

FACTSHEET

TITLE: USE PERMIT NO. 99B, an amendment to Use Permit No. 99, requested by Brian D. Carstens and Associates on behalf of Union Bank & Trust, to enlarge the ground sign from 32 sq. ft. to 70 sq. ft., generally located at the northwest corner of South 27th Street and Pine Lake Road.

STAFF RECOMMENDATION: DENIAL

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 10/18/00
Administrative Action: 10/18/00

RECOMMENDATION: Conditional Approval, with amendment to Condition #2 (7-2: Duvall, Krieser, Carlson, Hunter, Schwinn, Taylor and Bayer voting 'yes'; Steward and Newman voting 'no').

FINDINGS OF FACT:

1. The Planning staff recommendation to **DENY** this proposed amendment to Use Permit No. 99 is based upon the "Analysis" as set forth on p.3-4, concluding that the doubling in sign size, above the base district requirements, will not increase visibility from the north and is counter to the effort to maintain a high quality appearance for the development of this intersection. The ability to do a highly visible wall sign(s) is available now, without the need for any amendments.
2. The applicant's testimony is found on p.7, offering an amendment to Condition #2 that this proposed sign is "...in lieu of a wall sign on the north side of the Union Bank Building." This enlarged ground sign is needed to provide Union Bank with additional identification from the north as the building is approached on 27th Street.
3. There was no testimony in opposition; however, the record consists of a letter from the Southern Hills Neighborhood Association in opposition to the electronic message board feature of the sign (p.016).
4. The applicant's response to the opposition is that Union Bank desires the public service portion of the sign. (See Minutes, p.7).
5. The Planning Commission discussion with staff is found on p.7-8. Electronic message centers are allowed up to a maximum of 80 sq. ft.
6. On October 18, 2000, the Planning Commission voted 7-2 to disagree with the staff recommendation and recommended conditional approval, with the amendment to Condition #2 as offered by the applicant (Steward and Newman dissenting).
7. The applicant appealed Condition #1.1 by letter dated October 25, 2000 (p.017). Therefore, the Site Specific condition of approval normally required to be completed prior to scheduling this item on the Council agenda should be included in any action by the Council approving this use permit amendment.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: November 20, 2000

REVIEWED BY: _____

DATE: November 20, 2000

REFERENCE NUMBER: FS\CC\FSUP99B

SURROUNDING LAND USE AND ZONING: R-1 zoning to the north and west, B-5 to the east, B-2 to the south. Commercial uses to the east and south, residential to the north and west.

COMPREHENSIVE PLAN SPECIFICATIONS: This property is designated as commercial in the 1994 Comprehensive Plan, according to Figure 16, Lincoln's Land Use Map.

HISTORY:

- February 1994 The "South Ridge" Subarea Plan was adopted. Change of Zone #2740 and a Zoning and Annexation Agreement were approved which provided for the development of roads and infrastructure. This property was zoned B-2 with O-3 Office zoning along the west and north sides.
- December 1996 The generic Use Permit #99 and Change of Zone #2952 were approved. The Change of Zone included changing the western portion of O-3 Office to B-2. The change of zone and use permit were part of a package of amendments and permits for commercial uses on all four corners of the intersection.
- January 2000 Use Permit #99A was approved to increase the permitted space by 9,150 square feet and to convert the approved 110, 850 square feet of retail /commercial and restaurant to 120,000 square feet of retail for a discount store.

ANALYSIS:

1. This proposal is to increase the approved ground sign for the Union Bank from thirty two square feet(32) to seventy (70) square feet and include a massage center.
2. Use Permit #99A, as currently approved, permits 207,150 square feet of floor area and Note #14, which reads "Details of all signs, including type, height and size, will be submitted separately for review with the final building permit." The allowed signing must meet the zoning code.
3. 27.69.044 Permitted Signs O-1, O-2, and O-3 reads as follows:
 - (b) *In the O-3 zoning district:*
 - (1) *On-premise wall signs and on-premise projecting signs are permitted. The total sign area of such signs per building facade shall not exceed an area equivalent to ten percent coverage of the wall face or a total of 250 square feet, whichever is lesser. The projecting sign may project from a building a minimum of six feet six inches and may project into a required front yard, but it shall not project above a roofline or top of cornice wall. Such sign shall have a maximum clearance of eight feet above a walk or grade below and may project over the public right-of-way when the building is erected adjacent to the front property line. The maximum area of any individual projecting sign shall not exceed twenty five square feet.*

(2) One ground sign per vehicular entrance into the office park, not to exceed thirty-two square feet and eight feet in height, identifying the name of the office park and tenant(s) is permitted. The ground sign may be located in the required front yard with a minimum spacing of 50 feet from any other ground or pole sign.

(3) One internal direction sign per entrance, not exceeding fifty square feet and eight feet in height located adjacent and parallel to the private street is permitted.

