City Council Introduction: **Monday**, August 22, 2016
Public Hearing: **Monday**, August 29, 2016, at 5:30 p.m.

Bill No. 16R-185

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 16025,** request of Neighborhoods Inc., dba NeighborWorks Lincoln, to allow for the development of a new Community Unit Plan, on property generally located at 828 D Street and 848 D Street.

STAFF RECOMMENDATION: Conditional approval

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing and Action: 08/03/2016

RECOMMENDATION: Conditional Approval (5-0: Sunderman, Corr, Lust, Scheer, and Hove voting 'yes'; Cornelius, Harris and Weber absent).
Resolution No. PC-01509

OPPONENTS: 4 present at public hearing; 26 petition signatures provided.

REASON FOR LEGISLATION: A request per Section 27.63.320 for a Community Unit Plan to develop up to 7 dwelling units.

DISCUSSION/FINDINGS OF FACT:

1. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on pp.11-12, concluding that five single-family and one 2-family dwelling units are an appropriate land use for this site. This site can be easily served by existing infrastructure. The proposed plan is in keeping with the character of the neighborhood. This request for a special permit for a Community Unit Plan is consistent with the Comprehensive Plan, and subject to the conditions of approval, complies with the requirements of the Zoning Ordinance.

2. On June 16, 2016, this application was before the Historic Preservation Commission for an advisory review. The Commission recommended approval by a 5-0 vote and their minutes can be found on pp.17-20.

3. On July 6, 2016, public hearing before the Planning Commission was deferred to the July 20, 2016, hearing due to Commissioner Harris declaring a conflict of interest, which resulted in the lack of a quorum.

4. On July 20, 2016, the Planning Commission granted the applicant's request for a 2-week deferral of this application to the August 3, 2016, meeting.

5. The August 3, 2016, staff presentation is found on pp.21-22. The applicant's testimony is found on pp.22-23, and testimony in support of this application is found on p.23.

6. Testimony in opposition of this application is found on pp.23-24; see pp. 28-33 for public communications and signed petition.

7. The applicant's rebuttal is found on pp.25-26.

8. On August 3, 2016, the Planning Commission voted 5-0 to agree with the staff recommendation of conditional approval and adopted Resolution No. PC–01509 (pp.3-8) approving Special Permit No. 16025, as set forth in the conditions of the staff report dated June 28, 2016.

9. On August 3, 2016, a joint notice of appeal was filed by Charles (Dick) Clark, 1008 So. 8th Street, and William and Myrna Wood, 808 D Street. (p.2).

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer

DATE: August 15, 2016

REVIEWED BY: David R. Cary, Planning Director

DATE: August 15, 2016

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CLERK'S OFFICE
2016 AUG 3 PM 2 51
CITY OF LINCOLN
NEBRASKA

To: The City Council of Lincoln, Nebraska

Re: Notice of Appeal

Pursuant to Section 27.63.025 of the Lincoln, Nebraska Municipal Code the undersigned aggrieved persons hereby appeal the action taken by the Lincoln/Lancaster County Planning Commission on August 3, 2016, in approving Special Permit SP16025 involving a Community Unit Plan on property generally described as 828 and 848 D Street, Lincoln, Lancaster County, Nebraska.

The aggrieved persons request that the hearing on this appeal be held at the 5:30 p.m. Council meeting on August 29, 2016, in order to give more neighbors an opportunity to attend.

Dated this 3rd day of August, 2016.

Aggrieved Persons:	Address
Charles R. Ulk II	1008 S 7th St., Lincoln
William J. Wood	808 "D" St. Lincoln, NE 68502
Myrna L. Wood	808 D St Lincoln, NE 68502

RESOLUTION NO. PC-01509

SPECIAL PERMIT NO. 16025

WHEREAS, Neighborhoods, Inc. dba Neighborworks Lincoln has submitted an application designated as Special Permit No. 16025 for authority to develop a Community Unit Plan for up to 7 dwelling units with requested waivers of the Land Subdivision Ordinance to (1) waive the required lot width to depth ratio for lots intended to be occupied by two-family dwellings; (2) reduce the required front yard setback from 25 feet to 15 feet on D Street and E Street and to 5 feet on South 9th Street and reduce the required rear yard setback from 20 feet to 18 feet, for both single-family and two-family dwellings; (3) reduce the required minimum lot area from 5,000 square feet to 3,500 square feet, reduce the required minimum average lot width from 50 feet to 35 feet, and reduce the required side yard setback from 5 feet to 4 feet or 3 feet as shown on the site plan, for single-family dwellings; and (4) reduce the required minimum lot area from 2,500 square feet per family to 2,400 square feet, reduce the required minimum lot width from 25 feet to 22 feet, and reduce the required side yard setback from 5 feet to 3 feet when there is no party wall, for two-family dwellings, on property generally located at 828 D Street and 848 D Street, and legally described as:

> Lot 10, Block 192, Lincoln Original & the South Half of Adjacent vacated east-west alley, and Lots 1-2 & Lots 11-12, Block 192, Lincoln Original & adjacent vacated east-west alley, located in the Southeast Quarter of Section 26, Township 10 North, Range 6 East of the 6th P.M., Lincoln, 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.

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

That the application of Neighborhoods, Inc. dba Neighborworks Lincoln, hereinafter referred to as "Permittee", to develop a Community Unit Plan for up to 7 dwelling units and the requested waivers of the Land Subdivision Ordinance to reduce the required lot width to depth ratio for lots intended to be occupied by two-family dwellings; and requests waivers of Zoning Code to (1) reduce the required front yard setback from 25 feet to 15 feet on D Street and E Street and to 5 feet on South 9th Street and reduce the required rear yard setback from 20 feet to 18 feet, for both single-family and two-family dwellings; (2) reduce the required minimum lot area from 5,000 square feet to 3,500 square feet, reduce the required minimum average lot width from 50 feet to 35 feet, and reduce the required side yard setback from 5 feet to 4 feet or 3 feet as shown on the site plan, for single-family dwellings; and (3) reduce the required minimum lot area from 2,500 square feet per family to 2,400 square feet, reduce the required minimum lot width from 25 feet to 22 feet, and reduce the required side yard setback from 5 feet to 3 feet when there is no party wall, for two-family dwellings, be and the same is hereby granted under the provisions of Section 27.63.320 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. Before receiving approval of a final plat the Permittee shall:

a. Cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **3** copies with all required revisions as listed below:

i. Revise the sheet numbering to show "Sheet 1 of 1" for Sheet G1.1 as this will be the only sheet for the approved CUP.

ii. Revise the sheet title to read, "Cooper Commons Community Unit Plan, Special Permit #16025" and delete the "Submittal Documents" subtitle.

iii. Under the Proposed CUP table, correct "Font" to "Front".

iv. Remove the "Drawing Index".

v. Remove "(side)" from the front yard setback label along 9th Street.

vi. Revise Note A.3 to state "Building footprints are conceptual and may be located anywhere within the approved building envelopes."

vii. Revise Note B.2 to state "Accessory Buildings are permitted in the identified Commons area in Outlot A and must meet the minimum 5 foot front yard setback to 9th Street."

viii. Revise Note C.1 to state "A final plat will be required according to the proposed lot sizes."

ix. Revise Note C.2 to state "Proposed exterior home designs are subject to review and recommendation by the Historic Preservation Commission and must meet the Design Standards for Neighborhoods."

x. Remove the "Lot Total – 8" under the Proposed Lots table.

xi. Under the Proposed CUP table, change the proposed "3,714 average square feet" to "3,500 single family/ 2,400 two-family lots" to allow for minor variation.

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

c. Complete 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, or provide a guarantee (bond, escrow or security agreement)

to guarantee completion which 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. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.

d. Enter into a Subdivision Agreement with the City wherein:

i. Permittee agrees to complete the planting of the street trees along D Street and E Street within this plat within six years following the approval of the final plat.

ii. Permittee agrees to complete the planting of street trees along South 9th Street as shown on the final plat within two years following the approval of this final plat.

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

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

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

vi. Permittee agrees to comply with the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

vii. Permittee agrees to complete the public and private improvements shown on the Community Unit Plan.

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

ix. Permittee agrees to maintain the outlots on a permanent and continuous basis.

x. Permittee agrees 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 facilities, on a permanent and continuous basis.

xi. Permittee agrees 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, Permittee 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) Permittee shall not be relieved of Permittee'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.

xii. Permittee agrees to pay all design, engineering, labor, material, inspection, and other improvement costs.

2. Notwithstanding any provision to the contrary above, if any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan 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 community unit plan as originally approved does not comply with the amended rules and regulations.

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

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

5. 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.

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

7. The Permittee 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 therefor to be paid in advance by the Permittee. Building permits will not be issued unless the letter of acceptance has been filed.

The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 3 day of August, 2016.

ATTEST:

Chair

Approved as to Form & Legality:

Chief Assistant City Attorney

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for July 6, 2016 PLANNING COMMISSION MEETING

PROJECT #: Special Permit No. 16025

PROPOSAL: A request per Section 27.63.320 for a Community Unit Plan to develop up to 7 dwelling units.

LOCATION: 828 D Street and 848 D Street

LAND AREA: 0.86 acres more or less

EXISTING ZONING: R-4 Residential District

CONCLUSION: Single family residential is an appropriate land use for this site. This site can be easily served by existing infrastructure. The proposed plan is in keeping with the character of the neighborhood. This request for a special permit for a Community Unit Plan is consistent with the Comprehensive Plan, and subject to the conditions of approval, complies with the requirements of the Zoning Ordinance.

