

**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**

**for JULY 20, 2005 PLANNING COMMISSION MEETING**

**PROJECT #:** Special Permit No.692M

**PROPOSAL:** Amend Tabitha New Community 3<sup>rd</sup> Addition Community Unit Plan by adding 5 units of elderly or retirement housing and a club house.

**LOCATION:** N. 27<sup>th</sup> St. and Folkways Blvd.

**WAIVER REQUEST:** see attached

**LAND AREA:** 61.96 acres, more or less (entire C.U.P)  
6.83 acres, more or less (this amendment)

**CONCLUSION:** The proposed special permit will provide housing for a population with special needs. The additional 5 residential lots utilizes vacant land within an existing neighborhood.

|                               |                      |
|-------------------------------|----------------------|
| <b><u>RECOMMENDATION:</u></b> | Conditional Approval |
| Waivers:                      | Approval             |

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Outlot "A", Block 11, Tabitha New Community Addition; Lots 2-4, Block 1, Lots 1-31, Block 2, Outlot "A", Tabitha New Community 4<sup>th</sup> Addition; Lots 1 & 2, Block 1, Outlot "A", Tabitha New Community 5<sup>th</sup> Addition; vacated Farmstead Rd. and vacated Williamson Way.

**EXISTING ZONING:** R-2 and R-4 Residential

**EXISTING LAND USE:** Existing townhouses and undeveloped land.

**SURROUNDING LAND USE AND ZONING:**

|        |                           |   |
|--------|---------------------------|---|
| North: | R-2 & R-4-Residential     | Single-family and two-family residential  |
| South: | R-2- Residential          | Single-family and two-family residential  |
| East:  | B-2-Neighborhood Business | Commercial across N. 27 <sup>th</sup> St. |
| West:  | R-2 & R-4 Residential     | Single-family and two-family residential  |

**HISTORY:**

- March 18, 2002 Special Permit 692L to add 36 units of elderly or retirement housing within the Tabitha New Community C.U.P. was approved by the City Council.
- July 16, 2001 City Council approved Special Permit #692-K, which converted 28 apartment units into 28 domiciliary care units within existing apartment buildings, modified existing apartment buildings to meet ADA standards, and added a covered walkway between apartment buildings.
- 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. 27<sup>th</sup> Street and vacated Farmstead Road.
- 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.
- 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.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population. (F-18)

Encourage mixed-use redevelopment, adaptive reuse, and in-fill development including residential, commercial and retail uses. (F-18)

The Lincoln/Lancaster County Land Use Plan identifies this area as Urban Residential. (F-25)

Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. (F-65)

**UTILITIES:** All utilities are available

**TRAFFIC ANALYSIS:** N. 27<sup>th</sup> St. is a principal arterial. The streets within the development are all private. The existing drive on proposed Lot 5, Block 1 is to be removed and access to N. 27<sup>th</sup> St. from adjacent lots shall be relinquished.

**PUBLIC SERVICE:** The closest fire station is Number 10 at N. 14<sup>th</sup> St. and Adams St.

**ANALYSIS:**

1. This is a request to add 5 units of elderly or retirement housing and a club house to an existing Community Unit Plan.
2. The majority of the lots, previously approved with Special Permit 692L, are built on.
3. All of the waivers on the attached sheet, with the exception of 3, 4 & 23, were approved with Special Permit 692L. The new waivers are consistent with the previous waivers.
4. This new site plan provides for better circulation with the extension of Blaine Dr. to N. 26<sup>th</sup> Place.
5. Relocating the drive to the clubhouse from Blaine Dr. to the cul-de-sac would allow open space in the rear of Lots 1, 2 & 3, Block 3.
6. This amendment will allow the development of additional retirement housing on an in-fill lot.

**CONDITIONS OF APPROVAL:**

Site Specific:

1. This approval permits 41 dwelling units with waivers to the front, side and rear yard setbacks and a community club house.

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, sanitary sewer system, 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.

Permittee agrees:

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

to complete the installation of sidewalks along both sides of farmstead Rd., Blaine Dr. and N. 26<sup>th</sup> Place as shown on the final plat within four (4) years following the approval of the final plat.

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

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

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

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

to complete the installation of private street lights along Farmstead Rd., Blaine Dr. and N. 26<sup>th</sup> Place within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees along Farmstead Rd., Blaine Dr., and N. 26<sup>th</sup> Place within this plat within four (4) years following the approval of the final plat.

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

to complete 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 complete the public and private improvements shown on the Community Unit Plan

to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to continuously and regularly maintain the street trees along the private roadways and landscape screens.

to submit to the lot buyers and home builders a copy of the soil analysis.

