City Council Introduction: **Monday**, January 6, 2014
Public Hearing: **Monday**, January 13, 2014, at **3:00** p.m.

Bill No. 14-8

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 13026**, the **21st & N Mixed Use Development Planned Unit Development,** requested by Hoppe Brothers, LLC, on property generally located southeast of the intersection of 21st and N Streets.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 12/11/13
Administrative Action: 12/11/13

STAFF RECOMMENDATION: Conditional approval, as revised.

RECOMMENDATION: Conditional Approval, as revised by staff and as further amended by the applicant (9-0: Hove, Sunderman, Harris, Corr, Beecham, Cornelius, Weber, Scheer and Lust voting 'yes').

FINDINGS OF FACT:

1. This proposed ***21st and N Mixed Use Development Planned Unit Development*** requests a change of zone from B-4 Lincoln Center Business District to B-4 Lincoln Center Business District PUD on approximately 4.55 acres, more or less, generally located southeast of the intersection of 21st Street and N Street. The proposal is to allow a mixed use development consisting of residential and commercial uses, including 63 row houses and a mixed use building adjacent to N Street with commercial on the first floor and apartment units above.

2. The staff recommendation of conditional approval, as revised on December 11, 2013 (p.36-37) is based upon the "Analysis" as set forth on p.5-7, concluding that the site is a priority location for redevelopment within Greater Downtown and has the potential to spur additional redevelopment within Antelope Valley. High density residential and mixed use development are supported at this location by the Antelope Valley Redevelopment Plan, the Downtown Master Plan and the Comprehensive Plan. The PUD overlay is a mechanism that will permit flexibility for this unique redevelopment. Subject to the recommended revised conditions of approval, this request complies with the Comprehensive Plan. The staff presentation is found on p.14-16. The revised staff recommendation was submitted (p.36-37; also see, p.15). The only unresolved issue between the staff and the applicant is the waiver of sidewalks on both sides of all streets. The staff is recommending that sidewalks be required on one side of the street. The issues relating to removal of the north driveway and driveway radius relate to the Access Management Policy and will be resolved through the request for deviation process.

3. The applicant's testimony is found on p.16-18. The applicant submitted proposed amendments to the revised staff recommendation as set forth on p.38 (also see Minutes, p.17). The applicant is not willing to forego the request to waive sidewalks on both sides of the street because this is a unique and less auto-dependent development, designed for people who live and work downtown. The developer prefers green space over additional concrete.

4. Additional testimony in support is found on p.19, and a letter in support from the Near South Neighborhood Association is found on p.39.

5. There was no testimony in opposition.

6. A motion to require that some sort of pedestrian walkway be designated on the site plan in one form or another, i.e. a lane or sidewalk, failed 4-5 (Corr, Beecham, Scheer and Cornelius voting 'yes'; Hove, Sunderman, Harris, Weber and Lust voting 'no'). Also see Minutes, p.20-21.

7. On December 11, 2013, the Planning Commission voted 9-0 to recommend conditional approval, as revised by staff with the amendments requested by the applicant.

FACTSHEET PREPARED BY: Jean L. Preister — **DATE**: December 30, 2013
REVIEW ED BY: Marvin Krout, Director of Planning — **DATE**: December 30, 2013
REFERENCE NUMBER: FS\CC\2014\CZ13026 PUD

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for December 11, 2013 PLANNING COMMISSION MEETING

****As Revised and Recommended for Conditional Approval****
By Planning Commission: December 11, 2013

PROJECT #: Change of Zone No. 13026 - 21st & N Planned Unit Development (PUD)

PROPOSAL: A B-4 PUD to allow a mixed use development including residential and commercial uses

LOCATION: S. 21st and N Streets

LAND AREA: 4.55 acres, more or less

EXISTING ZONING: B-4, Lincoln Center Business District

WAIVERS:

1. Per Design Standards Chapter 2.25, Private Roadway Design Standards - Waive private roadway width, waive sight distance, waive the angle of intersections, waive intersection separation, waive the radius of horizontal curves and waive the pavement crown requirement.
2. Per Design Standards Chapter 2.10, Water Main Design Standards - Waive the requirement to install water mains outside of street pavement.
3. Per Design Standards Chapter 3.76, Downtown Design Standards - Waive the screening and landscaping requirements for parking lots.
4. Per Design Standards Chapter 2.05, Stormwater Drainage Design Standards - Waive the requirement to provide storm water detention on site.
5. Per the Subdivision Ordinance Section 26.23.095 - Waive the requirement to provide sidewalks on both sides of all streets.
6. Per the Subdivision Ordinance Section 26.23.080 - Waive the requirement for a 60 foot turn around at the end of a dead-end street.
7. Per the Subdivision Ordinance Section 26.23.040 - Waive the requirement for a 60 foot wide right-of-way.

CONCLUSION: This site is a priority location for redevelopment within Greater Downtown and has the potential to spur additional redevelopment within the Antelope Valley. High-density residential and mixed-use development are supported at this location by the Antelope Valley Redevelopment Plan, the Downtown Master Plan and the Comprehensive Plan. The Planned Unit Development overlay is a mechanism that will permit flexibility for this unique redevelopment. Subject to the recommended conditions of approval, this request complies with the Comprehensive Plan.

RECOMMENDATION:	
CZ#13026 from B-4 to B-4 PUD	Conditional Approval
WAIVERS:	
1. Waive the following private roadway design standards: waive private roadway width, sight distance, the angle of intersections, intersection separation, the radius of horizontal curves and the pavement crown requirement.	Conditional Approval
2. Waive the requirement to install water mains outside of street pavement.	Conditional Approval
3. Waive the screening and landscaping design standards for parking lots.	Denial
4. Waive the requirement to provide storm water detention on site.	Conditional Approval
5. Waive the requirement to provide sidewalks on both sides of all streets.	On one side only
6. Waive the requirement for a 60 foot turn around at the end of a dead-end street.	Not Applicable
7. Waive the requirement for a 60 foot wide right-of-way.	Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 1 & 2, Block 7, and Outlot I, Antelope Valley 2nd Addition, Lincoln, Lancaster County, Nebraska.

EXISTING LAND USE: Former retail and storage buildings and Parks and Recreation offices.

SURROUNDING LAND USE AND ZONING:

North: B-4, Park
South: B-4, Telecommunications Building
East: P, Park
West: B-4, Car Wash/Food Processing Facility

ASSOCIATED APPLICATIONS: A redevelopment plan for this project has been approved which will allow Tax Increment Financing to be used for this project.

HISTORY:

May 1979 This property was rezoned from D, Multiple Family District and K, Light Industrial District to B-4 and P.

June 2012 The portion of P-zoned property adjacent to the creek was rezoned to B-4.

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 1-9 - The 2040 Future Land Use Map shows this area as Commercial and Open Space.

P. 5.1 - Enhance Downtown's role as the hear of the City. A strong downtown is important to the economic future of the community. Lincoln's Downtown is unique in the community as the home of State government, the State Capitol Building, and the flagship campus of the University of Nebraska. Together with Antelope Valley and the surrounding neighborhoods, it forms a vital core for the City.

P. 5.4 - Strategies for Downtown:

The City should preserve and enhance Downtown's role as a major focus for new residential reuse, infill and redevelopment.

Support compatible and pedestrian-oriented development and implementation of the Antelope Valley project.

Maintain the urban environment, including a mix of land uses and residential types.

P. 6.3 - Mixed Use Redevelopment Approach, Strategies for Greater Downtown:

Support development and implementation of the Downtown Master Plan and the Antelope Valley Redevelopment Plan.

Ensure that new development is compatible with the existing Downtown and is pedestrian-oriented.

Maintain the urban environment, including a mix of land uses with a major focus on residential uses.

Encourage higher density development with parking areas at the rear of buildings, below grad, or on upper floors of multi-use parking structures.

ANTELOPE VALLEY REDEVELOPMENT PLAN SPECIFICATIONS:

P. 54 - This site is designated as MU- Mixed Use.

P. 57 - The Mixed Use (MU) area east of traditional downtown is intended to accommodate a wide variety of land uses compatible with adjacent residential areas and supportive of downtown as the community's center. Within this wider area, certain subdistricts should be encouraged through incentives and regulations. Residential uses are encourage throughout the MU area to capitalize on public investment and to provide a variety of housing options near the downtown core. In particular, high-density, high-amenity urban residential uses are very desirable between 17th St. And the new Antelope Creek and park. Improvements in the "triangle" bounded by 19th St., the Creek, and O Street should be strongly encouraged to foster development of an "urban village" - Haymarket without th history. South of O St. And east of 17th St. There is an opportunity to strengthen housing in proximity to the Capitol and other employment centers.

