City Council Introduction: **Monday**, January 6, 2014
Public Hearing: **Monday**, January 13, 2014, at **3:00** p.m.

Bill No. 14R-24

FACTSHEET

TITLE: **USE PERMIT NO. 13011**, requested by Brehm Enterprises, Inc., to develop approximately 50,200 sq. ft. of commercial uses and adopt design standards for future development, on property generally located at the northwest corner of North 84th Street and O Street.

STAFF RECOMMENDATION: Conditional approval, as revised.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 12/11/13
Administrative Action: 12/11/13

RECOMMENDATION: Conditional Approval, as revised (9-0: Hove, Sunderman, Harris, Corr, Beecham, Cornelius, Weber, Scheer and Lust voting 'yes').

FINDINGS OF FACT:

1. This is a request to develop approximately 50,200 square feet of commercial space and to institute design standards for the future pad sites within the proposed Use Permit on approximately 5.02 acres, more or less. The first phase of the development is approximately 1.75 acres, more or less, and would contain a 16,000 sq. ft. grocery store and 79 parking spaces. The applicant has requested waivers to reduce the front yard setback for buildings and parking lots from 20 feet to 10 feet along North 84th Street and along O Street; to reduce the front yard setback for buildings from 20 feet to zero feet along Russwood Parkway and along College Park Drive; and to reduce the front yard setback for parking lots from 20 feet to 10 feet along Russwood Parkway and along College Park Drive.

2. The staff recommendation of conditional approval, including approval of all waiver requests, is based upon the "Analysis" as set forth on p.4-6, concluding that the subject location is adjacent to a Primary Entryway Corridor as identified in the Comprehensive Plan. Primary Entryway Corridors should be protected and enhanced to create and express community pride. By adopting the design standards as proposed, this development should meet the intent of a Primary Entryway Corridor and is in conformance with the Comprehensive Plan. The staff presentation is found on p.11-12, and the revised staff recommendation was submitted as set forth on p.21-23.

3. The applicant's testimony is found on p.12-13, indicating that there is harmony between the city and this developer on this proposal.

4. The record consists of a letter in support from Don & Millie's restaurant (p.24).

5. There was no testimony in opposition.

6. On December 11, 2013, the Planning Commission voted 9-0 to recommend conditional approval, as revised by staff.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: December 30, 2013

REVIEW ED BY: Marvin Krout, Director of Planning

DATE: December 30, 2013

REFERENCE NUMBER: FS\CC\2014\UP13011

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for December 11, 2013 PLANNING COMMISSION MEETING

****As Revised and Recommended for Conditional Approval By Planning Commission: December 11, 2013****

PROJECT #:	Use Permit No. 13011
PROPOSAL:	To develop 50,200 square feet of commercial uses and adopt design standards for future development
LOCATION:	N. 84th Street and 'O' Street
LAND AREA:	5.02 acres, more or less
EXISTING ZONING:	B-2, Planned Neighborhood Business
WAIVERS:	Reduce the front yard setback along Russwood Parkway and College Park Drive
CONCLUSION:	This location is adjacent to a Primary Entryway Corridor as identified in the Comprehensive Plan. Primary Entryway Corridors should be protected and enhanced to create and express community pride. By adopting the design standards as proposed, this development should meet the intent of a Primary Entryway Corridor and is in conformance with the Comprehensive Plan.

RECOMMENDATION:	Conditional Approval
WAIVERS/MODIFICATIONS:	
1. Reduce front yard setback for buildings and parking lots from 20 feet to 10 feet along N. 84th Street and 'O' Street	Conditional Approval
2. Reduce front yard setback for buildings from 20 feet to 0 feet along Russwood Parkway and College Park Drive	Conditional Approval
3. Reduce the front yard setback for parking lots from 20 feet to 10 feet along Russwood Parkway and College Park Drive	Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 3 and 4, Russwood Park Addition, Lincoln, Lancaster County, Nebraska

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING:

North: B-2, Retail/Restaurant
South: B-2, Natural Gas Substation/Restaurant/Convenience Store
East: O-3, Office Building
West: B-2, Restaurant/Automobile Service

HISTORY:

May 1979 This property was rezoned from G-1 Planned Commercial District to B-2 Planned Neighborhood Business District with the 1979 zoning update.

June 1991 The Board of Zoning Appeals approved a resolution which reduced the required number of parking stalls. The approval was conditioned upon the continued use of the property for automobile sales of new and used cars.

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 1.9 - The 2040 Future Land Use Map shows this property as Commercial.

P. 4.8 - The Comprehensive Plan identifies 'O' Street as a Primary Entryway Corridor.

P. 4.3 - Other important resources for providing community identity and orientation are entryway corridors, parks, trails and open spaces. Key entryways provide indelible "first impressions" of a community.

P. 4.5 - The emphasis in Lplan 2040 on mixed-used redevelopment in established commercial centers and corridors necessitates adoption of clear design standards and a predictable process to protect existing and new investors.

P. 4.7 - Study key entryways to Lincoln and adopt zoning tools and incentives to protect and enhance "first impressions" of the community.

P. 4.7 - Preserve and enhance the character of key entry points and corridors into the City of Lincoln through enhanced landscaping and public art in rights-of-way, and respectful development of adjacent properties.

P. 4.8 - Strengthen design standards for commercial and mixed-use development along major travel corridors, to reflect a positive visual image that engenders community pride and identity.

P. 5.5 - Commercial and Industrial Development Strategies. It is the policy that Commercial and Industrial Centers in Lancaster County be located:

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 existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and to more efficiently utilize existing infrastructure.

In areas accessible by various modes of transportation (i.e. automobile, bicycle, transit, and pedestrian).

So that they enhance entryways or public way corridors, when developing adjacent to these corridors.

P. 5.14 - Strategies for Commercial Infill

Discourage auto-oriented strip commercial development and seek opportunities for residential mixed use redevelopment and/or transit oriented development of existing commercial strips.

Develop design standards for varying types of Commercial Centers and corridors, taking into consideration the context of the site and surroundings.

UTILITIES: This site is served by existing utilities.

TOPOGRAPHY: The site slopes approximately 23 feet from the high point at 84th & 'O' Street to the intersection of Russwood Parkway and College Park Drive.

TRAFFIC ANALYSIS: N. 84th Street and 'O' Street are classified as Major Arterials.

AESTHETIC CONSIDERATIONS: The Comprehensive Plan designates this part of 'O' Street as a Primary Entryway Corridor.

ANALYSIS:

1. This is an application for a Use Permit to develop approximately 50,200 square feet of commercial space and institute design standards for the future pad sites within the Use Permit. The first phase of the development is 1.75 acres and would contain a 16,000 square foot grocery store and 79 parking spaces.

