

City Council Introduction: **Monday**, May 14, 2001  
Public Hearing: **Monday**, May 21, 2001, at **5:30 p.m.**

Bill No. 01R-121

## **FACTSHEET**

**TITLE: SPECIAL PERMIT NO. 1887**, requested by Brian D. Carstens and Associates on behalf of West Point, L.L.C., for a Planned Service Commercial area consisting of 230,000 sq. ft. of commercial uses, with requests to waive public sidewalks on the north side of West "O" Street and the east side of N.W. 40<sup>th</sup> Street; front yard setback reduction from 50' to 17.5' on internal roadways; front yard setback along I-80 from 50' to 25'; and side yard setback from 20' to 10', on property generally located at the northeast corner of N.W. 40<sup>th</sup> Street and West "O" Street.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 04/18/01 and Consent Agenda, 05/02/01  
Administrative Action: 05/02/01

**RECOMMENDATION:** Conditional Approval (8-0: Bayer, Carlson, Duvall, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes'; Hunter absent).

**STAFF RECOMMENDATION:** Conditional approval.

### **FINDINGS OF FACT:**

1. The Planning staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-4, concluding that the proposed development is in conformance with the Comprehensive Plan and is acceptable.
2. The staff report attached to this factsheet applies to the revised application. The approval of the original application by the Planning Commission on January 10, 2001, required revisions to the detention cell, which required significant alterations to the street layout. Therefore, the applicant submitted a revised application and a new staff report was issued with new public hearing before the Planning Commission on April 18 and May 2, 2001. The minutes of the Planning Commission hearings on the original application are found on p.8-12. There was no testimony in opposition.
3. On May 2, 2001, the revised application was placed on the Consent Agenda of the Planning Commission and opened for public hearing. No one came forward to speak.
4. The Planning Commission agreed with the staff recommendation.
5. The Site Specific conditions of approval required to be completed prior to scheduling this application on the Council agenda have been submitted by the applicant and approved by the reviewing departments.

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

**DATE:** May 7, 2001

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

**DATE:** May 7, 2001

**REFERENCE NUMBER:** FS\CC\FSSP1887

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

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**P.A.S.:** Special Permit #1887  
West Point Business Park

**DATE:** April 4, 2001

**PROPOSAL:** Brian D. Carstens has requested a special permit for Planned Service Commercial with 230,000 square feet of commercial uses. The following waivers are requested: public sidewalks on the north side of West "O" St. and the east side of NW 40<sup>th</sup> St.; front yard setback reduction from 50' to 17.5' on internal roadways; front yard setback along I-80 from 50' to 25'; and side yard setback from 20' to 10'.

### **GENERAL INFORMATION:**

**APPLICANT:** West Point, L.L.C.  
Boyd Batterman  
3730 S. 14<sup>th</sup> Street  
Lincoln, NE 68502

**CONTACT:** Brian D. Carstens  
601 Old Cheney Road, Suite C  
Lincoln, NE 68516  
(402) 434-2424

**LOCATION:** The northeast corner of NW 40<sup>th</sup> St. and West "O" St.

**LEGAL DESCRIPTION:** Lot 77 I.T. in the SW1/4 of Section 20, Township 10 North, Range 6 East of the 6<sup>th</sup> P.M., Lancaster County, Nebraska

**SIZE:** 21.17 acres, more or less

**EXISTING ZONING:** H-4 Highway Commercial

**EXISTING LAND USE:** Vacant land

**SURROUNDING LAND USE AND ZONING:** The north boundary of the property abuts Interstate 80, with AG Agriculture fields north of the interstate; commercial use zoned H-3 Highway Commercial lies to the east; H-3 Highway Commercial agricultural fields are to the south of West O St.; I-1 Industrial zoned industrial use to the southwest, and H-4 General Commercial zoned single family use is to the west.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The property is shown as Commercial in the 1994 Comprehensive Plan. The Plan articulates three goals for General Commercial Areas:

- Improve the West “O” area
- Discourage strip development and spot zoning and encourage higher quality retail and commercial development
- Discourage strip development and encourage more compact and higher quality development

**HISTORY:**

The property was converted from A-A Rural and Public Use to H-4 General Commercial in the **1979 Zoning Update**.

On **January 10, 2001**, Planning Commission recommended approval of Special Permit #1887 for Planned Service Commercial on this property.

**SPECIFIC INFORMATION:**

**UTILITIES:** The Public Works and Utilities Department has not yet responded.

**TOPOGRAPHY:** The property generally slopes from its highest point in the north to a low point in the drainage ditch along West“O” St.

**TRAFFIC ANALYSIS:** West “O” St. is classified as an Urban Principal Arterial Street on both the Existing and Future Functional Street and Road Classification maps. Neither NW 40<sup>th</sup> St. nor SW 40<sup>th</sup> St. are classified on the Existing map, however SW 40<sup>th</sup> St. is classified as an Urban Collector in the Future map. This proposal restricts access to “O” St. thus reducing the amount of traffic turning conflicts along “O” St.

**PUBLIC SERVICE:** The nearest fire stations are Station 13 at Coddington Blvd and West A St. and Station 3 at Sun Valley Blvd. and West“O” St.

**REGIONAL ISSUES:** None apparent.

**ENVIRONMENTAL CONCERNS:** The Lincoln-Lancaster County Health Department reports: “Steps must be taken to prevent erosion of soil either by wind or water while this site is being constructed. The Lower Platte South Natural Resources District should be contacted for assistance in this matter.”

**AESTHETIC CONSIDERATIONS:** I-80 entryway corridor and the improvement of the West“O” St. area. The Planned Service Commercial special permit requires more landscaping than the standard H-4 General Commercial district.

