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

Bill No. 11R-244

# FACTSHEET

**TITLE**: **SPECIAL PERMIT NO. 459A,** an amendment to the **Georgetown Apartments Community Unit Plan,** requested by Olderbak Georgetown/Willows, LLC, on property generally located at South 70th Street and Van Dorn Street.

**STAFF RECOMMENDATION**: Conditional Approval.

**ASSOCIATED REQUEST**: Change of Zone No. 11031 (Bill #11-155).

**SPONSOR**: Planning Department

**BOARD/COMMITTEE**: Planning Commission
Public Hearing: 09/07/11 and 09/21/11
Administrative Action: 09/21/11

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

**FINDINGS**:

1. This proposed amendment to the Georgetown Apartments Community Unit Plan and the associated Change of zone No. 11031 were heard at the same time before the Planning Commission.

2. This is a proposal to amend the existing community unit plan for the Georgetown Apartments to allow an additional 36-unit building to be placed at the northeast corner of the site. The applicant is also requesting a waiver of the parking requirements to adjust the required number of stalls from 302 to 288.

3. The staff recommendation of conditional approval, including approval of the parking waiver, is based upon the "Analysis" as set forth on p.3-5, concluding that the proposal will allow more efficient use of the site with no significant impact upon the neighborhood. The result is the kind of infill and better site utilization recommended by the Comprehensive Plan. Even with the requested waiver, the parking provided is in excess of the amount required in the R-5 through R-8 zoning districts where apartments are allowed as a permitted use. This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan. The staff presentation is found on p.9-10.

4. On September 7, 2011, the applicant requested a two-week deferral to readvertise the parking waiver request and to work with the neighbors.

5. Testimony in opposition on behalf of the Carriage Park Neighborhood Association on September 7, 2011, is found on p.8-9 (Also see letter in opposition, p.17).

6. The applicant's testimony on September 21, 2011, is found on p.10-11. In working with the Carriage Park neighbors, the applicant revised the associated change of zone request by deleting the R-1 to R-4 area and proposed amendments to the conditions of approval on this special permit as set forth on p.10-11 (Also See p.18-20).

7. Testimony on behalf of the Carriage Park Neighborhood Association now in support is found on p.11.

8. On September 21, 2011, the Planning Commission voted 8-0 to recommend conditional approval, with the amendments requested by the applicant and as further amended by the staff (Taylor absent).

9. On September 21, 2011, the Planning Commission also voted 8-0 to recommend approval of the associated Change of Zone No. 11031, as revised (Bill #11-155).

**FACTSHEET PREPARED BY:** Jean L. Preister **DATE**: September 27, 2011

**REVIEWED BY**:_____ **DATE**: September 27, 2011

**REFERENCE NUMBER**: Q:\FS\CC\2011\SP459A+

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

**for September 21, 2011 PLANNING COMMISSION MEETING**
**-REVISED REPORT-**

****As Revised and Recommended for Conditional Approval****
**by Planning Commission: 9/21/11**

**PROJECT #:** Special Permit No. 459A - Georgetown Apartments

**PROPOSAL:** Amend the Community Unit Plan (CUP) to increase the allowed density from 115 units to 160.

**LOCATION:** Northeast of the intersection of South 70th and Van Dorn Streets

**LAND AREA:** Approximately 7.2 acres

**EXISTING ZONING:** R-1 Residential, R-3 Residential, R-4 Residential, and B-1 Local Business

**WAIVERS:** 1. Adjust required parking from 302 to 288 stalls
(As per the revised request of 9/7/11 from the applicant, see underlined portion of paragraph #5 for additional information regarding this waiver)

**CONCLUSION:** Combined with the associated Change of Zone #11031, these requests will allow more efficient use of the site with no significant impact upon the neighborhood. The result is the kind of in-fill and better site utilization recommended by the Comprehensive plan. Even with the requested waiver, parking is provided in excess of the amount required in the R-5 through R-8 zoning districts where apartments are allowed as a permitted use. This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

**RECOMMENDATION:** CONDITIONAL APPROVAL

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See attached legal description.

**EXISTING LAND USE:** Apartments

**SURROUNDING LAND USE AND ZONING:**

| | | |
|---|---|---|
| North: | Single-family, Apartments | R-1, R-4 |
| South: | Commercial | B-1, B-2 |
| East: | Assisted Living Facility | R-4 |
| West: | Commercial | B-1 |

**HISTORY:**

**May 1969 -** Special Permit #459 was approved for up to 115 multiple family dwelling units.

**ASSOCIATED REQUESTS:**

Change of Zone #11031 - A request to change the zoning from B-1 Local Business and R-3 Residential to R-5 Residential, and from R-1 Residential to R-4 Residential.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

**Page 3** - 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.

**Page 16 -** 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.

**Page 17** - This site is designated as Commercial and Residential-Urban Density in the Land Use Plan.

**Page 68** - 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.

**Page 148** - 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.

**ANALYSIS:**

1. This is a revised report in response to the applicant's request for a waiver to adjust the required parking made during the Planning Commission's September 7, 2011 hearing. To allow time for the waiver to be considered, the applicant also requested a two week delay so the revised legal notice can be published as required by Lincoln Municipal Code.

2. The applicant is proposing to amend the existing CUP for the Georgetown Apartments to allow an additional 36-unit building to be placed at the northeast corner of the site.

3. At 115 units, the complex is currently at the maximum density allowed by the original CUP. If the associated change of zone is approved, the Design Standards will allow up to 160 units based upon the proposed zoning and area of the site. If approved as shown, the site plan shows a configuration consisting of 151 units but could potentially be revised to include more units up to the maximum number allowed of 160.

4. Based upon the proposed zoning, the allowed density is as follows:

Area Zoned R-4: 2.03 Acres
x 13.93 Dwelling units/Acre
28.28 Dwelling Units

Area Zoned R-5: 5.17 Acres
x 29.04 Dwelling Units Per Acre
150.14 Dwelling Units

Dwelling Units Allowed - 28.28 + 150.14 = 178.42
Less: 10% reduction for site less than ten acres - 18 units = 160 Total Dwelling Units

5. The parking calculation on the proposed site plan shows that 285 off-street parking stalls are required, with 288 being provided. That calculation is correct when applying the R-4 (two spaces per dwelling unit) and R-5 (1.75 spaces per dwelling unit) parking standards to the respectively-zoned areas within the CUP. However, Section 27.67.065 of the parking ordinance has an additional requirement that holds CUP's to a higher standard and requires two spaces per dwelling unit, regardless of zoning. Applied to this request, an additional 14 spaces need to be provided for a total of 302 spaces.

