

City Council Introduction: **Monday**, February 2, 2004
Public Hearing: **Monday**, February 9, 2004, at **1:30 p.m.**

Bill No. 04-18

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3430**, from R-3 Residential District and B-2 Planned Neighborhood Business District to B-5 Planned Regional Business District, requested by Ridge Development Company and Superior Point Partners, on property generally located at No. 27th Street and Folkways Blvd.

STAFF RECOMMENDATION: Approval

ASSOCIATED REQUEST: Use Permit No. 57D (04R-23)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 12/10/03
Administrative Action: 12/10/03

RECOMMENDATION: Approval (7-0: Larson, Carlson, Marvin, Krieser, Taylor, Duvall and Bills-Strand voting 'yes').

FINDINGS OF FACT:

1. This change of zone request and the associated Use Permit No. 57D and Special Permit No. 2044 were heard at the same time before the Planning Commission. The purpose of the proposal is to expand an existing B-5 district into an existing B-2 district to allow a six-screen movie theater.
2. The staff recommendation to approve this change of zone request is based upon the "Analysis" as set forth on p.3-4, concluding that the general zoning designations are both commercial and the Comprehensive Plan identified the area as commercial, thus the change of zone is in conformance with the Comprehensive Plan.
3. The applicant's testimony is found on p.5
4. There was no testimony in opposition.
5. On December 10, 2003, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval (See Minutes p.6).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: January 26, 2004

REVIEWED BY: _____

DATE: January 26, 2004

REFERENCE NUMBER: FS\CC\2004\CZ.3430

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for December 10, 2003 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone #3430

PROPOSAL: From R-3, Residential, B-2, Planned Neighborhood Business to B-5, Planned Regional Business.

LOCATION: N. 27th and Folkways Boulevard.

LAND AREA: 12 acres, more or less.

CONCLUSION: In conformance with the Comprehensive Plan, Zoning and Subdivision Ordinances.

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 3-10 and Outlot A, King Ridge Addition, and Lot 47 I.T. located in the NW 1/4 of Section 6-10-7, Lancaster County, Nebraska, generally located at N. 27th Street and Folkways Boulevard.

EXISTING ZONING: B-2, Planned Neighborhood Business.

EXISTING LAND USE: Undeveloped, part of the King Ridge Use Permit #103B.

SURROUNDING LAND USE AND ZONING:

North:	Commercial, undeveloped	B-2, Planned Neighborhood Business
South:	Commercial	B-5, Planned Regional Business
East:	Undeveloped	B-2
West:	Commercial	B-2

ASSOCIATED APPLICATIONS: Lincoln Crossings Use Permit #57D and Special Permit #2044.

COMPREHENSIVE PLAN SPECIFICATIONS: The land use plan shows this area as commercial (page F-25).

“Regional Centers typically include a unique blend of commercial and other compatible land uses. Within this type of center, one may find retail shopping, restaurants, entertainment complexes, cultural and artistic institutions, offices, personal and business service facilities, and public institutions and governmental functions. The scale of such centers can offer a sense of place with a unique character or cohesive theme”. (F-43)

“Regional Centers should be located approximately four to six miles apart, depending upon their size, scale, function and area population”. (F-44)

"Regional Centers should be geographically well dispersed throughout the Lincoln urban area based on the Center Spacing guidelines noted above. The community will not require market studies to determine the economic impact of new centers on existing development. However, new Regional and Community Centers will be sited in the Comprehensive Plan, so that the potential impact on existing centers may be considered as part of the siting process. (Market impact studies will still be required for movie theaters)". (F-44)

HISTORY:

Change of Zone #3286 from R-3, Residential to B-2, Planned Neighborhood Business was approved by the City Council on November 13, 2000.

Change of Zone #3043 from R-3, Residential to B-2, Planned Neighborhood Business was approved by the City Council on April 14, 1997.

Change of Zone #2704 from R-3, Residential to B-5, Planned Regional Business to correct an error was approved by the City Council on August 3, 1992.

Change of Zone #2654 from R-3, Residential I-1, Industrial and H-4, General Commercial to B-5, Planned Regional Business was approved by the City Council on April 20, 1992.

This area was changed from A-A Rural and Public Use to R-3 Residential District during the 1979 Zoning Update.

TRAFFIC ANALYSIS: N. 27th Street is classified as an Urban Major Arterial and Folkways Boulevard is classified as a local road but is built larger to sustain the anticipated commercial and high school traffic (F-103).

