plat within two (2) years following the approval of the final plat.
- to complete the planting of the street trees along streets within this plat within four (4) years following the approval of the final plat.
- to complete the installation of the street name signs within two (2) years following the approval of the final plat.
- to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
- to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
- to complete the public and private improvements shown on the Community Unit Plan.

- to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- to continuously and regularly maintain the street trees along the private roadways.
- to submit to the lot buyers and home builders a copy of the soil analysis.
- to pay all design, engineering, labor, material, inspection, and other improvement costs.
- to disclose to the lot buyers that the Lincoln Lancaster County Health Department is concerned about potential risks associated with residential near an I-1, Industrial district.
- to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.
- to post the required security to guarantee completion of the required improvements if the improvements are not completed prior to approval of the final plat.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:

- 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
- 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
- 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Becky Horner, 441-6373, rhomer@ci.lincoln.ne.us
Planner

DATE: May 7, 2004

APPLICANT: Brian D. Carstens and Associates
601 Old Cheney Road, Suite C
Lincoln, NE 68512
(402)434-2424

OWNER: Rose Investments, Inc.
2057 Wilderness Ridge Drive
Lincoln, NE 68512

City of Lincoln
C/O Real Estate Division

CONTACT: Brian D. Carstens
(402)434-2424

**CHANGE OF ZONE NO. 04031
and
SPECIAL PERMIT NO. 04023,
FLAT IRON CROSSING COMMUNITY UNIT PLAN**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 26, 2004

Members present: Marvin, Krieser, Carlson, Larson, Sunderman, Taylor, Pearson, and Bills-Strand; Carroll declaring a conflict of interest.

Staff recommendation: Approval.

Ex Parte Communications: None.

These applications were removed from the Consent Agenda and had separate public hearing due to the submittal of a new condition of approval by the Planning staff.

Becky Horner of Planning staff noted that the waiver of street trees has been rescinded by the applicant. There is no longer a request to waive street trees.

Horner advised that she did have the opportunity to speak with the representative for the property owner to the north this morning, who clarified some of their future intent for use of the property, and staff would like to add a condition of approval that a 6' high opaque fence be installed along the north property line until the property to the north potentially develops to residential.

Proponents

1. Brian Carstens presented the application on behalf of the applicant for 34 attached units (17 duplex buildings) located immediately west of the old Hyland Bros. Lumber and located on part of the old abandoned railroad right-of-way. To the south is Peter Plan Park and the existing bike trail. The applicant is proposing 34 dwelling units with a detention cell along 30th Street, while keeping the bike trail pretty much intact. They will be putting in a parking lot to provide additional off-street parking for patrons of the park. The applicant has been working with Urban Development and the government in terms of trading property. The applicant has no objection to the conditions of approval, except the condition added today requiring the fence. There is already a 6' high chain link fence existing on that property to the north and this development will be lowering the street approximately two feet below the property line. They will be able to put some street trees underneath some power lines but they do not want to be required to install additional screening. The backs of the buildings face the rear yard and the fronts are facing the park.

2. Larry Albers appeared on behalf of Kingery Construction Company, the owner and tenant of the property located immediately to the north, generally in support of the proposal. However, there is a concern and inaccuracy in the report which has generated the new condition of approval

requiring the fence. Analysis #8 on page 4 indicates that the property owner to north is intending to change to residential only after this development is proven to be successful. He also pointed out that Analysis #9 indicates that the "...Health Department is concerned about the industrial zoning designation to the north. Since the area is presently unoccupied, with the exception of the building to the east of the property used by the Nebraska Game and Parks Commission, and the neighbor is likely to change the zoning to residential in the near future, Planning staff believes the risk factor is minimal. ...". Albers pointed out that Kingery Construction has had that property as their construction yard for over 30 years. The Abels used it as a construction yard many, many years before that. There are fuel tanks and heavy equipment and trucks that go in and out. There is currently a chain link fence. There are children that will climb over the fence and it happens particularly at night. Kingery has expressed the concern early on with the applicant and staff that there be adequate buffering, whatever that is, and Kingery is concerned whether the existing fence is going to be sufficient. These are probably going to be families with children and there will be the temptation for the children not to just play in the park. The Kingery's want some sort of additional buffering for the safety.

