

## **FACTSHEET**

**TITLE: CHANGE OF ZONE NO. 06038**, from B-2 Planned Neighborhood Business District to R-5 Residential District, requested by Summit Homes, on property generally located at North 27<sup>th</sup> Street and Folkways Boulevard.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 06/07/06  
Administrative Action: 06/07/06

**STAFF RECOMMENDATION:** Approval

**RECOMMENDATION:** Approval (9-0: Larson, Carroll, Esseks, Krieser, Strand, Cornelius, Taylor, Sunderman and Carlson voting 'yes').

### **FINDINGS OF FACT:**

1. This change of zone request to R-5 was heard before the Planning Commission in conjunction with the associated King Ridge Townhomes Community Unit Plan, Special Permit No. 06034, to allow development of 54 dwelling units on approximately 6.55 acres, more or less.
2. The staff recommendation to approve the change of zone request is based upon the "Analysis" as set forth on p.3, concluding that the proposed change of zone is consistent with the Zoning Ordinance and other uses in the area.
3. The minutes of the public hearing before the Planning Commission are found on p.4-5. The applicant withdrew the request to waive the sidewalk on the east side of King Ridge Place on the associated community unit plan. All other waiver requests on the associated community unit plan were recommended for approval by the staff.
4. There was no testimony in opposition.
5. On June 7, 2006, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval of this change of zone request.
6. On June 7, 2006, the Planning Commission also voted 9-0 to adopt Resolution No. PC-01002, approving the associated King Ridge Townhomes Community Unit Plan, Special Permit No. 06034.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** June 12, 2006

**REVIEWED BY:** \_\_\_\_\_

**DATE:** June 12, 2006

**REFERENCE NUMBER:** FS\CC\2006\CZ.06038



**ANALYSIS:**

1. This is a request to rezone approximately 6.5 acres from B-2 Planned Neighborhood Business to R-5 Residential. This request is associated with a proposal for a Community Unit Plan for 54 dwelling units.
2. This project is proposed to have 27 two-family dwellings, each on its own lot and surrounded by a common outlot. In this configuration, each dwelling may be sold independent of the attached unit. This development is proposed to be approved by special permit as a Community Unit Plan under SP #06034.
3. Changing the zoning on this property is consistent with zoning on the south side of Folkways Boulevard. The zoning could be changed to R-4 and applicant would have enough density for the proposed number of units, but R-4 would require greater deviations from the zoning requirements. Under R-5, either the CUP or straight zoning would allow up to 190 units, provided open space and parking requirements were met.

Prepared by

Greg Czaplewski  
441-7620, gczaplewski@lincoln.ne.gov  
Planner

**Date:** May 26, 2006

**Applicant  
and  
Owner:** Summit Homes  
517 Anthony Lane  
Lincoln, NE 68520  
430.5338

**Contact:** Mark Palmer  
Olsson Associates  
1111 Lincoln Mall  
Lincoln, NE 68508

**CHANGE OF ZONE NO. 06038  
TO R-5 RESIDENTIAL  
and  
SPECIAL PERMIT NO. 06034,  
KING RIDGE TOWNHOMES COMMUNITY UNIT PLAN**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

June 7, 2006

Members present: Strand, Taylor, Larson, Carroll, Esseks, Cornelius, Krieser, Sunderman and Carlson.

Ex Parte Communications: None.

Staff presentation: **Greg Czaplewski of Planning staff** presented this proposal for change of zone and a community unit plan for about 54 dwelling units, located on Folkways Boulevard. North Star High School is located to the north; there is an apartment complex across Folkways to the south; and the property to the east is all industrial zoned land.

