City Council Introduction: **Monday**, February 5, 2001
Public Hearing: **Monday**, February 12, 2001, at **1:30** p.m.

Bill No. 01R-29

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 1869, KNIGHTS COURT COMMUNITY UNIT PLAN**, requested by Ross Engineering, Inc., on behalf of Council Building Association, for 25 dwelling units, on property generally located at 5900 South Street.

STAFF RECOMMENDATION: Conditional approval, as revised on January 10, 2001 (p.030).

ASSOCIATED REQUESTS: Preliminary Plat No. 00024, Knights Court (01R-28) and Special Permit No. 1888 (PC-00656)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 01/10/01
Administrative Action: 01/10/01

RECOMMENDATION: Conditional Approval, with amendments (8-0: Hunter, Krieser, Carlson, Duvall, Newman, Taylor, Schwinn, and Bayer voting 'yes'; Steward absent).

FINDINGS OF FACT:

1. This community unit plan and the associated Preliminary Plat No. 00024 and Special Permit No. 1888 were heard at the same time before the Planning Commission.

2. The Planning staff recommendation to approve the community unit plan, with conditions of approval, as revised on 01/10/01, adding Condition #1.1.15, is based upon the "Analysis" as set forth on pp.4-5, concluding that duplexes are an appropriate land use for this area and this project. They are allowed by right in the R-2 zoning district and offer an alternative to apartment living for seniors. Increasing the setbacks and saving more of the mature trees along the site's perimeter would reduce the adverse effects on the surrounding neighborhood.

3. The applicant's testimony is found on p.9-11 and 13, and the proposed amendments to the conditions of approval as requested by the applicant are found on p.31.

4. Andy Wilke testified on behalf of a group of neighbors in support, confirming that the neighbors no longer object to this project. The neighbors have met with the developer and by and large their needs of the neighbors have been addressed (See Minutes p.12).

5. There was no testimony in opposition.

6. The discussion by the Commission with the staff concerning the proposed amendments to the conditions of approval is found on p.12-13. The staff disagrees with the applicant's proposed amendments.

7. The applicant's response is found on p.13.

8. On 01/10/01, the Planning Commission voted 8-0 to agree with the Planning staff recommendation of conditional approval, with the amendments as requested by the applicant.

9. The Site Specific conditions of approval required to be completed prior to scheduling this item on the Council agenda have been submitted by the applicant and approved by the reviewing departments.

10. The associated Special Permit No. 1888 for a club also approved by the Planning Commission on January 10, 2001, as Resolution No. PC-00656, is attached for information purposes only (p.32-35). This special permit was not appealed.

FACTSHEET PREPARED BY: Jean L. Walker — **DATE**: January 29, 2001
REVIEWED BY:_____ — **DATE**: January 29, 2001
REFERENCE NUMBER: FS\CC\FSSP1869

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.#: Knights Court C.U.P. **DATE:** January 1, 2001
Preliminary Plat #00024
Special Permit #1869

****As Revised by Planning Commission on January 10, 2001****

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

PROPOSAL: Tom J. Cajka of Ross Engineering, on behalf of the Council Building Association, has applied for a Preliminary Plat, a Special Permit for elderly or retirement housing, and a special permit for a Community Unit Plan. This proposal contains 25 dwelling units on 26 lots. The applicant has requested waivers of roadway width and centerline curve radius.

GENERAL INFORMATION:

APPLICANT: Tom J. Cajka
Ross Engineering
645 "H" Street, Suite 201
Lincoln, NE 68508
(402) 474-7677

LOCATION: Generally located at 5900 South Street

LEGAL DESCRIPTION: Outlot A, Park Manor South, located in the NW 1/4 of Section 33, T10N, R7E of the 6th P.M., Lancaster County, Nebraska.

EXISTING ZONING: R-2

SIZE: 4.6 acres, more or less

EXISTING LAND USE: Knights of Columbus club

SURROUNDING LAND USE AND ZONING: The property is surrounded by single family homes, all of which are zoned R-2.

COMPREHENSIVE PLAN SPECIFICATIONS: Residential

HISTORY:

August 28, 1967 City Council indefinitely postponed Change of Zone #801, which would have changed the zoning on the north side of South St at 60th from A-2 Single Family to B Two Family Dwelling District.

January 14, 1969	City Council approved Special Permit #456, which allowed the construction of the YMCA building on the north side of South St east of 60th. This Special Permit was revoked by the resolution approving Special Permit #751.
October 27, 1969	City Council denied Change of Zone #1013, which would have changed the zoning on the north side of South St at 60th from A-2 Single Family to B Two Family Dwelling District.
November 9, 1970	City Council approved Special Permit #528, which adjusted the front yard of the Southeast Branch of the YMCA at 60th and South St.
October 28, 1974	City Council approved Special Permit #713, which allowed the outdoor seasonal sale of Christmas trees in front of the Southeast Branch of the YMCA. It was amended by Council on November 25, 1974.
December 15, 1975	City Council approved Special Permit #713A, which allowed the outdoor seasonal sale of Christmas trees at the Southeast Branch of the YMCA.
April 19, 1976	City Council approved Special Permit #751, which revoked Special Permit #456 and allowed the Knights of Columbus to use the former YMCA building at 6040 South St as a club.
March 21, 1977	City Council approved Special Permit #751A, which amended the plot plan and corrected dimensions from the street property line to the Knights of Columbus building and parking lot.
1979	**Zoning update** converted this property from A-2 Single Family to R-2 Residential.
May 8, 2000	Planning Commission approved Special Permit #751B, which allowed outdoor seasonal sales, including a farmer's market and Christmas tree sales, in the Knights of Columbus parking lot.

SPECIFIC INFORMATION:

UTILITIES:

Utilities are available to the site.

Public Works & Utilities notes that the revised water main easement is satisfactory.

TOPOGRAPHY:

Along the east side of the property the site has been cut to be from 6 to 8 feet below the single family lots to the east. In the middle of the site the land is relatively flat and then slopes down to the west property line.

Public Works & Utilities notes that the revised detention calculations are satisfactory.

TRAFFIC ANALYSIS:

South Street is classified as an Urban Collector Street in the Comprehensive Plan.

The applicant has requested waivers of curve centerline radius and of private roadway width. Public Works & Utilities notes the following:

The proposed substandard curve centerline radius for Curve B is satisfactory.

Public Works still recommends that the private street widths meet design standards in Knight's Lane and South 60th Street.

PUBLIC SERVICE:

The nearest fire stations are located at Cotner Boulevard & "A" St. and at 84th & South Streets.

REGIONAL ISSUES:

Providing housing that suits the needs of an aging population.

ENVIRONMENTAL CONCERNS:

Removal of almost every mature tree on the site.

AESTHETIC CONSIDERATIONS:

Short rear yard setbacks, into which covered patios and porches may be built.

ANALYSIS:

This application proposes 25 units of elderly or retirement housing, consisting of 11 two family structures and 3 single family structures.

The City twice denied attempts to allow two family housing at this site.

Under a special permit for elderly or retirement housing, density is calculated as for a Community Unit Plan, with bonuses of up to 50% in maximum allowable units if all of the housing and related facilities

comply with the general standards of Section 2, Design Standards for Density Bonuses. In this case, a C.U.P. would allow 18.4 units of housing. With a 36% density bonus, the requested 25 units could be allowed. With a 50% density bonus, 27 units could be allowed.

