

City Council Introduction: **Monday**, October 10, 2005
Public Hearing: **Monday**, October 17, 2005, at **1:30 p.m.**

Bill No. 05R-246

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 2022A**, an amendment to the **Pine Lake Heights South 4th Addition Planned Service Commercial** special permit, requested by DaNay Kalkowski on behalf of J & D Leasing, Inc., to adjust the on-premise sign requirements to allow an additional ground sign for the auto dealership currently under construction, on property generally located northeast of the intersection of South 27th Street and Yankee Hill Road.

STAFF RECOMMENDATION: Conditional Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 09/28/05
Administrative Action: 09/28/05

RECOMMENDATION: Conditional Approval (8-0: Carlson, Carroll, Esseks, Krieser, Larson, Pearson, Bills-Strand and Sunderman voting 'yes'; Taylor absent).

FINDINGS OF FACT:

1. The purpose of this amendment to the existing planned service commercial special permit in the H-4 district is to allow an additional ground sign for the auto dealership.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-4, concluding that this request is consistent with the intent of the sign regulations of the Zoning Ordinance.
3. On September 28, 2005, 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 28, 2005, 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 14, 2005 (Commissioner Taylor was absent at the time of vote). The conditions of approval are found on p.5-6.
5. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied and the revised site plan is attached (p.10).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: October 3, 2005

REVIEWED BY: _____

DATE: October 3, 2005

REFERENCE NUMBER: FS\CC\2005\SP.2022A

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for September 28, 2005 PLANNING COMMISSION MEETING

- P.A.S.:** Special Permit #2022A
Pine Lake Heights South 4th Addition
- PROPOSAL:** To adjust the on-premise sign requirements to allow an additional ground sign in Planned Service Commercial in the H-4
- LOCATION:** Northeast of the intersection of South 27th Street and Yankee Hill Road.
- LAND AREA:** Approximately 7.9 acres.
- CONCLUSION:** This request is consistent with the intent of the sign regulations of the Zoning Ordinance.

RECOMMENDATION:	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 6, Pine Lake Heights South 9th Addition

EXISTING ZONING: H-4 General Commercial

EXISTING LAND USE: Auto dealership under construction.

SURROUNDING LAND USE AND ZONING:

North:	Vacant (commercial shown as part of this special permit)	H-4
South:	Vacant (commercial shown as part of Wilderness Hills)	B-2
East:	Vacant (commercial shown as part of this special permit)	H-4
West:	Multiple-family residential	R-4

ASSOCIATED HISTORY:

SP#2022 and UP#134A - Approved **November 3, 2003** to reduce the floor area in the O-3 from 316,450 to 45,000 square feet, and approved a special permit for planned service commercial in H-4 for up to 172,650 square feet of commercial floor area.

CPA#03014 - A Comprehensive Plan Amendment approved by the City Council on **July 14, 2003** and by the County Board on **July 15, 2003** locating a community commercial center at the intersection of South 27th Street and Yankee Hill Road.

UP#134 - Approved **April 5, 2002** allowing 316,450 square feet of commercial and office floor area.

PP#00029 and CZ#3298 - The preliminary plat of Pine Lake Heights South 4th was approved on **April 5, 2002**. This preliminary plat included commercial centers near the intersections of both South 27th Street and Yankee Hill Road, and South 40th Street and Yankee Hill Road, and R-3 and R-4 areas for residential development. The change of zone revised the zoning pattern previously approved with CZ#3105.

ANNEX #98005 - Approved **February 3, 1999**, the land within this preliminary plat was annexed along with approximately 450 acres of land southwest of the intersection of South 27th Street and Yankee Hill. An annexation agreement was also approved and subsequently amended **September 1, 2000**.

CZ #3105 - Approved in **February, 1999**, changed the zoning on this site from AG to R-3, R-4, B-2 and O-3.

CPA #94-31 - In **February, 1999**, this comprehensive plan amendment approved the S1/S2 Sub-area Plan.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F25 - This site is designated for commercial land uses on the Land Use Plan.

