City Council Introduction: November 24, 2014
Public Hearing: December 8, 2014, 3:00 p.m.

Bill No. 14-150

FACTSHEET

TITLE: TEXT AMENDMENT NO. 14016
(Mini-warehouses as conditional use in B-5)

BOARD/COMMITTEE: Planning Commission

APPLICANT: Peter Katt

RECOMMENDATION: Approval (8-0: Sunderman, Harris, Beecham, Cornelius, Hove, Scheer, Corr and Lust voting 'yes'; Weber absent).

STAFF RECOMMENDATION: Approval

OTHER DEPARTMENTS AFFECTED: N/A

SPONSOR: Planning Department

OPPONENTS: None

REASON FOR LEGISLATION:

To amend Section 27.62.140 of the Lincoln Municipal Code relating to the Heavy Commercial Services Use Group to allow mini-warehouses as a conditional use in the B-5 Planned Regional Business District.

DISCUSSION / FINDINGS OF FACT:

1. The applicant has requested this text amendment to reuse an obsolete office building in the Gateway Shopping Center for indoor mini-storage units.

2. The staff recommendation to approve this text amendment is based upon the "Analysis" as set forth on p.2-4, concluding that the B-5 Planned Regional Business District is a use permit district that requires site plan review. The B-5 is a district with varying degrees of redevelopment opportunities. Mini-storage can be a compatible use in the B-5 district under certain conditions. Administrative review to determine the compatibility of mini-warehouses within a specific B-5 use permit district is in conformance with the Comprehensive Plan by promoting infill and redevelopment that is sensitive to the built environment. The staff presentation is found on p.5-6.

3. The applicant's testimony is found on p.6.

4. There was no testimony in opposition.

5. On November 12, 2014, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval.

FACTSHEET PREPARED BY: Jean Preister, Administrative Officer

DATE: November 17, 2014

REVIEWED BY: David R. Cary, Acting Director of Planning

DATE: November 17, 2014

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LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for NOVEMBER 12, 2014 PLANNING COMMISSION MEETING

PROJECT #: Text No. 14016

PROPOSAL: To amend Section 27.62.140 of the Lincoln Municipal Code to add mini-warehouses as a conditional use to the B-5 Planned Regional Business District.

CONCLUSION: The B-5 Planned Regional Business District is a use permit district that requires site plan review of developments. The B-5 is a district with varying degrees of redevelopment opportunities. Mini-storage can be a compatible use in the B-5 district under certain conditions. Administrative review to determine the compatibility of mini-warehouses within a specific B-5 Use Permit district is in conformance with the Comprehensive Plan by promoting infill and redevelopment that is sensitive to the built environment.

RECOMMENDATION:	Approval

GENERAL INFORMATION:

COMPREHENSIVE PLAN SPECIFICATIONS:

The Future Land Use Map designates the are for commercial land uses. (Pg 1.9)

This area is designated for a regional shopping center. (Pg 5.6 -)

Mixed Use Guiding Principles - Mixed Use Redevelopment should (Pg 6.2) :

-Occur on sites supported by adequate road and utility capacity.

-Be located and designed in a manner compatible with existing or planned land uses.

-Provide a diversity of housing types and choices throughout each neighborhood for an increasingly diverse population.

-Help to create neighborhoods that include homes, stores, workplaces, schools, and places to recreate.

-Encourage residential mixed use for identified corridors and redeveloping Regional, Community, Neighborhood, and Mixed Use Office Centers identified as nodes.

-Develop with substantial connectivity between developing or existing neighborhoods and developing or redeveloping commercial centers.

ANALYSIS:

1. The applicant has applied for a text amendment to allow mini-warehouses in the B-5 Zoning District so that he can reuse an obsolete office building in the Gateway Shopping Center for indoor mini-storage units. Attached is an aerial and an elevation of the existing office building the applicant is indenting to repurpose.

2. Mini-warehouses are currently allowed as a permitted use in all Industrial zoning districts as well as most of the Highway Commercial Districts (H-2, H-3 and H-4). They are a permitted use in a portion of the B-4 zoning district. The are prohibited in the area 150 feet east of 17th Street to the eastern edge of the B-4 zoning District (the Antelope Valley Area) along with various other auto oriented uses. It should be noted that the text amendment does not change the use of mini-warehouses in the B-4 zoning district is simply reformats it to be consistent with the new B-5 regulation proposed in this report.

