LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for June 20, 2007 PLANNING COMMISSION MEETING

REVISED REPORT

PROJECT #: Change of Zone # 07027

PROPOSAL: Change the zone from R-4 Residential to B-3 Commercial District.

LOCATION: South of South Street between 9th and 10th Streets.

LAND AREA: .91 acres, more or less.

EXISTING ZONING: R-4 Residential

WAIVER /MODIFICATION REQUEST: None

CONCLUSION: This change of zone is not in conformance with the Comprehensive Plan for two primary reasons. One, it encroaches into an existing residential area. Two, the character of the development as proposed does not meet guidelines for pedestrian orientation or buffering the adjacent area to the south. Staff would support an expansion of zoning or a special permit for parking, but only if the applicant agrees to a zoning agreement that includes a revised site plan or conditions that are more reflective of the South Street Design Principals as described in the South Street Redevelopment Plan.

RECOMMENDATION: Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

EXISTING LAND USE: Parking lot and single family houses.

SURROUNDING LAND USE AND ZONING:

North:	B-3 Commercial	Area included in the redevelopment
South:	R-4 and R-6 Residential	Houses, Apartments
East:	P Public	Convalescent hospital
West:	R-2 Residential	Houses

ASSOCIATED APPLICATIONS: SAV# 07003

HISTORY:

June 6, 2007 Planning Commission recommended approval of the South Street Redevelopment Plan to City Council. The Plan is scheduled for public hearing at City Council on July 9, 2007.

May 23, 2007 Planning Commission had a hearing on this Change of Zone #07027 and Street and Alley Vacation #07003. Both applications were deferred for 4 weeks to enable the applicant to consider staff recommendations and return with a revised site plan, or definitive set of conditions establishing the arrangement of buildings and parking circulation.

July 7, 2006 The City Council determined that substandard and blighted conditions existed along South Street as found in the March 2006 Blight & Substandard Determination Study of the South Street Redevelopment Area.

May 8, 1979 The area of application was zoned B, Two Family Residential and D, Multiple Dwelling District and changed to R-4 Residential and R-6 Residential.

January 15, 1979 City Council Approved Change of Zone #1645 from A-2, Single Family and B, Two Family to D, Multi Family.

March 4, 1974 Void Special Permit for additional parking due to a Change Of Zone # 1163. The Special Permit to allow for a parking lot was approved by City Council on October 24, 1966.

December 13, 1971 City Council Approved Change of Zone #1163 from B, Two Family to D, Multi Family.

January 28, 1963 City Council approved Special Permit #247 for a parking lot associated with Jim Kings Drive in Restaurant at 923 South Street.

COMPREHENSIVE PLAN SPECIFICATIONS:
This area is shown as commercial in the 2030 Comprehensive Plan.

Commerce Centers should develop as compact clusters or hubs with appropriate site design features to accommodate shared parking, ease of pedestrian movement, minimize impacts on adjacent areas, and possess a unique character. (35)

New or established commercial uses should not encroach upon, or expand into, existing neighborhoods. (36)

Encourage renovation and reuse of existing commercial centers. Infill commercial development should be compatible with the character of the area and pedestrian oriented. As additional centers are built, the City and developers should be proactive in redevelopment of existing centers to make sure that redevelopment is sensitive to the surrounding neighborhood and happens quickly to reduce vacancies. (36)

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. (48)

Expansion of existing commercial and industrial uses should not encroach on existing neighborhoods and must be screened from residential areas.(48)

Many activities of daily living should occur within walking distance. Neighborhoods should include homes, stores, workplaces, schools and places to recreate. (66)

Preserve, protect, and promote city and county historic resources. Preserve, protect and promote the character and unique features of rural and urban neighborhoods, including their historical and architectural elements. (67)

Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face. Similar housing types face each other: single family faces single family, change to different use at rear of lot. Commercial parking lots should not intrude into residential areas where residential uses predominate a block face. More intense commercial uses (gas stations, big box stores, car wash, fast food, etc.) may not be compatible due to impact on nearby housing. Expansion in existing centers should not encroach, or expand to encroach, on existing neighborhoods, and commercial areas must be screened from residential areas.(68)

Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses.(68)

Require new development to be compatible with character of neighborhood and adjacent uses (i.e., parking at rear, similar setback, height and land use).(68)

UTILITIES: Existing

TRAFFIC ANALYSIS: Both 9th and 10th Streets are designated as Urban Principal Arterials and South Street is designated as an Urban Minor Arterial in the 2030 Comprehensive Plan. South Street between 9th and 17th is currently undergoing construction for resurfacing, replacement of islands and medians, new traffic signing and marking, new traffic signals, new streetscape enhancements, ornamental pedestrian lighting, and replacement of storm sewers and water main.

