City Council Introduction: **Monday**, October 3, 2011
Public Hearing: **Monday**, October 10, 2011, at **3:00** p.m.

Bill No. 11-157

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 11035,** from R-3 Residential District to R-5 Residential District, requested by R.I.P, Inc., on property generally located at North 24th Street and Dodge Street.

STAFF RECOMMENDATION: Approval.

ASSOCIATED REQUEST: Special Permit No. 11023, Magic Hills Community Unit Plan (11R-246).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 09/21/11
Administrative Action: 09/21/11

RECOMMENDATION: Approval (8-0: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Lust, Partington, and Sunderman voting 'yes'; Taylor absent).

FINDINGS:

1. This proposed change of zone and the associated special permit for the Magic Hills Community Unit Plan were heard at the same time before the Planning Commission.

2. This is a proposal to change the zoning from R-3 Residential to R-5 Residential on an approximately one-acre tract on the west side of 24th Street to increase the allowed density for the associated community unit plan.

3. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3-4, concluding that the change of zone to R-5 adjacent to a school, commercial uses and townhomes, should not have a significant impact on the surrounding uses or the neighborhood. The staff presentation is found on p.5-6.

4. The applicant's testimony is found on p.6-8, suggesting that the proposed change of zone and community unit plan complies with the 2030 Comprehensive Plan and the proposed 2040 Comprehensive Plan which encourages infill development, using existing infrastructure. The record also consists of one letter in support (p.19).

5. Testimony in opposition by representatives of the Landon's Neighborhood Association and the Regalton Neighborhood Association is found on p.8-9, and the record consists of six letters in opposition and a petition in opposition bearing 77 signatures (p.20-40). The additional information submitted by Carol Brown during her testimony in opposition on behalf of the Landon's Neighborhood Association is found on p.41-47, wherein she refers to Change of Zone No. 3413 (Bill #05-188) currently on the Council pending list. The issues of the opposition are increased traffic flow on Dodge Street and through the neighborhoods and drainage. The neighborhood believes there needs to be a traffic signal at 24th & Superior Street; however, the response by Public Works indicated that the intersection does not yet meet the necessary warrants for a traffic signal.

6. The response by the applicant is found on p.11-12, indicating that the developer would support the neighborhoods' request for a traffic signal at 24th & Superior Streets.

7. On September 21, 2011, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval (Taylor absent).

8. On September 21, 2011, the Planning Commission also voted 8-0 to adopt Resolution No. PC-01250, approving the associated Special Permit No. 11023, Magic Hills Community Unit Plan.

9. Resolution No. PC-01250 has been appealed to the City Council by the Landon's and Regalton Neighborhood Associations.

FACTSHEET PREPARED BY: Jean L. Preister — **DATE**: September 27, 2011
REVIEWED BY:_____ — **DATE**: September 27, 2011
REFERENCE NUMBER: Q:\FS\CC\2011\CZ11035+

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for SEPTEMBER 21, 2011 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No.11035

PROPOSAL: From R-3, Residential to R-5, Residential

LOCATION: N. 24th Street and Dodge Street.

LAND AREA: one acre, more or less

EXISTING ZONING: R-3, Residential

CONCLUSION: The change of zone from R-3 Residential to R-5 Residential adjacent to a school, commercial and town homes should not have a significant impact on the surrounding uses and the neighborhood.

RECOMMENDATION: Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Outlot A, Block 1, Northview 3rd Addition, located in the Northeast quarter of Section 12, Township 10 North, Range 6 East; Lancaster County, Nebraska.

EXISTING LAND USE: vacant/undeveloped

SURROUNDING LAND USE AND ZONING:

North:	O-3, Office Park	Childhood daycare, assisted living and office
South:	R-3, Residential	Attached single family
East:	R-4, Residential	Vacant/undeveloped
West:	R-2, Residential	Campbell Elementary school

ASSOCIATED APPLICATIONS: Special Permit #11023 Magic Hills Community Unit Plan

HISTORY:

February 22, 2000 Special Permit #1781 for Northview 1st CUP for 122 attached single-family units, Special Permit #1821 for a child care facility on Outlot "A", Block 1, Northview 3rd Addition; Special Permit #1820 for a 60 person domiciliary care facility and 128 dwelling units for elderly housing on Lot 1, Block1, Northview 4th Addition, Change of Zone #3231 from R-3 to R-4 were approved by City Council.

May 8, 2000 Northview 4th Addition final plat was approved by the Planning Commission.

July 7, 2003 Special Permit #2014 for a Community Unit Plan for 61 multiple family units on Lot 1, Block 1, Northview 4th Addition was **denied** by City Council.

Dec. 7, 2005 Change of Zone #3413 from R-4 to R-2 on Lot 1, Block 1, Northview 4th Addition was recommended for **denia**l by Planning Commission. The application is still on pending at City Council.

Zoned A-2, Single Family until it was converted to R-2, Residential during 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)

Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. (p.10 & 65)

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

Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood. (p.10)

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

The Land Use Plan identifies this area as Residential-Urban Density. (p19)

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)

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

Require new development to be compatible with character of neighborhood and adjacent uses. (p.68)

ANALYSIS:

1. The proposed change of zone from R-3 to R-5 would increase the allowed density with a Community Unit Plan (CUP) from 6.96 dwelling units per acre to 29.04 dwelling units per acre. Based on the 1.123 acres the R-3 would allow up to 7 dwelling units, while the R-5 allows up to 29 dwelling units. There is a 10% reduction in the total density due to the small size; if developed in a CUP. The R-5 allows multi-family by right. Up to 29 units could be developed on the one lot without a CUP.

2. This change of zone is associated with a special permit for a Community Unit Plan (CUP) for an apartment complex with 96 dwelling units. The CUP includes a larger area zoned R-4.

The applicant is not requesting a change of zone on the R-4 property. The CUP proposes 24 dwelling units on the area zoned R-5. Without the R-5 zoning, the CUP would have a maximum density of 78 units.

3. The change of zone will enable additional units to be built on the land. The 2030 Comprehensive Plan supports maximizing the use of land in older neighborhoods and utilizing existing infrastructure. This is reflected in the goal below:

> 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.

4. Currently, there is a change of zone from R-4 to R-2 for the property to the east pending at City Council. The Planning Department and Planning Commission recommended denial to the change of zone.

5. There was no objection from any City Departments on this change of zone.

6. If the Special Permit for the CUP is denied, this change of zone should also be denied.

Prepared by:

Tom Cajka
Planner

DATE: September 7, 2011

APPLICANT: Bob Stephens
1542 S. 1st St.
Lincoln, NE 68502
402-525-8788

OWNER: Dan Klein
Regal Building Systems
1901 SW 5th St. Suite 100
Lincoln, NE 68522
402-435-3550

CONTACT: Same as applicant

CHANGE OF ZONE NO. 11035
and
SPECIAL PERMIT NO. 11023,
MAGIC HILLS COMMUNITY UNIT PLAN

PUBLIC HEARING BEFORE PLANNING COMMISSION: September 21, 2011

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

There were no ex parte communications disclosed.

Staff recommendation: Approval of the change of zone and conditional approval of the special permit.

Staff presentation: **Tom Cajka of Planning staff** explained that the special permit is for a community unit plan (CUP) consisting of an apartment complex with 96 units. The 96 units will be placed in four buildings with each building having 24 units. Three of the buildings would be on the east side of 24th Street with one building on the west side of 24th Street. Associated with the special permit is a change of zone from R-3 to R-5 for the one-acre tract on the west side of 24th Street which will allow the density that the applicant is requesting. With the R-5, the maximum density allowed over the entire CUP is 100 dwelling units. The applicant is requesting 96 dwelling units.

Cajka explained that the site currently has three approved special permits, including a special permit for a day care facility for 118 children; a special permit for a 60-person domiciliary care facility and 128 dwelling units for elderly.

The land uses surrounding the proposed area include commercial zoning and uses to the north; industrial zoning with uses more in line with commercial, mainly retail; an elementary school to the west; townhomes to the south; and then single family to the southwest.

With regard to traffic, Cajka advised that the staff did do some calculations to look at the approved uses versus the proposed apartment complex, and based on the Traffic Manual of the Institute of Transportation Engineers, the daily trips for the apartment complex would be less than the three approved uses combined, and the AM and PM peak hour trips would also be less.

Esseks believes it a very important finding that the proposed uses generate less traffic than the already approved uses. How can that be? Cajka explained that the traffic manual estimates average trips per day coming and going for different uses. Based on those averages set forth in the manual, staff found that the daily trips for the 96 apartment dwelling units would be 645. For the other three uses combined, the daily trips would be 1,047.

Lust referred to the Public Works comments in the staff report, which appear to indicate that Public Works is considering doing something about the traffic flow in the area. Cajka responded that Public Works did do a recent traffic count to see if the traffic counts warranted a signal at 24th &

Superior. **Randy Hoskins of Public Works** stated that Public Works must follow the Federal Uniform Traffic Control Devices standards which set forth the number of warrants that have to be met in order to install a traffic signal. Based on the current studies, that manual shows that a traffic signal is not warranted. Public Works has discussed this traffic issue and if we start running into problems or crashes, Public Works might recommend changing that full median break to only allow left turn in off Superior Street and prohibit the left turn out off of 24th Street.

Esseks referred to the concerns raised by the neighbors about drainage. He stated that he visited the site and it looks as though the townhouses to the east of 24th Street are above a depression in the land. The townhouses to the west of 24th on Dodge say there is a difference in elevation. It appears to be a difference but not vast. Can we be relatively confident that the city will require adequate drainage facilities so that the residents along Dodge should have no real fear that their land would be in jeopardy? Cajka indicated that Public Works has reviewed the grading and drainage plan and there are no concerns that this development would have any negative impact on the adjacent neighbors. Esseks wondered whether there would be a swale for the water coming off the development for the residents west of Dodge. Cajka suggested the applicant should answer this question.

