

FACTSHEET

TITLE: SPECIAL PERMIT NO. 1830A, an amendment to the MANDARIN COURT COMMUNITY UNIT PLAN, requested by Richard Speidell, to reduce the width of the private roadway named Mandarin Court from the standard 20 feet to 16 feet, on property generally located at 4811 Mandarin Circle.

STAFF RECOMMENDATION: DENIAL.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 11/29/00
Administrative Action: 11/29/00

RECOMMENDATION: Conditional Approval, with amendment (8-1: Carlson, Steward, Newman, Duvall, Schwinn, Krieser, Taylor and Bayer voting 'yes'; Hunter voting 'no').

FINDINGS OF FACT:

1. The Planning staff recommendation to **deny** this request is based upon the "Analysis" as set forth on p.4, concluding that the Design Standards adopted by the City Council on November 6, 2000, indicate that the City Council may approve deviations to the standards upon a satisfactory showing that such deviation will not materially and adversely affect the public welfare and that the general intent and spirit of the design standards are preserved. This is an unusual situation where the private roadway will serve only three single family dwellings and adequate off-street parking is provided to allow vehicular movement. However, the Lincoln Fire Department cannot support the reduced width.
2. A compromise offered and submitted by the Fire Inspector for the Building & Safety Department on November 29, 2000, is found on p.22, which suggests that, "A compromise to the 20 foot paved road would be to allow the developer to install a 16 foot road and 2 feet of crushed rock installed on both sides of the road, to provide adequate access and egress for fire equipment."
3. The applicant's testimony is found on p.7-8.
4. There was no testimony in opposition.
5. The testimony of the Director of Building & Safety is found on p.8.
6. A motion to deny failed 2-7 (Hunter and Schwinn voting 'yes'; Carlson, Steward, Newman, Duvall, Krieser, Taylor and Bayer voting 'no'). See Minutes, p.8.
7. The Planning Commission voted 8-1 to disagree with the staff recommendation of denial and to recommend conditional approval, with amendment to require two feet of crushed rock on both sides of the 16 foot roadway (Hunter dissenting).
8. The Site Specific conditions of approval required to be completed prior to scheduling this item on the Council agenda have been submitted by the applicant, approved by the reviewing departments and the revised site plan is attached (p.12).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: January 2, 2001

REVIEWED BY: _____

DATE: January 2, 2001

REFERENCE NUMBER: FS\CC\FSSP1830A

COMPREHENSIVE PLAN SPECIFICATIONS:

The Land Use Plan shows the site as Urban Residential.

HISTORY:

On **January 14, 1957**, City Council approved the Mar-Ma-Ra-Lo Heights Final Plat to the north, which included the northern portion of Mandarin Circle as well as Pagoda Lane.

On **November 1, 1962**, City Council approved the Pioneer Heights Final Plat, which covered the south portion of Mandarin Circle.

During the **1979** Zoning Update this area was converted from A-1 Single Family Dwelling District to R-3 Residential.

On **December 19, 1994**, the City Council approved Special Permit #1498 and Preliminary Plat #94003 for the Pagoda Pines CUP, which allowed 7 dwelling units on the southeast corner of Pioneers Blvd and Pagoda Dr.

On **April 7, 1997**, the City Council approved the Antelope Commons Preliminary Plat located to the west of this site.

On **July 20, 1998**, City Council approved Special Permit #1722 and Preliminary Plat #98007 for the Pioneer Greens CUP, which allowed 86 dwelling units east of 84th from Mandarin Dr., change of Zone #3112, which changed the zoning on property east of S. 84th St. from AG Agricultural to R-3 Residential, and changed the southeast corner of S. 84th St. and Pioneers Blvd from AG Agricultural to O-3 Office Park, approved Use Permit #108, which granted the authority to develop 145,000 square feet of office space at the southeast corner of S. 84th St. and Pioneers Blvd., and approved Annexation #98011, which annexed the properties along Mandarin Circle, as well as land to the north, southeast and south.

On **September 9, 1998**, the Planning Commission approved the Antelope Commons Preliminary Plat and Final Planned Unit Development, however the developer has not completed the conditions of approval. Antelope Commons is located to the west.

