

## FACTSHEET

**TITLE:** COMPREHENSIVE PLAN AMENDMENT NO. 14002      **BOARD/COMMITTEE:** Planning Commission

**APPLICANT:** Director of Planning, at the request of Oak Lake Development, LLC.

**RECOMMENDATION:** Approval (9-0: Scheer, Beecham, Cornelius, Corr, Harris, Hove, Lust, Sunderman and Weber voting 'yes').

**STAFF RECOMMENDATION:** Approval

**OTHER DEPARTMENTS AFFECTED:** None.

**SPONSOR:** Planning Department

**OPPONENTS:** None.

### **REASON FOR LEGISLATION:**

To amend the Future Land Use map to change the designation for approximately 61.0 acres of land, more or less, located southwest of the intersection of West Charleston Street and Sun Valley Boulevard from "Urban Residential" to "Commercial", "Green Space" and "Environmental Resources".

### **DISCUSSION / FINDINGS OF FACT:**

1. This proposed Comprehensive Plan Amendment request and the associated Change of Zone No. 14009 and Use Permit No. 14004 were heard at the same time before the Planning Commission.
2. This amendment to the Future Land Use Map is necessary to reflect the associated change of zone request from R-3 and I-1 to B-2 to allow an outdoor recreational facility (Great American Sports Park) and associated uses and parking.
3. The staff recommendation to approve the comprehensive plan amendment is based upon the "Analysis" and "Summary" as set forth on p.3, concluding that the change of land use designation will allow the development of a former landfill with appropriate land uses. The staff presentation is found on p.5-7.
4. The applicant's testimony is found on p.7-8.
5. There was no testimony in opposition.
6. The Planning Commission discussion is found on p.8-9. Commissioner Beecham expressed concern about the on-sale alcohol portion of the associated Use Permit No. 14004 (14R-132).
7. On April 30, 2014, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval of this comprehensive plan amendment.
8. On April 30, 2014, the Planning Commission also voted 9-0 to recommend approval of the associated Change of Zone No. 14009 (Bill #14-52) and Use Permit No. 14004 (Bill #14R-132).

**POLICY OR PROGRAM CHANGE:**        X   Yes           No      Change Future Land Use map in the 2040 Comprehensive Plan.

**OPERATIONAL IMPACT ASSESSMENT:** N/A

**COST OF TOTAL PROJECT:** N/A

**RELATED ANNUAL OPERATING COSTS:** N/A

**SOURCE OF FUNDS:** N/A

**CITY:** N/A

**NON-CITY:** N/A

**FACTSHEET PREPARED BY:** Jean Preister, Administrative Officer      **DATE:** May 5, 2014

**REVIEWED BY:** Marvin Krout, Director of Planning      **DATE:** May 5, 2014

**LINCOLN /LANCASTER COUNTY PLANNING STAFF REPORT**  
**for April 30, 2014 Planning Commission Meeting**

**Project #:** Comprehensive Plan Amendment #14002

**PROPOSAL:** Amend the 2040 Future Land Use Plan to change approximately 60.57 acres of land from Urban Residential to Commercial, Green Space and Environmental Resources located south of West Charleston St. and west of Sun Valley Blvd.

**CONCLUSION:** Based on the proposed development plan for the area, the land use amendment is appropriate.

<b><u>RECOMMENDATION:</u></b>	Approval of the proposed amendment
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**GENERAL INFORMATION:**

**LOCATION:** Southwest of the intersection of West Charleston St and Sun Valley Blvd.

**EXISTING LAND USE:** Undeveloped

**ASSOCIATED APPLICATIONS:**

Change of Zone #14009 from R-3 and I-1 to B-2  
Use Permit #14004 for a recreational facility and commercial.

**HISTORY:**

November 16, 2006            The 2030 Lincoln/Lancaster County Comprehensive Plan showed this area as Urban Residential.

October 31, 2011            The 2040 Lincoln/Lancaster County Comprehensive Plan was adopted by City Council. The plan shows this area as Urban Residential.

**COMPREHENSIVE PLAN SPECIFICATIONS**

Pg 1.9 - The 2040 Lincoln and Lancaster County Comprehensive Plan identifies this area as Urban Residential.