**ALTERNATIVE USES:** Those allowed by right in the H-4 General Commercial district

**ANALYSIS:**

1. This proposal is before Planning Commission again for two reasons:
  - The original site plans showed a 10' side yard setback between interior lots. No waiver was requested and the waiver was not included in the legal notice.
  - Revisions to the detention cell required significant alterations to the street layout.
2. This permit is to allow 230,000 square feet of Planned Service Commercial. The Planned Service Commercial special permit encourages higher quality development.
3. The Comprehensive Plan states: "Commercial areas in the developing area of the city are anticipated to have, on average, a floor to area ratio (FAR) of 0.25." The proposed uses have an FAR of 0.249.
4. The proposed street trees would improve the West "O" area.
5. The proposed development consolidates access points along West "O" and reduces turning conflicts.
6. The West "O" corridor primarily serves vehicular traffic and no sidewalk exists along West "O" for a considerable distance. The request to waive sidewalks on West "O" St. and NW 40<sup>th</sup> St. is appropriate at this time.
7. The request to reduce interior side yard setbacks is appropriate. The previous plans showed 10' setbacks and were approved by both staff and Planning Commission, and the reduction has no apparent impact on surrounding properties. Furthermore, 30' storm sewer easements exist between Lots 3 and 4, Lots 2 and 3, and Lots 2 and 6.
8. The special permit for Planned Service Commercial (L.M.C. 27.63.470(c)) requires "a landscape plan which shall show proposed plantings in conformance with city standards in all required yard areas, open space areas, malls, parking areas, and around proposed buildings. The applicable standards shall be those adopted by resolution of the City Council for those districts requiring use permits." The applicant notes that landscaping for each specific lot shall be reviewed at the time of building permit. This is acceptable.
9. The applicant has added notes limiting the number and type of signs within the development. Each lot will be limited to one pole sign or one ground sign, and pole signs will not exceed 100 square feet in area and shall not be taller than 50 feet. Off premise signs are prohibited. These actions reduce the number and size of signs that could otherwise be allowed along the I-80 entryway corridor.
10. The property line abutting Interstate 80 is considered to be front yard. The applicant has requested that the front yard along the Interstate be adjusted from 50' to 25', citing the screening

provided by the required street trees. If additional landscaping were provided, such a waiver would be acceptable.

**STAFF CONCLUSION:** The proposed development is in conformance with the Comprehensive Plan and is acceptable.

**STAFF RECOMMENDATION:** Conditional approval

**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:
    - 1.1.2 Add the word "utility" to the public access easements and provide utility easements as requested by L.E.S.
    - 1.1.3 To Note 7, add: "Any relocation of existing utility facilities shall be at the owner/developer's expense."
    - 1.1.4 In Note 10, change the final sentence to read "from lots 4 and 5".
    - 1.1.5 In Note 5, change "is done" to "commences".
    - 1.1.6 Revise Note 1 to begin, "An individual landscape plan for each specific"
    - 1.1.7 Increase the public access easement width to accommodate sidewalks and label it on the site plan. Label the public access easement in Lots 2, 3, and 6, where it widens as a result of the cul de sac.
    - 1.1.8 Delete the Planning Commission Approval block from the site plan.
    - 1.1.9 Show and dimension existing right-of-way on both sides of NW 40<sup>th</sup> Street.
    - 1.1.10 Add street trees along the north property line, abutting Interstate 80. Also add one coniferous tree per street tree along Interstate 80.
    - 1.1.11 Note on the landscape plan that street trees along West "O" St., Interstate 80, and NW 40<sup>th</sup> St. shall be planted on private property.

- 1.1.12 Note on the landscape plan that street trees shall be no closer than 5 feet from the sidewalk. Some scale closer than 5 feet on the drawing.
- 1.1.13 The Surveyor's Certificate must be signed.
- 1.1.14 Revise Note 19 to begin, "A waiver of front yard setbacks shall be 17.5 feet from 50 feet along West Cavalry Court, measured from the curb line".
- 1.1.14 In the SE corner of Lot 1, measure the required front yard from the NW corner of the West "O" St. right-of-way.
- 1.1.15 Add a note to the site plan stating, "An administrative final plat shall be filed pursuant to section 26.31.015 L.M.C. in accordance with this special permit."

2. This approval permits a Planned Service Commercial area with 230,000 square feet of commercial uses and the following waivers:

- 2.1 Sidewalks on West "O" St. and NW 40<sup>th</sup> St
- 2.2 Front yard setbacks from 50 feet to 17.5 feet measured from the curb line on W. Cavalry Court; a front yard setback along the east side of N.W. 40<sup>th</sup> Street, on Lot 4 from 50 feet to 33 feet; and a front yard setback from 50 feet to 25 feet along Interstate 80.
- 2.3 Side yard setbacks between interior lots from 20 feet to 10 feet.

General:

3. Before receiving building permits:

- 3.1 The construction plans shall comply with the approved plans.
- 3.2 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:

- 4.1 Before occupying the buildings all development and construction shall have been completed in compliance with the approved plans.
- 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established property owners association approved by the City Attorney.

- 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 shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

Jason Reynolds  
Planner

# SPECIAL PERMIT NO. 1887 (Revised), WEST POINT BUSINESS PARK,

## PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 29, 2000

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

Planning staff recommendation: Conditional approval.

Jason Reynolds of Planning staff submitted a letter from the applicant, Brian Carstens, requesting a two-week deferral to resolve right-of-way issues on N.W. 40th Street.

Reynolds advised that Condition #1.1.9 should be revised to read, "The dedication of 33' of right-of-way on N.W. 40<sup>th</sup> Street as requested by Public Works" (instead of 50').

Steward moved to defer with continued public hearing and administrative action scheduled for December 13, 2000, seconded by Duvall and carried 9-0: Carlson, Steward, Newman, Duvall, Hunter, Schwinn, Krieser, Taylor and Bayer voting 'yes'.

There was no testimony in support or in opposition.

## CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 13, 2000

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

### Proponents

**1. Brian Carstens** appeared on behalf of **West Point, L.L.C.**, the applicant. This public hearing had previously been deferred because of some discrepancies in the right-of-way issues on N.W. 40<sup>th</sup>. This is an H-4 planned service commercial district special permit. One lot has been sold to a governmental agency. They will bring the sewer out N.W. and S.W. 40<sup>th</sup> Street. The requested waivers are the sidewalks along "O" Street and the piece on N.W. 40<sup>th</sup> because there are no sidewalks within miles. The applicant is no longer requesting to waive sidewalks on the internal private roadways.

