

## FACTSHEET

**TITLE: CHANGE OF ZONE NO. 3375**, from R-1 Residential and AGR Agricultural Residential to O-3 Office Park, requested by Olsson Associates on behalf of Carl J. Sjulín and West Gate Bank, on property generally located northeast of the intersection of Old Cheney Road and Nebraska Highway 2.

**STAFF RECOMMENDATION:** Approval.

**ASSOCIATED REQUESTS:** Street Vacation No. 01024 (02-164); Waiver of Design Standards No. 02020 (02R-276); and Use Permit No. 146 (02R-277).

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 09/18/02 and 10/02/02  
Administrative Action: 10/02/02

**RECOMMENDATION:** Approval (7-0: Carlson, Larson, Duvall, Newman, Bills-Strand, Taylor and Schwinn voting 'yes'; Krieser and Steward absent).

### FINDINGS OF FACT:

1. This change of zone request is associated with Street Vacation No. 01024, Waiver of Design Standards No. 02020 and Use Permit No. 146. The street vacation and waiver of design standards had public hearing before the Planning Commission on October 16, 2002. The change of zone and use permit had public hearing before the Planning Commission on September 18 and October 2, 2002.
2. The original staff recommendation of September 4, 2002, recommended deferral because the information needed to assess the impact of this change of zone and associated Use Permit No. 146 upon the transportation system in this area had not been provided. The associated street vacation issue also had not been resolved.
3. The revised staff recommendation of approval, dated September 20, 2002, is based on the "Analysis" as set forth on p.4-7, concluding that the proposed change of zone is consistent with the Comprehensive Plan and allows uses to develop at this location that have been anticipated.
4. The applicant's testimony is found on p.8-12.
5. There was no testimony in opposition.
6. The Planning Commission discussion with staff is found on p.9-10 and 12.
7. On October 2, 2002, the Planning Commission agreed with the revised staff recommendation and voted 7-0 to recommend approval.

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

**DATE:** October 29, 2002

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

**DATE:** October 29, 2002

**REFERENCE NUMBER:** FS\CC\2002\CZ.3375

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

Revised Report

This is a combined staff report for related items. This report contains a single background and analysis section for both items.

**P.A.S.:** Change of Zone #3375 **DATE:** September 20, 2002  
Use Permit #146 - West Gate Bank

**\*\*As Revised by Planning Commission: 10/02/02\*\***

**PROPOSAL:** Change of Zone: **To change the zoning from R-1 and AGR to O-3**  
Use Permit: To develop 60,000 square feet of office and financial floor area.

**WAIVER REQUESTS:** -Exceed the 45' height limit of the O-3 district.  
-Street trees along Highway 2.

**LAND AREA:** 6.42 acres, more or less

**CONCLUSION:** If the waivers are approved along with modifications being made to the site plan, the proposed use permit complies with the Zoning Ordinance. The change of zone is consistent with the Comprehensive Plan and allows uses to develop at this location that have been anticipated.

<b>RECOMMENDATION:</b>	<b>Change of Zone:</b>	<b>Approval</b>
	<b>Use Permit:</b>	Conditional Approval
	<b>Waiver to Height Limit:</b>	Approval
	<b>Waiver to Street Trees:</b>	Approval

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See attached legal description.

**LOCATION:** Northeast of the intersection of Old Cheney Road and Highway 2.

**APPLICANT/ OWNER:** Carl Sjulín  
c/o West Gate Bank  
1204 West O Street  
Lincoln, NE 68508 (402) 434-3456

**CONTACT:** Steve Miller  
Olsson Associates  
1111 Lincoln Mall  
Lincoln, NE 68508 (402) 474-6311

**EXISTING ZONING:** R-1 and AGR      **PROPOSED ZONING:** 0-3 Office Park District

**EXISTING LAND USE:** Vacant

**SURROUNDING LAND USE AND ZONING:**

North: B-5, O-3      Office, Commercial  
South:      H-4, AGR      Office, Commercial, Vacant  
East:      R-1, AGR      Single-family Residential  
West:      H-4      Commercial

**COMPREHENSIVE PLAN SPECIFICATIONS:**

- Page F18 - Guiding Principles for the Urban Environment - Overall Form
  - Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods.
  - Preservation and renewal of historic buildings, districts and landscapes is encouraged. Development and redevelopment should respect historical patterns, precedents, and boundaries in towns, cities, and existing neighborhoods.
- Page F24 - Future Land Use Map
  - This land is designated as Commercial in the Land Use Plan.
- Page F37 - Commercial and Industrial Development Strategy
  - The commercial and industrial development strategy presented below seeks to fulfill two notable objectives: (1) the approach is designed to provide flexibility to the marketplace in siting future commercial and industrial locations; while at the same time (2) offering neighborhoods, present and future home owners, other businesses, and infrastructure providers a level of predictability as to where such employment concentrations might be located. Balancing these two objectives in a meaningful way will require diligence, mutual understanding, and an ongoing planning dialogue.
- 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 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; so that they enhance entryways or public corridors when developing adjacent to these corridors; in a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this plan.

**ASSOCIATED APPLICATIONS:** FP#02053 - This administrative plat is currently being reviewed by staff. It creates one lot to accommodate the proposed office/financial building. During the review it was noted that the plat must be revised to include a turnaround for Wagon Lane as required by the Subdivision Ordinance and the proposed street vacation listed below. The turnaround has not yet been provided.

SAV#01024 - This request was approved by the Planning Commission on **January 23, 2002**, but has not been forwarded to the City Council. It seeks to vacate the western portion of Wagon Lane to accommodate FP#02053, however as a condition of approval the Planning Commission required that a turnaround be provided before the application is forwarded to the City Council.

**UTILITIES:** All are available to the site.

**TOPOGRAPHY:** The site slopes down from east to west.

**TRAFFIC ANALYSIS:** Highway 2 is classified as a major arterial; Old Cheney Road is classified as a minor arterial.

**PUBLIC SERVICE:** City of Lincoln Fire and Police

**ENVIRONMENTAL CONCERNS:** Removal of existing trees on the site.

**BACKGROUND:**

The Planning Commission continued the public hearing on these items from September 18, 2002 to October 2, 2002 to allow time for the applicant and staff to resolve outstanding issues. In the original staff report dated September 4, 2002, concern was expressed over the lack of information pertaining to key aspects of the project, and as a result staff did not make a recommendation and the report did not include conditions of approval. The applicant has since provided information addressing the main issues raised. They are addressed in the analysis section below.

