

City Council Introduction: **Monday**, March 28, 2005
Public Hearing: **Monday**, April 4, 2005, at **1:30 p.m.**

Bill No. 05-38

FACTSHEET

TITLE: CHANGE OF ZONE NO. 05017, from I-1 Industrial District to R-4 Residential District and H-3 Highway Commercial District, requested by Design Associates on behalf of Boyce Construction, on property generally located southwest of N. 26th Street and Old Dairy Road.

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 03/16/05
Administrative Action: 03/16/05

RECOMMENDATION: Approval (9-0: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes').

FINDINGS OF FACT:

1. This proposed change of zone was heard by the Planning Commission in association with Special Permit No. 05009 for authority to develop Fieldstone Center Community Unit Plan for 70 dwelling units on 9.75 acres, more or less.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3-4, concluding that although the Comprehensive Plan designates industrial in this location, the area of request is small and adjacent to urban residential in the Comprehensive Plan. The Planning staff believes the request is in general conformance with the Comprehensive Plan as it provides a transition of uses between the existing single family residential and industrial.
3. The testimony by the applicant's representative and the applicant is found on p.5-6. The applicant requested amendments to the conditions of approval on the associated community unit plan.
4. Testimony in support is found on p.6-7, including Carol Brown, on behalf of the Landon's Neighborhood Association.
5. There was testimony in opposition on behalf of the Regalton Homeowners Association, p.7. The Regalton Association is in favor of the two accesses being recommended by the staff on the associated community unit plan.
6. On March 16, 2005, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval of the change of zone.
7. On March 16, 2005, the Planning Commission also adopted Resolution No. PC-00911 approving the associated Fieldstone Center Community Unit Plan, with amendment as requested by the applicant deleting the second access point. The Planning Commission action on the community unit plan is final, unless appealed to the City Council by March 30, 2005.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: March 21, 2005

REVIEWED BY: _____

DATE: March 21, 2005

REFERENCE NUMBER: FS\CC\2005\CZ.05017

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for March 16, 2005 PLANNING COMMISSION MEETING

- P.A.S.:** Change of Zone No. 05017
- PROPOSAL:** From I-1, Industrial to R-4, Residential and H-3 Commercial.
- LOCATION:** Generally located southwest of N. 26th and Old Dairy Road.
- LAND AREA:** 9.75 acres, more or less.
- CONCLUSION:** Although the Comprehensive Plan indicates industrial in this location, the area of request is small and adjacent to urban residential in the Comprehensive Plan. Planning staff believe the request is in general conformance with the Comprehensive Plan.

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

- LEGAL DESCRIPTION:** See attached.
- EXISTING ZONING:** I-1, Industrial
- EXISTING LAND USE:** Undeveloped and Hotel.

SURROUNDING LAND USE AND ZONING:

North:	Residential	R-3
South:	LES station, retail	I-1, P
East:	Restaurant, retail	I-1
West:	Residential	R-2

ASSOCIATED APPLICATIONS: Special Permit #05009, Fieldstone CUP.

HISTORY: The Fieldstone Preliminary Plat was approved in 1997.

The area was zoned I-1, Industrial during the zoning update in 1979.

COMPREHENSIVE PLAN SPECIFICATIONS:

F-65 Guiding Principals of Residential - Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. Preserve existing affordable housing and promote the creation of new affordable housing throughout the community.

F-69 Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face. Similar housing types face each other: single family faces single family, change to different use at rear of lot. Commercial parking lots should not intrude into residential areas where residential uses predominate a block face. More intense commercial uses (gas stations, big box stores, car wash, fast food, etc.) may not be compatible due to impact on nearby housing. Expansion in existing centers should not encroach, or expand to encroach, on existing neighborhoods, and commercial areas must be screened from residential areas.

Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses.

Require new development to be compatible with character of neighborhood and adjacent uses (i.e., parking at rear, similar setback, height and land use).

Encourage a mix of housing types, including single family, duplex, attached single family units, apartments, and elderly housing all within one area. Encourage multi-family near commercial areas.

UTILITIES: Utilities are available to the site. Utilities exist in N. 26th Street, Irving Street and Old Dairy Road. Internal water and sanitary sewer mains are proposed to be private. The Public Works and Utilities Department recommends the sanitary sewer be public. Storm water is to be detained on site.

TRAFFIC ANALYSIS: N. 26th Street, Old Dairy Road and Irving Street are all classified as local streets.

