

City Council Introduction: **Monday**, July 28, 2003
Public Hearing: **Monday**, August 4, 2003, at **1:30 p.m.**

Bill No. 03R-198

FACTSHEET

TITLE: USE PERMIT NO. 123A, an amendment to the Landmark Corporate Center, requested by Landstar, L.L.C., to reduce the rear yard setback from 20' to 17' on the North ½ of Lot 2, Block 1, Landmark Corporate Center, generally located at No. 33rd Street, north of Folkways Blvd.

STAFF RECOMMENDATION: Conditional approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 07/09/03
Administrative Action: 07/09/03

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

FINDINGS OF FACT:

1. The purpose of this amendment request is to reduce the required rear yard setback from 20' to 17' on Lot 2, Block 1, Landmark Corporate Center Addition (shown on the use permit as Lot 23, Block 2). The amount of setback area lost by the 3' reduction is approximately 300 square feet, a very minimal amount of area.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-4, concluding that the proposed amendment is in conformance with the Comprehensive Plan.
3. On July 9, 2003, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On July 9, 2003, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend conditional approval, as set forth in the staff report dated June 23, 2003. The conditions of approval are found on p.4-5.
5. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: July 21, 2003

REVIEWED BY: _____

DATE: July 21, 2003

REFERENCE NUMBER: FS\CC\2003\UP.123A

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for July 9, 2003 PLANNING COMMISSION MEETING

P.A.S.: Use Permit 123A, Landmark Corporate Center

PROPOSAL: To reduce the rear yard setback from 20' to 17' on the north ½ of the lot on Lot 2, Block 1 Landmark Corporate Center Addition (shown on the use permit as Lot 23, Block 2).

LOCATION: N. 33rd Street north of Folkways Boulevard.

WAIVER REQUEST:

1. Rear yard setback from 20 to 17 feet.

LAND AREA: Approximately 2.41 acres, more or less.

CONCLUSION: In conformance with the Comprehensive Plan.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 2, Block 1 Landmark Corporate Center Addition.

EXISTING ZONING: I-3, Employment Center District.

EXISTING LAND USE: Service station and car wash under construction.

SURROUNDING LAND USE AND ZONING:

North:	Undeveloped	I-3, Employment Center District
South:	Undeveloped	I-3
East:	Undeveloped	I-3
West:	Undeveloped	I-3

HISTORY:

Annexation #99018, Change of Zone #3200, Preliminary Plat #99021, Use Permit #123 for Landmark Corporate Center were approved by City Council on February 28, 2000.

Comprehensive Plan Amendment #94-03, "North 27th Street Subarea Plan" changing the designation of the northern portion to "Industrial" was approved on September 18, 1996.

The zoning designation in this area was revised during the 1979 Zoning Update from AA - Rural and Public Use to R-3 Residential west of the old railroad ROW, and AG Agricultural east of the railroad ROW.

COMPREHENSIVE PLAN SPECIFICATIONS:

This area is shown for a light industrial center in the Comprehensive Plan (F-39).

“Commercial and industrial districts in Lancaster County shall be located: within the City of Lincoln or incorporated villages, outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning, where urban services and infrastructure are available or planned for in the near term, in sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan, in areas compatible with existing or planned residential uses, in areas accessible by various modes of transportation (i.e. automobile, transit and pedestrian), so that they enhance entryways or public way 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” (F-38).

This area is in a 100-year flood zone. The Mayor’s Floodplain Task Force is currently developing policy standards for floodplains that consider the natural functions played by these areas.

“There is an opportunity to reduce the risk of flood damages to life and property and to preserve the important functions of floodplains by designing areas for future urban development outside of floodplain and floodway areas. This would preserve the important natural and beneficial functions of floodplains, including flood storage and conveyance properties”. (F-78)

“Subject to the findings of the Mayor’s Floodplain Task Force and the assumptions used in crafting this Plan, future urban development will be outside of the floodplain and floodway. This helps new development avoid potential flood risks and preserves the important functions of the floodplain. Keeping development outside of the floodplain preserves flood storage and other natural and beneficial functions of floodplains. It also avoids the long-term, cumulative impact of development in the floodplain”. (F-79)

“Opportunities should be sought for the reclamation of floodplain functions through the acquisition and relocation of structures and the re-establishment of natural or open space areas”. (F-79)

TRAFFIC ANALYSIS: N. 33rd Street is shown as an urban minor arterial.

ENVIRONMENTAL CONCERNS: The Lower Platte South Natural Resources District accepted conservation easements over the wetland areas.