Francis observed that it looks like this area had been developed for a cul-de-sac and there is quite a raised area where one of the drives is going into the 24 units. She assumes there will be grading to take that down. Cajka suggested that the applicant answer this question as well. There was a remnant piece of the street vacated a few months ago. At one time, probably 15 years ago, there was a plan to do more residential type lots on the property.

<u>Proponents</u>

1. Bob Stephens of **Stephens and Smith Construction,** the developer, stated that Stephens and Smith is an employee-owned company that has been based in Lincoln for 40 years. Magic Hills and all of their other apartment projects are owned and operated by the company, including Mystic Pines, Village Square, Park Ridge Apartments and Eagles Landing. Magic Hills will consist of 96 one-, two- and three-bedroom units, with 24 garages and a clubhouse. The change of zone request only involves the 1-acre parcel on the west side of 24th Street. The large parcel is already zoned R-4, which allows the units being requested.

Stephens pointed out that developing this project will provide 32 man years of much needed employment in Lincoln; ongoing, it will provide the equivalent of two full-time jobs for management and maintenance and will pay over $200,000 in sales tax, $170,000 in impact fees, and about $100,000 in property taxes.

Stephens acknowledged that he has met with the neighbors and, as a result, has agreed to install fencing along the south border.

Stephens agreed with the Planning staff findings and conditions of approval.

Esseks inquired whether the applicant currently owns the property. Stephens stated, “no”, it is under contract. Esseks wondered why the property has not developed for over 10 years. Stephens did not know and stated that he could not speak for the previous owner; however, he suggested that apparently the numbers just didn’t work.

2. Tom Huston, 233 S. 13th Street, Suite 1900, appeared on behalf of the applicant, **RIP, Inc. and Bob Stephens.** Huston pointed out that the staff report is a very strong recommendation for the Planning Commission to recommend approval of the change of zone and CUP. The change of zone contains one condition, i.e. that the associated CUP be approved. The applicant agrees with the site specific conditions of approval on the CUP and will make the changes that are required. Why is the staff report so strong in support of this change of zone? Huston suggested that changes of zone in this city have made historic use of the Comprehensive Plan as a guide. The staff report looks at the 2030 Comprehensive Plan in support of both applications, recognizing that this is an infill project, maximizing the existing infrastructure; it complies with the encouragement to provide different housing types in all neighborhoods; it provides a nice transition from commercial and office uses to the north to the townhomes and single-family dwellings to the south and southwest; and this project should not have a significant impact on the surrounding neighborhood.

Huston suggested that the staff also looked at the action by the Planning Commission on September 7th, recommending approval of the 2040 Comprehensive Plan to the governing bodies. In addition to the reasons under the 2030 Plan, the 2040 Plan recognizes that there is a need to develop on existing vacant land. The 2040 Plan indicates that one strategy for vacant land is to identify open areas to develop additional buildings on vacant ground resulting in a net increase in density. This project conforms with that encouragement.

Huston then observed that the 2040 Plan deals with infill, and there is a big difference between the 2030 and the 2040 Plans on the infill issue. The 2040 Plan envisions that 16.5% of all future dwelling units are expected to be built in the built environment, emphasizing the need to build on vacant ground versus 4% under the 2030 Plan.

Huston also observed that the 2040 Plan recognizes that we must maximize the use of present infrastructure encouraging new development on unused land, and this land has gone unused since 2000.

Huston believes that there is such a strong staff recommendation for approval in light of the 2030 and the 2040 Comprehensive Plans because this proposal complies with the goals and objectives of the Comprehensive Plan.

Huston acknowledged that the applicant did meet with the neighborhood prior to submitting the application and again after submittal. He believes that traffic is the biggest problem being experienced in this neighborhood. The city has a long-standing objective of trying to signalize at ½ section lines between the major arterials. In this area, there is one signal located at 20th Street, but it is not a through street and only provides access to the neighbors to the north. That, combined with the traffic patterns for Campbell Elementary, where all of the drop-off and pick-up traffic comes from Dodge Street, creates a lot of traffic within the neighborhood without access to a traffic signal.

The applicant will support the neighborhood's request for a signal at 24th & Superior Street. He believes that the new technology of traffic-activated signals will help overcome the adverse impact to this neighborhood.

Huston also acknowledged that Public Works will indicate that the signal at this intersection does not meet the warrant counts – perhaps it is too close to 27th Street and there are some grade challenges. Huston believes those challenges can be overcome.

Huston pointed out that the Comprehensive Plan is relevant for this discussion, and our community will need to change our way of thinking to accommodate increased densities and infill development.

Lust referred to the letter in support from West Gate Bank and wondered where their branch is located. Huston clarified that West Gate Bank does not have a branch in this location. West Gate Bank is a lender for the current owner of the property.

Opposition

1. Kathy Tiede, 2440 Dodge Street, stated that she is concerned about the traffic. She has brought 80 signatures of neighbors petitioning the Planning Commission to disapprove this request, primarily because of the traffic problems. There have been traffic problems in the neighborhood in the past and the addition of 96 apartments and 200 cars is going to significantly impact the neighborhood. The neighbors have talked about a traffic light at 24th & Superior because all of the traffic trying to turn west onto Superior Street is going to divert through Dodge Street, which is a 25' narrow street. And because of the configuration of the driveways, there is not a lot of room for any cars to park on the street, and parking on the street really narrows the street even more. There are cars parked on Dodge Street and 24th Street to pick up children from school.

The addition to the water problems that are a possibility and the increased traffic flow through Dodge Street are her primary concerns.

2. Carol Brown, 2201 Elba Circle, testified in opposition on behalf of the **Landon's Neighborhood.** She has lived in the Landon's neighborhood for over 25 years. This property has been contentious in the past, but dormant for a long time. There is a zoning action pending at the City Council level.

Brown pointed out that in 2009, there were 563 students going to Campbell. This year it is up to 705. They put a new addition on the school, so when the school is full it will be at 725. All of those children are dropped off, accessing the Landon's and Regalton neighborhoods, because that is where the drop-off and pick-up point is located – on the south side of the school. The neighbors would have preferred that LPS flip that drop-off and pick-up plan with the entry on Superior, but LPS did not see it that way. This increases the traffic in the morning and from 3-6 p.m. It is a huge amount of traffic. Brown suggested that the Planning Commissioners come there at 3 p.m. and witness the parking that is all the way down to her house (which is in a central location of Landon's Neighborhood) and all the way up and down Dodge Street and 24th Street. Most are parked illegally because there is to be no parking between the townhomes in Regalton.

Brown also pointed out that the Landon's Neighborhood was instrumental in getting 24th Street striped at Superior Street to show the left hand turn. There have been multiple accidents at 24th & Superior Street. There are children walking across that street at times as well.

Brown suggested that there is a need for elderly housing at this site. For example, Autumnwood, a townhome retirement community to the north, has a huge waiting list.

Brown then displayed a map of what was previously proposed for this property. The Regalton owners bought their townhomes because they were sold this proposal showing a real nice community to the north. There is an existing day care and it is not causing traffic throughout the neighborhood. There is a wonderful Alzheimer's unit. It does not cause the traffic headache that an apartment complex will. Brown acknowledged the bank and a strip mall, which does not cause any trouble for the neighborhood. The neighbors have always wanted the plan that they were "sold". As a matter of fact, there is a wealth of information on the history of this neighborhood.

Brown submitted that elderly housing will have fewer occupants per unit and will generate less traffic. She agreed that the empty parcels of land should be developed, but only in the proper way so that it does not adversely impact the existing neighborhood. That is all the neighborhood is asking.

Brown encouraged the Commissioner to at least consider and read all of the past history. We should not have density without the infrastructure to support it – the road structure throughout the neighborhood is very, very narrow. We do not have the snow removal that we should. People will come down narrow 25th Street and slide down the street into a commons area. There is moisture down in that area. There is no parking in between the townhomes on 25th Street. You cannot get through when there is parking on both sides of the street. Taking the alternate route by using Fairfield makes people come through our neighborhood. There is too much traffic in this neighborhood. Brown does not believe there is infrastructure to support this development. She requested that the Planning Commission deny this proposal and keep the original approved plan that is less hurtful and harmful to this neighborhood. She pleaded that the Commission give this neighborhood the same consideration that they did on the East Campus proposal on today's agenda. The neighborhood would love to sit down with someone to develop a good plan.

Esseks suggested that there be no parking allowed between certain hours on the street at Campbell school. Brown stated that "it does not work." They have had the police out there. It is just a poor design for the school. The pick-up and drop-off should have been off of Superior. They don't even have enough parking for the teachers so they are parking on the streets in the neighborhood. Brown stated that they love having the school in the neighborhood, but it was a bad design for pick-up and drop-off. It just causes a ton of traffic through the neighborhood. Most of the children that go to Campbell live to the west, so if they eliminate the left hand turn, it will be detrimental to those parents wanting to get out of the neighborhood to go west. She sees a lot of people making U-turns at 24th & Superior, and that is not safe.

Staff questions

Sunderman asked staff to respond to the street width. Cajka indicated that these are local public streets with 60' right-of-way and with 27' wide paving, with parking on both sides, similar to any other local street throughout the city. (The individuals in the audience disagreed with the 27' width.).

Francis inquired whether the staff has heard of any traffic complaints prior to this development coming forward. We are hearing that most of the traffic problems are a result of the school. Has there been any conversations with LPS of having parents go in on 24th, coming up Dodge and leaving the area via 21st Street? Cajka stated that he did not contact LPS about complaints. Normally traffic complaints would go to Public Works. He did acknowledge that traffic has been a concern in all of the applications on this area that have come through in the past 10 years.

If you look at the layout of this neighborhood as a professional planner, Cornelius asked Cajka if there is something that makes it particularly likely to generate those traffic complaints. Cajka acknowledged that there are not a lot of through streets, causing traffic to wind through the neighborhood. The arterials are Superior Street and 27th Street. It seems like the main concern is turning left onto Superior. If you cannot go left, then you would go through the neighborhood on Dodge Street to Old Dairy at 27th Street. If you want to go back to 14th, you have to wind around the neighborhood. If there would have been another more direct north/south street going to Superior, that would have helped. The stop light on Superior at 20th Street does not line up with the north/south streets.