P. 58 - Another noteworthy Mixed-Use area is along the west side of the waterway south of "o" Street. This land benefits by proximity to open space and the Creek and from the possibility of assembling some larger tracts than in traditional downtown. This area offers opportunities for high-quality office, residential or mixed-use development.

DOWNTOWN MASTER PLAN SPECIFICATIONS:

P. 20 - This area is designated as High Density Residential and Existing Parks and Open Space.

P. 37 - Compatible Land Uses: The adopted Antelope Valley redevelopment plan maps the area between 17th Street and the new Antelope Creek channel/park as serving a generalized "Mixed Use", but describes more specific concepts in the text. The Downtown Master Plan incorporates these more specific uses with some further detail.

P. 37 - Residential Mixed Use: The predominant land use emphasis in the area of Antelope Valley on the east side of downtown should be residential. The area provides great opportunities for a variety of housing types unique in Lincoln and supportive of both their adjacent residential neighborhoods and of downtown. The downtown master plan suggests that higher residential densities may occur between R and M Streets.

UTILITIES: Utilities are available to serve this site.

TOPOGRAPHY: The grade is relatively flat across the site, and significant slope should not be an issue during redevelopment.

TRAFFIC ANALYSIS: N Street and 21st Street are classified as Collectors. The future N Street Protected Bikeway will be located adjacent to this site along N Street.

AESTHETIC CONSIDERATIONS: This development is zoned B-4 and is subject to the Downtown Design Standards.

ANALYSIS:

1. This is a request for a change of zone from B-4 Lincoln Center Business District to B-4 Lincoln Center Business District with a Planned Unit Development overlay over the 4.55 acre site. The developer would like to construct owner-occupied row-houses and a mixed-use building. The plan as proposed incorporates flexibility to design standards and the subdivision ordinance.

2. The site plan shows the PUD consisting of 63 row-house units, a three-story mixed-use building with approximately 10,000 square feet of commercial on the first floor and 30 apartments above, and the Parks and Recreation Muny Building. The plan provides 70 off-street parking spaces for the mixed-use building, and each row-house unit contains a two-car garage.

3. The parking requirements at this site are 1 space per dwelling unit and 1 space per 600 square feet for all other uses. Each row-house unit contains a two car garage, which meets the minimum parking requirement. The north parking lot contains 70 parking spaces to serve the 10,040 square feet of commercial space and the 30 apartment units. The commercial space requires 17 parking spaces and the apartments require 30 parking spaces for a total of 47 required parking spaces.

   Eight parking spaces are provided for visitor parking in the row-house portion of the site. No parking is recommended on the private roadway since the pavement width has been reduced from the minimum standard of 26 feet. It doesn't appear that parking would be available in the individual driveways. A minimum 22 feet from the garage door to the sidewalk is typically required for parking in the driveway. Three on street parking stalls are shown on 21st Street and six on-street parking stalls are shown on N Street. On-street, parallel parking stalls should be a minimum length of 22 feet, but the length of the stalls on the site plan is 21 feet.

4. Stormwater drainage on the site is proposed to be connected to the system in 21st Street. An initial report from Olsson Associates shows that the storm sewer system in 21st Street should be able to handle drainage from this site. However, a complete drainage study needs to be provided to verify capacity in the 21st Street storm sewer. Additional comments from Watershed Management are attached to the staff report. All comments need to be addressed as a condition of approval of the PUD.

   The Lower Platte South NRD has concerns about stormwater draining into Antelope Creek. These concerns are attached and need to be addressed. The site plan should be updated to reflect the changes as well.

5. The proposed N Street protected bikeway is a twelve foot, two-lane facility through Downtown. The protected bikeway lies adjacent to the north end of this site, near the mixed-use building. A ten foot sidewalk currently exists along N Street. The applicant proposes to reduce the width of the protected bikeway from 12 feet to 10 feet and to reduce the existing sidewalk from 10 feet to 5 feet. The proposal also includes a plaza space between the three-story, mixed-use building and the sidewalk. The plaza space is 8 feet from the building and includes a 3 foot planter.

   The protected bikeway maintains a 12 foot width throughout the rest of Downtown and should continue a 12 foot width at this location. Although a 10 foot sidewalk currently exists, the minimum required width of a sidewalk at this location is 5 feet. Many other sidewalks throughout Downtown are less than 10 feet wide, especially sidewalks adjacent to outdoor dining areas. Therefore, the reduced sidewalk width is acceptable if the 12 foot bikeway can be maintained. Also, a public access easement will need to be dedicated on the final plat since the public sidewalk is located on private property.

   The protected bikeway is anticipated to begin construction in April 2014. Careful coordination will need to take place between the construction of the protected bikeway and the adjacent private development.

6. The development proposes construction, street furniture and other fixtures within public right-of-way along 21st Street and N Street. The layout and design of the right-of-way is only conceptual on the site plan and will require final approval by the Director of Public Works and Utilities and the Director of Urban Development.

7. This development proposes a private roadway looped through the site. The private roadway does not meet design standards for width, sight distance, the angle of intersections, intersection separation, the radius of horizontal curves and the pavement crown requirement. The Public Works and Utilities Department has reviewed the requested waivers and has provided comments(attached).

8. The water and sewer utilities within this site are shown beneath the paving on the private roadway and the access roads. The water and sewer lines should be at least 15 feet from a building in order to allow for proper maintenance and repair. In order to meet the 15 foot separation and keep this site layout, the utilities are located beneath the paving. In a typical right-of-way cross section, these utilities would be located in the right-of-way but not beneath the street pavement.

   Given the proposed utility design, the site will be served by a combination of public and private utilities. Water and sewer utilities within the private roadway should be public with a public utility easement dedicated on the final plat. The water and sewer utilities lying in the access roads will be private and would not be maintained by the City. The homeowner's association will be responsible for maintaining and repairing all private utilities on this site.

   A hold harmless agreement is required for the public utilities lying within the private roadway. The agreement would require the City to maintain and repair the public utilities, and would hold the City harmless to repair the private roadway, landscaping or other surface features since the utilities will be built beneath the paving. An alternative would be for all utilities to be private within this development.

9. The subdivision ordinance requires that concrete sidewalks be provided on both sides of streets. The applicant has not included sidewalks anywhere within the site. The justification in the waiver states that a sidewalk would reduce the green space and would force the developer to reduce the size and/or number of units.

   Sidewalks are considered an integral piece of infrastructure, especially in dense, urban environments. Without a sidewalk in this development the residents will be forced to walk on the private street. At a minimum, a sidewalk is recommended along one side of the private street to provide a safer pedestrian route within the development and to adjacent sidewalks along 21st Street.

   The subdivision ordinance also requires that trees be planted along both sides of all streets and private roadways within the subdivision and on the side of streets and private roadways that abut the subdivision. For this development, street trees should be planted on the east side of 21st Street, the south side of N Street and on both sides of the private roadway. The location of street trees will be reviewed when a final plat is submitted for this development.

10. This property is zoned B-4 and is subject to the Downtown Design Standards. As a publicly-assisted project, it is also subject to advisory design review by the Urban Design Committee (UDC). The UDC had commented on the project in the course of its design development and requested further review of unfinished elements, such as the mixed-use building on N Street and streetscape features and facades on 21st Street. Rather than waiving landscape and screening standards through the PUD, it is more appropriate to work through the UDC once the final designs are completed.

11. The Public Works and Utilities Department has several outstanding issues that need to be addressed (attached).

This approval permits 93 dwelling units and approximately 10,040 square feet of commercial floor area together with variances to design standards and the subdivision ordinance.

a. Per Design Standards Chapter 2.25, Private Roadway Design Standards - Waive private roadway width, waive the angle of intersections, waive the radius of horizontal curves and waive the pavement crown requirement.

b. Per Design Standards Chapter 2.10, Water Main Design Standards - Waive the requirement to install water mains outside of street pavement, subject to completing a Hold Harmless agreement.

c. Per Design Standards Chapter 2.05, Stormwater Drainage Design Standards - Waive the requirement to provide storm water detention on site, subject to the satisfaction of Watershed Management.

d. Per the Subdivision Ordinance Section 26.23.095 - Waive the requirement to provide sidewalks on one side of the private roadway.

e. Per the Subdivision Ordinance Section 26.23.040 - Waive the requirement for a 60 foot wide public access easement.

CONDITIONS OF APPROVAL:

Site Specific Conditions:

1. Before a final plat is approved 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 upon approval of the planned unit development by the City Council.

   1.1 Show 100-yr floodplain limits on site plan and/or grading and drainage plan.

   1.2 Provide a design and calculations that show stormwater in 21st Street will not be negatively affected by the street reconstruction necessary for the bumpouts; or address how 21st Street will be altered to meet standards.

   1.3 Show that the storm sewer pipes meet minimum required slope and minimum separation requirements from water.

   1.4 Dimension some of the driveway lengths, including the shortest driveways.

   1.5 Revise Note 5 on the Site Layout Plan to state, "Only Private Roads A and B will be named." Add a note that a public access easement will be granted over the private roadways and alleys.

