

City Council Introduction: **Monday**, March 11, 2002

Public Hearing: **Monday**, March 18, 2002, at **1:30 p.m.**

Bill No. 02R-38

FACTSHEET

TITLE: **PRELIMINARY PLAT NO. 01016, TABITHA NEW COMMUNITY 3rd ADDITION**, requested by Brian D. Carstens and Associates on behalf of Southview, Inc., for 36 lots, with associated waiver requests, on property generally located east of Enterprise Drive, north of Folkways Blvd.

STAFF RECOMMENDATION: Conditional approval.

ASSOCIATED REQUESTS: Special Permit No. 692L, an amendment to the Tabitha New Community C.U.P. (02R-37)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 01/09/02 and 01/23/02
Administrative Action: 01/23/02

RECOMMENDATION: Conditional approval, with amendments as requested by the applicant (7-0: Steward, Newman, Taylor, Bills, Carlson, Krieser and Schwinn voting 'yes'; Duvall and Hunter absent).

FINDINGS OF FACT:

1. This preliminary plat and the associated amendment to the Tabitha New Community C.U.P. were heard at the same time before the Planning Commission.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.9-10, concluding that the proposal for elderly housing will provide housing for a population with special needs. The staff is opposed to the applicant's original request to waive sidewalks on one side of the private roadways.
3. The applicant's testimony is found on p.13-14 and 15-16. The proposed amendments to the conditions of approval and additional information submitted by the applicant on January 9, 2002, are found on p.30-31.
4. The representative of the Autumn Wood Homeowners Association testified in opposition at the original public hearing on January 9, 2002, with concerns about the proposed fence and the waiver of sidewalks (See Minutes, p.14). The record also consists of a letter in opposition to the waiver requests (p.32). This prompted a motion by the Commission to defer and hold continued public hearing on January 23, 2002, to provide the applicant an opportunity to further work with the neighborhood.
5. At the continued public hearing on January 23, 2002, the applicant submitted revised proposed amendments to the conditions of approval as a result of an agreement with the neighborhood (p.33-34). The applicant agreed to show sidewalks on both sides of the private roadways and public streets within the development. (See Minutes, p.15-16).
6. At the continued public hearing on January 23, 2002, the representative of the Autumn Wood Homeowners Association testified in support, indicating that they had reached agreement with the applicant. (See Minutes, p.16).
7. On January 23, 2002, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend conditional approval, as set forth in the staff report dated December 19, 2001, with the amendments proposed by the applicant on January 23, 2002. The conditions of approval are found on p.2-4.
8. On January 25, 2002, a letter reflecting the action of the Planning Commission and the revised conditions of approval was sent to the applicant (p.2-5).
9. The Site Specific conditions of approval required to be completed prior to scheduling this application on the Council agenda have been submitted by the applicant, approved by the reviewing departments and the revised site plan is attached (p.19-20).

FACTSHEET PREPARED BY: Jean L. Walker

REVIEWED BY: _____

REFERENCE NUMBER: FS\CC\2002\FSP01016

DATE: March 4, 2002

DATE: March 4, 2002

January 25, 2002

Brian D. Carstens & Associates
601 Old Cheney Rd., Ste. C
Lincoln NE 68516

Re: Preliminary Plat No. 01016
TABITHA NEW COMMUNITY 3RD

Dear Mr. Carstens:

At its regular meeting on Wednesday, **January 23, 2002**, the Lincoln-Lancaster County Planning Commission granted approval to your preliminary subdivision, **Tabitha New Community 3rd**, located in the general vicinity of **east of Enterprise Drive, north of Folkways Blvd.**, subject to the following conditions:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans to the Planning Department office, the preliminary plat will be scheduled on the City Council's agenda: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Revise the preliminary plat to show:
 - 1.1.1 Sidewalks on both sides of the streets and private roadways, with the sidewalks along North 26th Place and the south side of Blaine Court being placed adjacent to the curb. (**Per Planning Commission at the request of the applicant, 01/23/02**)
 - 1.1.2 Easements as requested by L.E.S.
 - 1.1.3 Revise the proposed 4' walk on the north end of N. 26th Place so that it does not go through the turnaround.
 - 1.1.4 To the legal description, add "a portion of vacated Farmstead Rd".
 - 1.1.5 Sign the Surveyor's Certificate.
 - 1.1.6 Revise the grading and drainage to the satisfaction of Public Works & Utilities.
 - 1.1.7 Add notes to the plan that state as follows:

1.1.7.1 Opaque fences are prohibited except adjacent to North 27th Street and the 30 feet of fence at the south end of North 26th Place.

1.1.7.2 The opaque fence located along North 27th Street shall be maintained and/or replaced by the owners of Lots 1 through 5, Block 1, and Lots 1 through 9, Block 2. The opaque fence located at the south end of North 26th Place shall be maintained and/or replaced by the owners of Lots 9 and 10, Block 2.

(Per Planning Commission, at the request of the applicant, 01/23/02**)**

2. The City Council approves associated request:

2.1 Special Permit #692L

2.2 The following exceptions to the design standards:

2.2.1 A reduction in turnaround radius from 30 feet to 22.5 feet on N. 26th Place.

2.2.2 Sanitary sewer being located on the same side of Enterprise Drive as the water main.

2.2.3 A waiver of the design standards to allow sidewalks adjacent to the curb on North 26th Place and south side of Blaine Court. (**Per Planning Commission, at the request of the applicant, 01/23/02**)

General:

3. Final Plats will be scheduled on the Planning Commission agenda after:

3.1 Streets, sidewalks, public water distribution system, public wastewater collection system, drainage facilities, ornamental street lights, landscape screens, street trees, temporary turnarounds and barricades, street name signs, and permanent survey monuments have been completed or the subdivider has submitted a bond or an approved escrow of security agreement to guarantee their completion.

3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

3.2.1 To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

- 3.2.2 To complete the private improvements shown on the preliminary plat and Community Unit Plan.
- 3.2.3 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- 3.2.4 To continuously and regularly maintain the street trees along the private roadways and landscape screens.
- 3.2.5 To submit to the lot buyers and builders a copy of the soil analysis.
- 3.2.6 To pay all improvement costs.
- 3.2.7 To comply with the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- 3.2.8 To protect the remaining trees on the site during construction and development.
- 3.2.9 To properly abandon any individual sewer systems and wells to the satisfaction of the Lincoln-Lancaster County Health Department.
- 3.2.10 To perpetually maintain the sidewalks in the pedestrian way easements at their own cost and expense.
- 3.2.11 To relinquish the right of direct vehicular access to N. 27th Street from Lots 1-14, Block 1.

The findings of the Planning Commission will be submitted to the City Council for their review and action. You will be notified by letter if the Council does not concur with the conditions listed above.

You may appeal the findings of the Planning Commission to the City Council by filing a notice of appeal with the City Clerk. The appeal is to be filed within 14 days following the action by the Planning Commission. You have authority to proceed with the plans and specifications for the installation of the required improvements after the City Council has approved the preliminary plat. If you choose to construct any or all of the required improvements prior to the City's approval and acceptance of the final plat, please contact the Director of Public Works before proceeding with the preparation of the engineering plans and specifications. If the required minimum improvements are not installed prior to the City Council approving and accepting any final plat, a bond or an approved Agreement of Escrow of Security Fund is required.

The approved preliminary plat is effective for only ten (10) years from the date of the City Council's approval. If a final plat is submitted five (5) years or more after the effective date of the preliminary plat, the City may require that a new preliminary plat be submitted. A new preliminary plat may be required if the subdivision ordinance or the design standards have been amended.

You should submit an ownership certificate indicating the record owner of the property included within the boundaries of the final plat when submitting a final plat.

The Subdivision Ordinance requires that there be no liens of taxes against the land being final platted and that all special assessment installment payments be current. When you submit a final plat you will be given forms to be signed by the County Treasurer verifying that there are no liens of taxes and by the City Treasurer verifying that the special assessment installment payments are current.

