

City Council Introduction: **Monday**, October 20, 2003  
Public Hearing: **Monday**, October 27, 2003, at **5:30 p.m.**

Bill No. 03-167

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 3409**, from AG Agricultural District to B-2 Planned Neighborhood Business District, requested by Kent Seacrest on behalf of Ridge Development Company and Southview, Inc., on property generally located at the northwest corner of the intersection of S. 27<sup>th</sup> Street and Yankee Hill Road.

**STAFF RECOMMENDATION:** Approval.

**ASSOCIATED REQUESTS:** Use Permit No. 149 (03R-301)

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 08/06/03  
Administrative Action: 08/06/03

**RECOMMENDATION:** Approval (9-0: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Schwinn and Steward voting 'yes').

### **FINDINGS OF FACT:**

1. This change of zone and the associated Use Permit No. 149 at the northwest corner of S. 27<sup>th</sup> & Yankee Hill Road were heard before the Planning Commission at the same time as Change of Zone No. 3408, Special Permit No. 2022 and Use Permit No. 134A at the northeast corner of S. 27<sup>th</sup> & Yankee Hill Road.
2. The staff recommendation to approve this change of zone request is based upon the "Analysis" as set forth on p.4-6, concluding that the request, with minor modifications to the associated use permit, generally complies with the Zoning Ordinance and the Comprehensive Plan. Essentially, the applicant is proposing to "relocate" a portion of the B-2 zoning that was previously approved at the northeast corner of S. 27<sup>th</sup> & Yankee Hill Road to this location.
3. The applicant's testimony is found on p.7-8.
4. There was no testimony in opposition.
5. On August 6, 2003, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** October 13, 2003

**REVIEWED BY:** \_\_\_\_\_

**DATE:** October 13, 2003

**REFERENCE NUMBER:** FS\CC\2003\CZ.3409

# LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for August 6, 2003 PLANNING COMMISSION MEETING

**\*\*As Revised by Planning Commission: 8/06/03\*\***

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for the use permit.

**P.A.S.:**        **Change of Zone #3409**    **From AG Agriculture to B-2 Planned Neighborhood Business**

Use Permit #149

**PROPOSAL:**        To allow 166,100 square foot of floor area in a neighborhood business center.

**LOCATION:**        Northwest of the intersection of South 27<sup>th</sup> Street and Yankee Hill Road.

## **WAIVER REQUESTS:**

1. To allow parking aisles to abut the private roadway.
2. To construct a sidewalk on the east side of South 26<sup>th</sup> Street.
3. To allow a street curve with less than a 150' radius.
4. To allow 0' setbacks for Lots 1 - 8, Block 1.
5. To reduce the front setback from 50' to 40' along South 27<sup>th</sup> Street.

**LAND AREA:**        Approximately 18.08 acres.

**CONCLUSION:**        With minor modifications, this request generally complies with the Zoning Ordinance and the Comprehensive Plan.

<b>RECOMMENDATION:</b>	<b><u>Change of Zone #3409</u></b>	<b><u>Approval</u></b>
	Use Permit #149	Conditional Approval
Waivers:		
	Sidewalk along South 26 <sup>th</sup>	Approval
	Curve radius less than 150'	Approval
	0' setbacks for Lots 1-8, Block 1	Approval
	Reduce front setback from 50' to 40'	Approval

## **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:**    CZ#3409 - See attached  
UP#149 - See attached.

**EXISTING ZONING:**        AG Agriculture

**EXISTING LAND USE:** Undeveloped.

**SURROUNDING LAND USE AND ZONING:**

North:	Residential under development	R-3
South:	Residential	R-4
East:	Undeveloped	O-3, B-2
West:	Residential under development	R-3

**ASSOCIATED HISTORY:**

CPA#03014 - A Comprehensive Plan Amendment approved by the City Council on **July 14, 2003** and by the County Board on **July 15, 2003** locating a community commercial center at the intersection of South 27<sup>th</sup> Street and Yankee Hill Road and changing the land use designation on this property from Urban Residential to Commercial.

SP#1978 - Approved **September 3, 2002** for a community unit plan for 120 apartment units on the approximately 20 acre parcel adjacent to the south of this request.

