

FACTSHEET

TITLE: SPECIAL PERMIT NO. 1174H, requested by Chateau Development, LLC, for authority to expand the boundary of the existing **Chateau Community Unit Plan** to add approximately 1.41 acres of R-2 zoned property to the north and to add 8 units to the existing total of 1,294 approved dwelling units, on property generally located south of North 63rd Street and Holdrege Street.

STAFF RECOMMENDATION: Conditional Approval, as revised.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 08/10/11
Administrative Action: 08/10/11

RECOMMENDATION: Conditional Approval, as revised by staff and as amended at the request of the applicant (7-0: Esseks, Lust, Taylor, Cornelius, Partington, Larson and Sunderman voting 'yes'; Francis and Gaylor Baird absent)
Resolution No. PC-01246

FINDINGS OF FACT:

1. The purpose of this amendment to the existing community unit plan is to extend the boundary by adding approximately 1.41 acres of R-2 zoned property located at 1313 North 63rd Street, and to add 8 dwelling units to the total approved dwelling units of 1,294, for a total of 1,302 dwelling units. Thirty-six (36) of the total approved multi-family units will be developed on the expanded area.
2. The staff recommendation of conditional approval, as revised, is based upon the "Analysis" as set forth on p.12-13, concluding that the request is consistent with the Comprehensive Plan and complies with the requirements of the Zoning Ordinance. It is compatible with adjacent land uses and the surrounding neighborhood. The staff presentation is found on p.16.
3. The applicant's testimony is found on p.16-18 and 20-21, indicating that the subject property is being incorporated into an existing project which is very compatible with the neighborhood and architecturally compatible with existing buildings, and the proposal complies with all parking requirements. The existing house will be removed. The applicant has revised the original site plan to move the building and parking 10 feet to the south, allowing for additional landscaping and a very substantial screen on the north. The applicant requested an amendment to Condition #1.6, to "Relocate the utility easement ~~such that the existing sewer pipeline is along the centerline of the 30 ft easement~~ to the satisfaction of the Public Works & Utilities Department." The access is shown at Dudley Street, where there is an existing parking lot which dead-ends at Dudley Street.
4. Testimony in opposition is found on p.18-19, and the record consists of a petition in opposition bearing 30 signatures (p.35-37) and one letter in opposition (p.38). The issues and concerns of the opposition include compromising the integrity of the neighborhood; potential for more cars parking on 63rd Street to attend parties with the associated litter and noise; speeding on 63rd Street with the same potential for Dudley Street; and the loss of green space and trees, which is the last buffer from the population, the noise, the view and the atmosphere of apartments. The response by the applicant is found on p.20, submitting that the issues of the opposition related to parking and traffic are not caused by the Chateau development in that Chateau has its own parking and meets the parking requirements; and that there are always issues with respect to traffic or parking when it comes to intensification of the density of the city, which is one of the goals of the Comprehensive Plan.
5. On 08/10/11, the Planning Commission agreed with the revised staff recommendation and voted 7-0 to adopt Resolution No. PC-01246 (p.5-8), approving this special permit amendment, with the amendment to Condition #1.6 as requested by the applicant. The Commission found that the issues of the opposition have more to do with the law enforcement of traffic and parking rather than the proposed land use and that the existing single-family home is probably no longer marketable as a single-family home (See Minutes, p.21-22).
6. A subsequent letter of clarification from the applicant's representative, Mark Hunzeker, relating to the condition of the existing house on the property is found on p.39-41. During the public hearing, Mr. Hunzeker had stated that the existing house is "red-tagged"; however, the letter corrects the record to reflect that the house is not currently red-tagged.
7. On 08/23/11, a letter of appeal was filed by Corinne Neel on behalf of 30 property owners and residents in the neighborhood (p.2-4).

FACTSHEET PREPARED BY: Jean L. Preister

REVIEWED BY:

REFERENCE NUMBER: FS\CC\2011\SP1174H Appeal

DATE: September 6, 2011

DATE: September 6, 2011

August 21, 2011

FILED
CITY CLERK'S OFFICE
2011 AUG 23 AM 11 20

RE: Special Permit No. 1174H (Chateau Community Unit Plan)

CITY OF LINCOLN
NEBRASKA

Dear City Clerk and City Council Member:

We oppose the addition of a third entrance and exit on 63rd and Dudley Street as proposed in Special Permit No. 1174H (Chateau Community Unit Plan). Chateau Apartments currently have a total of four existing entrances and exits: two on 63rd Street that are one block apart, one on Holdrege Street, and one on Vine Street.

An additional driveway on 63rd Street will increase traffic down Dudley Street, a residential area. Our concerns stem from this likely increase in traffic.

First, increased traffic flow will reduce the quality of life for homeowners in this residential area. Increased traffic will cause headlights to flash in the homes at all hours of the night. The noise level on our street will increase.

Most importantly, the increased traffic flow from a third entrance and exit presents safety concerns for our neighborhood homeowners, families, and children. We have already witnessed a disregard for the speed limit on 63rd Street and the side streets that lead into existing entrances and exits. Insuring the safety of the children becomes increasingly more difficult with increase in traffic. The residents in our neighborhood will experience a higher risk of property loss and injury.

We respectfully request that Chateau La Fleur use the existing entrances to Charleston Court as the entrance and exit for the new apartments rather than building another unnecessary driveway.

Additionally, we recommend that Chateau constructs a privacy fence to run parallel to 63rd street, extending from "X" Street to the north boundary of 1313 N 63rd. The construction of a privacy fence will serve as a noise barrier, help decrease littering incidents, and prevent visitors or residents who park on 63rd Street from taking short cuts through private property.

Sincerely,

Concerned Residents

Attached is a copy of Concerned Residents

C Neel
6310 Dudley
Lincoln NE 68505

002

I am opposed to the granting of Special Permit No. 1174H allowing the expansion of the boundaries of the existing Community Unit Plan by Chateau Development, LLC and the addition of 36 multifamily dwellings.

Name Marcilee Albert Address 6305 Starr St. Marcilee Albert

Danielle Brummett 1317 No. 64th St. Danielle Brummett

Melissa + Jonathan Hnosko 6340 Dudley St. Melissa + Jonathan Hnosko

Jeff Richardson 6315 Dudley St. Jeff R.

Shirley J. Young 6301 Dudley St. 68505

Jack Richardson 6315 Dudley 68505

Peggy Richardson 6315 Dudley 68505

Beth R. McBride 6345 " "

Bruce E. McBride 6345 Dudley St 68505

Criminal Neil 6310 Dudley St 68505

Paul Tran 1330 N. 63rd 68505

Thu Tran 1330 N 63rd 68505

Steve Bruce 1349 N 63rd 68505

Mark Miller 1419 N 63rd 68505

Paul Knecht 1445 N. 63rd 68505

Craig Jones 1355 N 63rd 68505

I am opposed to the granting of Special Permit No. 1174H allowing the expansion of the boundaries of the existing Community Unit Plan by Chateau Development, LLC and the addition of 36 multifamily dwellings.

Name

Address

Charles & Carole Wilcox 1830 N 64th

Rick L Shelton 1433 N 64

Ben A Mills 1425 N 64th 68505

Jerry Anderson 1413 N. 64th 68505

Armando Alvarez 6340 Orchard St. 68505

Paul M. Vitulaki 6330 Orchard 68505

Dena Yeffe 1200 N. 63rd St. 68505

Bonnie Ackerman 1355 N 63rd St 68505

Don & Barb 6313 STAR ST 68505

Linda K. Jones 6313 STAR ST 68505

John 1413 N 63rd St. 68505

Jul Hair 6325 Dudley

Diane Hair 6325 Dudley

Mary J Luck 1300 N 63rd

RESOLUTION NO. PC- 01246

SPECIAL PERMIT NO. 1174H

1 WHEREAS, Chateau Development, LLC has submitted an application
2 designated as Special Permit No. 1174H for authority to expand the boundary of the
3 existing Chateau Community Unit Plan to add approximately 1.41 acres of R-2 zoned
4 property to the north and adding 8 units to the existing total of 1,294 approved dwelling
5 units, on property generally located south of N. 63rd and Holdrege Streets and legally
6 described as:

7 Lots 1 - 5, Chateau First Addition, and Lot 116 Irregular Tract, located
8 in the Northwest Quarter of Section 21, Township 10 North, Range 7
9 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

10
11 WHEREAS, the Lincoln City-Lancaster County Planning Commission has held
12 a public hearing on said application; and

13 WHEREAS, the community as a whole, the surrounding neighborhood, and the
14 real property adjacent to the area included within the site plan for this amendment to
15 the community unit plan, will not be adversely affected by granting such a permit; and

16 WHEREAS, said site plan together with the terms and conditions hereinafter
17 set forth are consistent with the comprehensive plan of the City of Lincoln and with the

1 intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public
2 health, safety, and general welfare.

