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

Bill No. 11R-246

# FACTSHEET

**TITLE**: **SPECIAL PERMIT NO. 11023,** requested by R.I.P., Inc., for authority to develop the **Magic Hills Community Unit Plan** consisting of 96 dwelling units in four buildings and a clubhouse, on property generally located at North 24th Street and Dodge Street.

**STAFF RECOMMENDATION**: Conditional Approval.

**ASSOCIATED REQUEST**: Change of Zone No. 11035 (11-157).

**SPONSOR**: Planning Department

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

**RECOMMENDATION**: Conditional Approval (8-0: Larson, Lust, Francis, Cornelius, Gaylor Baird, Partington, Esseks and Sunderman voting 'yes'; Taylor absent) **Resolution No. PC-01250**

**FINDINGS OF FACT:**

1. This proposed community unit plan special permit and the associated Change of Zone No. 11035 were heard at the same time before the Planning Commission.

2. This is a request for authority to develop the Magic Hills Community Unit Plan consisting of 96 dwelling units in four buildings and a clubhouse. There will be 24 units in each building. The units will be a mixture of one-, two- and three-bedrooms. The associated Change of Zone No. 11035 is needed to achieve the density of 96 dwelling units.

3. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.9-10, concluding that the proposed community unit plan is in conformance with the Comprehensive Plan and should not have a significant negative impact on the surrounding neighborhood. The project utilizes existing infrastructure and is an appropriate infill development. The staff presentation is found on p.12-13, pointing out that the daily trips for the 96 apartment dwelling units would be less than the combined three uses previously approved on the subject site.

4. The applicant's testimony is found on p.13-15, suggesting that the proposal 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 (See p.19 of the Factsheet for Change of Zone No. 11035, Bill #11-157).

5. Testimony in opposition by representatives of the Landon's Neighborhood Association and the Regalton Neighborhood Association is found on p.15-16, and the record consists of six letters in opposition and a petition in opposition bearing 77 signatures (See p.20-40 of the Factsheet for Change of Zone No. 11035, Bill #11-157). 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 of the Factsheet for Change of Zone No. 11035 (Bill #11-157). 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 Planning Commission discussion with staff is found on p.17-18.

7. The response by the applicant is found on p.18-19, indicating that the developer would support the neighborhoods' request for a traffic signal at 24th & Superior Streets.

8. On September 21, 2011, the Planning Commission voted 8-0 to adopt Resolution No. PC-01250 (p.4-6) approving this community unit plan special permit, with conditions as set forth in the staff report (Taylor absent). The Planning Commission found that the traffic concerns relate more to the drop-off and pick-up location on Dodge Street for Campbell Elementary School than the proposed apartment complex.

9. On September 21, 2011, the Planning Commission also voted 8-0 to recommend approval of the associated Change of Zone No. 11035 (Bill #11-157).

10. On September 21, 2011, and September 22, 2011, respectively, letters of appeal were filed by the Landon's Neighborhood Association and the Regalton Neighborhood Association (p.2-3).

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

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

**REFERENCE NUMBER**: FS\CC\2011\SP11023+ Appeal

**Landon's Neighborhood Association**

September 21, 2011

Landon's Neighborhood would like to appeal the Planning Commission action of September 21, 2011, approving Special Permit No. 11023, Resolution No. PC-01250.

Carol Brown-Secretary
Landon's Neighborhood Association

**Jean Preister**

**From:** Kathi [tiedeka@aol.com]
**Sent:** Thursday, September 22, 2011 4:49 PM
**To:** Marvin S. Krout; Jean Preister; Joan E. Ross
**Subject:** zoning appeal

Regalton Neighborhood Asociation would like to appeal the Planning Commission action of September 21, 2011, approving Special Permit No. 11023, Resolution No. PC-01250.

Kathleen Tiede
2440 Dodge St.
Lincoln, NE
402-476-0461
Regalton Neighborhood Association

RESOLUTION NO. PC-01250

SPECIAL PERMIT NO. 11023

WHEREAS, Dan Klein and Martin Fortney of Regal Building Systems have submitted an application designated as Special Permit No. 11023 for authority to develop Magic Hills Community Unit Plan for 96 dwelling units on property generally located at N. 24th Street and Dodge Street and legally described as:

> Outlot "A", Block 1, Northview 3rd Addition and Lot 1, Block 1, Northview 4th Addition, all located in the Northeast Quarter of Section 12, Township 10 North, Range 6 East, Lancaster County, Nebraska;

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

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

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the Comprehensive Plan of the City of Lincoln and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare; and

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

That the application of Dan Klein and Martin Fortney of Regal Building Systems, hereinafter referred to as "Permittee", to develop Magic Hills Community Unit Plan for 96 dwelling units, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction of said development be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 96 apartment units in four buildings and a clubhouse, and rescinds Special Permit Nos. 1820 and 1821.

2. The City Council must approve the associated change of zone 11035.

3. Before receiving building permits the Permittee shall:

   a. Cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including five copies showing the following revisions:

      i. In the site information table change the required parking to 192.

      ii. Delete Note #10 in the General Site Notes.

      iii. Show a detail of the playground and the type of equipment within the playground.

      iv. On the south property line show a 40 foot building setback and a 15 foot parking setback.

      v. On Lot 1, Block 1, change R-5 to R-4.

      vi. Delete "change of zone" from the legal description.

      vii. Remove the landscaping on the east side if it is not intended to remain. If it is to remain, add a note stating landscaping to remain.

      viii. Remove the City Council approval block.

   b. Post a $2,250.00 surety to guarantee the expansion of the detention cell and post a $2,000.00 surety to guarantee the removal of the street return to be rebuilt to driveway design standards.