Sincerely,

J. Greg Schwinn, Chair
City-County Planning Commission

cc: Owner
Public Works - Dennis Bartels
LES
Alltel Communications Co.
Cablevision
Fire Department
Police Department
Health Department
Parks and Recreation
Urban Development
Lincoln Public Schools
County Engineers
City Clerk
File (2)

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

Optional: 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.

P.A.S.: Preliminary Plat #01016
Special Permit #692L

DATE: December 19, 2001

****As Revised by Planning Commission, 01/23/02****

PROPOSAL: To develop 36 units of single- and two-family elderly or retirement housing within the Tabitha New Community C.U.P.

WAIVER REQUESTS: Turn around radius
Allowing sanitary sewer and water main on the same side of Enterprise Drive
Sidewalks on one side of all private roadways
Side yard setbacks from 10 feet to 5 feet on all lots
Front yard setbacks on several lots
Rear yard setbacks on many lots
(for a complete list, see attachments)

LAND AREA: 61.96 acres (entire C.U.P.)
4.32 acres (this amendment)

CONCLUSION: The proposed preliminary plat, special permit for elderly housing and community unit plan will provide housing for a population with special needs.

The request to waive sidewalks on one side of the private roadways is not appropriate; sidewalks will promote pedestrian circulation and provide access to the Tabitha recreation facilities.

<u>RECOMMENDATION:</u>	Preliminary Plat: Conditional Approval Special Permit: Conditional Approval Request to waive sidewalks: Denial
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 1-8, Block 8; Lots 17-27, Block 9; Lot 1, Block 10; Lot 1, Block 11; Outlots A, C, and D; and a portion of the remaining portion of Outlot A; all in Tabitha New Community Addition; and a portion of vacated Farmstead Rd.; located in the NE 1/4 of Section 1, T10N, R6E of the 6th P.M., Lancaster County, Nebraska.

LOCATION: East of Enterprise Drive, north of Folkways Blvd.

APPLICANT: Southview, Inc.
3355 Orwell St.
Lincoln, NE 68516

CONTACT: Brian D. Carstens & Associates
601 Old Cheney Road - Suite C
Lincoln, NE 68516
434-2424

EXISTING ZONING: R-3 under the Tabitha New Community C.U.P.

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING:

North: R-4 single family housing within the Tabitha C.U.P.
South: R-2 two-family housing and townhouses within the Tabitha C.U.P.
East: B-2 developing commercial across N. 27th Street
West: R-2 townhouses within the Tabitha C.U.P.

HISTORY:

July 16, 2001 City Council approved Special Permit #692-K, which converted 28 apartment units into 28 domiciliary care units within existing apartment buildings, modified existing apartment buildings to meet ADA standards, and added a covered walkway between apartment buildings.

July 10, 1995 City Council approved Special Permit #692-J, which amended the Tabitha New Community C.U.P. to permit the storage of recreation vehicles on property located at N. 27th Street and vacated Farmstead Road.

Aug. 15, 1994 City Council approved Special Permit #692-I, which amended the Tabitha New Community C.U.P. to authorize the construction of two single-family dwellings between Enterprise Drive and Farmstead Road.

Aug. 23, 1993 City Council approved Special permit #692-H, which amended the voided Resolution No. A-60889 to allow patios, decks, and non-heated/plumbed enclosed porches to be located within an outlot within the community unit plan.

June 5, 1989 City Council approved Special Permit #692-G, which amended the Tabitha New Community C.U.P. by permitting open decks in rear yards on Lots 5, 6, 7, and 8, Block 1, Tabitha New Community 2nd Addition.

- Jan. 21, 1986** City Council approved Change of Zone #2223, which changed the zoning from B-1 to R-2 in a small portion of the Tabitha development.
- June 11, 1984** City Council approved Special Permit #692-F, which amended the Tabitha New Community C.U.P. to create 10 duplex attached units on property west of Enterprise Drive and north of Folkways Boulevard.
- This property was converted from A-2 Single Family Dwelling, B Two Family Dwelling and G Local Business to R-2 Residential, R-3 Residential, R-4 Residential, and B-1 Local Business District in the **1979 Zoning Update**.
- Feb. 12, 1979** City Council approved Special Permit #692-E, which amended the Tabitha New Community C.U.P. to create lots for individual garage stalls on Blocks 1 and 9 of Tabitha New Community Addition.
- July 25, 1977** City Council approved Special Permit #692-D, which amended the Tabitha New Community C.U.P. to allow the construction of single family lots on Ventura Drive and Cloudburst Lane. This resolution rescinded Special Permits 692-A, 692-B, and 692-C. It also rescinded the already-voided Resolution No. A-60889 for Special Permit 692.
- April 11, 1977** City Council approved Special Permit #692-C, which amended the Tabitha New Community C.U.P. by adding 11 single family lots and 100 multiple family dwelling units.
- Aug. 25, 1975** City Council approved Special Permit #692-B, which added 88 units of multiple family dwellings to the community unit plan.
- March 24, 1975** City Council approved Special Permit #692 (Resolution No. A-61683), which granted Tabitha Village Corporation the authority to construct and operate a community unit plan at N. 27th Street and Fletcher Avenue. This resolution replaced the April 22, 1974 resolution.
- March 17, 1975** City Council approved Special Permit #692-A, which added Tabitha New Community First addition to the community unit plan.
- April 22, 1974** City Council approved Special Permit #692, which granted Tabitha Village Corporation the authority to construct and operate a community unit plan at N. 27th Street and Fletcher Avenue. This Resolution No. A-60889 was rendered null and void by the applicant's failure to return the required Letter of Acceptance.
- April 15, 1974** City Council approved Change of Zone #1357, which changed the zoning on a small parcel of land within the future Tabitha development from A-2 Single Family to G Local Business.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Map identifies the area as Urban Residential.

On page 44, the Comprehensive Plan identifies the following as a goal for Urban Residential areas:

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.

UTILITIES: Available

TOPOGRAPHY: Sloping from north to south.

TRAFFIC ANALYSIS: N. 27th Street is a principal arterial in the future functional street and road classification.

PUBLIC SERVICE: The closest fire station is Number 10, at N. 14th Street and Adams Street.

REGIONAL ISSUES: The availability of elderly housing.

AESTHETIC CONSIDERATIONS: The rest of Tabitha features clusters of housing among open areas. This proposal is more densely clustered and contains no common open areas.

ALTERNATIVE USES: Provide more open space while maintaining the same number of units. Block 2 could be arranged so that the six housing units share a common interior yard, for example.

ANALYSIS:

1. The area of this portion of the Tabitha C.U.P. would permit 20 dwelling units if its density were calculated separately. The proposed 26 units do not exceed cluster density maximums.
2. The houses in Blocks 2 and 3 are tightly grouped. This arrangement, which results in minuscule yards, would not normally be acceptable. For elderly or retirement housing, reduced yards can be appropriate. In this case, none of the houses should be more than one story tall.
3. Sidewalks are required by the Subdivision Ordinance, and this development is not of such an unusual size, shape, or character that waiving them is necessary. If this development is to take advantage of the Tabitha recreation facilities, it must have good pedestrian linkages to those facilities.
4. The applicant has not requested a reduction in lot area requirements; however, the special permit for elderly housing states “the minimum lot area of the district... shall not apply.” (§27.63.210(b) L.M.C.)
5. On some lots, buildings could potentially fill most of the open space shown on the plan. The drawings should identify a building envelope in addition to the yards.

6. Opaque fences should be prohibited in Blocks 2 and 3. If the relatively small amount of open space were partitioned by fences, some of the rear yards would become uninhabitable.

PRELIMINARY PLAT CONDITIONS:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans to the Planning Department office, the preliminary plat will be scheduled on the City Council's agenda: (NOTE: These documents and plans are required by ordinance or design standards.)