   1.6 Label "Access Roads" C, D, E, F, and G as "Private Alleys" C, D, E, F, and G.

   1.7 Label the alley between F and 21st Street as "Private Alley H".

   1.8 In the table on the Site Layout Plan add the text "Types are for illustrative purposes only" under "Row House Units" A, B, C, and D.

   1.9 Add a note that states, "Construction, street furniture and fixtures in the right-of-way are conceptual. Any work in the right-of-way is subject to final approval of the Director of Public Works and Utilities and the Director of Urban Development."

   1.10 Add the setbacks to the site plan.

   ~~1.11 Add the 15 foot LES easement along 21st Street, if required by L.E.S.~~ **(**Per Planning Commission, as revised by staff and agreed upon by the applicant: 12/11/13**)**

   1.11 The sanitary sewer system will be private, except for the existing 48" line and the existing 8" line. The water system will be public within the private roadway as long as the developer enters into a Hold Harmless Agreement with the City. The water system will be private in the private alleys. Show on the plan the required easements for the public water mains and the required spacing between public/private water mains and sewer lines. **(**Per Planning Commission, as revised by staff and agreed upon by the applicant: 12/11/13**)**

1.12 The preliminary plat sheet should be labeled as “Lot Layout”. Substantial revisions are required to reflect the ultimate lot layout, to the satisfaction of the Planning Director.

1.13 Add a note to the Landscape Plan that states, “The parking lot will be screened per the Downtown Design Standards.”

1.14 Delete notes 1, 2, 3, and 4 on the preliminary plat sheet. Revise note 5 on the preliminary plat sheet accordingly, as the lot layout is revised.

~~1.15 Remove the north driveway on 21st Street.~~ **(**Per Planning Commission, at the request of the applicant: 12/11/13**)**

1.15 Show the bikeway along N Street as 12 feet wide instead of 10 feet. Since the additional 2 feet is obtained from N Street, show the new dimension of N Street. **(**Per Planning Commission, as revised by staff and agreed upon by the applicant: 12/11/13**)**

1.16 Show how the Parks and Recreation Muny Building will connect to public utilities.

1.17 Remove all water service lines from the Utility Plan.

1.18 Adjust the angle of the south driveway on 21st Street to the satisfaction of the Public Works and Utilities Department.

1.19 Add a note to the Site Layout Plan that states, “No parking is allowed on the private roadway.”

1.20 Address all comments to the satisfaction of the Director of Public Works and Utilities Department and the Lower Platte South NRD, except those comments pertaining to:

I. The requirement that sidewalks be provided on both sides of the private “loop” road per LMC § 26.23.095, for which the applicant has requested a waiver; and

ii The turn radii for:

- Residential driveways (15')
- Private alleys (15')
- Loop road drives on 21st Street (20')
- Commercial drive on 21st Street (20').

(Per Planning Commission, at the request of the applicant: 12/11/13**)**

1.21 Add to the General Notes, "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 Building & Safety Department prior to installation".

2. Before receiving building permits, the developer shall provide the following documents to the Planning Department:

   2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the planned unit development has been recorded.

3. Prior to the issuance of a building permit:

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

4. Before issuance of building permits, final plat(s) shall be approved by the City.

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

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.

Before a final plat may be approved, Developer agrees, as subdivider, must enter into an agreement with the City whereby Developer agrees:

To complete the paving of private roadway shown on the final plat within two (2) years following the approval of this final plat.

to complete the installation of sidewalks along the private roadway as shown on the final plat within four (4) years following the approval of the final plat.

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

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

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

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

to complete the installation of public street lights along streets within this plat within two (2) years following the approval of the final plat.

to complete the installation of private street lights along the private roadways within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees along private roadways within this plat within six (6) years following the approval of the final plat.

to complete the planting of street trees along the east side of S. 21st Street and the south side of N Street as shown on the final plat within two (2) years following the approval of this final plat.

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

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

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

to timely complete any other public or private improvement or facility required by the Land Subdivision Ordinance which inadvertently may have been omitted from the above list of required improvements.

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

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

to complete the public and private improvements shown on the Planned Unit Development.

to keep taxes and special assessments on the outlots from becoming delinquent.

to maintain the outlots on a permanent and continuous basis.

to maintain the private improvements in good order and condition and state of repair, including the routine and reasonable preventative maintenance of the private improvements, on a permanent and continuous basis.

to maintain the street trees along the private roadways and landscape screens, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

to maintain the private facilities which have common use or benefit in good order and condition and state of repair, including the routine and reasonable preventive maintenance of the private improvements, on a permanent and continuous basis.

to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Developer(s) may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:

(1) Developer shall not be relieved of Developer's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.

(2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

Standard Conditions:

5. The following conditions are applicable to all requests:

5.1 Before occupying the buildings all development and construction shall substantially comply with the approved plans.

5.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

5.3 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.

5.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the permittee, its successors and assigns.

5.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. 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 therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

Prepared by:
Paul Barnes, Planner
402-441-6375
pbarnes@lincoln.ne.gov

DATE: November 26, 2013

APPLICANT: Ward F. Hoppe
Hoppe Brothers, LLC
PO Box 6036
Lincoln, NE 68506

OWNER: City of Lincoln
555 S. 10th Street, Suite 301
Lincoln, NE 68508

CONTACT: John Badami
DLR Group
1111 Lincoln Mall, Suite 201
Lincoln, NE 68508

CHANGE OF ZONE NO. 13026, THE "21ST AND N STREET MIXED USE DEVELOPMENT PLANNED UNIT DEVELOPMENT

PUBLIC HEARING BEFORE PLANNING COMMISSION: December 11, 2013

Members present: Hove, Sunderman, Harris, Corr, Beecham, Cornelius, Weber, Scheer and Lust.

Staff recommendation: Conditional approval, as revised.

There were no ex parte communications disclosed.

Staff presentation: **Paul Barnes of Planning staff** explained that the property is currently zoned B-4 and the proposal is for a zone change to B-4 PUD. The property is located at 21st & N, within the Antelope Valley redevelopment district. The applicant is proposing a mixed use development including 63 row-houses and a mixed use building adjacent to N Street, which would include commercial on the first floor and apartment units above.

Barnes discussed the waivers being requested, including waivers to design standards as well as to the subdivision ordinance, i.e. private roadway standards, installation and location of water lines, screening and landscaping standards for parking lots, stormwater detention on-site, sidewalks on both sides of streets as well as deviations from the 60' turnaround requirements and 60' wide right-of-way requirements.

The 63 row-house units are generally south of N Street and the multi-use building will be along N Street located to the north. The protected bikeway along N Street is adjacent to this site and as shown on the site plan. There was a note requesting to have the bikeway reduced from a 12' to 10' wide facility in conjunction with reducing the width of the sidewalk which today is 10' and shown on the site plan as 5'. After further discussion with the applicant, the staff and applicant have an understanding that we can provide the continuous 12' protected bikeway along this stretch of N Street. This is a condition of approval.

With regard to the water and sewer utilities for this development, there are several waivers requested. It is a unique development in Lincoln which has not been done locally before, so the staff was required to do some additional review with regard to the utilities. As it stands now, the recommendation is to provide a combination of public and private utilities to the site. The private roadway, which is the loop road through this development, would include a public access and utility easement. The water lines that would be located within that private roadway would be public in serving this site. There are private alleys that access off that private roadway to the row-house units and any utilities in the alleys would be private. All sanitary sewer utilities for this site are recommended to be private as well, with the exception of two that currently exist, i.e. 14" sanitary main on the south and 8" main on the north that would remain public. The applicant is in agreement.

Another item to address is the waiver of sidewalks. The subdivision ordinance would require sidewalks on both sides of streets, whether public or private. We are considering the loop road as private so sidewalks would need to be located on both sides. The waiver being requested is to not

have sidewalks. Staff believes that it is important to have sidewalks, especially in an urban density type environment, and to provide safe pedestrian connections is a goal of good planning efforts. Staff is recommending a sidewalk at least on one side of the private roadway.

Barnes then submitted proposed amendments to the conditions of approval:

1. Delete Condition 1.11 which requires the developer to, "Add the 15 foot LES easement along 21st Street, if required by L.E.S."

2. Add a new condition 1.11 that states, "The sanitary sewer system will be private, except for the existing 48" line and the existing 8" line. The water system will be public within the private roadway as long as the developer enters into a Hold Harmless Agreement with the City. The water system will be private in the private alleys. Show on the plan the required easements for the public water mains and the required spacing between public/private water mains and sewer lines."

3. Show the bikeway along N Street as 12 feet wide instead of 10 feet. Since the additional 2 feet is obtained from N Street, show the new dimension of N Street.

