

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Special permit #692K
Tabitha New Community C.U.P.
Domiciliary Care Facility

DATE: May 30, 2001

PROPOSAL: To amend the Tabitha New Community C.U.P. by converting 28 units of the Walter Apartments from elderly or retirement housing to assisted living facilities.

GENERAL INFORMATION:

APPLICANT: Tabitha, Inc.
Al Sward, President
4720 Randolph Street
Lincoln, NE 68510

CONTACT: John H. Bergmeyer, Esq.
Harding, Shultz & Downs
121 S. 13th Street, Suite 800
Lincoln, NE 68508
(402) 434-3000

LOCATION: Sea Mountain Road and Folkways Boulevard

LEGAL DESCRIPTION: Lot 1, Block 2, Tabitha New Community 2nd Addition, located in the NE 1/4 of Section 1, T10N, R6E of the 6th P.M., Lancaster County, Nebraska.

SIZE: Amended area: 5.2 acres, more or less
C.U.P. area: 61.55 acres, more or less

EXISTING ZONING: Amended area: R-2 Residential
C.U.P. area: R-2, R-3 and R-4 Residential

EXISTING LAND USE: The amended area contains apartments for elderly or retired persons. The C.U.P. contains a mixture of single family dwellings, two-family dwellings, townhouses and apartments.

SURROUNDING LAND USE AND ZONING: The C.U.P. is bounded by a mixture of R-2, R-3 and R-4 Residential uses on the north and west. The R-4 North Gate PUD lies to the south. Across N. 27th Street is the B-2 zoned King Ridge commercial development.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Map identifies the area as Urban Residential.

On page 44, the Comprehensive Plan identifies the following as a goal for Urban Residential areas:

Encourage the development of housing that is appropriate to the requirements of households with special needs, including but not limited to, the elderly, the physically and/or mentally challenged, and households in crisis.

HISTORY:

April 15, 1974 City Council approved Change of Zone #1357, which changed the zoning on a small parcel of land within the future Tabitha development from A-2 Single Family to G Local Business.

April 22, 1974 City Council approved Special Permit #692, which granted Tabitha Village Corporation the authority to construct and operate a community unit plan at N. 27th Street and Fletcher Avenue. This Resolution No. A-60889 was rendered null and void by the applicant's failure to return the required Letter of Acceptance.

March 17, 1975 City Council approved Special Permit #692-A, which added Tabitha New Community First addition to the community unit plan.

March 24, 1975 City Council approved Special Permit #692 (Resolution No. A-61683), which granted Tabitha Village Corporation the authority to construct and operate a community unit plan at N. 27th Street and Fletcher Avenue. This resolution replaced the April 22, 1974 resolution.

Aug. 25, 1975 City Council approved Special Permit #692-B, which added 88 units of multiple family dwellings to the community unit plan.

April 11, 1977 City Council approved Special Permit #692-C, which amended the Tabitha New Community C.U.P. by adding 11 single family lots and 100 multiple family dwelling units.

July 25, 1977 City Council approved Special Permit #692-D, which amended the Tabitha New Community C.U.P. to allow the construction of single family lots on Ventura Drive and Cloudburst Lane. This resolution rescinded Special Permits 692-A, 692-B, and 692-C. It also rescinded the already-voided Resolution No. A-60889 for Special Permit 692.

- Feb. 12, 1979** City Council approved Special Permit #692-E, which amended the Tabitha New Community C.U.P. to create lots for individual garage stalls on Blocks 1 and 9 of Tabitha New Community Addition.
- This property was converted from A-2 Single Family Dwelling, B Two Family Dwelling and G Local Business to R-2 Residential, R-3 Residential, R-4 Residential, and B-1 Local Business District in the **1979 Zoning Update**.
- June 11, 1984** City Council approved Special Permit #692-F, which amended the Tabitha New Community C.U.P. to create 10 duplex attached units on property west of Enterprise Drive and north of Folkways Boulevard.
- Jan. 21, 1986** City Council approved Change of Zone #2223, which changed the zoning from B-1 to R-2 in a small portion of the Tabitha development.
- June 5, 1989** City Council approved Special Permit #692-G, which amended the Tabitha New Community C.U.P. by permitting open decks in rear yards on Lots 5, 6, 7, and 8, Block 1, Tabitha New Community 2nd Addition.
- Aug. 23, 1993** City Council approved Special permit #692-H, which amended the voided Resolution No. A-60889 to allow patios, decks, and non-heated/plumbed enclosed porches to be located within an outlot within the community unit plan.
- Aug. 15, 1994** City Council approved Special Permit #692-I, which amended the Tabitha New Community C.U.P. to authorize the construction of two single-family dwellings between Enterprise Drive and Farmstead Road.
- July 10, 1995** City Council approved Special Permit #692-J, which amended the Tabitha New Community C.U.P. to permit the storage of recreation vehicles on property located at N. 27th Street and vacated Farmstead Road.