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

d. The construction plans must substantially comply with the approved plans.

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

5. All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.

6. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

7. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

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

9. The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 21 day of September, 2011.

ATTEST:

Chair

Approved as to Form & Legality:

Chief Assistant City Attorney

006

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

## for SEPTEMBER 21, 2011 PLANNING COMMISSION MEETING

**PROJECT #:** Special Permit No.11023

**PROPOSAL:** A request per Section 27.63.320 for a Community Unit Plan for 96 dwelling units

**LOCATION:** N. 24th Street and Dodge Street

**LAND AREA:** 6.88 acres, more or less

**EXISTING ZONING:** R-3 and R-4, Residential

**CONCLUSION:** The proposed Community Unit Plan for 96 apartments is in conformance with the Comprehensive Plan and should not have a significant negative impact on the surrounding neighborhood. This project utilizes existing infrastructure and is an appropriate infill development.

**RECOMMENDATION:** Conditional Approval

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Outlot "A", Block 1, Northview 3rd Addition and Lot 1, Block 1, Northview 4th Addition, all 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 | Childhood daycare, assisted living and office. |
| South: | R-3, Residential | Attached single family |
| East: | I-1, Industrial | Hotel and retail center |
| West: | R-2, Residential | Campbell Elementary school |

**ASSOCIATED APPLICATIONS:** Change of Zone #11035

**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 an more dwelling units per acre in new neighborhoods. (p.9)

Home ownership is the foundation upon which successful neighborhoods and communities are built. (p.10)

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

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)

Guiding Principles for Existing Neighborhoods (p. 67-68)

Promote the continued use of single family dwellings and all types of buildings, to preserve the character of neighborhoods and to preserve portions of our past.

Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face. Similar housing types face each other; single family faces single family, change to different use at rear of lot.

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.

**UTILITIES:** All utilities are available

**TRAFFIC ANALYSIS:** N. 24th Street and Dodge Street are local streets. Superior Street, an arterial, is located approximately 2 blocks north. North 27th Street, another arterial, is located 3 blocks east.

**PUBLIC SERVICE:** Campbell Elementary school is immediately west of this site.
Goodrich Middle School is located at N. 14th Street and Superior Street.
The nearest fire stations are located at 1440 Adams Street and 5435 NW 1st Street.

**ANALYSIS:**

1. This application is for a Community Unit Plan(CUP) for 96 apartment units in 4 buildings and a clubhouse. There will be 24 units in each building. The buildings will be a mixture of 1, 2 and 3 bedroom units. The buildings will be 3 stories with a height limit of 35 feet. An associated change of zone from R-3 to R-5 on the lot west of N. 24th St. is needed to achieve the 96 dwelling units.

2. The proposed CUP has both R-4 and proposed R-5 zoning. Density is calculated at 13.93 dwelling units per acre for R-4 and 29.04 per acre for R-5. Based on this density the proposed CUP could have 100 dwelling units. A CUP approved of the current R-3 and R-4 zoning would allow a maximum of 78 dwelling units.

3. This site currently has a special permit for an 118 children early childhood daycare on the west side of N. 24th St; 60 person domiciliary care facility and 128 dwelling units of elderly housing on the east side.

4. Commercial zoning abuts this site to the north and industrial zoning to the east. Single-family attached residential is to the south, with detached single family residential to the southwest. An elementary school abuts the site to the west.

5. Increased traffic in the neighborhood and the difficulty of turning left at N. 24th and Superior Street is a concern of the residents within the area. Public Works & Utilities Department has studied this intersection to see if it warrants a traffic signal. Public Works has concerns about signalizing this intersection for reasons of safety and traffic flow. Eliminating the left out movement may be preferable over a traffic signal. There is a signal at N. 27 Street and Old Dairy Road that provides access to the arterial street system.

6. Based on the Institute of Transportation Engineers (ITE) manual the currently approved uses would generate approximately 1,000 trips per da, while the proposed 96 apartment units would generate about 650 trips a day. The impact in both AM and PM peak hours would be less for the proposed uses as well with about 125/150 trips in the AM/PM peaks compared to the proposed uses with about 50/60 in the AM/PM peak hour.

7. The Lincoln-Lancaster County Health Department has concerns with the proposed apartment complex within 300 feet of an industrial zone. The nearest building with 24 units is approximately 120 feet from the industrial zone. Although the zoning to the east of this site is industrial, the uses are primarily commercial, not industrial. Due to N. 27th St. frontage they are less likely to covert to industrial. The land would be more properly zoned as B-2 as is the case on the north side of Superior St. along N. 27th St. Existing uses include a hotel, retail strip center, restaurant and a convenience store. There is a mini-storage facility located southeast of the proposed apartments. The mini-storage is more than 300 feet from the apartments.

8. The applicant's letter states that 168 parking stalls are required. This would be true under R-5 zoning, but a community unit plan requires 2 parking stalls per dwelling unit. This development requires 192 parking stalls. The site plan shows 237 parking stalls; 45 more than required.