On **April 26, 1999**, City Council approved Annexation #99003 on properties to the east and south, which annexed the Pioneer Greens and HiMark Estates areas.

On **August 28, 2000**, the City Council approved the Mandarin Court CUP, Special Permit #1830 for three single family dwelling units.

SPECIFIC INFORMATION:

UTILITIES:

The lots will be served with the City's water and sanitary sewer systems.

TOPOGRAPHY:

The site slopes to the west and drops 4' from the access to Mandarin Circle to the west of Lots 3 and 4 and continues to drop another 18' to the pond.

TRAFFIC ANALYSIS:

The abutting public street, Mandarin Circle, is graveled.
The private roadway serves only three single family dwellings.

PUBLIC SERVICE:

The nearest fire station is located near S. 84th & South Streets.

ENVIRONMENTAL CONCERNS:

The 100 year floodplain and floodway of Antelope Creek cover a part of this site. The plans show the boundary and elevation of the floodplain through the site and that the building areas are above the elevation of the floodplain.

Reducing the width of the private roadway will reduce the hard surfacing associated with the development.

ANALYSIS:

1. The Lincoln Police Department has no problem with the request.
2. The Public Works & Utilities Department has no objections to the reduced width based on, the roadway serves only three residences and adequate off street parking is provided to keep the roadway open to vehicular traffic.
3. The Lincoln Fire Department indicates that the Uniform fire code requires 20' access road and dead ends excess of 150 need an approved turn around. The Fire Department would support the deleting the turn around but not the 20'.

STAFF CONCLUSION:

1. The Design Standards adopted by the City Council on November 06, 2000, indicate that the City Council may approve deviations to the standards upon a satisfactory showing that such deviation will not materially and adversely affect the public welfare and that the general intent and spirit of the design standards are preserved.

This is an unusual situation where the private roadway will serve only three single family dwellings and adequate off street parking is provided to allow vehicular movement. However the Lincoln Fire Department cannot support the reduced width.

STAFF RECOMMENDATION:

Denial

If following the public hearing the Planning Commission decides to recommend approval to the reduced width the following are suggested conditions:

1. After the applicant revises the application to also include as owners, Tina Speidell and Earthworks, L. L. C. the application will be scheduled on the City Council's agenda:

CONDITIONS

Site Specific:

1. This approval permits:

A reduction of the standard width from 20 feet to 16 feet for Mandarin Court, a private roadway serving less than 30 parking spaces, provided the permittee provides two feet of crushed rock on each side of the private roadway. (**Per Planning Commission 11/29/00**)

General:

2. Before receiving building permits:
 - 2.1 The permittee shall have submitted a revised and reproducible final plan and 5 copies to the Planning Department that includes the revisions requested by LES.
 - 2.2 The construction plans shall comply with the approved plans.
 - 2.3 A Final Plat shall be approved by the City or the Director of Planning.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the new dwelling units all development and construction shall have been completed in compliance with the approved plans.
 - 3.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 3.3 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.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

- 3.5 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.
4. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Ray Hill
Acting Assistant Director of Land Use

**SPECIAL PERMIT NO. 1830A
AN AMENDMENT TO THE MANDARIN COURT
COMMUNITY UNIT PLAN**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 29, 2000

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

Planning staff recommendation: Denial.

Ray Hill of Planning staff submitted a letter from the Fire Inspector's office indicating that they are still opposed to the reduction of width of the private roadway, but proposing a compromise to allow the road width to be 16' with 2' of crushed rock along each side of the road, which would be equivalent to the 20 feet.

Hill advised that the Planning staff continues to recommend denial based upon the Fire Department's original comments. As he understands it, this is a proposed compromise that the Fire Department would accept.

Proponents

1. Keith Dubas appeared on behalf of Richard Speidell. The desire to narrow the width of the road was not one of cost concern, but to reduce the amount of runoff in a sensitive area which is adjacent to the former Antelope Commons property, now known as The Preserve on Antelope Creek. Dubas believes the request is reasonable because the code allows for 150' length with regards to a condition similar to this location. There is 250' from Mandarin Circle to the garage door of the last residence on that Mandarin Court site, which is 100' beyond what is permitted by Code. At the same time, there would be a fire hydrant at both ends of the CUP. With those conditions, the applicant believes that the request for the 16' roadway is reasonable. Dubas has not had an opportunity to discuss the compromise with Speidell, and he believes this would be acceptable rather than denial.