3 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County
4 Planning Commission of Lincoln, Nebraska:

5 That the application of Chateau Development, LLC, hereinafter referred to as
6 "Permittee", to amend the Chateau Community Unit Plan to add approximately 1.41
7 acres of R-2 zoned property to the north and adding 8 units to the total approved
8 dwelling units, be and the same is hereby granted under the provisions of Section
9 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that
10 construction of said community unit plan be in substantial compliance with said
11 application, the site plan, and the following additional express terms, conditions, and
12 requirements:

13 1. This permit approves the expansion of the Community Unit Plan to include
14 1.41 acres to the north (Lot 116 I.T.), increases the total number of approved dwelling
15 units from 1,294 to 1,302 units and allows the Permittee to build 36 multi-family units on
16 the added property.

17 2. Before receiving building permits:

18 a. The Permittee shall cause to be prepared and submitted to the
19 Planning Department a revised and reproducible final site plan
20 including 5 copies with all required revisions as listed below:

21 i. Add street names that are used in this complex to the drawing
22 to aid in identifying locations within the complex.

23 ii. Provide a landscape buffer of at least 15 feet to the single-
24 family residence to the north. Provide additional screening
25 through either moving the garages to the east or, if used for
26 surface parking, then the area must be at least three feet below
27 the highest grade of the property to the north.

- 1 iii. Remove the building envelope from within the utility easement.
- 2 iv. Relocate the utility easement to the satisfaction of Public Works
3 & Utilities.
- 4 v. Revise the plan to show future drive to the west.
- 5 vi. Provide a grading plan to the satisfaction of Public Works
6 Department to show drainage from the proposed addition
7 through Berkshire Court.
- 8 vii. Revise the Utility Plan to the satisfaction of the Fire Department.
- 9 viii. Remove Notes 5, 6, 14 and 17 from the General Notes.
- 10 b. Grant an access easement if reciprocated by an access easement to
11 Holdrege Street by the development to the west.
- 12 c. Provide verification to the Planning Department from the Register of
13 Deeds that the letter of acceptance as required by the approval of
14 the special permit has been recorded.
- 15 d. Provide verification to the Planning Department that the required
16 easements as shown on the site plan have been recorded with the
17 Register of Deeds.
- 18 e. The construction plans must substantially comply with the approved
19 plans.
- 20
- 21 3. Before occupying the new dwelling units all development and construction
22 must substantially comply with the approved plans.
- 23 4. All privately-owned improvements, including landscaping and recreational
24 facilities, must be permanently maintained by the Permittee or an appropriately
25 established homeowners association approved by the City.
- 26 5. The physical location of all setbacks and yards, buildings, parking and
27 circulation elements, and similar matters must be in substantial compliance with the
28 location of said items as shown on the approved site plan.

1 6. The Permittee must annually certify that all occupied dwelling units for
2 elderly housing are occupied by individuals meeting the requirements for elderly or
3 retirement housing.

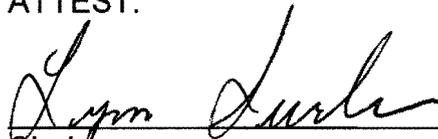
4 7. The terms, conditions, and requirements of this resolution shall run with
5 the land and shall bind and obligate the Permittee, its successors and assigns.

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

12 9. The site plan as approved with this resolution voids and supersedes all
13 previously approved site plans, however the terms, conditions and requirements of all
14 resolutions/ordinances approving previous permits shall remain in force except as
15 specifically amended by this resolution.

16 The foregoing Resolution was approved by the Lincoln City-Lancaster County
17 Planning Commission on this 10 day of August, 2011.

ATTEST:


Chair

Approved as to Form & Legality:


Chief Assistant City Attorney

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for August 10, 2011 PLANNING COMMISSION MEETING

****As Revised and Approved by Planning Commission: August 10, 2011****
Resolution No. PC-01246

PROJECT #: Chateau Development Special Permit No. 1174H

PROPOSAL: To extend the boundary of the existing Community Unit Plan by adding the R-2 zoned property to the north and to add 8 dwelling units to the total approved units.

LOCATION: 1313 N. 63rd Street; south of N. 63rd Street and Holdrege Street

LAND AREA: 84.71 acres, more or less

EXISTING ZONING: R-5, R-4 and R-2, Residential District

CONCLUSION: This request is consistent with the Comprehensive Plan and complies with the requirements of the Zoning Ordinance, and is compatible with adjacent land uses and the surrounding neighborhood.

RECOMMENDATION:	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: All of Chateau First Addition and Lot 116 Irregular Tract, all located in the North ½ of Section 21, Township 10, Range 7, Lancaster County, Nebraska

EXISTING LAND USE: Multi-family residential on the existing Community Unit Plan and Single-family residential on the proposed addition.

SURROUNDING LAND USE AND ZONING:

North:	R-3 and R-2, Residential	Single-family and Multi-family units
South:	R-2, R-6 Residential	Single family and Multi-family units
	I-1, Industrial	Strip Commercial
East:	R-2, R-3 and R-5, Residential	Single-family and Multi-family units
	P, Public Use	Bethany Park
	B-1, Commercial	Office and Neighborhood Commercial Center
	P, Public Use	Fire Station #9
West:	R-1 R-2 and R-3, Residential	Single-family units, Lincoln Lutheran Middle and High School and Trinity Lutheran School
	B-1, Commercial	Neighborhood Commercial,
	Dead Man's Run	Flowing from north-west to south-east

HISTORY:

- June 2, 2009: Resolution #A-84965 was passed by City Council to approve Special Permit #1174G to add 144 multi-family units.
- October 16, 2000: Administrative Amendment #00078 to revise a building envelope was approved by the Planning Director.
- September 1, 2000: Administrative Amendment #00036 to relocate one dwelling unit was approved by the Planning Director.
- January 20, 1998: Resolution #A-78563 was passed by City Council to approve Special Permit #1174F to add one dwelling unit in former clubhouse.
- September 12, 1997: Administrative Amendment #97070 to relocate a ground sign was approved by the Planning Director.
- August 4, 1997: Administrative Amendment #97064 to relocate a ground sign was approved by the Planning Director.
- July 1, 1997: Administrative Amendment #97044 to convert clubhouse space to office space was approved by the Planning Director.
- November 16, 1995: Administrative Amendment #95078 to extend the time to file the letter of acceptance was approved by the Planning Director.
- November 16, 1995: Administrative Amendment #95077 to extend the time to file the letter of acceptance was approved by the Planning Director.
- October 9, 1995: Resolution #A-77023 was passed by City Council to approve Special Permit #1174E to eliminate a pedestrian bridge over Deadmans Run.
- September 1, 1995: Administrative Amendment #95032 to revise building locations was approved by the Planning Director.
- August 30, 1995: Administrative Final Plat #95001 for Chateau 1st Addition was approved by the Planning Director.
- December 14, 1994: Special Permit #1174C for a club was rescinded.
- July 18, 1994: Resolution #76229 was passed by City Council to approve Special Permit #1508 for 95 elderly housing units.
- July 18, 1994: Resolution #A-76228 was passed by City Council to approve Special Permit #1174D to add land and increase density.
- July 18, 1994: Ordinance #16640 was passed by City Council to approve Change of Zone #2826 from R-2 to R-5.

May 19, 1993: Administrative Amendment #93016 to adjust sign details was approved by the Planning Director.

February 24, 1992: Administrative Amendment #91093 to add a garage was approved by the Planning Director.

February 3, 1992: Resolution #A-74634 was passed by City Council to approve Special Permit #1174A for a club.

April 30, 1990: City Council denied Resolution #38-4012 for Special Permit #1174B to add 114 elderly housing units.

October 17, 1988: Administrative Amendment #612 to relocate one dwelling unit was approved by the Planning Director.

August 13, 1987: Administrative Amendment #553 to revise the phasing schedule was approved by the Planning Director.

May 18, 1987: Resolution #A-71383 was passed by City Council to approve Special Permit #1174A to add 112 dwelling units.

May 18, 1987: Ordinance #14666 was passed by City Council to approve Change of Zone #2316 from R-3 to R-5.

April 3, 1987: Administrative Amendment #538 to revise garage layout was approved by the Planning Director.

April 28, 1986: Resolution #A-70723 was passed by City Council to approve Special Permit #1174 to add 99 dwelling units.

September 26, 1985: Administrative Amendment #475 to increase building sizes was approved by the Planning Director.

July 19, 1985: Administrative Amendment #467 to add 16 dwelling units was approved by the Planning Director.

April 18, 1985: Administrative Amendment #453 to add a storage building was approved by the Planning Director.