9. The Comprehensive Plan encourages utilizing existing infrastructure by utilizing unused land in existing neighborhoods. This development maximizes the infill use of vacant land without negatively impacting the character of the neighborhood.

10. The "Overall Guiding Principles" of the Residential Chapter of the 2030 Comprehensive Plan stresses the importance of providing different housing choices throughout each neighborhood for an increasingly diverse population. This application meets this principle.

11. City Design Standards require that there be screening for multi-family developments. The screening requirement is a 50% screen extending along the property line from the 6 feet to 15 feet above the adjacent ground elevation of multiple dwelling structures and garages. This screen shall be located between the structures and the adjacent property line.

Per Section 27.63.320 this approval permits a Community Unit Plan for 96 dwelling units and rescinds Special Permit #1820 and #1821.

**CONDITIONS OF APPROVAL:**

**Site Specific Conditions:**

1. The City Council approves associated request:

    1. Change of Zone #11035

2. Before receiving building permits the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **5** copies with all required revisions and documents as listed below:

    2.1 In the Site information table change the required parking to 192.

    2.2 Delete note #10 in the General Site Notes

    2.3 Show a detail of the playground and the type of equipment within the playground.

    2.4 On the south property line show a 40 foot building setback and a 15 foot parking setback.

    2.5 On Lot 1, Block 1 change R-5 to R-4.

    2.6 Delete "change of zone" from the legal description.

    2.7 Remove the landscaping on the east side if it is not intended to remain. If it is to remain add a note stating landscaping to remain.

    2.8 The special permit is final action at Planning Commission. Remove the City Council approval block.

    2.9 Post a $2,250.00 surety to guarantee the expansion of the detention cell and post a $2000.00 surety to guarantee the removal of the street return to be rebuilt to driveway design standards.

3. Before receiving building permits provide the following documents to the Planning Department:

    3.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

    3.2 The construction plans must substantially comply with the approved plans.

**Standard Conditions:**

4. The following conditions are applicable to all requests:

4.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.

4.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City.

4.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.

4.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

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

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 and Martin Fortney
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.

Proponents

**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>

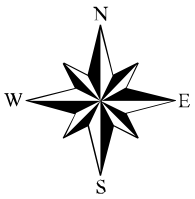
2010 aerial

# Special Permit #11023
# N 24th & Dodge St

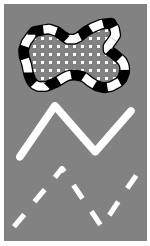
## Zoning:

| | |
|---|---|
| **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 (SP11023)