(4) In addition to (2) and (3) above, one ground sign not exceeding fifteen square feet in area and five feet in height shall be permitted at each building entrance.

(c) Signs must be located from an abutting residential district as follows:

(1) Sign perpendicular to street:

(i) 50 feet if non-illuminated,

(ii) 100 feet if internally illuminated;

(2) Sign parallel to street:

(i) 50 feet if internally illuminated or non-illuminated.

(d) The sign regulation in subsection (b) paragraphs (2), (3) and (4) may be modified by the City Council in connection with the granting of a use permit in conformance with all other requirements of Chapter 27.27.

4. Under 27.69.270, public service signs may blink or flash or have the appearance of movement. Such sign shall not exceed 80 square feet and the area shall be included as part of the permitted signage.
5. The reason for the request, as stated by the applicant, is to increase visibility to south bound traffic on S. 27th street.
6. When south bound on S. 27th the existing sign and the base of the four story building are obstructed from view by effective plant material, landscaping and screening. The proposed sign would also be obstructed from view.
7. The north wall of the building is permitted up to 10% coverage or 250 square feet, which would be visible from the north after crossing the hill.
8. The goals of the Comprehensive Plan state on page 54:

"Discourage strip development and spot zoning and encourage more compact and higher quality retail and commercial development."
9. Substantial effort has been made to reduce the signing on the four corners of this intersection in order to create a higher quality environment.
10. The conditions of this site and the development envisioned in the area have not changed since this use permit was approved for the bank.

11. An Administrative Amendment (#00074) is currently under review to adjust the northwest parking lot and building layout. That administrative Amendment must be incorporated and coordinated with this request.

CONCLUSION:

The doubling in sign size, above the base district requirements, will not increase visibility from the north and is counter to the effort to maintain a high quality appearance for the development of this intersection. The ability to do a highly visible wall sign(s) is available now, without the need for any amendments.

STAFF RECOMMENDATION:

Denial

If, after public hearing, the City Council wishes to approve the request, the following conditions are suggested.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 Revise the site plan to show this request on the approved site plan for Administrative Amendment #00074
2. This approval permits a 70 square foot ground sign in lieu of a wall sign on the north side of the Union Bank Building. (**Per Planning Commission, 10/18/00**)

General:

3. Before receiving building/sign permits,
 - 3.1 The permittee shall have submitted a revised and reproducible final plan and 5 copies to the Planning Department.
 - 3.2 The construction plans are to comply with the approved plans.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
 - 4.1 Before sign operation, all development and construction is to comply with the approved plans.

- 4.2 All privately-owned improvements, including landscaping are to be permanently maintained by the owner or an appropriately established property owners association approved by the City.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The City Clerk is to file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee is to pay the recording fee.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Michael DeKalb, AICP
Planner

USE PERMIT NO. 99B

PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 18, 2000

Members present: Duvall, Krieser, Carlson, Steward, Hunter, Schwinn, Newman, Taylor and Bayer.

Planning staff recommendation: Denial.

Proponents

1. Mark Hunzeker appeared on behalf of **Union Bank**. The proposed new sign is for the Union Bank facility on South 27th Street just north of the new Walgreens and Shopko buildings going in at the corner of 27th and Pine Lake. The staff report states that the development envisioned in this area has not been changed since the use permit was approved for the bank. Hunzeker believes this is an overstatement. The original vision was for a “One Pacific Place” type upscale retail center at the corner of 27th and Pine Lake Road which is one of the reasons the bank took effort toward an attractive structure. They need some additional identification from the north as you approach the building on 27th Street. The existing sign at the base of the building is obstructed from view by effective landscaping. There is some truth that this will not be visible from a long distance because of the landscaping but it will improve the visibility from the north.

As stated in the report, the north wall of the building of this bank is permitted to have sign coverage of up to 250 sq. ft. Hunzeker pointed out that the bank could put a wall sign on the penthouse of this building that would be visible from a very long way. However, they are not interested in doing that. If they are allowed to do this larger ground sign, the applicant would be willing to add a phrase to Condition #2: “This approval permits a 70 sq. ft. ground sign in lieu of a wall sign on the north side of the Union Bank Building”. This is a good trade-off--a fairly insignificant increase in the signage along 27th Street in the form of a ground sign to give some modest improvement in visibility against the possibility of a larger sign on the wall of the building.

Hunter inquired whether the signage is allowed only for the owner of the building, i.e. Union Bank. In other words, could they put up a sign for a tenant? Hunzeker believes it would be possible for a tenant to put up a sign as long as it is an on-premise sign, but this bank occupies all of the existing building. The property on the south side of the driveway is zoned B-2 so the signing regulations are different.

Steward inquired whether Union Bank would consider giving up the electronic version of the sign. Hunzeker did not believe so; however, he has not asked them that specifically. They want the ability to have the public service portion of the sign.