December 13, 1971: Resolution #A-59057 was passed by City Council to approve Special Permit #580 (Charleston Court) for 228 dwelling units.

August 26, 1968: Resolution #A-56931 was passed by City Council to approve Special Permit #431 (Chateau La Fleur) for 225 dwelling units.

COMPREHENSIVE PLAN SPECIFICATIONS:

The Comprehensive Plan Future Land Use map designates this area as Urban Residential. (p. 19)

Urban Residential: Multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. (p. 16)

While sufficient developable land is designated in the Plan to accommodate an overall city-wide density comparable to the current figure, the community should strive to maximize efficiency in development. (p. 3)

Encourage a mix of housing types, including single family, duplex, attached single family units, apartments, and elderly housing all within one area. Encourage multifamily near commercial areas. (p. 68)

Greater Development Efficiency: Maximize the community's investment in infrastructure through greater efficiency in residential and commercial development. Particularly in new development, an increase in the amount of commercial floor area and residential population, compared to typical suburban patterns, will decrease the amount of infrastructure necessary overall in the community. (p. 148)

The Deadmans Run Watershed Master Plan was adopted as a sub-area plan of the Comprehensive Plan.

UTILITIES: Abbey Court is served with public sanitary sewer. The rest of the community unit plan is served with private water and sewer.

TRAFFIC ANALYSIS: The development has multiple access points from Urban Minor Arterial Streets and Local Streets. The development has access off of Vine Street (Minor Urban Arterial) to the south; N. Cotner Boulevard (Minor Urban Arterial) and N. 63rd Street (Local Street) to the east; Holdrege Street (Minor Urban Arterial) to the north; and N. 56th Street (Minor Urban Arterial) to the west.

REGIONAL ISSUES: Portions of the approved and existing development is along the Dead Man's Run. The Dead Man's Run Watershed Master Plan shows an area southeast of Abbey Court as detention and an essential element of flood control. At this time the Lower Platte South Natural Resources District (NRD) is working with the developer to purchase that land for a conservation easement.

ENVIRONMENTAL CONCERNS: Portions of the approved and existing development are in the floodway, the FEMA 500 year floodplain, and the locally adopted floodprone area, but not the proposed expansion area.

ANALYSIS:

1. This is a request for the existing Chateau Community Unit Plan to extend its boundaries to the north by adding the property at 1313 N. 63rd Street. The property is zoned R-2, Residential and is 1.41 acres.
2. The City of Lincoln Design Standards allow 5.8 dwelling units per acre for R-2 Zoning. So the addition of the property to the CUP will allow the developers an additional 8 dwelling units.
3. The development is approved for 1,294 units (including 178 elderly housing units) and the addition to the north will increase it to 1,302 units. The development has not constructed all

the previously approved units. The developers propose to add 36 units of multi-family on the additional property, utilizing the unbuilt units. The development is approved for 178 elderly housing units limited to the R-5 zoned area. The proposed addition does not change the number of elderly housing units allowed for the development.

4. The developers held a neighborhood meeting on June 14, 2011.
5. The City of Lincoln Design Standards state that buildings in a Community Unit Plan must be at least 40 feet away from its boundary. The proposed building is approximately 92 feet away from the single family to the north.
6. The Design Standards also state that the 40 ft separation should be landscaped to provide screening to the adjacent development. The application does not meet the requirements. The staff recommends that the developers move the parking by 10 feet and provide minimum 15 feet of green space to allow larger trees to grow. This is consistent with setbacks to single family uses in other apartment projects.

Additionally, the screening may be achieved by either moving the garages to the east, or if used for surface parking, the area must be at least 3 feet below the highest grade of the property to the north.

7. The existing utility easement to the south limits the relocation of buildings and garages to the south. However, the existing sewer is not centered along the existing easement. The developers should relocate the easement to centrally align the existing sewer pipe, allowing the relocation of the proposed building and garages.
8. Circulation in the proposed addition will be better served with a connection to the development to the west, allowing for potential future access to Holdrege Street. The proposed entry to the new 36-unit building is off of N. 63rd Street which is a local street with mostly single family residences on the east. A future connection to Holdrege Street will reduce the traffic on N. 63rd Street.
9. Public Works Department requires some revisions to the drainage plan, addressing drainage from the proposed building through Berkshire Court to the south.

This approval permits the expansion of the Community Unit Plan to include 1.41 acres to the north and to build 36 multi-family units on the added property and increase the total approved units to 1,302 dwelling units.

CONDITIONS OF APPROVAL:

Site Specific Conditions:

1. Before receiving building permits 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:

- 1.1 ~~Revise the site plan to show the area west of Dead Man's Run in the future conservation easement as open space and remove the emergency access to N. 56th Street. **(**As revised by staff and approved by Planning Commission: 8/10/11**)**~~
 - 1.2 ~~Revise the 'Development Summary' to reflect the changes in the allowed units according to the conservation easement and the proposed expansion. **(**As revised by staff and approved by Planning Commission: 8/10/11**)**~~
 - 1.3 Add street names that are used in this complex to the drawing to aid in identifying locations within the complex.
 - 1.4 Provide a landscape buffer of at least 15 ft to the single-family residence to the north. Provide additional screening through either moving the garages to the east, or if used for surface parking, then the area must be at least 3 feet below the highest grade of the property to the north.
 - 1.5 Remove the building envelope from within the utility easement.
 - 1.6 Relocate the utility easement ~~such that the existing sewer pipeline is along the centerline of the 30 ft easement~~ to the satisfaction of the Public Works & Utilities Department. **(**Per Planning Commission at the request of the applicant and agreed upon by staff, 08/10/11**)**.
 - 1.7 Revise the plan to show future drive to the west. Grant an access easement if reciprocated by an access easement to Holdrege Street by the development to the west.
 - 1.8 Provide a grading plan to the satisfaction of Public Works Department to show drainage from the proposed addition through Berkshire Court.
 - 1.9 Revise the Utility Plan to the satisfaction of the Fire Department.
 - 1.10 Remove the following notes from the 'General Notes': Notes 5, 6, 14 and 17.
2. Before receiving building permits provide the following documents to the Planning Department:
 - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
 - 2.2 Verification that the required and relocated easements as shown on the site plan have been recorded with the Register of Deeds.
 3. Prior to the issuance of a building permit:
 - 3.1 The construction plans must substantially 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 shall substantially comply with the approved plans.
 - 4.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City.
 - 4.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
 - 4.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 4.5 The Permittee shall sign and return the letter of acceptance to the City 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 Permittee.
 - 4.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.

Prepared by

Rashi Jain
Planner
402-441-6372
Email: rjain@lincoln.ne.gov

DATE: July 27, 2011

APPLICANT: Chateau Development LLC
3100 S. 72nd Street, Lincoln, NE 68506

CONTACT: Jill Schuerman
Civil Design Group
8535 Executive Woods Drive, Suite 200, Lincoln, NE 68512
Phone: 402-434-8494

SPECIAL PERMIT NO. 1174H, AN AMENDMENT TO THE CHATEAU DEVELOPMENT COMMUNITY UNIT PLAN

PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 10, 2011

Members present: Cornelius, Esseks, Partington, Taylor, Lust, Larson and Sunderman (Francis and Gaylor Baird absent).

There were no ex parte communications disclosed.

Staff recommendation: Conditional Approval.

Staff presentation: **Rashi Jain of Planning staff** explained that this is a proposal to expand the boundaries of the community unit plan by 1.4 acres and to add a 36-unit apartment building. The Commission has received one letter in opposition related to traffic and parking. The community unit plan is currently approved for 1,294 units, of which 920 are built.

Lust understands that the CUP is currently approved for nearly 1300 units, but they are 300 short of that limitation. Jain confirmed that 920 of the 1300 units are built. The area that is going to be added is in R-2 zoning and allows 8 units, so they are using units from the existing CUP for this expansion.

Esseks referred to the bottom of page 4 of the staff report where it talks about the Lower Platte South NRD being in negotiations with the developer to purchase land for a conservation easement. Does the property under consideration today include such land? Jain answered in the affirmative. Esseks confirmed that the issue before the Planning Commission is the fate of the property in the northeast corner. Jain agreed.

Esseks also noted that the staff report encourages the developer to negotiate with the property owners directly to the west to enable the residents of the new development to get to Holdrege Street to the north via the property to the west, and hence not overburden 63rd Street which consists entirely of single-family homes. He is curious how practical that recommendation is – whether the property owners in the multi-family to the west would agree to those coming through there from this new development. Jain agreed that it is beyond possible now but it will be possible in the future.

Proponents

1. Mark Hunzeker appeared on behalf of **Chateau Development**, the applicant/developer. This is a project which fits very nicely into the vision for the future as stated in the newly revised Comprehensive Plan, i.e. there has been a lot of discussion about increasing the density of housing within the current urban boundary, and trying to do so in a way which is consistent with existing development and for the purpose of using available land, efficiently using our infrastructure and adding to the variety of housing types available.