The proposed community unit plan is arranged in two-unit duplexes, with private road system. The applicant is requesting waivers to the internal yard setback requirements and waivers of the minimum lot area and lot depth requirements, which are fairly standard with this type of community unit plan. There are setbacks around the perimeter of the project that provide 20' of open space. The individual units are each located on their own lot and the setback waivers would apply to those lots. With the perimeter setbacks there is still the appearance of a standard yard. The side yard setbacks appear to meet the zoning requirements. Building & Safety would also have side yard spacing requirements for life safety issues; therefore the side yard waiver requests are acceptable to staff. Public Works is in agreement with the request to waive the stormwater detention requirements. This property is currently part of the King Ridge use permit which extends west and north along North 27<sup>th</sup> Street. This community unit plan would take this piece of the property out of that use permit. The stormwater detention waiver was approved with the previously approved use permit.

The staff is opposed to the request to waive the sidewalk on east side of King Ridge Place and Czaplewski believes that the developer will be withdrawing that waiver request.

Strand noted that the land to the east is zoned I-3 and she inquired as to the uses which are allowed in the I-3 zoning. Czaplewski advised that I-3 is the employment center district, so there will not be typical industrial uses such as those found in I-1 but rather larger employers. It is anticipated that the use will be mostly large offices.

Esseks inquired whether the I-3 would have fairly large setbacks to provide some buffering. Czaplewski advised that the I-3 setbacks would be 50'.

Strand confirmed that the B-5 property across the street is the approved movie theater site. Czaplewski concurred.

Strand also noted that the Planning Commission and City Council previously voted to allow an access road onto N. 27<sup>th</sup> at the intersection of 27<sup>th</sup> and Folkways. She wondered when that access would be constructed. Czaplewski did not know.

Carlson asked staff to address the recreation area condition. Czaplewski explained that the Parks Department had asked that the recreation plan be more substantial and specifically requested a half basketball court and a play structure with shaded seating area, and the applicant has agreed.

### Proponents

**1. DaNay Kalkowski** appeared on behalf of **Summit Homes**. This property was part of the King Ridge original use permit for commercial development, but Summit Homes found this piece of property and recognized that it has potential to be a nice residential piece to provide a transition between North Star High School and the apartments to the south of Folkways. Kalkowski withdrew the request to waive the sidewalk and the applicant will show the sidewalk on both sides of the road coming in off Folkways. The applicant also agrees to add the additional recreation facilities requested by the Parks Department.

With respect to the waiver of detention, Kalkowski explained that back when the King Ridge use permit was originally done, they were close to being able to let the stormwater just flow right into the creek because of the proximity in this area, so that waiver was granted back then. This project would fall under the same requirements as the original King Ridge use permit.

Kalkowski agreed with all staff conditions of approval.

There was no testimony in opposition.

### **CHANGE OF ZONE NO. 06038**

#### **ACTION BY PLANNING COMMISSION:**

June 7, 2006

Carroll moved approval, seconded by Strand and carried 9-0: Strand, Taylor, Larson, Carroll, Esseks, Cornelius, Krieser, Sunderman and Carlson voting 'yes'. This is a recommendation to the City Council.

### **SPECIAL PERMIT NO. 06034**

#### **ACTION BY PLANNING COMMISSION:**

June 7, 2006

Carroll moved to approve the staff recommendation of conditional approval, seconded by Larson and carried 9-0: Strand, Taylor, Larson, Carroll, Esseks, Cornelius, Krieser, Sunderman and Carlson voting 'yes'. The withdrawal of the sidewalk waiver request deletes Condition #3. This is final action, unless appealed to the City Council within 14 days.



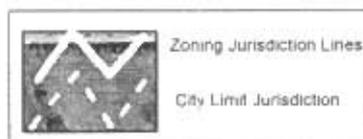
**Change of Zone #06038 & Special Permit #06034  
King Ridge Townhomes CUP  
N 27th St & Folkways Blvd**

2005 aerial

**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. 6 T10N R7E



## LEGAL DESCRIPTION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF THE REMAINING PORTION OF OUTLOT "G", THE REMAINING PORTION OF OUTLOT "H", THE REMAINING PORTION OF OUTLOT "I", THE REMAINING PORTION OF OUTLOT "J", AND THE REMAINING PORTION OF OUTLOT "K", ALL OF KING RIDGE 1<sup>ST</sup> ADDITION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., CITY OF LINCOLN, LANCASTER COUNTY, STATE OF NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