There was no testimony in opposition.

Hunter inquired about the Shopko signage. Mike DeKalb of Planning staff indicated that Shopko has a large wall sign. The ground sign identifies the center. There is an existing ground sign across the street from this application which he believes to be 8' high, 50 sq. ft. There are no pole signs.

DeKalb stated that O-3 zoning allows 32 sq. ft., 8' high. B-2 allows 50 sq. ft. The staff tried hard on the other three corners to keep pad site signs down to 50 sq. ft. and 8' high, but there was a tradeoff on DuTeau where they were allowed two ground signs in lieu of a pole sign.

Steward asked whether there are any distinctions in the regulations between electronic and static in this district. DeKalb advised that the code allows a specific size of sign and within that size you can do electronic message centers up to 80 sq. ft. maximum. They could have a 50 sq. ft. message center on this sign.

Carlson thought it appeared that the proposed sign is 8' tall, but just wider. DeKalb clarified that the existing sign is approved for 32 sq. ft., 8' high on a pedestal. The proposed sign would be generally equivalent to what is there, doubling the size of the sign face to accommodate the electronic message center.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

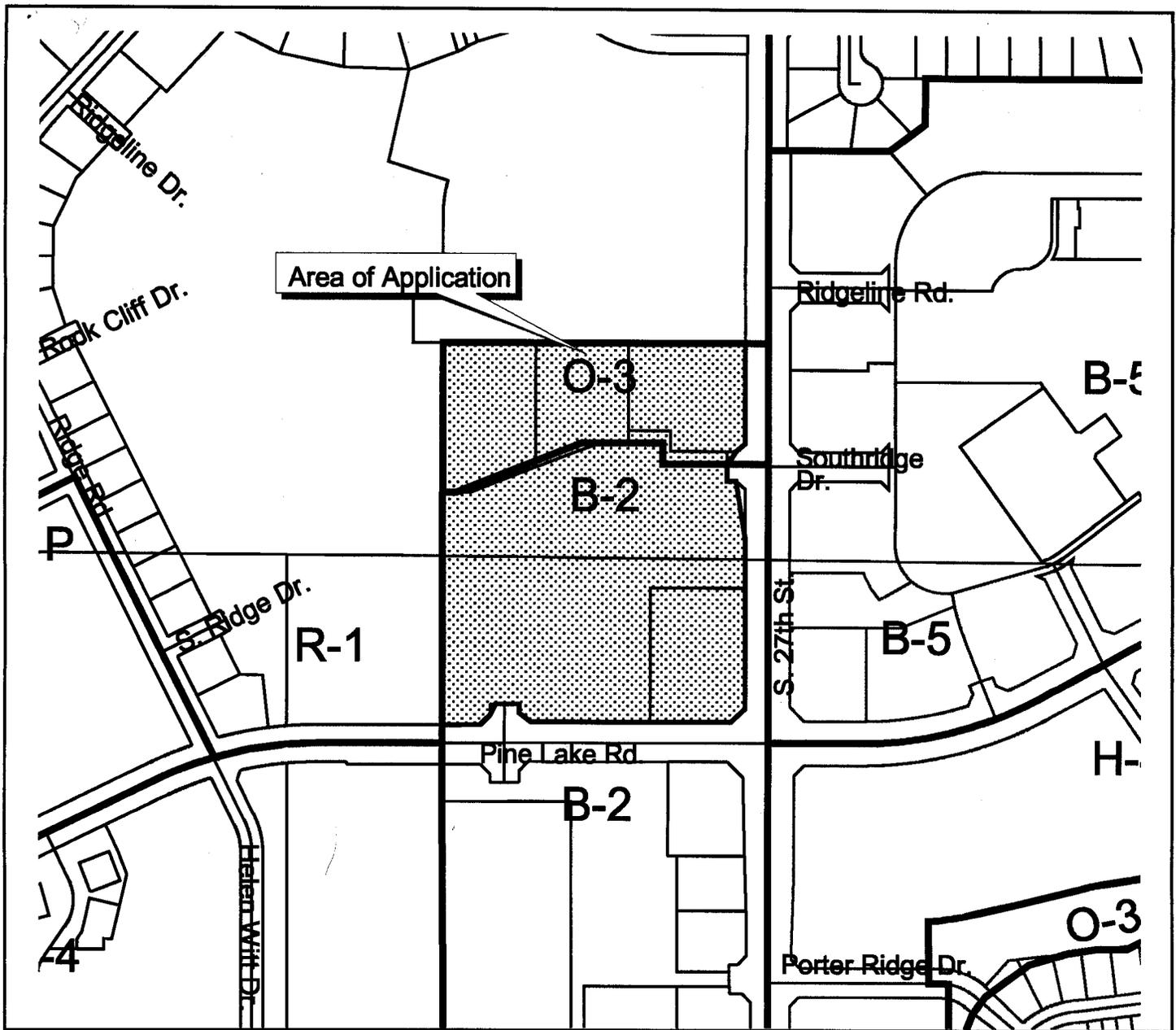
October 18, 2000

Duvall moved approval, with conditions, including the additional language to Condition #2 proposed by the applicant, seconded by Krieser.