PP#3330 - The preliminary plat of Stone Ridge Estates Addition was approved by the Planning Commission on **November 28, 2001**, and by the City Council on **January 14, 2002**. This preliminary plat included the adjacent R-3 residential development, but excluded the approximately 40 acre parcel northwest of the intersection of South 27<sup>th</sup> Street and Yankee Hill Road.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

**Page F 20** - Community Form -Development Principles

- Mix of office, retail and service uses
- Transition of uses; less intense office uses near residential areas
- Multiple vehicular connections between residential neighborhood and commercial center and multiple access points in and out of area
- Public uses (such as elementary schools) serve as centers of neighborhood

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

**Page F27** - Urban Growth Tiers - This site is within the City's Future Service Limit.

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

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

**Page F87 - Transportation Planning Principles**

- A Balanced Transportation System - The concept of balance also applies to methods of transportation. While the system must function well for motor vehicles, it should also establish public transportation, bicycling, and walking as realistic alternatives now and into the future.

**Page F91 - Other Areas**

- All areas of the community should have safe, secure and reasonably direct pedestrian connections. Activities of daily living should be available within walking distance. Neighborhoods should include homes, stores, workplaces, schools, and places to recreate. Interconnecting streets, trails, and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, and conserve energy.

**UTILITIES:** All utilities are available to serve this project.

**TRAFFIC ANALYSIS:** The site has access to Grainger Parkway which is a full-turning movement intersection at South 27<sup>th</sup> Street, and also has direct access to South 27<sup>th</sup> Street at Jamie Lane which is limited to right-in and right-out turning movements only. Internal access is provided by a private roadway and a public access easement across all drives and parking stalls.

**ANALYSIS:**

1. Previously, this site was designated for urban residential uses in the Land Use Plan. A comprehensive plan amendment recently approved changed the designation to commercial.
2. The site plan shows 151,000 square feet of commercial floor area and includes a grocery store, restaurants including drive-thru facilities, and financial as proposed uses. Also, the land use table shows 129 parking stalls more than what is required by the Zoning Ordinance. However, the applicant is requesting that the approved floor area exceed this amount by 10%. This would provide for a total of 166,100 square feet to allow for minor deviations in building design and tenant preference. This is acceptable provided any increase in floor area above 151,000 up to the maximum 166,100 square feet is subject to review by administrative amendment. Any such request will be required to demonstrate that the increase does not exceed the limits established in the traffic study, and that it complies with all other requirements of the Zoning Ordinance and Design Standards.
3. A waiver to allow a parking aisle to abut a private roadway has been requested. However, there is no specific design standard that applies so a waiver is not required.
4. A private roadway is shown extending through the site in part to provide a public way for utilities. Public Works requires that public utilities be located in public streets or private roadways, otherwise the utility has to be private. The private roadway is subject to the applicable design standards including providing sidewalks. A waiver to not construct the sidewalk on the east side of the north-south portion of the private roadway is requested due to the fact that the roadway is located in a parking lot and there is no distinction between the roadway and the parking lot. This waiver is appropriate.

Additionally, concerning the private roadway, 911 Emergency Communications recommends the north-south portion of the roadway be named South 26<sup>th</sup> Street instead of Jamie Lane to avoid confusion. Also, errors in the curve data are noted and must be corrected.

5. A waiver to the curve radius for the curve in the private roadway where it turns to go north is requested. Considering it is located in a parking lot and speeds should be relatively slow, this waiver is appropriate.
6. A request to reduce the front setback along South 27<sup>th</sup> Street is requested as consideration for the required dedications for right-of-way and bike trail. The dedication of 10 additional feet of right-of-way along South 27<sup>th</sup> Street is required to help provide the 130' required within 700' of a major intersection. Beyond that, another 10' is being dedicated to provide for the bike trail system. The same waiver was granted for the development on the east side of South 27<sup>th</sup> Street for similar reasons, and is also appropriate for this project.
7. The project creates eight lots for commercial development located within an outlot over which a common access easement is granted to the public. The requested waiver is to allow a 0' setback (except along South 27<sup>th</sup> Street) for all yards and allows for this lot configuration. In effect, the lots are building envelopes and structures are allowed to be built to the property line and the outlot provides separation from surrounding properties. This is a typical design strategy for this type of commercial development and the waiver is appropriate. However, all setbacks from lot lines to the boundary of the use permit are not shown and the site plan must be revised to include them. Inclusion of the setbacks will also demonstrate there is a 100' separation between the grocery store and adjacent residential and to comply with the requirements for the sale of alcohol. Additionally, Lot 3 encroaches into the public access easement and must be revised to eliminate the conflict.
8. The landscape plan shows required street trees and parking lot landscaping, but does not include the required screening for B-2 adjacent to a residential district. The plan must be revised to show the required screening, correct street tree spacing, and it is recommended that the substitute plantings requested by the Parks and Recreation Department be shown. Individual lot landscape plans will be submitted at the time of building permits per Use Permit Note #1
9. To enhance pedestrian access and connectivity with the surrounding residential areas, additional sidewalk connections are needed: a sidewalk connection from Lot 4 to the drive entrance at Grainger Parkway; from Lots 7 and 8 to Jamie Lane; and from Lot 8 to South 27<sup>th</sup> Street. Additionally, it should be noted the sidewalk to Lot 5 from South 27<sup>th</sup> Street is desired and should be provided, but that it must be ADA accessible.
10. Revisions to the grading and drainage plan are required per the attached reviews from Public Works and Utilities. The utility plan must also be revised as there is no sanitary sewer service in the vicinity of Lot 3. Public Works also notes that a waiver to storm water detention has been requested, as on-site detention is not provided on the plan. This is a waiver that may be approved administratively and has been granted by the Director of Public Works.