3. The B-5 Planned Regional Business District is a Use Permit District. The zoning ordinance describes this zoning district as a district that "provides for planned and controlled consumer services for all segments of the population, promotes healthful economic growth, creating a desirable environment that best complements the general land use pattern of the community". This district requires a minimum of thirty acres for zoning and development and has extra large setbacks. The rear and side yard setbacks are100 feet when abutting residential zoning.

4. The B-5 zoning district includes seven areas in Lincoln: Lincoln Crossings (N. 27th and Superior); Northeast corner of N. 27th and Cornhusker; Gateway Shopping Center (N. 66th and O Street); South Pointe Pavilions (S. 27th and Pine Lake Road); Prairie Lakes (S. 87th and Highway 2); Eastpark (N. 66th and O Street) and Edgewood Shopping Center (S. 56th /Hwy2).

5. There appears to be an increasing demand for mini-warehouses community wide. The City Council approved a Change of Zone from B-5 to H-4 for a mini-warehouse in the Prairie Lakes Regional Shopping Center (S. 87th and Highway) in June of 2014. This change of zone was approved because the location of the proposed mini-warehouse was compatible with the surrounding development and could serve the nearby residential uses and a new nearby apartment complex. It was also determined that mini-warehouses within a planned commercial development is generally a low impact use with respect to trip generation and nuisance.

6. This text amendment would allow mini-warehouses in the B-5 district under certain conditions. Those conditions include:

   - There is no accessory open storage or outdoor vehicle storage.

   - The application for a use permit or amendment thereto shall specifically state that a mini-warehouse is a proposed use. The site plan included with the application shall identify the location of all buildings, landscaping, and other site-related details for such use.

   - The applicant shall comply with all conditions to be fulfilled by the applicant in conjunction with the approval of the use permit to protect the health, safety, and general welfare and ensure that the mini-warehouse is compatible with the overall B-5 Center and adjacent buildings.

These conditions will allow the Planning Director to review mini-warehouses on a case by case basis, through the administrative amendment process, to determine if the building is sited and designed to be compatible in orientation, scale and building materials with the overall B-5 Center and adjacent buildings. The conditions allow for the reuse of existing buildings without the visual clutter often associated with open storage and outdoor vehicle storage.

Prepared by:
Christy Eichorn, Planner

DATE: October 30, 2014

APPLICANT/ CONTACT: Peter Katt
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TEXT AMENDMENT NO. 14016

PUBLIC HEARING BEFORE PLANNING COMMISSION: November 12, 2014

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

Staff recommendation: Approval.

There were no ex parte communications disclosed.

Staff presentation: **Christy Eichorn of Planning staff** explained that this is an amendment to the code to allow mini-warehouses in the B-5 zoning district. The B-5 zoning district is a use permit district that requires a use permit with a very specific site plan and notes about how the development will occur in the B-5 district.

The Planning Department was asked whether it would support mini-warehouses in the B-5 zoning district, as well as other zoning districts because there is a market right now for mini-warehouses. The staff believes that the reason this makes sense is because the B-5 zoning district is quite limited, being large regional shopping centers in many stages of development. Many of them have been around for a long time. Because B-5 is a use permit district, the staff has the ability to review them on a case-by-case basis to see how they might fit in with the development, including parking; distance from residential or similar uses; design standards that may apply, etc.

Eichorn went on to suggest that as we look for good infill and redevelopment projects, we also have to look at what the market is demanding.

Eichorn then relayed that the applicant has a specific site in mind and as staff looked at that site, it made sense that it would be a good re-use of the property. Specifically, the use that was brought to staff is a vacant office building just off of North Cotner in the Gateway Shopping Center. The existing building has a very slanted roof and a brick wall all the way around it. There has not been a lot of interest in using that building and since it has a fortress type look, perhaps it is a good place for mini-storage. It is separated by a busy street and there is a lot of parking surrounding the subject building before getting to other commercial buildings in the use permit.

Eichorn further explained that this text amendment would allow mini-warehouses in the B-5 zoning district as a conditional use, and the condition tied to that use would be an administrative amendment to the use permit in order to get approval to do the mini-warehouses in the B-5 district. The difference between a conditional use permit and a special permit is that a special permit would have to come back to the Planning Commission for each review.

