City Council Introduction: **Monday**, November 5, 2007
Public Hearing: **Monday**, November 19, 2007, at **5:30** p.m.

Bill No. 07R-229

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 07047, 10th & Military Community Unit Plan,** requested by Hoppe, Inc., for authority to develop 61 multi-family units and 10 single-family attached units, on approximately 6.18 acres, more or less, generally located at North 10th Street and Military Road.

STAFF RECOMMENDATION: Conditional Approval.

ASSOCIATED REQUESTS: Comprehensive Plan Conformance No. 06001 (07R-228), Comprehensive Plan Conformance No. 07022 (07-171) and Change of Zone No. 07055 (07-172)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 10/24/07
Administrative Action: 10/24/07

RECOMMENDATION: Conditional Approval, with amendments (7-0: Cornelius, Larson, Carroll, Gaylor-Baird, Francis, Esseks and Taylor voting 'yes'; Moline and Sunderman absent).

1. This community unit plan was heard in conjunction with the associated amendment to the Antelope Valley Redevelopment Plan, declaration of surplus property and Change of Zone No. 07055. **(Please Note**: To avoid repetition, all additional information submitted on these applications is attached to the Factsheet for Bill No, 07R-228, the amendment to the Antelope Valley Redevelopment Plan).

2. This is a request to develop a community unit plan for 61 multiple family units and 10 single family attached units. Twenty of the 61 multiple family units will be for tenants defined as seriously mentally ill (SMI). All units are for low income and one unit in the apartment complex is for an on-site manager. The applicant is also requesting the following waivers: 1) allow streets to be lower than 1 foot below the 50 year flood elevation; 2) allow the elevation of the ground for building sites to be lower than 1 foot above the 100 year floodplain; 3) reduction in parking from 2 stalls per unit to 1.5 stalls per unit; 4) waive landscaping and screening for residential properties along major streets; 5) waive screening; 6) reduce the front yard setback along the south side of Court St.; 7) connecting local streets (Court St.) to a major street (N. 10th St.) less than a 1/4 mile apart; 8) recreational facility; and 9) stormwater detention.

3. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.6-7, concluding that the proposed development will add needed housing for low income and mentally ill and will be in conformance with the Comprehensive Plan upon approval of the associated amendment to the Antelope Valley Redevelopment Plan. The staff/applicant presentation is found on p.14-17. Testimony in support is found on p.17-18.

4. Testimony in opposition is found on p.18-22. The North Bottoms Neighborhood Association is opposed to development in the floodplain and certain design elements of the project (p.18-19); the Lower Platte South NRD expressed caution about development in the floodplain and urged a "no net rise" requirement (p.20-21); and six individuals testified in opposition to the loss of the shooting range (p.19-22). The record consists of questions posed to the developer by the North Bottoms Neighborhood Association and the responses submitted by the developer; six communications in opposition to removal of the shooting range; and a letter from the North Bottoms Neighborhood Association to clarify that the neighborhood did not support the project when they had a neighborhood meeting in 2005 (See attachments to Factsheet for Bill #07R-228).

5. On 10/24/07, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend conditional approval, with the following amendments:
   3.1.3 Add a note that the entire CUP is within the 100 year floodplain, and that there shall be no net loss of flood storage as a result of this development.

   5. The Urban Development Department shall convene a meeting between the developers and the North Bottoms Neighborhood Association to discuss this project in a timeframe such that the Neighborhood Association can provide input to the City Council prior to hearing and action by the City Council on this special permit and the associated Comprehensive Plan Conformance No. 06001 (Amendment to the Antelope Valley Redevelopment Plan), Comprehensive Plan Conformance No. 07002 (Declaration of Surplus Property) and Change of Zone No. 07055 from P Public Use to R-4 Residential).

   6. The Urban Development Department shall involve the North Bottoms Neighborhood in negotiations on any future redevelopment agreement,

6. The applicants have requested that all four associated requests have public hearing and action on November 19, 2007 (p.45).

FACTSHEET PREPARED BY: Jean L. Walker **DATE**: October 30, 2007
REVIEWED BY:_____ **DATE**: October 30, 2007
REFERENCE NUMBER: FS\CC\2006\CZ.07055+

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for October 24, 2007 PLANNING COMMISSION MEETING

<u>As Revised and Recommended for Conditional Approval by Planning Commission: October 24, 2007**</u>**

PROJECT #: Special Permit No.07047

PROPOSAL: Special permit for a Community Unit Plan for 61 multiple family units and 10 single family attached units. Twenty of the 61 multiple family units will be for tenants defined as seriously mentally ill. All of the units are for low income. One unit in the apartment complex is for an on-site manager.

LOCATION: Southwest of N. 10th St. and Military Ave.

LAND AREA: 6.18 acres, more or less

EXISTING ZONING: P-Public

WAIVER /MODIFICATION REQUEST:

1. Allow streets to be lower than 1 foot below the 50 year flood elevation.
2. Allow the elevation of the ground for building sites to be lower than 1 foot above the 100 year floodplain.
3. Reduction in parking from 2 stalls per unit to 1.5 stalls per unit for the multiple family
4. Waive landscaping and screening for residential properties along major streets.
5. Waive screening of multiple family approved by special permit.
6. Reduce the front yard setback from 20 feet to 10 feet along the south side of Court St.
7. Connecting local streets (Court St.) to a major street (N. 10th St.) less than a 1/4 mile apart.
8. Recreational facility within a Community Unit Plan.
9 Stormwater detention

CONCLUSION: With the approval of Comprehensive Plan Conformance #06001, amendment to the Antelope Valley Redevelopment Plan, the proposed Community Unit Plan will be in conformance with the 2030 Comprehensive Plan and the Antelope Valley Redevelopment Plan. The proposed development will add needed housing for low-income and mentally ill. The comprehensive plan encourages different housing types and development of unused land in older neighborhoods.

RECOMMENDATION:	Conditional Approval
Waivers/modifications:	
1. Allow streets to be lower than 1 foot below the 50 year flood elevation.	Approval**
2. Allow the elevation of the ground for building sites to be lower than 1 foot above the 100 year floodplain.	Approval**
3. Reduction in parking from 2 stalls per unit to 1.5 stalls per unit. for the multiple-family.	Approval
4. Waive landscaping and screening for residential properties along major streets.	Approval
5. Waive screening of multiple family approved by special permit.	Conditional Approval
6. Reduce the front yard setback from 20 feet to 10 feet along the south side of Court St.	Approval
7. Connecting local streets (Court St.) to a major street (N. 10th St.) less than a 1/4 mile apart.	Approval**
8. Recreational facility within a Community Unit Plan.	Conditional Approval
9 Stormwater detention	Approval
** Public Works & Utilities Department recommends denial	

GENERAL INFORMATION:

LEGAL DESCRIPTION: A portion of Lot 58, Irregular Tract located in the SE 1/4 of Section 14, Township 10 North, Range 6 East, Lancaster County, NE

EXISTING LAND USE: Storage facility for Building Commission, indoor gun shooting range and vacant buildings.

SURROUNDING LAND USE AND ZONING:

North:	P, Public	Open space/Salt Creek
South/Southwest	R-4, Residential	Single-family houses, duplexes and Claremont Park Apartments.
East:	P-Public	Nebraska National Guard
West	P-Public	Hayward Park

ASSOCIATED APPLICATIONS:
Change of Zone #07055 from P, Public to R-4, Residential
Comprehensive Plan Conformance #07022 for surplus property
Comprehensive Plan Conformance #06001 for an amendment to the Antelope Valley Redevelopment Plan

HISTORY: This area changed from AA-Rural and Public Use District to P-Public in the 1979 zoning update

COMPREHENSIVE PLAN SPECIFICATIONS:

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods. (p.9)

Natural and environmentally sensitive areas should be preserved within neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods. (p.9)

Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population." (p.10)

The future land use plan identifies this area as public & semi-public. (p.19)

The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use is often gradual. The Comprehensive Plan also encourages the integration of compatible land uses, rather than a strict segregation of different land uses. (p.23)

Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. Preserve existing affordable housing and promote the creation of new affordable housing throughout the community. (p.65)

One of Lincoln's most valuable community assets is the supply of good, safe, and decent single family homes that are available at very affordable costs when compared to many other communities across the country. Preservation of these homes for use by future generations will protect residential neighborhoods and allow for many households to attain the dream of home ownership. (p.65)

A safe residential dwelling should be available for each citizen: the efficiency apartment and the country estate, the small single family "starter" home and the large downtown apartment suite, the most affordable and the most expensive dwelling unit, completely independent living and living within the care of others. Provision of the broadest range of housing options throughout the community improves the quality of life in the whole community. (p.65)

Diversity of housing choices directly depends upon achieving affordable housing. Housing affordability is not merely important for the community, it is imperative. Lack of affordable housing directly impacts citizens' assets and opportunities, which in turn shape the community's assets and opportunities. Failure to achieve housing affordability reduces the quality of life for income groups disproportionately, creates widespread hardships and stress, and retards the City's collective abilities to address community problems and objectives. (p.65)

Encourage the development, maintenance, and preservation of safe and decent affordable and special needs housing for ownership and rental by low- and moderate-income households; remove barriers to fair housing and home ownership; and strengthen our policy and institutions to support affordable housing throughout the City as identified in the goals and objectives found in the FY 2005 - 2009 City of Lincoln Strategic Plan for HUD Entitlement Programs. (p.65)

New residential development is generally discouraged in areas of environmental resources such as endangered species, saline wetlands, native prairies and in floodplain corridors. It is also strongly encouraged that adequate spacing be provided from pipelines and areas where hazardous chemicals could be used and stored. Property owners and residents along the pipeline should be notified about hazards and emergency actions. (p.65)

Provide different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population. (p.65)

Encourage convenient access to neighborhood services (stores, schools, parks) from residential areas. (p.66)

Create housing opportunities for residents with special needs throughout the city that are compatible with residential neighborhoods. (p.66)

GUIDING PRINCIPLES FOR EXISTING NEIGHBORHOODS include:

1. Promote the preservation, maintenance and renovation of existing housing and neighborhoods

throughout the city, with special emphasis on low and moderate income neighborhoods. Maintain and enhance infrastructure and services in existing neighborhoods. While acknowledging the need for affordable housing, recognize that broad economic diversity within existing neighborhoods encourages reinvestment and improves quality of life for all residents. (p.67)

2. Promote the continued use of single-family dwellings and all types of buildings, to preserve the character of neighborhoods and to preserve portions of our past. (p.67)

The following are from the Antelope Valley Redevelopment Plan:

Enhancement of residential neighborhoods with proper balance of new residential housing products and reinvestment in quality housing stock. The new vision is to encourage mixed income neighborhoods with expanded housing choices. The plan proposes new affordable and work force housing, new loft, multi-story and row homes in close proximity to Downtown, the University and the new waterway. (p.45)

The future land use map identifies this area as Mixed Use Retail. (p.55)

Mixed Use Retail (MURT)are neighborhood retail centers. Allowed uses in MURT include retail, residential, office, services or mixed use. (p57)

Potential Redevelopment Concepts for the 10th Street-North Bottoms includes; mixed use retail, neighborhood level services and residential. (p.86)

UTILITIES: There is an existing public sanitary sewer main on this property and a water main in N. 10th St.

TOPOGRAPHY: This area is basically flat.

