

City Council Introduction: **Monday**, November 25, 2002
Public Hearing: **Monday**, December 2, 2002, at **1:30 p.m.**

Bill No. 02R-288

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 1869A**, an amendment to the **KNIGHTS COURT COMMUNITY UNIT PLAN**, requested by Ross Engineering on behalf of the Council Building Association, to allow Lots 1-10 to be either attached two-family dwellings or single-family dwellings, on property generally located at South 60th Street and South Street.

STAFF RECOMMENDATION: Conditional approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 10/30/02
Administrative Action: 10/30/02

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

FINDINGS OF FACT:

1. The staff recommendation of conditional approval is based on the "Analysis" as set forth on p.3-4, concluding that the application does not change the density or lot area of the approved community unit plan. It allows flexibility for residential uses. The requested waivers are acceptable.
2. The applicant's testimony is found on p.6-7.
3. There was no testimony in opposition; however, the record consists of a letter in opposition from Janet Coleman (p.12). The applicant's response to the issues raised is found on p.6-7.
4. On October 30, 2002, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend 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: November 18, 2002

REVIEWED BY: _____

DATE: November 18, 2002

REFERENCE NUMBER: FS\CC\2002\SP.1869A

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Special Permit No. 1869A

DATE: October 15, 2002

SCHEDULED PLANNING COMMISSION MEETING:

DATE: October 30, 2002

PROPOSAL: Allow Lots 1-10 to be either attached two-family dwellings or single-family dwellings.

WAIVER REQUEST: Average lot width for single family lots from 50' to 46 on Lots 1-10.
Lot area from 6,000 square feet to 4,140 square feet on Lots 1-10.

LAND AREA: 4.62 acres more or less.

CONCLUSION: This application does not change the density or lot area of the approved Special Permit. It allows flexibility for residential uses. The requested waivers are acceptable.

RECOMMENDATION:	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 1-25, Block 1 and Outlot "A", Knights Court Addition, located in the NW 1/4 of Section 33, T10N, R7E, Lancaster County, NE.

LOCATION: S. 60th Street & South Street

APPLICANT: Gus Ponstingl
Ross Engineering
201 N. 8th St. Suite 401
Lincoln, NE 68508
(402) 474-7677

OWNER: Council Building Association
6044 South St.
Lincoln, NE 68506
(402) 486-1580

CONTACT: same as applicant

EXISTING ZONING: R-2 Residential with a Community Unit Plan

EXISTING LAND USE: Single family and two-family residential

SURROUNDING LAND USE AND ZONING:

North: R-2 Residential
South: R-2 Residential
East: R-2 Residential
West: R-2 Residential

HISTORY:

July 11, 2001 Final Plat #01002, Knights Court Addition, was approved by Planning Commission

February 12, 2001 Special Permit #1869, Knights Court, was approved by City Council.

January 10, 2001 Preliminary Plat #00024, Knights Court, was approved by Planning Commission.

COMPREHENSIVE PLAN SPECIFICATIONS: The area is identified as Urban residential in the 2025 Comprehensive Plan.

The 2025 Comprehensive Plan states:

Overall Guiding Principles for Residential

A safe residential dwelling should be available for each citizen: the efficiency apartment and the country estate, the small single family “starter” home and the large downtown apartment suite, the most affordable and the most expensive dwelling unit, completely independent living and living within the care of others. Provision of the broadest range of housing options throughout the community improves the quality of life in the whole community. (F 65)

Provide different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population. (F 66)

UTILITIES: Available

TRAFFIC ANALYSIS: South St. is classified as a urban collector.

ANALYSIS:

1. This application proposes to change 10 lots from attached two-family residential to single family residential.
2. The density and number of lots will not change with this application.
3. The proposed single-family lots are shown as 46' wide with 4,140 square feet of lot area. R-2 zoning requires 50' wide lots and 6,000 square feet lot area. A waiver of these requirements is acceptable because the lot width and the square footage of the lots have not changed from the approved special permit.

4. The Planning Director does not have the authority to approve an amendment that violates any regulation in the zoning ordinance.[Sec. 27.65.060(e)] Therefore, the amendment must be heard by the Planning Commission and City Council.