The waiver now being requested seeks to adjust the number of required stalls from 302 to 288. The applicant notes that in part the waiver is needed to address concerns voiced by the neighbors. They asked that the parking area on the east side of the building be removed so the area could be left as open space. They also asked that the parking on the west side be pulled back to the extent it could be to also preserve some open space and provide additional separation between cars and homes on the west as well.

The following are relevant to the adjustment to required parking:

-Apartments are allowed in the R-1 through R-4 zoning districts by special permit when part of a community unit plan. They are a permitted use in the R-5 through R-8 zoning districts.
-The parking requirement for dwellings in the R-1 through R-4 district is two spaces per unit.
-The parking requirement for apartments in the R-5 and R-6 zoning districts is 1.75 spaces per unit, and is one space per unit in the R-7 and R-8 zoning districts.
-The parking requirement for a community unit plan, regardless of the mix or number of units, is two spaces per dwelling unit.
-The parking requirement for a CUP assumes a mix of housing types including single-family, townhouse, and apartments, and the parking requirement of two spaces per dwelling unit for a CUP is based upon this assumption.
-The Georgetown apartment complex consists entirely of apartments, and is more consistent with the type of development allowed as a permitted use in the R-5 through R-8 zoning district.

-There are no single-family or townhouse dwellings associated with his development, which are the uses associated with a higher parking demand as reflected in the increased parking standard for a CUP.
-302 spaces = 151 units @ 2 spaces/unit (req'd for a CUP)
264 spaces = 151 units @ 1.75 spaces per unit (req'd in R-5 and R-6)
288 spaces = 151 units @ 1.91 spaces per unit (number requested by waiver)

Given that the applicant is attempting to address concerns raised by his neighbors, and that the complex consists entirely of apartments but will still provide parking in excess of the requirement for apartments in the R-5 through R-8 districts, a parking reduction to approximately 1.9 parking spaces per unit (or 288 total spaces) is appropriate.

6. The site is adjacent to commercial to the southwest, apartments and an outlot for common open space associated with the single-family development to the north, and an assisted living facility to the east. Apartments at this location serve as an appropriate transition from the commercial area near the intersection of South 70th and Van Dorn Streets and the other existing uses to the north and east.

7. A 30 foot setback is shown along the north property line where no building or parking is allowed. The grade change and existing trees help buffer the transition from apartments to single-family.

8. The attached legal description was prepared by a licensed surveyor who has noted it reflects the recorded documents in the public record. However, it does deviate from the City's mapping records and will need to reconciled. A recommended condition of approval is included making it a requirement that the issue be resolved prior to approval of building permits.

9. This request allows for more efficient use of the site, is compatible with the surrounding zoning pattern and land uses, and is consistent with the goals of the Comprehensive Plan.

This request approves a revised site plan showing 151 dwelling units with 9 unallocated units for a maximum of 160 units with a waiver to adjust the required parking from 302 to 288 stalls.

**CONDITIONS:**

**Site Specific:**

1. Before receiving building permits:

   1.1 The applicant will reconcile the legal description of the boundary of the CUP with City/County staff as necessary.

   1.2 The applicant will submit a revised site plan including 5 copies showing the following revisions:

      1.2.1 A revised legal description if necessary.

1.2.2 Per Exhibit A for the new 36-unit apartment building in the northeast corner of the site, reflect the placement of the building, adjacent parking, surrounding landscaping and placement of trees and accompanying vegetation. Identify all plant material and provide all typical landscape plan information.

1.2.3 That the land directly to the east of the new apartment building will be landscaped and maintained as a green space with grass, trees and other vegetation forming a buffer zone between the Georgetown Apartments and the property to the north.

1.2.4 That an opaque 6 foot privacy fence will be built generally along the north boundary of the special permit.

1.2.5 That the 30 foot setback between the new building and the property to the north will be planted with additional trees and other appropriate vegetation beyond the minimum design standards, to create at least a 75% screen between 6 and 15 feet above the adjacent ground elevation between the new apartment building and the homes to the north.

**(**Per Planning Commission, as amended by the applicant and further amended by staff: 9/21/11**)**

1.3 City Council approves associated request CZ#11031.

**General:**

2.

2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department for review and approval.

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

**Standard:**

3. The following conditions are applicable to all requests:

3.1 Before occupying the new dwellings all development and construction is to comply with the approved plans.

3.2 All privately-owned improvements are to be permanently maintained by the owner or an appropriately established owners association approved by the City.

3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

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

3.5 The applicant 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 to be paid in advance by the applicant.

4. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner
August 23, 2011

**APPLICANT/ CONTACT:** Jim Hutchinson
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402-421-1502

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# CHANGE OF ZONE NO. 11031
# and
# SPECIAL PERMIT NO. 459A,
# AN AMENDMENT TO THE GEORGETOWN APARTMENTS

**REQUEST FOR DEFERRAL**: September 7, 2011

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

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

These two applications were removed from the Consent Agenda and called under Requests for Deferral due to a request from the applicant to defer the public hearing for two weeks in order to advertise a waiver request on the special permit amendment.

Motion to defer made by Francis, with continued public hearing and action scheduled for Wednesday, September 21, 2011, seconded by Esseks and carried 9-0: Taylor, Partington, Francis, Larson, Gaylor Baird, Sunderman, Esseks, Lust and Cornelius voting 'yes'.

The applicant did not make a presentation.

Opposition

**1. Robert Hunt,** 7129 Shamrock, appeared in opposition on behalf of the **Carriage Park Neighborhood Association,** which borders the Georgetown Apartment complex. Carriage Park is R-1 zoning. The property upon which the new apartment building is being requested is currently R-1 zoning. Hunt pointed out that the R-1 zoning that exists on the Georgetown property has been intended as a buffer zone for 35 years. If the Georgetown group is allowed to rezone to R-4, then the Carriage Park residents have lost that buffer between the Georgetown community and the Carriage Park Neighborhood Association.