In November 1997, City Council granted a waiver to extend Irving Street into this property.

The site plan should improve pedestrian access by providing a sidewalk on the north side of the access drive into the property from N. 26th Street and along the internal drive adjacent the parking stalls.

ENVIRONMENTAL CONCERNS: The Lincoln Lancaster County Health Department indicated concern with the proximity of residential to the existing industrial district to the south. The Lincoln Lancaster County Health Department indicated they would like to see the Rod Kush lot be zoned commercial in the future.

AESTHETIC CONSIDERATIONS: The proposed use provides more of a transition from the single family residential to the commercial/industrial.

ANALYSIS:

1. This is a request to change the zone from I-1, Industrial to R-4, Residential and H-3, Commercial.
2. This area is shown as industrial in the Comprehensive Plan. The area of change is small and adjacent to urban residential in the Comprehensive Plan. The existing residential west of this site is single family. Planning staff encourages a transition of uses from less intense to more intense. Presently there is little transition between the existing single family residential and industrial. The requested change is in conformance with the Comprehensive

Plan objective to provide a transition of uses. Planning staff believes the request is in conformance with the Comprehensive Plan.

3. The Lincoln Lancaster County Health Department typically has concerns about residential near industrial. They have requested conditions to maintain a level of protection associated with the special permit for CUP.

Prepared by:

Becky Horner
441-6373, rhorer@lincoln.ne.gov
Planner

DATE: March 1, 2005

APPLICANT: Jerry Boyce
Boyce Construction
4631 S. 67th Street
(402)310-6328

OWNER: Robert Rokeby and Victoria Rokeby
150 Jackson Cove Crest
Eureka Springs, AR

Larry Schmieding
8101 N. 1st Street

Fieldstone Owners Association
150 Jackson Cove Crest
Eureka Springs, AR

CONTACT: J.D. Burt
Design Associates
1609 N Street
(402)474-3000

**CHANGE OF ZONE NO. 05017
and
SPECIAL PERMIT NO. 05009,
FIELDSTONE CENTER COMMUNITY UNIT PLAN,**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 16, 2005

Members present: Sunderman, Taylor, Marvin, Pearson, Carroll, Carlson, Krieser, Larson and Bills-Strand.

Staff recommendation: Approval of the change of zone and conditional approval of the community unit plan.

Ex Parte Communications: None.

Proponents

1. J.D. Burt of Design Associates, 1609 N Street, appeared on behalf of the applicants, **Bob and Vickie Rokeby, Larry Schmieding, Fieldstone Owners Association and Boyce Construction**. The area is currently vacant property except for the Baymont Motel. The property is located at the intersection of 26th Street (a private roadway) and Old Dairy Road. This is the remnant parcel of Fieldstone Center Addition. The R-4 zoned area will be a condominium development. The Planning staff preferred the straight zoning as opposed to a PUD overlay.

The R-4 zoning will allow 74 units on approximately six acres. The proposed site plan shows a total of 70 units with access from 26th Street. This application proposes to eliminate the private roadway north of the hotel and include that ownership with the R-4 district parcel to allow frontage to the community unit plan back to the private roadway, which is 26th Street.

Burt advised that they did meet with the neighbors, who support this as opposed to potential industrial in their back yard. The neighbors did have concern about pedestrian access. Irving Street will remain closed but will be used to accommodate pedestrian access. There are sidewalks extending from Irving Street and an east/west sidewalk that would extend back across the site and down along the south side of the existing private roadway. These sidewalks will now be part of the community unit plan.

As far as conditions of approval, Burt requested that Condition #2.1.1.1 be deleted (and Condition #2.1.1.4 be amended accordingly), which requires a second access easement. Burt submitted an exhibit showing other developments that have only one access. There are numerous sites with well in excess of 40 or 70 units with only one access. This proposal does not provide a street. This is a single lot with 70 units on the one lot.

Burt also requested that Condition #2.1.1.3 be deleted, which requires sidewalks along the north side of the access drive into the property up to 26th Street. Burt explained that a driveway is shown

on the south side in line with the sidewalk connection on Irving Street and already shows a pedestrian easement. Burt does not believe that much will be gained by putting another crosswalk in and an additional sidewalk.

2. Jerry Boyce, owner of **Boyce Construction**, 4631 S. 67th Street, referred to a similar project which he developed just north of 70th and Adams called Uniced Place. Prior to that, he developed a similar project called Garber Point at 2700 N. 1st Street. In both situations, the occupants really enjoyed and preferred the individual private entrances into their units. The ground floor enters off of a covered patio and the upper units have doors in the front.