REGIONAL ISSUES: Part of Urban Development's 5 year Strategic Plan is the design and construction of streetscape enhancements, benefitting the blighted commercial area and its surrounding residents.

AESTHETIC CONSIDERATIONS:
A design committee that includes business owners, property owners, and City staff has discussed the challenge of making South Street a safe and successful corridor that promotes current business, maintains a unified theme, is inviting to pedestrians, and welcomes new business investment. See Attachment A for the DRAFT South Street Commercial Design Principles as presented to the Urban Design Committee on March 3, 2007.

ALTERNATIVE USES: The redevelopment could be done by positioning the new buildings along South Street with 0 set back from South Street. A change of zone would not be needed. (See Analysis)

ANALYSIS:

1. South Street between 9th and 17th is currently undergoing construction for resurfacing, replacement of islands and medians, new traffic signing and marking, new traffic signals, new streetscape enhancements, ornamental pedestrian lighting, and replacement of storm sewers and water main. These improvements are part of a broader strategy which Urban Development has developed for the South Street commercial corridor. They will be presenting the South Street Redevelopment Plan including Design Principles to Planning Commission on May 23, 2007

2. The proposed change of zone would allow commercial development within 30 feet of the rear lot line abutting residential, and parking would be allowed in the required rear yard with a 6 foot wide landscape buffer from the residential district.

3. Staff suggested to the applicant that the site could be redeveloped without a change of zone, if the primary building was moved up to the lot line along South Street, as recommended in the proposed Design Principles. The smaller drive thru building also could be moved further away from the residences to the south. Parking could be provided south of the buildings with a Special Permit for a parking lot in a residential district. This parking lot would provide a buffer between the residential to the south and the commercial to the north.

4. Staff recommendations approval of the change of zone conditioned on a definitive site plan or a set of conditions establishing the arrangement of buildings, parking circulation and uses. These conditions would be contained in a separate agreement with the City Council. The re-zoning of the property at 9th and 10th Streets and Van Dorn represents a recent precedent for this type of agreement.

CONDITIONS

That the owner sign a Zoning Agreement with the City.

1. In consideration for the City re-zoning the Property to B-3 Commercial District the Developer agrees that the development of the Property shall be subject to the following restrictions:

    a. The property shall be developed in accordance with the South Street Redevelopment Plan Commercial Design Principles.

    b. Access limited to one driveway to each abutting street.

    c. Provide safe and attractive sidewalks, including clear, convenient connections to building entrances.

    d. Buildings shall be located a maximum of 10 feet from the lot line along South Street with windows and entrances fronting on South Street.

    e. Parking shall be located along the side or rear of buildings.

    f. A 20 foot side yard set back shall be required between the Residential District to the south and the B-3 Property.

2. As further consideration for granting the B-3 zoning on the Property, Developer agrees that the following permitted uses in the B-3 commercial zoning district between 9th and 10th Street approximately 170 feet south of South Street are prohibited:

a. Service Stations and self-serve, coin-operated car washes

b. Automobile and vehicle repair, sales., dealerships or lots.

c. Drive thru service facilities.

d. Tire stores and tire sales including vulcanizing:

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e. No sale of alcoholic beverages for consumption off the premises. Sale of alcoholic beverages for consumption on the premises shall be in conjunction with the sale and service of food and gross receipts from the sale of alcoholic beverages shall be 50 percent or less of gross receipts from all business activity conducted on the premises.

f. Sign Restrictions
   1. Changeable copy or message center type signs.
   2. Freestanding signs shall be limited to ground signs.

g. Lighting Restriction
   1. All exterior lighting shall utilize full cutoff fixtures and be mounted level in the horizontal and vertical axis.

Prepared by:

Christy Eichorn
Planner

DATE: May 10, 2007

APPLICANT: RJJ&T LLC and Red Cloud Development
14 Hawthorne Road
Bronxville, NY 10708

OWNER: Same as applicant

CONTACT: Michael J Rierden
645 M Street, STE 200
Lincoln, NE 68508

ATTACHMENT A

DRAFT

South Street Commercial Design Principles

Quality urban design is understood as a good return on investment. Increasingly true today is that people are seeking more vibrant, walkable, mixed-use living and shopping arrangements. Such an atmosphere can be provided by recognizing the importance of infrastructure enhancements, redevelopment opportunities, and streetscape design.

