City Council Introduction: **Monday**, January 11, 2016
Public Hearing: **Monday**, January 25, 2016, at 5:30 p.m. Bill No. 16R-9

FACTSHEET

TITLE: **PRE-EXISTING USE PERMIT NO. 3AF**
(Gateway Shopping Mall)

APPLICANT: Starwood Retail Partners

STAFF RECOMMENDATION: Conditional approval

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission

RECOMMENDATION: Conditional Approval (6-0: Beecham, Corr, Harris, Scheer, Sunderman, and voting 'yes'; Cornelius, Lust and Weber absent).

OTHER DEPARTMENTS AFFECTED: N/A

OPPONENTS: None present at hearing.

REASON FOR LEGISLATION:

To amend the pre-existing use permit to allow the construction of a 70,000 square foot addition to the existing mall and allow waivers to the Zoning Ordinance for height and lot requirements, a reduction in the parking ratio, an increase in height to 65 feet, and to extend the time allowed for previously approved banner signs on existing light poles in the parking lot at Gateway Shopping Mall, generally located at North 66th and O Streets.

DISCUSSION/FINDINGS OF FACT:

1. This is a request to amend the pre-existing use permit at Gateway Shopping Mall by authorizing the expansion of the mall by approximately 70,000 square feet with waivers to the Zoning Ordinance to reduce the parking requirement to 1 stall per 300 square feet for all uses, and to increase the building height to 65 feet, and to extend the time allowed for previously approved installation of banners on existing light poles in the existing Gateway parking lot.

2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-6, concluding that this amendment will allow for a future tenant at Gateway Mall and will provide flexibility for future development within the overall use permit. Reducing the parking is acceptable due to the existence of non-current uses which share parking, the lack of any spill-over into residential neighborhoods and the likelihood that shoppers will visit multiple tenants on one visit. Subject to the conditions, this request is supported by the Comprehensive Plan. The staff presentation is found on p.9-10.

3. The applicant's testimony is found on p.10-11. There was no testimony in opposition.

4. On December 16, 2015, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend conditional approval of this use permit, subject to the conditions identified on p.6-8.

FACTSHEET PREPARED BY: Geri Rorabaugh **DATE**: December 21, 2015

REVIEW ED BY: David R. Cary, Acting Planning **DATE**: December 21, 2015

REFERENCE NUMBER: f:\devreview\factsheets\CC\2015\PEUP3AF

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for December 16, 2015 PLANNING COMMISSION MEETING

PROJECT #: Use Permit No. PEUP3AF Gateway Mall

PROPOSAL: To amend the pre-existing use permit to authorize expansion of the mall by approximately 70,000 square feet with waivers to the Zoning Ordinance to reduce the parking requirement and to increase the building height.

LOCATION: N. 66th & O Streets

LAND AREA: 102 acres, more or less

EXISTING ZONING: B-5 Planned Regional Business District

CONCLUSION: Approval of this amendment will allow for a future tenant at Gateway Mall and will provide flexibility for future development within the overall use permit. Reducing the parking is acceptable due to the existence of non concurrent uses which share parking, the lack of any spill-over into residential neighborhoods and the likelihood that shoppers will visit multiple tenants on one visit. Subject to the conditions, this request is supported by the Comprehensive Plan.

RECOMMENDATION:	Conditional Approval
WAIVERS:	
1. Reduce the parking requirement 1 stall per 300 square feet for all uses.	Approval
2. Increase the height of buildings from 40 feet to 65 feet for Area A.	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 1-5, Gateway Shopping Center Subdivision; Lots 1-3 and Outlot A, Q Place, except for the east part for the street; Lot 256 of Irregular Tracts except that part lying northwest of a line 40 feet east of the centerline of North Cotner Boulevard and except parts in the northwest and south for the road; Lot 262 of Irregular Tracts except the south part for the road; Lot 263 of Irregular Tracts except 544.35 square feet in the south for the street; Lot 264 of Irregular tracts; Lot 265 of Irregular tracts except 2,835.5 square feet of the south part for the road; Lot 266 of Irregular Tracts except the south portion of O Street right-of-way, all located in the SW 1/4 of Section 21-10-7, Lincoln, Lancaster County, Nebraska, generally located at 6100 O Street.

EXISTING LAND USE: Enclosed Regional Shopping Center, Commercial Pad Sites, Office

SURROUNDING LAND USE AND ZONING:

North: Commercial/Office/Warehouse: I-1/B-5
South: Commercial/Assisted Living Facility/Lincoln Public Schools Office; B-1/O-2/R-6
East: East Park Commercial Center; B-5
West: Single-Family Residential/Commercial; R-2/H-2

HISTORY:

1959 The original Gateway Mall was completed in 1959 and was zoned G Local Business and A-2 Residential.

1968 The balance of A-2 zoning was changed to G Local Business and G-1 Planned Commercial.

May 1979 During the 1979 zoning update, this area was converted to "B-5" Planned Regional Business and designated as Pre-Existing Use Permit #3. Numerous amendments have been made since that date.

September 2014 PEUP#3AD was approved by the City Council to authorize banner signs on 11 light poles in the Gateway Mall parking lot for a period of two years.

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 1.8 - This site is designated for commercial land uses on the Future Land Use Map.

P. 5.1 - Guiding Principles - Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.

Pg 6.8 - Encourage shared parking between land uses with different peak demand periods.

Pg 6.11 - Revise the Zoning Ordinance to provide more flexibility, particularly in commercial districts.

TRAFFIC ANALYSIS: O Street is a major arterial, N. Cotner Boulevard is a minor arterial and N. 66th Street is a minor arterial.

ENVIRONMENTAL CONCERNS: Any redevelopment in excess of one acre on this site will be subject to the storm water quality standards if a building permit is not issued prior to February 1, 2016.

ANALYSIS:

1. This request is to add a 70,000 square foot addition to the existing Gateway Mall for a future tenant in conjunction with several waivers to the Zoning Ordinance including a reduction in parking requirements and an increase in building height.

   The new addition is shown where the existing Granite City restaurant is located. The new Granite City restaurant is being relocated to a location closer to O Street which allow for construction of the new tenant.

2. This amendment also reflects the correct boundary of Pre-Existing Use Permit #3. Gateway Mall was originally constructed in 1959 and was zoned G Local Business and A-2 Residential. The property was rezoned to B-5 Planned Regional Business District in 1979. Since B-5 is a use permit district Gateway Mall and the surrounding area was given a pre-existing use permit number - PEUP3.

   Over time individual properties and pad sites were sold off and developed. The properties were still part of the overall Gateway Use Permit and were filed under the PEUP3 number. However the site plans authorizing development did not reflect that they were part of the larger site. This amendment will incorporate all properties developed under Pre-Existing Use Permit #3 into the Gateway Mall Use Permit and is considered a "clean-up" action.