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

to protect the trees that are indicated to remain during construction and development

to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

to relinquish the right of direct vehicular access from Lots 3-7, Block 1 and Lots 1-9, Block 2 to N. 27<sup>th</sup> St.

General:

2. Before receiving building permits:

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

2.1.1 A revised site plan including 5 copies showing the following revisions:

2.1.1.1 Show utility easements as requested by the June 27, 2005 LES report.

- 2.1.1.2 Correct the legal description
  - 2.1.1.3 Delete requested waiver #27. The waiver is not required
  - 2.1.1.4 Relocate the driveway to the clubhouse from Blaine Dr. to N. 26<sup>th</sup> Place at the end of the cul-de-sac.
- 2.1.2 A permanent final plan with 5 copies as approved.
- 2.2 Ornamental street lights for private roadways and pedestrian way easements are approved by L.E.S.
- 2.3 The construction plans comply with the approved plans.
- 2.4 Final plat(s) is/are approved by the City.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:
- 3.1 Before occupying the units all development and construction is to comply with the approved plans.
  - 3.2 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the owner or an appropriately established homeowners association approved by the City.
  - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The 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 applicant.
4. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by

Tom Cajka  
Planner

**DATE:** July 7, 2005

**APPLICANT:** Brian Carstens  
601 Old Cheney Rd. Suite "C"  
Lincoln, NE 68512  
(402) 434-2424

**OWNER:** Tabitha New Community Homeowners  
2855 S. 70<sup>th</sup> St. #200  
Lincoln, NE 68506

**CONTACT:** same as applicant



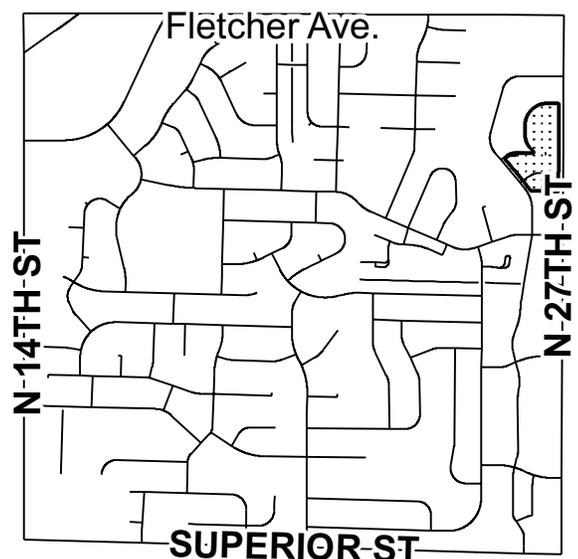
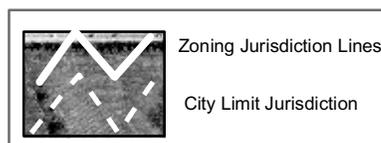
2002 aerial