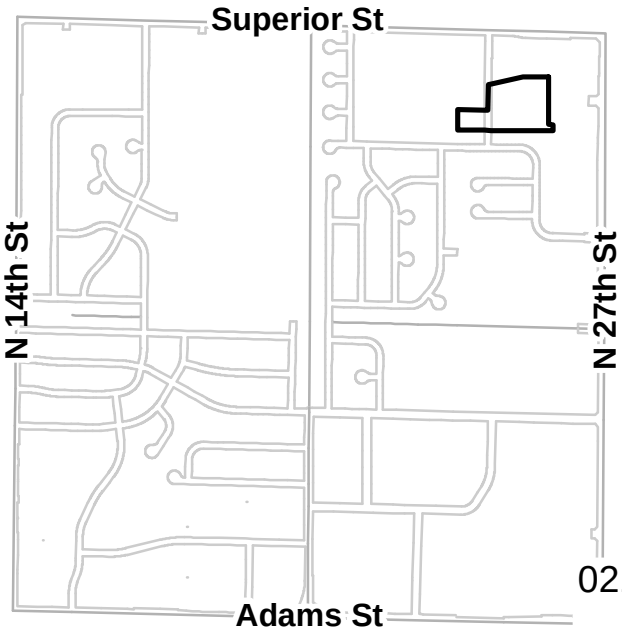

One Square Mile
Sec. 12 T10N R06E



Area of Application

Zoning Jurisdiction Lines

City Limit Jurisdiction

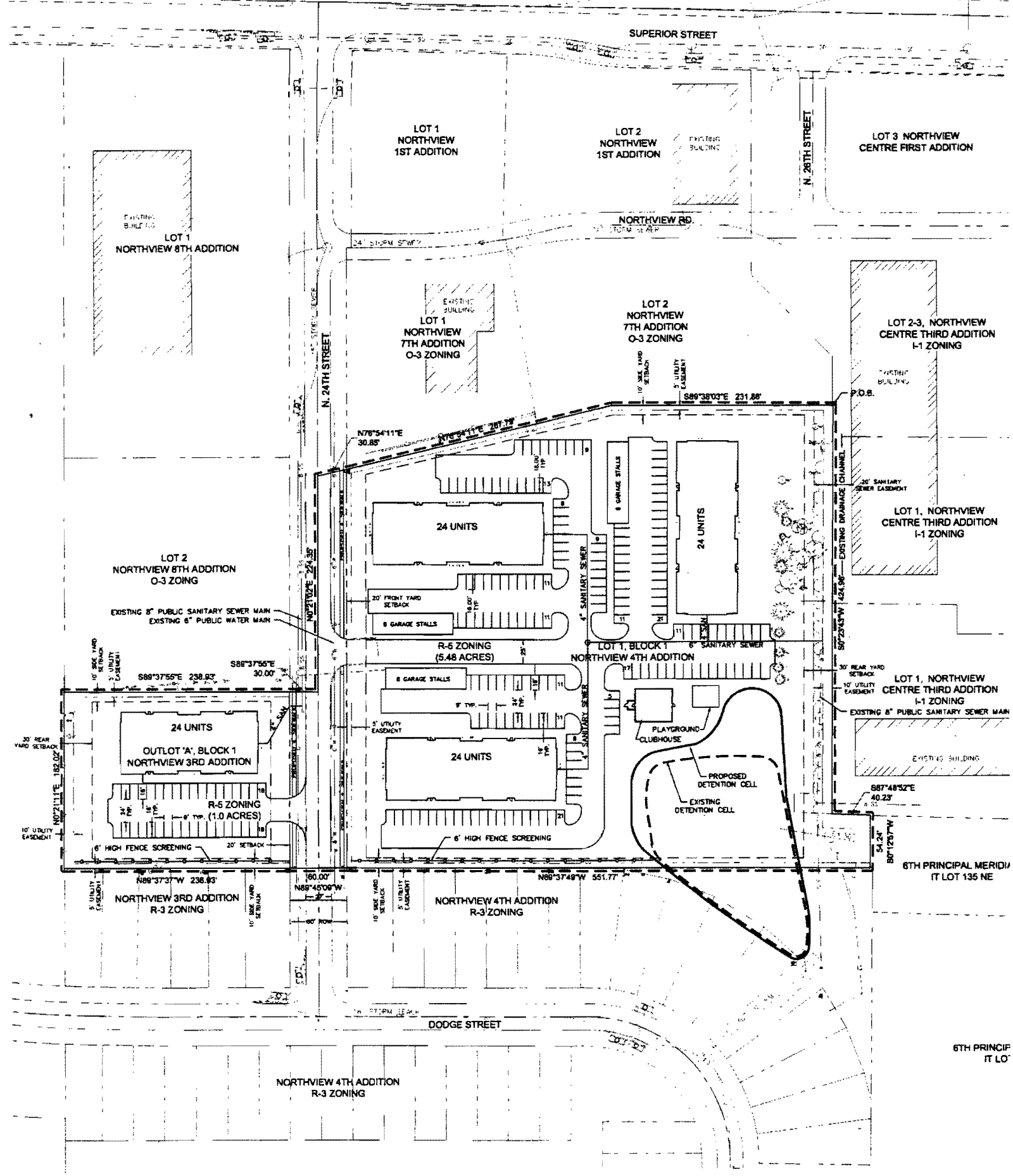


## LEGAL DESCRIPTION
## COMMUNITY UNIT PLAN AND CHANGE OF ZONE

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF OUTLOT "A", BLOCK 1, NORTHVIEW 3RD ADDITION AND LOT 1, BLOCK 1, NORTHVIEW 4TH ADDITION, ALL 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 LOT 1, BLOCK 1, NORTHVIEW 4TH ADDITION, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE SOUTHERLY ALONG AN EAST LINE OF SAID LOT 1 ON AN ASSUMED BEARING OF S00°23'43"W ALONG, A DISTANCE OF 424.96' TO A EAST CORNER OF SAID LOT 1; THENCE S87°48'52"E ALONG A NORTH LINE OF SAID LOT 1, A DISTANCE OF 40.23' TO A EAST CORNER OF SAID LOT 1; THENCE S00°12'57"W ALONG AN EAST LINE OF SAID LOT 1, A DISTANCE OF 54.24' TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE N89°37'49"W ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 551.77' TO THE SOUTHWEST CORNER OF SAID LOT 1, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF NORTH 24TH STREET; THENCE N89°45'09"W, A DISTANCE OF 60.00' TO THE SOUTHEAST CORNER OF OUTLOT "A", BLOCK 1, NORTHVIEW 3RD ADDITION, SAID POINT BEING ON THE WEST LINE OF SAID RIGHT-OF-WAY; 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 NORTHEAST CORNER OF SAID OUTLOT "A", SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF NORTH 24TH STREET; THENCE CONTINUING S89°37'55"E ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID OUTLOT "A", A DISTANCE OF 30.00' TO A POINT OF INTERSECTION WITH THE CENTER LINE OF SAID RIGHT-OF-WAY; THENCE N00°21'02"E ALONG THE CENTER LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 224.35' TO A POINT OF INTERSECTION WITH THE WESTERLY EXTENSION OF A NORTH LINE OF LOT 1, BLOCK 1, NORTHVIEW 4TH ADDITION; THENCE N76°54'11"E ALONG SAID WESTERLY EXTENSION OF A NORTH LINE OF SAID LOT 1, A DISTANCE OF 30.85' TO THE NORTHWEST CORNER OF SAID LOT 1, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE NORTH 24TH STREET; THENCE CONTINUING N76°54'11"E ALONG A NORTH LINE OF SAID LOT 1, A DISTANCE OF 287.79' TO A NORTH CORNER OF SAID LOT 1; THENCE S89°38'03"E ALONG A NORTH LINE OF SAID LOT 1, A DISTANCE OF 231.86' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 299,876.43 SQUARE FEET OR 6.88 ACRES, MORE OR LESS.