The character of this development differs from the surrounding area, which consists of single family dwellings on larger, deeper lots. As an established neighborhood, mature trees characterize the area.

There are a number of mature trees along the perimeter of the site, most of which the applicant proposes be removed. Ten of the trees proposed for removal do not overlap with proposed structures or improvements. Additional landscaping is proposed on the west side of the site, but none is shown on the east side. If the developer were to preserve all trees within 30' of the property line, excepting those within the future detention cell, 15 additional trees would remain standing.

The R-2 side yard setback for two family housing is 10 feet; this application shows side yard setbacks of between 5 and 10 feet. The R-2 front yard setback is 25 feet; this application shows front yard setbacks of 20 feet. Except for lots 11, 12 and 13, the proposed rear yard setbacks meet the height and area regulations for R-2 residential, which must be the lessor of 30' or 20% of lot depth. Some of the proposed lots do not meet the minimum lot depth of 90' and a majority do not meet the two family dwelling minimum lot area of 5,000 sq ft. In this case, using 20% of lot depth is inappropriate given the small size of the proposed lots.

The 1994 Lincoln-Lancaster County Comprehensive Plan identifies three goals that are particularly relevant to this development:

> 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. (p. 44)
>
> 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. (p. 44)
>
> Preserve the character of rural and urban neighborhoods through maintenance of existing housing stock and encouragement of compatible design in new housing. (p. 46)

The proposed elderly housing accomplishes the first two of the above goals, however the small yard setbacks, the removal of large amounts of mature trees, and lack of a consistent rear yard setback along the east side of the development fail to further the third goal.

If the side yard setbacks for the two family units were 10 feet and all dwelling units had a minimum rear yard of 20 feet, one fewer dwelling unit would be permitted, the development would be more consistent with the height and area regulations for R-2 Residential, and would be more compatible with surrounding land uses.

The rear yard could be increased by moving the building except the garages closer to the roadway.

CONCLUSION:

Duplexes are an appropriate land use for this area and this project: they are allowed by right in the R-2 Residential zoning district and offer an alternative to apartment living for seniors. Increasing the setbacks and saving more of the mature trees along the site's perimeter would reduce the adverse effects on the surrounding neighborhood.

STAFF RECOMMENDATION: Conditional approval

SPECIAL PERMIT 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 Special Permit will be scheduled on the City Council's agenda:

1.1 Revise the Site Plan to show:

1.1.11 ~~10 foot side yard setback on the lots with two family housing and 20 foot rear yard setback on all units.~~ Rear yard setback shall be no less than 18 feet and side yard setback shall be no less than 5 feet. **(**Per Planning Commission, 01/10/01**)**

~~1.1.2 Show the building envelope on Lot 11 in line with the rear building envelopes of lots 1 through 10.~~ **(**Per Planning Commission, 01/10/01**)**

1.1.3 In Note 8, delete "Decks and/or patios may be covered no less than 15 feet from the rear lot line."

1.1.4 ~~24~~ 25 units of housing. **(**Per Planning Commission, 01/10/01**)**

1.1.5 Dimension front yard setbacks

1.1.6 Clearly identify the 45' public access, pedestrian and utility easement shown on lot 8

1.1.7 Dimension the side yard in lot 20

1.1.8 In Note 17, replace "National" with "North"

1.1.9 In Note 1, delete the comma between "Outlot;" and "including", and delete the sentence describing the allowable density

~~1.1.10 Note 22 to read "Rear yards shall be no less than 20 feet."~~ **(**Per Planning Commission, 01/10/01**)**

1.1.11 Add sidewalk ramps to the east-west sidewalks that intersect S. 60th St. and S. Knights Lane, and remove the sidewalk lines from the street

1.1.12 In the Landscape Plan notes, replace "is intended to" with "shall"

~~1.1.13 Revise the Private Roadway widths to the satisfaction of the Public Works & Utilities Department.~~ **(**Per Planning Commission, 01/10/01**)**

~~1.1.14 Preserve all of the existing trees within 30' of the east, north and western boundaries of the site, with the exception of the three trees within the proposed detention pond.~~ **(**Per Planning Commission, 01/10/01**)**

2. This approval permits ~~24~~ 25 dwelling units of elderly housing on ~~25~~ 26 lots and grants a ~~35%~~ 36% density bonus for elderly or retirement housing. **(**Per Planning Commission, 01/10/01**)**

General:

3. Before receiving building permits:

3.1 Ornamental street lights for private roadways and pedestrian way easements are approved by L.E.S.

3.2 The construction plans comply with the approved plans.

3.3 A reproducible final site plan and five (5) copies as approved.

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

3.5 The required easements as shown on the site plan are recorded with the Register of Deeds.

3.6 Construction plans shall comply with Design Standards for Density Bonuses Section 2 - General Standards

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 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.

4.6 The permittee is to annually certify that all occupied dwelling units are occupied by individuals meeting the requirements for elderly or retirement housing.

5. This approval voids and rescinds Special Permits # 528, 713, 713A, 751, 751A, and 751B.

Prepared by:

Jason Reynolds
Planner

PRELIMINARY PLAT NO. 00024,
KNIGHTS COURT;
SPECIAL PERMIT NO. 1869,
KNIGHTS COURT COMMUNITY UNIT PLAN;
AND
SPECIAL PERMIT NO. 1888

PUBLIC HEARING BEFORE PLANNING COMMISSION: January 10, 2001

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

Planning staff recommendation: Conditional approval.

Jason Reynolds of the Planning staff submitted an amendment to add Condition #1.1.15 to Special Permit No. 1869: "Provide a metes and bounds legal description of the area of the Community Unit Plan, excluding the club area."

Reynolds also submitted a new Condition #4 to Special Permit No. 1888: "Before returning a signed Letter of Acceptance, provide a metes and bounds legal description of the special permit area for the club."

Proponents

1. **Ron Ross and Tom Cajka of Ross Engineering**, presented the applications. The project is located at 60th & South on the north side, consisting of 4.6 acres of mostly undeveloped property; the 10,000 sq. ft. clubhouse is currently used by the Knights of Columbus, with a 55 car parking lot, with overflow parking on the asphalt perimeter road with ingress and egress. The zoning is R-2.

The staff report goes into the past history but left out the fact that many moons ago the property was a dairy and a cheese factory.

The proposed use is for 25 individual lots, 22 for two-unit townhouses (11 two-unit structures) and three single families, and for a new clubhouse for the Knights of Columbus. Currently, the Knights of Columbus use these facilities for their meetings and for social events. They do rent out the building and it is used on Monday evenings for bingo. There are problems with the existing building as far as maintenance--they are losing money and they need to make a change. They do not need as large of a building and they are no longer proposing bingo. It will be used by the Knights of Columbus for their meetings and their social events and the residents within the proposed development.

The overall project is intended to remove the existing building and parking lot. There are some recreational facilities that will also be removed; and they want to build a much smaller facility to be a joint use facility. The proposed building is about 4,300 sq. ft. The intent is to finance this construction

through development and through lot sales. This will be a retirement community for members of the Knights of Columbus, but if they do not sell all of it to the members, it will be opened up to the community.

This development will improve on drainage problems that exist for some neighbors to the north and west; the purpose is to provide a joint use facility with a separate designated area for meetings for the Knights of Columbus and the rest opened up for social events for the residents. There will be no bingo.

