

City Council Introduction: **Monday**, August 13, 2001
Public Hearing: **Monday**, August 20, 2001, at **1:30 p.m.**

Bill No. 01-138

FACTSHEET

TITLE: CHANGE OF ZONE NO. 3323, from R-2 Residential to R-3 Residential, requested by J.D. Burt of Design Associates on behalf of Park Ridge Apartments, L.L.C., on property generally located at S.W. 8th and West "C" Streets.

STAFF RECOMMENDATION: Approval.

ASSOCIATED REQUESTS: Special Permit No. 1733B, Muff 2nd Addition Community Unit Plan (01R-223) and Preliminary Plat No. 01005, Muff 2nd Addition (01R-224)

SPONSOR: Planning Department

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

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

FINDINGS OF FACT:

1. This change of zone and the associated Muff 2nd Addition Community Unit Plan and Muff 2nd Addition Preliminary Plat were heard at the same time before the Planning Commission.
2. The Planning staff recommendation of approval is based upon the "Analysis" as set forth on p.4-5.
3. The applicant's testimony is found on p.6-7.
4. The record consists of a letter in support from the Lincoln Action Program (p.013).
5. There was no testimony in opposition.
6. On June 27, 2001, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: August 6, 2001

REVIEWED BY: _____

DATE: August 6, 2001

REFERENCE NUMBER: FS\CC\FSCZ3323

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.#: **Muff 2nd Addition**
 Change of Zone #3323
 Special Permit #1733B
 Preliminary Plat #01005

Date: June 13, 2001

****As Revised by Planning Commission, 06/27/01****

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: J.D. Burt, of Design Associates, has applied for the following proposals in the vicinity of W "C" Street and SW 8th Street:

- 1) Change of Zone #3323 from R-2 Residential to R-3 Residential
- 2) Preliminary Plat #01005 Muff 2nd Addition consisting of 12 lots
- 3) Special Permit #1733B - Muff 2nd Addition Community Unit Plan consisting of 166 dwelling units

GENERAL INFORMATION:

APPLICANT: Park Ridge Apartments L.L.C
 1542 South 1st Street
 Lincoln, NE 68502

CONTACT: J.D. Burt
 Design Associates
 1609 "N" Street
 Lincoln, NE 68508

LAND OWNER: Park Ridge Apartments L.L.C.

LOCATION: SW 8th Street and W "C" Street

LEGAL DESCRIPTION: See attached

EXISTING ZONING: R-2 Residential

PURPOSE: To develop single-, two-, and multi-family dwellings

SIZE: 22.63 acres, more or less (change of zone and C.U.P.)
 10.497 acres, more or less (preliminary plat)

EXISTING LAND USE: The area of the preliminary plat is largely vacant, with a single family dwelling located at SW 8th Street and W “C” Street. The Community Unit Plan contains a number of two-, three-, and four-plexes and a single 24 unit apartment building.

SURROUNDING LAND USE AND ZONING: The R-2 Residential zoned Susan C.U.P. lies to the west, I-1 Industrial open space lies to the north, and R-2 Residential housing is to the south and east.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Map designates this area as Urban Residential.

Portions of the C.U.P. are existing residential areas, while the area covered by the preliminary plat could be considered part of the “Future Urban Residential Needs and Plan”

The following are goals for the Future Urban Residential Needs and Plan:

Enhance rural and urban neighborhoods through the preservation of their natural environment.

Increase home ownership opportunities for households of different sizes and income levels. Supplemental statement: Encourage the development of new subdivisions in all areas to increase the supply of buildable lots.

Encourage the development of housing that is appropriate to the requirements of households with special needs, including but not limited to, the elderly, the physically and/or mentally challenged, and households in crisis.

Provide opportunities for the development of multi-racial and multi-income neighborhoods throughout the community.

Encourage efficient use of urban areas by providing for high density residential uses as an integral part of major, planned commercial and residential developments.

The following are goals for existing Urban Residential areas:

Encourage stable and diverse rural and urban neighborhoods by increasing housing opportunities (accessibility and affordability) for all socio-economic groups.

Preserve the character of rural and urban neighborhoods through maintenance of existing housing stock and encouragement of compatible design in new housing.