Carstens submitted proposed amendments to the conditions of approval.

- |        |  |
|--------|--|
| #1.1.6 | <del>Delete Note 9, which requested a waiver of sidewalks</del> <u>Revise Note 9 to state that "A waiver of sidewalks on the North side of West "O" Street, and the east side of N.W. 40<sup>th</sup> Street is hereby approved.</u>   |
| #1.1.9 | <del>The dedication of 50' 33' 50' of right-of-way on NW 40<sup>th</sup> St. as requested by Public Works to the North line of West Cavalry Court. Show a 33' utility easement along the west line of Lot 5 to allow for the future extension of a public water main north of Interstate 80.</del> |



- #1.1.13 Rename “Cavalry Court” as “West Cavalry Street Court” in accordance with the street naming conventions of the City of Lincoln. ~~The roadway is not a permanent dead end.~~ Remove the future driveway and public access easement from Lot 1.
- #1.1.14 The sewer serving this plat needs to be extended ~~north of the interstate~~ from N.W. 39<sup>th</sup> Ct. to the south right-of-way line of Interstate 80.
- #1.1.17 Show ~~NW 40<sup>th</sup> St. north to I-80~~ a 15' parking setback for non-required parking and a 50' building setback from the west line of Lot 5.
- #1.1.20 Add a table to the plans to allocate the allowable buildable floor area for each lot.
- #2.2 Front yard setbacks from 50 feet to 17.5 feet along the public access easement along the private roadways and a front yard setback along the east side of N.W. 40<sup>th</sup> Street, on Lot 4 from 50' to 33'.

In light of the discussion on the North Creek Trade Center, Carstens offered another amendment to, Add a note to prohibit off-premise signs, i.e. billboards. One sign per lot. 100 sq. ft. maximum pole sign. 50' sign but no hotel, motel signs.

There was no testimony in opposition.

Jason Reynolds of Planning staff agreed with the proposed amendments to the conditions of approval. 50' pole signs are allowed by right in the H-4 district. The ordinance allows modification of the requirements under this special permit and having a 50' pole sign is an improvement over an 80'x 300' sq. ft. pole sign. The landscape requirements are met at the time of building permit, and they did provide adequate street trees along West “O” and N.W. 40<sup>th</sup>. They would have to meet screening requirements of the design standards with their application for building permit. There would be an opportunity for staff review at that time; however, there would not be a public hearing.

Hunter pointed out that this is another development abutting Interstate 80 and another pole sign. Reynolds further pointed out that given this is already zoned H-4 and they could have applied for a preliminary plat where the Commission would not have authority to control the signs at all, this is certainly an improvement over that situation. Under H-4 they are allowed wall signs on premises which shall not exceed 30% coverage of the wall face or 500 sq. ft., whichever is less; they can put signs in the front yard if they wish, with 50 sq. ft. of sign area; the amendments offered eliminate the provision near the interstate and the off-premise signs.

Bayer inquired whether “one sign per lot” means a wall, front yard or pole sign. Reynolds believes their intent is one monument or pole sign per lot.

Steward inquired whether the applicant is familiar with the work that has been going on on the entryway study. Carstens answered in the affirmative. Steward commented that we are already at “point forward”. He inquired whether Carsten’s client is willing to take some steps to look at this again because Steward doesn’t think it goes far enough. Carstens suggested that with 100' setbacks, just because of the shape of the parcel with so much frontage along the interstate, they would probably

chew up 10-15 percent of the site. He could not comment whether they could increase the setback. By natural topography, a lot of the site will be behind the berm. The only area that would be visible is at the intersection, but then the site falls down pretty dramatically as you head south. Much of it is hidden behind the hill on the interstate. Steward asked whether Carstens would be willing to tolerate a delay to reconsider. Carstens stated that he would rather delay than have a recommendation of denial. The applicant would agree to 30' height for the signage.

Hunter wondered whether there is any chance the applicant would consider a gorgeous rock sign instead of the high signs. Carstens does not know who the users will be on the other three lots. They don't have anyone in mind at this time so they don't know what the signage requirements might be.

Carlson inquired as to the distance of the pavement to the buildings. Carstens believes it would be close to 100'. Carlson was uncertain as to the meaning of the 100' setback in the proposed design standards. Kathleen Sellman, the Director of Planning, cautioned that at this time the staff does not have final review of the proposed entryway design standards back from the Law Department. There were some concerns about establishing a setback as great as what had been recommended in the study. She does not know what setback will be proposed.

Carlson understands there is some screening involved in the H-4 but he is not sure about the level as discussed in the Hampton proposal discussed earlier. Reynolds advised that there would definitely be a parking lot screen required. There is more highway commercial zoning opposite as well. They would be required to screen parking lots for 2-4 feet.

Schwinn noted that this application shows a 50' front yard setback on the portion of N.W. 40<sup>th</sup>. Carstens clarified that it is going to be 50' from the lot line and it will be a side yard setback.

Schwinn asked whether the applicant would prefer deferral or denial at this point. Carstens would agree to a deferral.

Reynolds offered that the screening could be added as a condition to be provided prior to scheduling the application on to the Council.

Steward moved to defer to January 10, 2001, seconded by Hunter.

Steward commented that all the Commission can do now is attempt to work with the developers on a parcel-by-parcel basis to recognize that these are some of the most sensitive areas that we have because of detail planning that is underway. He would much prefer a little more due diligence on everyone's part than rushing to approval for the sake of convenience.

Reynolds requested to correct his comments on the screening requirements. Screening shall be done in accordance with those districts requiring use permits, i.e. 10,000 sq. ft. or fraction thereof

of building coverage, 4 trees with design spread of 30' each or combination to equal same, as well as 400 ft. of shrub coverage.

Steward clarified that it is the general characteristics of setback, berming and screening, signage and the possibility of some potential material controls that he is concerned about. But it is an H-4 district and if the applicant wants to press the matter, the Commission has very limited opportunity to hold a project to any other standard.

Motion to defer until January 10, 2001, carried 8-1: Taylor, Schwinn, Hunter, Newman, Duvall, Carlson, Steward and Bayer voting 'yes', Krieser voting 'no'.