TRAFFIC ANALYSIS: N. 10th St. is classified as a minor-arterial in the 2030 Comprehensive Plan. N. 10th St. from Military Rd. to US-6 is shown as a proposed project for 4 lanes + turn lanes in the 2030 Comprehensive Plan.

A proposed bike trail is shown on the north side of Military Rd. in the Antelope Valley Redevelopment Plan.

PUBLIC SERVICE:
The nearest fire station is located at N. 14th St. and Adams St.
The nearest elementary school is Belmont located approximately at N. 14th St and Adams St.

ENVIRONMENTAL CONCERNS: This area is within the 100 year floodplain of Salt Creek. This development is within 500 feet of the centerline of the Salt Creek dike.

ALTERNATIVE USES: Retain the area as open space for floodplain storage and continue to use the gun range and storage facility.

ANALYSIS:

1. This application is for a Community Unit Plan (CUP) for 61 multiple family units and 10 single-family attached units with associated waivers. Of the 61 multiple-family units, 20 will be for tenants that are seriously mentally ill. All of the units are for federally-assisted low income households.

2. Based on City policy, the Public Works and Utilities Department objects to the waivers to allow streets to be lower than 1 foot below the 50 year flood elevation, to allow the elevation

of the ground for building sites to be lower than 1 foot above the 100 year floodplain, to allow Court St. to intersect with N. 10th St. The waiver to storm water detention is acceptable given the proximity to Salt Creek.

3. The developer's goal is to minimize the amount of fill on the site to try and accomplish a no-net-fill of the site. The developer is also proposing to excavate a portion of the park area adjacent to the west to provide compensatory storage. The Public Works and Utilities Department has concerns with the grading and drainage of this site. Missing information includes but is not limited to; drainage study and calculations, 100-year flood elevations, floodplain cross-sections, and percentage of volume of fill and compensatory storage.

4. Due to the proximity of this development to the Salt Creek levee, the Army Corps of Engineers must approve the grading plan.

5. A partial waiver to landscaping/screening requirements for residential properties along major streets and for multiple-family is appropriate based on the adjacent park to the west and open space to the north. In lieu of the required screening plant 10 evergreen trees along N. 10th St. and 4 trees along Court St.

6. The reduction in the front yard setback on the south side of Court St. for the single-family attached will allow the units to be built closer to the street in character with the neighborhood.

7. The waiver to the recreational requirement is supported due to the adjacent park. Parks supports the waiver if a walking loop is provided in the park as well as ADA access to the park. The park has playground equipment and picnic shelters. The developer has proposed to upgrade the playground equipment with a portion of projected Tax Increment Financing funds.

8. The waiver to reduce the parking from 2 stalls per unit to 1.5 stalls per unit for the multiple family portion is appropriate, based on the tenants. Of the 61 multiple-family units, 20 are for seriously mentally ill. According to representatives of Center Pointe, less than 10 percent will have cars. There are 95 parking stalls within the apartment complex. With the construction of Court St. and N. 9th St. there will be additional on-street parking.

9. A residential development is in character with the surrounding uses. There is single family residential to the south and multiple-family to the southwest. A park is adjacent to the west and open space and Salt Creek to the north. To the east, across N. 10th St., is the Nebraska National Guard.

10. This proposed development would add new housing for low income and people with special needs. The Comprehensive Plan and the Antelope Valley Redevelopment Plan encourages different housing types and choices, including affordable housing, throughout each neighborhood.

11. The approval of this application would allow for the removal of vacant buildings that are in poor condition. This area is within the Antelope Valley blight study.

12. The Antelope Valley Redevelopment Plan identifies this area as mixed-use retail. An associated application is to amend the redevelopment plan to change this area from mixed-use retail to residential. General principles in the Antelope Valley Redevelopment Plan include; encouraging a range of housing types, walkable communities, establish parks, gardens, trails and other open spaces, and public support.

13. A neighborhood meeting was held on October 2, 2007. Neighborhood residents raised concerns about traffic, parking, impact on Hayward Park, and design of the buildings.

14. The building design will be reviewed by the Urban Design Committee, since this is a public-private partnership, and must conform to the Neighborhood Design Standards.

CONDITIONS OF APPROVAL:

Site Specific Conditions:

1. This approval permits 61 multiple-family units and 10 single-family attached units with the following waivers:

    1. Reduce the front yard setback from 20 feet to 10 feet along the south side of Court St.

    2. Recreational facility within a Community Unit Plan, provided a walking loop in Hayward Park as well as ADA access to the Park is completed by the applicant.

    3. Storm water detention**.**

    4. Connection of Court St. to N. 10th St.

    5. Landscaping/screening of multiple family and residential property along a major street, provided 10 evergreen trees are planted along N. 10th St. and 4 evergreen trees are planted along Court St.

    6. Streets in a floodplain lower than 1 foot below the 50 year flood elevation.

    7. Elevation of ground for building sites to be lower than 1 foot above the 100 year floodplain.

    8. Waiver to reduce the required parking from 2 stalls per unit to 1.5 stalls per unit for the multiple-family.

2. The City Council approves associated request:

    2.1 Change of Zone #07055

    2.2 Comprehensive Plan Conformance #06001 and #07022

Final plat(s) is/are approved by the City.

If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures,drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for sidewalks and street trees along major streets that have not been improved to an urban cross section. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.

Permittee agrees:

to complete the street paving of public streets, and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.

to complete the installation of sidewalks along both sides of Court St. and N. 9th St. as shown on the final plat within four (4) years following the approval of the final plat.

to complete the installation of sidewalks along N. 10th St. as shown on the final plat within two (2) years following the approval of this final plat.

to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete the installation of public street lights along Court St. and N. 9th St. within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees along Court St. and N. 9th St. within this plat within four (4) years following the approval of the final plat.

to complete the installation of street trees along N. 10th St. as shown on the final plat within two (2) years following the approval of this final plat..

to complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.

to complete the installation of the street name signs within two (2) years following the approval of the final plat.

to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to complete the public and private improvements shown on the Community Unit Plan.

to submit to the lot buyers and home builders a copy of the soil analysis.

to inform all purchasers and users that the land is located within the 100 year floodplain and that the grading of the lots and outlots shall be in conformance with the grading plan approved with the special permit or as amended by the Director of Planning. The volume of fill material brought into each lot and outlot from outside the floodplain shall not exceed that shown on the approved grading plan accompanying the preliminary plat.

General Conditions:

3. Upon approval of the community unit plan by the Planning Commission, the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **5** copies with all required revisions and documents as listed below before a final plat is approved:

3.1 List revisions:

3.1.1 Change the word “alley” to “rear drive” in Note 11.

3.1.2 Show the rear drive along the south side of attached single-family either ending at the lot nearest 10th St. or continuing to Court St., but not connecting with N. 10th St.

3.1.3 Add a note that the entire CUP is within the 100 year floodplain, and that there shall be no net loss of flood storage as a result of this development. **(**Per Planning Commission, 10/24/07**)**

3.1.4 Remove the number of units from each building within the multiple-family area. Have a note stating there is 61 multiple-family units.

3.1.5 Use consistent line weight for the building envelopes.

3.1.6 It is not necessary to show the front yard setback, if building envelopes are shown.

3.1.7 The building envelope line from the lots south of Court St. must not extend into the required rear yard.

3.1.8 Dimension the right-of-way for Court St. and N. 9th St.

3.1.9 Show and label easements for the existing sanitary sewer.

3.1.10 To avoid administrative amendments parking stalls should not be shown, but the area labeled as "parking lot".

3.1.11 Show a surveyor's certificate certifying to the accuracy of the boundary of the survey on the site plan.

3.1.12 Show a vicinity map on the site plan.

3.1.13 Revise the language for waiver #3 to read on the south side of Court St.

3.1.14 Correct the density calculations. There is a 10 percent reduction due to the area being less than 10 acres.

3.1.15 Label the finish floor elevation for each building in the apartment complex and the lots south of Court St.

3.1.16 Show utility easements per LES report of October 5, 2007.

3.1.17 Show a fire hydrant in the NE section of the apartment complex between the 18 unit and the 10 unit buildings.

3.1.18 Show a sidewalk from the apartment complex to the park and a walking loop in Hayward Park. The sidewalk must be ADA compliant. Add a note that the applicant is responsible to construct the walks.

3.1.19 Label the lot numbers for each lot in Block 2.

3.1.20 Remove the words "future pavement" for N. 9th St. on Sheet 3. Change

"south" to "north" for 9th St. An escrow will be required to pave N. 9th St. to the north boundary with the final plat.

3.1.21 Make corrections to the satisfaction of Public Works and Utilities Department per their memo of October 4, 2007, except those items waived by the City Council.

3.1.22 Submit the following missing information; 100-year flood elevations, floodplain cross-sections, cut and fill calculations, elevation of streets relative to 50-year flood elevations; drainage study and calculations, drainage system and grading to meet design standards.

3.1.23 Submit documentation showing approval from the Army Corps of Engineers.

3.1.24 Submit documentation showing approval from the Lower Platte South Natural Resource District.

3.1.25 A grading plan showing the streets no lower than 1 foot below the 50 year flood elevation and the ground elevation for building sites at least 1 foot above the 100 year floodplain unless waived by the City Council.

3.1.26 Indicate on the plans 2 parking spaces per dwelling unit unless waived by the City Council.

3.1.27 Remove the multiple-family driveway parallel to 10th St. to outside the front yard setback.

3.1.28 Show a sidewalk connection from each multiple-family building to the adjacent street.

3.1.29 Revise the boundary of the development to match the surplus property boundary.

3.1.30 Add a note that the building envelopes and parking areas are conceptual and can change at the time of building permit without an administrative amendment.

3.1.31 Add to the end of Note 6, “but not into easements.”

3.1.32 List all waivers on the site plan.

3.2 Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

3.3 The construction plans comply with the approved plans.

Standard Conditions:

4. The following conditions are applicable to all requests:

4.1 Before occupying the dwelling units all development and construction is to comply with the approved plans.

4.2 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.

4.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

4.4 The applicant shall sign and return the letter of acceptance to the City Clerk Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Planning Commission direction:

5. The Urban Development Department shall convene a meeting between the developers and the North Bottoms Neighborhood Association to discuss this project in a timeframe such that the Neighborhood Association can provide input to the City Council prior to hearing and action by the City Council on this special permit and the associated Comprehensive Plan Conformance No. 06001 (Amendment to the Antelope Valley Redevelopment Plan), Comprehensive Plan Conformance No. 07002 (Declaration of Surplus Property) and Change of Zone No. 07055 from P Public Use to R-4 Residential). **(**Per Planning Commission, 10/24/07**)**

6. The Urban Development Department shall involve the North Bottoms Neighborhood in negotiations on any future redevelopment agreement, **(**Per Planning Commission, 10/24/07****

Prepared by

Tom Cajka
Planner

DATE: October 10, 2007

APPLICANT: Hoppe Inc.
P.O. Box 6035
Lincoln, NE 68506
(402) 328-8100

OWNER: City of Lincoln

CONTACT: Jeremy Williams
Design Associates
1609 "N" St.
Lincoln, NE 68508
(402) 474-3000

COMPREHENSIVE PLAN CONFORMANCE NO. 06001, COMPREHENSIVE PLAN CONFORMANCE NO. 07022, CHANGE OF ZONE NO. 07055 and SPECIAL PERMIT NO. 07047, 10TH & MILITARY COMMUNITY UNIT PLAN

PUBLIC HEARING BEFORE PLANNING COMMISSION: October 24, 2007

Members present: Taylor, Esseks, Larson, Gaylor-Baird, Cornelius, Francis and Carroll; Moline and Sunderman absent.