   The site plan proposes to locate the retail building on the north end of the site, near College Park Drive and adjacent to N. 84th Street. The parking lot would be located south of the building at the intersection of N. 84th Street and 'O' Street. Due to the slope on the site, a retaining wall is proposed to the west of the grocery store and drive aisle.

   The previous use on this site was an automobile dealership, but the site has since been cleared, so this site is considered a new use permit application. The text that states "Amended Use Permit #53A" should be removed from the plan. This 'clean slate' provides an opportunity to enhance this highly visible corridor in Lincoln by implementing design standards for redevelopment.

2. The applicant is proposing two driveways off College Park Drive. Both driveways are shown on the plan with full access. The left turn stacking for the east driveway is likely to conflict with left turn stacking for the N. 84th and College Park Drive traffic signal. As a result, the Public Works and Utilities Department recommends the east driveway be constructed as a right-in right-out only driveway, or the applicant constructs a median in College Park Drive. The applicant also has the option to submit a traffic study that enables full review of the east driveway.

   The previous use on this site was a car dealership. The car dealership had a building that occupied approximately 20,000 square feet with the remainder of the site occupied by a parking lot for displaying cars. The proposal is to approve 50,200 square feet of commercial area which should generate more traffic than the previous car dealer. The applicant did not submit a traffic study to address the increase in traffic. The increase in site traffic could be substantial, percentage-wise, although this intersection already experiences high traffic volumes.

3. The Comprehensive Plan shows N. 84th Street as a 140-foot right-of-way for six lanes and turn lanes at this location, or 70 feet from the centerline. The existing right-of-way

dimension is 50 feet from centerline. The existing traffic condition is congested at College Park Drive, N. 84th Street and 'O' Street. The proposed development of 50,000 square feet of commercial will create additional trips and will increase congestion at this location. The additional 10 feet of right-of-way is shown on the site plan and will allow for construction of a right-turn lane on to 'O' Street, and is necessary to address the traffic impact generated by this development. This will provide 60 feet of right-of-way from centerline which meets today's standards for major streets. The additional 10 feet of right-of-way shown on this plan should be dedicated with a final plat, if one is submitted. If a final plat is not submitted then the right-of-way should be dedicated prior to obtaining a building permit. The future right-of-way line is 70 feet and should be shown on the plan.

Ten feet of right-of-way is proposed to be dedicated at the southeast corner of the site along 'O' Street. The right-of-way dedication leaves a jog in the existing lot line. The future right-of-way line should be adjusted to straighten the lot line along 'O' Street to provide 70 feet from the centerline, and this right-of-way should also be dedicated if a final plat is submitted. If a final plat is not submitted then the right-of-way should be dedicated prior to obtaining a building permit.

A note on the site plan states, "Right of way to be dedicated for credit for street impact fees." The impact fees ordinance does not allow for this type of credit. The impact fees ordinance does allow the new development to credit the traffic volume generated by the previous use, if the previous use existed less than 15 years ago. The credit will be based on the floor area and the type of use.

4. The B-2 zoning district requires a 20 foot front yard setback. In this case, a setback of 80 feet from the centerline on N. 84th and 'O' Streets will leave a 10 foot setback for buildings and parking areas after the full needed rights-of-way of 70 feet from centerline are obtained.

   The requested reduction of the front yard setback on the two minor streets is appropriate only if the development complies with the recommended conditions and design standards which address the requested reduced setback.

5. Sidewalks need to be located adjacent to this development and within the streetscape zone. The plan should be revised to reflect the location of sidewalks along 'O' Street and N. 84th Street. Since additional right-of-way will be needed for N. 84th Street in the future, the sidewalk should be located in future right-of-way, even if it is on private property today. The sidewalk that is along Russwood Parkway is at least 8 feet from the back of curb and may remain.

   Street trees will be required along all street frontages as a condition of the use permit or could be addressed in a final plat.

6. The Comprehensive Plan designates 'O' Street as a Primary Entryway Corridor. Per the Comprehensive Plan, development along Primary Entryway Corridors should include strengthened design standards to reflect a positive visual image that engenders community pride and identity and should also be accessible by various modes of transportation (i.e. automobile, bicycle, transit, and pedestrian).

The Comprehensive Plan acknowledges the importance of well-designed commercial and mixed-use development and recognizes that these places require guidance through the adoption of design standards. The reFORM effort, currently under review by the Planning Commission and an advisory committee, aims to fulfill these goals.

7. The applicant has been meeting with City staff to develop a set of design standards for this site that would meet the intent of the Primary Entryway Corridor designation per the Comprehensive Plan and the reFORM effort. The application includes a few of the proposed standards, as well as setback waivers that are offered in reFORM, shown in "General Notes" after the attached site plan. While these standards are not yet officially adopted, the size of this site and topography offer challenges that should be recognized. But several important standards have not been incorporated into the development.

8. The General Notes section proposed by the applicant should be modified, (as shown on attached Exhibit 1), to better approach the spirit and intent of the Comprehensive Plan. The Comprehensive Plan recommends an enhanced quality of design for new and redeveloping commercial and mixed use areas. The standards will create an attractive, pedestrian-oriented development and will enhance the nearby neighborhoods. The building design standards will create more aesthetically-pleasing buildings and will help avoid blank walls, windowless facades and monotony.

9. Other development sites in Lincoln have recently incorporated design standards as well. Examples include the LPS District Office PUD and the Holdrege/Idylwild PUD. Both examples included design standards for materials, articulation, and transparency. Both sites placed the buildings close to the adjacent streets with the parking to the rear. The intent of the standards is to provide a more pedestrian-oriented and attractive development.

CONDITIONS OF APPROVAL:

This approval permits 50,200 square feet of commercial floor area with a modification to the front yard setback along N. 84th Street, 'O' Street, Russwood Parkway and College Park Drive, and adopts site design standards and building design standards.

Site Specific Conditions:

1. The developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **5** copies with all required revisions and documents as listed below upon approval before a final plat is approved, or before a building permit is issued:

    1.1 Remove the text, "right-of-way to be dedicated for credit for street impact fees" and replace with "Area to be dedicated as right-of-way".

    1.2 Add to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation".

    1.3 Submit a grading and drainage plan to be approved by the Public Works and Utilities Department.

1.4 Delete the text “Amended Use Permit #53A” and replace it with “Use Permit #13011".

1.5 Delete notes 11, 12 and 13, which are not necessary.

1.6 Correct the misspelling of the word ‘Eaves’ in Note 14.

1.7 Show the sidewalk along ‘O’ Street to be relocated 8 feet from the back of curb as stated in Note 15.

1.8 Add a dashed line to the plan that shows 70 feet from centerline of N. 84th Street. Dimension the 10'setback for the grocery store and parking lot from the dashed line.