11. Public Works notes in their review that improvements to surrounding arterial streets were addressed in the June, 2003 traffic study for this area, but the assignment of financial responsibility has not been decided. This must occur prior to approval of this change of zone and use permit.
12. This request is an appropriate use of land at this location and can help provide the kind of conveniently located neighborhood-type commercial services expected near residential areas. However, such developments must be designed to both integrate into the neighborhood and be accessible. To this end, the additional recommended sidewalk connections should be made, and additional screening beyond the minimum required by design standards should be provided between the grocery store and the adjacent residential areas to the west and south.

Additionally, the Comprehensive Plan encourages new commercial development to set a higher standard with regard to design aesthetics and compatibility with surrounding development. Note #14 states that building materials and exterior treatments for the center are under design, but will be submitted prior to the public hearing before the Planning Commission.

Prepared by:

Brian Will  
Planner

July 24, 2003

**APPLICANT/**

**OWNER:** Ridge Development and Southview, Inc.  
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Lincoln, NE 68506  
(402) 436-3111

**CONTACT:** Kent Seacrest  
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Lincoln, NE 68508  
(402) 435-6000

**CHANGE OF ZONE NO. 3408;  
SPECIAL PERMIT NO. 2022,  
PLANNED SERVICE COMMERCIAL CENTER;  
and USE PERMIT NO. 134A  
(Northeast corner of S. 27<sup>th</sup> & Yankee Hill Road)  
and  
CHANGE OF ZONE NO. 3409;  
and USE PERMIT NO. 149  
(Northwest corner of S. 27<sup>th</sup> & Yankee Hill Road)**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

August 6, 2003

Members present: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Steward and Schwinn.

Staff recommendation: Approval

Ex Parte Communications: Dan Marvin reported that he had a conversation with the applicant.

Proponents

**1. Kent Seacrest** appeared on behalf of **Ridge Development Company and Southview, Inc.** These proposals are for the northeast and northwest corners of 27th Street and Yankee Hill Road. The northwest corner is already zoned O-3 and B-2. The proposal basically keeps the O-3 and changes the B-2 into H-4 to permit auto dealerships. The west side is then proposed to be designated as B-2, which would then be the neighborhood center and services.

Seacrest reminded the Commission that both of these corners were in front of the Commission during the recent Comprehensive Plan Annual Review and this Commission unanimously recommended both of these reconfigurations, along with commercial further to the south.

With regard to the waiver of the front yard requirement, Seacrest pointed out that the proposal shows front yards up against all the public streets; however, the proposal shows a common parking lot with multiple buildings around that parking lot, and the parking lot is an outlot. The parking is to be shared with a business association. In order to make that outlot, they end up with a building site virtually having no front yard as they abut the parking lot or private roadway. This is a layout that is allowed and staff thought it rational in this case.

Seacrest then addressed the waiver request to reduce the front yard along South 27th Street from 50' to 40'. While the Comprehensive Plan calls for the public way corridor to be 120' right-of-way, it also calls for 130' near the intersections to allow dual left turn lanes. The dilemma is that we have not put those standards into the ordinances and design standards so it is not real clear how it is to

be handled when the city wants additional right-of-way. Seacrest pointed out that the 40' has been allowed in almost every commercial center in the last 10 years.

Seacrest advised that they did have neighborhood meetings, which were not well attended, and he believes the applicant addressed any and all concerns that were raised.

Seacrest then submitted motions to amend the conditions of approval on Special Permit No. 2022, Use Permit No. 134A and Use Permit No. 149. The motion to amend adds Condition #1.1.12 to Special Permit No. 2022, concerning the design standards for the buildings. They do have buildings with double fronts on the street and the common parking area and staff wanted to be sure there was not an ugly back side. Condition #1.1.12 is an attempt to note on the plan such things as the brick, stone, cultured stone, etc. The buildings will be dressed up. This same condition is proposed to be added as Condition #1.1.14 on the Use Permit No. 134A, and also as Condition #1.1.11 on Use Permit No. 149.

