FACTSHEET

TITLE: SPECIAL PERMIT NO. 18003 - Allow for the development of an indoor sports facility and commercial space with waivers to parking and setbacks. (150 SW 14th Place)

BOARD/COMMITTEE: Planning Commission

APPLICANT: Lincoln Sports Facility, LLC


STAFF RECOMMENDATION: Conditional Approval

OTHER DEPARTMENTS AFFECTED: N/A

SPONSOR: Planning Department

OPPONENTS: None present at hearing.

REASON FOR LEGISLATION:
This is a request for a special permit to allow for the development of an indoor sports facility and additional commercial space with waivers to parking and reduced setbacks associated with the amendment to the West O Street Redevelopment Plan that involves a Comprehensive Plan Compliance for the redevelopment of five underdeveloped parcels of land located in the West O Street Redevelopment Area. The proposal involves two phases. Phase One will consist of the construction of an approximately 78,500 square foot indoor sports complex including 8 basketball courts, 12 volleyball courts and a 5,000 square foot training center, as well as construction of a surface parking lot and associated improvements. Phase Two will consist of an approximately 19,000 to 21,000 square foot commercial buildings, a surface parking lot and associated improvements.

DISCUSSION/FINDINGS OF FACT:
1. This special permit request, the associated Comprehensive Plan Conformance No. 18005, (Bill #18R-54), and Change of Zone No. 18001 (Bill #18-31) were heard at the same time before the Planning Commission on February 14, 2018.

2. The staff recommendation of conditional approval of this special permit is based upon the “Analysis” as set forth on pp.2-3, concluding that the proposed goal of the project is to strengthen and support the business community in the West O Street Redevelopment area through development of an indoor sports facility and the commercial buildings. The facility will be a destination business and will attract families and customers to commercial neighbors. The project will assist in the efforts to remove and mitigate blight and substandard conditions. Additionally, it will put an under-utilized parcel of real estate to a productive use as an infill redevelopment project using existing infrastructure with no additional infrastructure costs to the city. This project helps mitigate any adverse impact and protect the rare saline wetlands located adjacent to the site. The staff presentation is found on pp.14-16.

3. Testimony on behalf of the applicant is found on pp.16-17. There was no testimony in support of or in opposition to this proposal; however, one letter of support was submitted (see p.13). Planning Commission discussion with staff is found on p.18.

4. On February 14, 2018, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval of this special permit request, voted 8-0 to find the proposed Comprehensive Plan Conformance (Bill #18R-54) to be in conformance with the 2040 Comprehensive Plan, and voted 8-0 to recommend approval of the proposed Change of Zone (Bill #18-31).

5. This proposal is scheduled before the Urban Design Committee for review and action on March 6, 2018. The committee’s recommendation will be provided under separate cover.

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer DATE: February 23, 2018
REVIEWED BY: David R. Cary, Planning Director DATE: February 23, 2018
This project is consistent with the 2040 Comprehensive Plan. Chapter 5 Business & Economy indicates that commercial centers should be developed in locations where they will enhance entryway corridors and in existing underdeveloped commercial areas in order to removed blighted conditions and more efficiently utilize existing infrastructure.
WAIVERS

1. Waiver #1 Parking Requirements. The required parking stalls shall be based on 1 stall per 300 square feet of buildings; regardless of use. (Recommend Approval)

2. Waiver #2 Interior Setbacks. Internal building setbacks shall not apply. (Recommend Approval)

3. Waiver #3 Private roadway ending in a cul-de-sac. (Recommend Approval)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 5.5 - In existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and to more efficiently utilize existing infrastructure.

P. 5.6 - So that they enhance entryways or public way corridors, when developing adjacent to these corridors.

5.16 - Encourage efforts to find new uses for abandoned, under-utilized or “brownfield” sites that are contaminated, through redevelopment and environmental mitigation.

P. 12.3 - This site is shown as future Commercial and Industrial on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 - Industrial designations are for areas where railroads, manufacturing, trucking and transportation facilities are the dominant land use, with some commercial activities.

P. 12.4 - Commercial designations are for areas of retail, office, service and residential mixed uses. Commercial uses may vary widely in their intensity of use and impact. Individual areas designated as commercial in the land use plan may not be appropriate for every commercial zoning district.

