

FACTSHEET

TITLE: **USE PERMIT NO. 97A**, an amendment to Use Permit No. 97, requested by Brian D. Carstens and Associates on behalf of Aspen, to change the land use table and request a waiver to the front yard setback, on property generally located at Red Rock Lane and South 56th Street.

STAFF RECOMMENDATION: Conditional Approval.

ASSOCIATED REQUESTS: Change of Zone No. 05049 (05-137)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 08/03/05
Administrative Action: 08/03/05

RECOMMENDATION: Conditional Approval (9-0: Carlson, Carroll, Esseks, Krieser, Larson, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes').

1. This proposed amendment to Use Permit No. 97 was heard before the Planning Commission at the same time as the associated Change of Zone No. 05049.
2. The purpose of this proposed amendment is to permit 104,000 sq. ft. of commercial use and a waiver to the front yard setback along South 56th Street from 50' to 40', and along Red Rock Lane from 50' to 20'.
3. The staff recommendation of conditional approval is based upon the "*Analysis*" as set forth on p.4, concluding that the amendment to the use permit is compatible with the surrounding land use and that the setback waiver is acceptable with the additional landscape screening.
3. On August 3, 2005, 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 August 3, 2005, the Planning Commission voted 9-0 to recommend conditional approval, as set forth in the staff report on p.4-5.
5. On August 3, 2005, the Planning Commission also voted 9-0 to recommend approval of the associated Change of Zone No. 05049 to B-2 Planned Neighborhood Business District.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: September 7, 2005

REVIEWED BY: _____

DATE: September 7, 2005

REFERENCE NUMBER: FS\CC\2005\UP.97A

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for AUGUST 3, 2005 PLANNING COMMISSION MEETING

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

- PROJECT #:** Change of Zone No. 05049 and **Use Permit 97A**
- PROPOSAL:** Change of Zone from O-3 Office Park District to B-2 Planned Neighborhood Business District and an amendment to the Use Permit to change the land use table and request a waiver to the front yard setback.
- LOCATION:** Red Rock Lane and S. 56th Street
- LAND AREA:** 4.4 acres, more or less
- CONCLUSION:** The Change of Zone is in conformance with the Comprehensive Plan. The Use Permit is compatible with the surrounding land use. The setback waiver is acceptable with the additional landscape screening.

RECOMMENDATION:

Change of Zone

Approval

Use Permit

Conditional Approval

WAIVERS

Front Yard Setback

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION:

Change of Zone: Lots 1-4, Aspen 19th Addition, located in the NE 1/4 of Section 20, Township 9 North, Range 7 East, Lancaster County, Nebraska

Use Permit: Lot 1, Block 1, Aspen 4th Addition; Outlot "B", Block 2, Aspen 4th Addition; Lots 1-4, Aspen 19th Addition, located in the NE 1/4 of Section 20, Township 9 North, Range 7 East, Lancaster County, Nebraska

EXISTING ZONING: O-3-Office Park District and B-2-Planned Neighborhood Business

EXISTING LAND USE: Undeveloped and Post Office

SURROUNDING LAND USE AND ZONING:

North: B-2-Planned Neighborhood Business

Undeveloped

South: P-Public

Water Tower

East: B-3-Commercial

Campbell's Nursery

West: O-3-Office Park

Post Office

HISTORY:

- May 26, 2005 Administrative Amendment #05052 to Use Permit #97 to revise the lot layout for Lots 7-10 was approved by the Planning Director.
- Aug 16, 2004 Use Permit #04001, Special permit #1713C and Change of Zone #04035, Aspen 3rd Addition, to develop 110,000 sq. ft. of medical/office space and wellness center at S. 56th St. and Stephanie Lane was approved by City Council.
- Dec 17, 2003 Administrative Amendment #03083 to revise the site plan was approved by the Planning Director.
- Dec 10, 2003 Change of Zone #3429, Special Permit #1713B and Use Permit #155 were recommended for approval to City Council at Planning Commission. The projects were subsequently withdrawn.
- July 8, 2002 Use Permit 141, Thompson Creek, located southeast of S. 56th St. & Pine Lake Rd., to construct 76,000 s.f. of office space was approved by City Council.
- April 17, 2000 Special Permit 1713A, Aspen 3rd Addition CUP to adjust the front yard setback was approved by City Council.
- June 22, 1998 Use Permit 112 to construct a 30,000 s.f. office building at the northwest corner of S. 56th St. & Pine Lake Rd. was approved by City Council.
- March 2, 1998 Special Permit 1713, Aspen 3rd Addition CUP for 382 dwelling units; Change of Zone 3098 for R-3 to R-4 and Preliminary Plat 97031, Aspen 3rd Addition was approved by City Council.
- June 16, 1997 Change of Zone 3037 for AG & R-3 to B-2 and O-3; Use Permit 97 for 100,000 s.f. of commercial use and Preliminary Plat 96027, Aspen 2nd Addition for 7 commercial lots and two outlots was approved by City Council.