HISTORY: This area was converted from A-2 Single Family Dwelling to R-2 Residential in the **1979 Zoning Update**.

July 6, 1998 City Council approved Special Permit #1733, the Muff Addition Community Unit Plan, consisting of 5 single family dwellings and 34 duplex dwelling units. The Preliminary Plat was approved by Planning Commission on June 3, 1998. There were no adjustments to height or yard requirements.

May 3, 1999 City Council approved Special Permit #1733A, the Muff 1st Addition Community Unit Plan, which added 44 dwelling units to the existing C.U.P. with density bonuses for low income and handicap housing. The approval also adjusted front yard setbacks from 25' to 23.5' and side yards on some lots from 10' to 5'.

SPECIFIC INFORMATION:

UTILITIES: Available

TOPOGRAPHY: Lower elevations on the northern portion of the property

TRAFFIC ANALYSIS: None of the streets within this Community Unit Plan are shown in the Existing or Future Function Street and Road Classification. Trimble Street is a local street and should not provide the only route to W “A” Street from the proposed apartments.

PUBLIC SERVICES: The nearest fire station is located at 1700 S Coddington.

REGIONAL ISSUES: Flood plain development.

ENVIRONMENTAL CONCERNS: Flood plain and saline wetlands.

AESTHETIC CONSIDERATIONS: Preservation of open flood plain and the wetlands.

ALTERNATIVE USES: Dwellings requiring less fill and development with fewer garages in the flood plain.

ANALYSIS:

1. The developer identifies the phases of the C.U.P. but does not indicate the timing. Phase II should not occur until SW 8th Street can be connected to Hanneman Drive. Based on discussions with the applicant, there is an apparent drafting error which identifies Lots 5 through 11 as part of Phase II.
2. Hanneman Drive is recorded as Charles Avenue, however the applicant has requested Street Name Change #01003 to change the name to Hanneman Drive. The Street Name Change will remain on pending at City Council until this plat is brought before them.
3. The change of zone from R-2 to R-3 increases the number of dwelling units within the C.U.P., reduces the side yard requirements from 10' to 5' on two-family dwellings, and reduces the front yard setback from 25' to 20'. The Muff 1st Addition C.U.P. previously adjusted some side yards to 5' and adjusted all front yards to 23.5'.
4. The higher density apartments are separated from existing structures by new two family dwellings and Hanneman Drive. The change of zone will not adversely affect existing dwellings within the C.U.P.
5. The revised drawings show a 15' rear yard setback along the two-family lots. Neither of the previous Muff additions adjusted rear yard setbacks. The two-family lots to the south must provide rear yards equal to 20% of lot depth and this new development should not be treated differently. If the lots do not provide enough buildable area, Hanneman Drive can be moved further north, thus elongating the lots.

6. The first submittal depicted 8 dumpsters scattered along the north side of the parking lot, while the revision shows two in the far northwest corner. At a minimum, additional dumpsters should be located in the northeast corner of the parking area. Eliminating all of the garage enclosures would create 7 additional parking spaces which could be used for trash enclosures.

STAFF RECOMMENDATION:

Change of Zone #3323 - Approval

Special Permit #1733B - Conditional Approval

Preliminary Plat #01005 - Conditional Approval

**CHANGE OF ZONE NO. 3323;
SPECIAL PERMIT NO. 1733B,
AN AMENDMENT TO THE MUFF 2ND ADDITION
COMMUNITY UNIT PLAN;
and
PRELIMINARY PLAT NO. 01005,
MUFF 2ND ADDITION**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 27, 2001

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

Planning staff recommendation: Approval of the change of zone and conditional approval of the community unit plan amendment and preliminary plat.

Jason Reynolds of Planning staff submitted a letter in support from the Lincoln Action Program.