Steward stated that he will vote against this. The problem he is having is that this area is predominantly B-2, although this particular site is in O-3. It is very small and for all intents and purposes the neighborhood will look upon this as something excessive to what a neighborhood zone signage intention is. We need to trust the character of the area.

Carlson is not thrilled about the message center. The size is less of an issue to him. Even with the distinct zoning areas, he doesn't see aesthetically that we will notice the change.

Motion for conditional approval, with amendment to Condition #2, carried 7-2: Duvall, Krieser, Carlson, Hunter, Schwinn, Taylor and Bayer voting 'yes'; Steward and Newman voting 'no'.

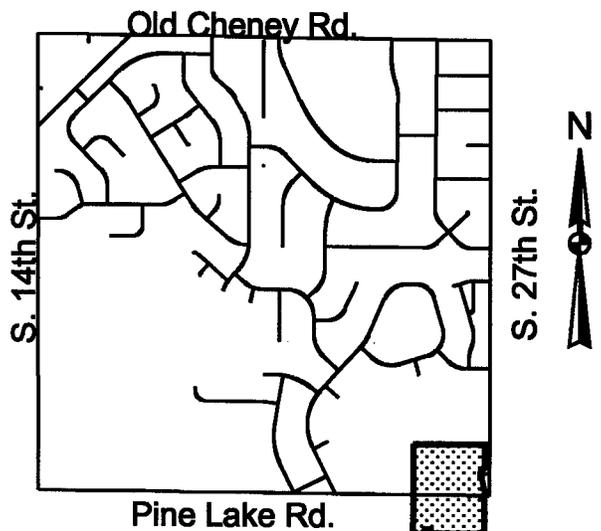
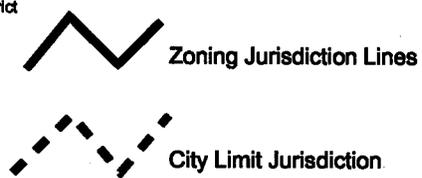


**Use Permit #99B
S. 27th & Pine Lake Rd.**

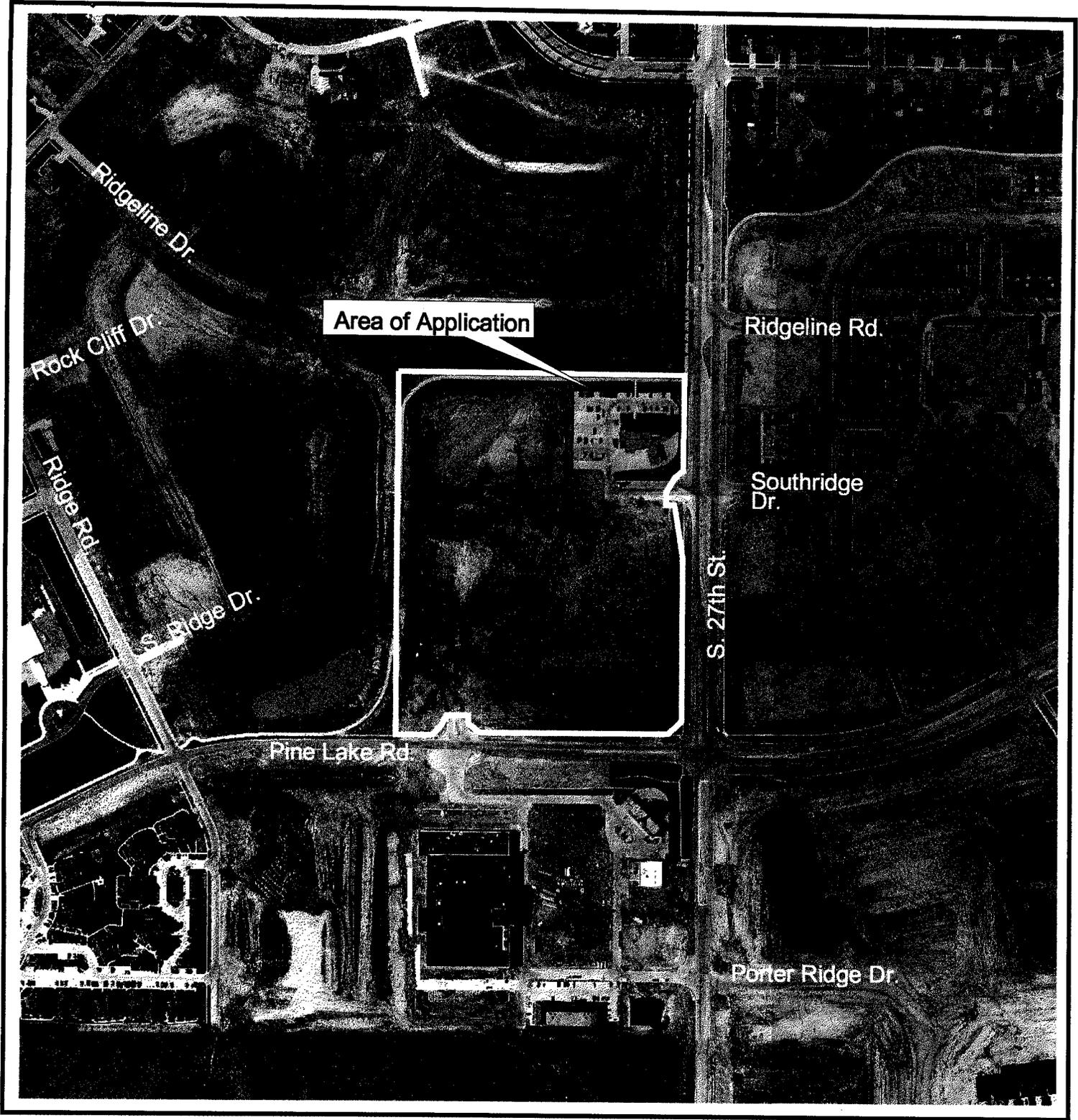
Zoning:

- 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

One Square Mile
Sec. 13 T9N R6E



m:\planarcview\mkeyup99b (layout 1)



**Use Permit #99B
S. 27th & Pine Lake Rd.**



Sheet _____ of _____

Date: _____

Photograph Date: 1999 **010**

Lincoln City - Lancaster County Planning Dept.

RECEIVED

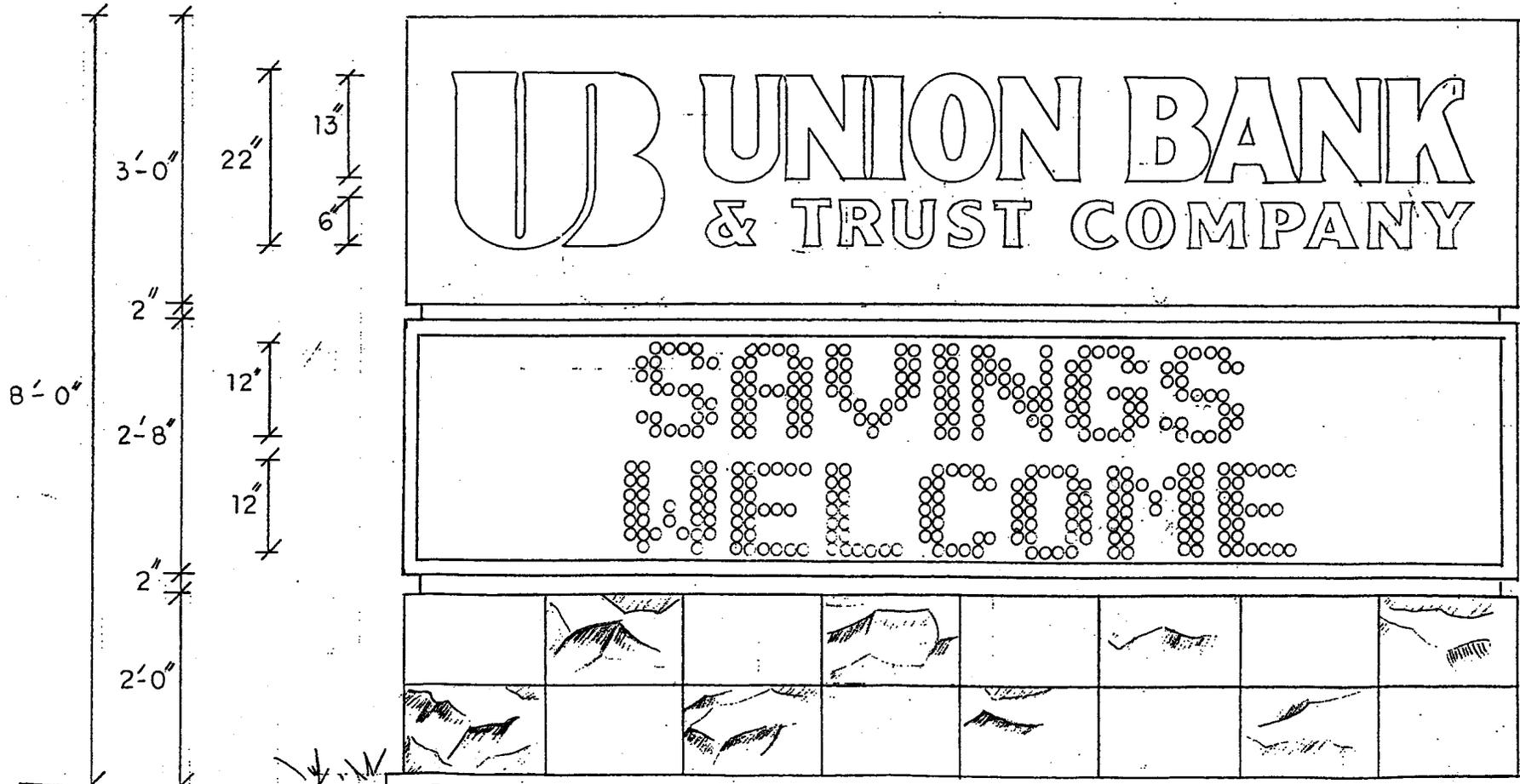
SEP 21 2000

LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

70 A

11'-8"

11'-4"