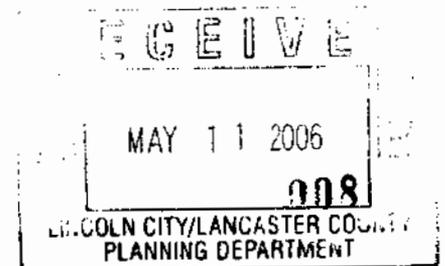
COMMENCING AT THE SOUTHEAST CORNER OF SAID REMAINING PORTION OF OUTLOT "K", SAID POINT BEING ON THE NORTH LINE OF FOLKWAYS BOULEVARD RIGHT-OF-WAY, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 225.45 FEET, ARC LENGTH OF 67.73 FEET, DELTA ANGLE OF 17 DEGREES 12 MINUTES 46 SECONDS, AN ASSUMED CHORD BEARING OF SOUTH 80 DEGREES 44 MINUTES 15 SECONDS WEST ALONG A SOUTH LINE OF SAID REMAINING PORTION OF OUTLOT "K", SAID LINE BEING THE NORTH LINE OF SAID RIGHT-OF-WAY, AND A CHORD LENGTH OF 67.48 FEET TO A POINT, THENCE SOUTH 89 DEGREES 20 MINUTES 38 SECONDS WEST ALONG THE SOUTH LINE OF SAID REMAINING PORTION OF OUTLOT "K", AND THE SOUTH LINE OF THE REMAINING PORTION OF SAID OUTLOTS "J", "I", "H", AND "G", SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 702.19 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 26 DEGREES 08 MINUTES 07 SECONDS, A RADIUS OF 462.02 FEET, A ARC LENGTH OF 210.75 FEET, A CHORD BEARING OF NORTH 77 DEGREES 08 MINUTES 25 SECONDS WEST ALONG A SOUTH LINE OF SAID REMAINING PORTION OF OUTLOT "G", SAID LINE BEING THE NORTH LINE OF SAID RIGHT-OF-WAY, AND A CHORD DISTANCE OF 208.93 FEET TO THE SOUTHWEST CORNER OF SAID REMAINING PORTION OF OUTLOT "G", SAID POINT BEING A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 32 DEGREES 11 MINUTES 23 SECONDS, A RADIUS OF 740.00 FEET, A ARC LENGTH OF 415.74 FEET, A CHORD BEARING OF NORTH 45 DEGREES 56 MINUTES 31 SECONDS EAST ALONG THE NORTHWEST LINE OF SAID REMAINING PORTION OF OUTLOT "G", AND A CHORD DISTANCE OF 410.30 FEET TO THE NORTHWEST CORNER OF SAID REMAINING PORTION OF OUTLOT "G", THENCE NORTH 89 DEGREES 20 MINUTES 39 SECONDS EAST ALONG THE NORTH LINE OF SAID REMAINING PORTION OF OUTLOT "G", AND THE NORTH LINE OF SAID REMAINING PORTION OF OUTLOTS "H", "I", "J", AND "K", A DISTANCE OF 683.42 FEET TO THE NORTHWEST CORNER OF THE REMAINING PORTION OF OUTLOT "K", THENCE SOUTH

RECEIVED  
MAY 11 2006  
007  
LINCOLN CITY/LANCASTER COUNTY  
PLANNING DEPARTMENT

01 DEGREES 02 MINUTES 06 SECONDS WEST ALONG THE EAST LINE OF SAID REMAINING PORTION OF OUTLOT "K", A DISTANCE OF 320.79 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 285,454.92 SQUARE FEET OR 6.55 ACRES, MORE OR LESS.