Page F38 - General Principles for all Commercial and Industrial Uses - Commercial and industrial districts in Lancaster County shall be located:

- within the City of Lincoln or incorporated villages;
- outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning);
- where urban services and infrastructure are available or planned for in the near term
- in sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan;
- in areas compatible with existing or planned residential uses;
- in areas accessible by various modes of transportation (i.e. automobile, transit and pedestrian).

Page F42 - Buildings with more intrusive uses should have greater setbacks, screening requirements and be built of more compatible materials. The most intensive commercial uses, such as restaurants, car washes, grocery stores, gasoline/ convenience stores and drive thru facilities should be located nearer to the major street or roadway and furthest from the residential area. Citizens of the community have become increasingly concerned about "light pollution" and its affects upon neighborhoods and the environment. Lighting, dumpsters, loading docks and other service areas should be shielded from the residential area.

ANALYSIS:

1. The site is the future home of an automobile dealership which is under construction. It is an approximately 7.9 acre site, now platted as Lot 6, Pine Lake Heights South 9th Addition, but is shown as Lot 1, Block 1 on the approved site plan for the special permit. The lot has approximately 473' of frontage along South 27th Street, and approximately 677' of frontage along Yankee Hill Road.

2. This request seeks an adjustment to the sign regulations for the H-4 zoning district to allow one more ground sign than the number permitted. No other adjustments or changes to the special permit are requested.
3. The amount/number of signs allowed in the H-4 (in summary) per Lincoln Municipal Code Section 27.69.047 are as follows:
 - A. -One on-premise pole or ground sign per business (limited to 50 sq. ft. in area in the front yard, 100 sq. ft. if not).

OR

-One on-premise pole or ground center identification sign identifying the H-4 center adjacent to each public street abutting the center (if frontage exceeds 300' and not exceeding 100 sq. ft. in area), **plus** one additional ground center identification sign for the H-4 center for each 500' of combined lineal frontage along a single street (not exceeding 50 sq. ft. in area).

AND
 - B. -On-premise wall signs not exceeding 35% of the wall face or 500 square feet.

AND
 - C. -An additional on-premise pole sign if the site is within 660' of an interstate highway (up to 300 sq. ft. in area, or 150 sq. ft. in area if sign is more than 50' from the main building).

AND
 - D. -Off-premise signs (not exceeding 300 sq. ft. in area) as allowed per LMC Section 27.69.035.
4. While pole signs are allowed in the H-4, they were prohibited on Lots 1 and 2, Block 1 (the lots adjacent to Yankee Hill Road) with SP#2022. Off-premise signs are also allowed in the H-4, but are not desirable at this location. The recommended conditions of approval also include a prohibition on off-premise signs on this site.
5. If this center develops with individual signs for each business (as appears to be the case), the center identification signs will be precluded and not be allowed. This allows one sign for this business along either South 27th Street or along Yankee Hill Road, but not both.
6. The subject lot is in excess of 470' x 670' (approx. 8 acres). The applicant contends that a second sign (50 sq. ft. if located in the front yard, 100 sq. ft. if located outside the front yard) should be allowed due to the size of the site, and because it is located at the corner and fronts onto two major streets. The applicant argues that the site is big enough to accommodate several individual businesses and has the potential for more signs as allowed by the regulations if developed differently.
7. The site has had commercial zoning since it was originally re-zoned from AG. It is reasonable to assume that regardless of the specific zoning designation, there would be at least one sign for both the 470' of South 27th Street frontage and the 670' of Yankee Hill Road frontage adjacent to this site. Located at the corner, the business has a presence on

both major streets, as opposed to other business within the development that generally have an orientation to one major street or the other. An adjustment to the sign regulations to allow an additional sign for this use is reasonable based upon the specific circumstances, and should not adversely impact either the commercial center or the surrounding neighborhood.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department 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 as follows:

1.1.1 Revise Use Permit & Special Permit #5 to read as follows: "SIGNS NEED NOT BE SHOWN ON THE SITE PLAN. SIGNS WILL BE PER CHAPTER 27.69 OF THE LINCOLN MUNICIPAL CODE AT THE TIME OF BUILDING PERMITS WITH THE FOLLOWING EXCEPTIONS:

A. LOT 1, BLOCK 1, SHALL BE ALLOWED TWO ON-PREMISE SIGNS, ONE OF WHICH TO BE LOCATED ALONG THE SOUTH 27TH STREET FRONTAGE AND THE OTHER ALONG THE YANKEE HILL ROAD FRONTAGE PER LMC 27.69.047(A).