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:**

January 10, 2001

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

Proponents

**1. Brian Carstens** appeared on behalf of the applicant and submitted proposed amendments to the conditions of approval dated January 10, 2001.

Carstens is proposing new Conditions #1.1.21 through 1.1.23. He has been working with the staff on these amendments. One of the issues was the screening along I-80. Driving by the site, there is a very massive screen that the state has put in. The eastern half of the site is actually lower than a berm that is there today along the Interstate, so a screen would not do anything.

Carstens has also been researching with the Planning staff the concept of the screening along the Interstate. All of the studies that have been done started where "O" Street connects to the Interstate up through 27<sup>th</sup>. These studies have not included this site. There are no design standards today. The applicant is voluntarily offering to prohibit the off-premise pole signs; and is making a major concession allowing only one pole sign per lot, reducing the height to 50' and reducing the area to 100' versus 360'.

There was no testimony in opposition.

Jason Reynolds of Planning staff agreed with the proposed amendments to the conditions of approval.

Carlson asked for clarification of the sidewalk waiver. Reynolds advised that currently, this applicant is not asking for a waiver of sidewalks. There would be interior sidewalks, but no sidewalks along "O" Street nor along N.W. 40<sup>th</sup> Street. There are no sidewalks along "O" Street in that area.

Public hearing was closed.

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

January 10, 2001

Duvall moved to approve the Planning staff recommendation of conditional approval, with the amendments as requested by the applicant, seconded by Krieser.

Hunter had a question about the signage concessions. Bayer clarified that they are limiting the height and the square footage. Reynolds referred to the sign ordinance. Section 27.69.047 permits one pole or ground sign per business and, if outside the required front yard, they cannot be more than 100 sq. ft. in area; they may not exceed 50' in height if they are in the front yard. In addition, in the Interstate area, you can have a pole sign that is 80' in height and 300 sq. ft. in area. The applicant has eliminated that opportunity with the amended conditions of approval.

Bayer observed that the applicant has eliminated some of their sign options. They gave up the tall big sign adjacent to the Interstate. And they are retaining their ability to have on-premise wall signs.

Motion for approval, with conditions, as amended, carried 7-0: Hunter, Krieser, Carlson, Duvall, Newman, Schwinn and Bayer voting 'yes'; Taylor and Steward absent.

**NEW PUBLIC HEARING BEFORE PLANNING COMMISSION:**

April 18, 2001

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

Planning staff recommendation: Deferral for two weeks to advertise additional waiver requests.

Steward moved to defer, with continued public hearing and administrative action scheduled for May 2, 2001, seconded by Schwinn and carried 8-0: Krieser, Carlson, Schwinn, Steward, Newman, Taylor, Duvall and Bayer voting 'yes'; Hunter absent.