1.9 Show the appropriate location for the sidewalk within the future 140 foot right-of-way along N. 84th Street.

1.10 Show the location of the dumpster and screening.

1.11 Revise the right-of-way dedication to 20 feet along N. 84th Street. Revise the right-of-way dedication along ‘O’ Street to align with the right-of-way to the west.

1.12 ~~Show a median in College Park Drive to eliminate left turns into the east driveway, or design the east driveway as right-in, right-out only. Another option is to submit a traffic study that would enable full review of the east driveway.~~ The easternmost access on College Park Drive may be constructed without a median or without a right-in, right-out design, only if the western driveway is constructed at the same time. A median or other design to limit access to right-in, right-out will be constructed immediately in the eastern driveway, at the expense of the property owner, if either of the following conditions are present:

A. If two separate crashes occur within a 12 month period which would otherwise be prevented by a right-in, right-out driveway; or

B. The City receives a report or observes two or more instances in a 30-day time period, where traffic is backing up into the N. 84th Street and College Park Drive intersection, as a result of driveway induced congestion.

(Per Planning Commission, as revised and recommended by staff: 12/11/13**)**

1.13 Dedicate the right-of-way, as shown on the site plan, along N. 84th Street and ‘O’ Street at time of final plat. If a final plat is not submitted then dedicate the right-of-way prior to obtaining a building permit.

1.14 Adjust the setback measurements for the building and parking lot. The setbacks should be measured from the future right-of-way line.

1.15 Add the Site Design Standards and Building Design Standards, as shown in Exhibit 1 to the General Notes. Update the dimensions on the plan as needed.

1.16 Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

1.17 Add a note to the plan that states, "A landscape plan will be approved by the Director of Planning, prior to approval of the final plat, or prior to a building permit being issued."

2. Replace Exhibit 1 with the attached Exhibit 1. **(**Per Planning Commission, as revised and recommended by staff: 12/11/13**)**

3. Prior to the issuance of a building permit:

3.1 The construction plans substantially comply with the approved plans.

3.2 Final plat(s) is/are approved by the City (if subdividing is required).

If any final plat on all or a portion of the approved use permit is submitted five (5) years or more after the approval of the use permit, the city may require that a new use permit be submitted, pursuant to all the provisions of section 26.31.015. A new use permit may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the use permit as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.

Permittee agrees:

to complete the installation of sidewalks along N. 84th Street, College Park Drive, Russwood Parkway and 'O' Street as shown on the final plat within two (2) years following the approval of this final plat.

to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed private drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat

to complete the installation of street trees along the streets as shown on the final plat within two (2) years following the approval of this final plat.

to complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.

to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to complete the public and private improvements.

to keep taxes and special assessments on the outlots from becoming delinquent.

to maintain the outlots and private improvements in a condition as near as practical to the original construction on a permanent and continuous basis.

to maintain the landscape screens on a permanent and continuous basis.

to maintain and supervise the private facilities which have common use or benefit in a condition as near as practical to the original construction on a permanent and continuous basis, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development and that these are the responsibility of the land owner.

to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Owner(s) may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:

(1) Owner shall not be relieved of Owner's maintenance obligation for each specific private improvement until a register professional engineer or

nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.

(2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds

Standard Conditions:

4. The following conditions are applicable to all requests:

4.1 Before occupying the buildings all development and construction is to substantially comply with the approved plans.

4.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

4.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

4.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

Prepared by
Paul Barnes, Planner
402-441-6372
pbarnes@lincoln.ne.gov

DATE: November 26, 2013

APPLICANT/OWNER:
Brehm Enterprises, Inc.
201 N. 13th Street
Lincoln, NE 68508

CONTACT:
Civil Design Group
8535 Executive Woods Dr, Suite 200
Lincoln, NE 68512

USE PERMIT NO. 13011

PUBLIC HEARING BEFORE PLANNING COMMISSION: December 11, 2013

Members present: Hove, Sunderman, Harris, Corr, Beecham, Cornelius, Weber, Scheer and Lust.

Staff recommendation: Conditional Approval, as revised.

There were no ex parte communications disclosed.

Staff presentation: **Paul Barnes of Planning staff** explained that this is a request for a use permit located at the northwest corner of 84th Street and O Street. The property is zoned B-2. Therefore, a use permit is required as part of the development on the site. This is a request to allow approximately 50,000 square feet of commercial floor area and institutes some design standards for the first phase as well as development on the other pad sites in the future.

Barnes showed the site plan of the first phase, including a 16,000 square feet grocery store with parking lot to the south at the 84th Street and O Street intersection. It is also bounded by Russwood Parkway and College Park Drive. As shown on the site plan, there are two driveway accesses off of College Park Drive. The staff report notes a comment from Public Works regarding congestion, increasing traffic and potentially backing up for full access on the eastern driveway.

Barnes submitted revised conditions of approval to resolve these issues as follows:

1. Replace Condition 1.12 with the following, and update the site plan as needed:

   "1.12 The easternmost access on College Park Drive may be constructed without a median or without a right-in, right-out design, only if the western driveway is constructed at the same time. A median or other design to limit access to right-in, right-out will be constructed immediately in the eastern driveway, at the expense of the property owner, if either of the following conditions are present:

   A. If two separate crashes occur within a 12 month period which would otherwise be prevented by a right-in, right-out driveway; or

   B. The City receives a report or observes two or more instances in a 30-day time period, where traffic is backing up into the N. 84th Street and College Park Drive intersection, as a result of driveway induced congestion."

2. Replace Exhibit 1 with the attached Exhibit 1.

The eastern driveway could be constructed with full access today. Both conditions are that the western driveway access is built with phase one as well, and that if crashes are reported, or if

there is a report or observance of increased congestion, that the owner would be required to design and build that eastern driveway as a right-in and right-out only.

Barnes pointed out that the Comprehensive Plan does show North 84th Street at this location as a future 6-lane facility with turn lanes, requiring 70' of right-of-way from the center line. Today there is 50' of right-of-way from the center line. There is a 10' strip noted to be dedicated for right-of-way along 84th Street, which would then accommodate a turn lane onto O Street. Knowing that the Comprehensive Plan is suggesting six lanes in the future, there is a recommendation to note the 70' future right-of-way line on the site plan and then take into account setbacks at this time for the buildings in this phase of the development. There would be 70' of right-of-way noted on the plan from the center line of 84th Street over to the site.

