LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

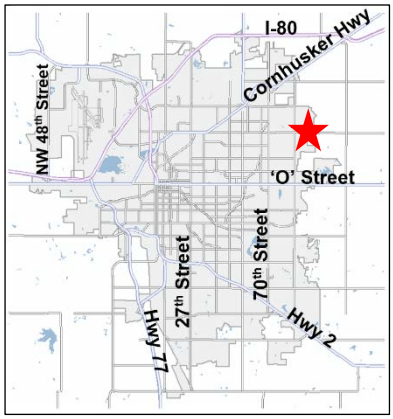
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Special Permit #20002	Yes	Starostka-Lewis, LLC
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
February 19, 2020	Annexation #20002 and Change of Zone #20003	9500 Adams Street

RECOMMENDATION: APPROVAL WITH CONDITIONS

BRIEF SUMMARY OF REQUEST

This is a request for a Community Unit Plan (CUP) to develop up to 77 multi-family dwelling units adjacent to the Prairie Village North neighborhood. The units will take access off Blacksmith Road via a new public cul-de-sac. Related applications for annexation and a change of zone from AG Agriculture District to R-3 Residential District were submitted.



JUSTIFICATION FOR RECOMMENDATION

Multi-family residential is an appropriate land use for this site. Considering that the standard zoning height will not be exceeded along with the conditions agreed upon between the developer and neighbors, the proposal should not have a negative impact on surrounding properties. Subject to the conditions of approval, this proposal is in conformance with the Comprehensive Plan.

APPLICATION CONTACT

Mike Eckert, (402) 434-8494 or meckert@civildg.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The request is consistent with the 2040 Comprehensive Plan, which identifies future urban density residential land uses for the site and supports a mix of housing types to serve a diverse population. The proposed development provides for approximately 6.9 dwelling units per acre, which is an appropriate urban density.

WAIVERS

1. Reduce the setback to Outlot B to 0 feet. (Recommend Approval)
2. Allow more than 40 dwelling units on a permanent dead-end street. (Recommend Approval)
3. Allow sanitary sewer mains to run opposite street grades. (Recommend Approval)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future urban density residential on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 – Urban Residential. Multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre.

P. 7.2 - Neighborhoods & Housing Guiding Principles
- Encourage public investment in neighborhood infrastructure and services such as parks, pools, libraries, and neighborhood business districts.
- Distribute and preserve affordable housing throughout the community to be near job opportunities and to provide housing choices within existing and developing neighborhoods.
- Make available a safe residential dwelling for all citizens.
- 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.
- Encourage acreages to develop in appropriate areas and preserve farmland.

P. 7.4 - Strategies for Neighborhoods and Housing
- Discourage residential development in areas of environmental resources such as endangered species, saline wetlands, native prairies, and in floodplain corridors.
- Encourage preservation or restoration of natural resources within or adjacent to development.
- Encourage substantial connectivity and convenient access to neighborhood services (stores, schools, parks) from residential areas.
- Incorporate interconnected networks of streets, transit, trails, and sidewalks with multiple connections within and between neighborhoods and commercial centers to maximize access and mobility to provide alternatives to and reduce dependence upon the automobile.
- Provide sidewalks on both sides of all streets, or in alternative locations as allowed through design standards or review process.

P. 7.4-7.8 - Strategies for Developing Neighborhoods
- Encourage new development to achieve densities greater than five dwelling units per gross acre.

ANALYSIS

1. This is a request for a CUP to develop 77 multi-family dwelling units on one lot on property at 9500 Adams Street. The development would be located adjacent to existing residential lots in the Prairie Village North development. The proposed zoning is R-3 Residential.

2. The Design Standards for Community Unit Plans allow up to 6.96 dwelling units per acre. Under the 11.15 acre application area, a maximum of 77 dwelling units are allowed. The area within Outlot B, which contains the drainage way, is allowed to be counted towards the overall density.

3. Access to this development will be provided off Blacksmith Court, a new public cul-de-sac that will extend from existing Blacksmith Road. The Access Management Policy prohibits a connection to Adams Street due to spacing requirements from other intersections and a deviation request to this standard would not be supported. A street connection to the north and east is not feasible due to a large drainage way and floodplain. Therefore, these units will access Adams Street through the existing residential street network to the west. A temporary construction access from Adams Street will be granted while the units are being constructed but must be removed before they are occupied.