RECOMMENDATION: Conditional Approval

WAIVER/MODIFICATIONS:

Waiver to Title 26 - Subdivision Ordinance

1. Waive the requirement per Section 26.23.140 that lots intended to be occupied by two-family structures shall have a maximum depth of three times their width. Approval

Waivers to Title 27 - Zoning Ordinance

2. Reduce the front yard setback from 25' to 15' on D and E Streets and 5' on South 9th Street. Approval
3. Reduce the rear yard setback from 20' to 18'. Approval

<u>Single-Family Dwellings</u>

4. Reduce the minimum lot area requirement from 5,000 sq. ft. to 3,500 sq. ft. Approval
5. Reduce the minimum average lot width from 50' to 35'. Approval
6. Reduce the side yard setback from 5' to 4' or 3' as shown on the site plan. Approval

<u>Two-Family Dwellings</u>

7. Reduce the minimum lot area requirement from 2,500 sq. ft. per family to 2,400 sq. ft. Approval

8. Reduce the minimum average lot width from 25' per family to 22'.	Approval
9. Reduce the side yard setback from 5' to 3' when there is no party wall.	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 10, Block 192, Lincoln Original & the South ½ of Adjacent Vacated East-West Alley, and Lots 1-2 & Lots 11-12, Block 192, Lincoln Original & Adjacent Vacated East-West Alley, located in the SE 1/4 of Section 26-10-6, Lincoln, Lancaster County, Nebraska.

EXISTING LAND USE: Vacant (undeveloped) land

SURROUNDING LAND USE AND ZONING:

North: Duplex and Single Family Detached Residential; R-4
South: Single Family Detached Residential; R-4
East: Single Family Detached Residential, Apartments, and Parking Lot; R-6
West: Single Family Detached Residential; R-4

HISTORY:

1927	The Zion Church was constructed on this site.
September 1998	Board of Zoning Appeals #2234 was granted to vary the required front and side yards for purposes of church parking.
January 1999	Board of Zoning Appeals #2245 was granted to vary the required front and side yards for purposes of church parking.
December 2002	Special Permit #1996 was approved by the Planning Commission to increase lot coverage of the church for the addition of a residence and garage.
December 2002	Board of Zoning Appeals #2346 was granted to vary the required side yard from 15' to 3'8" to allow use of the existing house and garage for church purposes.
March 2007	Board of Zoning Appeals #07001 was granted to vary the required rear yard from 30' to 10'.
April 2007	Special Permit #07007 was approved by the Planning Commission to expand the nonstandard church into the required front yard for an addition to the existing structure.
June 2007	The Zion Church burned down.
October 2007	Change of Zone #07047 was approved by the City Council change the zoning over these and a number of other properties from R-6 Residential District to R-4 Residential District due to the higher than typical percentage of single family dwellings.

COMPREHENSIVE PLAN SPECIFICATIONS:
P. 1.9 - This property is shown as urban residential on the 2040 future land use map.

P. 7.2 - Neighborhoods and Housing Guiding Principles:

- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

UTILITIES: All utilities are available at this site.

TOPOGRAPHY: The site is generally flat.

TRAFFIC ANALYSIS: South 9th Street is classified as a Principal Arterial and D Street is classified as a local street in the 2040 Comprehensive Plan.

PUBLIC SERVICE: The nearest Lincoln Fire & Rescue Station is located at 1801 Q Street.

AESTHETIC CONSIDERATIONS: Because this property is located within the South Bottoms Historic District listed on the National Register of Historic Places, the application was reviewed by the Historic Preservation Commission, which recommended approval (see attached minutes). The new dwellings are subject to the Neighborhood Design Standards and will be reviewed for compliance with those standards and this Special Permit at the time of building permit.

ANALYSIS:

1. This is a request for a Community Unit Plan (CUP) to develop up to 7 dwelling units on property located northwest of South 9th and D Streets.

2. The future land use map shows this area as urban density residential. The proposed development provides for 7 dwelling units on 7 buildable lots, with 5 single family detached dwelling units and 2 single family attached units. This density would be achieved under the existing R-4 zoning district, and is an appropriate urban density for this neighborhood.

3. The proposed density is below that which would be permitted by right and within the CUP. The R-4 zoning district without a CUP permits would permit up to 10 two-family units, or 5 single family units, on this site. The applicant is also requesting fewer dwelling units with this application than the maximum density of the CUP under R-4 zoning would allow. The maximum density of this CUP is 13.93 dwelling units per acre with a 20% reduction to accommodate the small size of the tract, which equates to 9 units. The developer is not requesting the right to utilize the remaining 2 units permitted under the maximum CUP density.

4. This project is envisioned as a creative housing development that incorporates a central commons area. The commons area provides open space for residents and could be used as a gathering space, shared garden, play area, etc. Vehicular access will be taken off the north-south alley with parking at the rear of the dwellings to prevent the introduction of new driveways to the streets, thereby preserving the pedestrian orientation of the block faces.

5. The applicant has requested waivers to the minimum lot size and setback requirements for both single-family and two-family dwellings per Section 27.72.020 of the Zoning Ordinance, and a waiver to the required lot width-to-depth ratio for two-family dwellings per Section 26.23.140 of the Subdivision Ordinance, as listed above. These waivers are appropriate because the proposed density is similar to this block and neighborhood, and the density does not exceed the maximum permitted by right or within the CUP in this location. The requested waivers facilitate the overall creative concept of this redevelopment.

6. This property is within the South Bottoms Historic District. The Historic Preservation Commission (HPC) reviewed this application at their regular meeting on June 16, 2016 and recommended approval (see attached minutes of the HPC meeting). Several illustrations presented at the HPC meeting are attached for informational purposes; however, the sheet numbered G1.1 is the only official sheet for the CUP.

7. The availability of on-street parking has historically been a concern in attached single family developments, especially in those developments with streets that are narrower than the standard width and very narrow lots, leaving little room for on-street parking. That concern has been reduced in this development as all roadways meet the standard width for public streets and there are no individual driveways that would reduce on-street parking space.

8. This site can be easily served by existing infrastructure such as roads and utilities. Access to this development will be provided off D and E Streets via the alley.

9. Neighborhood meetings to present this application and gain input were held in March and May of 2016.

10. Several revisions to the site plan are required and are listed in the conditions of approval.

CONDITIONS OF APPROVAL:

Per Section 27.63.320 this approval permits a Community Unit Plan for up to 7 dwelling units, with the following waivers:

- Waiver to Section 26.23.140 for the required lot width to depth ratio for lots intended to be occupied by two-family dwellings;

The following waivers to Section 27.72.020 for single-family and two-family dwellings:
- Reduce the required front yard from 25' to 15' on D and E Streets and 5' on South 9th Street.
- Reduce the required rear yard from 20' to 18'.

The following waivers to Section 27.72.020 for single-family dwellings:

- Reduce the required minimum lot area from 5,000 sq. ft. to 3,500 sq. ft.
- Reduce the required minimum average lot width from 50' to 35'.
- Reduce the required side yard from 5' to 4' or 3' as shown on the site plan.

The following waivers to Section 27.72.020 for two-family dwellings:

- Reduce the required minimum lot area from 2,500 sq. ft. per family to 2,400 sq. ft.
- Reduce the required minimum lot width from 25' per family to 22'.
- Reduce the required side yard from 5' to 3' when there is no party wall.

Site Specific Conditions:

1. Before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **3** copies with all required revisions and documents as listed below:

   1.1 Revise the sheet numbering to show “Sheet 1 of 1" for Sheet G1.1 as this will be the only sheet for the approved CUP.

   1.2 Revise the sheet title to read, “Cooper Commons Community Unit Plan, Special Permit #16025" and delete the “Submittal Documents” subtitle.

   1.3 Under the Proposed CUP table, correct “Font” to “Front”.

   1.4 Remove the “Drawing Index”.

   1.5 Remove “(side)” from the front yard setback label along 9th Street.

   1.6 Revise Note A.3 to state “Building footprints are conceptual and may be located anywhere within the approved building envelopes.”

   1.7 Revise Note B.2 to state “Accessory Buildings are permitted in the identified Commons area in Outlot A and must meet the minimum 5 foot front yard setback to 9th Street.”

   1.8 Revise Note C.1 to state “A final plat will be required according to the proposed lot sizes.”

   1.9 Revise Note C.2 to state “Proposed exterior home designs are subject to review and recommendation by the Historic Preservation Commission and must meet the Design Standards for Neighborhoods.”

   1.10 Remove the “Lot Total - 8" under the Proposed Lots table.

   1.11 Under the Proposed CUP table, change the proposed “3,714 average square feet” to “3,500 single family/ 2,400 two-family lots” to allow for minor variation.

2. Before a final plat is approved provide the following documents to the Planning Department:

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

3. Final plat(s) is/are approved by the City.

   If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan 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 community unit plan 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. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.

No final plat shall be approved until the Permittee, as subdivider, enters into an agreement with the City whereby Permittee agrees:

to complete the planting of the street trees along D Street and E Street within this plat within six (6) years following the approval of the final plat.

to complete the installation of street trees along South 9th Street as shown on the final plat within two (2) years following the approval of this final plat.

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

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Public Works 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 Community Unit Plan.

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 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 facilities, 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, Permittee(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) Permittee shall not be relieved of Permittee'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.

to pay all design, engineering, labor, material, inspection, and other improvement costs.

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 Permittee 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 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, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

Prepared by

Rachel Jones, Planner
402-441-7603 or rjones@lincoln.ne.gov

DATE: June 28, 2016

APPLICANT: Peace Studio Architects, Inc.
1835 Kings Highway, Suite B
Lincoln, NE 68502

OWNER: Neighborhoods Inc. D/B/A
2530 Q Street
Lincoln, NE 68503

CONTACT: Gill Peace
Peace Studio Architects, Inc.
1835 Kings Highway, Suite B
Lincoln, NE 68502

MEETING RECORD EXCERPT
RE: Special Permit No. 16025
Meeting of 06/16/2016

NAME OF GROUP:	HISTORIC PRESERVATION COMMISSION
DATE, TIME AND PLACE OF MEETING:	Thursday, June 16 2016, 1:30 p.m., Conference Room 214, 2nd Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska
STATED PURPOSE OF MEETING:	Regular Historic Preservation Commission Meeting

ADVISORY REVIEW ON SPECIAL PERMIT NO. 16025
APPLICATION BY NEIGHBORWORKS LINCOLN FOR A COMMUNITY UNIT PLAN GENERALLY LOCATED AT
9TH & D-E STREETS, "COOPER COMMONS". **June 16, 2016**

Members present: Gengler, Hewitt, Johnson, McKee and Munn; Francis and Kuhlman absent.