Wednesday, August 24, 2011
F:\Projects\011-0857_SRVY\Documents\011-0857_CUP-LEGAL.doc

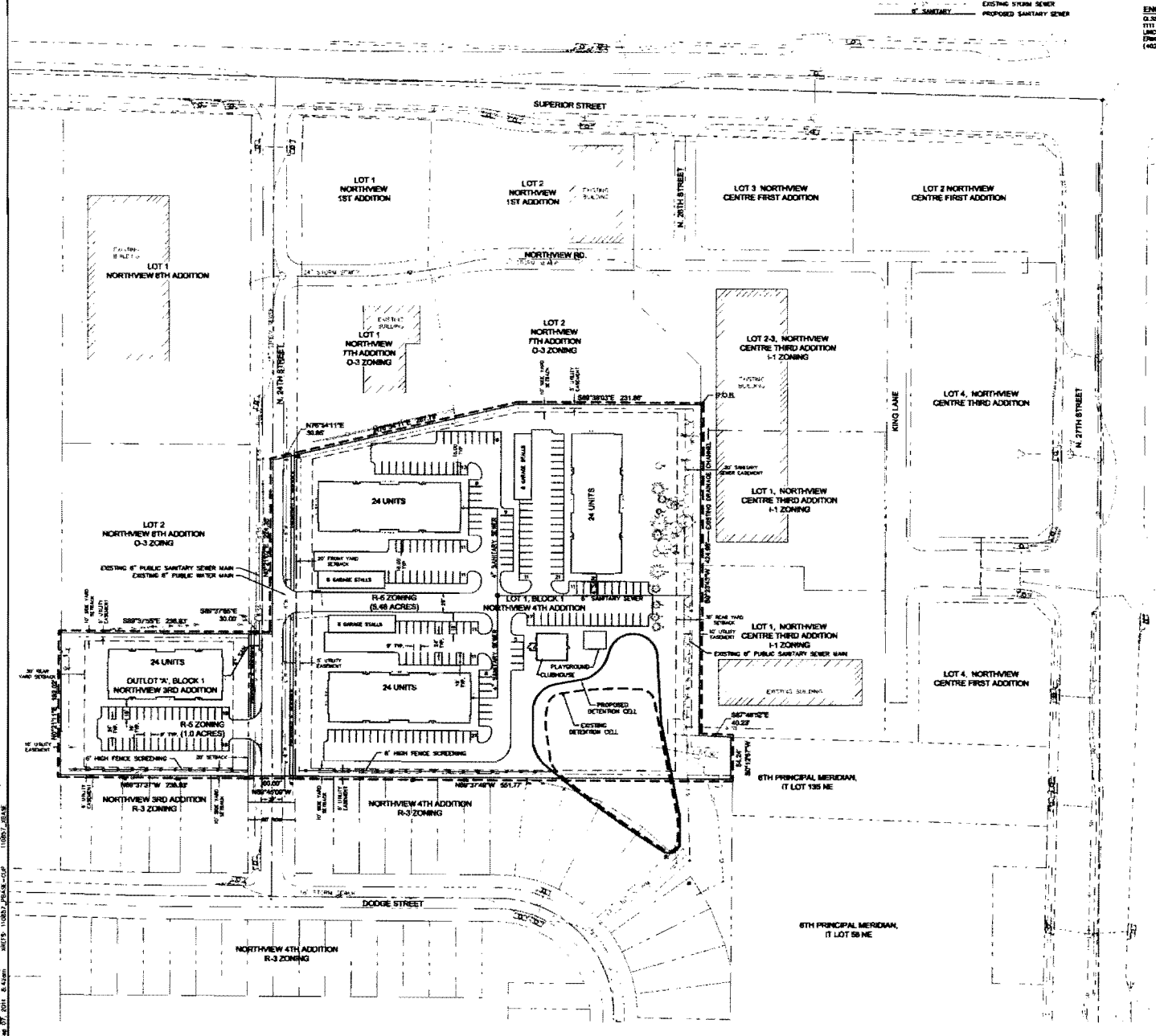

SUPERIOR STREET
LOT 1
NORTHVIEW
1ST ADDITION
LOT 2
NORTHVIEW
1ST ADDITION
EXISTING BUILDING
N. 26TH STREET
LOT 3 NORTHVIEW
CENTRE FIRST ADDITION
NORTHVIEW RD.
LOT 1
NORTHVIEW 8TH ADDITION
EXISTING BUILDING
LOT 1
NORTHVIEW
7TH ADDITION
O-3 ZONING
LOT 2
NORTHVIEW
7TH ADDITION
O-3 ZONING
LOT 2-3, NORTHVIEW
CENTRE THIRD ADDITION
I-1 ZONING
N. 24TH STREET
10' SIDE YARD SETBACK
5' UTILITY EASEMENT
S89°38'03"E 231.86'
P.O.B.
N76°54'11"E
30.85'
N76°54'11"E 267.79'
20' SANITARY SEWER EASEMENT
EXISTING DRAINAGE CHANNEL
LOT 1, NORTHVIEW
CENTRE THIRD ADDITION
I-1 ZONING
24 UNITS
8 GARAGE STALLS
24 UNITS
LOT 2
NORTHVIEW 8TH ADDITION
O-3 ZOING
N0°21'02"E 224.35'
20' FRONT YARD SETBACK
8 GARAGE STALLS
4" SANITARY SEWER
EXISTING 8" PUBLIC SANITARY SEWER MAIN
EXISTING 6" PUBLIC WATER MAIN
R-5 ZONING
(5.48 ACRES)
LOT 1, BLOCK 1
NORTHVIEW 4TH ADDITION
6" SANITARY SEWER
S88°37'55"E
30.00'
S89°37'55"E 238.93'
8 GARAGE STALLS
30' REAR YARD SETBACK
10' UTILITY EASEMENT
LOT 1, NORTHVIEW
CENTRE THIRD ADDITION
I-1 ZONING
EXISTING 8" PUBLIC SANITARY SEWER MAIN
24 UNITS
OUTLOT 'A', BLOCK 1
NORTHVIEW 3RD ADDITION
5' UTILITY EASEMENT
24 UNITS
PLAYGROUND
CLUBHOUSE
PROPOSED DETENTION CELL
EXISTING DETENTION CELL
EXISTING BUILDING
30' REAR YARD SETBACK
N0°21'11"E 162.02'
R-5 ZONING
(1.0 ACRES)
10' UTILITY EASEMENT
6' HIGH FENCE SCREENING
20' SETBACK
6' HIGH FENCE SCREENING
S87°48'52"E
40.23'
S0°12'57"W
54.24'
6TH PRINCIPAL MERIDI
IT LOT 135 NE
N89°37'37"W 238.93'
60.00'
N89°45'00"W
N89°37'49"W 551.77'
NORTHVIEW 3RD ADDITION
R-3 ZONING
NORTHVIEW 4TH ADDITION
R-3 ZONING
DODGE STREET
6TH PRINCIP
IT LO
NORTHVIEW 4TH ADDITION
R-3 ZONING

# MAGIC HILLS

## COMMUNITY UNIT PLAN SPECIAL PERMIT #_____

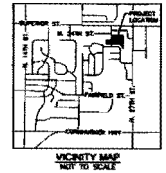
**LEGEND**

- BOUNDARY OF CUP
- EXISTING GAS MAIN
- EXISTING WATER MAIN
- EXISTING SANITARY SEWER MAIN
- EXISTING STORM SEWER
- 8" SANITARY — PROPOSED SANITARY SEWER




**ENGINEER**
OLSSON ASSOCIATES
1111 LINCOLN MALL, SUITE 111
LINCOLN, NE 68508-3896
(Dan S. Wright) PE
(402) 474-6311

1" = 60'
SCALE IN FEET




VICINITY MAP
NOT TO SCALE

### DENSITY CALCULATIONS

| | |
|---|---|
| R-6 ZONING | |
| TOTAL AREA | 9.48 ACRES |
| 24-PLEX UNITS | 96 |
| DWELLING UNITS/ACRE | 10.01 |

### SITE INFORMATION

| | |
|---|---|
| LOT 1, BLOCK, NORTHVIEW 7TH ADDITION | |
| ADDRESS: 4400 N. 24TH STREET | |
| DWELLING UNITS: 72 | |
| PARKING PROVIDED: 201 | |
| OUTLOT 'A', BLOCK 1, NORTHVIEW 3RD ADDITION | |
| ADDRESS: 4301 N. 24TH STREET | |
| DWELLING UNITS: 24 | |