4. The developer worked with neighbors to address traffic concerns in the overall neighborhood by agreeing to install three traffic calming devices in nearby N. 94th Street. The traffic calming devices will be maintained by the City as N. 94th Street is a public street. A condition of approval would require the developer install or post a surety for the work prior to final platting. The details of the traffic calming devices will be approved by the Transportation and Utilities Department.

5. A traffic study was not required for these applications as the development will not exceed the allowed density of the R-3 zoning district under the CUP, no new access points are being created, and the vehicles per hour threshold for requiring a traffic study will not be exceeded. Adams Street east of N. 90th Street is an unimproved major arterial street constructed as a paved two-lane road with a left turn lane at N. 94th Street.

6. There will be a 20-foot wide outlot, Outlot A, behind the existing houses that will run the length of this development and serve as an open space buffer between the existing and new dwellings. It will be maintained permanently by the Prairie Village North Homeowners Association. The buildings would be a maximum of two stories in conformance with the maximum height of the district.

7. Waivers are requested to the Zoning and Subdivision Ordinances and the Design Standards:

   Waiver to Section 27.72.020 to reduce the setback to Outlot B to 0 feet.

   This property is adjacent to a drainage containing floodplain and floodway shown within Outlot B east of the multifamily buildings. Reducing the zoning setback does not present a concern as it will abut open space.

   Waiver to Section 26.23.080 to allow more than 40 dwelling units on a permanent dead-end street.

   The Subdivision Ordinance limits the number of dwellings on a dead-end street to provide more than one route of entry and exit from a development. The waiver is appropriate in this case because the development is not allowed a second entrance from Adams Street based on the Access Management Policy and a second connection to the north or east is not feasible due to the drainage way. Lincoln Fire and Rescue recommends approval of this application with the understanding that this location is outside of their travel time goals of four minutes or less.

   Waiver to Design Standards Chapter 2, Section 3.6 to allow sanitary sewer mains to run opposite street grades.

   This is a commonly-approved waiver based on the topography of the site. Not all of the development on this lot can connect to the gravity-fed sewer system in the adjacent streets. The lot will be served via a privately owned and maintained lift station. It is a single lift station for a single entity as allowed by City standards. Without the lift station, development would be dependent upon the future extension of sewer mains from the east.

8. The parking requirement is 2 stalls per dwelling unit per the R-3 zoning district. The site plan shows a surplus of 44 stalls based on the 77 dwelling units shown.

9. This site is in the Waverly Fire District. After annexation, fire protection will be provided by Lincoln Fire and Rescue (LFR). The closest City fire stations are located at Touzalin Avenue and Fremont Street, and near the intersection of N. Cotner Boulevard and Vine Street.

10. A neighborhood meeting took place on September 17, 2019 to discuss the proposed development. The major concerns voiced by the neighborhood at the meeting related to increased traffic through the neighborhood, traffic speeds on N. 94th Street, and the proposed multi-family use. The developer subsequently worked with the neighbors to help address their concerns. Several of the measures discussed in this report and on the site plan are the result of those negotiations.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Single family detached dwelling, agriculture; AG

SURROUNDING LAND USE & ZONING

North: Agriculture; AG
South: Detached single family residential dwelling; AG
East: Agriculture; AG
West: Detached single family residential dwellings; R-3

APPROXIMATE LAND AREA: 11.15 acres

LEGAL DESCRIPTION: See attached.

Prepared by

_____
Rachel Jones, Planner

Date: February 13, 2020

Applicant: Starostka-Lewis, LLC
429 Industrial Lane
Grand Island, NE 68803

Contact: Mike Eckert
Civil Design Group, Inc.
8535 Executive Woods Drive, Suite 200
Lincoln, NE 68512
(402) 434-8494 or meckert@civildg.com

Owner: Michael A. Leavitt
12401 Havelock Avenue
Lincoln, NE 68527

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CONDITIONS OF APPROVAL – SPECIAL PERMIT #20002

Per Section 27.63.320 this approval permits a Community Unit Plan for up to 77 dwelling units, with waivers to reduce the setback to Outlot B to 0 feet, allow more than 40 dwelling units on a permanent dead-end street, and allow sanitary sewer mains to run opposite street grades.