The density has become somewhat of an issue. A standard community unit plan allows 21.4 units. They are requesting 25 units. When the applicant started the project a year ago, they agreed to do a concept plan. They began with 28-29 units. The Planning staff suggested that 28-29 was more than they would support. The applicant then modified the plan to 25 units. This has gone through membership approval of the Knights of Columbus.

With regard to detention cells, one of the issues that came up with Planning was that since the Knights of Columbus would like to maintain ownership of the clubhouse, it had to be on its separate lot. A separate lot meant there was a certain ratio of the lot that the building could occupy. The lot around the clubhouse is over half an acre. This affects the density calculations and the applicant is requesting a density bonus increase to allow the 25 units.

Ross indicated that the applicant has not pursued a condominium regime but they could if it became necessary; however, the Knights of Columbus would prefer individual ownership of the lots.

Ross advised that neighborhood meetings were held and the concerns were “drainage, drainage and drainage”. The applicant had proposed in an earlier plan a layout that had two detention cells because there is some natural drainage that leaves the site from the northwest corner. During the three neighborhood meetings, the applicant agreed to delete the very northwest cell near the back yards of some of the residents and combine the two cells into one. By doing this, the applicant had to revise all of the drawings, modify the units, change the street profiles, the grading and drainage plan, detention and the storm sewer to make it work.

Ross stated that the neighbors were also concerned about townhouses. However, he believes that the neighbors are now pacified with the ranch style units of 1200-1400 sq. ft.

The single detention cell has been the manner that has resolved the drainage issues with some of the neighbors. The neighbors did not want water to continue to go through back yards. The one detention cell resolves that problem.

Ross then discussed the issues unresolved with the staff. All of the drives are private roadways. Both of the southern entrances are 21' wide. On a single dead-end development, you can have 40 dwelling units with wider paving. This proposal has two individual drives that are wider than the minimum. Each individual private roadway will support 15 dwelling units. This proposal consists of a total of 25 dwelling units. The clubhouse and parking lot take access off two entrances that are 27' wide. Public Works recommends that the easternmost drive, Knights Lane, be 27'. This application shows 21'. Ross does not believe it needs to be 27' wide because there are two individual entrances and adding more

pavement decreases the open space. In lieu of adding more pavement and the fact that this is retirement housing, the applicant would prefer that one short stretch of 150'-200' of pavement be left at a width of 21'.

Planning is requesting a side yard of 20'. There are other two-unit townhouse developments where the gap between is less than 20'. For example, Heritage Pines has 10' between the townhouses and Flint Ridge ranges from 13' to 15' between the townhouses. Ross does not want to go back to the neighborhood. This project needs a waiver of the distance between the units.

With regard to the rear yard, this application originally showed 15'. Since the zoning requires 20% of depth, they were required to increase the rear yard to 18'. That was again an item that the staff was concerned about and the staff is now asking for 20'. Ross agreed that they could add 2' in the rear yard, but there is an unwritten design standard that a parking stall in front of a garage between the sidewalk and garage door ought to be 22'. Public Works did not have a concern with decreasing this length to 20'. It is only necessary on the north side of the project. We could get that by sliding the unit, but the applicant would prefer that the 20' not be a requirement.

With regard to Lot #11, Ross acknowledged that the Planning staff is asking for a 20' side yard. This would slide Lot #11 to the west and would require rotating the units to get that 20'. That corner lot is a single family unit and only needs to be 5' and the application shows 10'.

Cajka addressed Condition #1.1.14 of the community unit plan having to do with preserving the trees. The condition requires to preserve all of the existing trees within 30' of the east, north and western boundaries of the site. The applicant is confused as to where the 30' comes from. Cajka submitted an exhibit showing the existing trees, the trees that will remain and what trees will be removed or relocated. There are 69 trees on the site; 17 will be left as is; 8 of those would be relocated, so you end up with 44 trees to be removed. Of those 44 trees, 38 of them are undesirable, i.e. mulberry, hackberry, thickets, and miscellaneous fruit trees. There is one elm, one cedar, one pine and three oak in the 44 trees that will be removed. The landscape plan shows 63 new trees to be planted. Eight of the existing trees will be relocated. They are trying to save as many trees as possible. Those that are worth saving will be relocated to other areas on the site.

The original Planning Director letter required that the rear yard be no less than 20% of the lot depth. The applicant revised the rear yards and in most cases they have 90'; however, Lots 11, 12 and 13 on the north are 92', so they are not quite at 20%.

Ross emphasized that the biggest difference between the proposed site plan (which is what the neighbors have approved) and what staff is suggesting is the 20' between the two-unit townhouses. Along the west and north property line the residential walls are 20' apart. The garage inset is about 2' on each side, so there is actually 16' between garages. The problem is on the eastern side of the project where they have 12' between the residential walls and they are requesting 12' as opposed to 20'. The only way to increase that distance is to scoot all the units around and play around again with the site plan. They took great pains to change the site plan at the request of the neighbors.

Bayer noted that one of the neighbors called him about the detention pond--if the detention pond fails, what happens? Ross stated that they covered this numerous times with the neighbors. This is not a dam. It is an earthen berm to hold back the water. This development releases its water out through

storm sewer. There is an emergency overflow. The cell will not overflow in the event of a 100 year storm. It exits on an emergency spillway and goes down South Street. It is not a high hazard type of structure.

Support

1. Andy Wilke, who lives on Mandarin Court west of the development, testified in support. He stated that the neighbors have had ongoing dialogue with the applicant in terms of drainage issues. The majority of his group of neighbors is opposed to any development back there because they like the soccer field behind their homes, but they realize that times change. The Knights of Columbus and Ross have met with these neighbors and have addressed their concerns. The neighbors do feel that the developer has made changes to alleviate their concerns in regard to runoff and drainage.

One other issue was a storm sewer that runs down their street which this developer was going to tie into, but since they changed the plan they did not do that.

Wilke stated that the neighbors do not oppose the project as submitted today. Their opposition has ended. They have met with the developer and by and large their needs have been addressed.

There was no testimony in opposition.

Staff Questions

Jason Reynolds of Planning staff advised that Condition #1.1.14 of the special permit for the community unit plan should be revised to read 20' to match the rear yard setback, as opposed to 30'.

With regard to the rear yard setback, Reynolds advised that the staff continues to recommend a 20' rear yard setback along the perimeter.

The applicant has requested to delete Condition #1.1.2 of the CUP, which was to provide a buffer to the surrounding houses. The staff disagrees with deleting this requirement.

The applicant has requested to change the number of housing units in Condition #1.1.4 of the CUP from 24 to 25. Reynolds advised that the maximum number they could support with the setbacks is 24 units, so that should remain.

Condition #1.1.10 of the CUP deals with the rear yards and requires that they shall be no less than 20 feet. The applicant is requesting an amendment to allow less than 20 feet and Reynolds stated that staff continues to recommend a rear yard setback of 20 feet.

With regard to Condition #1.1.14 of the CUP which talks about the preservation of trees, Reynolds suggested that the 30' should be changed to 20'. However, the staff continues to recommend that the trees remain standing as characteristic of the surrounding neighborhood and the 20' is to buffer the surrounding neighborhood.

Bayer asked for clarification of the rear yard setback for Lot #11. Reynolds explained that the purpose for the 20' is to align the dwelling unit to the south with the ones that are on that cul-de-sac and to have a similar setback from surrounding dwelling units. The staff report suggests a larger side yard setback for the purpose of preserving the character of the neighborhood.