B. NO OFF-PREMISE OR POLE SIGNS SHALL BE ALLOWED ON LOTS 1 AND 2, BLOCK 1.

2. This approval permits an adjustment to the sign regulations to allow two signs per business for Lot 1, Block 1, one to be located along each abutting major street frontage, and prohibits pole and off-premise signs on Lots 1 and 2, Block 1.

General:

3. Before receiving building permits:

3.1 The permittee shall have submitted a revised 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:

4. The following conditions are applicable to all requests:

- 4.1 Before occupying any buildings 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 property owners 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:

Brian Will
441-6362, bwill@lincoln.ne.gov
Planner
September 14, 2005

OWNER: J&D Leasing, Inc.
4901 Johnson Road
Lincoln, NE 68516
(402) 437-1222

**APPLICANT/
CONTACT:** DaNay Kalkowski
Seacrest & Kalkowski, PC
1111 Lincoln Mall, Suite 350
Lincoln, NE 68508
(402) 435-6000

**SPECIAL PERMIT NO. 2022A,
AMENDMENT TO THE PINE LAKE HEIGHTS SOUTH 9TH ADDITION
PLANNED SERVICE COMMERCIAL**

**CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:**

September 28, 2005

Members present: Carlson, Carroll, Esseks, Krieser, Larson, Pearson, Strand and Sunderman;
Taylor absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 05065;
MISCELLANEOUS NO. 05021; *SPECIAL PERMIT NO. 2022A*; SPECIAL PERMIT NO.
05045; SPECIAL PERMIT NO. 05046; COMPREHENSIVE PLAN CONFORMANCE NO.
05009; and COMPREHENSIVE PLAN CONFORMANCE NO. 05011.**

Ex Parte Communications: None.

**Item No. 1.1a, Change of Zone No. 05065; Item No. 1.1b, Miscellaneous No. 05021; and
Item No. 1.4, Special Permit No. 05046** were removed from the Consent Agenda and scheduled
for separate public hearing.

Strand moved to approve the remaining Consent Agenda, seconded by Carroll and carried 8-0:
Carlson, Carroll, Esseks, Krieser, Larson, Pearson, Strand and Sunderman voting 'yes'; Taylor
absent.

Note: This is final action on Special Permit No. 05045, 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.



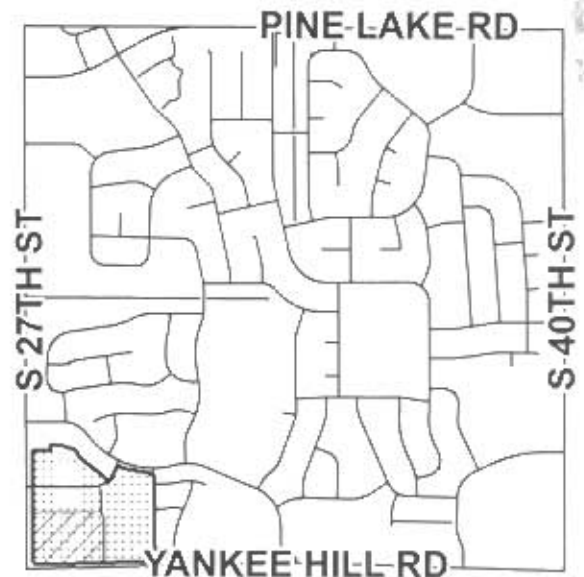
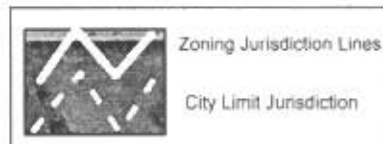
2005 aerial

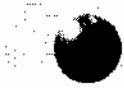
Special Permit #2022A S. 27th & Yankee Hill Rd.