- 1.1 Revise the preliminary plat to show:

- 1.1.1 Sidewalks on both sides of the streets and private roadways, with the sidewalks along North 26th Place and the south side of Blaine Court being placed adjacent to the curb. (**Per Planning Commission at the request of the applicant, 01/23/02**)

- 1.1.2 Easements as requested by L.E.S.

- 1.1.3 Revise the proposed 4' walk on the north end of N. 26th Place so that it does not go through the turnaround.

- 1.1.4 To the legal description, add "a portion of vacated Farmstead Rd".

- 1.1.5 Sign the Surveyor's Certificate.

- 1.1.6 Revise the grading and drainage to the satisfaction of Public Works & Utilities.

- 1.1.7 Add notes to the plan that state as follows:

- 1.1.7.1 Opaque fences are prohibited except adjacent to North 27th Street and the 30 feet of fence at the south end of North 26th Place.

- 1.1.7.2 The opaque fence located along North 27th Street shall be maintained and/or replaced by the owners of Lots 1 through 5, Block 1, and Lots 1 through 9, Block 2. The opaque fence located at the south end of North 26th Place shall be maintained and/or replaced by the owners of Lots 9 and 10, Block 2. (**Per Planning Commission, at the request of the applicant, 01/23/02**)

2. The City Council approves associated request:
 - 2.1 Special Permit #692L
 - 2.2 The following exceptions to the design standards:
 - 2.2.1 A reduction in turnaround radius from 30 feet to 22.5 feet on N. 26th Place.
 - 2.2.2 Sanitary sewer being located on the same side of Enterprise Drive as the water main.
 - 2.2.3 A waiver of the design standards to allow sidewalks adjacent to the curb on North 26th Place and south side of Blaine Court. (**Per Planning Commission, at the request of the applicant, 01/23/02**)

General:

3. Final Plats will be scheduled on the Planning Commission agenda after:
 - 3.1 Streets, sidewalks, public water distribution system, public wastewater collection system, drainage facilities, ornamental street lights, landscape screens, street trees, temporary turnarounds and barricades, street name signs, and permanent survey monuments have been completed or the subdivider has submitted a bond or an approved escrow of security agreement to guarantee their completion.
 - 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
 - 3.2.1 To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
 - 3.2.2 To complete the private improvements shown on the preliminary plat and Community Unit Plan.
 - 3.2.3 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

- 3.2.4 To continuously and regularly maintain the street trees along the private roadways and landscape screens.
- 3.2.5 To submit to the lot buyers and builders a copy of the soil analysis.
- 3.2.6 To pay all improvement costs.
- 3.2.7 To comply with the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- 3.2.8 To protect the remaining trees on the site during construction and development.
- 3.2.9 To properly abandon any individual sewer systems and wells to the satisfaction of the Lincoln-Lancaster County Health Department.
- 3.2.10 To perpetually maintain the sidewalks in the pedestrian way easements at their own cost and expense.
- 3.2.11 To relinquish the right of direct vehicular access to N. 27th Street from Lots 1-14, Block 1.

Prepared by:

Jason Reynolds
Planner

**SPECIAL PERMIT NO. 692L,
TABITHA NEW COMMUNITY COMMUNITY UNIT PLAN
and
PRELIMINARY PLAT NO. 01016,
TABITHA NEW COMMUNITY 3RD ADDITION,**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 9, 2002

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

Staff recommendation: Conditional approval, except denial of the sidewalk waiver.

Jason Reynolds of Planning staff submitted a letter in opposition to the waiver of turn around radius, sidewalks and setbacks from Darryl Kile.

Proponents

1. DaNay Kalkowski appeared on behalf of **Southview, Inc.**, the developer. This proposal involves a preliminary plat and an amendment to the existing community unit plan for an area of about 4.3 acres. This area today is primarily undeveloped and located within the boundaries of the community unit plan which provides for elderly and retirement housing. This proposal adds 36 units of elderly and retirement housing. The developer has been involved with the Autumn Wood Homeowners Association and copies of the site plan and documents have been forwarded to the association. They have also met with the Board of Directors and received approval.

Like the balance of the community unit plan, Kalkowski advised that this development will serve the 55 and older age group. The site plan takes this into consideration. The developer has worked through all of the issues with staff, except the issue with respect to sidewalks along the private roadways within the development. The plan shows sidewalks on only one side of the private roadways and the staff is requesting that the sidewalks be shown on both sides.

2. Brian Carstens reviewed the existing sidewalks and the proposed sidewalks on the map. They are proposing sidewalks on the east side of No. 26th Place, north side of Farmstead Road and this development's side of Enterprise Drive.

Kalkowski pointed out that in addition to the sidewalks on one side of private roadways, they are providing additional sidewalks internally to make the necessary connections.

Kalkowski submitted that sidewalks on one side of the private roadways is consistent with what has been done in the remainder of the community unit plan and similar to other patio home developments across the city. There is a list of these developments in the City where this has taken place. On all 9 properties dealing with the townhome or patio home concept, sidewalks were either totally waived or waived on one side of the private roadways. The applicant believes that the sidewalks shown, along with the connections to the recreational area within the development,

will serve the elderly residents who will be purchasing these homes. The waiver helps keep the homes more affordable and reduces maintenance costs. This waiver has been granted in the past.

Steward wondered what the cost savings would be per unit. Kalkowski did not know what the developer's plans are for the cost of the townhomes. Reynolds offered that sidewalks are 10-12 dollars per lineal foot.

Carlson asked about the fence along No. 27th Street. Carstens explained that it will be a 6' high fence that will be staggered with street trees so that it is not one solid wall driving down the street.

Carlson noted the letter in opposition from a resident in the area and asked about the communication with the neighborhood. Kalkowski indicated that the representatives of Southview have met extensively with the Autumn Wood Homeowners Association and the Board of Directors and they do support the proposal.

Opposition

1. Don Eisele, 5656 Enterprise Drive, agreed that Southview, Inc. has been up front with the Board of Autumn Wood, but there are some concerns. This project is in an area of an adult community of 55+ and he represents the Board, himself and several residents. We believe for the most part this is a good plan for the area; however, there were some things mentioned today that he was not aware of. He did not know about the fence; however, he would not be opposed. One of the big concerns is the sidewalk. There are a lot of people that do a lot of walking in the neighborhood. We have in the past been forced to add sidewalks on sides of the streets where there were no sidewalks because the people did not want to cross Enterprise Drive or some of the other streets. Autumn Wood is not opposed to the waivers, except the sidewalk and the waiver of the setback on Enterprise. The homes to the north of this plat are set back 25' or more. The requested 20' setback will mean that the homes will stick out 5 more feet than any of the homes to the north. Eisele requested that the waiver of sidewalks be denied and that the setback adjustment on Enterprise Drive be denied. Otherwise, the Autumn Wood Homeowners Association is in favor of the proposal.

Staff questions

Schwinn asked for clarification of the right-of-way on Enterprise. Dennis Bartels of Public Works stated that it is a standard 60' residential street. Enterprise is a public platted road. The interior roads in the subdivision are private. There is not really a right-of-way on the private roads. There are easements over the roads with varying pavement widths based on how many units they are serving.

Reynolds added that there is a 35' public access easement over Farmstead Road. The pavement itself is 26' wide. There is a 30' public access easement on No. 26th Place with 21' wide pavement to the south and north of Farmstead.

Carlson asked for further discussion about the setback on Enterprise. Reynolds advised that the requested setback is reduced to 20'. This is zoned R-2 Residential, which has a 25' front yard setback requirement. In looking at the building placements, Carlson observed that moving them

back 5' might be problematic. Reynolds agreed that it would create some problems if they were going to have the same number and type of units and the same layout.

Don Eisele requested to make further comments. He was not aware that those were going to be private roads. The Autumn Wood Homeowners Association dues pay for snow removal and that is going to undoubtedly raise the dues because of the amount of square footage those roads take up. He does not know why they should be private roads. Last year the Association paid over \$40,000 just for snow removal, which forced them to raise dues this last fall. Enterprise Drive is a bus route so that is another concern if houses are too close to the street.