4. Amend condition 1.20 to state, "Address all comments to the satisfaction of the Director of Public Works and Utilities Department and Lower Platte South NRD, except for the turn radii for private alleys and residential driveways. The radii for the commercial driveway along 21st Street will be 25'. The radii for the private roadway along 21st Street will be 20'."

Condition #1.11 relating to the LES easement has been taken care of and should be removed.

The N Street bikeway needs to be updated on the plan to show the 12' instead of the 10' as shown today.

Condition #1.20 pertains to the access driveway off 21st Street. The mixed use commercial building on the north is shown with an access drive immediately to the south on 21st Street; however, with 21st Street being a collector, this location does not meet the separation requirements of the Access Management Policy. A waiver to allow the access drive as shown is not supported and the applicant has submitted a request for deviation to the Access Management Policy which is currently under review by Public Works, and a decision on this waiver request will be made through that process.

With regard to the radius requirement, although this cannot be waived by the Planning Commission, staff believes it is an important item to be noted on the site plan by Condition #1.20.

Lust wondered on which side the recommended sidewalk will be located. Barnes stated that staff looked at both sides. If it is located on the inside of the private roadway, we may be compromised in terms of space and lose out on some street trees. Staff believes there is still opportunity to have the sidewalk on the outside of the private roadway that could connect to a future sidewalk on the NRD property to the east.

Lust wondered what makes this property unique so that we would not require the sidewalks. Barnes suggested that the applicant address this issue further since staff does support location of

the sidewalks in this development. The proposal is to have a shared road facility on the private roadway, so the applicant is proposing that residents in the development will share the private roadway with the other traffic. It is staff's position that a sidewalk on at least one side of the street could provide that pedestrian connection and safer route for residents in the area. The site does have some unique characteristics but waiving the sidewalks altogether is not supported by staff.

Lust wondered how waiving the sidewalk on one side of the street affects future connectivity. Barnes acknowledged that people living across the street would have to cross to access the sidewalk, but there is some sort of design that could be worked out to provide access to at least half of the residents or maybe only crossing the private roadway once.

Beecham asked staff to address parking. She understands there will not be parallel parking available. She is concerned that we will have people parallel parking on streets that are too small and not so designed. Barnes explained that the requirements for parking in the B-4 district say that residential units need at least one parking space and all other uses shall provide one space per 600 sq. ft. The row-house units each have a two-car garage. The commercial space of 10,000 square feet would be required to have 17 parking spaces, with 30 residential units above that space, each also requiring one space. There are 70 parking spaces in the north parking lot to meet the requirements of the zoning ordinance. There are also 9 additional parking spaces in the row-house area that would be for visitors or overflow parking. The proposal also shows some on-street parking. Beecham confirmed that A, B and C on the site plan all have two-car garages. Barnes concurred.

Corr inquired about the parallel parking stalls being one foot short. Barnes stated that the on-street parking spaces do not meet the minimum size and that is a condition of approval that they be designed to meet the minimum size. It could affect the number of stalls on the street. This development does meet the requirement with the on-site parking.

Beecham inquired about green space. Barnes noted that Antelope Creek and the trail are to the west, and that connects to other trail facilities in the area; Union Plaza is to the north; there are ballfields to the south and east; and the Windstream building is immediately to the south. The sidewalk shown on the site plan on the NRD property would provide connection to other green spaces and other public spaces for the residents.

Beecham again inquired whether staff is comfortable with sidewalk only on one side of the street. Barnes suggested that if it were designed to provide that connection to the sidewalk near Antelope Creek, it may be that some of the residents will have to cross the street to get to that sidewalk. He acknowledged that there are some site constraints.

Proponents

1. Tom Huston, 233 South 13th Street, Suite 1900, appeared on behalf of Hoppe Brothers, LLC, the developer. This is the land use element for this development. It is a redevelopment project pursuant to the redevelopment plan approved by the Planning Commission this fall, and the City Council approved the redevelopment agreement in October. This is a new concept based on a similar design in Omaha of an urban high density ownership apartment development, which has not been achieved in Lincoln thus far. The design and site constraints are a challenge.

Huston submitted a motion to amend the staff's revised conditions of approval as follows:

A. Delete Condition #1.11, which requires the Developer to "add the fifteen foot LES easement along 21st Street, if required by LES".

B. Delete Condition #1.15, which requires the site plan to be revised to "remove the north driveway on 21st Street". The Developer has submitted a Request for Deviation to the Director of Public Works in accordance with the requirements of the Access Management Policy.

C. Revise Condition #1.20 to provide:

"Address all comments to the satisfaction of the Director of Public Works and Utilities Department and the Lower Plate South NRD, except those comments pertaining to:

I. The requirement that sidewalks be provided on both sides of the private "loop" road per LMC § 26.23.095, for which the applicant has requested a waiver; and

ii. The turn radii for:

- Residential driveways (15');
- Private alleys (15');
- Loop road drives on 21st Street (20');
- Commercial drive on 21st Street (20')."

This PUD includes the mixed use building and the row-homes but it does not include the grocery store at 20th & L Streets. The grocery store can stand on its own under the B-4 ordinance and is still part of the project. The challenge is to reconcile the village concept with some existing design standards. City staff has been very cooperative on a variety of issues and they have made a lot of progress. The key component for this project is to maintain the density, which is needed to pay the bills and to bring a grocery store to Downtown Lincoln.

The waiver which the Planning staff has recommended be denied is no longer necessary. They have reached agreement with staff on the screening for the commercial parking lot. Huston stated, however, that the applicant is not willing to relent on the waiver of sidewalks. The waiver of sidewalks is a key component for the ultimate design of the project.

Huston stated that the applicant agrees to delete Condition #1.11.

The motion to amend requests that Condition #1.15 be deleted, which otherwise would require the developer to remove the north driveway. When Lincoln adopted the Access Management Policy, it was sold as the quickest way to get to "yes" -- that there are other ways to get to "yes". The reason the north driveway is key is because it is the direct access for the commercial use, which is integral to the success of this project. The Access Management Policy acknowledges that there is a different standard. This is a Downtown urban residential high density village concept that needs to be accommodated, and the Access Management Policy envisions some flexibility. The applicant has filed a request for deviation from the Access Management Policy.

Further regarding the sidewalks, Huston stated that the developer has made a qualitative decision to request the waiver because they do not think the sidewalks are necessary in this development.

It will be a less auto-dependent development, designed for people who live and work downtown and walk. The developer decided to prefer green space over additional concrete.

Huston also stated that the waiver on the driveway radius will be requested through the deviation process of the Access Management Policy.

Lust inquired whether removing the north driveway on 21st Street is a determination that can be made with Planning or Public Works. Huston responded that he is just trying to preserve the developer's right to make a request to the City Council. He does not believe it is within the Planning Commission's purview. He can appeal the Access Management Policy decision to the City Council.

Lust asked Huston to talk about the impact to the development if the sidewalk is required on one side. Huston pointed out that what has been proposed by city staff is on the southern edge of the loop road. It is a private loop road that provides continuous access to and from 21st Street. Staff is recommending sidewalk "up to this point" -- then there is the proposed sidewalk with the NRD to provide access ultimately to Antelope Valley. The developer believes it is unnecessary. One of the design concepts is a color/material differentiation to show a pedestrian walking lane as opposed to traffic lanes on the street. It will be a material distinction within the project. Lust then assumed that the private roadway only serves the people living there. Huston responded that it will not connect to the east because of the channel. The project could expand to the south but there will be full sidewalks on 21st Street and on N Street. The concept is to differentiate the concrete by color or material treatment. The developer believes the pedestrian traffic within the site will be nominal, at least on the surface area of the private roadway, because of the perimeter access. The key component is commercial space to create a sense of community. Huston acknowledged that it is a unique request, but this is a unique development. The developer has made a qualitative decision to have other attributes rather than the sidewalks.

Corr pointed out, however, that even though it is a private roadway, it will be the main access point to get to the main building. She noticed that there was some drainage study that had not yet been received. Huston explained that the engineering on the drainage is underway and he does not believe it will be an issue. The conclusion has been reached on the surface water drainage so he thinks those issues are all resolved.

Corr inquired about the radii for the driveway. Huston stated that within the development, the issues are the driveway approaches for the private roadway onto 21st Street and the commercial drive onto 21st Street. The applicant can comply with the 20' radius design standard. However, for the commercial drive, the 25' radius will result in an intersection that creates an arrowhead. The developer believes that a 20' radius is more than adequate for the commercial drive. They can file a request for deviation on this issue.

Beecham commented that she is excited to see this project. It will change a lot of that area. However, with Antelope Valley and the ballfields and a lot of adjacent green space, she believes that the sidewalk plays into that walk to work. She inquired whether the developer could consider a little less green space in the development and include that connectivity. She loves the idea of walking to work, and with so much green around it she believes it might be worthwhile to cut back a little bit to allow the sidewalk. Huston suggested that this is an issue he will have to take to the City Council. There are a lot of tradeoffs and his client has determined that they would prefer not to have sidewalks.