Lust expressed some concerns about the specific language in the amendment and Eichorn explained that it has to do with how the "use groups" are constructed today. The conditional use chapter says that in B-4 you can have mini-warehouses by right with one condition. Structurally, this falls under that same heading and the condition is that you can do mini-

warehouses in the B-5 conditioned upon approval of an administrative amendment. It is already a conditional use in the B-4 and this does not change any of the conditions of the B-4. This just restructures the language to accommodate both the B-4 and the B-5.

Corr sought to clarify that this would not allow outdoor storage such as boats, RV's, cars, etc. Eichorn stated that to be correct.

Proponents

1. **Derek Zimmerman of Baylor Evnen Law Firm,** 1248 O Street, Suite 600, appeared on behalf of the applicant. He expressed his agreement with the staff presentation. The mini-warehouse is a good use within the B-5 district. It is a low impact, low traffic use and there are not that many B-5 locations in the City.

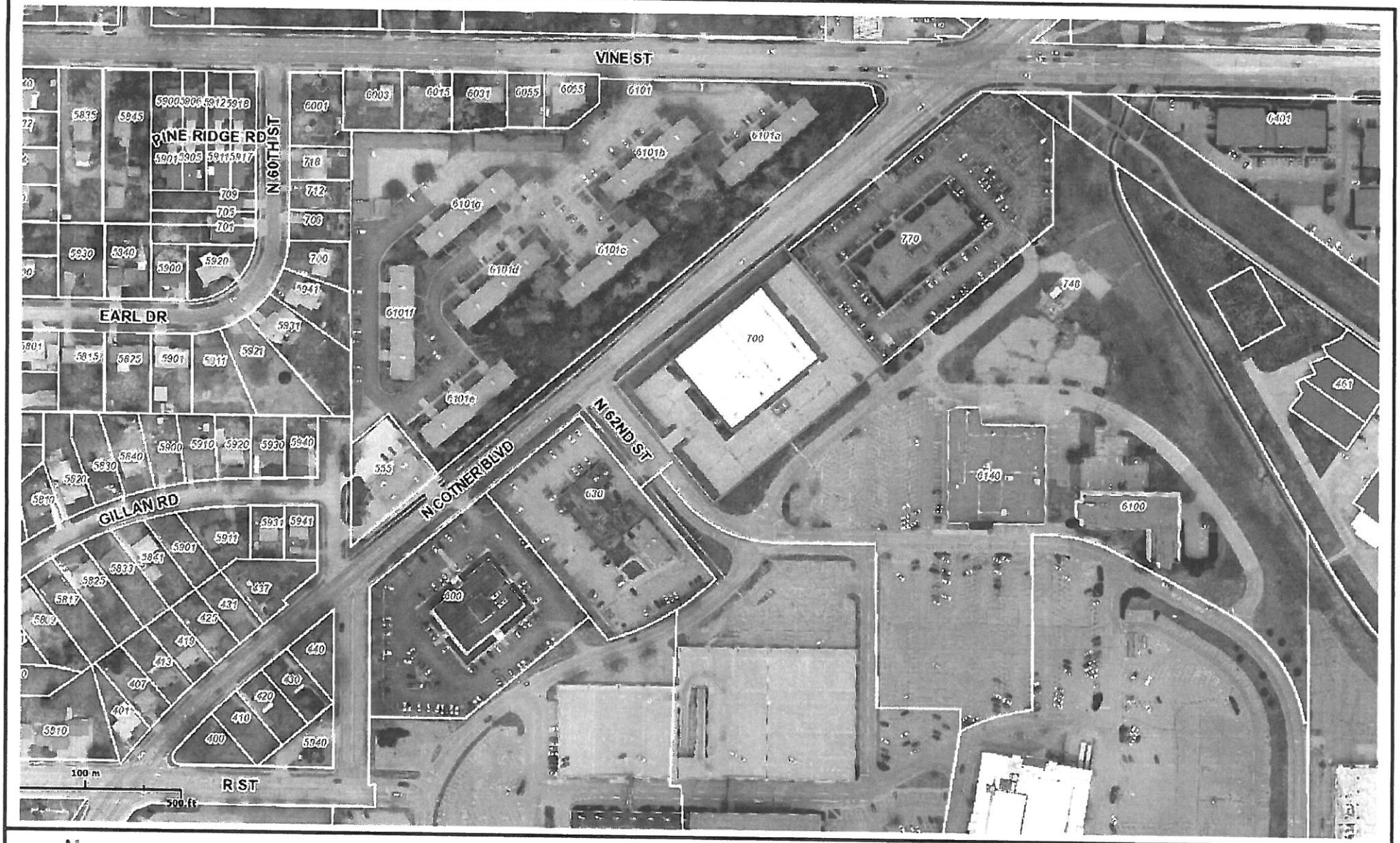
There was no testimony in opposition.

