

City Council Introduction: **Monday**, November 8, 2004
Public Hearing: **Monday**, November 15, 2004, at **1:30 p.m.**

Bill No. 04R-298

FACTSHEET

TITLE: USE PERMIT NO. 124A, an amendment to Fallbrook, requested by NEBCO, Inc., to waive the internal side yard setbacks in the O-3 Office Park District, on property generally located at Highway 34 and Fallbrook Boulevard.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda, 10/27/04
Administrative Action: 10/27/04

STAFF RECOMMENDATION: Conditional Approval.

RECOMMENDATION: Conditional Approval (5-0: Carlson, Taylor, Larson, Carroll and Bills-Strand voting 'yes'; Pearson declaring a conflict of interest; Marvin, Sunderman and Krieser absent).

FINDINGS OF FACT:

1. The purpose of this request to waive the side yard setbacks within the O-3 Office Park District is to allow parking lots to be continuous and shared.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.2-3, concluding that the request is in conformance with the Comprehensive Plan and is consistent with the spirit and intent of the original approved use permit.
3. On October 27, 2004, 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 October 27, 2004, the Planning Commission agreed with the staff recommendation and voted 5-0 to recommend conditional approval, as set forth in the staff report dated October 12, 2004.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: November 1, 2004

REVIEWED BY: _____

DATE: November 1, 2004

REFERENCE NUMBER: FS\CC\2004\UP.124A

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for October 27, 2004, 2003 PLANNING COMMISSION MEETING

P.A.S.: Use Permit #124A, Fallbrook

PROPOSAL: To waive internal side yard setbacks for parking.

LOCATION: Generally located north of Highway 34 and east of Fallbrook Boulevard.

WAIVER REQUEST:
Side yard setback

LAND AREA: 58 acres, more or less.

CONCLUSION: In conformance with the Comprehensive Plan, consistent with the spirit and intent of the original approved use permit.

<u>RECOMMENDATION:</u> Use permit	Conditional Approval
Side yard setback waiver	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

EXISTING ZONING: O-3, Office Park, B-2, Planned Neighborhood Business.

EXISTING LAND USE: Office, commercial, undeveloped.

SURROUNDING LAND USE AND ZONING:

North:	Undeveloped, residential	R-3, Residential
South:	Open space, residential	R-3, AG, Agricultural
East:	Acreages	AG
West:	Undeveloped	AG

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan indicates this area as commercial. (F-25)

HISTORY: Fallbrook Use Permit #124 was approved by City Council on January 24, 2000.

ANALYSIS:

1. This is a request to waive the internal side yard setbacks within the O-3, Office Park district of this use permit so that parking lots may be continuous and shared.

2. When the original use permit was approved, the office lots were large single lots, which would not have had internal setbacks. Since the use permit was approved, two of the large office lots have split into smaller lots, presumably because the users desired to own their own lots. The applicant did not foresee this as an issue at the time of the original use permit.
3. Waiving the internal setbacks is common in commercial and office districts where the users intend to have shared parking facilities. Planning and Public Works and Utilities Department staff do not object to this request.

CONDITIONS:

Site Specific:

1. This approval allows internal side yard setbacks to be waived in the O-3, Office Park district.

General:

2. Before receiving building permits:
 - 2.1 The permittee shall have submitted a revised and reproducible final plan including 6 copies.
 - 2.2 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the development, all development and construction shall have been completed in compliance with the approved plans.
 - 3.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 3.3 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.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.5 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.

4. 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
441-6373, rhorer@lincoln.ne.gov
Planner