Ex Parte Communications: None.

Staff recommendation: A finding of conformance with the Comprehensive Plan on Comprehensive Plan Conformance No. 06001 and Comprehensive Plan Conformance No. 07022; approval of the change of zone; and conditional approval of the community unit plan.

Sara Hartzell of Planning staff submitted one additional letter in opposition to removal of the shooting range and comments about development in the floodplain from the Lower Platte South NRD.

Staff presentation:

1. **Sara Hartzell of Planning staff** explained that Nebraska Community Development Law requires that any new project in a redevelopment plan be reviewed by the Planning Commission for conformity with the redevelopment plan and with the Comprehensive Plan. This project is at 10th & Military and involves a parcel of land currently in city ownership. The proposal is to develop 61 apartment units, 20 of which would be for severely mentally ill and the others for individuals with low to moderate income, and 10 townhouses along the southern border. The project area in the Antelope Valley Redevelopment Plan is identified as mixed use retail; however, the plan specifies that the maps within the plan are flexible guides and that the illustrations are not mandatory. Within the mixed use retail description, they also describe allowing residential, office and mixed use buildings.

Hartzell acknowledged that there are issues that need to be addressed as set forth in the conclusions in the staff reports. There are some questions about the building titles and ownership issues with the federal government that need to be cleared up. There are two facilities being used by city departments that will need to be relocated. Parks would like to make sure that the park to the west is left in as good or better condition than prior to development. Public Works and Watershed have comments regarding flood storage to make sure everything is done possible to preserve the flood storage, etc. This project should also be reviewed by the Urban Design Committee.

There are similar issues of concern with regard to the declaration of surplus property with regard to no loss of flood storage. The staff is also asking that the legal description be revised to move the north boundary slightly south 10' to allow for the eventual expansion of Military Road. There are also concerns of the Parks Advisory Board which need to be considered.

2. Tom Cajka of Planning staff explained the change of zone and community unit plan. To the west, the north and also to the east across 10th Street is all zoned public. To the south is R-4 Residential, single family and some duplexes. To the southwest area is an apartment complex. The R-4 would be in character with the surrounding area and staff supports the change of zone.

The community unit plan includes apartment complexes for 61 units, one being for an on-site apartment manager and 60 units for rent for low to moderate income. 20 of those 60 units are set aside for tenants classified as seriously mentally ill (SMI). There are also 10 attached single family, more like a duplex setup, which are rent-to-own, which would be rented for 15 years with option to purchase.

Cajka explained the waiver requests:

1) allow streets to be lower than 1' below the 50 year flood elevation – this is a subdivision requirement. A lot of the surrounding streets are already lower than that and in order to match those streets, they are seeking this waiver.

2) allow the elevation for building sites to be lower than 1' above the 100-year floodplain elevation – the applicant is proposing that these buildings be on raised foundations instead.

3) reduction in parking - the CUP has a parking requirement of two stalls per unit. The applicant is asking for 1.5 stalls per unit. In speaking with CenterPointe about the population of the SMI, it appears that the majority of those tenants would not have vehicles, so by removing the 20 units for SMI, the parking stalls they show would meet a 2:1 ratio. There is also going to be additional parking with a new Court Street from 9th to 10th. 9th Street would be extended up to the north. These are both public streets so the right-of-way would allow parking on both sides of the streets.

4) landscaping/screening waiver - the perimeter of the CUP is required to be screened and there is another requirement for multi-family complexes. With the park to the west and open space, the waiver for those two sides is justified. The staff is requesting that in lieu of the typical screening requirement, additional evergreen trees be planted along 10th Street and along Court Street in addition to street trees.

5) reducing front yard setback from 20' to 10' on south side of Court Street. This is supported by staff. This is only for the townhomes and putting them closer to the street is in character with older neighborhoods.

6) connection of Court Street to 10th Street - City design standards state that streets should only intersect with major streets every 1/4 mile. 10th Street is considered a major street but Planning believes that Court Street intersecting at that point is justified with the street pattern of the neighborhood to the south and provides two ways in and out of the development.

7) recreational facility - Parks Department supports this waiver due to the proximity of the park as long as there is a sidewalk connection to the park and a loop trail within the park.

8) stormwater detention - Public Works has recommended approval due to the proximity to Salt Creek.

Proponents

1. David Landis, Director of Urban Development, acknowledged that the shooting facility has been there a long time. The Parks Department is looking for an alternative location. Landis acknowledged that the Naval Reserve structure has boarded over windows, asbestos in the walls, holes in the ceiling and a cost to bring down of about $400,000. The city does not have the money to demolish this building, so if there is a chance to get rid of this eyesore, it is going to be through development of some kind. This development offers to do that at private expense. It is an area that could well use urban development.

There is a park in this vicinity, with a soccer field (not crowned), which means the rain stays on the ground and it becomes inoperable and muddy. One of the opportunities is to grade that soccer field so that the water runs rather than sits flat. There is not money to crown the soccer field. The park will stay as it is and will be underutilized unless it is developed. This project will improve the park facility.

What about the actual development? There is a need for the 60 apartments for low and moderate income. Twenty of those apartments will be for the severely mentally ill, and the Department of Health and Human Services has found that there are at least 2,500 SMI in the low income area that needed housing. He does not know of another project designed by a private developer to meet this woefully under-served group of people.

Landis acknowledged that the interests of the city are not identical to the neighborhood or the users of the shooting gallery. This neighborhood has undergone a significant change of home owners from over 50% in 1980 to the mid to lower 20% as of the 2000 Census. It is crowded for parking, filled with students and not what it was 20-30 years ago. It is not part of that trend that would be furthered by this development. This development does something to ameliorate that problem, i.e. opportunity for 10 home ownerships for rent to own. There are 60 more units, but the parking is on-site and it fits relatively well with the ultimate interests of the city.

2. Fred Hoppe of Hoppe, Inc., 1600 Stony Hill Road, testified as the developer and applicant for the change of zone and community unit plan. He is proposing to put together “Creekside Village Apartments and Townhomes”. It is 71 units - 60 units of one- and two-bedroom apartments (20 being designated for the SMI). 10 townhomes, which essentially are five duplexes in a row across the lower side of Court Street. The entire project is targeted at 60% median income and below. It is a low income tax credit project under Section 42 of the Tax Code. It allows us to leverage financing to not only develop the project, but to develop a lot of public improvements in connection with the project. We can clean up the site and create a positive entrance into the city from N. 10th. We create an additional access through Court Street from the neighborhood out to 10th Street. The neighbors indicated that they have parking problems so we were concerned about providing additional parking on our property and also an outlet to 10th Street to ameliorate what has been

described by some as the “student animal house”, another apartment complex further into the neighborhood.

Why are we picking this site? This site is a qualified census tract, allowing us to leverage low income tax credits to get 30% more tax credits into the project and do the public improvements and put into the project an on-site office for CenterPointe for case services for those SMI residents. That allows us to pay a salary for a staff person. That kind of leveraging is extremely important because it costs a lot when you are looking at trying to keep rents affordable for people below 50% median income. In addition, the site is on public transit, and it is close to downtown – two criteria that are extremely important for the SMI community. But it is also important to develop a green concept to infill this neighborhood so that any tenant could do without a car, which is one of the goals of this project.

Hoppe acknowledged the waiver requests. This development is a tag-along to an older neighborhood. The waivers are all an attempt to fit this proposal into the concept and design of the abutting neighborhood.

Hoppe advised that there are two predominant issues: Parking (the goal is to have residents who do not drive cars) and development in the floodplain. All of the residential units and utilized space will be 1' above the floodplain. The buildings will be put over crawl spaces so that water can flow through those buildings and not create a flood hazard. The townhome garages will come in at entry level and the living space for the houses will be up a couple of steps. They want to minimize the amount of fill and the amount of density coverage for this space. If this land weren’t city-owned, 35% of that site could be covered with either fill, buildings, or whatever. In the new FEMA map which is currently in the approval process, that number would rise to 60%. This proposal is at 11.7%, so it is not perfect zero net rise, but it is minimized by the waivers being requested.

Hoppe agreed with the conditions of approval, and promised to work with the city all the way through this project.

<u>Support</u>

1. Becky Schenaman, a life long resident of North Bottoms, testified in support. She lived on Claremont Street and has seen all the changes in the neighborhood. She stated that she supports some development in this neighborhood; however, she was hoping for a grocery store. There does need to be some diversified things happening in the neighborhood. Her biggest concern is the floodplain, but she is willing to take a chance on this development. She lives in a house that was originally a horse farm and she does not have a basement. This neighborhood is very, very dark and they need street lighting. If this project is allowed, they should give the whole neighborhood better street lighting. The Naval Reserve is dangerous and it needs to be demolished. She is trusting the developer and the city to do something good.

2. Topher Hansen, Executive Director of Centerpointe, testified in support. He is excited about this partnership that is going to bring some needed development to an area with some permanent safe affordable housing for people with serious mental illness. CenterPointe is trying to develop housing units in the city that are safe and permanent housing for SMI. The individuals that they contemplate occupying these 20 units have been through treatment, are in recovery and living an

independent lifestyle. SMI individuals need support services to maintain their health and CenterPointe intends to provide that service in the budget of the project. This is a private partnership that does not exist in Lincoln right now. The community support type functions are typically state-supported and not privately- supported, as this one would be.

CenterPointe began its services in 1973, and currently operates about 92 units of subsidized housing with another 40 units in development at the present time. The proximity to services, transportation, ability to walk downtown and be in a neighborhood are key to consumers. CenterPointe's goal has been to develop housing that meets the needs of their consumers and in which any of us would live. SMI individuals tend to be victims more than perpetrators of crime.

Hansen confirmed that the full-time employee would be dedicated to that location 40 hours per week. The whole idea is that the on-site manager would be in contact with the 20 individuals doing things to mix with the people and provide the services that they need.

Opposition

1. Ed Caudill, President of the North Bottoms Neighborhood Association, testified in opposition to development in the floodplain. This property is up against the biggest floodplain in the City of Lincoln. The neighborhood had a meeting with Fred and John Hoppe and Topher Hansen over two years in the fall of 2005. This project keeps changing. In 2005, the neighborhood was given the understanding that this was a 100% CenterPointe project. Since that time, there has been no contact with the neighborhood. In 2005, the neighborhood association did not take a position on this project. Two years pass, and Caudill receives an e-mail from David Landis saying a meeting on this proposal sooner would be better than later. Therefore, they got a neighborhood meeting together in less than a week and met on October 2, 2007. That is the first contact the neighborhood has had with this developer since 2005. In 2005, the neighborhood representatives requested to be given the opportunity to provide input into this project. In October of 2007, we listened to the proposal, which has changed. The residents at this meeting did not look favorably upon this proposal. There has been no dialogue. It seems to be a train that is running down the tracks and no one is willing to put the brakes on. There are a lot of unanswered questions.

Caudill disagreed that this is a "private" project – the neighborhood was told that this project is an 8-9 million dollar project, with 7.5 million in public funds, and $650,000 to $1,000,000 in TIF. This is really a "public" project. This is being paid for by taxpayers.