Hunt advised that the Board of Directors of the Carriage Park Neighborhood Association has met and wishes to go on record opposing the rezoning from R-1 to R-4 adjacent to Carriage Park. The property was originally designed R-1 to serve as a buffer between Carriage Park and the Georgetown complex. Rezoning to R-4 would have a negative impact on homeowners to the north in terms of real estate property values and the enjoyment of their homes. These homes are going to be seriously affected by parking, by auto engines, noises, parties at the apartment complex and headlights bearing on the homes. These homes are now protected by a very nice area of grass and a slope down to the complex.

Hunt suggested that If the rezoning is approved, the Carriage Park Neighborhood Association would recommend that a 24-unit 2-story building be allowed rather than the 36-unit 3-story building. This is a very large building, 200 feet long. The other five buildings in the apartment complex are much smaller and the proposed 3-story building would be a very large intrusion. The aesthetics would be

more acceptable to the residents adjacent to the proposed building if it were a 2-story building. The Carriage Park residents are primarily elderly people over 60 years of age.

Hunt also suggested that the Carriage Park Board of Directors would request that the entire east end be green space and free of parking spaces, and that at least the north half on the west end be designed as green space also, giving relief to the residents north of the building. Hunt pointed out that the applicants agreed in a community meeting to provide green space on the east side of the building.

In addition, if this rezoning is approved, the Carriage Park Neighborhood Association requests that trees or other acceptable vegetation be planted between the apartment building and Carriage Park to maintain the view enjoyed by the residents north of the property. Carriage Park would also want to be apprised of the type of trees and vegetation with the right to veto certain types if deemed unacceptable.

In summary, Hunt urged that this proposed development is quite an intrusion on the Carriage Park community. Looking at this as a community issue, Hunt believes there is adequate opportunity for Georgetown to renovate their current 5 buildings without adding an enormous 200' building on the R-1 zoning that is a buffer for the Carriage Park community.

These applications will have continued public hearing and action on September 21, 2011.

**CONT'D 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 amendment.

Staff presentation: **Brian Will of Planning staff** explained that these items were delayed two weeks ago at the request of the applicant to allow time to meet with the neighbors, and he believes they have reached agreement.

Will explained that the zoning pattern on this property is a combination of B-1 commercial zoning and R-3, R-4 and R-1 Residential. It has this fractured zoning pattern that is not terribly conducive to the apartment complex nor figuring out whether more units are allowed. The design standards contemplate and specify a certain density. The B-1 zoning does not allow us to do that. Therefore, we have recommended the zoning change because there was no way to calculate density based on today's standards with the B-1 zoning. Therefore, it is staff's position that the existing apartment complex makes sense under the R-5 over a majority of the site, and then change the zoning on the R-1 tract at the northeast corner to R-4. The R-5 is consistent with apartments; it gives them the density they need, both for the existing complex and for some additional units. Leaving the R-4

along the north requires that the CUP special permit stays in place. Maintaining the special permit community unit plan would give some benefit to the property owners to the north knowing that any major amendments down the road would result in a public hearing.

Will further explained that the amendment to the CUP proposes to add one 36-unit apartment building at the northeast corner of the property where there is currently a parking lot. Associated with that request is the waiver to parking. Staff's rationale in approving this waiver is that if this site were entirely zoned R-5, the parking would be 1.75 spaces per dwelling unit. With the CUP on the site, the parking is 2 spaces per dwelling unit. A CUP typically anticipates a mix of housing types with a higher parking demand. This proposal is purely apartments without the higher demand for parking. Therefore, staff believes the parking waiver is appropriate.

Proponents

**1. Alan Schmidt, Hutchinson Architects,** appeared on behalf of the owners of **Georgetown Apartments.** The applicant had recently purchased the apartments and is revitalizing the whole apartment complex, updating the exterior and interior of the units, repaving all of the drives and dressing up the approaches from the streets. In the process, the applicant would like to maximize the potential of the complex by adding the 36-unit building.

The applicant met with the neighborhood, which had valid concerns about the impact on their residents to the north, including noise and lights from automobiles, etc. The original proposal did have parking lots on either side of the proposed building which abutted the residents to the north. After meeting with the neighbors, the applicant has come up with some changes and would like to amend both the change of zone and the special permit applications.

Relating to the change of zone, it has been determined that the existing R-1 portion of the property being requested to change to R-4 can remain R-1. Therefore, the applicant is revising the change of zone application by deleting the request from R-1 to R-4. The original total density allowed up to 160 units. This proposal requested 151 units, so leaving the R-1 zoned area alone still allows the proposed 151 units.

Schmidt also stated that the other concerns of the neighborhood were some screening and sound control from the parking lot. Schmidt proposed to amend the site specific conditions of approval on the special permit as follows:

1.2.2 Per Exhibit A for the new 36-unit apartment building in the northeast corner of the site, reflect the placement of the building, adjacent parking, surrounding landscaping and placement of trees and accompanying vegetation. Identify all plant material and provide all typical landscape plan information.

1.2.3 That the land directly to the east of the new apartment building will be landscaped and maintained as a green space with grass, trees and other vegetation forming a buffer zone between the Georgetown Apartments and the property to the north.

1.2.4 That an opaque 6 foot privacy fence will be built generally along the north boundary of the special permit.

1.2.5 That the 30 foot setback between the new building and the property to the north will be planted with additional trees and other appropriate vegetation beyond the minimum design standards, to create a suitable screen between 6 and 15 feet above the adjacent ground elevation between the new apartment building and the homes to the north.

Relocating the building will create a larger green space to the east side of the building. They have reached agreement with the neighbors to add an opaque fence along the north property line in a style, color and type of fence to which the neighbors agree. There will also be additional landscaping and screening along the north 30' rear yard.

Support

**1. Robert Hunt,** UNL professor and resident of the **Carriage Park Neighborhood Association,** appeared on behalf of the Board of Directors of the Association and the homeowners. He stated that the neighbors have had a good relationship with the applicant, had several meetings and came to a good solution. The neighbors are in agreement with the site specific conditions of approval, as amended, and the neighbors will be involved in the details of the fencing and vegetation in the setback space.

