

City Council Introduction: **Monday**, September 29, 2003

Public Hearing: **Monday**, October 6, 2003, at **1:30 p.m.**

Bill No. 03R-271

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 572F, an amendment to the Thomasbrook Community Unit Plan**, requested by Brian Burns on behalf of the owner, Margaret Nelson, to reduce the rear yard setback to enclose an existing patio at 2411 South 60th Street, within the area of the Holmeshaven Condominiums.

STAFF RECOMMENDATION: Conditional approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 09/17/03
Administrative Action: 09/17/03

RECOMMENDATION: Conditional Approval (8-0: Carlson, Duvall, Krieser, Larson, Marvin, Steward, Bills-Strand and Taylor voting 'yes').

FINDINGS OF FACT:

1. The purpose of this request to reduce the rear yard setback from 30' to 15' is to enclose an existing patio.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3, concluding that enclosing the established patio should not have a negative impact on the residents to the west. The decrease in the setback to 15' is only for the construction limits of the enclosed patios.
3. On September 17, 2003, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On September 17, 2003, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval, as set forth in the staff report dated September 4, 2003. The conditions of approval are found on p.4-5.
5. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: September 22, 2003

REVIEWED BY: _____

DATE: September 22, 2003

REFERENCE NUMBER: FS\CC\2003\SP.572F

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for September 17, 2003 PLANNING COMMISSION MEETING

P.A.S.: Special Permit 572F Thomasbrook Community Unit Plan

PROPOSAL: To enclose an existing patio at 2411 South 60th St. within the area of Holmeshaven Condominiums

LOCATION: South 60th St. & Normal Blvd.

LAND AREA: 11.2 acres, more or less

CONCLUSION: Enclosing the established patio should not have a negative impact on the residents to the west. The decrease in the setback to 15' is only for the construction limits of the enclosed patios.

RECOMMENDATION:	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 2 and 3, Block 2, and Lot 1 and a portion of Lot 2, Block 1, of Thomasbrook Addition located in the SW 1/4, Section 33, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: R-3 Residential

EXISTING LAND USE: Residential with a Community Unit Plan.

SURROUNDING LAND USE AND ZONING:

North:	R-2	Residential
South:	R-2	Residential
East:	R-2 and P	Domiciliary care and Holmes Lake Park
West:	R-2	Residential

HISTORY:

On **July 30, 2001** City Council approved Special permit 572E to amend the special permit to decrease the land area of the community unit plan by removing the land for the day care facility and Community Playhouse expansion.

On **June 15, 1992** City Council approved Special Permit #1226A to amend the special permit to increase the number of children which may be cared for from 50 to 110.

On **October 31, 1991** the Planning Director approved Administrative Amendment #91082 to add a 15' x 30' construction limit area for covered patios on three townhouse units.

On **June 1, 1987** City Council approved Special Permit #1226 for an Early Childhood Care Facility at 6001 Normal Boulevard.

On **June 1, 1987** City Council approved Special Permit #572C which amended the special permit to construct 30 elderly retirement dwelling units within the Thomasbrook CUP.

On **June 1, 1987** City Council approved Special Permit #572D which amended the special permit to increase dwelling units to 302 units within the Thomasbrook CUP of which 30 are reserved for elderly and retirement housing.

On **August 25, 1986**, City Council approved Special Permit #572B which amended the special permit to increase the number of dwelling units to 292 within the Thomasbrook CUP.

On **August 25, 1986** City Council approved Change of Zone #2273 changing the zone of Thomasbrook CUP from R-2 to R-3 in order to increase the maximum allowed dwelling units.

On **November 15, 1971** City Council approved Special Permit #572 to develop a community unit plan east of 56th Street and south of Normal Blvd. with 216 dwelling units.

The area was zoned A-2 Residential until the zoning update of 1979 when the zone was updated to R-2 Residential.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan specifies this area as Urban residential.

ANALYSIS:

1. This amendment is to allow an existing covered patio to be enclosed.
2. This amendment could not be approved administratively because when a patio is enclosed it becomes part of the main structure. The main structure cannot encroach into the setback.
3. The rear yard setback in the R-3 District is 30' or 20% of the lot depth, whichever is smaller. The approved site plan identifies a 30' setback.
4. The existing building envelope for the patio is 15' x 30'. This amendment would not allow an increase in the patio building envelope.
5. This amendment would decrease the established setback by 15' at the patio area only.