DATE: October 12, 2004

APPLICANT: Tim Gergen
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508

OWNER: NEBCO, Inc.
1815 Y Street
Lincoln, NE 68508
(402)434-1829

CONTACT: Tim Gergen
Olsson Associates
(402)474-6311

USE PERMIT NO. 124A, An Amendment to Fallbrook

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

October 27, 2004

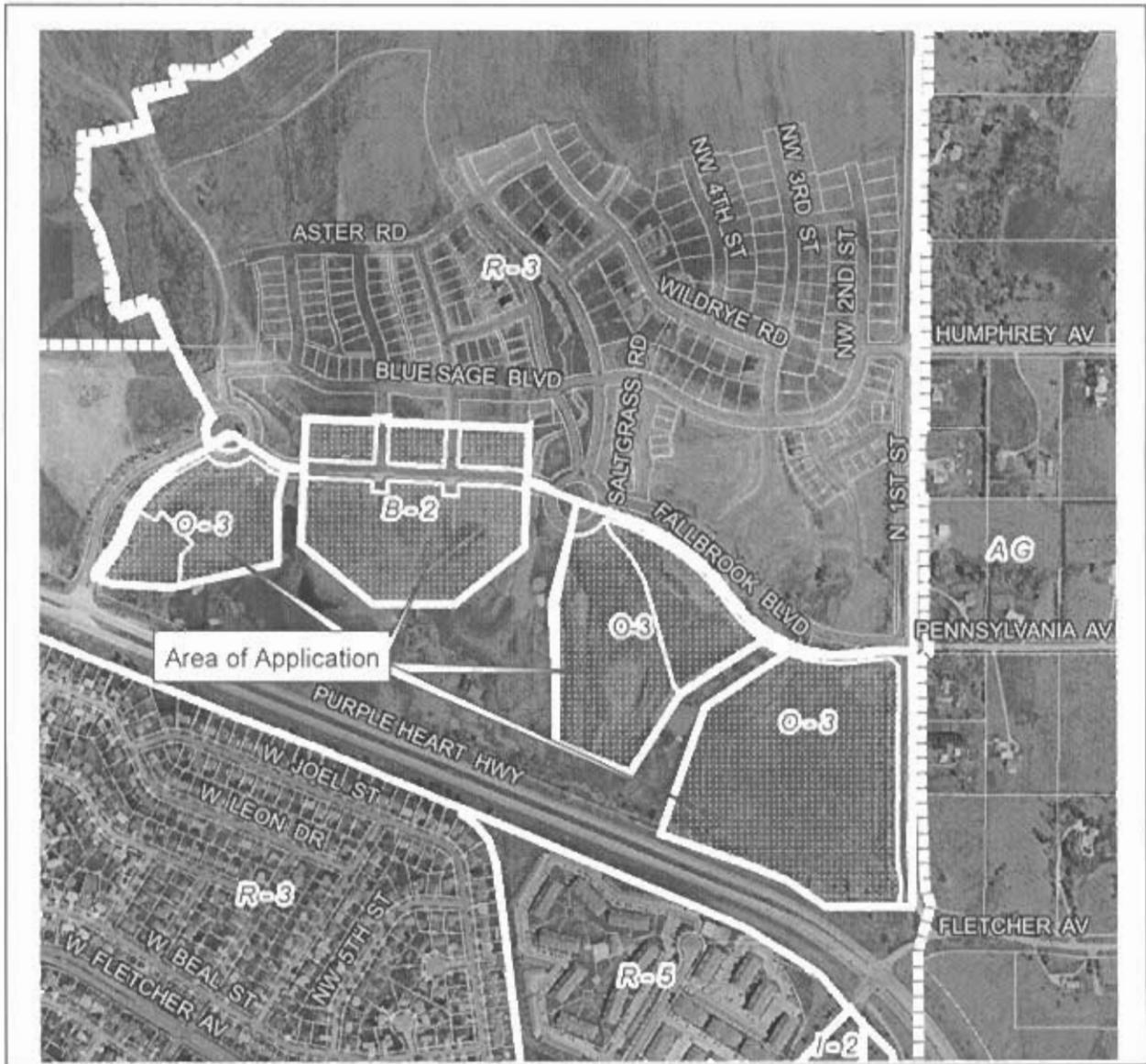
Members present: Carlson, Carroll, Larson, Bills-Strand and Taylor; Pearson declaring a conflict of interest; Krieser, Marvin and Sunderman absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3425; USE PERMIT NO. 124A; USE PERMIT NO. 150B; SPECIAL PERMIT NO. 1813A, an amendment to THE PRESERVE ON ANTELOPE CREEK COMMUNITY UNIT PLAN; COUNTY SPECIAL PERMIT NO. 04052; SPECIAL PERMIT NO. 04053; COMPREHENSIVE PLAN CONFORMANCE NO. 04009; WAIVER NO. 04014; and MISCELLANEOUS NO. 04004.**

Item No. 1.3, Use Permit No. 150B, was removed from the Consent Agenda and scheduled for separate public hearing.

Taylor moved to approve the remaining Consent Agenda, seconded by Larson and carried 5-0: Carlson, Carroll, Larson, Bills-Strand and Taylor voting 'yes'; Pearson declaring a conflict of interest; Krieser, Marvin and Sunderman absent.

Note: This is final action on Special Permit No. 04053 and Waiver No. 04014, unless appealed to the City Council by filing a notice of appeal with the City Clerk within 14 days of the action by the Planning Commission.



