

City Council Introduction: **Monday**, December 10, 2001  
Public Hearing: **Monday**, December 17, 2001, at **5:30 p.m.**

Bill No. 01R-330

## **FACTSHEET**

**TITLE:** SPECIAL PERMIT NO. 1733C, an amendment to the MUFF COMMUNITY UNIT PLAN, requested by J.D. Burt of Design Associates on behalf of Tedd Havlicek and Patricia Koontz, to increase the number of dwelling units from 166 to 168, on property generally located at S.W. 8<sup>th</sup> Street and Darren Avenue.

**STAFF RECOMMENDATION:** Conditional approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda, 11/28/01  
Administrative Action: 11/28/01

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

### **FINDINGS OF FACT:**

1. The staff recommendation of conditional approval is based upon the following analysis:
  - A. This amendment would bring the total units within the Muff C.U.P. to the maximum permitted by design standards. Additional units could be added if the zoning were changed to a district which permits greater density or if additional bonuses were granted in accordance with Design Standards for Density Bonuses.
  - B. The addition of a two-family lot does not significantly alter the character of the C.U.P. - most of the existing dwellings are two-, three- and four-family.
2. This application was placed on the Consent Agenda of the Planning Commission on November 28, 2001, and opened for public hearing. No one came forward to speak.
3. The Planning Commission agreed with the staff recommendation.
4. 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:** December 3, 2001

**REVIEWED BY:** \_\_\_\_\_

**DATE:** December 3, 2001

**REFERENCE NUMBER:** FS\CC\FSSP1733C

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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**P.A.S.:** Special Permit #1733C

**DATE:** November 6, 2001

**PROPOSAL:** To increase the number of dwelling units in the Muff Community Unit Plan from 166 to 168.

**LAND AREA:** 22.63 acres, more or less

**CONCLUSION:** If this amendment is approved, no further units may be added to the Muff Community Unit Plan without a change of zone or additional density bonuses.

The addition of a two-family lot does not markedly increase the density, nor does it disrupt the character of this development. Most of the existing dwellings are two-, three-, and four-family.

<b><u>RECOMMENDATION:</u></b>	Conditional Approval
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See attached

**LOCATION:** SW 8<sup>th</sup> Street and Darren Avenue

**APPLICANT:** Tedd Havlicek and Patricia Koontz  
1301 S. 8<sup>th</sup> Street  
Lincoln, NE 68522

**CONTACT:** J.D. Burt  
Design Associates  
1609 "N" Street  
Lincoln, NE 68508

**EXISTING ZONING:** R-3 with a Community Unit Plan

**EXISTING LAND USE:** The affected lot has a single family house. The Community Unit Plan contains a number of two-, three-, and four-plexes and a single 24 unit apartment building.

### **SURROUNDING LAND USE AND ZONING:**

North: I-1     open space  
South:     R-2     housing  
East:       R-2     housing  
West:       R-2     Susan C.U.P.

**ASSOCIATED APPLICATIONS:** Administrative Final Plat #01069

**HISTORY:**

- Aug. 27, 2001** City Council approved Special Permit #1733B, Preliminary Plat #01005, and Change of Zone #3233. These actions changed the zoning in the area from R-2 to R-3 and increased the number of dwelling units from 83 to 166.
- May 3, 1999** City Council approved Special Permit #1733A, the Muff 1<sup>st</sup> Addition Community Unit Plan, which added 44 dwelling units to the existing C.U.P. with density bonuses for low income and handicap housing. The approval also adjusted front yard setbacks from 25' to 23.5' and side yards on some lots from 10' to 5'.
- July 6, 1998** City Council approved Special Permit #1733, the Muff Addition Community Unit Plan, consisting of 5 single family dwellings and 34 duplex dwelling units. The Preliminary Plat was approved by Planning Commission on June 3, 1998. There were no adjustments to height or yard requirements.

This area was converted from A-2 Single Family Dwelling to R-2 Residential in the **1979 Zoning Update**.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Land Use Map designates this area as Urban Residential.