ACTION BY PLANNING COMMISSION: November 12, 2014

Cornelius moved approval, seconded by Scheer.

Cornelius commented that this appears to be a reasonable use of real estate that might not be used well otherwise. The example looked like a good choice.

Motion for approval carried 8-0: Sunderman, Scheer, Cornelius, Corr, Harris, Beecham, Hove and Lust voting 'yes'; Weber absent. This is a recommendation to the City Council.



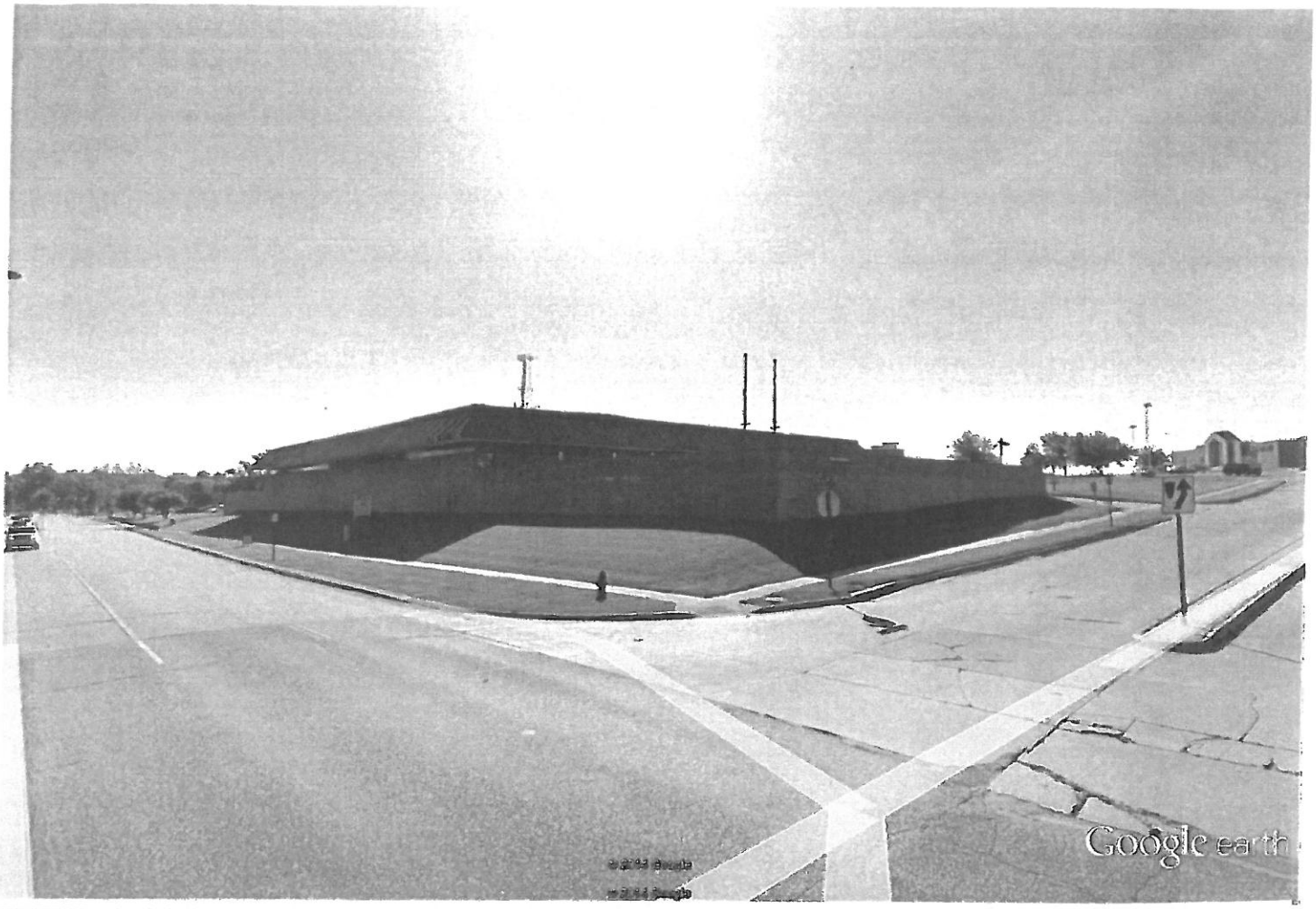
Lancaster County/City of Lincoln GIS Map