Buff Baker of Public Works responded to the proposed amendment to Condition #1.1.13 of the CUP. The applicant is requesting a waiver to allow 21' width on South 60th Street and South Knights Lane. Baker advised that Public Works cannot support a waiver due to the fact that it is a design standard and the Fire Department insists on having those roadway widths. The narrowing width in there will be a low traffic area; however, backing and turning maneuvers require the 20'. With the narrowing roadway width and parking allowed in front of the garages they will need the extra roadway width.

Response by the Applicant

Ross addressed the preservation of trees issue. The proposed site has 25' of fall from east to west and 22' from south to north. The developer has pledged to the neighborhood group to do the detention cell to prevent any runoff water from leaving the site as it does today. This is possible by the construction of a low gentle earthen swale. That is how they will direct any runoff from the westernmost units. In order to get the swale constructed, it is necessary to do some site grading. To not allow the removal of any trees on the west side and the east side where they are putting in a retaining wall, makes it impossible to build these units. If that requirement stands, this project would have to start over. The neighbors will not be as happy with any revised site plan.

Ross further pointed out that Lot #11 is a single family lot. The zoning requires a 5' side yard. It is being shown at 10'. Staff is now requesting the rear yard be 20' even though the design standards only say 20% of the 90' lot, or 18'. Sliding that over would require that the other units slide over and it starts pinching that area to the west. Ross reiterated that the design standards talk about 5' side yard setback, and certainly not 20'. This application proposes 10'.

Ross indicated that they could get the rear yard at 20', but they would prefer 18'.

With regard to the width of the private roadway, Ross suggested that those cars backing out on South 60th don't have a problem. 15 units are allowed on this single north/south easternmost drive. They are showing 19. To go back to 15 units would require widening the private roadway to 26' from 21'. This takes away from green space. The applicant suggests that for a retirement community with less traffic, it is probably not going to be a problem. The issue comes down to the design standard of 15 units on a 20' wide roadway, and this application has 19 units.

Ross advised that the garages will all be double stall garages and two cars can park in the driveway.

Public hearing was closed.

PRELIMINARY PLAT NO. 00024,
KNIGHTS COURT
ADMINISTRATIVE ACTION BY PLANNING COMMISSION: January 10, 2001

Schwinn moved to approve the Planning Staff recommendation of conditional approval, with amendment to Condition #1.1.7 as requested by the applicant, seconded by Taylor.

Schwinn understands where Public Works is coming from in that they do have design standards, but he feels that the way this is laid out with the driveways somewhat being juxtaposed to each other, there should not be a problem with cars backing out or parking in the street.

Motion for conditional approval, with amendment, carried 8-0: Hunter, Krieser, Carlson, Duvall, Newman, Taylor, Schwinn and Bayer voting 'yes'; Steward absent.

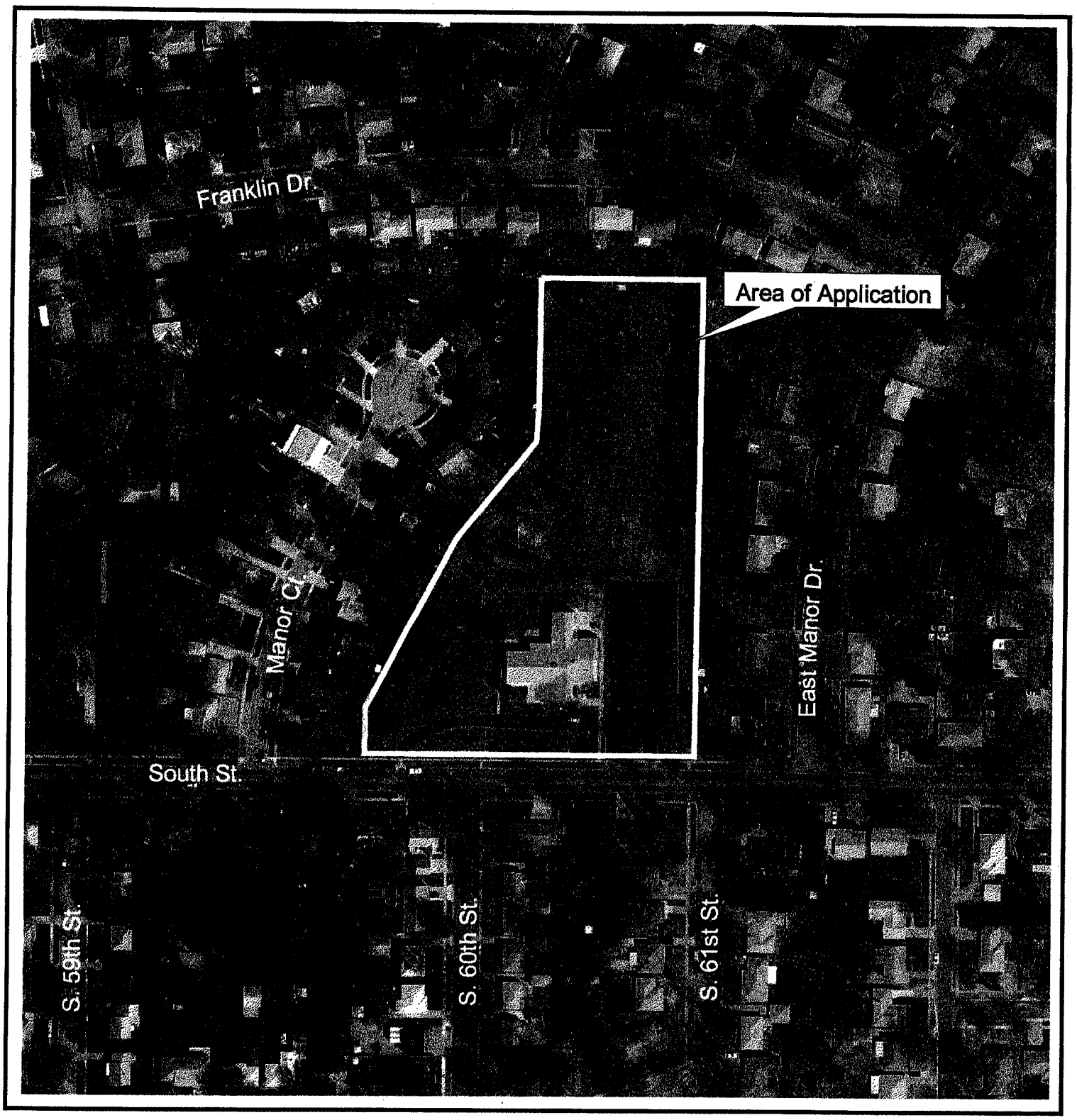
SPECIAL PERMIT NO. 1869
KNIGHTS COURT COMMUNITY UNIT PLAN
ADMINISTRATIVE ACTION BY PLANNING COMMISSION: January 10, 2001

Schwinn moved to approve the Planning staff recommendation of conditional approval, with the amendments as requested by the applicant, seconded by Taylor and carried 8-0: Hunter, Krieser, Carlson, Duvall, Newman, Taylor, Schwinn and Bayer voting 'yes'; Steward absent.

SPECIAL PERMIT NO. 1888
ADMINISTRATIVE ACTION BY PLANNING COMMISSION: January 10, 2001

Schwinn moved approval of the Planning staff recommendation of conditional approval, as revised to add a new Condition #4, seconded by Taylor and carried 8-0: Hunter, Krieser, Carlson, Duvall, Newman, Taylor, Bayer and Schwinn voting 'yes'; Steward absent.