This project has been around since 1968. Chateau Le Fleur apartments have been one of Lincoln's premier apartment complexes for over four years. It is a remarkable statement of good management. The complex and the company are very highly regarded and voted the best in Lincoln the last 10 years in a row.

This property is being incorporated into an existing project which is very compatible and architecturally compatible with existing buildings. The developer is able to comply with all the parking requirements. They have yet to use all of the density that is available under the existing CUP. This small parcel zoned R-2 barely adds to the density of the overall complex – they are simply moving about 28 units of those already approved onto the additional area.

The developer held a neighborhood meeting on June 14th to discuss the site plan and to address the neighbors' concerns.

Hunzeker pointed out that the property is close to a home that has been red-tagged and an eyesore for the neighborhood for quite some time. This home will be removed. The property does have a residential neighbor to the north and residential neighbors to the east. The property with the possibility of an easement for access is to the west and to the north. There is a 144-unit townhome complex on that property to the north. In this area, combined with the Chateau CUP and the abutting property, there are well over 1,000 units which have been there approximately 40 years. They did in fact have discussions with the owner of that property to the north about the possibility of either acquiring it or having some access, but those negotiations were unsuccessful for understandable reasons. It would cause a lot of difficulties in terms of the Chateau residents using their parking areas and how to allocate maintenance responsibilities, etc. Eventually it may be possible that those two complexes will come under common ownership and then there could be an access out to Holdrege, but we do not know when that will happen.

With respect to the site plan, Hunzeker explained that the developer had shown an access centered on the site, which would have exited traffic right on the property line of the two single-family homes across the street. It was suggested that we should move that access down to the existing Dudley alignment where there is an access into Chateau's existing complex. The applicant/developer has agreed to move that access. At the suggestion of staff and property owners, the applicant has also moved the building and parking 10' to the south, which gives more room on the north for landscaping and a very substantially screen, not only in the form of landscaping but also in the form of differentiating elevations. The profile above the surface of the neighbors' property line is a two-story building rather than three. This is a fairly low profile.

Hunzeker further explained that the access that will be reserved for the future will be located "in this area" (as shown at the map) and a place for a future access to the west will be shown in the event an access easement is granted out to Holdrege, giving reciprocal back to 63rd Street.

Hunzeker agreed with the revised staff recommendation which eliminates Conditions #1.1 and #1.2.

Hunzeker requested an amendment to Condition #1.6, which asks the applicant to relocate the utility easement so that the sewer pipe is on the centerline of a 30' easement. Hunzeker requested that they be allowed to work with Public Works so that the easement can be slightly

off center to facilitate moving the building southward. Thus, Hunzeker requested Condition #1.6 be revised as follows:

Relocate the utility easement such that the existing sewer pipeline is along the centerline of the 30 ft easement to the satisfaction of the Public Works & Utilities Department.

Esseks noted that there is no access to North 63rd Street, and the tenants moving into the new apartments would use that very same access and nothing else. Hunzeker explained that their original design would have had an access coming out further to the north. The revised design comes down and winds up with existing Dudley Street. There is an existing parking lot which dead-ends at Dudley. There are two or three access points on 63rd to the south, but they are fairly remote from this location. The access is aligned with Dudley Street.

Sunderman does not believe that will change the amount of traffic at 63rd Street – it just changes the access. Hunzeker suggested that it may facilitate a little less of a back-up onto 63rd as people are coming into the apartment complex and a little less backup as people are coming out. This development does not have direct access to any arterials.

Hunzeker believes that there are 1800 residents.

Opposition

1. Bonnie Ackerman, 1355 N. 63rd, testified in opposition. She has lived at this address for 36 years. She and her neighbors are opposed to this application because it will further compromise the integrity of their neighborhood. Five neighbors stood in the audience in support of this testimony. Ackerman submitted 30 signatures from neighbors who are opposed but could not attend this meeting.

In visiting with the neighbors, Ackerman found that people no longer have the same sense of security in this neighborhood as they did in the past. There are issues with people parking their cars on 63rd Street and their passengers carrying beer to parties; there are issues about litter and beer cans on their front lawns, as well as loud music, loud voices, and maybe event fighting. The neighbors are concerned about home property values as apartment buildings encroach from every direction. If this permit is approved, Ackerman will live in one of the only six remaining homes on the west side of 63rd Street from X to Holdrege.

There are recurrent themes in the neighborhood – 63rd Street and Orchard Street are dragstrips, and Dudley will become the same with additional access into the Chateau complex. More apartments will equal more people which will equal more cars parked the length of 63rd Street. This is not the fault of Chateau or all the people who live in neighboring apartments. What has happened is that numerous manufactured dwellings have brought tremendous change to the density of this neighborhood – changed from single-family to multi-family with largely transient population. It draws more and more people who are not invested in the neighborhood. It has changed the character and feel of the neighborhood. A neighborhood watch is no longer viable. They no longer know who does or who does not belong in this neighborhood. The 1.4 acres will affect the last area of green space left. An adjacent wooded area to the west was destroyed to build Adriana Courts. The wooded area behind Ackerman's home was destroyed to extend

the apartment complex managed by RD Hinkley. This 1.4 acres of land and the trees is the last buffer from the population, the noise, the view, and the atmosphere of apartments. Currently, this green space offers distance and buffering.

Ackerman noted that the applicant referred to an approved total of 1,302 units. It is unclear if that includes the units from Charleston Courts and Chateau Le Fleur. It is also unclear whether it includes units in the current construction. This neighborhood is saturated with multi-family dwellings: Chateau Le Fleur and Charleston Court and Gardens is located from 60th and Vine to Cotner, north to Holdrege; Adriana Courts located south of Holdrege stretching east from 56th; and four apartment buildings south of Holdrege at Valley View Drive.

Ackerman also pointed out that the Lincoln Police Department advertises “stronger safer neighborhoods.” The focus of the partnership is improving neighborhoods. She fails to see how building more multi-family units will make this neighborhood strong or safer.

2. Mable Quick, 1300 N. 63rd, stated that she is in opposition.

3. Shirley Young, 6301 Dudley, stated that she is in opposition because it is a raceway up and down 63rd Street.

It was pointed out that there are two entrances into the apartment complex off of 63rd Street.

4. Corinne Neel, 6310 Dudley Street, testified in opposition. The house to the east of her at 6330 Dudley is a rental and she and her neighbors have made countless calls to the Police Department about parties. The young people that now live there park over in the Chateau Apartments, so every weekend they walk back and forth. She has also called them in because Dudley Street is already congested with the young children living on that street. It is hard to get out of her driveway. It is going to be a bottleneck.

Neel acknowledged that the police do come out when they call, but they have to wait and it is an inconvenience. This additional area of apartments will add to this inconvenience. This is a very nice, family oriented neighborhood and that entrance will make it difficult to get out.

Sunderman asked staff to respond to the applicant’s proposed amendment. **Dennis Bartels of Public Works** agreed with the proposed amendment to Condition #1.6. With regard to traffic on 63rd Street, Bartels stated that from a street point of view, it is not a volume question. This development won’t intentionally increase the traffic north or south. With 36 units you would estimate 200 cars per day, but it is not a capacity issue on a street like that. Sunderman wondered whether Public Works would consider “no parking” on 63rd Street. Bartels stated that there is a speeding problem along 63rd as well as the parking problem. Prohibiting parking is possible and there is a process for doing that, but we need to be careful because if there is already a speeding problem, that can be exacerbated with no parking on the street. It may solve one problem and create another. If you pull parking on 63rd, it just may move it to a different neighborhood. This is a problem anywhere there is high density next to a traditional neighborhood.

Response by the Applicant

Hunzeker acknowledged that they heard discussion about the traffic and parking issues at the neighborhood meeting held in June. He understands that there are parking issues but he does not believe anyone has accused the Chateau apartments of having caused the parking issue. Chateau has its own parking and meets the parking requirements. In addition, he does not believe he has heard any sort of implication that the management of Chateau is responsible for the problems being described. He suggested that there are always issues with respect to traffic or parking when it comes to intensification of the density of the city, which is one of the goals of the Comprehensive Plan.

This process has been going on for 40 years in this neighborhood, and it has been done very successfully. The addition of 1.4 acres adds a location for the use of some of the already approved units, and it eliminates a building which is in dire need of removal. The property which is being removed to make room for this building is a red-tagged house, and it is in deplorable condition. He does not believe this proposal will adversely affect the character of the neighborhood. This adds a few units to the number already there, but in terms of the total number of units authorized on the campus, this really only adds about eight. There are other authorized units, some of which will be eliminated when the NRD completes the acquisition of the detention cell on the other side of the creek. That process is virtually settled and just has not closed. When that area is transferred to the NRD, it will reduce the amount of land area and number of units available.