This project is his version of “new urbanism”, with an inviting clubhouse centrally located and easily accessible by all the residents, with buildings surrounding the clubhouse located at the end of the main entrance. There will be a small workout room and kitchenette, and a game room to accommodate meetings or family functions; on the back of the clubhouse is a covered patio area for picnic tables and grills; in the central portion of the open common area he proposes to keep it as open passive green space.

With regard to the request of the Parks Department to include a basketball court, Boyce indicated that he would like to put the basketball court in the corner near the detention area to keep it away from the younger play area.

Boyce stated that all parking and garages are behind the buildings and pretty much out of sight. There is a garage for each unit tied to the ownership of the unit, with door openers. They do have a few extra garage stalls and he would like to screen the trash containers in one of those stalls.

This will be a condominium project with individual ownership.

3. John Fink, 6266 Cornflower Drive, realtor with Home Real Estate, testified in support, advising that the sixteen Uniced Place condominiums sold in less than 70 days. This project adds garages so he expects them to go quickly. Fink testified as to the inventory of single family homes and condominiums on the market, indicating that there is just a three month supply of 2-bedroom facilities in Lincoln. These units will be selling at around \$90,000.

4. Carol Brown, 2201 Elba Circle, testified in support on behalf of **Landon’s Neighborhood**, which is very excited about this development. She believes this develops a community in itself. The residents are interacting with each other with the playground equipment and the basketball court, etc. She has talked to Mr. Boyce about a swing and he has agreed to do that. The neighborhood is in favor of the walkway as they do not want Irving Street to be opened. It will allow the kids to walk to elementary school and opens it up for the residents to walk to the commercial businesses on 27th Street. This generates a walking community. Marketing the development as two-bedroom owner-occupied gives more comfort to the neighborhood. She pointed out that the Uniced Place only has one access point.

Brown urged that there needs to be a traffic signal at 27th and Old Dairy Road. Rod Kush has moved into the old Payless Cashway, with LES in the back; then there is the Golden Corral, Applebee’s, and Sonic which create much congestion and near accidents at that corner.

Brown believes that the commercial office space is suitable for small businesses which the neighborhood needs and supports. Brown also believes that the Regalton residents are in support.

Opposition

1. **Larry Peterson**, 2444 Dodge Street in Regalton Association to the north, testified in opposition. He is a member of the Board of Directors of the Regalton Homeowners Association. Regalton consists of 75 units directly to the north and the developers have not talked with the Regalton Association. He is concerned about the single access and believes they should comply with the regulations. Peterson also requested that the zoning requirements for a second access be upheld on this project.

Staff questions

Pearson asked staff to discuss the second access issue. Becky Horner of Planning staff stated that there is potential for a second access through either of the two commercial lots or back to the west through Irving Street. The second access would be for emergency purposes.

Response by the Applicant

Burt pointed out that this is not a subdivision. It is a zoning application and he believes the proposal is in the realms of compliance. As far as the second access, the City Council has already addressed the extension of Irving Street and he is certain the neighbors would not be in favor of an Irving Street extension. The developer has discussed the easement potential with the property owners and they are not in favor of the second access. They do not want the motel clients to be moving back and forth through the neighborhood, and the motel does not want the residential units traveling through the motel parking lot. Any encumbrance with an easement across the property would severely damage the value of the real estate, resulting in a shorter list of buyers and it conflicts with the traveling public.

With regard to not contacting the Regalton Association, Burt explained that Carol Brown is their contact, and it was his understanding that she initiated conversation with those in Regalton that about this project. There were also two Regalton owners at the meeting with the developer. Burt apologized for not including Mr. Peterson. Burt also pointed out that there is a 12 to 17 ft. grade difference between this proposal and Regalton.

These will be two-story buildings.

CHANGE OF ZONE NO. 05017

ACTION BY PLANNING COMMISSION:

March 16, 2005

Larson moved approval, seconded by Carlson and carried 9-0: Sunderman, Taylor, Marvin, Pearson, Carroll, Carlson, Krieser, Larson and Bills-Strand voting 'yes'. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 05009

ACTION BY PLANNING COMMISSION:

March 16, 2005

Larson moved to approve the staff recommendation of conditional approval, with the amendments requested by the applicant, seconded by Carlson and failed 4-5: Krieser, Taylor, Larson and Bills-Strand voting 'yes'; Sunderman, Carroll, Marvin, Carlson and Pearson voting 'no'.

