

City Council Introduction: **Monday**, July 16, 2001
Public Hearing: **Monday**, July 23, 2001, at **1:30 p.m.**

Bill No. 01R-186

FACTSHEET

TITLE: SPECIAL PERMIT NO. 572E, an amendment to the THOMASBROOK APARTMENTS COMMUNITY UNIT PLAN, requested by Brian D. Carstens and Associates on behalf of Thomasbrook properties, on property generally located at 60th and Normal Blvd.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda, 06/27/01
Administrative Action: 06/27/01

STAFF RECOMMENDATION: Conditional Approval.

RECOMMENDATION: Conditional Approval (6-0: Bayer, Carlson, Newman, Schwinn, Steward and Taylor voting 'yes'; Duvall, Hunter and Krieser absent).

ASSOCIATED REQUESTS: Change of Zone No. 3326 (01-111).

FINDINGS OF FACT:

1. This proposed amendment to the Thomasbrook Apartments Community Unit Plan and the associated Change of Zone No. 3326 were heard at the same time before the Planning Commission.
2. The Planning staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.4.
3. This application was placed on the Consent Agenda of the Planning Commission on June 27, 2001, and opened for public hearing. No one came forward the speak.
4. The Planning Commission agreed with the staff recommendation.
5. The Site Specific conditions of approval required to be completed prior to scheduling this application on the Council agenda have been submitted by the applicant and approved by the reviewing departments.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: July 9, 2001

REVIEWED BY: _____

DATE: July 9, 2001

REFERENCE NUMBER: FS\CC\FSSP572E

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Change of Zone #3326
Special Permit #572E

DATE: 6/13/01

Note: 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.

PROPOSAL: Brian D. Carstens on behalf of Thomasbrook Properties requests an amendment to Special Permit #572 Thomasbrook Community Unit Plan to decrease the land area of the CUP. Brian D. Carstens on behalf of Thomasbrook Apartments requests a change of zone from R-3 to R-4 to allow the existing number of dwelling units after a portion of the land has been transferred to the adjacent early childhood care facility and community playhouse.

GENERAL INFORMATION:

APPLICANT: Thomasbrook Apartments
12 South Main
Minot, SD 58701

CONTACT: Brian D. Carstens
Brian D. Carstens and Associates
601 Old Cheney Road, Suite C
Lincoln, NE 68516
(402) 434-2424

LOCATION: Generally located at 60th and Normal Boulevard

REQUESTED ACTION: To decrease the boundaries of the special permit for Thomasbrook Community Unit Plan, and to change the zone in a portion of the CUP to R-4 Residential in order to allow the existing number of dwelling units to remain.

PURPOSE: This change of zone would allow Thomasbrook CUP to continue to exist with the current number of units.

LEGAL DESCRIPTION: See attached legal descriptions.

SIZE: Change of Zone #3326 3.07 acres
Special Permit #572E 33.05 acres

EXISTING ZONING: R-3, Residential

EXISTING LAND USE: Multifamily dwelling and elderly housing units

SURROUNDING LAND USE AND ZONING: R-3, Residential with an Early Childhood Care Facility is located on the southeast corner of 60th & Normal, R-2, Residential with single family, and playhouse to the north, P-Public with a public library to the north. R-2, Residential with a domiciliary care facility and P-public with a park to the east. R-2, Residential with single family residential to the south and west.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan specifies this area as Urban Residential.

HISTORY:

On **November 15, 1971** City Council approved Special Permit #572 to develop a community unit plan east of 56th Street and south of Normal Blvd. with 216 dwelling units.

The area was zoned A-2 Residential until the zoning update of 1979 when the zone was updated to R-2 Residential.

On **August 25, 1986**, City Council approved Special Permit #572B which amended the special permit to increase the number of dwelling units to 292 within the Thomasbrook CUP.

On **August 25, 1986** City Council approved Change of Zone #2273 changing the zone of Thomasbrook CUP from R-2 to R-3 in order to increase the maximum allowed dwelling units.

On **June 1, 1987** City Council approved Special Permit #572C which amended the special permit to construct 30 elderly retirement dwelling units within the Thomasbrook CUP.

On **June 1, 1987** City Council approved Special Permit #572D which amended the special permit to increase dwelling units to 302 units within the Thomasbrook CUP of which 30 are reserved for elderly and retirement housing.

On **June 1, 1987** City Council approved Special Permit #1226 for an Early Childhood Care Facility at 6001 Normal Boulevard.

On **June 15, 1992** City Council approved Special Permit #1226A to amend the special permit to increase the number of children which may be cared for from 50 to 110.

SPECIFIC INFORMATION:

UTILITIES: Utilities are available.