In addition, Caudill stated that the neighborhood was told there would be no one on staff, and now it appears that there will be. None of the neighbors are against getting rid of the blighted condition, or a brownfield, and none of the neighbors have a problem with providing homes for low income or people with serious mental illness, but in the floodplain? It just doesn't make sense. He does not believe that this conforms with the Comprehensive Plan, based on what he read in the staff report.

Caudill then showed photographs of flooding problems in the neighborhood, 14th Street bridge and 10th Street bridge. He is concerned about putting some of our most vulnerable citizens right next to these flooded areas. Not one inch of property in the North Bottoms got removed from the floodplain in the Antelope Valley Plan.

Another issue of the neighborhood is the public park. In the 1970's there was a project that was going to do a wonderful thing to the park, but the park got moved to where it is now and it fills with water. These details have not been worked out. The neighborhood would like to work with the developer and the Parks Department. The North Bottoms residents built the shelters in that park. They planted 300 trees in that park. And now, the neighborhood does not know what they are going to do except make a soccer field sized drainage ditch. What about the baseball field?

Caudill pointed out that the Comprehensive Plan provides the retention of city and county property in the floodplain in public ownership – the city owns this property in the floodplain. If anything, bulldoze that building down and keep this a public space. Give Salt Creek a place to retain some water. All of the flood documents recognize the need for areas in the city that can absorb water, but we're talking about putting vulnerable people right in the middle of a floodplain.

Caudill requested that action be delayed until some of the issues are clarified. He has not even had an opportunity to review the response by the applicant to his questions which he received just yesterday. Please force the developer to work with the neighborhood. There are two streets shown on the city maps - extensions of Military Road and 9th Street. The North Bottoms Neighborhood is opposed to a new street connecting out onto 10th Street. They would like to see Military Road brought over to 9th Street.

Larson noted that the photographs were back in the 1940's and 1950's. Caudill concurred that they depict the 1950 and 1951 flood. Caudill is not aware of any floods that have occurred like that since then. Larson believes there has been some floodplain development in this area. Caudill's response was that it is maddening to watch development in the floodplain. When you fill a bathtub, the water goes up.

2. Annette McRoy, 1142 New Hampshire, testified in opposition because she believes this proposal conflicts with city policy. Her biggest concern is the declaration of surplus property. She agreed that the Naval Reserve center needs to go. But, she is concerned that there was not a RFP process before declaring this property as surplus. Is this the highest and best use of this land? It fronts a major street in our community. This project has been selected and is moving forward at a very rapid pace. It doesn't give any other developer a chance. We did not have a public process regarding this surplus property. We have some great projects that were done as great public-private partnerships, but they all went out for RFP. Everyone got a chance to get to the table. She is concerned about the lack of a fair and public process.

McRoy is also concerned about relocating the Public Building Commission facilities at a time when budgets are very tight. Does that make sense? What about the shooting range? It is being utilized. We have had national champions who have trained at this shooting range. It brings in income. On football Saturdays, the neighborhood parks cars for the city under contract – money that the city gets.

McRoy's third concern is the floodplain. The City Council has spent hours and hours compromising and working on our floodplain regulations. Now we see that these conditions are not being met, yet the regulations have been adopted. Despite concerns from Public Works dated October 4th, there are three pages of concerns regarding the floodplain, yet we're just going to "work these out and let them go". McRoy agreed that the project has merits and she would welcome affordable housing

in the neighborhood. But there are 32 conditions of approval before a final plat can be approved. The Planning Director will make the final approval. She trusts the Planning Director, but where is her opportunity for input as a resident of this community with 32 conditions that have to be met? There needs to be more public input if we want to shoehorn in a project like this. She pointed out that the project also needs approval by the Corps of Engineers.

McRoy agreed that this project may have its merits, but it has gone down the track very fast and there is a lot of conflict with flood policies. She urged the Commission to take a step back, delay, work with the developer and work out some of these issues.

3. Anthony Coleman, resident and homeowner in North Bottoms for seven years, testified in opposition with concerns about development in the floodplain. Salt Creek and its connecting tributaries drain over 1,000 sq. mi. of area, which equates to a couple counties of land draining to this part of Lincoln. He also requested a two-week delay. The neighborhood really wants time to get their questions answered and to address their concerns. The neighborhood is not opposed to development or this type of housing, but they are opposed to having decisions crammed down their throats that could be adverse to the neighborhood.

4. Tom Jensen, resident right next door to the proposed development, testified in opposition with concerns about the setbacks. What sort of mental health issues are there? He has a 6-year-old son. He purchased his property because it was “by itself”. He is very concerned about drainage and where the drainage will go. He also requested a delay.

5. Glenn Johnson, Lower Platte South NRD, stated that the NRD is not in support nor in opposition, but the District has long looked at these proposals throughout the city and has continued to raise similar issues. The property is in the 100-year floodplain of Salt Creek. It is publicly owned property. Two-thirds is within a 500' critical area setback from Salt Creek. This is new criteria post-Katrina that the Corps has put in place on all federal levees throughout the United States, i.e. within that 500' setback there is a much more detailed review. We have spent a lot of money buying public right-of-way to preserve, acquire and protect floodplains. The NRD believes it is inconsistent when publicly owned property is considered for transfer or transfer into private ownership and it is no longer preserved.

Secondly, if this proposal goes forward, the NRD certainly would encourage and hope that the “no net rise” requirement would be placed on this since it is already in public ownership – not just the 60%. This would compensate for the loss of already public-owned property. At any point before it goes forward for any type of construction, there is a process that needs to be followed for any impact upon the levee system.

July 1993 was the last time that we had a very significant high water event. The flood control levees were built in the mid-1960's after that flood in the 1950's; however, the dams and the levees do not provide protection from a 100-year flood, so the water would be over the top of the levees operating basically as if the levees were not there. The 60% allowable fill takes into account the dams and the levees and the system that is in place today, so it is an accurate representation of the flood threat in the area.

Esseks inquired of Mr. Johnson what to do with a parcel like this, which wasn’t acquired for recreational or open space or flood control purposes. It looks as though the city inherited it from the federal government. He thinks we are talking about apples and oranges. Johnson agreed, suggesting, however, that it is somewhere in between apples and oranges. It is not land that is used strictly for public recreation – it had other public purposes and served those for many years. It has not been private property. There is a dilemma. But to relinquish the fact that it is public and provides a certain level of flood storage without at least the corresponding no net fill impact would be a real shortcoming.

Larson asked how the no net rise could be achieved. Johnson suggested that if you are going to import fill and elevate on any portion of that property, there is going to have to be a corresponding removal of material to compensate for that loss of storage. It can certainly be done with reshaping of the park area and lowering it to create that additional flood storage to offset. Doing as they are doing with not fully elevating the buildings and the pads above the 100-year, but having flow-through crawl spaces, does compensate for some of that.

In the case of the 100-year flood, Cornelius wondered whether the levees hold the capacity that they normally hold. Johnson stated that in most cases, the levees will contain at least a 50-year flood event. When you get above the 50-year it starts to spill over. In less than the 50-year event there is an issue behind the levees in that the local drainage from rain events right there normally will drain out through a pipe into Salt Creek, but that pipe is going to be held shut so all that drainage generated is going to be backing up and storing in this park. Even without a 100-year event, there is still a ponding of stormwater within the park area. We saw that in 1993.

6. Carl Page, 3531 North 11th Street, testified in opposition. He is a member of the REOMA Board, member of Everett Neighborhood, Board member of North Bottoms and heavy investor. He agreed that the Naval Reserve is a bad looking building as you come into Lincoln from the north, but the federal government gave it to the city to use, and the city lacked the responsibility of taking care of it. Why would you approve housing in the Salt Creek, Oak Creek, and Antelope Creek floodplain? Why would it be okay to put SMI residents in a floodplain around college kids that party and drink all hours of the night, and while there are small kids that play in the park? Are we asking for trouble? Cedar Homes has a place on South Street and they have had calls about every night. Why don’t we let CenterPointe purchase two 20-plexes on E Street within a block of their offices on

S. 13th Street? There are no sidewalks going across Salt Creek or Oak Creek for these people to use. He used the shooting range and was a competitor.

7. Rachel Carlson, 2820 Sumner Street, testified in opposition to losing the shooting range. Approximately 10 people involved in the shooting range stood in support of her testimony. She has been shooting at the range since she was 10 years old and it has been a well-kept and successful facility. The city has invested a lot in this range over the years, which has contributed to making the range a safe, year around facility. Is it worth taking down a working building and using taxpayer money to build a new one? The citizens of Lincoln have benefitted from the programs. This range provides safety classes for youth. Education classes are also provided for adults. It provides a safe place for gun owners to practice marksmanship. The old Naval Reserve building is a hazard, but the range takes up a very small area of the proposed development. Surely there is a way to work around this building. It is part of the city of Lincoln's history and it is not surplus. If the range were to go, it will be difficult to find the programs it provides. Carlson pleaded with the Commission to delay this proposal until there is a full plan in place or equivalent or better facility for shooters in this area. Carlson has heard of some plans for relocation, but they are not definite and she does not want this range done away with before there is an alternative location.

8. Shane Harters(sp)**,** 3731 Faulkner Avenue, testified in opposition to the loss of the shooting range. He just moved to Lincoln a couple of months ago with his family of five. They are so excited about the rifle range facility. The classes and programs are so affordable for children and adults. He doubts that Parks will create a new facility or have the funds if this one is lost. If Parks tries to continue a shooting program for youth and adults in another privately owned facility, he believes that the prices will go up and it will limit the availability of these safety programs to the general public. Parks and Recreation has managed the facility for 25 years and he understands that there has not been an accident. This proposal needs to be denied or at least deferred so that there won't be a gap in the Lincoln shooting programs.

Staff Response

Marvin Krout, Director of Planning, assured that there are more steps ahead for this project. There are lots of hoops that this project has to go through and they are trying to get through this project to apply for a federal grant for assistance. It is anticipated that this area will be the subject of a redevelopment agreement. There will be opportunity for more interaction with the neighborhood. He does not believe that all of the questions raised today can be answered in two weeks, but there will be opportunities as this project moves forward.

In relation to the Comprehensive Plan, Krout acknowledged that sometimes the Commission will see conflicting objectives in the plan. Yes, the plan says that we want to try to save public land to be open space for flood storage purposes. But, on the other hand, we have the Antelope Valley Redevelopment Plan which says this land shall be developed for commercial purposes. The proposed amendment is to change it to residential because there have not been any commercial prospects.

Krout also suggested that in an area like this, it is appropriate to make some compromises to the typical design standards. 10th Street has access every 300 feet to the south. If you are trying to minimize the amount of fill, then you would grant the waivers to the street requirement and to allow for the crawl space and the elevated first floor. It is a question of balancing objectives.

Esseks observed that a lot of the opposition has to do with the design features of the community unit plan. What if we were to delay the community unit plan for two weeks and vote on the other three items? Krout believes that would need to be answered by the applicant, although he believes they need all four items at Council at the same time.

As far as the choice of this land, Esseks wondered whether it has to do with the financial liability of low and moderate income housing and housing for the SMI that we cannot otherwise provide in Lincoln. Are we really in a bind here because the land elsewhere is too expensive? Krout believes that this site meets the objectives of being close to downtown and in the transportation network.

Francis suggested that part of this site's attractiveness is the fact that it is in a targeted census tract so that there is funding available. Krout agreed.