2002 aerial

Use Permit #124A Hwy 34 & Fallbrook Blvd

Zoning:

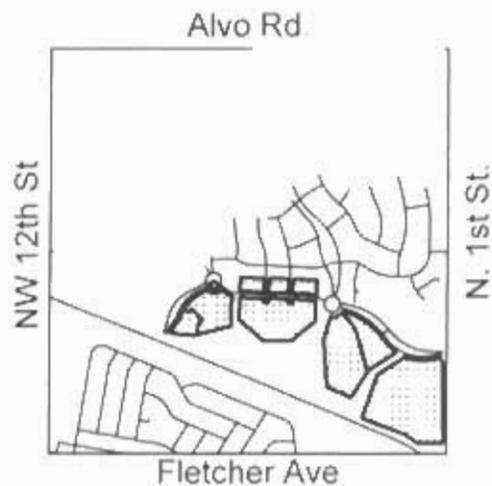
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-1 Residential Transition District
- B-1 Local Business District
- B-2 Planned 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

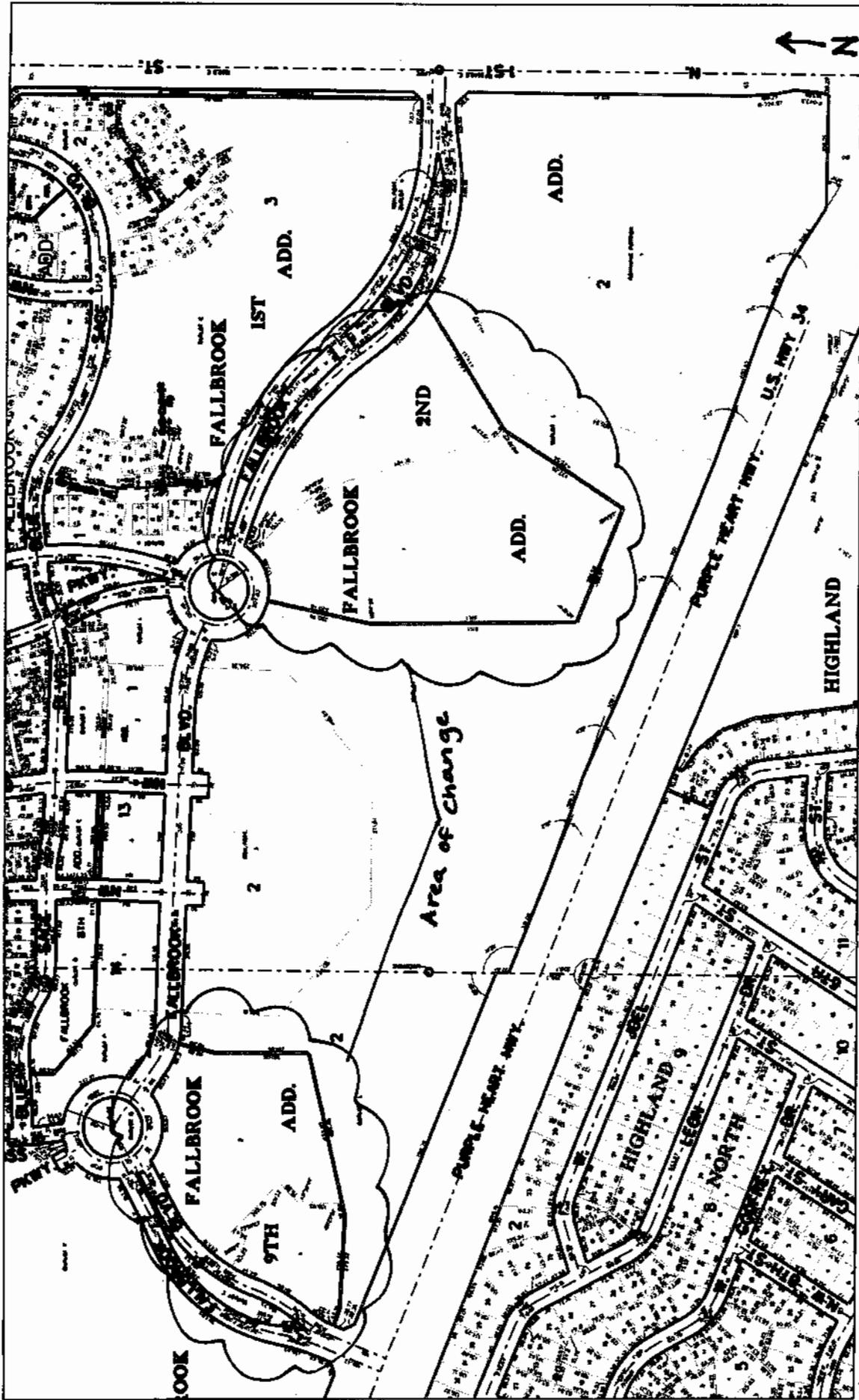
One Square Mile
Sec. 34 T11N R6E



Zoning jurisdiction .mxd

City limit jurisdiction





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**LEGAL DESCRIPTION
AREA OF GENERIC USE PERMIT
(AREA -2)**

LOTS 1 AND 2 FALLBROOK 9TH ADDITION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA. SAID TRACT CONTAINS A CALCULATED AREA OF 327,939.49 SQUARE FEET MORE OR LESS.