ANALYSIS

1. This is a combined request for a Special Permit for a Planned Service Commercial development and for a change of zone from H-3 Highway Commercial District and I-1 Industrial District to H-4 General Commercial District for an enclosed commercial recreational facility for the development of the Lincoln Sports Facility to provide indoor recreation and competitive sport opportunities for Lincoln youth.

2. The request also includes a change of zone from H-3 Highway Commercial District and I-1 Industrial District to Agriculture on Outlot A in the West Hobleman 1st Addition. This change of zone is to preserve the existing floodplain and wetlands located on a generally undevelopable property.

3. An amendment to the West O Street Redevelopment Plan that involves a Comprehensive Plan Compliance (CPC18005) for the redevelopment of five underdeveloped parcels of land located in the West O Street Redevelopment Area.

4. The site can be easily service by roads and utilities. Lots fronting W. O Street will continue to take access off W. O Street and the new facility will take access off SW. 14th Place as a private drive.

5. The applicant is requesting three waivers to parking requirements, internal setbacks and a private roadway ending in a cul-de-sac. Staff recommends approval of the three waivers. The parking waiver is appropriate because the site plan shows sufficient parking spaces for this type of use with required parking stalls based on 1 stall per 300 square feet of building; regardless of use. The internal setback waiver is appropriate because the subject property is seen as one premise, and the private roadway ending in a cul-de-sac is recommended for approval because the end of the roadway terminates at the proposed main building.

6. The Lincoln-Lancaster County Health Department (LLCHD) notes that a rail line is located less than 300 feet from the proposed youth sports facility. Due to the close proximity of the rail line, prior to the issuance of a building permit, the applicant shall develop an emergency response plan to the satisfaction of the LLCHD, both written and drawn, including a house-in-place scenario and an off-site evacuation.
The electrical breaker switch of the sports facility's heating, ventilation and air conditioning (HVAC) system shall be clearly marked and readily accessible at all times to the sports facility's staff or the applicant shall equip the building with not more than two emergency shut-off switches so the HVAC system can be immediately shut down in the case of a hazardous chemical spill on the rail line to the satisfaction of the LLCHD. The shut-off switch shall be located so that it is easily accessible at all times to the sports facility’s staff. The sports facility’s staff shall be trained on how to locate and operate the electrical breaker switch or the emergency shut-off switch.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Vacant and Commercial & H-3 and I-1 districts

SURROUNDING LAND USE          SURROUNDING ZONING
North:  W. O Street             H-3 Highway Commercial
South:  Burlington Northern Railroad  I-1 Industrial
East:   Auto sales            H-3 Highway Commercial
West:   Vacant                  H-3 Highway Commercial

APPLICATION HISTORY: none

APPROXIMATE LAND AREA FOR THE SPECIAL PERMIT: 9.85 acres

APPROXIMATE LAND AREA FOR THE CHANGE OF ZONE: 11.35 acres

LEGAL DESCRIPTION FOR THE SPECIAL PERMIT: Lots 1-7, Block 1, Earl Carter Addition, located in Section 28-10-6, Lincoln, Lancaster County, Nebraska.

LEGAL DESCRIPTION FOR THE CHANGE OF ZONE: From H-3 (Highway Commercial District) to H-4 (General Commercial District), on property legally described as all of Lots 1-3, 5-7 Block 1, and from H-3 to H-4 on part of Lot 4, Block 1, Earl Carter Addition, located in Section 28-10-6 and from H-3 to Agriculture (AG) on property legally described as part of Outlot A, West Hobelman 1st Addition and from I-1 to AG on part of Outlot A, West Hobelman 1st Addition, located in Section 28-10-6, Lincoln, Lancaster County, Nebraska. (*Change of Zone Map and Legal -- Corrected February 15, 2018*)

Prepared by:

Dessie E. Redmond, Planner
(402) 441-6373       Date: February 6, 2018

Applicant/Contact: Lincoln Sports Facility, LLC
Sam Manzitto, Jr.
3341 Pioneers Boulevard, Suite 1
Lincoln, NE 68506
CONDITIONS OF APPROVAL - SPECIAL PERMIT #18003

Per Section 27.63.470 this approval permits Planned Service Commercial for approximately 9.85 acres including waivers to parking, setback, and cul-de-sac requirements for private roadways. The required parking shall be one stall per 300 square feet of floor area regardless of use.