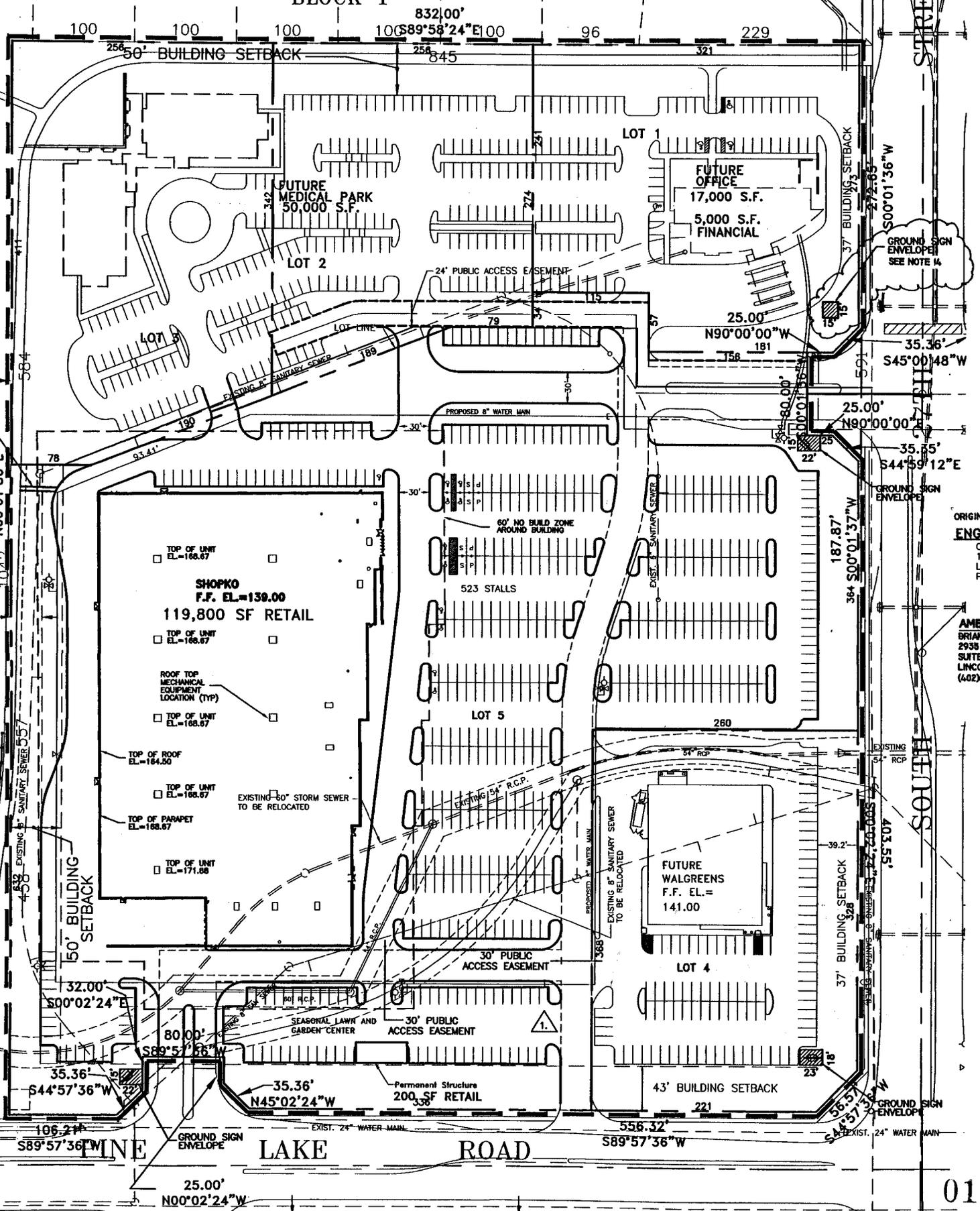
OPTION: (B) NO SCALE

011

GENERAL NOTES

1. SANITARY SEWER AND WATER LINES TO BE 8" PIPE UNLESS OTHERWISE SHOWN AND TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS.
2. ORNAMENTAL LIGHTING SHALL BE IN ACCORDANCE WITH L.E.S. REQUIREMENTS.
3. ALL PAVING RADII TO BE 20' UNLESS OTHERWISE NOTED.
4. PUBLIC UTILITIES ARE LOCATED IN ADJACENT PUBLIC STREETS.
5. THE PROPOSED PLAT IS CURRENTLY ZONED B-2 AND O-3.
6. COMMON ACCESS EASEMENT EXISTS OVER ALL PARKING STALLS ON ALL LOTS AND PERIMETER PAD SITES.
7. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
8. DIRECT VEHICULAR ACCESS TO SOUTH 27TH STREET AND PINE LAKE ROAD SHALL BE RELINQUISHED EXCEPT AS SHOWN.
9. ALL SIDEWALK, DRIVE AND PARKING PAVEMENTS TO BE BUILT TO CITY OF LINCOLN STANDARDS.
10. ALL SIDEWALKS TO BE BUILT 4' MIN. WIDTH UNLESS SHOWN OTHERWISE.
11. ALL DRIVES SHALL BE 24' WIDE TYPICAL UNLESS OTHERWISE NOTED.
12. LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY UP TO 10 FEET.
13. THE APPLICANT SHALL COMPLY WITH ENVIRONMENTAL PERFORMANCE STANDARDS OF THE CITY OF LINCOLN.
14. DETAILS OF ALL SIGNS, INCLUDING TYPE, HEIGHT & SIZE, WILL BE SUBMITTED SEPARATELY FOR REVIEW WITH THE FINAL BUILDING PERMIT.
ILLUMINATED GROUND SIGN ON LOT I SHALL NOT EXCEED 70 S.F IN AREA, INCLUDING MESSAGE BOARDED AND 8' IN HEIGHT.