Note This is final action, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by Planning Commission.



Preliminary Plat #00024
Special Permit #1869
S. 61st & South St.
Knights of Columbus

N

Sheet 1 of 3

Date: 1-2-01

Photograph Date: 1997

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Lincoln City - Lancaster County Planning Dept.

Franklin Dr.

R-2

Area of Application

Manor Ct.

East Manor Dr.

Riveria Dr.

South St.

S. 59th St.

S. 60th St.

S. 61st St.

Preliminary Plat #00024
Special Permit #1869
S. 61st & South St.
Knights of Columbus

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Convervation 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

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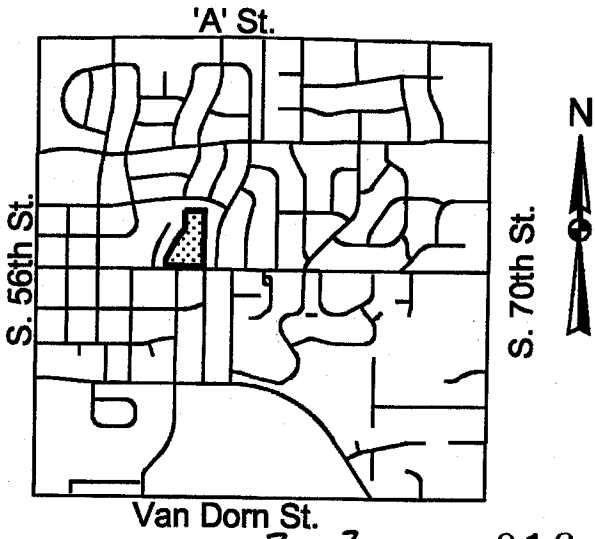
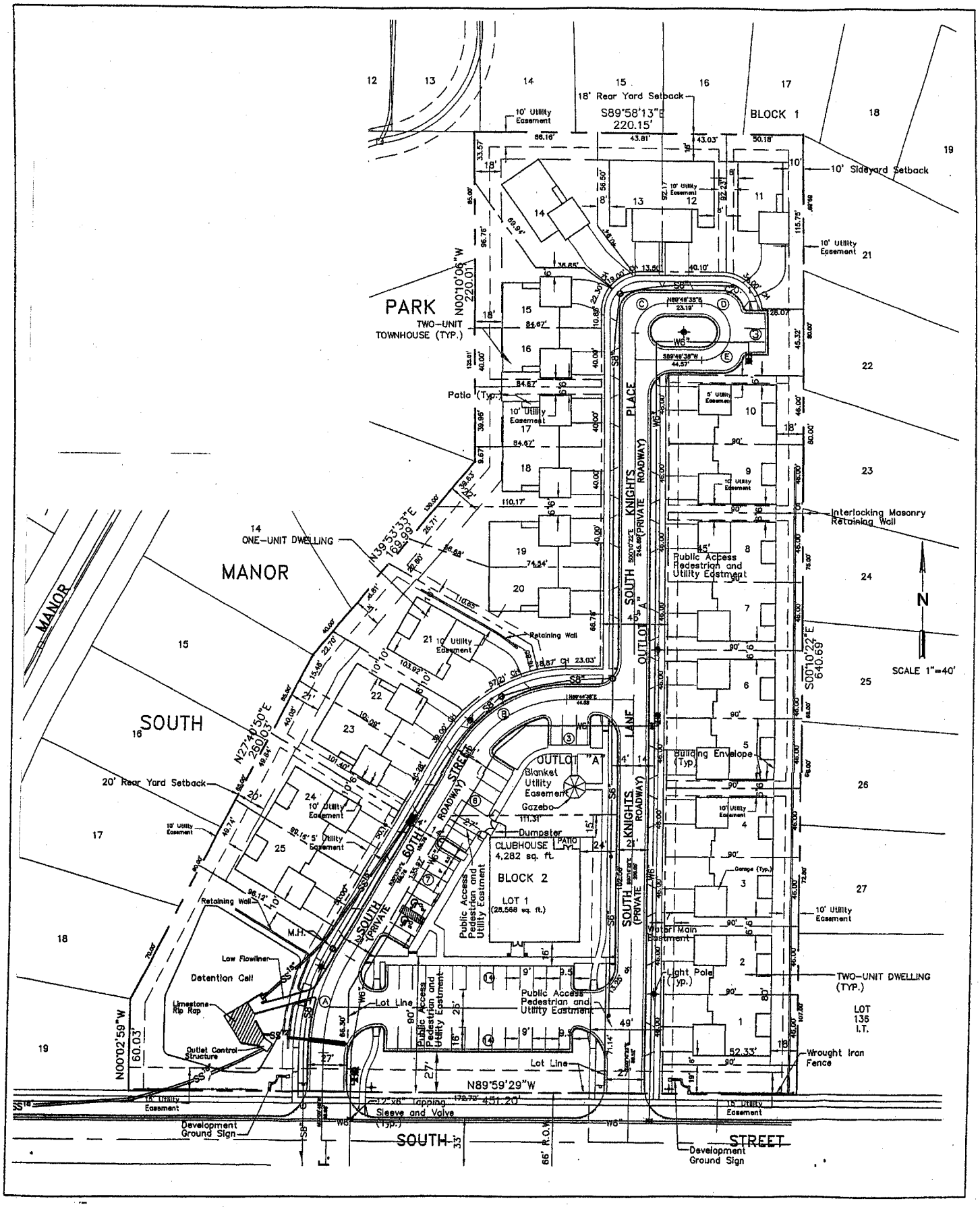
One Square Mile
Sec. 33 T10N R7E

Zoning Jurisdiction Lines

City Limit Jurisdiction



Sheet 2 of 3
Date: 1-2-01
Lincoln City - Lancaster County Planning Dept.

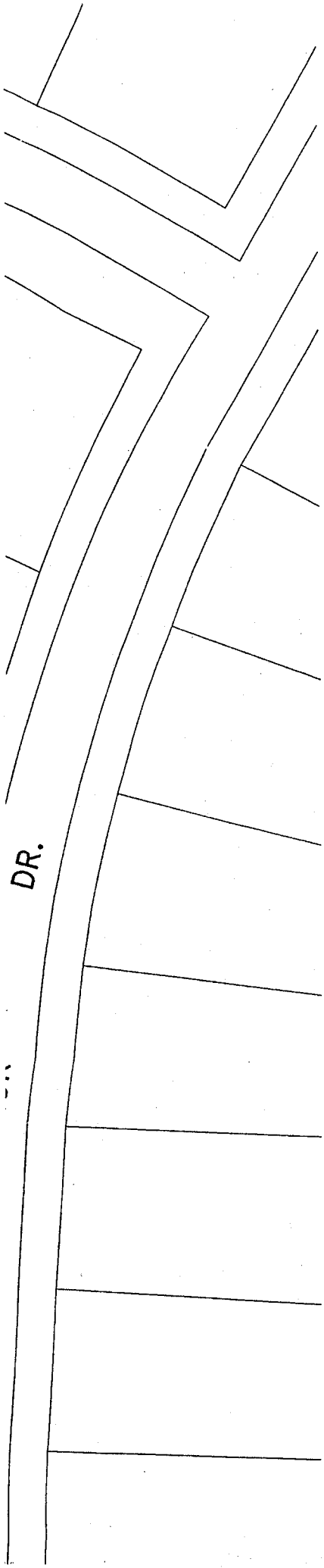


Sheet: 3 of 3

Date: 1-2-01

North

017



GENERAL NOTES

1. The property included within the limits of the Preliminary Plat and C.U.P. consists of 4.62 acres, and is zoned R–2 Residential District.