Gaylor-Baird inquired as to the costs to the city for this project. Krout stated that the rebuilding of the range is not included in the costs previously disclosed, and relocation of the Public Building Commission facilities is not included. The Director of Parks believes that he can obtain grants to rebuild the gun range and not incur any capital fund costs. Krout believes that all demolition is a part of the cost.

Cornelius expressed concern about the Comprehensive Plan conformance finding on surplus because the Planning Commission was recently directed to vote up or down. The recommendation from staff is a finding of conformance, with certain provisions. He believes that this conflicts with the advice that has been given to him in the past. Krout clarified that the staff does recommend that the Planning Commission find that it is in conformance with the Plan. The provisions are just pointing out that there are lots of "loose ends that need to be tied." The city may not be able to sell this land. Krout explained that the state statutes call for a yes or no vote on the conformance issue.

Francis inquired as to the timeframe between finding a new shooting range and the demolition of the current shooting range. Could something be delayed so that they are not displaced? Krout stated that the Director of Parks indicates that it would be several months before he could find out whether the grant would be available, and there would have to be a period of planning and design for that facility. It is probably going to take 12-18 months. There may be a period of time, however, before this project can be developed because of all of the other issues and the redevelopment agreement.

Carroll suggested that for the Planning Commission it is the fear of the unknown because we have never been asked to approve something with so many waivers. Once we vote, it leaves our hands forever. We don't have all of the information – we have to trust our staff – there is still a very large unknown about the city park and we have to rely upon Parks to decide what is best overall. There is a lot that the Planning Commission does not know and maybe we cannot

agree because of the fear that something might change between the Planning Commission and the City Council.

Krout acknowledged that this proposal is not like West Haymarket where the Planning Commission will see any Transportation Plan amendments. Even though this has not typically been done, Krout suggested that the Urban Development Director would probably be pleased to have a workshop with the Planning Commission before this would go to sale and a redevelopment agreement to the City Council. Then the Planning Commission could indicate informally whether or not the plan as it continues to evolve meets their expectations.

Gaylor-Baird asked Krout to speak to the RFP process. Krout stated that there have been many cases where the city has not used the RFP process on surplus property declarations. Landis agreed, stating that the city does business in a number of different ways and sometimes the city initiates action by actively soliciting offers. The more common circumstance is that developers bring options to the city that they would like to do and we don't use a RFP process. We can go either way. Both of them are available. Of the two, developers are generally the moving parties. The city could be the moving party in this circumstance, but nothing would be happening.

Esseks again wondered about delaying the community unit plan. He knows there is a funding deadline but some funding is very flexible. Landis agreed that the timeline does have to do with funding. Part of this is a very clear planning issue, i.e. are we in substantial conformance with the Comprehensive Plan? He thinks it is fair to say there is a rub between parts of the Plan and the strategy about publicly owned land. If this land was in private hands today, it would be in perfect conformance of the Plan. The fact that the land is owned publicly places one element of the Plan at odds. The rub is building in a floodplain area when it is publicly owned land. The shooting gallery is an intricate political choice and political priority for spending and public services.

Cornelius wondered how Urban Development might give the North Bottoms neighborhood more opportunity for input in the negotiations on the redevelopment agreement. Landis does not believe the neighborhood liked the plan two years ago. There was a meeting with some of the neighbors in September, and there was a neighborhood meeting on October 2nd. He agreed that there are unanswered questions. Landis offered to do a workshop as the negotiations on the redevelopment agreement go forward.

Rick Peo, City Law Department, responded to the concern about the RFP process on the surplus property. He explained that the city cannot go out for a RFP until the Redevelopment Plan amendment has been approved. This project may or may not have required a RFP. Statute allows owners to develop their own property without a RFP. If the ownership of this property is transferred prior to contract, then we would not need a RFP. More frequently, the city does go out for a RFP, but usually there is a project in mind, e.g. Embassy Suites. Typically people come to the City first. We are not bypassing the RFP process. It is premature at this point.

10-minute break

JJ Yost of Parks & Recreation Department advised that the Parks Department has initiated conversation with Nebraska Game and Parks about the potential of partnering on a new facility and new location for the shooting range, and they have received some very favorable response. Game and Parks has the ability to seek some federal funding. There are some other grant sources that can also be explored. They have just started looking at alternatives, but they do have a good feeling that there are some options. The city has a site at Boosalis Park for a campus type approach for a shooting range to go along with an archery range and the gun club is immediately adjacent. There is nothing definite at this time, but they do have some ideas of where to go, and, depending upon this project, they will start to pursue those alternatives. It will take some time and there are no definites right now.

With regard to Hayward Park, the Parks Department has talked with the developer who wants to do some compensatory storage in the park area. They believe that can be done in a manner conducive to the park. The Parks Department does have experience of collocating play facilities in flood storage areas. If done right, it can be an amenity to the park. It requires grading and re-establishment of the vegetation. That can happen in this park if it needs to. Parks does advise, however, that an accessible connection be made from the development into the park to the playground itself, which does not exist today. Because of the proximity of this development to the park, Parks has suggested that rather than the developer creating their own recreation plan, that they provide some enhancements to the park, including a perimeter trail.

Response by the Applicant

Hoppe explained that this project has been a long time coming and it was targeted for the SMI. Several years ago, he began working on this project following the release of a report showing the deficiency in housing for that group of residents in the City of Lincoln. He scoured the city for sites and this is about the only site in a qualified census tract, that is on an arterial street, that has bus service and in walking distance of the downtown core. If it's the only site that qualifies, it is pretty important, and that is one of the balances that has to be determined. Being a qualified census tract is huge in this project because it leverages the financing. We can provide low rents with a case worker on site. That is extremely important for that population and makes the whole program work.

Hoppe stated that he cannot afford a delay because all parts of this proposal need to get to the City Council and be approved by the end of November because of the funding deadline. Because of the City Council's schedule in November, a two-week delay at Planning Commission won't work. He raised this deadline issue with the city months ago and he has been working with the city from the beginning. In order to get in the cycle for low income tax credits, the project must be approved by November 30th. The city doesn't work very fast. Today is the last available Planning Commission meeting date to meet that deadline. Hoppe reiterated that they did have several neighborhood meetings – two years ago, October 2, 2007, and he has talked with Ed Caudill in between. He tried to be responsive to the neighborhood concerns that were raised two years ago in the design. The neighborhood is the moving target. Our principal change in this project was the reduction of the number of SMI individuals from 100% down to 33%. This needs to move forward. They tried to work with the neighborhood; they have worked with the city; and he agrees with all of the conditions of approval.

Francis asked Hoppe to explain the affordable housing trust fund. Hoppe explained that November 30th is the deadline to tap into the Department of Economic Development money through either home funds or affordable housing trust funds, as well as the deadline for application to the Investment Finance Authority for low income tax credit funds. If we agree to lease to low income occupants for a period of 15 years, and those low income occupants are 60% median income and below, we can get a tax credit each year for 10 years, and the amount of the tax credit is based on the amount of improvements you put on the property. This proposal will result in approximately eight million dollars of improvements that qualify for low income tax credits. Through the sale of those tax credits to corporations, insurance companies, etc., we can bring in capital that can be put into the project instead of a mortgage. This means that we can keep the rent low, but it has to be targeted to 60% median income and below. In order to qualify, we have to pledge the project for 45 years – minimum of 30 years commitment to low income occupants, or 45 years for additional point scoring. At the end of 15 years, the occupants of the 10 townhome units have first right of refusal at a programmed price to purchase those units. The nonprofit has the first right of refusal on the 60-unit apartment project at a programmed price to keep it in affordable housing. We cannot have full-time students in the low income project. The program recognizes that students don't have income, but this housing is not for students while in school. However, there are some exceptions to allow full-time students in the housing but they must be students getting government assistance, students in training programs, etc.

Hoppe indicated that he does not foresee any construction starting until the spring of 2009, so there is plenty of time to get organized for the shooting range.

COMPREHENSIVE PLAN CONFORMANCE NO. 06001
ACTION BY PLANNING COMMISSION: October 24, 2007

Larson moved a finding of conformance, seconded by Esseks.

Cornelius would like to see the Commission direct Urban Development to include residents from the area in any negotiations in terms of the redevelopment agreement.

Motion for a finding of conformance carried 7-0: Taylor, Esseks, Larson, Gaylor-Baird, Cornelius, Francis and Carroll voting 'yes'; Moline and Sunderman absent. This is a recommendation to the City Council.

COMPREHENSIVE PLAN CONFORMANCE NO. 07022
ACTION BY PLANNING COMMISSION: October 24, 2007

Larson moved a finding of conformance, seconded by Francis and carried 7-0: Taylor, Esseks, Larson, Gaylor-Baird, Cornelius, Francis and Carroll voting 'yes'; Moline and Sunderman absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 07055
ACTION BY PLANNING COMMISSION: October 24, 2007

Larson moved approval, seconded by Francis and carried 7-0: Taylor, Esseks, Larson, Gaylor-Baird, Cornelius, Francis and Carroll voting 'yes'; Moline and Sunderman absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 07047
ACTION BY PLANNING COMMISSION: October 24, 2007

Esseks made a motion to approve the staff recommendation of conditional approval, with amendments as follows:

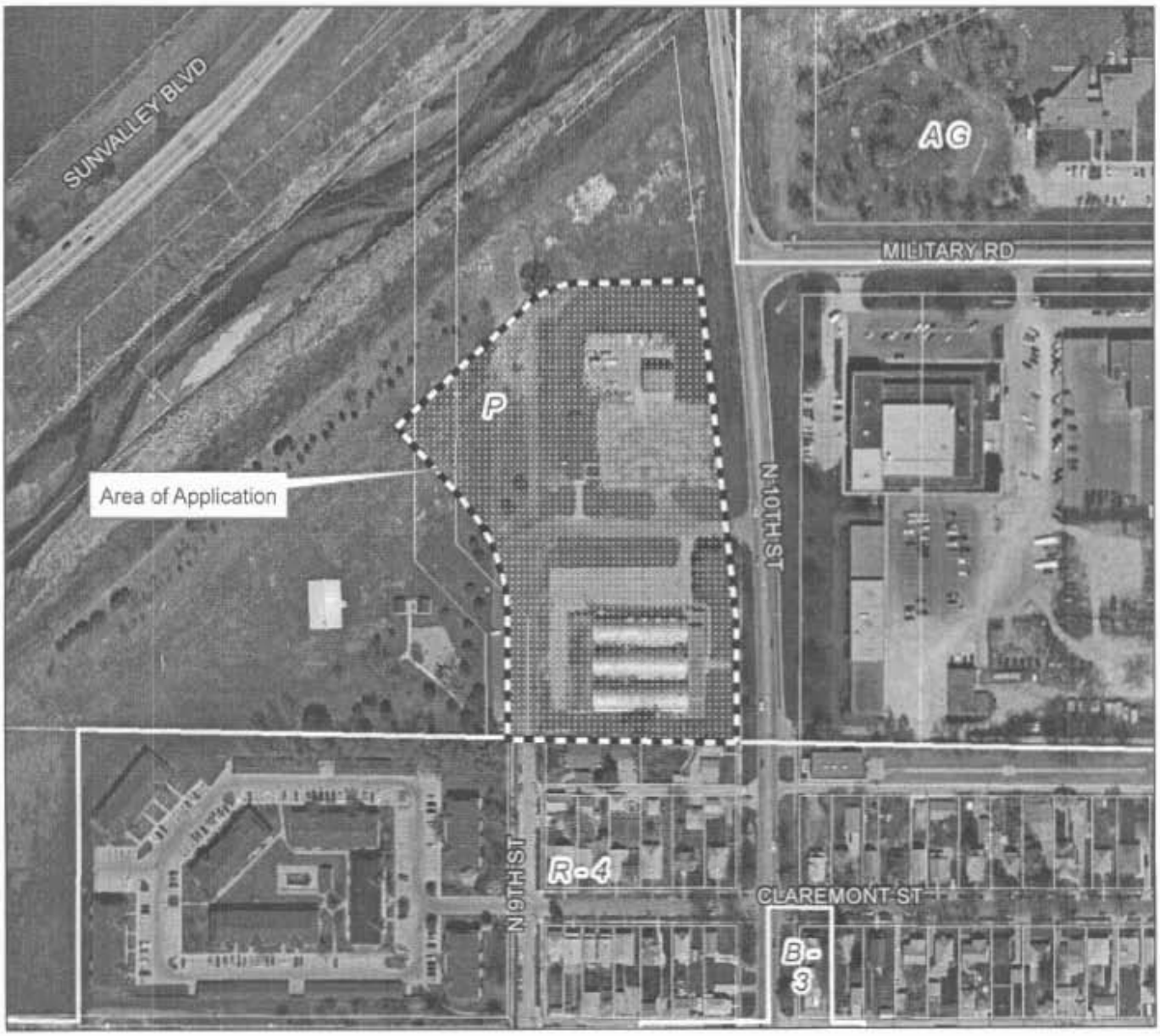
--that there be no net loss of flood storage as a result of this development; and