6. The Holmes Haven Condominium Association is in support of this application.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan to delete "or enclosed patio" from Unit #10.

2. This approval permits an existing patio at 2411 South 60th Street to be enclosed within the construction limits as identified on the site plan.

General:

3. Before receiving building permits:

3.1 The permittee shall have submitted a **final** plan including 5 copies and the plans are acceptable.

3.2 The construction plans shall comply with the approved plans.

3.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:

4.1 Before occupying the enclosed patios all development and construction shall have been completed in compliance with the approved plans.

4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

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

4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Tom Cajka
Planner

DATE: September 4, 2003

APPLICANT: Brian J. Burns
5500 Old Cheney Rd.
Lincoln, NE 68516
(402) 421-7575

OWNER: Margaret Nelson
2411 South 60th St.
Lincoln, NE 68516
(402) 488-7183

CONTACT: same as applicant

SPECIAL PERMIT NO. 572F
An Amendment to the
THOMASBROOK COMMUNITY UNIT PLAN

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

September 17, 2003

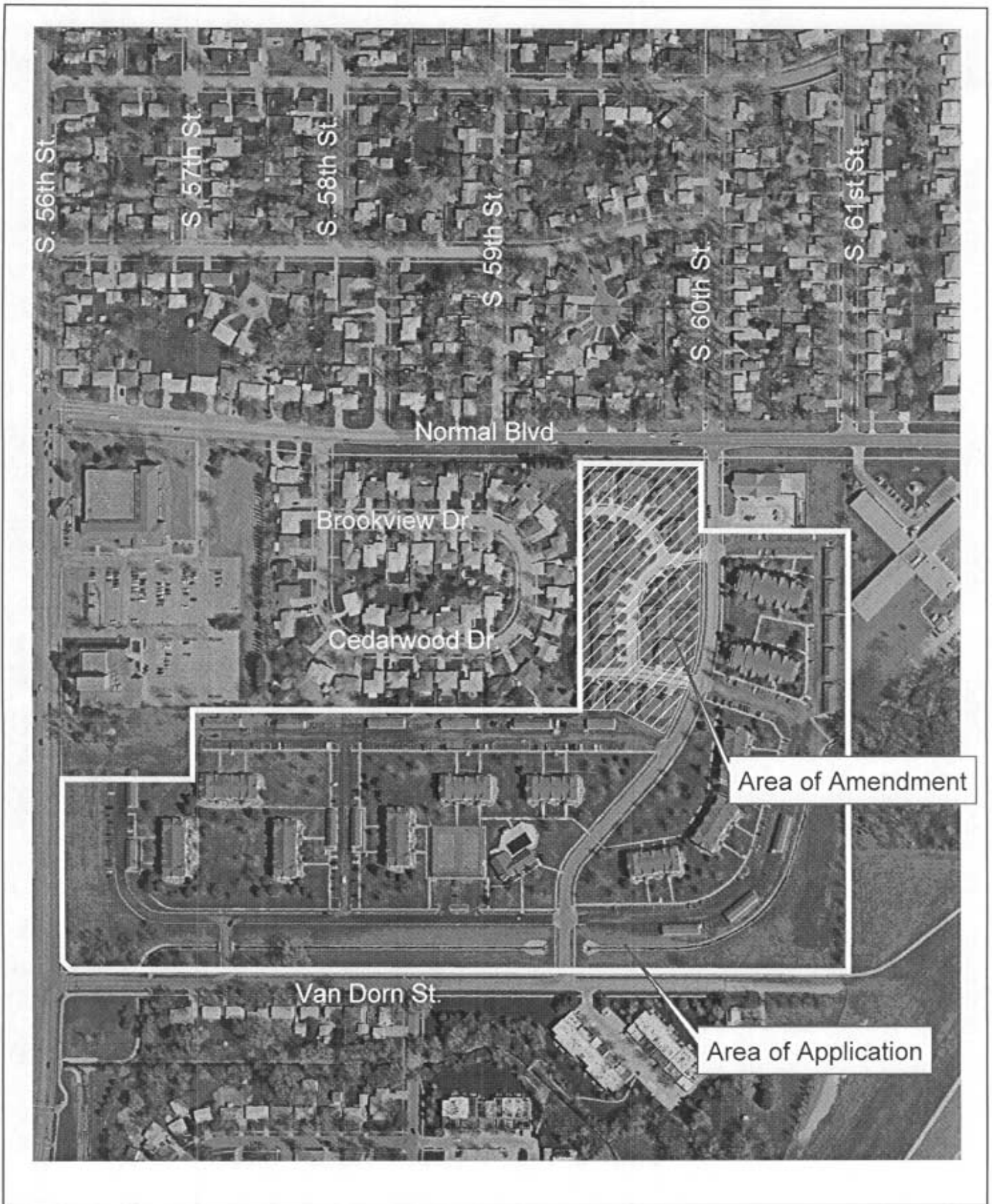
Members present: Carlson, Duvall, Krieser, Larson, Marvin, Steward, Bills-Strand and Taylor.