ANALYSIS:

1. This is a request to change the zoning from B-2, Planned Neighborhood Business District to B-5, Planned Regional Business District so that it may be incorporated into the existing regional commercial center to allow a theater.
2. The general zoning designations are both commercial and the Comprehensive Plan identified the area as commercial, so the request is in conformance with the Comprehensive Plan.
3. This is an expansion of an existing B-5 district into an existing B-2 district. It is more appropriate to slightly expand the commercial designation into another commercial area rather than expand into a residential or other district designation.

4. The Lincoln Crossings regional commercial center was created in its current location because it meets the locational criteria specified in the Comprehensive Plan. N. 27th Street is a major urban arterial street that can handle the traffic created by a regional shopping center. The Public Works and Utilities Department determined that any additional traffic impacts caused by the expansion of the B-5 district can be handled by the existing facilities.

Prepared by:

Becky Horner
Planner

DATE: December 1, 2003

APPLICANT:	Ridge Development Company	Superior Point Partners
OWNER	PO Box 22769 Lincoln, NE 68542 (402)471-9222	300 N. 44 th Street, Suite 100 Lincoln, NE 68501

CONTACT: Mark Palmer
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508

**CHANGE OF ZONE NO. 3430,
USE PERMIT NO. 57D
and
SPECIAL PERMIT NO. 2044**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 10, 2003

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

Staff recommendation: Approval of the change of zone and conditional approval of the use permit amendment and special permit.

Ex Parte Communications: None.

These applications were removed from the Consent Agenda and had separate public hearing.

Becky Horner of Planning staff submitted a new Condition #1.1.5 on the use permit to:

“Revise the Building and Parking Stall Summary table to reflect the correct floor area for Building T (the proposed theater).”

She also indicated staff support for the amendments being proposed by the applicant.

Proponents

1. Kent Seacrest appeared on behalf of **Ridge Development Company**, owner of the commercial property just due north of Lincoln Crossing, i.e. WalMart, PetsMart—the large area north of 27th & Superior. This is an application for a six-screen movie theater, which is consistent with the Comprehensive Plan and the theater policy. The applicant has been working with the neighbor to the south (the shopping center) because they want to be sure this application has segregated its square footage so that it is clear who has what. Seacrest requested an amendment to Condition #2 on the use permit, to which staff has agreed:

2. This approval permits the expansion of the use permit for a total of ~~858,769~~ 867,769 square feet of floor area, with 51,300 square feet of floor area permitted north of North Hill Road and 816,469 square feet of floor area permitted south of North Hill Road, and modifications to the required front yard setback along Folkways Boulevard and setback from the residential district as shown on the site plan.

Carlson noted that this shows the theaters and then potentially a restaurant to the east. He noted that the Comprehensive Plan talks about accessibility for pedestrian/bicycle, etc. Looking at the R-5 apartments to the east and other potential residential, will the pedestrians be able to walk over to

dinner and a movie in a safe, easy way? Seacrest showed the site plan and the location of the apartments and the theater building/restaurant, indicating the location of the sidewalks bringing the pedestrians right by the apartment complex. "The shopping center does not have sidewalks on their side but we are proposing sidewalks on our side."

There was no testimony in opposition.

Carlson inquired of staff as to whether there a good trail in proximity with accessibility for bikes and pedestrians. Horner indicated that she would need to look at the trails plan to locate the nearest trail. She was thinking 27th Street had a trail. In response to access, she stated that the subdivision standards require sidewalks on both sides of all private and public streets, so the sidewalks would be required. Carlson would appreciate some attention to the pedestrian/bicycle access.

CHANGE OF ZONE NO. 3430

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: December 10, 2003

Taylor moved approval, seconded by Krieser and carried 7-0: Larson, Carlson, Marvin, Krieser, Taylor, Duvall and Bills-Strand voting 'yes'. This is a recommendation to the City Council.

USE PERMIT NO. 57D

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: December 10, 2003

Carlson moved to approve the staff recommendation of conditional approval, with the amendment proposed by staff and the amendment proposed by the applicant, seconded by Krieser and carried 7-0: Larson, Carlson, Marvin, Krieser, Taylor, Duvall and Bills-Strand voting 'yes'. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 2044

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: December 10, 2003

Larson moved to approve the staff recommendation of conditional approval, seconded by Taylor and carried 7-0: Larson, Carlson, Marvin, Krieser, Taylor, Duvall and Bills-Strand voting 'yes'. This is final action, 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.



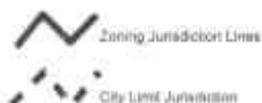
2002 aerial

Change of Zone #3430 N. 27th & Folkways Blvd.