With regarding to the landscaping up against the residential neighborhood on the B-2 side, the applicant has agreed with staff to double the trees, which is the proposed amendment to Condition #1.1.2 on Use Permit No. 149. The proposed amendment to Condition #1.1.4 on Use Permit No. 149 deletes the sidewalk connection from Lot 4 to the drive entrance at Grainger Parkway. Staff thought that Lot 4 should have a connectivity to the "big box", but there is another sidewalk that provides sufficient access. Staff has agreed that it would be redundant for sidewalks to be so close to one another.

Seacrest believes that staff agrees with the proposed amendments.

There was no testimony in opposition.

Brian Will of Planning staff agreed with the proposed amendments to the conditions of approval. Steward referred to the added condition regarding the building materials and wondered why they would allow synthetic stucco on this list. Seacrest stated that the synthetic stucco is only allowed on a building over 30,000 sq. ft. The proposed building must meet the speculations of a national car dealer and their prototype for their buildings across the country is a white looking building. It is a situation that they checked out and tried to talk with the national company but they would not "bend" their rules.

#### **CHANGE OF ZONE NO. 3408**

#### **ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

August 6, 2003

Bills-Strand moved approval, seconded by Duvall.

Carlson believes the developer did a good job. They did their homework and it shows.

Motion for approval carried 9-0: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Schwinn and Steward voting 'yes'.



**SPECIAL PERMIT NO. 2022**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

August 6, 2003

Bills-Strand moved to approve the staff recommendation of conditional approval, with the amendments as proposed by the applicant, seconded by Duvall.

Carlson stated that he supports the motion, but he pointed out that the Comprehensive Plan does call for pedestrian connectivity and more pedestrian consideration in commercial areas. He thinks we are starting to see that and he appreciates it.

Motion for conditional approval, with amendments, carried 9-0: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Schwinn and Steward voting 'yes'.

**USE PERMIT NO. 134A**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

August 6, 2003

Bills-Strand moved to approve the staff recommendation of conditional approval, with the amendments as requested by the applicant, seconded by Duvall and carried 9-0: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Schwinn and Steward voting 'yes'.

**CHANGE OF ZONE NO. 3409**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

August 6, 2003

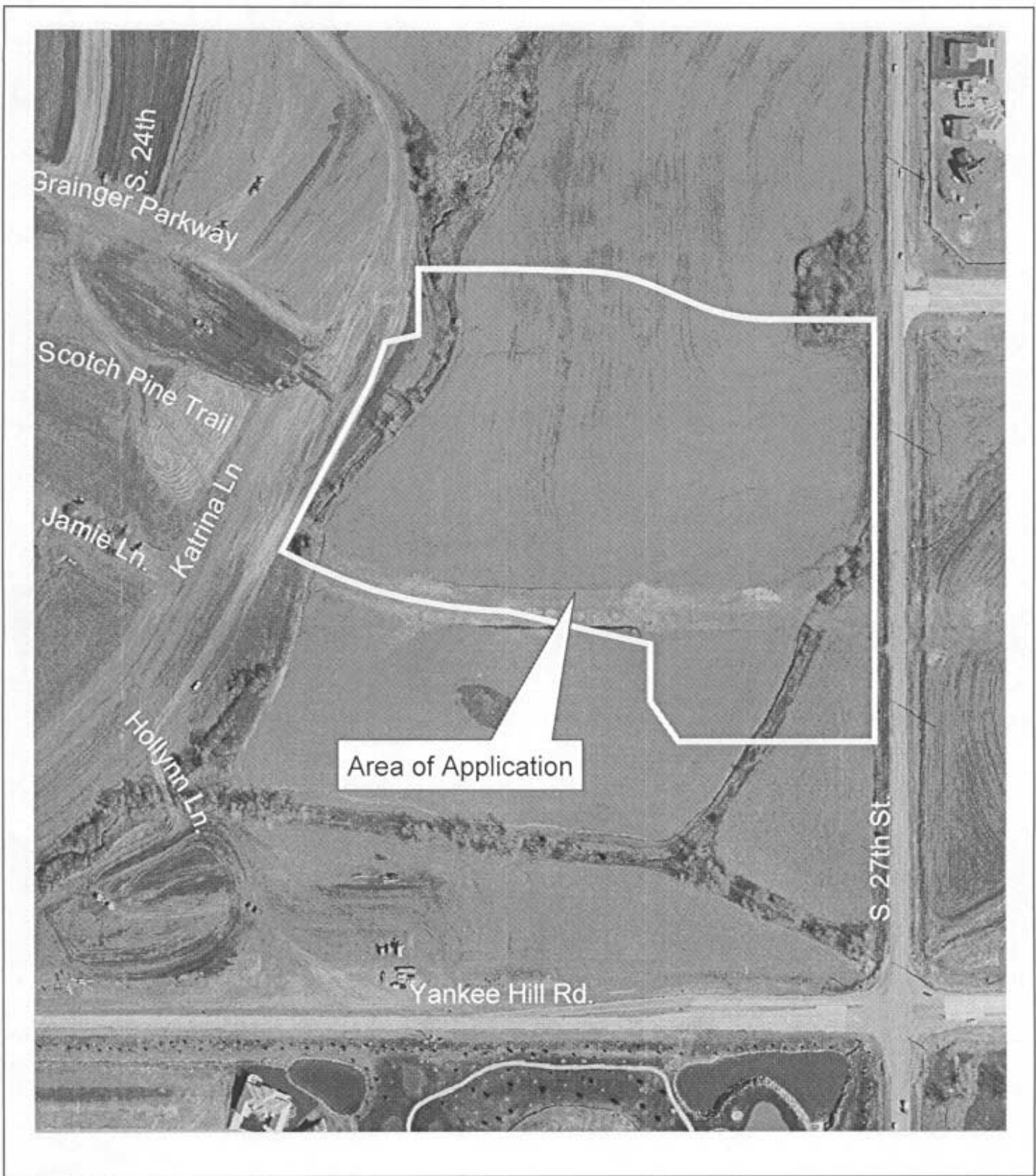
Steward moved approval, seconded by Bills-Strand and carried 9-0: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Schwinn and Steward voting 'yes'.