--that the Urban Development Department involve the neighborhood in negotiations on the redevelopment agreement, and that the Urban Development Department convene a meeting between the developers and the North Bottoms Neighborhood Association to discuss the project in time so that the Association can provide input to the City Council before it considers these four recommendations.

The motion was seconded by Larson.

Carroll commented that there are a lot of variables that are unknown and the Commission has faith in our Planning and Urban Development staff to negotiate a good redevelopment agreement to protect the citizens of Lincoln. If we move this forward, that is what is going to happen. We want the neighborhood to be involved as it comes forward. This development is needed in the neighborhood and in the city of Lincoln.

Motion for conditional approval, with amendments, carried 7-0: Taylor, Esseks, Larson, Gaylor-Baird, Cornelius, Francis and Carroll voting 'yes'; Moline and Sunderman absent. This is a recommendation to the City Council.



2005 aerial

Special Permit #07047
N 10th St & Military Dr

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential 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

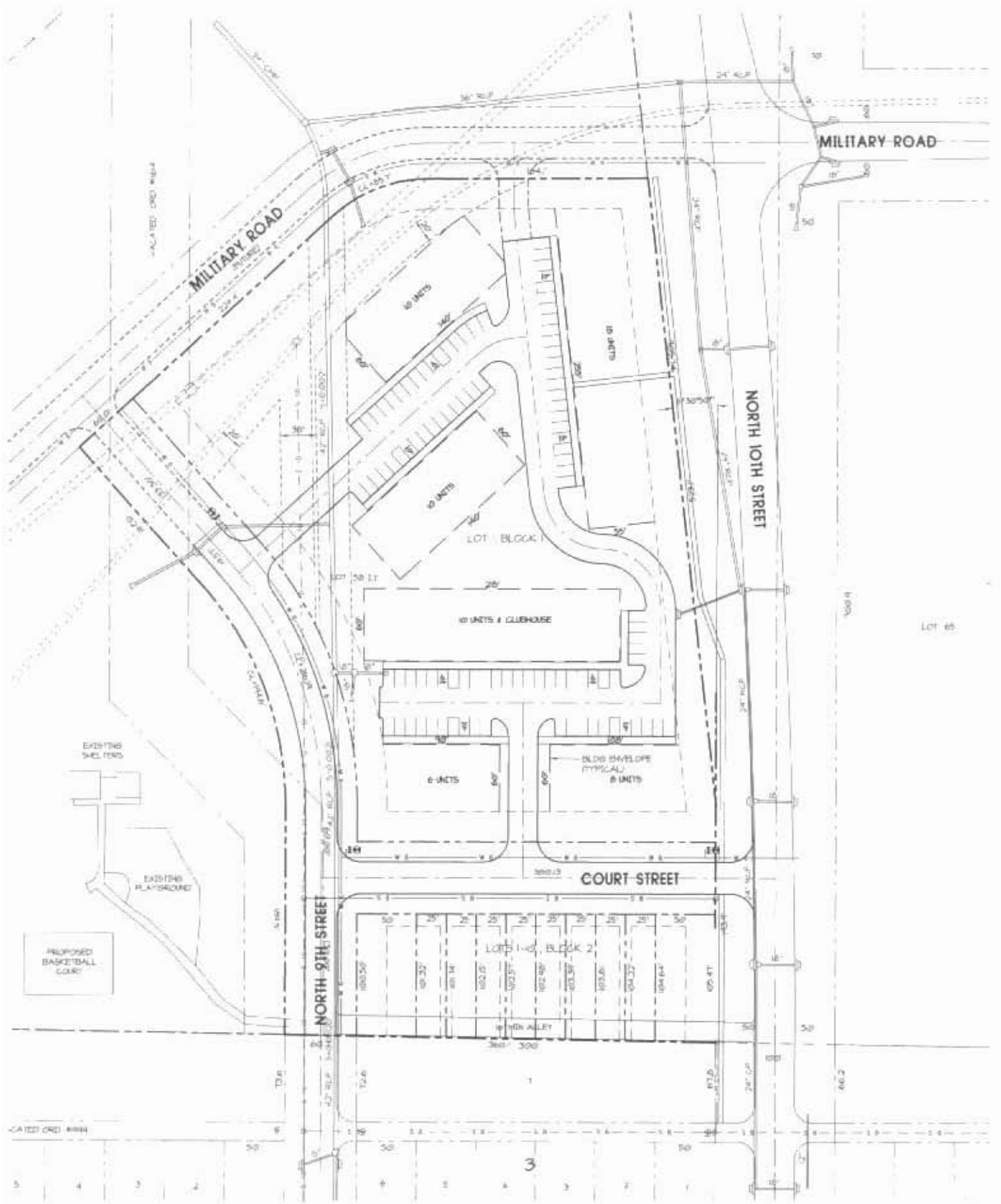
m:\planarcview\07_cz\cz07058

One Square Mile
Sec. 14 T10N R06E

N

Zoning Jurisdiction Lines

City Limit Jurisdiction



SITE PLAN
SCALE: 1" = 50'

DENSITY CALCULATIONS

RESIDENTIAL LOT AREA	= 6.180 ACRES
R-4 DENSITY FACTOR	= 13.93 UNITS/ACRES
MAXIMUM UNITS	= 86.08
ALLOWABLE UNITS	= 86
PROPOSED UNITS	= 73

WAIVERS

1. A WAIVER OF SCREENING ALONG THE LIMITS OF THE COMMUNITY UNIT PLAN IS REQUESTED.

2. A WAIVER OF PARKING REQUIREMENTS FROM 2.0 PER DWELLING UNIT TO 1.5 PER DWELLING UNIT FOR MULTI UNIT BUILDING IS REQUESTED.

3. A REDUCTION OF FRONT YARD SETBACK ALONG COURT STREET TO 10' IS REQUESTED

4. A WAIVER OF STORMWATER DETENTION IS REQUESTED.

LEGAL DESCRIPTION

A PORTION OF IRREGULAR TRACTS LOT 58
SE 1/4 SEC 14 T10 N R6E
LINCOLN, LANCASTER CO., NEBRASKA

PROJECT ZONING

EXISTING ZONING = P
PROPOSED ZONING = R-4

PARKING

63 UNITS @ 1.5/1 UNIT = STALLS REQUIRED: 95

10 UNITS @ 2.0 PER UNIT=
STALLS REQUIRED: 20

GARAGE STALLS: 20
SURFACE STALLS: 95
TOTAL STALLS PROVIDED: 115

GENERAL SITE NOTES

1. ELEVATIONS ARE NAVD 1988.

2. PAVING RADII TO BE 20' UNLESS OTHERWISE NOTED.

3. A BLANKET UTILITY EASEMENT SHALL BE GRANTED OVER LOT 1, BLOCK 1, EXCEPT BUILDING ENVELOPES, FOR WINDSTREAM, TIME WARNER CABLE AND THE LINCOLN ELECTRIC SYSTEM.

4. RELOCATION OF EXISTING LES FACILITIES TO BE AT OWNER OR DEVELOPER EXPENSE, IF ANY.

5. THE DEVELOPER RESERVES THE RIGHT TO CONSTRUCT BUILDINGS WITHIN THE BUILDING ENVELOPES SHOWN.

6. BUILDING ENVELOPES REGULATE STRUCTURAL WALLS ONLY AND DO NOT RESTRICT OVERHANGS, DOOR SWINGS, WINDOW SWINGS, ETC., FROM EXTENDING BEYOND THE BUILDING ENVELOPE.

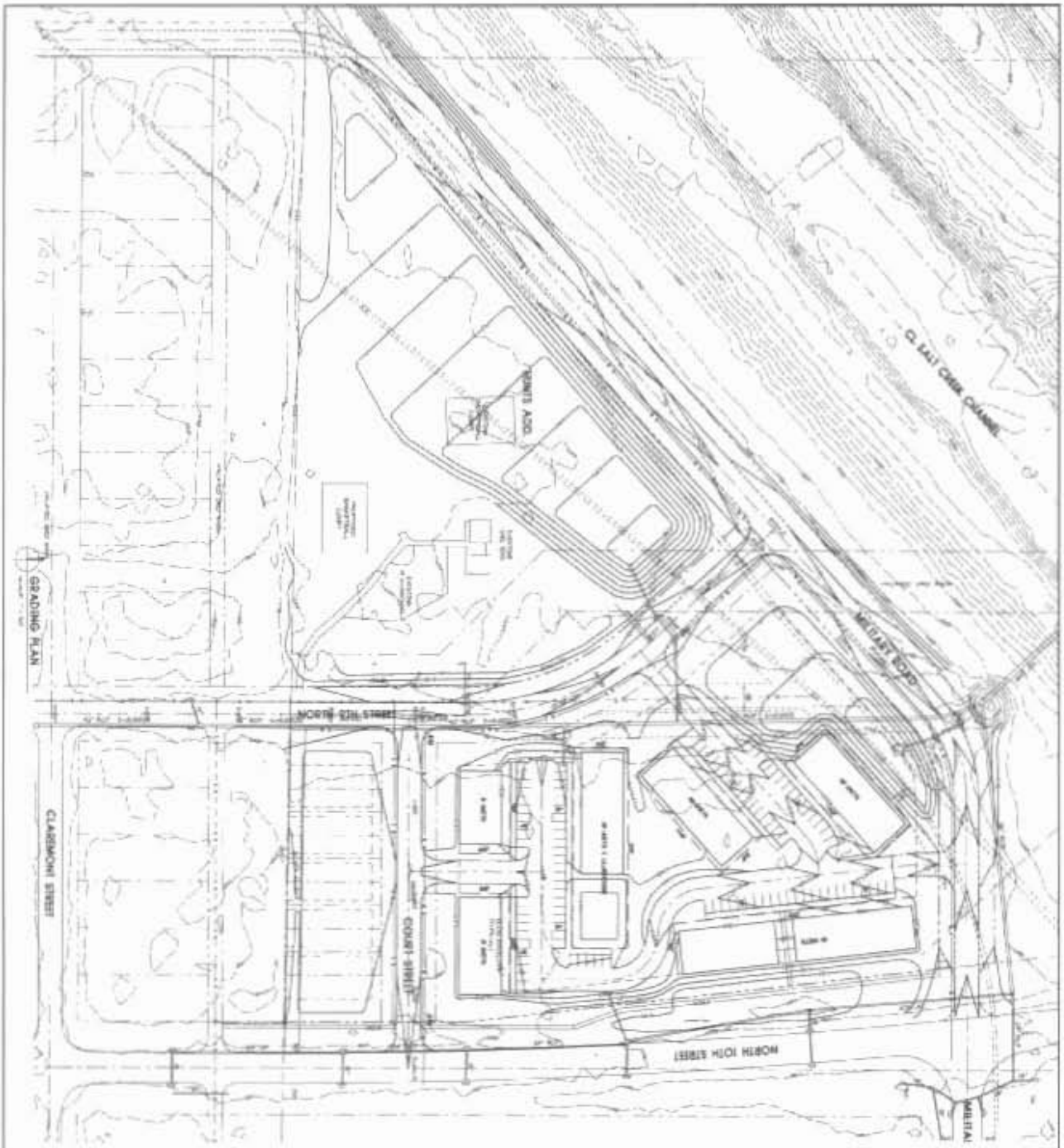
7. PARKING STALLS FOR THE DISABLED SHALL BE IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, (FEDERAL REGISTER/VOL. 58, NO. 144/RULES AND REGULATIONS).