Larson inquired whether the requirement for the fence is a requirement of the developer or the property owner to the north. Horner stated that it would be a requirement of this applicant. She has asked that the landscape plan be revised to show the fence. Albers wants to make sure the opaque fence is in addition to the fence that is there now.

3. Marc Wullschleger appeared on behalf of the Urban Development Department. They have worked with the applicant for over two years on this project and will be supporting it financially with some federal funds. Urban Development would love to see the I-1 zoning changed to residential. This is where most of the complaints come from around the city where industrial backs up to residential. The character of the neighborhood has changed over the years. Urban Development believes this is very appropriate and will add some units to our affordable new construction housing supply. The price range will be around \$130,000.

Wullschleger believes the fence is a good idea.

There was no testimony in opposition.

Taylor inquired whether staff believes that the fencing will be sufficient with the lowering of the sidewalk. Horner could not say with 100% certainty that people might not get over it, but Planning is requesting an opaque fence (wood or vinyl) because it would be more difficult to climb. She is specifically not asking for chain link fence so that it would be more difficult to get across.

Carlson thinks we're going to end up with a "no man's land" between the chain link and the opaque fence. Horner stated that the chain link fence is on the property line. She does not know exactly where the applicant will propose putting the opaque fence. She does not anticipate, however, that there would be very much room between the two fences.

Bills-Strand suggested that the opaque fence will make it difficult to see the kids and be able to call out at them to get them off the property. Wouldn't it be easier to see the kids if it was chain link?

Pearson noted that the condition requires that the fence be located along the north property line. If the existing fence is along the north property line, then they should be right next to each other. Could we amend the condition to require that they replace the existing fence with a 6' high wood fence? Horner stated that the existing chain link fence belongs to the property owner to the north, and she believes they want to keep their fence.

Marvin thinks that if the kids are determined to get into the property, they will be able to get around a wood fence.

Larson inquired as to whose responsibility it is to keep the kids out of the industrial area. It is not the responsibility of the owner of the industrial property?

Response by the Applicant

Carstens suggested that one other plus to having the roadway there is that we are putting in private lighting that will help illuminate that area. They are probably jumping the fence now because it is dark there. He believes that having a view to that area will be more of a security enhancement than putting in the fence. If required, Carstens pointed out that the fence would be immediately north of the dwelling units—not along the western portion. It would be adjacent to Lots 1 to 34.

CHANGE OF ZONE NO. 04031

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 26, 2004

Carlson moved approval, seconded by Krieser and carried 8-0: Marvin, Krieser, Carlson, Larson, Sunderman, Taylor, Pearson, and Bills-Strand voting 'yes'; Carroll declaring a conflict of interest. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 04023