Barnes also pointed out that there is a request to reduce some front yard setbacks. Staff has worked with the developer and does support the reduction of those setbacks if the building and site design standards are adopted as part of this use permit.

Barnes advised that the Comprehensive Plan does note that O Street at this location is a primary entryway corridor which should be given an extra look and review when a request like this comes forward. As recommended in the Comprehensive Plan, primary entryway corridors should look to incorporate site and building design standards to enhance those areas of the community. The reFORM effort has been used as a basis for the site and building design standards on this development. Today's memo shows a revised Exhibit 1. Staff worked with the applicant to address the building and site design standards and have compromised on a few of the original recommendations; however, what is being supported still does get us to a point that enhances the site and still does reflect that it is a primary entryway corridor. The buildings will be located closer to the streets with the reduced setback and staff supports the building materials with certain levels of transparency along those visible corridors as well.

Regarding the second entrance, Corr wanted to know whether there would be a road connecting that. Barnes explained that there will be an access road from the western driveway over to the grocery site until the rest of it develops.

Proponents

1. Mike Eckert of Civil Design Group, appeared on behalf of **Brehm Enterprises, Inc.,** the applicant. Brehm Enterprises has been doing development in Lincoln for close to 50 years. They had the Russwood automobile dealership on this site for years, and then it was operated independently. The site has been totally demolished and is just dirt today. It is time for redevelopment. This is really an example of a site where the useful life is gone and time to rebuild, but we operate in a built environment where we have it bounded on all four sides by built streets in a high traffic area. There is about a 23' drop from the northwest corner to the southeast corner. When there was just one building and one big parking lot, it was easy to make that work. But with multiple pad sites, there will need to be a retaining wall somewhere on the site.

When staff came out with the draft reFORM requirements, this developer started working with staff relating to the topography issues, transparency requirements, etc. Staff has agreed to allow some glass treatments with some canopies. It is an all brick building. Staff compromised in this scenario with the transparency requirements.

Eckert stated that the developer does not yet know what will be developed on the remainder of the site. One of the reFORM requirements provides no parking lot or drive aisles between the buildings and streets. That is going to be very difficult on this site. There is an access drive on O Street. They have worked with NDOR and the City on how to reduce some of the curb lines. There is just a lot going on. Eckert stated that there is harmony between the developer and the city today. All parties have agreed to the base elements to drive the grocery store and the rest of the site. The developer will meet with staff and future tenants as they come on board.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION: December 11, 2013

Hove moved to approve the staff recommendation of conditional approval, as revised, seconded by Weber.

Corr commented that she is excited to see some development going in there and that it will be a positive redevelopment.

Lust commented that she is always very encouraged, especially when it seems like 99% of what comes before the Planning Commission has been a compromised and everything is worked out. This appears to be a good project for such an important intersection of the city.

Motion for conditional approval, as revised, carried 9-0: Hove, Sunderman, Harris, Corr, Beecham, Cornelius, Weber, Scheer and Lust voting 'yes'. This is a recommendation to the City Council.

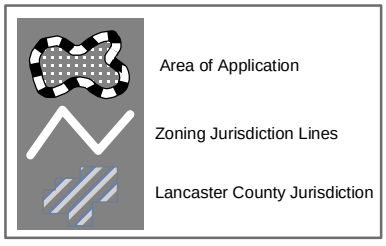
2013 aerial

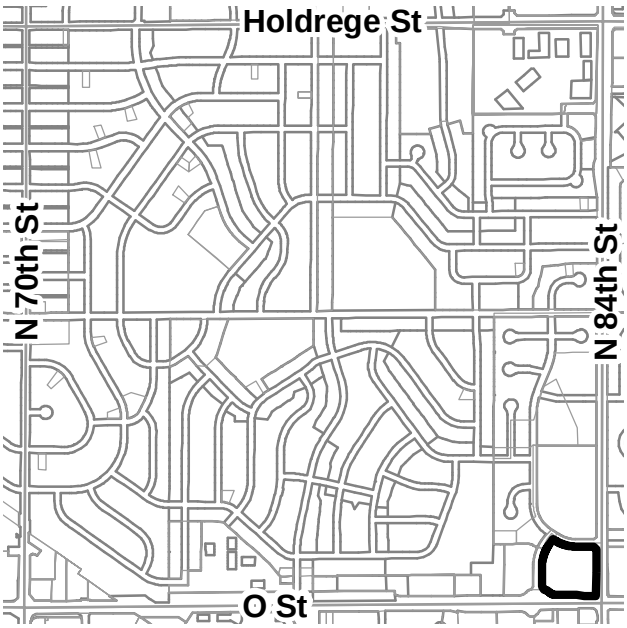
Use Permit #: UP13011
Russwood Park
N 84th & O St

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential 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.22 T10N R07E