A design committee that includes business owners, property owners, and City staff has discussed the challenge of making South Street a safe and successful corridor that promotes current business, maintains a unified theme, is inviting to pedestrians, and welcomes new business investment. Of high priority is the safety of all pedestrians in the area and the need for additional parking to serve visitors and business needs. The following is intended to invite a diversity of growth and provide inviting and safe public spaces.

1. The redevelopment plan should identify mixed-use redevelopment opportunities, including retail, commercial and housing.

2. It is important to provide pedestrians from the abutting neighborhoods clear and comprehensible paths to the South Street corridor

3. The on-street parking on the north side of South Street between 14th & 15th Streets maintains comfortable separation between pedestrians and through lanes while providing important parking for businesses in the area. Replacing the parking with a landscaped area would encourage greater vehicular speeds through the district which is neither necessary nor desirable.

4. New projects should strengthen the pedestrian environment by providing safe and attractive sidewalks, including clear, convenient connections to building entrances. Locating the buildings at or close to the front property line, with windows and entrances toward the sidewalk is desirable; when that cannot be achieved parking lots should be well-landscaped along the sidewalk edge and entrances should be visible and convenient to the sidewalks.

5. New projects should attempt to locate parking along the side or rear of the buildings.

Design guidelines based on these principles shall be further developed and adopted to support the implementation of redevelopment agreements for the South Street corridor. Through working with city staff, developers will present project design plans to the Urban Design Committee for approval in conformance with the South Street Design Guidelines, and will ultimately be approved by the Mayor.

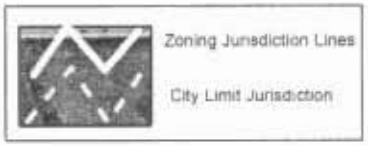
2005 aerial

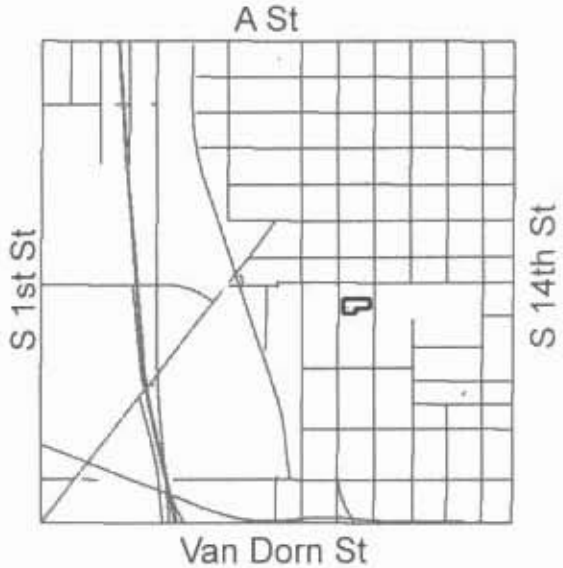
Change of Zone #07027
S 9th & South St

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Convervation 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. 35 T10N R06E





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CHANGE OF ZONE
'R-4' TO 'B-3'
LEGAL DESCRIPTION

A legal description of Lot 7, 8, 9, 33 and 34, Block 2, South Park Addition; North/South Alley adjacent to said Lots 7, 8, 33 and 34; and the South Half of the East/West Alley adjacent to said Lots 7 and 34; all located in Section 35, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows:

Beginning at the Northeast Corner of Lot 1, Block 2 of Southpark Addition; thence South 00°00'00" East, a distance of 144.56 feet to the **POINT OF BEGINNING**.