8. PARKING LOT LIGHTING SHALL CONFORM TO CITY PARKING LOT LIGHTING DESIGN STANDARDS, IF INSTALLED.

9. SIGNAGE TO BE LOCATED OUTSIDE APPLICABLE CRITICAL SIGHT TRIANGLES AND IN COMPLIANCE WITH SECTION 27.69 OF THE LINCOLN MUNICIPAL CODE.

10. ALL BUILDINGS TO MAINTAIN A 20' MINIMUM SEPARATION BETWEEN STRUCTURAL WALLS.

11. TOWNHOME UNITS ON LOTS 1-10, BLOCK 2, TO HAVE AN ALLEY FACING TWO STALL GARAGE.



2 OF 3

Design Associates

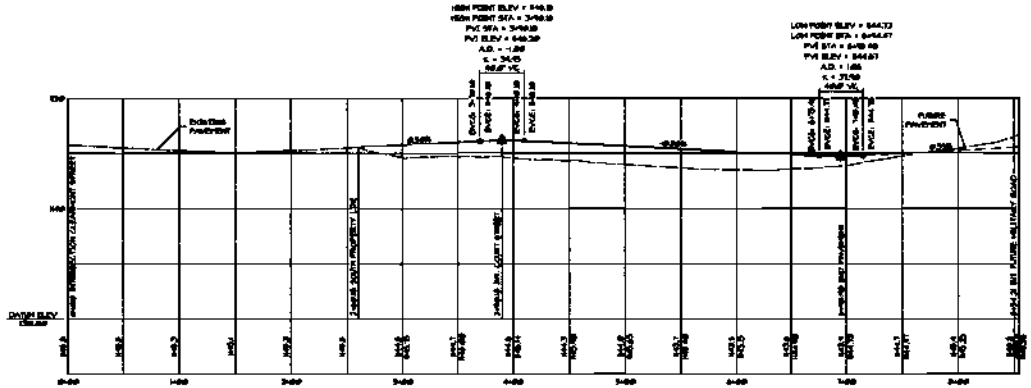
GRADING PLAN

10TH & MILITARY

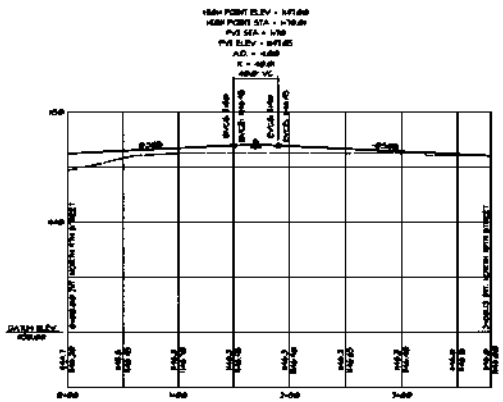
COMMUNITY UNIT PLAN

LINCOLN, NEBRASKA

031



SOUTH 9TH STREET



COURT STREET

20 SEP 2007

10TH & MILITARY
COMMUNITY UNIT PLAN
LINCOLN, NEBRASKA

STREET PROFILES

Design Associates

3 OF 3

Design Associates
of Lincoln, Inc.
ARCHITECTS • PLANNERS • ENGINEERS

OCT 11 2007

October 11, 2007

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

RE: 10th and Military, Community Unit Plan
10th and Military, Change of Zone

Mr. Krout:

On behalf of Hoppe, Inc., developer of property located at 10th Street and Military Road, please accept this correspondence application for approval of a Special Permit for a Community Unit Plan and Change of Zone.

The community unit plan proposes 71 dwelling units, including 10 townhomes on Lots 1-10, Block 2 and 60 rental units and one managers unit in the multi-family on Lot 1, Bloek 1. The entire projeet is low ineome housing. The 10 townhomes will be rent to own, and 20 of the multi-family units are designated for severely mentally ill (SMI) tenants. The proposed residential use and density are consistent with the requested R-4 zoning of the site and surrounding area.

Access for the project is provided from new streets, Court Street and North 9th Street.

The following waivers are requested with their respective justification:

1) Connecting local streets to a major street less than 1/4 mile apart (Chapter 2.15, Section 2.2 of the Design Standards).

The proposed Court Street will provide a more direct access to North 10th Street and discourage traffic from accessing N. 10th Street through the existing neighborhood to the south. Also, the proposed Court Street connection fits with the existing intersection spacing to the south along N. 10th Street.

PERSHING SQUARE 1609 'N' STREET LINCOLN, NEBRASKA 68508
Phone: (402) 474-3000 www.DAofLincoln.com Fax: (402) 474-4045

2) Streets no lower than 1 foot below the 50 year flood stage (Section 26.24.030(e)).

The proposed connections to existing streets (N 9th & N 10th) are already lower than 1 foot below the 50 year flood stage. Also, the proposed streets were designed to minimize the amount of fill required to construct. One goal of the project was to try to achieve a no-net-fill within the development and Hayward Park.

3) Recreational facility within a C.U.P. (Chapter 3.35, Section 1.4 of the Design Standards).

The proposed C.U.P. is immediately adjacent to Hayward Park which currently includes playground equipment, two shelters, a basketball court, and a soccer field. In conjunction with the Parks & Recreation Department allowing grading on the park ground, the developer is proposing replacement of disturbed facilities and up-grading of the playground equipment.

4) Elevation of ground less than 1 foot above the 100 year floodplain (Section 26.24.020(c)).

The elevation of the entire lot was not proposed to be 1 foot above the 100 year floodplain again to minimize the amount of fill being imported to the development. Again, one goal of the project was trying to accomplish a no-net-fill with the proposed development.

5) Reduction in required parking from 2 stalls per unit to 1.5 stalls per unit (Section 27.67.065).

Half of the 60 units are one bedroom units and the other half are two bedroom units. In addition, 20 of the units will be designated specifically for SMI tenants that will not likely have vehicles.

6) Landscaping/Screening; residential properties along major streets are required to be screened (Section 26.27.080 and Chapter 3.5, Section 7.4 of the Design Standards).

The proposed development is located along N. 10th Street with the adjacent property being that of the National Guard Armory.

7) Screening is required of multi-family approved by special permit (Chapter 3.5, Section 7.3 of the Design Standards).

The proposed development includes a buffer of single family lots along the south side of the proposed Court Street as a buffer to the existing neighborhood. The eastern limit of the property is adjacent to N. 10th Street with the National Guard Armory along the east side of North 10th Street. Finally, the western/northern limits of the property are adjacent to Hayward Park and the Salt Creek levee.

8. Front yard setback along the south side of Court Street to 10' (Section 27.65.020).

The proposed single-family townhomes are proposed with rear garages and front porches located closer to the street to match the existing single family construction in the neighborhood to the south.

9. Stormwater detention (Section 26.23.105).

Due to the proximity of the proposed development to Salt Creek, it is desired to discharge the stormwater from the development into the creek without delay.

We look forward to approval and implementation of this project and would appreciate your favorable consideration. Please advise if additional information is desired.

Sincerely,

Jeremy J. Williams
For the firm

M e m o r a n d u m

To: Sara Hartzell, Tom Cajka - Planning Dept.

From: Dennis Bartels - Engineering Services DB.
Ben Higgins - Watershed Managcment BH

Subject: Comp Plan Conformance 07022, Special Permit 07047, Change of Zone 07055

Date: October 4, 2007

cc: K. Fredrickson, R. Figard, R. Hoskins, N. Fleck-Tooze, S. Masters

Engineering Services in association with Watershed Management has reviewed the subject application for residential development at 10th and Military and has the following comments:

Floodplain and Stormwater

1. **Flood Storage Volume.** This area is in the 100-year floodplain of Salt Creek. The Comprehensive Plan includes the following strategy regarding surplus property in the floodplain:

   "Retain City or County property in the floodplain in public ownership, and consider the purchase of easements of land when other publicly-owned property in the floodplain is proposed for surplus. Retain conservation easements to protect floodplain functions where unusual circumstances merit the consideration of surplus floodplain property." (P. 80)

   Due to the public involvement in this site through the surplus property declaration, and as noted in a memo to Urban Development dated August 8, 2006 and stated earlier to the applicant, we continue to recommend that the development strive to meet a "no loss of flood storage" standard so as to have no adverse impact on flood heights or flood storage. However, at a minimum, the development is required to meet a "40% allowable fill" standard where no greater than 40% of the flood storage volume is lost to fill or structures. Specific information regarding the flood storage volume has not been provided in the submittal.

2. **Compensatory Flood Storage Areas.** The plan as submitted does appear to show compensatory flood storage in Hayward Park west of the development. However, information documenting this (e.g. cut and fill calculations) has not been submitted. This grading and excavation creates stormwater ponding areas that overtop the city's 78" and 48" sanitary trunk sewers. Wastewater strongly recommends against storm water cells being built in the area of these trunk sewers and their easements. Options to consider for alternate flood storage locations include reducing the number of units, relocating the picnic shelter in Hayward Park to shift flood storage south (while addressing the associated cost), and/or consideration of flood storage areas (outside the sewer easement) in the southwestern- most

portion of Hayward Park near I-180 at approximately Claremont Street. As noted in the August 2006 communication, excavation in Hayward park should be done only to the extent that it results in no adverse impacts to the park.

3. **Land Use.** As noted in August 2006 (and as recently noted in a letter from the Department of Natural Resources to Nebraska Housing Resources) we continue to have concerns about the appropriateness of this location for housing for the severely mentally ill. The 100-year flood elevation is 1150.3' in this area, which means flood depths of 1 to 5 feet for areas that are not elevated.