ANALYSIS:

1. This is a request to amend to the use permit to reduce the required rear yard setback on Lot 2, Block 1, Landmark Corporate Center Addition (shown on the use permit as Lot 23, Block 2). The amount of setback area lost by the 3' reduction is approximately 300 square feet, a very minimal amount of area.
2. The I-3, Employment Center District is a relatively new district, established in August 1997. The intent of the district is for the “development of attractive office and light industrial facilities as employment centers for location of plant facilities or headquarters of major employers. The I-3 Employment Center District is also intended to provide such employment centers with the surrounding support uses, including complementary office and retail use complementing the general land use pattern of the community and assisting the implementation of the adopted goals and polices of the community” (§27.51).

3. Section 27.51.090 (e) states that “All required yards shall be entirely devoted to landscaping, except for necessary paving of walkways and driveways to reach parking and loading areas from a public or private street”.
4. The applicant requests to reduce the rear yard on Lot 2, Block 1, Landmark Corporate Center (shown on the use permit as Lot 23, Block 2) so that the proposed use of the lot will allow the proposed driving aisle to remain outside the rear yard setback. The applicant filed for a building permit, was given a permit to construct a convenience store. When the applicant applied for a building permit to add a car wash that showed the exit drive aisle in the rear yard setback it was denied due to the requirement in §27.51.090. The existing and proposed design of the structures for the lot prevent any other design for the car wash and driving aisles and is the reason the applicant requests a waiver to reduce the rear yard setback.
5. In this case, the reduction is reasonable. The applicant is aware that there should not be any other requests to reduce the setbacks for this use permit. The setbacks are necessary to provide separation between the uses and wetland areas.
6. Public Works & Utilities Department, Fire Department, Building and Safety/Fire Prevention, Police Department, and the Lincoln-Lancaster County Health Department did not object to the request. Comments were not received by the Parks and Recreation Department, Army Corps of Engineers, or the Lower Platte South Natural Resources District.

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:

1.1.1 Remove language on site plan referring to this as an administrative amendment.

1.1.2 Sign the engineers certificate.

1.1.3 Remove clouding of areas of old amendments and show clouding only on new area to be amended.

2. This approval permits the required rear yard to be reduced from 20' to 17' only on the area as shown on Lot 2, Block 1, Landmark Corporate Center.

General:

3. Before receiving building permits:

3.1 The permittee shall have submitted a revised final plan including 5 copies.

3.2 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
- 4.1 Before occupying the industrial 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 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 applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Becky Horner
Planner

DATE: June 23, 2003

APPLICANT: Don Linscott
OWNER: Landstar LLC
300 N 44th Street, Suite 100

CONTACT: DaNay Kalkowski
Seacrest and Kalkowski, P.C.
1111 Lincoln Mall, Suite 350