3. This request includes two waivers described below:
   - Parking Waiver to reduce parking requirements to 1 stall per 300 sq. ft. of floor area for all uses. The Gateway Mall use permit area is zoned B-5 which requires 4.5 parking stalls per 1,000 sq. ft. of floor area for retail or office and 1 stall per 100 sq. ft. of floor area for restaurants. The parking table on the site plan will track the parking stalls and floor area for Areas A & B since they contain very large commercial areas and parking fields. Area A currently contains 4,455 stalls and is required to have 3,926 stalls under the new ratio, and Area B currently contains 830 stalls and is required to have 720 under the new ratio. All other pad sites will be required to demonstrate that parking is provided on their own site at the time of building permit.

     The City has supported requests to reduce parking requirements in other regional shopping centers as well. Edgewood at S. 56th & Highway 2 and East Park at N. 66th & O Streets are B-5 zoned shopping centers where parking requirements have been reduced to 1 stall per 300 sq. ft. of floor area. Support for the parking reduction concludes that these regional shopping centers contain a variety of tenants and uses. Reducing the required parking is acceptable due to the existence of non-concurrent uses which share parking, the lack of any spill-over parking into residential neighborhoods and the likelihood that shoppers will visit multiple tenants on one visit. The Comprehensive Plan supports shared parking between uses and encourages flexibility for development in commercial center.

   - Increase the permitted height of buildings and structures from 40' to 65' in Area A. Area A includes the enclosed mall and anchor tenants, parking structures, Gold's Gym, Olive Garden and the future Granite City. According to the applicant, the top of the J.C. Penny's building is 59.4 feet tall. Increasing the maximum height to 65 feet would acknowledge this height and would also allow for more dense development in the future such as taller parking structures in place of surface parking.

     Area A is completely surrounded by existing commercial development. Residential developments near Area A that may be impacted by a height increase include a cluster of 5 single-family homes fronting N. Cotner Boulevard. These homes are zoned B-5 and are separated from Gateway Mall by R Street and N. 60th Street. A 3-story office building is also located between the houses and the mall property.

Given this separation it is unlikely that a taller building would have a significant impact on these residential properties. Since they are zoned B-5 today it is likely they will be redeveloped in the future.

4. The site plan includes a Sign Inventory table of all existing signs within the use permit area. This amendment acknowledges that all existing signs noted in the table are allowed. Any new signs would need to meet the requirements of Section 27.69.

5. An amendment to the Gateway Mall use permit was approved in 2014 which allowed banner signs to be located on the light poles in the mall parking lot. The banners were approved for a period of 2 years in order to allow City staff time to review their impact on the overall area. To date the banners have not been installed on the poles. The applicant's request to extend the time period for the banners by 2 years is appropriate.

6. Signs A and B are shown at the westernmost O Street entrance and are located in the right-of-way. This entrance was moved to the west to line up with Lyncrest Drive on the south during the O Street improvement project. The signs were then reinstalled closer to the new driveway but in the right-of-way. The signs either need to be moved onto private property or the right-of-way surrounding the signs should be vacated. The signs should be moved if requested by the Nebraska Department of Roads or if a new center sign is proposed at that location.

7. Today there are several parking agreements among the various property owners. Some of the parking agreements are in place in order for the businesses to meet the minimum parking requirements, and those parking agreements should be noted on the site plan. If the businesses are now able to meet the parking requirements on their own lot (1 stall per 300 sq. ft.), the parking agreement does not need to be noted on the site plan.

8. This amendment proposes modifications to how height of buildings is measured and how floor area is calculated. The proposal to determine the height of buildings and structures is to measure from the first level finished floor to the highest point of each tenant bay or anchor store. The zoning code would otherwise require that the perimeter of the entire mall building, including all anchor stores, be surveyed to determine the average grade of the building. This amendment also proposes calculating the floor area of the mall by using the gross versus net floor area calculation found in the zoning code. The net calculation removes certain areas in the buildings such as mechanical corridors which is difficult to determine in a complex such as Gateway Mall due to its size. Both proposals should simplify the review process while still meeting the intent of the zoning code.

9. This amendment is proposing to eliminate the floor area cap for all areas except for Areas A & B. These are the two largest areas in the use permit and contain multiple access points and driveways throughout the larger use permit area. Therefore development and redevelopment within these two areas should continue to be reviewed through the amendment process.

Areas C-G are smaller pad sites that surround Gateway Mall and are not proposed to have a floor area cap. The maximum floor area for the pad sites would therefore be limited to the ability for each to provide parking for the use. Administrative amendments for Areas C-G would not be required as long as the setbacks are met, parking is met, and no changes are made to the vehicular or pedestrian access and circulation (outside of parking lots).

The streetscape zone along O Street, N. 66th Street, Q Street and N. Cotner Boulevard is recommended to be installed during an amendment to the use permit or at the time of building permit for an addition. The streetscape zone includes a sidewalk at least 8 feet off the back of curb and street trees between the curb and the sidewalk. This is generally considered the minimum streetscape for new developments and provides a safer and more attractive area for pedestrians. Certain areas in the use permit may have site challenges, such as retaining walls, which limit where the streetscape zone can be located. The Planning Director will be able to waive the streetscape requirement in those cases.

10. Ameritas is in the process of remodeling the former Post Office building into office space. The project will increase the floor area of the building by approximately 2,600 square feet. This is a minor addition of floor area for Area B and should be added to the total approved floor area.

    There are existing parking stalls on the Ameritas property that are located in the front yard setback along N. Cotner Boulevard. These stalls are considered legal and may remain. Any future redevelopment of this site should remove the stalls from the front yard setback and should include proper parking lot screening.

11. There are several benefits to correcting the boundary of PEUP3. The amendment as proposed would allow for a reduction in parking for all properties and all uses within the use permit boundary. In some cases this may eliminate the need for the parking agreements and would allow for more flexibility in terms of land use and development. This amendment should also reduce the number of amendments processed for Areas C-G.

    This amendment will provide more flexibility in the Gateway commercial center and will support retention and expansion of existing businesses as recommended by the Comprehensive Plan.

CONDITIONS OF APPROVAL:

This approval permits 1,177,589 square feet of gross floor area for Area A and 216,000 square feet of gross floor area for Area B with adjustments to the Zoning Ordinance to reduce parking to 1 stall per 300 square feet of floor area for all uses in Areas A-G and to increase the height of buildings and structures from 40 feet to 65 feet in Area A.

Site Specific Conditions:

1. The permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **3** copies with all required revisions and documents as listed:

1.1 Add a note to the plan that states, “All terms and conditions of Pre-Existing Use Permit 3 shall apply unless specifically amended by this amendment.”