# Special Permit #692M Tabitha New Community 3rd N 27th & Folkways Blvd.

## 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



## REQUESTED WAIVERS

1. FRONT YARD SETBACK ON THE EAST SIDE OF ENTERPRISE DRIVE FROM 25 FEET TO 20 FEET.
2. FRONT YARD SETBACK ON THE NORTH PROPERTY LINE OF LOT 22, BLOCK 2 FROM 25 FEET TO 5 FEET.
3. FRONT YARD SETBACK ON THE SOUTH PROPERTY LINE OF LOT 1, BLOCK 3 FROM 25 FEET TO 20 FEET.
4. FRONT YARD SETBACK ON THE NORTH PROPERTY LINE OF LOT 17, BLOCK 2 FROM 25 FEET TO 22.70 FEET.
5. REAR YARD SETBACK ON LOT 10, BLOCK 2 FROM 24.56 FEET TO 18 FEET.
6. REAR YARD SETBACK ON LOT 11, BLOCK 2 FROM 22.00 FEET TO 5 FEET.
7. REAR YARD SETBACK ON LOT 12, BLOCK 2 FROM 21.25 FEET TO 5 FEET.
8. REAR YARD SETBACK ON LOT 13, BLOCK 2 FROM 24.10 FEET TO 14 FEET.
9. REAR YARD SETBACK ON LOT 14, BLOCK 2 FROM 20.84 FEET TO 7 FEET.
10. REAR YARD SETBACK ON LOT 15, BLOCK 2 FROM 23.00 FEET TO 12 FEET.
11. REAR YARD SETBACK ON LOT 16, BLOCK 2 FROM 21.52 FEET TO 10 FEET.
12. REAR YARD SETBACK ON LOT 17, BLOCK 2 FROM 22.02 FEET TO 10 FEET.
13. REAR YARD SETBACK ON LOT 18, BLOCK 2 FROM 20.28 FEET TO 8 FEET.
14. REAR YARD SETBACK ON LOT 19, BLOCK 2 FROM 19.54 FEET TO 8 FEET.
15. REAR YARD SETBACK ON LOT 20, BLOCK 2 FROM 21.39 FEET TO 15 FEET.
16. REAR YARD SETBACK ON LOT 21, BLOCK 2 FROM 19.06 FEET TO 8 FEET.
17. REAR YARD SETBACK ON LOTS 24, 25 & 26, BLOCK 2 FROM 17.72 FEET TO 7 FEET.
18. REAR YARD SETBACK ON LOT 27, BLOCK 2 FROM 16.80 FEET TO 7 FEET.
19. REAR YARD SETBACK ON LOT 28, BLOCK 2 FROM 24.05 FEET TO 15 FEET.
20. REAR YARD SETBACK ON LOT 29, BLOCK 2 FROM 22.20 FEET TO 5 FEET.
21. REAR YARD SETBACK ON LOT 30, BLOCK 2 FROM 20.49 FEET TO 14 FEET.
22. REAR YARD SETBACK ON LOT 31, BLOCK 2 FROM 18.40 FEET TO 5 FEET.
23. REAR YARD SETBACK ON LOTS 1, 2 & 3, BLOCK 3 FROM 21.50 FEET TO 10 FEET.
24. SIDE YARD SETBACKS FROM 10 FEET TO 5 FEET ON ALL SINGLE FAMILY AND SINGLE FAMILY ATTACHED UNITS.
25. 4 FEET WIDE SIDEWALKS ADJACENT TO THE CURB ON THE EAST AND WEST SIDE OF NORTH 26TH STREET AND THE NORTH & SOUTH SIDE OF BLAINE DRIVE.
26. THE TURN-AROUND RADIUS LOCATED ON THE NORTH END OF NORTH 26TH STREET, FROM 30 FEET TO 22.5 FEET.
27. PRELIMINARY PLAT PROCESS.