Esseks noted that there is a pending petition at City Council to reduce the density from R-4 to R-2, which has already been recommended for denial by the Planning Commission. He wondered whether the Planning Commission should wait until that issue is resolved before acting on this proposal. Cajka indicated that to be the Planning Commission's choice. The R-4 to R-2 proposal on the Council's pending list is only on the larger lot and not the smaller lot. When the property came through for domiciliary care/elderly housing, it was changed from R-3 to R-4, and the application pending at City Council is a downzone on that parcel from R-4 to R-2. **Marvin Krout, Director of Planning,** advised that he has spoken with the City Council and has suggested that the Council should remove that downzone from their pending list and consider it at the same time as this request.

Sunderman wondered why that downzone has been on the Council's pending list for five years. Krout stated that it was a vote of the City Council to place it on pending rather than taking action on it.

Cornelius inquired whether the owner of the property was involved in the downzone request. Krout indicated that the downzone request was made by the Landon's and Regalton Neighborhood Associations. The property owner did not support the downzone application.

Gaylor Baird inquired further about the alternative plan for the median break at 24th and Superior Streets. When will that decision be made and how? Hoskins stated that typically, something like that would come about if Public Works becomes aware of a crash problem at an intersection.

Generally, if Public Works felt ahead of time that there was going to be a big enough problem, they could be proactive, but since it would impact the neighborhood by taking away a left turn, Public Works would not want to do that until there is justification for it.

Gaylor Baird then asked what data Public Works has from the residents and wondered how much more is needed to make any change. What is the margin? Hoskins stated that Public Works just recently went out and did some new traffic counts to insure that they have up-to-date information. They do continuously track the number of crashes that occur at intersections. There are approximately nine warrants outlined in the manual that must be followed, ranging from looking at crashes, pedestrian volumes and vehicular volumes over several different time frames, network of signals, etc. There is a number of things that must be tracked to warrant a traffic signal. At this point, this intersection is not close to meeting any of those warrants. The closest is probably the crash warrant. Hoskins pointed out that there is a good downhill grade going east on Superior Street. Most people think crash problems go away with a signal, but typically when you put in a signal, your crashes tend to go up with rear-end type crashes. The downhill nature leads us to a real concern about signalizing this location.

Lust inquired as to what input Public Works has with LPS about the traffic patterns in and out of their schools. Hoskins stated that Public Works attempts to provide input and work with them when they are creating new schools. Once the school is in place, Public Works works with LPS to create driving plans and safe walk routes for the schools. Lust inquired when the drive pattern around this elementary school was last reviewed. Hoskins stated that they are reviewed every couple of years. He was not sure whether anything has changed for this driving plan.

Gaylor Baird inquired whether Public Works also looked at Dodge Street for the traffic counts. Hoskins stated, “no”. He acknowledged that they have received a few complaints over the years wanting Public Works to look at the parking out there. Obviously, there is good and bad to parking. Parking on the street helps slow down the traffic, yet the Commission did hear that when the parking is full it is hard to get up and down the streets. It’s kind of a catch 22. There is very limited parking for people waiting to pick up their children.

<u>Response by the Applicant</u>

With regard to the parking issue, Huston stated that his client has a history of developing very nice apartment buildings owned by the company and its employees, and has good numbers on the parking demands. The parking for the apartments off-street is about 25% over that required under city ordinance.

With regard to the drainage question, Huston stated that the grading plan has been reviewed and approved by Public Works. It will involve enhancement and enlargement of the detention cell controlling the drainage.

As far as the pending action at City Council, Huston pointed out that that application was filed by the Landon’s and Regalton Neighborhood Associations and was not supported by the then property owner.

Huston reiterated that the real issue is traffic, and traffic is a dilemma for infill development. This applicant’s relationship with the neighbors has been cordial, even though we may disagree. “We

think we can be a good neighbor. We think we can help contribute to the solutions of the traffic problem. We think we can help the neighborhood gain a traffic signal at 24th Street." There is a lack of north/south through streets in this neighborhood. Bicentennial and Landon's were developed well in advance of any of the commercial development on 27th Street. This applicant can help provide a solution by being allowed to proceed to provide access to 24th Street and this development will have a great ameliorating effect on the traffic problems in the neighborhood.

Esseks wondered what has been done to bring about the desired traffic signal at 24th & Superior. Huston believes that this applicant can make the request to Public Works, and continue to emphasize that request. This developer will be paying an impact fee of $170,000, which would more than pay for that traffic signal. Given the stretch of Superior between 14th and 27th, where you cannot put a half-section signal in, there needs to be the flexibility to put one somewhere. Huston believes that they can try to influence Public Works in meeting the warrants. Huston thinks they can get there.

Partington inquired whether the applicant believes they have the adequate parking to support 100% of the occupancy of the apartment building. Huston responded with "125%". There will be no additional parking on the streets. The City would require 192 stalls. This developer's site plan shows 237 stalls, which is 45 in excess of that required by the city code. The tenants will park off-street and on-site.

CHANGE OF ZONE NO. 11035
ACTION BY PLANNING COMMISSION: September 21, 2011

Lust moved approval, seconded by Francis.

Cornelius stated that he has also been in this neighborhood recently, and it does have some issues. It is the poster child for standards for connectivity and standards for block length. He is very sympathetic to what he has heard on the part of the neighbors. He has driven on N. 25th and on Dodge and on Old Dairy and has seen the difficulties with parking in that area. On the other hand, we have a parcel that has remained undeveloped for over a decade. We have heard from our local experts that these streets meet the municipal design standards. He does not necessarily have direct knowledge of the problems of the traffic patterns of the school, but he has also heard that the use that is proposed is less intense in terms of traffic than the already approved uses. Based on those things, he will support the motion.

Motion for approval carried 8-0: Esseks, Lust, Larson, Gaylor Baird, Sunderman, Partington, Francis and Cornelius voting 'yes'; Taylor absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 11023
ACTION BY PLANNING COMMISSION: September 21, 2011

Lust moved to approve the staff recommendation of conditional approval, seconded by Francis.

Francis stated that she is also sympathetic to the neighbors but she believes that the majority of their traffic concerns are from the drop-off and pick-up at the school. She has seen this around every other school in Lincoln. It's just a common denominator with kids being taken to school. It

has nothing to do with the apartments that are planned to be across the street from 24th Street; this is a good use of the property that has been vacant for a long time. She is hopeful that the children in the apartments can walk to school.

Gaylor Baird finds it hard to see how you get in and out of this development. There is dead-end cul-de-sac after dead-end cul-de-sac after dead-end cul-de-sac, and the design of these older neighborhoods are very limited. So without holding to those standards of connectivity, the residents of these neighborhoods have to face the unpalatable reality that their options are severely limited. The actual development of this particular block won't actually affect street parking and some of the other main concerns that the neighbors have raised.

Esseks suggested that where we have property in an already largely developed part of the city that has not been developed and contains new bales of hay, there has to be a problem. There has to be an obstacle. Here, he believes that the traffic pattern is an obstacle. But rather than telling the developer that they have to wait until the future, he believes we need to allow the developer to proceed because, by and large, this fits our plan; the developer should work with the local community and attempt to find a solution, even if it means the developer has to pay for a traffic signal. Infill is challenging. Here is a good example. But let's go forward rather than wait.

Motion for conditional approval carried 8-0: Esseks, Lust, Larson, Gaylor Baird, Sunderman, Partington, Francis and Cornelius voting 'yes'; Taylor absent. <u>This is final action, unless appealed to the City Council within 14 days.</u>

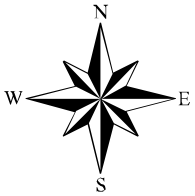
2010 aerial

Change of Zone #11035
N 24th & Dodge St

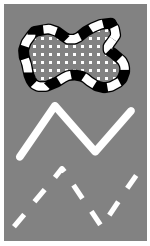
Zoning:

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:\plan\arcview\Agendadrawings.mxd (CZ11035)