Eisele suggested he be given the opportunity to go back to the board to see if they would agree to the waiver of the sidewalks because of the cost involved in snow removal.

Given the comments of Eisele, Kalkowski requested a two-week deferral to work with the neighborhood and clear up any confusion.

For future reference, Steward stated that he will not support a proposal for an age 55+ community that does not have sidewalks on both sides of the street. He thinks it is unconscionable. Irrespective of the precedents, he just believes that people who are temporarily able and some who are disabled need the benefit of mobility without having to be concerned about safety.

Newman agreed.

Steward moved to defer for two weeks, with continued public hearing and administrative action scheduled for January 23, 2002, seconded by Hunter and carried 9-0: Duvall, Bills, Hunter, Carlson, Taylor, Newman, Krieser, Steward and Schwinn voting 'yes'.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 23, 2002

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

Proponents

1. DaNay Kalkowski appeared on behalf of **Southview, Inc.** The applicant had requested this deferral in order to talk to the neighbors. After listening to their concerns, the developer has re-evaluated its position with respect to the sidewalks and is now revising the plan to show sidewalks on both sides of the private roadways and public streets within the development. The developer met with the Autumn Wood Homeowners Association and showed the revised site plan with the sidewalks on both sides of the street and pointed out the location of the sidewalks, private roadways, and the fence along 27th Street. The neighbors were happy to see the sidewalks; however, the Association did not want to be responsible for maintenance of the fence along 27th Street. This issue will be addressed in the covenants and with a note on the plan such that the lot owners will be responsible for maintenance of the fence. The Association was also concerned about cars driving south on No. 26th Place where the headlights may cause some disturbance to

the units south of this property. In response to this concern, the developer is proposing a fence along that south end to avoid any disturbance to those neighbors, which fence will also be maintained by the lot owners.

Kalkowski submitted a new motion to amend the conditions of approval on the preliminary plat accordingly.

2. Brian Carstens reviewed the proposed sidewalk plan on the map. A sidewalk has been added on the south side of Blaine Court; both sides of Farmstead Road 4' away from the curb; both sides of North 26th Place; and a loop up into the existing outlot, connecting back over to Blaine Court.

Kalkowski believes that the staff is in agreement with the proposed amendments.

3. Don Eisele, 5656 Enterprise Drive, testified on behalf of the Autumn Wood Homeowners Association in support, thanking the Commission for allowing the two-week deferral to address their concerns. He thanked the applicant for their cooperation to resolve all the concerns. The additional sidewalks are very acceptable to the neighborhood. The fence has been taken care of. Another concern was the possibility of large construction traffic going down Blaine Court, which is a private street. The applicant has addressed this concern by talking to the contractor and asking them not to use it and to install a sign that no large trucks are allowed. The Association agrees to the 6' fence on the south side to avoid disruption from car lights. Since these concerns have been addressed to their satisfaction, the Autumn Wood Homeowners Association is in support with the changes that have been proposed.

There was no testimony in opposition.

Staff concurred with the proposed amendments.

Public hearing was closed.

SPECIAL PERMIT NO. 692L
AN AMENDMENT TO THE TABITHA NEW COMMUNITY C.U.P.
ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

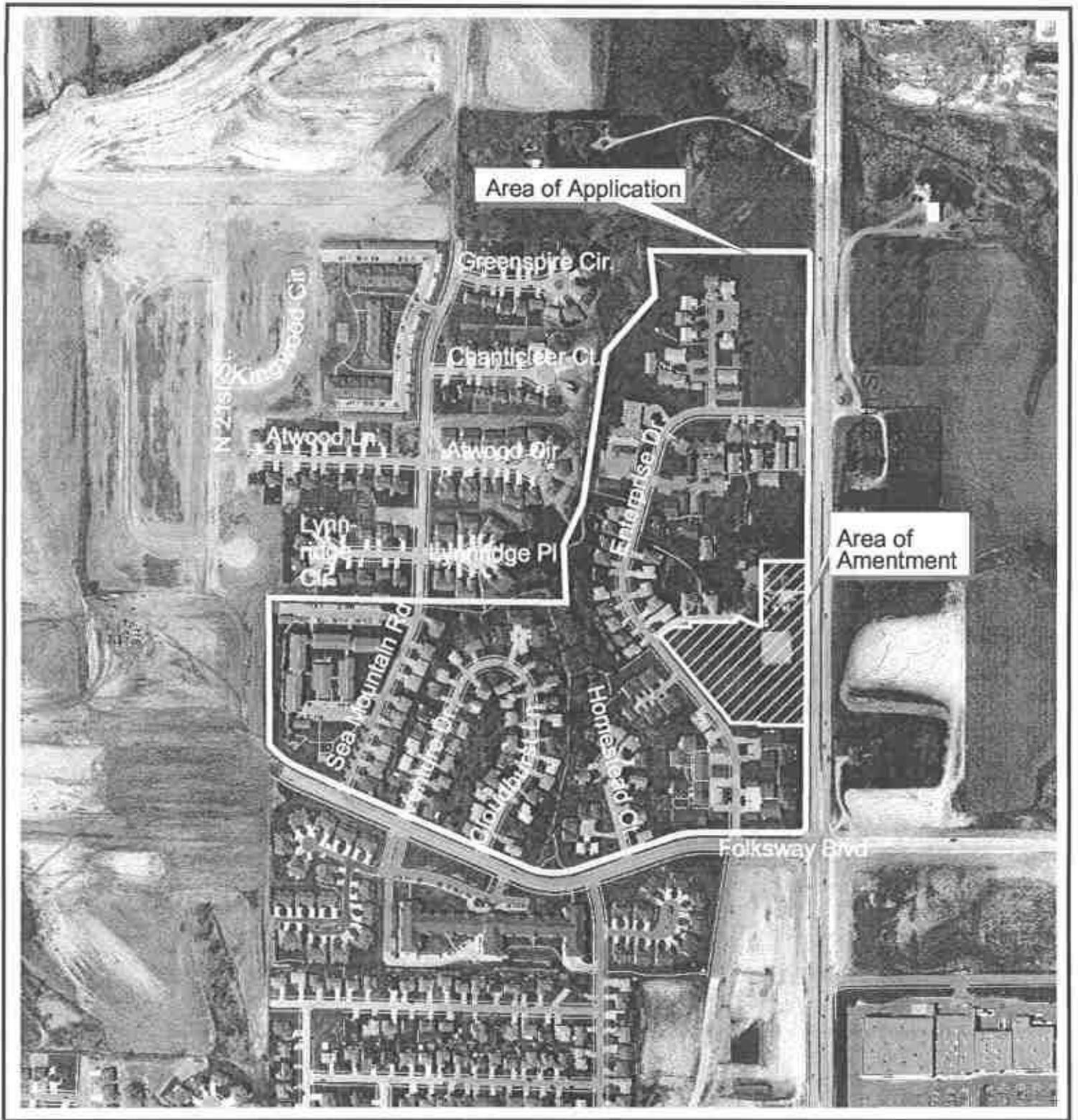
January 23, 2002

Carlson moved to approve the staff recommendation of conditional approval, seconded by Newman and carried 7-0: Steward, Newman, Taylor, Bills, Carlson, Krieser and Schwinn voting 'yes'; Duvall and Hunter absent.

PRELIMINARY PLAT NO. 01016
TABITHA NEW COMMUNITY 3RD ADDITION.
ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

January 23, 2002

Carlson moved approval of the staff recommendation of conditional approval, with the amendments as proposed by the applicant, seconded by Bills and carried 7-0: Steward, Newman, Taylor, Bills, Carlson, Krieser and Schwinn voting 'yes'; Duvall and Hunter absent.