## **ANALYSIS:**

1. The request to change the zoning from R-1 and AGR to O-3 is consistent with the 2025 Comprehensive Plan, which designates commercial land use for this site.
2. The previous report noted that the traffic study that had been prepared in anticipation of commercial uses locating on this site indicated a mix of land uses consisting of 4,500 square feet of floor area dedicated to a drive-through bank, and 50,000 square feet of office floor area. Public Works requested a breakdown of proposed land uses to ensure it was consistent with the traffic study and could be accommodated by the planned improvements in the area. The applicant has provided the proposed mix of floor area, and Public Works has found it is consistent with the traffic study and anticipated improvements at this location.
3. Other concerns previously noted by Public Works and Utilities were: the sign envelope on the east side of the driveway was a potential problem and should be eliminated; and, the drainage study needed revisions. The applicant has agreed to revise the sign envelope to ensure there is no conflict with sight distance along Old Cheney Road and to also provide a revised drainage study consistent with the Public Works review.
4. This site is near the Capitol View Corridor that extends along Highway 2 in this area. The use permit is seeking a waiver to the maximum allowed height of the district to allow a 46' tall building with a 95' tall clock tower, so staff evaluated the potential impact of these structures on the corridor. Staff conducted an on-site evaluation and found that the proposed site is at a considerably lower elevation than the area of concern, and is located south of the corridor. As a result, staff has no concerns related to impacts upon the Capitol View Corridor and finds that no further analysis of this topic is needed. Attached are the review comments from Ed Zimmer, Historic Preservation Planner.
5. A waiver to the height limit of the district is requested, along with a waiver to street trees along Highway 2. The applicant notes that the building height only exceeds the maximum height of the district by one foot, and the waiver is requested to allow a raised cornice around the top of the building. It is noted that this cornice serves to help screen mechanical appurtenances on the roof of the building such as air conditioning units, and contributes to the architectural style of the building. Staff agrees the cornice contributes to the overall design of the project, and the screening effect helps offset the impact of exceeding the height of the district by one foot.

The waiver to the height limit also includes a 95' cupola with clock tower (an 85' tall tower with a 10' spire or lightning rod). It is noted that the tower is an integral feature to the architectural design of the structure. The impact of the tower on the residences to the east is reduced by the fact that it is located on the west side of the building and it does not extend across the full width of the building. In this location, the maximum possible separation from the residences is maintained.

The waiver to street trees actually only seeks to not provide the required location and spacing of the trees along Highway 2. The applicant notes that the number of existing trees to be preserved along the highway exceeds the number required by the landscape standards. As the topography of the site is falling from east to west, staff understands that at least in part, the intent of the proposed landscape plan is to preserve a view of the building and key architectural features from the southwest in the direction of the intersection of South 56<sup>th</sup> Street and Highway 2 - an area developed with commercial and office uses. The site plan does not show the number of trees along Highway 2 that the applicant states will be provided and must be revised to indicate the specified amount. However, the design of the building should provide a positive visual effect from the vantage point of the intersection and generally serve to enhance the area. Considering that, the proposed landscape plan along Highway 2 does not present a significant negative impact.

The site is adjacent to a residential zoning district with single-family homes to the east, and the landscape plan must show adequate screening to reduce the impact of commercial development on this site. Along the east property line, the landscape plan shows most of the existing trees to remain, along with the required 90% screen for the parking areas. However, screening does not extend the length of the lot line, and additional landscaping should be shown to provide no less than a 60% screen at least 10' in height along the entire eastern property line to help provide a buffer for the residences to the east.

6. In the previous report it was noted that minor changes to the site plan were required, including: sidewalks and trails must be labeled; provide a walkway through the west parking lot; add a note stating the number of parking spaces required and provided; add a note stating the waiver to the allowed height of the district and include the heights of the building and the clock tower; and show a 5' utility easement along the west property line, and a 15' utility easement along the north and south property lines as requested by L.E.S. in their review; and changes to the landscape plan to comply with the review comments from the Parks and Recreation Department. The applicant has indicated these changes will be made to the site plan.
7. On January 23, 2002, the Planning Commission recommended approval of a request to vacate a 60' long portion of Wagon Lane that extends onto this site, on the condition that a turn-around be provided before the application is forwarded to City Council. The requirement for a turn-around is set out in LMC Section 26.23.080, and is designed to ensure that vehicles can turn around on a dead-end street without having to use private driveways. Subsequent to the Planning Commission's consideration of the street vacation request, a final plat to create a lot for the proposed building has been submitted. Consideration of the vacation request by City Council and approval of the final plat by staff are on hold pending revisions to show the required turn-around for Wagon Lane.

As shown, the site plan does not comply with Zoning Ordinance as the required rear yard setback is not provided along that portion of the property line adjacent to Wagon Lane. In comments submitted by the applicant it is stated that a turn-around is not being provided

because: Wagon Lane is not constructed; it will not be built until the surrounding area is replatted; and, that the necessary right-of-way should be acquired if and when the adjacent properties are replatted.

Wagon Lane was platted in its current configuration to allow access to this site to accommodate future development. However, the development scheme for this area has changed, and the site will not be developed residentially as originally planned. But the need to vacate a portion of Wagon Lane arises in order to accommodate this development proposal, and not as the result of any action on the part of adjacent property owners.

To be consistent with the recommendation from the Planning Commission on the proposed street vacation, there are several potential solutions including: revising the site plan to show the required 60' radius turn-around; working with adjacent property owners to provide the turn-around on their property; or, vacating all of Wagon Lane from South 62<sup>nd</sup> Street west in cooperation with the property owners to the east.

Alternately, the applicant could request that the Planning Commission reconsider the proposed Wagon Lane vacation. The intent of this reconsideration would be to have the conditions of approval modified to not require a turn-around, consistent with what is currently shown on the proposed site plan.

Prepared by:

Brian Will, AICP  
Planner

**CHANGE OF ZONE NO. 3375  
and  
USE PERMIT NO. 146**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

September 18, 2002

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

Staff recommendation: Deferral

Proponents

**1. Steve Miller of Olsson Associates** presented the application on behalf of **West Gate Bank**. The developer believes that this is a significant development opportunity in East Lincoln.

**2. Carl Sjulín**, President of **West Gate Bank**, testified in support. His family has owned West Gate Bank for the past 21 years and the bank has been fortunate to grow with the city. This application is for a change of zone and use permit at 60<sup>th</sup> and Old Cheney Road. This land has been undeveloped and represents a pie-shaped lot of approximately 7 acres bounded by Highway 2 and Old Cheney Road. West Gate Bank currently has six locations. This would be theseventh location and would serve as West Gate Bank's new main bank location. West Gate Bank is in significant need of additional space to meet the growing needs of Lincoln. Sjulín submitted an elevation rendering of the west view/front of the building, 250' x 80' in dimension equalling 60,000 gross sq. ft. on three levels. The net square footage is approximately 45,000 sq. ft. The exterior will be limestone and brick and will be designed in classic federal style, somewhat colonial in nature, and will complement Williamsburg Village. The architectural team is Davis Design, who have been working on the building design for the past 18 months. They are working now at a rapid pace in order to get a building permit this fall, with completion by the end of next year. West Gate Bank has entered into commitments with prospective tenants for January 2004 occupancy. There is a need to get as much work done this fall as possible in the event we have a bad winter. Time is very much of the essence.

Sjulín went on to explain that the project represents an 11 million dollar investment. The building will be complemented at the west end by a waterfall feature with extensive landscaping worth over \$500,000. The request to waive street trees along Highway 2 is only for a very narrow, small portion where there is an existing tree mass. They do not want to put street trees in the line of sight for motorists traveling east on Highway 2 to see the building. They will be adding trees to allow for 100% screening to the neighboring acreages. More than 12 trees have been removed and are being stored at Campbells nurseries to bring back onto the property.

With respect to the height waiver, Sjulín explained that the actual building height is within the 45' maximum allowed by city code. There is a 3' parapet wall. The cornice at the top of the front entrance will help screen the air conditioning equipment. The cupola will be a good visual impact from Highway 2. Extensive landscaping will be done and native grasses will allow for natural drainage.