The neighbors have entered into a written agreement with the owner, laying out the same conditions in more detail. Most importantly, that agreement provides that the Neighborhood Association shall have the right to approve any significant alterations and to modify those considered harmful to the Association.

Hunt stated that the Neighborhood Association is pleased that the building has been moved to the west, with a small park-like development to the east with various groups of trees to shield light from the homes. There will be vegetation/trees in the 30' setback to the north with a privacy fence all the way across the back of the building.

The Carriage Park Neighborhood is now in support of this proposal, as amended.

There was no testimony in opposition.

Esseks inquired whether the staff is in agreement with the amendments. Will stated that the staff is in agreement, except that the word “suitable” screen in Condition #1.2.5 should be changed to “at least a 75%” screen. The landscape plan that they are showing actually exceeds that and gets to the concerns of the neighbors.

Response by the Applicant

Schmidt pointed out that their original draft had 100% screening, which would be pretty much a solid wall, so it was revised. He understands and agrees that “suitable” should be changed to “at least a 75%” screen.

**CHANGE OF ZONE NO. 11031**
**ACTION BY PLANNING COMMISSION**: September 21, 2011

Lust moved approval, as amended, deleting the change of zone from R-1 to R-4, seconded by Gaylor Baird.

Lust commented that she really appreciates the way this development has come about. Mr. Hunt was here two weeks ago in opposition and the fact that we have a developer willing to work with the neighborhood, with the neighborhood association now in support, is wonderful and she encouraged more community cooperation in the future.

Cornelius agreed. It is good to have an application that started out somewhat contentious but over time evolved into what sounds like an improvement as well as an asset to the neighborhood.

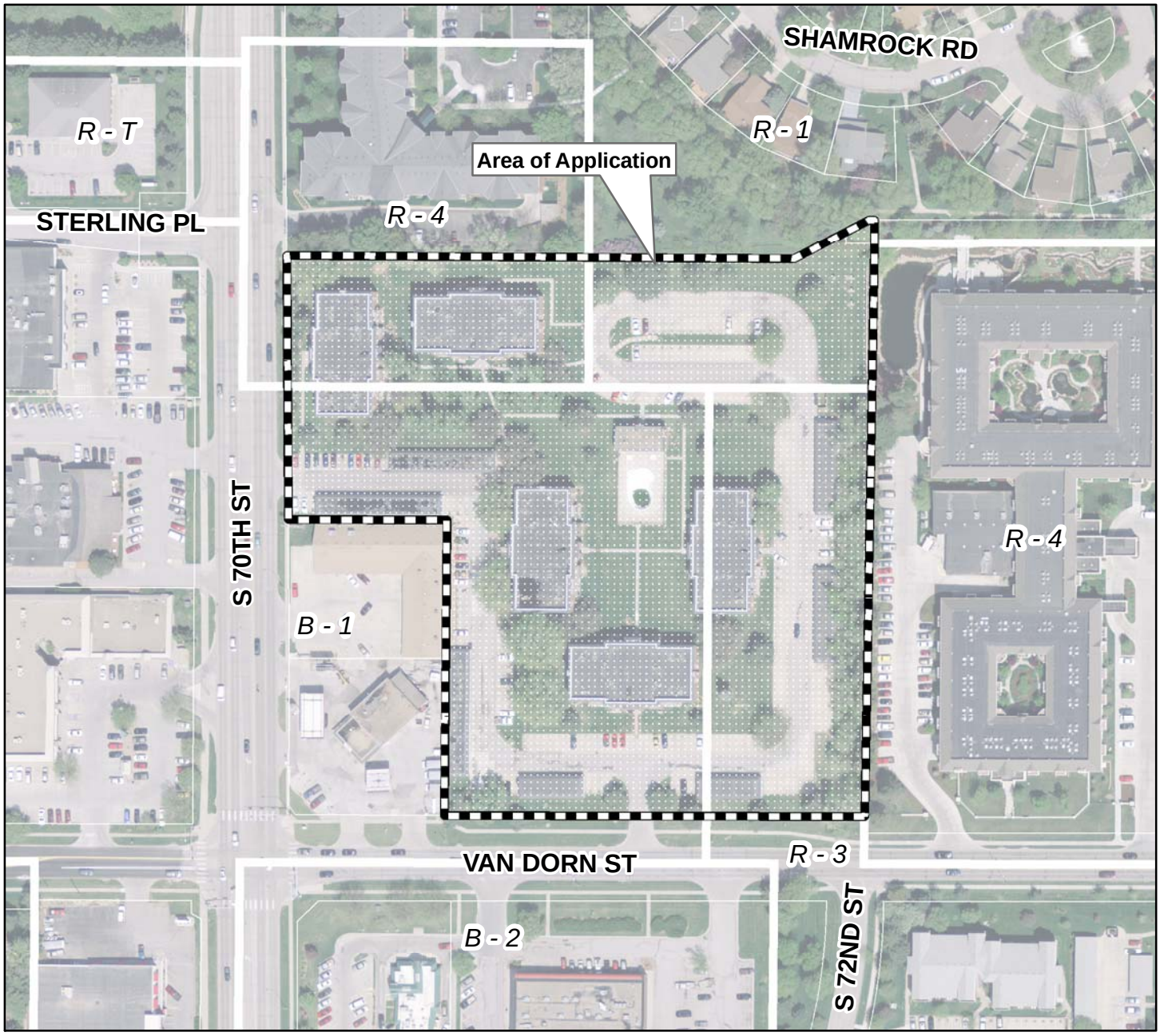
Motion for approval, as amended, carried 8-0: Esseks, Lust, Larson, Gaylor Baird, Sunderman, Partington, Francis and Cornelius voting 'yes'; Taylor absent. This is a recommendation to the City Council.

**SPECIAL PERMIT NO. 459A**
**ACTION BY PLANNING COMMISSION**: September 21, 2011

Lust moved to approve the staff recommendation of conditional approval, as amended by the applicant and further amended by staff, seconded by Francis.