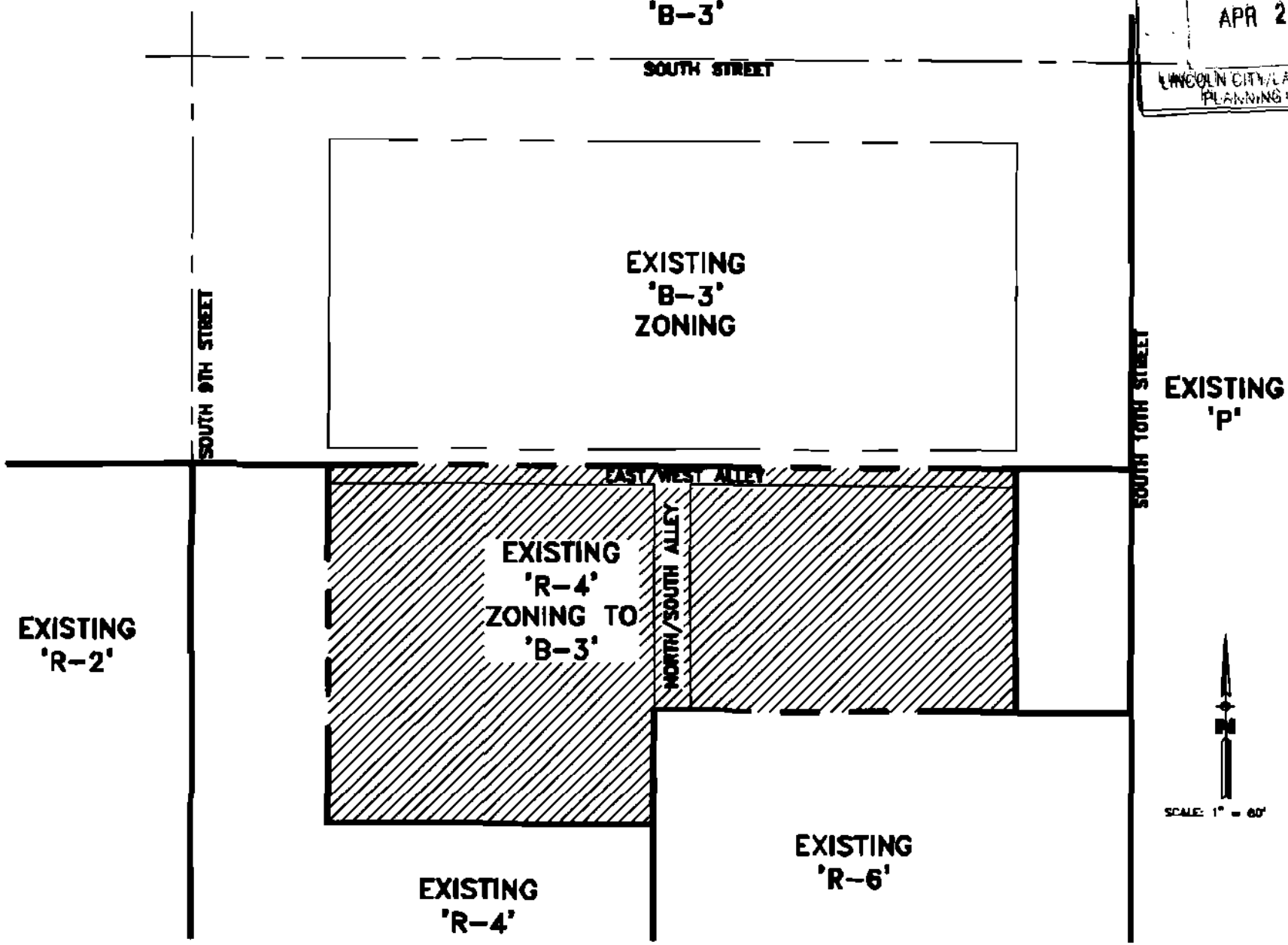
THENCE South 00°00'00" East, for a distance of 108.00 feet;
THENCE South 89°54'45" West, for a distance of 158.09 feet;
THENCE South 00°02'26" East, for a distance of 50.16 feet;
THENCE North 89°47'49" West, for a distance of 142.12 feet;
THENCE North 00°01'29" East, for a distance of 158.16 feet;
THENCE South 89°56'58" East, for a distance of 300.10 feet, to the **POINT OF BEGINNING,** containing a calculated area of 39,598.35 square feet or 0.91 acres more or less.

Including the adjacent right-of-way of South 9th and South 10th Streets.

RECEIVED
APR 25 2007
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

CHANGE OF ZONE EXHIBIT

'R-4' TO 'B-3'



RECEIVED
APR 25 2007
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

JJrierden@aol.com
04/25/2007 02:56 PM

To CEichorn@ci.lincoln.ne.us
cc JMESTL@MSN.COM
bcc
Subject change of zone at 9th and South Street