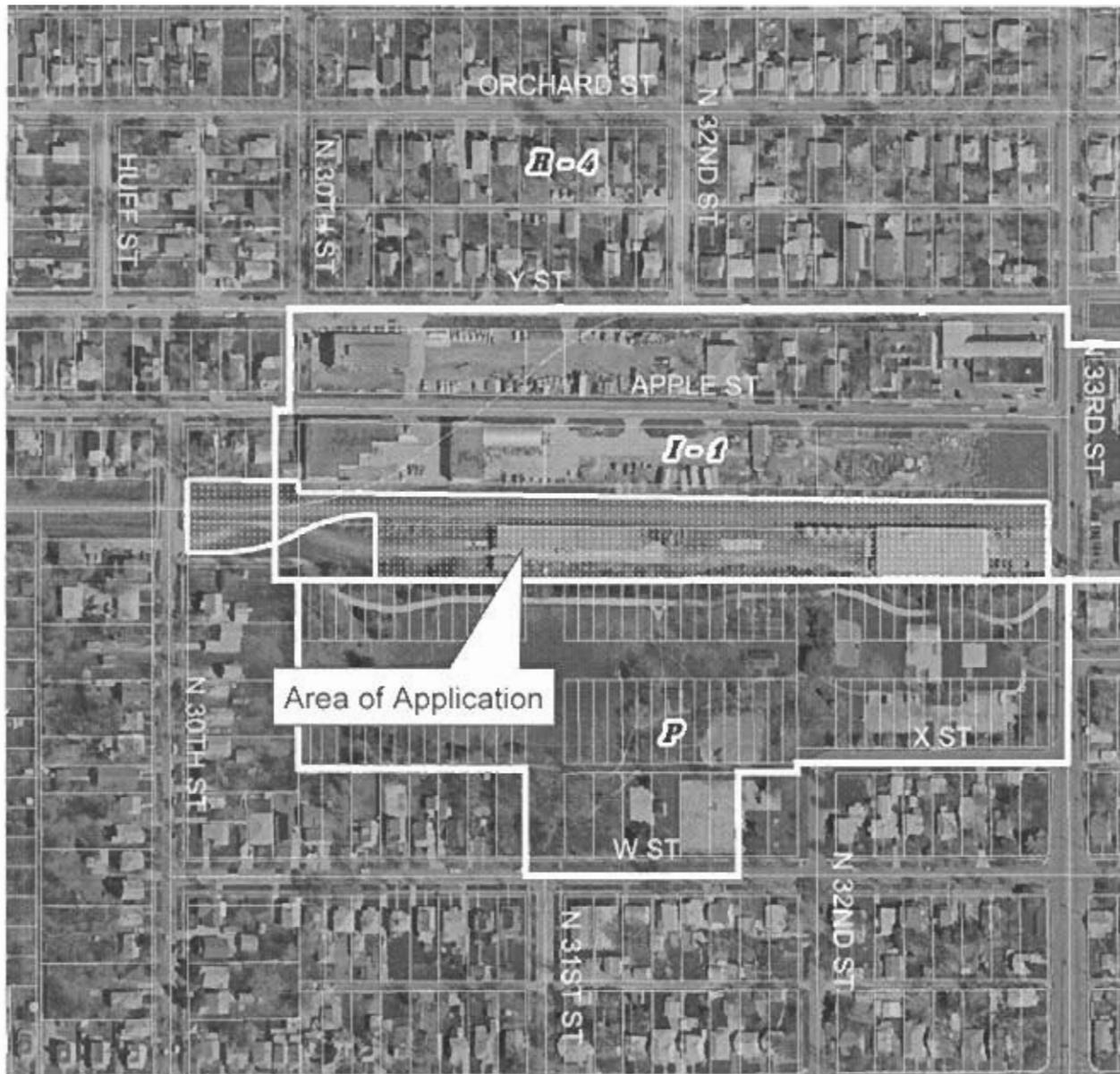
ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 26, 2004

Taylor moved to approve the staff recommendation of conditional approval, deleting the new Condition #1.2.2 requiring the fence, seconded by Larson.

Carlson commented that the idea of having the fences back to back is strange. He believes that the property is going to benefit just from this change in general, with the street there. He sees no overwhelming benefit in terms of cost in putting the fences back to back.

Motion for conditional approval, as set forth in the staff report dated May 7, 2004, carried 8-0: Marvin, Krieser, Carlson, Larson, Sunderman, Taylor, Pearson, and Bills-Strand voting 'yes'; Carroll declaring a conflict of interest. This is a recommendation to the City Council.