2. The proposed Development shall consist of twenty–five dwelling units of elderly or retirement housing and twenty–five residential lots, and one Outlot; including three single family lots and one lot for the clubhouse for the residents and for the Knights of Columbus. –The Outlot shall be used for common open space for the residences and includes the private roadways and parking.

3. Access shall be relinquished to South Street except for South 60th Street and South Knights Lane.

4. All structures shall conform to the maximum height of 35 feet as identified in the R–2 Residential District.

5. Private Roadways shall be 27 feet or 21 feet wide, as shown on the Site Plan, and constructed in accordance with Design Standards.

6. All dwelling units shall have a minimum separation of 22 feet between the garage door and sidewalk.

7. Each dwelling unit shall have a two stall garage.

8. Patios, decks and accessory buildings shall be permitted to project outside of the Building Envelopes, but not beyond the lot lines. Roof overhangs shall be permitted to project outside of the Building Envelope up to 2 feet.

9. Private roadways shall be 24 inch wide concrete curb and gutter with 6 inch thick recycled asphaltic concrete pavement. A Public Access, pedestrian and utility Easement shall be provided for the private roadways.

10. Sidewalks shall be four feet wide, four inches thick concrete unless otherwise noted, and shall be constructed at locations as shown on the Site Plan. Handicap ramps shall be provided at all intersections of proposed sidewalks, Public Streets, and Private Roadways.

11. The proposed water mains shall be Public and constructed by means of an Executive Order. Water Main Easements shall be provided for any water main located outside of the limits of the Public Street Right–of–Way.

12. The proposed sanitary sewer mains shall be Private and shall be constructed by means of a Plumber's Permit.

13. The proposed storm sewers and low flow liners shall be Private and shall be constructed by means of a Plumber's Permit.

14. Street lighting shall be Private and shall be constructed in accordance with the requirements of LES.

15. Care will be taken in the removal of existing trees, to remove only trees required due to site grading and construction of the proposed structures, Private Roadways, drive and utilities as shown on the Site Plan. Existing trees to be removed have been shown on the Existing Topographic Site Plan and Landscape Plan.

16. Street trees and landscaping shall be provided as required by the City of Lincoln Design Standards.

17. Existing contours have been developed from actual field surveys completed prior to June 20, 2000, and are based upon North American Vertical Datum of 1988.

18. Any relocation of existing utility facilities will be at the expense of the Owner/Developer.

19. A Homeowner's Association shall be formed to ensure maintenance of the Private Roadways, recreation facilities, sidewalks, sanitary sewer, storm sewer, detention cells, lighting, street trees and landscaping.

20. The Clubhouse shall be owned by the Knights of Columbus, and may be reserved for use by the residents, provided the clubhouse has not been scheduled for use by the Knights of Columbus, and provided all requirements of rental of the clubhouse have been met and are strictly adhered to.

21. The existing Knights of Columbus buildings will be demolished prior to the start of construction of this plat.

22. Rear yard setback shall be 20 percent of the lot depth except for Lots 11, 12, and 13. In no case will the rear yard setback be less than 18 feet.

23. Development shall comply with Design Standards for Density Bonus Section 2 General Standards.

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD DISTANC
A	30°14'09"	125.00	65.96	33.77	S15°06'16"W	65.20
B	59°31'17"	75.00	77.91	42.88	S59°58'59"W	74.46
C	60°00'00"	20.00	20.94	11.55	S50°25'36"W	20.00
D	90°00'00"	19.00	29.85	19.00	N45°10'22"W	26.87
E	90°00'00"	19.00	29.85	19.00	N44°49'38"E	26.87

ROSS
Engineering,
Inc.

November 13, 2000

Ms. Kathleen Sellman, AICP
Planning Director
County-City Building
555 South 10th Street
Lincoln, NE 68508

RECEIVED
NOV 13 2000
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

RE: Knights Court
61st and South Streets
Lincoln, NE
REI Project No. 1188-1B

Dear Kathleen:

On behalf of the Council Building Association we are resubmitting a Preliminary Plat and Community Unit Plan for 25 units of elderly housing and one lot for a building to be constructed for club and meeting purposes for the Knights of Columbus.

We request that Special Permits 528, 713, 713A, 751, 751A and 751B be rescinded. Special Permit 751 declared Special Permit 456 and 535 null and void. (See attached)

We are also submitting a Special Permit Application for a club. The club is to be owned by the Knights of Columbus and to be used for meetings and club functions. The building capacity is 125. There are 16 parking stalls within the lot for the club. The seating area for the clubhouse is 800 square feet. Additional parking stalls are located within the development but outside of Lot 1, Block 2.

The following revisions have been made to the Preliminary Plat as requested by the Planning Staff report of September 11, 2000:

1. The Cover Sheet identifies the density calculations including the density bonus for elderly. The development will comply with the General Standards as defined in Design Standards for Density Bonuses Section 2; Barrier free standards for elderly or retirement housing and domiciliary care facilities.
2. The city department and utilities has been deleted from the cover sheet.
3. The Surveyor's Certificate is signed.
4. All contour lines and elevations are based on NAVD 1988.
5. The width of South 60th Street between South Street and the parking lot entrance is identified.
6. The prefix "South" has been added to the street names.
7. The right-of-way width and pavement width of South Street is shown.
8. All lot line dimensions are shown.
9. A legend identifying different line types is included on the Site Plan.
10. "Block 2, Lot 1" has been removed from Outlot A.
11. A public access, pedestrian and utility easement is identified between the east boundary of Lot 1 Block 2 and the west boundary of Lots 1-4 Block 1.
12. The dimensions of parking stalls are shown.

Est. 1974
OVER 25 YEARS OF EXCELLENCE

The Cotswold
645 'M' Street
Suite 201
Lincoln, NE 68508
Phone (402) 474-7677
Fax (402) 474-7678

1311 19th Street
Suite 102
Auburn, NE 68305
Phone (402) 274-4828
Fax (402) 274-4821

www.rossengineering.com

13. The word "townhouse" has been deleted from General Note #2.
14. General Note #21 explains what will happen with the existing building.
15. General Note #8 states that decks and \or patios may be covered up to 15-feet of the rear lot line.
16. The rear yard setbacks will be no less than 20 percent of the lot depth except for Lots 11,12, and 13, Block 1.
17. General Note #9 has been revised.
18. General Note #21 has been revised to indicate that the Knights of Columbus will own the clubhouse.
19. The Site Plan identifies a public access easement over the private roadways.
20. The number of trees has been increased along the north and west boundary. The increase landscaping will provide a buffer between this development and the existing neighbors.
21. The Landscape Plan has been revised to correct items 23, 24 and 25 as outlined in the Planning Staff report.
22. Easements are provided for the public water mains.
23. Drainage and grading plans have been revised.
24. Curve "B" has been revised.
25. General Note #18 states that any relocation of existing utility facilities will be at the owner's expense. Utility easements has required by LES have been included on the Site Plan.
26. General Note #2 states that the development is for elderly housing.
27. Street trees along South Street have been relocated on private property.
28. Building envelopes are identified.
29. The side yard setbacks vary from 6-feet to 10-feet. The separation between buildings on the east side is 12-feet. The separation between units on the west side is 20-feet; however the distance between garages is less than 20-feet.