Harris inquired about the green space. Huston stated that there will be green space on both sides of the private road, with opportunity to plant trees, bushes, etc. The developer would rather have trees and bushes than an under-utilized sidewalk. The developer will comply with all landscaping requirements, and possibly exceed them. The landscape plan shows trees on the perimeter of each phase. The construction of the row-homes will be phased, but as the phasing occurs the landscaping will be installed as part of each final platting process. He suggested that it is more important to have trees along the perimeters than sidewalks. Each row-home is also served by a driveway that will provide access.

Scheer noted that the roadway width is 24'. He thinks that it would be wonderful to try to provide a walk lane within that roadway width, but at 24' that would be very difficult because the driveway needs to be around 11'. Scheer agreed that some trees would be sacrificed on the south side, but he believes that the sidewalk and the connectivity within the urban density is probably more important than a couple trees. Huston stated that the applicant will continue to work with staff between now and the City Council hearing. In the tradeoff, however, the developer would prefer to have less concrete for an underutilized sidewalk. Because of the target demographic and the culture, the developer does not believe there will be conflicts between automobiles and pedestrians.

Beyond the sidewalk, Huston stated that the only remaining disagreement with staff is the 25' radii, and that is an Access Management Policy issue, requiring a request for deviation to reduce to 20'.

Support

1. Fred Hoppe, one of the Hoppe Brothers, testified in support. He believes that people will walk in the street -- that's how it was designed that's what the developer wants. They want people walking in that village. It is designed conceptually to be a little European village with narrow streets and a hard way to get your car around. It is real important to have the commercial space as a part of the whole little village because that is where people have community, and it is important to have access to that directly from the street. Our city has not changed; the concept has not changed; you have to be able to get a car parked close to a coffee shop and you can't drive a long way to get there. We have it set up so that there is not going to be any speed of any sort in that little area unless it's on a bicycle. It doesn't go anywhere else. It's all contained. That's how it is designed and Hoppe requested that the Planning Commission support the waivers.

There was no testimony in opposition.

Corr sought clarification on the southernmost driveway. Barnes explained that where the private roadway intersects with 21st Street, it does not meet the required angle. Staff understands that there are constraints, but the comment from Public Works is that it could be designed to meet it better. The applicant is in agreement. The motion to amend talks about the radii of the private roadway and commercial driveway on 21st. There are design standards which require private roadways to have certain radius at the intersection, and the site plan shown does not meet those standards. Public Works is suggesting that the private roadway can be designed to meet that, but the commercial driveway (the very north driveway on 21st Street) would need to meet the commercial standard for radius. Beecham wondered if the idea is to allow trucks to turn in and not back up. **Chad Blahak of Public Works** agreed. That is exactly why the larger radius is shown for commercial. The only one we are still in disagreement about is the commercial driveways which are in violation of the Access Management Policy where the 25' radius is required. They could request a deviation to that policy from the Director of Public Works.

Response by the Applicant

Huston clarified that the staff report contemplates 21st Street as a collector and he does not believe that is a correct characterization. Antelope Valley has transformed 21st Street into a local street. That is why the developer has filed the request for deviation for that north driveway. This is still a B-4 Downtown business zone. When you see delivery trucks downtown, they don't park off-street. They stay on-street and unload and it is not a problem. This will be no different. Huston believes that the 20' radius requested would be more consistent with the other radius immediately to the south. The reason that the southern loop driveway is at that angle is because it lies upon the 48" sewer line owned by the city. That is the city's easement for the sewer line. The developer will work with staff to adjust the angle to get closer to the design standard.

ACTION BY PLANNING COMMISSION: December 11, 2013

Lust moved to approve the staff recommendation of conditional approval, as revised by staff and as further revised by the applicant's motion to amend, seconded by Cornelius.
Lust stated that she is comfortable with the waivers being requested. The access is something to take up with Public Works. The Planning Commission should not stand in the way of that process. Lust stressed that it is very unusual for her to agree to waive sidewalks, but for this particular project she does not think the sidewalks need to be required because of the way the project is proposed with the private access road with pedestrian access to the rest of the very connected area along Antelope Valley. She believes it meets the spirit of connectivity issues.

Cornelius agreed. He has tried to make it his philosophy on the Planning Commission to not be opposed to an item simply because it is unusual, and this is an unusual development. And perhaps we are looking at something like the future of Lincoln as described by the Comprehensive Plan. He would submit that the pedestrian connectivity requirements that we generally operate under serve the purpose of separating pedestrian traffic from automobile traffic, and we are looking at a radical departure from that and mix them together in a safe way. There will be a specific material difference indicating that the pathway is somehow different from both a street and a sidewalk.

Scheer stated that he does not love this motion. He wants to support the project, but there are some details that still need to be addressed with the pedestrian connectivity within the development. He is not positive that sidewalks are necessary, but the delineation of pedestrian routes within the development is important. The rage right now is "complete streets". The ability to incorporate those kinds of principles is really important here, and we refer to that as sidewalks, but he agrees that there is another way to do a sidewalk within this development. He will support the motion because overall it is a great project.

Beecham stated that she likes this project but she is troubled with the sidewalk issue. She thinks there is a lot of flexibility and she would be okay with a walking lane, but she is not sure this site plan shows that.

Beecham moved to amend the main motion to require a condition of approval that some sort of pedestrian walkway be designated on the site plan in one form or another – a lane or sidewalk – to make sure we have a safe space for pedestrians, seconded by Corr.

Corr is concerned about the sidewalks and does not want to agree to none. This is a closed loopway with slow traffic, but she would like to see it before she agrees to completely waive the sidewalk.

Lust stated that she will support the motion to amend because it allows for the lane to be in the private roadway.

Cornelius stated that given room for negotiation, he is tempted to support the amendment, but he is sort of excited about the idea of a pathway or route which is primarily for pedestrians, which is what we have heard that it is. It is a pedestrian route and secondarily an automotive route – which is different than what we have seen before.

Beecham commented that she loves this idea but we are also approving two-car garages so it will not be all pedestrian. She wants enough room for pedestrians and cars to work.
Hove stated that he will not support the amendment. We need to trust that the developer can get this done with the street and sidewalk space working together.

Corr pointed out that this is the driveway to the Muny Building. While these residents and the people that use the multi-use building on the corner might be walking, she does not envision those employees at the Muny Building walking to work because they are going to live all over the city. They will have to drive there.

Motion to amend to require some type of sidewalk facility be shown failed 4-5: Corr, Beecham, Scheer and Cornelius voting 'yes'; Hove, Sunderman, Harris, Weber and Lust voting 'no'.

Corr thinks that the northern intersection could be deleted. She thinks they could go back to the drawing table. She would like this to be considered.

Beecham stated that she will vote in support because this is a great project, but she also stressed that she would like to see something to fine-tune the pedestrian access to make it even better.

Cornelius stated that he flip-flopped at the end on the motion to amend because he was reminded that this was access to a separate facility that is not the residential. He is uneasy about the state of this development and the flux that it is in, but maybe it is worthwhile to take a careful look at the pedestrian and automotive movement throughout the area. That failed amendment would have given us that opportunity.

Main motion for conditional approval, with amendments, carried 9-0: Hove, Sunderman, Harris, Corr, Beecham, Cornelius, Weber, Scheer and Lust voting 'yes'. <u>This is a recommendation to the City Council</u>.