**USE PERMIT NO. 123A
LANDMARK CORPORATE CENTER**

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

July 9, 2003

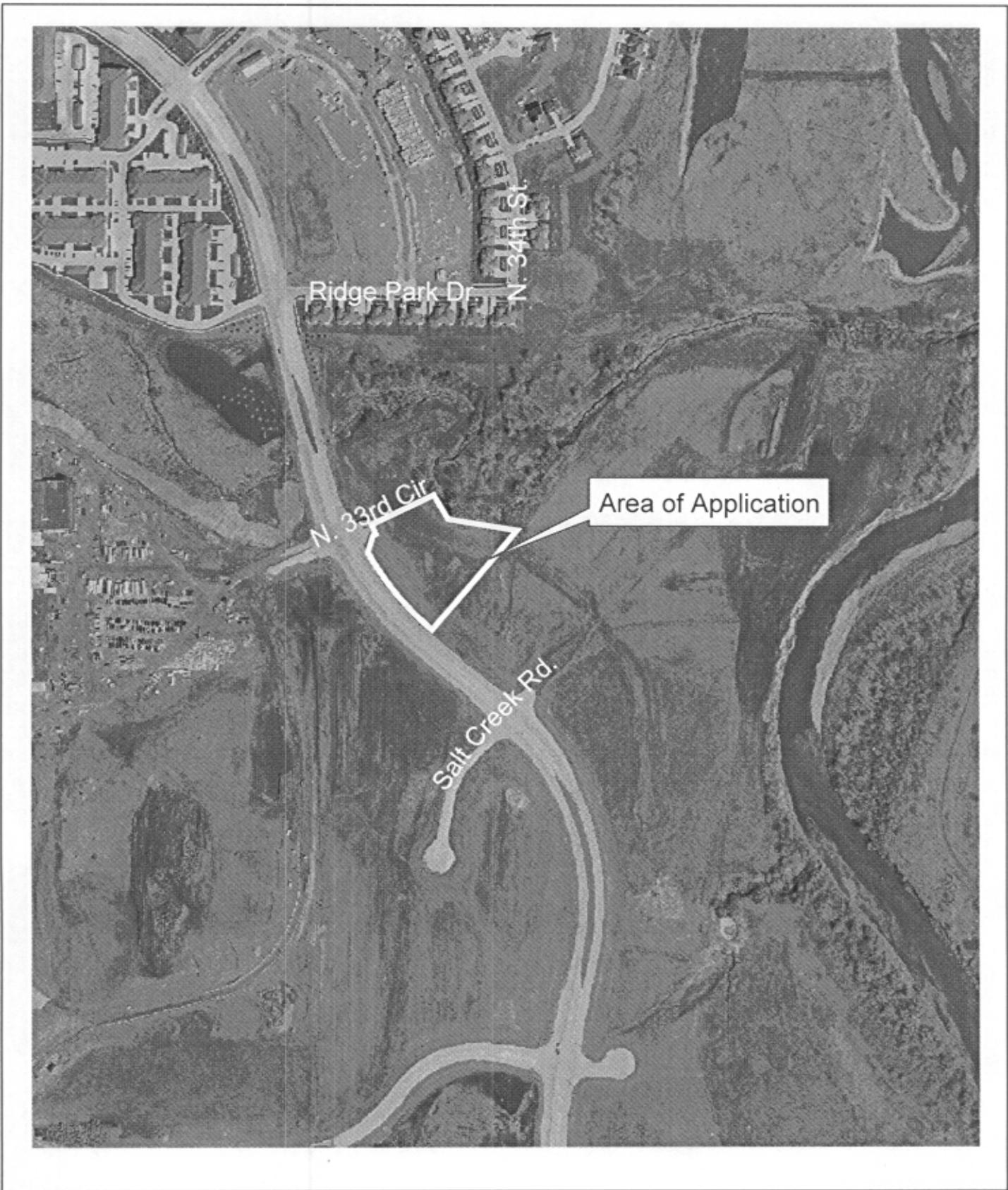
Members present: Carlson, Duvall, Krieser, Larson, Steward, Bills-Strand and Taylor; Schwinn absent.

The Consent Agenda consisted of the following items: **COUNTY SPECIAL PERMIT NO. 203; USE PERMIT NO. 123A; USE PERMIT NO. 151; SPECIAL PERMIT NO. 1672B; FINAL PLAT NO. 03009, G&C ADDITION; COMPREHENSIVE PLAN CONFORMANCE NO. 03006; and STREET AND ALLEY VACATION NO. 03008.**

Item No. 1.1, County Special Permit No. 203, was removed from the Consent Agenda and scheduled for separate public hearing.