Carlson wondered whether the magic number of 150' has something to do with the length of the fire hose. Hill could not answer. Carlson asked whether the staff was aware of the two hydrants. Hill explained that the existing hydrants were required as part of the original CUP and he does not believe the location of the hydrants has anything to do with the concern about the width of the roadway.

Dennis Bartels of Public Works does not believe there are any existing hydrants. Steward understands, however, that there will be one at each end of the roadway. Bartels concurred. He further stated that the Fire Dept. likes to have hydrants with 300' spacing along a street with the idea that no matter which direction they come from they are never more than 150' from a hydrant.

They don't want to drive their fire trucks into that kind of road if they have to drive in more than 150'. Bayer noted that if they drive the fire trucks in, they would have to back them out and the 20' width will help them.

With respect to the width of the road, Bayer does not believe the placement of the hydrants is an issue.

Hunter commented that this is the same property that was before the Commission previously that was supposedly single family seeking to be divided into five, and then came back down to three. She has a real problem with shortening the width of the street, especially with the number of homes that were put into that development. There was a lot of discussion in terms of even allowing that number of homes, and then to narrow the roadway does not seem acceptable.

Response by the Applicant

Dubas explained that they wish to narrow the width of the road to slow down the traffic and make people aware that it is a private drive, or actually more like a private driveway. The private roadway does have traffic in two directions at 25 mph. By creating a narrower driveway, Dubas believes it makes the traveling public more watchful and they will drive at a slower rate of speed. There was no testimony in opposition.

Carlson inquired of Mike Merwick, Director of Building and Safety, as to the rationale for the 20' width for the street and 150' as a number beyond which you want turnarounds. Merwick explained that the design standards require 20'. Instead of putting another hammerhead down there, the Fire Department has required the 20' roadway. 150' has nothing to do with the 20' width of the roadway. With three properties, we can forego the turnaround, but the dimension of the road is 20'.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

November 29, 2000

Schwinn moved to deny, seconded by Hunter.

Schwinn does not believe that 16' is wide enough for parking cars, especially if there was some type of emergency.

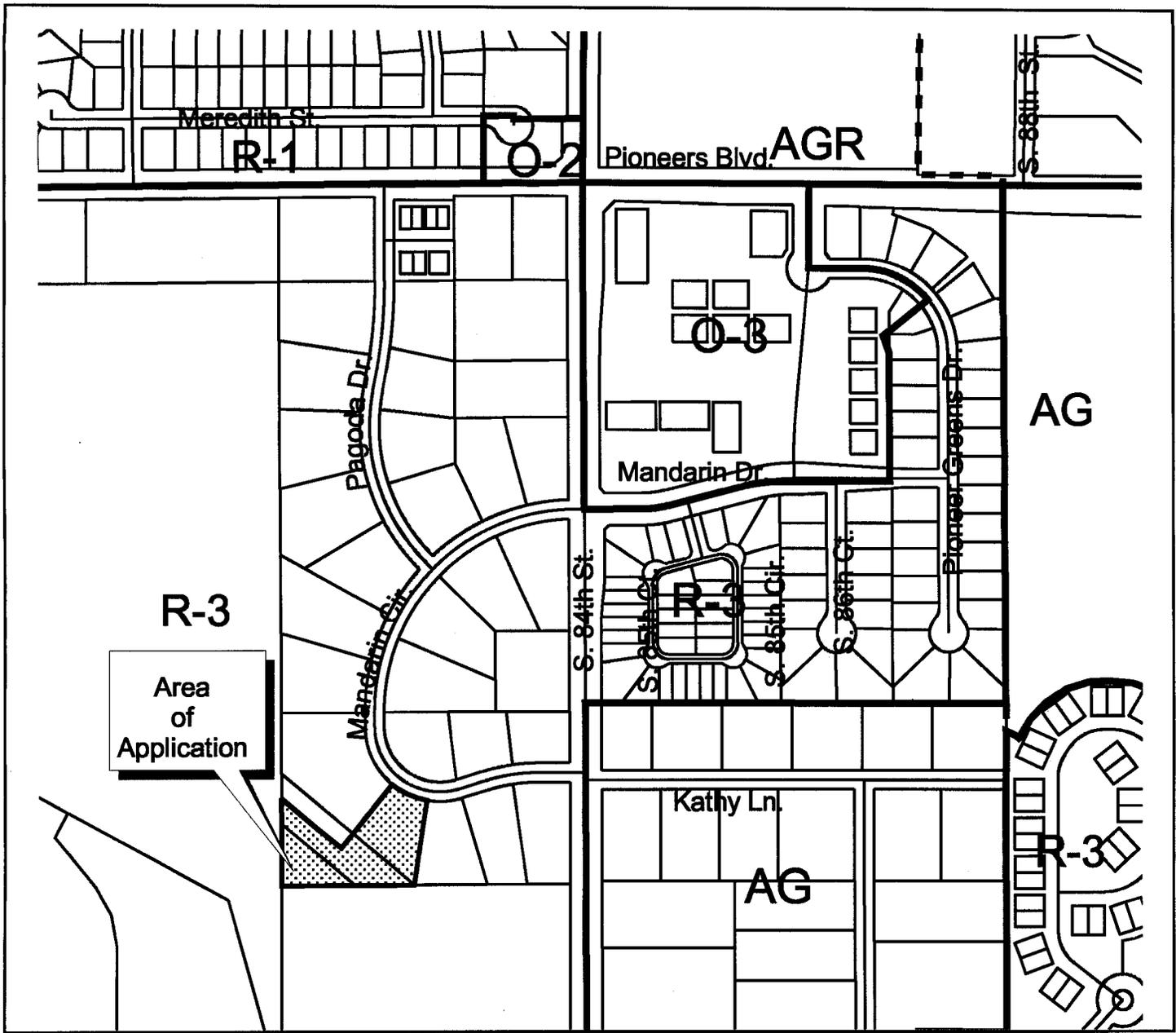
Newman will vote to approve this request. She knows of an arterial street with two-way traffic which is only 22'. She does not understand why we can't give them the 16' for just three houses.

