

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 09025**, from R-5 Residential District to H-4 General Commercial District, requested by Lincoln Federal Bancorp, on property generally located at South 33rd Street and Yankee Hill Road.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 10/21/09
Administrative Action: 10/21/09

STAFF RECOMMENDATION: Approval.

RECOMMENDATION: Approval (6-0: Gaylor Baird, Cornelius, Esseks, Francis, Lust and Partington voting 'yes'; Sunderman declaring a conflict of interest; Taylor and Larson absent).

FINDINGS OF FACT:

1. This change of zone request from R-5 Residential to H-4 General Commercial and the associated Planned Service Commercial Special Permit No. 09022 were heard at the same time before the Planning Commission. The change of zone to H-4 will allow the Planned Service Commercial special permit for a 50,000 sq. ft. auto dealership or some other H-4 use on property located south of Yankee Hill Road and east of 27th Street.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.4, concluding that this proposed change of zone is generally in conformance with the Comprehensive Plan and the Lincoln Municipal Code and should have no significant impact on the surrounding residential or commercial uses. The staff presentation is found on p.6.
3. The applicant's testimony is found on p.7.
4. There was no testimony in opposition.
5. On October 21, 2009, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend approval of the change of zone request (Sunderman declared a conflict of interest; Larson and Taylor were absent).
6. On October 21, 2009, the Planning Commission also voted 6-0 to approve Resolution No. PC-01179, approving the associated Planned Service Commercial Special Permit No. 09022, with amendment to Condition #2.1 requested by the applicant and agreed upon by staff, a copy of which has previously been provided to the City Council.
7. As of the date of this Factsheet, the resolution approving the associated Special Permit No. 09022 has not been appealed to the City Council.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: October 26, 2009

REVIEWED BY: _____

DATE: October 26, 2009

REFERENCE NUMBER: FS\CC\2009\CZ.09025

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for October 21, 2009 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No. 09025

PROPOSAL: To change the zoning from R-5 Multi Family Residential to H-4 General Commercial.

LOCATION: S. 33rd Street and Yankee Hill Road

LAND AREA: 6.78 Acres

EXISTING ZONING: R-5 Residential

CONCLUSION: This Change of Zone is generally in conformance with the Comprehensive Plan and the Lincoln Municipal Code and should have no significant impact on the surrounding residential or commercial uses.

RECOMMENDATION:

Change of Zone #09025

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See Attached

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING:

North:	R-3 Residential	Clark Jerry Retirement Community
South:	R-5 Residential	Vacant -Reserved for Multifamily
East:	AG Agriculture	Vacant - Reserved for single and two family dwellings
West:	B-2 Planned Neighborhood Business District	Vacant - Reserved for Restaurants and Retail

ASSOCIATED APPLICATIONS: Special Permit # 09022

HISTORY:

June 28, 2004 Special Permit #1999, which includes the R-5 Zoning District in this report, and Use Permit #154 were approved for Wilderness Hills Community Unit Plan and Use Permit at the southeast corner of Wilderness Hills Blvd & S. 27th Street.

January 12, 2005 Special Permit #1999A was approved which modified setbacks from Special Permit #1999.

- November 7, 2005 Use Permit #154A approved Wilderness Hills Commercial Center located adjacent to this special permit adjusted the front yard setback from 50' to 0' along all private roadways, and adjust the front yard setback from 15' to 10' where adjacent to 70' wide right-of-way and from 20' to 15' where adjacent to 65' wide right-of-way along Yankee Hill Road
- June 14, 2006 Administrative Amendment # 06033 to Use Permit # 154A and Administrative Amendment # 06032 to Special Permit #1999A were approved to show the removal of a 1.2 acre pocket park due to the dedication of a conservation easement.
- June 7, 2006 Preliminary Plat for Wilderness Hills, 1st Addition, which abuts this special permit to the east was approved .

COMPREHENSIVE PLAN SPECIFICATIONS: The Future Land Use Map shows this area as Urban Residential (19).

The S.E. corner of S. 27th Street and Yankee Hill Road is shown as a Community Center (41).