Concerning the Wagon Lane vacation, Sjulín noted that there is a 60' x 60' section of Wagon Lane which is not presently built and which needs to be vacated. Sjulín suggested that if those properties are ever subdivided, the city would have an opportunity to put in a cul-de-sac that would not abut the bank's property.

Carlson inquired whether the cupola is designed such that cellular antennae could be hidden inside of it. Sjulín admitted that the thought had not crossed his mind. His answer would be no. When you walk into the atrium as you look upward, that will be open straight up to the cupola. The cupola is up to the front of the building. Carlson commented that it looks as though it may be one of the taller things in the area. Sjulín assured that it will have lighting protection.

Carlson asked the applicant to provide an elevation/view of the eastern approach— what is your landscaping for someone traveling into town from Highway 2 going west? Sjulín noted that the hill is quite high. You can't see the property until you are halfway along the property. A motorist would have a very good view of the water feature and the landscaping that will be done there. With the topography in that area, it is not possible to see the south end of the building.

Miller added that there is an existing tree mass of approximately 22-25 trees that would be preserved that will buffer the view of the actual bank building coming westbound on Highway 2. There would be ample buffering with street trees that will be retained at that site on the south side. They have not done a sight line analysis. The site has been found to be south of the Capitol View Corridor, but they have not done a topographic study in terms of the sight line or the view of that cupola. Miller showed photos to provide a feel for the amount of existing trees on the site. A vast majority of the existing trees will be retained, especially along the eastern border. A number of large trees have been removed from the site and will be replanted on the site once the building is in place.

There was no testimony in opposition.

Steward asked staff to provide the rationale for recommending deferral because of the Wagon Lane vacation. Brian Will of Planning staff informed the Commission that initially, there were four issues involved with the recommendation for deferral. The staff did not have complete information relative to the justification for the waiver of street trees and the height exception. The Wagon Lane vacation was an additional issue and came before the Planning Commission back in January of this year. That issue is still unresolved. It is a requirement of the subdivision ordinance that a turnaround be provided. One concern was that the site plan potentially could change in a minor or significant way if the turnaround had to be provided on this property. It could possibly be dealt with in some other manner by the property owners to the east, but those property owners have not been involved in this discussion. If we

don't deal with the turnaround issue on this property, the property owners to the east will be forced to deal with it later on.

Steward noted that there are acreage property owners involved.

Carlson inquired about the traffic analysis. Will acknowledged that the staff did meet with the applicant this morning. The street vacation was discussed as well as the request for waivers, the breakdown of land uses and the traffic impact study. He believes that they have come to an agreement on the traffic analysis, provided the applicant submits the land use breakdown that they have described.

Schwinn noted that there are no conditions of approval provided in the staff report. Will explained that this project has been evolving. At the time it was reviewed by the staff, there were four outstanding issues which the staff believed should be addressed before drafting the conditions of approval. Had there only been one issue, perhaps it could have been addressed with conditions of approval. The staff was not comfortable providing conditions, understanding that information might come forward that would change the recommendation. Will believes the applicant has put together some conditions since 10:00 this morning.

Miller stated that he did submit conditions of approval to the city staff. Those include revising the site plan to meet the conditions set forth in the staff analysis including a breakdown of the land uses, labeling the sidewalks, showing the walkway through the west parking lot, dealing with the sight distance triangles, etc. The applicant will show the existing street trees and justify the waiver requests. The landscape requirements require 10 additional street trees. Dozens of trees are being retained within the property that will be maintained and replanted on the site. The drainage plan will be revised to the satisfaction of Public Works. Miller concurred that they have not reached agreement with the staff on the Wagon Lane vacation. A waiver of that turnaround requirement has been requested with the administrative final plat. The applicant's proposed conditions of approval were submitted to the staff this morning and the applicant would request that these applications be voted upon and moved forward.

Schwinn indicated that he was not comfortable not having the conditions before the Commission. He wondered whether a two-week deferral would be a problem. Sjulín stated that they provided the staff with 27 copies of the proposed conditions and assumed the Commission received copies. Time is of the essence with respect to this project. He believes Wagon Lane is a small technicality. The way Wagon Lane is shown is not the way it would be developed anyway. West Gate Bank really needs to move forward. The problem with two weeks is that it starts pushing into the holidays. Sjulín requested Commission action today. They have worked out everything other than Wagon Lane with the city. Everything else has been agreed upon. It is a road that is not built. If ever is built, it would not be built in that manner. 60' is plenty wide for a turnaround. There are only one or two lots that would be serviced at the end of that street anyway. We have had a number of meetings with staff over the years. We wanted to vent traffic out onto Wagon Lane, coming back out onto Old Cheney at 62<sup>nd</sup> Street, but the city planners did not believe that would be as good a development so the applicant scrapped that

idea and is providing full internal circulation. That comes at some sacrifice to what we wanted with respect to the property. He does not want to get held up because of the Wagon Lane issue.

There was no testimony in opposition.

Steward moved to defer, with continued public hearing and administrative action scheduled for October 2, 2002, seconded by Newman.

Steward noted that the project has been in the works for a year and a half. If the season was a concern, maybe it should have started earlier. Steward believes that this is presumptuous of the two other property owners' circumstance, and it is also totally irregular that the Commission be asked to approve an action without conditions to consider. An hour before the meeting would not even have been enough time. Steward believes there is the need for a little more time and conversation to get the details worked out. It's a good project and it is appropriately located, in his opinion, but it's not the manner in which we do planning.

Carlson also believes it would be helpful to see the other elevations and approach lines, especially where the tower is concerned, to provide a sense of how it fits in with the rest of the area.

Schwinn will vote against the deferral. He does not want to set a precedent that if staff doesn't put in conditions they won't expect the Commission to act. He believes that conditions should have been provided for the Commission's consideration.

Motion to defer two weeks carried 5-4: Steward, Bills-Strand, Taylor, Carlson and Newman voting 'yes'; Duvall, Krieser, Larson and Schwinn voting 'no'.

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

October 2, 2002

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

Revised staff recommendation: Approval of the change of zone and conditional approval of the use permit, as revised.

Brian Will of Planning staff submitted a memo to the Planning Commission and explained that these applications were delayed at the last hearing to resolve some outstanding issues, most of which have been resolved. However, there is one outstanding issue, that being the required turnaround for Wagon Lane. The staff did suggest to the applicant one alternative to resolve this issue, i.e. the city would petition to vacate Wagon Lane, the benefit being that the city could then donate the property to the adjacent property owners as opposed to the obligation to sell the property to the adjacent owners. Will advised that at this point, that process has not been initiated and it would require consideration by the Commission and City Council.

## Proponents

1. **Steve Miller** with Olsson Associates, testified on behalf of West Gate Bank, the applicant. He concurred that the applicant has worked with staff and resolved every issue except for the Wagon Lane turnaround. The applicant is requesting a waiver of that condition. The applicant has requested that the waiver and the previous street vacation come back to the Planning Commission for hearing on October 16th. The applicant agrees to all other conditions of approval on the use permit.

Miller explained the rationale for the request to waive the turnaround requirement and showed some photographs of the existing condition of Wagon Lane and So. 62<sup>nd</sup>. Miller submitted that it would be most appropriate to address the Wagon Lane turnaround when and if the adjacent property develops. West Gate Bank has not had any contact with the property owners and believe this is the best that can be done at the present time.

Carlson mentioned the sight line view heading west on Hwy 2. Miller indicated that they have created an elevation that tries to address that issue, showing the building height. The building would be screened almost completely by the existing tree line that will be retained. There was no testimony in opposition.