Site Specific Conditions:

1. The City Council approves associated requests:

   1.1 Annexation #20002

   1.2 Change of Zone #20003

2. 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 2 copies with all required revisions and documents as listed below:

   2.1 Revise Site Note 2 to read, "A temporary construction access to Adams Street is permitted. All construction traffic shall use only the temporary construction access, which will be closed prior to issuing occupancy permits for any multi-family buildings."

   2.2 Change "centralize" to "central" in Site Note 10.

   2.3 Revise Site Note 11 regarding traffic calming to state that prior to final plat, the developer shall install the traffic calming devices or post a surety guaranteeing their installation in an amount to be determined by the Transportation and Utilities Department.

   2.4 Add to the Site Notes, "Signs need not be shown on this site plan, but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation".

   2.5 Add a waiver to Section 26.23.080 allowing more than 40 dwelling units on a permanent dead-end street.

   2.6 The driveway connection width on the cul-de-sac near Building 7 exceeds the permitted width of 30 feet. The connection point and drives for this building must be redesigned to the satisfaction of the Transportation and Utilities Department.

   2.7 Address the attached comments from Watershed Management.

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

   3.1 Post a surety in the amount of $10,000 to guarantee removal of the temporary construction connection to Adams Street.

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

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

Standard Conditions:

5. The following conditions are applicable to all requests:

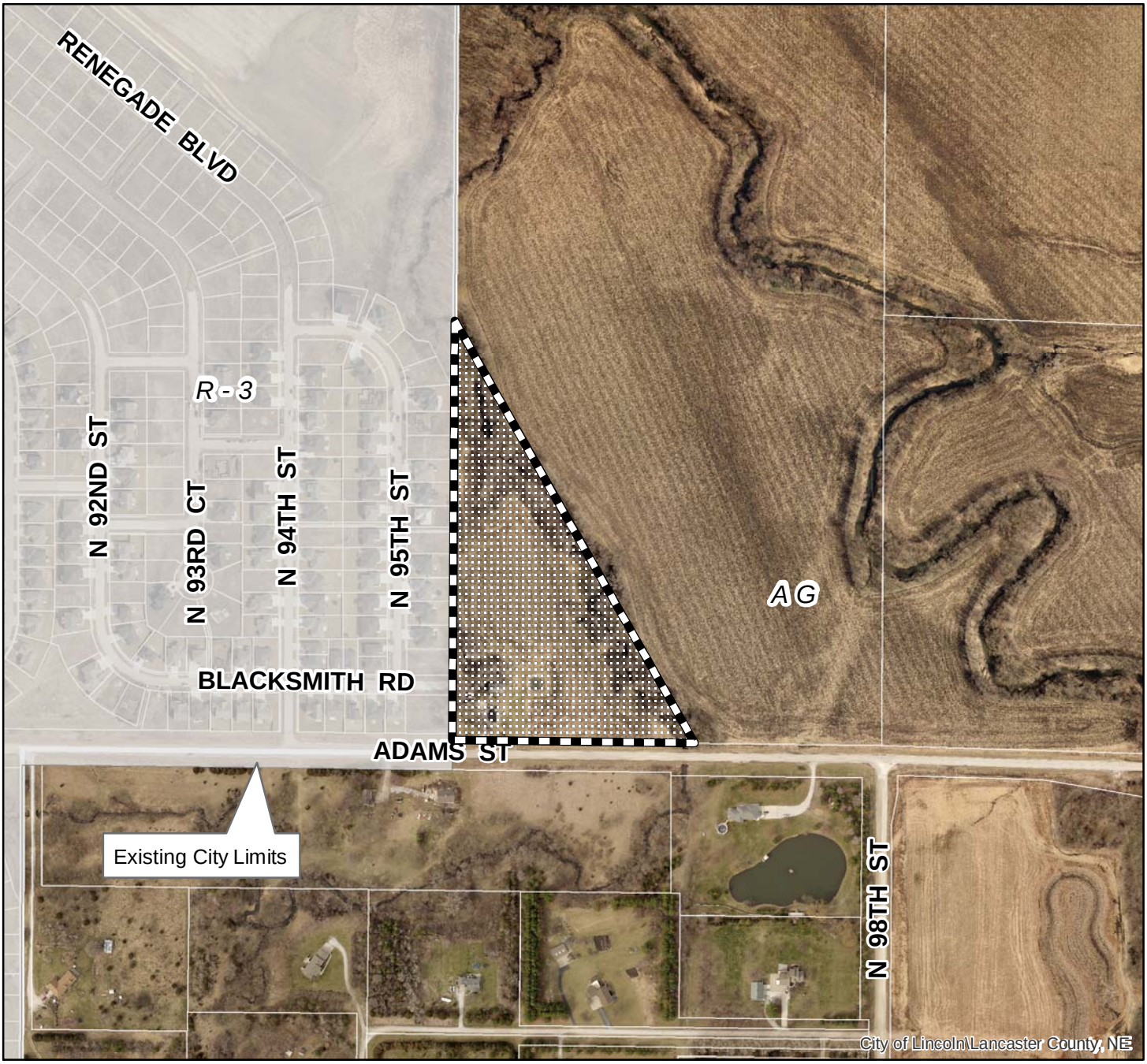
   5.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.