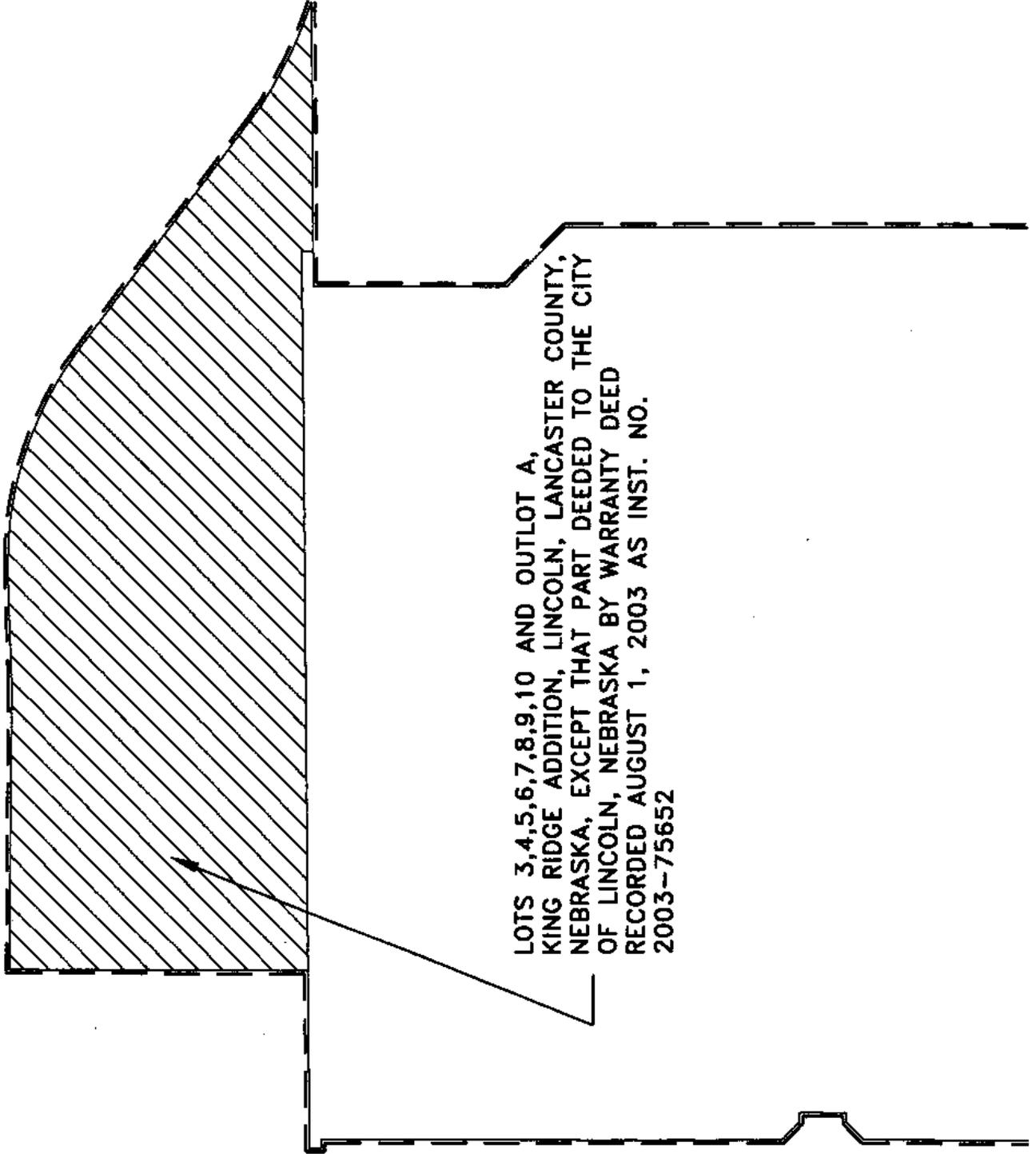
Zoning:

- 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



B-2 TO B-5



LOTS 3,4,5,6,7,8,9,10 AND OUTLOT A,
KING RIDGE ADDITION, LINCOLN, LANCASTER COUNTY,
NEBRASKA, EXCEPT THAT PART DEEDED TO THE CITY
OF LINCOLN, NEBRASKA BY WARRANTY DEED
RECORDED AUGUST 1, 2003 AS INST. NO.
2003-75652



OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

30 October 2002

Mr. Marvin S. Krout, Director
Lincoln Lancaster Planning Department
County-City Building
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: Lincoln Crossing, 27th & Superior Streets
Amendment to Use Permit # 57 and Change Of Zone
OA Project No. 2003-0745

Dear Mr. Krout,

We are requesting an "Amendment to the Use Permit" to expand the Lincoln Crossing Use Permit to include the parcel of land between North Hill Road and Folkways Boulevard, east of Ruby Tuesdays and Pinnacle Bank. This property was formerly platted under the King Ridge 2nd Addition Use Permit. We are also requesting a change of zone from B-2 "Planned Neighborhood Business District" and R-3 "Residential District" to B-5 "Planned Regional Business District".