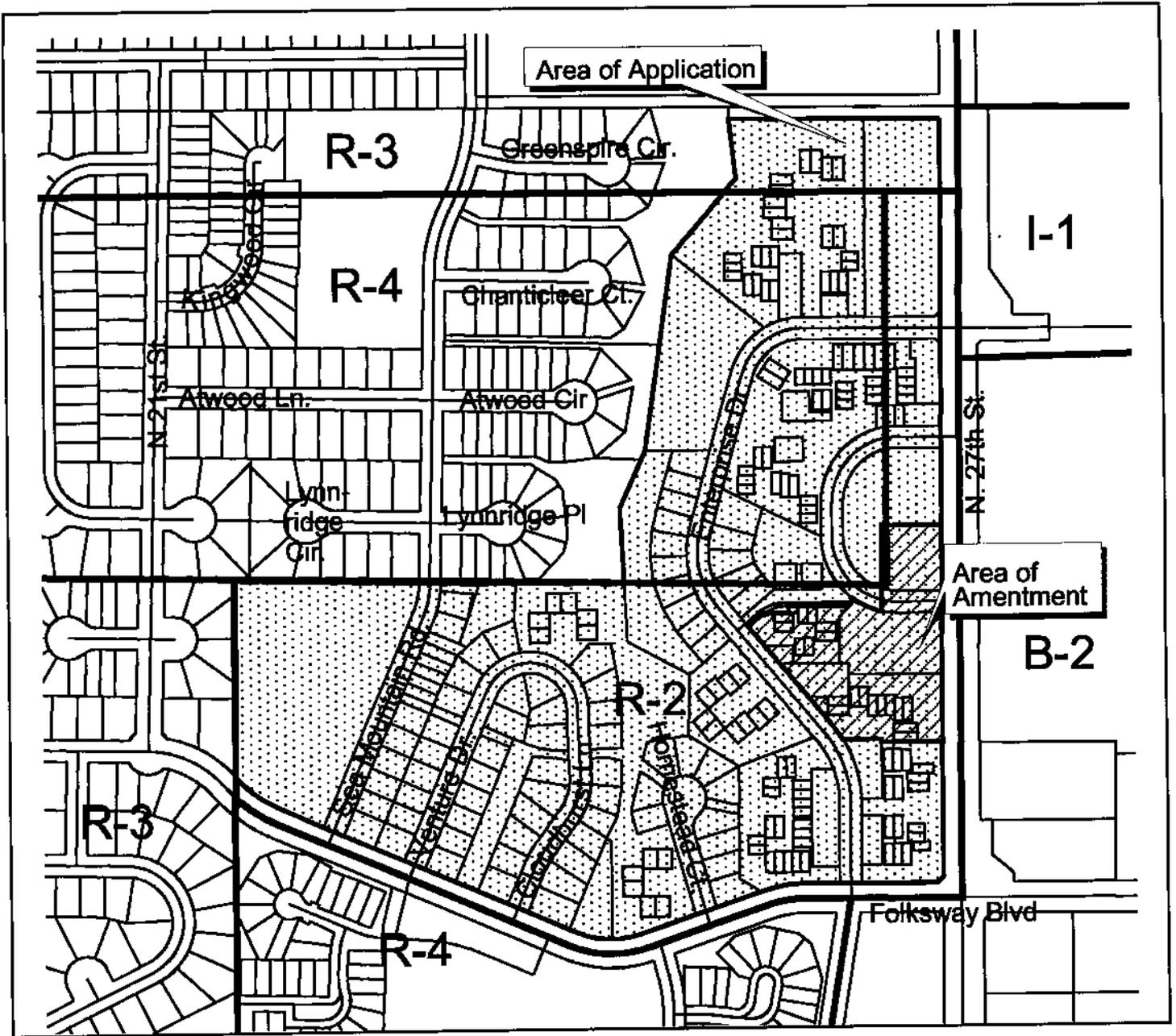
**Preliminary Plat #01016
 Special Permit #692L
 N. 27th & Enterprise Dr.**



017

Photograph Date: 1999

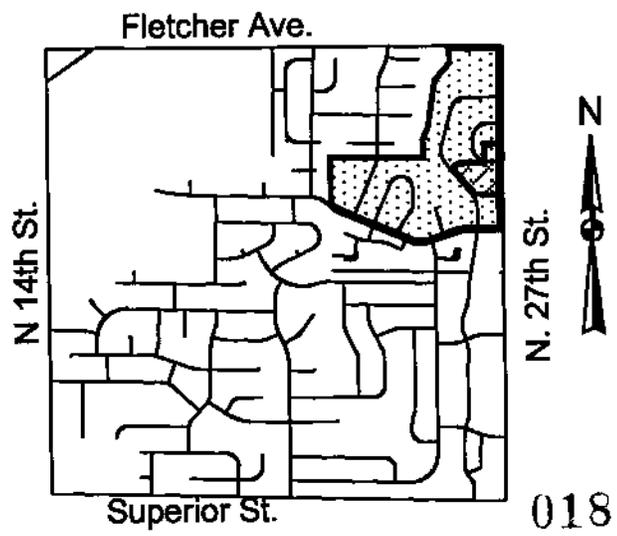
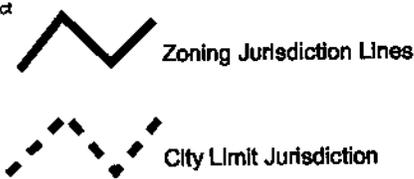
Lincoln City - Lancaster County Planning Dept.



**Preliminary Plat #01016
Special Permit #692L
N. 27th & Enterprise Dr.**

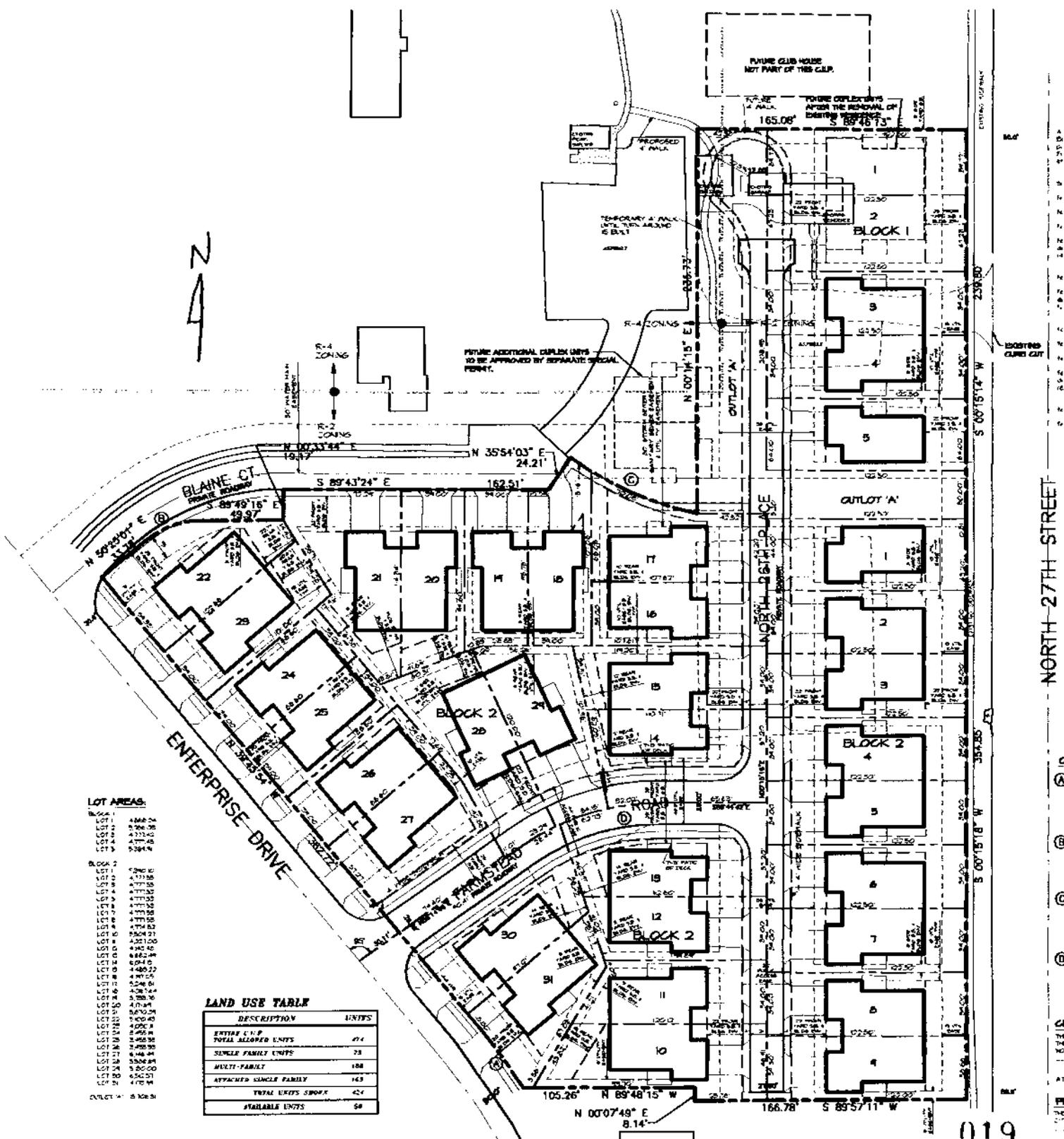
- Zoning:**
- R-1 to R-8 Residential District
 - AG Agricultural District
 - AGR Agricultural Residential District
 - R-C Residential Conservation District
 - O-1 Office District
 - O-2 Suburban Office District
 - O-3 Office Park District
 - R-T Residential Transition District
 - B-1 Local Business District
 - B-2 Planned Neighborhood Business District
 - B-3 Commercial District
 - B-4 Lincoln Center Business District
 - B-5 Planned Regional Business District
 - H-1 Interstate Commercial District
 - H-2 Highway Business District
 - H-3 Highway Commercial District
 - H-4 General Commercial District
 - I-1 Industrial District
 - I-2 Industrial Park District
 - E-1 Employment Center District
 - P Public Use District