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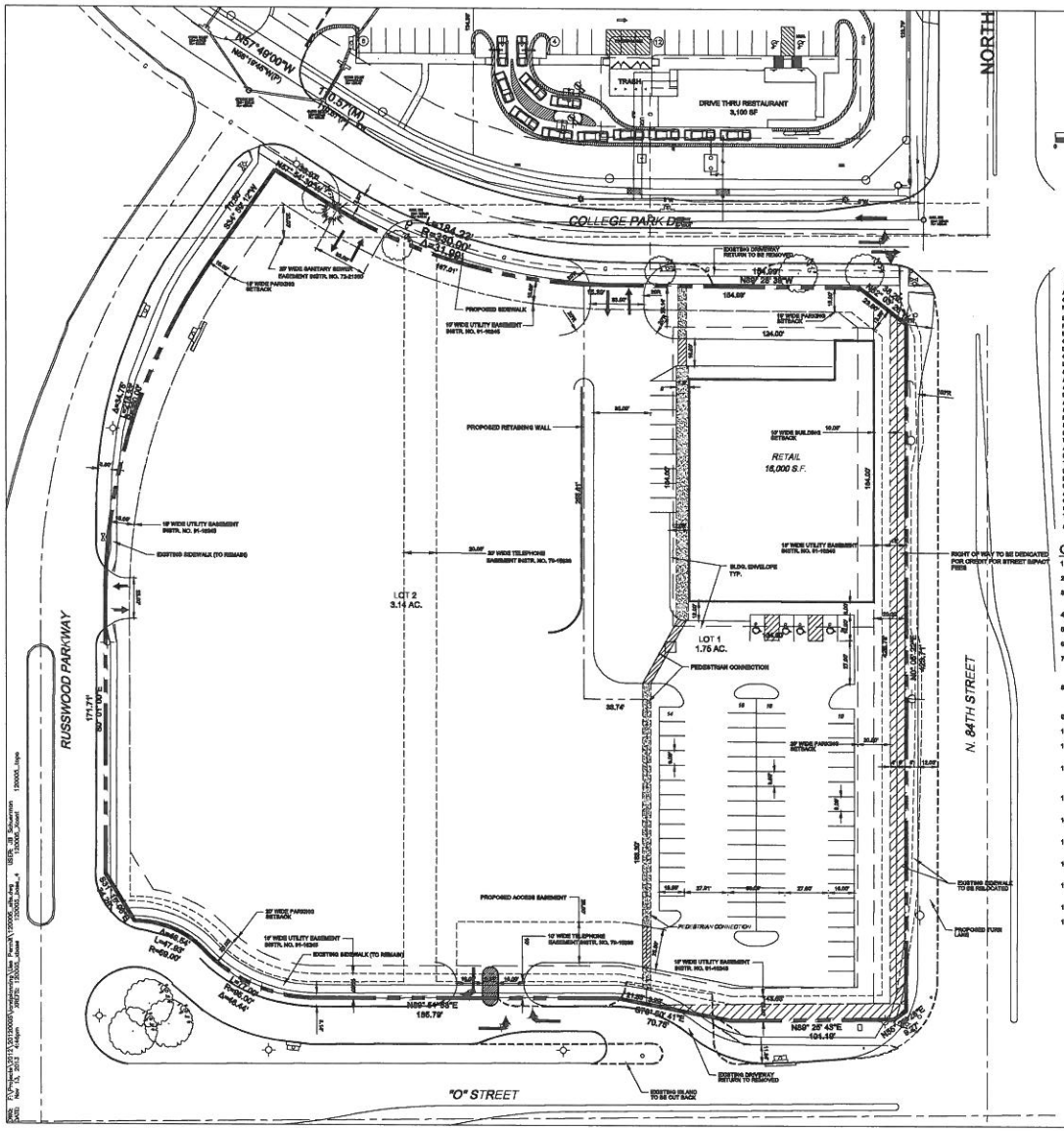
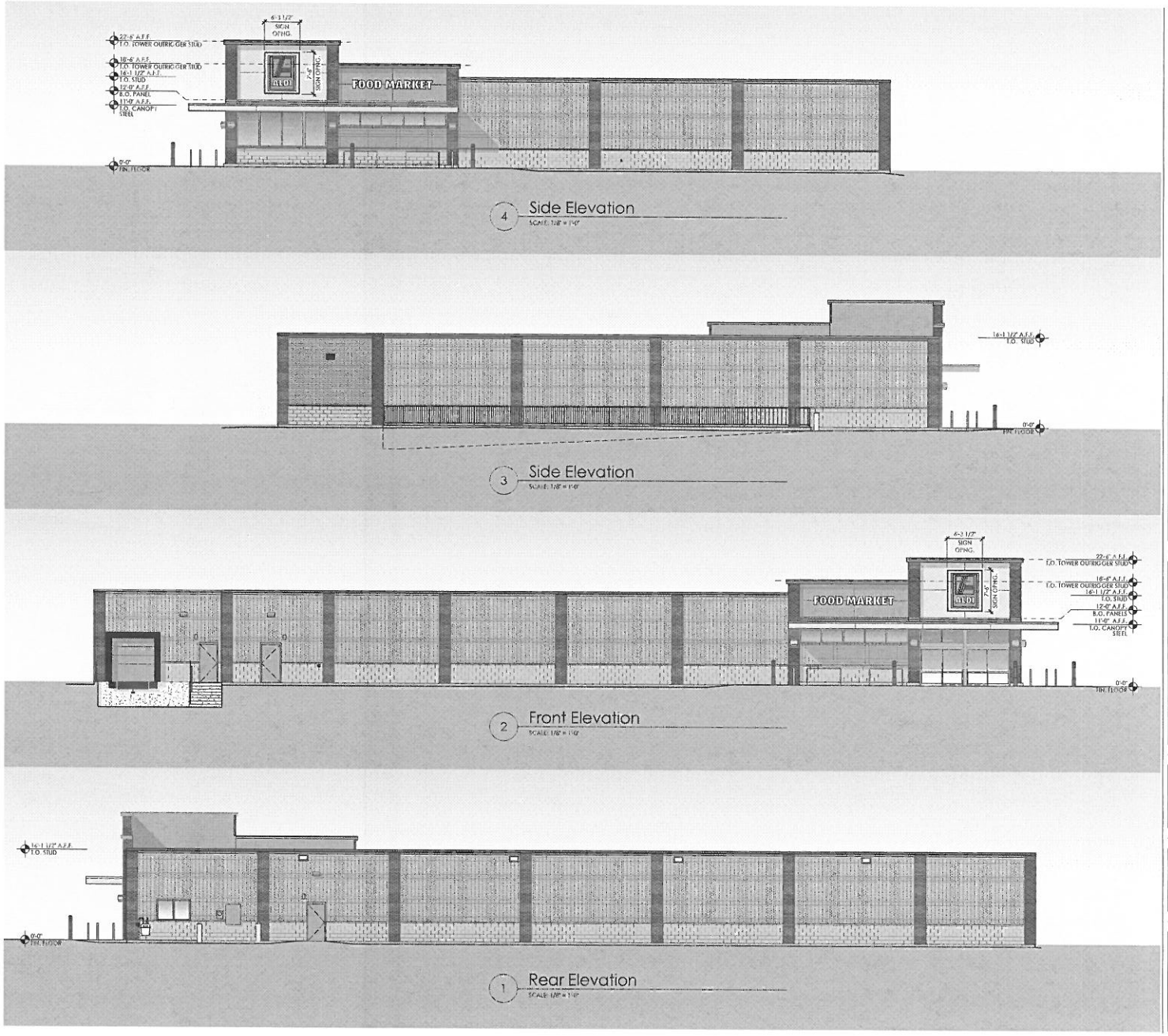