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 Requested waivers.

2. This approval permits Lots 1-10 to be either single-family or attached two-family.

General:

3. Before receiving building permits:

3.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies showing the following revisions and the plans are acceptable:

3.2 The construction plans shall comply with the approved plans.

3.3 Final Plans 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:

Tom Cajka
Planner

**SPECIAL PERMIT NO. 1869A
AMENDMENT TO THE KNIGHTS COURT
COMMUNITY UNIT PLAN**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 30, 2002

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

Staff recommendation: Conditional approval.

This application was removed from the Consent Agenda and had separate public hearing due to a letter received in opposition.

Tom Cajka of Planning staff submitted a letter in opposition from Janet Coleman.

Proponents

1. Gus Ponstingl of Ross Engineering testified on behalf of **Aspen Builders**. This is a request to waive minimum lot width and minimum lot area. The applicant agrees with the conditions of approval. The developer is changing 5 duplex units into 10 single family residential units. This improves the condition of the area. These single family units are more popular at this time and are selling better.

With regard to the letter in opposition, Ponstingl suggested that the issues raised in the letter relate more to the construction of the entire development as opposed to this portion. The developer did not know of those concerns previously and is happy to attempt to resolve those issues.

2. Bob Benes, Aspen Builders, 6120 Village Court, testified in support. The purpose of this amendment is to take duplex units and split them into nice, single family patio homes. There is an overwhelming need for these single family patio homes. Two of these units have already been pre-sold.

With regard to the letter in opposition, Benes noted the concern about increased drainage in the backs at the north end. In reality, this development has decreased the amount of water that goes through there by 50%. Before any development was started, that was the main waterway or drainageway. Benes showed the drainage plan.

The other concern raised by the opposition was the trees that are being planted. Benes explained that the initial landscape requirements were for 4' Scotch pines, 18 being put around the perimeter. Scotch pines have been determined to be susceptible to diseases so the city has asked that they not be used anymore. Therefore, the developer is considering other acceptable replacements, including 8' white pines which are not as full and as attractive. They will be putting other tree species in as well.

With regard to the fence issue set forth in the letter in opposition, Benes acknowledged that in the back corner there was a fence dispute. There is a fence encroachment onto the Knights of Columbus property. At the time, the applicant chose to let it go and not deal with it. The new owner was informed of the fence issue. The new owner chose to simply let it stay the way it is.

Newman clarified that the lots involved in this amendment are Lots 1 through 10 and they do not abut the property of the person writing the letter in opposition. Benes concurred. There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

October 30, 2002

Larson moved approval of the staff recommendation of conditional approval, seconded by Newman.

Larson believes the developer has addressed all of the issues and is aware of the needs that exist.

Motion for conditional approval carried 7-0: Krieser, Larson, Carlson, Newman, Bills-Strand, Taylor and Schwinn voting 'yes'; Duvall and Steward absent.



Special Permit #1869A
S. 60th & South St.
Knights Court

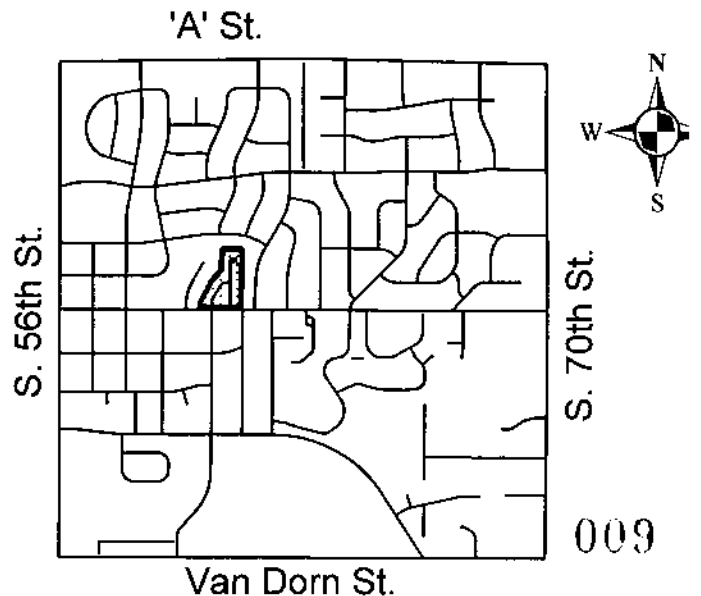
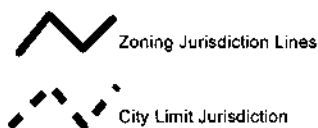