In terms of the total density in this complex, Hunzeker advised that it is about 11 units per acre. It is really not as dense as we might like to see in terms of new complexes within the city limits, but we are dealing with an existing situation where we have to work around existing buildings and facilities. It is important for these complexes to have access. If the neighbors wish to petition Public Works to eliminate parking on one or both sides of 63rd Street, this developer will not object.

Hunzeker further submitted that this is a project which is right in the realm of what is attempting to be done with the Comprehensive Plan and with the future of Lincoln in terms of intensifying the use of existing infrastructure and intensifying densities within the existing city. You can do so here at a minimum of disruption and, in fact, in a way that is very compatible with the existing development.

Taylor confirmed that the house that is red-tagged is going to be removed. Hunzeker concurred.

Lust inquired about the meaning of "red-tagged". Hunzeker stated that it would be illegal to inhabit that house in its current condition.

Esseks inquired what kind of buffering can be offered to Ms. Ackerman for the 1.4 acres of open space and greenery being converted to an apartment complex. What can we do to lessen this conflict between multi-family and single-family on 1.4 acres? Hunzeker stated that the original site plan showed a 5' setback (which is the required setback) along the north property line between the apartment parking and the property to the north. The Ackerman property is two houses to the north. In response to the concerns of the property owner next door, the building and parking has been moved 10' to the south so that there will be a 15' wide buffer as well as a retaining wall that drops the grade by 11' down to the finished floor area of the building and the parking lot. There will be no cars parking against the property line. There will be a landscape

screen which will also be planted along that property line. There is a significant differential in grade from the house on the north to the new building. There will be landscaping all along the north and front property line. We are required to meet design standards along that property line.

Taylor inquired about the meeting with the neighbors. Hunzeker advised that the applicant sent out a mailing to everyone up and down 63rd Street to Holdrege Street and along Dudley in the immediate vicinity. A few people came to the neighborhood meeting. They also invited Doug Emery of the City Council and Planning staff.

Partington noted that the issue does not appear to be the appearance of the building and landscaping, but the parking and increase in density of people added to the community, which appears to be a side effect of the policies and procedures we are putting in place for increased density in general. Hunzeker stated that he has pointed out in discussions that there is a practical limit on how many sites you can find and how much you can intensify in the existing community without creating some conflict. Here, we are using more than 3/4 of the units that are already approved. These units could be built elsewhere on the site. But when this property came up, it fit into the overall scheme of the project so well and so much better than some of the alternative sites.

Partington inquired about the options to move toward addressing some of the concerns of the neighbors. Hunzeker believes there is an option to address the parking question. If the neighbors want to eliminate parking on 63rd Street, Chateau will join in a request to Public Works to do that. Public Works has the authority to eliminate the parking either on one or both sides of 63rd Street, but sometimes the tradeoff is faster traffic rather than slower traffic. In any event, Chateau will support whatever the neighbors choose to do there.

In regard to traffic, **Mike Eckert of Civil Design Group**, believes that part of the positives of the Chateau complex are the access points onto Vine, 56th Street and Holdrege, and then the three points onto 63rd Street. Even though we have a complex that is going to be 900+ units, only 11 per acre, the dispersement points really help the traffic. In particular, from a capacity perspective, the additional units would generate 19 pm peak trips – in essence, that is saying there is a car coming in or out 19 times in that entire pm peak hour. Thus, the traffic impact from the 36 units is minimal. The density of the complex overall is such that capacity is not an issue.

ACTION BY PLANNING COMMISSION:

August 10, 2011

Larson moved approval, with conditions, as amended by staff and at the request of applicant, seconded by Taylor.

Larson believes this is a classic case of trying to achieve increased density and protect the landowners that are adjacent. This seems reasonable because it fits in with the rest of the apartments that are in the area and he believes that consideration should be given to the experience of the company that is doing it. They have been developing in this area for 40 years and have an excellent record of maintaining their property. He will vote in favor.

Esseks expressed sympathy to the neighbors. If a developer were expanding near where he lives, he would also not be happy, but times are changing. He does not believe anyone is going to purchase that 1.4-acre property as a single-family home. The city would have to buy it as a park in order to maintain the green space. It is no longer appropriate for a single-family home. We are faced with the possibility that multi-family housing is more desirable and affordable. Neighborhoods in our community are changing and the best the neighbors can do is hold the city to its standards of law and order – make the necessary calls to the police. Hold the city to the standards to make sure the multi-family dwellings are suitable with the maximum amount of buffering. Times are changing and, unfortunately, he does not believe anyone wanted to buy the property as a single-family home.

Taylor agreed with Esseks. He expressed appreciation to the neighbors for stating their grievances and concerns. We are always in transition. The neighbors are encouraged to appeal to law enforcement for the traffic and parking issues.

Lust also expressed appreciation to the neighbors for coming forward, but she wants them to understand the role of the Planning Commission. It sounds like the neighbors have had bad experiences with some people in the area, but people that live all over the city can have bad experiences with bad neighbors. It also sounds like some of the parking problems may not actually be related to the apartment complex but relate to bad neighbors that live next door. She apologized for the situation with a few bad neighbors, but the role of this Commission is to decide what land use is appropriate, and in this circumstance with a tainted house on that property that is not appropriate for inhabitation which is already adjacent to a complex, she believes that this land use is appropriate for that parcel. She encouraged the neighbors to hold the city responsible – call the police.

Motion for conditional approval, with amendments, carried 7-0: Cornelius, Esseks, Partington, Taylor, Lust, Larson and Sunderman voting 'yes'; Francis and Gaylor Baird absent. This is final action unless appealed to the City Council within 14 days.

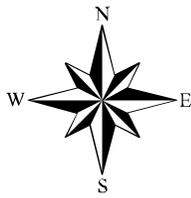


Special Permit #1174H
Chateau Development CUP
1313 N 63rd St

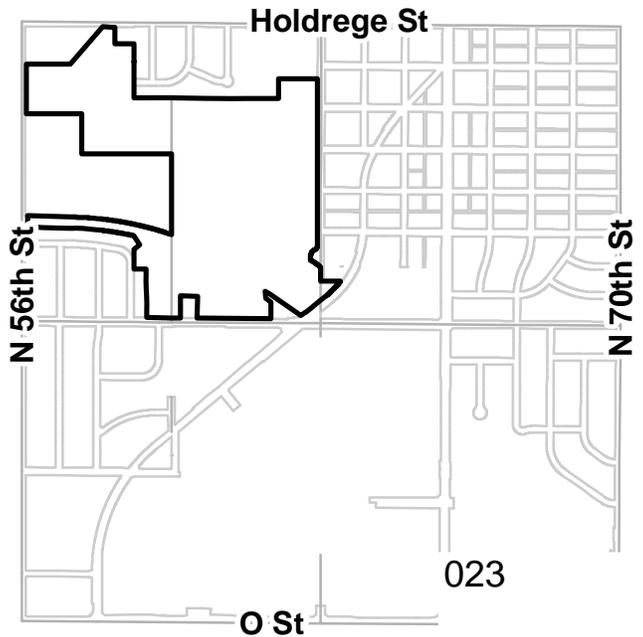
2010 aerial

Zoning:

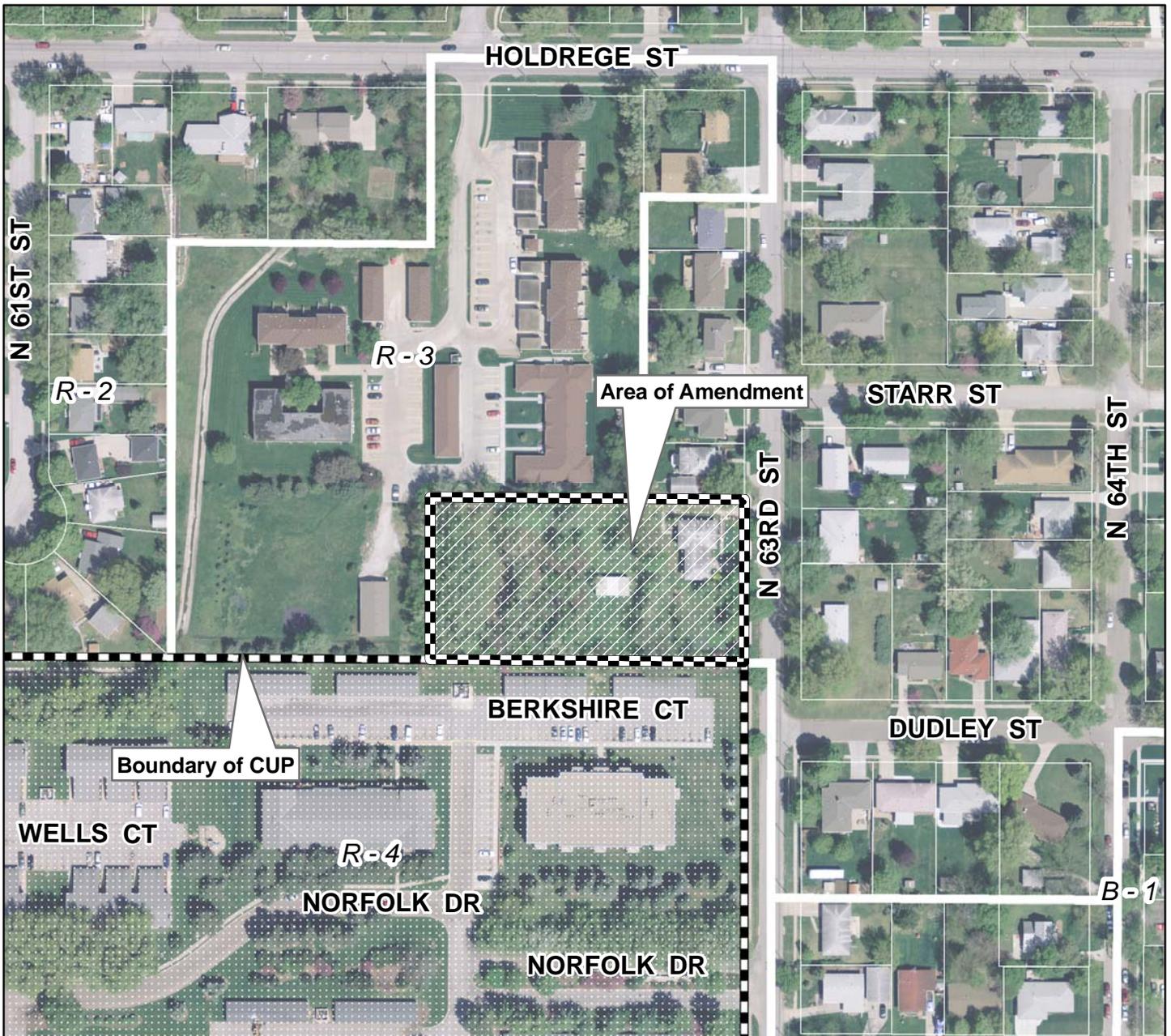
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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



One Square Mile
 Sec. 21 T10N R07E



023

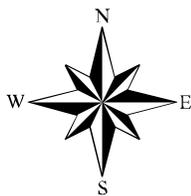


Special Permit #1174H
Chateau Development CUP
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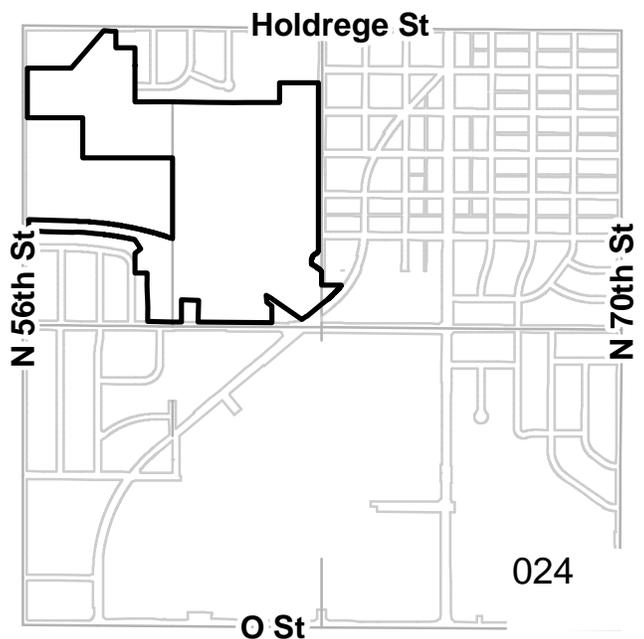
2010 aerial

Zoning:

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One Square Mile
 Sec. 21 T10N R07E





Application Information	
Application #	SP1174B Title CHATEAU DEVELOPMENT
Associated Requests	

Planning Department Use Only	
Submission Date	7/13/2011 Review Due 7/23/2011
Project Planner	Rashi Jain

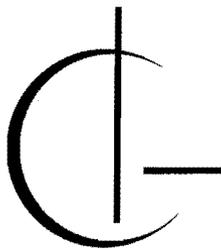
Review Comments	
Planning	<input checked="" type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required Review 1:
Army Corps of Engineers (John Moeschen)	<input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required Review 1:
Building & Safety (Bob Fiedler)	<input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input checked="" type="radio"/> Recommend Approval <input type="radio"/> No Review Required Review 1:
Building & Safety (Mike Petersen)	<input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input checked="" type="radio"/> Recommend Approval <input type="radio"/> No Review Required Review 1:
Building & Safety (Terry Kathe)	<input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required Review 1:

027

<p>County Health (Chris Schroeder)</p>	<p> <input type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input type="checkbox"/> Recommend Denial <input type="checkbox"/> Recommend Approval with Conditions <input checked="" type="checkbox"/> Recommend <input type="checkbox"/> Approval <input type="checkbox"/> No Review Required </p> <p>Review 1: The Lincoln-Lancaster County Health Department does not object to the proposed modifications.</p>	
<p>Development Review Manager (Steve Henrichsen)</p>	<p> <input type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input type="checkbox"/> Recommend Denial <input type="checkbox"/> Recommend Approval with Conditions <input checked="" type="checkbox"/> Recommend <input type="checkbox"/> Approval <input type="checkbox"/> No Review Required </p> <p>Review 1: see markups</p>	
<p>Emergency Communications (Kelly Davila)</p>	<p> <input type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input type="checkbox"/> Recommend Denial <input type="checkbox"/> Recommend Approval with Conditions <input type="checkbox"/> Recommend <input type="checkbox"/> Approval <input type="checkbox"/> No Review Required </p> <p>Review 1:</p>	
<p>Emergency Communications (Tara Garza)</p>	<p> <input type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input type="checkbox"/> Recommend Denial <input type="checkbox"/> Recommend Approval with Conditions <input checked="" type="checkbox"/> Recommend <input type="checkbox"/> Approval <input type="checkbox"/> No Review Required </p> <p>Review 1:</p>	
<p>Fire Department (Richard Furasek)</p>	<p> <input type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input type="checkbox"/> Recommend Denial <input type="checkbox"/> Recommend Approval with Conditions <input type="checkbox"/> Recommend <input type="checkbox"/> Approval <input type="checkbox"/> No Review Required </p> <p>Review 1: Is there going to be access to this new development through Berkshire Court or is it only off 63rd Street? Is there going to be a private fire hydrant on the West side of the new structure? These are concerns.</p>	
<p>LES (Mike Petersen)</p>	<p> <input type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input type="checkbox"/> Recommend Denial <input type="checkbox"/> Recommend Approval with Conditions <input checked="" type="checkbox"/> Recommend <input type="checkbox"/> Approval <input type="checkbox"/> No Review Required </p> <p>Review 1: 7-21-2011; LES has no requests at this time. Mike P.</p>	
<p>Lincoln Police Department (Sgt Don Scheinost)</p>	<p> <input type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input type="checkbox"/> Recommend Denial <input type="checkbox"/> Recommend Approval with Conditions <input checked="" type="checkbox"/> Recommend <input type="checkbox"/> Approval <input type="checkbox"/> No Review Required </p> <p>Review 1: The Lincoln Police Department does not object to this application.</p>	
<p>Lower Platte South NRD (JB Dixon)</p>	<p> <input type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input type="checkbox"/> Recommend Denial <input type="checkbox"/> Recommend Approval with Conditions <input type="checkbox"/> Recommend <input type="checkbox"/> Approval <input type="checkbox"/> No Review Required </p> <p>Review 1:</p>	

