

FACTSHEET

TITLE: SPECIAL PERMIT NO. 2003, Unecede Place Community Unit Plan, requested by Boyce Construction, for 32 dwelling units, including a request to waive the design standards to reduce the required storm sewer easement from 30' to 20', on property generally located off of North 70th Street north of Adams Street.

STAFF RECOMMENDATION: Conditional Approval.

ASSOCIATED REQUESTS: Change of Zone No. 3396 (03-69)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 03/19/03
Administrative Action: 03/19/03

RECOMMENDATION: Conditional Approval, with amendment (9-0: Larson, Krieser, Bills-Strand, Carlson, Newman, Taylor, Steward, Duvall and Schwinn voting 'yes').

FINDINGS OF FACT:

1. This community unit plan and the associated Change of Zone No. 3396 were heard at the same time before the Planning Commission.
2. The staff recommendation to approve the community unit plan, with conditions of approval, is based upon the "Analysis" as set forth on p.4-5, concluding that, with conditions, the request is in conformance with the Comprehensive Plan and the City of Lincoln Design Standards. The staff also recommends approval of the modification to the design standards to reduce the storm sewer easement.
3. The applicant's testimony and the testimony by the applicant's representative is found on p.8-9, including a request to delete Condition #1.1.8 which requires that the existing tree mass along the north property line be retained. The applicant suggested that trees be planted in compliance with the landscape plan along with a 6' privacy fence. The applicant also requested that Condition #1.2.5 be deleted, which requires that the street trees be planted on private property. Dennis Bartels of Public Works explained that the street trees need to be planted on private property because the City is accepting 40' of right-of-way on 70th Street. If the street trees are planted in the right-of-way, it would complicate the future widening of 70th Street. (See Minutes, p. 9-10.
4. Other testimony in support is found on p.9, and the record consists of three letters in support (p.27-29).
5. There was no testimony in opposition.
6. On March 19, 2003, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend conditional approval, as set forth in the staff report dated March 4, 2003, with amendments deleting Condition #1.1.8 and amending Condition #1.2.6:

1.1.8 ~~The site redesigned so that the existing tree mass along the north property line will remain.~~

1.2.6 ~~The existing tree mass along Landscaping and a privacy fence on the north property line to remain.~~

The Planning Commission did not delete Condition #1.2.5 which requires that the street trees be planted on private property.
7. The Site Specific conditions of approval required to be completed prior to scheduling this application on the Council agenda have been satisfied.

FACTSHEET PREPARED BY: Jean L. Walker

REVIEWED BY: _____

REFERENCE NUMBER: FS\CC\2003\CZ.3396 Unecede CUP

DATE: April 21, 2003

DATE: April 21, 2003

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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.: Unecede Place, Change of Zone #3396 **DATE:** March 4, 2003
Community Unit Plan Special Permit #2003

SCHEDULED PLANNING COMMISSION MEETING: **DATE:** March 19, 2003
****As Revised by Planning Commission: 03/19/03****

PROPOSAL: To change the zone from R-2, Residential to R-4, Residential and obtain a special permit for a CUP for 32 dwelling units at N. 70th and Adams Streets.

WAIVER REQUEST: Reduce storm sewer easement from 30' to 20' in width.

LAND AREA: 2.68 acres, more or less.

CONCLUSION: With conditions, the request is in conformance with the Comprehensive Plan and the City of Lincoln Design Standards.

RECOMMENDATION: Change of Zone #3396	Approval
<u>Special Permit for Community Unit Plan #2003</u>	<u>Conditional Approval</u>
<u>Modification to reduce the storm sewer easement</u>	<u>Approval</u>

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 31 Irregular Tract, SE quarter of Section 9-10-7.

LOCATION: Generally located off N. 70th Street north of Adams Street.

APPLICANT: Boyce Construction
4631 South 67th Street
Lincoln, NE 68506
(402)310-6328

OWNER: JD Burt
Design Associates
1609 N Street
Lincoln, NE 68508
(402)474-3000

CONTACT: Same

EXISTING ZONING: R-2, Residential

EXISTING LAND USE: University of Nebraska storage building, currently vacant.

SURROUNDING LAND USE AND ZONING:

North:	Single family residential	R-2, Residential
South:	Gas station, Bank	B-1, Commercial O-2, Suburban Office District
East:	Townhomes, Multifamily	R-4, Residential, R-5, Residential
West:	Single family	R-2

HISTORY: Change of Zone #3277 from R-2, Residential to R-T, Residential Transition was requested on August 2, 2000 and later placed on hold by the applicant. A letter is being sent to the applicant asking for them to withdraw this request.

Zoned A-2, Single Family Dwelling District until it was updated to R-2, Residential during the zoning update in 1979.

COMPREHENSIVE PLAN SPECIFICATIONS: This area is shown as Urban Residential in the Comprehensive Plan (F-25).

“Other natural features, such as tree masses, in areas for future development, are integrated into new development to provide for green spaces within the built environment” (F 16).

“Maximize the community’s present infrastructure investment by planning for residential...in areas with available capacity” by “encouraging...more dwelling units per acre in new neighborhoods” (F 17).

“Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population” (F-18).

“Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood” (F 18).

“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).

“Similar housing types face each other...change to different use at rear of lot” (F 67) (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).

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

UTILITIES: The development proposes to be served by private water and sanitary sewer. The Public Works & Utilities Department indicated that the proposed connections for sanitary sewer and water mains are satisfactory.

The Public Works & Utilities Department indicates that the proposed storm sewer easement on Lot 5 with access to Shirley Court is the only logical connection to provide adequate drainage of this development. Public Works & Utilities Department will not object to the public storm sewer system that is proposed to be constructed by the Executive Order Process. This construction will also require additional storm sewer be extended in Shirley Court to complete the system to N. 68th Street.

The site plan indicates a 20' easement for public storm sewer to connect into the existing system to the west. The Design Standards require a 30' easement but due to the existing residential to the west a 30' is not an unreasonable request. The Public Works & Utilities Department supports this request.