The Consent Agenda consisted of the following items: ***SPECIAL PERMIT NO. 572F***, **SPECIAL PERMIT NO. 643E**, **SPECIAL PERMIT NO. 1939B**, **COUNTY MISCELLANEOUS NO. 03011**, **COMPREHENSIVE PLAN CONFORMANCE NO. 03009**, **STREET AND ALLEY VACATION NO. 03009** and **WAIVER NO. 03011**.

Item No. 1.3, Special Permit No. 1939B, and Item No. 1.7, Waiver No. 03011, were removed from the Consent Agenda and scheduled for separate public hearing.

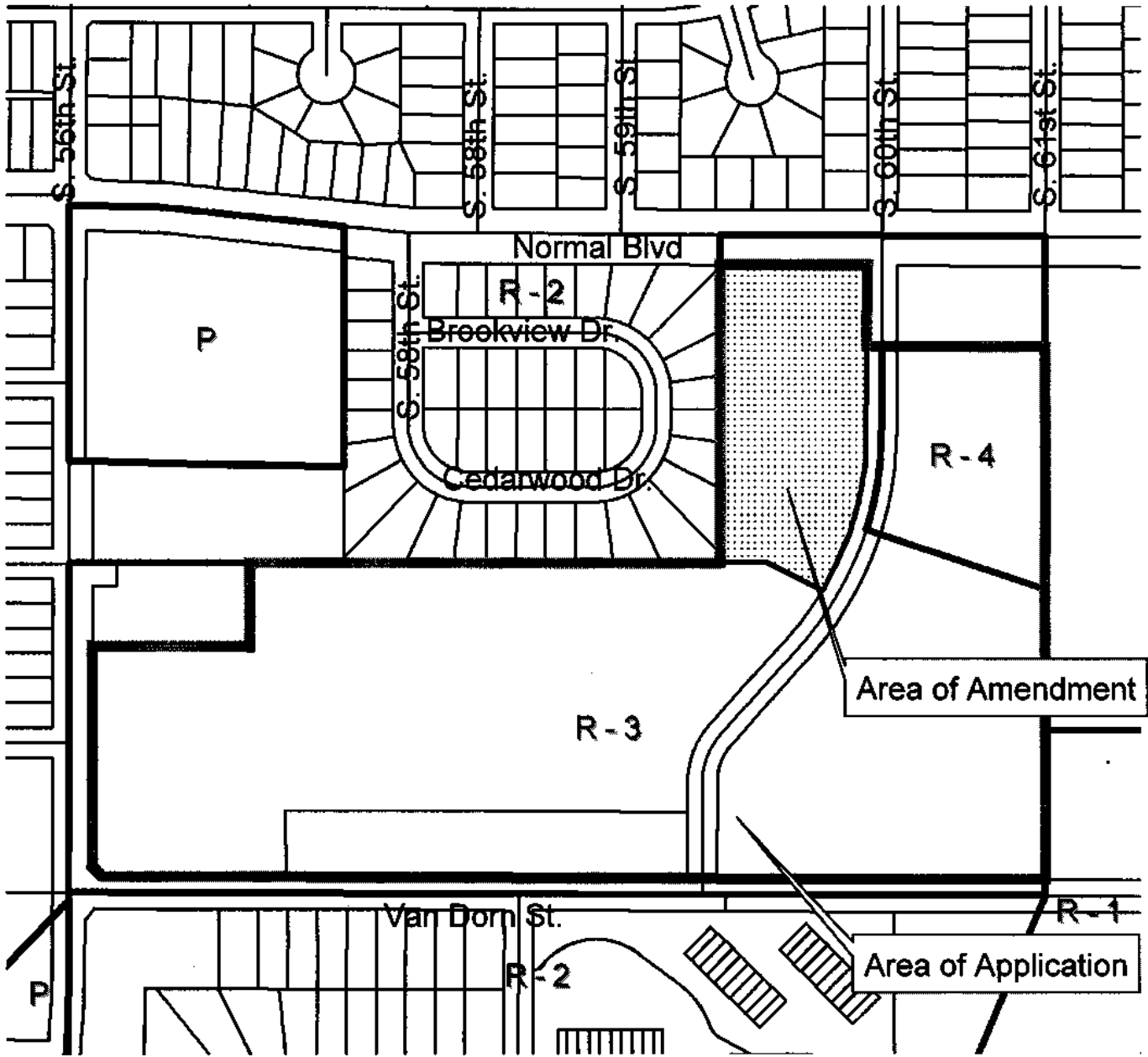
Bills-Strand moved to approve the remaining Consent Agenda, seconded by Krieser and carried 8-0: Carlson, Duvall, Krieser, Larson, Marvin, Steward, Bills-Strand and Taylor voting 'yes'.