**USE PERMIT NO. 149**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

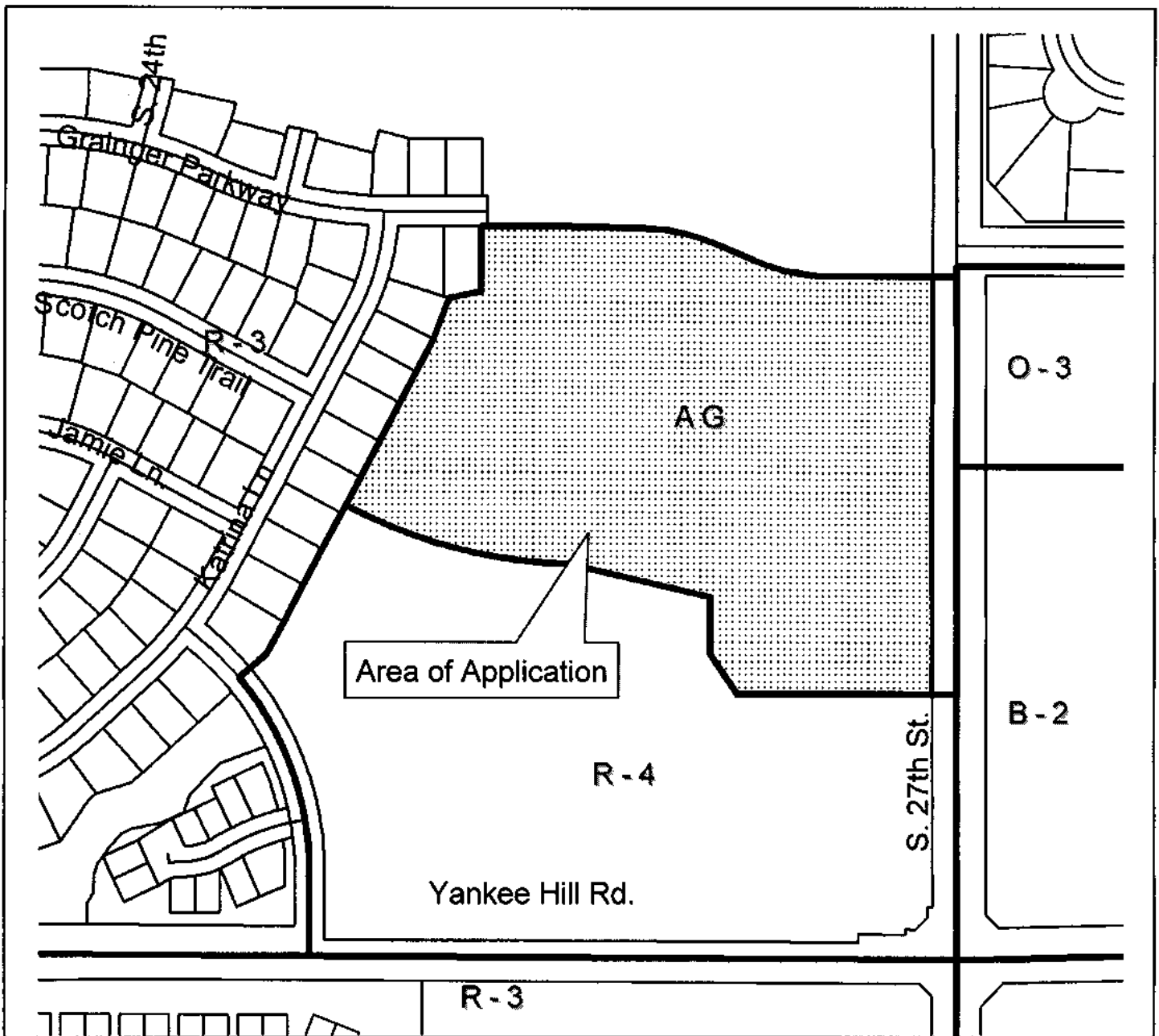
August 6, 2003

Steward moved to approve the staff recommendation of conditional approval, with the amendments as requested by the applicant, seconded by Bills-Strand and carried 9-0: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Schwinn and Steward voting 'yes'.



**Use Permit #149**  
**Change of Zone #3409**  
**S. 27th & Yankee Hill Rd.**



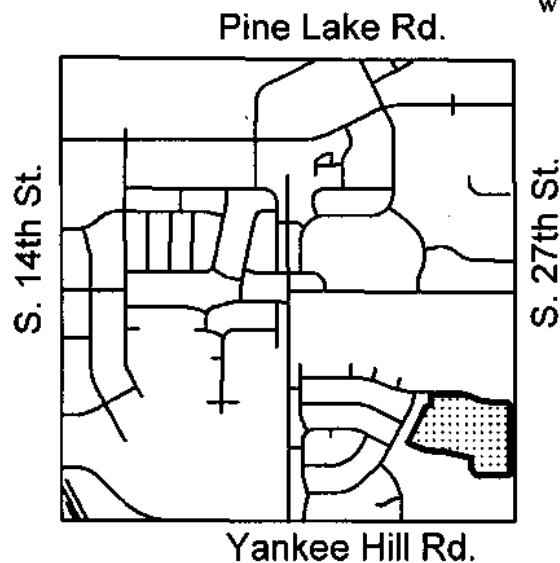
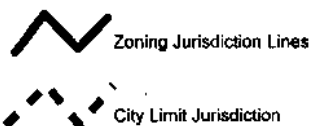


**Use Permit #149**  
**Change of Zone #3409**  
**S. 27th & Yankee Hill Rd.**

**Zoning:**

One Square Mile  
 Sec. 24 T9N R6E

- 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-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



011

**LEGAL DESCRIPTION  
CHANGE OF ZONE  
FROM "AG" TO "B-2"**

A LEGAL DESCRIPTION FOR CHANGE OF ZONE PURPOSES FOR A TRACT OF LAND COMPOSED OF LOT 82 I.T., AND A PORTION OF SOUTH 27<sup>TH</sup> STREET RIGHT-OF-WAY, ALL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6<sup>TH</sup> P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, THENCE ON AN ASSUMED BEARING OF NORTH 00 DEGREES 02 MINUTES 09 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 533.63 FEET TO A POINT OF INTERSECTION WITH THE EXTENSION OF THE SOUTH LINE OF LOT 82 I.T., SAID POINT BEING **THE TRUE POINT OF BEGINNING**, THENCE SOUTH 89 DEGREES 57 MINUTES 51 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 82 I.T., AND ITS EXTENSION, A DISTANCE OF 444.09 FEET TO A POINT OF DEFLECTION, THENCE NORTH 35 DEGREES 06 MINUTES 51 