TOPOGRAPHY: Level with N. 70th Street and sloping steeply toward the west and north. This lot sits up much higher than the adjacent neighborhood.

ENVIRONMENTAL ANALYSIS: A number of existing tree masses are proposed to be preserved, however, the site plan shows the entire tree mass along the north property line to be removed and replaced with six trees. This is unacceptable. The existing tree mass contains 20-25 mature cedar trees that provide nearly a 100% screen from the abutting single family residential. This is a redevelopment in an existing residential neighborhood, and reducing the possible impact upon the existing neighborhood is necessary. The plan should be revised to indicate a design that preserves the existing tree mass along the north property line.

TRAFFIC ANALYSIS: Property will take access off of N. 70th Street, which is classified as an urban minor arterial in the Comprehensive Plan (F-103).

The site plan indicates the dedication of an additional 7' of right-of-way for N. 70th Street. The Public Works & Utilities Department indicated that this is satisfactory, however, right-of-way cannot be dedicated through a special permit. The owner should provide a deed to the city.

ANALYSIS:

1. This is a request to change the zoning from R-2, Residential to R-4, Residential and obtain a special permit for a community unit plan at the site of the old university grain storage building. This lot has remained vacant for several years.
2. The applicant indicates that this will be a condominium format and that each unit will be sold individually but individual lots will not be created and sold with the unit. The maintenance will be a common responsibility of a homeowners association.
3. The University used the building for a variety of uses. The building lost its non-conforming status after the building was unused for more than two years. The lot is presently zoned R-2, Residential as is the surrounding neighborhood. The lot is oriented toward N. 70th Street and has no access into the surrounding residential neighborhood.
4. The Public Works & Utilities Department indicates that a sidewalk connection needs to be shown to the existing sidewalk along N. 70th Street for pedestrian circulation to serve this residential development.

5. The Public Works & Utilities Department Watershed Management section indicated that an overland flow path must be allowed for higher, less frequent flows that will overload the proposed storm water system. A swale must be constructed in the proposed storm water easement to allow for the higher flows of storm water.
6. The Comprehensive Plan encourages more dwelling units per acre and a change of use at the rear of lots. There is existing multifamily and townhouses to the east zoned R-4, Residential and R-5, Residential. This development appears to be consistent with the guiding principles of the Comprehensive Plan. This land has been vacant for several years and this request seems to be a reasonable redevelopment for the property.
7. Sidewalks should be provided inside the development leading both to the recreational area and out to the existing sidewalks along N. 70th Street.
8. An increase side yard setback to 10' is desired to provide additional separation from the existing single family residential to the north and bank to the south.
9. Street trees along major streets must be planted on private property.
10. The applicant appears to have met with the adjacent property owners regarding the proposed application. The correspondence sent to the neighbors is included.
11. The plan needs to be revised to preserve the existing tree mass along the north property line. The existing mature cedar trees provide a dense evergreen screen from the abutting single family residential, and reducing potential impact on the existing neighborhood. The attached photo shows the screen.

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 Internal sidewalks and connections to sidewalks along N. 70th Street.
 - 1.1.2 Side yard setback increased to 10'
 - 1.1.3 Revised Note #13 to indicate "Building envelopes regulate... from extending beyond the building envelope"
 - 1.1.4 Removed existing landscape conditions from Sheet 1 of 3.

- 1.1.5 Type of recreation provided in recreation area.
- 1.1.6 A swale shown in the proposed storm water easement to the satisfaction of the Public Works & Utilities Department.
- 1.1.7 Utility easements to the satisfaction of the Lincoln Electric System.
- ~~1.1.8 The site redesigned so that the existing tree mass along the north property line will remain. (**Per Planning Commission: 03/19/03**)~~

1.2 Revise the landscape plan to show:

- 1.2.1 Screening and landscaping per City of Lincoln Design Standards.
- 1.2.2 The plant material MRS identified in the landscape schedule.
- 1.2.3 Legend showing that hatched areas indicate materials to be removed.
- 1.2.4 Common name of all existing materials to remain.
- 1.2.5 Street trees on private property.
- 1.2.6 ~~The existing tree mass along~~ Landscaping and a privacy fence on the north property line to remain. (**Per Planning Commission: 03/19/03**)

- 2. Complete, or post a surety to guarantee the completion of the drainage facilities, landscaping screens, street trees, in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.
- 3. This approval permits 32 dwelling units and modification to design standards to reduce the required storm sewer easement from 30' to 20'.

General:

- 4. Before receiving building permits:
 - 4.1 The permittee shall have submitted a revised and reproducible final plan including 6 copies and the plans are acceptable.
 - 4.2 The construction plans shall comply with the approved plans.
 - 4.3 The permittee shall submit to the City Clerk a deed for the additional right-of-way for N. 70th Street and relinquish direct vehicular access except at the driveway location shown on the site plan for the community unit plan and pay the recording fee in advance.

STANDARD CONDITIONS:

5. The following conditions are applicable to all requests:
 - 5.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
 - 5.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 5.3 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.
 - 5.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 5.5 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, filing fees therefor to be paid in advance by the applicant.

Prepared by:

Becky Horner
Planner

**CHANGE OF ZONE NO. 3396
and
SPECIAL PERMIT NO. 2003
UNECEDE PLACE COMMUNITY UNIT PLAN,**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 19, 2003

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

Staff recommendation: Approval of the change of zone and conditional approval of the community unit plan.

There were no ex parte communications disclosed.

Proponents

1. Jerry Boyce of Boyce Construction, 4631 So. 67th Street, the applicant, presented the application, expressing that he wants to be as neighborly as possible. He is on the job site daily. He has his own trash truck and will keep trash picked up on the job site. He will make his bobcat available. In this spirit of neighborliness, this project became named "Unecede Place". He has worked with the neighborhood from square one. The trees became an issue early on in the neighborhood meetings. There is a tree mass on the west and north boundary. The site plan has been developed in such a way to achieve the greatest amount of correction of the present drainage problems. For the two or three neighbors who wanted to keep the tree mass, there were more that said, "but if they (trees) have to go in order to achieve proper drainage, take them out, we're tired of having water gushing through our property and into our basements."