COMPREHENSIVE PLAN SPECIFICATIONS:

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.” (F-17)

The Land Use Plan identifies this area as commercial. (F-25)

Based on the projected sector-by-sector employment growth rates, the Plan identifies the demand for approximately 21.5 million square feet of new space for retail, office and service uses over the next twenty five years. In general this is split between three major activity categories: retail uses near 7.37 million square feet; office uses at about 6.35 million square feet; and service uses approaching 7.75 million square feet. (F-37)

UTILITIES: All utilities are available to serve this development.

TRAFFIC ANALYSIS: S. 56th St. and Pine Lake Rd. are arterial streets.

ANALYSIS:

1. This is a request for a change of zone from O-3 Office Park to B-2 Planned Neighborhood Business and an amendment to the Use Permit to adjust the land use table and front yard setback.
2. The proposed change of zone area abuts B-2 to the north and B-3 to the east across S. 56th St.
3. The O-3 district requires a special permit for restaurants, motels/hotels and clubs whereas, the B-2 district does not require a special permit for these uses.
4. The applicant is requesting a waiver to the front yard setback from 50' to 40' along S. 56th St. and 50' to 20' along Red Rock Lane. The buildings along Red Rock Lane are set back more than 50' however, the site plan shows parking within the front 50'. Parking is not allowed within the front yard in the B-2 district. Planning does not object to the waiver if additional landscape screening is provided along Red Rock lane and S. 56th St. The additional landscape screening shall include parking lot trees at 1 per 6,000 s.f. of paved area and the side of the parking lot adjacent to a street shall be screened at least 90% from two feet (2') to four feet (4') above the surface of the lot. these are standards in the proposed "streetscape" amendments on the Planning Commission's pending list, where setbacks are reduced in exchange for more effective screening and landscaping.
5. The applicant is also requesting waivers to the side and rear yard setbacks. These setbacks are not required. The B-2 district has a 0 setback unless it abuts a residential district. The subject area abuts O-3 and P zoning districts.
6. The original Aspen Use Permit #97 approved a waiver to the front yard setback along Pine Lake Rd. from 50' to 40'.
7. The site plan is identical to what was approved with Administrative Amendment #05052. The new use permit is required because of the request to waive the front yard setback. The site plan notes that drive-thru restaurants and gas/convenient stores shall be prohibited on Lots 7-10.

CONDITIONS OF APPROVAL:

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 Delete the waivers to rear and side yard setbacks in note 20.
 - 1.1.2 Revise the landscape plan to meet the additional required landscape screening. The additional landscape screening shall be one parking lot tree at 1 per 6,000 s.f. of paved area and the side of the parking lot adjacent to a street shall be screened at least 90% from two feet (2) to four feet (4) above the surface of the lot.
 - 1.1.3 Label Lot 8 on the site plan "Office/Restaurant"
2. This approval permits 104,000 sq. ft. of commercial use and a waiver to the front yard setback along S. 56th St. from 50' to 40' and along Red Rock Lane from 50' to 20'.

General:

3. Before receiving building permits:
 - 3.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies showing the following revisions and the plans are acceptable:
 - 3.2 The construction plans shall comply with the approved plans.
 - 3.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the buildings all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established 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:

Tom Cajka
Planner

APPLICANT: Brian Carstens
601 Old Cheney Rd. Suite "C"
Lincoln, NE 68512
(402) 434-2424

OWNER: Aspen
William Krein
4750 Normal Blvd. Suite 3
Lincoln, NE 68506
(402) 323-8200

CONTACT: same as applicant

CHANGE OF ZONE NO. 05049
and
USE PERMIT NO. 97A

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

August 3, 2005

Members present: Carlson, Carroll, Esseks, Krieser, Larson, Pearson, Bills-Strand, Sunderman and Taylor.