Duvall agreed with Newman. With only three residences it is too much to ask for 20'.

Hunter believes it is a safety issue and that the design standards should prevail.

Motion to deny failed 2-7: Hunter and Schwinn voting 'yes'; Carlson, Steward, Newman, Duvall, Krieser, Taylor and Bayer voting 'no'.

Duvall moved approval, with conditions, with amendment to Condition #1 to include the two feet of crushed rock on both sides of the 16' roadway, seconded by Steward and carried 8-1: Carlson, Steward, Newman, Duvall, Schwinn, Krieser, Taylor and Bayer voting 'yes'; Hunter voting 'no'.

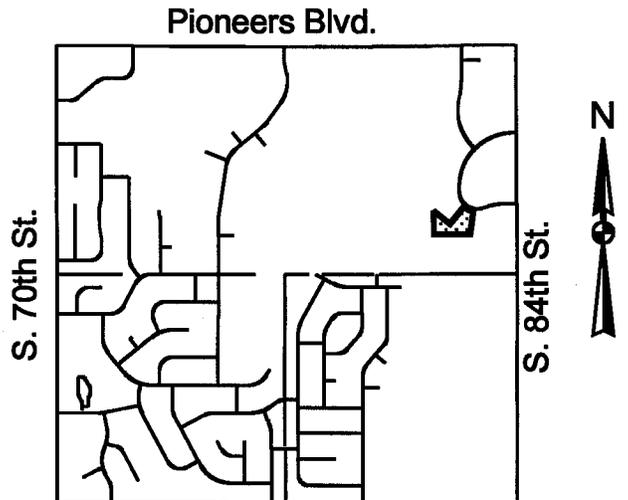
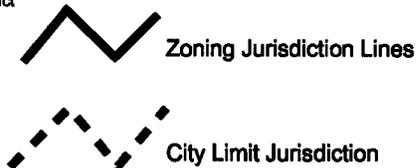


Special Permit #1830-A
CUP Mandarin Court
Mandarin Cir - near 84th & Pioneers

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-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

One Square Mile
 Sec. 10 T9N R7E



Old Cheney Rd.

Sheet 1 of 3
 Date: 11/15/00

010

Lincoln City - Lancaster County Planning Dept.