**CONSENT AGENDA**

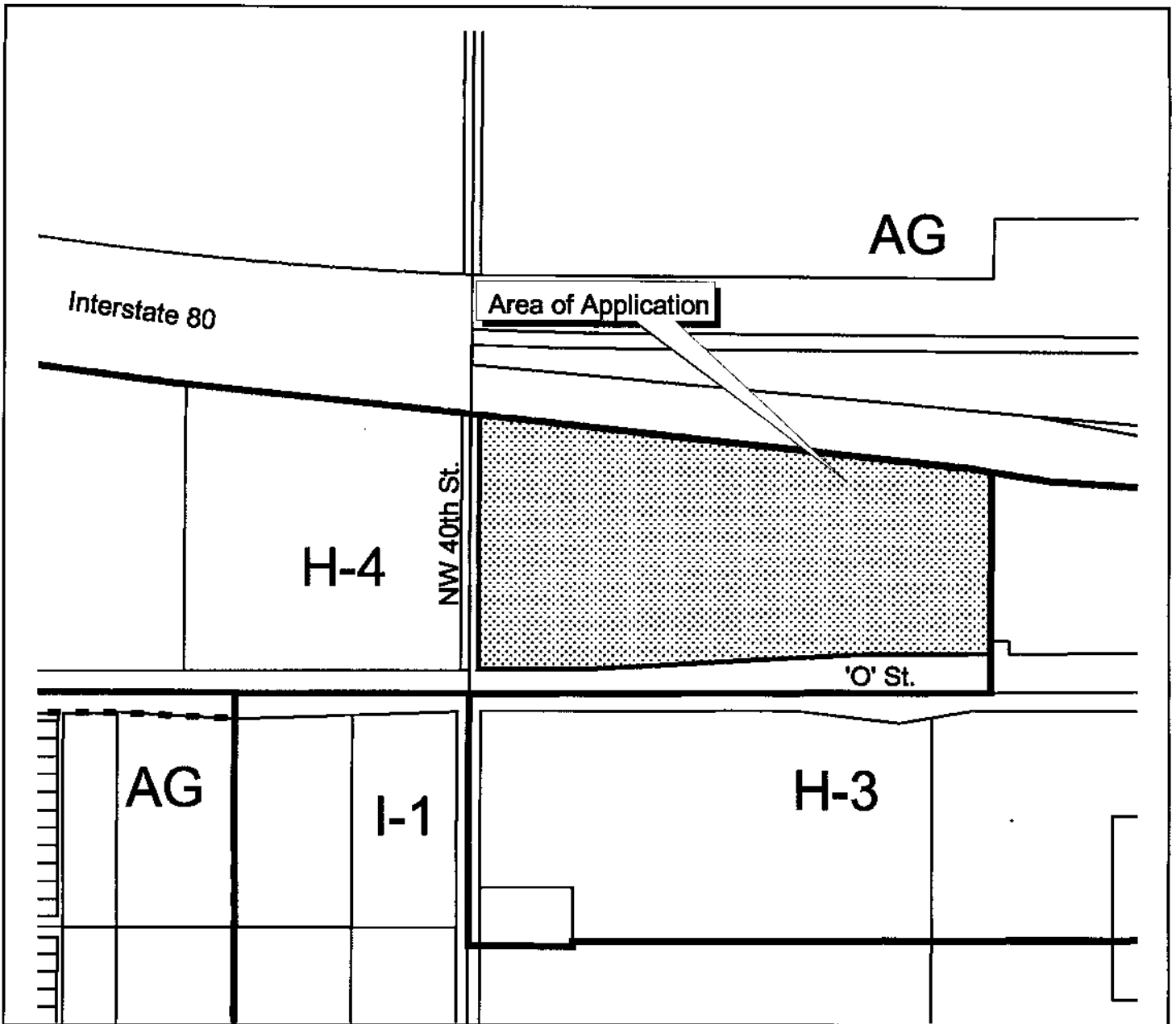
**PUBLIC HEARING & ADMINISTRATIVE ACTION  
BEFORE PLANNING COMMISSION:**

May 2, 2001

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

The Consent agenda consisted of the following items: **CHANGE OF ZONE NO. 3322, CHANGE OF ZONE NO. 3319, SPECIAL PERMIT NO. 1386B, USE PERMIT NO. 137, SPECIAL PERMIT NO. 1161A, SPECIAL PERMIT NO. 1322F, SPECIAL PERMIT NO. 1887, SPECIAL PERMIT NO. 1906, SPECIAL PERMIT NO. 1912 AND WAIVER OF DESIGN STANDARDS NO. 01002.**

Steward moved to approve the Consent Agenda, seconded by Schwinn and carried 8-0: Bayer, Carlson, Duvall, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes'; Hunter absent.

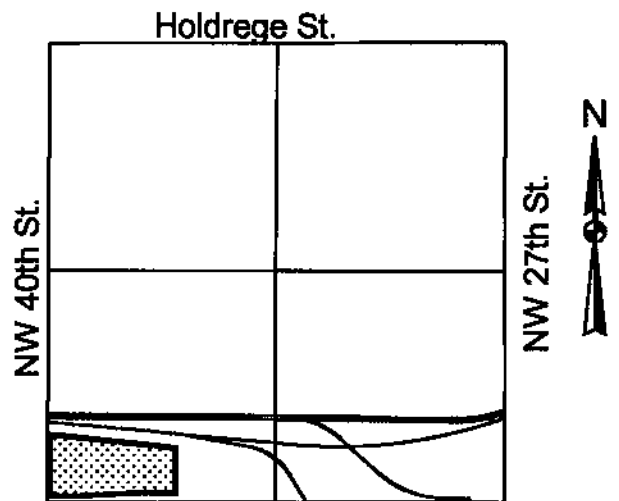
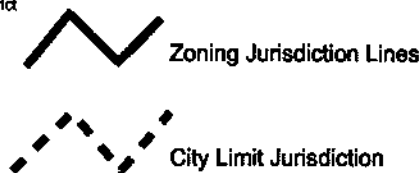


**Special Permit #1887**  
**SW 40th & West 'O' St**  
**West Point Business Park**

**Zoning:**

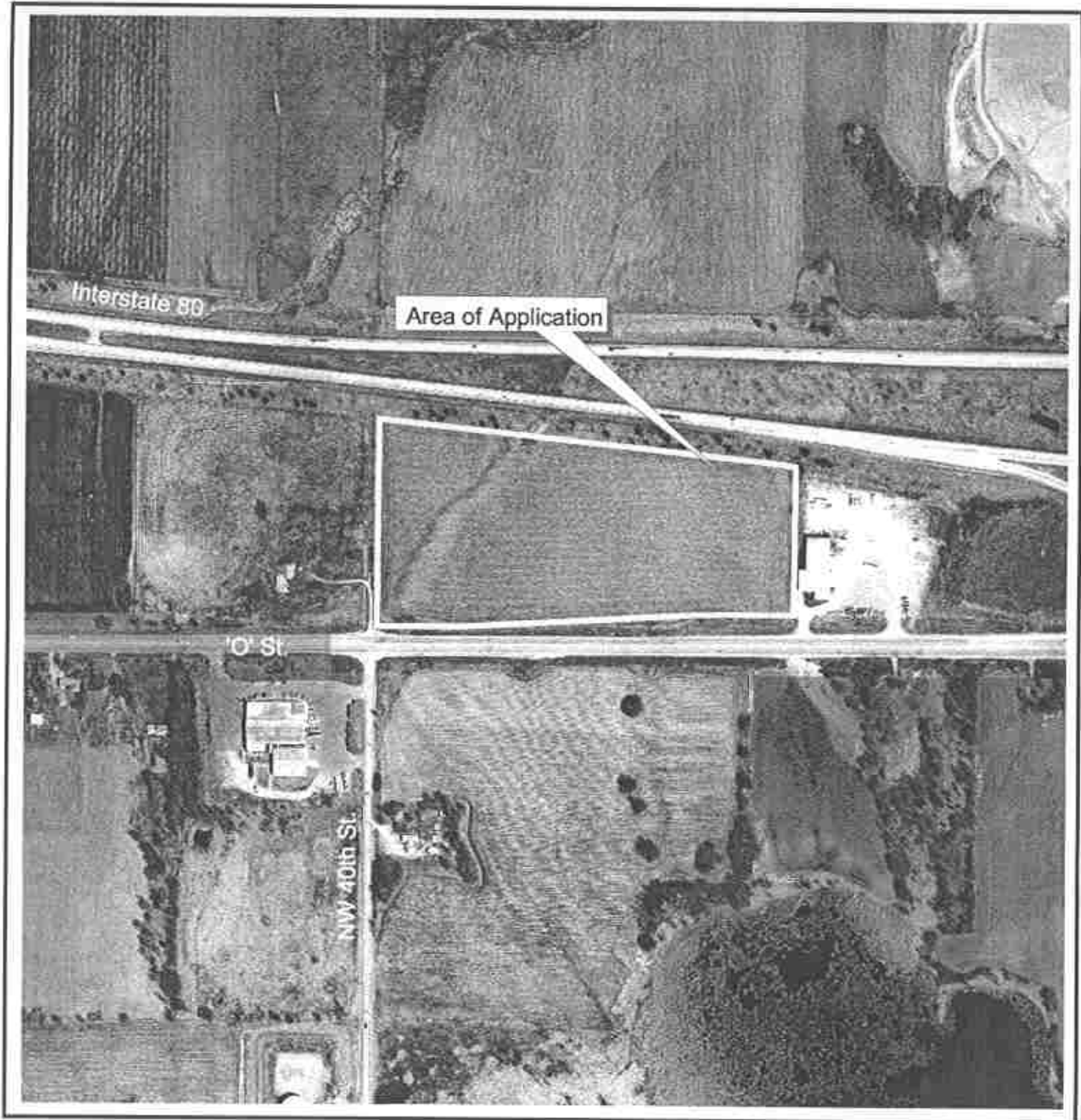
- R-1 to R-3 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned 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. 20 T10N R6E



'O' St.  
 Sheet 1 of 4  
 Date: 4/5/01  
 Lincoln City - Lancaster County Planning Dept.