Proponents

1. J.D. Burt of Design Associates and Bob Stephens of Park Ridge Apartments, presented the application. Burt overviewed the project which is north of West "A" Street in line with Trimble Street, which is the northerly extension of S.W. 9th as it extends north from A. This street was platted as part of Muff Addition and extends north. This application is nothing more than an expansion of the existing Muff Addition. We are visualizing similar type of residential construction. The original Muff Addition has a 24-unit apartment building currently under construction. This application includes the extension of Trimble Street which will become Hannah Drive as it extends to the east with three additional buildings similar to the building currently under construction. On the south side we will end up with 10 townhouse units, retaining the existing single family on SW 8th and West C. We tried to concentrate all the construction along the southerly edge to avoid the floodplain and wetland. We wish to minimize fill in the floodplain and totally avoid any construction even close to the wetlands.

Burt agreed with all conditions of approval, except for Condition #1.1.4 of the community unit plan. Staff is requesting the deletion of one garage unit to provide additional trash facilities. The applicant's market research has indicated the need for nothing less than 40% of the units without a garage. We are proposing 40 garage units in 5 structures located along the north side which we feel is a minimum beneath the market demand. To remedy the dumpster situation, we are proposing to add three parking stalls along the west side of the building currently under construction. We will still be a significant distance north of the front yard setback. We have taken

three parking stalls out of the north side and will extend a dumpster enclosure on the ends of three of the garage buildings to satisfy this concern. He believes that staff supports this change and he requested that Condition #1.1.4 be amended to read: "Provide additional trash enclosure. Three additional parking stalls will be provided in the west parking lot."

There was no testimony in opposition.

Steward asked staff to respond to the requested change to Condition #1.1.4. Jason Reynolds of Planning staff agreed. The three parking stalls remain behind the facade of the apartment building, they are still well outside the front yard setback and would be required to be screened according to design standards.

Bob Stephens expressed appreciation to the staff for their cooperation on this project.

Public hearing was closed.

CHANGE OF ZONE NO. 3323

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

June 27, 2001

Steward made a motion to approve, seconded by Carlson and carried 6-0: Newman, Taylor, Carlson, Steward, Schwinn and Bayer voting 'yes'; Hunter, Duvall and Krieser absent.

SPECIAL PERMIT NO. 1733B

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

June 27, 2001

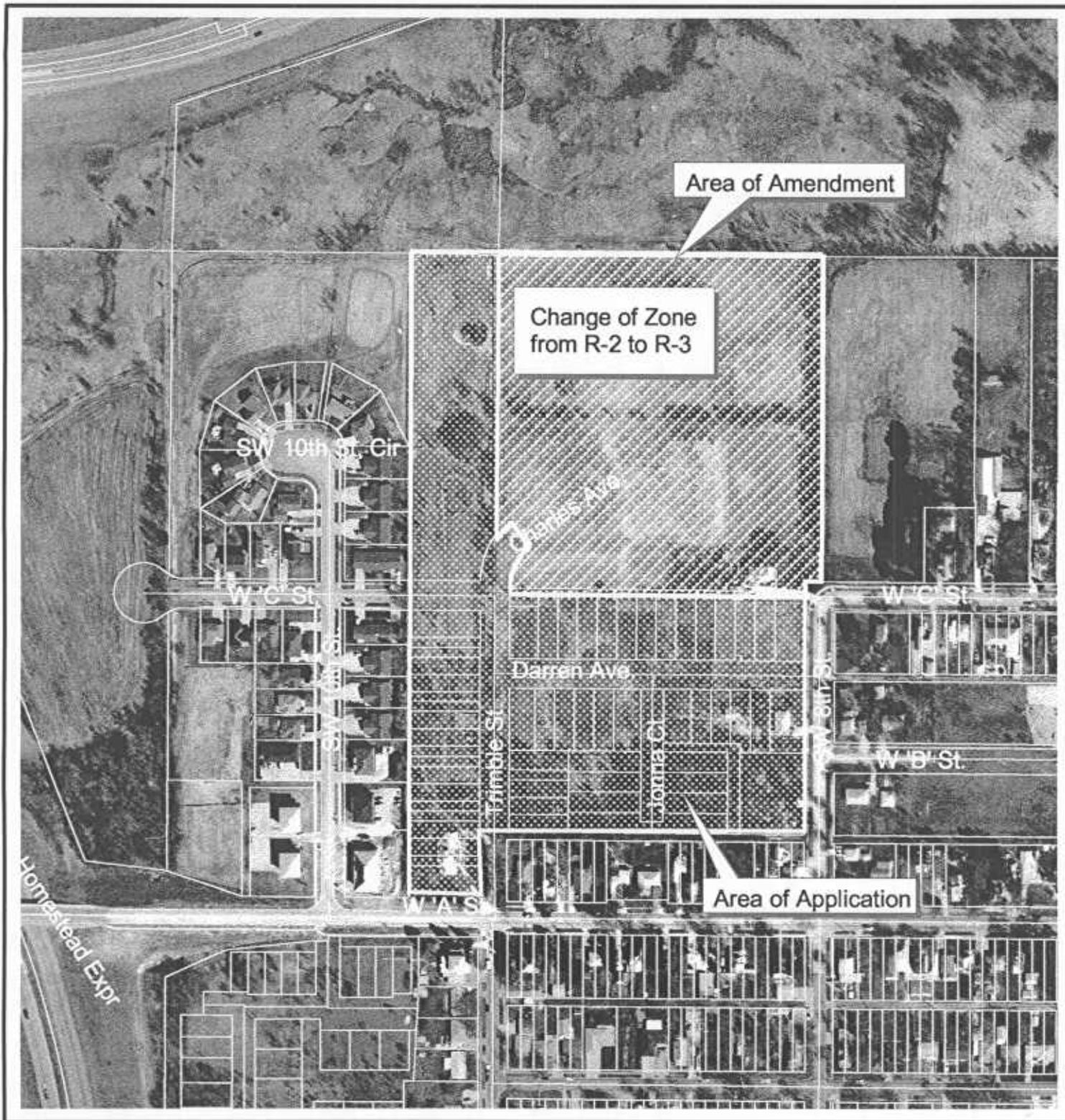
Steward moved to approve the Planning staff recommendation of conditional approval, with the amendment to Condition #1.1.4 as requested by the applicant, seconded by Schwinn and carried 6-0: Newman, Taylor, Carlson, Steward, Schwinn and Bayer voting 'yes'; Hunter, Duvall and Krieser absent.

PRELIMINARY PLAT NO. 01005

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

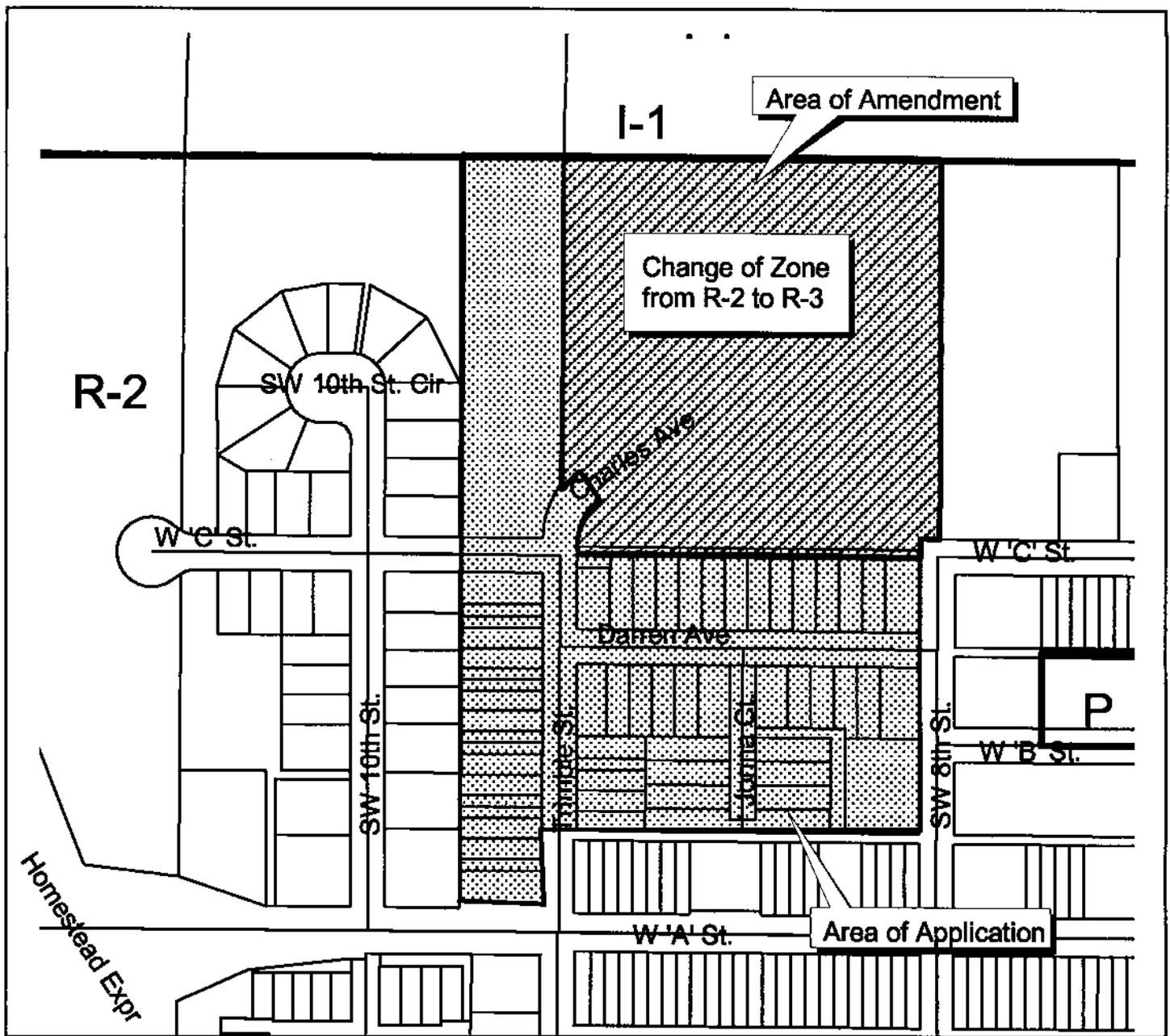
June 27, 2001

Steward moved to approve the Planning staff recommendation of conditional approval, seconded by Schwinn and carried 6-0: Newman, Taylor, Carlson, Steward, Schwinn and Bayer voting 'yes'; Hunter, Duvall and Krieser absent.



**Change of Zone #3323
Special Permit #1733B**



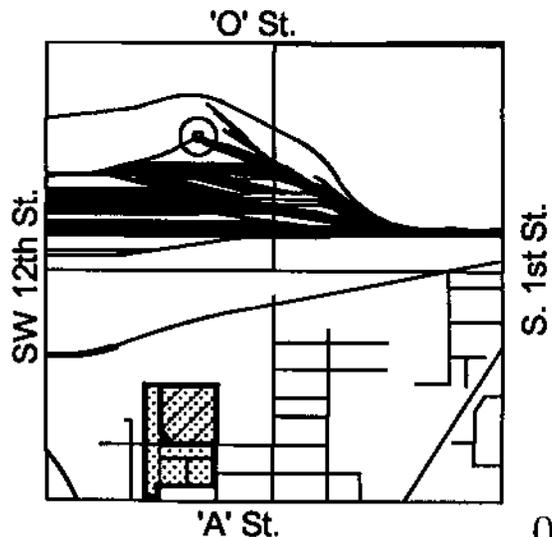
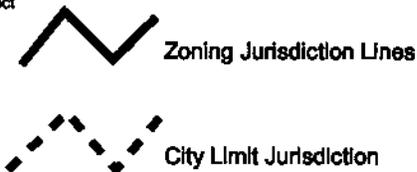


**Change of Zone #3323
Special Permit #1733B**

Zoning:

- R-1 to R-6 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. 27 T10N R6E



009

CHANGE OF ZONE & AMENDMENT TO COMMUNITY UNIT PLAN LEGAL DESCRIPTION

DESCRIPTION OF LOTS 105 AND 74 OF IRREGULAR TRACTS, BLOCKS 1 AND 2 IN MUFF 4TH ADDITION, BLOCKS 1 AND 2, AND OUTLOTS 'A' AND 'B' IN MUFF 3RD ADDITION, BLOCKS 1 AND 2 MUFF 2ND ADDITION, BLOCK 1 MUFF 1ST ADDITION, BLOCKS, 1, 2 AND 3 AND OUTLOT 'A' IN MUFF ADDITION ALL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 10 NORTH, RANGE 6 EAST THENCE ON AN ASSUMED BEARING OF NORTH 89 DEGREES 53 MINUTES 59 SECONDS EAST ON THE NORTH LINE OF LOT 105 OF IRREGULAR TRACTS FOR A DISTANCE OF 671.99 FEET.