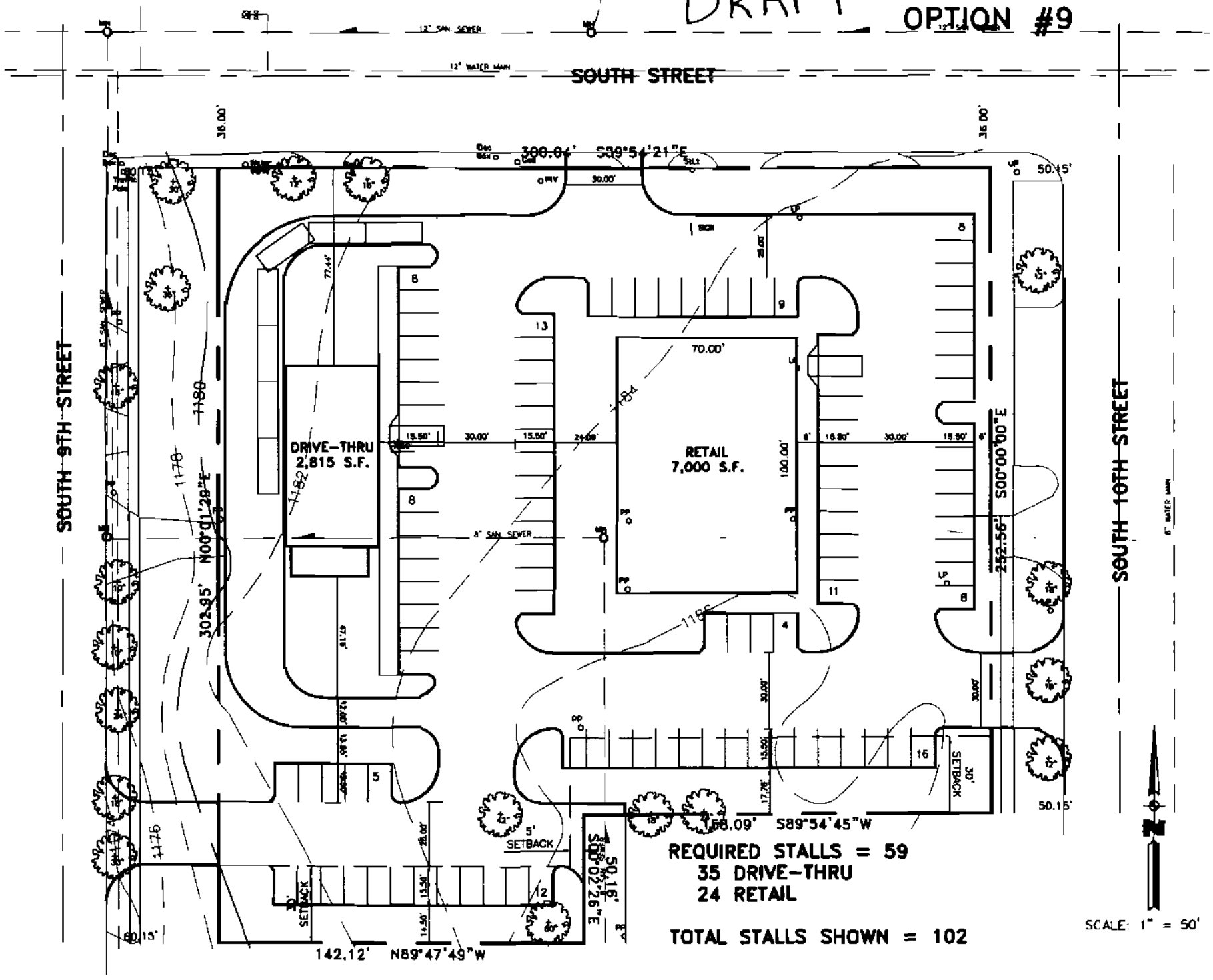
Christy, please consider this my submittal letter for the aforementioned. First of all, I would request that the Change of Zone and the Application for the Alley vacations be placed on the Planning Commission agenda for May 23, 2007. As you know this property is within the South Street Redevelopment project. It is my clients intention to demolish all of the existing commercial structures and old houses on the property and to redevelop the property with new commercial buildings. The alley vacation is being requested so that the points of ingress can be relocated to allow for a better development plan. We have committed to Dennis Bartels at Public Works that we will grant public access easements through the development. We are cognisent of the fact that one of the conditions of approval may be to agree to a Conditional Zoning Agreement. Since no one knows what those conditions may be at this point in time all I can say is my client is certainly willing to sit down and negotiate on a good faith basis with the City. If you should have any questions please feek free to contact me.

Mike Rierden

See what's free at AOL.com.

DRAFT

OPTION #9



REQUIRED STALLS = 59
35 DRIVE-THRU
24 RETAIL

TOTAL STALLS SHOWN = 102