| PARKING PROVIDED: 36 | |
| TOTAL DWELLING UNITS: 96 | |
| PARKING REQUIRED: 168 | |
| TOTAL PARKING PROVIDED: 237 | |

### COMMUNITY UNIT PLAN / CHANGE OF ZONE - LEGAL DESCRIPTION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPRISED OF OUTLOT 'A', BLOCK 1, NORTHVIEW 3RD ADDITION AND LOT 1, BLOCK 1, NORTHVIEW 4TH ADDITION, ALL 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, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 1, NORTHVIEW 4TH ADDITION, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE SOUTHERLY ALONG AN EAST LINE OF SAID LOT 1 ON AN ASSUMED BEARING OF S89°23'00"W ALONG A DISTANCE OF 424.98' TO A EAST CORNER OF SAID LOT 1, THENCE N87°48'02"E ALONG A NORTH LINE OF SAID LOT 1, A DISTANCE OF 40.23' TO A EAST CORNER OF SAID LOT 1, THENCE S00°12'07"W ALONG AN EAST LINE OF SAID LOT 1, A DISTANCE OF 9.34' TO THE SOUTHEAST CORNER OF SAID LOT 1, THENCE N89°37'40"W ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 551.77' TO THE SOUTHWEST CORNER OF SAID LOT 1, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF NORTH 24TH STREET; THENCE N00°45'00"W, A DISTANCE OF 60.00' TO THE SOUTHEAST CORNER OF OUTLOT 'A', BLOCK 1, NORTHVIEW 3RD ADDITION, SAID POINT BEING ON THE WEST LINE OF SAID RIGHT-OF-WAY; THENCE N89°37'37"W ALONG THE SOUTH LINE OF SAID OUTLOT 'A', A DISTANCE OF 238.83' TO THE SOUTHWEST CORNER OF SAID OUTLOT 'A'; THENCE N00°11'11"E ALONG THE WEST LINE OF SAID OUTLOT 'A', A DISTANCE OF 160.00' TO THE NORTHWEST CORNER OF SAID OUTLOT 'A'; THENCE S89°37'37"E ALONG THE NORTH LINE OF SAID OUTLOT 'A', A DISTANCE OF 238.83' TO THE NORTHEAST CORNER OF SAID OUTLOT 'A', AND POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF NORTH 24TH STREET; THENCE S00°45'00"E ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID OUTLOT 'A', A DISTANCE OF 30.00' TO A POINT OF INTERSECTION WITH THE CENTER LINE OF SAID RIGHT-OF-WAY; THENCE N89°37'40"E ALONG THE CENTER LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 238.83' TO A POINT OF INTERSECTION WITH THE WESTERLY EXTENSION OF A NORTH LINE OF LOT 1, BLOCK 1, NORTHVIEW 4TH ADDITION; THENCE N89°37'40"E ALONG SAID WESTERLY EXTENSION OF A NORTH LINE OF SAID LOT 1, A DISTANCE OF 38.83' TO THE NORTHWEST CORNER OF SAID LOT 1, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE NORTH 24TH STREET; THENCE CONTINUING N89°37'40"E ALONG A NORTH LINE OF SAID LOT 1, A DISTANCE OF 551.77' TO A NORTH CORNER OF SAID LOT 1; THENCE S89°23'00"E ALONG A NORTH LINE OF SAID LOT 1, A DISTANCE OF 231.00' TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 206,206.49 SQUARE FEET OR 4.73 ACRES, MORE OR LESS.