Boyce showed photographs of the north tree mass. From a distance it looks like a nice screen, but when you get closer you will see a whole bunch of very dense volunteer growth that is less desirable and competing for sun, light and moisture. Boyce also submitted photographs showing that there are other trees, bushes and a privacy fence right on the boundary line. The main cedar tree trunks are 17 to 18 feet away from the property line and then the limb growth is another 18-20 feet south of the trunks, so we are dealing with 35-40 feet south of the north boundary line that cannot be properly graded and properly drained to achieve the neighbors' greatest desire. The pictures also indicate that many of the main line branches are above head height and are growing straight down to the ground. There are many split trunks and broken limbs, and a lot of lateral growth because it is too thick and too close together.

Boyce agreed with the staff recommendation and conditions of approval, except the requirement to keep this tree mass. He requested that the Commission approve the project as submitted, allowing removal of the northern tree mass to achieve the proper grading in the north 40 feet which will achieve the proper drainage needed for the neighbors.

Steward inquired whether the applicant is suggesting that the drainage cannot be accomplished with the tree mass, or is it the least expensive way to do it? Boyce responded, stating that they cannot achieve as good of drainage with the tree mass. The number of units would also be in doubt and it would put the entire project in doubt. Retention of the tree mass would cause them to lose two units.

2. J.D. Burt of Design Associates of Lincoln, Inc., 1609 N Street, also testified on behalf of the applicant. Part of the problem is how the site drains--a portion of the water drains to the northwest corner of the site and a portion flows to the southwest corner. With this plan to take care of drainage, we have elevated the northerly portion of the site. This developer has proposed to elevate the northerly portion of the site so all the stormwater drains back to the storm sewer in the southwest corner. The developer has negotiated an easement to construct a public storm sewer that likely should have been somebody else's obligation. The proposal is to build the storm sewer down Shirley Court and rebuild the storm sewer at 68th & Shirley to take care of the 10 year event.

Burt also alluded to the meetings held with the surrounding abutting property owners, where two issues came to mind: drainage and trees. If we keep the trees, we are going to end up with a revised grading plan that would take the northerly half of this site and drain it back to the north, which does not help the existing drainage problems. The rise in elevation at the north end is in the neighborhood of 4-5 ft. Burt requested that Condition #1.1.8 be deleted and in lieu thereof the developer will agree to plant trees in compliance with the landscape plan and install a 6' privacy fence.

Burt also expressed concern about Condition #1.2.5, which requires that street trees be shown on private property. Burt requested that Condition #1.2.5 be deleted and that the street trees be planted in compliance with design standards.

Carlson does not see the fence along 70th Street. Burt acknowledged that the fence is not shown; however, the fence would be shown if they are allowed to remove the trees to the north.

3. Ralph Carlson, 3134 Shirley Court, testified in support. When he received notice of this proposal, his first concern was the drainage. He believes they have addressed the drainage issues quite well. The trees in the back of his yard will remain. But in talking to the other people on the north side, they are very pleased with the fact that the trees will be removed and replaced with a fence.

There was no testimony in opposition.

Steward is interested in making the amendment to require tree replacement and the privacy fence as described by the applicant. He wondered whether the tree type and spacing needed to be specified. Becky Horner of Planning staff stated that the design standards generally only require a screen from a certain height to a certain percentage. It does not specify species or spacing. Parks would probably comment on whether or not the spacing is appropriate. She also advised that the 6' fence would exceed the requirements. If the Commission desires a landscape screen in addition to the fence, that would need to be specified in the condition.

With regard to placement of the street trees, Horner stated that the design standards and subdivision standards require that street trees be placed on private property. If they want to waive

that standard, it would require readvertising. Parks indicated that they need to be placed on private property.

Taylor inquired about the staff recommendation to retain the tree mass. Horner explained that the Comprehensive Plan calls for existing tree masses to be preserved where feasible; however, staff is comfortable with the 6' screen alternative given the condition of the trees.

Schwinn inquired whether 70th Street will be widened in this area. Dennis Bartels of Public Works believes the plan shows dedicating additional right-of-way to 40' off the centerline. He does not know that there is a specific project for widening but the 40' matches the right-of-way north and south. That is one of the reasons for not putting the trees in the right-of-way. We are accepting 40' of right-of-way because that is the most we can get up and down the street for any future widening. If the trees are put in there it complicates the widening.

Steward is still concerned about the north property edge, primarily because we have more or less solid wall construction of multi-family use with single family owners looking at the back yards. So potentially it is an edge relationship problem. Would the landscaping be on this property or the single family property side of the fence? What's the relationship of the fence to the trees? Burt indicated that the applicant would be open to suggestion. They would rather have the trees on their side of the fence for maintenance purposes. But from an aesthetic problem, Steward believes those four property owners are going to experience a huge change in their back views. He simply is trying to soften that. Boyce interjected that he did not say he would "happily" put in the privacy fence, but he agreed to do it. He understands Steward's concern but it is the choice of the lesser of the two evils. Do we want to provide screening for the neighbors? Steward suggested that they already have screening and this development is taking it down.

Burt advised that he talked to three of the five owners abutting the property. The two owners on the ends would rather have the drainage problem fixed than the trees. The people who live in the middle would rather have the drainage fixed than the trees, but they would like to have a fence.

Boyce noted that there is no known opposition and there are letters in support from Lloyd Hinkley on the south. He also received two phone calls from the two single family residence owners on the south.

Public hearing was closed.

CHANGE OF ZONE NO. 3396

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

March 19, 2003

Carlson moved approval, seconded by Bills-Strand and carried 9-0: Larson, Krieser, Bills-Strand, Carlson, Newman, Taylor, Steward, Duvall and Schwinn voting 'yes'.