The following are goals for the Future Urban Residential Needs and Plan:

- Enhance rural and urban neighborhoods through the preservation of their natural environment.*
- Increase home ownership opportunities for households of different sizes and income levels. Supplemental statement: Encourage the development of new subdivisions in all areas to increase the supply of buildable lots.*
- 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.*
- Provide opportunities for the development of multi-racial and multi-income neighborhoods throughout the community.*
- Encourage efficient use of urban areas by providing for high density residential uses as an integral part of major, planned commercial and residential developments.*

The following are goals for existing Urban Residential areas:

- Encourage stable and diverse rural and urban neighborhoods by increasing housing opportunities (accessibility and affordability) for all socio-economic groups.*
- Preserve the character of rural and urban neighborhoods through maintenance of existing housing stock and encouragement of compatible design in new housing.*

**UTILITIES:** Available

**TOPOGRAPHY:** Flat

**TRAFFIC ANALYSIS:** The affected lot adjacent to SW 8<sup>th</sup> Street, a local street.

**PUBLIC SERVICE:** City of Lincoln fire and police

**ALTERNATIVE USES:** Continued use as a large single family lot

**ANALYSIS:**

1. This amendment would bring the total units within the Muff C.U.P. to the maximum permitted by design standards. Additional units could be added if the zoning were changed to a district which permits greater density or if additional bonuses were granted in accordance with Design Standards for Density Bonuses.
2. The addition of a two-family lot does not significantly alter the character of the C.U.P. - most of the existing dwellings are two-, three- and four-family.

**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. Lots 4 and 5 on Hanneman Drive scale at 45 feet but are labeled as 40 feet in width.
2. Label Lot 1 of the amendment as two family (or two units, as was done for the apartment buildings).
3. Revise the approval block: "The foregoing community unit plan was approved by resolution (blank) on the (blank) day of (blank), 20(blank). Attest: (blank)"
4. Correct the labels and the symbols for the two Emerald Queen Maples on the north side of West "C" Street and revise the Street Trees chart accordingly.
5. Remove "8" - the Emerald Queen Maple for West "A" Street from the Street Tree chart. Chanticleer Pear is shown on the plan as the only tree on West "A" Street.
6. Add a note indicating that special permit #1733B granted a waiver of lot area requirements for two-family lots from 5,000 square feet per family to 4,500 square feet per family.
7. Sign the Surveyor's Certificate.
8. Provide utility easements requested by L.E.S.

2. This approval permits an additional 2 dwelling units to the Muff, Muff 1<sup>st</sup> Addition, and Muff 2<sup>nd</sup> Addition C.U.P., for a total of 168 dwelling units.

General:

3. Before receiving building permits:
  - 3.1 The permittee shall have submitted a revised and reproducible final plan including five copies and the plans are acceptable.
  - 3.2 The construction plans shall comply with the approved plans.
  - 3.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
  - 4.1 Before occupying the dwelling 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 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.
5. 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:

Jason Reynolds  
Planner

**SPECIAL PERMIT NO. 1733C,  
AN AMENDMENT TO THE MUFF COMMUNITY UNIT PLAN**

**CONSENT AGENDA**

**PUBLIC HEARING & ADMINISTRATIVE ACTION**

**BEFORE PLANNING COMMISSION:**

November 28, 2001

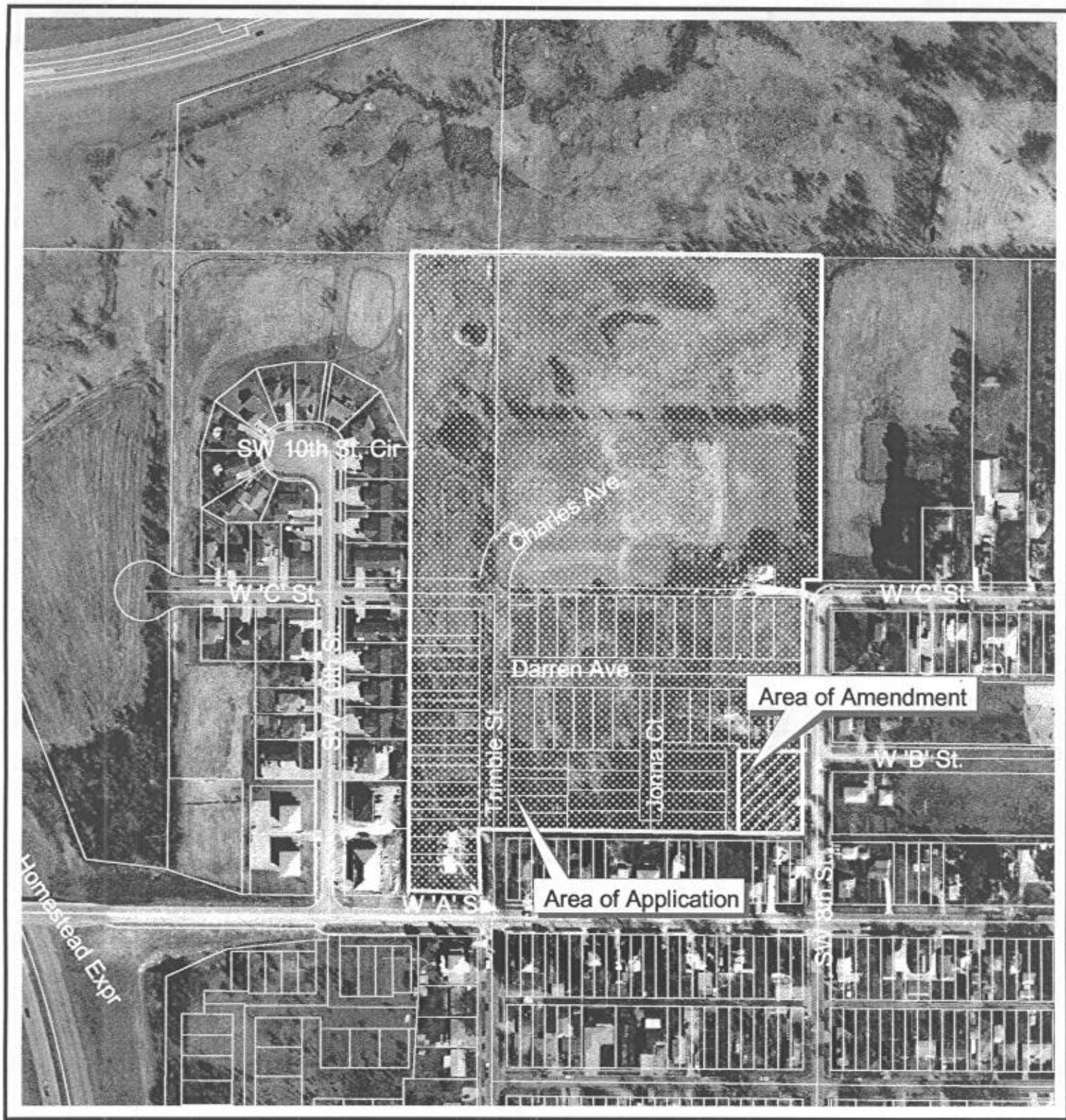
Members present: Carlson, Hunter, Krieser, Newman, Schwinn, Steward and Taylor; Bills and Duvall absent.

The Consent agenda consisted of the following items:**CHANGE OF ZONE NO. 3330; PRELIMINARY PLAT NO. 01010, STONE RIDGE ESTATES; SPECIAL PERMIT NO. 1946; STONE RIDGE ESTATES COMMUNITY UNIT PLAN; SPECIAL PERMIT NO. 1582A, SPECIAL PERMIT NO. 1733C, AMENDMENT TO MUFF 2<sup>ND</sup> ADDITION COMMUNITY UNIT PLAN; SPECIAL PERMIT NO. 1947; SPECIAL PERMIT NO. 1949; SPECIAL PERMIT NO. 1950; FINAL PLAT NO. 01030, HARTLAND HOMES EAST 4<sup>TH</sup> ADDITION; and COUNTY FINAL PLAT NO. 01031, HICKMAN RIDGE ESTATES.**

**Item No. 1.1a, Change of Zone No. 3330; Item No. 1.1b, Preliminary Plat No. 01010; Item No. 1.1c, Special Permit No. 1946; Item No. 1.4, Special Permit No. 1947; and Item No. 1.8, County Final Plat No. 01031,** were removed from the Consent Agenda and scheduled for separate public hearing.

