

City Council Introduction: **Monday**, May 5, 2008
Public Hearing: **Monday**, May 12, 2008, at **5:30** p.m.

Bill No. 08-57

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 2938C**, requested by The University of Nebraska Foundation, to expand the area of The University of Nebraska Technology Park Special Sign District by approximately 12 acres, on property generally located at N.W. 1st Street and W. Highland Boulevard.

STAFF RECOMMENDATION: Approval.

ASSOCIATED REQUESTS: Change of Zone No. 08015 (08-56).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 03/12/08
Administrative Action: 03/12/08

RECOMMENDATION: Approval (6-0: Gaylor Baird, Carroll, Cornelius, Esseks, Francis and Taylor voting 'yes'; Larson and Sunderman absent).

FINDINGS OF FACT:

1. This request to expand the Special Sign District and the associated Change of Zone No. 08015 and Use Permit No. 80A were heard at the same time before the Planning Commission.
2. This is a request by The University of Nebraska Foundation to expand the area of The University of Nebraska Technology Park Special Sign District by approximately 12 acres.
3. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3, concluding that the proposed expansion of the Special Sign District is appropriate since the area will become a part of The University of Nebraska Technology Park.
4. On April 23, 2008, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
5. On April 23, 2008, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend approval.
6. On April 23, 2008, the Planning Commission also voted 6-0 to recommend approval of the associated Change of Zone No. 08015 from I-2 Industrial District to O-3 Office Park District, and also voted 6-0 to adopt Resolution No. PC-01116 to expand the area of the use permit by 12 acres.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: April 28, 2008

REVIEWED BY: _____

DATE: April 28, 2008

REFERENCE NUMBER: FS\CC\2008\CZ.2938C+

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for APRIL 23,2008 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No. 2938C

PROPOSAL: To expand the area of the University of Nebraska Technology Park Special Sign District by approximately 12 acres.

LOCATION: NW 1st St. and W. Highland Blvd.

LAND AREA: 149.51 acres, more or less. The area of expansion is approximately 12 acres.

EXISTING ZONING: I-2, Industrial Park and O-3 Office Park

CONCLUSION: This expansion of the sign district is appropriate since the area will become a part of the University of Nebraska Technology Park.

<u>RECOMMENDATION:</u>	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached

EXISTING LAND USE: Undeveloped and office

SURROUNDING LAND USE AND ZONING:

North:	R-3, Residential	Single-family houses
Southwest	I-2, Industrial	Manufacturing
Southeast	R-4, Residential	Interstate 80 and Multiple-family residential
East:	O-3, Office Park	Vacant
West:	I-2, Industrial	Manufacturing

ASSOCIATED APPLICATIONS: Change of Zone #08015 and Use Permit #80A

HISTORY:

June 11, 2007 Change of Zone #2938B to amend the Special Sign District for wall signs and administrative amendments was approved by the City Council.

May 1999 Change of Zone #2938A to amend the Special Sign District to clarify the use and size of wall signs and the height and size of monument signs in the area east of NW 1st St. for the University of Nebraska Technology Park was approved by the City Council

December 1995 Change of Zone #2938 to establish the Special Sign District and Use Permit #80 for the Technology Park were approved by the City Council.

ANALYSIS:

1. This application is to expand the area covered by the special sign district.
2. Section 27.69.300 Other Permitted Signs; Nonresidential; Special Sign District, indicates that the City Council may establish a special sign district for the purpose of defining an area with a special or unique theme.
3. The intent of the University of Nebraska Technology Park Special Sign District is intended to enhance and preserve the park-like environment by controlling the design, size, location and number of signs in the Park.

Prepared by:

Tom Cajka
Planner

DATE: April 8, 2008

APPLICANT: The University of Nebraska Foundation
1010 Lincoln Mall Suite 300
Lincoln, NE 68508
(402) 458-1100

OWNER: Same as applicant

CONTACT: Tom Huston
233 South 13th St. Suite 1900
Lincoln, NE 68508
(402) 474-6900

CHANGE OF ZONE NO. 2938C

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

April 23, 2008

Members present: Gaylor Baird, Carroll, Cornelius, Esseks, Francis and Taylor; Larson and Sunderman absent.