Pearson moved to approve the staff recommendation of conditional approval, seconded by Carroll.

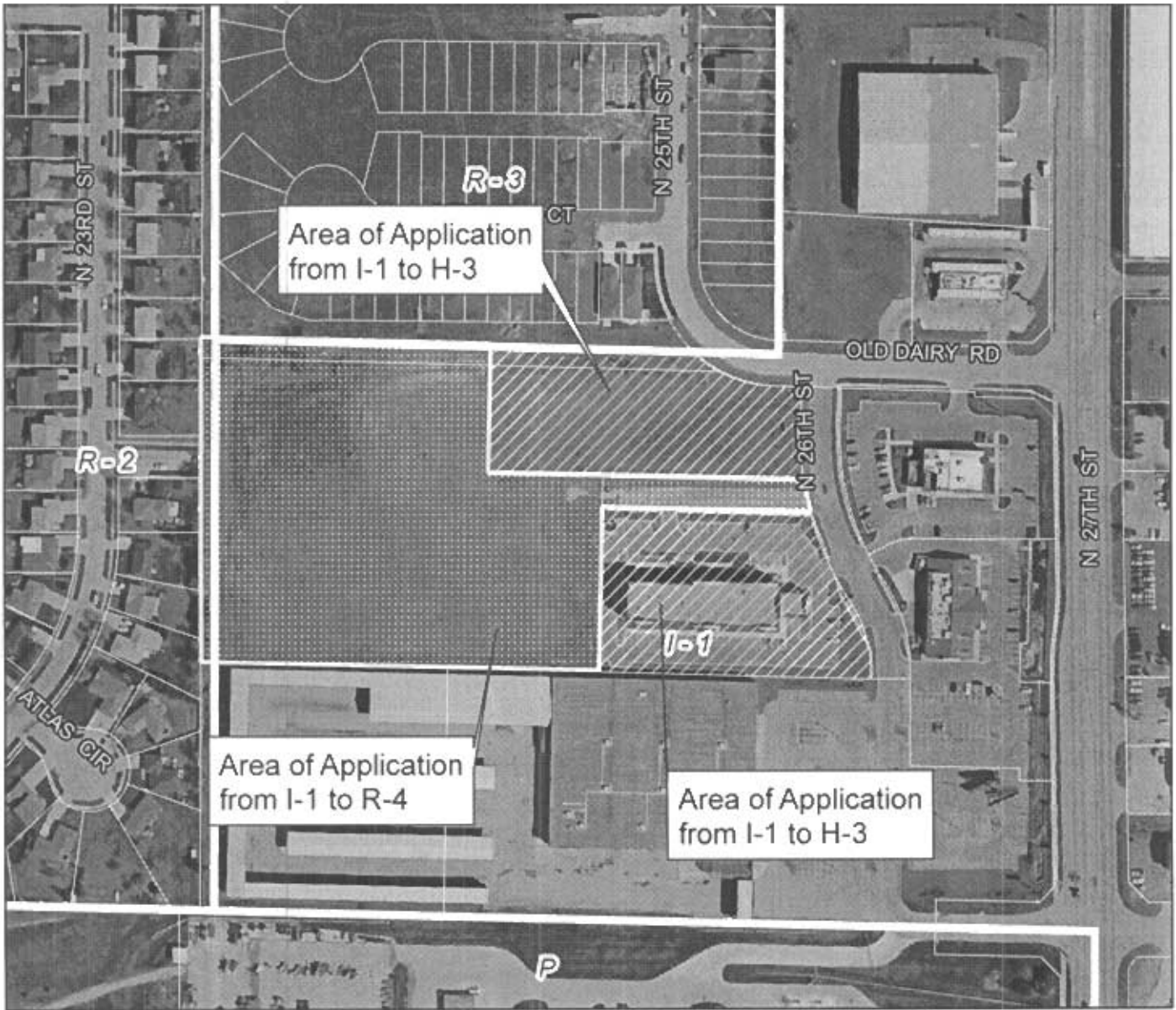
Carlson moved to amend to delete Condition #2.1.1.1 and amend Condition #2.1.1.4 to add, "except second access", seconded by Marvin.

Marvin lives near the examples that were given and he does not believe the second access is necessary.