<p>Parks & Recreation (Mark Canney)</p>	<p> <input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required </p> <p>Review 1:</p>	
<p>Public Works (Ben Higgins)</p>	<p> <input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input checked="" type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required </p> <p>Review 1: Need additional information on how the drainage is going to drain from this site. Currently it appears that it will sheet flow off into the parking area and potentially garages on Berkshire Ct. Request a plan or at a minimum a description on how this drainage will work without adversely impacting the existing Chateau complex (Berkshire Ct).</p>	
<p>Public Works (Bruce Briney)</p>	<p> <input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required </p> <p>Review 1:</p>	
<p>Public Works (Buff Baker)</p>	<p> <input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input checked="" type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required </p> <p>Review 1: See Dennis' comments</p>	
<p>Public Works (Dennis Bartels)</p>	<p> <input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input checked="" type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required </p> <p>Review 1: Assuming that the drawings accurately depict the public sanitary sewer and easement south of the new building, Public Works requests that a new 30' easement be provided to center the sewer pipeline within the easement or add additional easement to the south side to provide 15' of easement south of the pipe centerline.</p> <p>The existing residential driveways in 63rd north of the new driveway across from Dudley need to be closed when the new driveway is built.</p> <p>The drainage study assumes all of drainage area A1 drains west. The contours indicate that portions of A1 will drain south in the parking pavement between the existing apartments south of the new apartment. With the increased runoff to the existing pavement due to the increased impervious area and regrading additional runoff flows into the pavement. I am concerned that with the grades shown that problems for existing structures may occur if runoff overflows the parking and driveway curbs.</p> <p>Serving the development from the existing private water service is satisfactory.</p> <p>Serving the new apartment from the existing public sanitary sewer is satisfactory.</p>	
<p>Public Works (Edwin Kouma)</p>	<p> <input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input checked="" type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required </p>	

	<p>Review 1: note ben's comments</p>	
<p>Public Works (Jared Nelson)</p>	<p> <input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required </p> <p>Review 1:</p>	
<p>Stronger Safer Neighborhoods (Jon Carlson)</p>	<p> <input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required </p> <p>Review 1:</p>	
<p>United States Post Office (Kerry Kowalski)</p>	<p> <input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input checked="" type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required </p> <p>Review 1: Recommend approval with the condition that Chateau Development LLC provides and installs Centralize Box Units (CBUs) for this apartment complex at their expense. The new CBUs should be installed per the specifications of the Gateway Station Manager next to the CBUs providing existing mail delivery for this complex.</p>	
<p>Windstream (Todd Williams)</p>	<p> <input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required </p> <p>Review 1:</p>	



Civil Design Group, Inc.

Consulting Engineers & Land Use Planners
Civil Design • Site Development • Planning & Zoning

www.civildg.com

July 13, 2011

Mr. Marvin Krout, Director of Planning
City of Lincoln/Lancaster County Planning Dept
555 South 10th Street, Room 213
Lincoln, NE 68508

**Re: Chateau LaFleur & Charleston Court – Amendment to the Community Unit Plan & Change of Zone
N. 56th & Vine Streets
CDG Project No. 2011-0030**

Dear Mr. Krout:

On behalf of Chateau Development, LLC, we submit the above mentioned project for your review and approval. Recently Chateau Properties bought 1.4 acres at 1313 N. 63rd Street. They plan to build a 36 unit apartment building to compliment their existing complex under this special permit. Existing on-site Chateau management, maintenance, and leasing staff would be utilized to serve these new units and the existing clubhouse, recreational facilities, and trails system would be available to the tenants of these new units.

Our application would add the 1313 N. 63rd Street land to the existing CUP #1174. Currently, the CUP is currently approved for 1,294 units, the addition of 1.4 acres of R-2 would add 8 dwelling units bringing the approved total to 1,302 units. The additional 36 units we are proposing would bring the total existing dwelling units to 956, with ²⁰⁰302 unassigned non-elderly units and 79 unassigned elderly units.

We recently meet with the neighbors to discuss our proposed addition of the 36 unit building. Based on their feedback and concerns about accessing N. 63rd Street directly across from their houses, we have established a new access point to N. 63rd Street opposite Dudley Drive.

In conjunction with this submittal we submit the following information:

- Cover Sheet - Upload via Project Dox
- Site Plan, Utility Plan, Grading & Landscape – Upload via Project Dox
- Application for Change of Zone & Community Unit Plan
- Community Unit Plan & Change of Zone Application Fees - \$840.00
- Change of Zone Exhibit & Legal Description

I hope that this letter and the plan sets provide you with enough information to review this CUP. In an effort to facilitate the review process, please call me at (402) 434-8494 if you have any questions.

Sincerely,

Mike Eckert, AICP

Encl

cc: Stefan Gaspar
Mark Hunzeker

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RECEIVED

JUN 9 - 2011

Lincoln/Lancaster Co.
Planning Department

Dear Neighbor:

On behalf of Chateau Development, LLC, you are invited to attend a neighborhood meeting regarding the proposed development of a 36 unit apartment building located at 1313 N. 63rd Street. The building will be incorporated into the existing Chateau Apartments Community Unit Plan.

Members of Chateau's staff, our civil engineering firm, our legal counsel and representatives from the City of Lincoln will all be present to discuss the details of this project, and answer any questions you may have.

The meeting will be held Tuesday, June 14th, at 5:45 p.m. at the Chateau Apartments' Office, 1025 N. 63rd Street. We expect the meeting will last no more than an hour.

We look forward to seeing you at the meeting.

Sincerely,

Stefan Gaspar
Managing Partner

cc: Mr. Tom Cajka
City Planning Department

Doug Emery
Lincoln City Council

MEMORANDUM

TO: Planning Commission
FROM: Rashi Jain, Planning Department
SUBJECT: SP#1174H - Chateau Development
DATE: August 9, 2011

The Applicant and the Planning Staff discussed the conditions of approval in the staff report for SP#1174H Chateau Development and the staff recommends that the following conditions be removed. The staff agrees with the applicant that the two conditions are independent of this Special Permit and hence need not be a condition of approval.

- 1.1 Revise the site plan to show the area west of Dead Man's Run in the future conservation easement as open space and remove the emergency access to N. 56th Street.
- 1.2 Revise the 'Development Summary' to reflect the changes in the allowed units according to the conservation easement and the proposed expansion.

existing sewer pipe, allowing the relocation of the proposed building and garages.

8. Circulation in the proposed addition will be better served with a connection to the development to the west, allowing for potential future access to Holdrege Street. The proposed entry to the new 36-unit building is off of N. 63rd Street which is a local street with mostly single family residences on the east. A future connection to Holdrege Street will reduce the traffic on N. 63rd Street.
9. Public Works Department requires some revisions to the drainage plan, addressing drainage from the proposed building through Berkshire Court to the south.

This approval permits the expansion of the Community Unit Plan to include 1.41 acres to the north and to build 36 multi-family units on the added property and increase the total approved units to 1,302 dwelling units.

CONDITIONS OF APPROVAL:

Site Specific Conditions:

1. Before receiving building permits 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:
 - ~~1.1 Revise the site plan to show the area west of Dead Man's Run in the future conservation easement as open space and remove the emergency access to N. 56th Street.~~
 - ~~1.2 Revise the 'Development Summary' to reflect the changes in the allowed units according to the conservation easement and the proposed expansion.~~
 - 1.3 Add street names that are used in this complex to the drawing to aid in identifying locations within the complex.
 - 1.4 Provide a landscape buffer of at least 15 ft to the single-family residence to the north. Provide additional screening through either moving the garages to the east, or if used for surface parking, then the area must be at least 3 feet below the highest grade of the property to the north.
 - 1.5 Remove the building envelope from within the utility easement.
 - 1.6 Relocate the utility easement such that the existing sewer pipeline is along the centerline of the 30 ft easement.
 - 1.7 Revise the plan to show future drive to the west. Grant an access easement if reciprocated by an access easement to Holdrege Street by the development to

I am opposed to the granting of Special Permit No. 1174H allowing the expansion of the boundaries of the existing Community Unit Plan by Chateau Development, LLC and the addition of 36 multifamily dwellings.

Name	Address	
Marcilee Albert	6305 Starr St.	Marcilee Albert
Danielle Brummett	1317 No. 64th St.	Danielle Brummett
Melissa + Jonathan Hnosko	6340 Dudley St.	Melissa + Jonathan Hnosko
Jeff Richardson	6315 Dudley St.	Jeff Richardson
Shirley J Young	6801 Dudley St.	68505
Jack Richardson	6315 Dudley	68505
Peggy Richardson	6315 Dudley	68505
Dorothy McBride	6345 "	"
Bruce E. McBride	6345 Dudley St	68505
Corinna Ruel	6310 Dudley St	68505
Paul Tran	1330 N. 63rd	68505
Phi Tran	1330 N 63rd	68505
Steve Bruce	1349 N 63rd	68505
Mark Miller	1419 N 63rd	68505
Paul Knudsen	1445 N. 63rd	68505
Craig Jones	1355 N 63rd	68505

I am opposed to the granting of Special Permit No. 1174H allowing the expansion of the boundaries of the existing Community Unit Plan by Chateau Development, LLC and the addition of 36 multifamily dwellings.