We are requesting a waiver to the 10-feet side yard setback for two-family units. The underlying zoning of R-2 states that the side yard setback for two family units be 10-feet. This development is part of a Community Unit Plan where some flexibility to standard subdivisions is to be allowed. We have landscaped beyond the required landscaping to help alleviate the impact on the adjacent neighbors.

Other CUP's in the city have 5-feet side yard setbacks. Prairie Falls CUP located at West "A" and S.W. 10th Street has an R-2 underlying zoning and was approved with 5-feet side yard setback. Another CUP that has less than a 10-feet side yard setback is Flint Ridge located at South Street and South 64th Street. The underlying zoning is R-1 for the Flint Ridge CUP.

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NOV 13 2000
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

Included with this submittal are the following:

1.	Cover Sheet	5 copies
2.	Existing Topographic Site Plan	5 copies
3.	Site Plan	15 copies
4.	Grading Plan	5 copies
5.	Drainage Area Plan	5 copies
6.	Street Profiles	5 copies
7.	Utility Plan	5 copies
8.	Landscape Plan	5 copies
9.	Special Permit Application for a Club	
10.	$195.00 Filing Fee	

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

Sincerely,

ROSS ENGINEERING, INC.

Thomas J. Cajka
Senior Land Planner

Cc: Dean Graham
Bob Benes

Enclosure

TJC:jak
118801L18.doc

RECEIVED
NOV 13 2000
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

Chapter 3.40

DESIGN STANDARDS FOR DENSITY BONUSES

The Planning Department is assigned responsibility for administration of these design standards.

Section 1. GENERAL

The purpose of establishing and applying barrier-free standards for elderly or retirement housing and domiciliary care facilities and handicapped, low-income and energy efficient standards for community unit plans and planned unit developments is to encourage the provision of housing to meet the special needs of individuals and families and encourage energy efficient housing by means of density bonuses.

Complying with the General or Individual Unit Standards of Section 2 may permit an increase in dwelling unit density within the boundaries of an elderly or retirement housing facility. Approval of such increases above the density permitted under a comparable community unit plan without bonuses shall be dependant on conditions established for the special permit.

Complying with one or a combination of the following sections, Section 3 through 5, (Sections 3, 4 and 5 shall also comply with Section 6 security standards for handicapped and low-income housing), may permit an increase in density within the boundaries of the community unit plan or planned unit development of up to but not exceeding 20 percent of the density permitted under the community unit plan density standards. However, the total possible density increase using the following sections may not be granted dependent upon the character of the development and impacts upon adjacent land uses.

Section 2. BARRIER FREE STANDARDS FOR ELDERLY OR RETIREMENT HOUSING AND DOMICILIARY CARE FACILITIES

These standards are intended to reduce restrictions in the built environment for people who have temporary or permanent loss of mobility. Common areas shall be those accessible to the general public, whereas individual units shall generally refer to private residence.

2.1 <u>General Standards</u>

These design standards generally apply to site development and common areas as well as certain dwelling unit features.

1. Sidewalks, curb cuts and ramps shall be designed so that each building is accessible to the handicapped.
2. Each dwelling unit shall be accessible by sidewalks, ramps and/or passenger elevator and no vertical obstruction greater than 1/2 inch.
3. Common corridors shall be at least 4 1/2 feet wide.
4. Doorways serving a common area shall have a clear opening of at least 32 inches (with door opened to 90 degrees). (Note that a standard 32 inch door does not meet this standard.) The clear opening may be reduced to no less that 30 inches if the

doorway can be approached from both directions directly from a room or the end of a hallway or 90 degrees from a hallway if the hall is a minimum of 4 feet 2 inches wide.

5. Each doorway leading from one common area to another or to the outdoors from a common area shall have a level platform or clear floor area with a minimum of 5' x 5' or 5 1/2' x 4 1/2' if the door swings in toward the platform and 5' x 3 1/2' otherwise. The platform shall extend one foot beyond the side of the door opposite the hinge if the door swings in toward the platform and otherwise extend six (6) inches beyond the side of the door.
6. Passenger elevators shall have minimum clear dimensions of 5' x 5' or 6' 3" x 4' 8" or 6' 8" x 4' 0" and a clear opening of 32 inches. If a passenger elevator is required, at least one elevator shall be able to accommodate a 76 inch ambulance stretcher in a horizontal position.
7. Lever latches on push-pull type door serving common areas shall be used.
8. Lock and door latch shall not require the simultaneous use of both hands on doors serving common areas.
9. Windows in the living room and any bedrooms except for skylights and clerestory windows shall be located so that the lowest glassed portion of the window is no higher than 34 inches for common areas and individual units.
10. Switches and controls for lights and appliances, latches, and locks for doors and windows and electric receptacles for common areas and individual units shall be located no higher than four (4) feet (with no vertical obstruction greater than three (3) feet high and no horizontal obstruction greater than 18 inches deep) and no lower than two (2) feet (with no vertical obstruction lower than 29 inches and no horizontal obstruction more than 12 inches deep).
11. Bathrooms for individual units shall be constructed to accommodate the future addition of grab bars around the bathtub area or shower (for location, see Section 3 type "B" unit).
12. Floor surfacing in common areas shall permit wheelchairs to maneuver easily.

2.2 Individual Unit Standards

These standards apply to only the entrance and interior design of individual dwelling units.

1. Private corridors or hallways shall be at least 3 1/2 feet wide.
2. Doorways shall have a clear opening of at least 32 inches (with door opened to 90 degrees). (Note that a standard 32 inch door does not meet this standard.) The clear opening may be reduced to no less than 30 inches if the doorway can be approached from both directions directly from a room or the end of a hallway or 90 degrees from a hallway if the hall is a minimum of 4 feet 2 inches wide.
3. Each doorway shall have a level platform or clear floor area a minimum of 5' x 5' or 5 1/2' x 4 1/2' if the door swings in toward the platform and 5' x 3 1/2' otherwise. The platform shall extend one foot beyond the side of the door opposite the hinge if the door swings in toward the platform and otherwise extends six (6) inches beyond the side of the door.

M e m o r a n d u m

RECEIVED
DEC 28 2000
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

To: Jason Reynolds, Planning Department

From: Dennis Bartels, Public Works & Utilities

Subject: Knight's Court CUP

Date: December 27, 2000

cc: Allan Abbott, Roger Figard, Nicole Fleck-Tooze

Public Works has reviewed the revised plat and CUP and has the following comments:

1. The proposed substandard curve centerline radius for Curve B is satisfactory.

2. The water main easement has been revised and is satisfactory.

3. Public Works still recommends that the private street widths meet design standards in Knight's Lane and South 60th Street.

4. The revised detention calculations are satisfactory.

jaj KnightsCrtCUP ddb

Memorandum

To: Jason Reynolds, Planning

From: Rachel Martin, Parks and Recreation

Date: December 18, 2000

Re: Knight's Court

Parks and Recreation Department staff have reviewed the above-referenced proposal and have no comments.

Please phone me at 441-7936 with any questions. Rachel

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DEC 19 2000
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

Date Printed: December 20, 2000

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 seperate set of plans for review and 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 # **DRF00020**
Address
Job Description: KNIGHTS COURT CUP/PRELIM PLAT/
Location: KNIGHTS COURT CUP/PRELI
Special Permit: Y 1888
Preliminary Plat Y 00024
Use Permit: N
CUP/PUD: Y 1869
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 Effictive 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

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DEC 29 2000
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

RECEIVED
DEC 20 2000
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

DATE: 12-19-00

TO: Jason Reynolds Planning Department

FROM: Sergeant Dennis Duckworth, Lincoln Police Department

REG: Knights Court CUP/SP for Retirement Resubmittal of SP # 1888

Jason:

The Police Department has no problem with the resubmittal of this Special Permit for Knights Court.

Thank you,

Dennis Duckworth
Lincoln Police Department
441-7215

SUPERVISOR, CUSTOMER SERVICE SUPPORT

UNITED STATES
POSTAL SERVICE

RECEIVED
AUG 17 2000
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

August 16, 2000

Ray Hill
City-County Planning Department
555 So 10 St
Lincoln NE 68508-3992

SUBJECT: Knights Court CUP/Prelim. Plat

Ray,

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.

Thankyou,

Ronald G. White
Supv. Customer Service Support

700 R ST
LINCOLN NE 68501-9662
(402) 473-1627
FAX: (402) 473-1795

LES **INTER–DEPARTMENT COMMUNICATION**

DATE December 8, 2000

TO Jason Reynolds, City Planning

FROM Sharon Theobald
(Ext. 7640)

SUBJECT DEDICATED EASEMENTS
DN #20S-60E

Attached is the Resubmitted Preliminary Plat for Knights Court.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will not require any additional easements.

As identified in #18 of the General Notes, any relocation of existing facilities will be at the owner/developer's expense.

Sharon Theobald

RECEIVED
DEC 8 2000
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

ST/ss
Attachment
c: Terry Wiebke
Easement File

OFFICEFO/DEDEAS.Frm

MEMORANDUM

TO: Planning Commissioners

FROM: Jason Reynolds JR
Planning Department

SUBJECT: Special Permit #1869 - Knights Court C.U.P.

DATE: January 10, 2001

COPIES: Ray Hill
Kathleen A. Sellman

The following condition should be added to the Special Permit conditions of approval:

1.1.15 Provide a metes and bounds legal description of the area of the Community Unit Plan, excluding the club area.

This will help distinguish between the area covered by the Special Permit for the C.U.P., the area covered by the Preliminary Plat, and the area covered by the Special Permit for a club.

I:\PC\PERMITS\SP\1800\sp1869.pcmemo.wpd

Lincoln City-Lancaster County Planning Department
555 S. 10th St., Rm. #213 • Lincoln NE 68508
Phone: 441-7491 • Fax: 441-6377

SUBMITTED AT PUBLIC HEARING
BEFORE PLANNIG COMMISSION BY THE
APPLICANT: 01/10/01

SPECIAL PERMIT NO. 1888
PRELIMINARY PLAT NO. 00024
~~SPECIAL PERMIT NO. 1869~~
KNIGHTS COURT

KNIGHTS COURT

SPECIAL PERMIT 1888
Knights of Columbus

Conditions of Approval
Agree on All Points

PRELIMINARY PLAT #00024

Conditions of Approval

1.1.1-1.1.6	Agree
1.1.7	Request waiver to allow 21-feet width on South 60th Street and Knights Lane

SPECIAL PERMIT # 1869

Conditions of Approval

1.1.1	Revise to read rear yard setback shall be no less than 18-feet and side yard setback shall be no less than 5-feet.
1.1.2	Delete this item.
1.1.3	Agree
1.1.4	Change 24 to 25.
1.1.5-1.1.9	Agree
1.1.10	Leave Note 22 as is on Site Plan, Note 22 reads, "Rear yard setback shall be 20 percent of the lot depth except for Lots 11, 12, and 13. In no case will the rear yard be less than 18 feet."
1.1.11	Agree
1.1.12	Agree
1.1.13	Request waiver to allow 21-feet width on South 60th Street and South Knights Lane.
1.1.14	Delete from report.
2	Change to read, "this approval permits 25 dwellings units of elderly housing on 26 lots and grants a 36 percent density bonus for elderly or retirement housing.

CORRECTED

PLANNING COMMISSION FINAL ACTION

NOTIFICATION

TO : Mayor Don Wesely
Lincoln City Council

FROM : Jean Walker, Planning

DATE : ***January 18, 2001***

RE : **Special Permit No. 1888**
(Knights of Columbus - 6040 South Street)
Resolution No. PC-00656

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, January 10, 2001:

> Motion made by Schwinn, seconded by Taylor, to approve **Special Permit No. 1888**, with conditions, with amendment to add Condition #4 as recommended by the Planning staff, requested by Council Building Association, for authority to construct a 4,282 square foot club owned by the Knights of Columbus, on property located at 6040 South Street. Motion for approval, with conditions, carried 8-0: Hunter, Krieser, Carlson, Duvall, Newman, Taylor, Schwinn and Bayer voting 'yes'; Steward absent.

The Planning Commission's action is final action unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

CCNOTICE/jlw
Attachment
cc: City Clerk
Building & Safety
Rick Peo, City Attorney
Public Works
Tom Cajka, Ross Engineering, 201 No. 8th, #401, 68508
Council Building Association, 6040 South Street, 68506
Peter Larimer, Heritage Pines Homeowners Assn., 2111 Heritage Pines Ct., 68520

CORRECTED

RESOLUTION NO. PC- 00656

SPECIAL PERMIT NO. 1888

WHEREAS, Council Building Association has submitted an application on behalf of the Knights of Columbus, designated as Special Permit No. 1888, for authority to construct a 4,282 square foot club on property located at 6040 South Street, and legally described to wit:

> A Portion of Park Manor South, Outlot "A", designated as Block 2, Lot 1, in the Knights Court Preliminary Plat #00024, in the Northwest Quarter of Section 33, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a public hearing on said application; and

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this club will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County Planning Commission of Lincoln, Nebraska:

That the application of the Knights of Columbus, hereinafter referred to as "Permittee", to construct a 4,282 square foot club building be and the same is hereby granted under the provisions of Section 27.63.200 of the Lincoln Municipal Code upon condition that construction of said club building be in strict compliance with said

application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a 4,282 square foot floor area club.

2. The City Council must approve Special Permit 1869, Knights Court Community Unit Plan, and Preliminary Plat 00024, Knights Court.

3. Approval of this special permit voids and rescinds Special Permits #528, 713, 713A, 751, 751A, and 751B.

4. Before returning a signed Letter of Acceptance, provide a metes and bounds legal description of the special permit area for the club.

5. Before receiving building permits:

   a. The Permittee must submit a revised final plan including five copies.

   b. The construction plans must conform to the approved plans.

   c. Final plats within the area of this special permit must be approved by the City.

6. Before occupying and operating the club, all development and construction must be completed in conformance with the approved plans.

7. All privately-owned improvements must be permanently maintained by the Permittee.

8. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

9. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee and the Permittee's successors and assigns.

The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

10. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. 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 Permittee.

The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 10th day of January, 2001.

ATTEST:

Russell J. Bayer

Chair

Approved as to Form & Legality:

Rick Peo

Chief Assistant City Attorney