Carlson noted that if the access street was blocked, a fire truck could go through the hotel parking lot to get to the street.

Motion to amend carried 6-3: Taylor, Larson, Marvin, Carlson, Pearson and Bills-Strand voting 'yes'; Sunderman, Krieser and Carroll voting 'no'.

Main motion, as amended, carried 9-0: Sunderman, Taylor, Marvin, Pearson, Carroll, Carlson, Krieser, Larson and Bills-Strand voting 'yes'. This is final action unless appealed to the City Council within 14 days.



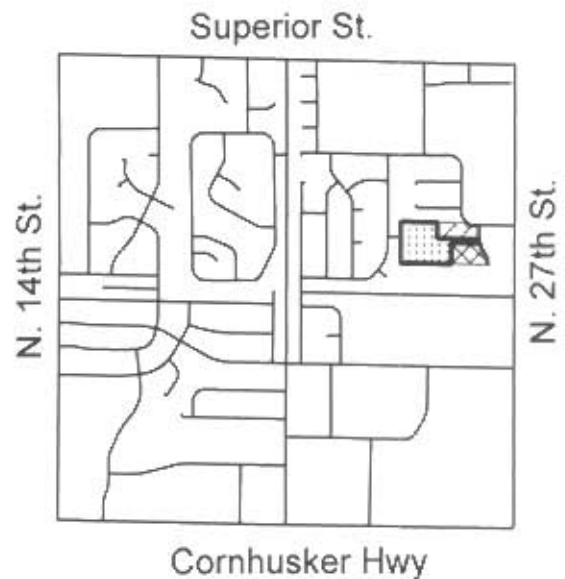
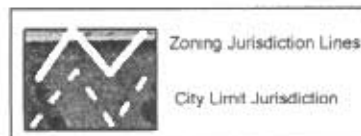
2002 aerial

Change of Zone #05017 N. 26th & Dairy Rd.

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-6	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. 12 T10N R6E



PARCEL 1

A SUBDIVISION OF OUTLOTS 'A' AND 'B' FIELDSTONE CENTER 1ST ADDITION AND LOT 138 OF IRREGULAR TRACTS LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF FIELDSTONE CENTER 1ST ADDITION; THENCE IN AN EASTERLY DIRECTION, ALONG THE SOUTH LINE OF SAID FIELDSTONE CENTER 1ST ADDITION, ON AN ASSUMED BEARING OF SOUTH 88 DEGREES 47 MINUTES 12 SECONDS EAST FOR A DISTANCE OF 586.33 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF SAID FIELDSTONE CENTER 1ST ADDITION; THENCE NORTH 01 DEGREES 13 MINUTES 10 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 1, FOR A DISTANCE OF 236.59 FEET; THENCE SOUTH 88 DEGREES 46 MINUTES 40 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 1, FOR A DISTANCE OF 307.28 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE ON A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 429.00 FEET AND AN ARC LENGTH OF 48.33 FEET, BEING SUBTENDED BY A CHORD OF NORTH 12 DEGREES 7 MINUTES 8 SECONDS WEST FOR A DISTANCE OF 48.30 FEET TO THE NORTHEAST CORNER OF OUTLOT "B" OF SAID FIELDSTONE CENTER 1ST ADDITION; THENCE NORTH 88 DEGREES 46 MINUTES 40 SECONDS WEST FOR A DISTANCE OF 465.69 FEET; THENCE NORTH 01 DEGREES 13 MINUTES 10 SECONDS EAST FOR A DISTANCE OF 185.00 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 138 I.T.; THENCE NORTH 88 DEGREES 40 MINUTES 21 SECONDS WEST FOR A DISTANCE OF 426.34 FEET TO THE NORTHWEST CORNER OF SAID LOT 138 I.T.; THENCE SOUTH 00 DEGREES 2 MINUTES 24 SECONDS WEST FOR A DISTANCE OF 469.59 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD.

SAID PROPERTY CONTAINS 5.97 ACRES MORE OR LESS.