Cornelius suggested that the Commission is likely to see more of this type of development in the future considering the content of LPlan 2040, and it is good to see cooperation between the developers and the neighbors.

Motion for conditional approval, as amended, 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.




2010 aerial

# Special Permit #459A
# S 70th & Van Dorn 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 |

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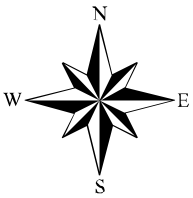
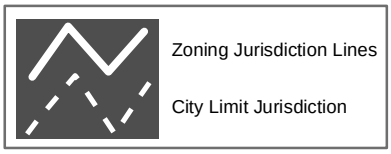
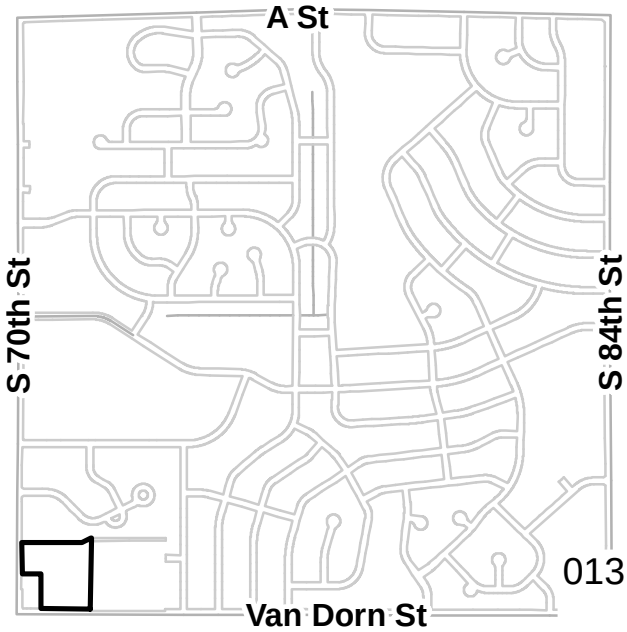
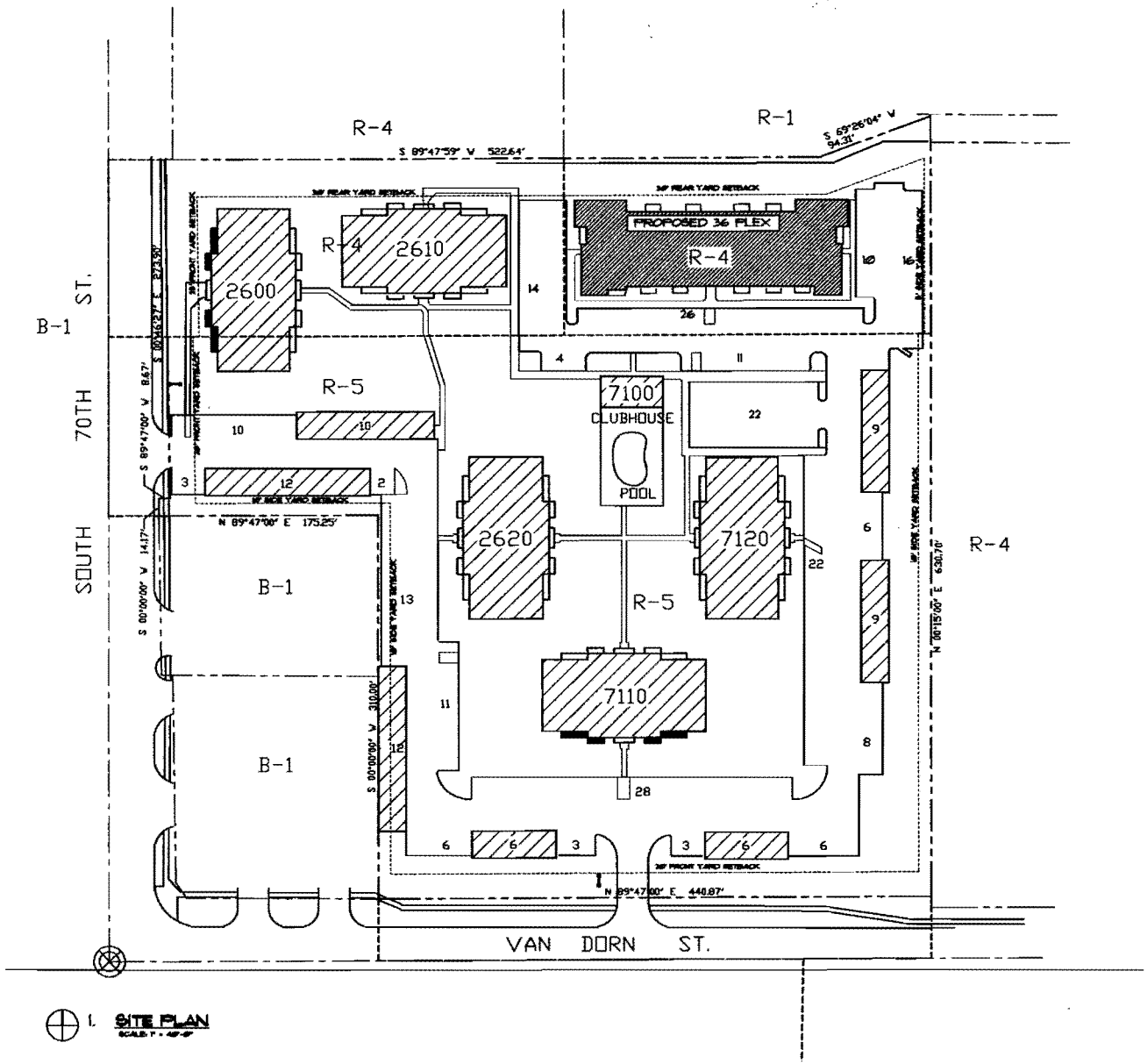