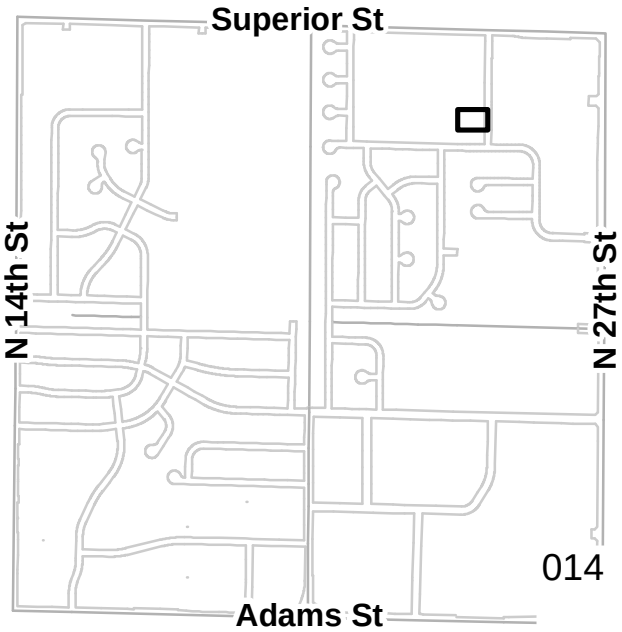
One Square Mile
Sec. 12 T10N R06E

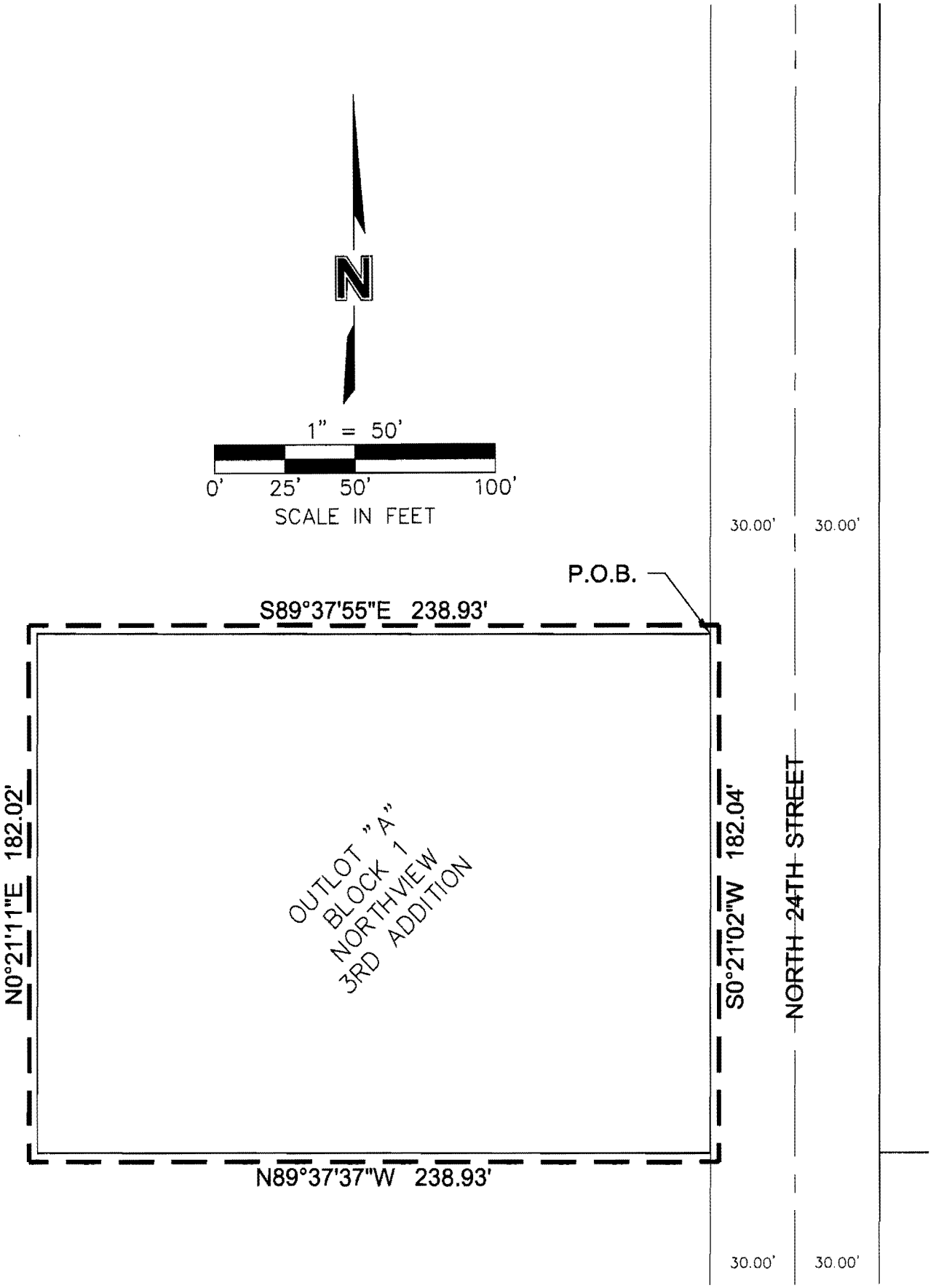


Area of Application

Zoning Jurisdiction Lines

City Limit Jurisdiction




N
1" = 50'
0' 25' 50' 100'
SCALE IN FEET
30.00' 30.00'
P.O.B.
S89°37'55"E 238.93'
N0°21'11"E 182.02'
OUTLOT "A"
BLOCK 1
NORTHVIEW
3RD ADDITION
S0°21'02"W 182.04'
NORTH 24TH STREET
N89°37'37"W 238.93'
30.00' 30.00'

LEGAL DESCRIPTION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF OUTLOT "A", BLOCK 1, NORTHVIEW 3RD ADDITION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID OUTLOT "A", SAID POINT BEING THE SOUTHEAST CORNER OF LOT 1, BLOCK 1, NORTHVIEW 1ST ADDITION, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF NORTH 24TH STREET, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID OUTLOT "A", SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY ON AN ASSUMED BEARING OF S00°21'02"W, A DISTANCE OF 182.04' TO THE SOUTHEAST CORNER OF SAID OUTLOT "A"; THENCE N89°37'37"W ALONG THE SOUTH LINE OF SAID OUTLOT "A", A DISTANCE OF 238.93' TO THE SOUTHWEST CORNER OF SAID OUTLOT "A"; THENCE N00°21'11"E ALONG THE WEST LINE OF SAID OUTLOT "A", A DISTANCE OF 182.02' TO THE NORTHWEST CORNER OF SAID OUTLOT "A"; THENCE S89°37'55"E ALONG THE NORTH LINE OF SAID OUTLOT "A", A DISTANCE OF 238.93' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 43,492.51 SQUARE FEET OR 1.00 ACRES, MORE OR LESS.

Wednesday, September 07, 2011
F:\Projects\011-0857_SRVY\Documents\011-0857_CZ-LEGAL.doc

OLSSON ASSOCIATES

August 24, 2011

Tom Cajka
Planning Department
555 South 10th St., Suite 213
Lincoln, NE 68508

Re: Northview 4th Addition
Community Unit Plan Special Permit and Change of Zone

Mr. Cajka:

On behalf of the applicant, R.I.P., Inc., a Nebraska corporation, Olsson Associates is submitting a Community Unit Plan Special Permit and change of zone application for property which is generally located at N. 24th Street and Dodge Street in Lincoln, NE.

The project site includes two existing lots: Lot 1, Block 1 Northview 4th Addition and Outlot A, Block 1 Northview 3rd Addition. The two lots have a total acreage of 6.48 acres. The applicant is requesting a change of zone in order to meet the density requirements necessary to construct a total of 96 multi-family apartment units on these properties. The Special Permit/Community Unit Plan will restrict the density far below that otherwise permitted by the R-5 residential zone.

The proposed layout of the project generally includes the construction of three apartment buildings with a total of 72 units and a clubhouse on the 5.48 acre parcel (Lot 1, Block 1 Northview 4th Addition) located east of North 24th Street. Additionally, a 24 unit apartment building would be constructed on the 1.0 acre parcel (Outlot A, Block 1 Northview 3rd Addition) on the west side. The layout includes ample parking for the apartment building tenants, a total of 237 parking stalls will be provided. The minimum required number of stalls under the R-5 Zoning ordinance requires only 168 stalls. The project site is already served by existing public infrastructure. Sanitary sewer and water service will be obtained by tapping the existing public mains adjacent to the properties. A 4' public sidewalk will be constructed along the frontage of N. 24th Street to serve both properties and the surrounding neighborhood. There is an existing detention cell at the southeast corner of the 5.48 acre parcel. A drainage review of the project has been performed and is submitted along with this document. The drainage review concludes that the detention cell should be expanded to reduce to post-development runoff levels to pre-development levels. The proposed detention cell expansion will be performed during the site construction.

1111 Lincoln Mall, Suite 111
P.O. Box 84608
Lincoln, NE 68501 4608
TEL 402.474.6311
FAX 402.474.5160
www.oaconsulting.com

A neighborhood meeting was held on July 26, 2011 to discuss the proposed project with the surrounding property owners. Items discussed at this meeting included: screening between the properties and the residences to the south, parking, traffic and the detention cell modifications. This multifamily project provides a nice transitional use between the commercial uses to the north/east and the residential uses to the south. We feel that the proposed apartment buildings can be constructed in conformance with the appearance and density of the neighborhood.

These parcels have remained undeveloped since they were platted more than 10 years ago. This development qualifies as an in-fill development utilizing existing infrastructure and an increase residential dwelling unit density, all of which are objectives and emphases under the new Lincoln Comprehensive Plan 2040.

Please find the enclosed submittal documents for this project:

1. Community Unit Plan, legal description.
2. Change of Zone, legal description
3. Submittal Fee Check
4. Site Plan (will be submitted electronically).

Please accept this application for amendment to Northview 4th Addition Special Permit and change of zone request. Feel free to contact me with any questions which you may have.

Sincerely,

Erin Bright, PE
Olsson Associates

cc: Bob Stephens
Tom Huston

4811-7583-4122, v. 1

SUPPORT

Carl J. Sjulin
Chairman, President and CEO

WEST GATE BANK

6003 Old Cheney Road
P.O. Box 82603 • Lincoln, Nebraska 68501-2603
(402) 434-3456 • FAX (402) 323-8999
www.westgatebank.com

Hwy 2 & Old Cheney Road
1204 West O Street
27th & Old Cheney Road
17th & South Street
84th & Holdrege
27th & Cornhusker Hwy
50th & O Street

September 14, 2011

Lincoln/Lancaster County Planning Commission
555 South 10th Street,
Lincoln, NE 68508

Re: ***Change of Zone (CZ 11035)/Special Permit (SP 11023) Applications of R.I.P., Inc. for 24th and Dodge Streets***

Dear Members of the Planning Commission:

I write this letter in support of the applications submitted to the City of Lincoln by R.I.P., Inc. requesting the Change of Zone and Special Permit for the six and one-half (6.5) acre site located on North 24th Street, south of Superior Street. This proposal for the construction of a ninety-six (96) unit apartment project is the type of project that our newly proposed 2040 Comprehensive Plan strongly encourages. This proposal constitutes an in-fill project which will: a) require no new streets or utilities; b) increase population density along a major arterial street; and c) make a good transition of land uses from the commercial development to the north to the townhome use located to the south. All of these attributes are objectives which the comprehensive plan desires to foster.

This development will also provide a much needed boost to our local economy. The City needs to welcome and encourage our residents to invest in our City as many parts of the Country are mired in a recession. This type of investment means jobs for Lincoln residents and revenues for our public institutions.

Lastly, we strongly support the request of the neighbors located in the area for the installation of a traffic signal at the "T" intersection of North 24th Street into Superior Street. This intersection needs a traffic signal to serve the neighborhood. A signal at this location will also help minimize any impact on the neighborhood.