**Special Permit #1830 -A
CUP Mandarin Court
Mandarin Cir - near 84th & Pioneers**



Sheet 2 of 3

Date: 11/15/00

Photograph Date: 1997 011

Lincoln City - Lancaster County Planning Dept.

November 1, 2000

City/County Planning Department
Attention: Ray Hill
555 South 10th Street
Lincoln, Nebraska 68508

RE: Community Unit Plan for Mandarin Court
Application for Special Permit

Dear Ray:

Please find attached 12 sets of Sheet 1 and Sheet 2 for the recently approved Mandarin Court Community Unit Plan along with an application for Special Permit noting a request for a waiver. Also attached is a check for \$195.00.

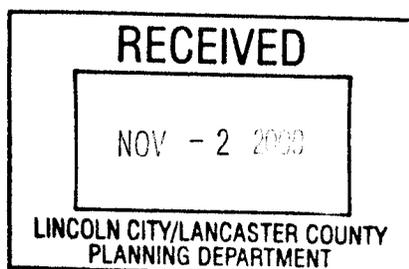
The request for waiver is to reduce the subdivision design standard for a private roadway from 20 feet to 16 feet. I will be forwarding a plan directly to Buf Baker at Public Works as per his request. His initial reaction to the waiver was positive. Based on the number of housing units served, the length of the roadway and the desire to reduce the amount of solid surfacing materials for the drive this request for waiver seems reasonable. We hope that you will be able to recommend approval of this request.

If you have any questions please do not hesitate to phone me at 432-5050 or contact Keith Dubas at 438-0171.

Yours respectfully,

Richard Speidell by *Keith Dubas*

Richard Speidell



Memorandum

To: Ray Hill, Planning Department
From: Charles W. Baker, Public Works and Utilities *Buff*
Subject: Special Permit # 1830A, Mandarin Court Paving Width Reduction
Date: November 15, 2000
cc: Allan Abbott, Roger Figard

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the site plan for the proposed reduction of the paving width in Mandarin Court from 20' to 16' wide and has no objections. This private roadway will serve three residences and adequate off street parking is being provided to keep the roadway open to vehicle traffic.

jaj SPI 1830AMandarinCt cwv



INTER-DEPARTMENT COMMUNICATION

TO Jason Reynolds, City Planning
SUBJECT DEDICATED EASEMENTS
DN #48S-81E

DATE November 13, 2000
FROM Sharon Theobald
(Ext. 7640)

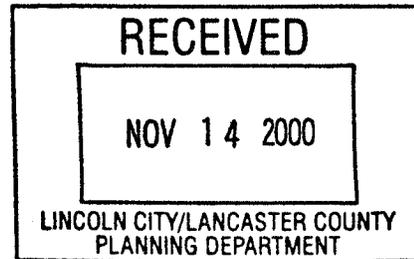
Attached is the CUP for Mandarin Court.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map, unless the relocation costs are paid prior to the final plat.

Please change LES easements to "Utility" easements.

It should be noted, any relocation of existing facilities will be at the owner/developer's expense.

Sharon Theobald



ST/nh
Attachment
c: Terry Wiebke
Easement File

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

TO: Ray Hill
DEPARTMENT: Planning
ATTENTION:
CARBONS TO: Leon F. Vinci, MPH
Scott E. Holmes
EH File

DATE: January 31, 2000
FROM: John E. Miner, REHS, 
DEPARTMENT: Health
SUBJECT: Mandarin Court C.U.P.
Special Permit 1830

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the plot plans for the proposed Mandarin Court Community Unit Plan. The following items were noted:

Sewage Disposal

Sewage disposal is projected to be the City of Lincoln municipal sewer. The Health Department would like to add that any existing individual sewage disposal system must be properly abandoned.

Water Supply

It is recommended that the properties be connected to City water. If the proposed shared community well and water supply is used it should be designed and constructed to meet Lincoln Water System construction standards. If the well that serves the existing house is not to be used then it must be properly abandoned.

Erosion Control

During construction all efforts must be made to control wind and water erosion on the site. The Lower Platte South Natural Resources District can be contacted for assistance in this matter.

Recommendations

LLCHD sees no public or environmental health reason to deny this C.U.P. or Special Permit.