THE FOREGOING PRELIMINARY PLAT WAS APPROVED BY THE LINCOLN CITY-LANCASTER COUNTY PLANNING COMMISSION ON THIS _____ DAY OF _____, 2011.

ATTEST: _____
CHAIR

### APPROVAL

THE FOREGOING COMMUNITY UNIT PLAN WAS APPROVED BY THE CITY COUNCIL RESOLUTION # _____ ON THIS _____ DAY OF _____, 2011

ATTEST: _____

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

| REV. NO. | DATE | REVISION DESCRIPTION |
|---|---|---|
| | | |

REVISIONS

SITE PLAN

MAGIC HILLS
COMMUNITY UNIT PLAN SPECIAL PERMIT #_____
LINCOLN, NEBRASKA

2011

Drawn by: _____
Checked by: _____
Approved by: _____
Project No.: 011-0877
Date: 8.24.11

SHEET
1 of 3

024

## GENERAL SITE NOTES

1. SANITARY SEWER WATER SERVICE WILL BE CONNECTED TO THE EXISTING PUBLIC MAINS ADJACENT TO THE PROPERTIES.
2. BUILDING HEIGHT SHALL NOT EXCEED 35 FEET IN HEIGHT.
3. OUTLOT A, NORTHVIEW 3RD ADDITION SHALL BE FINAL PLATTED PRIOR TO FINAL BUILDING PERMIT ON THAT LOT.
4. PUBLIC SIDEWALK SHALL BE CONSTRUCTED ALONG N. 24TH ST. ADJACENT TO THE TWO LOTS WITHIN THIS COMMUNITY UNIT PLAN. ALL PUBLIC SIDEWALKS AS SHOWN SHALL BE 4' WIDE.
5. ALL PAVING RADII TO BE 20' UNLESS OTHERWISE NOTED.
6. THE YARD SETBACKS REGULATE STRUCTURAL WALLS ONLY AND DO NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCROACHING INTO THE SETBACKS.
7. ALL INTERSECTION ANGLES SHALL BE 90 UNLESS OTHERWISE NOTED.
8. ALL ELEVATIONS ARE BASED ON NAVD 1988.
9. A MINIMUM OF 40' SHALL BE MAINTAINED BETWEEN APARTMENT BUILDINGS.
10. REQUIRED YARDS SHALL BE ACCORDING TO R-5 ZONING.
11. THE EXISTING DETENTION FACILITY ON LOT 1, BLOCK 1, NORTHVIEW 4TH ADDITION SHALL BE IMPROVED IN ACCORDANCE WITH THE DRAINAGE REPORT AND IN ACCORDANCE WITH THE CITY OF LINCOLN DRAINAGE CRITERIA MANUAL.
12. PROPOSED FINISH FLOOR ELEVATIONS ARE PRELIMINARY AND MAY VARY AT TIME OF BUILDING PERMIT.
13. PARKING IS CONCEPTUAL AND WILL BE DETERMINED AT TIME OF BUILDING PERMIT.
14. SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE AND MUST BE APPROVED BY THE BUILDING AND SAFETY DEPARTMENT PRIOR TO INSTALLATION.
15. THE CLUBHOUSE SHALL BE RESIDENTIAL IN CHARACTER INCLUDING: A 2.5" PER 12" PITCHED ROOF OR STEEPER; A NONREFLECTIVE EXTERIOR SIDING MATERIAL WHICH IS OR SIMULATES WOOD, STUCCO, BRICK OR STONE; A NONREFLECTIVE ROOF MATERIAL WHICH IS OR SIMULATES ASPHALT OR WOOD SHINGLES, OR TILE AND NO AIR CONDITIONERS ON THE ROOF.
16. LANDSCAPE AND SCREENING WILL BE PROVIDED IN ACCORDANCE WITH APPLICABLE SECTIONS OF CITY OF LINCOLN.