SPECIAL PERMIT NO. 2003

UNECEDE PLACE COMMUNITY UNIT PLAN

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

March 19, 2003

Steward moved to approve the staff recommendation of conditional approval, seconded by Bills-Strand.

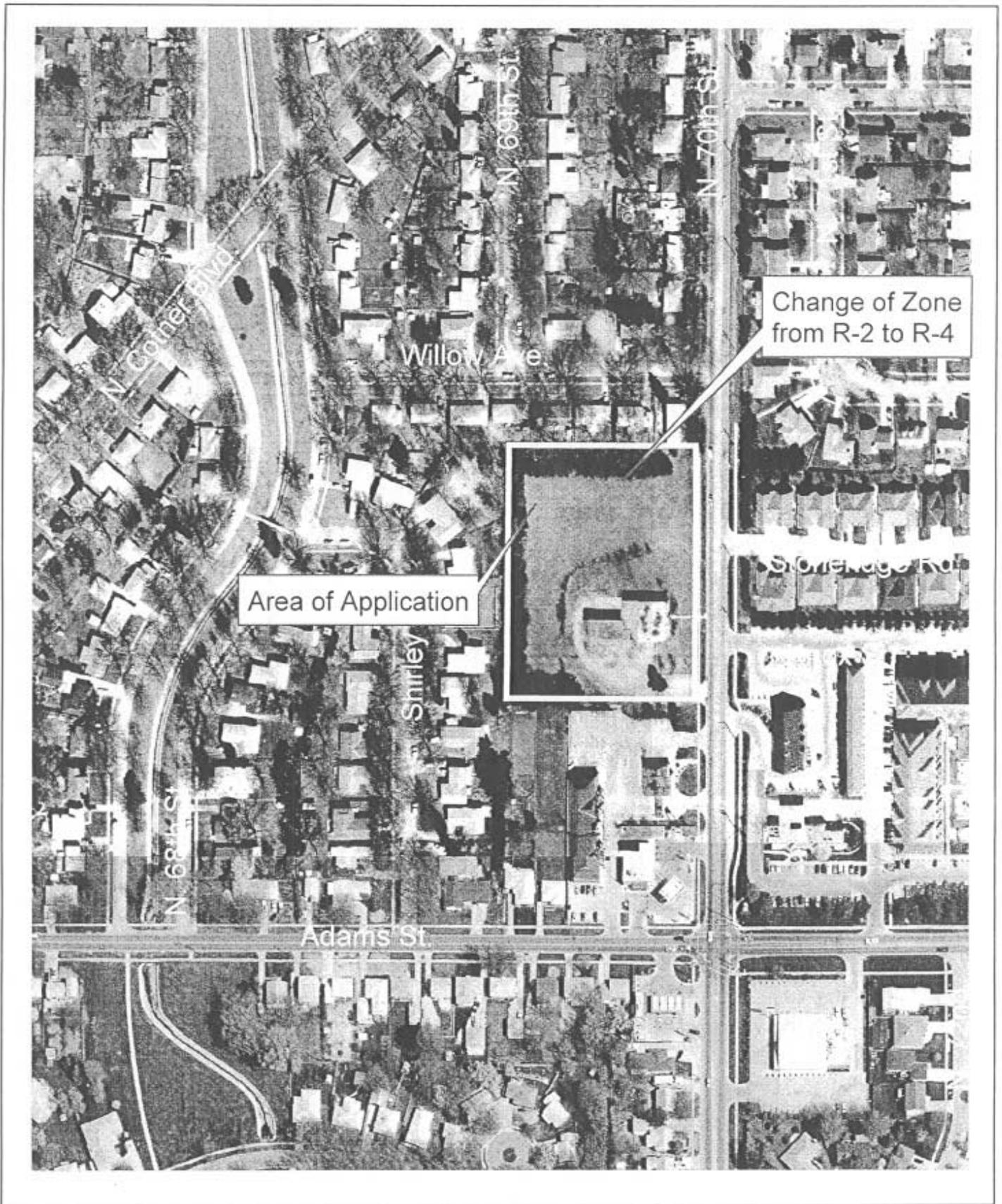
Steward made a motion to amend Condition #1.2.6 to read: "to install landscaping and a privacy fence on the north property line.", and to delete Condition #1.1.8, seconded by Bills-Strand.

Motion to amend carried 9-0: Larson, Krieser, Bills-Strand, Carlson, Newman, Taylor, Steward, Duvall and Schwinn voting 'yes'.

Discussion on the main motion: Steward believes it is commendable on the part of the applicant to get this kind of approval from the surrounding single family residents. It is unusual to be able to put multi-family units in such tight proximity. He also believes it has a lot to do with the screening that had been there and now the resolution of the drainage problem, so everyone is trying to work with these edge conditions where one zoning use meeting a lesser zoning use is difficult. Everything the developer can do to mitigate that difficulty is to be commended.

Schwinn believes this is a great job of going into an infill site and making something work.

Motion for approval, with conditions, as amended, carried 9-0: Larson, Krieser, Bills-Strand, Carlson, Newman, Taylor, Steward, Duvall and Schwinn voting 'yes'.



**Change of Zone #3396
 Special Permit #2003
 N. 70th & Adams St.**



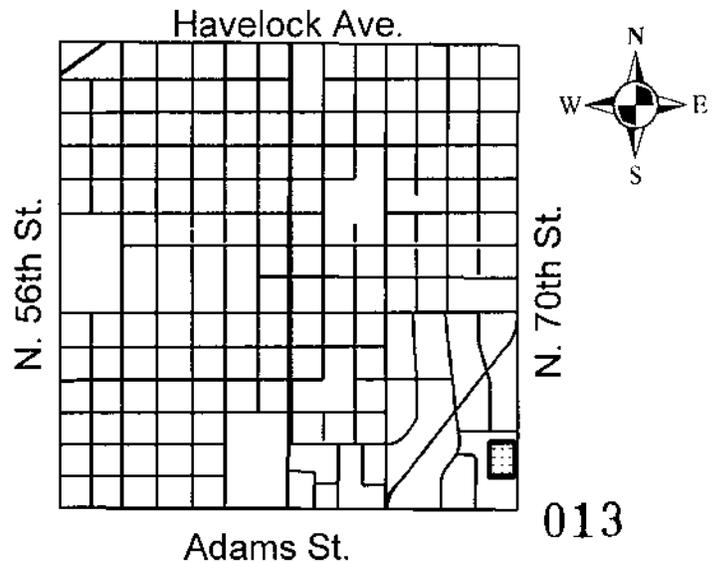
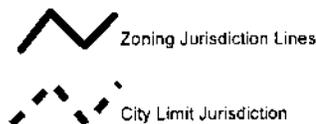