Pg 5.5 - Commercial and Industrial Development Strategies -

- 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.

Pg 12.1- The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use to another is often gradual.

Pg 12.2- Individual proposals for land use changes should be evaluated using best available information. Issues such as the presence of floodplains, effect on neighboring land uses, and preservation and protection of natural resources are among the considerations that should be reviewed in making specific land use decisions.

**ANALYSIS:**

1. The proposed amendment for a change from Urban Residential to Commercial, Green Space and Environmental Resources land use is in conjunction with requests for a change of zone from R-3 and I-1 to B-2 and a use permit for a recreational facility and commercial use over the same 60 acres. The area is located south of West Charleston St. and west of Sun Valley Blvd.
2. Being over five acres in area, a comprehensive plan amendment is required to change the future land use designation on the Future Land Use Map of the Comprehensive Plan.
3. Surrounding zoning and land uses include: an apartment complex to the west zoned R-3; the City tow lot and BMX track to the east zoned P-Pubic; a vacant site and railroad corridor to the south zoned I-1; and mini-storage and office to the north across West Charleston St. zoned I-1.
4. The proposed change to commercial is on the eastern portion of the site. This is distant from the existing apartment complex, the only residential in the area.
5. The proposed change to environmental resources is for the very west edge near an area where there are saline wetlands. Environmental Resources are for areas which are of particular importance for maintenance and preservation, such as saline wetlands, native prairies, and some floodway corridors.
6. The proposed change to green space is for the area of the proposed ball fields. Green Space is for areas used for recreation, such as parks, golf courses, soccer or ball fields, and trails. The western half of the site is proposed for commercial.
7. A large portion of the area is a former city landfill. The area is suitable to ball fields and open space that will have minimal impact on the former landfill.

**SUMMARY:**

The change of land use designation from Urban Residential to Commercial, Green Space and Environmental Resources will allow the development of a former land fill with appropriate land uses. The change of zone and use permit address any traffic or land use impact of the use.

**PROPOSED AMENDMENT:**

Amend the 2040 Lincoln/Lancaster County Comprehensive Plan as follows:

1. Amend the Lancaster County Future Land Use plan on pages 1.8 and 12.2 and the Lincoln Area Future Land Use Plan on pages 1.9 and 12.3 to reflect Commercial, Green Space and Environmental Resources land use, and all other maps, figures, and plans where the land use map is displayed.

Prepared by:  
Tom Cajka

April 16, 2014

**APPLICANT:** Kent Seacrest  
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Lincoln, NE 68508  
402-435-6000

**CONTACT:** Amy Sandquist  
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Lincoln, NE 68510  
402-466-2041

**OWNER:** Oak Lake Development, LLC  
3701 "O" St.  
Lincoln, NE 68510  
402-466-2041

**COMPREHENSIVE PLAN AMENDMENT NO. 14002,  
CHANGE OF ZONE NO. 14009  
and  
USE PERMIT NO. 14004**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

April 30, 2014

Members present: Scheer, Beecham, Sunderman, Corr, Hove, Cornelius, Weber, Harris and Lust.

Staff recommendation: Approval of the comprehensive plan amendment and change of zone, and conditional approval of the use permit, as revised.

There were no ex parte communications disclosed.

Staff presentation: **Tom Cajka of Planning staff** presented the proposal. The comprehensive plan amendment amends the Future Land Use map to change the area from urban density residential to green space, commercial and environmental resources. The western part of the property is from urban residential to green space/open space and the eastern half along the railroad corridor would be commercial and environmental resources.

The green space is where the proposed ballfields and parking lot would be located. Cajka pointed out that the boundaries on the Future Land Use map are general in nature and not to be interpreted as explicit or exact locations – in other words, it designates a general concept for the area.

The proposed change of zone is from R-3 and I-1 to B-2. The change of zone would be in compliance with the proposed use permit. This property was changed to R-3 some time ago, and at the time there were plans to add onto the existing apartment complex to the west. That never went forward.

Cajka pointed out that the I-1 portion of the change of zone is actually not included within the boundary of the use permit. The applicant is not quite ready at this time and does not know what they want to do with the I-1 tract.