We are requesting this Amendment and Change of Zone to locate a six-screen, 30,000 square foot Theatre on this property. A 30,000 square foot theatre generates less PM Peak Hour traffic than the previously approved commercial uses.

As we have discussed in previous meetings with Planning Staff, we have not been able to attain the Autocad drawing files for the approved Lincoln Crossing Use Permit. We have attained the most recent site plan. However, we have not been able to get the site grading and drainage, landscape, and profile drawing files. Our submittal consists of an overall site plan for the Lincoln Crossing Use Permit, and additional sheets to detail the site, drainage and grading, and landscaping for the amended area.

We are requesting a waiver of the required 100' setback for parking lots from residential zoning. The eastern portion of the site abuts residential zoning to the south. The previous B-2 zoning allowed for a 50' setback for this area. The buildings will maintain the 100' setback; however, the parking and driveway would only maintain a 50' setback.

We are also requesting a waiver of the required front yard setbacks along Folkways Boulevard. Additional right of way was dedicated to the City for the expansion of Folkways Boulevard as part of the King Ridge 2nd Addition Use Permit and Preliminary Plat. A corresponding reduction in the front yard setback was granted as part of that use permit and plat. We are requesting that the reduced setbacks be maintained as approved previously.

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Enclosed please find the following:

1. Cover Sheet, Sheet 2; 21 copies
2. Site Plan, Sheet 2A; 21 copies
3. Grading & Drainage Plan, Sheet 5A; 9 copies
4. Landscape Plan, Sheet 8A; 9 copies
5. City of Lincoln Zoning Application; "Use Permit; Amendment"
6. Change of Zone Application and exhibits
7. Filing fee for "Use Permit & Change of Zone"; \$1,480.00.
8. Certificates of Ownership for the lots being rezoned
9. 8 1/2" x 11" Reduced Drawings of the Site Plans

Please give me a call if you have any questions or concerns.

Sincerely,



Mark C. Palmer P.E.

cc John Brager
Tom White
DaNay Kalkowski
Michael Bott

SEACREST & KALKOWSKI, P.C.

1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3905

TELEPHONE (402) 435-6000
FACSIMILE (402) 435-6100

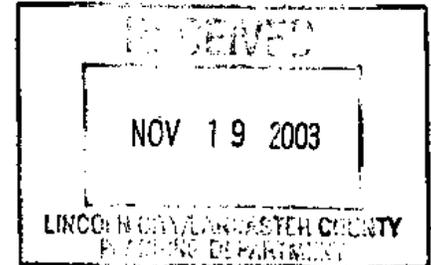
KENT SEACREST
E-MAIL: kent@sk-law.com

DANAY KALKOWSKI
E-MAIL: danay@sk-law.com

November 18, 2003

To: Neighboring Property Owners

Re: North 27th Street & Folkways Boulevard



Dear Neighbors:

Our law firm represents Ridge Development Company, the owner of Lots 3-10 and Outlot A, King Ridge Addition, Lincoln, Lancaster County, Nebraska (the "Property"). The Property is located east of North 27th Street (just east of Ruby Tuesday's and Pinnacle Bank) and directly south of Folkways Boulevard. Ridge Development Company has submitted the following applications to the Planning Department to permit the construction of a six screen, 30,000 square feet theatre on the Property: (i) a change of zone from the current B-2 Planned Neighborhood Business District and R-3 Residential District to B-5 Planned Regional Business District; (ii) an Amendment to expand the Lincoln Crossing Use Permit to include the Property; (iii) a Special Permit to permit the theatre use on the Property; and (iv) an Administrative Amendment to the King Ridge 2nd Addition Use Permit to remove the Property.

We would like to invite you to attend an informational meeting regarding the above applications. A copy of the proposed site plan for the Property is enclosed herein for your review. Please mark your calendars for **Tuesday, November 25, 7:00 - 8:30 P.M. at Campbell Elementary School in the Multi-Purpose Room, 2200 Dodge.** We welcome your comments and questions, and look forward to seeing you at the meeting. In the meantime, if you have any questions, please do not hesitate to call our office.