## Staff questions

Will acknowledged that there are two other associated applications pending. One of them is the street vacation of Wagon Lane, which was considered by the Planning Commission back in January and which has not been forwarded to the City Council due to the conditions of approval. Additionally, the applicant has submitted a request for waiver of design standards to waive the requirement for 60' radius turnaround.

Miller further clarified that the application for street vacation was submitted by the previous property owner in January. This applicant was not party to that application at that time.

Will confirmed that the street vacation and the waiver are currently undergoing review and will be before the Commission on October 16<sup>th</sup>. The staff in large part agrees with the issues that have been raised; however, the turnaround is a technical issue that the staff cannot ignore. We need to deal with it one way or the other, whether vacating the entire street or waiving the design standards. The condition of the street vacation approved by the Planning Commission in January was that the turnaround be required. The Commission can reconsider that application and revise that recommendation, if desired.

If the Commission wishes to move forward with the change of zone and use permit, Will suggested amending Condition #1.1.1, adding language "...unless Waiver of Design Standards No. 02020 is approved by the City Council". Waiver of Design Standards No. 02020 is the application to waive the turnaround which will be on the Planning Commission agenda on October 16, 2002.

Public hearing was closed.

**CHANGE OF ZONE NO. 3375**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

October 2, 2002

Duvall moved approval, seconded by Larson and carried 7-0: Carlson, Larson, Duvall, Newman, Bills-Strand, Taylor and Schwinn voting 'yes'; Krieser and Steward absent.

**USE PERMIT NO. 146**

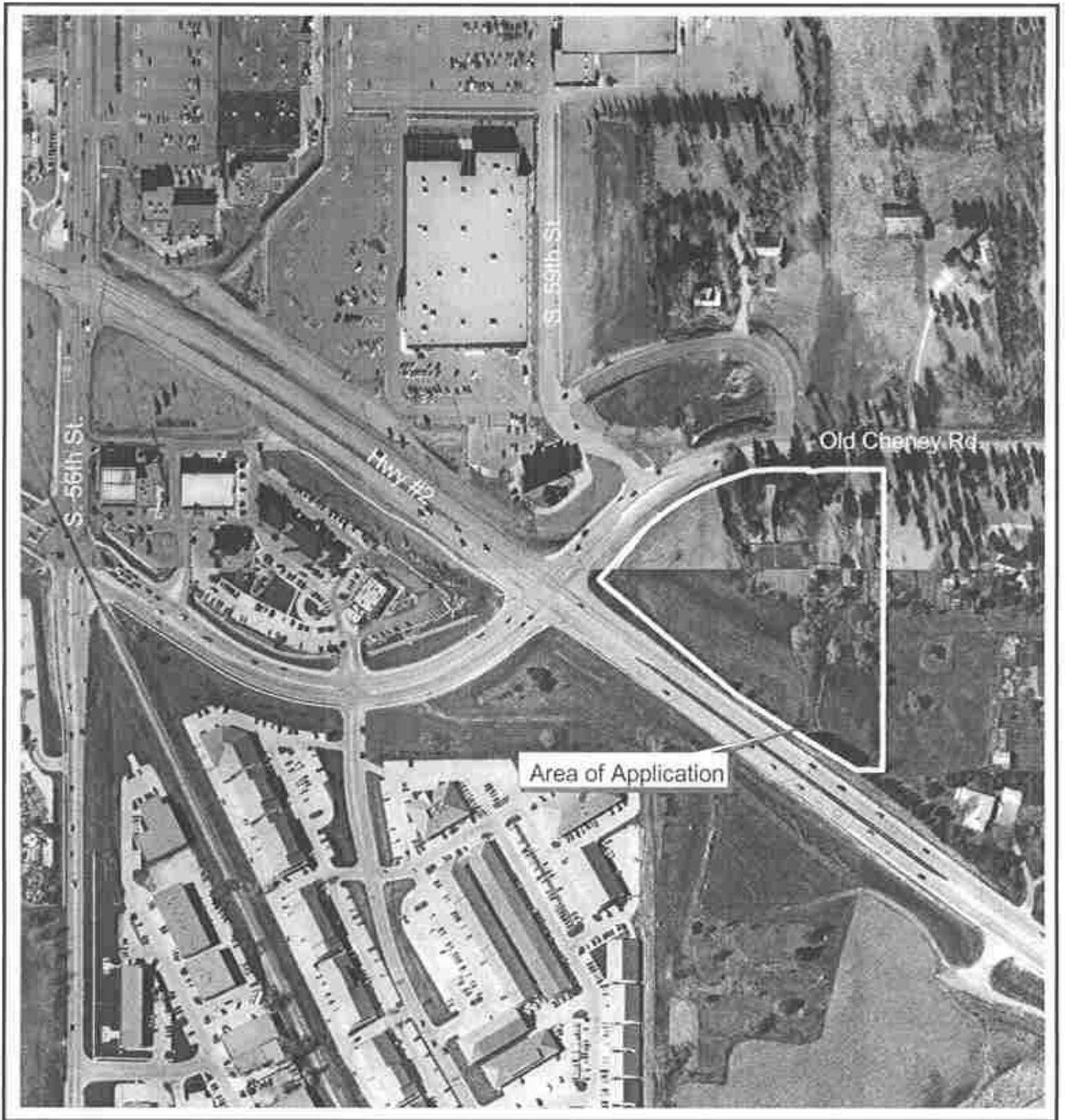
**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

October 2, 2002

Duvall moved conditional approval, with amendment to Condition #1.1.1 adding language, "...unless Waiver of Design Standards No. 02020 is approved by the City Council.", seconded by Newman.