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

City of Lincoln - Lancaster County
PLANNING DEPARTMENT

555 S. 10th Street, Suite 213
Lincoln, NE 68508
Ph. (402) 441-7491
Fax: (402) 441-6377

ePlan
ePlan Submittal

| Application Information | | | |
|---|---|---|---|
| Application # | SP11023 | Title | Magic Hills CUP |
| Associated Requests | CZ11035 | | |

| Planning Department Use Only | | | |
|---|---|---|---|
| Submission Date | 8/25/2011 | Review Due | 9/4/2011 |
| Project Planner | Tom Cajka | | |

| Review Comments | | |
|---|---|---|
| Planning | ○ Corrections Needed for Review ○ Insufficient Information for Review ○ Recommend Denial ◉ Recommend Approval with Conditions ○ Recommend Approval ○ No Review Required<br><br>Review 1: | |
| Building & Safety (Bob Fiedler) | Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required<br><br>Review 1: | |
| Building & Safety (Terry Kathe) | Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required<br><br>Review 1: | |
| County Health (Chris Schroeder) | Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required<br><br>Review 1:<br>The Lincoln-Lancaster County Health Department (LLCHD) recommends at least a 300 foot separation between residential dwellings and industrial uses due to the potential for the storage and/or use of hazardous materials. The developer has proposed locating a 24 dwelling unit within 120 feet of an industrial use. While the LLCHD certainly supports the concepts of urgan infill and increased density, the LLCHD strongly encourages the applicant to redesign the site to provide a greater buffer between residential dwellings and the adjacent industrial zoning.<br><br>In addition, noise pollution can be a concern when locating residential developments adjacent to industrial zoning. Again, the LLCHD recommends that the applicant | 028 |

| | | |
|---|---|---|
| | provide a greater buffer between the residential dwellings and industrial zoning.<br><br>Developers are responsible for all mosquito control issues during the building process and all outlots, green-spaces, and/or natural corridors subsequently controlled by the owner, tenant, occupant, lessee, or otherwise, for that subdivision would be responsible for vectors of zoonotic disease in those areas.<br><br>All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.<br><br>During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary. | |
| Development Review Manager<br>(Steve Henrichsen) | Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required<br><br>Review 1: | |
| Emergency Communications<br>(Kelly Davila) | Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required<br><br>Review 1: | |
| LES<br>(Mike Petersen) | Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required<br><br>Review 1:<br>8-31-2011; LES requests a Blanket Utility Easement, excluding building envelopes, over the entire site. See MISC Doc foldre for a redlined plan. Mike P. | |
| Lincoln Police Department<br>(Sgt Don Scheinost) | Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required<br><br>Review 1:<br>The Lincoln Police Department does not object to this application. | |
| Public Works<br>(Buff Baker) | Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required<br><br>Review 1:<br>Post a$2,250 Bond to guarantee the expansion construction of the Detention Cell.<br>Post a $2000 Bond to guarantee the removal of the Street Return to be rebuilt to Driveway Design Standards with a Curb Cut Application.<br>See Dennis comments on Traffic Requirements | |
| | Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required<br><br>Review 1: | 029 |

| | | |
|---|---|---|
| Public Works (Dennis Bartels) | The proposed apartment buildings east and west of 24th can be served with sewer and water from existing public mains in 24th and the existing public sewer along the east side of Lot 1, Block 1.<br><br>The driveways east and west from 24th must meet the sidewalk at grade. The existing street return for the vacated street into Lot 1 must be removed and the entrance reconstructed as a driveway. Based oon my interpretation of the grading plan and drainage areas this appears to be what is proposed.<br><br>The grading plan and revised enlarged existing detention cell is satisfactory.<br><br>The existing intersection of 24th and Superior has been a concern of neighborhood residents. They have expressed a desire that the intersection be signalized. The last time it was studied it did not meet signal warrants. the application includes a request for a change of zone to allow construction of 96 units which I assume is 30 plus units more than can be built with the existing R4 zoning. I project that the 30 plus additional units will add approximately 20 trips total entering and leaving the site in the PM peak hour. The trips will not all use the 24th and Superior intersection. Per the ITI Trip Generation manual about a third of the trips exit the site in the PM peak. The movement that is diificult at the peak hour at this intersection is the north bound to west bound left turn. I judge the change of of zone from R4 to R5, comparing the maximum density for apartments in R4 to the requested 96 units, is not significant to this left turn movement. Obviously the construction of 96 apartments and the future development of the other vacant lots will add traffic to the 24th and Superior intersection. Public Works has concerns about signalizing this intersection for reason of safety and traffic flow. The conversion of the intersection to a left in right out only design mey be preferable to signalizing this intersection. Public Works has constructed a signal at 27th and Old Dairy Road which provides a alternative for full access to the arterial street system for this neighborhood, | |
| Public Works (Edwin Kouma) | Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required<br><br>Review 1: | |
| Stronger Safer Neighborhoods (Jon Carlson) | Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required<br><br>Review 1: | |
| United States Post Office (Kerry Kowalski) | Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required<br><br>Review 1:<br>Recommend approval with the condition the developer provide Centralized Box Units | |

030

| | | |
|---|---|---|
| | (CBUs) on the exterior of these apartments at their cost and in a central location determined by the Postal Service. | |
| Windstream (Ken Adams) | Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required<br><br>Review 1: | |
| Parks & Recreation (Mark Canney) | Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required<br><br>Review 1: | |

031