One Square Mile
Sec. 01 T10N R6E



018

Revised 2-4-02



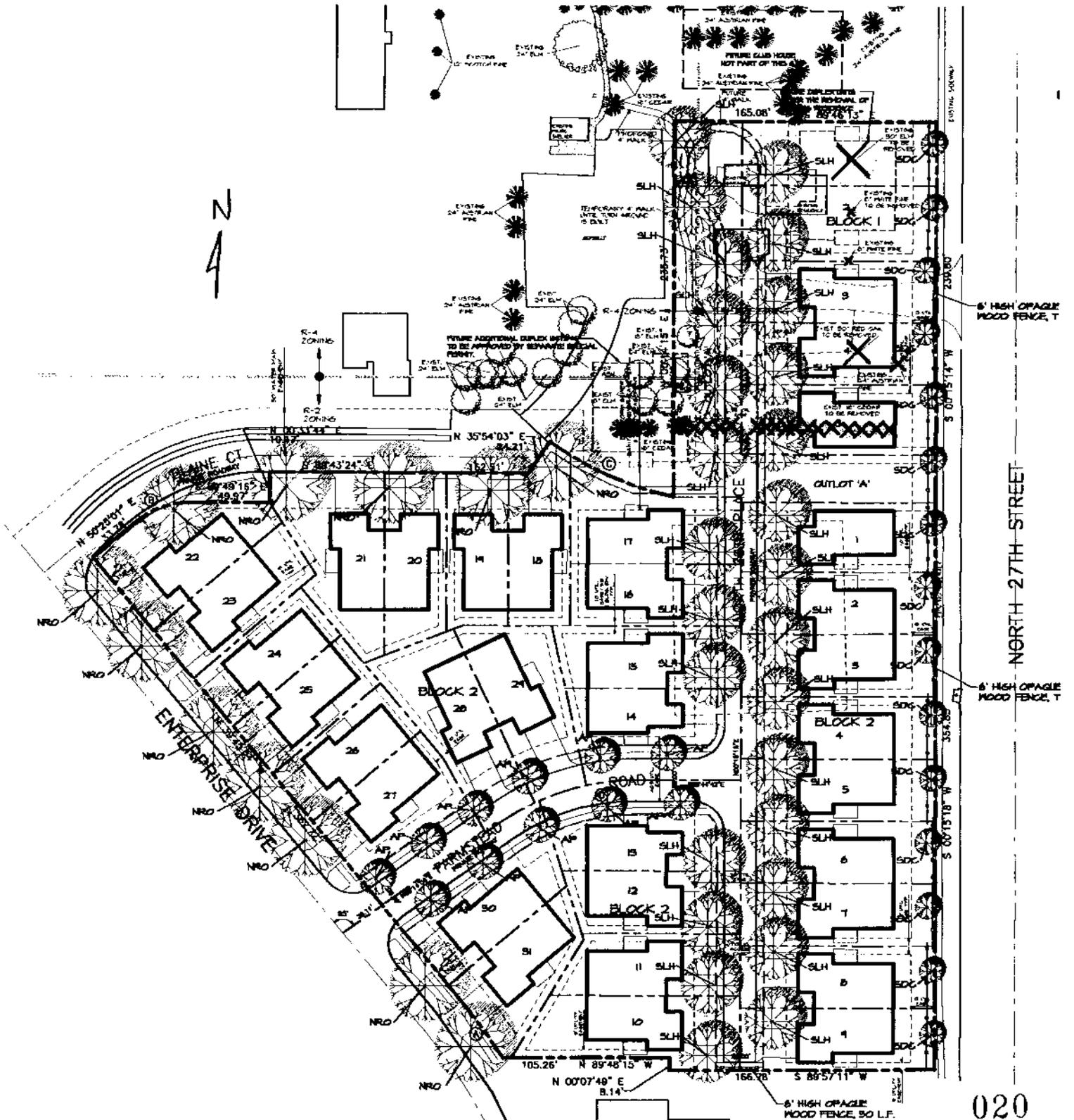
LOT AREAS:

Block 1	
LOT 1	4868.24
LOT 2	5796.98
LOT 3	4717.65
LOT 4	4377.48
LOT 5	5347.9
Block 2	
LOT 6	4792.16
LOT 7	4777.88
LOT 8	4777.88
LOT 9	4777.88
LOT 10	4777.88
LOT 11	4777.88
LOT 12	4777.88
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LOT 200	4777.88

LAND USE TABLE

DESCRIPTION	UNITS
ENTIRE C.L.P.	474
TOTAL ALIGNED UNITS	73
SINGLE FAMILY UNITS	188
MULTI-FAMILY	143
ATTACHED SINGLE FAMILY	424
TOTAL UNITS SPOKE	58
AVAILABLE UNITS	58