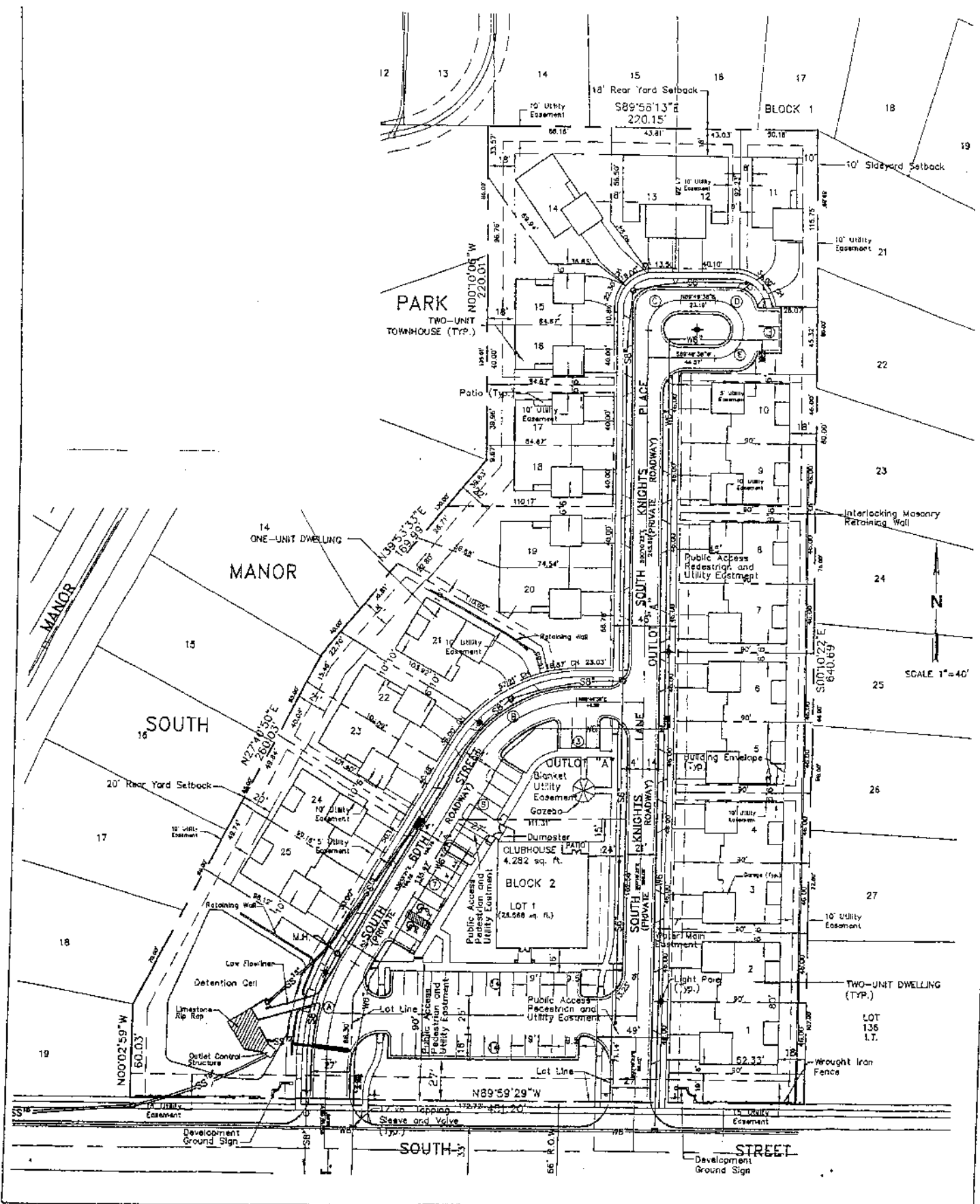
Special Permit #1869A
S. 60th & South St.
Knights Court
Zoning:

- 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

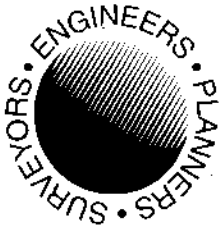
One Square Mile
 Sec. 33 T10N R7



009



North



ROSS
Engineering,
Inc.