1.2 Remove Note 9 and Note 3.

1.3 Delete the repeated text in Note 7.

1.4 Update the Sign Inventory table to accurately reflect the sign types.

1.5 Remove the text “Gateway Shopping Center Subdivision” and all zoning labels.

1.6 Label the use permit boundary.

1.7 Remove the third waiver on the site plan.

1.8 Remove the permitted gross floor area from the parking table.

1.9 Revise Note 4 to state, “... 1 space per 300 square feet of gross floor area for all uses.”.

1.10 Revise Note 7©) to state, “The streetscape is not required in Area “A” adjacent to the 50' buffer along O Street as long as the 50' landscape buffer remains.”.

1.11 Add a note to the plan that states, “Signs A & B are located within the public right-of-way. They will be removed from the right-of-way if requested by the Nebraska Department of Roads or if a new center sign is requested at that location. Removing the signs will be done at no cost to the City.”.

1.12 Add text at the end of Note 7 that states, “The requirement to install the streetscape zone may be waived by the Planning Director at the time of building permit.”.

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

1.14 Revise Note 10 to the satisfaction of the Building & Safety Department.

1.15 Add a note to the plan that states, “Improvements shown on this plan are conceptual and subject to minor changes.”.

1.16 Verify that the numbers provided in the Parking Table on the plan are accurate.

1.17 Add a note to the plan that states, “New 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 the Building and Safety Department prior to installation.”

Standard Conditions:

2. The following conditions are applicable to all requests:

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

   2.2 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.

   2.3 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.

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

   2.5 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, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

   2.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions/ordinances approving previous permits remain in force unless specifically amended by this resolution.

Prepared by

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

DATE: December 3, 2015

APPLICANT/CONTACT: REGA Engineering
Nate Burnett
601 Old Cheney Road
Lincoln, NE 68512

OWNER: Starwood Retail Partners
6100 O Street, #5 Gateway Mall
Lincoln, NE 68505

PRE-EXISTING USE PERMIT NO. 3AF

PRE-EXISTING USE PERMIT NO. 3AF
GATEWAY MALL SHOPPING CENTER
CONSTRUCTION OF A 70,000 SQUARE FOOT EXPANSION AND WAIVERS
PUBLIC HEARING BEFORE PLANNING COMMISSION: **December 16, 2014**

Staff recommendation: Conditional Approval.

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

There were no ex parte communications disclosed.

Staff Presentation: Steve Henrichsen of the Planning Department came forward to present the Staff Report. This application is the most recent in a series of amendments to Gateway Mall. Unlike the last amendment, which was only for a portion of the property, this one is for the entire site. This permit covers Gateway Mall, Ameritas, and the pad site along the south side of the property. The offices along Cotner Boulevard each have their own Use Permits, so they are not included. The main component of the application includes a 70,000 square foot expansion along the south. The Granite City restaurant will be moved to a new location to allow construction of that. The type and name of the new user is not included at this time. There are some waivers along with this to address the shopping center as a whole. One is the change in parking from 4.5 stalls per 1,000 to 1 per 300. This is a less restrictive parking requirement, similar to what has been recently approved at East Park and Edgewood. It would allow for more redevelopment. Southpointe will also be coming forward in the near future to make the same parking waiver request. The request is appropriate in terms of what can be seen in terms of empty parking stalls, even on peak shopping days and changes in shopping patterns, such as increased online shopping. The other waiver is to allow the main mall to have an increase in the height from 40 feet to 65 feet. This is based on the highest part at the JCPenney location The applicant asks to have the ability to do multi-story buildings at other locations in Gateway. In the area, there are no single family or other types of uses that would be negatively impacted by the increase in height or parking. Therefore, staff recommends approval of both waivers along with the increase in floor area.

Beecham asked if there are houses on the location near the north. Henrichsen said there are houses that are zoned B-5 Commercial. The B-5 area also includes all property along Cotner, the car dealership. The properties along Cotner are all under separate Use Permits.

Beecham went on to ask about the height since JCPenney appears to sit at a lower elevation. She wondered if something new were built in another area of the mall building, if it would stick up above the rest of the building. Henrichsen stated that this is a question for the applicant. JCPenney was determined to be the highest by Building and Safety, but it is a good point that this is a very large site and height is challenging to measure with grade differences.

Corr asked for more explanation about the floor area cap. Henrichsen said there are two parts. With most Use Permits in the past, there is a floor area cap if there is concern about increases in traffic. In this case, the cap is being kept for the two largest users--the mall and Ameritas. It is not to say that staff is discouraging future increases but, due to the magnitude of the site, we wanted to leave the opportunity to address if any transportation improvements are needed. So the removal of a cap on floor areas tends to apply to the smaller pad sites. Even if they doubled in size, they would not create a significant impact on the overall transportation network. Also worth noting is that this measures floor area by the gross outside wall without any reductions for courtyards or mechanical equipment. Gateway is unique due to its significant amount of interior space and it becomes difficult to keep track of how much empty hallway is being deleted. That is another reason to support the parking reduction, because they are actually counting more floor area than other shopping centers might. Corr concluded that the cap is more to address parking and potential need for transportation improvements. Henrichsen agreed it is more about transportation improvements and the impacts to smaller adjacent properties. Even though they don't have a floor area cap, there is a limit in that they have to provide the appropriate amount of parking stall on their own site.

Harris noted that the allowance of the banners is extended for another two years. She asked if there was a deadline for their installation so their impact can be evaluated within that time. Henrichsen said there is no deadline. Since the new time frame starts with this approval, it would certainly be in their favor to have them put up so there can be a determination about the appropriateness to extend the time beyond that, if requested. If they were not installed, they could ask for an administrative approval. Harris asked for confirmation that it could be approved administratively. Henrichsen said that is correct.

Proponents:

1. Nate Burnett of REGA Engineering came forward to state the main purpose of this application is to request approval for the 70,000 square foot expansion and the reduction in parking. The height of Younkers is lower than JCPenney. Talking to Building and Safety, it is convoluted on how the height was measured because there is so much grade separation. Measuring height requires physically going around the building and measuring that grade separation to the height. We are attempting to clarify this by saying a maximum height from the finished floor to the highest part of building. Part of that is for any future development such as a parking garage. There have been others and that 65-foot height would allow for a 4-story parking garage, should that ever be requested in the future. We also did a sign inventory of the entire site since that had not been done before. It included Ameritas and the pad sites along O Street.

Corr asked where Granite City is now and where it will move. Burnett said it is going to be located just north of the outer ring road and existing retaining wall along the O Street side.

Beecham asked about the height of the Younkers and Dillards. Burnett said only JCPenney was measured because it is the tallest building. Beecham said she wonders since this change will be applied to the entire area. Burnett said that is correct. Beecham said the spot where this particular expansion is located is at a lower grade. Burnett agreed that is true. The new building will be south of the underground parking, so it will be at same ground level as JCPenney. Beecham asked if it will be connected with the interior access. Burnett said yes.

Beecham asked for clarification about the location of the banners. Burnett said there are 11 existing light poles along the south side where the banners will be located.

Hove asked if the second floor of the parking lot to the north of Dillards is usable. Burnett said a representative in attendance at today's meeting says it is in use.