Community Centers may vary in size from approximately 250,000 to 600,000 square feet of commercial space. Typically, new Community Centers will range from 300,000 to 400,000 square feet, with those meeting the incentive criteria having up to 600,000 square feet. (43)

Commerce Centers should be developed as integrated centers – “four corner commercial development” should be discouraged. Centers should be appropriately dispersed throughout the community to support convenience of access and to lessen impacts on infrastructure.(47)

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. (47)

Centers should contain a mix of residential, office, service and retail uses. In addition, other “residential” uses such as multi-family, single family attached, child care centers, and recreational facilities should be integrated within the development. Single use projects, such as office parks, are to be discouraged. Where properly sited, light manufacturing uses may be a part of larger commerce centers, except for neighborhood centers. Centers should create pedestrian oriented environment in the physical arrangement of their buildings and parking. (47)

UTILITIES: Existing in the general vicinity.

TOPOGRAPHY: This site slopes from north to south.

TRAFFIC ANALYSIS: Yankee Hill Road is an improved urban minor arterial. Crescent Drive and S. 33rd Street are both local streets. Additional traffic study information showing the impact of this development on the existing traffic study was provided and found to be acceptable by public works.

REGIONAL ISSUES: This application expands the previous approved Community Center, so that it will stretch from of S. 27th Street to S. 33rd Street south of and Yankee Hill Road. It will increase the square feet from 505,000 to 555,000 of commercial area. There is also a Community Center approved for 600,000 square feet of commercial area along the west side of S. 40th Street between Yankee Hill Road and Rokeby Road.

ALTERNATIVE USES: Remain R-5 Residential reserved for approximately 300 dwelling units.

ANALYSIS:

1. This is an application for a change of zone from R-5 Residential to H-4 General Commercial district with an associated application for a special permit for Planned Service Commercial to facilitate an automobile dealership at this location.
2. Although the proposed automobile dealership is under its own special permit for Planned Service Commercial it will function as part of the Community Center as established by the abutting Use Permit, zoned B-2 for Wilderness Hills Commercial Center. It will be required to meet the design standards for major tenants as shown in the Wilderness Hills Use Permit.

The Comprehensive Plan encourages integrated mixed-use centers such as this. Such centers should contain a mix of residential, office, service and retail uses.

3. This site would have been zoned B-2 and included in the abutting use permit, but automobile dealerships are not permitted in the abutting B-2 zoning district. Thus this proposal is for H-4 zoning which does allow automobile dealerships
4. S. 33rd Street provides a logical end to the commercial uses that start on the east side of S. 27th Street along Yankee Hill Road.
5. There are other automobile dealerships in this general vicinity including one at the northeast corner of S. 27th Street and Yankee Hill Road and two others about 3/4 of a mile north at S. 27th Street south of Pine Lake Road. All of these locations are zoned H-4 with Planned Service Commercial Special Permits.
6. This Community Center originally included close to 300 multifamily dwelling units to be located east of the commercial center at the same location as change of zone. These 300 units have not been eliminated but shifted south. Shifting the multi-family residential to the south provides a buffer from the major arterial street of Yankee Hill Road but keeps the multifamily units within walking distance of the Community Center. This is consistent with the Comprehensive Plan, specifically page 47.

This approval permits a change of zone from R-5 Residential to H-4 General Commercial on property north of Crescent Drive and west of S. 33rd Street.

Prepared by

Christy Eichorn
Planner

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DATE: October 8, 2009

APPLICANT / OWNER: Lincoln Federal Bancorp
1100 N Street
Lincoln, NE 68508

CONTACT: Pam Dingman
Engineering Design Consultants
1021 D Street
Lincoln, NE 68502

**CHANGE OF ZONE NO. 09025
and
SPECIAL PERMIT NO. 09022**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 7, 2009

Members present: Gaylor Baird, Cornelius, Esseks, Francis, Lust and Partington; Sunderman declared a conflict of interest; Larson and Taylor absent.

Ex Parte Communications: None.

Staff recommendation: Approval of the change of zone and Conditional Approval of the special permit.

Staff presentation: **Steve Henrichsen of Planning staff** stated that this is south of Yankee Hill and east of 27th St. East of the site is the future 33rd St. This is currently shown as residential. R-5 zoning still appears to the south of this site. To the west of this site is a Kohl's. There is B-2 to the west. B-2 does not allow car dealerships. There is also H-4 across the street. H-4 is a commercial district in a lot of suburban areas. The Planned Service Commercial would allow a 50,000 square foot auto dealership or some other use. There aren't a lot of details at this point. There aren't any particular issues. A building envelope is shown. The details can be shown later. The service bays and those types of things should be more towards the west or in the middle of the site. The applicant is going to offer an amendment to Condition No. 2.1, to which the staff is agreeable. This center has design standards that were included in the original approval. The north facade might not conform to design standards overall, but the other three sides will conform.