If there are any questions please contact me at 441-8024.

JCH:d1
SUB0001/14

017

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 # **DRF00017**

Address

Job Description: **MANDARIN COURT CUP**

Location: **MANDARIN COUT CUP**

Special Permit: **Y 1830A**

Preliminary Plat: **N**

Use Permit: **N**

CUP/PUD: **N**

Requested By: **JASON REYNOLDS**

Status of Review: **Denied**

11/16/2000 11:02:18 AM

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

BOB FIEDLER

Comments: **Uniform fire code requires 20ft access road & dead ends excess of 150ft need an approved turn around. I would support the deleating turn around but not the reduction of the 20ft .**

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

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effictive 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
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards

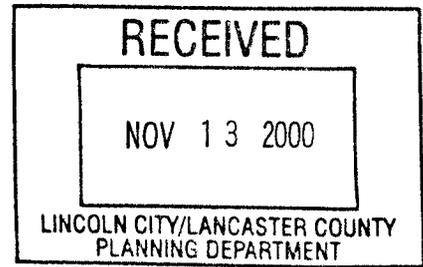
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NOV 16

**LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT**

018

MEMORANDUM



DATE: 11-10-00

TO: Jason Reynolds

FROM: Dennis Duckworth - Police Department

REG: Mandarin Court CUP Special Permit # 1830A

Jason:

The Police Department has no problems with this Special Permit for Mandarin Court CUP SP # 1830A.

Thank you,

A handwritten signature in cursive script, appearing to read "Dennis Duckworth".

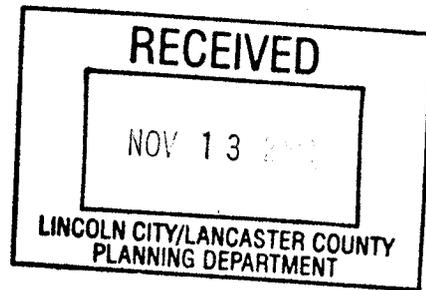
Sergeant Dennis Duckworth
Lincoln Police Department
441-7215

interoffice
MEMORANDUM

to: Jason Reynolds, Planning
from: Rachel Martin, Parks and Recreation
subject: Mandarin Court SP #1830A
date: November 8, 2000

Parks and Recreation Department staff have reviewed the above referenced development proposal and have no comments.

If you have any questions or comments, please call 441-7936.



LOWER PLATTE SOUTH 
 NATURAL RESOURCES DISTRICT

3125 Portia St., Box 83581, Lincoln NE 68501-3581
 (402) 476-2729 · FAX (402) 476-6454
 www.lpsnrd.org

Memorandum

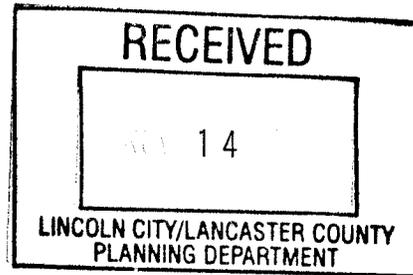
Date: November 14, 2000
To: Jason Reynolds, City/County Planning
From: Ed Ubben, Projects Coordinator
Subject: Mandarin Court CUP

We have reviewed the plans for the above referenced project and have no objection of reducing the private roadway from 20 feet to 16 feet. We encourage the reduction of impervious surfaces in developments.



EU/eu

pc: file



Lincoln



Nebraska's Capital City

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NOV 29 2000

LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

November 29, 2000

Ray Hill
Planning Dept.
City of Lincoln
555 S 10th St
Lincoln NE 68510

Dear Ray:

Building & Safety has been contacted by Keith Dubas, Architect for Special Permit #1830-A, Mandarin Court CUP. He requested that the 20 foot roadway be reduced to 16 feet to reduce cost in installing this access road.

The Design Standards for the City of Lincoln require a 20 foot access road, as does the Uniform Fire Code. Building & Safety supports deleting the turn around, but the access road should be 20 feet. A compromise to the 20 foot paved road would be to allow the developer to install a 16 foot road with 2 feet of crushed rock installed on both sides of the road, to provide adequate access and egress for fire equipment.

If there are any additional questions, please contact me.

Sincerely,

Bob Fiedler
Fire Inspector

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