Proposed for indoor mini-storage

N W E S

Printed: Nov 03, 2014

DISCLAIMER: The information is presented on a best-effort basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email ags@lincoln.ne.gov and you will be directed to the appropriate department.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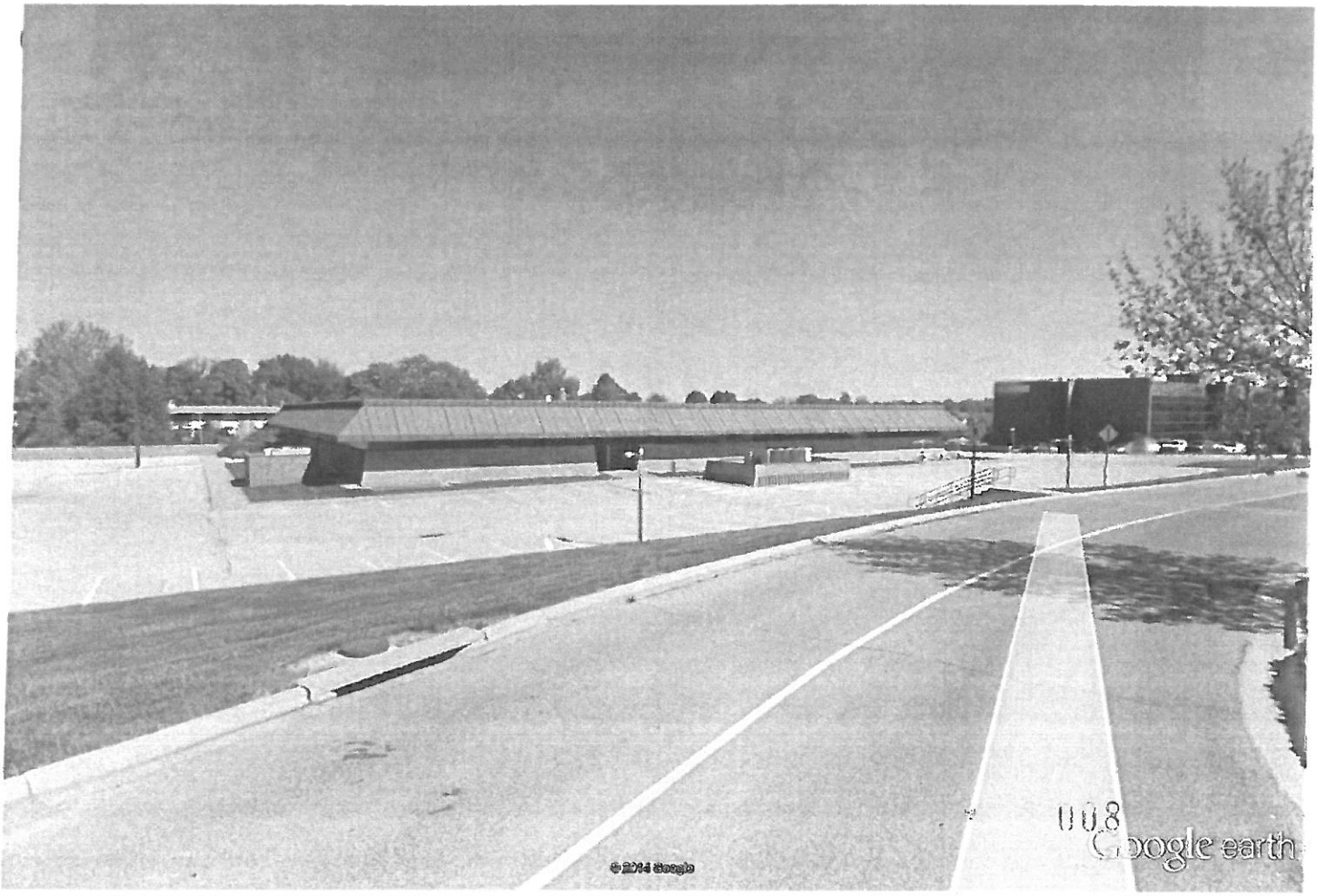
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