The use permit is for the Great American Sports Park, all under the B-2 zoning, and the use permit shows future ballfields, parking, and future commercial development on the eastern edge. The application proposes some new streets. There are plans to realign Sun Valley Boulevard – not any time soon but at some point in the future. In the meantime, the proposal is to build the street directly across from Line Drive. Some day there will be another access to this development when Sun Valley Boulevard is realigned. In the meantime, there is an access which is the driveway that currently goes to the City tow lot. Thus there are two access points. The developer is currently working on a maintenance agreement for the new tow lot road as part of the redevelopment agreement.

Cajka then commented that a portion of the development is over a former landfill. Testing has been done and the majority of it has been described as “old construction debris.” A lot of that former landfill will be covered by the parking lot and ballfields.

Cajka then discussed the waivers being requested. The applicant is requesting a waiver to increase the center identification sign to 250 sq. ft. That sign will need to be approved by the Urban Design Committee as well. Staff is supportive of that waiver subject to approval by the Urban Design Committee. The applicant is also requesting a waiver to increase the building height for the hotel. Staff is also supportive of this waiver because it is generally difficult to do a hotel with the 40' height limitation. The third waiver being requested is for street trees and parking lot landscaping having to do with the landfill. This waiver is conditioned on NDEQ review of a waste disturbance plan. The applicant is also requesting to allow gravel parking for any parking stalls in excess of the required stalls for the ballfield area, and staff agrees.

Cajka submitted revised conditions of approval deleting Conditions #2.2, 2.9 and 2.11. Those conditions have either been completed or are being address in the redevelopment agreement. Condition 2.5 has been revised.

Lust inquired what type of things are typically allowed in the “green space” designation on the Future Land Use map. Cajka pointed out that there are other parts of the city with ballfields shown on designated green space. It is generally a large open area – large parks, recreational type uses. Since it is a generalized boundary, the “green space” may or may not include the parking lot.

Corr asked for further information on the sign location. Cajka showed that there are three center identification signs. The waiver is for all three signs. Their street frontage is a long ways away, so there will be pad sites with no visibility from the street. Part of the rationale for approving this waiver and allowing the larger sign is to provide enough room for the tenants' names on the signs.

Beecham wondered why all one B-2 package. She is having difficulty with that because she thought these uses were allowed in the I-1 zoning. Why are we putting the ballfields with a bunch of businesses? They are so very different uses. Cajka explained that in most zoning districts, the outdoor recreational facility is allowed by special permit, as well as the B-2 district. But because B-2 is a use permit district, the recreational facility can be included as a use without a separate special permit. Beecham expressed her concern – she may be comfortable with alcohol at the businesses but she sees it differently when it is an open area and not a controlled environment. She would rather see a separate special permit to understand why that use is special enough that we should approve it. Most of the uses are geared towards kids so she is not comfortable giving a blanket approval of the alcohol sales. Cajka further explained that the special permit is only for the recreational part – separate from the alcohol. Since it is a use permit and it has site plan review, the alcohol sales is added as a permitted use within the use permit. The alcohol sales is actually a conditional use in the B-2 district and this area is far away from any residential district or uses. Cajka suggested that the applicant speak to the intent for the alcohol sales and how they choose to regulate it. Planning staff has not set forth any kind of regulatory conditions on the alcohol sales as long as it meets the conditions of the B-2 district.

Corr inquired about the parking. Cajka stated that they are showing more parking than required, i.e. 60 stalls per field. They have asked for nonconcurrent parking which gives them a break on the ratio. He believes they are showing 200 extra stalls.

### Proponents

**1. Scott Sandquist** appeared on behalf of the developer. They have been working with various city departments for quite some time, and quite successfully. This development is a critical economic engine for the city, not only for West Haymarket, but the fact that it will bring in tournaments, which is the big focus for this development. This brings out-of-town people needing a place to stay and to eat. He believes the subsequent uses that are added will be complementary to the ballfields. The most successful new parks across the country always have adjacent commercial.

Sandquist further commented that it is mixed use. They will start with the ballfields, but the commercial will subsequently include restaurants and hotels and things that support families coming to watch their kids play.

With regard to the sports park uses, Sandquist stated that they are showing 10 fields. They had initially shown twelve 200 ft. fields, but in an attempt to maximize the diversity of use, they enlarged most of the fields to 225 or 250 ft., which will allow some boys baseball. The fields are also arranged such that there are certain ones that can be joined to allow flag football and soccer, etc.