NORTH
DRIVE THRU RESTAURANT
3,100 SF
TRASH
COLLEGE PARK DRIVE
RETAIL
16,000 S.F.
LOT 1
1.76 AC.
LOT 2
3.14 AC.
RUSSWOOD PARKWAY
N. 84TH STREET
"O" STREET
PEDESTRIAN CONNECTION
PROPOSED RETAINING WALL
PROPOSED SIDEWALK
PROPOSED ACCESS EASEMENT
EXISTING SIDEWALK (TO REMAIN)
EXISTING SIDEWALK TO BE REDUCTED
PROPOSED TURF LANE
EXISTING ISLAND TO BE CUT BACK
EXISTING DRIVEWAY RETURN TO BE REMOVED
RIGHT OF WAY TO BE DEDICATED FOR CREDIT FOR STREET IMPACT FEES
BLDG. ENVELOPE TYP.
N89° 25' 43"E
104.18'
N89° 54' 55"E
186.79'
N89° 25' 35"W
154.69'
N89° 25' 43"E
70.78'
N57°48'00"W
110.57'(M)
R=330.00'
L=311.60'
R=384.23'
L=47.60'
R=60.00'
L=94.24'
R=60.00'
L=48.44'
R=384.23'
L=94.24'
R=60.00'
L=47.60'
R=384.23'
L=311.60'
R=330.00'
L=94.24'
R=60.00'
L=48.44'
R=384.23'
L=47.60'
R=60

SIGNAGE			
DESCRIPTION	QUANTITY	SQ. FT. PER SIGN	TOTALS
TOWER SIGN	2	46.6	93.2
FOOD MARKET SIGN	2	21.3	42.6
TOTAL SIGNAGE			135.8
SIGNAGE IS SHOWN FOR REFERENCE ONLY AND SHALL BE UNDER SEPARATE PERMIT SUBMITTAL			



DAVID L. NARRAMORE
A.I.A. ARCHITECT
Architects & Planners
AMERICAN INSTITUTE OF ARCHITECTS
P.O. BOX 8458 GREENVILLE, SC 29604
310 MILLS AVE. GREENVILLE, SC 29605
PHONE: 864.242.9881
FAX: 864.232.5202
alexa@narramore-architects.com

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SEAL

ALDI

10505 S. K7 HIGHWAY
OLATHE, KS 66061
913.768.1119
FAX - 913.768.1059

ALDI FOOD STORE NO. 27

27TH & YANKEE HILL ROAD
LINCOLN, NE 68512

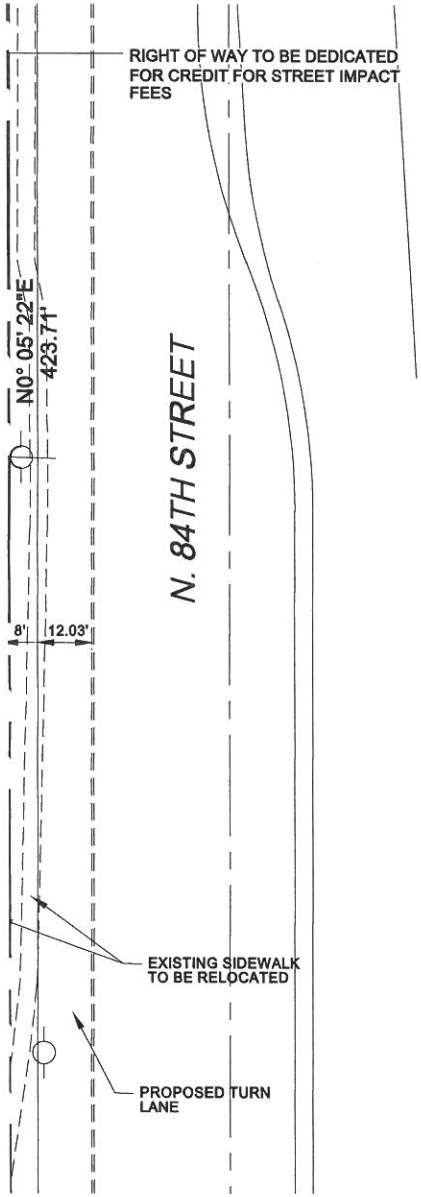
REVISIONS

PROJECT DATA
Prototype 5.0
PROJECT NUMBER
13538
ISSUE DATE
10-7-13

ALDI FOOD STORE NO. 27
LINCOLN, NE

A-201

EXTERIOR ELEVATIONS



GENERAL SITE NOTES

1. THE EXISTING ZONING IS B-2.
2. DIRECT VEHICULAR ACCESS TO N. 84TH STREET & "O" STREET IS RELINQUISHED EXCEPT WHERE SHOWN.
3. SIGNS ARE NOT REQUIRED TO BE SHOWN ON THE PLANS, ALL SIGNS SHALL COMPLY WITH THE B-2 ZONING DISTRICT AND SHALL BE SHOWN AT THE TIME OF SIGN PERMIT.
4. ANY RELOCATION OF EXISTING FACILITES WILL BE AT THE OWNERS/DEVELOPER'S EXPENSE.
5. LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY ON FUTURE FINAL PLATS.
6. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
7. EASEMENTS AS SHOWN SHALL BE GRANTED FOR PUBLIC USE AND FOR SIDEWALKS. ALL SIDEWALKS ADJACENT TO STREETS ARE TO BE IN PUBLIC R.O.W. EXCEPT AS NOTED ALL OTHER WALKS ARE TO BE IN PEDESTRIAN EASEMENTS. PEDESTRIAN EASEMENTS TO BE 5 FEET WIDE IN PEDESTRIAN AREAS AND BIKE PATH EASEMENTS ARE TO BE 20 FEET WIDE. ALL SIDEWALKS ARE TO BE 4 FEET WIDE.
8. SANITARY SEWER MAINS TO BE 8 INCH PIPE SIZE, UNLESS OTHERWISE SHOWN. WATER MAINS TO BE 8 INCH FOR COMMERCIAL FRONTAGE AND 6 INCH FOR RESIDENTIAL FRONTAGE UNLESS OTHERWISE SHOWN. WATER & SEWER MAINS TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS.
9. ALL SANITARY SEWER AND WATER MAINS TO BE PUBLIC.
10. ALL ELEVATIONS ARE BASED ON NAVD 1988 DATUM.
11. THE DEVELOPER AGREES TO COMPLY WITH PROVISIONS OF THE LAND SUBDIVISION ORDINANCE AND DESIGN STANDARDS FOR SUBDIVISION REGARDING LAND PREPARATION.
12. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION AND FURTHER TO SUBMIT A SEEDING AND MAINTENANCE SCHEDULE BEFORE GRADING IS COMPLETE.
13. ANY RELOCATION OF EXISTING L.E.S. FACILITIES WILL BE AT THE OWNERS/DEVELOPER'S EXPENSE. THE COST OF RELOCATING L.E.S. FACILITIES ARE ADDRESSED IN THE ANNEXATION AGREEMENT.
14. EVES, OVERHANGS, WINDOW SWINGS, DOOR SWINGS, AIR CONDITIONER UNITS ETC. MAY ENCROACH OVER THE SETBACK LINES. ENCROACHMENTS ARE NOT ALLOWED OVER PROPERTY LINES AND MUST CONFORM TO BUILDING AND LIFE SAFETY CODES.
15. A STREETSCAPE ZONE WILL BE PROVIDED WITH AN 8' STRIP FOR STREET TREES BETWEEN THE BACK OF CURB AND THE SIDEWALK, TOGETHER WITH AN ADDITIONAL 8' FOR THE SIDEWALK AND LANDSCAPING.
16. THE 16' STREETSCAPE ZONE WILL BE MAINTAINED REGARDLESS IF IT IS ENTIRELY IN THE ROW OR NOT AND WILL BE IMPLEMENTED WITH EASEMENTS WHEN THE ELEMENTS ARE ON PRIVATE PROPERTY.
17. THE FRONT YARD SETBACK FOR BUILDINGS MAY BE REDUCED TO 10' FROM THE STREETSCAPE ZONE ALONG N. 84TH STREET AND 'O' STREET AND REDUCED TO 0' FROM THE STREETSCAPE ZONE ON COLLEGE PARK DRIVE AND RUSSWOOD DR.
18. PARKING LOTS AND DRIVEWAYS SHALL BE SETBACK 20' FROM THE ROW WITH PARKING LOT SCREENING AND PARKING LOT TREES.
19. THE BUILDING FACADES SHALL INCORPORATE THE FOLLOWING:
    A. ARTICULATION STANDARDS FOR STREET OR ENTRANCE FACADES EXCEEDING 100 FEET IN LENGTH SHOULD INCLUDE CHANGES IN COLOR, TEXTURE OR MATERIAL INCLUDING PERIODIC COLUMNS AND REVEALS.
    B. ALL EXTERIOR BUILDING WALLS THAT FACE THE STREETSCAPE ZONE SHALL BE TO BE PREDOMINATELY (70%) BRICK, STONE, EIFS, BLOCK AND/OR GLASS OR OTHER EQUIVALENT MATERIAL IN QUALITY AND DESIGNED TO A SIMILAR LEVEL OF BUILDING DETAIL AND FINISH.