Zoning:


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

One Square Mile
Sec. 19 T9N R7E





John P Callen/Notes
09/20/2005 10:06 AM

To Joseph C Rexwinkle/Notes@Notes
cc Nicole Tooze/Notes@Notes, Benjamin J
Higgins/Notes@Notes, Ray F Hill/Notes@Notes
bcc
Subject Re: People's City Mission Admin Amend 

Joe,

After discussing the previously approved special permits this morning, I reviewed the topography of the People's City Mission site. Based on that review, there does not appear to be a significant difference in location of the fill regarding flood storage loss (i.e., south side vs. north side of R St. between N. 1st and 2nd streets). We should request at a minimum a 1:1 trade off of fill from one side to the other and the applicant should demonstrate that the total flood storage to be filled does not increase with the proposed amendment.

We should also be sure to advise them of the ongoing Salt Creek floodplain study, to ensure that they are informed regarding this activity. I can discuss this in the meeting Wednesday, if you wish.

Please let me know if you have any questions.

Thanks,

John P. Callen, EIT, CFM
Associate Engineer
City of Lincoln - Public Works and Utilities
Watershed Management Division
(402) 441-7018

4. ALL SIDEWALKS SHALL BE 4' WIDE AND BUILT AS SHOWN. SIDEWALKS SHALL BE CONSTRUCTED ON GRAINGER PKWY, YANKEE HILL RD., AND S. 27TH ST.
5. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
6. DIRECT VEHICULAR ACCESS TO YANKEE HILL ROAD AND SOUTH 27TH STREET SHALL BE RELINQUISHED EXCEPT AS SHOWN.
7. ALL ELEVATIONS ARE TO NAVD 1988.
8. ALL PARKING LOT ISLANDS SHALL BE RAISED, CONCRETE CURB AND GUTTER MEDIANS.
9. ALL OUTLOTS, MEDIANS, AND PRIVATE ROADWAYS WITHIN THIS USE PERMIT SHALL BE MAINTAINED BY AN ASSOCIATION OF PROPERTY OWNERS.
10. UTILITY EASEMENTS TO BE PROVIDED AS REQUESTED BY L.E.S.
11. THE PROPOSED LOT LINES ARE CONCEPTUAL AND MAY VARY IN THE FINAL PLAT.
12. TOTAL USAGE:

5

TOTAL BLOCKS - 2
TOTAL LOTS - 13

OUTLOTS:

OUTLOT "A" - PARKING FOR BLOCK 2

USE PERMIT & SPECIAL PERMIT NOTES

2

1. INDIVIDUAL LOT AND PARKING LOT LANDSCAPING WILL BE SUBMITTED AND REVIEWED AT THE TIME OF BUILDING PERMITS.
2. ALL EAVES, CANOPIES AND OTHER BUILDING PROJECTIONS MAY EXTEND OVER THE BUILDING ENVELOPE LINES BUT NOT LOT LINES.
3. THE DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES/LOT SHOWN ON EACH LOT.
4. ALL DRIVES SHALL BE 24' WIDE TYPICAL UNLESS OTHERWISE NOTED.

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5. SIGNS NEED NOT BE SHOWN ON THE SITE PLAN BUT WILL BE SHOWN AT TIME OF BUILDING PERMIT. SIGNS WILL BE PER CHAPTER 27.69 OF THE LINCOLN MUNICIPAL CODE WITH THE EXCEPTION OF LOT 1, BLOCK 2, WHICH SHALL BE PERMITTED 2 MOUNTED SIGNS, ONE ON YANKEE HILL ROAD AND ONE ON 27TH STREET. NO POLE SIGNS SHALL BE ALLOWED ON LOTS 1 AND 2, BLOCK 1.