Note: This is final action on Comprehensive Plan Conformance No. 03009 and Waiver No. 03011, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



**Special Permit #572F CUP
S. 60th & Normal Blvd
Thomasbrook/Holmes Haven**

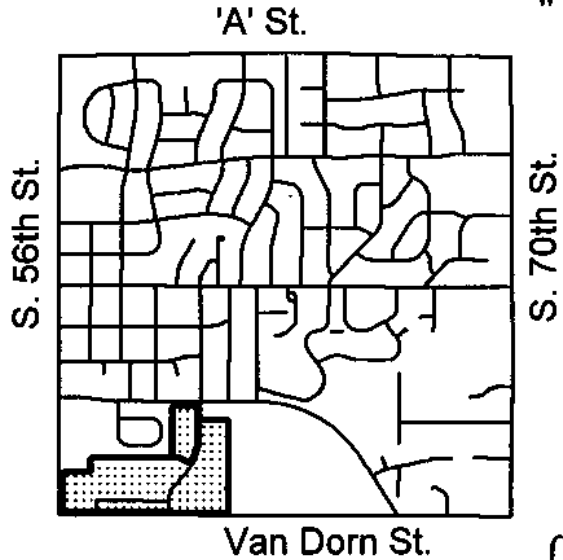
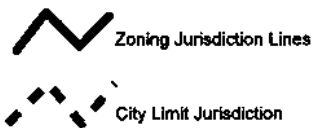