Thank you for your consideration.

Sincerely,

Carl J. Sjulin
President

EQUAL HOUSING LENDER

West Gate Bank. Lincoln's Bank.

MEMBER FDIC

Jean Preister

From: Don Ellerbee [dellerbee1@neb.rr.com]
Sent: Tuesday, September 06, 2011 12:19 PM
To: Jean Preister
Subject: 11035 and 11023

I live at 2350 City View Ct. and I am very much opposed to the zoning request of #11035 and #11023 on 24th street South of Superior and North of Dodge street.

Don Ellerbee
2350 City View Ct.
Lincoln, NE. 68521

Jean Preister

From: Amber Falldorf [afalldorf@hotmail.com]
Sent: Sunday, August 07, 2011 4:56 PM
To: Jean Preister

City Planning Commission,

I am sending you an email today to voice my concerns with the Stephens & Smith Construction purchase agreement for the property located North of Dodge Street and East and West of 24th Street. This property is located directly behind my home at 2434 Dodge Street.

My Concerns:
These apartments will increase traffic in my neighborhood. It will make it even more difficult to turn left on to Superior than it already is. So if residents can't get onto Superior they will take alternate routes which means more traffic within the neighborhood. I watch drivers currently fly around the Dodge Street corner. My garage door was damaged a few years ago when a teenage girl came around the corner and lost control causing her to hop the curve and run into a vehicle in my driveway which caused a chain reaction. We also see a higher traffic intake when school is in session. 24th & Dodge Street can get very congested due to the extra traffic of parents picking up and dropping off their kids. Does the City really think it would be a good idea to add an additional 240 vehicles to our area?

We have asked the City numerous times about getting a traffic light at 24th & Superior and we have been turned down so I can't see this development changing anything as the new round about going in at 14th & Superior was approved to move traffic flow on Superior not stop it.

The safety of the school and daycare children is also a concern. A number of apartment complexes do not obtain background checks. It is bad enough that my neighbors had been attacked by the group home residences do we also want sex offenders living in our neighborhood praying on the children? Can the City really afford a law suit or sleep good at night know the proximity of the complex to a school and daycare?

The developers are planning on expanding the dry cell some, but even if they expand it. Can the expanded dry cell really handle our neighborhood as well as a 96 unit apartment complex? I don't want water in my basement and I'm sure my neighbors don't either. There will also be a potential of an increased amount of standing water due to the addition of the concrete from the apartments which will cause more mosquitoes and other pests in our area. The West Nile Virus is a huge concern for our citizens so why should we increase this hazard if we don't have too?

The developers will install a 6' fence between the backyards of the Dodge Street residences and the apartment complex. Where will the fence be placed per city code and property lines? The 2430 Dodge St residence's backyard houses the electrical controls for Wal-mart as well as that corner. There is a city code for the egress of these types of items. Has anyone consider this hazard or talked to LES?

Carol Brown and Regal put in for a rezoning back in 2003 for this area to be rezoned from R-4 to R-2. Why have you continued to defer this rezoning? How can you rezone for Stephens & Smith Construction before you even decided on Carol Brown and Regal's rezoning efforts?

Part of the reason neighbors purchased town homes in this area was that they liked the natural progression from downsizing to a town home then being able to stay in the neighborhood they are comfortable with and downsizing even more into assisted living. Just like many cities Lincoln will see an increase of baby boomers

in years to come. It would be nice to see for once that our City plans for the future. It would also be beneficial to have an assisted living facility on the North side of town.

Lastly, I cannot ignore my property values. If apartments go in my neighborhood my property value will go down even more than it already has. How is that far to me or my neighbors? Especially when I drive all around town seeing signs for apartments for rent. Does our city really need 4 more complexes?

I would appreciate you taking my concerns into consideration when you decide about the rezoning and development of this property.

Thanks, Amber

Jean Preister

From: hwithg@aol.com
Sent: Tuesday, September 13, 2011 5:26 PM
To: rstephens@stephensandsmith.com
Cc: Tom J. Cajka
Subject: Re:Magic Hills

Bob,

I live three blocks from your proposed development, at 4210 No. 23rd St. I do not think your development would be a good fit in the neighborhood composed of single family homes and townhouses. This was never in the plans submitted by Lincoln Federal or Regalton. I know all things are proposed, but that was the basis of conversation at the time of various proposals from these two groups. Now the proposed apartments and clubhouse seems far from the original promises made. I realize those promises did not come from you, but I am sure you can see the thoughts of the existing residents turning towards "Here we go again".

The nest issue would be streets. We as residents cannot get thru the intersection of 23rd and Dodge three times a day, now, when school is in session. The corner of 24th and Dodge is difficult to navigate now, not mention when that intersection is covered with ice and snow. The addition of 96 apartments and the traffic created will certainly cause a logistical disaster. Lincoln Public School buses also travel Dodge St., No. 23rd St. and 24th St. Pedestrians (school kids) will be put at more risk.

I would encourage you to find another site for your development.

Rob Hackwith-Vice President-Landon's Neighborhood Association

Jean Preister

From: Jean Preister
Sent: Tuesday, September 20, 2011 8:20 AM
To: Jean Preister
Subject: FW: zoning change 11035 and Special Permit No. 11023

From: Kathi [mailto:tiedeka@aol.com]
Sent: Monday, September 19, 2011 7:11 PM
To: Jean Preister
Subject: zoning change 11035 and Special Permit No. 11023

I am opposed to the zoning change and special permit shown in the subject line. My concern about increased traffic on Dodge Street is
based on past experiences. I have lived here since 2002, and in that time have observed:

- side-swipes to cars parked on the street,
- one street light hit badly enough that it had to be replaced ,
- at least 4, and possibly 5, curbside trees that were hit hard enough to require replacement,
- garage damage from a mailbox hit hard enough to fling the mailbox into the garage (door had to be replaced),,
- car on drive way hit and pushed through a garage door to damage the car within the garage, and
- excessive speed on MANY occasions.

In our neighborhood there is a group home for young people, who occasionally wander and are not careful about streets, people using wheelchairs and needing to cross the street, young children, and residents crossing the street to get mail. Campbell Elementary School,
Munchkinland Day Center, and the Memory Center at 24th & Superior will also bear increased traffic. Winter snow removal often leaves only one passable lane on 24th Street and Dodge St. The slope of the hill makes it very dangerous in snow and icy conditions.

I believe the addition of 96 apartments (near the University) will create significant traffic problems. If the average is 2 cars per apartment, as the builder has estimated, I can anticipate almost 200 cars in the development (though I really expect more cars
for students). Those trying to go west on Superior will find it so difficult they will travel Dodge St. to get to 27th St. The increased traffic definitely will impact Dodge St., 25th St, City View Ct., and Northline Ct. residents. I suspect the round-about at 14th and Superior will cause the traffic on Superior to flow more evenly, and there will be less of an opportunity to turn left than there is currently.

Please consider the neighborhood quality of life when you make this zoning decision, and **deny the request**.
Thank you,
Kathleen Tiede
2440 Dodge St
Lincoln, NE 68521
402/476-0461

024

Jean Preister

From: mary kulhanek [mkulhanek76@hotmail.com]
Sent: Saturday, September 17, 2011 2:19 PM
To: Jean Preister
Subject: Opposition to applications CHANGE OF ZONE NO. 11035 and SPECIAL PERMIT NO 11023
Attachments: Car at 24 & Dodge 001.jpg; Car at 24 & Dodge 002.jpg; Car at 24 & Dodge 003.jpg; Car at 24 & Dodge 004.jpg; Car at 24 & Dodge 005.jpg

City Planning Commission,

We, Jim and Mary Kulhanek are sending you this E-mail to voice our concerns with the following 2 applications submitted to the City of Lincoln:

CHANGE OF ZONE NO. 11035 from R-3 Residential District to R-5 Residential District, on property legally described as Outlot A, Block 1, Northview 3rd Addition, located in the NE ¼ of Section 12-10-6, Lancaster County, Nebraska, generally located at N. 24th Street and Dodge Street.

SPECIAL PERMIT NO. 11023, Magic Hills Community Unit Plan, for approximately 96 apartment units in four buildings and a clubhouse, on property legally described as Outlot A, Block 1, Northview 3rd Addition, and Lot 1, Northview 4th Addition, located in the NE ¼ of Section 12-10-6, Lancaster County, Nebraska, generally located on N. 24th Street and Dodge Street.

Our biggest concern is the increase in traffic to the Regalton neighborhood. Access to this area is already limited. The 24th and Superior Street exit has no stop light and during rush hour traffic it is near impossible to turn left or to the West. The only other access is at 27th and Old Dairy Road which does have a stop light. The problem with this access is that 25 street has many cars parked along the street from college students renting some of the town homes. You also have the 90 degree turn as Dodge street transitions into 25th street. The 96 unit apartment complex being proposed will add another approximate 200 cars needing to access this area. The area does not have the access to support this volume of traffic. You add onto this the fact that Campbell Elementary School is to the West of the Regalton Neighborhood. During school time cars line Dodge Street and 24th street north of Dodge Street with parents waiting to pick up their children adding more congestion to the neighborhood. We have attached pictures to this E-mail that show the cars parked in this area at 3:30 PM on Friday afternoon.

Another one of our concerns is the increase water run off from rain. The property just to the north of our home, where the proposed 96 unit apartment complex is to be built is higher than our home. Stephens and Smith say that this will be graded and will not cause a problem. However, 1 home not more than 4 homes down already has problems with water in their basement; with increased run off this will be more of a problem.

Stephens and Smith have also said that they would construct a 6 foot privacy fence between the apartment complex and our backyard. A 6 foot privacy fence will not help when a 3 story apartment complex is built on land that is higher than our property. We will be loosing our quiet neighborhood. Another question is where will this fence be built and will we end up with a weed patch like our neighbors on the south side of City View Court. Thirdly, we have a large electrical box at the very back of our yard, that we are told covers Wal-Mart. How will Lincoln Electric access this electrical box with a fence built next to it?