6. ALL DISABLED PARKING STALLS SHALL BE IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, (FEDERAL REGISTER/VOL. 58, NO. 144/RULES AND REGULATIONS).
7. THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF PREMISES AND ON THE PREMISES IS PERMITTED PROVIDED THE LOCATION REQUIREMENTS OF 27.63.680 AND 27.63.685 ARE MET.
8. TENT USAGE APRIL 1ST - NOV. 1ST MAX. SIZE OF TENTS 80' X 40' BUT SMALLER CAN BE USED. NO PARKING WITHIN 20 FEET OF TENTS. MULTIPLE TENTS MAY BE UP AT ONE TIME, HOWEVER, TOTAL NUMBER OF TENTS USED AT ONE TIME MAY NOT COVER MINIMUM NUMBER OF PARKING STALLS REQUIRED BY CHAPTER 27.67 OF THE ZONING ORDINANCE.
9. ATM'S, FENCES, DECORATIVE STRUCTURES, & ACCESSORY BUILDINGS ARE NOT SHOWN ON THE SITE PLAN IF THEY ARE 25' X 25' OR SMALLER AND ARE CONSTRUCTED OUTSIDE OF SETBACKS, SIGHT TRIANGLES, EASEMENTS, AND REQUIRED MINIMUM PARKING, AND ARE BUILT ACCORDING TO THE ZONING ORDINANCE PROVISIONS, AND ARE IN CONFORMANCE WITH ALL OTHER APPLICABLE CODES.
10. FOR H-4 AREA ONLY: MINOR ADJUSTMENTS IN THE FLOOR AREA OF EACH BUILDING MAY BE MADE AT THE TIME OF BUILDING PERMITS, PROVIDED THE TOTAL FLOOR AREA OF THE CENTER DOES NOT EXCEED 178,650 SQUARE FEET. ANY INCREASE IN FLOOR AREA ON THE H-4 LOTS IN BLOCK 2 ABOVE 178,650 UP TO MAXIMUM ALLOWED FLOOR AREA OF 188,300 MUST BE APPROVED BY ADMINISTRATIVE AMENDMENT.
11. WE ARE REQUESTING A COMMON ACCESS EASEMENT OVER ALL DRIVES & PARKING STALLS.

2

SEACREST & KALKOWSKI, P.C.

1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3905

TELEPHONE (402) 435-6000
FACSIMILE (402) 435-6100

KENT SEACREST
E-MAIL: kent@sk-law.com

DANAY KALKOWSKI
E-MAIL: danay@sk-law.com

August 25, 2005

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

Re: Amendment to Special Permit No. 2022 for Planned Service Commercial
Development to Permit an Additional Monument Sign

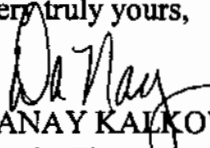
Dear Marvin:

Our law firm represents J & D Leasing, Inc. and Jim Williamson, owners of the Williamson Honda dealership and Lot 6, Pine Lake Heights South 9th Addition (shown as Lot 1, Block 1 on Special Permit No. 2022), a 7.9 acre tract of property located at the northeast corner of South 27th Street and Yankee Hill Road ("Lot 1"). J & D Leasing is requesting an Amendment to Special Permit No. 2022 that would permit the construction one additional ground sign identifying its business located on Lot 1 so that it can have identification on both South 27th Street and Yankee Hill Road.

We feel there are several factors that would support an additional sign for the business located on Lot 1. First of all, Lot 1 is almost eight acres in size. Under typical retail development, this lot could accommodate several businesses, each of which would be entitled under the H-4 zone to a ground sign identifying their business. Second, the lot has 473 lineal feet of frontage on 27th Street and 677 lineal feet of frontage on Yankee Hill Road, which would also accommodate multiple signs under other business districts. In addition, signage on both arterials will be helpful as the City moves forward with its road construction projects on Yankee Hill Road and South 27th Street.

If you have any questions or need any additional information, please give me a call.

Very truly yours,


DANAY KALKOWSKI
For the Firm

cc: Jim Williamson
Mark Palmer