RE		
	DATE	DESCRIP

SITE PLAN

RUSSWOOD PARK
AMENDED USE PERMIT #53A

2013

NEBRASKA

017

Civil Design Group, Inc.

Consulting Engineers & Land Use Planners
Civil Design • Site Development • Planning & Zoning

www.civildg.com

November 13, 2013

Mr. Marvin Krout, Director of Planning
City of Lincoln /Lancaster County
555 South 10th Street, Room 213
Lincoln, NE 68508

Re: Russwood ~~Amended~~ Use Permit ~~# 53~~
CDG Project No. 2012-0005

Dear Mr. Krout:

On behalf of Brehm Enterprises, Inc., we submit an application to Amend Use Permit #53 to approve a grocery store tenant on Lot 1 and institute design standards for future pad site development at this location. We have worked extensively with staff to try and accommodate their requests to incorporate the full slate of Building Design Standards for Corridors into the site plan. We are proposing to incorporate those standards that are feasible on this site while foregoing others so that the liberty to develop site with future unknown tenants is feasible.

There are also some site elements that inhibit our ability meet all of the Building Design Standards for Corridors. The site is bound on all four sides by built streets that are also tied to existing grades, resulting in over 23' of grade change from the southeast corner of the site to the northwest corner of the site.

The follow items are those elements from the Building Design Standards for Corridors that we feel can be incorporated at this time:

- Provide a streetscape zone with an 8' strip for street trees between the back of curb and the sidewalk, together with an additional 8' for the sidewalk and landscaping.
- The 16' streetscape zone will be maintained regardless if it is entirely in the ROW or not and will be implemented with easements when the elements are on private property.
- The front yard setback for buildings may be reduced to 10' from the streetscape zone along N. 84th street and O Street and reduced to 0' from the streetscape zone on College Park Drive and Russwood Dr.
- Parking lots and driveways will remain setback 20' from the ROW with parking lot screening and parking lot trees.
- The building facades should incorporate:
    a. Articulation Standards for street or entrance facades exceeding 100 feet in length should include changes in color, texture or material including periodic columns and reveals.
    b. All exterior building walls that face the streetscape zone shall be predominately (70%) brick, stone, EIFS, block and/or glass or other equivalent material in quality and designed to a similar level of building detail and finish.

Office 402•434•8494 8535 Executive Woods Dr., Suite 200 • Lincoln, NE 68512 Fax 866•215•8747

In conjunction with this submittal we submit the following information:

Application form for Amendment to Use Permit
Application fee for Use Permit Amendment
Site Plan will be uploaded via Project Dox.

I hope that this letter and the plans provide you with enough information to review and schedule this amendment for Planning Commission. In an effort to facilitate the review process, please call me at (402) 434-8494 if you questions.

Sincerely,

Mike Eckert, AICP

Encl
cc: Brehm Enterprises, Inc.

F:\Projects\2012\20120005\landplanning\Doc\SP-planning_11-13-13.doc

EXHIBIT 1

Recommended additions/deletions to the General Notes on the site plan

Conformance with the standards in General Notes #15-21 is subject to review and approval of the Planning Director.

15. A streetscape zone will be provided with an 8' strip for street trees between the back of curb and the sidewalk, together with an additional 8' for the sidewalk and landscaping. Street trees shall be planted along all streets in the streetscape zone, as required by final plat if applicable, or if not, then in stages with each building permit.

16. The 16' streetscape zone will be maintained regardless if it is entirely in the ROW or not and will be implemented with easements when the elements are on private property.

17. No parking or driveways shall be located between buildings and the streetscape zone along N. 84th Street or 'O' Street or along Russwood Parkway from 'O' Street north to the mid-block driveway.

~~17.~~18. The front yard setback for buildings may be reduced to 10' from the ~~streetscape zone~~ future ROW line along N. 84th Street and 'O' Street and reduced to 0' from the streetscape zone or the property line on College Park Drive and Russwood ~~Dr.~~ Parkway, whichever is greater distance from the back of curb.

~~18.~~19. Parking lots and driveways shall be setback ~~20'~~ 10' from the ~~streetscape zone~~ future ROW line along N. 84th Street and 'O' Street and 10' from the streetscape zone along Russwood Parkway and College Park Drive, with parking lot screening and parking lot trees per Section 3.50 of the Design Standards. Parking lots shall be designed with a barrier to accommodate a 2 foot overhang for vehicles. The 2 foot overhang shall not encroach into the required front yard setback.