013



**Special Permit #1887  
SW 40th & West 'O' St  
West Point Business Park**



Sheet 2 of 4

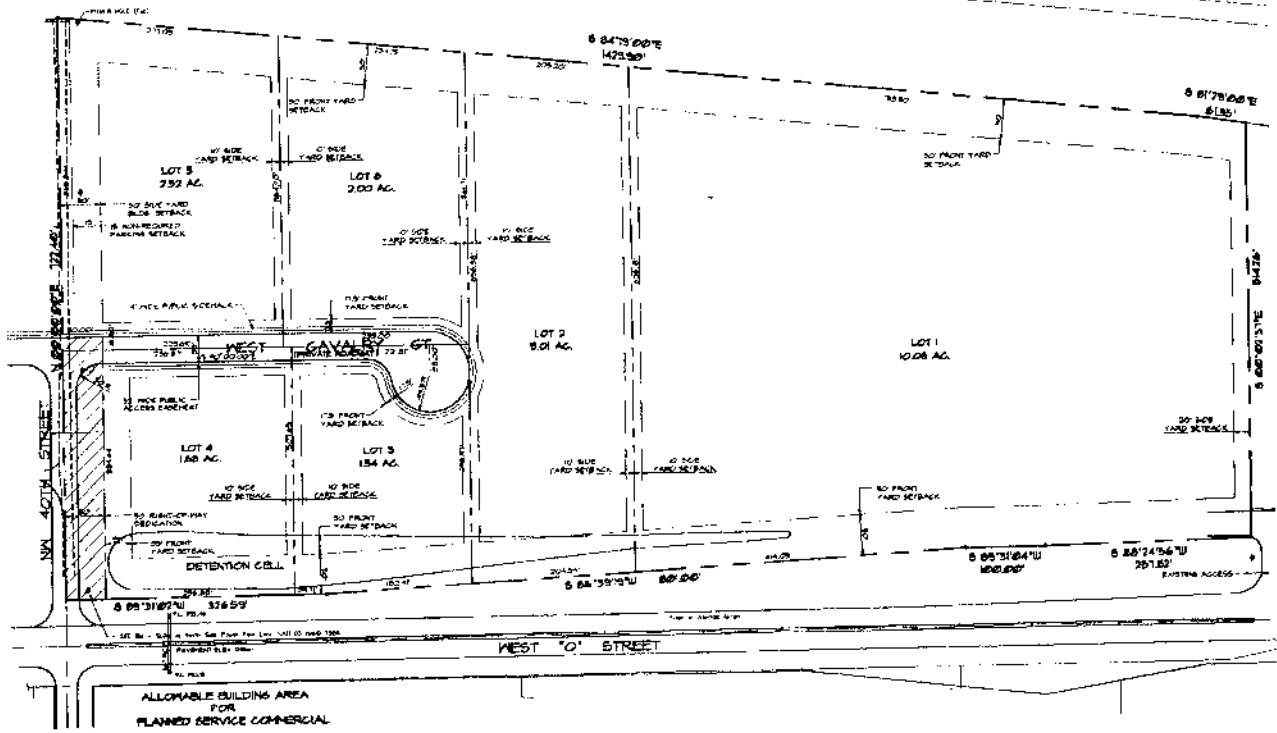
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Lincoln City - Lancaster County Planning Dept.