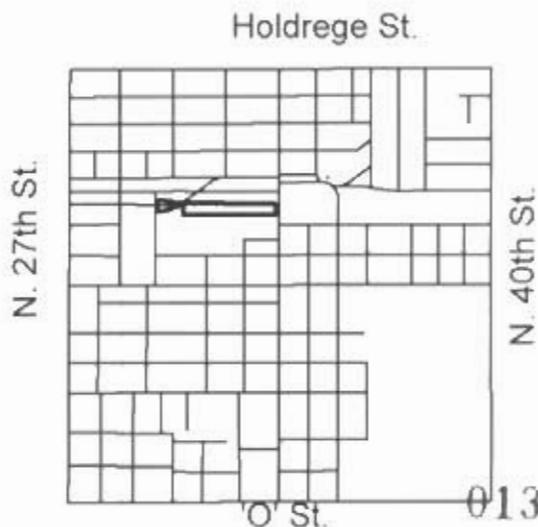
2002 aerial

Special Permit #04023
N. 33rd & Apple St.
Flat Iron Crossing CUP

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-1 Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
 Sec. 19 T10N R7E



FLAT IRON CROSSING

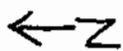
COMMUNITY UNIT PLAN/ SPECIAL PERMIT

A legal description to include a portion of Lots 1 and 2 Koser Subdivision, and a portion of the vacated Missouri Pacific Railroad, all located in the Northwest Quarter of Section 19 Township 10 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska, more particularly described by metes and bounds as follows.

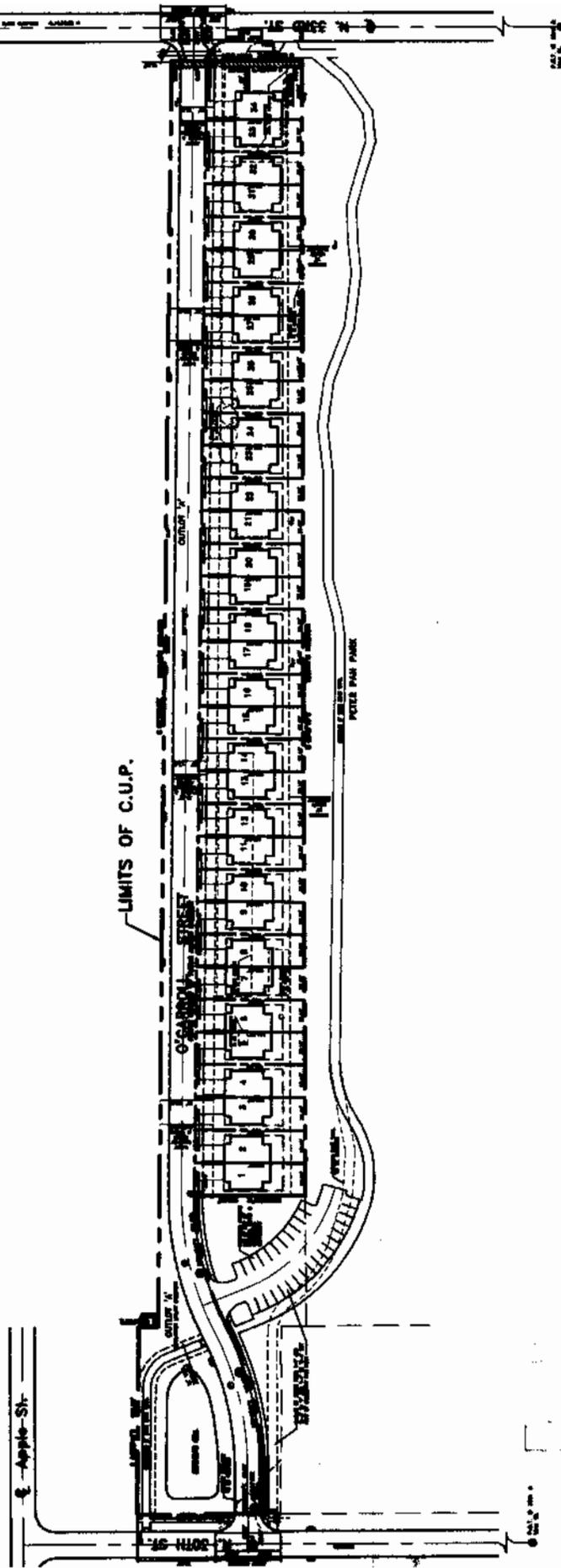
Commencing at the Southwest corner of Lot 2, Koser Subdivision; Thence North $00^{\circ}06'18''$ West (an assumed bearing) on the East right of way line of North 30th Street, a distance of 19.16 feet to the POINT OF BEGINNING; Thence continuing on said bearing a distance of 127.61 feet; Thence South $89^{\circ}30'46''$ East, a distance of 189.89 feet; Thence South $00^{\circ}04'35''$ East, a distance of 20.00 feet; Thence South $89^{\circ}23'06''$ East, a distance of 1286.63 feet; Thence South $00^{\circ}04'03''$ East, a distance of 30.04 feet; Thence South $00^{\circ}00'16''$ East, a distance of 22.70 feet; Thence South $00^{\circ}02'25''$ East, a distance of 80.97 feet; Thence South $89^{\circ}49'19''$ West, a distance of 1153.66 feet; Thence North $00^{\circ}01'37''$ West, a distance of 113.66 feet; Thence on a curve to the left, having a radius of 286.50 feet, a central angle of $27^{\circ}29'36''$, a chord bearing of South $76^{\circ}16'49''$ West, a chord distance of 136.16 feet to a point of reverse curvature; Thence on a curve to the right, having a radius of 313.50 feet, a central angle of $27^{\circ}21'41''$, a chord bearing of South $76^{\circ}45'40''$ East, a chord distance of 148.29 feet; Thence South $89^{\circ}53'42''$ East, a distance of 40.77 feet; Thence on a curve to the left, having a radius of 20.00 feet, a central angle of $16^{\circ}38'55''$, a chord bearing of South $81^{\circ}34'15''$ West, a chord distance of 5.79 feet to the POINT OF BEGINNING, and containing a calculated area of 192,015.87 square feet or 4.41 acres more or less