4. **Building and Street Elevations.** The application is showing creation of lots and therefore should meet submittal requirements per Chapter 26.24.020 of the subdivision ordinance. No reference is made to the subdivision ordinance requirements. The townhouse lots are shown to be graded below the floodplain. The ordinance requires all areas subject to flooding after grading to be limited to open space, streets and parking. Adverse impacts are required to be considered and mitigated. All the existing and proposed streets in the vicinity of the subdivision appear to be well below the 100 year flood surface and access will be limited to this plat even if residential structures are raised above the flood plain. Streets are required to be no lower than 1-foot below the 50-year flood elevation (1148.9').

5. **Drainage Study and Calculations.** No drainage study or calculations have been submitted for this application so the drainage plan cannot be reviewed. Elevating the townhomes to meet subdivision ordinance requirements will change the grading plan and the plan must show that the grading will not adversely affect adjoining property. In addition, zoning design standards require the parking lots be designed to drain to a parking lot storm sewer system. The required drainage system and grading needs to be shown with a revised drainage study and calculations, including the stormwater elevations in the flood storage areas.

6. **Missing Information.** Missing information that must be shown includes the following:
   - 100-year flood elevations
   - Floodplain cross-sections
   - Percentage by volume of fill and compensatory storage (cut and fill calculations)
   - Elevation of streets relative to 50-year flood elevations per subdivision requirements and waiver request and justification if not meeting requirements
   - Lowest finished floor elevations for buildings
   - Drainage study and calculations
   - Drainage system and grading to meet design standards

7. **Salt Creek Levee Requirements.** The grading of the compensatory flood storage and other portions of the development are within 500 feet of the centerline of the Salt Creek dikes. Any grading in the vicinity of the dikes will require approval of the Army Corps of Engineers (review generally takes four to eight weeks). Their approval may not be given, even if the City Council approves this plan.

8. **Park Drainage.** Based on existing contours on the plan, the park property does not have adequate surface drainage. The proposed grading does not improve it and potentially makes the park drainage worse. Revisions should be made to the plan to ensure that the park property is not adversely impacted.

9. **Stormwater Detention.** A waiver to the stormwater detention requirements is acceptable given the proximity to Salt Creek.

<u>Streets and Sidewalks</u>

1. **Access and Intersections.** Tenth Street in this vicinity is an arterial street. By design standards access to arterial streets should be at approximately one quarter mile spacing. The plat as submitted shows platting Court Street intersecting 10th Street 600' from the existing 10th and Military Road intersection. Tenth and Military is a potential signalized interseetion identified in the Antelope Valley project. The plan also shows a private alley intersecting 10th Street. Public Works recommends that the plan be revised to eliminate both accesses to 10th Street and meet City design standards by extending Military Avenue to 9th Street. This concern was raised in Public Works report on February 8, 2006 concerning the Comprehensive Plan conformity of the amendment to the Antelope Valley Redevelopment Plan for this same project.

2. **Street Paving and ROW.** The subdivision ordinance requirement is that all streets adjacent to a plat be installed. The plan submitted shows paving only a portion of 9th Street and none of Military Road. If Military Road is built it will likely be required to be a minimum of 3 lanes wide at its intersection with 10th Street. The plan shows a 60' right-of-way for the entire frontage which does not meet subdivision ordinance requirements for right-of-way for the 3 lane portion of Military.

3. **Sidewalks**. Sidewalks are not shown or acknowledged in the notes for the ordinance required sidewalks for this plat.

<u>Utilities</u>

1. **Wastewater trunk sewers.** No dimensions are shown on the easements for the 78" and 48" sanitary trunk sewers. Building envelopes are shown adjacent to these easements. These sewers need to be accurately located and dimensioned and all building envelopes including overhangs outside this easement. Note 6 must be revised to exclude overhangs or other building appurtenances from the sewer easement.

DB:gg

[redacted]

Status of Review: Active
Reviewed By ANY
Comments:

Status of Review: Approved 10/01/2007 12:40:10 PM
Reviewed By 911 ANY
Comments: No new streets. Court St, Military Rd and N 9th extended.

Status of Review: Active
Reviewed By Alltel ANY
Comments:

Status of Review: Active
Reviewed By Army Corp of Engineers ANY
Comments:

Status of Review: FYI 09/28/2007 1:23:50 PM
Reviewed By Building & Safety Terry Kathe
Comments: Subject to all FP regulations.

Status of Review: Approved 10/01/2007 12:16:02 PM
Reviewed By Building & Safety BOB FIEDLER
Comments: approved

Status of Review: Submitted 10/05/2007 10:22:27 AM
Reviewed By Fire Department ANY
Comments: The only request from the perspective of our department would be a fire hydrant in the proposal in the NE section of development between the 18 unit and the 10 unit buildings. There seems to be a future exit unto a future Military Road with a 6 inch water main next to it. It would seem a good time to put in a hydrant there for our accessability.

039

Status of Review: Active

Reviewed By Health Department ANY

Comments:

Status of Review: Active

Reviewed By Lincoln Electric System ANY

Comments:

Status of Review: Active 10/03/2007 8:08:45 AM

Reviewed By Lincoln Police Department ANY

Comments: Mr. Cajka,

The Lincoln Police Department has one objection to the 10th and Military SP07047, CUP, CZ07055 proposal. The proposal requests a waiver of parking requirements from 2.0 per dwelling unit to 1.5 per dwelling unit for multi unit building. We feel that the reduction of nearly forty parking spaces in this area could cause safety and other problems. The developer should plan on a full compliment of motor vehicles to be used by the tenants of this area. It is possible that an increase in the number of handicapped parking spaces will be needed as a result of the special needs citizens. Allowing this development to continue without an adequate number of parking spaces could lead to parking and safety issues as well as tenant frustration.

It is our opinion that the developer should revise their plans to meet the 2.0 per dwelling unit parking space requirement.

Sergeant Don Scheinost, #798
Lincoln Police Department
Management Services

Status of Review: Active

Reviewed By Natural Resources District Any

Comments:

Status of Review: Approved 10/02/2007 1:03:27 PM

Reviewed By Parks & Recreation ANY

Comments: 1. Contact the forestry department at 441-7036 for the assignment of street trees.

2. Outdoor recreation facilities may be met by the adjacent park with the condtion that in lieu of building on site amenities (1/2 court basketball and playstructure) that a walking loop will be provided in the park as well as ADA access to the park.

Status of Review: Complete

Reviewed By Planning Department RAY HILL

Comments:

Status of Review: **Routed**

Reviewed By **Planning Department** **COUNTER**

Comments:

Status of Review: **Active**

Reviewed By **Planning Department** **TOM CAJKA**

Comments:

Status of Review: **Active**

Reviewed By **Public Utilities - Wastewater** **ANY**

Comments:

Status of Review: **Active**

Reviewed By **Public Works - Development Services** **ANY**

Comments:

Status of Review: **Active**

Reviewed By **Public Works - Long Range Planning** **ANY**

Comments:

Status of Review: **Active**

Reviewed By **Public Works - Watershed Management** **ANY**

Comments:

Status of Review: **Active**

Reviewed By **School District** **ANY**

Comments:

Status of Review: **Active**

Reviewed By **US Post Office** **ANY**

Comments:

041

Dave Heineman
Governor

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES
Ann Bleed
Director

September 20, 2007

IN REPLY TO:

RECEIVED
SEP 21 2007
CITY BUILDING & SAFETY

Roger Massey
Nebraska Housing Resource
Suite 240 Commerce Court
1230 O Street
Lincoln, NE 68508-1402

RE: 60-Unit Housing Proposal for 1635 N 10th Street – Lincoln

Dear Mr. Massey:

The Nebraska Department of Natural Resources has reviewed this proposed project and has the following comments:

Surface Water/Ground Water

No comments.

Floodplain Management

Please consult the enclosed floodplain map and aerial photograph with floodplain coverage overlay. Although there is a sliver of non-regulated floodplain (500-year floodplain) in the project area, the bulk of this project will take place in the regulated floodplain (100-year or 1% annual chance floodplain).

Being that this is a housing project which involves low-income, severely mentally ill, and physically handicapped persons, this presents several challenges for a review. Although floodplain development is not prohibited in situations such as these, it is NDNR's general policy to discourage floodplain development whenever possible. Bear in mind that government-financed housing which is damaged by a flood will not look good for all parties involved.

How will these buildings be constructed in compliance with the City's floodplain management ordinance? If fill will be brought in, the City of Lincoln has adopted a percentage fill calculation methodology for different storage areas identified for the Salt Creek floodplain. According to the City's Planning Department website, this project is located in Storage Area #14. If fill will not be used, then the other most likely construction techniques would be either elevation or

042

Dam Safety-Flood Plain/McMaster

construction on a crawl space. Since there are several questions related to the City's floodplain management ordinance, you are encouraged to include the City's floodplain administrator from the beginning of your development plans. No matter what, floodplain development permits will be required. According to our records, the City's floodplain administrator is:

Lana Tolbert
Plans Examiner Assistant
555 South 10th Street
Lincoln, NE 68508
Telephone: (402) 441-6885

There are other questions which should be asked for a project like this:

- If the properties are shown in the floodplain, who will be purchasing the flood insurance?
- Will the renters be told that they are at a flood risk and be informed that they have the option to purchase a flood insurance policy for their contents?
- Will any plan be made for evacuation of the renters with limited mobility?
- Have alternate locations been ruled out so that this site in a floodplain is the only viable one?

Lastly, if federal funds involved in this project, you are required to perform an additional review pursuant to Executive Order 11988.

If you have any questions about this letter, please call me at (402) 471-3957.

Sincerely,

Steve McMaster
Natural Resources Planner Coordinator

Enc.
cc: Lana Tolbert, Lincoln

INTER-DEPARTMENT COMMUNICATION

LES

DATE: October 5, 2007

TO: Tom Cajka, City Planning

FROM: Sharon Theobald (Ext. 7640)

SUBJECT: DEDICATED EASEMENTS **CZ #07055**
DN #17N-9E **SP #07047**

Attached is the CUP for 10th & Military.

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.

Windstream Nebraska, Inc., Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map, along with a blanket utility easement, excluding building envelopes, over Block 1 and in Outlots for streets.

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

OCT - 8 2007

ST/nh
Attachment
c: Terry Wiebke
Easement File

07R-228
07-171
07-172
07R-229

Hoppe Inc.

Business & Real Estate Developers

FILED

OCT 26 2007

CITY CLERK'S OFFICE
LINCOLN, NEBRASKA

RECEIVED

OCT 26 2007

CITY COUNCIL
OFFICE

October 25, 2007

Lincoln City Council
555 S. 10th Street
Lincoln, NE 68508

Re: Development at 10th & Military

To Whom it May Concern:

My name is Fred Hoppe and I have proposed a new development in the area of 10th and Military streets here in Lincoln. This development will consist of 61 apartments and 10 town homes and will include a clubhouse and refurbishing of the adjacent Hayward Park for all neighborhood residents to enjoy.

We appeared in front of the Planning Department on Wednesday, October 24 and received unanimous approval from them to proceed with this project. Therefore, we are requesting a waiver of the rules and a vote on our request the same night as the Public Hearing which is scheduled for Monday, November 19th on the Special Permit # 07047 and Change of Zoning # 07055. We are requesting Low Income Housing Tax Credits from NIFA for this project and the deadline to file the final application is November 30.

Please feel free to contact me with any questions you may have.

Best regards,

Ward F. Hoppe

P.O. Box 6035 • Lincoln, NE 68506
402-437-9200 • Fax 402-437-9214