Name

Address

Name	Address
Charles & Carole Wilson	1830 N 64
Rick L Shelton	1433 N 64
Ben A Mills	1425 N 64 ST 68505
Jerry Anderson	1413 N. 64 th 68505
Armanda Brown	6340 Orchard St. 68505
Paul M. Vitulak	6330 Orchard 68505
Dona Yefur	1200 N. 63rd St. 68505
Bonnie Ackerman	1355 N 63 rd St 68505
Don & Barb	6313 STARR ST 68505
Linda H. Johnson	6313 STARR ST 68505
A. H. H. H.	1413 N 63 rd St. 68505

I am opposed to the granting of Special Permit No. 1174H allowing the expansion of the boundaries of the existing Community Unit Plan by Chateau Development, LLC and the addition of 36 multifamily dwellings.

Name

Address

Mel Hain 6325 Dudley St.

Diane Hain 6325 Dudley St.

MABLE QUICK 1300 N 63rd

Chateau Development

RECEIVED

AUG 2 - 2011

Lincoln/Lancaster Co.
Planning Department

8-3-11

I live At 1349 N 63.
Some of my Concerns Are

1. Speeding - 63 Street is like
A drag Strip

2. Where Are All The Cars going
To Park? Is the Apartment Grounds
have enough space for 72 Vehicles?
If not where they going to park?

3. One side of 63rd needs to be
NO PARKING !! on 1 or both sides
of 63rd.

4. Fire Department uses 63rd
What happens when there is to much
Traffic?

Mostly where Are All the Cars
going to Park? Does Chateau have
enough grounds for all the parking?

Thank You
1349 N. 63
108505

038



WALTER E. ZINK II
RANDALL L. GOYETTE*
STEPHEN S. GEALY
GAIL S. PERRY
DALLAS D. JONES
JILL GRADWOHL SCHROEDER
DAVID A. DUDLEY
BRENDA S. SPILKER
STEPHANIE E. STACY
W. SCOTT DAVIS
MARK A. HUNZEKER

WILLIAM G. BLAKE
PETER W. KATT
CHRISTOPHER M. FERDICO
DABLA S. IDEUS
JARROD S. BOFINOTTI
TIMOTHY E. CLARKE
ANDREW M. LOUDON
CHRISTINA L. BALL**
JENNY L. PANKO
CAROLINE M. WESTERHOLD*
JAMES D. HAMILTON*

AMANDA A. DUTTON
CYNTHIA R. LAMM
DEREK C. ZIMMERMAN
JARROD P. CROUSE
ANDREA D. SNOWDEN
JULIE M. KARAVAS
ANDREA A. ORDONEZ
SHANE R. THIELEN
COLIN A. MUSS*
TORREY L. JANUS GERDES

OF COUNSEL
DONALD R. WITTI
ROBERT T. GRIMM
J. ARTHUR CURTISS

*ALSO ADMITTED IN IOWA
**ALSO ADMITTED IN KANSAS

August 11, 2011

Lynn Sunderman, Chairman
Lincoln Lancaster County Planning Commission
555 S. 10th Street
Lincoln, NE 68508

RE: Special Permit No. 1174H (Chateau Community Unit Plan)

Dear Lynn and Members of the Planning Commission:

Yesterday as I left the building I was met by the ladies who stood in opposition to the Chateau Development project. They said I had not been truthful with respect to the red tagging of the house which currently stands on the project site. They said the house was not red tagged.

I had relied upon information given to me verbally, and having personally viewed the house when we had our neighborhood meeting on June 14, I never questioned whether the house had been red tagged. In checking the facts it appears that the house is not currently red tagged. The house was red tagged twice in 2007 but the conditions which caused the property to be red tagged were apparently corrected. Attached is the information from the Lancaster County Assessor's office indicating red tags in May of 2007 and a building comments section by the Assessor's Office indicating condition of the property between 2005 and 2010.

I regret that the statements I made at the public hearing were not completely accurate. However, it is clear that the property has been poorly maintained and it would be highly unlikely that the use of the site would remain as a single family dwelling.

Sincerely,

Mark A. Hunzeker

For the Firm

mhunzeker@baylorevnem.com

MAH/smj

Encl.

cc: Bonita Ackerman
Mable Quick
Shirley Young
Corinne Neel

LANCASTER COUNTY APPRAISAL CARD

Parcel ID: 17-21-100-042-000

Tax Year: 2011

Run Date: 8/11/2011 9:48:44 AM

Page 2 of 2

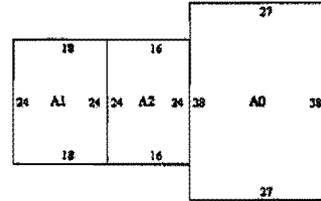
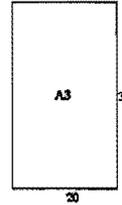
QUALIFYING INFORMATION

Res Type: 1-Single-family Residence

Quality: 2.00-Fair
 Year Built: 1959
 Rating: 3 - Average minus
 Remodeled Year:
 Remodel:
 Total Living Area: 1,026

RESIDENTIAL SECTIONS

RES 1,026



COMPLETES INFORMATION

Implt Type: 1 Story
 Bedrooms: 3
 Foundation: 6-Walkout
 5 Fix Bath: 3 Fix Bath: 1
 4 Fix Bath: 2 Fix Bath: 1
 Addl Fix:
 Garage Cap: One Car-1
 Pot Comp:

BUILDING COMMENTS

CDU: 7-13-10 Brick & frame res, middle roof, skylight, no deck at rear entry door. Walkout basmt, basmt under garage, yard & mass wheel chair ramp. 09/15/09 Good roof, original ext. with average maint. but incomplete and overgrown, stated to have had extensive termite damage next to overgrown ditch, ext. much work to do inside 11/7/07 RED TAG REMOVED, RES NEEDS WORK.

SKETCH VECTORS

A0CU38R27D38L27 A1U7L16CL18U24R18D24 A2U7CL18U24R18D24 A3L34U50CU36X20

RESIDENTIAL COMPONENTS

Code	Units	Pct	No Sketch	Year
105-Frame, Siding		25	Y	
133-Veneer, Masonry		75	Y	
701-Attached Garage (SF)	432			
908-Enclosed Porch (SF), Knee Walls w/	384			
1637-Storage Building, Wood (SF)	720		N	2000
208-Composition Shingle		100	Y	
801-Plumbing Fixtures (#)	7		Y	
802-Plumbing Rough-ins (#)	1		Y	
801-Total Basement Area (SF)	1,468		Y	
351-Warmed & Cooled Air		100	Y	

RESIDENTIAL COMPONENTS

Code	Units	Pct	No Sketch	Year
402-Automatic Floor Cover Allowance			Y	

LANCASTER COUNTY APPRAISAL CARD

Parcel ID: 17-21-100-042-000

Tax Year: 2011

Run Date: 8/11/2011 9:46:43 AM

Page 1 of 2

OWNER NAME AND MAILING ADDRESS

WOOD, W S & FLORENCE M
1313 N 83 ST
LINCOLN, NE 68505

SALES INFORMATION

Date	Type	Sale Amount	Inst.Type	Instrument #	Incl Other Parcels
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Additional Owners
No.

PROPERTY STATUS ADDRESS

1313 N 83 ST
LINCOLN, NE

GENERAL PROPERTY INFORMATION

Prop Class: Residential Improved
Primary Use: 01 Single Family
Living Units:
Zoning: R2-Residential District
Neighborhood: 7205 - BETHANY
Tax Unit Grp: 0001
Sohl Code Base: 55-0001 Lincoln
Sohl Code A/Rate:
Exemptions:

BUILDING PERMITS

Number	Issue Date	Amount	Status	Type	Description
RED TAG	05/31/2007		Closed	RT	SATISFACTORILY REPAIRED
RED TAG	05/21/2007		Closed	RT	UNSANITARY
REV 2002	11/20/2000		Closed		CHK COMP OP GREENHOUSE
B0002681	08/18/2000	\$10,000	Closed		GAR/720

INSPECTION HISTORY

Date	Time	Code	Reason	Appraiser	Contact Code
09/30/2010		Street Review - 08	Final Review	CAB	
07/13/2010		Left Door Hanger and Measured - 05	General Review	AFO	
11/21/2008		Street Review - 08	Final Review	CAB	
11/07/2007		Interview and Measure - 01	Permit	AFO	Owner - 1

LEGAL DESCRIPTION

S21, T10, R7, 6th Principal Meridian, IRREGULAR
TRACT LOT 118 NW

RECENT APPEAL HISTORY

Year	Level	Case #	Status	Action
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TAXABLE VALUE HISTORY

Year	Land	Building	Total
2011	\$47,500	\$77,000	\$124,500
2010	\$47,500	\$77,000	\$124,500
2009	\$47,500	\$77,000	\$124,500

MARKET LAND INFORMATION

Method	Type	AC/SF/Units
Site	RPI-Primary	
Acre	RDL-	0.42

Total Acres 1.43 GIS SF 82273