15. ALL DISABLED PARKING STALLS SHALL BE IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, (FEDERAL REGISTER/VOL. 58, NO. 144/RULES AND REGULATIONS).
16. ALL ELEVATIONS ARE TO CITY OF LINCOLN DATUM.
17. ALL DIMENSIONS ARE TO BACK OF CURB.
18. ALL LANDSCAPING WILL BE LOCATED OUTSIDE OF THE CRITICAL SITE TRIANGLE AT INTERSECTIONS.
19. AN APPROVED BARRIER ALONG BOTH SIDES OF ALL DRIVEWAYS & ALONG THE PERIMETER OF ALL PARKING AREAS WILL BE BUILT TO CITY OF LINCOLN STANDARDS.
20. ALL STREET INTERSECTIONS ARE AT 90° UNLESS OTHERWISE NOTED.
21. A SPRINKLER AND IRRIGATION SYSTEM SHALL BE INSTALLED AND MAINTAINED BY THE LOT OWNERS TO IRRIGATE THE LANDSCAPE SCREENING.
22. A BLANKET UTILITY EASEMENT IS PROVIDED FOR ALL AREAS EXCEPT BUILDING ENVELOPES OR BUILDING PADS.
23. ALL ROOF TOP MECHANICAL EQUIPMENT AND PIPING SHALL BE PAINTED TO MATCH THE BUILDING ROOF COLORS.
24. STORM SEWER INLETS AND DRAINAGE WAYS SHALL BE CONSTRUCTED IN ACCORDANCE TO THE PARKS & REC. DEPARTMENT LETTER DATED FEBRUARY 25, 2000.

BLOCK 1



ORIGIN
ENG
O I L P

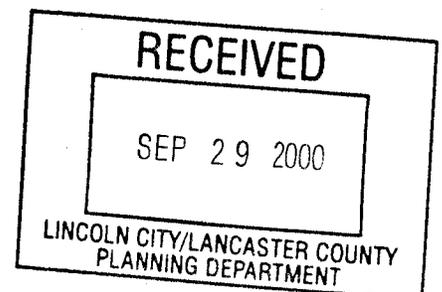
AME
BRIAN
2938
SUITE
LINCOLN
(402)

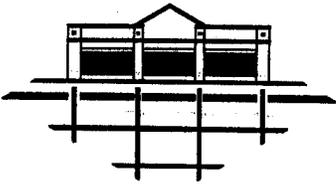
Memorandum

To: Jason Reynolds, Planning Department
From: Gary Lacy, Public Works and Utilities
Subject: Use Permit #99B, Union Bank at Ridge Place *g.l.l*
Date: September 28th, 2000
cc: Allan Abbott, Roger Figard