**Change of Zone #3396
Special Permit #2003
N. 70th & Adams St.**

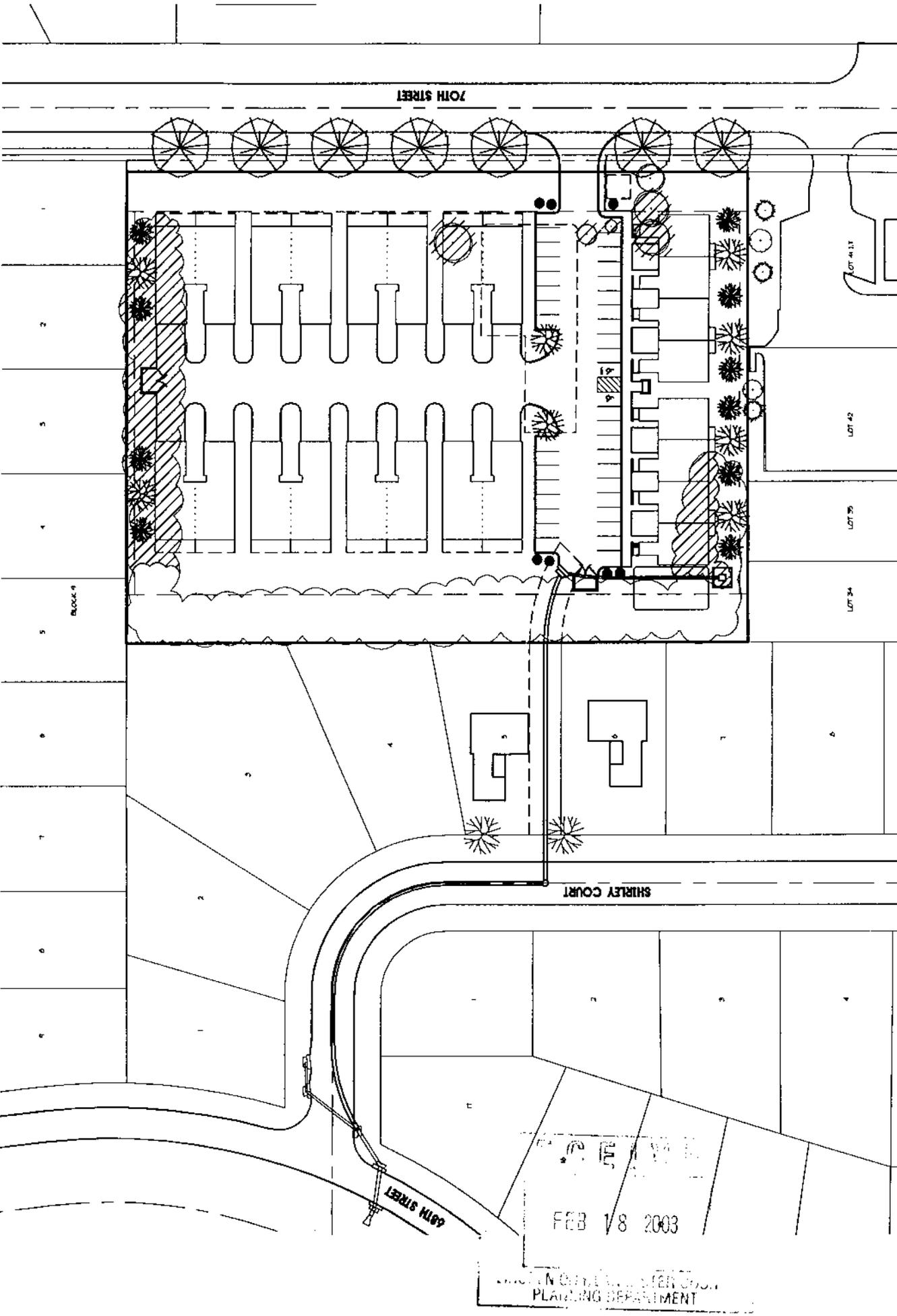
Zoning:

**One Square Mile
Sec. 9 T10N R7E**

- 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-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District



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70th STREET

LOT 43.17

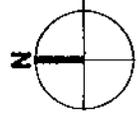
LOT 42

LOT 35

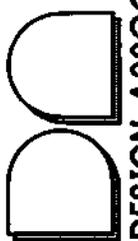
LOT 34

3115 N. 70th STREET

SCALE: 1" = 80'



PERSHING SQUARE
1509 N. STREET
LINCOLN NEBRASKA 68508
voice: 402/474-3000
fax: 402/474-4045
desassoc@linbraska.com



DESIGN ASSOCIATES OF LINCOLN, INC.

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FEB 18 2003

LINCOLN COUNTY REGISTERED SURVEYOR
PLANNING DEPARTMENT



Unecede Place Special Permit #02003
Change of Zone #3396

View from south looking toward the north property line. The easternmost single family house is visible on the right hand of the photo. All of the other houses are screened by the existing tree mass.

**Design
Associates** of Lincoln, Inc.

Pershing Square
1609 'N' Street
Lincoln, NE 68508
Phone: (402) 474-3000 • Fax: (402) 474-4045

February 18, 2003

Marvin Krout
Lincoln/Lancaster County Planning Department
555 South 10th Street
Lincoln, Nebraska 68508

RE: Unecede Place- Change of Zone
Application for Special Permit

Mr. Krout:

On behalf of Boyce Construction, Inc., contract purchaser, please accept this correspondence as supplemental information to the attached City Zoning Application. This application requests a Change of Zone from R-2 to R-4 and approval of a Special Permit on property located along the west side of 70th Street north of Adams Street. The property is legally described as Lot 31 I.T., Section 9, T10N, R7E, Lincoln, Lancaster County.