APR 26 2004

014



No. Scale



APR 26 2004

015



BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

April 22, 2004

Mr. Marvin Krout, AICP
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

APR 26 2004

RE: FLAT IRON CROSSING- NORTH 33RD AND APPLE STREETS
CHANGE OF ZONE AND C.U.P./ SPECIAL PERMIT

Dear Marvin,

On behalf of Eugene Carroll of Rose Investments, Inc, we submit the following project for your review.

Flat Iron Crossing is an 'infill' Community Unit Plan located at North 33rd Street, immediately north of Peter Pan Park. The site contains approximately 4.41 acres and is currently zoned 'I-1'. We are requesting a change of zone to 'R-4' with this application.

The development will contain 34 single family attached units in 17 buildings. Each unit will be on its own lot with public water and sanitary sewer. Vehicular access will be provided by a private roadway.

Mr. Carroll has been working with the Parks and Recreation Department to facilitate a property exchange to facilitate this development. The Urban Development Department will also be involved to help with infrastructure needs.

We are requesting the following waivers with this application:

1. Waive the preliminary plat procedures as this is a Community Unit Plan.
2. Waive the maximum block length on O'Carroll Street due to the existing park to the south, and the industrial uses to the north.
3. Waive sidewalks on the north side of O'Carroll Street, as there are only dwelling units located on the south side of the street.

4. Waive the depth to width lot ratio from 3:1 to 4:1, as this is customary in attached single family developments of this type.
5. Waive street trees on the north side of O'Carroll Street, as there is an existing overhead power line that will conflict with street trees in this location.
6. Waive the required landscape screen along the south side of the development, as there is existing mature screening in the park land adjacent to the site. Additional screening will only block the view to the park and bike trail. Having the bike trail open to the proposed units will aid in security along this trail location.
7. Waive the required recreational facility, as this project is located next to an improved City park.
8. Waive the location of the water main from the north side of O'Carroll Street to the south side, and waive the location of the sanitary sewer from the south side to the north side of O'Carroll Street. This will allow for the plumbing taps to be located out from underneath the private roadway pavement.