One Square Mile
Sec. 34 T10N R07E






1. SITE PLAN
SCALE: 1" = 40'-0"

## LEGAL DESCRIPTION:

A tract of land being out of and a part of Lots 4 and 1, Strain's Acres and vacated Drury Lane abutting said lots, all located in the Southwest Quarter of Section 34, Township 10 North, Range 7 East of the Sixth Principal Meridian, Lincoln, Lancaster County, Nebraska more particularly described as follows: Beginning a 5/8" Rebar found at the intersection of the North right of way of Van Dorn Street and the East line of said Lot 1, being the Southeast corner of the tract herein described; Thence: N 00°15'00" E, a distance of 630.70 feet; Thence: S 69°26'04" W, a distance of 94.31 feet; Thence: S 89°47'59" W, a distance of 522.64 feet, to the East right of way of 70th Street; Thence: S 00°46'27" E, a distance of 273.50 feet; Thence: S 89°47'00" W, a distance of 8.67 feet; Thence: S 00°00'00" W, a distance of 14.17 feet; Thence: N 89°47'00" E, a distance of 175.25 feet; Thence: S 00°00'00" W, a distance of 310.00 feet; Thence: N 89°47'00" E, a distance of 440.87 feet to the Point of Beginning and containing 7.200 Acres, more or less.

## DENSITY TABLE

| | | |
|---|---|---|
| TOTAL AREA | = | 7.20 ACRES |
| ZONE 'R-4' AREA | = | 2.69 ACRES |
| DENSITY | x | 10.90 Dwelling Units / Acre |
| TOTAL UNITS | = | 29.29 UNITS |
| ZONE 'R-5' AREA | = | 5.71 ACRES |
| DENSITY | x | 29.04 Dwelling Units / Acre |
| TOTAL UNITS | = | 165.14 UNITS |
| TOTAL DWELLING UNITS (ALLOWED) | = | 176.43 |
| LESS 10% REDUCTION (under 10 acres) | = | 16.43 |
| TOTAL DWELLING UNITS (ACTUAL) | = | 161 |

## PARKING RATIO

| | | |
|---|---|---|
| ZONE 'R-4' RATIO | = | 2 Parking Stalls / Dwelling |
| TOTAL UNITS | x | 82 Dwelling Units |
| TOTAL STALLS | = | 164 Stalls |
| ZONE 'R-5' RATIO | = | 1.75 Parking Stalls / Dwelling |
| TOTAL UNITS | x | 69 Dwelling Units |
| TOTAL STALLS | = | 121 Stalls |
| TOTAL PARKING STALLS (REQUIRED) | = | 285 |
| TOTAL PARKING STALLS (ACTUAL) | = | 288 |

## NEW 36 UNIT BUILDING DATA

| | | |
|---|---|---|
| TOTAL AREA | = | 42,312 S.F. |
| AREA PER FLOOR | = | 14,104 S.F. |
| 3-BEDROOM UNITS | = | 10 |
| 2-BEDROOM UNITS | = | 14 |
| 1-BEDROOM UNITS | = | 12 |

REVISIONS DATE:

**OLDERBAK PROPERTIES**
**GEORGETOWN APARTMENTS**
**AMENDMENT TO**
**SPECIAL PERMIT #459**
7110 VANDORN ST.
LINCOLN, NEBRASKA


4320 Normal Blvd., Suite 257
Lincoln, Nebraska 68506
Phone: (402) 421-7380 Fax: (402) 421-7835
E-mail: jhudson@alphaincorporated


**PROPOSED SITE PLAN AMENDMENT & APARTMENT LAYOUTS**

JOB NO: 114229
DATE: 08-10-11
REVISED:
CONTACT: JM

SHEET
C-1.1

014

4535 Normal Blvd., Suite 257 Lincoln, NE 68506 HUTCHINSON ARCHITECTS Phone: (402) 421-1502 Fax: (402) 421-7835

Georgetown Apartments – 7110 Van Dorn St.

## Legal Description:

A tract of land being out of and a part of Lots 6 and 7, Strain's Acres and vacated Drury Lane abutting said lots, all located in the Southwest Quarter of Section 34, Township 10 North, Range 7 East of the Sixth Principal Meridian, Lincoln, Lancaster County, Nebraska more particularly described as follows: Beginning a 5/8" Rebar found at the intersection of the North right of way of Van Dorn Street and the East line of said Lot 7, being the Southeast corner of the tract herein described; Thence: N 00°15'00" E, a distance of 630.70 feet; Thence: S 69°26'04" W, a distance of 94.31 feet; Thence: S 89°47'59" W, a distance of 522.64 feet, to the East right of way of 70th Street; Thence: S 00°46'27" E, a distance of 273.90 feet; Thence: S 89°47'00" W, a distance of 8.67 feet; Thence: S 00°00'00" W, a distance of 14.17 feet; Thence: N 89°47'00" E, a distance of 175.25 feet; Thence: S 00°00'00" W, a distance of 310.00 feet; Thence: N 89°47'00" E, a distance of 440.87 feet to the Point of Beginning and containing 7.200 Acres, more or less.

4535 Normal Blvd. Suite 257 Lincoln, NE 68506 HUTCHINSON ARCHITECTS Phone: (402) 421-1502 Fax: (402) 421-7835

August 9, 2011

Planning Commission
555 South 10th Street, Room 213
Lincoln, NE 68508

**SUBJECT: Proposed Change of Zone: Georgetown Apartments, 7110 Van Dorn St.**

Dear Planning Commission and City Council Members,

On behalf of Olderbak Georgetown/Willows, LLC., Hutchinson Architects P.C. is requesting consideration and acceptance of the requested change of zone of the property located at 7110 Van Dorn St. (Lots 6 and 7, and vacated Drury Lane, Strain's Acres) from the current zones to R-4 and R-5 Zones as indicated on proposed plan.

Olderbak Georgetown/Willows, LLC. has recently acquired the above mentioned property, and are currently undergoing a revitalization project of the existing complex to modernize the living units and enhance the character of the Apartments.

The purpose for the proposed zoning change is to allow for expansion of the apartment complex with the addition of an additional apartment building with a potential increase of 36 units. There are currently five 23 unit buildings on the property, with a total of 115 apartment units. The additional building will potentially raise capacity to 151 units.

Having spoken to Brian Will, it has been suggested to change the existing R-1 portion of the lot to R-4, and the existing B-1 and R-3 Portion of the lot to R-5. There is an existing R-4 portion that will remain R-4. We are also amending the existing Special Permit of this property as a result of our proposal.