The proposed redevelopment plan for the 2.68-Acre property formerly owned by the University of Nebraska includes demolition of the existing building and construction of 32 dwelling units consisting of eight two-family buildings and two multi-family buildings. The multi-family buildings are designed in a 'row house' or 'townhouse format'. The requested R-4 zoning will provide a transition between the existing O-2 and B-1 zoning to the south, B-1 and R-4 zoning to the east and the R-2 zoning to the north and west. Approval of the requested change of zone will allow a maximum of 33 dwelling units and is consistent with existing zoning located immediately east on the east side of 70th Street.

The site is designed with the two multi-family buildings along the south property line adjacent to the existing office and commercial facilities and two-family buildings adjacent to the west and north property lines adjacent to the existing residences. This layout is proposed to provide land uses that are compatible with existing land uses adjacent to the site. All 32 units will be available for individual ownership.

Site development will include construction of private sanitary and water mains and installation of a public storm sewer between the development and the 68th Street drainage way. The proposed public storm sewer construction is designed to reduce surface run-off from the site that now travels westerly across our neighbor's property into the Shirley Court right-of-way. An easement has been dedicated by one of our neighbors to allow this construction between the site and Shirley Court.

FEB 18 2003

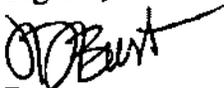
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Consideration has also been given to the existing trees. The plan has been designed to minimize the overall loss of trees on the site. Tree removal along the perimeter of the site is generally limited to trees along the north and south property lines. Replacement trees in these areas are shown on the landscape plan.

During our meetings with neighbors, two issues were of concern. Their concerns included tree loss and drainage. We have attempted to meet both of these goals with the placement of building envelopes located east of the westerly tree mass and off-site improvements to the city's storm sewer system.

Thank you in advance for your favorable consideration. Please advise if additional information is desired.

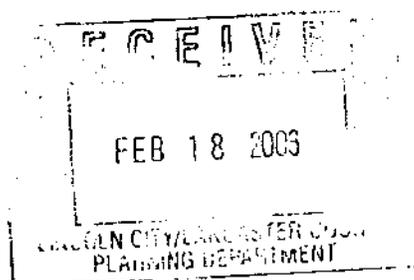
Best regards,

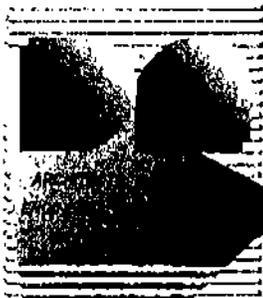


J.D. Burt
For the firm

Attachments: Uncedede Place Community Unit Plan
 February 13th Letter to Neighbors
 February 13th Open House Notice

cc w/ attachments: Jerry Boyce





Design Associates *of Lincoln, Inc.*

Pershing Square
1609 'N' Street
Lincoln, NE 68508
Phone: (402) 474-3000 • Fax: (402) 474-4045

March 4, 2003

Rebecca D. Horner
Lincoln/Lancaster County
Planning Department
555 South 10th Street
Lincoln, Nebraska 68508

Facsimile: 402/ 441-6377

RE: Unecede Place
3115 North 70th Street

Becky,

In response to your correspondence, please amend our application for Special Permit to include a request to waive the minimum storm sewer easement width to reduce the required width from 30' to 20'.

A storm sewer easement has been dedicated by Phyllis Tetherow to accommodate construction and maintenance of a storm sewer between the Unecede development and Shirley Court. The location of the Ms. Tetherow's residence and retaining wall that is located along the south limit of the easement prevents dedication of an easement in excess of 20' in width.

The proposed storm sewer construction and easement has been discussed with Public Works and was found to be acceptable due to existing conditions and the developer's attempt to correct an existing drainage problem.

Please advise if additional information or clarification is necessary.

Sincerely,

J.D. Burt
For the firm

Original via U.S. Mail

**Design
Associates** of Lincoln, Inc.

Pershing Square
1609 'N' Street
Lincoln, NE 68508
Phone: (402) 474-3000 • Fax: (402) 474-4045

February 13, 2003

RE: 3115 North 70th Street Redevelopment Plan.

Dear Neighbor,

We wanted to take this opportunity to advise of changes and the status of the proposed redevelopment plan for the former University of Nebraska property located adjacent to you.

We met with Phyllis Tetherow (3118 Shirley Court), Ralph Carlson (3134 Shirley Court), Councilperson Coleen Seng and Dennis Bartels (city Public Works) to discuss construction of a storm sewer to reduce surface storm water run-off from the site. As a result of that meeting, Ms. Tetherow has agreed and provided us with an easement to allow construction of a storm sewer south of her home. Thank you Phyllis!

A survey of the existing trees located along the west and north property lines has been completed. The surveyed location and ground elevation adjacent to the trees varied from our original information. Implementation of the plan sent to your for our first meeting would have resulted in a significant loss of trees along both the north and west sides of the site. After careful consideration, the site has been modified to minimize tree loss while continuing to direct storm water run-off to the proposed storm sewer. Changes to the plan include:

- An easterly shift of the westerly two-family buildings and elimination of the center row of parking between the two-family buildings. This shift will allow grades west of these buildings to be adjusted to minimize tree removal along the west property line.
- A northerly shift of the two-family buildings is proposed to allow replacement parking to be provided along the north side of the driveway that accesses 70th Street. This shift of the two-family buildings will cause the loss of trees along the north property line. The tree loss is the result of the building shift and grading that is necessary to divert storm water to the south into the proposed storm sewer. Replacement trees are proposed along the north property line and are shown on the landscape plan submitted to the city.
- The multi-family buildings have been modified and shifted to the east. This shift will reduce tree loss and allow placement of a recreation area at the southwest corner of the site.