INTERSTATE #80

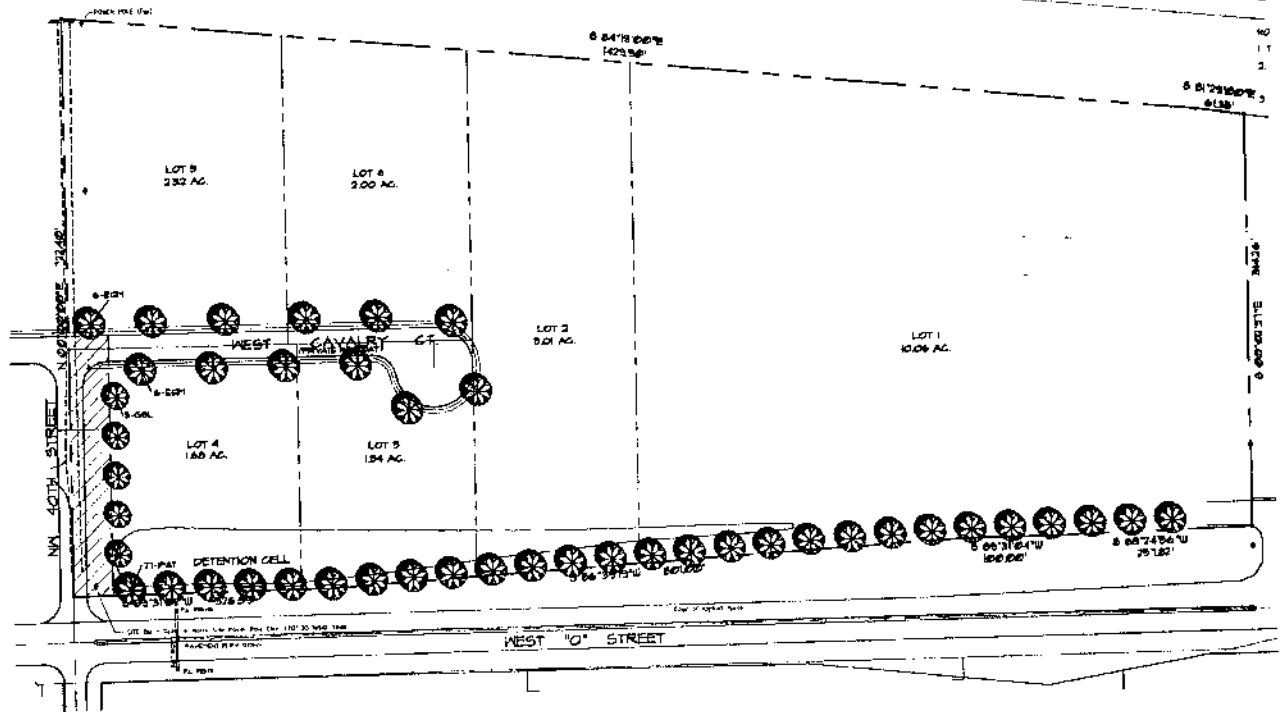


Sheet 3 of 4  
Date: 4/5/01



North

INTERSTATE #80



Sheet: 4 of 4  
Date: 4/5/01



North

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61.35'

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# GENERAL NOTES

1. INDIVIDUAL LANDSCAPE PLAN FOR SPECIFIC LOT SHALL BE SUBMITTED AND APPROVED AT TIME OF BUILDING PERMIT.
2. THIS SPECIAL PERMIT SHALL ALLOW 230,000 SQUARE FEET OF COMMERCIAL USES AS PERMITTED BY 27.63.470 OF THE LMC - PERMITTED SPECIAL USE: PLANNED SERVICE COMMERCIAL.
3. SANITARY SEWER AND WATER LINES TO BE 8" PIPE AND 8" D.I. PIPE RESPECTIVELY UNLESS OTHERWISE SHOWN AND TO BE BUILT TO THE CITY OF LINCOLN SPECIFICATIONS.
4. ORNAMENTAL LIGHTING SHALL BE IN ACCORDANCE WITH L.E.S. REQUIREMENTS.
5. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION AND TO SUBMIT A SEEDING AND MAINTENANCE SCHEDULE BEFORE SITE GRADING IS DONE.
6. LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
7. UTILITY EASEMENTS TO BE PROVIDED AS REQUIRED BY L.E.S..
8. CONTOURS ARE USGS NAVD 88.
9. SINCE THIS IS AN INDUSTRIAL AREA A WAIVER OF THE SIDEWALK REQUIREMENTS IS HEREBY REQUESTED ALONG THE NORTH SIDE OF WEST 'O' STREET AND THE EAST SIDE OF N.W. 40TH STREET.
10. DIRECT VEHICULAR ACCESS TO WEST 'O' STREET FROM LOTS 2, 3 & 4 ARE HEREBY RELINQUISHED. LOT 1 SHALL HAVE ACCESS TO WEST 'O' STREET AT EXISTING STUB. DIRECT ACCESS TO N.W. 40TH IS HEREBY RELINQUISHED TO LOTS 4 AND 5.
11. THE OWNER/DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPE SHOWN ON THIS PLAN.
12. BUILDING HEIGHT SHALL NOT EXCEED 35 FEET.
13. THE OWNER/ DEVELOPER SHALL COMPLY TO THE ENVIRONMENTAL PERFORMANCE STANDARDS RELATING TO NOISE, EMISSION, DUST, ODOR, GLARE AND HEAT, AS ADOPTED BY THE CITY OF LINCOLN.
14. COMMON AND PUBLIC ACCESS EASEMENTS ARE HEREBY GRANTED OVER ALL PRIVATE ROADWAYS.
15. PRIVATE ROADWAYS SHALL BE SURFACED WITH 6 INCHES OF PORTLAND CEMENT OR 5 INCHES OF PORTLAND CEMENT BASE AND 2 1/2 INCHES OF ASPHALTIC CONCRETE SURFACE OR 6 INCHES OF ASPHALTIC CONCRETE. ALL PRIVATE ROADWAYS SHALL HAVE A 5 INCH CROWN AND A 6 INCH RAISED CURB.
16. ALL PARKING AREAS SHALL BE SURFACED WITH A MINIMUM OF 5 INCHES OF CLASS 'A' PORTLAND CEMENT OR 6 INCHES OF ASPHALTIC CONCRETE. A 6 INCH RAISED CURB BARRIER SHALL BE PROVIDED AT THE PERIMETER.
17. THIS SPECIAL PERMIT CONTAINS 6 BUILDABLE COMMERCIAL LOTS.
18. OFF PREMISE SIGNS ARE PROHIBITED. A MAXIMUM OF ONE GROUND SIGN OR POLE SIGN PER LOT. WALL SIGNS SHALL BE PERMITTED BY CHAPTER 27.64.047. POLE SIGNS SHALL NOT EXCEED 100 SQUARE FEET IN AREA, AND SHALL NOT EXCEED 50 FEET IN HEIGHT.
19. A WAIVER OF FRONT YARD SETBACKS SHALL BE 17.5 FEET FROM 50 FEET ALONG THE PUBLIC ACCESS EASEMENT ALONG THE PRIVATE ROADWAYS AND A FRONT YARD SETBACK ALONG THE EAST SIDE OF N.W. 40TH STREET ON LOT 4 FROM 50 FEET TO 33 FEET.

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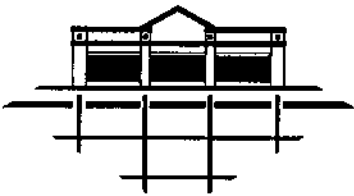
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DEVELOPER:

WEST POINT LLC



## BRIAN D. CARSTENS AND ASSOCIATES

LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN

601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

April 9, 2001

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

RE: SPECIAL PERMIT #1887- WEST POINT BUSINESS PARK  
NORTHWEST 40TH AND WEST 'O' STREET

Dear Kathleen,

On behalf of West Point, L.L.C., we are requesting a few additional waivers to our previous submittal as per my discussion with Jason Reynolds.

