

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Use Permit #137
Kensington Plaza

DATE: February 7, 2001

PROPOSAL: A use permit is requested to allow 56,000 square feet of mixed commercial space, with a waiver of sidewalks on the south side of Kensington Court, a waiver to allow sanitary sewer to run against street grade, and an adjustment of rear yard setback from 50' to 20' on the eastern edge of the property.

GENERAL INFORMATION:

APPLICANT: Michael Raasch

CONTACT: Brian D. Carstens and Associates
2935 Pine Lake Road, Suite H
Lincoln, NE 68516
(402) 434-2424

LOCATION: South 16th Street and Old Cheney Road

LEGAL DESCRIPTION: Lots 15, 16 and 17, Block 3, Lincoln Industrial Park South, located in the southwest 1/4 of Section 12, T9N, R6E of the 6th P.M., Lancaster County, Nebraska.

SIZE: 6.45 acres, more or less

EXISTING ZONING: B-2, Planned Neighborhood Business District

EXISTING LAND USE: Convenience store/gas station/car wash

SURROUNDING LAND USE AND ZONING: Zoned I-2, Industrial Park District to the north. Zoned B-1, Local Business District, and O-3, Office Park to the south. City bike trail on vacated railroad ROW to east, Zoned R-1, Residential to the east across the bike trail, and zoned B-2, Planned Neighborhood Business District to the west.

COMPREHENSIVE PLAN SPECIFICATIONS: Designated as Commercial in the 1994 Land Use Plan.

4. Neighborhood Centers (page 63)

Goals

- *Maintain and encourage retail establishments and businesses that are convenient to, and serve, neighborhood residents, yet are compatible with but not intrusive upon residential neighborhoods.*
- *Provide geographically convenient and accessible retail areas throughout the City and County so as to provide the widest possible variety of goods and services.*
- *Discourage strip development and spot zoning and encourage more compact and higher quality retail and commercial development.*

Neighborhood centers provide local convenience shopping facilities for surrounding residential neighborhoods. These centers range widely from groups of several storefronts to neighborhood shopping centers that include grocery stores, drug stores, and other support services. These centers range from 10,000 to 150,000 square feet of floor area and have varying service areas (generally one mile), depending on their retail mix.

From Neighborhood Centers Strategies (page 64):

- In new projects, require good pedestrian linkages to street frontages and surrounding neighborhoods. Provide direct and safe access for bicycle traffic.

HISTORY:

On **November 13, 1961**, City Council approved change of zone #370 on the property, from A-A Rural and Public Use to M Restricted Industrial.

Converted from M Restricted Industrial to I-2 Industrial Park with the adoption in the **1979 Zoning Update**.

On **August 29, 1994**, City Council approved Change of Zone #2843, from I-2 Industrial Park to B-2 Planned Neighborhood Business on Lot 17. This change allowed a pole sign, which was not allowed in the I-2 District.

On **October 13, 1994** Pre-Existing Use Permit #31 was created.

On **March 27, 1995**, City Council approved Change of Zone #2885 on Lots 15 and 16 of Block 3 from I-2 Industrial Park District to B-2 Planned Neighborhood Business District.

SPECIFIC INFORMATION:

UTILITIES: Sewer and water as shown are satisfactory.

TOPOGRAPHY: The site slopes gently uphill from Old Cheney Road.

TRAFFIC ANALYSIS: Old Cheney Road is shown as a minor arterial in both the Existing and Future Functional Street and Road Classification.

The applicant provided a traffic study and is showing a new right-turn lane from Old Cheney Road onto S. 16th Street. Public Works requests additional right-of-way.

Parks and Recreation and Public Works departments indicate that the 8' wide bike path on the north side of Old Cheney is needed as part of the trail system and will need to be replaced.

PUBLIC SERVICE: The closest fire station is #4, located at S. 27th Street and Old Cheney Road. Dennis Roth of Emergency Communications 911 Center and David L. Wampler of the United States Post Office report that the street name "Kensington" already exists near Superior and N. 27th Street. Duplicate names are unacceptable.

REGIONAL ISSUES: None apparent.

ENVIRONMENTAL CONCERNS: Increased runoff from hard surfaces.

AESTHETIC CONSIDERATIONS: The development is adjacent to the Rock Island bike trail.

ALTERNATIVE USES: Provide multiple floor buildings and reduce the amount of parking, thus preserving more open area outside required yards.

ANALYSIS:

1. "Kensington Court" should be renamed so that it will not be confused with Kensington Drive, which is located on the opposite side of the city.
2. The proposal depicts a number of sidewalks throughout the development; a waiver of sidewalks on one side of the internal private roadway is appropriate.
3. The request to reduce the rear yard setback from 50' to 20' along the east side of the permit is appropriate, provided taller trees are added to the landscaping in that area.

4. Public Works indicates driveways as shown do not function at buildout. See Public Works memo.
5. The drainage study has not been revised as requested.
6. The landscape plan generally exceeds screening requirements, but it does not meet the shrub coverage requirements for the B-2 district.
7. The proposed development has an FAR of .20; the Comprehensive Plan anticipated the developing area of the City to have, on average, a floor area ratio of .25.

STAFF RECOMMENDATION:

Conditional approval

CONDITIONS:

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 "Kensington Court" renamed.
- 1.1.2 To Note 6, add "Any relocation of existing facilities will be at the owner/developer's expense.
- 1.1.3 To Note 10, add a statement indicating that sidewalks will not be on both sides of renamed Kensington Court, or delete the first sentence.
- 1.1.4 Relocate the sidewalk along renamed Kensington Court to provide enough room for street trees.
- 1.1.5 Add taller screen trees along the east property line, adjacent to Lots 1, 5, 6, and 7.
- 1.1.6 Provide shrub coverage to meet Design Standards.
- 1.1.7 Correct the height of Colorado Spruce - it should be 25'.
- 1.1.8 Correct the spread and height of Sea Green Juniper. Both should be 3'.

- 1.1.9 Correct the spelling of "mini-warehouses".
 - 1.1.10 Relocate the bicycle trail along Old Cheney Road.
 - 1.1.11 Show a pedestrian connection from the east side of the property to the bike trail.
 - 1.1.12 On Lot 4, revise the following parking stall labels: 22 to 14, 19 to 16, and 6 to 7. Revise the "provided parking" column accordingly.
 - 1.1.13 Provide additional information and revisions as requested by Public Works.
2. This approval permits 56,000 square feet of commercial space, waives sidewalks along the south side of renamed Kensington Court, adjusts the rear yard setback from 50' to 20' along the east property line, waives sanitary sewer design standards so that sewage may flow against street grade, and rescinds pre-existing use permit #31.

General:

3. Before receiving building permits:
- 3.1 The permittee shall have submitted a revised and reproducible final plan along with 5 copies.
 - 3.2 The construction plans shall comply with the approved plans.
 - 3.3 Final Plans shall be approved by the City.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
- 4.1 Before occupying the new construction 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 City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.
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:

Jason Reynolds
Planner

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