Esseks questioned R-5 to the south. There is single family and two-family to the east. He is concerned whether the uses will be compatible. A concern was raised last year about lighting. He questioned lighting standards in terms of car dealerships. Henrichsen replied that the lighting standards were updated recently. He believes the new standards address light trespass and the other concerns that have been raised in the past. There are no houses today east of 33rd St. The dealership will be there first. People will buy knowing what is to the west.

Esseks wondered if the dealership will be required to put in some kind of buffer. Henrichsen replied that there would be nothing in addition to the normal landscape design standards.

Francis inquired what could be built other than a car dealership if this is changed to H-4. Henrichsen replied that it could be retail and office space. He believes that would be the most likely. It could also be fast food or a bank, or in theory, there could be self storage or a contractor yard, but that would seem less likely given the high visibility of this spot.

Gaylor Baird wondered if there are any tradeoffs being made with this location. Henrichsen replied that traffic was considered. The applicant addressed those concerns and has shown that traffic would be compatible. Dealerships do not have a lot of trips.

Gaylor Baird questioned if there is typically more of a buffer between H-4 and R-5. Henrichsen replied “not really”. R-5 is usually more apartments and R-5 is usually understood to be closer to a commercial area.

Proponents

1. **Michael Rierden** submitted a proposed amendment to condition 2.1:

- 2.1 Add the following note to the site plan “This special permit will comply with the design standards of Use Permit 154C Wilderness Hills Commercial Center for major tenants and will be reviewed and approved for compliance by the Planning director prior to building permit approval. However, the north/front facade shall not be required to comply with the requirement that at least 35% of the facade shall be masonry or stone veneer as the primary building material. Said north/front facade shall be similar in design to the front facade as shown on Exhibit “A” which is attached hereto”.

Rierden stated that all the new lighting standards will be complied with. He also represents the property to the north. They feel this proposed use will be compatible with them.

2. **Mike Anderson** stated that when they acquired Meginnis Ford last October, part of the agreement was the dealership would need to be relocated. The only place that they believed would work was in this particular area. Their full intention is to build a car dealership.

Lust questioned if the current location of Meginnis Ford will be abandoned. Anderson replied that yes, the 66th and “Q” St. location will be closed.

Esseks stated that type of decision might have serious implications for the area of 66th and “Q” St. He inquired why the franchise agreements have changed. Anderson replied that all the manufacturers require you to keep the facilities updated and improved. Dealerships used to be located on “O” St. Ford believes it is in their best interest to move to south Lincoln where a lot of other dealerships are located. Anderson believes it would increase volume if they could relocate.

Lust wondered if the building design labeled Exhibit “A” is a requirement of Ford. Anderson replied that this is a current design required by Ford. That is the reason a change to the design standards was requested.

There was no testimony in opposition.

Staff questions

Gaylor Baird asked if staff has seen the condition requested by the applicant. Henrichsen had asked the applicant to request further information from Ford. Don Linscott, who is in charge of the design standards for the rest of the center, has no objections to this design. He feels it will fit in well with the rest of the center. Ford feels strongly about this design. The other three sides of this building will comply with the standards along with screening and landscaping. Staff felt given the particular circumstances, the exception was appropriate.

CHANGE OF ZONE NO. 09025

ACTION BY PLANNING COMMISSION:

October 21, 2009

Francis moved approval, seconded by Esseks and carried 6-0: Gaylor Baird, Cornelius, Esseks, Francis, Lust and Partington voting 'yes; Sunderman declared a conflict of interest; Larson and Taylor absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 09022

ACTION BY PLANNING COMMISSION:

October 21, 2009

Francis moved to approve the staff recommendation of conditional approval, with the amendment to Condition #2.1 as requested by applicant, seconded by Esseks and carried 6-0: Gaylor Baird, Cornelius, Esseks, Francis, Lust and Partington voting 'yes; Sunderman declared a conflict of interest; Larson and Taylor absent. This is final action, unless appealed to the City Council.



Area of Application
R-5 to H-4

**Change of Zone #09025 & Special Permit #09022
S 33rd St & Yankee Hill Rd**

2007 aerial

Zoning:

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

One Square Mile
Sec. 30 T09N R07E