Opposition:

There was no testimony in opposition.

Staff Response and Questions:

Beecham asked if this property backs to any of the apartments around 66th Street, along the northeast corner. Henrichsen said on the northeast end, there is a small area of I-1 with self storage, the creek and bike trail. There are apartments on the corner, but not immediately adjacent. Only the small houses on Cotner are near. Beecham said that with this change, technically, those properties to the north could build up to the new height. Henrichsen said that they would still have to show that they have the circulation. Part of that provides circulation for the buildings along Cotner, so it would be at least 30 or 40 feet because of that. With the setback, it would be in the range of about 60 feet back if building up to that height.

Corr asked for elaboration on the signs in the right-of-way. Henrichsen said that on the southern end, there was right-of-way that was shifted when O Street was improved to six lanes. There were signs that had to be relocated and it appears that due to an error on the part of one or both sides, those signs were placed in City right-of-way, which is normally not allowed. There is a possibility that the area could be vacated to removed one or two of the signs, but it is possible the biggest one will not be able to be moved. Gateway is looking at replacing the signs at some point, so we thought it was best to address that so that they would be put back on private property at that time.

PRE-EXISTING USE PERMIT NO. 3AF
GATEWAY MALL SHOPPING CENTER
CONSTRUCTION OF A 70,000 SQUARE FOOT EXPANSION AND WAIVERS
ACTION BY PLANNING COMMISSION: **December 16, 2015**

Beecham moved conditional approval, seconded by Scheer.

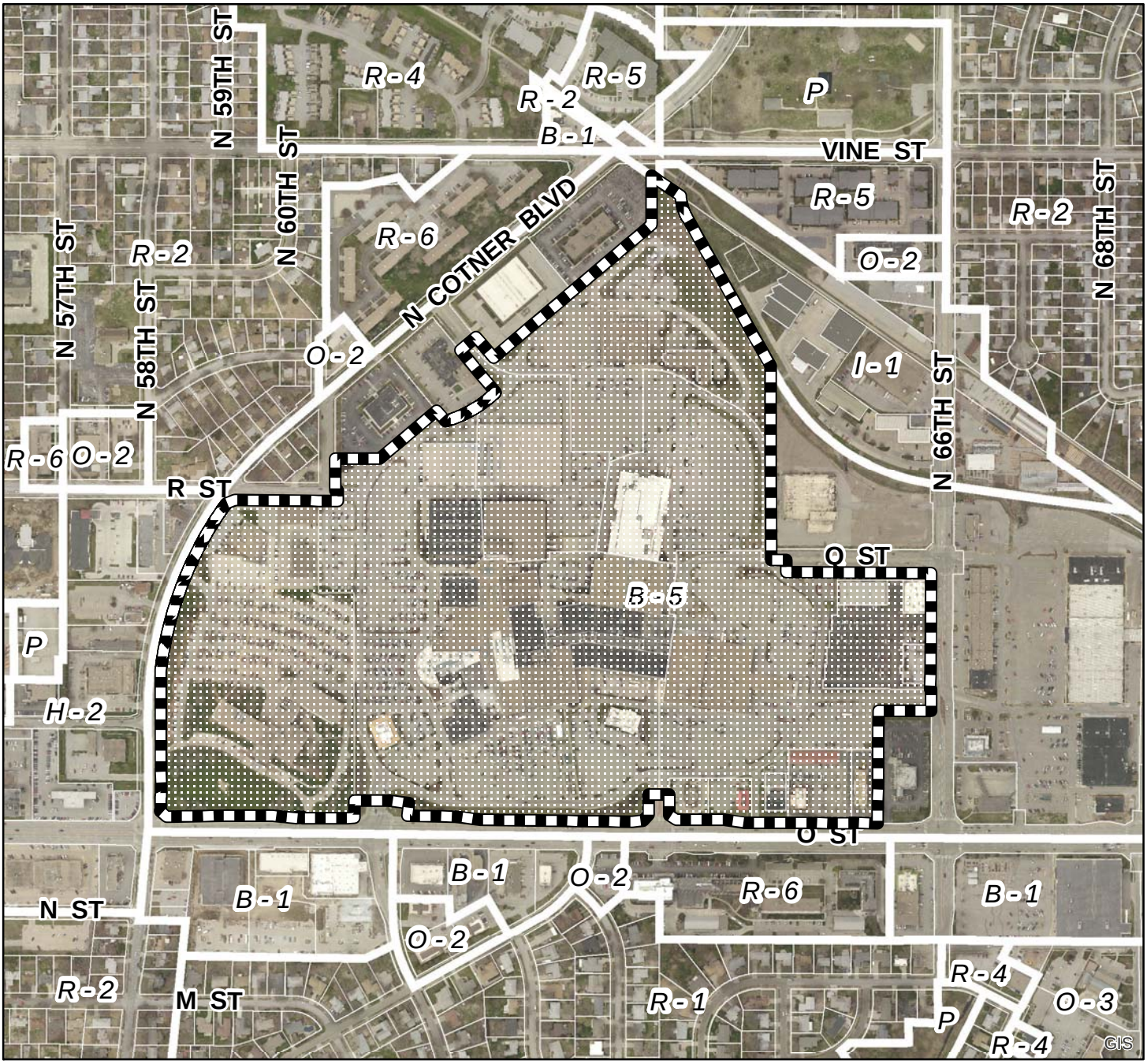
Beecham stated that Gateway Mall is an important part of Lincoln. It provides a shopping center north of O Street. She wants to see it grow and continue to thrive. The parking is doable and there is ample parking around. She is hesitant to allow additional height in some areas, but because this area is surrounded by commercial uses, and due to the circulation and setback mentioned by staff, she is not as concerned.

Corr agreed it is important to keep this area growing and lively. It is a huge anchor for the north side of O Street and for O Street. This step is a huge part of supporting that.

Hove stated he will also support this project. He commended the owners and management who continue to develop the property step-by-step.

Motion carried 6-0: Beecham, Corr, Harris, Scheer, Sunderman and Hove voting ‘yes’; Cornelius, Lust and Weber absent.

There being no further business to come before the Commission, the meeting was adjourned at 1:44 p.m.