TRAFFIC ANALYSIS: South 56th Street and Normal Boulevard are both classified as Urban Minor Arterial streets in the Comprehensive Plan, South 60th Street is classified as a local street in the Comprehensive Plan.

PUBLIC SERVICE: Fire station #1 is nearest to Thomasbrook, located at 48th and A Street.

ANALYSIS:

1. Changing the Zone to R-4 to allow the existing number of units will not affect fire safety;
2. Public health, safety, and general welfare will not be adversely affected because of this request;
3. This request is compatible with the Comprehensive Plan.
4. As long as the number of units remains the same, the application is acceptable;
5. This request will reduce the amount of available open space for recreational purposes.
6. This request will increase the density calculation to allow for 306 dwelling units. The special permit, however, is still bound by the approved number of 293 dwelling units.
7. The request is compatible with the surrounding land uses. No new units will be approved or constructed with this request. This request is to reconfigure the boundaries of the community unit plan and allow the existing number of dwelling units to remain. The CUP will have a reduced amount of open space for passive recreation, however it is believed that this piece of land is not widely used by the residents of the community unit plan.
8. The Public Works and Utilities Department has no objections to this request.

STAFF RECOMMENDATION:

Change of Zone #3226
Special Permit # 572E

Approval
Conditional Approval

CONDITIONS FOR SPECIAL PERMIT #572E:

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 The boundary survey must be signed by a registered surveyor or registered engineer (sheet 1 of 6).
- 1.2 Remove the Planning Commission approval certificate.
- 1.3 Correct the Legal Description(sheet 1 of 6).
- 1.4 Revise the plan to indicate that any relocation of existing facilities will be at the owner/developer's expense.
- 1.5 The Parks and Recreation Department indicated that the amendment of the CUP may allow review of street trees along Normal Boulevard, S. 60th street and Van Dorn Street for compliance with current standards.
- 1.6 Submit a revised landscape plan showing existing trees and trees to be planted.
- 1.7 The Parks and Recreation Department indicated that if new trees are to be planted Austrian Pine should not be planted due to serious tip blight disease problems and recommends the use of Colorado Blue Spruce.

2. This approval permits the reduction of the land area of Thomasbrook CUP.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:
 - 3.1 All development and construction shall be in compliance with the approved plans.
 - 3.2 All privately-owned improvements shall be permanently maintained by the owner.
 - 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:

Becky Horner
Planner

CHANGE OF ZONE NO. 3326

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

June 27, 2001

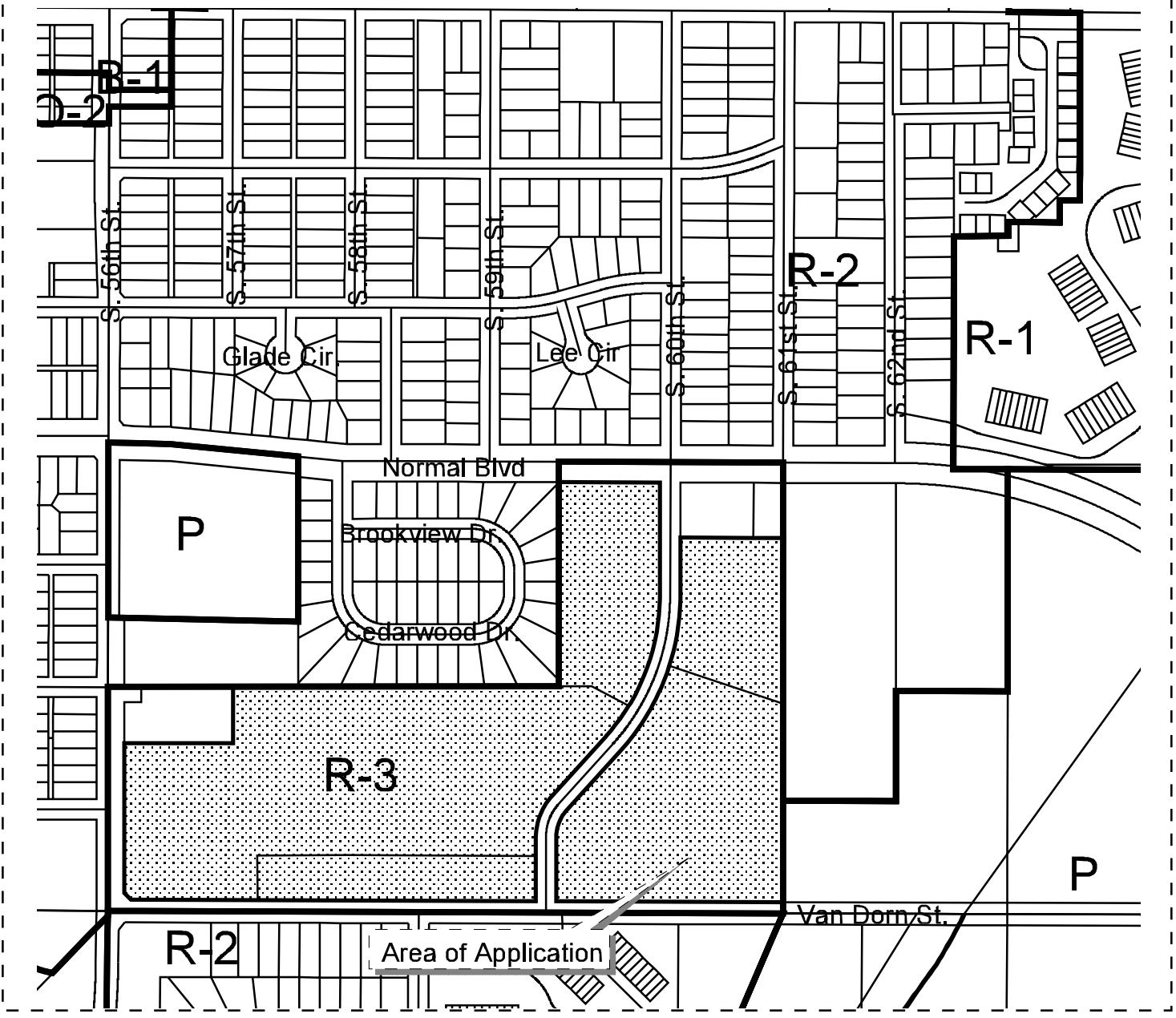
Members present: Bayer, Carlson, Newman, Schwinn, Steward and Taylor; Duvall, Hunter and Krieser absent.