   5.2 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.

   5.3 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.

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

   5.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, 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.

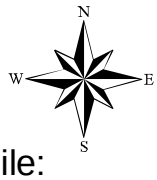


2018 aerial

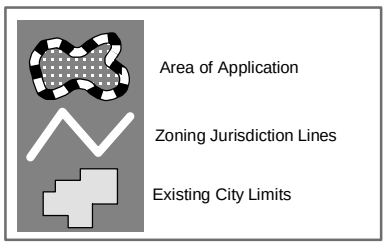
Annexation #: AN20002, Special Permit#: SP20002 and Change of Zone #: CZ20003 (AG - R-3)
Stevens Creek Villas CUP
N 98th St & Adams St

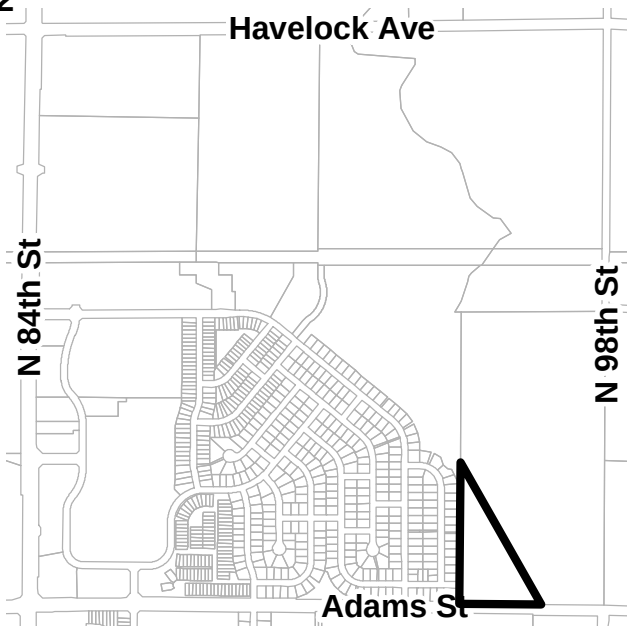
Zoning:

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.11 T10N R07E





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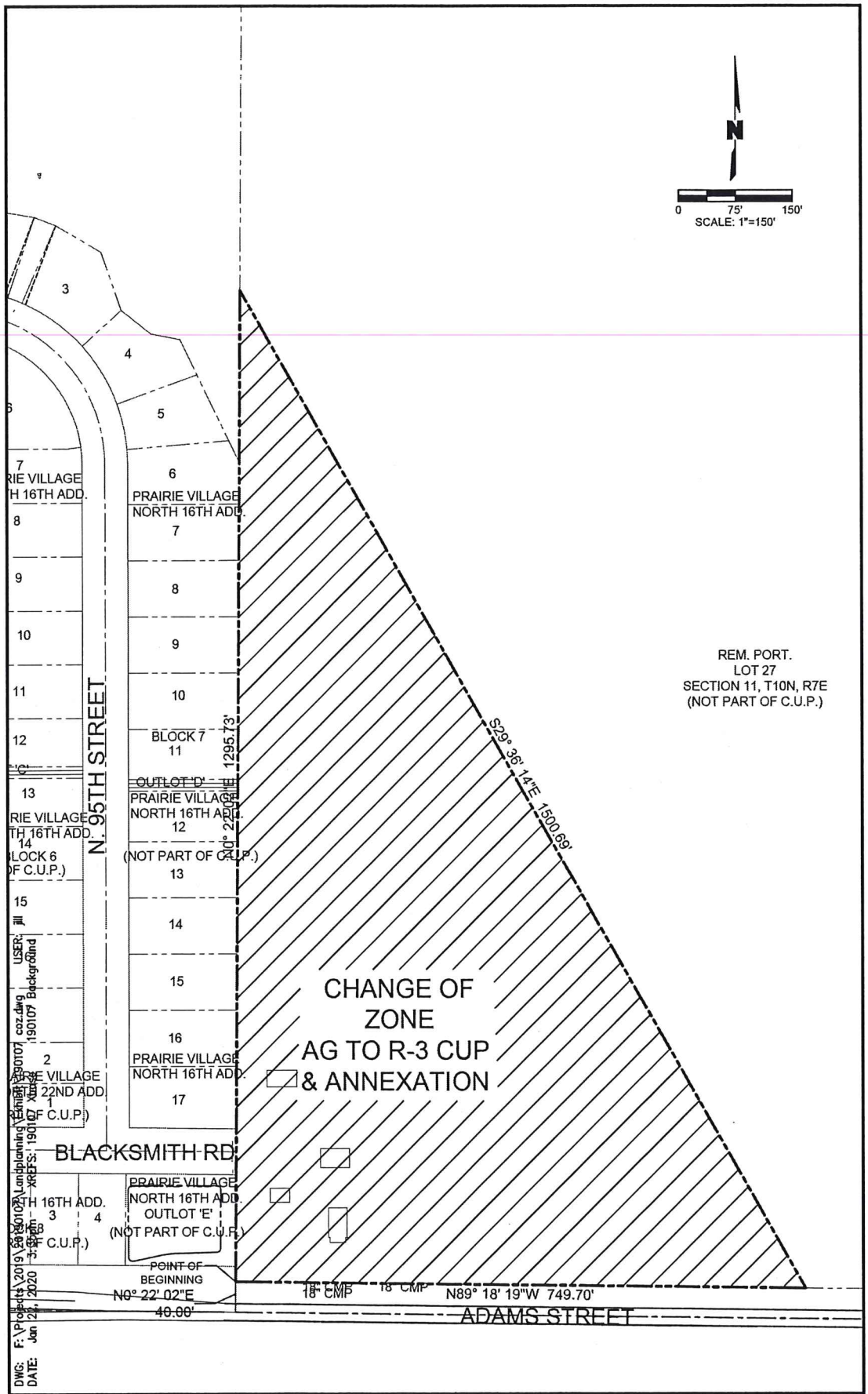
File: F:\DevReview\PlannerPacket\MXD\Agendadrawings.mxd (AN20002)



drawn by: JDS checked by: - project no.: 2019-0107 date: 01/22/2020	**CHANGE OF ZONE & ANNEXATION EXHIBIT STEVENS CREEK VILLAS LINCOLN, NEBRASKA**	Civil Design Group, Inc. 8535 EXECUTIVE WOODS, DR., SUITE 200 Lincoln, Nebraska 68512 Ph. 402-434-8494 Fax 866-215-8747 www.civildg.com CONSULTING ENGINEERS • LAND USE PLANNERS CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING	EXHIBIT 1