PARCEL 2

A SUBDIVISION OF OUTLOT 'A' FIELDSTONE CENTER 1ST ADDITION AND LOT 138 OF IRREGULAR TRACTS LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF OUTLOT 'B' OF SAID FIELDSTONE CENTER 1ST ADDITION;
THENCE ALONG THE EAST LINE OF SAID FIELDSTONE CENTER 1ST ADDITION, ON A CURVE TO THE RIGHT HAVING A RADIUS OF 429.00 FEET AND AN ARC LENGTH OF 76.44 FEET, BEING SUBTENDED BY A CHORD OF NORTH 03 DEGREES 47 MINUTES 13 SECONDS WEST FOR A DISTANCE OF 76.34 FEET
THENCE NORTH 01 DEGREES 29 MINUTES 46 SECONDS EAST, ALONG THE EAST LINE OF SAID FIELDSTONE CENTER 1ST ADDITION, FOR A DISTANCE OF 60.26 FEET TO THE NORTHEAST CORNER OF SAID FIELDSTONE CENTER 1ST ADDITION
THENCE NORTH 88 DEGREES 06 MINUTES 35 SECONDS WEST, ALONG THE NORTH LINE OF SAID FIELDSTONE CENTER 1ST ADDITION, FOR A DISTANCE OF 38.67 FEET
THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 183.00 FEET AND AN ARC LENGTH OF 135.64 FEET, BEING SUBTENDED BY A CHORD OF NORTH 67 DEGREES 41 MINUTES 22 SECONDS WEST FOR A DISTANCE OF 132.56 FEET TO THE NORTHEAST CORNER OF SAID LOT 138 I.T.
THENCE NORTH 88 DEGREES 40 MINUTES 21 SECONDS WEST, ALONG THE NORTH LINE OF SAID LOT 138 I.T., FOR A DISTANCE OF 296.98 FEET
THENCE SOUTH 1 DEGREES 13 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 185.00 FEET;
THENCE SOUTH 88 DEGREES 46 MINUTES 40 SECONDS EAST FOR A DISTANCE OF 465.69 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD.

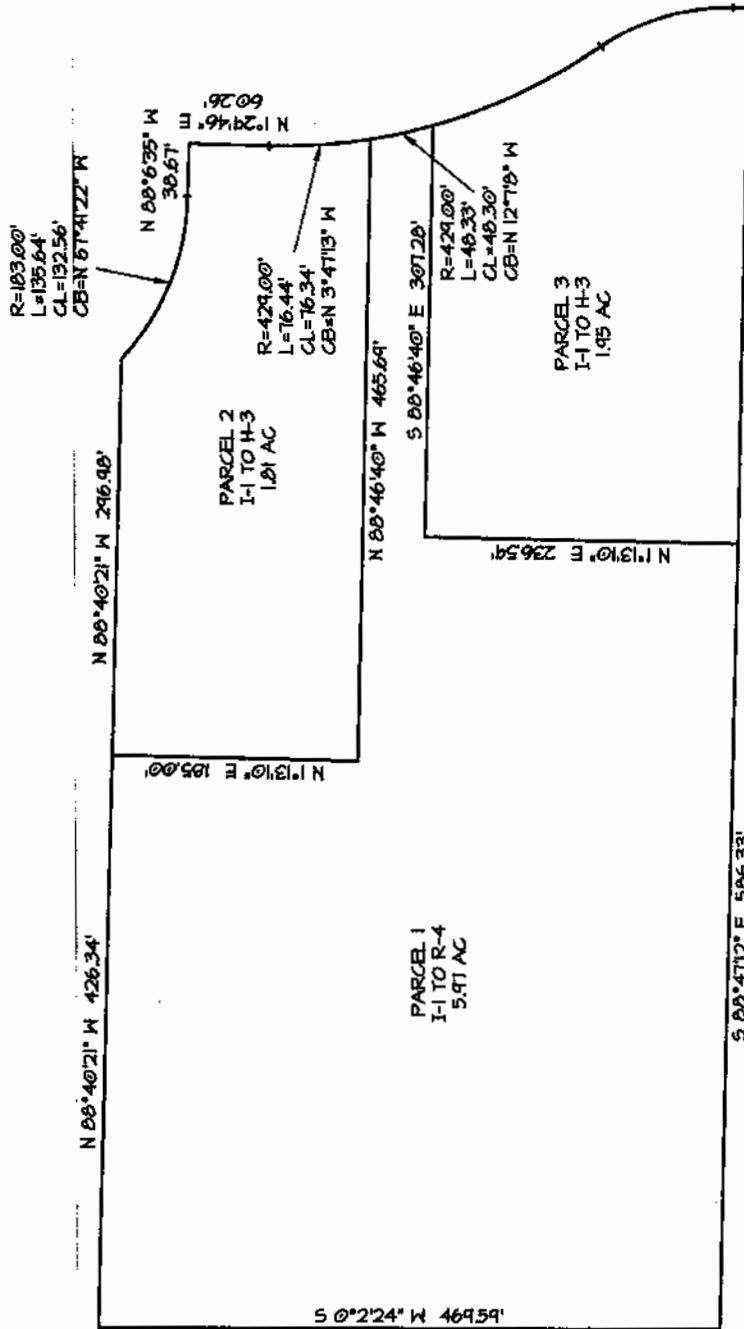
SAID PROPERTY CONTAINS 1.81 ACRES MORE OR LESS.