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 08005; COMPREHENSIVE PLAN CONFORMANCE NO. 08006; COMPREHENSIVE PLAN CONFORMANCE NO. 08007; CHANGE OF ZONE NO. 2938C; CHANGE OF ZONE NO. 08015; USE PERMIT NO. 80A; USE PERMIT NO. 05005A; SPECIAL PERMIT NO. 08019; ANNEXATION NO. 07003, CHANGE OF ZONE NO. 07060, WILDERNESS HEIGHTS PLANNED UNIT DEVELOPMENT; and PRELIMINARY PLAT NO. 07004, WILDERNESS HEIGHTS.**

Ex Parte Communications: None

Taylor moved to approve the Consent Agenda, seconded by Cornelius and carried 6-0: Gaylor Baird, Carroll, Cornelius, Esseks, Francis and Taylor voting 'yes'; Larson and Sunderman absent.

Note: This is final action on Comprehensive Plan Conformance No. 08007, Use Permit No. 80A, Special Permit No. 08019, and Preliminary Plat No. 07004, 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.



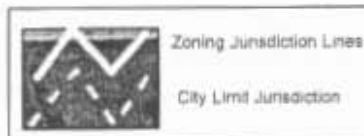
**Change of Zone #2938C & Use Permit #80A
NW 1st St & W Highland Blvd**

2007 aerial

Zoning:

One Square Mile
N 1/2 Sec. 10 T10N R06E
S 1/2 Sec. 03 T10N R06E

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-6 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District



LEGAL DESCRIPTION

LEGAL DESCRIPTION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOT 78 I.T., OUTLOTS "Q" AND "R", BLOCK 6, HIGHLANDS COALITION, LOT 1, BLOCK 1, AND LOT 1, BLOCK 2, UNIVERSITY OF NEBRASKA TECHNOLOGY PARK ORIGINAL ADDITION, LOTS 1, 2, 3, 4, AND 5, UNIVERSITY OF NEBRASKA TECHNOLOGY PARK 1ST ADDITION, LOT 1, BLOCK 1, AND OUTLOTS "A" AND "B", UNIVERSITY OF NEBRASKA TECHNOLOGY PARK 2ND ADDITION, LOCATED IN THE SOUTH HALF OF SECTION 3, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., AND THE NORTH HALF OF SECTION 10, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., ALL IN THE CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA.

AND

A TRACT OF LAND COMPOSED OF OUTLOT "A", AND LOT 1 HIGHLANDS COALITION 2ND ADDITION, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 3 TOWNSHIP 10 NORTH RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA.

LAW OFFICES OF
CLINE, WILLIAMS, WRIGHT, JOHNSON & OLDFATHER, L.L.P.

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STEPHEN E. GEHRING
RICHARD F. JEFFRIES

KEVIN COLLERAN, 1041-2008

*ADMITTED IN NE & CO
*ADMITTED IN CO, NE & WY

March 26, 2008

Mr. Marvin Krout, Director of Planning
Lincoln City/Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln NE 68508

Re: University of Nebraska Technology Park
Our File: 14604.007

Dear Mr. Krout:

This firm represents the University of Nebraska Foundation and the University of Nebraska Technology Park, LLC, which administers the University of Nebraska Technology Park located in the Highlands. In September of 2007, the University of Nebraska Foundation acquired approximately 12 acres adjacent to the Technology Park which it desires to include in the Technology Park and make it subject to Use Permit #80. In order to do so, we have prepared and attach the following:

1. **Change of Zone Application.** This application seeks to change the zoning of the 12+ acres from the current 1-2 zoning classification to the O-3 Office Park classification. The change of zone is necessary to include the 12 acres in the O-3 zoning district in order to have Use Permit #80 apply to the 12 acres as part of the Technology Park.
2. **Application to Amend Use Permit #80,** including 21 copies of the site plan and the grading plan. The adjacent 12 acres will be included in Use Permit #80 as a result of this application. The site plan reflects the building envelope and parking envelope for the additional property, consistent with the generic aspect of Use Permit #80.
3. **Change of Zone (Special Sign District).** The University of Nebraska Technology Park is subject to a special sign district. The change of zone application seeks to expand the district to include the 12 acres and shows the various locations of the permitted signs.