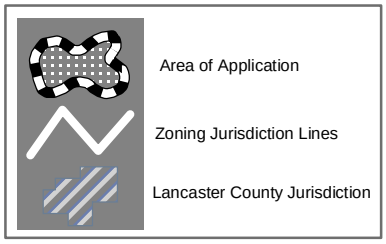
2013 aerial

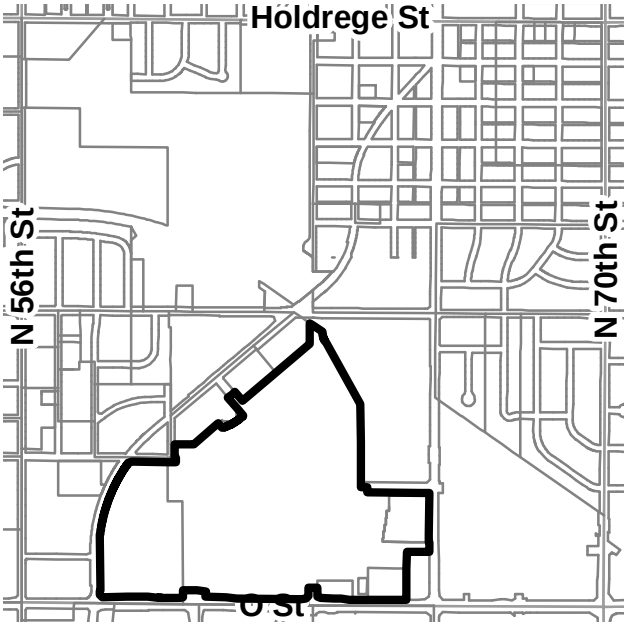
Use Permit #: PEUP3AF
Gateway Mall
N 66th St & O St

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.21 T10N R07E





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REGA

ENGINEERING
GROUP, INC.

December 4, 2015
File No. 151301

Mr. David Cary
Acting Director
City of Lincoln Planning Department
555 S 10th St, Suite 213
Lincoln, NE, 68508

RE: Overall Use Permit for Gateway Shopping Center – PEUP3AF

Dear David:

On behalf of Starwood Retail Partners, we are submitting a use permit application for Gateway Shopping Center to include a 70,000 square foot addition to the existing mall for a future tenant A request for an extension of the time allowance of the previous Resolution A-88555 allowing banners within "Area A" is also part of this application. The previous resolution to allow for banner signs for 2 years is already 1 year in. While Gateway Mall has yet to install the banners, we request for an extension of 2 years. This will allow the mall with the flexibility of having banners for 2 years and also extending the time for the Planning Department to study any potential impacts from the banners.

In addition, planning staff requested through the process that the existing use permit be "cleaned" up. The purpose of the cleanup is due to the multiple existing use permits and their subsequent administrative amendments at Gateway Mall and their surrounding neighbors. As part of the desire to have a cleaner overall use permit, adjoining landowners were sent a letter encouraging them to join and receive the potential benefits for their property. We received two responses from the adjoining landowners, with Woodsonia Donuts LLC being the only adjoining landowner deciding to join the new permit. After review, planning staff have requested all original members of the previous use permits be included into this updated use permit.

Waivers are being requested for the following items

1. Maximum building height from 40 feet to 65 feet for "Area A" measured from first floor to the highest point of building (excluding mechanical equipment). (Zoning Ordinance, Chapter 27.72, Table 27.72.030(a))
   In discussions with city staff, any proposed building cannot exceed the existing maximum height of the mall. The top gable of JCPenny's is 59.4 feet from ground level. Also, if new parking garage would be desired for Gateway, a variance to 65 feet would allow for a 4 story parking garage.

2. Parking ratio for all uses to 1 stall per 300 square feet of gross building square footage. (Zoning Ordinance, Chapter 27.67.020)
   This has been successfully implemented at both East Park and Edgewood Shopping Centers. Most notably, these centers have seen a revitalization after approval of parking at 1 stall/300 square feet.

3. Allow parking lots, parking areas, and driving aisles in the front yard. (Zoning Ordinance, Chapter 27.67.030(a)(1))
   Part of an existing parking lot, parking area, and driving aisle is within the front yard setback in Area B and Area A. To keep the existing parking as is, allowing parking lot, parking areas and driving aisles within the setback similar to B-1 and B-3 should be incorporated as part of this permit.

We have also enclosed the approval from Chad Becwar, General Manager Gateway Mall authorizing myself to sign the application.

If you have any questions please let me know

Sincerely,

Nathaniel Burnett, PE
Engineering Project Manager

Cc: Gateway Mall

Enclosures
Special Use Permit Application
Special Use Permit Application Fee of $792.00
Letter to Adjoining Landowners
Authorization e-mail from Gateway Mall
Email requesting from Woodsonia Donuts LLC to be part of Use Permit

SIGN INVENTORY

SIGN DESIGNATION (SEE SITE PLAN)	A	B	C	D	E	F	G	H	J	K	L	M	N	O	P	Q	R	S
HEIGHT (FT.)	30	5	5	6	6	5	5	5	5	5	5	5	5	6	8	8	25	5
SQUARE FOOTAGE (SQ. FT)	104	54	48	54	54	54	54	54	42	42	42	42	42	42	88	88	81	60
TYPE	CENTER	FREE-STANDING	DIRECTIONAL	CENTER	CENTER	CENTER	CENTER	CENTER	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	MENU BOARD	MENU BOARD	POLE SIGN	CENTER

SIGN DESIGNATION (SEE SITE PLAN)	T	U	V	W	X	Y	Z	AA	BB	CC	DD	EE	FF	GG	HH	JJ	KK	LL
HEIGHT (FT.)	12	X	8	5	5	5	4	4	4	4	4	4	4	4	4	4	4	8
SQUARE FOOTAGE (SQ. FT)	92	X	72	55	55	55	12	12	12	12	12	12	12	12	12	12	12	56
TYPE	CENTER	CENTER	CENTER	CENTER	CENTER	CENTER	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	CENTER

PARKING TABLE

AREA DESIGNATION	A	B
PERMITTED USES	COMMERCIAL	COMMERCIAL
PERMITTED GROSS FLOOR AREA	1,336,500	249,000
CURRENT GROSS FLOOR AREA	1,177,589	212,858
CURRENT GROSS FLOOR PARKING SPACES REQUIRED BASED ON CURRENT DATA	4,455	830
CURRENT STALL REQUIRED BASED ON 1:300 RATIO	3,928	710

GENERAL NOTES:

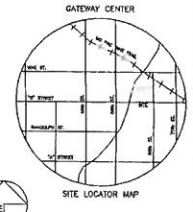
1. CONFIRMED SIGNS ARE WITHIN OFFSITE PLAN. FUTURE SIGNS SHALL COMPLY WITH THE ZONING ORDINANCE AND DIRECTIONS OF THE SIGNAGE PLAN.
2. BANNER SIGNS (NON-PERMANENT)
   A. BANNERS AND BANNER HARDWARE MAY BE INSTALLED ON STANDARD LIGHT POLES IN THE PARKING LOTS THAT ARE LOCATED ALONG GATEWAY BOULEVARD AS DESIGNATED ON THE SITE PLAN.
   B. EACH LIGHT POLE MAY HAVE A PAIR OF BANNERS, WITH EACH BANNER NOT EXCEEDING A MAXIMUM 8 X 12 FOOT AREA.
   C. BANNERS MUST BE ATTACHED TO THE BANNER HARDWARE ALONG THE TOP AND BOTTOM PERIMETERS AND TO THE POLE IN A WAY THAT IS VERY SECURE.
   D. THE HEIGHT OF THE BANNER MUST BE ABOVE THE GROUND LEVEL.
   E. CONTENT ON THE BANNERS MAY BE ALLOWED TO BE ANY MATERIAL AND MAY BE PLACED ANYWHERE ON THE BANNER.
   F. THE BANNERS MUST BE MAINTAINED IN GOOD CONDITION AND SHALL NOT DISPLAY ANY MATERIAL THAT IS NOT ITEM NO. 1 ABOVE.
   G. BANNERS SHALL BE WITHDRAWN AND REPLACED AS NECESSARY FOR THE PROTECTION OF THE PUBLIC.
   H. BANNERS SHALL BE WITHDRAWN AND REPLACED AS NECESSARY FOR THE PROTECTION OF THE PUBLIC.
   I. BANNERS SHALL BE ALLOWED FOR TWO YEARS AFTER THE APPROVAL OF THE USE PERMIT, THE PLANNING DIRECTOR MAY GRANT AN EXTENSION OF THE PERMIT.
3. SIGN PROJECTION IS TO THE PUBLIC RIGHT-OF-WAY, MAY BE ADJUSTED BY THE PLANNING DIRECTOR BY ADMINISTRATIVE AMENDMENT.
4. BUILDING AREA THE PARKING SPACES REQUIRED MUST BE BASED ON 1:300 SQUARE FEET OF GROSS FLOOR AREA. THE GROSS FLOOR AREA FOR ALL COMMERCIAL USES, THE PARKING ARRANGEMENT AS DEFINED FOR ALLOCATION PURPOSES AND WAY BY SUCH USES.
5. AREAS PERMITTED AT 1,336,500 SQUARE FEET OF GROSS FLOOR AREA, AREAS PERMITTED AT 249,000 SQUARE FEET OF GROSS FLOOR AREA, FLOOR AREA AS MAY BE INCREASED ADMINISTRATIVELY UP TO 10% OF THE GROSS AREAS, AREAS CAN BE EXCEEDED FOR A GIVEN FLOOR AREA.
6. ADMINISTRATIVE AMENDMENTS TO THE USE PERMIT ARE NOT NECESSARY IF ALL OF THE FOLLOWING ARE MET:
   A. THE BUILDING DOES NOT EXCEED THE SETBACKS AS SHOWN, AS SETBACKS TO BE SPECIFICALLY DEFINED IN THE PLAN, WHICH SETBACKS SHALL BE IN THE ZONING ORDINANCE;
   B. THE PARKING REQUIREMENTS ARE MET FOR THE PROPERTY BEING ADDED;
   C. ADDITIONAL DRIVE AND INTERNAL CIRCULATION DRIVES OFFSITE AND INTERNAL PARKING LOTS ARE ALTERED;
   D. THE FLOOR AREA DAMPER AREA AND FLOOR AREA CAN BE INCREASED UP TO 10% BY ADMINISTRATIVE AMENDMENT.
7. APPROPRIATE STREETSCAPE ZONE SHALL BE PROVIDED ALONG THE STREET, IN THE STREETSCAPE ZONE DEFINED BY THE ZONING ORDINANCE. THE STREETSCAPE ZONE SHALL BE INSTALLED AT THE TIME OF BUILDING PERMIT, AND DEFINED AS THE STREETSCAPE ZONE. PROVIDED ALONG BUILDING, IN THE BUILDING, OR THE STREET ALONG COTHNER BOULEVARD. THE STREETSCAPE ZONE DEFINED ABOVE THEREIN MUST BE INSTALLED AT THE TIME OF BUILDING PERMIT FOR AN ADDITION OR THROUGH AN AMENDMENT TO THE USE PERMIT.
   A. THE STREETSCAPE ZONE SHALL INCLUDE A PLANTING AREA BETWEEN THE BACK OF CURB AND A SIDEWALK OF AT LEAST FIVE FEET (5') WIDE AS DEFINED ABOVE.
   B. PUBLIC ADDITIONS AND SITE IMPROVEMENTS SHALL BE LOCATED ON ANY PORTION OF THE PUBLIC RIGHT-OF-WAY THAT IS LOCATED ON PRIVATE PROPERTY.
   C. STREETSCAPE DOES NOT APPLY TO AREAS ALONG STREETS AS LONG AS THE 50' LANDSCAPE BUFFER IS PRESERVED.
8. NO PARKING WAYS OR OTHER DEVELOPMENT SHALL OCCUR IN THE FRONT YARD SETBACK OR THE 50' LANDSCAPE BUFFER ALONG THE STREET 100 FEET FOR SIGHT.
9. TOTAL ADA PARKING FOR AREA A SHALL BE 30 STALLS FOR FIRST 1,000 STALLS WITH ADDITIONAL AREA @ 1:100.
10. BUILDING PARKING GARAGE HEIGHT SHALL BE MAXIMUM OF 65 FEET ABOVE FROM FINISHED FLOOR TO THE HIGHEST POINT OF BUILDING (EXCLUDING MECHANICAL EQUIPMENT).

WAIVER LIST:

1. MAXIMUM BUILDING HEIGHT FROM 40 FEET TO 65 FEET FOR AREA A, MEASURED FROM FIRST FLOOR TO THE HIGHEST POINT OF BUILDING (EXCLUDING MECHANICAL EQUIPMENT).
2. PARKING RATIO FOR ALL USES TO 1 STALL PER 300 SQUARE FEET OF GROSS BUILDING SQUARE FOOTAGE.
3. ALLOW PARKING SPACES, PARKING AREAS, AND DRIVING AREAS IN THE FRONT YARD.