SPECIFIC INFORMATION:

UTILITIES: Available

TOPOGRAPHY: The area slopes towards a drainage swale located along the northwestern boundary of the C.U.P.

TRAFFIC ANALYSIS: Folkways Boulevard is shown as an Urban Collector in the Future Functional Street and Road Classification.

PUBLIC SERVICE: The closest fire station is Number 10, at N. 14th Street and Adams Street.

REGIONAL ISSUES: The variety of elderly housing options.

ALTERNATIVE USES: Continue current use as elderly or retirement housing.

ANALYSIS:

1. The proposed amendment would convert 28 apartment units into 28 domiciliary care units within existing apartment buildings, modify a current building to ADA standards, and would add a covered walkway between existing buildings.
2. If this amendment is approved, residents of these apartments could remain in the same community if their care needs rise above the threshold of elderly or retirement housing. Currently, residents needing assisted living services must relocate to another community.
3. The proposal conforms with the Comprehensive Plan designation and advances the goal of providing housing appropriate to the requirements of households with special needs.
4. This application also provides an opportunity to correct some of the contradictions in the previously approved special permits for the Tabitha New Community Unit Plan.

STAFF RECOMMENDATION:

Conditional approval

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan to show:

1.1.1 Identify the setback on the west property line and the north property line.

- 1.1.2 Provide a legal description listing the subdivisions and/or lots within the community unit plan.
- 1.1.3 The measurement south of the word "Folkways" appears to disagree with the legal description.
- 1.1.4 In the "Legal Description of Tabitha C.U.P", remove references to the "G Local Business" area and replace "lot 12, I.T." with the platted lot that replaced it. The "G Local Business" area may be included in the C.U.P. per Res. No. A-64084 (Special Permit No. 692D).
- 1.1.5 Remove "Legal Description of G Local Business."
- 1.1.6 Revise the drawings so that the scales are correct.
- 1.1.7 In the zoning exhibit, thicken the zoning lines so that they are more distinct.
- 1.1.8 Revise the Community Unit Plan units: our records show 73 single family lots, 148 townhouses/two-family dwellings, and 188 apartment units.
- 1.1.9 In the density calculations, R-4 should have 218 allowable units, with a grand total of 474.
- 1.1.10 Provide planting size, planting method, design spread and height on the landscape schedule. Screening calculations cannot be determined without this information.
- 1.1.11 Correct the botanical name of Froebel Spirea - it should be "Spiraea x bumalda 'Froebelii'."
- 1.1.12 Correct the botanical name of Colorado Blue Spruce - it should be "Picea pungens glauca."
- 1.1.13 In the parking calculations, provide the number of stalls on the largest shift. 2 stalls are required per 3 employees on the largest shift.
- 1.1.14 Correct the number of stalls required by the assisted living, which requires 1 stall per 4 units.
- 1.1.15 Add a note to the site plan stating, "It shall not be a violation of the Plot Plan for patios, decks, enclosed porches not served by

heating or cooling systems or plumbing, air conditioners or similar appurtenances to be located in an outlot within the Community Unit Plan, or partially within an outlot, as long as such appurtenances are located immediately adjacent to a residence within the Community Unit Plan and the land on which the appurtenance is located has been validly transferred to the owner of the adjacent residence.” This language was adopted with Special Permit No. 692H.

2. This approval permits 28 domiciliary care units and 72 units of elderly or retirement housing on Lot 1, Block 2, Tabitha New Community 2nd Addition within the Tabitha New Community C.U.P.