Mike Renken, CEO of NeighborWorks Lincoln, came forward. Also present from NeighborWorks were Pat Anderson and Marti Lee (Community Builders). Renken stated that they are very excited about this project. This is a great location and he is proud of what Shawn Ryba, Chief Operating Officer at NeighborWorks Lincoln, and the Community Builders have achieved in the area. Not only were neighbors brought together to help pick the architect, Gill Peace, but they were also consulted about what they would like to see in their neighborhood. It may not be possible to please absolutely everyone, but their team has worked diligently with the neighbors and believes they can please most. This will be positive addition.

Gill Peace, Peace Studio Architects, stated he attended a neighborhood meeting in May to get neighbors up to speed with the plans thus far. This is the former site of the Zion Church, which burned down in 2007. The lot has been sitting empty since then. There are historic 1890s homes to the west. The development was named "Cooper Commons" to hint at proximity to Cooper Park, which is one bock to the west, and also to relate it to the existing neighborhood. There is one house remaining along E Street at the north end of the property. It will remain and become part of the small neighborhood being built.

McKee asked if there was any effort made to purchase that remaining property. Renken said that effort was made but the owner had no interest in selling. Peace added that it showed the kind of connection neighbors have to this neighborhood.

Peace went on to say that their mission is to create a great infill neighborhood within what is already a great neighborhood; it will have its own identity, but will not turn its back on the existing area. The area is bounded by 9th Street on the east, a north/south alley dividing the block on the west, D Street to the south and E street on the north. Four homes will face south along D Street and three will face north along E Street. No houses will front onto 9th Street, since it is busy. The existing houses to the west all front to Cooper Park, but as you go east, the houses face D and E Streets, so this configuration makes sense and is a good transition. These will be fee simple lots with residences for sale.

When it comes to density, it was important to find the right balance for the neighborhood. The adjacent lots were examined to come up with an appropriate fit. Those lots are 142 feet in depth and approximately 38-29 feet wide. Based on that, the new lots will be 37-39 feet in width and will have a depth of 104 feet. There are property lines between in order to create a center common space know as “Cooper Commons Park”, which will be a real attribute.

Using the alley to deal with vehicle circulation was the cleanest approach. Vehicles enter at either end of the alley and come to the common outlot. Each house has a two car garage with room for two vehicles in the approach driveway to each home’s garage.

The goal for the northeast corner is slightly different. They propose a property line that runs down the middle to create two townhouse lots to create the appearance of a larger structure that will be attractive and will look like a single, large house. This will create the necessary density of seven homes for the development, will serve as a corner balance with the larger house located on the southwest corner, and will become a “calling card” to the Cooper Commons, since it is the first building people will see driving south on 9th Street.

Johnson asked if Cooper Commons shared space will be open to the public, or just the residents. Peace said there are good reasons for both options. One option is to create an home owners association (HOA) that would overlay the seven lots and give the control of how to treat the commons back to the residents, rather than making the decision for them.

Gengler asked the square footage of the big house. Peace stated it is a work in progress so they do not know yet. The rest of the houses are approximately 1,000 square feet, so it will probably be around 1,600 square feet. It will be one of the regular houses with a condensed version attached to it. We are unsure of how the market will react to them; there could be two owners, or a single owner who decides how to use the smaller portion.

Peace went on to say that each floor plan is roughly the same, but not identical. There will be variety, but not so much that the neighborhood-feel falls apart. This will be achieved by using common colors and materials. Today, they are asking for input. Then the CUP will be finalized, and there will be a replat based on that. They would love to begin work on Phase I immediately after it is approved, so possibly in five or six weeks. The houses have different roof lines for variety, front porch areas, and an upper level deck at the back so the common area has eyes on it and safety is enhanced.

The central commons is the largest portion of the development. It could include a small playground or a community garden. There is also a chunk of common space leading to the alley. There will most likely be the site of a common mailbox/cluster.

Mckee asked if 9th Street will be screened with anything in addition to trees. Peace stated they are working on how much of a screen to provide. A fence could make it safer for kids and pets with the 9th Street traffic, so the design shows a placeholder for a fence. We have also discussed the possibility that it should remain open. That decision has not yet been made.

Pat Anderson, Community Builder at Neighborworks Lincoln, stated that Mr. Peace met with neighbors once and NeighborWorks began discussions as far back as last November, so there has been input all along. There has been discussion of a fence, but at the same time, it does not seem right to completely alienate 9th Street foot traffic from the commons area. Johnson added that neighbors also do not want something like a tailgate party to occur there.

Peace said the exterior treatments will include durable materials that can be painted different colors from a pallette that ties them together. They are mostly talking about Hardie materials, which are cement-board based siding, shingles, board and batting, or stucco board. These will show up on each project in different proportions and colors.

The interior floor plan is an open living concept. The dining room, kitchen and living room will all be located facing the street to show that life is happening and lights are coming on and off. The master bedroom is also on the first floor, which might appeal to empty nesters. Upstairs is a common study loft with a section that looks down to the living room below. There are also two bedrooms, making these three-bedroom homes, which makes them appealing to a broader range of people. The lower level will be unfinished but will include one egress window and will be laid out for potential future investment by the owner if they want to add a family room, bathroom, or extra bedroom or office.

Munn stated for the sake of disclosure that he also competed for this project. He said this design is well thought through. He asked if access to the commons is through the garage. Peace said the houses will use an active/passive approach where the windows will be smaller and higher on the passive side of the house, and the active side will include a side lot with larger windows and french doors. These will not have large yards, so the side yard is an important area for outdoor space and connecting to the commons.

Zimmer said that this plan notes where porches could occur into the front yard setback area, but does not show much beyond a small stoop area. He raises this concern because this neighborhood is porch-dominant. The plan will come across his desk to review Neighborhood Design Standards, and he would prefer to not have to bring it before the Urban Design Committee for a waiver due to the lack of porches.

Peace said that the 15 foot front yard setback is part of the CUP request. The majority of the existing houses were built at that setback. The extra five feet is to accommodate the unfinished space for the porch. They are comfortable with the setback because there is a very wide right-of-way of about 35 feet between the property line and the curb. This is a work in progress, so today they are looking for general approval for the design intent. Some of the homes could have bigger porches and could emulate those that exist in surrounding homes.

Gengler asked if the porches will be built as part of the project, or if it will just be an option for the homeowners. Peace said they asked for that space in case they want to provide the porch, but if they choose not to, then the owner has the space to build. Gengler observed that much effort has been made in keeping the neighborhood consistent. She considered a scenario where one owner might build a porch in a certain style, then their neighbor could choose not to add a porch at all, and another neighbor could choose an entirely different style. Peace said Phase I on the north side is intended to come first. If generates a lot of interest, many questions about Phase II can be answered. He would not be interested in doing different styles.

Gengler suggested that the HOA could have design guidelines and options for porches so that choices are limited to consistent styles. Peace agreed that is a good idea. Gengler concluded by saying that the porches could be critical and could change the entire feel. She suggested that minimally, design guidelines or another similar tool should be in place. Peace admitted that up to this point, the team working on this project has been primarily preoccupied with the thought process to get to where they are today.

Renken said NeighborWorks has a passion for the porches and he would be shocked if they end up being excluded from the designs. Some of the new owners would be unable to add a porch right away, so NeighborWorks will likely be looking for a way to provide them. Anderson added that there is a row of bungalows with porches across the street. They are a “must” for this area.

Gengler asked if there is a long-term plan to maintain the consistency, noting that even planned neighborhoods can change fairly quickly. Anderson responded that there is a night and day difference between this site and the density just across 9th Street, which is 96% rentals. There will also be greater density in the South Haymarket area just north of this site, so there will be a push to increase density. Renken said this will be a discussion for the HOA. Once buyers are in the units, they should have some say in what goes on and NeighborWorks loses much of that ability. Anderson said an important piece to keep for the long-term is owner-occupancy. Peace said that all of those points are well-taken. It makes sense to find ways to maintain control somehow. Those conversations are yet to happen.

McKee asked about utilities for this site. Peace said there was a preliminary review from LES. They want to use an existing utility pole and will most likely install a pole-mounted transformer to serve their lots from underground. Though it would be ideal if all lines were buried, LES indicated that they need to maintain the overhead lines already in place.

Gengler asked if the setback along 9th Street was great enough that there are no issues with the type of fencing or barriers, in terms of zoning regulations, that could apply for new construction. Peace said the main concern is keeping people from flowing out onto 9th Street. Anderson said she lives on a corner and there is a line of sight that has to be maintained. Zimmer said the key protection is the 120-feet of right-of-way with only 3-lane traffic on 9th Street; the distance from the curb to the sidewalk is substantial. A transparent fence would be best. It would create a semi-private area with eyes still on the street. Peace agreed that is the direction they are headed. Munn said it is as much about keeping kids in and safe as it is about maintaining some privacy.

Zimmer went on to note that the CUP will establish some level of consistency in the underlying ownership pattern. Someone could not come in and take the north three lots and turn them into apartments. Someone could own more than one unit, but the CUP will be its zoning. This is also the reason this is an advisory review rather than a Certificate of Appropriateness. When there is a change of zone in a historic district, the Planning Commission seeks the advice of this body that what they are seeing in the proposed CUP is consistent with the historic district and beneficial to the neighborhood.

Gengler asked if a motion was needed. Zimmer said that would be preferable in order to clearly convey the will of this body, as a whole.

ACTION:

Gengler moved to recommend approval based on the finding that this body concurs with the concepts and designs as presented by the developers today; seconded by Johnson. Motion carried 5-0; Gengler, Johnson, Hewitt, McKee, and Munn voting ‘yes’; Kuhlman and Francis absent.

There being no further business, the meeting was adjourned at 2:35 p.m.

SPECIAL PERMIT NO. 16025

SPECIAL PERMIT NO. 16025
TO ALLOW DEVELOPMENT OF A CUP WITH 7 SINGLE-FAMILY UNITS,
ON PROPERTY GENERALLY LOCATED AT
828 AND 848 D STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION: **August 3, 2016**

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

Staff recommendation: Conditional approval.

Though absent at today's meeting, Commissioner Harris declared a Conflict of Interest.

There were no ex parte communications disclosed.

Staff Presentation: Rachel Jones of the Planning Department stated that this is the site of the former Zion Church that burned down in 2007. The lot has been vacant since that time. The application was submitted by NeighborWorks Lincoln. The existing zoning is R-4 and there is no request to change that.