TOGETHER WITH:

A PORTION OF OUTLOT "D" FALLBROOK ADDITION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 2, FALLBROOK 9TH ADDITION, THENCE ON AN ASSUMED BEARING OF NORTH 29 DEGREES 05 MINUTES 59 SECONDS WEST ALONG A LINE PERPENDICULAR TO THE CENTER LINE OF FALLBROOK BOULEVARD, A DISTANCE OF 53.50 FEET TO A POINT OF INTERSECTION WITH SAID CENTERLINE, THENCE NORTH 60 DEGREES 54 MINUTES 01 SECONDS EAST ALONG SAID CENTERLINE, A DISTANCE OF 52.13 FEET TO A POINT OF INTERSECTION WITH THE SOUTHWEST LINE OF SAID OUTLOT "D" FALLBROOK ADDITION, SAID POINT BEING **THE TRUE POINT OF BEGINNING**, THENCE CONTINUING NORTH 60 DEGREES 54 MINUTES 01 SECONDS EAST ALONG SAID CENTERLINE EXTENDED, A DISTANCE OF 88.00 FEET TO A POINT, THENCE SOUTH 55 DEGREES 58 MINUTES 38 SECONDS EAST, A DISTANCE OF 88.00 FEET TO A POINT OF INTERSECTION WITH THE SOUTHEAST LINE OF SAID OUTLOT "D", SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 88.00 FEET, ARC LENGTH OF 179.52 FEET, DELTA ANGLE OF 116 DEGREES 52 MINUTES 57 SECONDS, A CHORD BEARING OF NORTH 87 DEGREES 32 MINUTES 21 SECONDS WEST ALONG A SOUTH LINE OF SAID OUTLOT "D", AND A CHORD LENGTH OF 149.97 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 7,899.17 SQUARE FEET MORE OR LESS.

**LEGAL DESCRIPTION
AREA OF GENERIC USE PERMIT
(AREA -3)**

LOT 3 BLOCK 2, FALLBROOK ADDITION, LOCATED IN THE SOUTH HALF OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA. SAID TRACT CONTAINS A CALCULATED AREA OF 464,620.34 SQUARE FEET MORE OR LESS.

LOT 3 BLOCK 13, FALLBROOK ADDITION, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA. SAID TRACT CONTAINS A CALCULATED AREA OF 47,839.65 SQUARE FEET MORE OR LESS.

LOT 1 BLOCK 14, FALLBROOK ADDITION, LOCATED IN THE SOUTH HALF OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA. SAID TRACT CONTAINS A CALCULATED AREA OF 58,247.37 SQUARE FEET MORE OR LESS.

LOT 3 BLOCK 1, FALLBROOK 4TH ADDITION, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA. SAID TRACT CONTAINS A CALCULATED AREA OF 58,239.14 SQUARE FEET MORE OR LESS.

**LEGAL DESCRIPTION
AREA OF GENERIC USE PERMIT
(AREA -4A)**

LOTS 1 AND 2, FALLBROOK 2ND ADDITION, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA. SAID TRACT CONTAINS A CALCULATED AREA OF 642,191.40 SQUARE FEET MORE OR LESS.

**LEGAL DESCRIPTION
AREA OF GENERIC USE PERMIT
(AREA -4B)**

LOTS 1 BLOCK 2, FALLBROOK ADDITION, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA. SAID TRACT CONTAINS A CALCULATED AREA OF 915,946.04 SQUARE FEET MORE OR LESS.



OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

20 September 2004

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

Re: Fallbrook
Amendment to the Use Permit #124
OA Project No. 2001-0577

Dear Mr Krout,

Enclosed find the following revised drawings and application for the above-mentioned project:

1. Cover Sheet; Sheet 1 of 18 (18 copies)
2. Cover Sheet, 8 ½ x 11 (1 copy)
3. Note Plan; Sheet 2 of 18 (18 copies)
4. Zoning Application
5. Application Fee (\$740.00)

On behalf of the Owner/Developer, Nebco, Inc., 1815 Y Street, Lincoln, NE 68508, we are requesting an Amendment to the existing Use Permit to reduce the internal side setbacks to zero feet in the O-3 zoning.

Please call, if you require further information or have any questions.

Sincerely,



Tim Gergen, PE

Enclosures

cc: Stan Maly, Nebco, Inc.

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