General:

3. Before receiving building permits:
 - 3.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies.
 - 3.2 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

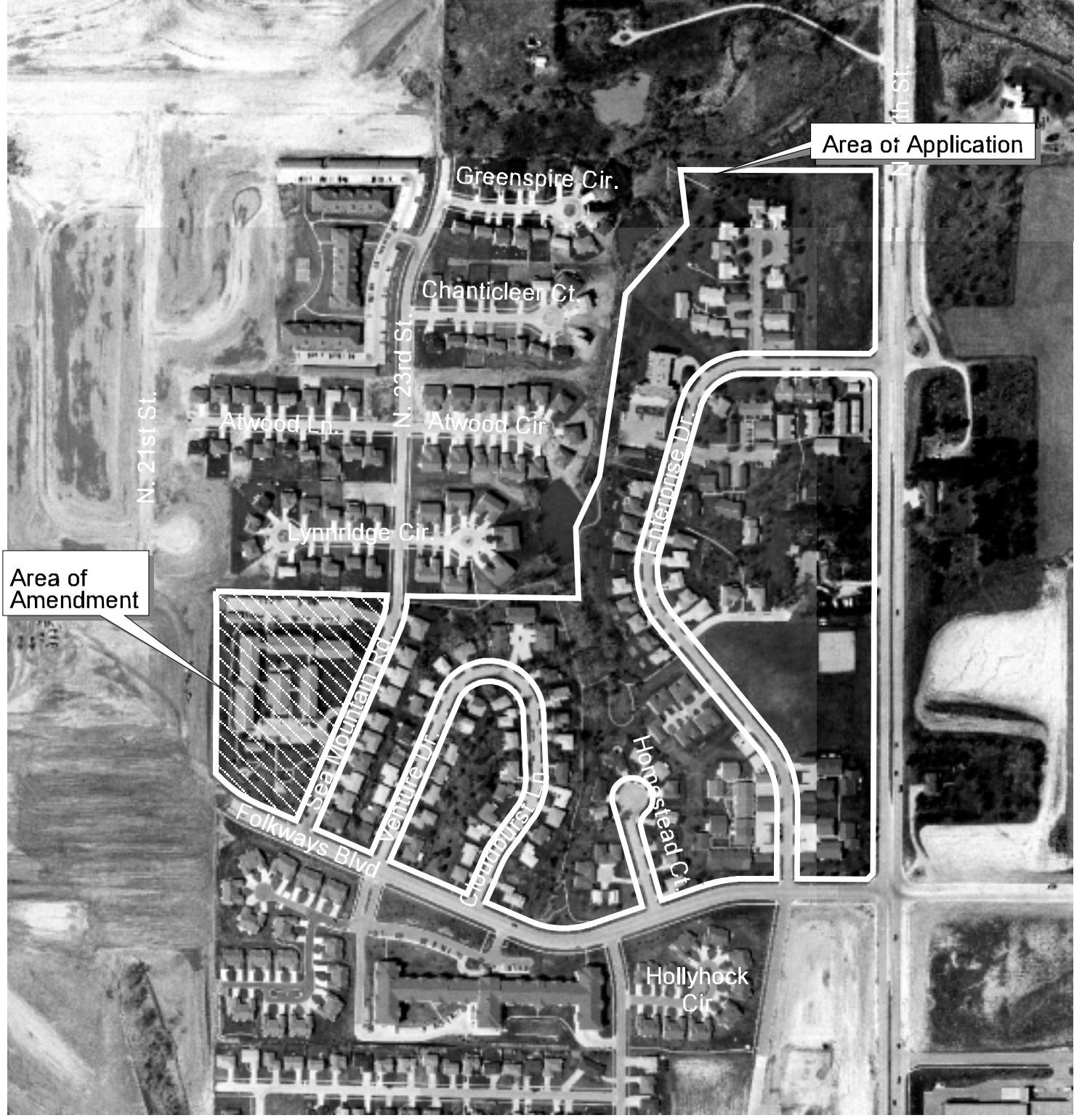
4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the domiciliary care units all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

- 4.5 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.
5. Adoption of this resolution voids, repeals, and rescinds Special Permit Number 692 adopted by Resolution No. A-61683 on March 24, 1975.
6. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits (Special Permit Numbers 692D, 692E, 692F, 692G, 692H, 692I, and 692J) remain in force unless specifically amended by this resolution.