It continues to be our goal to minimize disruption of trees and improve storm water drainage conditions for our neighbors. We have attempted to meet both of these goals with the proposed plan revisions. Please feel free to contact me if you have any questions before the meeting. If not, we look forward to discussing the project with you next Wednesday.

Sincerely,



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February 13, 2003

YOU ARE INVITED to an OPEN HOUSE....

WHEN: Wednesday, February 19, 2003 between 6:45 P.M. and 8:00 P.M.
WHERE: Easterday Recreation Center, 6130 Adams Street
WHY: To Discuss a Proposed RESIDENTIAL DEVELOPMENT PLAN

ABOUT THE PROJECT...

Boyce Construction is proposing redevelopment of the former University of Nebraska property located on the west side of 70th Street north of Adams Street. The property is shown on the attach vicinity map.

The proposed redevelopment plan includes demolition of the existing building and construction of eight two-family buildings and two multi-family buildings in row house or townhouse format. A total of 32 dwelling units are proposed. A copy of the concept plan is also attached for your review.

The site is designed with the two multi-family buildings along the south property line adjacent to the existing commercial and two-family buildings adjacent to the west and north property lines adjacent to the existing residences. All 32 units will be available for individual ownership. This layout is proposed to provide land uses that are compatible with the adjacent properties.

After meeting with adjacent owners and dedication of a storm sewer easement by one of our neighbors, the proposed plan now includes installation of storm sewer between the development and the 68th Street drainage way. This storm sewer is expected to reduce surface drainage across our neighbor's property. The proposed plan also includes revisions to the northerly portion of the development that will minimize loss to the existing trees located along our west property line.

Before the project presented to the Planning Commission and City Council, the developers would like to share their plan with you and your neighbors. They would like to address your concerns in an informal environment before the project is presented to the Planning Commission and City Council.

Please review the attached concept plan and give us your thoughts! We look forward to meeting with you on Wednesday, February 19th to discuss the project. If you are unable to join us, feel free to contact me at my office with your thoughts.

Thank you for your time.



J.D. Burt
for the firm

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Attachments: Vicinity Plat Map, Concept Plan

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

TO: Becky Horner

DATE: March 3, 2003

DEPARTMENT: Planning

FROM: Chris Schroeder
Ron Marquart, REHS

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Bruce Dart, Director
EH File
EH Administration

SUBJECT: Unecede Place
SP #2003, CZ #3396

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the application for special permit and change of zone and conducted an onsite inspection for this plat. The following items are noted:

- Water supply is proposed to be the Lincoln Water System.
- Sewage treatment is proposed to be the Lincoln Wastewater System.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.
- Prior to demolition or renovation of any existing commercial structure, an asbestos survey must be conducted and ten or more working days prior to demolition/renovation a notification of demolition must be provided to the LLCHD. These are federal Environmental Protection Agency (EPA) requirements related to asbestos removal/demolition activities. Documentation related to this matter should be submitted to Harry LeDuc with the LLCHD at 3140 N Street, Lincoln, NE 68510. Mr. LeDuc can be contacted at 441-8034.

City of Lincoln, Nebraska

IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

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 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.

Plan Review Comments

Permit # DRF03010

Address

Job Description: Development Review - Fire

Location: UNECEDE PLACE

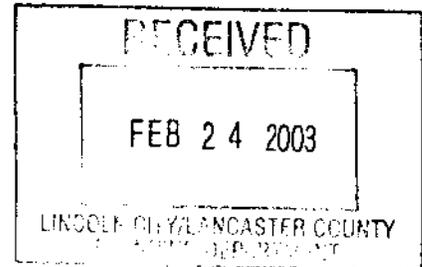
Special Permit: Y 2003

Preliminary Plat:

Use Permit:

CUP/PUD:

Requested By BECKY HORNER



Status of Review: Approved

Reviewer: FIRE PREVENTION/LIFE SAFETY CODE

BOB FIEDLER

Comments:

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

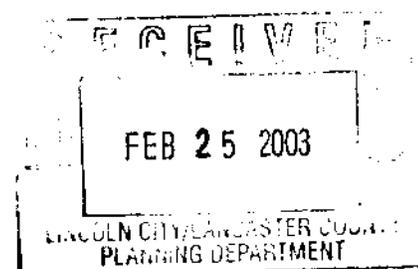
Memorandum

To: Becky Horner, Planning Department
From: Charles W. Baker, Public Works and Utilities *CB*
Subject: Unecede Place, Special Permit #2003 and Change of Zone #3396
Date: February 25, 2003
cc: Randy Hoskins
Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the site plan for the proposed development of 32 dwelling units and the change of zone from R2 to R4 on the property located at 3115 North 70th. Public Works has the following comments:

- Utilities - The proposed connections for the sanitary sewer and the water mains are satisfactory. This development will be served by private systems from the public connections in 70th Street.
- Right-of-Way - The 7' right-of-way dedication to match the 40' right-of-way in the commercial area south of this development is satisfactory.
- Storm Sewer - The proposed 20' storm sewer easement on Lot 5 with access to Shirley Court is the only logical connection to provide adequate drainage of this development. Public Works acknowledges that a 30' easement is desirable but not obtainable because of the natural barriers in this developed residential area. Public Works will not object to the public storm sewer system that is proposed to be constructed by the Executive Order process. This construction will also require additional storm sewer be extended in Shirley Court to complete the system to 68th Street.
- Sidewalks - A sidewalk connection needs to be shown to the existing sidewalk along 70th Street for pedestrian circulation to serve this residential development.

SP2003 CZ3396 edm.wpd



023

Memo



To: Becky Horner, Planning Department

From: Mark Canney, Parks & Recreation

Date: February 27, 2003

Re: Unecede Place SP 2003 CZ 3396

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. A site inspection done on 2/26/03 shows N. 70th Street as an arterial street, needs the landscape plan to show the street trees be planted on private property (i.e. at least 5' west of sidewalks) rather than on the city right-of-way. Please revise the landscape plan to reflect this.