We appreciate your consideration of this proposal, and hope to receive your approval as Kabredlo's Property Inc. continues to strive to enhance the aesthetics and maximize the potential of the Apartment Complex.

Respectfully,

Hutchinson Architects, P.C.

Jim Hutchinson, Project Architect

*OPPOSITION*
*SUBMITTED AT PUBLIC HEARING*
*BEFORE PLANNING COMMISSION: 9/07/11*

*CHANGE OF ZONE NO. 11031*
*SPECIAL PERMIT NO. 459A*
*(p.97 - Cont'd Public Hearing - 9/21/11)*

To whom it may concern:

The Board of Directors of Carriage Park Neighborhood Association wishes to go on record as opposing the rezoning of the Georgetown property adjacent to Carriage Park from R-1 to R-4. This property was originally designated R-1 to serve as a buffer between Carriage Park homeowners and the Georgetown apartment complex. To rezone this property would have a negative impact on the homeowners to the north of the property regarding property values and the resident's enjoyment of their respective homes.

If the zoning should be approved, the Carriage Park Neighborhood Association Board of Directors recommends that a 24 unit two story building be allowed rather than a 36 unit three story building. The aesthetics of a lower level building combined with the lesser population density would be more acceptable to the residents adjacent to the proposed building.

It is also the position of the Carriage Park Board of Directors that the entire east end of the property where the proposed building is to be located be entirely green space and free of parking spaces and that, at least, the north half of the property on the west end of said building be designated green space. This would give some relief to the residents north of this building regarding traffic noise, autos starting, etc.

Finally, if the zoning is approved, the Carriage Park Neighborhood Association Board of Directors requests that trees or other acceptable vegetation be planted between the building and Carriage Park property to maintain the attractive view enjoyed by the residents north of the property at present. Carriage Park would also plead to be apprised of the type of trees or other vegetation planted and have the right to veto certain types of said vegetation if deemed unacceptable.

Respectfully,

Carriage Park Board of Directors-John Pankonin, President

John Pankonin

4535 Normal Blvd. Suite 257 Lincoln, NE 68508 HUTCHINSON ARCHITECTS Phone: (402) 421-1502 Fax: (402) 421-7835

September 21, 2011

Planning Commission
555 South 10th Street, Room 213
Lincoln, NE 68508

**SUBJECT: Proposed Amendment to Special Permit 459A: Georgetown Apartments, 7110 Van Dorn St.**

Dear Planning Commission and City Council Members,

Upon meeting with the adjacent neighborhood to the north of the Georgetown Apartment complex and discussing their concerns of our proposal, Hutchinson Architects, on behalf of Olderbak Georgetown/Willows LLC, would like to request amending our proposed Special Permit Amendment 459A to include the following items:

1. We ask for a waiver to adjust the required parking from 302 to 288 stalls. The neighboring residents strongly expressed their concerns of having the parking lots near the North property line creating visual and audio disturbances. To prevent this, we have removed the parking lots on the Eastern and Western sides of the proposed building, which prevents us from being able to meet the 302 required parking stalls. Please refer to item 5 of the Planning Staff report for further explanation of this request.
2. In cooperation with the adjacent Neighborhood Association, we are asking to include items 1.2.2, 1.2.3, 1.2.4, and 1.2.5 to the 'Site Specific Conditions' set forth in the Planning Staff Report. Please see attached sheet and Exhibit.

Respectfully,

Alan Schmidt, Hutchinson Architects, P.C.

AMENDMENT TO SPECIAL PERMIT #459A
SEPTEMBER 21, 2011

**CONDITIONS:**

**Site Specific:**

1. Before receiving building permits:

1.1 The applicant will reconcile the legal description of the boundary of the CUP with City/County staff as necessary.

1.2 The applicant will submit a revised site plan including 5 copies showing the following revisions:

1.2.1 A revised legal description if necessary.

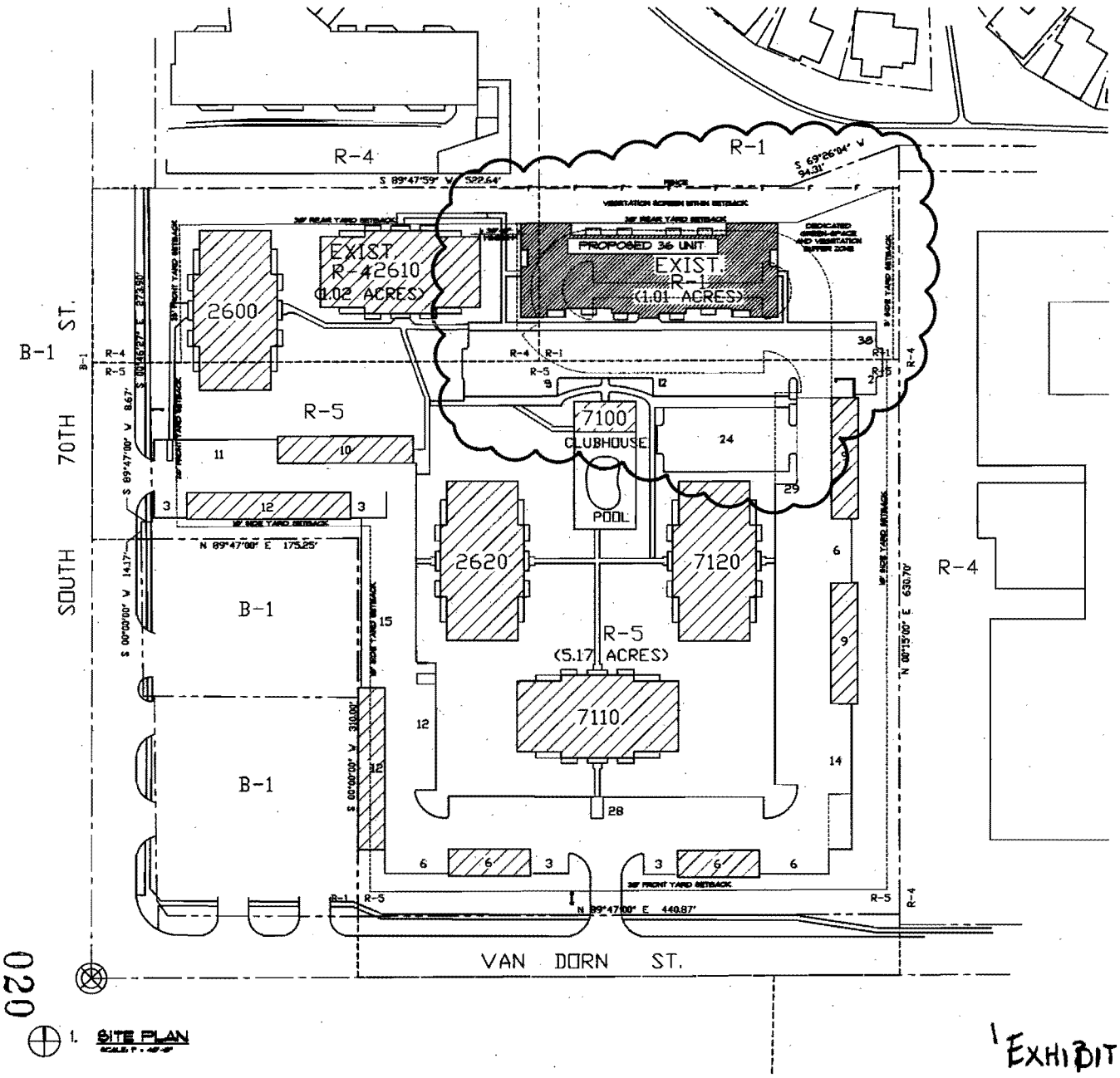
1.2.2 Per Exhibit A for the new 36-unit apartment building in the northeast corner of the site, reflect the placement of the building, adjacent parking, surrounding landscaping and placement of trees and accompanying vegetation. Identify all plant material and provide all typical landscape plan information.