Sincerely,

KENT SEACREST
For the Firm

Enclosure

cc: Ridge Development Company
Don Linscott, Superior Pointe Partners
Annette McRoy, City Council Member
Patte Newman, City Council Member
Becky Horner, Planning Department

011

Memorandum

To:	Becky Horner, Planning Department
From:	Chad Blahak, Public Works and Utilities
Subject:	Lincoln Crossings Use Permit #57D and CZ #3430 King Ridge 2nd AA #03089 to Use Permit 103B
Date:	11/10/03
cc:	Randy Hoskins

Engineering Services has reviewed the submitted Use Permit #57 and CZ #3430 for Sincoln Crossings and AA #03089 to King Ridge 2nd Use Permit 103B, located between Folkways Boulevard and North Hill Road east of North 27th Street, and has the following comments:

Lincoln Crossings:

- If the public access easement running between lots 1, 4, 5, & 6 in King Ridge 1st Final Plat is to be removed then revisions need to be made to the site plan regarding parking lot configuration and public access easements. A public access easement will need to be shown between Lots 1 & 2 King Ridge 2nd Addition and the proposed Lincoln Crossings Use Permit and a continuation of the public access easement located at approximately N. 30th Street needs to be shown connecting to North Hill Road to facilitate reasonable and legal access to the median break and possible future traffic signal at Folkways Blvd. This requires a redesign of the parking lot such that the flow of traffic from North Hill Road to the Folkways intersection is unobstructed by vehicle parking movements.
- Public Works has no comment on the change of zone.

King Ridge:

- See above note for necessary revisions to this plat.

Memo



To: Becky Horner, Planning Department

From: Mark Canney, Parks & Recreation

Date: November 18, 2003

Re: Lincoln Crossing UP 57D CZ3430

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

1. Trees located along Folkways Blvd. are planted on private property per the location of the property lines on the plan.

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



Dennis L Roth

11/03/2003 08:01 PM

To: Rebecca D Horner/Notes@Notes

cc:

Subject: re: Lincoln Crossings

PROJ NAME: Lincoln Crossings
PROJ NMBR: CZ# 3430, UP# 57D
PROJ DATE: 10/14/03
PLANNER: Becky Horner

Finding NO duplicate/similar names in our geobase for the street name proposed in this project, other than those which are an extension of an existing street.

Dennis "denny" Roth, ESD II/CAD Admin
Emergency Communications 9-1-1 Center

STREETS:

PRIVATE: Chandler Dr, Industrial Av, Kensington Dr, North Hill Rd, North View Dr, Ticonderoga Dr and N 31st St

COMMENTS: Appears to be no deviations in the number or names of streets from previously approved plat.

013



MICHAEL WOOLMAN
<lpd737@CJIS.CI.LIN
COLN.NE.US >

To: R Horner <RHorner@ci.lincoln.ne.us >
cc:
Subject:

11/10/2003 09:54 AM

Ms. Horner,

The Lincoln Police Department does not object to the Lincoln Crossings UP #57D.

Sergeant Michael Woolman
Lincoln Police Department

Richard J Furasek

To: Rebecca D Horner/Notes@Notes

11/12/2003 10:57 AM

cc:
Subject: Lincoln Crossings

After reviewing Use Permit #57D and CZ#3430, we find it acceptable from the perspective of the department.

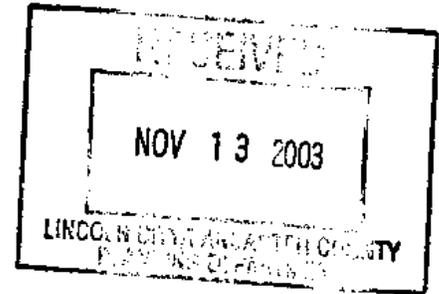
Richard J. Furasek
Assistant Chief Operations
Lincoln Fire & Rescue
1801 Q Street
Lincoln Ne. 68508
Office 402-441-8354
Fax 402-441-8292

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INTER-DEPARTMENT COMMUNICATION

-LES

DATE: November 13, 2003
TO: Becky Homer , City Planning
FROM: Sharon Theobald
Ext 7640
SUBJECT: DEDICATED EASEMENTS - Use Permit #57
DN#48N-29E



Attached is the Site Plan for Lincoln Crossing.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require blanket utility easements, excluding building envelopes, over the entire development.

Sharon Theobald

ST/ss
Attachment
c: Terry Wiebke
Easement File