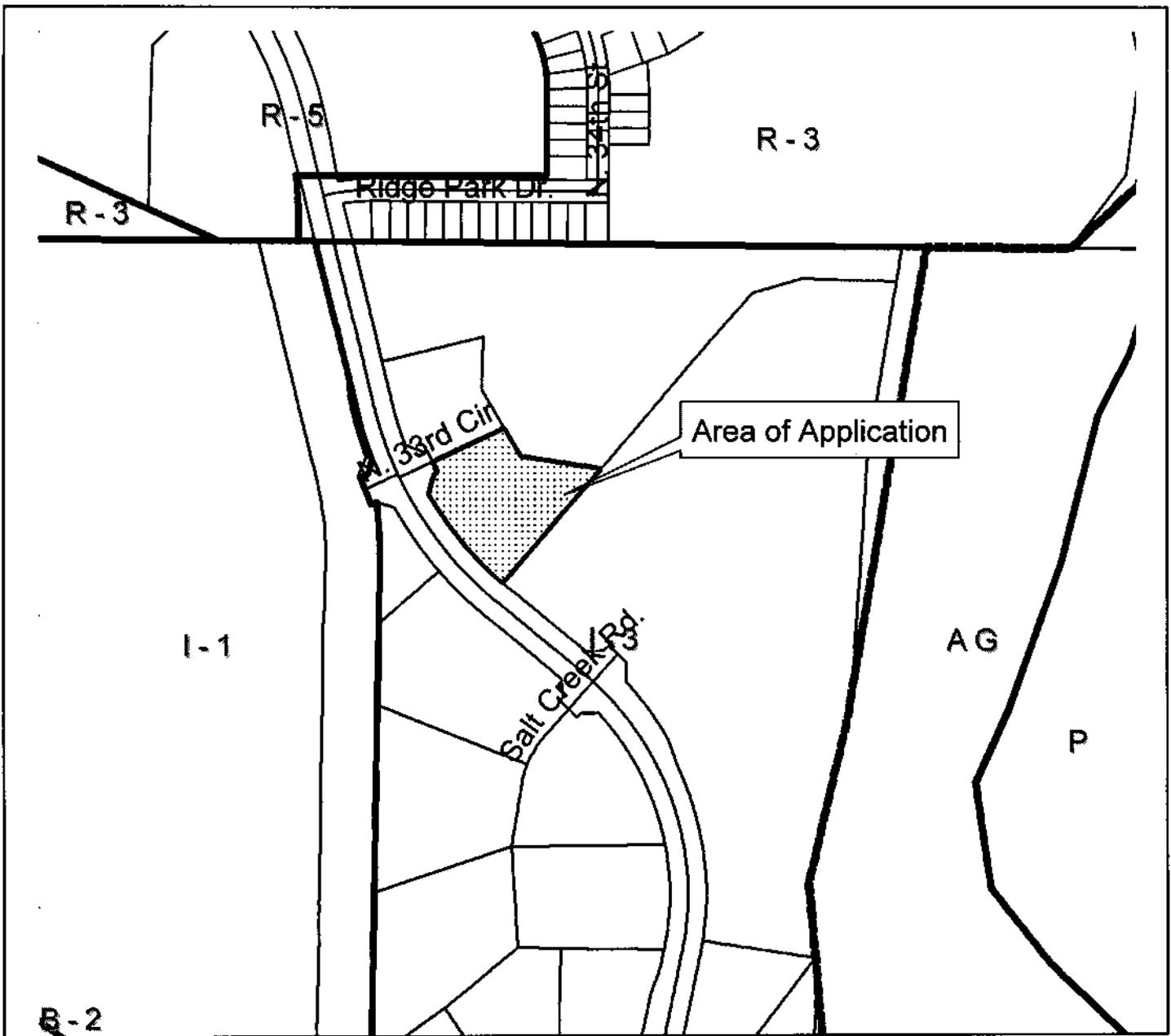
Bills-Strand moved to approve the remaining Consent Agenda, seconded by Taylor and carried 7-0: Carlson, Duvall, Krieser, Larson, Steward, Bills-Strand and Taylor voting 'yes'; Schwinn absent.

Note: This is final action on Use Permit No. 151, Special Permit No. 1672B and the G&C Addition Final Plat No. 03009, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



Use Permit #123A
N. 40th & Folkways Blvd.



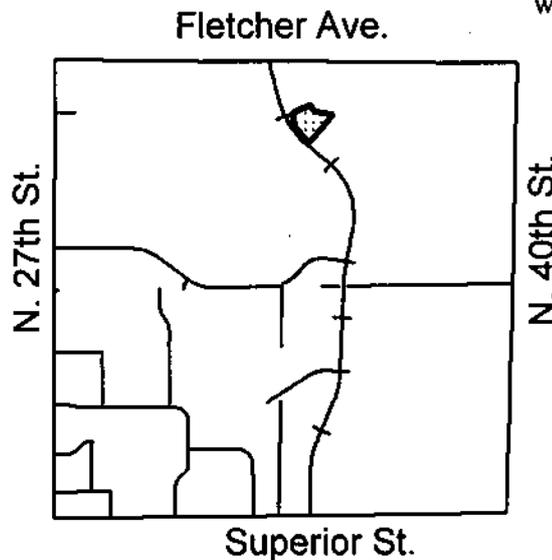


**Use Permit #123A
N. 40th & Folkways Blvd.**

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. 6 T10N R7E



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June 12, 2003

HAND DELIVERY

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

RE: Amendment to Use Permit No. 123, Landmark Corporate Center

Dear Marvin:

Our law firm represents Landstar LLC, one of the owners of Lot 2, Block 1, Landmark Corporate Center Addition, Lincoln, Lancaster County, Nebraska ("Property"). Landstar is requesting an amendment to Use Permit No. 123 for Landmark Corporate Center to permit a reduction in the rear yard setback along the north half of the Property from 20 feet to 17 feet. This adjustment is needed to accommodate a driving aisle on the Property.

Enclosed please find the following information supporting the amendment request:

1. City of Lincoln Zoning Application
2. Application fee in the amount of \$585
3. 24 copies of the site plan

We will forward an ownership certificate for the Property by Monday. Thank you for your consideration of this request. We look forward to working with the City on this amendment. If you have any questions regarding the above, please call.

Yours very truly,


DANAY KALKOWSKI
For the Firm

Enclosure

Cc: Charles Salem
Rob Otte
Don Linscott