0805519.1

007

ONE PACIFIC PLACE
1125 SOUTH 103RD, SUITE 320
OMAHA, NE 68124-1000
(402) 392-1700

1207 M STREET
P.O. BOX 510
AURORA, NE 68818
(402) 864-6314

RAILWAY OFFICE PLAZA
115 RAILWAY STREET, SUITE A-115
SCOTT'S BLUFF, NE 69361
(308) 835-1020

OPERA GALLERIA
123 N. COLLEGE AVENUE, SUITE 330
FORT COLLINS, CO 80524
(970) 221-2637

March 26, 2008

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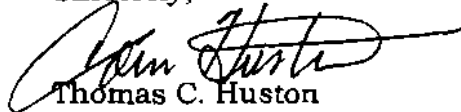
In addition, in accordance with the submittal requirements, I enclose:

1. Two checks which total the sum of \$1,730 to encompass the Use Permit Amendment of \$740 and the Change of Zone Application (I-2 to O-3) in the amount of \$740 and \$250 as the general fee under Section 27.80.120 for the amendment for the Special Sign District.
2. A map and legal description of the Change of Zone to change the 12 acres from the I-2 to the O-3 Office Park District.
3. A purpose statement applicable to all three applications.
4. An ownership letter for the Use Permit Application.

We appreciate this opportunity to present these submittals to the City of Lincoln. We believe that the development opportunities in the University of Nebraska Technology Park warrant the expansion of the Technology Park and the addition of the 12-acre parcel will allow the expansion to occur in an orderly fashion.

Please let me know if you have any questions.

Sincerely,



Thomas C. Huston
For the Firm

Enc.

C: Steve Frayser

Tim Gergen

John Spatz (w/o enc.)

**PURPOSE STATEMENT FOR AMENDMENTS TO
UNIVERSITY OF NEBRASKA TECHNOLOGY PARK**

The University of Nebraska Foundation, the permittee under Use Permit #80, recently acquired the following real property legally described as:

Lot Seventy-Eight (78), Irregular Tract, in the North Half (N 1/2) of Section Ten (10), Township Ten North (T10N), Range Six East (R6E) of the 6th P.M., Lincoln, Lancaster County, Nebraska.

This 12-acre parcel is located directly adjacent and west of the real property subject to Use Permit #80. The University of Nebraska Foundation desires to expand the Technology Park by including such parcel within its parameters. In order to proceed with such expansion, the University of Nebraska Foundation has submitted:

1. An Amendment to Use Permit #80, to include the 12 acres;
2. Change of Zone Application to change the zoning classification of the 12-acre parcel from the I-2 Industrial District to the O-3 Office Park District;
3. Change of Zone Application (Special Sign District) to include the 12 acres in the Special Sign District established for the University of Nebraska Technology Park.

Upon approval of these applications by the City of Lincoln, the University of Nebraska Foundation will amend the Covenants, Conditions, and Restrictions applicable to the University of Nebraska Technology Park to encompass this additional 12-acre parcel. The expansion of the University of Nebraska Technology Park will provide additional opportunities for the University of Nebraska Foundation to locate and attract technology transfer industries and applications as envisioned under Use Permit #80.