122.01' S 89°58'12" E

R-4 ZONING R-2 ZONING

OUTLOT 'D'  
OPEN SPACE/OLD HOME AREA

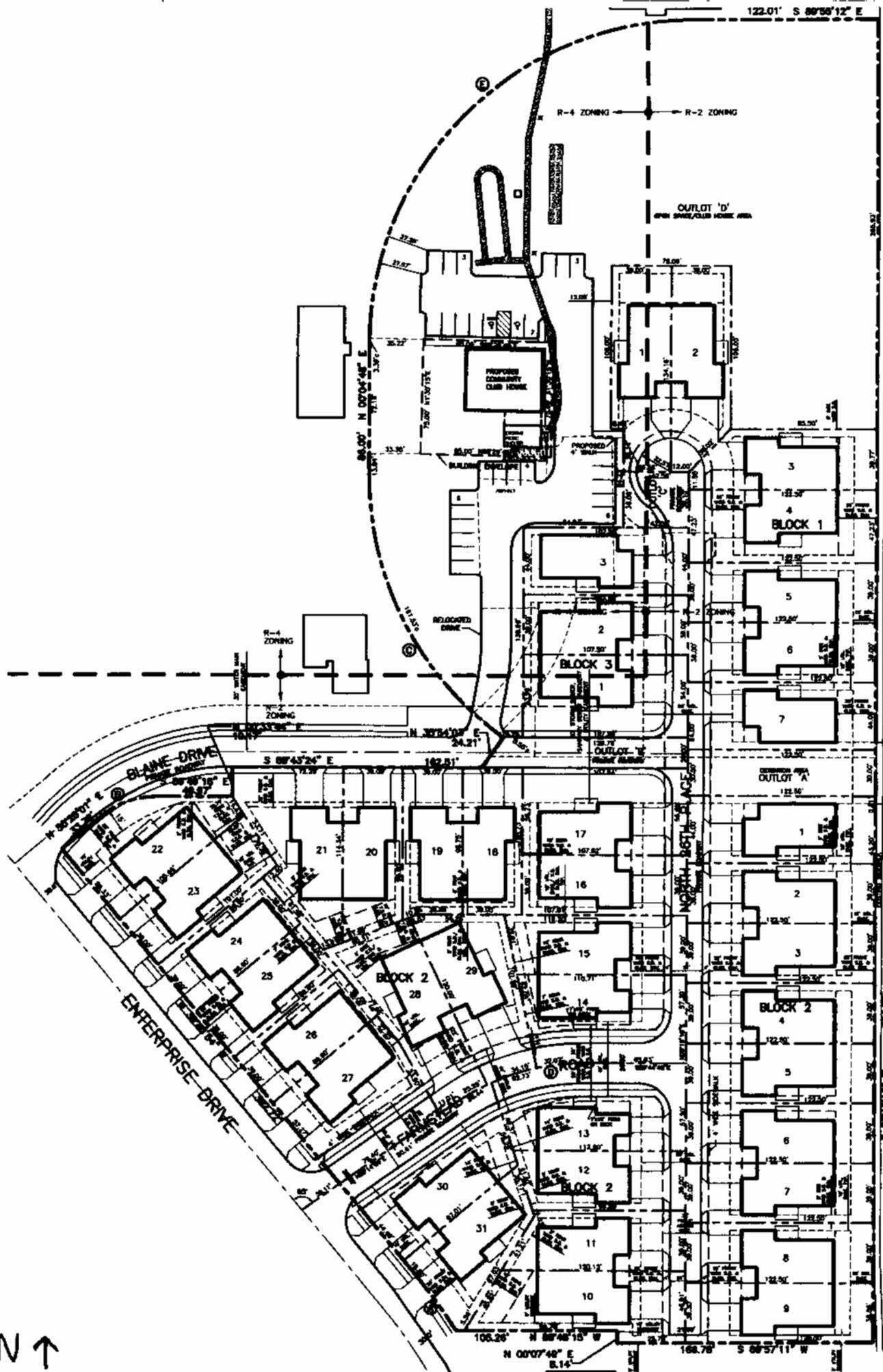
806.74' S 00°18'14" W

REPLACE EXISTING CURB CUT BY CURB CUT TO CITY APPROVED STANDARD

REPLACE EXISTING CURB CUT BY CURB CUT TO CITY APPROVED STANDARD

NORTH 27TH STREET

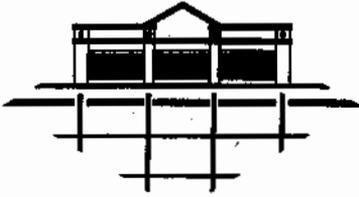
30' 0"



N ↑

106.26' N 00°07'48" E  
8.14'

168.78' S 89°57'11" W



**BRIAN D. CARSTENS AND ASSOCIATES**  
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN  
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

June 20, 2005

Mr. Marvin Krout, AICP  
Director of Planning  
City of Lincoln/ Lancaster County  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: TABITHA NEW COMMUNITY THIRD ADDITION  
SPECIAL PERMIT #692M

Dear Marvin,

On behalf of the Tabitha New Community Homeowners and Jim Tomasek, we submit the following C.U.P./ Special Permit for your review.

Tabitha New Community 3<sup>rd</sup> Addition is a revision to the previously approved 2<sup>nd</sup> Addition that created the single family/ single family attached units along Farmstead Road, North 26<sup>th</sup> Place and Blaine Court.

The Tabitha New Community Homeowners desire to construct a 'community building' just north of the existing screened picnic shelter. To generate some required capital, the association is developing an additional 5 units for Jim Tomasek to build additional townhome units. Jim was the builder of all of the units in the 3<sup>rd</sup> Addition area.

As part of the expansion, we are proposing to extend Blaine Court to the east to North 26<sup>th</sup> Court, creating additional vehicular and pedestrian circulation in this development.

We have included a table of proposed waivers to the zoning ordinance as listed. They are the same type of waivers that were approved with Special Permit#692L. An additional waiver is requested to eliminate the preliminary plat process, as the same information is typically shown on the Special Permit plans.

Please feel free to contact me if you have any additional questions or comments.

Sincerely,

Brian D. Carstens

INTER-DEPARTMENT COMMUNICATION



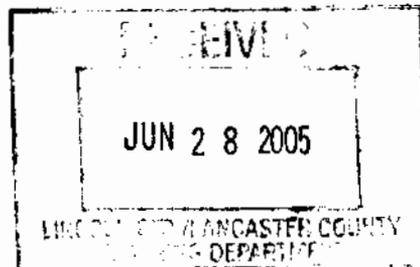
**DATE:** June 27, 2005  
**TO:** Tom Cajka, City Planning  
**FROM:** Sharon Theobald (Ext. 7640)  
**SUBJECT:** DEDICATED EASEMENTS **SP #692M (CUP)**  
DN #55N-26E

Attached is the Site Plan for Tabitha New Community 3<sup>rd</sup> Addition

**In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.**

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map, along with blanket utility easements over the outlots.

*Sharon Theobald*



ST/nh  
Attachment  
c: Terry Wiebke  
Easement File