Finally, Sandquist suggested that the Commission may be well aware of the proposal by Vision 2015 to build baseball fields to the east in the tow lot area. That development remains to be seen. His point is that the primary focus there is legion baseball. This development, with girls basketball and youth baseball will be very complementary to the legion play. 83% of Lincoln's hotel visitors are here for sporting events, thus this will be an economic driver for the City.

Lust inquired whether the primary intent with regard to the alcohol is for the hotel/restaurants. Sandquist responded that the hotel/restaurants would be the primary reason; however, during August they will most likely have adult leagues where they might want to have the alcohol available.

Beecham commented that she grew up in a town where alcohol was allowed at games, and the alcohol did not always mix well when spectators got angry at calls by the umpire ending up with fist fights and calls to police. She is concerned about this during events for kids. She asked Sandquist whether he has a plan to make sure there is no underage drinking, security, etc. Sandquist stated that they do not intend to have alcohol at any children events – only adult events. In regard to outdoor alcohol or any alcohol, it's really kind of like the golf courses. But, Beecham believes the difference is that the golf courses have a point of entry. She thinks the alcohol may be less monitored in this situation. Sandquist offered that the facility will be entirely fenced with one gate. It will be a highly controlled access.

It was confirmed that there will be 810 parking stalls, excluding the commercial uses.

Corr noted that the staff report talks about the height increase – they cannot go beyond 75' because of the airport approaches. Sandquist acknowledged and agreed. Corr also noted that lighting is not to interfere with the runway approach. Sandquist also acknowledged and agreed. The lighting has not yet been specifically designed but the runway approach will be a major consideration.

**2. Kent Seacrest** appeared on behalf of the applicants, indicating that they have worked with the neighbors, including a neighborhood meeting where two people attended who were not neighbors to this project.

With regard to the bigger vision, Seacrest pointed out that “this isn’t just fields”. This is an attempt to make it so that families want to come. They will spend first generation dollars in the community. They want to create a situation where the families can literally stay, park and walk. It is intended to be a fun place so they come back year after year.

Seacrest also noted that the applicant has submitted request for waivers to the Access Management Policy. In that regard, Seacrest suggested that some day Sun Valley Boulevard will be relocated. At that time, this facility will want a third entrance. There is an existing bridge over the railroad tracks, thus they have to build a left turn pocket to come into the development and it will be impossible to be perfect with the tapers because of the bridge.

Seacrest expressed appreciation to the staff on this project.

Corr inquired as to who was invited to the neighborhood meeting. Seacrest stated that they used the Planning Department notification area, and also plan to meet with the West O businesses. Corr wondered whether the residents of the apartment complex were invited. Seacrest acknowledged that the apartment complex is within the notification area and the applicant has purchased the apartment complex land. They are very familiar with the intent.

There was no testimony in opposition.

### Staff questions

Beecham noted that it was stated that the intention is not to sell alcohol at kids sporting events. If that were to change after we have granted this approval, does that not come back to the Planning Commission? Cajka stated that it would not. The only way it would come back is if there were some condition on the use permit pertaining to the alcohol. Then if they wanted to change it, they would have to come back to amend that condition in the use permit.

Corr inquired about flooding. She wants to make sure that everything will be okay here where the staff report talks about concentration of the watershed, etc. **Ben Higgins of Watershed Management** stated that overall, the concern is the major flooding, and it is localized drainage which can be worked out. Corr then asked about the detention pond and need for easements, etc. Higgins advised that Watershed needs to see the details and then it will have to be worked out according to the conditions of approval.

Regarding the whole left turn lane and southbound right turn lane, Corr asked whether the developer is responsible for that cost now before Sun Valley Boulevard is realigned. Cajka stated that the those improvements must happen before the realignment of Sun Valley Boulevard. **Mark Palmer of Olsson Associates** appeared on behalf of the applicant and clarified that these improvements are in the redevelopment agreement. They are part of the local improvements required at the developer's expense. They will need to be coordinate with NDOR.