We are also requesting that the bikeway easement recorded as 96-047204 be released as part of this project. A new 18' bike trail easement is shown to be dedicated north of the proposed detention cell.

We are excited about this infill project in this area of Lincoln. This will be a cooperative effort with private and public funding, which will add to the appearance and livability of the existing neighborhood.

Please feel free to contact me if you have any additional comments.

Sincerely,



Brian D. Carstens

CC. Eugene Carroll- Rose Investments, Inc.

Enclosures: 20 copies of Sheets 1 of 4
8 copies of Sheets 2 through 4 of 4
Application for a Change of Zone
Application for a Special Permit/ C.U.P.
Application Fees
Certificate of Ownership
8-1/2" x 11" Reductions

APR 26 2004

Memorandum

To:	Becky Horner, Planning Department
From:	Chad Blahak, Public Works and Utilities
Subject:	Flat Iron Crossing Community Unit Plan
Date:	May 6, 2004
cc:	Randy Hoskins

Engineering Services has reviewed the submitted plans for the Flat Iron Crossing Community Unit Plan, between North 30th and 33rd Streets south of Apple Street, and has the following comments:

- **Sanitary Sewer** - The following comments need to be addressed.
 - (1.1) The requested waiver of design standards to construct sanitary sewer on the north side of the private roadway is satisfactory to Public Works. This request is in conjunction with the waiver request to construct water mains on the south side of the private street. Since there will be no water service connections from the north, relocating the water main on the south side eliminates the need to bore the water services under the private roadway.
 - (1.2) A waiver of design standards to construct the sanitary sewer under the street paving will also be needed. Public Works will approve this waiver as there is insufficient space between the back of the curb and the north property line to construct the sewer.
- **Water Main** - The following comments need to be addressed.
 - (2.1) See (1.1) for comment on the requested waiver of design standards to construct water mains on the south side of the private roadway.
- **Grading/Drainage** - The following comments need to be addressed.
 - (3.1) It appears that there is more offsite drainage area from the south draining across this project than what is shown on the grading plan. The drainage and detention calculations along with the detention cell grading may require revisions.
 - (3.2) There is currently a City storm sewer improvement project designed for this portion of 30th Street adjacent to this plat. The plans need to be revised to reflect the improvements shown in the City project. Portions of the proposed storm sewer system for this plat may need to be redesigned.

- **Streets/Paving** - The following comments need to be addressed.
 - (4.1) Greater detail is required on the proposed street grade profile for O'Carroll Street. Elevations at vertical curves and at intersections need to be provided.
 - (4.2) The requested waiver of design standards for block length on the south side of O'Carroll Street is satisfactory to Public Works due to the adjacent park.
 - (4.3) The requested waiver of design standards for sidewalks on the north side of O'Carroll Street is satisfactory to Public Works as there are no proposed units on the north side of the street.

General - The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Becky Horner

DATE: May 6, 2004

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File
EH Administration

SUBJECT: Flat Iron Crossing
SP #04023 CZ #04031

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed development with the following noted:

- The LLCHD notes the proposed residential development will be located adjacent to industrial zoning (I-1 zoning district). The LLCHD has historically advocated against locating residential populations adjacent to industrial zoning due to concerns regarding potential exposure to hazardous chemicals from current or potential future uses within the I-1 zoning district. Therefore, the LLCHD cannot support this proposed development given the current zoning adjacent to the proposed development.
- Noise pollution is also a concern when locating residential populations adjacent to industrial zoning. Lincoln Municipal Code (LMC) 8.24 Noise Control Ordinance does address noise pollution by regulating source sound levels based upon the receiving land-use category or zoning. LLCHD encourages the application to review LMC 8.24.