(Black-Line, 4-910-07)

STANDARDS
OF
UNIVERSITY OF NEBRASKA TECHNOLOGY PARK
SPECIAL SIGN DISTRICT

Section 1. Purpose. It is the intent of the provisions of the University of Nebraska Technology Park Special Sign District (the "District") to encourage attractive signage, lighting, and other private visual media which aid in the orientation and identification of uses and activities within the University of Nebraska Technology Park (the "Park"). The Park is being developed by the University of Nebraska Technology Park, L.L.C. (the "Owners"). The District includes the Sign plan (the "Sign Plan") attached and incorporated by this reference. The Sign District is intended to enhance and preserve the park-like environment by controlling the design, size, location, and number of signs in the Park, while allowing some flexibility to enable users of the Park to incorporate their organizations' unique logos or trademarks in their identification signs while achieving a uniformity in the basic sign design.

Section 2. Definitions. For the purposes of this District, the terms below shall be specifically defined as follows:

- 2.1 Area of Sign. The area of the largest single face of the sign within a perimeter which forms the outside shape, including any frame which forms an integral part of the display, but excluding necessary supports or uprights upon which the sign may be placed.
- 2.2 Facade. That portion of any exterior elevation of a building extending vertically from the grade to the top parapet wall or eaves and horizontally

across the building in one plane of elevation.

- 2.3 Mobile Sign. A sign designed and constructed to be transported by its own wheels.
- 2.4 Temporary Sign. Any outdoor sign or device including but not limited to banners, pennants, flags, or advertising display constructed of wood, cloth, canvas, light fabric or other light materials, with or without frames, intended to be displayed for a limited period of time only, not to exceed fifteen (15) days in a calendar year, and not permanently affixed to a building and/or the ground.

Section 3. Permitted Signs. No signs shall be permitted except as provided by the District.

- 3.1 Wall Signs. A Wall Sign shall mean any sign attached to the wall or Facade of the building with a display surface parallel to the wall or Facade to which it is attached and which projects no more than 24 inches from the wall surface. No Wall Sign shall extend vertically or horizontally beyond the building Facade to which the sign is attached. Wall Signs shall be limited to a size or Area no greater than fifteen percent (15%) of coverage of the Facade. Wall Signs shall be located on the Facade of a building oriented to the internal streets and parking areas of the Park and shall be shown on each tenant's individual site plan. Buildings located east of N.W. 1st Street shall be permitted to have two (2) on premises Wall Signs as long as each such Wall Sign shall not exceed fifteen percent (15%) coverage of the building Facade. Wall Signs on buildings located east of

N.W. 1st Street shall be oriented to be visible from N.W. 1st Street. Buildings located west of N.W. 1st Street located on lots fronting the I-80 Interstate corridor, Highlands Boulevard, or N.W. 1st Street may have a Wall Sign on the Facade oriented to one of such major streets provided that such Wall Sign shall not exceed fifteen percent (15%) of the coverage of the subject Facade.

3.2 Building ID Sign. A Building ID Sign shall mean a sign which is in contact or is close to the ground and is independent of any other structure, and the top edge of the sign is six (6) feet or less above the surrounding grade and identifies a particular building or the Tenant(s) located within such building. The company or business name or logo for the Tenant(s) being identified may be used on such signs. Building ID Signs shall not exceed thirty two (32) square feet in Area nor six (6) feet in height. The Building ID Signs shall be located adjacent to the right-of-way of the internal streets of the Park as shown on the Sign Plan which is part of the Sign District, and may be located within the building setback area.

3.3 N.W. 1st Building ID Sign. A N.W. 1st Building ID Sign shall mean a sign which is in contact or is close to the ground and is independent of any other structure to identify a particular building or users. The top edge of the N.W. 1st Building ID Sign shall be seven and one-half (7 ½) feet or less above the surrounding grade. The company or business names or logos for building users may be used on such signs. N.W. 1st Building ID Signs shall not exceed thirty-eight (38) square feet in Area nor seven and

one-half (7 ½) feet in height. The N.W. Building ID Signs shall be located adjacent to the public right-of-way of N.W. 1st Street as shown on the Sign Plan which is part of the Sign District.