Revised 2-4-02



REQUESTED WAIVERS

1. FRONT YARD SETBACK ON THE WEST SIDE OF NORTH 26TH STREET FROM 25 FEET TO 22 FEET
2. FRONT YARD SETBACK ON THE EAST SIDE OF ENTERPRISE DRIVE FROM 25 FEET TO 20 FEET.
3. FRONT YARD SETBACK ON THE NORTH SIDE OF FARMSTEAD ROAD ON LOT 4 BLOCK 3 FROM 25 FEET TO 14 FEET.
4. FRONT YARD SETBACK ON THE SOUTH SIDE OF FARMSTEAD ROAD FROM 25 FEET TO 5 FEET.
5. FRONT YARD SETBACK ON THE NORTH PROPERTY LINE OF LOT 12, BLOCK 3 FROM 25 FEET TO 5 FEET.
6. FRONT YARD SETBACK ON THE SOUTH SIDE OF BLAINE COURT ON LOTS 13 THROUGH 16, BLOCK 3 FROM 25 FEET TO 22 FEET.
7. REAR YARD SETBACK ON LOT 1 & 2, BLOCK 3 FROM 18.62 FEET TO 10 FEET.
8. REAR YARD SETBACK ON LOT 3, BLOCK 3 FROM 19.52 FEET TO 10 FEET.
9. REAR YARD SETBACK ON LOT 4, BLOCK 3 FROM 17.68 FEET TO 5 FEET.
10. REAR YARD SETBACK ON LOT 5, BLOCK 3 FROM 20.24 FEET TO 7 FEET
11. REAR YARD SETBACK ON LOT 6, BLOCK 3 FROM 23.01 FEET TO 20 FEET.
12. REAR YARD SETBACK ON LOTS 7, 8, 9 & 10, BLOCK 3 FROM 17.20 FEET TO 7 FEET.
13. REAR YARD SETBACK ON LOT 13, BLOCK 3 FROM 19.28 FEET TO 7 FEET.
14. REAR YARD SETBACK ON LOT 14, BLOCK 3 FROM 21.70 FEET TO 20 FEET
15. REAR YARD SETBACK ON LOTS 15 & 16, BLOCK 3 FROM 19.15 FEET TO 11 FEET
16. REAR YARD SETBACK ON LOT 1, BLOCK 2 FROM 20.62 FEET TO 14 FEET.
17. REAR YARD SETBACK ON LOT 2, BLOCK 2 FROM 18.08 FEET TO 5 FEET.
18. REAR YARD SETBACK ON LOT 3, BLOCK 2 FROM 19.05 FEET TO 5 FEET.
19. REAR YARD SETBACK ON LOT 5, BLOCK 2 FROM 18.73 FEET TO 5 FEET.
20. REAR YARD SETBACK ON LOT 6, BLOCK 2 FROM 20.45 FEET TO 14 FEET
21. SIDE YARD SETBACKS FROM 10 FEET TO 5 FEET ON ALL SINGLE FAMILY AND SINGLE FAMILY ATTACHED UNITS.
22. NO SIDEWALKS ALONG THE WEST SIDE OF NORTH 26TH STREET, SOUTH SIDE OF FARMSTEAD ROAD AND THE SOUTH SIDE OF BLAINE COURT.
23. THE TURN-AROUND RADIUS LOCATED ON THE NORTH END OF NORTH 26TH STREET FROM 30 FEET TO 22.5 FEET.

0 OR DECK
OF 3' ABOVE

DATE PREPARED:
9/25/01

021

Memorandum

To: Jason Reynolds, Planning Department

From: Charles W. Baker, Public Works and Utilities *CB*

Subject: Revised Preliminary Plat # 01016 & Special Permit # 692 L
Tabitha New Community

Date: December 19, 2001

cc: Roger Figard
Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the revised Preliminary Plat for Tabitha New Community and Special Permit # 692 L. Public Works has the following comments:

Reference Brian Carstens' letter to the Planning Department dated November 30, 2001.

- Item 6. Public Works has reviewed the drainage study and still has objections to the storm water detention being located within the street area on North 26th Place. The proposed 6" pipes in the curb line to drain the area under the sidewalk to the east does not meet design standards. The small diameter pipes will clog and become a maintenance problem. The depth of the water will be at 8" with the 2-year storm event and overflow with the 10-year. The detention area must be outside the street. It appears a detention cell can be built between 26th and 27th Streets at that location with a structure where the storm sewer pipe is now shown on the plan that possibly could meet design standards. The 15" storm sewer along North 27th Street needs to be outside the public right-of-way on private property.
- Item 7. The sanitary sewer on the same side of Enterprise Drive as the water main does not meet design standards. Public Works will support the waiver that will be required for the placement of the sewer line in the location as shown.
- Items 8 thru 14, 19 and 21 have been satisfactorily addressed.



INTER-DEPARTMENT COMMUNICATION

DATE December 11, 2001
TO Jason Reynolds, City Planning
FROM Sharon Theobald
(Ext. 7640)
SUBJECT DEDICATED EASEMENTS
DN #55N-26E

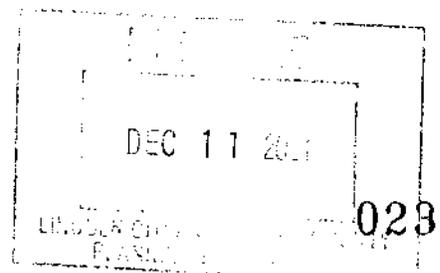
Attached is the Preliminary Plat and CUP for Tabitha New Community 3rd Addition.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map.

ST/ss
Attachment
c: Terry Wiebke
Easement File

OFFICEFO/DEDEAS.Fm





Memo

To: Becky Homer, Planning Department
From: Mark Canney, Parks & Recreation *MC*
Date: December 10, 2001
Re: Tabitha New Community 3rd Addition

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

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

City of Lincoln, Nebraska

IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Plan Review Comments

Permit # **DRF01109**

Address

Job Description: **TABITHA NEW COMMUNITY 3RD**

Location: **TABITHA NEW COMMUNITY**

Special Permit: **N**

Preliminary Plat: **Y 01016**

Use Permit: **N**

CUP/PUD: **Y 692L**

Requested By: **JASON REYNOLDS**

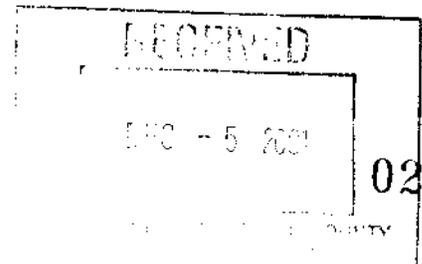
Status of Review: **Approved**

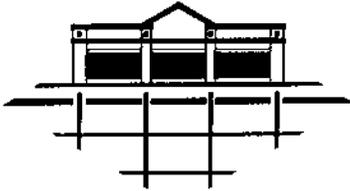
Reviewer: **FIRE PREVENTION/LIFE SAFETY CODE BOB FIEDLER**

Comments:

Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards





BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

December 20, 2001

Ms. Kathleen A. Sellman, AICP
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: TABITHA NEW COMMUNITY 3RD ADDITION
SPECIAL PERMIT #926L AND PRELIMINARY PLAT #01016

Dear Kathleen,

This letter is in response to a phone conversation I had with Jason Reynolds this morning.

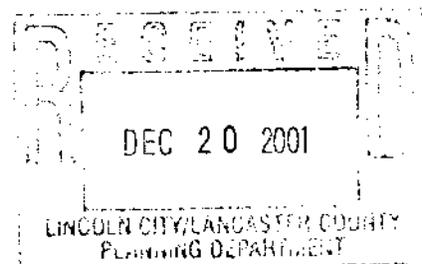
We are requesting a waiver to allow sanitary sewer and water to be located on the same side of Enterprise Drive. Public Works is aware of this waiver and do not have any objections as per the information we received from Jason.

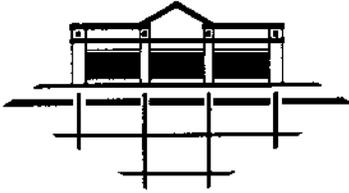
Please contact me if you have any further questions.

Sincerely,

Brian D. Carstens

cc: Southview Inc.
Seacrest and Kalkowski
Lyle Loth





BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

December 11, 2001

Ms. Kathleen A. Sellman, AICP
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: TABITHA NEW COMMUNITY 3RD ADDITION
SPECIAL PERMIT #926L AND PRELIMINARY PLAT #01016

Dear Kathleen,

This letter is in response to a phone conversation I had with Jason Reynolds this morning. The Special Permit as submitted is for elderly and retirement housing. I have confirmed this with Jerry Schleich this morning.

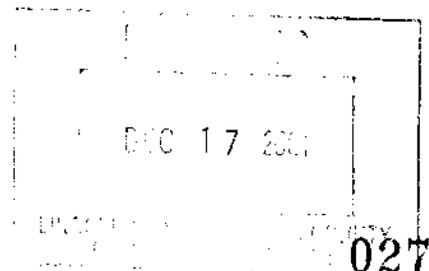
However, Jerry pointed out that the original covenants for the Tabitha New Community reference a minimum age of 55 years or older for the residents. He stated that Federal laws also reference the 55 year age. You might want to look into the differences, and possibly update our zoning ordinance to reflect Federal regulations.