Tuesday, May 02, 2006

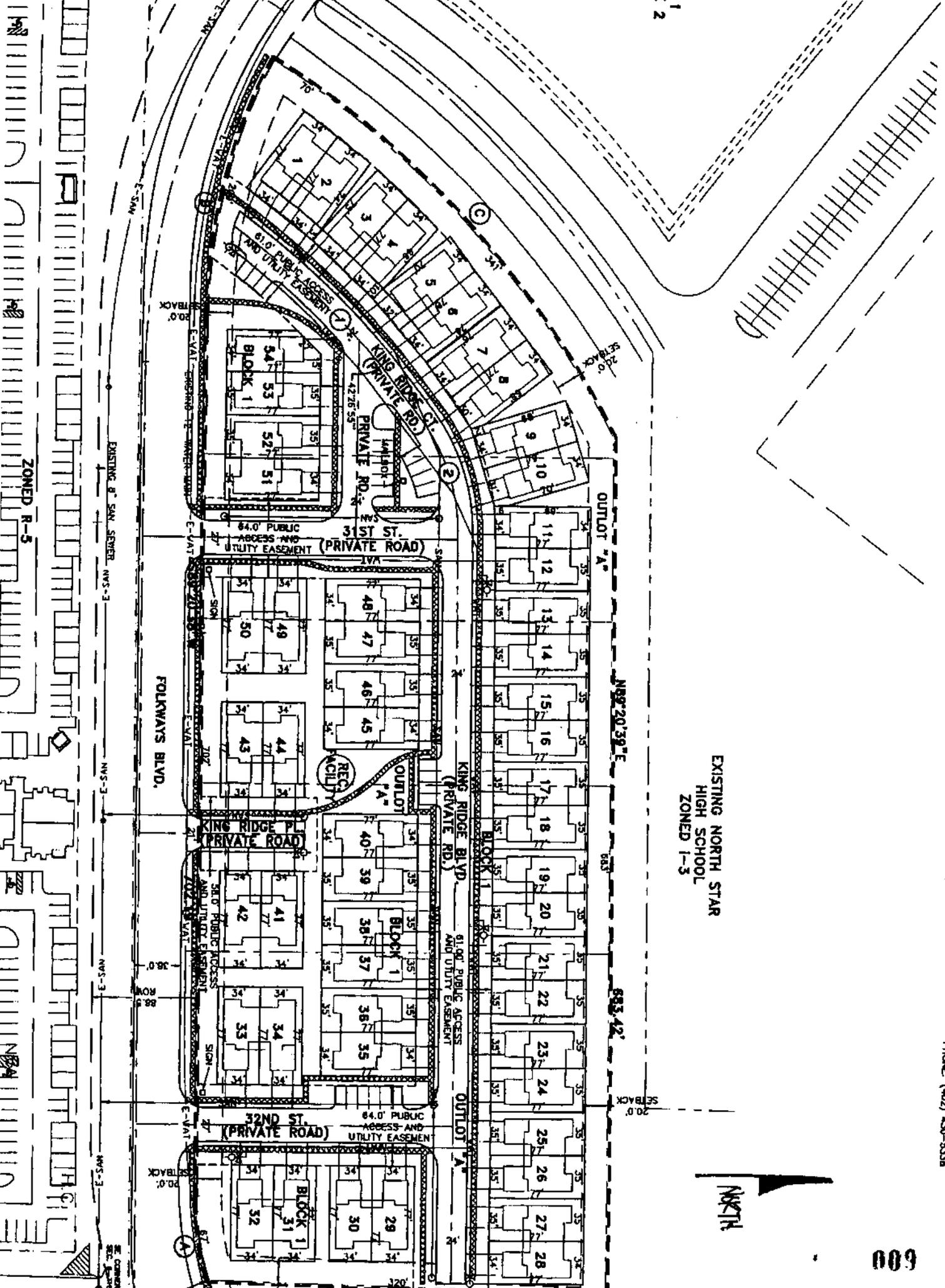
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USBOR ASSOCIATES  
1111 LINCOLN MALL  
LINCOLN, NE 68501  
PHONE: (402) 474-8311

SHARL I. HORNES  
ERRY BREITNER  
517 ANTHONY BLVD  
LINCOLN, NE 68520  
PHONE: (402) 450-0338

EXISTING NORTH STAR  
HIGH SCHOOL  
ZONED I-3



ZONED R-5

SEE CONCEPT  
PLAN SHEET  
NO. 100