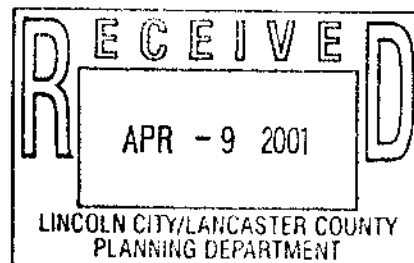
As was previously shown and approved by the Planning Commission on the original submittal, we are requesting that the Front yard setback along Interstate 80 be reduced from 50 feet to 25 feet. We are also requesting that the sidewalks along Interstate 80 be waived. However we do agree to install the street trees as additional screening along Interstate 80.

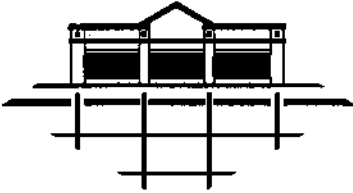
Please contact me if you have any further questions.

Sincerely,

Brian D. Carstens

cc: Boyd Batterman  
Don Linscott





**BRIAN D. CARSTENS AND ASSOCIATES**  
**LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN**  
**601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424**

March 22, 2001

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

RE: SPECIAL PERMIT #1887- WEST POINT BUSINESS PARK-  
NORTHWEST 40TH AND WEST 'O' STREET

Dear Kathleen,

On behalf of West Point, L.L.C., we are submitting a revised Special Permit for your review. This project is being resubmitted to the Planning Commission due to some changes that have been made to the private roadway configuration, based on a larger detention cell being required. It is my understanding that Planning Staff felt that the project had changed enough, they requested that we resubmit the project to the Planning Commission prior to sending to the Lincoln City Council.

We are requesting the same waivers as previously requested and approved by the Planning Commission, with one addition. We request that the internal side yard setbacks be reduced from 20 feet to 10 feet. It was previously shown on the original submittal, however, we did not specifically request the waiver.

We also note that the previous agreements regarding signage have been included in the general notes. Another important change is the increased front yard setback along Interstate 80. It has been determined by the City Law Department that we need to treat Interstate right of way as a front yard, not as a side yard as previously been determined. Therefore, our Special Permit plans now show a 50 foot front yard setback along Interstate 80, instead of the 20 foot setback that had previously been approved.

Please contact me if you have any further questions.

Sincerely,

Brian D. Carstens


cc: Boyd Batterman  
Don Linscott

ENCLOSURES: 20 copies of Sheet 1 of 5  
6 copies of Sheets 2 through 5 of 5  
8-1/2" x 11" Reductions of the Site Plan

# M e m o r a n d u m

[REDACTED]

**To:** Jason Reynolds, Planning Department

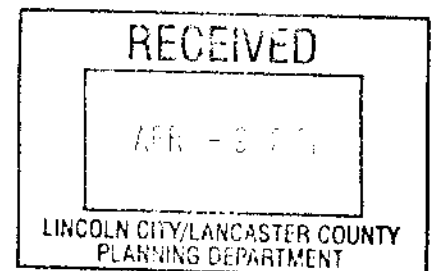
**From:**  Dennis Bartels, Public Works & Utilities

**Subject:** West Pointe Business Park Special Permit #1887

**Date:** April 5, 2001

**cc:** Roger Figard, Nicole Fleck-Tooze

The resubmitted plans for West Pointe Business Park are satisfactory to Public Works. Public Works has no objections to the requested revisions to the internal side yards from 20 feet to 10 feet.



**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION**

**TO:** Jason Reynolds

**DATE:** 3/30/2001

**DEPARTMENT:** Planning

**FROM:** Chris Schroeder  
Jerry Hood

**ATTENTION:**

**DEPARTMENT:** Health

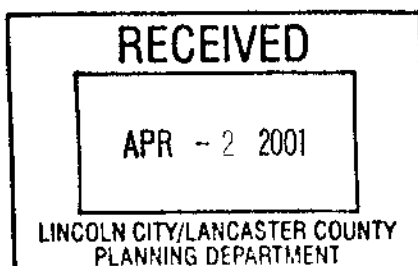
**CARBONS TO:** Leon F. Vinci, MPH  
EH File  
EH Administration

**SUBJECT:** West Point Business Park  
SP #1887 revised

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the plot plans for the West Point Business Park for potential negative public health impacts with the following noted.

- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of vegetable ground cover will also be incorporated as necessary.
- Water supply will be the City of Lincoln municipal water supply.
- Sewage disposal will be the City of Lincoln municipal sewage collection system.
- Steps must be taken to prevent erosion of soil either by wind or water while this site is being constructed. The Lower Platte South Natural Resources District should be contacted for assistance in this matter.

If you have any questions, please contact me at 441-6272.



# Memorandum

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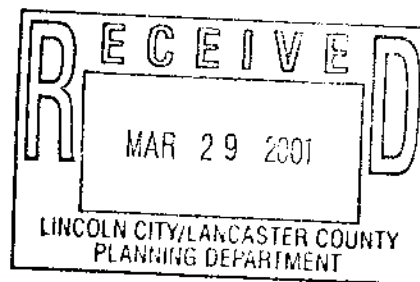
**To:** Jason Reynolds, Planning  
**From:** Rachel Martin, Parks and Recreation  
**Date:** March 29, 2001  
**Re:** West point Business Park

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Parks and Recreation Department staff have reviewed the above-referenced proposal and have the following comments:

- 1) It needs to be noted on the landscape plan that all trees are to be planted on private property.
- 2) Traffic Engineering (Scott Opfer, 441-7711) needs to review landscape plan to determine if there is adequate sight distance for cars turning off N.W. 40<sup>th</sup> onto West 'O' Street.
- 3) Trees should be planted no closer than 5 feet from sidewalk.

Please phone me at 441-7936 with any questions.



# City of Lincoln, Nebraska

## IMPORTANT

**All revisions to plans must include Building Permit # and Job Address.**

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

## Plan Review Comments

Permit # **DRF01046**

Address

Job Description: West Point Business Park

Location: West Piont Business Park

Special Permit: Y 1887

Preliminary Plat: N

Use Permit: N

CUP/PUD: N

Requested By: JASON REYNOLDS

Status of Review: Approved

Reviewer: FIRE PREVENTION/LIFE SAFETY CODE      BOB FIEDLER

Comments:

### Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards