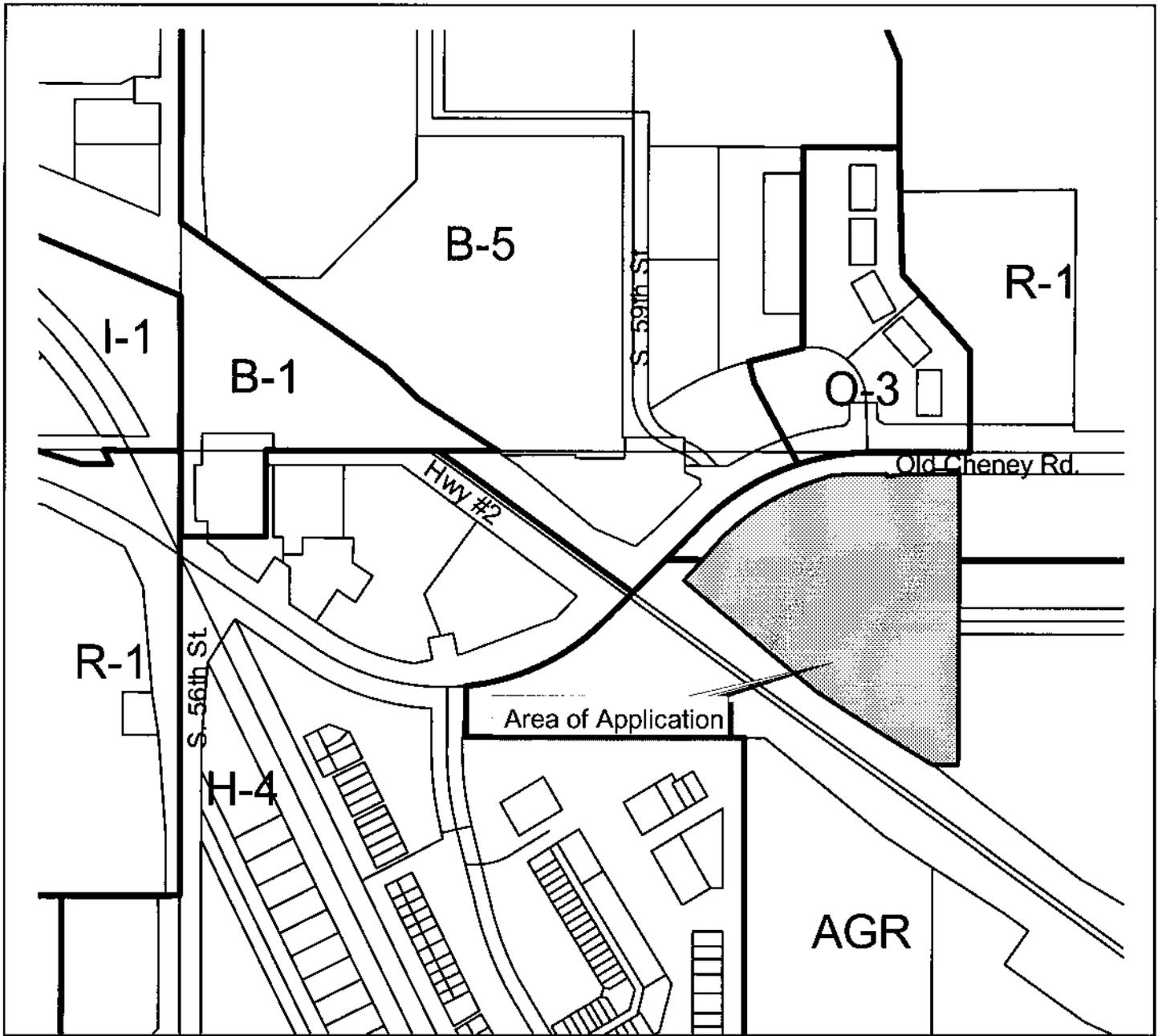
Schwinn observed that this is a home-owned business in the Lincoln community and we need to make sure these people can move forward when they are willing to make this kind of investment in our community. He appreciates West Gate Bank making this investment in the community.

Motion for conditional approval, with amendment to Condition #1.1.1, carried 7-0: Carlson, Larson, Duvall, Newman, Bills-Strand, Taylor and Schwinn voting 'yes'; Krieser and Steward absent.



**Change of Zone #3375  
Hwy #2 & Old Cheney Rd.**



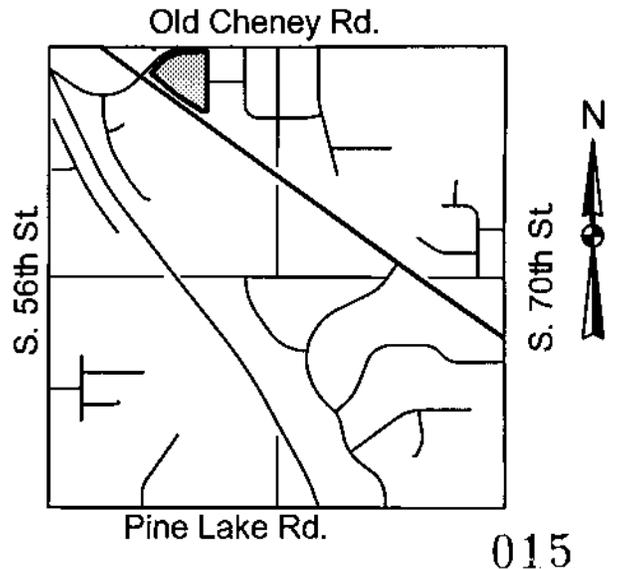
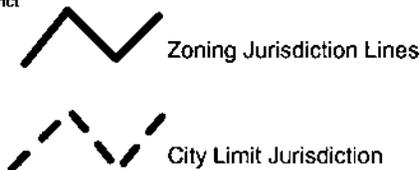


## Change of Zone #3375 Hwy #2 & Old Cheney Rd.

### 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. 16 T9N R7E



015

September 20, 2002

Mr. Brian Will, AICP  
City-County Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

***Via e-mail: [bwill@ci.lincoln.ne.us](mailto:bwill@ci.lincoln.ne.us)***

Re: West Gate Bank; Change of Zone No. 3375, Use Permit No. 146

Dear Brian,

I am submitting this e-mail, on behalf of West Gate Bank, in response to your e-mail of September 19, 2002, to address the staff reports of September 4, 2002. Specifically, I am responding to the four items noted in your e-mail.

1. I submitted a request, on behalf of West Gate Bank, for a waiver of design standards requiring a turn-around on Wagon Lane because a) Wagon Lane is not constructed, b) Wagon Lane will not be built until the surrounding area is replatted, and c) the necessary turn-around R-O-W should be acquired if and when the area is replatted.
2. Public Works requested a breakdown of proposed uses for the building. The proposed uses are: drive-through bank; 4,500 square feet and general office; 55,500 square feet.

In addition, Public Works requested a revised drainage study and we will submit a revised study per Public Works requirements.

Finally, Public Works expressed concerns about the sign envelope on the east side of the entrance. In response, we will submit a revised site plan that shows the appropriate site distance triangles and the proposed sign envelopes.

3. We request a waiver for street trees on Highway 2 because a) we will preserve approximately 25 existing street trees on Highway 2; the design standards require 10 street trees, b) West Gate Bank has removed several trees from the site which will be replanted during construction, and c) West Gate Bank has preserved dozens of trees on the site which provide exceptional screening from adjacent properties.

We request a waiver of building height requirements for the building and clock tower/cupola because a) the building height and clock tower/cupola are key

architectural features of the Federal style displayed in this building, b) the building meets design standards and only the cornice, which is a false front that screens air-conditioning units on the roof, exceeds the height limit, and c) we desire to construct a signature building that will be a memorable gateway into Lincoln.

4. We will revise the site plan and landscape plan to address all deficiencies noted in paragraph 6 of the staff report.

I believe these responses address the issues noted in your e-mail. If you have any questions, please call me at your earliest convenience at 434-6311.

Sincerely,

Steve Miller, AICP  
Olsson Associates  
1111 Lincoln Mall  
Lincoln, NE 68508  
402.474.6311

cc: Carl J. Sjulín, West Gate Bank  
Mark Palmer, Olsson Associates

**LEGAL DESCRIPTION  
PARCEL 1  
CHANGE OF ZONE  
FROM "R-1" TO "O-3"**

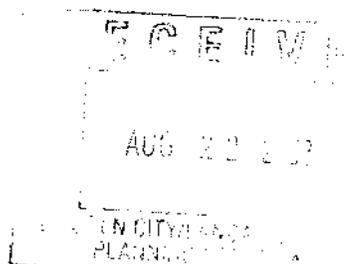
A LEGAL DESCRIPTION FOR CHANGE OF ZONE PURPOSES FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 157 I.T., A PORTION OF LOT 130 I.T., A PORTION OF THE REMAINING PORTION OF LOT 46 I.T., AND A PORTION OF THE REMAINING PORTION OF OUTLOT "B" FRONTIER ACRES, ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE REMAINING PORTION OF OUTLOT "B" FRONTIER ACRES, SAID POINT BEING 50.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHWEST QUARTER, SAID POINT BEING **THE TRUE POINT OF BEGINNING**, THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 04 MINUTES 08 SECONDS WEST ALONG THE EAST LINE OF SAID REMAINING PORTION OF OUTLOT "B", A DISTANCE OF 100.00 FEET, THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ALONG A LINE LOCATED 150.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 505.66 FEET TO A POINT OF INTERSECTION WITH THE NORTHWEST LINE OF LOT 157 I.T., THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 522.96 FEET, ARC LENGTH OF 137.70 FEET, DELTA ANGLE OF 15 DEGREES 05 MINUTES 11 SECONDS, A CHORD BEARING OF NORTH 61 DEGREES 30 MINUTES 34 SECONDS EAST ALONG A NORTHWEST LINE OF SAID LOT 157 I.T., AND A NORTHWEST LINE OF LOT 130 I.T., AND A CHORD LENGTH OF 137.30 FEET TO A POINT, THENCE NORTH 75 DEGREES 43 MINUTES 38 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 130 I.T., A DISTANCE OF 41.11 FEET TO A POINT, THENCE NORTH 75 DEGREES 40 MINUTES 13 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 130 I.T., A DISTANCE OF 35.42 FEET TO A POINT, THENCE NORTH 70 DEGREES 30 MINUTES 00 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 130 I.T., A DISTANCE OF 16.05 FEET TO A POINT, THENCE NORTH 85 DEGREES 27 MINUTES 00 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 130 I.T., A DISTANCE OF 45.03 FEET TO A POINT, THENCE NORTH 89 DEGREES 31 MINUTES 04 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 130 I.T., A DISTANCE OF 80.36 FEET TO THE NORTHEAST CORNER OF SAID LOT 130 I.T., SAID POINT BEING THE NORTHWEST CORNER OF THE REMAINING PORTION OF LOT 46 I.T., THENCE NORTH 83 DEGREES 13 MINUTES 39 SECONDS EAST ALONG A NORTH LINE OF SAID REMAINING PORTION OF LOT 46 I.T., A DISTANCE OF 50.85 FEET TO A POINT, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG A NORTH LINE OF SAID REMAINING PORTION OF LOT 46 I.T., AND THE NORTH LINE OF SAID OUTLOT "B", A

AUG 22 2002  
LANCASTER CITY/LANCASTER  
PLANNING DEPARTMENT

DISTANCE OF 120.07 FEET TO THE POINT OF BEGINNING, SAID TRACT  
CONTAINS A CALCULATED AREA OF 39,776.63 SQUARE FEET OR 0.9131  
ACRES, MORE OR LESS.

July 2, 2002 (3:00PM)  
F:\Projects\20010077\YPLAT\dwg\CHGR103.rtf



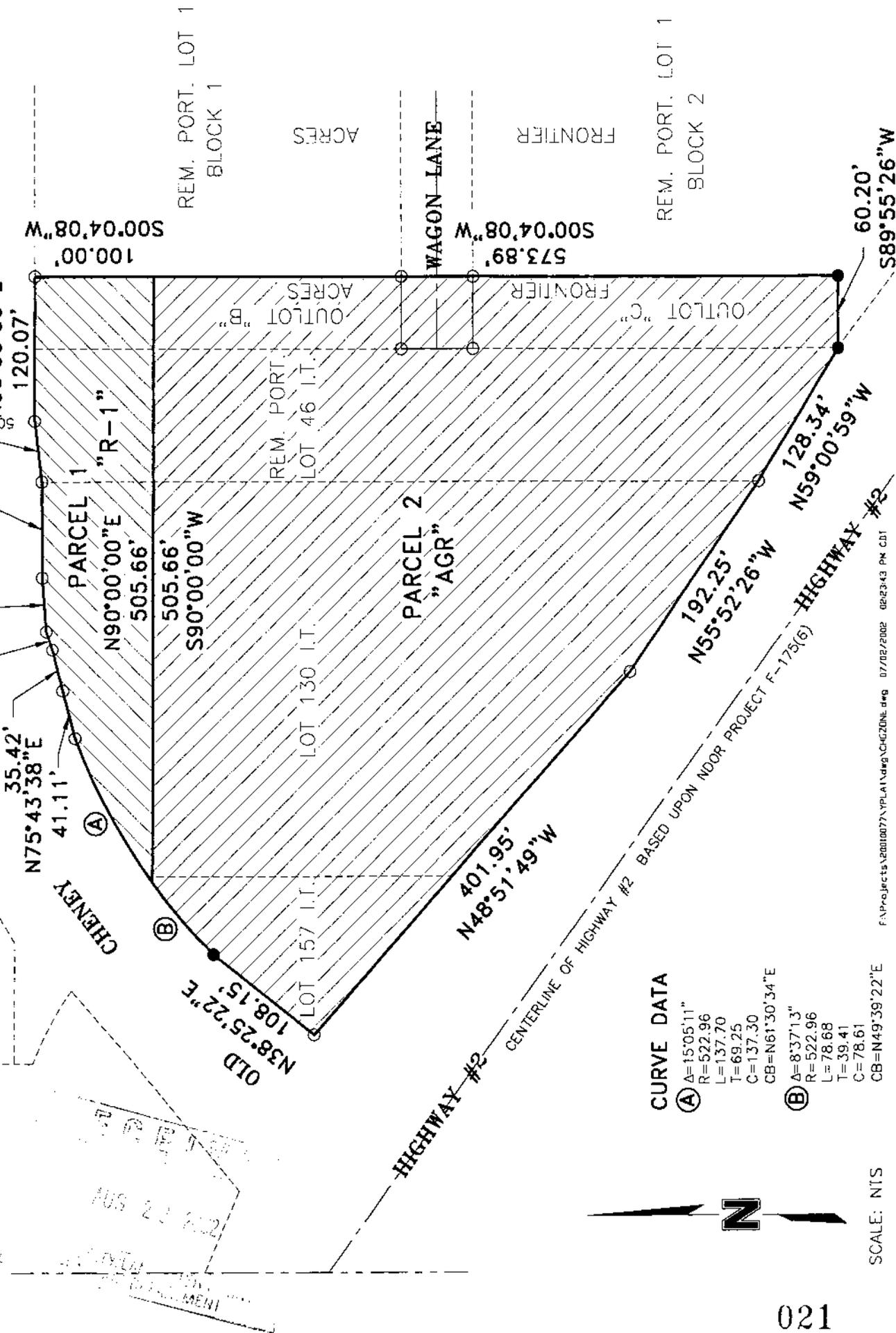
**LEGAL DESCRIPTION  
PARCEL 2  
CHANGE OF ZONE  
FROM "AGR" TO "O-3"**

A LEGAL DESCRIPTION FOR CHANGE OF ZONE PURPOSES FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 157 I.T., A PORTION OF LOT 130 I.T., A PORTION OF THE REMAINING PORTION OF LOT 46 I.T., A PORTION OF VACATED WAGON LANE RIGHT-OF-WAY, OUTLOT "C" FRONTIER ACRES, AND A PORTION OF THE REMAINING PORTION OF OUTLOT "B" FRONTIER ACRES, ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING A POINT ON THE EAST LINE OF THE REMAINING PORTION OF OUTLOT "B" FRONTIER ACRES, SAID POINT BEING 150.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHWEST QUARTER, SAID POINT BEING **THE TRUE POINT OF BEGINNING**, THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 04 MINUTES 08 SECONDS WEST ALONG THE EAST LINE OF SAID REMAINING PORTION OF OUTLOT "B", THE EAST LINE OF A PORTION OF VACATED WAGON LANE RIGHT-OF-WAY, AND THE EAST LINE OF OUTLOT "C" FRONTIER ACRES, DISTANCE OF 573.89 FEET TO THE SOUTHEAST CORNER OF SAID OUTLOT "C", THENCE SOUTH 89 DEGREES 55 MINUTES 26 SECONDS WEST ALONG THE SOUTH LINE OF SAID OUTLOT "C", A DISTANCE OF 60.20 FEET TO THE SOUTHWEST LINE OF SAID OUTLOT "C", SAID POINT BEING THE SOUTHEAST CORNER OF THE REMAINING PORTION OF LOT 46 I.T., THENCE NORTH 59 DEGREES 00 MINUTES 59 SECONDS WEST ALONG A SOUTH LINE OF SAID REMAINING PORTION OF LOT 46 I.T., A DISTANCE OF 128.34 FEET TO THE SOUTHWEST CORNER OF SAID REMAINING PORTION OF LOT 46 I.T., SAID POINT BEING THE SOUTHEAST CORNER OF LOT 130 I.T., THENCE NORTH 55 DEGREES 52 MINUTES 26 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 130 I.T., A DISTANCE OF 192.25 FEET TO A POINT, THENCE NORTH 48 DEGREES 51 MINUTES 49 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 130 I.T., AND THE SOUTH LINE OF LOT 157 I.T., A DISTANCE OF 401.95 FEET TO THE WEST CORNER OF SAID LOT 157 I.T., THENCE NORTH 38 DEGREES 25 MINUTES 22 SECONDS EAST ALONG A NORTHWEST LINE OF SAID LOT 157 I.T., A DISTANCE OF 108.15 FEET TO A POINT, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 522.96 FEET, ARC LENGTH OF 78.68 FEET, DELTA ANGLE OF 08 DEGREES 37 MINUTES 13 SECONDS, A CHORD BEARING OF NORTH 49 DEGREES 39 MINUTES 22 SECONDS EAST ALONG A NORTHWEST LINE OF SAID LOT 157 I.T., AND A CHORD LENGTH OF 78.61 FEET TO A POINT, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG A LINE LOCATED 150.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 505.66 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 239,874.83 SQUARE FEET OR 5.5068 ACRES, MORE OR LESS.

103 22 2022  
LANCASTER COUNTY  
PLANNING DEPARTMENT

# WEST GATE BANK CHANGE OF ZONE EXHIBIT



RECEIVED  
AUG 21 2002  
PLANNING DEPARTMENT

### CURVE DATA

- Ⓐ Δ=15°05'11"  
R=522.96  
L=137.70  
T=69.25  
C=137.30  
CB=N61°30'34"E
- Ⓑ Δ=8°37'13"  
R=522.96  
L=78.68  
T=39.41  
C=78.61  
CB=N49°39'22"E



SCALE: NTS

F:\Projects\20010077\YPLA1\dwg\CHZONE.dwg 07/02/2002 08:23:43 PM CDT



**OLSSON ASSOCIATES**  
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

August 22, 2002

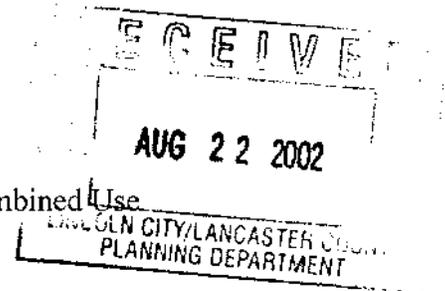
Mr. Mike DeKalb  
Interim Planning Director  
City-County Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

Re: West Gate Bank, Application for Change of Zone & Combined Use  
Permit/Special Permit  
OA Project No. 2002.0690

Dear Mr. DeKalb,

Enclosed please find the following documents for the above mentioned project:

1. Site Plan, Sheet 1; 21 copies
2. Existing and Proposed Drainage Basins, Sheet 2; 6 copies
3. Grading and Drainage Plan, Sheet 3; 6 copies
4. Landscape Plan, Sheet 4; 6 copies
5. Building Elevation; 21 copies
6. City of Lincoln Zoning Application; "Change of Zone" & "Combined Use Permit/Special Permit"
7. Filing fee for "Change of Zone"; \$290.00
8. Filing fee for "Combined Use Permit/Special Permit"; \$975.00
9. Certificate of Ownership
10. 8.5" x 11" Reduced Drawings of the Site Plan



On behalf of the Owner(s), Carl J. Sjulín, David H. Sjulín, and Kathryn Sjulín Lonowski, we are requesting a "Change of Zone" from AG Agriculture District and AGR Agriculture Residential District to O-3 Office Park District and a "Combined Use Permit/Special Permit" to allow a "Bank and Office Building" with an ornamental tower on property located in the Northwest Quarter of Section 16, Township 9 North, Range 7 East of the 6<sup>th</sup> P.M., Lancaster County, Nebraska.

The following Design Waivers are being requested and appear on the enclosed information:

1. To exceed the maximum height permitted within the 0-3 Office Park District (see enclosed Building Elevation).
2. To waive the street trees required along Highway 2 (see enclosed Landscape Plan).

022

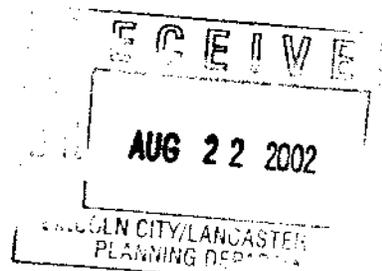
Please contact me if you have any questions or if you need additional information.

Sincerely,

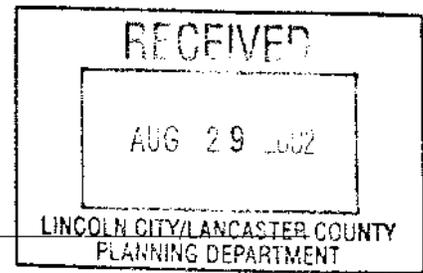
*Steve Miller*  
Steve Miller, AICP  
Olsson Associates

Attachments

cc: Carl Sjulín



# M e m o r a n d u m



**To:** Brian Will, Planning

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

**Subject:** Westgate Bank Center, Vandervoort and Old Cheney

**Date:** August 28, 2002

**cc:** Randy Hoskins  
Nicole Fleck-Tooze  
Virendra Singh  
Jim Visger

Engineering Services has reviewed the proposed bank and office building located between Old Cheney and Highway 2 at Vandervoort Drive and has the following comments:

1. When this site was discussed in relation to commercial uses, a traffic study was prepared. This study indicated land use of a 4,500 square feet drive thru and 5,000 square feet of office. Public Works approval of the median opening and construction of the street improvements being built with the Old Cheney widening. The application is for 60,000 square feet of office and a bank with no break down of size and uses. Public Works requests a break down of the uses and a revised traffic study based upon the proposed uses to ascertain whether the proposed use generates similar traffic.
2. The proposed sign envelope on the west side of the driveway is a potential problem. A 25 foot triangle at the west side of the driveway should be eliminated from the sign envelope.
3. Water and sewer service can be provided from the existing mains in Old Cheney Road. The lot will be required to pay a connection fee at the time of application for a water connection.
4. The drainage study shows use of a 5 year design storm intensity. Design standards require a 10 year design storm. The detention calculations show the 2 year past development exceeding the pre-development flows by nearly 45%. This is contrary to design standards. Runoff coefficients are shown as 0.4. Higher coefficients should be used for drainage areas that are predominately paved or roof tops. Curve numbers for the drainage basins east of this development appear inconsistent between the existing and proposed basin calculations. Some of the drainage for storms larger than the pipe design will not flow to the detention facility.
5. The vacation and termination of Wagon Lane, as a dead-end street with no turn-around, is unsatisfactory. Providing a standard turn-around was required by Public Works as a condition of this vacation. This condition has not been addressed with this special permit or with the proposed vacation.