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



Dennis L Roth

To: Rebecca D Horner/Notes@Notes

02/24/2003 01:51 AM

cc:

Subject: re: Unecede Place

PROJ NAME: Unecede Place
PROJ NMBR: SP# 2003, CZ# 3396
PROJ DATE: 02/18/03
PLANNER: Becky Horner

Finding NO DUPLICATE/SIMILAR sounding names in our geobase for the street name proposed in this project, other than those which are an extension of an existing street.

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

STREETS: none

PRIVATE: none

COMMENTS: Apt complex accessed off N 70th btwn Adams and Knox
with no internal streets

-LES INTER-DEPARTMENT COMMUNICATION

DATE February 27, 2003

TO Becky Horner, City Planning

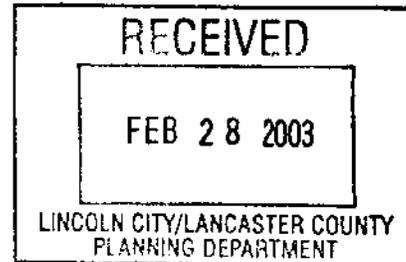
FROM Sharon Theobald
(Ext. 7640)

SUBJECT DEDICATED EASEMENTS
DN#31N-69E

Attached is the Site Plan for Unecede Place Special Permit Request.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require blanket utility easements, excluding building envelopes, over the entire development. Also, the LES Engineering Department should be contacted regarding service requirements for multi-family dwellings.



ST/ss
Attachment
c: Terry Wiebke
Easement File



MICHAEL WOOLMAN
<lpd737@CJIS.CI.LIN
COLN.NE.US>

To: R Horner <RHorner@ci.lincoln.ne.us>
cc:
Subject: Unecede Place

02/24/2003 11:06 AM

The Lincoln Police Department has no objections to the Unecede Place SP #2003.

Sergeant Michael S. Woolman
Lincoln Police Department

IN SUPPORT

ITEM NO. 3.3a&b: CHANGE OF ZONE NO. 3396
SPECIAL PERMIT NO. 2003
(p.59 - Public Hearing - 3/19/03)

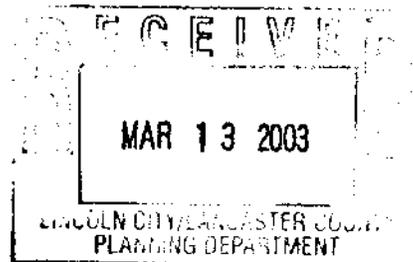
facsimile

TRANSMITTAL

To: Becky Horner
Fax #: 441-6377
Re: Unecede Place
Date: March 13, 2003
Pages: four (including this cover sheet)

Becky,

Attached for your files are three letters our office received from adjoining neighbors, Lloyd and Donna Hinkley and Ralph and Margaret Carlson.



If there is a problem with this transmittal, please contact:

The information contained in this fax message is privileged and confidential information intended only for the use of the individual or entity named above. If the read of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are notified that any distribution or copying of this communication is strictly prohibited. If you received this communication in error, please immediately notify us by telephone and return the original message to us at the above address by mail. Thank you.

**Design Associates
of Lincoln, Inc.**

Pershing Square
1609 N Street
Lincoln, NE 68508

Telephone: 402/474-3000
Fax: 402/474-4045

ToWhom It May Concern:

We want to express our support to Boyce Construction for their plan to build living units on the property at 3115 North 70th Street.

As we live adjacent to this property on the west, we feel it will be a good addition to the neighborhood.

Drainage as planned (if installed) will satisfy our concern for water from this property.

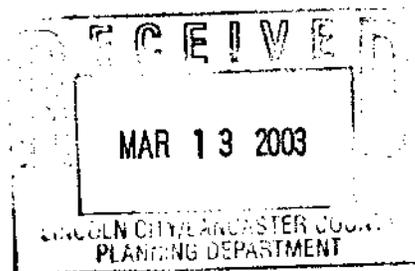
With regards,

Ralph M. Carlson 2/21/03

Margaret A. Carlson

Ralph & Margaret Carlson

3134 Shirley Ct.



Mr. and Mrs. Lloyd Hinkley
5440 Fairdale Road
Lincoln, NE 68510
January 20, 2003

Mr. J.D. Burt
Design Associates of Lincoln, Inc.
Pershing Square
1609 N St
Lincoln, NE 68508

RE: Proposed development 70th & Adams vicinity

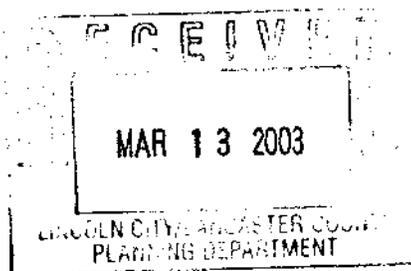
Dear Mr. Burt:

As the owners of Golf Park Center, which lies adjacent to subject development on the south side, we are supportive of your efforts to remove the present building and turn the parcel into residential use. Your proposed density appears to be very reasonable and should be very compatible with the neighborhood.

We give you permission to use this letter of support in meetings with the neighborhood, the planning commission and city council.

Respectfully,

Lloyd Hinkley
Donna Hinkley
Lloyd Hinkley
Donna Hinkley



Associates of Lincoln, Inc.
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Lincoln, NE 68508
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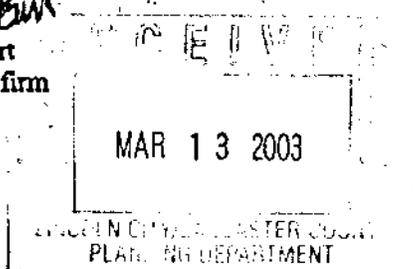
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Sincerely,

J.D. Burt
J.D. Burt
For the firm



J.D. I continue to be a strong supporter of this development.

*GOLF PARK - Neighbor to the South
Phil Stuckey*