

City Council Introduction: **Monday**, April 23, 2001
Public Hearing: **Monday**, April 30, 2001, at **5:30 p.m.**

Bill No. 01R-91

FACTSHEET

TITLE: SPECIAL PERMIT NO. 1905, GARBER POINTE COMMUNITY UNIT PLAN, requested by Brian D. Carstens and Associates on behalf of Noel Chadd, for 22 dwelling units in 4 structures, on property generally located at North 1st Street and Garber Avenue.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda, 4/04/01
Administrative Action: 4/04/01

STAFF RECOMMENDATION: Conditional Approval.

RECOMMENDATION: Conditional Approval (7-0: Carlson, Hunter, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes'; Bayer and Duvall absent).

ASSOCIATED REQUESTS: Change of Zone No. 3317 (01-69).

FINDINGS OF FACT:

1. This community unit plan and the associated Change of Zone No. 3317 were heard at the same time before the Planning Commission.
2. The Planning staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-5. The Planning staff recommendation approves 22 dwelling units in 4 structures. The applicant requested 26 dwelling units in 5 structures (See p.13-14), but negotiations with the staff resulted in an agreement for 22 dwelling units in 4 structures (See p.15).
3. This application was placed on the Consent Agenda of the Planning Commission on April 4, 2001, and opened for public hearing. No one came forward to speak.
4. The Planning Commission agreed with the staff recommendation of conditional approval.
5. The Site Specific conditions of approval required to be completed prior to scheduling this application on the Council agenda have been submitted by the applicant and approved by the reviewing departments.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: April 16, 2001

REVIEWED BY: _____

DATE: April 16, 2001

REFERENCE NUMBER: FS\CC\FSSP1905

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Change of Zone # 3317
Special Permit # 1905
Garber Pointe Community Unit Plan

DATE: March 22, 2001

PROPOSAL: Brian Carstens, of Carstens and Associates, on behalf of Noel Chadd, has requested a Community Unit Plan consisting of 26 dwelling units.

GENERAL INFORMATION:

APPLICANT: Brian Carstens
Carstens & Associates
601 Old Cheney Rd. Ste C
Lincoln, NE 68512
(402) 434-2424

CONTACT: Same

LOCATION: N. 1st and Garber Avenue

LEGAL DESCRIPTION: Lot 81 I.T. located in the Northwest Quarter of Section 14, T10N, R6E, Lincoln, Lancaster County, Nebraska.

SIZE: 2.1 acres, more or less.

EXISTING ZONING: R-2, residential

EXISTING LAND USE: vacant

SURROUNDING LAND USE AND ZONING: Zoned R-2 residential with mobile home courts to the west, north, east and south. Zoned R-4 residential with an approved CUP for 53 duplex dwelling units to the far southwest.

COMPREHENSIVE PLAN SPECIFICATIONS: Shown as Urban Residential in the 1994 Lincoln-Lancaster County Comprehensive Plan. The Comprehensive Plan states:

A CONTINUING COMMITMENT TO NEIGHBORHOODS: Neighborhoods are one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies. In addition, the land use plan is the basis for zoning and other land development decisions. It should guide decisions that will maintain the quality and character of the community's established neighborhoods. (P. 36a)

Urban Residential (Gold) encompasses residential areas with densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. (P. 38.)

HISTORY:

- October 1998** City Council denies Special Permit #1730, Gloria Meadows C.U.P. for 26 dwelling units and Change of Zone #3094 from R-2 Residential to R-4 Residential.
- June 1998** Planning Commission recommends denial to Special Permit #1730, Gloria Meadows C.U.P. for 26 dwelling units.
- January 1998** City Council votes to deny Change of Zone #3094 from R-2 Residential to R-4 Residential, then reconsiders vote and places item on pending list so that a Community Unit Plan could be brought forward.
- December 1997** Planning Commission recommends approval to Change of Zone #3094 from R-2 Residential to R-4 Residential.

SPECIFIC INFORMATION:

UTILITIES: Available

TRAFFIC ANALYSIS: N. 1st Street is designated as a collector in the Comprehensive Plan with right-of-way needs of 100 feet. A 100' building line district is in place along this corridor.

REGIONAL ISSUES: This would be the fourth site of R-4 zoning with multi-family development within one half mile.

ALTERNATIVE USES: Lower density residential development or other use permitted in the R-2 Residential district.

ANALYSIS:

1. This is a request for a Change of Zone from R-2 Residential to R-4 Residential and a Community Unit Plan (C.U.P.) The applicant requested approval of a plan containing 26 dwelling units in 5 structures. The plan reviewed in this report is the plan officially submitted with the application, and the conditions of approval refer to the officially submitted document.
2. The applicant met with staff to review the proposal on March 21, 2001. As a result, the applicant has agreed to reduce the number of dwelling units to 22, to reduce the number of structures to 4, to increase the setback on the south to 30', and to move the location of the playground to the east. A copy of the revised site plan is included for information. The conditions of approval reflect the number of dwelling units, structures and general layout that are shown on the amended plan.

3. In 1998, the applicant submitted a request for a Change of Zone from R-2 Residential to R-4 Residential and a Community Unit Plan consisting of 26 units in 2, 13-plex structures. The proposal was denied by both the Planning Commission and City Council in 1998.
4. The proposed plan still shows 26 dwelling units, however the developer has agreed to reduce the number to 22 dwelling units in a letter dated March 22, 2001. A revised site plan is also attached.
5. The proposed plan represents a significant improvement over the 1998 plan. The units are shown in 5 structures consisting of 2 four-plexes and 3 six-plexes. The developer has agreed to reduce the number of units from 26 to 22. The number of structures will be reduced from 5 to 4, consisting of two six-plexes and two five-plexes. The proposed plan shows variation in the front of the structures, and revised yard setbacks that are consistent with the surrounding area.
6. The parking lot contains 52 parking stalls, the minimum required for 26 units. The parking layout did not provide "guest" spaces for the originally proposed 26 units. However, 8 spaces are available for "guest" parking when the number of units are reduced to 22.
7. The original plan showed 18 units abutting the 10 mobile homes to the east. The revised plan shows 10 units on the east—equal to the adjacent existing development.
8. The surrounding area is zoned R-2, residential. It is developed with mobile home parks to the north, east, south and west. The mobile home parks are developed with densities of 5.6 and 5.8 units per acre. The mobile home parks are allowed by Special Permit.
9. Section 27.65.010 of the Zoning Ordinance states that the purpose of a Community Unit Plan is to permit and to encourage the creative design of new living areas, as distinguished from subdivisions of standard lot sizes and street systems, and in order to permit such creative design in buildings, open space, and their interrelationship while protecting the health, safety, and general welfare of existing and future residents of surrounding neighborhoods.
10. The proposed plan is a creative design. A reduction to 22 units provides a design that is more compatible with the surrounding area. An increase in the setbacks to 30' on the north and south sides helps create a useable back yard for the units on the north and south.
11. The Parks and Recreation Department noted that the proposed "Snowdrift Flowering Crabapple" should be changed to "Donald Wyman" or "Professor Sprenger" Crab.
12. The Parks and Recreation Department requested additional detail regarding the proposed playground. They recommend that the playground include a swing and small play structure. The equipment, surface, and layout should conform with Consumer

Product Safety Commission standards. The playground should be accessible by a walkway and include a bench for adult supervision of play activities.

13. The Parks and Recreation Department noted that the berms shown along N. 1st Street should not be located over underground utilities.
14. The Lincoln Electric System requests additional easements. They noted that any relocation of existing facilities must be done at the owner/developers expense.
15. The Public Works Department requested a dedication of a total of 17' of right-of-way. The area is in a building line district that shows a need for 50' of right-of-way on both sides of N. 1st Street. The site plan shows the dedication of 7' of right-of-way.
16. The City Attorney's office has provided an opinion that the city cannot require the dedication of the additional right-of-way. See attached memo.

STAFF RECOMMENDATION: Special Permit #1905 Conditional Approval
 Change of Zone #3317 Approval

CONDITIONS Special Permit:

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 Revise the layout to show 22 dwelling units in 4 structures consisting of two six-plexes (one on the north and one on the south) and two five-plexes on the east.
- 1.1.2 Provide a playground plan, with a bench for adults, satisfactory to the Parks and Recreation Department, meeting Consumer Product Safety Commission standards, and accessible by a walkway.
- 1.1.3 Revise the plan to show a 30 foot setback on the north, east and south sides.
- 1.1.4 Provide the easements requested by LES.
- 1.1.5 Add a note indicating that the relocation of any LES facilities will be at the owner/developer's expense.

- 1.1.6 Revise the landscape plan to show the screening required by design standards.
- 1.1.7 Revise note 1 to read 22 units.
- 1.1.8 Revise note 4 to indicate that the dwelling units will be constructed with a front face as shown on the site plan.
- 1.1.9 Revise the density calculation to show 22 units permitted.
- 1.1.10 Revise all sheets to show the new layout.

- 2. The City Council approves Change of Zone #3317
- 3. This approval permits a Community Unit Plan consisting of 22 dwelling units.

General:

- 4. Before receiving building permits:
 - 4.1 The permittee shall have submitted 5 copies of a revised and reproducible final plan, and the plans are acceptable:
 - 4.2 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

- 5. The following conditions are applicable to all requests:
 - 5.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
 - 5.2 All privately-owned improvements shall be permanently maintained by the owner.
 - 5.3 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.
 - 5.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

- 5.5 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.

Prepared by:

Jennifer L. Dam, AICP
Planner II

Density Calculations under proposed R-4 zoning:

A.	Total Area:	91,476 square feet
B.	Deduct R.O.W. to be dedicated:	2,590 square feet
C.	Net Area of C.U.P.:	88,886 square feet
D.	Area within 150' of R.O.W. (Counted at 100%)	55,500 square feet
E.	Area beyond 150' of R.O.W.	33,300 square feet
F.	Counted at 80%	26,640 square feet
G.	Gross area for density calculation: (D + F)	82,140 square feet
H.	Net Area for density calculation (deduct 20% because lot is less than five acres)	65,712 square feet
I.	Density allowed (65,712/2500)	26 units (13 units/acre)

Density Calculations under existing R-2 zoning:

A.	Total Area:	91,476 square feet
B.	Deduct R.O.W. to be dedicated:	2,590 square feet
C.	Net Area of C.U.P.:	88,886 square feet
D.	Area within 150' of R.O.W. (Counted at 100%)	55,500 square feet
E.	Area beyond 150' of R.O.W.	33,300 square feet
F.	Counted at 80%	26,640 square feet
G.	Gross area for density calculation: (D + F)	82,140 square feet
H.	Net Area for density calculation (deduct 20% because lot is less than five acres)	65,712 square feet
I.	Density allowed (65,712/6000)	10 units (5 units/acre)

**SPECIAL PERMIT NO. 1905
GARBER POINTE COMMUNITY UNIT PLAN**

**CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:**

April 4, 2001

Members present: Carlson, Hunter, Krieser, Newman, Schwinn, Steward and Taylor; Bayer and Duvall absent.

The Consent agenda consisted of the following items: **CHANGE OF ZONE NO. 3308, CHANGE OF ZONE NO. 3317 AND SPECIAL PERMIT NO. 1905.**

Hunter moved to approve the Consent Agenda, seconded by Krieser and carried 7-0: Carlson, Hunter, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes'; Bayer and Duvall absent.

- 5.5 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.

Prepared by:

Jennifer L. Dam, AICP
Planner II

Density Calculations under proposed R-4 zoning:

A.	Total Area:	91,476 square feet
B.	Deduct R.O.W. to be dedicated:	2,590 square feet
C.	Net Area of C.U.P.:	88,886 square feet
D.	Area within 150' of R.O.W. (Counted at 100%)	55,500 square feet
E.	Area beyond 150' of R.O.W.	33,300 square feet
F.	Counted at 80%	26,640 square feet
G.	Gross area for density calculation: (D + F)	82,140 square feet
H.	Net Area for density calculation (deduct 20% because lot is less than five acres)	65,712 square feet
I.	Density allowed (65,712/2500)	26 units (13 units/acre)

Density Calculations under existing R-2 zoning:

A.	Total Area:	91,476 square feet
B.	Deduct R.O.W. to be dedicated:	2,590 square feet
C.	Net Area of C.U.P.:	88,886 square feet
D.	Area within 150' of R.O.W. (Counted at 100%)	55,500 square feet
E.	Area beyond 150' of R.O.W.	33,300 square feet
F.	Counted at 80%	26,640 square feet
G.	Gross area for density calculation: (D + F)	82,140 square feet
H.	Net Area for density calculation (deduct 20% because lot is less than five acres)	65,712 square feet
I.	Density allowed (65,712/6000)	10 units (5 units/acre)

**SPECIAL PERMIT NO. 1905
GARBER POINTE COMMUNITY UNIT PLAN**

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

April 4, 2001

Members present: Carlson, Hunter, Krieser, Newman, Schwinn, Steward and Taylor; Bayer and Duvall absent.

The Consent agenda consisted of the following items: **CHANGE OF ZONE NO. 3308, CHANGE OF ZONE NO. 3317 AND SPECIAL PERMIT NO. 1905.**

Hunter moved to approve the Consent Agenda, seconded by Krieser and carried 7-0: Carlson, Hunter, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes'; Bayer and Duvall absent.