THENCE SOUTH 00 DEGREES 05 MINUTES 50 SECONDS WEST ON THE EAST LINE OF SAID LOT 105, FOR A DISTANCE OF 594.93 FEET.

THENCE SOUTH 89 DEGREES 55 MINUTES 12 SECONDS WEST FOR A DISTANCE OF 2.69 FEET.

THENCE SOUTH 00 DEGREES 23 MINUTES 52 SECONDS EAST FOR A DISTANCE OF 54.52 FEET.

THENCE SOUTH 89 DEGREES 55 MINUTES 12 SECONDS WEST FOR A DISTANCE OF 30.25 FEET.

THENCE SOUTH 00 DEGREES 23 MINUTES 52 SECONDS EAST FOR A DISTANCE OF 36.25 FEET TO THE SOUTHEAST CORNER OF LOT 74 OF IRREGULAR TRACTS.

THENCE SOUTH 00 DEGREES 15 MINUTES 23 SECONDS EAST ON THE EAST LINE OF BLOCKS 1 AND 3 IN MUFF ADDITION FOR A DISTANCE OF 315.82 FEET.

THENCE SOUTH 00 DEGREES 30 MINUTES 22 SECONDS EAST AND CONTINUING ON THE EAST LINE OF SAID BLOCK 3 FOR A DISTANCE OF 194.72 FEET TO THE SOUTHEAST CORNER OF LOT 7 IN SAID BLOCK 3.

THENCE SOUTH 89 DEGREES 58 MINUTES 54 SECONDS WEST ON THE SOUTH LINE OF BLOCKS 2 AND 3 IN MUFF ADDITION AND ON THE SOUTH LINE OF BLOCK 2 IN MUFF 3RD ADDITION AND ON THE SOUTH LINE OF BLOCK 2 IN MUFF 2ND ADDITION FOR A DISTANCE OF 632.08 FEET TO A POINT ON THE CENTERLINE OF TRIMBLE STREET.

THENCE SOUTH 00 DEGREES 53 MINUTES 04 SECONDS EAST ON THE CENTERLINE OF TRIMBLE STREET FOR A DISTANCE OF 140.83 FEET.

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ON THE SOUTH LINE OF BLOCK 1 IN MUFF 2ND ADDITION EXTENDED FOR A DISTANCE OF 175.74 FEET TO THE SOUTHWEST CORNER OF BLOCK 1 IN MUFF 2ND ADDITION.

THENCE NORTH 00 DEGREES 30 MINUTES 46 SECONDS WEST ON THE WEST LINE OF BLOCK 1 MUFF 2ND ADDITION AND ON THE WEST LINE OF BLOCKS 1 AND 2 IN MUFF 4TH ADDITION FOR A DISTANCE OF 1300.86 FEET TO THE NORTHWEST CORNER OF BLOCK 1 IN MUFF 4TH ADDITION.

THENCE NORTH 89 DEGREES 53 MINUTES 59 SECONDS EAST ON THE NORTH LINE OF BLOCK 1 IN MUFF 4TH ADDITION FOR A DISTANCE OF 175.80 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD.
SAID PROPERTY CONTAINS 22.628 ACRES MORE OR LESS.

PRELIMINARY PLAT LEGAL DESCRIPTION

DESCRIPTION OF LOT 74 OF IRREGULAR TRACTS, AND LOT 105 OF IRREGULAR TRACTS, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 10 NORTH, RANGE 6 EAST THENCE ON AN ASSUMED BEARING OF NORTH 89 DEGREES 53 MINUTES 59 SECONDS EAST ON THE NORTH LINE OF LOT 105 OF IRREGULAR TRACTS FOR A DISTANCE OF 671.99 FEET.

THENCE SOUTH 00 DEGREES 05 MINUTES 50 SECONDS WEST ON THE EAST LINE OF SAID LOT 105, FOR A DISTANCE OF 594.93 FEET.