Site Specific Conditions:

1. The City Council approves associated request:
   
   1.1 Change of Zone #18001 from H-3 Highway Commercial District and I-1 Industrial District to H-4 General Commercial District
   
   1.2 Comprehensive Plan Compliance #18005

2. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:

   2.1 Resubmit the Lincoln Sports Complex Drainage and Grading Concept Plan with revised Site Improvement Notes to include the following:
   
   2.1.1 Detention is being requested to be waived, due to being adjacent to major creek
   
   2.1.2 Final design including grading, drainage, wetland impacts, floodplain requirements, stormwater quality requirements shall be submitted to minimize impacts to wetlands and the floodplain prior to the Final Approved Plans prior to building permit

   2.2 Submit building elevations and a landscape plan for approval by the Director of Planning after review by the Urban Design Committee prior to building permit. Street trees must be provided along W. O Street per city spacing standards.

   2.3 Required revisions to the site plan:
   
   2.3.1 Designate the area of the existing Utility easement to be released where proposed buildings overlap easement.
   
   2.3.2 Add a note with total parking stall count.
   
   2.3.3 Label private roadway.
   
   2.3.4 Remove parking stall layout for Lot 1 or show compliance with parking lot standards.
   
   2.3.5 Label 15’ Utility easement along north property line of Lot 6.
   
   2.3.6 Provide parking access easement along north property line of Lot 6 and 2.
   
   2.3.7 Add a note that any beer garden on Lot 1 will fall entirely within Lot 1.
   
   2.3.8 Show H-4 setback on site plan along exterior property lines.
   
   2.3.9 Label all existing Utility easements.
   
   2.3.10 Add a note that cul-da-sac for private streets is waived.
   
   2.3.11 Add to the General Notes, “Signs need not be shown on this site plan, and need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation.”

3. Before receiving building permits provide the following documents to the Planning Department:

   3.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

   3.2 Submit an application for release of easement if any of the existing easements fall under the proposed buildings.

   3.3 Verification of Lincoln Electric System (L.E.S) easements.
3.4 Verification that an avigation and noise easement to the Lincoln Airport Authority on all or that part of the land located within the Airport Environ Noise District has been received by the Lincoln Airport Authority.

3.5 Due to the proximity of the rail line, prior to the issuance of a building permit, the applicant shall develop an emergency response plan to the satisfaction of the Lincoln-Lancaster County Health Department (LLCHD), both written and drawn, including a house-in-place scenario and an off-site evacuation.

3.6 The electrical breaker switch of the sports facility’s heating, ventilation and air conditioning (HVAC) system shall be clearly marked and readily accessible at all times to the sports facility’s staff or the applicant shall equip the building with not more than two emergency shut-off switches so the HVAC system can be immediately shut down in the case of a hazardous chemical spill on the rail line to the satisfaction of the LLCHD. The shut-off switch shall be located so that it is easily accessible at all times to the sports facility’s staff. The sports facility’s staff shall be trained on how to locate and operate the electrical breaker switch or the emergency shut-off switch.

3.7 Proof that the site plan and all related documents have been sent to Nebraska Game and Parks for review.

**Standard Conditions:**

4. The following conditions are applicable to all requests:

4.1. Before occupying buildings or starting the operation all development and construction shall substantially comply with the approved plans.

4.2. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan unless otherwise granted by a waiver with this Special Permit.

4.3. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

4.4. The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
Change of Zone #: CZ18001
Lincoln Sports Facility
SW 14th Pl & W O St

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.28 T10N R06E

Area of Application
Zoning Jurisdiction Lines
Lancaster County Jurisdiction
Special Permit #: SP18003
Lincoln Sports Facility
SW 14th Pl & W O St

Zoning:

R-1 to R-8 Residential District
AG Agricultural District
ARGR 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.28 T10N R06E

Area of Application
Zoning Jurisdiction Lines
Lancaster County Jurisdiction
NOTES:
1. ALL PARKING WITHIN LOTS 2-6 SHALL BE SHARED BY ALL BUILDINGS AND USES WITHIN LOTS 2-6.
2. INTERNAL BUILDING SETBACKS SHALL NOT APPLY.
3. REQUIRED PARKING STALLS SHALL BE BASED ON 1 STALL PER 300 SF OF BUILDING, REGARDLESS OF USE.
4. PROPOSED BUILDINGS OTHER THAN THE SPORTS COMPLEX SHALL BE WITHIN LOTS 2 AND 3.
Proposed Floor Elevation of Building = 1165.00
Base Flood Elevation = 1153.40
Existing Ground Elevation within Building Footprint = 1162 to 1170