This proposed development consists of five detached, single-family units on the south and one on the north. On the northeast corner, a larger, two-family attached unit is proposed. There is one existing house on the northwest corner that is not part of the CUP. The plan envisions a central commons areas with common access off the existing north/south alley. Garages will be located in the rear in order to preserve the pedestrian orientation of the neighborhood by avoiding the disruption to sidewalks caused by multiple drives. This layout is typical throughout the neighborhood. The alley traffic will increase considering it is currently a vacant lot. This plan does not request more than what could occur on the property now, by-right.

There are waivers requested to setbacks and minimum lot dimensions. The distance between any two units will be three feet on either side, so six feet between buildings. This meets building code. There are five 50-foot wide platted lots today. By-right, it would be possible to construct up to five single-family or five duplex units for a total of 10 units, so the density requested is less than what is allowed by-right.

This was reviewed by the Historic Preservation Commission because they are in a registered historic district. That body advised that the plans were appropriate based on general appropriateness, the fit with the character of the neighborhood, and the density, including the requested additional units. These units will meet neighborhood design standards so they will fit in with other houses on the same and opposing block faces.

NeighborWorks had an extensive public involvement process that included an additional meeting on July 27th, since the requested deferral.

Hove asked for clarification that though there are five lots, they could build duplexes on all five, so the request for seven units does not lead to a significant increase in density. Jones said that is correct.

Corr asked the average distance between existing homes in the neighborhood. Jones said the setbacks would be five feet. Corr noted that means they are currently only 5-10 feet apart so even with the reduction to 3-feet per sideyard, there is not much difference. Jones agreed.

Corr asked if the waivers were requested in order to match up with the existing characteristics of the neighborhood. Jones agreed that is the case. The density is very appropriate compared with the surrounding area; not every block-face has this many units, but many do. The design also fits well with the inclusion of sloping roofs and porches.

Corr asked for clarification about a design layout included in the Staff Report. Jones said there are attached garages shown and an area overlay that shows buildable area within setbacks.

Scheer wondered about the layout of the lots prior to the existence of the church that was formerly on the site. Jones said that on the west half, the lots were rectangular going east-to-west and on the east half, they ran north-to-south. In theory, all of the units could have had access off the alley.

Lust asked if the CUP imposes any requirements for the development of the area. Jones said no.

Proponents:

1. Gill Peace, Peace Architect Studios, came forward as architect. The design team is proud to be working on this project with NeighborWorks. There have been multiple chances for the team to reach out to the residents and include them in the design process. We are interested in balancing the right density for the district while not making it so low that the project is not viable economically. The preliminary designs and concepts were presented to the Historic Preservation Commission and they advised approval.

Corr asked if the reason for the waiver to lot depth is to create the commons area. Peace said the commons area is a strong point of the proposal that will benefit these homes and the entire neighborhood. The area could be used as a gathering and play area for families or for a community garden; final decisions are yet to be made regarding its use. The area also happens to be located under overhead utilities so this is the best use of the parcel. This concept will also blend well with the South Haymarket area.

Lust asked if these will be single-family, owner-occupied homes. Peace said that is part of the mission and is consistent with avoiding the option of developing duplex units.

Hove asked if the homes will be market-grade. Peace said that question would be better directed to the NeighborWorks representative.

2. Shawn Ryba, NeighborWorks Lincoln, stated NeighborWorks took ownership of the property in 2015. There have been seven neighborhood meetings in all, including an introductory meeting explaining our mission and vision for the area, presentations by the architect to get input, and various presentations by City department heads to talk about the South Haymarket development, crime and safety issues, and parks activities. Another meeting was held July 27th to talk further about concerns and find middle ground. There are two staff community builders at NeighborWorks and extensive outreach was done via flyers, email, and knocking on doors to make sure we covered the area thoroughly to include folks who should be involved in the process.

Hove asked for more information about the home ownership aspect of these houses. Ryba replied that NeighborWorks helps first-time home buyers within an 80%-120% median income level. A family of four who earns around $57,000 is at 80% and with an income of $85,000, they are at the 120%. These are moderate-income buyers.

Lust asked what type of assistance is given. Ryba said it is primarily down payment assistance. The buyer must have a credit score of at least 640, have been approved for a mortgage, employed at the same place for a certain amount of time, and they must complete the 9-hour home buyer training.

Hove asked if the homes just go on the market. Ryba said they work with a realtor but around 20-30 people complete their training every month, so there are buyers available right out of the gate. There have been concerns expressed about how the area will maintain itself and we are looking into the creation of a homeowners association.

Corr asked if there is a requirement that the homeowners stay. Ryba said they get the full amount of down payment if they stay for 10 years. That amount is deferred. If they need to leave before the end of 10 years, that percentage comes back to us. Most people remain for a long time due to the quality of the product we build. This area is growing in popularity.

Hove asked who participates in the assistance programs. Ryba said all walks of life from families, to single parents, to young entrepreneurs.

Lust asked if the down payment is structured as a loan. Ryba said yes, it is deferred.

3. Greg Baker, 1039 S. 11th Street, stated his family attended Zion Church and fell in love with the area and relocated to the neighborhood. He heard about the meetings regarding this project through flyers, word-of-mouth, and emails. He approves of taking a vacant lot and making it productive. The default rate of NeighborWorks buyers is extremely low; that is important to him as a homeowner in the area. The fact that the owners could take responsibility for property maintenance is huge. The design with the common green area will play nicely off the plantings installed by Zion church which are now mature. The community garden area will be retained. Another huge asset is the parking. The fact that all seven units will have a total of four off-street parking spots for guests is an important design principle in this area. The inclusion of porches helps with the aesthetics and the community building in the neighborhood.

Opponents:

1. William Wood, 808 D Street, stated they turned in a petition of opposition with 26 signatures from many of the adjacent neighbors. As part of the Everett Board, we worked in 2007 to down-zone the block and adjacent blocks with the thought that our setbacks would be protected, but now these variance requests have emerged. The traffic in the alley is of concern. There used to be a T-shaped alley and driveways onto E Street. Neighbors would now like some other access than the inadequate, narrow, rock alley. It gets icy and even garbage trucks have been stuck. The common area and the drive could be flipped so access comes off of 9th Street. The neighbors have been trying to see a final design since February but have yet to see one. A previous design was selected, but then a new architect was selected. We would not have spent our time and energy to provide input, only to have it ignored. More distance between lots would be better. We also believe the recommendation of the Historic Preservation Commission is void and subject to collateral attack because they did not review a final design and there was not adequate notification given, including to the Neighborhood Preservation Association and the

Historical Society. We would also prefer a mix of price ranges. The reduced setbacks constitute a fire hazard. The real reason NeighborWorks is pushing for more units is because they overpaid for the property.

2. Dick Clark, 1008 S. 8th Street, stated that he and his wife and young children have lived in the neighborhood four years. This permit should not be issued because the applicant should be required to follow the same rules. This will double traffic in the alley and increase the population density on the block. The project is funded entirely by tax dollars; NeighborWorks uses other people's money to buy property at an elevated price and then argue for the need for greater density. This is a poorly conceived model. A 40% reduction to setbacks is significant.

Clark read a letter from his wife, **Justina Clark**, who was unable to attend. In summary, she expressed concerns about the historic character of the neighborhood being lost. Doubling the number of homes on the block would be detrimental. There are safety concerns, particularly with the narrow alley. There was discussion of paving the alley, but it would be at the homeowners' expense. Promises were made and broken, included the removal of unsightly signs. A commitment to include neighbors in the design process excluded her and her husband despite their efforts to provide contact information. Many of our neighbors strongly objected to the number of houses and it was intimated that this was a point of compromise, yet the special permit application still asks for seven homes. We assumed the character of this block would remain the same. If NeighborWorks can't be good neighbors while producing a viable project, they should not proceed.

Corr asked the location of the Clark's home. Clark said it is one house south of the northwest-most house.

Hove asked how the character of the proposed homes is different. He noted that to him, it seems they have the porches and pitched roofs and many similar elements. Clark said there are a number of features including the addition of a homeowners association, the number of lots, and the lack of the previously existing outlet onto 9th Street that make this out of character.

Hove questioned why this is not a better alternative to the five duplexes that could be built by-right. Clark said that point was used as a threat several times. Hove added that without the special permit, there would not even be this public meeting or chance for input from neighbors. Clark said he asks that this body follow the rules. This is not a private enterprise; these are people seeking grants.

3. Steve Holland, 819 D Street, stated he has lived directly across D Street for 37 years. There are 6-foot setbacks strictly on the west side. Across the street, there is an average of 20 feet or more between houses. He agrees with the other concerns previously mentioned and wanted to make sure it was on the record that it is untrue that all of the houses have a 6-foot separation.

4. Mike Dennis, 1845 S. 48th Street, stated he has been a real estate broker for many years and has been very active in various neighborhood activities. This project is creating more density than we would normally expect from NeighborWorks. The downzoning that the City went through demonstrates the importance to have less density. He typically supports NeighborWorks, particularly when they upgrade homes, but this and another project are of concern to him. We have heard that the project is not viable without seven homes, but the real estate market has substantially improved from a few years ago. There is no reason that anyone could put five homes on the land and not break even.

Staff Questions:

Corr asked for information about the Access Management Policy as it relates to 9th Street. She asked if there is room for an exit there. Jones said that access point could not go back in and meet the Access Management Policy.

Corr asked if the north-south alley will be paved or widened. Jones said no.

Corr went on to say she reviewed the advice of the Historic Preservation Commission. She wondered how the design standards for preservation apply to a vacant lot.

Ed Zimmer of the Planning Department said that at the time of designation, the church and one house were located in this spot. The Historic Preservation Commission was not operating under their public hearing process to make any approval under the Certificate of Appropriateness for zoning action, but rather, were acting as advisors to the Planning Commission. They look for and advise on broad and general CUP terms such as compatibility, scale, roof pitch. They recommended porches, though design standards would have gotten the applicant to that conclusion as well.

Hove noted that their advice is good.