THENCE SOUTH 89 DEGREES 55 MINUTES 12 SECONDS WEST FOR A DISTANCE OF 2.69 FEET.

THENCE SOUTH 00 DEGREES 23 MINUTES 52 SECONDS EAST FOR A DISTANCE OF 54.52 FEET.

THENCE SOUTH 89 DEGREES 55 MINUTES 12 SECONDS WEST FOR A DISTANCE OF 30.25 FEET.

THENCE SOUTH 00 DEGREES 23 MINUTES 52 SECONDS EAST FOR A DISTANCE OF 36.25 FEET TO THE SOUTHEAST CORNER OF LOT 74 OF IRREGULAR TRACTS.

THENCE SOUTH 89 DEGREES 55 MINUTES 12 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 74 OF IRREGULAR TRACTS FOR A DISTANCE OF 633.14 FEET.

THENCE NORTH 00 DEGREES 28 MINUTES 04 SECONDS WEST FOR A DISTANCE OF 29.98 FEET.

THENCE NORTH 00 DEGREES 27 MINUTES 53 SECONDS WEST FOR A DISTANCE OF 655.49 FEET TO THE NORTHWEST CORNER OF LOT 105 OF IRREGULAR TRACTS AND POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD.

SAID PROPERTY CONTAINS 10.497 ACRES MORE OR LESS.

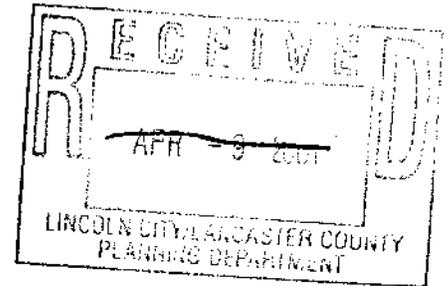
Design Associates of Lincoln, Inc.

Pershing Square
1609 'N' Street
Lincoln, NE 68508
Phone: (402) 474-3000 • Fax: (402) 474-4045 432-7995

April 9, 2001

Kathleen Sellman
Lincoln-Lancaster County Planning Department
555 South 10th Street
Lincoln, Nebraska 68508

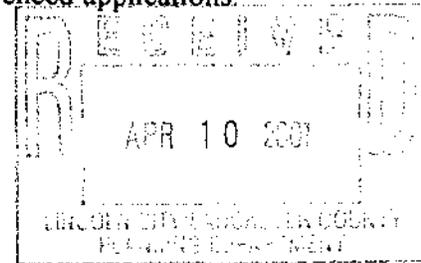
RE: Change of Zone
Muff 2nd Addition Preliminary Plat/Community Unit Plan
Amendment to Special Permit #1733A



Ms. Sellman:

Attached please find the following documents for review of the referenced applications:

- Boundary Survey
- Site/Utility Plan
- Existing/Proposed Grading and Drainage
- Street Centerline Profiles
- Street Tree/Landscape/Recreation Plan
- Aerial photo with description of soil properties



Muff 2nd Addition is generally located between Trimble Street and SW 8th Street north of West "C" Street. The plat is bordered on the north by Capital Parkway West, south by Muff 1st Addition, east by Lot 106 I.T. and west by Muff Addition. The proposed preliminary plat and expansion of Special Permit #1733A includes 10.21 Acres, inclusive of public right-of-way.

Muff 2nd Addition includes extension of Trimble Street to accommodate the needs of this development and the adjacent property to the east. Streets, utilities and storm water detention will be constructed in compliance with adopted design standards. Utility construction along the easterly extension of Trimble Street will include extension of 6-inch water mains and 8-inch sanitary mains from Muff Addition. Storm sewer and associated easements will be provided to accommodate storm water run-off discharge from Muff 1st Addition.

Site grading is limited to the southerly portion of the site to avoid disruption of existing wetlands and excessive construction within the limits of the flood plain. Construction will be consistent with the approved flood plain development permit.

The submittal includes a Change of Zone from R-2 to R-3 for the Muff CUP, original and 1st Addition Preliminary Plats, and the proposed expansion. Approval of the requested change of zone will allow construction of an additional twenty-six (26) dwelling units within the limits of the Muff 2nd Addition

above the present zoning. Planning staff has indicated their support of the change of zone and additional density to encourage residential development in this area of the community.