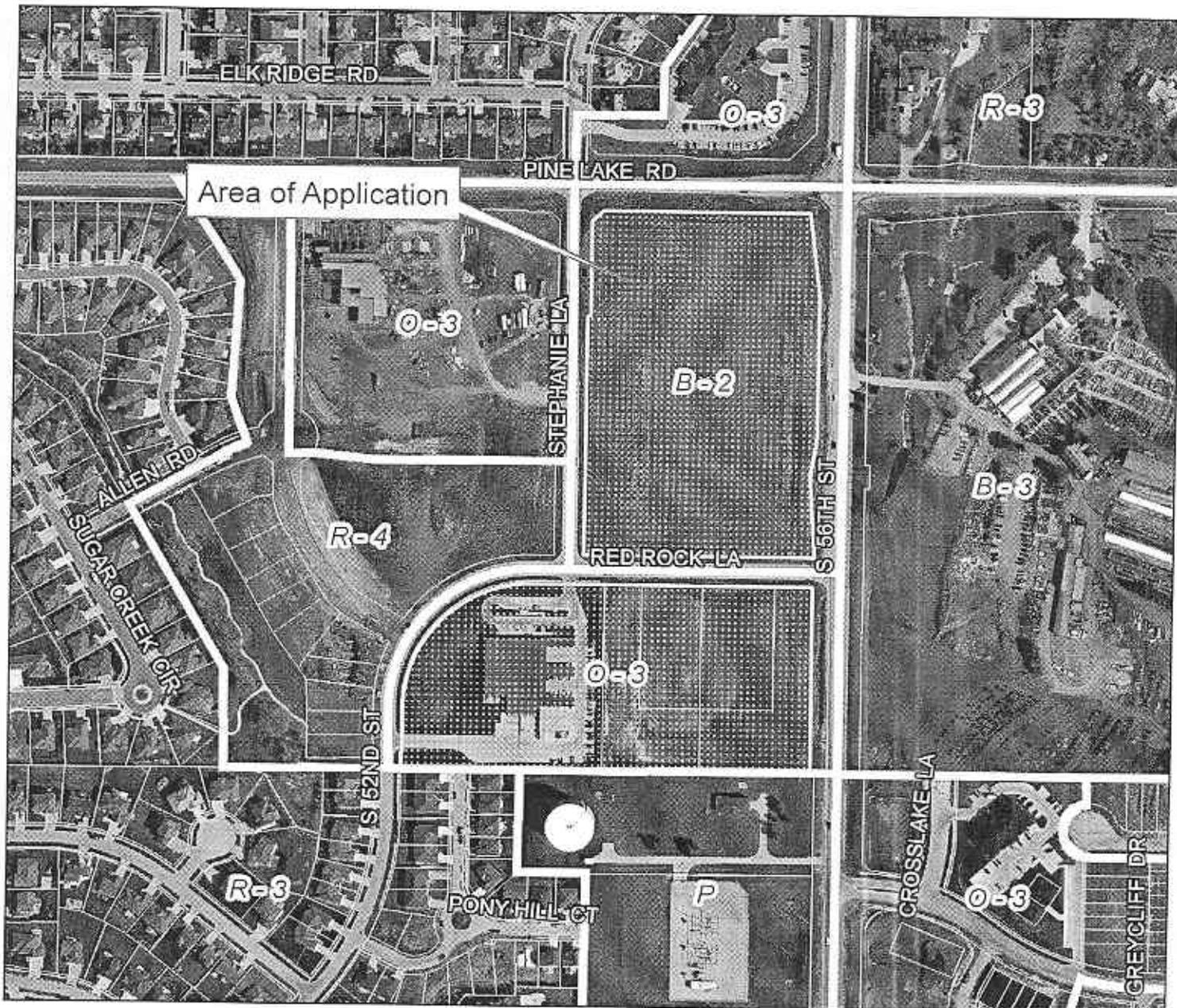
The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 05051, *CHANGE OF ZONE NO. 05049, USE PERMIT NO. 97A*, USE PERMIT NO. 154A, SPECIAL PERMIT NO. 277-I, SPECIAL PERMIT NO. 05035, PRE-EXISTING SPECIAL PERMIT NO. 28A and STREET AND ALLEY VACATION NO. 05007.**

Item No. 1.6a, Pre-Existing Special Permit No. 28A, and Item No. 1.6b, Street and Alley Vacation No. 05007, were removed from the Consent Agenda and scheduled for separate public hearing.

Ex Parte Communications: None.