LEGAL DESCRIPTION

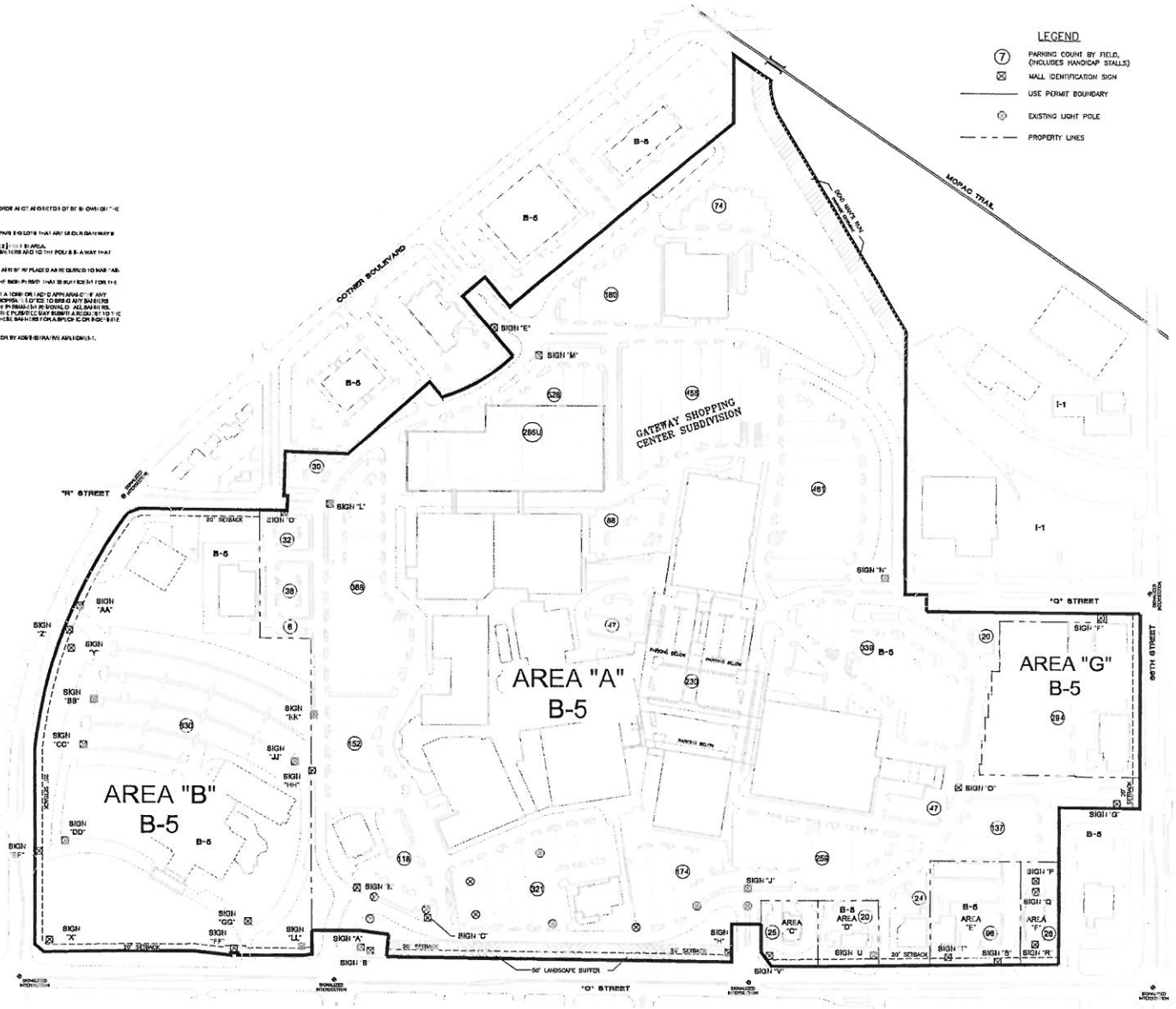
LOTS 1, 2, 3, 4, & 5, GATEWAY SHOPPING CENTER SUBDIVISION; LOT 1, 2, 3, & OUTLOT A, Q PLACE, EXCEPT EAST PART FOR STREET; LOT 256 OF IRREGULAR TRACTS EXCEPT THAT PART LYING NW OF A LINE 40' EAST OF THE CENTERLINE OF COTNER BLVD. AND EXCEPT PARTS IN NW AND SOUTH FOR ROAD; LOT 262 OF IRREGULAR TRACTS EXCEPT SOUTH PART FOR ROAD; LOT 263 OF IRREGULAR TRACTS EXCEPT 544.35 SF IN SOUTH FOR STREET; LOT 265 OF IRREGULAR TRACTS EXCEPT 2835.9 SF IN SOUTH PART FOR ROAD; LOT 268 OF IRREGULAR TRACTS EXCEPT THE SOUTH PORTION OF RIGHT OF WAY OF "O" STREET, ALL LOCATED IN THE S 1/2 of SECTION 21, TOWNSHIP 10 NORTH, RANGE 7 EAST, OF THE 6TH. P.M. LANCASTER COUNTY, NEBRASKA



SCALE: 1" = 100'-0"

LEGEND

- (7) PARKING COUNT BY FIELD, (INCLUDES HANDICAP STALLS)
- MALL IDENTIFICATION SIGN
- USE PERMIT BOUNDARY
- EXISTING LIGHT POLE
- PROPERTY LINES



REGA ENGINEERING GROUP, INC.

GATEWAY SITE PLAN

Date: 4/18/06 Suite 8
Lincoln NE 68508-2432
(402) 464-2188

STARWOOD RETAIL PARTNERS

STARWOOD RETAIL PARTNERS
1 East Wacker Drive Suite 3000
Chicago Illinois 60601
Telephone (312) 242-3200

Registration No.

Approvals:

Key Plan:

No.	By	Date	Revision

GATEWAY SHOPPING CENTER
SPECIAL USE PERMIT PEUP3AF
LINCOLN, NEBRASKA

Sheet Title
PROPOSED SITE PLAN

Job No.	Date	Scale
[illegible]	DECEMBER [illegible]	1"=50'-0"

G-SP-1

GENERAL NOTES:

1. EXISTING SIGNS ARE SHOWN ON THE SITE PLAN. FUTURE SIGNS SHALL COMPLY WITH THE ZONING ORDINANCE AND NEED NOT BE SHOWN ON THE SITE PLAN.

2. BANNER SIGNS (RESOLUTION A-88555)
   A. BANNERS AND BANNER HARDWARE MAY BE INSTALLED ON 11 EXISTING LIGHT POLES IN THE PARKING LOTS THAT ARE UNDER GATEWAY'S OWNERSHIP AND CONTROL AS INDICATED ON THIS SITE PLAN.
   B. EACH LIGHT POLE MAY HAVE A PAIR OF BANNERS, WITH EACH BANNER BEING A MAXIMUM 8 X 2 ½ FEET IN AREA.
   C. BANNERS MUST BE AFFIXED TO THE BANNER HARDWARE ALONG THE TOP AND BOTTOM PERIMETERS AND TO THE POLES IN A WAY THAT THEY REMAIN RIGID.
   D. THE HEIGHT OF THE BANNER SHALL NOT EXCEED 18 FEET.
   E. EXISTING LANDSCAPE MATERIALS ALONG THE O STREET FRONTAGE SHALL REMAIN IN PLACE AND BE REPLACED AS REQUIRED TO MAINTAIN THE CURRENT LEVEL OF SCREENING.
   F. THE PERMITTEE MUST SUBMIT INFORMATION TO BUILDING AND SAFETY DEPARTMENT WITH THE SIGN PERMIT THAT IS SUFFICIENT FOR THE DEPARTMENT TO DETERMINE THE BANNERS AND HARDWARE WILL WITHSTAND WIND LOADS.
   G. BANNERS SHALL BE MAINTAINED AND REPLACED AS NEEDED SO THAT THEY DO NOT PRESENT A TORN OR FADED APPEARANCE; IF ANY BANNERS FALL OUT OF COMPLIANCE WITH THIS CONDITION AND THE PERMITTEE AFTER APPROPRIATE NOTICE TO BRING ANY BANNERS INTO COMPLIANCE FAILS TO DO SO, THE BUILDING AND SAFETY DEPARTMENT MAY ORDER THE PERMANENT REMOVAL OF ALL BANNERS.
   H. BANNERS SHALL BE ALLOWED FOR TWO YEARS AFTER THE APPROVAL OF THIS USE PERMIT. THE PERMITEE MAY SUBMIT A REQUEST TO THE PLANNING DIRECTOR THAT CAN BE APPROVED ADMINISTRATIVELY TO EXTEND THE USE OF THESE BANNERS FOR A SPECIFIC OR INDEFINITE PERIOD OF TIME