ANNEXATION, CHANGE OF ZONE, AND SPECIAL PERMIT LEGAL DESCRIPTION

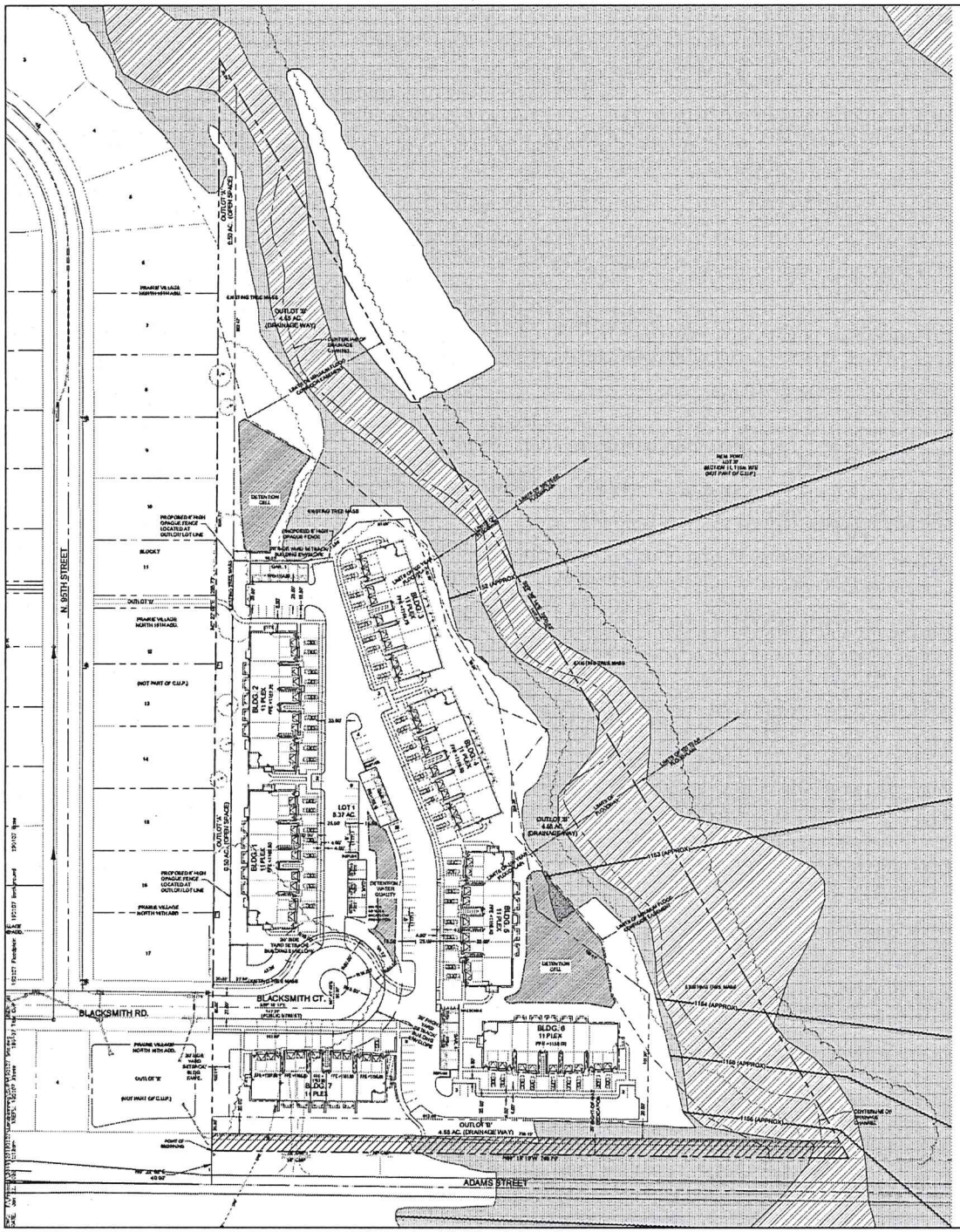
STEVENS CREEK VILLAS

A description of a part of Lot 27 Irregular Tracts, located in the Southeast Quarter of Section 11, Township 10 North, Range 7 East, of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows:

Referring to the Southwest Corner of the East Half of the Southeast Quarter of said Section 11; Thence North on the West Line of the East Half of the Southeast Quarter on an assumed bearing of N 00˚22’02” E for a distance of 40.00’ to a point on the North Right-of-way Line of Adams Street, said point being the Southwest Corner of Lot 27, said point also being the Point of Beginning:

Thence N 00°22'02" E, on the West Line of the East Half of the Southeast Quarter and on the West Line of Lot 27 Irregular Tracts for a distance of 1295.73'; Thence S 29°36'14" E for a distance of 1500.69' to a point on the North Right-of-way Line of Adams Street, said point also being on the South Line of Lot 27 Irregular Tracts; Thence N 89°18'19" W, on the North Right-of-way Line of Adams Street and on the South Line of Lot 27 Irregular Tracts, for a distance of 749.70’ to the Point of Beginning, and having a calculated area of 11.15 acres more or less.

Subject to any and all easements and restrictions of record.


N. 95TH STREET
BLACKSMITH RD.
BLACKSMITH CT.
ADAMS STREET
OUTLOT 'A'
OUTLOT 'B'
OUTLOT 'C'
OUTLOT 'D'
OUTLOT 'E'
OUTLOT 'F'
OUTLOT 'G'
OUTLOT 'H'
OUTLOT 'I'
OUTLOT 'J'
LOT 1
8.37 AC.
BLDG. 1
BLDG. 2
BLDG. 3
BLDG. 4
BLDG. 5
BLDG. 6
11 PLEX
BLDG. 7
11 PLEX
DETENTION CELL
DETENTION WATER QUALITY
EXISTING TREE MASS
PROPOSED 6' HIGH OPAQUE FENCE
PRAIRIE VILLAGE NORTH 16TH ADD.
(NOT PART OF C.U.P.)
NEW PONY LOT 37 SECTION 11, T10N, R7E (NOT PART OF C.U.P.)
TRAIL DETACHED GARAGE
TRAIL ATTACHED GARAGE
TRAIL BUILDING

Civil Design Group, Inc.

Consulting Engineers & Land Use Planners
Civil Design • Site Development • Planning & Zoning

January 22, 2020

Mr. David Cary, Director of Planning
City of Lincoln /Lancaster County
555 South 10th Street, Room 213
Lincoln, NE 68508

Re: Special Permit application, Change of Zone to R-3 CUP and Request to Annex 11.15 acres of land to be known as Steven Creek Villas, general located north of Adams Street and west of the Prairie Village North PUD (PVN).

Dear Mr. Cary:

On behalf of Starostka-Lewis, LLC, we submit the enclosed application for the Stevens Creek Villas CUP and the associated change of zone and annexation request for 11.15 acres of land directly east of PVN. The R-3 CUP will contain 77 multifamily units.

Our firm has engaged in extensive discussions with Planning Staff and the adjacent PVN neighborhood to build this project under the density limits of a R-3 CUP. We have integrated several buffering, screening, traffic calming and design elements into the CUP based on the feedback from the PVN neighbors. These design elements are codified in the site plan notes of the CUP.

We are requesting the following waiver:

1. To Design Standards, Title 2, Chapter 2.00, Section 3, 3.6, to allow for sanitary sewer mains to run opposite the street grades. This a common waiver for subdivisions with topographic constraints.
2. To Zoning Code 27.72.020 to revise the yard setbacks to be 0' as Lot 1 abuts Outlot B. Outlot B contains the adjacent floodplain and the standard R-3 setback to Adams, so having a 0' setback will not encroach up any neighbors and removes the floodplain area from the buildable lots.

With this application we submit the following items:

Application for a Community Unit Plan, Change of Zone & Annexation to the City of Lincoln
CUP Special Permit Fee of $2,827.75
Change of Zone Fee of $988.00

A change of zone & annexation exhibit
All plan sheets, uploaded via Project Dox

I hope that this letter in conjunction with the plan sets assists you in reviewing these applications. Please feel free to call me at (402) 434-8494 so that I can address any questions you may have.

Sincerely,

Mike Eckert, AICP

cc: Staroskta-Lewis, LLC

ProjectDox

Department Review Status Report

Project Name: AN20002

Cycle	Department	Reviewer	Email	Status	Reviewer Comments
	LTU - Watershed Management	Mike Middendorf	MMiddendorf@lincoln.ne.gov	Corrections Required	* Add the following notes to the plans 1 a floodplain development permit is requires prior to any grading or improvements in the floodplain. 2 a Letter of Map Revision from FEMA for any fill in the floodplain is required prior to the initial final plat. * Need to provide overland flow path for 100 yr storm in basin A6 * Show WQV orifice controls in detention A2 * Provide calculations for the minimum corridor width * Need WQV Report form and the Maintenance plan * Minimum slope in all detention cells must be 2% min.