Lust asked if the comments made by Mr. Wood are accurate when it comes to the advice of Historic Preservation Commission being void. Zimmer responded that Historic Preservation Commission was acting simply as advisors as part of the general, overall Planning Department process. It was a public meeting. It is possible that interested parties outside of the required legal notification process did not know about the meeting, but that is true for any public meeting. He does not believe you can appeal advice given in a general advisory role.

Lust asked who would review whether or not the buildings meet the design standards for the neighborhood. Zimmer said the Planning Department makes that review. Corr wondered at what point in the process that review would take place. Zimmer said that in any building permit application, the standards have to be applied. Planning is responsible for the review. It should be noted that this project will also be reviewed by the Historical Society due to funding sources.

Corr asked Jones to address the density. Jones reiterated that in an R-4 zone, they could go up to 10 total units. Corr asked if, in that case, access would still have been taken through the alley. Jones said an easement could have been dedicated along the rear and access could still have gone in the back.

Applicant Rebuttal:

Ryba stated he is shocked to hear the opposition. He wished to address the comment made regarding broken promises. NeighborWorks did not hold seven meetings and canvas the neighborhood for no reason; we seek to get consensus. He disagrees with the idea that neighborhood input was not incorporated. There was concern about parking and what would happen to the community garden. We responded with an ample amount of off-street parking and added and encouraged the garden space. Neighbors expressed they would like green space. The commons area will accomplish that. They were concerned about density and strongly wanted to avoid the addition of rental properties. The density we landed on is appropriate for the neighborhood and these are all single-family, owner-occupied units. There were never threats

made about increasing the density. Every house will have a front porch and the finishes will be higher quality, Hardie panels which are more expensive, but blend nicely in historic areas and last longer. We are also very concerned about safety and pedestrian issues. Taking a drive out to 9th Street is not an option and creating multiple driveways onto D and E Streets makes it very unsafe for bikers and pedestrians. Ryba reiterated that the concerns of neighbors were heard and incorporated. It was his belief prior to today that there was consensus among neighbors and that overall, they viewed this project as positive. The opposition today was a surprise.

Hove asked if the alley will be rock. Ryba said it will be. Neighbors are concerned with that and we continue to look at it. We do not have the funding to pave the alley and would have to ask the neighborhood to help. The alley will be rocked and well-graded.

Hove asked Ryba to address concerns about the lack of a final design for neighbors to review. Ryba said that is not an atypical situation. First, we seek the approval of the CUP. We have offered to meet again to present the final design and are still taking feedback. Hove asked for confirmation that the homes will be consistent with the neighborhood. Ryba said yes.

Hove asked for more information about the funding of NeighborWorks. Ryba said their mission is to stabilize neighborhoods through revitalization, home ownership, and real estate development. To do that, they do a lot of infill housing, rehabilitation of structures, and replacement of homes in the worst condition with new structures. We emphasize leadership capacity in neighborhoods and have two community builders on staff. Funding is heavy on federal dollars, which help with the homeownership aspect. There are also smaller source funds through the Department of Economic Development, real estate development, and private donors and fundraising efforts.

SPECIAL PERMIT NO. 16025
ACTION BY PLANNING COMMISSION: **August 3, 2016**

Corr moved conditional approval, seconded by Lust.

Corr said this is a good development. She understands that some people disagree, but this will put homeowners in place. She firmly believes this will create a good mix of results. Home ownership helps people take to take better care of the property. The density is fine for the area. She also supports the waivers because she believes they are requested in order to make these new structures match up with the existing neighborhood.

Scheer stated he will support this. The project and design are compatible and complementary in terms of density. The CUP process is appropriate to ensure that this is compatible with the goals of the Comprehensive Plan. The alley access is not only the historic and traditional way of providing access, in this case, it is the only way; to consider its appropriateness is almost irrelevant given it is the only option. Though there is not yet a final design, the ideas shown are a great design. The porches and facades facing D and E Streets are well designed and good for those streets. This is a good project for where we are in Lincoln and for revitalizing vacant properties.

Lust stated she will also support this. She very much appreciates the neighbors expressing concerns and it shows what a strong neighborhood this is. That said, she cannot imagine improving upon what has been provided here today and having it be a viable project. This is well-designed. The alley access is historical and is the only way. She also appreciates the effort to

add the common space that is not available on any other block. This proposal is not more dense than the rest of the area. She enthusiastically supports this and believes it will be a big improvement. She hopes the neighbors will come on board.

Hove agreed with what has already been said. This project works with the character of the neighborhood. He finds himself asking, if not this project, then what? Ten duplexes could be built. These single-family homes are preferred and will be a good addition.

Motion carried 5-0: Corr, Lust, Scheer, Sunderman, and Hove voting ‘yes’; Cornelius, Harris and Weber absent. This is final action by the Planning Commission unless appealed to the City Clerk within 14 days.

Subject: RE: Special Permit SP16025
Attachments: Petition.PDF

From: William Wood [mailto:wmwood@windstream.net]
Sent: Tuesday, August 02, 2016 12:35 PM
To: Geri K. Rorabaugh <grorabaugh@lincoln.ne.gov>
Subject: Special Permit SP16025

Please find attached a petition of property owners opposed to the Community Unit Plan. There are additional signatures since this was originally submitted. Please pass on to the Commissioners. Please acknowledge receipt.

William J. Wood

OPPOSITION TO Special Permit SP16025 Community Unit Plan

(828 and 848 D Street)

We, the undersigned, who are neighbors of the property for which the above Special Permit SP16025 is requested for 828 and 848 D Street, hereby request that the Planning Commission deny the request for the following reasons:

1. This block is in a National Register of Historic Places District-the South Bottoms or South Salt Creek District. The designs shown do not fit with other houses on the block as as they (the designs shown) are neither two and one-half story four square structures like those on the west side of the block nor are they bungalows like the properties on the south side of D Street.

2. The houses are placed too close together and constitute a fire danger.

3. The houses would have less of an impact if they faced 9th street and had a common drive out to either E or D Street, or both, or if the alley that opened on 9th Street were reopened..

4. Recommendations from neighboring residents have largely been ignored.

5. The designs shown will cause an unusual amount of traffic in the alley in this block and will constitute a traffic hazard for the 5 small children, and two older children, that reside on the block.

6. The proposed properties unnecessarily increase population density on the block.

For the above reasons we respectfully request that the Planning Commission deny Special Permit SP 16025.

Name	Address of Affected Property Owned
Myra L Wood	808, 809, 820 D & 920 E
William J Wood	808, 809, 820 D & 920 E
Steve Holland	819 D
Linda Holland	819 D
[illegible]	1000 S 8TH ST
Heidi [illegible]	1026 S 8th St
[illegible]	1026 S. 8TH ST.
Dirk Clark	1008 S. 8TH St.
[illegible]	1008 S. 8th St.

Name	Address of Affected Property Owned
Barbara Cocco-White	719 D St.
Peter Morris	719 D St.
[illegible]	805 D St
Pamela Jensen	805 D St
Kathy Johnson	827 E St.
Phil Johnson	827 E St
Wendi Rapkin	1020 S 8th str.
Barry Bruns	835 S.
Karen Kept	827 D St
Jim Pauro	1117 S. 8th St.
Georgianne Seidel	729 D St.
Kelly Jun Wood	1120 S. 8th
Joyce Stadney	119 So 8th.
[illegible]	1000 S. 8th
Patrick J. Harder	725 "D" 1121 South 8TH
Stephen Johnson	725 "D" St.
Randolph F. Jacobs	845 "D" St

My name is Dick Clark (D-I-C-K C-L-A-R-K), and I am here today to testify in opposition to the special permit request by NeighborWorks. My wife and I live with our three children at 1008 South 8th Street, on the block where the project proposed by NeighborWorks would be constructed. We have lived in our house for four years, and our kids — Charlie, Eva, and David — have never called anyplace else "home."

This special permit should not be issued, because NeighborWorks should have to play by the same rules as everyone else. This is especially true with a project like the one proposed on our block, which would more than double the traffic down our gravel alley and the population density on our block.

This is not an example of natural, economically viable neighborhood development, something which I and my family would happily support. This project is funded almost entirely by tax dollars. While NeighborWorks may be nominally private, it was disclosed recently that as much as 85 percent of its funding is from public grants financed by federal, state, and local tax dollars. NeighborWorks used other people's money taken through taxes to acquire the property at an inflated price, and then has used this inflated price to argue that greater density is absolutely necessary for the project to be viable. I hope that the Commission will not fall for this tightly circular, boot-strapping argument.

I am asking that this planning commission protect our neighborhood from this poorly conceived, taxpayer-funded project by denying the special permit and sustaining the building standards that apply to everyone else in the neighborhood.

August 3, 2016

Re: Special permit application submitted by NeighborWorks for 9th & D project

My name is Justina Clark, my husband and I own our home at 1008 S. 8th St., a property adjacent to the property that NeighborWorks is attempting to redevelop. I am writing today in opposition to the application for a special permit for the project.

Our block is a historic one, with century-old homes, and some that are much older than that. It is important to us to preserve the basic character of the neighborhood. We also want our children to live in a safe area. Doubling the number of homes on our block would be detrimental, especially considering the fact that all the additional traffic would be dumped onto the existing alley, which is already quite narrow.

There has been discussion of paving the alley at the expense of those of us who own properties on the block. We would object to that as well.