The original plans for this subdivision included 120 town home units, a daycare an assisted living center and plenty of green space for residents to enjoy. Yes, there is a child care facility and an assisted living for residents with memory problems. The green space in our area is lacking and placing a 96 unit apartment complex will take away even more green space.

Lastly, putting a 96 unit apartment complex in out backyard will greatly reduce the value of our home. With as many apartment buildings already in Lincoln is it really a good plan to build more in an already limited access neighborhood?

We ask that you consider our concerns when making your recommendation to the City Council about the application for rezoning and your final action on the Magic Hills Community Unit Plan.

Sincerely,

Jim and Mary Kulhanek

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Jean Preister

From: mary kulhanek [mkulhanek76@hotmail.com]
Sent: Sunday, September 18, 2011 5:56 PM
To: Jean Preister
Subject: Opposition Letter with Signatures to applications CHANGE OF ZONE NO. 11035 and SPECIAL PERMIT NO 11023
Attachments: Group Signature Letter of non-support.doc; Page 1.jpg; Page 2.jpg; Page 3.jpg; Page 4.jpg; Page 5.jpg; Page 6.jpg; Page 7.jpg; Car at 24 & Dodge 001.jpg; Car at 24 & Dodge 002.jpg; Car at 24 & Dodge 003.jpg; Car at 24 & Dodge 004.jpg; Car at 24 & Dodge 005.jpg

Jean Preister,

Attachments to this E-mail include a letter of opposition, 7 pages with 77 signatures supporting the opposition letter and 5 pictures of cars parked along Dodge Street and 24th Street on Friday, September 16 at 3:30 PM. This opposition letter and signatures are from residents of the Regalton Neighborhood. Will you please see that the City Planning Commission receives this information before the meeting on Wednesday September 21, 2011. A Representive from the Regalton Neighborhood will be at the meeting on Sednesday, September 21, 2011 and will have the origional letter with signatures sheets. Thank you.

Mary Kulhanek
2430 Dodge Street
Lincoln, NE 68521
(402) 438-3050

September 15, 2011

We, the undersigned, do not support the following 2 application presented to the City of Lincoln:

CHANGE OF ZONE NO. 11035 from R-3 Residential District to R-5 Residential District , on property legally described as Outlot A, Block 1, Northview 3rd Addition, located in the NE ¼ of Section 12-10-6, Lancaster County, Nebraska, generally located at N. 24th Street and Dodge Street.

SPECIAL PERMIT NO. 11023, Magic Hills Community Unit Plan, for approximately 96 apartment units in four buildings and a clubhouse, on property legally described as Outlot A, Block 1, Northview 3rd Addition, and Lot 1, Northview 4th Addition, located in the NE ¼ of Section 12-10-6, Lancaster County, Nebraska, generally located on N. 24th Street and Dodge Street.

The following are the reasons that we, the undersigned, do not support these 2 applications:

1. The increased traffic from 96 apartment units will overwhelm the limited access to this proposed development and our adjacent Regalton and Landon's neighborhoods. The intersection at 24th and Superior has no traffic light which makes it almost impossible to turn left at this intersection. We expect that drivers will take Dodge Street to exit the area rather than fighting the traffic at 24th and Superior. The area already has increased traffic from parents dropping off and picking up their children from Campbell Elementary School and the day car facility. With the property being near the University, we expect rental units with many cars. Dodge Street is narrow, 25 feet and has a significant rise in elevation and a 90 degree turn onto 25th street. Traffic is hazardous already as people drive too fast for the narrow street, hill, and corner. Icy conditions in the winter compound the problem.
2. On 25th street there are rental properties that house college students. This has increased the number of cars parked on 25th street between North View and City View and reduces the street to one lane traffic. The street will not handle the increase of traffic that a 96 unit apartment complex will create.
3. The increased traffic at 24th and Dodge will make it more dangerous for the children who attend Campbell Elementary School.
4. The addition of 96 apartments in 4 building plus garages, clubhouse and concrete for parking will increase the water runoff with potential to cause drainage, seepage, or flooding problems for the townhomes that are adjacent to the proposed apartment complex. Some of these homes already have problems with water in their basements.
5. The addition of the 96 apartments in 4 buildings has the potential to decrease the value of our properties. The original plan for this property was for an assisted living facility. We would have no objections to an assisted living facility.
6. How can the City consider a Rezoning and the Magic Hills Community Plan when there has been no action on a Rezoning Request that was presented in 2003 by the Landon Neighborhood and the Regalton Neighborhood? Both neighborhoods opposed the apartment proposal at that time.

We ask the Planning Commission to deny the proposed apartment complex which will create traffic problems for the entire neighborhood and diminish the quality of life for Regalton residents. The attached signature sheets contain signatures of those opposing the proposed Magic Hills Community Unit Plan.

Please see 7 pages with 77 signatures.

RECEIVED

SEP 19 2011

Lincoln/Lancaster Co.
Planning Department

Signature Sheet for the opposition letter for CHANGE OF ZONE NO. 11135 and SPECIAL PERMIT NO. 11023.

PRINT NAME	ADDRESS	SIGNATURE
Nancy Hopp	2431 Northline Ct	Nancy Hopp
JAMES KUHL	2451 NORTHLINE CT	James B. Kuhl
Jaime Galloway	4221 North 25th St.	Jaime Galloway
Terry Hiatt	2454 Northline Ct	Terry Hiatt
Beverly J Hiatt	2454 Northline Ct	Beverly J Hiatt
Lennard S. Miller	2415 Northline Ct	L. Miller
Lester DUX	2341 NORTHLINE CT	Lester Dux
TERRI DUX	2341 NORTHLINE CT	Terri Dux
Matt Robinson	2431 City View Ct	Matt Robinson
Gabriel R Robinson	2431 City View Ct	[illegible]
Burt Anderson	2430 Northline Ct	Burton N Anderson
Ramona Anderson	2430 Northline Ct	Ramona Anderson

Signature Sheet for the opposition letter for CHANGE OF ZONE NO. 11135 and SPECIAL PERMIT NO. 11023.

PRINT NAME	ADDRESS	SIGNATURE
Therese Vobori L	4230 N. 25th Lincoln, NE 68521	Therese Vobori
SHARLA MEESTER	4234 N. 25th ST LINCOLN, NE 68521	Sharla Meester
JENNIFER DRESSEN	4234 N 25th ST LINCOLN, NE 68521	Jennifer Dressen
Matt Doernemann	4214 N. 25th St Lincoln, NE 68521	M Doernemann
Katie Simmonds	4200 N 25th Lincoln	[illegible]
Nancy Foote	4150 N 25 Lincoln NE	Nancy Foote
Jami Penny	4144 N. 25	Jami Penny
Dale Dismuke	4134 N 25	Dale Dismuke
Judy Waddell	4130 N 25	Judy Waddell
Robert T. Lowery	4124 N. 25th	R.T. Lowery
Alyssa Fischer	4110 N. 25th St.	Alyssa Fischer
Chase Lambert	4110 N. 25th St.	[illegible]
Sara Anderson	4104 N. 25th St	Sara Anderson
Alejandro Rodriguez	4100 N 25th st	Alejandro Rodriguez

Signature Sheet for the opposition letter for CHANGE OF ZONE NO. 11135 and SPECIAL PERMIT NO. 11023.

PRINT NAME	ADDRESS	SIGNATURE
James W Kulhanek	2430 Dodge Street	James W Kulhanek
Tara Harmelink	2454 City View Ct.	Tara Harmelink
Heidi Schneider	2454 City View Ct	Heidi Schneider
David Cleaver	2434 City View Ct	David Cleaver
Floyd Headley	2420 CITY VIEW CT	Floyd Headley
Bette Headley	2420 City View CT	Bette Headley
Marjorie E Hayden	2410 City View CT	Marjorie E Hayden
Daniel R Hayden	2410 City View CT	Daniel R. Hayden
KEN BARTHOLOMEW	2404 CITY VIEW CT	Ken Bartholomew
JOANN BARTHOLOMEW	2404 CITY VIEW CT	JoAnn Bartholomew
DON CRECELIUS	2401 NORTHLINE CT	Don Crecelius
Lindsay Stoltenow	2405 Northline Ct.	Lindsay Stoltenow
Joel Stoltenow	" "	Joel Stoltenow

Signature Sheet for the opposition letter for CHANGE OF ZONE NO. 11135 and SPECIAL PERMIT NO. 11023.

PRINT NAME	ADDRESS	SIGNATURE
Mary K. Kulhanek	2430 Dodge Street	Mary K. Kulhanek
Kathleen Tiede	2440 Dodge St.	Kathleen Tiede
Bonnie L. Kalita	2455 City View Ct.	Bonnie L. Kalita
Dirk Desmond	2401 City View Ct.	Dirk Desmond
MARILYN BAKENHUS	2355 City View Ct.	Marilyn Bakenhus
DeLores Malek	2305 City View Ct	DeLores Malek
DON ELLERBEE	2350 CITY VIEW Ct.	Don Ellerbee
Kristin Taake	2400 Northline Ct	Kristin Taake
Doris Sahl	2404 Northline Ct	Doris Sahl
RONALD W SOHL	2404 NORTHLINE Ct	Ronald W Sohl
MICHAEL E. STRAIN	2414 NORTHLINE CT	Michael E Strain
Margene Wessel	2301 City View Ct	Margene Wessel
Rosario Izquierdo	2405 City View Ct	Rosario Izquierdo

Signature Sheet for the opposition letter for CHANGE OF ZONE NO. 11135 and SPECIAL PERMIT NO. 11023.