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

Note: This is final action on Special Permit No. 1582A; Special Permit No. 1949; Special Permit No. 1950; and Hartland Homes East 4<sup>th</sup> Addition Final Plat No. 01030, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



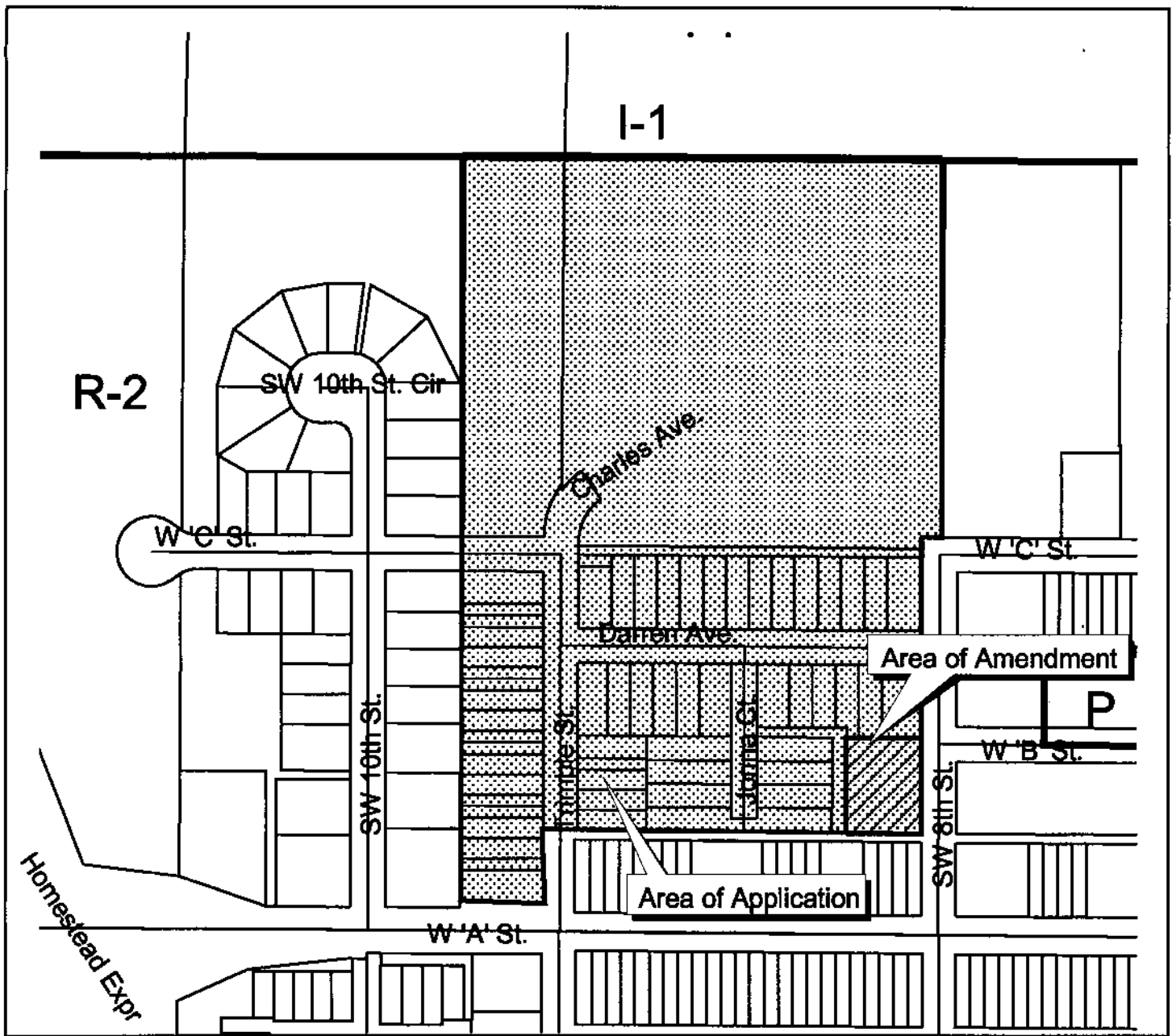
**Special Permit #1733C  
Sw 8th & West 'B' St.**



11-13-01

007

Photograph Date: 1997

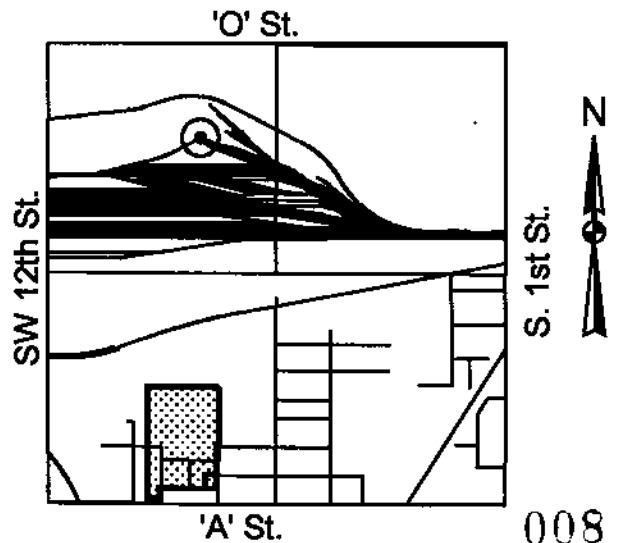
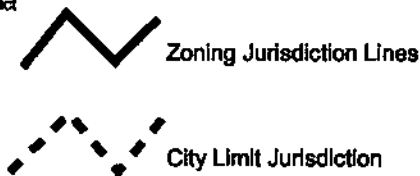