Larson moved to approve the remaining Consent Agenda, seconded by Taylor and carried 9-0: Carlson, Carroll, Esseks, Krieser, Larson, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'.

Note: This is final action on Special Permit No. 277-I and Special Permit No. 05035, 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.



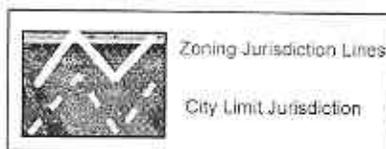
Use Permit #97A
S. 56th & Pine Lake Rd.
Aspen 3rd Addition

2005 aerial

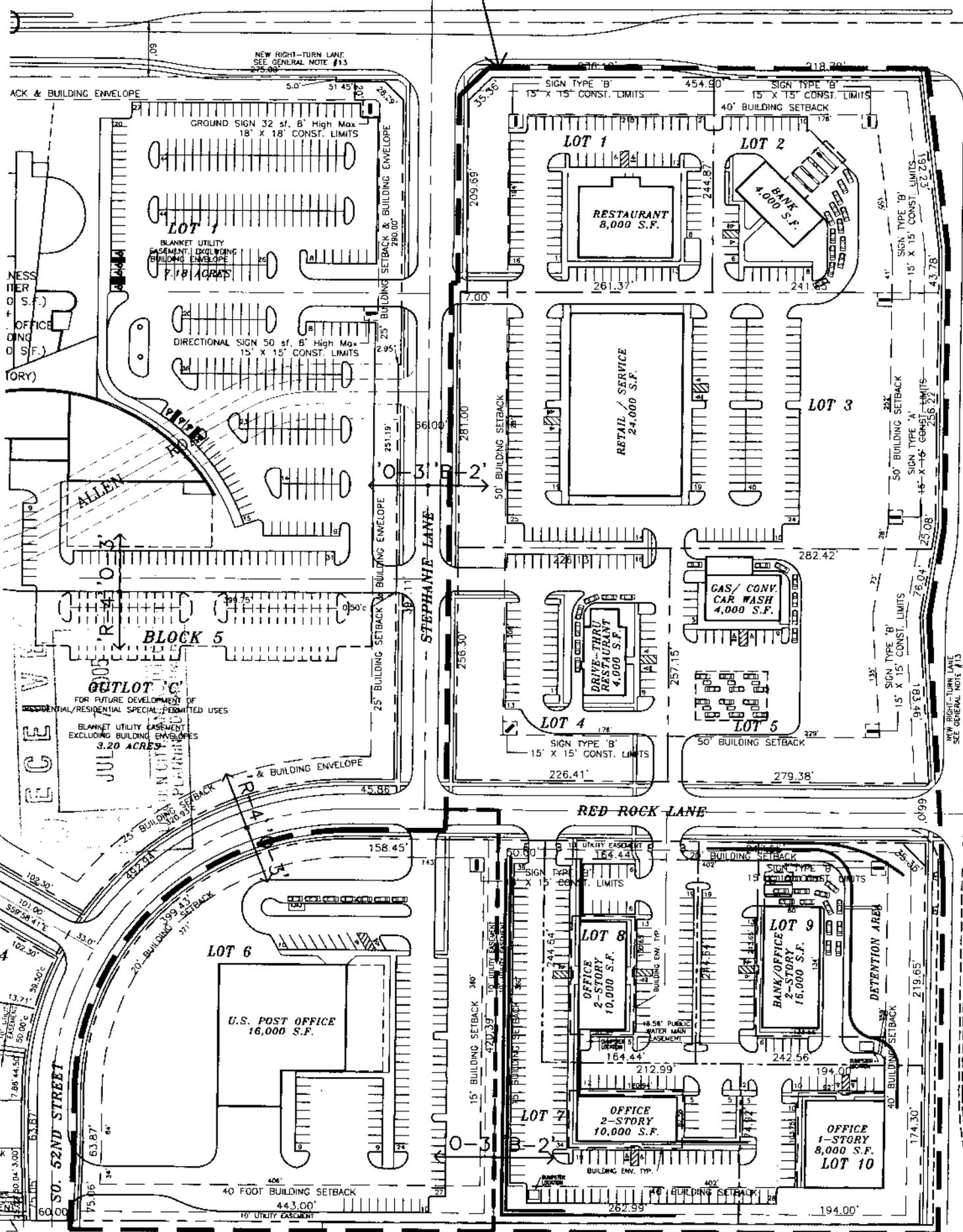
Zoning:

One Square Mile
 Sec. 20 T9N R7E

- 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



LIMITS OF USE PERMIT #97A



SOUTH 56TH STREET

NEW RIGHT-TURN LANE
SEE GENERAL NOTE #13

RECEIVED

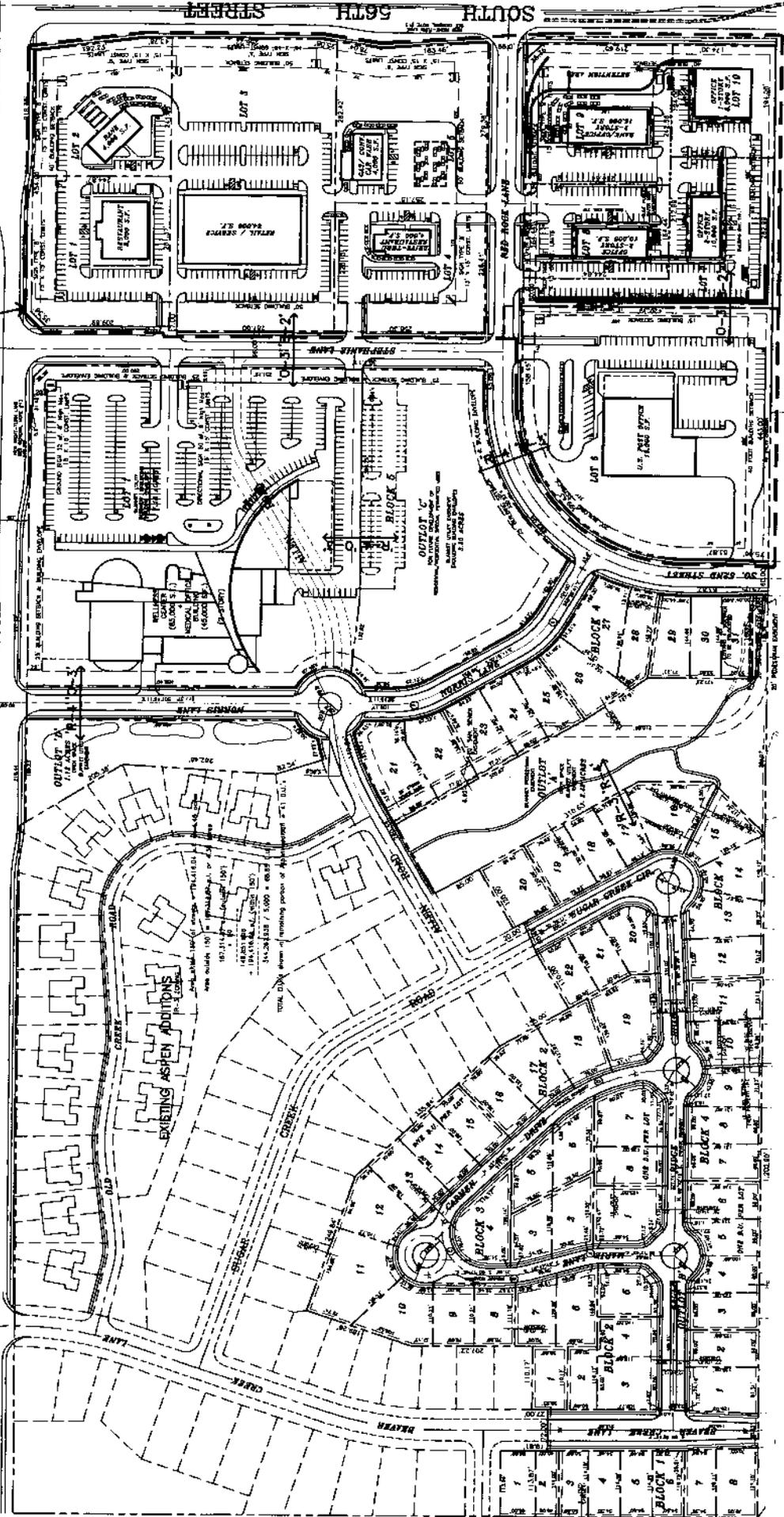
JUL - 7 2005

CITY OF ASPEN
PLANNING DEPARTMENT

ASPEN 3RD ADDITION USE PERMIT #97A

LIMITS OF USE PERMIT #97A

PINE LAKE ROAD



Sincerely