PRINT NAME	ADDRESS	SIGNATURE
Amber Falldorf	2434 Dodge St Lincoln NE 68521	Amber Falldorf
Braden Gwyann	2454 Dodge St Lincoln NE 68521	[illegible]
Justin Fiala	2454 Dodge St Lincoln, NE 68521	Justin Fiala
LARRY Peterson	2444 Dodge St Lincoln, NE 68521	[illegible]
Shandra Bergt	2424 Dodge St Lincoln, NE 68521	Shandra Bergt
Troy Bergt	2424 Dodge St. Lincoln, NE 68521	[illegible]
Lori Wambold	2414 Dodge St. Lincoln NE 68521	Lori Wambold
David White	2421 Dodge Lincoln NE 68521	[illegible]
Dee Swangan	2334 Dodge St.	Dee Swangan
Theresa Thompson	2320 Dodge St.	Theresa Thompson
Kathleen Tager (Kathleen Tager)	2310 Dodge Street	Kathleen Tager
TOM TONACK	2315 Dodge Street	Tom Tonack
Mary Olson	2330 Dodge Street	Mary Olson

Signature Sheet for the opposition letter for CHANGE OF ZONE NO. 11135 and SPECIAL PERMIT NO. 11023.

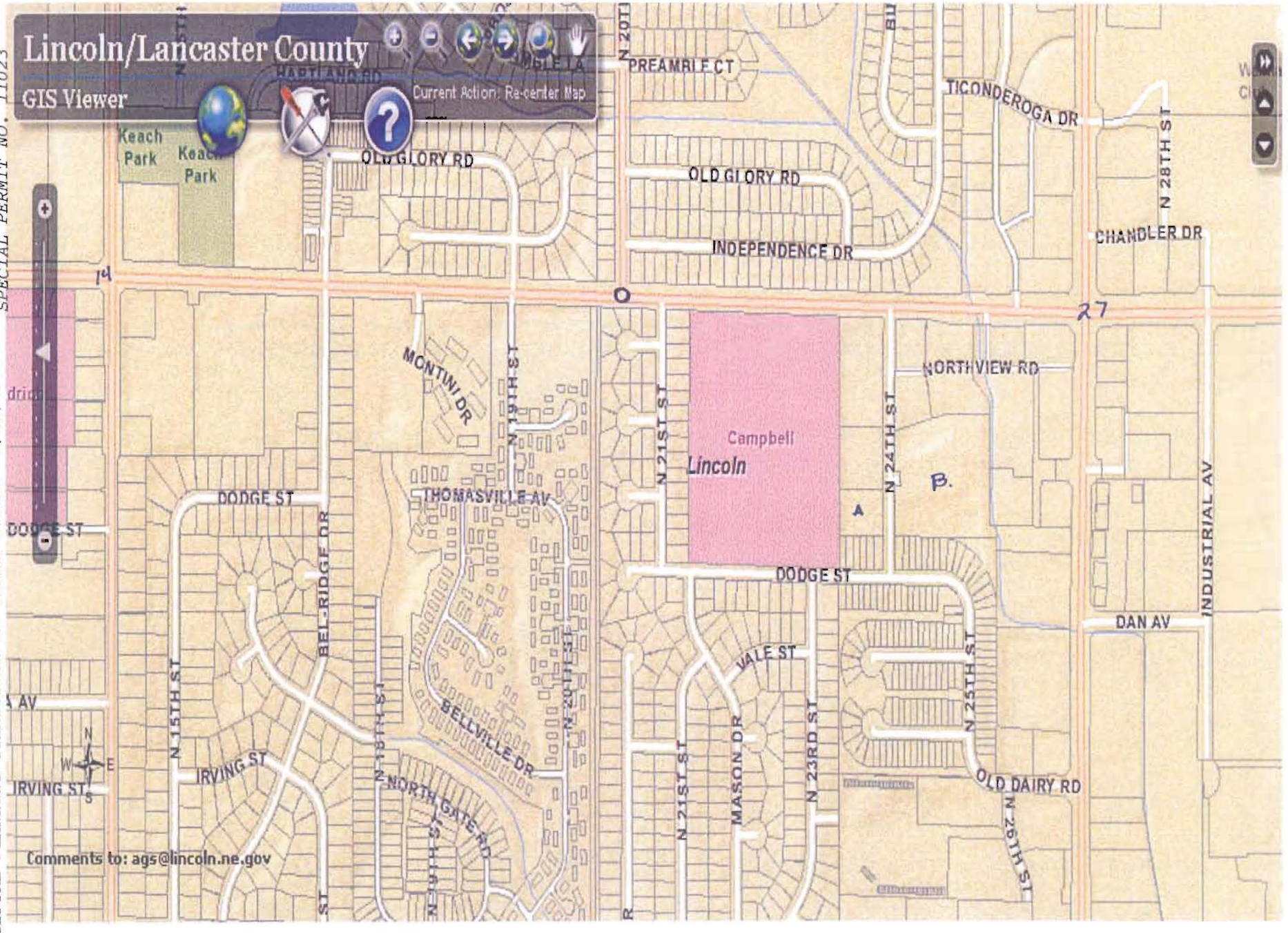
PRINT NAME	ADDRESS	SIGNATURE
Andrew Heatherstraw	2331 Dodge St	[illegible]
Ruth Boese	2345 Dodge St	Ruth Boese
Bernice Beals	2401 Dodge St	Bernice Beals
[illegible]	3901 Paxton Dr	Chris Dittmer
Kelly Dittmer	3901 Paxton Dr	Kelly Dittmer
Lynn R Chaulk	2425 Dodge ST	Lynn R Chaulk
[illegible]	2425 Dodge St	[illegible]

Signature Sheet for the opposition letter for CHANGE OF ZONE NO. 11135 and SPECIAL PERMIT NO. 11023.

PRINT NAME	ADDRESS	SIGNATURE
MELANY CONKEL	2400 CITY View Court	Melany Conkel
EUGENE K TAYLOR	2351 CITY VEW Ct	Eugene K. Taylor
Margriet J Stelling	2330 Northline Ct.	Margriet J. Stelling
NANCIE KOBZA	2334 Northline Ct	Nancie Kobza
JEANENE A. HARRIS	2424 Northline Ct	Jeanette A. Harris

041

SUBMITTED AT PUBLIC HEARING
BEFORE PLANNING COMMISSION BY CAROL BROWN: 9/21/11
CHANGE OF ZONE NO. 11035
SPECIAL PERMIT NO. 11023



SUBMITTED AT PUBLIC HEARING
BEFORE PLANNING COMMISSION: 9/21/11
BY CAROL BROWN IN OPPOSITION

CHANGE OF ZONE NO. 11035
SPECIAL PERMIT NO. 11023

City Council Introduction: **Monday**, December 19, 2005
Public Hearing: **Monday, January 9, 2006, at 1:30 p.m.**

Bill No. 05-188

FACTSHEET

TITLE: CHANGE OF ZONE NO. 3413, from R-4 Residential District to R-2 Residential District, requested by the Landon's Neighborhood Association and Regalton Neighborhood Association, on property generally located at North 24th and Superior Streets.

STAFF RECOMMENDATION: Denial

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 07/09/03; 08/06/03; 09/17/03; 10/29/03; 02/18/04; 05/26/04; 12/08/04; 06/08/05; an 12/07/05
Administrative Action: 12/07/05

RECOMMENDATION: Denial (5-3: Carroll, Esseks, Larson, Sunderman and Strand voting 'yes'; Taylor, Pearson and Carlson voting 'no'; Krieser absent).

1. This is a downzone request submitted by Carol Brown on behalf of Landon's Neighborhood Association and Regalton Neighborhood (p.23-24) due to the burden of traffic in the area and to protect the neighborhoods from the development of anything other than the assisted living facility and elderly retirement housing to which the neighborhoods agreed when the zoning was changed from R-2 to R-4.

2. The staff recommendation to deny the change of zone request is based upon the "Analysis" as set forth on 4-6, concluding that the request is not in conformance with the Comprehensive Plan, is not an appropriate transition from the surrounding zoning and does not make efficient use of the existing infrastructure. Reducing approved residential zoning essentially contributes to sprawl by reducing density in an area that is appropriate for an increased number of units as allowed by the existing zoning. In addition, multi-family development can only be approved by the City Council through a Community Unit Plan, and the last such request was denied by the City Council on July 9, 2003.

3. The testimony in support at the original public hearing on July 9, 2003, is found on p.8-10, and the record consists of 12 communications in support and a petition in support bearing 24 signatures (p.46-67).

4. Testimony in opposition at the original public hearing is found on p.10-11, and the record consists of one letter in opposition (p.68), and a letter submitted by the property owner/developer dated August 8, 2003 (p.69-70).

5. The applicant requested a delay at the original public hearing in order to meet and communicate with the owner/developer, and this application has continued to be delayed at the request of the applicant since July 9, 2003 (See Minutes, p.12-16, and See p.40-45).

6. The owner/developer came forward to testify on December 8, 2004, to request that this change of zone be denied (See Minutes, p.15-16).

7. On December 7, 2005, Carol Brown requested an additional six-month delay (See Minutes, p.16-18).

8. The communication from the Director of Planning urging the Commission to make a recommendation to the City Council is found on p.39.

9. On December 7, 2005, a motion to defer for six months failed 3-5 (Taylor, Pearson and Carlson voting 'yes'; Carroll, Esseks, Larson, Sunderman and Strand voting 'no'; Krieser absent). See Minutes, p.18.

10. On December 7, 2005, the majority of the Planning Commission agreed with the staff recommendation and voted 5-3 to recommend denial and move this application forward to the City Council (Carroll, Esseks, Larson, Sunderman and Strand voting 'yes'; Taylor, Pearson and Carlson voting 'no'; Krieser absent). See Minutes, p.18-19).

FACTSHEET PREPARED BY: Jean L. Walker — **DATE**: December 13, 2005
REVIEWED BY: _____ — **DATE**: December 13, 2005
REFERENCE NUMBER: FS\CC\2005\CZ.3413

ordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices hin every neighborhood. Encourage different housing types and choices, including affordable housing, throughout each eighborhood for an increasingly diverse population" (F-18).

"Encourage mixed-use redevelopment, adaptive reuse, and in-fill development including residential, commercial and retail uses. These uses may develop along transit routes and provide residential opportunities for persons who do not want to or cannot drive an automobile. Promote residential development, economic development and employment opportunities throughout the City" (F-18).

"Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population" (F-18).

"Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood" (F 18).