3.4 Interstate Sign. The Interstate Sign shall mean the sign which is used to identify the Park and is located on the Southeast boundary of the Park adjacent to the public right-of-way for Interstate 80 for which approval has been obtained by the Nebraska Department of Roads. The Interstate Sign shall not exceed three hundred (300) feet in Area nor thirty (30) feet in height.

3.5 Entrance ID Sign. An Entrance ID Sign shall mean a ground sign that is located at the entrances of the Park located on N.W. 12th Street, Highlands Boulevard, and N.W. 1st Street used to identify the entrances to the Park. The Entrance ID Signs shall not exceed one hundred (100) square feet in Area nor eight (8) feet in height.

The Entrance ID Signs shall be located at the entrances to the Park adjacent to such rights-of-way as shown on the Sign Plan.

3.6 Internal Directional Signs. The Internal Directional Signs shall mean those signs which serve primarily to designate the location or direction of any area, place, or building within the Park. The Internal Directional Signs shall not exceed fifty (50) square feet in Area nor six (6) feet in height. The Internal Directional Signs shall be located at those various locations within the Park as shown on the Sign Plan.

3.7 Building Directional Signs. The Building Directional Sign shall mean

those signs which provide direction for specific uses of or services for a building within the Park. The Building Directional Signs, which include public information indicating loading and delivery areas, various building entries, parking lots, etc., shall not exceed twelve (12) square feet in Area. Such signs shall be limited to four (4) feet in height. The graphics/signage system shall incorporate graphic representations as found in the latest edition of "Manual on Uniform Traffic Control Devices", as published by the U.S. Department of Transportation, Federal Highway Administration. The Building Directional Signs shall be located adjacent to a building and parking area as shown on each tenant's individual site plan.

- 3.8 Prohibited Signs. Signs painted directly on the Facade of a building are prohibited. In addition, Temporary Signs, and Mobile Signs shall be prohibited within the Park, except as expressly approved by Owner in writing. Construction signs identifying an architect, contractor, or lender shall be permitted on a temporary basis during periods of construction, but shall be removed upon substantial completion of construction.

Section 4. Color. The background of the copy area of all signs shall be of a neutral color. The lettering or copy on the Entrance ID Signs, the Internal Directional Signs, and the Interstate Sign shall be a standard color selected and approved by the Owner. The lettering or copy on the Building ID Signs, the N.W. 1st Building ID Signs, the Wall Signs, and the Building Directional Signs may be a color used or identified with a tenant subject to Owner approval pursuant to Section 6.

Section 5. Materials/Texture/Lighting. All signs, excluding the Wall Signs and

Building Directional Signs, shall be constructed of a finished concrete base such as is used for a monument sign, or a similar durable material approved by Owner. The lettering or copy of all signs shall be constructed of aluminum or other durable material approved by Owner. Signs may be illuminated only by a steady, stationary, shielded light source directed solely at the sign, without causing any glare for motorists, pedestrians, or other tenants or neighbors.

Section 6. Review and Approval. The location for the Entrance ID Signs, the N.W. 1st Building ID Signs, the Building ID Signs, the Internal Directional Signs, and the Interstate Sign are shown on the Sign Plan. The Wall Signs and the Building Directional Signs shall be shown on the tenant's individual sign plan. The tenant's individual sign plan shall be submitted to Owner and the City for review and approval prior to any construction, in accordance with this District.

Section 7. Amendment. This District, created for the University of Nebraska Technology Park, was approved by the City in conjunction with and as a companion to Use Permit No. 80, approved by the City on December 11, 1995, as Resolution No. A-77118. To further the purposes of Use Permit No. 80 and to protect the health, safety, and welfare of the community, the District is hereby amended to permit administrative review and amendment of the standards set forth in the District for minor deviations therefrom, provided that (a) the request for deviation otherwise complies with the other standards set forth in this District and with the terms and conditions of Use Permit No. 80; (b) the request for amendment is in conformance with the sign regulations of the underlying O-3 Office Park District; and (c) the Owner consents to such administrative amendment in writing