Development in Muff 2nd Addition includes twenty (20) duplex units, seventy two (72) multifamily units and one single family dwelling located southeast corner of the amendment area. The design includes duplex units along the south side of Trimble Street and multifamily units along the north side of Trimble Street to create a buffer between the existing residences and the proposed multifamily.

The amendment to the Special Permit also includes realignment of the parking lot located north of the existing multifamily building located at the intersection of Trimble Street and West "C" Street. This parking lot has been redesigned to provide internal circulation between the existing and proposed multifamily units to reduce circulation within the public right-of-way and better serve the parking demands for the multifamily units. The approved recreation area located north of the existing multifamily units has been enlarged and relocated to the east to avoid storm water discharge.

Prior to finalization of this plan, the developer and this office invited property owners within the limits of the change of zone to an open house to discuss the development. No one attended the open house. The plan was also presented to the neighborhood association. The Board voted to recommend approval. The Board did, however, reserve their right to object if strong opposition was received from neighbors upon formal submittal of the applications to the city.

As noted above, the proposed development has been designed to complement the existing residential area with continuation of duplex units and placement of the multifamily units adjacent to the undisturbed flood plain. In addition, the development and grading plans have been designed to minimize intrusion and disruption of the flood plain and specifically designed to avoid any disruption of existing wetlands located on the site. It is desire of the developer to provide a development that will benefit the surrounding area with a density similar to other developments located in other areas of the community.

Please contact this office if you or your staff have any questions or are in need of any additional information.

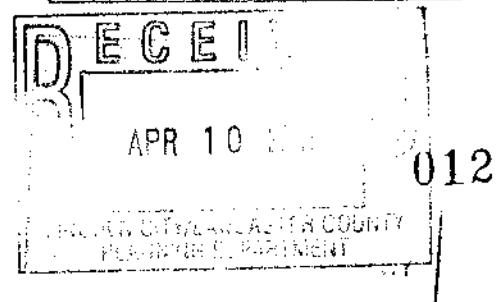
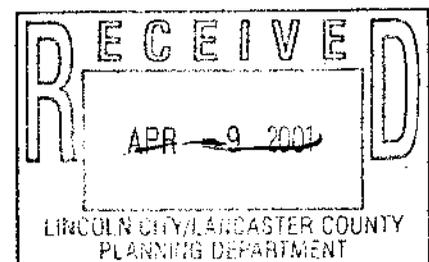
Sincerely,



J.D. Burt
For the firm

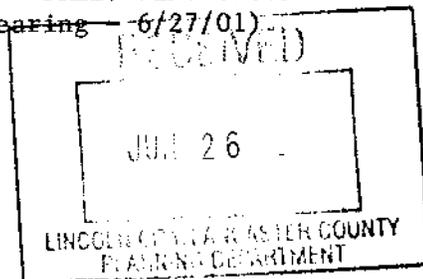
Attachment: Application for Preliminary Plat
Application for Special Permit
Change of Zone Application w/legal description

cc: Bob Stephens





L I N C O L N
ACTION
P R O G R A M



June 22, 2001

Mr. Jason Reynolds
Lincoln/Lancaster County Planning Department
Ste 213 555 South 10th Street
Lincoln NE 68508

Re: Change of Zone
Preliminary Plat 01005
Special Permit 1733B

Dear Mr. Reynolds:

Lincoln Action program Housing Development Corporation serves as the general partner of LAP Housing Jonna Court Limited Partnership, which owns the low-income housing tax credit project located on Jonna Court within the application area. We have been in contact with J.D. Burt of Design Associates regarding the application and would like to offer our support of this change. It is our understanding that the change will allow the property owner to add additional dwelling units and in addition the property owner will be constructing a playground/recreation area that will be available to all the residents within the area. The additional recreational opportunities for the tenants of our projects will be beneficial and we support the applicants in their efforts.

Sincerely,

Lincoln Action Program Housing
Development Corporation, General
Partner of Jonna Court Limited
Partnership

cc. Thomas C. Huston
J.D. Burt