Prepared by:

Jason Reynolds
Planner

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Area of Amendment

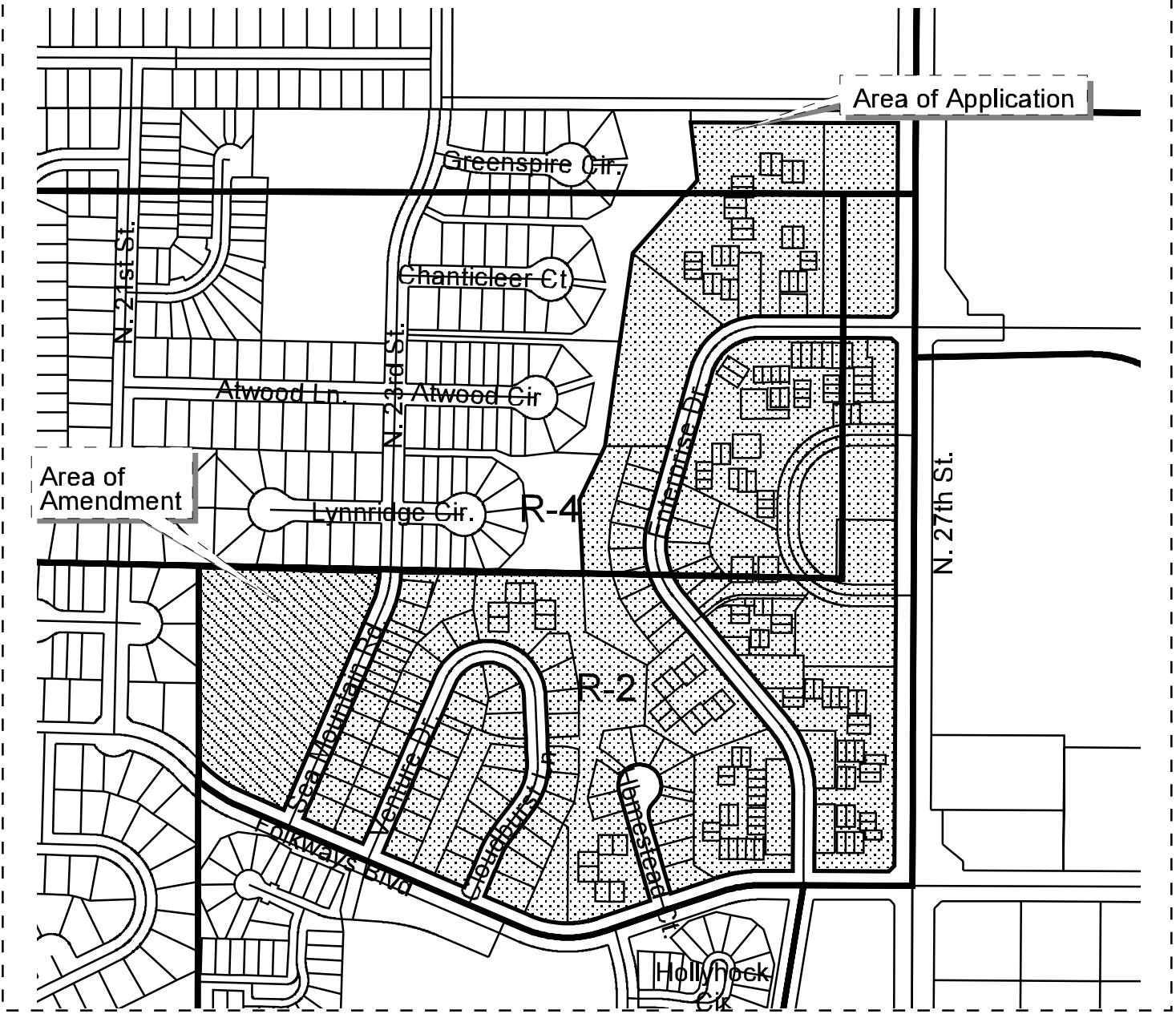
Area of Application

Special Permit #692K
5501 Sea Mountain Rd.



Photograph Date: 1999

Lincoln City - Lancaster County Planning Dept.