SECONDS WEST ALONG A SOUTHWEST LINE OF SAID LOT 82 I.T., A DISTANCE OF 97.06 FEET TO A POINT OF DEFLECTION, THENCE NORTH 00 DEGREES 02 MINUTES 09 SECONDS WEST ALONG A WEST LINE OF SAID LOT 82 I.T., A DISTANCE OF 115.27 FEET TO A POINT OF DEFLECTION, THENCE NORTH 77 DEGREES 07 MINUTES 34 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 82 I.T., A DISTANCE OF 293.13 FEET TO A POINT, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 1007.00 FEET, ARC LENGTH OF 474.92 FEET, DELTA ANGLE OF 27 DEGREES 01 MINUTES 18 SECONDS, A CHORD BEARING OF NORTH 75 DEGREES 23 MINUTES 47 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 82 I.T., AND A CHORD LENGTH OF 470.53 FEET TO THE SOUTHWEST CORNER OF SAID LOT 82 I.T., THENCE NORTH 28 DEGREES 01 MINUTES 29 SECONDS EAST ALONG A WEST LINE OF SAID LOT 82 I.T., A DISTANCE OF 377.16 FEET TO A POINT OF DEFLECTION, THENCE NORTH 20 DEGREES 57 MINUTES 33 SECONDS EAST ALONG A WEST LINE OF SAID LOT 82 I.T., A DISTANCE OF 86.51 FEET TO A POINT OF DEFLECTION, THENCE NORTH 77 DEGREES 26 MINUTES 11 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 82 I.T., A DISTANCE OF 67.92 FEET TO A POINT OF DEFLECTION, THENCE NORTH 00 DEGREES 02 MINUTES 08 SECONDS WEST ALONG A WEST LINE OF SAID LOT 82 I.T., A DISTANCE OF 130.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 82 I.T., THENCE NORTH 89 DEGREES 57 MINUTES 52 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 82 I.T., A DISTANCE OF 185.01 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 88 DEGREES 24 MINUTES 06 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 82 I.T., A DISTANCE OF 148.41

FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 400.00 FEET, ARC LENGTH OF 147.15 FEET, DELTA ANGLE OF 21 DEGREES 04 MINUTES 39 SECONDS, A CHORD BEARING OF SOUTH 77 DEGREES 51 MINUTES 47 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 82 I.T., AND A CHORD LENGTH OF 146.32 FEET TO A POINT OF TANGENCY, THENCE SOUTH 67 DEGREES 19 MINUTES 27 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 82 I.T., A DISTANCE OF 84.84 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 400.00 FEET, ARC LENGTH OF 458.56 FEET, DELTA ANGLE OF 22 DEGREES 42 MINUTES 42 SECONDS, A CHORD BEARING OF SOUTH 78 DEGREES 40 MINUTES 48 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 82 I.T., AND A CHORD LENGTH OF 157.52 FEET TO A POINT OF TANGENCY, THENCE NORTH 89 DEGREES 57 MINUTES 51 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 82 I.T., AND ITS EXTENSION, A DISTANCE OF 257.04 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, THENCE SOUTH 00 DEGREES 02 MINUTES 09 SECONDS EAST ALONG A EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 838.58 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 829,279.51 SQUARE FEET OR 19.04 ACRES, MORE OR LESS.

May 15, 2003

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# **SEACREST & KALKOWSKI, P.C.**

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May 15, 2003

## **HAND DELIVERY**

Marvin Krout  
Planning Director  
County-City Building  
555 South 10<sup>th</sup>  
Lincoln, NE 68508

RE: Submittals for S. 27<sup>th</sup> Street and Yankee Hill Road Commercial Center

Dear Marvin:

Our law firm represents Ridge Development Company ("Ridge") and Southview, Inc. ("Southview"), the owners of the following tracts of property:

(i) NE Tract: a 30 acre tract located on the northeast corner of S. 27<sup>th</sup> Street and Yankee Hill Road. This Tract is currently zoned O-3 and B-2 and is subject to existing Use Permit No. 134.

(ii) NW Tract: a 16 acre tract located northwest of the S. 27<sup>th</sup> Street and Yankee Hill Road intersection. The major road entrance into this tract is approximately one-fourth mile north of the intersection of S. 27<sup>th</sup> Street and Yankee Hill Road at Grainger Parkway. This Tract is currently zoned AG.

Ridge and Southview are submitting applications for both the NE Tract and the NW Tract at the same time so that they can be reviewed together. Both Tracts are part of the Commercial Center designation currently shown in the Comprehensive Plan Annual Review as Comprehensive Plan Proposed Amendment No. 14.

## **NE TRACT**

Ridge and Southview are requesting a slight reconfiguration of the O-3 zoning lines on the NE Tract, as well as a change of zone from B-2 to H-4. An amendment to existing Use Permit No. 134 is requested for the O-3 area showing office and a bank uses. A special permit for planned service commercial is requested for the H-4 area. The planned service commercial development includes a mix of retail uses, restaurants and a full service automobile dealership. The O-3 and H-4 areas show a combined total of 211,600 square feet.