Special Permit #572F CUP
S. 60th & Normal Blvd
Thomasbrook/Holmes Haven

Zoning: One Square Mile
 Sec. 33 T10N R7E

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

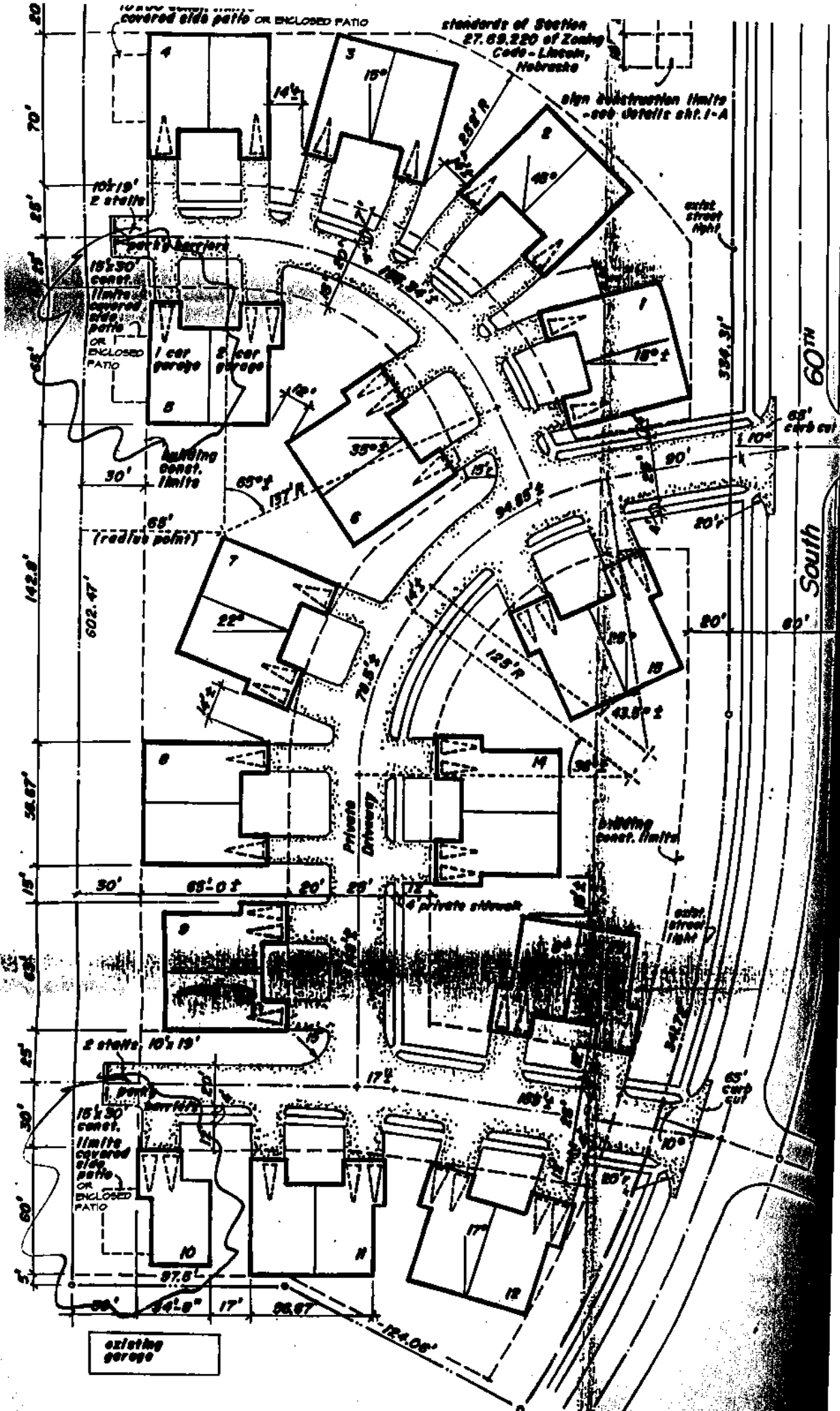


008

covered side patio OR ENCLOSED PATIO

standards of Section 27.69.220 of Zoning Code - Lincoln, Nebraska

sign construction limits - see details sht. 1-A



existing garage



North

009



Holmes Haven Condominiums, Inc.
Lincoln, Nebraska

August 19, 2003

Marvin S. Krout
Director of Planning
City of Lincoln
555 S. 10th Street
Lincoln, NE 68508

Dear Mr. Krout:

This letter is to advise you that the Executive Board of the Holmes Haven Condominium Association approved the patio enclosure for Margaret Nelson, who resides at 2411 South 60th Street, at its monthly meeting on June 13, 2003.

The patio enclosure is to be constructed with materials and colors identical to the 8 existing patio enclosures in the condominium area. The patio area must not be enlarged in this process.

If you have any questions please free to contact me at 483-2265, or our Holmes Haven Manager, Terry Ladman at 423 -1360.

Sincerely,

A handwritten signature in cursive script that reads "Gerry S. Harris".

Gerry S. Harris, President
2441 S. 60th Street
Lincoln, NE 68506