Dennis L Roth

05/05/2004 09:58 PM

To: Rebecca D Homer/Notes@Notes

CC:

Subject: re: Flat Iron Crossing

PROJ NAME: Flat Iron Crossing
PROJ NMBR: Application No. 04023
PROJ DATE: 04/26/04
PLANNER: Becky Horner

Finding ONE DUPLICATE/SIMILAR name in our geobase for the street name proposed in this project, other than those which are an extension of an existing street.

PROPOSED

O'Carroll St

EXISTING

Carol Cir and Carol Ln

Dennis "denny" Roth, ESD II/CAD Admin
Emergency Communications 9-1-1 Center

STREETS: O'Carroll St

PRIVATE:

COMMENTS: Objection to O'Carroll St

Memo



To: Becky Horner, Planning Department

From: Mark Canney, Parks & Recreation

Date: April 30, 2004

Re: Flat Iron Crossing

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have the following comments:

1. Please considering substituting the Emerald Queen Norway maple with a tree species less prone to sun scald such as an Autumn Blaze Maple or Cimmaron Ash.
2. All outlot areas to be maintained by the developer and/or future homeowners association.
3. Please add street trees to the north side of the street.
4. Permanent metal markers (3" wide x 3' tall footed in concrete) need to be located every 160' beginning at the SW corner of the property. (9) total shall be placed to prevent encroachment or questions about lot lines.
5. The bike trail/pedestrian easement needs to be 20' wide.
6. A concrete access or mouth should be poured for the parking lot at the time the roadway is constructed.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.



MICHAEL WOOLMAN
<lpd737@CJIS.CI.LINC
OLN.NE.US>

To: R Horner <RHomer@ci.lincoln.ne.us>
cc:
Subject: Flat Iron Crossing

04/28/2004 07:53 AM

Ms. Horner,

The Lincoln Police Department does not object to the Flat Iron Crossing Special Permit.

Sergeant Michael Woolman
Lincoln Police Department

024

IMPORTANT

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Permit # **DRF04056**

Address

Job Description: **Development Review - Fire**

Location: **FLAT IRON CROSSING**

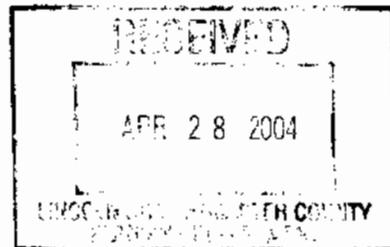
Special Permit:

Preliminary Plat:

Use Permit:

CUP/PUD:

Requested By: **BECKY HORNER**



Status of Review: **Denied**

04/27/2004 1:59:32 PM

Reviewer: **FIRE PREVENTION/LIFE SAFETY CODE**

BOB FIEDLER

Comments: **need site utility plan showing fire hydrants**

Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 2000 International Building Code and Local Amendments
- 2000 International Residential Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 2000 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards

Richard J Furasek
04/30/2004 02:24 PM

To: Rebecca D Horner/Notes@Notes
cc:
Subject: Flat Iron Crossing

Upon review of the site plan for Flat Iron Crossing, the issue I have is that my site map does not indicate any fire hydrants in the proposal. I know there is one at 30th and 33rd, but are there any shown and am I missing them on the map?

Richard J. Furasek
Assistant Chief Operations
Lincoln Fire & Rescue
1801 Q Street
Lincoln Ne. 68508
Office 402-441-8354
Fax 402-441-8292

MEMORANDUM

TO: Planning Commission
FROM: Becky Horner, Planning
SUBJECT: Special Permit #04023, Flat Iron Crossing CUP
DATE: May 26, 2004
COPIES: Applicant
File

The attorney for the property owner north of this application indicated that the property owner north of this application may consider redevelopment to residential in the future, however, they do not have any immediate or short term plans to do so. The staff report indicated a more immediate plan to change the zoning from industrial to residential, which is inaccurate.

Planning staff recommends a condition be added in order to provide a barrier between the existing industrial and proposed residential until such time as the property to the north is redeveloped into residential:

1.2.2 Show a 6' high opaque fence along the north property line.