PARCEL 3

LOT 1, FIELDSTONE CENTER 1ST ADDITION LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA.

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD.

SAID PROPERTY CONTAINS 1.95 ACRES MORE OR LESS




DESIGN ASSOCIATES
 OF LINCOLN, NE
 PERSHING SQUARE
 SUITE 200
 LINCOLN, NEBRASKA 68508
 phone: 402/474-3000
 fax: 402/474-1045
 www.designassociates.com

FIELDSTONE CENTER
CHANGE OF ZONE EXHIBIT



SCALE: 1" = 80'

16 FEB 2005

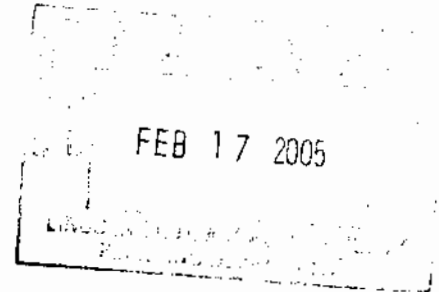
Design Associates of Lincoln, Inc.

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

3198
let #370
3915
det #2370

February 17, 2005

Marvin Krout
City County Planning Department
555 South 10th Street
Lincoln, Nebraska 68508



RE: Fieldstone Center
26th and Old Dairy Road
Change of Zone I-1 to R-4
Change of Zone I-1 to H-3
Special Permit-Community Unit Plan

Mr. Krout,

On behalf of Robert and Victoria Rokeby, Larry Schmieding, Fieldstone Owners Association and Lincoln Lodging LLC, owners and Boyce Construction, Inc., contract purchaser, please accept this correspondence as supplemental information to the attached City Zoning Applications. These applications request approval of two changes of zone and Special Permit to allow a Community Unit Plan on property located along the west side of North 26th Street, south of Old Dairy Road. The properties are legally described as Outlot "A", Outlot "B" and Lot 1, Fieldstone Center 1st Addition and Lot 138 I.T. all located in Section 12, T10N, R6E. The total area of the zoning applications is 9.75-acres. Approval of these applications will allow conversion of industrially zoned property to residential and non-residential uses.

Change of Zone I-1 to R-4/Community Unit Plan (Parcel 1)

The proposed residential development includes construction of 70 dwelling units in eleven buildings that range from four to eight units per building. The two-story multifamily buildings are designed with a 'row house' format that will allow sale of individual units to provide single-family ownership that is complementary to the adjacent neighborhoods. Units in this development have been clustered with a perimeter driving aisle to provide a central green area and greater separation between the new residences and neighboring buildings that are not part of this application. Density for the community unit plan is consistent with the R-4 zoning district. Density calculations are as follow:

Allowable Units = (Residential Lot Area) x (Units per Acre) x (Density reduction)
= (5.97) x (13.93) x (0.90)
= 74.8
= Rounded to 74 units

The requested change of zone to R-4 is proposed to provide a transition between the R-3 district located to the north and west from the proposed H-3 zoning and existing I-1 zoning districts located to the south and east of the proposed community unit plan.

The community clubhouse is centrally located at the entry driveway to provide owners with a center for shared activities, meetings and mail distribution. Playground equipment is located adjacent to the clubhouse. A large common open-area is proposed south and west of the clubhouse to provide owners with area for varying field activities.

Parking for the residences include 101 surface stalls and 75 garage stalls. Five of the garage stalls are reserved for trash receptacles and equipment storage leaving 70 garage stalls for resident use.

Building setbacks for the Community Unit Plan are: 25 feet along the north adjacent to Northview Addition; 25 feet along the west adjacent to Landon's Addition; 15 feet along the south adjacent to the LES and Rod Kush properties; and 15 feet along the east adjacent to the motel and vacant industrial property. These setbacks are in excess to setback requirements of the R-4 zoning district.