~~19.~~20. The building facades shall incorporate the following:

A. Articulation standards for street or entrance facades exceeding 100 feet in length ~~should~~ shall include changes in color, texture ~~or~~ and material including periodic columns ~~and~~ ,projections or reveals, as generally indicated on the submitted elevation drawings.

B. All exterior building walls that face the streetscape zone shall be ~~to be~~ predominantly (70%) brick, stone, ~~EIFS~~, concrete block and/or glass or other equivalent material in quality and designed to a similar level of building detail and finish.

C. Street facing facades along 'O' Street and Russwood Parkway from 'O' Street north to the mid-block driveway will contain 40% transparency between 3-9 feet from grade.

D. The building elevation along N. 84th Street shall include a minimum 15% window area, with at least 2/3 of the window area between 3-9 feet from grade. The south elevation drawing submitted by the applicant would meet this requirement if the building was rotated so this became the east elevation.

21. The setback area along the proposed building wall on N. 84th Street shall be planted so as to establish 50% screening of the wall between 0 and 15 feet above grade.

MEMORANDUM

TO: Planning Commission

FROM: Paul Barnes, Planner

SUBJECT: Russwood Park Use Permit #13011

DATE: December 11, 2013

CC: Mike Eckert
Randy Hoskins

The purpose of this memo is to update the Planning Commission on the Russwood Park Use Permit application. Staff have continued working with the applicant on the building and site design standards and the design of the east driveway on College Park Drive. This application will be heard at the December 11th, 2013 Planning Commission meeting.

The revised design standards are included on the attached Exhibit 1 and represent a compromise between staff and the applicant. The standards address site design for the grocery store and future pad sites, as well as building materials and transparency. The standards focus the buildings and enhanced facade elements on the primary streets of N. 84th and 'O' Street. The attached Exhibit 1 replaces Exhibit 1 in the staff report.

The applicant has also been working with the Public Works & Utilities Department on the east driveway on College Park Drive. The recommendation in the staff report is to design the east driveway as a right-in, right-out only facility. The Public Works & Utilities Department will allow the east driveway to be built with full access, as long as other conditions are adopted as well. The conditions are listed in the recommendation below.

The applicant has reviewed the changes and is in agreement with the amendments. The staff recommendation is hereby amended as follows:

1. Replace Condition 1.12 with the following, and update the site plan as needed:
   "1.12 The easternmost access on College Park Drive may be constructed without a median or without a right-in, right-out design, only if the western driveway is constructed at the same time. A median or other design to limit access to right-in, right-out will be constructed immediately in the eastern driveway, at the expense of the property owner, if either of the following conditions are

Lincoln City-Lancaster County Planning Department
555 S. 10th St., Rm. #213 • Lincoln NE 68508
Phone: (402) 441-7491 • Fax: (402) 441-6377

present:

A. If two separate crashes occur within a 12 month period which would otherwise be prevented by a right-in, right-out driveway; or

B. The City receives a report or observes two or more instances in a 30-day time period, where traffic is backing up into the N. 84th Street and College Park Drive intersection, as a result of driveway induced congestion."

2. Replace Exhibit 1 with the attached Exhibit 1.

REVISED EXHIBIT 1

Recommended additions/deletions to the General Notes on the site plan

Conformance with the standards in General Notes #15-21 is subject to review and approval of the Planning Director.

15. A streetscape zone will be provided with an 8' strip for street trees between the back of curb and the sidewalk, together with an additional 8' for the sidewalk and landscaping. Street trees shall be planted along all streets in the streetscape zone, as required by final plat if applicable, or if not, then in stages with each building permit.

16. The 16' streetscape zone will be maintained regardless if it is entirely in the ROW or not and will be implemented with easements when the elements are on private property.

17. Consult with the Planning Department regarding the placement of buildings along 'O' Street and along Russwood Parkway from 'O' Street north to the mid-block driveway, prior to obtaining a building permit.

~~17.~~18. The front yard setback for buildings may be reduced to 10' from the ~~streetscape zone~~ future ROW line along N. 84th Street and 'O' Street and reduced to 0' from the streetscape zone or the property line on College Park Drive and Russwood ~~Dr.~~ Parkway, whichever is greater distance from the back of curb.

~~18.~~19. Parking lots and driveways shall be setback ~~20'~~ 10' from the ~~streetscape zone~~ future ROW line along N. 84th Street and 'O' Street and 10' from the streetscape zone along Russwood Parkway and College Park Drive, with parking lot screening and parking lot trees per Section 3.50 of the Design Standards. Parking lots shall be designed with a barrier to accommodate a 2 foot overhang for vehicles. The 2 foot overhang shall not encroach into the required front yard setback.

~~19.~~20. The building facades shall incorporate the following:

A. Articulation standards for street or entrance facades exceeding 100 feet in length ~~should~~ shall include changes in color, texture ~~or~~ and material including periodic columns ~~and~~ ,projections or reveals, as generally indicated on the submitted elevation drawings for the 16,000 square foot grocery store.

B. All exterior building walls that face the streetscape zone shall be ~~to be~~ predominantly (70%) brick, stone, EIFS above 3' and not exceeding 40% of the wall area, concrete block and/or glass or other equivalent material in quality and designed to a similar level of building detail and finish.

C. Primary street facing facades along 'O' Street and Russwood Parkway from 'O' Street north to the mid-block driveway will contain 20% transparency between 3-9 feet from grade.

D. The building elevation along N. 84th Street shall include at least 150 square feet of window area or spandrel glass between 3-9 feet above grade, with awnings above the glazed area.

21. The setback area along the proposed building wall on N. 84th Street shall be planted so as to establish 50% screening of the wall between 0 and 15 feet above grade.

SUPPORT

ITEM NO. 2.5: USE PERMIT NO. 13011
(p.133 - Public Hearing - 12/11/13)

CORPORATE OFFICE
5310 SOUTH 84TH STREET, SUITE 200
OMAHA, NE 68127

OMAHA, NE
BELLEVUE, NE • LINCOLN, NE

December 6, 2013

Mr. Paul Barnes
Lincoln-Lancaster Planning Department
555 South 10th Street
Suite 213
Lincoln, NE 68508

Re: Use Permit No. 13011
N. 84th Street & "O" Street

Dear Mr. Barnes:

I am writing this letter as the business owner of Don & Millie's Restaurant, located at 8150 "O" Street, just west of the parcel subject to the Use Permit application described above. I am supportive of this development and have no objections to the site development plans or the adjustments to the setback requirements for this project.

I think this proposed development would be an excellent addition to the area.

Regards,

Mark A. Sweet
Don & Millie's