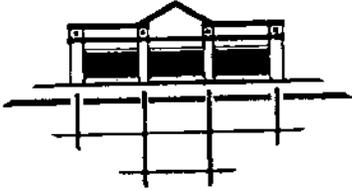
Please contact me if you have any further questions.

Sincerely,

Brian D. Carstens

cc: Southview Inc.
Seacrest and Kalkowski
Lyle Loth





BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

November 30, 2001

Ms. Kathleen A. Sellman, AICP
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: TABITHA NEW COMMUNITY THIRD ADDITION
PRELIMINARY PLAT #01016 & COMMUNITY UNIT PLAN / SPECIAL PERMIT #692L

Dear Kathleen,

On behalf of the owner, Southview, Inc., we are re-submitting the following revisions as requested.

1. An Administrative Subdivision Permit has been previously approved.
2. A note has been added to the grading plan indicating that the contours are NAVD 1988.
3. The existing trees have been shown and labeled.
4. The certificate for Planning Commission approval of the Preliminary Plat has been added.
5. The density calculations for the Community Unit Plan have been provided.
6. An additional copy of the drainage study has been submitted. The previous submittal included this study, however the study did not get distributed to Public Works.
7. The sanitary sewer has been modified, as per conversations with Public Works; no waiver is required at this time.
8. A proposed water main has been shown on the north side of Blaine Court.
9. The water system has been modified to loop back to North 27th Street.
10. The lot depth of those lots adjacent to North 27th Street has been changed to 120 feet.
11. The sight distance at all intersections has been shown.
12. Note #10 has been added to relinquish access to North 27th Street.
13. Farmstead Road has been modified to 27 feet wide as per conversations with Public Works. Williamson Way has been removed from the development.
14. Williamson Way has been removed from the development.
15. The drawing has been revised to remove as many overlaps of elements as possible.

Page 2

16. The legal description has been modified to state all lots and outlots included.
17. North 26th Street has been renamed to North 26th Place.
18. A public access easement has recently been granted over Blaine Court.
19. The sidewalks shown do provide adequate pedestrian access to the units. We have shown a sidewalk in North 26th Place that ties to the existing sidewalk system in the common area.
20. We are in agreement with this statement.
21. The public access easement has been widened to include the sidewalks.
22. Sugar Tyme Crabapple has been substituted for Snowdrift Crabapple.
23. The Bradford Pear is no longer needed since Williamson Way has been removed from the development.
24. Waiver #5 has been modified.
25. The reference to duplexes has been changed to single family attached units.
26. The utility easements have been shown as required by L.E.S.
27. The utility plan was not sent to Bob Fiedler during the original review.

Please contact me if you have any further questions.

Sincerely,



Brian D. Carstens

cc. Southview, Inc.
Kent Scacrest / DeNay Kalkowski

ENCLOSURES:

20 sets of sheets 1 through 4 and C1-ISP originally created by Davis Design
8-1/2" x 11" reductions of the plans
3 copies of the drainage study

MOTION TO AMEND

I hereby move to amend the Conditions recommended by the Lincoln City/Lancaster County Planning Staff Report for P.A.S.#: Preliminary Plat #01016 to read as follows:

CONDITIONS:

* * * * *

1.1. Revise the preliminary plat to show:

1.1.1 Sidewalks on both sides of the streets and one side of the private roadways.

* * * * *

2.2 The following exceptions to the design standards:

2.2.1 A reduction in turnaround radius from 30 feet to 22.5 feet on N. 26th Place.

2.2.2 Sanitary sewer being located on the same side of Enterprise Drive as the water main.

2.2.3 A waiver to allow sidewalks on one side of the private roadways.

* * * * *

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Requested by: SEACREST & KALKOWSKI, P.C.

PATIO HOME SUBDIVISIONS

Sidewalks along Private Roadways

Subdivision	Location	Sidewalk Status
Cildhaven	56 th & Holdrege	No sidewalks on either side
Stoney Ridge	70 th & Adams	Sidewalks on one side only and next to curb
Silver Ridge	70 th Street between "A" and "O" Streets	Sidewalks on either one side only or no sidewalks on either side
Glenhaven	56 th & Sherman	No sidewalks on either side
Pioneer Grove	56 th & Pioneer Blvd.	Sidewalks on one side only
Eagle Hollow	43 rd & Normal	No sidewalks on either side
Thomasbrook	60 th & Normal	Sidewalks on one side only
Cottonwood	52 nd & Van Dorn	Sidewalks on one side only
Jamestown	Williamsburg	Sidewalks on one side only

IN OPPOSITION TO WAIVER OF
TURN-AROUND RADIUS, SIDEWALKS,
and SETBACKS

ITEM NO. 3.6a&b: SPECIAL PERMIT NO. 692L
PREL. PLAT 01016
(p.197 - Public Hearing - 1/09/ 02)

January 3, 2002

Jean Walker, Administrative Officer
Lincoln-Lancaster County Planning Department
555 South 10th Street
Lincoln, NE 68508

Dear Ms Walker:

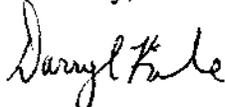
This letter is in response to your letter dated December 28, 2001 that informed property owners of a public hearing to be held on January 9, 2002. It concerns PRELIMINARY PLAT NO. 01016 and SPECIAL PERMIT NO. 692L, North 27th Street & Enterprise Drive.

I will be unable to attend the public hearing but wanted to go on record as opposing the request to waive turn around radius; sidewalks; and side, front and rear yard setbacks. I would not oppose allowing sanitary sewer and water main on the same side of Enterprise Drive.

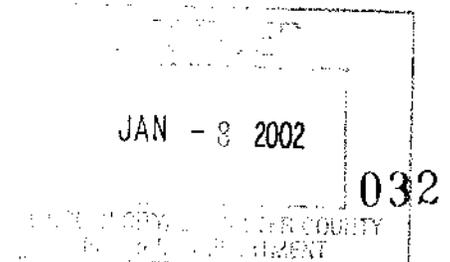
Autumn Wood was established many years ago as a retirement community and many covenants have to be observed by residents. I strongly feel that these covenants need to be followed today and in the future. When we begin making exceptions we undermine the original intent. Without uniform setbacks, sidewalks and places to turn around we see a hodgepodge, beehive effect that does nothing to enhance the quality of life in a neighborhood.

It seems to me as if these waivers are being asked for to enable someone to squeeze a few more units into a space and that does nothing except give the developer an opportunity to make more money. If this area is to be developed, it should be developed with the same criteria and fairness as current Autumn Wood owners and developers followed.

Sincerely,



Darryl Kile
5600 Sea Mountain Rd
Lincoln, NE 68521-1073



MOTION TO AMEND

I hereby move to amend the Conditions recommended by the Lincoln City/Lancaster County Planning Staff Report for P.A.S.#: Preliminary Plat #01016 to read as follows:

CONDITIONS:

* * * * *

1.1. Revise the preliminary plat to show:

1.1.1 Sidewalks on both sides of the streets and private roadways, with the sidewalks along North 26th Place and the south side of Blaine Court being placed adjacent to the curb.

* * * * *

1.1.7 Add notes to the plan that state as follows:

(1) Opaque fences are prohibited except adjacent to North 27th Street and the 30 feet of fence at the south end of North 26th Place.

(2) The opaque fence located along North 27th Street shall be maintained and/or replaced by the owners of Lots 1 through 5, Block 1 and Lots 1 through 9, Block 2. The opaque fence located at the south end of North 26th Place shall be maintained and/or replaced by the owners of Lots 9 and 10, Block 2.

* * * * *

2.2 The following exceptions to the design standards:

* * * * *

2.2.3 A waiver of the design standards to allow sidewalks adjacent to the curb on North 26th Place and the south side of Blaine Court.

* * * * *

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Requested by: SEACREST & KALKOWSKI, P.C.