Site Improvement Notes:
A. Site lies adjacent to existing wetlands.
B. Site lies within Salt Creek Storage Area
C. Existing Lot to the West will be utilized for detention and Water Quality
D. Final Design will be coordinated with City of Lincoln Staff to minimize impacts to the above.
VIA HAND DELIVERY

David Cary  
Planning Director  
City of Lincoln  
555 South 10th Street, Suite 213  
Lincoln, NE 68508

Re: Change of Zone Application for the Lincoln Sports Facility Project at 150 Southwest 14th Plaza, Lincoln, Nebraska  
Our File No.: 23534.001

Dear Mr. Cary:

I represent Lincoln Sports Facility, LLC in connection with its proposed development of a new indoor sports complex located at West "O" Street and Southwest 14th Plaza. Lincoln Sports Facility, LLC proposes to construct an approximately 78,500 square foot structure to provide indoor court and competitive space for 8 basketball courts or 12 volleyball courts to be used at noncurrent times. In addition, the project would entail the construction of an approximately 19,000 to 21,000 square foot retail building to provide additional retail supportive services on West "O" Street.

1. **Project/Request.** Lincoln Sports Facility, LLC has site control of the following described real estate:

   Lots 2, 3, 4, 5 and 6, Block 1, Earl Carter Addition, Lincoln, Lancaster County, Nebraska.

   The property is generally zoned for the H-3 Highway district while Lot 4 is zoned for the I-1 Industrial district. Lincoln Sports Facility, LLC proposes: (a) to change the zone of the entirety of the property, comprised of 8.14 acres, to the H-4 General Commercial District; and (b) a Special Permit in the H-4 zone as allowed by LMC § 27.63.470 for a "Planned Service Commercial" facility. The Site Plan for the
Special Permit will be uploaded to Project Dox by the project architect, Corey Brodersen of JEO Consulting Group, Inc.

2. **Reason.** The purpose behind the Change of Zone and Special Permit requests is to facilitate the development of the Lincoln Sports Facility to provide indoor recreational and competitive sport opportunities for Lincoln youth. Lincoln is experiencing a shortage of indoor court space for youth basketball and youth volleyball. This facility is greatly needed to provide a private venue for practice, competition and tournament opportunities for youth sports in Lincoln. In addition, the retail building will provide additional service oriented retail stores to support the Lincoln Sports Facility and bring additional retail traffic to the West “O” Street area of the City of Lincoln.

3. **Associated Application/Request.** Concurrent with the Change of Zone/Special Permit request, Lincoln Sports Facility, LLC, in working with the Urban Development Department of the City of Lincoln, submitted an Amendment to the West “O” Redevelopment Plan to amend such Redevelopment Plan to incorporate the Lincoln Sports Facility Redevelopment Project.

4. **Waivers.**

   A. **Parking.** As reflected by the Site Plan prepared by JEO Consulting Group, Inc. which will be uploaded to Project Dox, the Special Permit contains 345 parking stalls which we deem to be excess of the number of parking stalls required under the Lincoln Municipal Zoning Ordinance, which requires:

   - LMC § 27.67.040(jj)(1): 4 spaces per court; or
   - LMC § 27.67.020: Matrix: 1 stall per 300 square feet = 262 stalls for the Phase One recreational building and 70 stalls for the Phase Two retail building for a total of 332 stalls.

   To the extent that the Planning Department interprets this requirement differently, the applicant requests a waiver of the parking requirements in excess of 345 spaces to be provided with this development.

   B. **Sideyard Setback.** Further, the Site Plan reflects compliance with the required yard restrictions contained in the H-4 zoning district with the sole exception of the location of the parking lot in the 20 foot required sideyard. The reason for the requested waiver is that the building was moved to the east to avoid any contact with the wetlands area on the western boundary line.
5. **Fees.** In accordance with the fee schedule of the City of Lincoln, you will be receiving a check made payable to the City of Lincoln which includes: (a) $988.00 for the Change of Zone application; and (b) $988.00 for the Special Permit Request, for a total of $1,976.00.