"Mixed-use centers, with higher residential and commercial densities, should provide for transit stops — permitting public transit to become a viable alternative to the automobile" (F-19).

This area is shown as Urban Residential on the Land Use Plan (F-25). Urban Residential is defined as "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" (F-27).

Future Conditions of Residential

"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" (F-65).

"Sidewalks should be provided on both sides of all streets, or in alternative locations as allowed through design standards or the Community Unit Plan process" (F 66).

"Interconnected networks of streets, trails and sidewalks should be designed to encourage walking and bicycling and provide multiple connections within and between neighborhoods" (F 66).

"Multi-family and elderly housing nearest to commercial area" (F-67).
Encourage a mix of housing types, single family, townhomes, apartments, elderly housing all within one area (F-67).

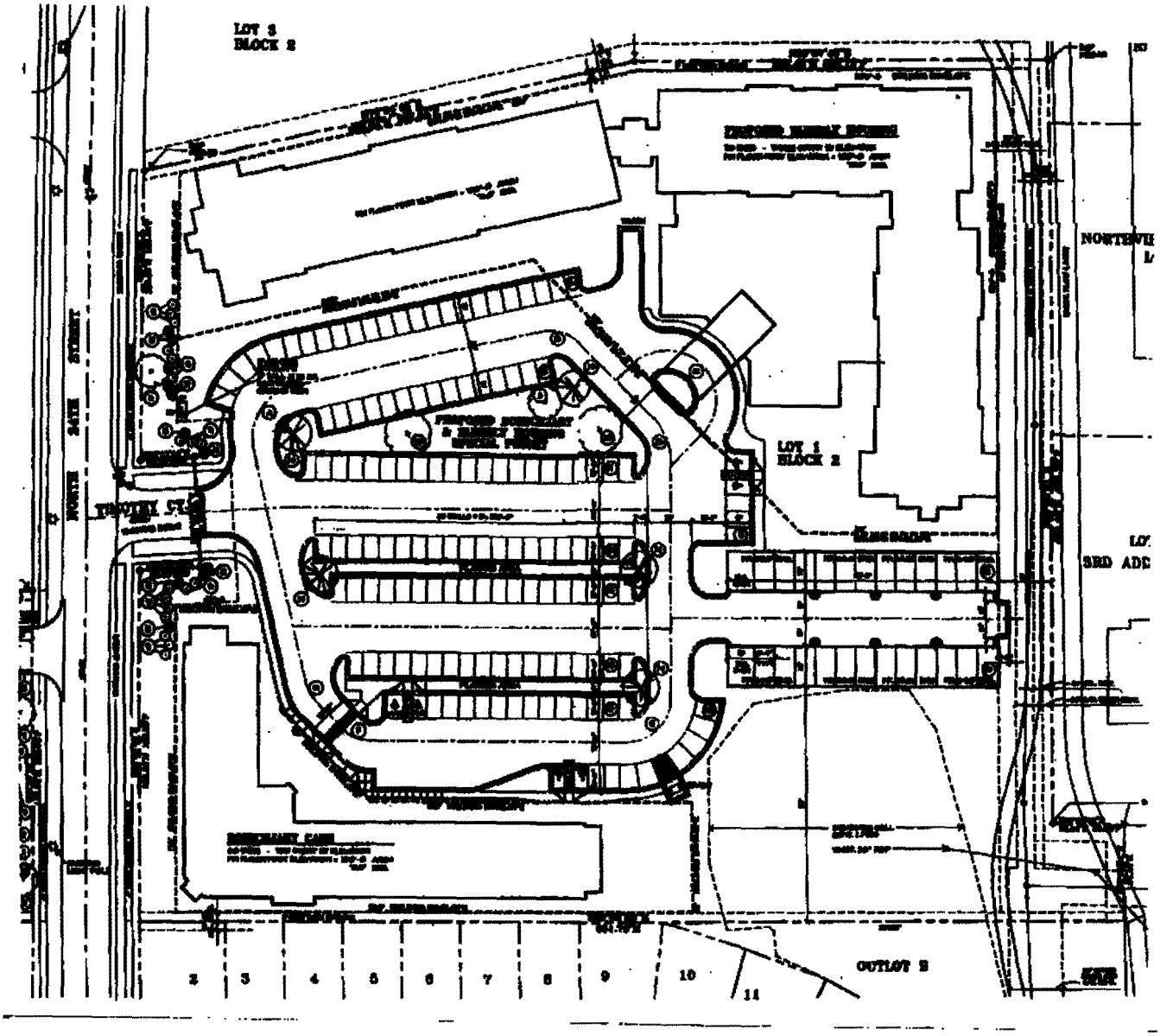
"Similar housing types face each other...change to different use at rear of lot" (F 67).

There are notable differences between elderly housing and traditional multiple-family residential developments. Typically, elderly housing will have fewer occupants per unit and will generate less traffic than housing built for the general marketplace. Thus, a location that is deemed appropriate for elderly housing may not be deemed appropriate for other types of higher-density housing such as multiple-family or town homes (F-72).

HISTORY:

Special Permit #2014, Northview Villa's Community Unit Plan, for 61 dwelling units was denied by City Council on **July 7, 2003**.

Special Permit #1821 for a childcare facility, Special Permit #1820 for 128 Elderly Housing and 60 person domiciliary care facility, Change of Zone #3231 from R-3 to R-4, Special Permit #1781 for Northview 1st Community Unit Plan to amend the CUP to replace 14 attached single-family dwelling units with one lot for elderly housing and Northview 1st Preliminary Plat #99017 were approved by the City Council on **February 22, 2000.**



SPECIAL PERMIT #1820
ELDERLY HOUSING/DOMICILIARY CARE
24TH AND DODGE STREETS

3 OF 3

The Development

Regalton is Lincoln's newest subdivision offering affordable townhome living near 27th and Superior streets.

The development is being created in response to the strong need for affordable townhomes. Regalton will offer all the conveniences one would expect from a townhome community, such as snow removal and lawn service, all at a much lower price than many comparable neighborhoods.

Plans for the subdivision include 120 townhome units, a daycare, an assisted living center, and plenty of greenspace for residents to enjoy.

Regalton offers a quiet, peaceful neighborhood just minutes away from all the conveniences of everyday life. Whether you are an on-the-go person looking for fast food, ATM's, and one-hour dry cleaners, or someone looking for a slower pace with a home-cooked dinner and strolls on the bike paths, Regalton

The Neighborhood

is the place for you. Regalton's convenient location offers a quick commute for both big kids and little kids alike. For those who commute to Omaha, Seward, or other nearby communities, access to I-80 is a short drive north on 27th Street. Campbell elementary school is just down the road, making it possible for children to walk to school in a matter of minutes. If you need accommodations for younger children, a daycare is planned as a part of the Regalton community.

Residents of Regalton will have many recreational opportunities at their fingertips. A bike path runs along Superior Street, providing the perfect place for a Sunday ride. Children will enjoy a day of go-carts, video games, and miniature golf at the nearby fun center. Craving something specific for dinner? Choose from Mexican, Italian, Chinese, and American fare, all of which are nearby.

The 27th and Superior area is abundant with retail shops in which you will find everything from apple pie to zippers. Whether you need groceries, lumber, videos, toys, pet supplies, cars, furniture, or clothes, you won't have to go far to find a specialty shop that has what you need.

The Features

Regalton residents are also only minutes away from legal services, public utilities and several banks. Your medical needs will be met with doctors clinics, physical therapists, optometrists, and even a veterinarian nearby. Whether you want to work out, wash your car, buy a tan, or plan a trip, there are a variety of services to meet your needs.

Regalton offers three floor plans for buyers to choose from, each with several options that can be adjusted to fit personal needs and wants. Each plan has three different elevation options, creating different looks for the exterior of the home. This helps to keep the neighborhood consistent, yet attractive by offering some variety.

Inside the townhomes, buyers have input on everything from choosing colors, adding a fireplace, or finishing the basement for additional living space. There is a large list of options for residents to choose from to personalize their new home. All of the plans are capable of being handicap accessible, and include a double garage, vaulted ceilings, sprinklers and sod. The town homes start at only $105,000 including the lot, making this an affordable option for most everyone.

Regalton

Live like royalty
...on a budget!

For more information on Regalton, please contact one of the Woods Bros. agents listed below.

Kasey Hartman SouthPointe 430-8144	Ron Paul Lincolnshire 430-0574
Lou Carter Ganz Lincolnshire 430-9511	Mike Thomalla SouthPointe 430-8122

Developed By:

REGAL
BUILDING SYSTEMS

Marketed By:

WOODS BROS
REALTY

www.woodsbrosrealty.com

WOODS BROS REALTY
Woods Bros. Realty
4645 Normal Blvd., Ste. 242
Lincoln, NE 68506

Regalton

Live like royalty
...on a budge

Affordable Townhome
Living Conveniently
Located Near 27th and
Superior

Marketed by Woods Bros. Re

The Builder

Regal Building Systems, Inc. is a family owned business with Martin R. Fortney and Dan A. Klein as the principals. Marty and Dan have been in the building industry for a combined total of over 30 years. Regal Building Systems incorporated in Nebraska in April of 1993, and has been an active member of the National Association of Home Builders since 1986 with the principals invovled in the local HBAL, Habitat for Humanity, church work and other volunteer activities.

Until 1996, Regal Building Systems primarily built custom homes from $150,000 to $300,000 and did remodeling projects up to $75,000. In 1997, they began adding a mixture of small commercial projects to design, build, sell, and own along with custom home building. In 1998, a roofing division was added and in 1999 an excavating division. The number of custom homes has varied from 5-13 annually over the past four years. The number of employees has grown from 5 in 1997 to 18 in 2000.

REGAL
BUILDING SYSTEMS

Regal Building Systems operates on the premise of the Golden Rule. The company is very team oriented and always works towards a win-win strategy with contracts, building processes, end products, warranties, and customer satisfaction.

The Agents

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Woods Bros. Realty
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434-3800

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Woods Bros. Realty
SouthPointe Office
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434-3600

Lou Carter Ganz
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434-3800

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