The Consent agenda consisted of the following items: **CHANGE OF ZONE NO. 3326; SPECIAL PERMIT NO. 572E; SPECIAL PERMIT NO. 1226B; SPECIAL PERMIT NO. 1342A; SPECIAL PERMIT NO. 1778A; SPECIAL PERMIT NO. 1916; SPECIAL PERMIT NO. 1917; FINAL PLAT NO. 00011, VINTAGE HEIGHTS 9TH ADDITION; FINAL PLAT NO. 00028, LONG VIEW ESTATES; FINAL PLAT NO. 01003, PINE LAKE HEIGHTS SOUTH 2ND ADDITION; AND FINAL PLAT NO. 01006, LEE'S PLACE 1ST ADDITION.**

Item No. 1.3, Special Permit No. 1778A; Item No. 1.4, Special Permit No. 1916; and Item No. 1.5, Special Permit No. 1917, were removed from the Consent Agenda and had separate public hearing.

Newman moved to approve the remaining Consent Agenda, seconded by Schwinn and carried 6-0: Bayer, Carlson, Newman, Schwinn, Steward and Taylor voting 'yes'; Duvall, Hunter and Krieser absent.

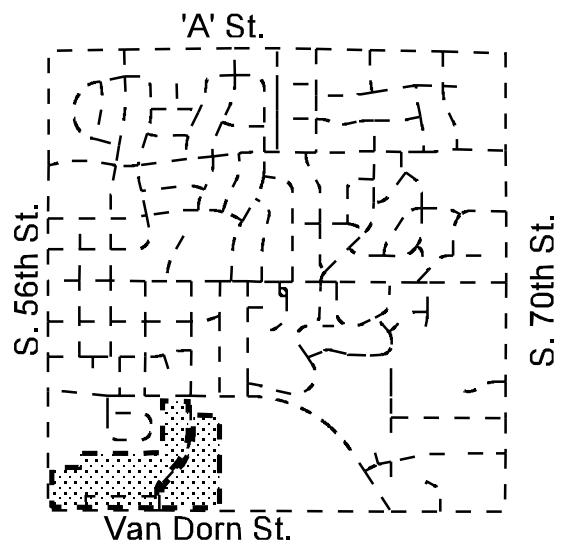
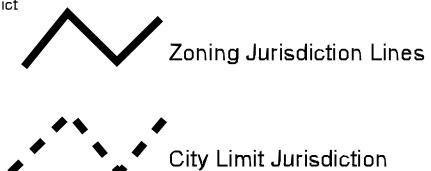
Note: This is final action on Special Permit No. 1226B; Special Permit No. 1342A; Vintage Heights 9th Addition Final Plat; Long View Estates Final Plat; Pine Lake Heights South 2nd Addition Final Plat; and Lee's Place 1st Addition Final Plat, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



Special Permit #572E
60th & Normal Blvd.

- 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. 33 T10N R7E





Area of Application



Special Permit #572E
60th & Normal Blvd.

Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.