When we first heard that NeighborWorks bought the property, our family and our neighbors were all very interested in the process. When our neighbors Heidi and Gary Little hosted a block meeting with representatives from NeighborWorks, it was a packed room. Promises made at that meeting were basically all broken:

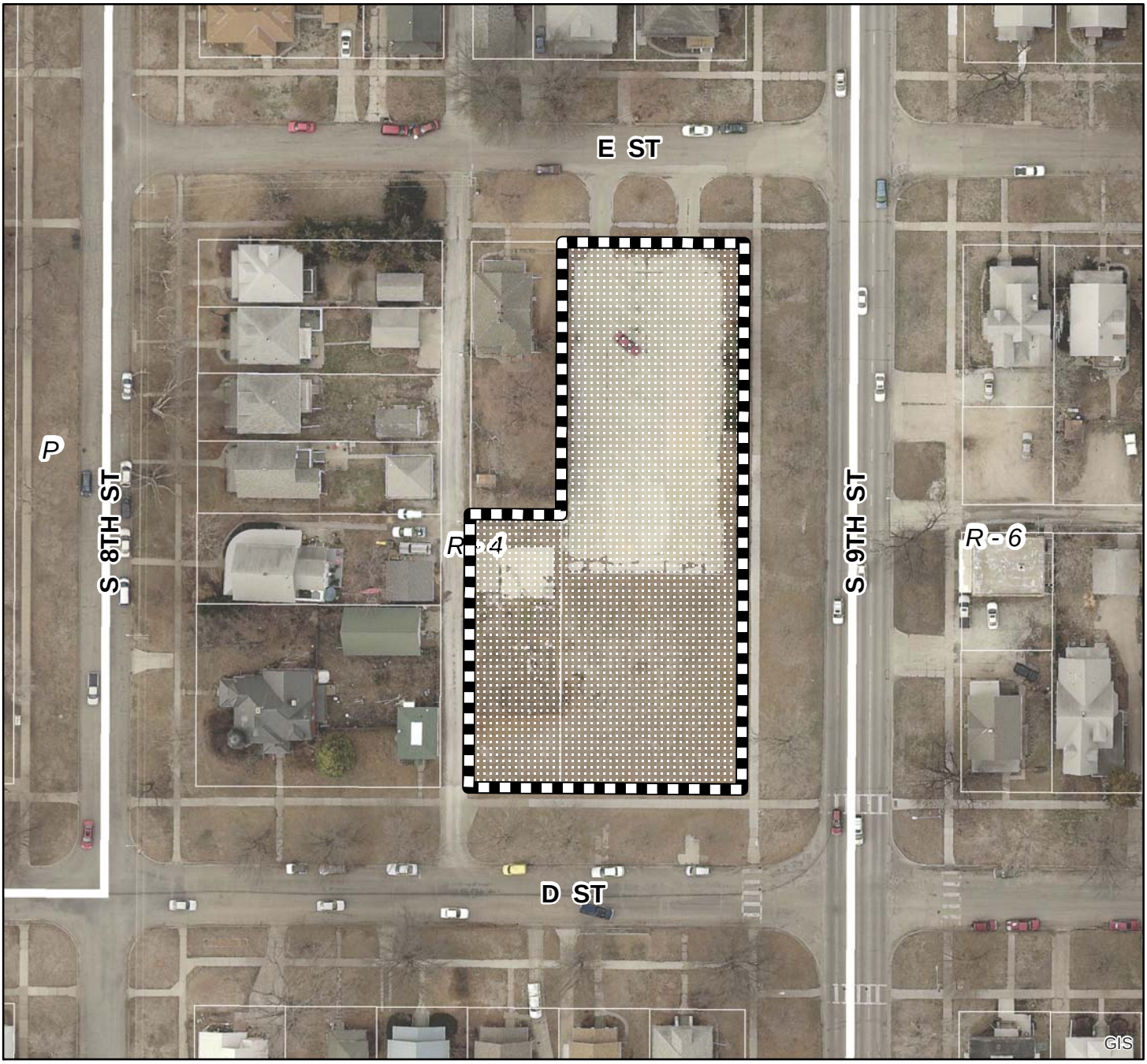
- Shawn Ryba promised to remove or replace unsightly "no trespassing" signs put up with duct tape all over the property, but then failed to honor that promise. My husband called him to follow up, but despite a commitment from Shawn to speak with legal counsel and get back to my husband with an update, Shawn apparently never took further action on the matter and failed to return additional messages from my husband.
- A commitment to involve neighbors in review of proposed designs for new construction excluded my husband and me, despite the interest we expressed. We provided our contact information to NeighborWorks at the meeting at the Littles' house, but we never heard from NeighborWorks until after a plan had been mostly decided and a special permit was in process.
- Many of our neighbors strongly objected at the meeting to the number of houses proposed for the project. Shawn and others from NeighborWorks intimated that this was a likely point of compromise, yet this special permit application still asks for authority to construct seven new homes on the property.

When we bought this property and decided to make our family part of this neighborhood community, we assumed that the basic character of this historic block would remain the same. I would ask that this commission not bend the rules to shoehorn this project into our neighborhood. If NeighborWorks can't be good neighbors, follow the rules, and still have a viable project, they shouldn't proceed with their project.

Thank you for this opportunity to offer my opinion to the commission.

Sincerely,

Justina Clark
1008 S. 8th Street



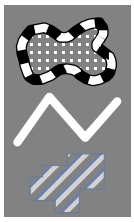
2013 aerial

Special Permit #: SP16025
Cooper Commons CUP
S 9th St & D 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.26 T10N R06E



Area of Application

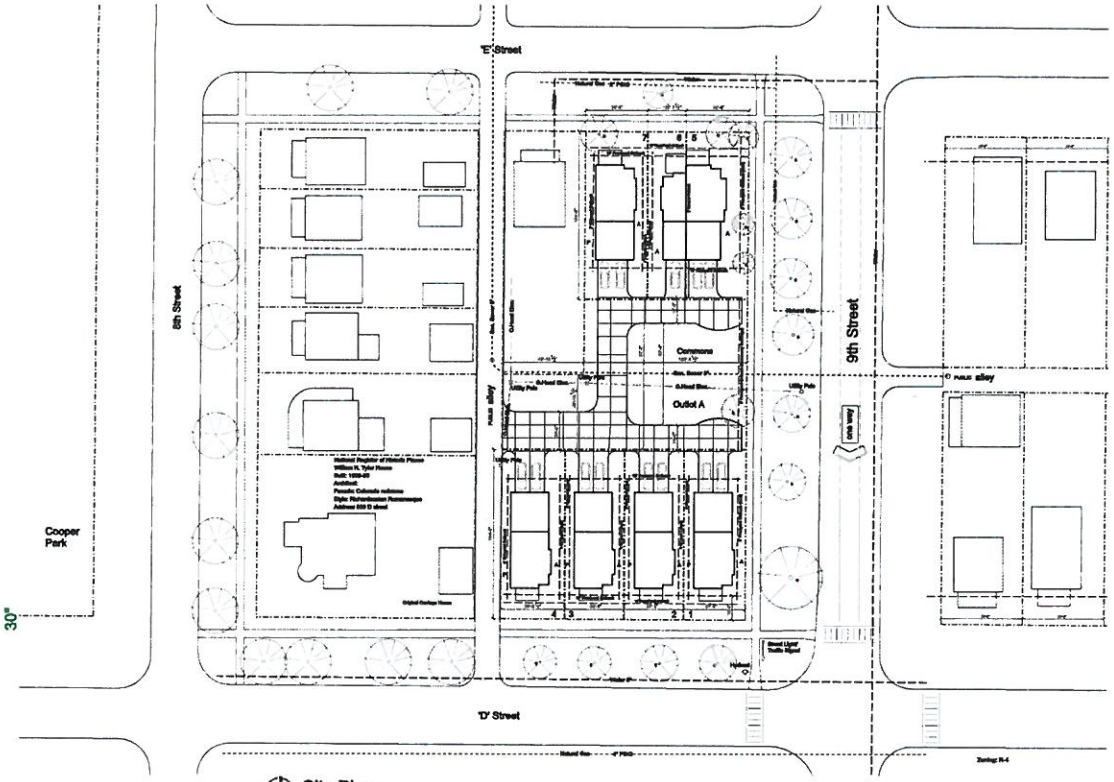
Zoning Jurisdiction Lines

Lancaster County Jurisdiction

PDF: F:\Boards\PC\Internet\out\

File: F:\DevReview\PlannerPacket\MXD\Agendadrawings.mxd (SP16025)

42"

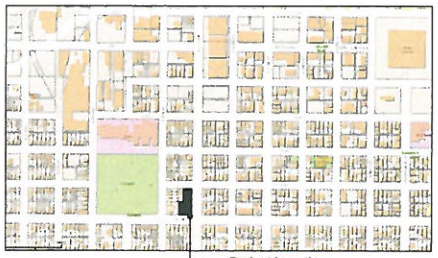


Site Plan
1"=30'-0"
North
0 15 30 60

NeighborWorks LINCOLN

Community Unit Plan

Submittal Documents



Vicinity Plan

Drawing Index:

G1.1 Cover Sheet
1of1 Survey- Existing Site
C1.1 Site Plan- Proposed

Architect
Peace Studio Architects, Inc.
1935 Kings Hwy, Suite B
Lincoln, NE 68502
402. 217. 1630
www.peacestudioarch.com

Existing Property:

Zoning:	R4	
Address:	828 'D' Street	848 'D' Street
Parcel ID:	10-26-413-009-000	10-26-413-011-000
Area:	37,500 sf	0.862 acres
Structures:	None	

Notes:

A1. Proposed Utility Connections- Proposed indicate initial design intent. Utility Services connections are currently in progress, and subject to final review and approval with Utility Providers. Utility Easements to be developed as required.

A2. Proposed Project is located within 300' of a Property listed on the National Register of Historic Places

A3. Proposed Home Footprints indicated for reference only. Final design of Homes currently in progress.

Proposed CUP

	Proposed	Existing	
Single Family Lots	7	2 (Deeded) 6 (Platted)	
Density	8.12 units/ acre	30 units/ acre (allowed, R-4)	
Outlot(s)	1	0	
Setbacks:			
Frontyard	15'	25'	R-4 Single Family
Font Porch	10'	none	
Sideyard- Common	3'	5'	
Frontyard- 9th Street	5'	5'	
Sideyard- west adjacent Lot	5'	5'	
Sideyard- Alley	4'	5'	
Sideyard- Rowhouse	0'		
Rearyard	18'	20' Or 20% lot depth	
Height Limit	35'	35'	
Lot Area	3,714 sf avg	5,000 sf	
Parking	2/ dwelling unit	2/ dwelling unit (27.67, R-4)	

Notes:

B1. Accessory Buildings are permitted per R-4 zoning ordinance

B2. Accessory Buildings located in Otlot A, no closer to 9th Street than the identified 5' frontyard setback.