To complete the application, we submit the formal application form and the check for the application fees. If there are any questions, please do not hesitate to contact me.

Sincerely,

[Signature]

Thomas C. Huston
For the Firm

cc: Sam Manzitto (via email)
Corey Brodersen (via email)
February 5, 2018

Lincoln-Lancaster County Planning Dept.
Geri Rorabaugh, Administrative Officer
555 South 10th St., Ste 213
Lincoln, NE 68508

Re: Sports Complex West O Street

Dear Geri:

We own the West Gate Shopping Center @ West O Street and Capital Beach Blvd. The proposed Sports Complex is located across the street from our shopping center.

We strongly believe this development would be good for our shopping center and also for the entire West O Area. We urge you to approve this request.

WEST GATE, INC.

By: S. Edward Copple, President

EC: gda
COMPREHENSIVE PLAN NO. 18005, CHANGE OF ZONE NO. 18001, AND SPECIAL PERMIT NO. 18003

COMPREHENSIVE PLAN NO. 18005, TO REVIEW AS TO CONFORMANCE TO THE WEST O STREET REDEVELOPMENT PLAN THE LINCOLN SPORTS FACILITY REDEVELOPMENT PROJECT, GENERALLY LOCATED AT 150 SW 14TH PLACE: February 14, 2018

Members present: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, and Washington; Scheer absent.

Staff recommendation: Conformance to the Comprehensive Plan.

AND

CHANGE OF ZONE NO. 18001, FROM H-3 (HIGHWAY COMMERCIAL DISTRICT) AND I-1 (INDUSTRIAL DISTRICT), TO H-4 (GENERAL COMMERCIAL DISTRICT): February 14, 2018

Members present: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, and Washington; Scheer absent.

Staff recommendation: Approval.

AND

SPECIAL PERMIT NO. 18003, FOR THE DEVELOPMENT OF AN INDOOR SPORTS FACILITY AND ADDITIONAL COMMERCIAL SPACE: February 14, 2018

Members present: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, and Washington; Scheer absent.

Staff recommendation: Conditional Approval.

Staff Presentation: David Landis, Director of Urban Development, stated this is the third project in the West O Street area. The area had not seen much redevelopment until recently, when it has had an increasing presence. This proposal is for two buildings, including a large structure described as a 78,000 square foot multipurpose sports facility that will hold up to 8 basketball courts or 12 volleyball courts. It is being developed privately by Lincoln Sports Facility, LLC, who are on hand to answer questions. There are a number of factors that make this proposal appealing and in conformance with Comprehensive Plan goals. The site is along an entryway corridor, landscaping will enhance the area, fitness and wellness opportunities are encouraged, and private organizations that promote athletics, arts, and various club activities are supported. The 5,000 square foot building will be used for commercial and retail. The area has been reviewed for wetland and floodplain issues. The developer has purchased enough land that those questions can be solved. The City is currently negotiating a redevelopment agreement with the developers. It is a private investment of around $8 million, with close to $900,000 in TIF funds. In order to utilize TIF funds, this body must determine that the project
is an appropriate use of the site. Lincoln grows by around 3,000 people per year, but parks and recreation facilities are not added at that same pace. It is positive for the community that private development can step in to fund projects like this one.

Edgerton said she has questions about the zone changes. Landis said that is to accommodate the commercial and retail elements of this project.

Harris asked if this will require a blight study. Landis said that was done years ago and this is inside those boundaries.

Redmond said there are boundary differences between the special permit and the change of zone. The special permit will be applied to the western portion of the site. Staff required inclusion of property along the west in the change of zone request to address the floodplain and wetlands areas. That area will be rezoned to AG to preserve those amenities. This site is currently considered underutilized. The applicant is also requesting three waivers. One is for parking. The total building square footage is around 97,500 square feet, so with the one stall per 300 square feet requirement, they would need 325 spaces. The plan currently shows 345. The second waiver is for interior setbacks to be waived; the exterior setbacks will remain. The third waiver is for the private roadway ending in a cul-de-sac at the proposed building.