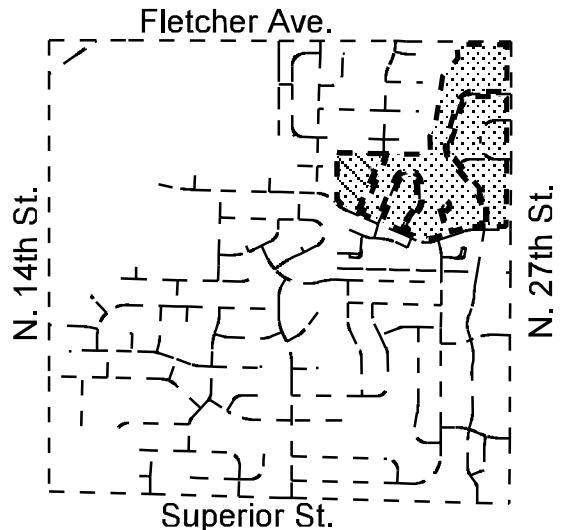
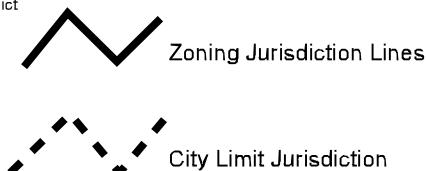


Special Permit #692K
5501 Sea Mountain Rd.

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation 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. 1 T10N R6E



Sheet ___ of ___
 Date: _____

HARDING, SHULTZ & DOWNS

A LAW PARTNERSHIP OF PROFESSIONAL CORPORATIONS

800 LINCOLN SQUARE
121 SO. 13TH STREET
P.O. BOX 82028
LINCOLN, NE 68501-2028
402/434-3000 FAX 402/434-3030

E-MAIL firm@hdslegal.com
WEBSITE www.hdslegal.com

**Please respond to
our Lincoln office**

WELLS FARGO CENTER
1700 LINCOLN STREET
SUITE 1800
DENVER, CO 80203-4518
303/832-4400 FAX 303/832-6154

May 17, 2001

VIA HAND-DELIVERY

Lincoln-Lancaster County Planning Department
ATTN: Ray Hill/Jason Reynolds
555 S. 10th St., Ste. 213
Lincoln, NE 68508

642-147

MAY 17 2001

Re: **Application for Special Permit and Amendment of Tabitha New
Community C.U.P.**

Dear Ray/Jason:

Enclosed is an Application for Special Permit regarding the above-referenced matters. Also enclosed is a check, in the amount of \$585.00, to cover applicable filing fees.

Paul Ritchie of Davis Design will deliver to the Planning Department today all of the site plans, landscape plans and utility plans regarding the proposed changes in use of the subject property.

I have ordered a Certificate of Ownership from Nebraska Title Company and will deliver the same to you, in supplementation of the Application, as soon as I receive the same from the title company.

Please contact me with any questions or comments regarding the Application. Thank you for your cooperation and assistance.

Very truly yours,

HARDING, SHULTZ & DOWNS

John H. Bergmeyer

JHB:tlw

Enclosures

cc: Mr. Al Sward (w/o Encls. - via facsimile)
Mr. Paul Ritchie (w/o Encls. - via facsimile)

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HARDING, SHULTZ & DOWNS

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**Please respond to
our Lincoln office**

WELLS FARGO CENTER
1700 LINCOLN STREET
SUITE 1800
DENVER, CO 80203-4518
303/832-4400 FAX 303/832-6154

May 17, 2001

642-147

VIA HAND-DELIVERY

Lincoln-Lancaster County Planning Department
ATTN: Ray Hill/Jason Reynolds
555 S. 10th St., Ste. 213
Lincoln, NE 68508

Re: **Application for Special Permit and Amendment of Tabitha New Community C.U.P.**

Dear Ray/Jason:

Enclosed is a Certificate of Ownership issued by Nebraska Title Company which is being provided to you in supplementation of the Application for Special Permit submitted to your office earlier today on behalf of Tabitha, Inc. Please note the enclosed Certificate indicates Tabitha Home, a Nebraska non-profit corporation, is the owner of record of the subject property. For your information, I have been advised the name of Tabitha Home was changed to Tabitha, Inc. at some time following the corporation's acquisition of the subject property. However, Tabitha, Inc. (formerly known as Tabitha Home) is the owner of the subject property and is the proper Petitioner with respect to the Application for Special Permit submitted earlier today. Please let me know if you have questions regarding this matter.

Please also note that the legal description of the subject property set forth on the Application indicated a description of Lot 1, Block 2, Tabitha New Community Addition. To clarify, the proper description is Lot 1, Block 2, Tabitha New Community Second Addition. I apologize for the error.