**Special Permit #1733C**  
**Sw 8th & West 'B' St.**

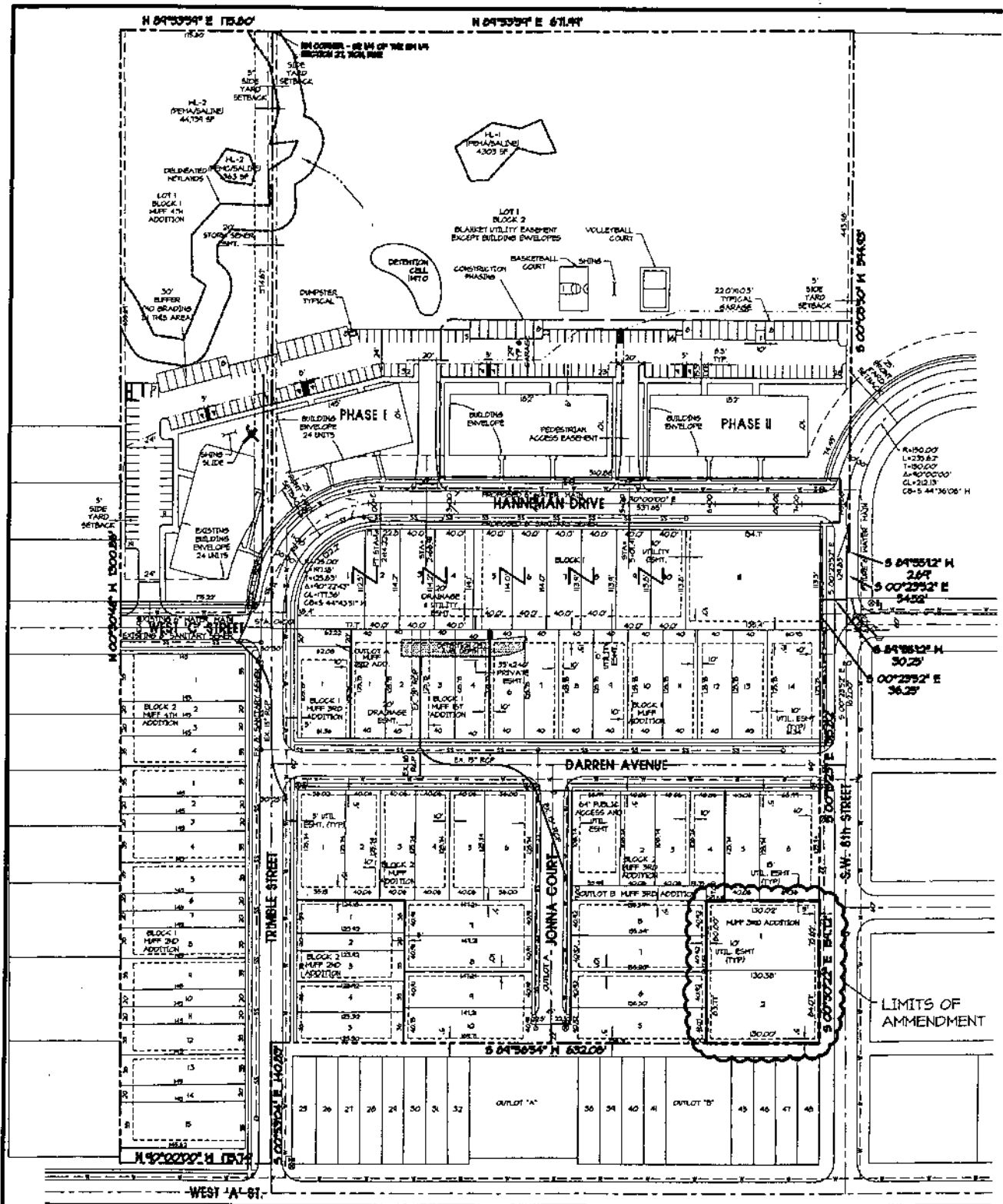
**Zoning:**

- R-1 to R-5 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. 27 T10N R6E







R4190.00'  
 L4239.62'  
 T-8000.00'  
 A-41000000'  
 CL-212.13'  
 CB-5.44'36.08" H

LIMITS OF AMMENDMENT



# COMMUNITY UNIT PLAN LEGAL DESCRIPTION

DESCRIPTION OF LOTS 74 AND 105 OF IRREGULAR TRACTS, BLOCKS 1 AND 2 IN MUFF 4TH ADDITION, BLOCKS 1 AND 2, AND OUTLOTS 'A' AND 'B' IN MUFF 3RD ADDITION, BLOCKS 1 AND 2 MUFF 2ND ADDITION, BLOCK 1 MUFF 1ST ADDITION, BLOCKS, 1, 2 AND 3 AND OUTLOT 'A' IN MUFF ADDITION ALL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 10 NORTH, RANGE 6 EAST THENCE ON AN ASSUMED BEARING OF NORTH 89 DEGREES 53 MINUTES 59 SECONDS EAST ON THE NORTH LINE OF LOT 105 OF IRREGULAR TRACTS FOR A DISTANCE OF 671.99 FEET.

THENCE SOUTH 00 DEGREES 05 MINUTES 50 SECONDS WEST ON THE EAST LINE OF SAID LOT 105, FOR A DISTANCE OF 544.93 FEET.

THENCE SOUTH 89 DEGREES 55 MINUTES 12 SECONDS WEST FOR A DISTANCE OF 2.69 FEET.

THENCE SOUTH 00 DEGREES 23 MINUTES 52 SECONDS EAST FOR A DISTANCE OF 54.52 FEET.

THENCE SOUTH 89 DEGREES 55 MINUTES 12 SECONDS WEST FOR A DISTANCE OF 30.25 FEET.

THENCE SOUTH 00 DEGREES 23 MINUTES 52 SECONDS EAST FOR A DISTANCE OF 36.25 FEET TO THE SOUTHEAST CORNER OF LOT 74 OF IRREGULAR TRACTS.

THENCE SOUTH 00 DEGREES 15 MINUTES 23 SECONDS EAST ON THE EAST LINE OF BLOCKS 1 AND 3 IN MUFF ADDITION FOR A DISTANCE OF 315.82 FEET.

THENCE SOUTH 00 DEGREES 30 MINUTES 22 SECONDS EAST AND CONTINUING ON THE EAST LINE OF SAID BLOCK 3 FOR A DISTANCE OF 159.12 FEET TO THE SOUTHEAST CORNER OF LOT 7 IN SAID BLOCK 3.

THENCE SOUTH 89 DEGREES 58 MINUTES 54 SECONDS WEST ON THE SOUTH LINE OF BLOCKS 2 AND 3 IN MUFF ADDITION AND ON THE SOUTH LINE OF BLOCK 2 IN MUFF 3RD ADDITION AND ON THE SOUTH LINE OF BLOCK 2 IN MUFF 2ND ADDITION FOR A DISTANCE OF 632.08 FEET TO A POINT ON THE CENTERLINE OF TRIMBLE STREET.

THENCE SOUTH 00 DEGREES 53 MINUTES 04 SECONDS EAST ON THE CENTERLINE OF TRIMBLE STREET FOR A DISTANCE OF 140.83 FEET.

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ON THE SOUTH LINE OF BLOCK 1 IN MUFF 2ND ADDITION EXTENDED FOR A DISTANCE OF 175.74 FEET TO THE SOUTHWEST CORNER OF BLOCK 1 IN MUFF 2ND ADDITION.

THENCE NORTH 00 DEGREES 30 MINUTES 46 SECONDS WEST ON THE WEST LINE OF BLOCK 1 MUFF 2ND ADDITION AND ON THE WEST LINE OF BLOCKS 1 AND 2 IN MUFF 4TH ADDITION FOR A DISTANCE OF 1300.86 FEET TO THE NORTHWEST CORNER OF BLOCK 1 IN MUFF 4TH ADDITION.

THENCE NORTH 89 DEGREES 53 MINUTES 59 SECONDS EAST ON THE NORTH LINE OF BLOCK 1 IN MUFF 4TH ADDITION FOR A DISTANCE OF 175.80 FEET TO THE POINT OF BEGINNING.

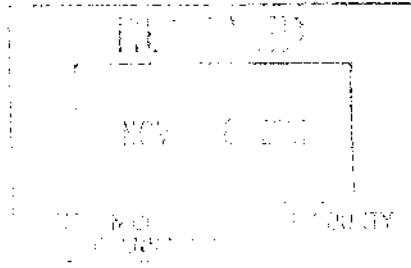
TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD.  
SAID PROPERTY CONTAINS 22.628 ACRES MORE OR LESS.

## CERTIFICATE OF SURVEYOR

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

\_\_\_\_\_  
KERRY W. SIMONDS

\_\_\_\_\_  
L.S. NO. 333



# Memo

**To: Jason Reynolds, Planning Department**

**From: Mark Canney, Parks & Recreation** *MC*

**Date: July 19, 2001**

**Re: Muff 2<sup>nd</sup> Addition SP1733B/PP01005**

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Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have no comments.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248.

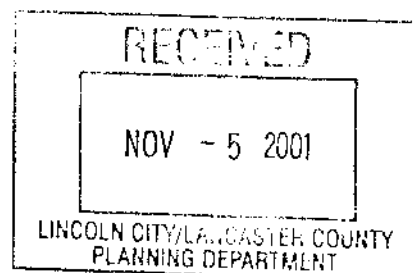
# M e m o r a n d u m

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**To:** Jason Reynolds, Planning Department  
**From:** Charles W. Baker, Public Works and Utilities *CB*  
**Subject:** Muff 3rd Addition Special Permit # 1733 C to the Community Unit Plan  
**Date:** November 5, 2001  
**cc:** Roger Figard  
Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the request to amend the Community Unit Plan under Special Permit # 1733 C to Muff 3rd Addition for the creation on an additional duplex lot with the subdivision of Lot 7, Block 3, Muff Addition. Public Works has no objections.

SP1733C idm.wpd



**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION**

**TO:** Jason Reynolds

**DATE:** 11/13/2001

**DEPARTMENT:** Planning

**FROM:** Chris Schroeder  
Jerry Hood

**ATTENTION:**

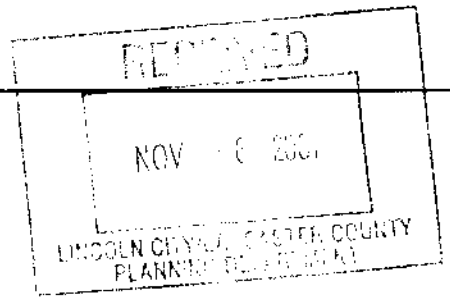
**DEPARTMENT:** Health

**CARBONS TO:** Bruce Dart, Director  
EH File  
EH Administration

**SUBJECT:** Muff 3<sup>rd</sup> Addition  
1733C

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed amendment to the Muff Addition Community Unit Plan, special permit #1733B.