Proposed Lots

		Front/ Width	Depth	Area	Rowhouse Lot	Frontage/ Frontyard	
	1	37'-6"	104'	3,870 sf	No	'D' Street	Public Street
	2	36'-6"	104'	3,814 sf	No	'D' Street	Public Street
	3	36'-6"	104'	3,807 sf	No	'D' Street	Public Street
	4	39'-3.5"	104'	4,084 sf	No	'D' Street	Public Street
Rowhouse Lot	5	38'-6"	104'	3,991 sf	Yes	'E' Street	Public Street
Rowhouse Lot	6	23'-7.5"	104'	2,415 sf	Yes	'E' Street	Public Street
	7	38'-0"	104'	3,972 sf	No	'E' Street	Public Street
	Average			3,714 sf avg			
	Outlot A	Irregular		11,519 sf			

Lot Total- 8

Notes:

C1. Proposed Lot Sizes- Subject to Proposed Re-Plat, currently in progress.

C2. Proposed Home Designs- Currently in Progress. Subject to review and Approval by one or both of the following Committees/ Commissions:

a. Historic Preservation Commission
b. Urban Design Committee

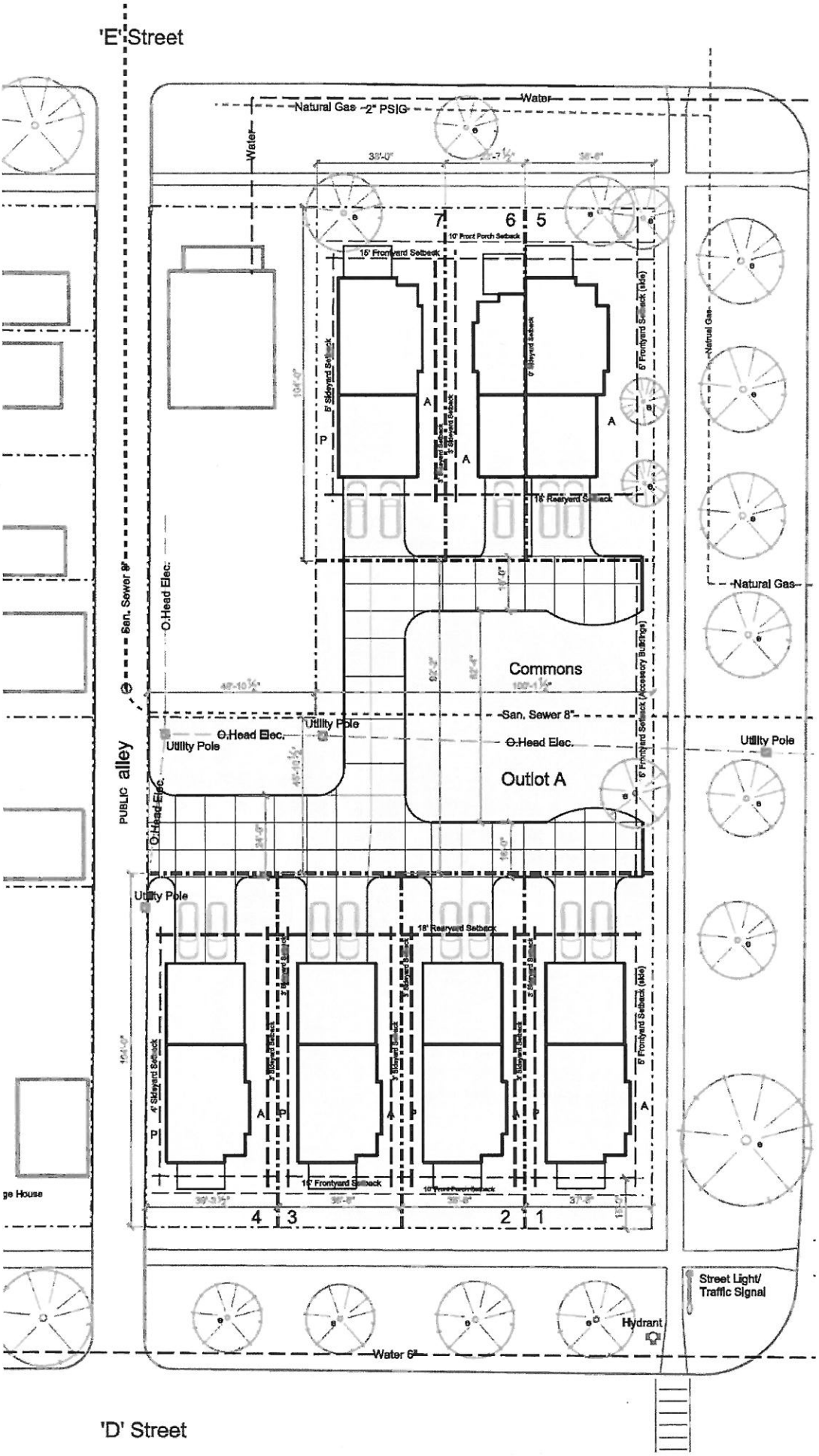
NeighborWorks LINCOLN

p+9

CUP Document

Job Number: 16001.dat
Date: 9 May 2016

G1.1


'E' Street
Natural Gas -2" PSIG
Water
Water
7
6
5
10' Front Porch Setback
15' Frontyard Setback
5' Sideyard Setback
6' Sideyard Setback
6' Frontyard Setback (Alle)
Natural Gas
A
P
18' Rearyard Setback
San. Sewer 8"
O.Head Elec.
Commons
Natural Gas
San. Sewer 8"
O.Head Elec.
Utility Pole
Utility Pole
O.Head Elec.
Utility Pole
Outlot A
PUBLIC alley
O.Head Elec.
Utility Pole
18' Rearyard Setback
4' Sideyard Setback
6' Frontyard Setback (Alle)
15' Frontyard Setback
10' Front Porch Setback
4
3
2
1
Street Light/
Traffic Signal
Hydrant
Water 6"
'D' Street

Existing Property:

Zoning:	R4	
Address:	828 'D' Street	848 'D' Street
Parcel ID:	10-26-413-009-000	10-26-413-011-000
Area:	37,560 sf	0.862 acres
Structures:	None	

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Height Limit	35'	35'	
Lot Area	3,714 sf avg	5,000 sf	
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Notes:

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Proposed Lots

		Front/ Width	Depth	Area	Rowhouse Lot	Frontage/ Frontyard	
	1	37'-8"	104'	3,970 sf	No	'D' Street	Public Street
	2	36'-6"	104'	3,814 sf	No	'D' Street	Public Street
	3	36'-6"	104'	3,807 sf	No	'D' Street	Public Street
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Rowhouse Lot	5	38'-6"	104'	3,961 sf	Yes	'E' Street	Public Street
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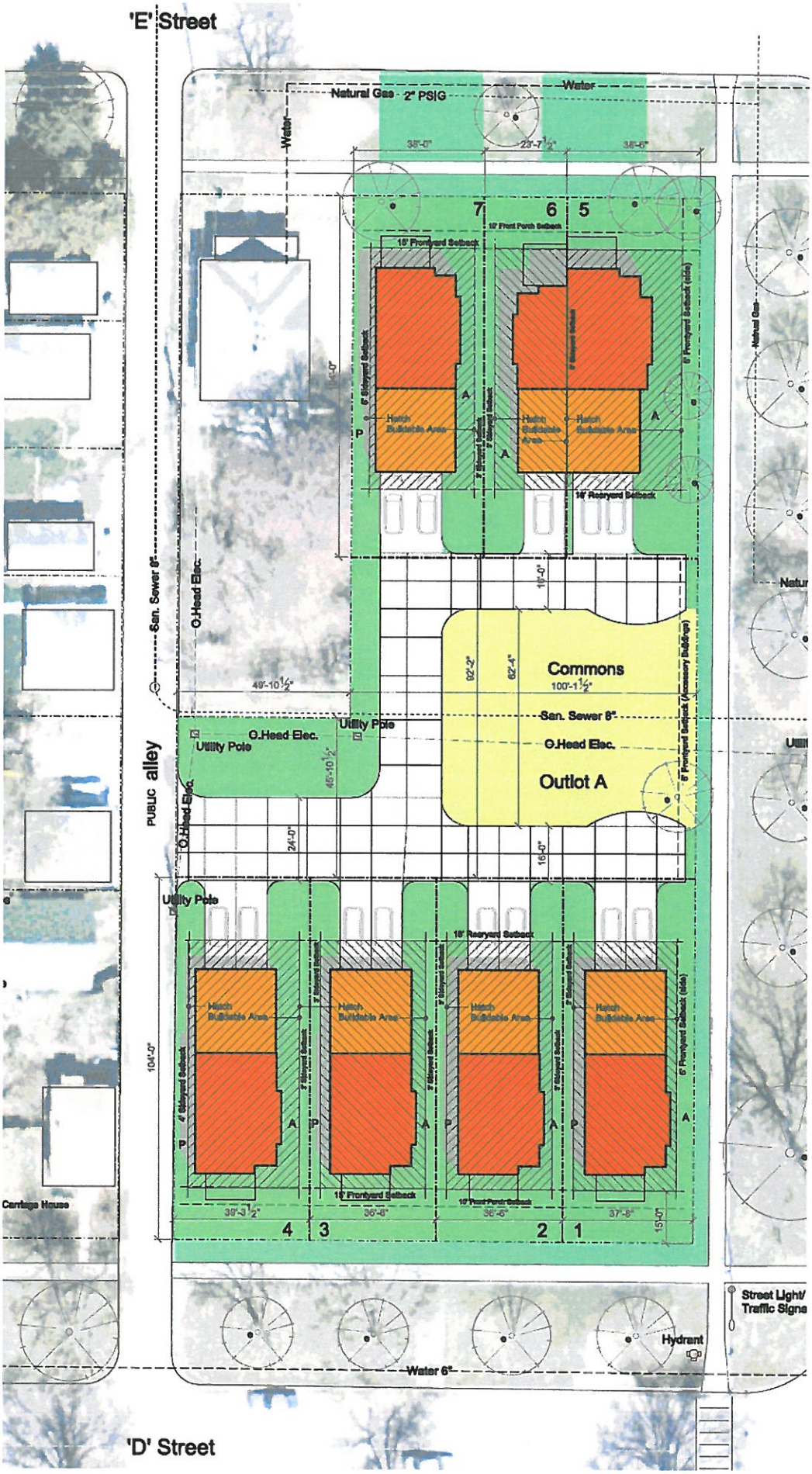
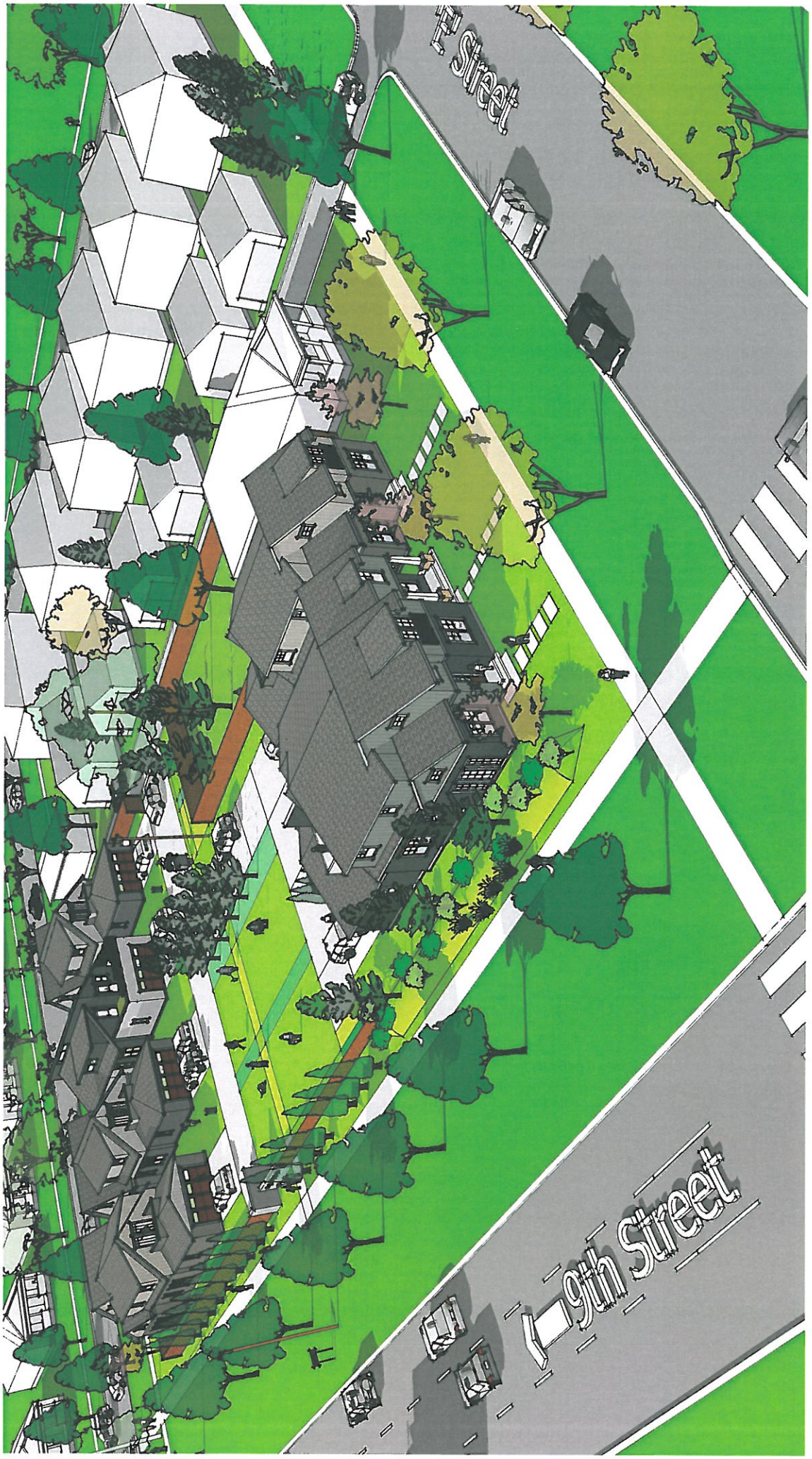
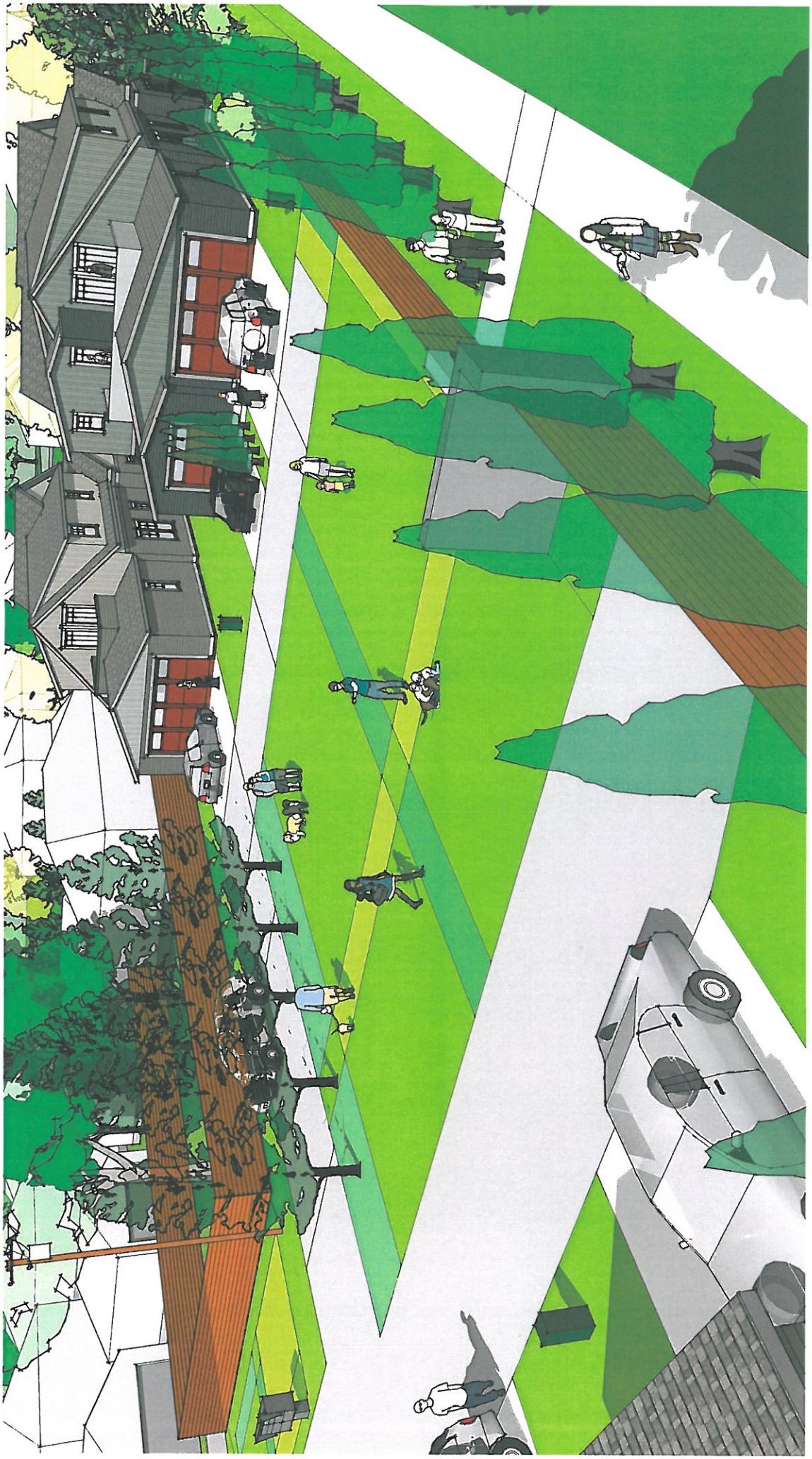

'E' Street
Natural Gas - 2" PSIG
Water
Water
38'-0"
23'-7½"
38'-6"
7
6
5
15' Frontyard Setback
10' Front Porch Setback
6' Sideyard Setback
6' Frontyard Setback (side)
Hatch Buildable Area
A
P
16' Rearyard Setback
16'-0"
San. Sewer 8"
O.Head Elec.
49'-10½"
Commons
100'-1½"
92'-2"
62'-4"
San. Sewer 8"
O.Head Elec.
Outlot A
O.Head Elec.
Utility Pole
45'-10½"
PUBLIC alley
24'-0"
16'-0"
Utility Pole
16' Rearyard Setback
104'-0"
4' Sideyard Setback
10' Frontyard Setback
39'-3½"
36'-6"
36'-6"
37'-8"
15'-0"
4
3
2
1
Carriage House
Street Light/ Traffic Signa
Hydrant
Water 6"
'D' Street

D Street
9th Street


F Street
9th Street



NeighborWorks®
LINCOLN

May 9, 2016

David Cary, Director
City of Lincoln Planning Department
555 S 10th St, Suite 213
Lincoln, NE 68508

Mr. David Cary,

NeighborWorks Lincoln completed a request for proposals for the redevelopment of vacant land approximately one-half city block in size in the area generally between D and E Streets and 9th and 10th Streets. The name of the project has yet to be determined. Residents who live on the focus block and NeighborWorks Lincoln staff conducted interviews with five architects who submitted proposals for the project. As a result, Gill Peace, Peace Studio was the architect selected for the development project.

NeighborWorks Lincoln and Gill Peace hosted a design kick-off open house on March 23rd to get feedback on a preliminary design proposal. The current proposal includes seven single-family units with slight variations in styles and floor plans. Units will be 2 or 3 bedroom with two car garages that include off street parking. The design will be inspired by existing historic architecture in the area with some contemporary design elements. The design includes a green commons area and community garden space. The homes will be available for purchase by NeighborWorks Lincoln first-time homebuyers. There is another design presentation open house planned for June. The project will be built in two phases, and it is hopeful that construction will begin in fall of 2016.

Please contact me with questions at 402-477-7181, ext. 102 or sryba@nwlincoln.org.

Best,

, COO

Shawn Ryba, Chief Operating Officer

2530 Q Street | Lincoln, NE 68503 | P: 402.477.7181 | F: 402.477.7406 | www.nwlincoln.org