1.2.3 That the land directly to the east of the new apartment building will be landscaped and maintained as a green space with grass, trees, and other vegetation forming a buffer zone between the Georgetown Apartments and the property on the north.

1.2.4 That an opaque 6 foot privacy fence will be built generally along the north boundary of the special permit.

1.2.5 That the 30 foot setback between the new building and the property to the north, will be planted with additional trees and other appropriate vegetation beyond the minimum design standards, to create a suitable screen between 6 and 15 feet above the adjacent ground elevation between the new apartment building and the homes to the north.

1.3 City Council approves associated request CZ#11031.




1. SITE PLAN
SCALE: 1" = 40'-0"

## LEGAL DESCRIPTION:

A tract of land being out of and a part of Lots 6 and 7, Strain's Acres and vacated Drury Lane abutting said lots, all located in the Southeast Quarter of Section 34, Township 10 North, Range 7 East of the Sixth Principal Meridian, Lincoln, Lancaster County, Nebraska more particularly described as follows: Beginning a 5/8" Rebar found at the intersection of the North right of way of Van Dorn Street and the East line of said Lot 7, being the Southeast corner of the tract herein described: Thence: N 00°15'00" E, a distance of 630.70 feet; Thence: S 69°26'04" W, a distance of 94.31 feet; Thence: S 89°47'59" W, a distance of 522.64 feet, to the East right of way of 70th Street; Thence: S 00°46'27" E, a distance of 273.90 feet; Thence: S 89°47'00" W, a distance of 8.67 feet; Thence: S 00°00'00" W, a distance of 14.17 feet; Thence: N 89°47'00" E, a distance of 175.25 feet; Thence: S 00°00'00" W, a distance of 310.00 feet; Thence: N 89°47'00" E, a distance of 440.87 feet to the Point of Beginning and containing 7.200 Acres, more or less.

## DENSITY TABLE

| | | |
|---|---|---|
| TOTAL AREA | = | 7.20 ACRES |
| ZONE 'R-1' AREA | = | 1.01 ACRES |
| DENSITY | x | 3.87 Dwelling Units / Acre |
| TOTAL UNITS | = | 3.91 UNITS |
| ZONE 'R-4' AREA | = | 1.02 ACRES |
| DENSITY | x | 13.93 Dwelling Units / Acre |
| TOTAL UNITS | = | 14.21 UNITS |
| ZONE 'R-5' AREA | = | 5.17 ACRES |
| DENSITY | x | 29.04 Dwelling Units / Acre |
| TOTAL UNITS | = | 150.14 UNITS |
| TOTAL DWELLING UNITS (ALLOWED) | = | 168.26 |
| LESS 10% REDUCTION (under 10acres) | = | 151 |
| TOTAL DWELLING UNITS (ACTUAL) | = | 151 |

## PARKING RATIO

| | | |
|---|---|---|
| REQUIRED STALLS PER LMC 27.67.065 | = | 2 Parking Stalls / Dwelling |
| | x | 151 Dwelling Units |
| | = | 302 UNITS |

REQUESTED WAIVER OF 14 PARKING STALLS
REVISED PARKING COUNT COMPLIANT WITH R-5 ZONING REQUIREMENT OF 1.75/UNIT.

TOTAL PARKING STALLS (ACTUAL) = 288

## NEW 36 UNIT BUILDING DATA

| | | |
|---|---|---|
| TOTAL AREA | = | 42,312 S.F. |
| AREA PER FLOOR | = | 14,104 S.F. |
| 3-BEDROOM UNITS | = | 10 |
| 2-BEDROOM UNITS | = | 14 |
| 1-BEDROOM UNITS | = | 12 |

'EXHIBIT A'

REVISIONS DATE
09-8-2
1) EXISTING R-1 ZONE AREA TO REMAIN R-1 DENSITY TABLE REVISED TO REFLECT CHANGES.
2) PARKING WAIVER REQUESTED TO REDUCE TOTAL BY 14 STALLS.

OLDERBAK PROPERTIES
GEORGETOWN APARTMENTS
AMENDMENT TO
SPECIAL PERMIT #469A
7110 VANDORN ST.
LINCOLN, NEBRASKA

Hutchinson
ARCHITECTS

PROPOSED SITE PLAN AMENDMENT & APARTMENT LAYOUTS

SHEET C-1.1R1

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9/21/2011 9:18:52 AM, Administrator