Very truly yours,

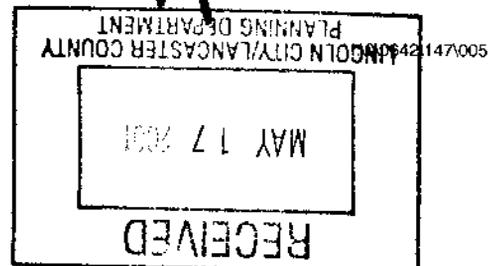
HARDING, SHULTZ & DOWNS

John H. Bergmeyer

JHB:tlw

Enclosure

cc: Mr. Al Sward (w/Encl. - via facsimile)
Mr. Paul Ritchie (w/Encl. - via facsimile)



PLANNING DEPT. _____ SPECIAL PERMIT NO. 092K

ADDRESS OR LOCATION _____

RECEIPT NO. _____ FEE \$ 585-

APPLICATION FOR A SPECIAL PERMIT

HONORABLE CITY COUNCIL
City of Lincoln, Nebraska Lincoln, Nebraska May 17, 2001

Under the provisions of Chapter 27.63 of the Lincoln Municipal Code, the undersigned hereby applies for a Special Permit to: (indicate proposed use or development)

Amend Tabitha New Community C.U.P. and obtain a Special Permit to allow two of the six buildings constituting Walter Apartments to be used as Domiciliary Care Facilities.

on the property described as Lot 1 Block 2

Addition Tabitha New Community

Proposed development of the property is shown on plans attached hereto. Type and character of the proposed use is as follows:

Four of the six buildings currently constituting Walter Apartments will continue to be used as apartment buildings, but the other two (Buildings D & E) will be converted to use as Domiciliary Care (assisted living) Facilities.

Petitioner TABITHA, INC.
(Please Print)

Petitioner's Signature By: *Al Sward* Telephone No 486-8522
Al Sward, President

Petitioner's Address 4720 Randolph St., Lincoln, NE 68510

Contact Person John H. Bergmeyer, Esq.; Harding, Shultz & Downs

Contact Person's Address 121 S. 13th St., Ste. 800, Lincoln, NE 68508
Phone: (420) 434-3000; Fax: (402) 434-3030

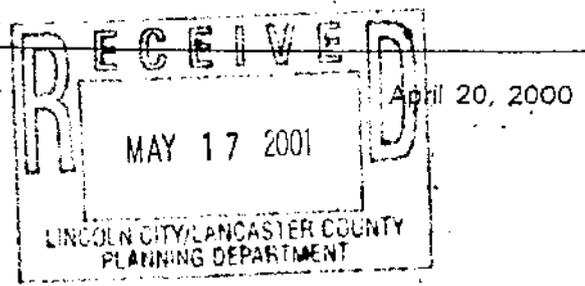
* NOTE: Please designate one individual. All information and questions will be directed to this person.

RECORD OWNER & ADDRESS Tabitha, Inc., 4720 Randolph St., Lincoln, NE 68510

Property Address: 5501 Sea Mountain Rd., Lincoln, NE

Dates of Planning Commission Hearing _____

X:\FILES\PLANNING\PC\FORMS\SPERMIT.wpd



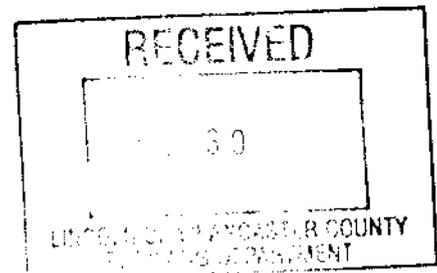
Memo

To: Jason Reynolds, Planning
From: J.J. Yost, Parks & Recreation
Date: 28 May 2001
Re: Tabitha New Community C.U.P. Amendment & Special Permit

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have compiled the following comments:

1. No comments at this time for the Special Permit and Amendment of Tabitha New Community C.U.P.

If you have any additional question, comments or concerns, please feel free to contact me at 441-8255.



City of Lincoln, Nebraska

IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Plan Review Comments

Permit # DRF01060

Address

Job Description: TABITHA NEW COMMUNITY AMENDMEN

Location: TABITHA NEW COMMUNITY

Special Permit: Y SP 692K

Preliminary Plat: N

Use Permit: N

CUP/PUD: N

Requested By: JASON REYNOLDS

Status of Review: Approved

5/24/2001 11:54:09 AM

Reviewer: FIRE PREVENTION/LIFE SAFETY CODE

BOB FIEDLER

Comments: Site is OK, but any change of occupancy would require a review from Building & Safety.

Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards