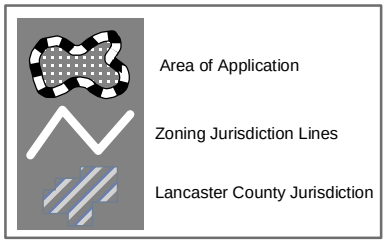
2013 aerial

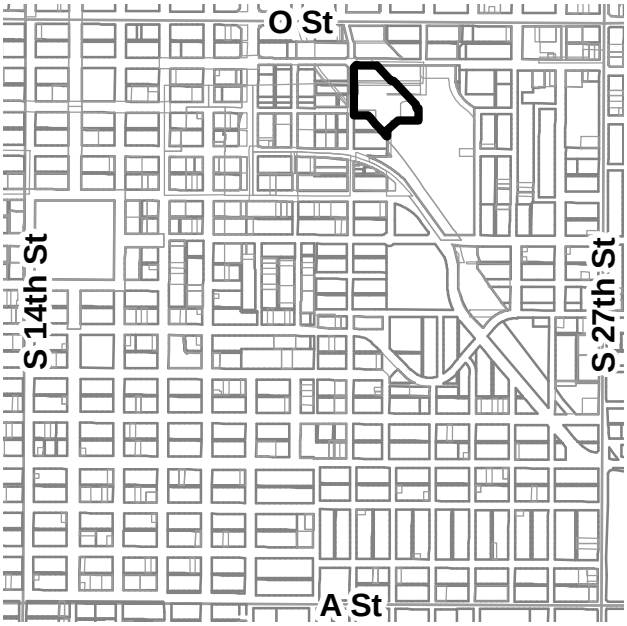
Change of Zone #: CZ13026
Mixed Use Development
S 21st & N St

Zoning:

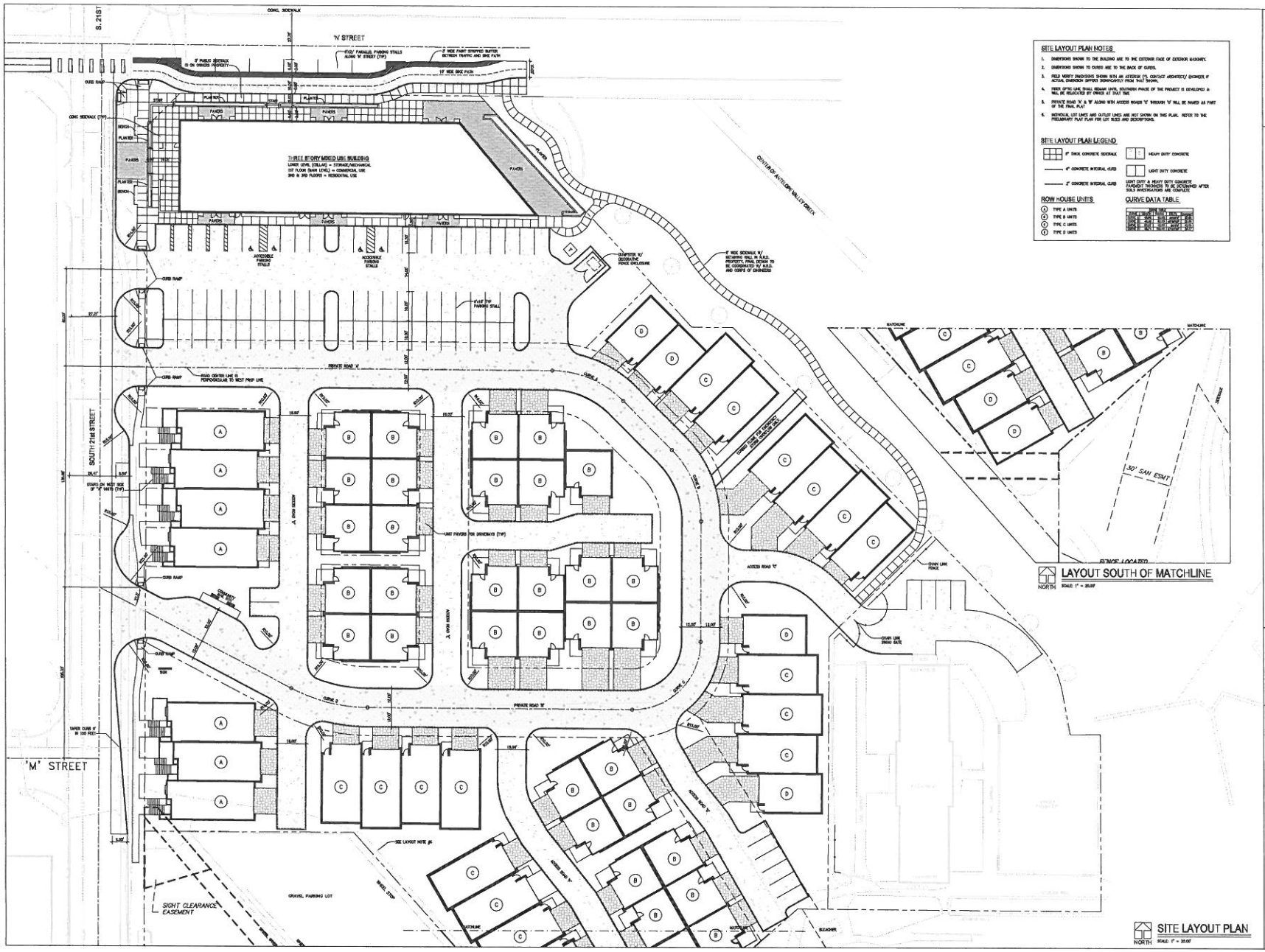
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	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

One Square Mile:
Sec.25 T10N R06E





File: M:\plan\gis\PlannerPacket\MXD\Agendadrawings.mxd (CZ13026)



PRELIMINARY PLAT
PUD SUBMITTAL

SITE LAYOUT PLAN
21st & N - MIXED USE DEVELOPMENT
LINCOLN, NEBRASKA

C2.1

DLR Group
Architecture Engineering Planning Interiors

023

DLR Group
Architecture Engineering Planning Interiors

1111 Lincoln Mall
Suite 201
Lincoln, NE 68508

o: 402/742-4200
f: 402/742-7100

November 13, 2013

Marvin Krout
City of Lincoln
555 South 10th Street, Suite 213
Lincoln, NE 68508

Project Name: 21st and N – Mixed Use Development
DLR Group Project No.: 10-13209-60

Re: Preliminary Plat / PUD Application

Dear Mr. Krout,

Attached to this letter is the Planning Department Application Request Form for the PUD Application on the 21st and N Mixed Use Development Project. A check is included for the PUD base fee plus the per acre fee for 4.55 Acres which equals $1392.60. Once we have received further information from the City of Lincoln, we will upload a Narrative and Drawings for this Project.

Several meetings have taken place recently with various members of the City of Lincoln Public Works Department, City of Lincoln Planning Department, City of Lincoln Parks Department, and City of Lincoln Urban Development Department to discuss the details of this project. A meeting took place with the Lower Platte South Natural Resource District to review the drainage aspects of this site. Several meetings have taken place with various members of the Lincoln Electric System to discuss power needs. Further information on the content of these meetings can be provided if requested.

The 21st and N Mixed Use Project will be constructed in Phases over the next five years. The drawings that will be submitted for this project show the full build out condition, and will not show in detail the various Phases of this development. A reduced scale Site Plan is attached to this letter showing the various Phases of this project. Further information on the Phasing of this project can be provided upon request.

Several Waivers are requested as a part of this project and are shown on the 21st and N Mixed Use Development Waiver List attached. The Development Agreement is also shown on an attachment to this letter.

We are available to discuss any questions or comments you may have during your review of this PUD Application.

Sincerely,

DLR Group

John Badami, AIA
Principal

024

21st and N Mixed Use Development Waiver List

The references "DS" is for Design Standards and "LMC" is for Lincoln Municipal Code

- A Waiver is requested from the 27' wide Private Roadway Width (DS 2.25 - section 3.50) to allow a 24' wide Private Roadway for the Private Road that loops through this site. The objective of this development is to provide a *Complete Street Concept* that does not require the full size road width of a conventional subdivision
- A Waiver is also requested from the 20' wide Access Road with Shoulders (DS 2.25 - section 3.50) to allow the Access Roads between Row Houses to be 18' wide without shoulders. The objective of this development is to provide a *Complete Street Concept* that does not require the full size road width of a conventional subdivision and to maximize density.
- A Waiver is requested from the Sight Distances at Intersections (DS 2.25 – section 3.2) to allow the three off street parking stalls on 21st Street within the Site Triangles established in Appendix A. There are numerous locations in Downtown Lincoln where Street Parking adjacent to a driveway obstructs the view within the Site Triangles established in Appendix A. This Waiver is necessary to allow the three off street parking stalls. Note: Other than the three parking stalls shown on 21st Street, the plans do not show any trees or structures within the Site Triangles.
- A Waiver is requested from the Angle of Intersection (DS 2.25 – section 3.3.1.a) to allow the southern portion of the Private Roadway to tie into 21st Street at a 27.5 degree angle instead of the maximum 10 degree angle from a right angle. This waiver is necessary to site the new Private Road on the existing Sanitary Sewer Alignment and maximize the amount of Row Houses that abut 21st Street.
- A Waiver is requested from the 120 foot Intersection Separation (DS 2.25 – section 3.3.1.b) to allow two driveways accessing 21st Street from the parking lot 60 feet apart. This Waiver is necessary to maximize the amount of parking in the parking lot and provide fluid traffic movement throughout the parking lot. A Waiver from the 120 foot Intersection Separation is also requested to allow the Southern Private Road to be sited on the Existing Sanitary Sewer line which will have a center to center of M Street separation of 105 feet.
- A Waiver is requested from the 150' minimum Center Line Radius (DS 2.25 - section 3.3) to be 40' feet for the Private Roadway - a 15 mph speed limit is proposed on this Private Road that loops through the site. This Waiver is necessary since a 150 foot radius on the Private Road will not fit on this site. The objective of this development is to create shorter roads, at a lower speed limit in an urban subdivision that do not require the larger curvilinear alignment seen in large residential subdivisions.
- A Waiver is Requested from the Pavement Crown requirement (DS 2.25 - section 3.6) – The Northern portion of the Private Roadway will have a continuous cross slope (no crown) to drain into the curb inlets in the parking lot. The Northern portion of the private roadway is an extension of the parking lot and parking lots typically have a crosslope and are not a crowned section.
- A Waiver is requested to eliminate sidewalks adjacent to the Private Road and eliminate sidewalks adjacent to the Access Roads between Row Houses (LMC 26.23.095). The objective of this is to provide a dense urban development with as much green space as possible. Incorporation of sidewalks would create more hardscape that already covers 70% of the site where green space is limited. It also would force the developer to reduce the size and/or number of townhomes.
- A Waiver is requested to eliminate the requirement for a 60' turn around circle at the end of the two Dead End Access Road / Streets (LMC 26.23.080). This waiver is necessary since a 60' turn around will not fit on this site and would require several Row House Units to be removed from the Plan.
- A Waiver is requested from installing the water main 3.5 feet outside of street pavement (DS 2.10 - section 3.2) to allow the 8" Water Main to be installed under the Private Roadway Pavement. This waiver is needed to install the water main at least 15 feet away from any of the Row Houses and still provide a 30' wide easement for the water main. With a narrower right of way in this Urban Section, the Water Main must be located under the street pavement.