**COMPREHENSIVE PLAN AMENDMENT NO. 14002**

**ACTION BY PLANNING COMMISSION:**

April 30, 2014

Hove moved approval, seconded by Scheer.

Beecham believes the ball park is a big issue in regards to alcohol. She appreciates that the applicants have thought about a process with a plan in place for when they will sell alcohol and she also likes that it is fenced, thereby giving a little bit of control to the applicant. This has been a struggle for her.

Cornelius commented that if he had to characterize the misgivings that he has on these applications, it is that we have applied required separation between alcohol sales and a variety of uses in the ordinance, and one of those uses is "park". But what we have heard is that the separation in this case is plenty. It is private, but we have a mixing of park uses and other uses, including on-sale alcohol.

Corr observed that the example she thinks of is Spikes, and they are fenced but they also serve alcohol. They don't necessarily have children playing volleyball but it appears they do okay with a plan in place for the alcohol sales. She envisions a situation similar to that.

Sunderman pointed out that parks are kind of a "free for all" – not real structured. It appears that the areas in this case will be more structured with adults, organized play, etc. If there is on-sale, they won't be able to bleed onto the others simply by the permits with controlled access. It is the structure inherent in this that he will support.

Lust pointed out this particular motion is whether this project should have a change in land use in the Comprehensive Plan, and we have heard adequate testimony that it should.

Motion for approval carried 9-0: Scheer, Beecham, Sunderman, Corr, Hove, Cornelius, Weber, Harris and Lust voting 'yes'. This is a recommendation to the City Council.

**CHANGE OF ZONE NO. 14009**

**ACTION BY PLANNING COMMISSION:**

April 30, 2014

Cornelius moved approval, seconded by Corr.

Lust commented that this particular motion is whether to change the zoning in this area and she believes it is abundantly clear that the change from a residential use is appropriate.

Motion for approval carried 9-0: Scheer, Beecham, Sunderman, Corr, Hove, Cornelius, Weber, Harris and Lust voting 'yes'. This is a recommendation to the City Council.