3. SIGN PROJECTIONS INTO THE PUBLIC RIGHT-OF-WAY, MAY BE ADJUSTED BY THE PLANNING DIRECTOR BY ADMINISTRATIVE AMENDMENT.

4. IN AREAS A-G THE PARKING PARKING REQUIREMENTS IS 1 SPACE PER 300 SQUARE FEET OF GROSS FLOOR AREA FOR ALL COMMERCIAL USES. THE PARKING ARRANGEMENT AS SHOWN IS FOR ILLUSTRATION PURPOSES AND MAY BE MODIFIED.

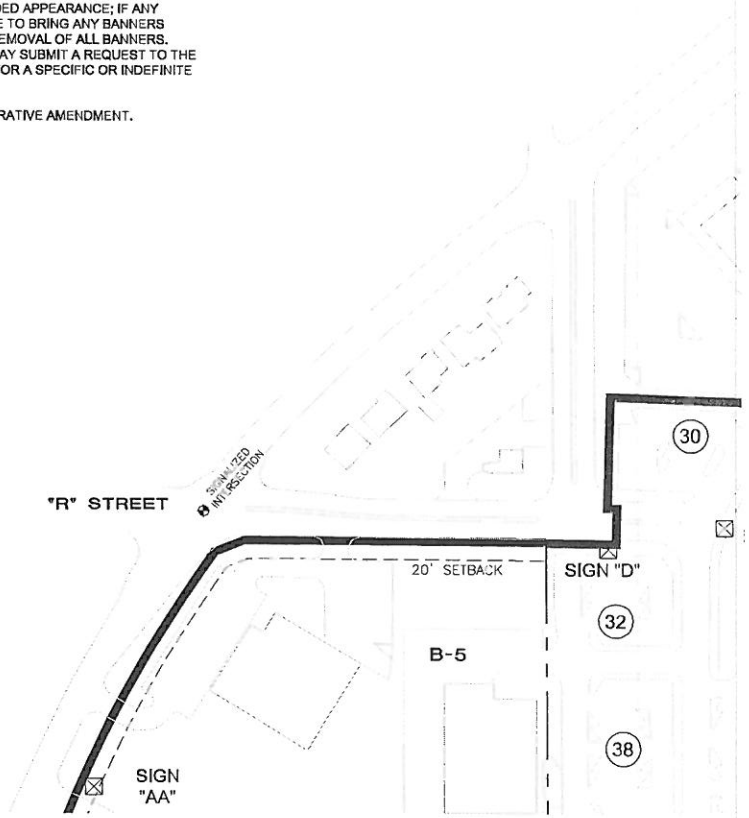
5. AREA A IS PERMITTED AT 1,336,500 SQUARE FEET OF GROSS FLOOR AREA. AREA B IS PERMITTED AT 249,000 SQUARE FEET OF GROSS FLOOR AREA. FLOOR AREA IN AREAS A & B MAY BE INCREASED ADMINISTRATIVELY UP TO 15% OF THESE AMOUNTS. AREAS C-G DO NOT HAVE A LIMITATION ON FLOOR AREA.

6. ADMINISTRATIVE AMENDMENTS TO THE USE PERMIT ARE NOT NECESSARY IF ALL OF THE FOLLOWING ARE MET:
   A. NO BUILDING EXTENDS INTO THE SETBACKS AS SHOWN, IF A SETBACK IS NOT SPECIFICALLY IDENTIFIED ON THE PLAN, THE SETBACK SHALL BE PER THE ZONING ORDINANCE;
   B. THE PARKING REQUIREMENTS ARE MET FOR THE PROPERTY IN QUESTION;
   C. NO ACCESS DRIVES OR INTERNAL CIRCULATION DRIVES OTHER THAN INTERNAL PARKING LOTS ARE ALTERED;
   D. THE FLOOR AREA CAP FOR AREAS A AND B ARE NOT EXCEEDED FOR ANY CHANGES IN THESE AREAS. THE FLOOR AREA CAP MAY BE INCREASED UP TO 15% BY ADMINISTRATIVE AMENDMENT.

7. A PEDESTRIAN STREETSCAPE ZONE SHALL BE PROVIDED ALONG O STREET, N. 66TH STREET, Q STREET AND N. COTNER BOULEVARD. IF THE STREETSCAPE ZONE DOES NOT EXIST THEN IT MUST BE INSTALLED AT THE TIME OF BUILDING PERMIT. A PEDESTRIAN STREETSCAPE ZONE SHALL BE PROVIDED ALONG O STREET, N. 66TH STREET, Q STREET AND N. COTNER BOULEVARD. IF THE STREETSCAPE ZONE DOES NOT EXIST THEN IT MUST BE INSTALLED AT THE TIME OF BUILDING PERMIT FOR AN ADDITION OR THROUGH AN AMENDMENT TO THE USE PERMIT.

   A. THE STREETSCAPE ZONE SHALL INCLUDE A PLANTING AREA BETWEEN THE BACK OF CURB AND A SIDEWALK OF AT LEAST 8 FEET FOR STREET TREES AND A 5 FOOT WIDE SIDEWALK.
   B. PUBLIC ACCESS EASEMENTS SHALL BE DEDICATED OVER ANY PORTION OF THE PUBLIC SIDEWALK THAT IS LOCATED ON PRIVATE PROPERTY.
   C. STREETSCAPE DOESN'T APPLY TO AREA 'A' ALONG 'O' STREET AS LONG AS THE 50' LANDSCAPE BUFFER STAYS.

8. NO PARKING,DRIVEWAYS OR OTHER DEVELOPMENT SHALL OCCUR IN THE FRONT YARD SETBACKS OR THE 50 FOOT LANDSCAPE BUFFER ALONG O STREET EXCEPT FOR SIGNAGE.

9. TOTAL ADA PARKING FOR AREA 'A' SHALL BE 20 STALLS FOR FIRST 1,000 STALLS WITH ADDITIONAL STALLS @ 1/100.

10. BUILDING / PARKING GARAGE HEIGHT SHALL BE MAXIMUM OF 65' MEASURED FROM FIRST LEVEL FINISHED FLOOR TO HIGHEST POINT OF BUILDING (EXCLUDING MECHANICAL EQUIPEMENT)