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Use Permit #99B at Union Bank and Ridge Place. Public Works finds this request satisfactory.

jaj UP99BUnionBank gll

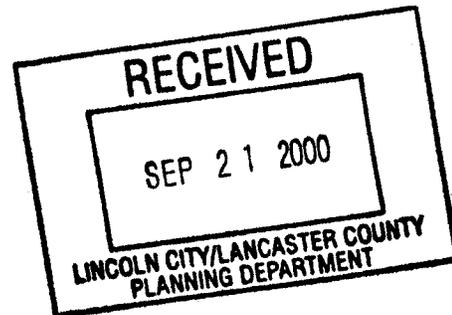




BRIAN D. CARSTENS AND ASSOCIATES
LAND PLANNING RESIDENTIAL & COMMERCIAL DESIGN
2935 Pine Lake Road, Suite H Lincoln, NE 68516 Phone: 402.434.2424

September 21, 2000

Ms. Kathleen Sellman, AICP
Director of Planning
Lincoln City- Lancaster County
Planning Department
555 South 10th Street
Lincoln, NE 68508



RE: USE PERMIT #99B / RIDGE PLACE - SHOPKO
UNION BANK AND TRUST COMPANY GROUND SIGN

Dear Ms. Sellman,

On behalf of Union Bank, we are submitting the following amendment to use Permit #99A. The purpose of this amendment is to increase the sign area of the existing ground sign from 32 Square Feet to 70 square feet on Lot 1. Union Bank and Trust Company desires to construct a new ground sign that will include a 'message center' as well as signage for Union Bank. Please refer to attached drawing from Nebraska Sign Company.

This new ground sign will be constructed in the same location as the existing ground sign. This larger sign will be more visible to Southbound South 27th Street motorists. This sign will be in character with the existing building as far as materials and color.

Please contact me if you have any further questions.

Sincerely,

Brian D. Carstens

cc. Union Bank
Mark Hunzeker

Enclosures: 16 Copies of each Sheet 1 of 1
Application for a Use Permit
Application Fees of \$585.00
Certificate of Ownership (being submitted)
8-1/2" x 11" reductions of the plans

Mr. Russell Bayer
Planning Commission Chair
Re: Use Permit No. 99B

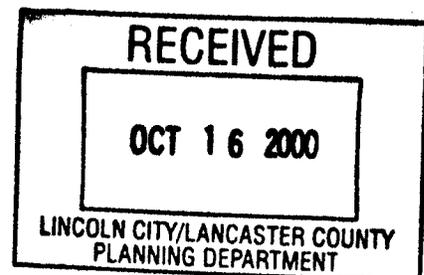
Dear Mr. Bayer,

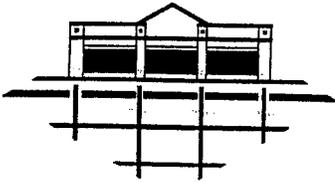
Upon reviewing the Planning Staff Report on the proposed enlargement of the Union Bank ground sign, denial of this permit is recommended due in large part to the message board aspect of this sign. The homeowners feel if this is approved, other businesses nearby may want a message board also and these types of signs do not fit ascetically with this area. Should Union Bank apply to install the larger sign (70 sq. ft. max.) minus the message board, we would not be opposed to that request. Thanks for keeping us informed on these matters.

Sincerely,



Phil White
Southern Hills Neighborhood Association

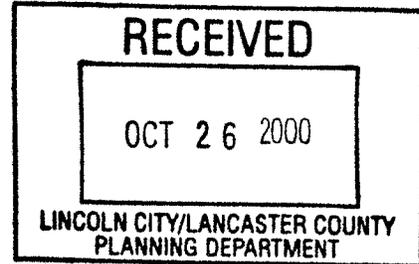




BRIAN D. CARSTENS AND ASSOCIATES
LAND PLANNING RESIDENTIAL & COMMERCIAL DESIGN
2935 Pine Lake Road, Suite H Lincoln, NE 68516 Phone: 402.434.2424

October 25, 2000

Ms. Jean Walker
Planning Department
City of Lincoln/ Lancaster County
Lincoln, NE 68508



RE: USE PERMIT #99B
UNION BANK - SIGN AMENDMENT

Dear Jean,

This letter is requesting that we have the opportunity to appeal Item 1.1 to the Lincoln Lancaster County City Council. Item 1.1 states "Revise the Site Plan to show this request on the approved site plan for Administrative Amendment #00074."

We have now learned that this amendment will take longer than expected and will hold up our process. We are requesting that item 1.1 be removed as part of the conditions, so that we can continue on.

Please contact me if you have any further questions.

Sincerely,

Brian D. Carstens

cc: Mark Hunzeker
Joan Ross

ENCLOSURES: 5 Copies of Revised Sheet 1 of 1