**USE PERMIT NO. 14004**

**ACTION BY PLANNING COMMISSION:**

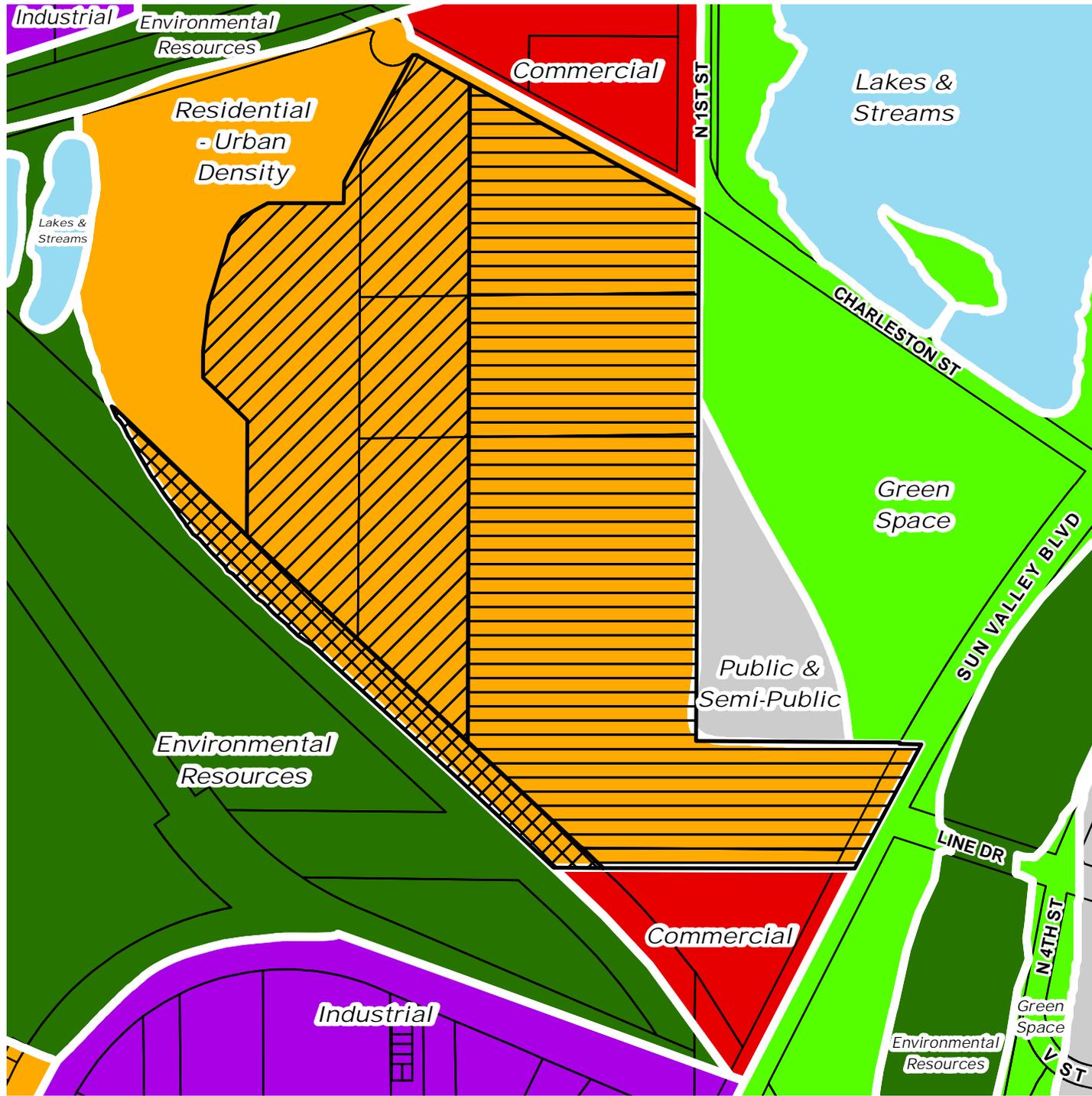
April 30, 2014

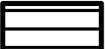
Hove moved to approve the staff recommendation of conditional approval, as revised, seconded by Corr.

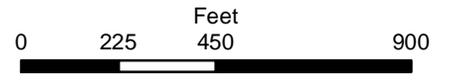
Lust stated that she will support the development and believes this is a good sort of development for Lincoln.

Motion for conditional approval, as revised, carried 9-0: Scheer, Beecham, Sunderman, Corr, Hove, Cornelius, Weber, Harris and Lust voting 'yes'. This is a recommendation to the City Council.

**CPA # 14002:**  
**Great American Sports Park**  
**Sun Valley Blvd & Line Dr**  
**Proposed Future Land Use**



-  Urban Res. to Green Space
-  Urban Res. to Commercial
-  Urban Res. to Env. Resources
-  Future Svc Limit
-  Ownership Parcels



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April 14, 2014

**RECEIVED**

**APR 14 2014**

**Lincoln/Lancaster Co.  
Planning Department**

Mr. Marvin Krout  
Planning Department  
555 South 10th St., Suite 213  
Lincoln, NE 68508

Re: Great American Sports Park  
Sun Valley Lane & Line Drive  
Comprehensive Plan Amendment

Dear Marvin:

Our law firm represents the Great American Sports Park, LLC ("GASP") regarding its proposed redevelopment project. Recently, Olsson Associates submitted a Change of Zone & Use Permit, for the GASP redevelopment project. The current 2040 Comprehensive Plan Future Land Use Plan shows the Change of Zone area as future urban residential uses and commercial.

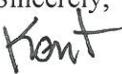
We hereby request an amendment to the 2040 Comprehensive Plan to designate the following proposed lots and outlots as shown on our proposed Use Permit Site Plan for the following "Commercial" and "Green Space" designation on the 2040 Comprehensive Plan's Future Land Use Plan:

Commercial	Green Space
Lots 2 through 14, inclusively	Lot 1
Outlots A through D, inclusively	Outlot E
Outlot F	

Our request also includes any other resulting changes to the texts and maps of the 2040 Comprehensive Plan. The above reference "Commercial" lots and outlot are shown as "Commercial" in the current Northwest Corridor Redevelopment Plan, amended March 21, 2011.

Enclosed, please find our application and a check for the Comprehensive Plan Amendment for \$330.

We appreciate your help in processing this Comprehensive Plan Amendment.

Sincerely,  


Kent Seacrest