In addition, Ridge and Southview are requesting a zoning text amendment to the planned service commercial special permit provision to allow automobile/truck wash facilities as an approved use within a planned service commercial development. Automobile/truck wash

facilities are permitted as a conditional use in the H-2 and H-3 zones, and automobile wash facilities are permitted as a conditional use in the B-2 zone and a permitted use in the B-5 zone. Automobile, motorcycle, and four-wheel truck sales, along with automobile repair, including vehicle body repair shops, are approved uses with a planned service commercial development. We think it is appropriate to allow automobile/truck wash facilities to also be located in the H-4 zone as part of a planned service commercial development. Because a planned service commercial development is a permitted special use in the H-4 zone, the City will have an opportunity to review site plans for automobile/truck wash facilities to insure it is compatible with abutting land uses.

We are requesting that the following waivers be added to the above mentioned project:

1. *To reduce the required front yard setback from 50' to 40' along South 27<sup>th</sup> Street and Yankee Hill Road in the H-4 zone.*

An additional 10' of right of way is being dedicated for South 27<sup>th</sup> Street and Yankee Hill Road. There is additionally a 10' pedestrian and landscape easement being dedicated. We are requesting a corresponding setback waiver for this 10' right of way dedication.

2. *A waiver of the internal yard setbacks to 0' for lots 1 thru 12, block 2.*

The proposed lots are surrounded by Outlot "A" that accounts for all parking and setback requirements.

3. *To waive the minimum lot sizing in the H-4 zoning from 15,000 SF to 4,000 SF.*

This waiver is in conjunction with waiver request #2. The proposed lots are surrounded by Outlot "A" that accounts for all parking and setback requirements. The lots are specifically for the buildings and are therefore substantially smaller.

Enclosed please find the following information supporting the requests for the NE Tract:

1. City of Lincoln Zoning Application
2. Certificate of Ownership
3. Application fee in the amount of \$1,365
4. 21 copies of the site plans
5. 9 copies of the grading/drainage plan
6. 9 copies of the landscape plan
7. 9 copies of the profile sheet

#### **NW TRACT**

Ridge and Southview are requesting a change of zone from AG to B-2 for the NW Tract, as well as a use permit for a 151,000 square feet neighborhood center. The neighborhood center contains a mix of uses including a grocery store.

We are requesting that the following waivers be added to the above mentioned project:

1. *To allow parking aisles to abut the private roadway.*

To maintain vehicular circulation through the site, the private roadway is shown along the front of the large Grocery / Commercial / Restaurant building. This private roadway intersects the driving aisles of the parking lot to the east. The private roadway has been discussed with Dennis Bartels at Public Works.

2. *A waiver to the design standards of Lincoln to not construct a sidewalk on the east side of South 26<sup>th</sup> Street (Private Roadway).*

This waiver is in conjunction with waiver request #1. Adequate room is not available to provide a sidewalk on the east side of South 26<sup>th</sup> Street due to the parking lot islands and drive aisles.

3. *A waiver to the design standards of Lincoln to allow curve "3" to have a radius of less than 150'*

The private roadway turns approximately 90 degrees at curve "3", however, a 30' driveway continues westward along the southern side of lots 1 and 2. This intersection functions as a "T" intersection rather than a 90 degree bend. The curve waiver has been discussed with Dennis Bartels at Public Works.

4. *A waiver of the internal yard setbacks to 0' for lots 1 thru 8, block 1.*

The proposed lots are surrounded by Outlot "A" that accounts for all setback requirements.

5. *To reduce the required front yard setback from 50' to 40' along 27<sup>th</sup> Street.*

An additional 10' of right of way is being dedicated for South 27<sup>th</sup> Street. This increases the South 27<sup>th</sup> Street right of way to 60' (measured from centerline). There is an additional 10' pedestrian and landscape easement being dedicated. We are requesting a corresponding waiver for the 10' right of way dedication from the required 50' setback.

Enclosed please find the following information supporting the requests for the NE Tract:

1. City of Lincoln Zoning Application
2. Certificate of Ownership
3. Application fee in the amount of \$1,170
4. 21 copies of the site plans
5. 9 copies of the grading/drainage plan
6. 9 copies of the landscape plan
7. 9 copies of the profile sheet



Olsson Associates has been working with Public Works to complete a traffic study that encompasses the uses on both the NE Tract and NW Tract. The traffic study will be submitted under separate cover next week.

We look forward to working with you on these projects. If you have any questions regarding the above, please call me or Kent Seacrest at the number listed above, or Mark Palmer with Olsson Associates.

Yours very truly,

  
DANAY KALKOWSKI  
For the Firm

Enclosure

cc: Mayor-Elect Coleen Seng  
Council Member Jonathan Cook  
Ridge Development Company  
Southview, Inc.  
Jerry Williamson  
Jim Williamson