Harris asked for clarification about the waiver since the applicant has more stalls than what is required. Steve Henrichsen, Planning Department, explained that what is being exceeded is the new parking requirement. This is a sports facility so it is reasonable to consider the number of stalls needed could have been a little more. This site is being developed as a whole entity, with shared parking. Given that fact, and the fact that most of the activity will happen in the evenings or on weekends, sharing parking with the commercial buildings is appropriate. Rather that calculating a complicated ratio based on those factors, it was worked out that if both uses were included, then there is no need to list out each component of the shared parking arrangement. This is a contained site with no residential neighborhoods nearby. The other businesses on the site retain the right to have people towed from their private lots. Harris said the ratio used is not that of indoor sports facilities. Henrichsen said that is correct. Some sports facility uses have been singled out and calculated separately; with the two commercial buildings, we knew in this case there was still an excess of parking. This will also provide flexibility to the developer should they decide someday that the facility will only be used for basketball, for example. This is simplified and even if this were to go to some other commercial use, the 1/300 is still the appropriate ratio.

Hove asked if the project would be reviewed again if the applicant would develop farther on to the other side of the cul-de-sac. Redmond said the area within the boundary to the west is being rezoned to AG to preserve the environment. The parking would increase if they added on to the site.

Washington asked if the parking applies to both phases of the project. Redmond said that is correct.

Washington asked for clarification about exactly which parcels are being rezoned AG. Redmond said the western two parcels.

Corr asked why the zoning is changing from H-3 to H-4. Redmond said the planned service commercial development requires H-4 zoning for an enclosed recreational use. The H-4 allows
that special use; H-3 does not.

Corr asked when the Urban Design Committee will review this project. Redmond said that will happen at their March meeting and the notes will be forwarded to the City Council.

Corr has concerns about a waiver for a side yard setback. Redmond said the waiver will only apply for the interior setbacks only.

Edgerton asked what the relationship is with Lots 1 and 7. Redmond said those will all fall under the special permit. The applicant owns Lot 1.

Beckius noted for the sake of clarification that even though the parking requirements are changed since there are multiple lots, the setbacks will be applied to the exterior of what is now essentially being considered as one lot. Redmond said that is correct.

Proponents:

1. Tom Huston, Cline Williams, 233 S. 13th Street, stated Sam Manzitto, Manzitto Bros.; Maggie Griffin of the Volleyball Club of Nebraska; and Matt Cumro with Supreme Court Basketball, have become partners in the entity, Lincoln Sport Facility, LLC, and are the redevelopers for this project. The first phase of this 2-phase project the 78,500 square foot sports complex. S.W. 14th Plaza is a private driveway that takes direct access to West O Street. Lot 4 is currently zoned I-1, which would have allowed this project without the special permit. The permit helps to tie the entire area together. South of the project are railroad tracks, which have an impact on some of the conditions of approval. Phase two is the commercial/retail building that will be built sometime in the future.

JEO architecture has been involved in the design of the facility. The interior is designed to accommodate up to 12 volleyball courts and 8 basketball courts to be used on a non-concurrent basis. The need is great for this type of facility in Lincoln. The site is close to the West Bypass and Interstate 80. Access to the major thoroughfares is important to visiting teams and was an important factor in choosing this site. One of the main benefits of the H-4 Zone is that it allows us to make the entire site work as one. The request to waive the internal setbacks was filed in case the main building needed to be moved farther east to protect the wetlands. In the conditions of approval, one unusual element is the Health Department requirement for an emergency evacuation plan due to the site proximity to the railroad tracks. That is in process and is a condition for a building permit to be issued. They also require an emergency shut-off for the HVAC system. Though not officially part of the Municipal Code, the Health Department has a policy that prefers a 300-foot separation; this is around 230 feet. There is a huge grade differential, but nonetheless, the applicants have worked with Health to meet these requests. Phase I is the immediate focus and the schedule now would put this application, along with a corresponding redevelopment agreement, before City Council in late March. Hopefully, the building will be under construction by April and completed yet this year.

Beckius asked if this facility is expected to meet regional need in addition to local. Huston said without a doubt. It is certainly needed locally, and it will enhance the competitive experience through statewide and regional tournaments. Even this large facility will not accommodate a full tournament. There is high demand for court time for both competition and practice.
Hove asked if there was any other access to the property. Huston said no. There is the potential for access to the east, though that is a different property owner. To the west, the storage capacity for floodplain is non-developable as it is home to a highly sensitive saline wetland.