DLR Group
Lincoln, Nebraska
o: 402/742-4200

21st and N Mixed Use Development Waiver List (continued)

- A Waiver is requested to eliminate any landscaping screening requirements to the South and West of the Parking Lot (DS 3.50 - section 7.1). The design does not allow any room for landscaping south of the parking lot since the parking stalls are directly connected to the Private Roadway. The design does not allow the western edge of the parking lot to be fully screened since it is close to 21st street, however, some landscaping will be provided as shown.
- A Waiver is requested from the 60 foot wide Right of Way to allow a 42 foot wide Right of Way for the Private Road (the 60 foot Right of Way is shown in the Residential Cross section Details). A 60 foot Right of Way on the Private Road will not fit on this Site without a significant reduction in the size and number of Row House units on this site.
- A Waiver is requested from the 150 foot maximum dead end road called out in the International Fire Code (adopted in LMC 19.03). The southernmost Row House Units are approximately 210 feet from the Private Roadway. A Meeting was held previously with the City of Lincoln Fire Chief and the 210 foot distance was determined to be acceptable.
- A Waiver is requested to eliminate any Storm Water Detention on this site (DS 2.05 – section 3.3). The Site Drainage Plan will be reviewed as a part of this submittal. A small portion of this site drains directly into Antelope Creek and it is desired by several governmental agencies to divert this drainage away from Antelope Creek and into the Storm Sewer System in 21st Street. This will allow nearly all of the Storm Drainage Flows to enter the Storm Sewer System in 21st Street and bypass Union Plaza. Supplemental drainage information will be available from the owners Consultant on approximately November 20th showing that the Storm Sewer System in 21st Street can handle the additional runoff from this site. There also is no room for storm water detention on this site and costly underground storm water detention would have to be implemented if this waiver is not approved.

The Complete Street Concept referenced in the above Waivers is one where the Streets are used for Vehicles, Pedestrians, and Bicycles. Further information on the Complete Street Concept can be found on the following website: http://www.smartgrowthamerica.org/complete-streets

DLR Group
Lincoln, Nebraska
o: 402/742-4200

21st and N PUD Development Plan

Use Regulations

The Proposed PUD for this site will use the existing B-4 zoning as the basis of design. Single Family Dwellings and Townhouses are a permitted use in B-4 zoning. Offices, Retail Sales, and Restaurants are also a permitted use in the B-4 Zoning, as applicable to the lower level of the Mixed Use Building.

Waivers

All Waivers requested are detailed on the "21st and N Mixed Use Development Waiver List"

General Notes

1. Lots may be created without frontage to a public street if they have access to a public or common access easement. Lots may be created with non-perpendicular lot corners. Lots shown on the Preliminary Plat Plan are illustrative only. Lot configurations will be defined on the Final Plat.
2. The Site Plans included in this submittal provide for the requirements of the Preliminary Plat. The Drainage Study will be submitted and approved by administrative amendment prior to Final Plat Approval.
3. A common Access Easement will be provided over the Private Road and Access Roads.
4. Any relocation of existing utilities that must remain shall be at the Owners expense.
5. Details of all signs, including type, height, and size, will be submitted separately and are not shown on the plan. The Signs will be approved by administrative amendment prior to Final Plat Approval. With the exception of basic traffic signage, the signs will be illuminated and located outside of required sight triangles.
6. The Construction of accessory buildings will not be allowed on this site, except for the Muny Building Site (Lot 1)
7. Dumpsters shall be screened with fencing and landscaping to limit the visibility of the Dumpster
8. The Site Plan shall provide at least a 3'-0" setback for all buildings abutting the perimeter property line of the Plat. Setbacks shall be zero for all internal Row House Buildings that are adjacent to other Row Houses or are adjacent to Outlots.
9. Prior to Final Plat Approval, a coordinated outdoor lighting plan and a coordinated landscaping plan defining all trees and shrubs to be used onsite will be submitted for Approval.
10. A Maintenance Agreement will be provided at a later date for the Stairs, Sidewalks, and Pavements shown in the Right of Way on 21st Street and N Street
11. The Streets shown on this Preliminary Plat are not named, but will be named Prior to Final Plat Approval.

DLR Group
Lincoln, Nebraska
o: 402/742-4200

21ST & N STREET DEVELOPMENT | MIXED-USE BUILDING

13 SEPTEMBER 2013

DLR Group
Architecture Engineering Planning Interiors

21ST & N STREET DEVELOPMENT | MIXED-USE BUILDING

18 SEPTEMBER 2013

DLR Group
Architecture Engineering Planning Interiors

21ST & N STREET DEVELOPMENT | VIEW OF ROW HOUSE TYPE A1 & A2

18 SEPTEMBER 2013

DLR Group
Architecture Engineering Planning Interiors

21ST & N STREET DEVELOPMENT | BIRDSEYE VIEW OF ROW HOUSE DEVELOPMENT

18 SEPTEMBER 2013

DLR Group
Architecture Engineering Planning Interiors

Lower Platte South NRD Comments:

Have some concerns about drainage and improvements shown on a neighboring property that is within the US Army Corps of Engineer's project right-of-way boundary. Some improvements to the drainage pattern has been accomplished. Still concerned about if the stormsewer draining north into Antelope Creek will be utilized and a new swale that appears to show that runoff in the future will discharge over the bank into Antelope Creek. Before a trail/retaining wall northeast of the property can be constructed it would need to be approved by both the Corps and the NRD, the improvements are located within the project Right Of Way of the Corps' Antelope Valley flood control project.

Historic Districts/Capitol Environs Comments:

The development is in the B-4 district and therefore is subject to the Downtown Design Standards. As a publicly-assisted project, it is also subject to advisory design review by Urban Design Committee. UDC had commented on the project in the course of its design development and requested further review of unfinished elements, such as the mixed use building on N St. and streetscape features and facades on 21st St. Rather than waiving landscape and screening standards through the PUD, consultation with and if necessary, appeals to UDC when the designs are finished is more appropriate.

Public Works & Utilities – Water Comments:

If the waiver is granted for placing the water main under the paving, the developer/association shall hold the City harmless with respect to the cost of repair of the paving in the future.
All of the branch lines shown off of the public water main are services. None of the service can be built until a water service has been permitted from the DSC./ Water Business Office. There is no agreement that any part of these service lines can be built without the respective permit. They should be taken off of the utility drawing.
The Parks dept has two water services off of the existing main, and there needs to be provisions in this project to reconnect them to the new main before the existing main is abandoned.

Public Works – Watershed Comments:

1. Show 100-yr floodplain limits on site plan and/or grading and drainage plan.
2. Provide a note or show that no inlets along 21st St will be permanently removed. If modifications to the curbline and pavement of 21st St occur, then existing inlets need to be put back.
3. Some of the proposed storm sewer pipes do not meet minimum required slope. Correct.

4. There are a number of locations where the storm sewer does not appear to meet separation requirements from water. Correct.
5.Based on a preliminary email, its anticipated that a drainage study be submitted to show that re-routing of storm sewer to the system on 21st St will be okay. As of 11/26, this has still not been submitted.