September 30, 2002

Marvin Krout
Planning Director
County-City Building
555 South 10th Street
Lincoln, NE 68508

RE: Knights Court: Special Permit
61st and South Streets
REI Project No. 118801-F

ESTABLISHED
1974

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For the
Future of
Tomorrow*

Dear Marvin:

On behalf of the Council Building Association we are submitting a Special Permit Application for Knights Court Community Unit Plan. We are requesting the change of the use of the duplex units on Lots 1-10 at Knights Court C.U.P. for use as Single Family Residences. We are doing this due to the popularity of the Single Family Homes. Our client has received numerous requests for Single Family.

We are not changing anything on the Grading, Drainage, or Landscape Plans. We originally were trying to make these changes with an Amendment to the Special Permit, but since we are the possibility of Single Family Units on 46 foot wide lots, we aren't in conformity with the underlying R-2 zoning.

We are adding Note 24: which states that the Single Family Units shown on Lots 1-10 can also be combined and constructed as Two Family Units. We are adding this note to maintain our right for the Lots 1-10 to be constructed as Two Family Dwellings. This gives our client flexibility to still build Two Family Units. We are confident this is a positive change for the neighborhood, and the Planning Department has expressed general approval of this change. We appreciate your consideration.

Included with this submittal are the following:

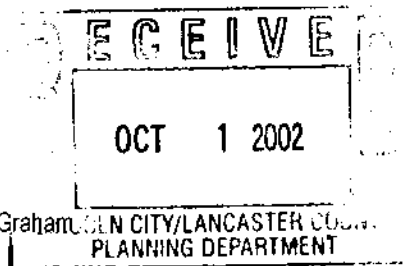
- | | | |
|----|--------------------------------|----------|
| 1. | Site Plan | 8 copies |
| 2. | Application for Special Permit | |
| 3. | \$585.00 check | |

If you have any questions or comments please, give me a call.

Sincerely,

ROSS ENGINEERING, INC.

(Signature)
August J. Ponstingl
Senior Land Planner



Cc: Dean Graham

Enclosure

AJP
118801L80.doc

The Candy Factory
201 North 8th Street
Suite 401
Lincoln, NE 68508
Phone 402.474.7677
Fax 402.474.7678

www.rossengineering.com

To: City-County Planning Commission
Planning Department
From: Janet Coleman *Janet Coleman*

I want to express my very strong opposition to the proposed changes in the development plans for Knight's Court at 60th and South.

Those of us living in the neighborhood (Manor Court and Franklin Streets) understood that there would be some development on the area that had been the Knights of Columbus property. Ours was an established and quiet neighborhood, and we wanted to preserve as much of this neighborhood atmosphere as possible. We negotiated in good faith with those responsible for the development, and we (apparently naively) believed that the word of the developers could be trusted. Unfortunately we were wrong. The developer has given almost no consideration to helping to preserve the established neighborhood. The only consideration seems to have been given to the new construction.

The following are some of the ways in which the agreements between the developer and the neighborhood have been violated.

- The grading appears to conform to what was in the plan. It has, however, been done in such a way that when there is a several inch rainfall, the properties on the north and at least one on the east may have significant run off into their back yards.

- It was agreed that established trees would not be cut down. Those trees were cut down.

- In the landscape plan, it was agreed that 14 foot trees would be planted to provide some privacy screening between the established and new construction. Trees that were no more than five feet tall and sickly were planted.

- Because construction was done before a lot line [dispute was settled, present construction seems very close to established homes.

Because the developed has chosen to violate agreements made with those of us in the neighborhood, I am strongly opposed to any changes in their original plan. Perhaps, if an effort is made to correct the violations of neighborhood agreements, I would be willing to support these changes. I expect that the established neighborhood will be treated with respect.