The LLCHD, at this time, has not identified any negative public health impacts associated with this amendment.



November 5, 2001

Jason Reynolds  
City-County Planning Department  
555 So 10 St  
Lincoln NE 68508-3992

**SUBJECT: Muff 3<sup>rd</sup> Addition: 1733C**

Jason,

I have reviewed the above-mentioned request.

I find no concerns on behalf of the United States Postal Service and would agree with this proposal as submitted.

Please feel free to call me with any questions.

Thank you,

A handwritten signature in black ink, appearing to read "Ronald G. White".

Ronald G. White  
Supervisor, Customer Service Support

# 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 # **DRF01101**

Address

Job Description: **MUFF3RD ADDITION**

Location: **MUFF 3RD ADDITION**

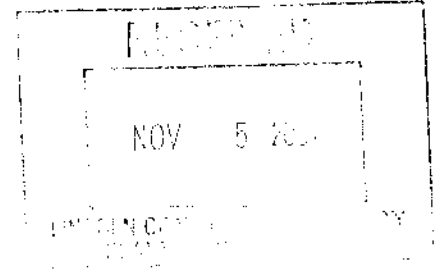
Special Permit: **Y**

Preliminary Plat: **N**

Use Permit: **N**

CUP/PUD: **Y 1773C**

Requested By: **JASON REYNOLDS**



Status of Review: **Approved**

Reviewer: **FIRE PREVENTION/LIFE SAFETY CODE**      **BOB FIEDLER**

Comments:

### 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

**Design Associates** of Lincoln, Inc.

Pershing Square  
1609 'N' Street  
Lincoln, NE 68508  
Phone: (402) 474-3000 • Fax: (402) 474-4045

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November 1, 2001

Jason Reynolds  
Lincoln/Lancaster County Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln, Nebraska 68508

RE: Special Permit #1733C- Muff 3<sup>rd</sup> Addition Community Unit Plan  
SW 8<sup>th</sup> and West "B" Street

Jason,

On behalf of the property owners, Tedd Havlicek and Patricia Koontz, the following is offered as an amendment to the Muff Addition Community Unit Plan, Special Permit #1733B. This amendment proposes subdivision of Lot 7, Block 3, Muff Addition to create one additional duplex lot. The proposed increase in density is consistent with the recently approved change of zone for the Muff CUP and will utilize the remaining two (2) dwelling units allowed within the limits of the special permit based upon the existing R-3 zoning.

Attached please find the following:

Application for Special Permit  
Certificate of Title  
16- Muff 3<sup>rd</sup> Addition Community Plan Sheet 1 of 3  
5- Grading Plan Sheet 2 of 3  
5- Street Tree/Landscape Plan Sheet 3 of 3

This Special Permit request is made in conjunction with the previously submitted H and S Administrative Final Plat.

Please advise if additional information is needed for scheduling on the Planning Commission Agenda.

Thank you in advance for your favorable consideration.

Best regards,



J.D. Burt  
For the firm

NOV - 1 2001





INTER-DEPARTMENT COMMUNICATION

DATE November 13, 2001

TO Jason Reynolds, City Planning

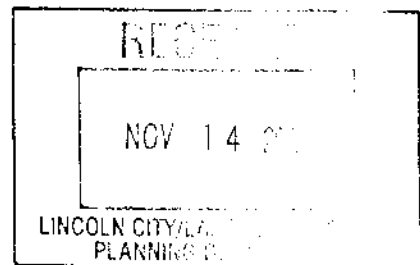
FROM Sharon Theobald  
(Ext. 7640)

SUBJECT DEDICATED EASEMENTS  
DN #12S-8W

Attached is the Community Unit Plan/Special Permit #1733C for Muff 3rd 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.



ST/ss  
Attachment  
c: Terry Wiebke  
Easement File

OFFICE\O\DEDEAS.Frm