Public Works Comments:

1. General- The site plan submitted appears to be lacking in dimensions. The dense nature of the site and the many design waivers make it difficult to review and make required or suggested changes because the lack of dimensions require that assumptions be made about dimensions and functionality of the concepts shown. Especially concerning to Public Works issues are the pavement changes shown to be made in 21st Street and in N Street and the proposed pubic sewer and water systems within the site. These items can in theory be made with the preparation of the design and construction plans but the potential revisions will potentially changes private improvements within the development.

2 Drainage and Grading-The proposed narrowing of the 21st Street paving by moving the curbline of 21st raises several major concerns. The tapers and narrowing of the pavement increases the travel length of the storm water flow in the gutters. A large portion of the 21st Street frontage presently exists per records that I can find with a sub standard street slope. Increasing the curb line length lengthens the curb length and decreases the slope. My assumption is that there will be poor drainage along 21st Street and that there will be "birdbath" pools of water along this curbline with no effective way to eliminate them. This happens frequently along street even with design standard minimum slopes of .005. Moving the curbline closer to the street crown decreases the flow in the gutter before it crosses to the east side. The design of the inlets would have been designed assuming a full crown. An inlet study is needed to determine if and where additional inlets are needed. The inlets locations along 21st Street will need to be revised. The driveway radii shown for the driveways and private roads are substandard and will not be approved as shown. The plan with the substandard radii are already unacceptable because of their proximity to the drive returns. The substandard return will cause vehicles to drive over and damage the inlets as well as damage the green area adjacent to the driveways. With the curbs moved closer the crown of the street, the sidewalks along 21st Street will need to be raised. Per the Lincoln Municipal Code the sidewalk should be built at a slope of 2% from the top of curb to back of sidewalk. The street grades as submitted show virtually no slope from the sidewalk to the proposed new gutter line. Adjusting the street grades may likely require revising the entire grading plan because of the dense nature of the development. The plans show constructing a sidewalk east of this site adjacent to Antelope Creek. No grading is shown for this sidewalk. If this sidewalk is to be built, it should not be located within the side slopes of the channel. As acknowledged by the letter the drainage study information submitted is incomplete and further revisions and

comments may follow after revisions are made per comments and the application is complete.

3. Interior Streets and Driveways- The north driveway to the parking lot from 21st must be eliminated. Its spacing from the driveway to the south does not meet Access Control Manual requirements and a waiver will not be recommended for approval by Public Works.
As noted previously drive radii are substandard and must be revised. The south leg of the private roadway is at a substandard angle to 21st and must be revised. Public Works recommends moving the intersection south to where the angle of deflection meets or is must closer to the required maximum of 10 degrees. No flares are shown for the driveways along the private streets and alleys. I recommend that the driveways be built with standard residential flares to reduce the number of times vehicle will drive over the adjacent grass. The 10 radii shown on the commercial design driveways are too short and will not allow turning vehicles to stay on the paving. The un-dimensioned distance between many of the garage faces and the narrow alleys does not appear to allow vehicles to enter and leave driveways in a single motion causing the need for several maneuvers to enter and leave the garages. This is also a concern with the extra parking shown along the southeast alley. I request that a dimensioned plan be provided and these turning maneuvers be shown to enable the city to make a recommendation about the design. The public parking stalls on 21st and on are dimensioned at 21 feet. The standard design for parking stalls is 22 feet. The street trees shown on the landscape plan need further review. I question whether there is adequate space to put in some of the trees shown and provide adequate space behind the curb as well as provide space for street light and needed signs as well as visibility for the signage needed at 21st and N. The design concept for N Street and 21st Street needs further detailing and review and will not be approved by Public Works without it. The engineering and design of the public improvements is subject to approval of Public Works and should not be deemed approved by approval of this change of zone.

4. Park Building Services- There is a fiber optic line in an existing easement thru buildable lots shown on this plan and existing sewer and water services providing service to various Parks facilities in this area. Due to the dense nature of this development there are limited locations where these facilities can be relocated. I recommend that these relocations be identified on this plan so that the relocation concepts can be reviewed and approve prior to final approval of the plan and commencing construction. The application acknowledges the fiber optic line but asks to postpone the relocation decision.

5. Sewer and Water- It appears that the 8" portion of the sewer system and 8" portion of the water system shown are proposed to be public sewer and water mains. 30 foot easements centered on the mains is required per design standards. As noted previously, the plan is lacking in dimension but it appears that the sewer system does not meet this standard. Both on the water system and sewer system are underneath paving and driveways. Fire hydrants appear to be located 5 to7 feet from residences. These types of situations are not typical if the systems are designed to meet design

standards. It cannot be ascertained whether the parallel sewer and storm sewer meet the required separation between water mains. If these systems are to be public and to be owned and operated by Public Works and Utilities we request that the development agree that the city is only responsible for the cost of the maintenance, repair and replacement of the mains and not liable for the replacement of the surface features or any building located closer than 15 feet from the mains. Public Works has concerns about the conceptual design shown in several locations. We request that the developers engineers meet with the city before revisions are made to these plans to determine some of the questioned design details.

6. Waivers-The 24 foot private roadway width exception is satisfactory provided parking is prohibited on the private roadway. I object to the waiver of all sidewalks within this subdivision. Sidewalks should be required on a least one side of the private roadway. The private alleys between the homes are not private roadways and are not required to have a turn around. As previously noted maneuvering space is limited to enter and leave the garages. The maneuvering space for driveways at the dead-ends of these alleys needs to be studied to determine if more paved space is needed for the maneuvers. Eliminating the crown in areas of the private roadway is satisfactory because these private roadways appear to be private roadways in name only and function as driveways rather the intent of a roadway.

MEMORANDUM

TO: Planning Commission

FROM: Paul Barnes, Planner

SUBJECT: 21st & N PUD #13026

DATE: December 11, 2013

CC: Tom Huston
John Badami
Randy Hoskins
Chad Blahak
Nick McElvain
Brian Kramer

The purpose of this memo is to update the Planning Commission on the 21st & N PUD application. This application will be heard at the December 11th, 2013 Planning Commission meeting.

The Planning Department has been working with the applicant to address the conditions of approval as noted in the staff report. At this time, several conditions have been addressed including the utilities, the protected bikeway on N Street and the driveway radii.

Since several conditions have been addressed, the staff recommendation is hereby amended as follows:

1. Delete Condition 1.11 which requires the developer to, "Add the 15 foot LES easement along 21st Street, if required by L.E.S."

2. Add a new condition 1.11 that states, "The sanitary sewer system will be private, except for the existing 48" line and the existing 8" line. The water system will be public within the private roadway as long as the developer enters into a Hold Harmless Agreement with the City. The water system will be private in the private alleys. Show on the plan the required easements for the public water mains and the required spacing between public/private water mains and sewer lines."

Lincoln City-Lancaster County Planning Department
555 S. 10th St., Rm. #213 • Lincoln NE 68508
Phone: (402) 441-7491 • Fax: (402) 441-6377

3. Show the bikeway along N Street as 12 feet wide instead of 10 feet. Since the additional 2 feet is obtained from N Street, show the new dimension of N Street.

4. Amend condition 1.20 to state, "Address all comments to the satisfaction of the Director of Public Works and Utilities Department and Lower Platte South NRD, except for the turn radii for private alleys and residential driveways. The radii for the commercial driveway along 21st Street will be 25'. The radii for the private roadway along 21st Street will be 20'."

LINCOLN/LANCASTER COUNTY
PLANNING COMMISSION
December 11, 2013

MOTION TO AMEND
Change of Zone No. 13026
"21st and N Mixed Use Development Planned Unit Development (PUD)"

I hereby move to amend the conditions of approval for Change of Zone No. 13026 (21st & N PUD) as follows:

A. Delete condition 1.11 which requires the Developer to "add the fifteen foot (15') LES easement along 21st Street, if required by LES".

B. Delete condition 1.15 which requires the site plan to be revised to "remove the north driveway on 21st Street". The Developer has submitted a Request for Deviation to the Director of Public Works in accordance with the requirements of the Access Management Policy.

C. Revise condition 1.20 to provide:

"Address all comments to the satisfaction of the Director of Public Works and Utilities Department and the Lower Platte South NRD except those comments pertaining to:

i. The requirement that sidewalks be provided on both sides of the private "loop" road per LMC § 26.23.095, for which the applicant has requested a waiver; and

ii. The turn radii for:

- Residential driveways (15');
- Private alleys (15');
- Loop road drives on 21st Street (20');
- Commercial drive on 21st Street (20')."

Introduced by:

_____
Commissioner

Ayes: _____ Nays: _____

_____

4844-7234-8439, v. 1

SUPPORT

From: William Carver [WilliamC@Neb.RR.com]
Sent: Saturday, December 07, 2013 6:27 PM
To: Jean Preister
Subject: NSNA supports Change of Zone No. 13026

Dear Planning Commissions,

The Near South Neighborhood Association supports Change of Zone No. 13026.

Sincerely,

William Carver
President NSNA
402.429.2374