Screening along the property lines is consistent with perimeter screening for community unit plans, with exception of the south property line. Screening is not proposed along the south limit due to the location of the proposed garage building and existing commercial building to the south. A waiver of screening along the south limit of the community unit plan is requested. Placement of required screening would be between the two buildings and would not be visible to any of the residences.

Access to the residential development will be limited to the proposed lot frontage along North 26th Street. Review of previous land use applications for this property reveals a waiver of the extension of Irving Street was granted by the City Council on November 3, 1997 with approval of Resolution #78461. A sidewalk connection and pedestrian access easement from Irving Street through the development to 26th Street is shown as previously required with the Fieldstone preliminary plat. This sidewalk connection will allow pedestrian traffic between the adjacent developments, as well as between the existing neighborhood and the commercial land uses along 27th Street.

Presently, a portion of the proposed residential access to 26th Street is a private roadway that is being utilized by Baymont Inn. It is the desire of the residential developer to convert this private roadway to a private driveway for use by the residential development, Baymont Inn and future users of the vacant property located along north side of the current private roadway. A common access easement is shown along the driveway accessing 26th Street.

Utilities to the development were constructed with previous phases of the Fieldstone Center. Those improvements required with prior permit applications include: public water mains, including the main that extends through the PUD between Irving Street and North 26th Street; public and private sanitary sewers; storm sewer mains and detention; internal private roadways; and off-site improvements, including a southbound to westbound right turn lane at the shared LES/commercial driveway that accesses 27th Street.

Site development will include extension of the existing pavement now know as Fieldstone Place, extension of the sanitary sewer, construction of the storm water detention cell and installation of a sidewalk connection between Irving Street and the interior sidewalks.

FEB 17 2005

014

Change of Zone I-1 to H-3 (Parcels 2 and 3)

The remaining area in this development consists of the Baymont Inn motel (1.96 acres) and approximately 1.82 acres of vacant property. A change of zone is requested on these two parcels to provide a transition between the existing and proposed residential developments and the industrial zoning district that now exists along the east side of 26th Street. This change of zone will reduce potential land uses and increase building setbacks to provide a safer environment for the existing and proposed residential uses than would exist with the present I-1 zoning.

Neighborhood Input

During our meeting with neighbors, there were two areas of concern. Their concerns included the extension of Irving Street and pedestrian access between Irving Street and the commercial land uses along 27th Street. Both of their concerns are addressed in this development plan with the continued termination of Irving Street and the provision for sidewalk between Irving Street and 26th Street.

Thank you in advance for your favorable consideration. Please advise if additional information is desired.

Best regards,



J.D. Burt
For the firm

Attachments: Applications -Change of Zone I-1 to R-4
-Special Permit, Community Unit Plan
-Change of Zone I-1 to H-3
-Reduced size Site Plan
-Change of Zone Exhibit
-Legal Descriptions
24-Site plans
8-Grading Plans
8-Landscape Plans

cc w/ Attachments: Jerry Boyce
Bob and Vicki Rokeby
Larry Schmieding
Lincoln Lodging, LLC

FEB 17 2005

015

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

TO: Becky Horner

DATE: March 1, 2005

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File
EH Administration

SUBJECT: Fieldstone Center
CZ #05017 CUP#05009

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed development with the following noted:

- The LLCHD notes that industrial zoning is located approximately 120 feet to the south from the proposed residential multi-family units. The LLCHD has historically advocated against locating residential populations in close proximity to industrial zoning due to concerns relative to the types of uses allowed within the I-1 zoning district. Specifically, LLCHD's concerns focus on exposure to hazardous materials and noise pollution. While the current use of the land south of this proposed development is relatively compatible with residential zoning, there are currently no regulations that would prohibit future incompatible land-uses relative to protecting public health. Therefore, the LLCHD believes that a change of zone to commercial for this parcel would be a better match for this area relative to the surrounding land uses. However, this proposed change of zone from I-1 to R-3 would be an improvement relative to protecting the current residential zoning surrounding this proposed development from future industrial uses.
- Noise pollution is also a concern when locating residential populations adjacent to industrial and commercial zoning. Lincoln Municipal Code (LMC) 8.24 Noise Control Ordinance does address noise pollution by regulating source sound levels based upon the receiving land-use category or zoning. However, the LLCHD does have case history involving residential uses and abutting industrial and commercial uses in which the source does comply with LMC 8.24, but the residential receptors still perceive the noise pollution as a nuisance.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.

- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.