Washington said she has experience with youth sports and she can imagine this facility being immediately very crowded, with 300 or more cars. Huston responded that the parking utilized by adjacent facilities has not been included in the parking count for this proposal. The applicant has had conversations with those owners to see if they are interested in cross-parking easements, and they do seem interested. The commercial neighbors are very interested in having the extra traffic in their neighborhood.

Harris asked if this applicant had involvement with a transitional care facility located at 14th and Old Cheney Streets that required the same condition for having an emergency evacuation plan in place. Huston said he does not remember. Hove added that the surrounding area in the case referenced by Commissioner Harris also had Industrial Zoning nearby, and he recalled that the Health Department also preferred a 300-foot separation in that case. Huston agreed that it is good to have the plan in place and the technology for the emergency shut-off. Corr thought this might be a separate owner from the healthcare facility. [Harris later clarified for the record that her comment was in reference to Use Permit No. 64B, for a non-residential healthcare facility located at 16th Street and Old Cheney Road].

Corr noticed the plan talked about a training center in addition to the courts. Huston said that right now, that is expansion space. The plan, ultimately, is to have a fitness center for youth sports. It would be an auxiliary use for the main building. Corr asked if it would include weight training equipment or any other training equipment. Huston said there is no specific vendor at this time, but there could be some type of equipment. It is a place-holder on the site plan.

Corr said she is concerned about the 300-foot separation waiver. She asked where the HVAC system will be located. Huston said the mechanical space is at the north end of the proposed building, which means it is most likely an additional 100-feet from the back of the property line, though the south end of the building is around 230 feet. The distance is based on potential danger posed by the proximity to the tracks. The more important element of the condition is the training of staff to operate the shut-off and to evacuate. Corr wondered if there is potential to reposition or to reconfigure the building so that it would meet the 300-foot separation. Huston noted that the separation is not part of the Code, but is just the preference. The applicant is trying to comply, but the building cannot be moved to the north or be reconfigured.

Washington asked if it is possible to assure the Health Department that the intake valves are 300 feet away from the tracks. Huston said he does not know. Washington said if she were to assume the intakes were above the mechanical room, they would be more than 300 feet away from the tracks. She believes the intent of Health Department is to assure that there is some distance and a window of safety in case of an accident. Abby Litrell, Law Department, stated that, having spoken with the Health Department, the HVAC requirement had less to do with proximity to the tracks and more to do with noxious fumes entering the building; they wanted a system that could be automatically shut off; the concern was not its distance. The proposed waivers alleviated their concerns or else they would have been present today.

There was no testimony in opposition.
Staff Questions:

Corr said the staff report for the Comprehensive Plan talked about job creation. She wondered if that was only during the construction phase or if there would also be employees at the facility. Ernie Castillo, Urban Development Department, stated that it is a little of both. In his role as Economic Developer, Mike Lang met with the developer to talk about the function of the building. There will definitely be jobs during construction and he would guess staff will also be hired to run the facility for the LLC. Corr said she wanted to make sure it was not just construction, but that there would be jobs at the facility itself.

Joy asked if there are turning lanes associated with the access point. Redmond said that would be addressed by the Public Works Department. Joy asked if that detail is included by the change of zone or special permit. Redmond said it is not.

COMPREHENSIVE PLAN CONFORMANCE NO. 18005
ACTION BY PLANNING COMMISSION: February 14, 2018

Hove moved for Approval, seconded by Beckius.

Beckius said this project will be a boon to sporting families in Lincoln. It is appropriately sited, with unique site considerations taken into account and worked through with staff.

Washington said this is a wonderful project and she hopes it will alleviate the need for late-night practices for youth sports.

Edgerton said this is an exciting project and it is great that private development is getting involved. It will satisfy a real need in the community.

Finnegan added that the project will also help West O Street.

Motion carried, 8-0: Beckius, Edgerton, Finnegan, Harris, Hove, Joy, Washington, and Corr voting ‘yes’; Scheer absent.

CHANGE OF ZONE NO. 18001
ACTION BY PLANNING COMMISSION: February 14, 2018


SPECIAL PERMIT NO. 18003
ACTION BY PLANNING COMMISSION: February 14, 2018