# Memo

**To:** Brian Will, Planning Department  
**From:** Mark Canney, Parks & Recreation  
**Date:** September 9, 2002  
**Re:** West Gate Bank Use Permit 146 CZ3375

---

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have compiled the following comments:

1. Please provide street trees along Highway 2.
2. Parking lot screen needs to be provided between parking lot and Highway 2.
3. Street trees need to be extended all the way to the intersection.
4. Spacing of street trees should be at 50' – 55' between trees.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

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

**TO:** Brian Will

**DATE:** September 3, 2002

**DEPARTMENT:** Planning

**FROM:** Chris Schroeder  
Jerry Hood

**ATTENTION:**

**DEPARTMENT:** Health

**CARBONS TO:** Bruce Dart, Director  
EH File  
EH Administration

**SUBJECT:** West Gate Bank  
CZ #3375, UP #146

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed West Gate Bank with the following noted:

- Sewage disposal is proposed to be the City of Lincoln municipal collection system.
- Water supply is proposed to be the City of Lincoln municipal water system.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- 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 ground cover will also be incorporated as necessary.
- Provisions should be made for retaining as much tree mass as possible. Alternately, the applicant will need to plan for disposal of tree waste by burying on site, grinding, offering for firewood or hauling to the landfill. Permits for open burning of tree waste within the city limits will not be approved and applications for burning within the 3-mile zone are unlikely to be approved.



"PAMELA WILL"  
<bjwill59@msn.com>  
>

To: BWill@ci.lincoln.ne.us  
cc:  
Subject: Fwd: West Gate Bank

09/08/2002 05:45 PM

>From: EZimmer@ci.lincoln.ne.us  
>To: bjwill59@msn.com  
>Subject: West Gate Bank  
>Date: Fri, 6 Sep 2002 09:58:53 -0500

>  
>Brian,

>  
>I asked Cindy to map the Capitol View Corridor in the vicinity of the West  
>Gate Bank application at Highway 2 and Old Cheney Road, which showed the  
>significant vistas somewhat north of the site. On that basis I  
>field-checked the views, which occur southeast of the site, especially for  
>"in-bound" traffic on Highway 2 for about a half mile east and west of  
>84th. The subject property is considerably lower and well south of the  
>area I am concerned about as a major Capitol View Corridor, so in my  
>opinion no further analysis of this topic will be needed to give them a  
>"clean bill of health" on Environs matters.

>  
>Ed

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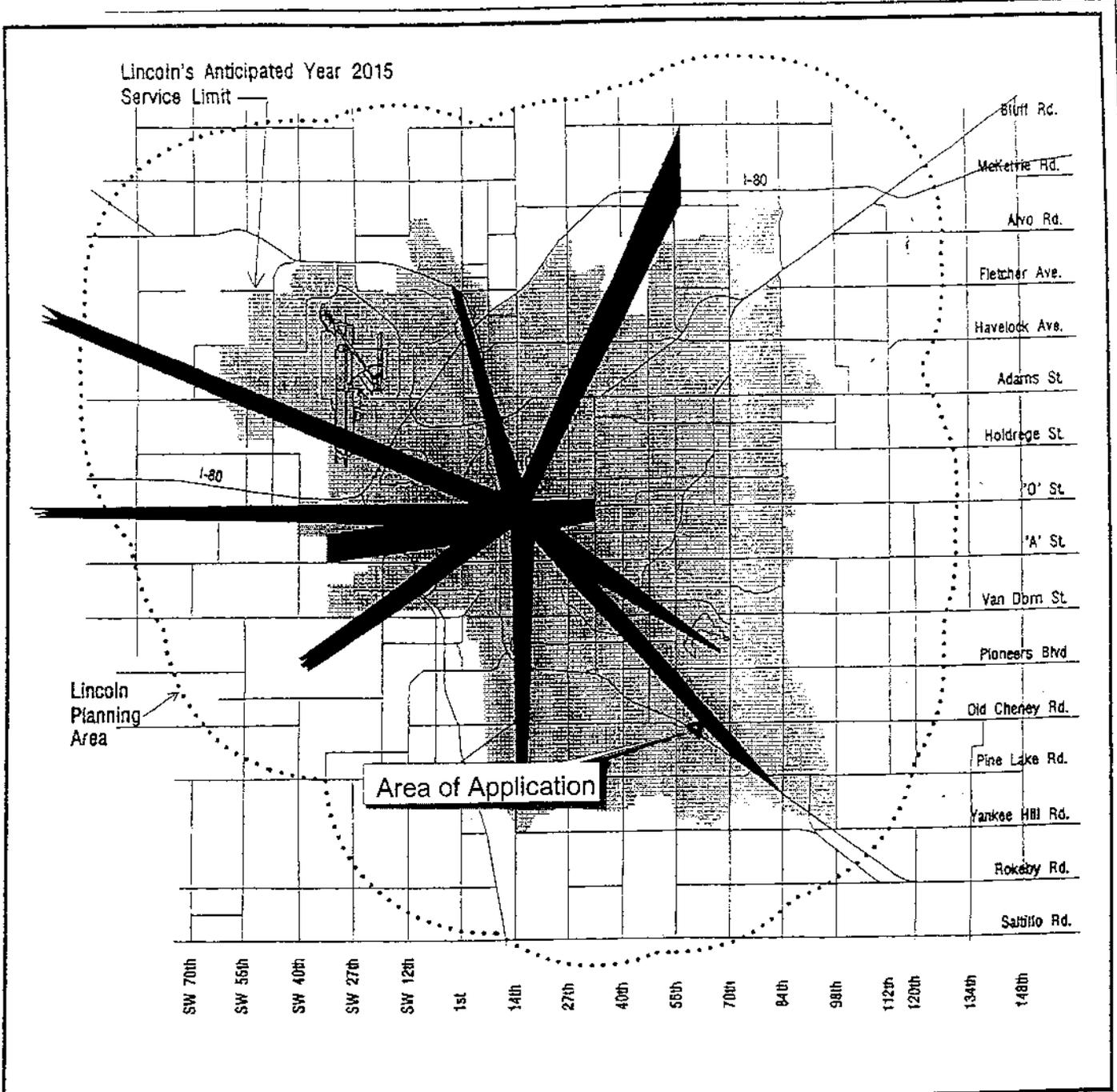


Figure 62

*Capitol View Corridors:  
City Perspective*



 Capitol View Corridor

**Lincoln City/Lancaster County  
Comprehensive Plan**

028