City Council Introduction: **Monday**, February 22, 2016
Public Hearing: **Monday**, February 29, 2016, at 5:30 p.m.

Bill No. 16R-37

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 04016A,** request of Dale Clymens for Landmark Group/Dino's Storage, to construct a multi-story, climate-controlled indoor self-storage building and increase the allowable floor area, on property generally located at Northwoods Drive and Colby Street.

STAFF RECOMMENDATION: Conditional approval

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 12/02/15 and 01/20/16
Planning Commission Action: 01/20/2016

RECOMMENDATION: Conditional Approval (6-2: Sunderman, Harris, Corr, Lust, Cornelius, and Hove voting 'yes'; Beecham and Scheer dissenting; Weber absent). **Resolution No. PC-01480**

OPPONENTS: 179, including 165 petition signatures.

REASON FOR LEGISLATION: Amend the Northern Lights Commercial Center planned service commercial special permit to increase the total floor area to 197,200 square feet and set a building height of 40 feet on two lots east of Northwoods Drive with a height of 35 feet on all other lots.

DISCUSSION/FINDINGS OF FACT:

1. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.10-11, concluding that the applicant's proposed use of a self-storage, mini-warehouse is permitted within the H-4 zoning district. The increased floor area for one property should have minimal impact on the adjacent land uses given the proposed conditions. The 40 feet building height is below the 55-foot maximum of the H-4 zoning district and should not have a significant impact on adjacent land uses. Subject to the conditions of approval, this request is in compliance with the Comprehensive Plan. The staff presentation is found on p.14-15.

2. On December 2, 2015, the Planning Commission voted 8-0 (Scheer absent) to defer this application for two weeks to allow the applicant to work with the neighbors in addressing some of their concerns. The applicant's December 2, 2015, testimony is found on p.15-16; the testimony in opposition is found on p.16; and the applicant's response to the opposition is found on p.18-19.

3. On December 16, 2015, the Planning Commission granted the applicant's request for continued deferral of this application to the January 20, 2016, meeting, with continued public hearing limited to new information only.

4. On January 19 and 20, 2016, Derek Schroeder, President of the Northern Lights Townhouses Homeowners Association, submitted a petition consisting of 165 signatures of individuals opposing this application. In addition, a number of comments opposing the application were received via email.(See at lincoln.ne.gov keyword "PATS"; application number = SP04016A).

5. On January 20, 2016, the applicant submitted two modifications to the original application, including a reduction in the requested allowable total floor area to 197,200 square feet, and a reduction in the maximum building height to 35 feet, except for the two lots with a 40-foot height limit. (See motion to amend on p.8). The applicant's January 20, 2016, testimony is found on p.21-23; testimony in opposition is found on p.23-24; and the applicant's response to the opposition is found on p.24-25.

6. On January 20, 2016, the Planning Commission voted 6-2 to agree with the staff recommendation of conditional approval as amended by the applicant and adopted Resolution No. PC–01480 (p.4-7) approved Special Permit No. 04016A, with the amended conditions as set forth on p.11-12.

7. On February 1, 2016, two letters of appeal were filed by Derek Schroeder, 1900 Conner Street, and Derek Zimmerman, 1248 O Street, on behalf of his client. (p.2-3).

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer **DATE**: February 12, 2016

REVIEWED BY: David R. Cary, Planning Director **DATE**: February 12, 2016

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APPEAL

of Planning Commission action
to City Council

Today's Date 1-29-2016 (this form must be received by the City Clerk within 14 days of the action by the Planning Commission)

To: City Clerk
Teresa Meier
555 S. 10th St., Ste. 103
Lincoln NE 68508
402-441-7436
tmeier@lincoln.ne.gov

Dear Clerk:

I am submitting this letter of appeal to Resolution No. PC-01480, adopted by the Lincoln-Lancaster County Planning Commission on (Date) 1-29-2016, approving Special Permit No. 04161 on property generally located at Northwards Dr + Colby St.

Please advise me of the hearing date before the City Council.

Signature of person requesting appeal:

Printed Name Derek Schroeder

Address 1900 Connor St Lincoln NE 68505
Street City State ZIP

Phone Number 402-990-0952

Email dschroeder83@yahoo.com / northernlightsboard@hotmail.com

cc: Planning Department
Geri Rorabaugh
555 S. 10th St., Ste. 213
Lincoln NE 68508
402-441-6365
grorabaugh@lincoln.ne.gov

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CITY OF LINCOLN
NEBRASKA

Access this form on the web: http://www.lincoln.ne.gov/city/plan/databank/apforms/cityappeal.pdf
Updated: June 9, 2015

Geri K. Rorabaugh

Subject: FW: Appeal of Special Permit No. 04016A

From: Derek C. Zimmerman [mailto:DZimmerman@baylorevnen.com]
Sent: Monday, February 01, 2016 4:03 PM
To: Teresa Meier
Subject: Appeal of Special Permit No. 04016A

Teresa:

Attached is my appeal of the Planning Commission action approving Special Permit No. 04016A. I understand another appeal may have already been submitted to the Clerk's Office earlier this afternoon, but to be on the safe side I am submitting this appeal anyway. If I need to deliver a hard copy of the appeal to the Clerk's Office please let me know and I will do so tomorrow (weather permitting), or on Wednesday.

Thanks,

Derek C. Zimmerman
Baylor, Evnen, Curtiss, Grimit & Witt, LLP
Wells Fargo Center
1248 O Street, Suite 600
Lincoln, Nebraska 68508-1499
402-475-1075
dzimmerman@baylorevnen.com

BAYLOR EVNEN

RESOLUTION NO. PC-01480

SPECIAL PERMIT NO. 04016A

WHEREAS, Northern Lights, LLC and Yeutter Family, LLC originally submitted an application designated as Special Permit No. 04016A for authority to amend the existing Planned Service Commercial Development approved by Special Permit No. 04016 to increase the total floor area to 236,200 square feet and allow building height east of Northwoods Drive to conform with the existing H-4 zoning district of 55 feet, on property generally located west of North 84th Street and north of Holdrege Street and legally described as:

> Lots 1-4, Block 1, and Lots 1-7, Block 2, Northern Lights 14th Addition, located in the Southeast Quarter of Section 15, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, Northern Lights, LLC and Yeutter Family, LLC have submitted a motion, to amend the Planning Department's recommended conditions of approval for Special Permit No. 04016A, to reduce the total floor area to 197,200 square feet and to modify the requested building height adjustment; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a public hearing on said application; and

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this amended Planned Service Commercial Development area will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the Comprehensive Plan of the City of Lincoln and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County Planning Commission of Lincoln, Nebraska:

That the modified application of Northern Lights, LLC and Yeutter Family, LLC, hereinafter referred to as "Permittee", to amend the existing Planned Service Commercial Development approved by Special Permit No. 04016 to increase the total floor area to 197,200 square feet and allow building height of 40 feet on Lots 6 and 10, be and the same is hereby granted under the provisions of Sections 27.63.470 of the Lincoln Municipal Code upon condition that development of commercial uses be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This approval permits an increase in total floor area to 197,200 square feet and modifies Special Permit Note #10 to allow buildings with a maximum height of 40 feet on Lots 6 and 10 in the Northern Lights Commercial Center planned service commercial development.

2. Before receiving building permits the Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final site plan including **3** copies with all required revisions as listed below:

a. Change land use table for Lots 6 and 10 from "retail/commercial" to "mini-warehouse", reduce the floor area for Lots 6 and 10 to 101,000 square feet, and reduce the total floor area to 197,200 square feet.

b. Add a note that "a minimum of 1 parking stall per 56 units will be provided for the mini-warehouse use."

c. Update legal description to read: "Lots 1-4, Block 1, and Lots 1-7, Block 2, Northern Lights 14th Addition, located in the Southeast Quarter of Section 15, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, generally located at Northwoods Drive and Colby Street."

d. Revise Note 10 to state "Building height shall not exceed 35 feet except on Lots 6 and 10 where building height shall not exceed 40 feet."

e. Add a note that states "The building constructed upon Lots 6 and 10 shall be in substantial conformance with the site plan and elevations submitted by permittee."

3. Before occupying the building all development and construction shall substantially comply with the approved plans.

4. All privately-owned improvements, including landscaping, shall be permanently maintained by the Permittee or an appropriately established association approved by the City.

5. 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.

6. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors, and assigns.

7. The Permittee 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 therefor to be paid in advance by the Permittee. Building permits will not be issued unless the letter of acceptance has been filed.

8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however the terms and conditions of all prior resolutions approving this permit remain in full force and effect except as specifically amended by this resolution.

The foregoing resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 22 day of JANUARY, 2016.

ATTEST:

Chair

Approved as to Form & Legality:

Chief Assistant City Attorney

MOTION TO AMEND

I hereby move to amend the Conditions recommended by the Lincoln City/Lancaster County Planning Staff Report for Special Permit No. 04016A to read as follows:

CONDITIONS OF APPROVAL:

Site Specific Conditions:

1. Before receiving building permits 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 below:

   1.1 Change land use table for lots 6 and 10 from "retail/commercial" to "mini-warehouse~~.~~", reduce the floor area for Lots 6 and 10 to 101,000 S.F. and reduce the total floor area to 197,200 S.F.

   1.2 Add a note that "a minimum of 1 parking stall per 56 units will be provided for the mini-warehouse use."

   1.3 Update legal description to read:
   Lots 1 – 4, Block 1, and Lots 1 – 7, Block 2, Northern Lights 14th Addition, located in the SE ¼ of Section 15-10-7, Lincoln, Lancaster County, Nebraska, generally located at Northwoods Drive and Colby Street.

   1.4 Revise Note 10 to state "Building height shall not exceed 35 feet ~~(H-4)~~, ~~west of Northwoods Drive~~ except on Lots 6 and 10 where building height shall not exceed 40 feet."

   1.5 Add a note that states "The building constructed upon Lots 6 and 10 shall be in substantial conformance with the site plan and elevations submitted by permittee."

* * *

Requested by: SEACREST & KALKOWSKI, PC, LLO

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for DECEMBER 2, 2015 PLANNING COMMISSION MEETING
<u>As Revised and Adopted for Conditional Approval by Planning Commission: 01/20/16**</u>**

PROJECT #: Special Permit No. 04016A

PROPOSAL: A request per Section 27.63.470 to amend the Northern Lights Commercial Center planned service commercial special permit to increase the total floor area to 236,200 square feet and allow building height east of Northwoods Drive to conform with the existing H-4 zoning district of 55 feet

LOCATION: Generally located west of N. 84th Street and north of Holdrege Street

LAND AREA: 11.5 acres, more or less

EXISTING ZONING: H-4, General Commercial

CONCLUSION: The proposed use of a self-storage mini-warehouse is permitted within the H-4 zoning district. The increased floor area for one property should have minimal impact on adjacent land uses given the proposed conditions. The additional structure height is in conformance with the existing height regulations for the H-4 zoning district and should not have a significant impact on adjacent land uses. Subject to the conditions of approval, this request is in compliance with the Comprehensive Plan.

RECOMMENDATION: Conditional Approval

<u>GENERAL INFORMATION:</u>

LEGAL DESCRIPTION: Lots 1 - 4, Block 1, and Lots 1 - 7, Block 2, Northern Lights 14th Addition, located in the SE 1/4 of Section 15-10-7, Lincoln, Lancaster County, Nebraska, generally located at Northwoods Drive and Colby Street.

EXISTING LAND USE: Vacant/Undeveloped, Commercial

SURROUNDING LAND USE AND ZONING:

North: Utility Facility, Open Space; P Public Use
South: Vacant/Undeveloped; B-2 Planned Neighborhood Business
East: Vacant/Undeveloped, Public/Semi-Public; H-4 General Commercial, B-2 Planned Neighborhood Business
West: Single Family Attached; R-5 Residential

HISTORY:

1979	The area was zoned AA, Rural and Public Use until it was updated to AG, Agriculture during the 1979 zoning update.
December 1996	Change of Zone No. 2943 from AG to H-4 was approved by the City Council.
November 1999	Northern Lights Commercial Center Preliminary Plat No. 98033 and Use Permit No. 116 were approved by the City Council.
May 2004	Northern Lights Commercial Center Special Permit No. 04016 was adopted by the City Council to develop 103,400 square feet of planned service commercial.
May 2005	Administrative Amendment No. 05046 increased total floor area to 115,200 square feet.

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 1.9 The Future Land Use Map designates this area for commercial land uses.

Pg 5.2 Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.

UTILITIES: Water and sanitary sewer are located on site.

TRAFFIC ANALYSIS: Northern Lights Drive, Northwoods Drive, Dawson Creek Road and Colby Street are local roads, and N. 84th Street is classified as an Urban Principal Arterial.

AESTHETIC CONSIDERATIONS: The proposed self-storage facility is located entirely indoors and the building would generally match the character of surrounding properties.

ANALYSIS:

- The Northern Lights Commercial Center planned service commercial special permit was adopted in May 2004 to allow 103,400 square feet of total floor area. It was amended administratively in May 2005 to increase the total floor area to 115,200 square feet. This amendment would allow for two lots to increase their total combined floor area from 19,000 square feet to 140,000 square feet to allow for an indoor self-storage facility. Total floor area for the planned service commercial development would increase to 236,200 square feet.

- Self-storage facilities have a large floor area that produces lower intensity impacts than typical commercial uses of the same size. The increase in floor area for this specific use would not have a negative impact on surrounding properties.

- Self-storage facilities are classified as a mini-warehouse use, which is permitted within the H-4 zoning district planned service commercial area.

- The applicant also requests to modify the 35 foot maximum building height limit. This height limitation within the planned service commercial district would increase to 55 feet east of Northwoods Drive, which conforms with the existing H-4 zoning district. Maximum building height would remain 35 feet west of Northwoods Drive. The area west of the Northern Lights Commercial Center is an R-5 district with single family attached dwellings. The increase in building height east of Northwoods Drive is in conformance with existing zoning. A taller structure could obscure the view from 84th Street of adjacent one story commercial buildings; however, the H-4 district allows signage inside the front yard, which provides an option for adjacent businesses to increase their visibility when located near a taller structure.

- The staff report for the Northern Lights Commercial Center special permit did not include a request for building height limitations in excess of the H-4 zoning district. It is unclear from the record why a 35 foot height limit was designated for the entire center.

- The city zoning ordinance does not contain a specific parking standard for indoor self-storage facilities. The applicant operates three indoor self-storage facilities in Omaha. The facilities have parking ratios ranging from 42 to 60 storage units per parking stall. The largest facility operated by the applicant in Omaha has 719 units and 12 parking stalls (60 units per stall). Based on experience with similar facilities in Omaha, 18 parking stalls (56 units per stall) would be an appropriate amount to address peak customer traffic at this facility.

- The requested floor area increase is only appropriate for a mini-warehouse use. If in the future the mini-warehouse use ends, the building would most likely have to be demolished and replaced with a use that requires less floor area and more parking.

CONDITIONS OF APPROVAL:

Per Section 27.63.470 this approval permits an increase in total floor area to ~~236,200~~ 197,200 square feet and modification of Special Permit Note 10 to state "Building height shall not exceed 35 feet except on Lots 6 and 10 where building height shall not exceed 40 feet."
~~allow buildings in conformance with the H-4 zoning district east of Northwoods Drive in the Northern Lights Commercial Center planned service commercial special permit~~.

Site Specific Conditions:

1. Before receiving building permits 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 below:

    1.1 Change land use table for lots 6 and 10 from "retail/commercial" to "mini-warehouse~~:~~", reduce the floor area for Lots 6 and 10 to 101,000 S.F. and reduce the total floor area to 197,200 S.F.

    1.2 Add a note that "a minimum of 1 parking stall per 56 units will be provided for the mini-warehouse use."

1.3 Update legal description to read:
Lots 1 - 4, Block 1, and Lots 1 - 7, Block 2, Northern Lights 14th Addition, located in the SE 1/4 of Section 15-10-7, Lincoln, Lancaster County, Nebraska, generally located at Northwoods Drive and Colby Street.

1.4 Revise Note 10 to state "Building height shall not exceed 35 feet ~~(H-4), west of Northwoods Drive~~ except on Lots 6 and 10 where building height shall not exceed 40 feet."

1.5 Add a note that states "The building constructed upon Lots 6 and 10 shall be in substantial conformance with the site plan and elevations submitted by permittee."

Standard Conditions:

2. The following conditions are applicable to all requests:

2.1 Before occupying the building all development and construction shall substantially comply with the approved plans.

2.2 All privately-owned improvements, including landscaping and recreational facilities, shall 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 be in substantial compliance with the location of said items as shown on the approved site plan.

2.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon 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 Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. 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 prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.

Prepared by Andrew Thierolf, AICP

DATE: November 19, 2015 **REVISED: January 20, 2016**

APPLICANT: Dave Paladino
Landmark Group/Dino's Storage
2702 Douglas Street
Omaha, NE 68103
402-672-6566

OWNER: Northern Lights LLC & Yeutter Family LLC
2001 Pine Lake Road, Suite 100
Lincoln, NE 68512
402-817-8600

CONTACT: Dale Clymens
Landmark Group/Dino's Storage
2702 Douglas Street
Omaha, NE 68103
402-968-3950
dale@landmarkmg.com

SPECIAL PERMIT NO. 04016A

SPECIAL PERMIT NO. 04016A
TO CONSTRUCT A MULTI-STORY, INDOOR SELF-STORAGE BUILDING AND INCREASE THE FLOOR AREA TO 236,200 SQUARE FEET, ON PROPERTY GENERALLY LOCATED AT NORTHWOODS DRIVE AND COLBY STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION: **December 2, 2014**

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

Staff recommendation: Conditional approval.

There were no ex parte communications disclosed.

Staff presentation: Andrew Thierolf of the Planning Department came forward to present the staff report. The applicant is looking to construct an indoor storage facility, which is classified as a permitted use, and to amend the maximum floor area and maximum height. The building is proposed to be constructed on two lots. Right now, the plan allows for 19,000 square feet or retail commercial use. The request is to increase that to 140,000 square feet, with conditions. First, the increase can only be used for mini-warehouse use. When the special permit was initially put together, it was based on several factors, including the greater impact of retail. The building would need to be reevaluated and altered if another use is proposed. In other words, this special permit would not allow 140,000 square feet of retail use. Approval would bump the entire permit area up to 236,000 square feet. The height increase would allow the east side to be built up to 55 feet, which is the allowed height in H-4 zoning, but would remain 35 feet to the west, across from the single-family attached development that already exists. The greater height would only be along 84th Street to the east. There is nothing specific in City ordinances about parking for indoor storage units, so the number suggested was based on what works for similar facilities in Omaha, also owned by the applicant. That number is 18 parking stalls for every 1,000 units.

Thierolf went on to describe two letters of opposition received just prior to this hearing. One from Derek Schroeder, President of the Northern Lights Townhome HOA. It opposes the height increase in general. The other letter is from Randy Haas, partner in T.O. Haas Tire, who leases property in an adjacent retail strip mall. He also opposes the height due to the potential that the new building will block visibility of his business from 84th Street. Thierolf offered for consideration the fact that H-4 zoning has permissive sign regulations so a center sign in a more visible location could be used to address this issue. That business owner was also concerned that a mini-warehouse would not be appropriate in this retail and commercial area.

Harris asked about the potential location for a center sign. Thierolf said it could be anywhere within the property, closer to the street. Harris asked if it could be a free-standing sign. Thierolf said yes, and it could include all businesses in the area.

Hove asked about the elevation of this property. Thierolf said it is lower than 84th Street. The neighborhood to the west is also lower than the lot line.

Corr asked about the location of the T.O. Haas. Thierolf described the layout of other businesses in the development. T.O. Haas is located in a strip mall to the south. There is a dental office to the east and a Walgreen's to the southeast.

Beecham noted the surrounding zoning and that only a section of property is across from H-4. She asked the height limitations in B-1 or B-2 Districts.

Steve Henrichsen of the Planning Department stated there are 27 districts and height restrictions can change based on use. In B-1 and B-2, the height is 40 feet and in O-3 it is 45 feet. Beecham asked about the zoning to the south of the parcel in question. Henrichsen said it is B-2 for Northern Lights all the way to Holdrege Street. The area is mostly B-2, but when developed, H-2 was requested to allow a few heavier uses other than just retail, so it allows the retail, but was specifically intended to allow more intensive uses. The townhomes were approved and built at the same time. We do not know why the 35 foot height was designated, but it is possible that it was chosen to account for the townhomes. That is why the application before this body today only changes the height on the east side.

Beecham asked if the H-4 section was really only across the street from one area. Henrichsen said that is correct.

Corr asked if the entire area is currently H-4. Thierolf said yes.

Lust asked how many stories the building will be. Thierolf said it could be between three and five stories, somewhere between 35 and 55 feet.

Proponents:

1. Bill Glismann, HGM Associates, Omaha, came forward representing the applicant. He stated that Dave Paladino and Dale Clymens, both of Landmark Group/Dino's Storage are also present to answer questions. This building will be a 4-story, climate controlled mini-storage facility with no garages. Dino's has similar locations in Omaha. The building will include a storefront office and sliding glass doors to the sides. Enclosed loading areas have also been considered. The building will be set back 50 feet from 84th Street due to a 50-foot utility easement, so there will be some room for sight lines to existing businesses. Typically, these facilities range from 130,000 to 140,000 square feet. The commodity that makes this business model work is space. The buildings are approximately 45 feet in height, depending on the pitch of the roof, but that is the average. The facilities in Omaha run 1 parking stall per 56 units as a rule of thumb. Most people come, unload belongings, and leave. There is not a lot of traffic coming and going. One facility only has 12 stalls and that lot has never been full. This type of business does not generate traffic so it is not an issue.

Lust asked what the buildings will be constructed out of. Glismann said they are a metal structure inside. On the exterior, there is glass and the building is broken up with corners so it is not just a square metal building. The unloading area is proposed to be glass to make it visible but without exposure to elements.

Beecham asked if access would be taken off 85th Street. Glismann said it would either be from Northwoods Drive or Colby Court. Lust asked if Colby Court connects to 84th Street. Glismann said it is a dead end that does not connect.

2. Dave Paladino, 2702 Douglas, Omaha, came forward as owner. He stated the building office would face 84th Street even though access would be taken in back. The 55 feet mentioned is taller than what is needed.

Corr how many units the facility would have. Paladino said around 800.

Opponents:

1. John Rallis, 3600 Doonbeg Road, came forward to state that he owns the lot just south of this property. He received no notification of this project and there were no neighborhood meetings scheduled. He found out by accident from another property owner. Normally the Planning Department does a good job of due diligence and this is not the usual experience he has had. The requested increase is square footage; for perspective, this is the size of a Wal-Mart. That is a drastic change from what was previously specified for the area. Those who have developed in the area have a right to expect that what was designated is what will occur. The dentist put his life savings into his business. No specifics have been given with regard to showing exactly what will be built. There are use restrictions in place including limitations on boat and auto storage. We do not have the details to know if they store items like that. The other property owners in the area should be able to rely on the restrictions that were already agreed upon. This is not a mini-warehouse, this is a warehouse. Normally there would be more parking stalls and it is not right to arbitrarily choose a number. There are too many unknown things. Mr. Rallis concluded by saying that if there is intention to approve this application, he would like to at least request a delay in action until more questions have been answered.

Lust asked which property Mr. Rallis owns. He stated his son owns the orthodontist office as part of the same lot, along 84th Street. There is nothing else like this in the neighborhood. There was a reason there was a 35-foot height limit placed when this was approved. No one imagined a 55-foot, 140,000 square foot building on this site. It does not fit the area.

Weber asked how and when Mr. Rallis was notified. Rallis replied that he happened to be notified by a landowner on 84th Street this morning. He has been involved in development projects in the past. This is an anomaly that none of the usual explanation and notification has occurred.

2. Scott Anderson, 3000 W. A Street, stated that he has been a property owner in the area for over 20 years. It was challenging to even get commercial ground approved and to make future projections about what would occur in this area. When it was done, 19,000 square feet was approved on the lots of the applicant. They are asking for a seven fold increase over what was originally approved. That is not right. People have invested heavily in their businesses and homes. This is the wrong time and place. The project is vague with no conclusive answer about where access will be taken, the number of storage units, and the height. The height is horrendous. Yes, the ground is at a lower elevation, but property owners will be unhappy about a commercial use next door. It is also not right to ask business owners to bear the cost of putting up an extra sign. There are better uses for this land and the size is way too big of a jump.

Staff Questions:

Beecham asked if there was a public meeting held. Thierolf said he did not believe so.

Corr noted that the property slopes and asked the elevation difference between 84th Street and the townhomes to the west. Thierolf said it drops roughly 10 to 20 feet near 84th Street and then another 10 or so on the other side, near the townhomes.

Lust stated she would like to compare the requests of the applicants with what was approved in the past. She asked what the actual increase would be for the area. Thierolf said Lots 6 and 10 would be increasing from 19,000 square feet to 140,000 square feet.

Weber said that there is a discrepancy regarding whether or not the height is in conformance in two different areas of the staff report. Thierolf responded that with the original Special Permit, the maximum height was 35 feet. The H-4 district would allow 55 feet. The 35 was an extra condition put on the original site plan.

Beecham asked, for the sake of clarification, whether the original special permit limited the height to 35 feet. Thierolf said yes. Beecham went on to say that they may not have described why that was done, but it can be assumed it was done in a thoughtful way. Thierolf agreed that it was not a clerical error but was added to the special permit.

Lust wondered if notification could have been delayed due to the Thanksgiving Holiday. Thierolf showed the notification map to indicate all property owners that were notified. Corr noted that if there were a discrepancy with the address listed by the Assessor's office, that could also cause a problem.

Harris asked for more information about the setbacks. Thierolf said that as part of the first Special Permit from 2004, all of the internal setbacks were waived.

Harris referred to the Staff Report, noting that self-storage would have a lower impact. Thierolf confirmed that looking at traffic and parking, storage has a much lower impact than retail.

Hove wondered if there are rules about the storage of vehicles at the facility.

Beecham wondered if staff has seen a site plan. Thierolf said that a site plan will be required at the time of building. Beecham wondered if that was typical. Henrichsen approached to state that in a case where there is existing residential with commercial or a dramatic increase in retail coming in later, there will be a specific site plan and elevations. Because this entire center was built in advance, and with the tree mass and the distance taken as part of the consideration, a more general site plan was allowed. Beecham stated that decision could have been impacted by the height restriction. There were many mitigating factors in place to protect the neighborhood. She acknowledged that is speculative. Henrichsen agreed that is a possibility.

Corr asked the width of the lot from Northwoods to the west boundary line. Thierolf said it is 175 feet.

Hove asked the height limit in the area from Northwoods to the west boundary line. Thierolf said it will be 35 feet. Hove asked if the neighbors would be able to see the 55-foot building placed

in the applicant's area from their properties. Beecham noted that neighbors are at a lower elevation.

Corr asked if the strip mall is one story. Thierolf said it is.

Cornelius asked, if there were no pre-existing special permit, if this body would even be discussing this, since the 55-foot height would normally be allowed. Thierolf agreed that height is allowed in H-4.

Applicant Rebuttal:

Glismann stated that on the site plan, a conceptual drawing gives an idea of the 140,000 being considered. The building will face 84th Street, where there is a 50-foot easement. There will also be a 20-foot setback maintained all the way around to meet the requirement for H-4. The applicant is leaning towards access off of Colby. There is a slop down from 84th Street, then the property itself is flat, then there is another slope down towards the neighbors. Typically the 4-story structures are in the mid-forties, in terms of height. We are not looking to build a 55-foot building, that is just happens to be the maximum height in
H-4.

Paladino added that he chooses sites that others have a hard time making sense of. The access to this property is limited, but for this use, it is not an issue. The only commercial use that has less traffic is a cemetery. The average is approximately one car per 10,000 square feet, so when full, we might see 11 customers per hour. The 55 feet was chosen simply because it was the previous zoning. We would only have asked for 45 feet. In terms of the sight lines, once other buildings are constructed, this building will be somewhat difficult to see.

Lust said she is concerned about the lack of notices. She acknowledged that the applicant complied with all notification rules, but there are people who did not receive notification. She asked if it would be a problem if Action were delayed so that the applicant could meet with the neighbors. Glismann said that would not be a problem at all and it is desirable to reach out to those who are in opposition. That is not a new process.

Beecham asked if car storage would be allowed. Glismann said that if it can't fit down the 5-foot hallway or into an elevator, it could not be stored.

Beecham went on to say that a neighborhood meeting would be helpful. She suggested that it is also helpful for neighbors to have an idea of what the building might look like. Hove agreed that elevation would be helpful.

Paladino said they have done sketch ups and modeling before and they would be willing to do that.

Corr wondered if the 50-foot setback also applied to the dentist's office. She wondered if the buildings will line up. Glismann said that to the east, there could potentially be parking, but they have the same setback. Corr went on to say that elevation is important but it is also important to remember that we are talking about existing next door neighbors. We need to see those businesses. Glismann said they could also provide an aerial to show how the building will fit in with the entire area.

Hove asked about the 20 feet on all sides. Glismann said 20 feet of setback will be on all other sides.

Weber added that some of the opposition might be relieved by a 45-foot height limit, rather than the 55-foot limit. Paladino said that is all we need. Beecham agreed, stating that if it is changed, it is changed for all of the lots.

SPECIAL PERMIT NO. 04016A
ACTION BY PLANNING COMMISSION: **December 2, 2014**

Lust moved Deferral of the Special Permit, seconded by Cornelius.

Lust said she appreciates the applicant's willingness to work things out with neighbors and hopes agreement can be reached.

Hove clarified that the motion would allow more discussion.

Motion for Deferral carried 8-0: Beecham, Cornelius, Corr, Harris, Lust, Sunderman, Weber and Hove voting 'yes'; Scheer absent.

SPECIAL PERMIT NO. 04016A
TO BUILD INDOOR SELF-STORAGE AND INCREASE SQUARE FOOTAGE
ON PROPERTY GENERALLY LOCATED AT
NORTHWOODS DRIVE AND COLBY STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION: January 20, 2016

Staff recommendation: Conditional Approval.

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

There were no ex parte communications disclosed.

Staff Presentation: **Andrew Thierolf of the Planning Department** stated that a full staff presentation was given at the December 2, 2015, meeting. The applicant would like to construct an indoor, self-storage facility on Lots 6 and 10. With their original application, they requested two modifications to the Special Permit. The first was to increase the total allowed square feet to 140,000 of mini-warehouse. Right now it is approved for 19,000 square feet of retail/commercial. The other modification was to waive the height limit east of Northwoods Drive. Right now there is a note that appears to set a limit of 35 feet. The H-4 district has a limitation of 55 feet.

There was some question at the December meeting as to why the Special Permit specified the 35-foot height limit. In March 2004, the height limit in H-4 was 35 feet. In 2005, that increased to 45 feet, and in 2007 to 55 feet. Staff believes the note was not intended to be regulatory or to put a restriction on the area; it was simply saying that the Special Permit should have the same height as the H-4 district. Because it causes confusion, in the future, we would support an amendment to cross out the note for clarification. If that were to occur, the height in this entire Special Permit area would become 55 feet. The applicant is going to come forward to amend the conditions of approval. They propose to clearly state that the height remain 35 feet for this area, with the exception Lots 6 and 10, which will be increased to only 45 feet. The applicant has made significant changes since in response to comments at neighborhood meetings and at the last Planning Commission meeting. Planning Staff supports those changes.

Corr asked for clarification that if the note was interpreted to mean that the height should be consistent with the height allowed by H-4 zoning, it would mean the entire Special Permit area could be 55 feet. Thierolf said yes.

Beecham asked if there are minutes from the City Council meeting. Thierolf said old staff reports were reviewed. Based on that information, the height was not the main point of discussion. The main discussions were about waiving setbacks.

Lust said so the main issue before this body is no longer height, but setbacks. Thierolf said the main issue now is the increase in square footage.

Corr asked for a reminder of what was located behind the dentist office. Thierolf said there is the T. O. Haas, a strip mall and restaurants.

Hove reminded the public that Public Hearing on this item was previously held on December 2, 2015. Testimony today will be limited to new information only.

Proponents:

1. DaNay Kalkowski, 1010 Lincoln Mall, came forward on behalf of the applicant. There were significant questions at the December 2nd meeting regarding the height, scope and size of this building. The applicant asked for additional time in order to meet with neighbors. The first meeting was held December 9th and 61 letters were sent out to neighbors around the site. Thirteen attended that meeting where we heard three main concerns. First, the height and scope of the building. Next was the distance of the setback from 84th Street. There is a 50-foot setback there, but neighbors were concerned about the large building blocking visibility to other businesses. The final concern was the appearance of the building, especially given its size. As a result of this meeting, significant revisions were made to the plan. Then the applicant met with neighbor Randy Haas of T.O. Haas and John Rallis, who was working with the dentist to the south. There was also a second neighborhood meeting with sixteen in attendance. In the new plan, there is a significant reduction in the size of the building from 140,000 square feet to approximately 101,000 square feet. That is the minimum needed to make this business model work. This reduces the footprint of the building, which allowed for it to be pulled back farther from 84th street, so in addition to the 50-foot setback, it is now an additional 69 feet back. This creates better visibility to those businesses to the south. The building has also been reduced to three stories. The approximate 40-foot height is to accommodate a parapet and a small sloped roof.

The building incorporates a lot of glass for light. Around the bottom is a split face block with brick banding to create a differential of color. Brick is the center component. There will be metal wall panels at the top. The building has a clean, sharp look that is more like an office than a storage facility. The building also incorporates eaves, the parapet, and other architectural features to create nice relief so it does not look like a straight, flat building. The eave is right at 33 feet in height. The slope of the roof takes it up to 36 feet, and the parapet up to 39 feet. Again, these features all provide relief.

No loading will be done from the back or the sides, so every side of the building will look nice. Lots of work has been done to make this building look attractive and to fit in with the surroundings.

The motion to amend includes the proposed revisions already discussed. It should be noted that the applicant is not requesting that the note about the 35-foot height be removed. They are only requesting the exception to go up to 40 feet for their site. That would allow the note to remain so the rest of the area would stay at 35 feet, unless otherwise requested. But as was mentioned, this proposed use is well under the allowed 55 foot limit that is usual for this district. This project will be in substantial conformance with the site plans as shown. The distance to the townhomes is over 200 feet from lot to lot, and there could eventually be other uses between the storage facility and those homes. The area was zoned H-4 well before any of the residential units were there. H-4 allows for some high intensity uses, so this use is actually quite low in intensity. Considering proximity to the major arterial street and the mix of surrounding uses and adequate separation, this is an appropriate use.

Lust asked if Mr. Haas was in support of this revised plan. Kalkowski said that Mr. Rallis was supportive since one of their main concerns was to pull the building back, but she cannot speak for those not present to represent themselves.

2. Dave Paladino, 127 N. 39th Street, Omaha, stated that only commercial use that is lower in intensity than indoor storage is a cemetery. For every 10,000 square feet of storage, you can expect to see one person per hour, so with this facility, around seven per hour could be expected, and probably not all at one time.

Hove asked for clarification about the 197,000 foot number. Kalkowski said that is the entire Special Permit area. This building is only 101,000 square feet.

Beecham asked if the site drops in elevation. Paladino said it is a 30-foot drop from the finished floor of the proposed building to the front porches of the townhouses.

Beecham wondered about the size of vehicles that would need access to the site. Paladino said the facility is designed to handle a 26-foot moving truck, but larger trucks will rarely be seen. Most people use family cars. Seventeen percent of users are small businesses and people who work from home who need additional storage. Otherwise, it is mostly household goods that are stored. A semi truck would not be able to get into the site.

Hove asked how visible the building will be with the 30-foot drop. Kalkowski said depending on where buildings are set in the area between the townhomes and this site, much of it could be blocked. There is no way to speculate how they will look. They can currently be built up to 35 feet.

Lust wondered if the townhomes were notified since they are 200 feet away. She said she knows they were notified so she appreciates that. Kalkowski said she counted the extra 18 feet of private roadway on our lot, so they may be just under the 200 feet. Corr added that the entire Special Permit boundary is included, so they are within that legal notification area.

Corr asked how tall the strip mall is. She wondered how this new building will compare with what is already there. Kalkowski said that T.O. Haas is shorter. Paladino said he thought they were 22 feet tall. Kalkowski went on to say the other buildings may be a little shorter but have the higher pitched roof. If you surround this site with uses, it doesn't look like such a large building because the view is blocked.

Harris noted that the setback between the strip mall and the homes to the west is not a very great distance. She wondered if a new development would be that close to the homes. Kalkowski said that could be the case. Harris said she was trying to get an idea of the visual impact those neighbors would have once something goes in to that space. Kalkowski said there is a 50- foot setback between the townhomes and the strip in the back because there was commercial adjacent to residential. That is consistent all the way along there. Harris said the edge of that strip mall is representative of what could be built. Kalkowski agreed. Harris added that it could go up to the 35 or 45. Kalkowski said that 55 is what is allowed in H-4 now. Harris said that there is a potential future where buildings closer to the townhomes could be taller than the applicant's building. Kalkowski agreed that it could be the case. The way we are leaving the note, it would stay at 35 feet so someone would have to come in and ask for the additional height. Harris said they would have the opportunity to ask for that.

Beecham said that there was a reference to covenants. She wanted to know if there are any on the commercial areas. Kalkowski said there are multiple covenants. There is a set for the entire commercial center and everything under the Special Permit area largely dealing with the appearance of the buildings and maintenance of the common areas since these are private roadways. There is also a use restriction covenant from Walgreen's so certain things are not allowed. Beecham said she was wondering if there were any specifically dealing with height. Kalkowski said she would have to look, but it would be atypical to place a restriction on height through a covenant.

Opponents:

1. Derek Zimmerman, 1248 O Street, came forward on behalf of T.O. Haas Tire, the property directly to the south. Though we appreciate the developers efforts to reduce the size of the building, it still does not fit within this commercial center which is composed of modest, single-story offices that are compatible with neighbors. The size requested is more than five times the currently permitted size. With regard to the height restriction, we do not know exactly why that note was made. All of the other buildings were able to meet that restriction. The drop-off in elevation is also not a given. The staff report focuses on the limited traffic. Looking only at this factor is misguided. A building's footprint matters. Traffic numbers are based on square footage which is more than just traffic and again, the other buildings have complied with this. This facility would set a precedent that a building of this size is allowed within a commercial district with distinctly different character. Additionally, lower traffic is not necessarily a good thing for retail within a commercial center since the rely on the overall activity and vibrancy within an area. Certainly, there are limitations to that, but that is why there are square footage and parking limitations in place. T.O. Haas will be directly and negatively impacted. They will be faced with a 100k building with no windows on the first floor which will impede their visibility to those driving along 84th Street. If this application is approved, T.O. Haas will be forced to apply for a sign waiver for a sign that goes above the height of this facility. This is not something they want to do. One exception in a commercial center will lead to others. We ask you to oppose this application. He stated that he does not directly represent other neighbors in attendance at today's meeting, but out of respect for the time of Commissioners, he was asked to allow them to stand to show their presence in opposition to this application.

Beecham asked the square footage of T.O. Haas. Zimmerman said he doesn't know the exact size, but the existing range of buildings in the center are around 15,000 to 20,000 square feet.

Lust asked if they had direct access off of 84th Street. Zimmerman said they do not.

Lust noted that if other buildings were constructed closer to 84th Street, this same issue of visibility would occur. Zimmerman agreed there could be partial blockage, but there are no other buildings of this size. This proposed construction would stretch from north to south. It is unlikely another building with this amount of square footage would be proposed within the currently allowed square footage. Lust proposed, for the sake of discussion, that another building could be proposed at the 55-foot height. She suggested the situation could become worse than what is proposed today. Zimmerman said from a height perspective it would be. But from a north-to-south perspective, not necessarily, because this building has such a large footprint. Looking at what is there today, the scope of the proposed building is out of place.

Harris asked if there would be any iteration of the storage facility that his client would support. Zimmerman said the focus of the opposition is not on the use. It is on the size and scope. He understands Mr. Paladino's concern that the building must be of a certain size to support the business, but his client also has economic concerns.

Staff Questions:

Beecham asked for a reminder of the square footage allowed in the area now. She also asked for confirmation that the use is permitted in H-4 and this would not be an issue if not for the increase in size. Thierolf stated the use is permitted. The total square footage permitted is 158,000 square feet. For these two lots, it is 19,000 square feet.

Corr asked if it would be accurate to say that the increase in square footage is mainly due to the addition of levels. Thierolf said he believes the footprint of each level is around 30,000 square feet. Corr said that 60,000 square feet of this is on the upper levels.

Harris asked for a reminder about the sign options, especially the center sign. Thierolf said he mentioned a center sign that included the names of all of the businesses in the center would be an option. That could be placed in an area of high visibility. Harris asked if that included the 84th Street side. Thierolf said yes.

Applicant Rebuttal:

Kalkowski stated she appreciates the concerns about this building not fitting in because it is a larger building, however, there are factors that illustrate its appropriateness for the site. One factor is that this area has sat vacant for a long time. When this Special Permit was originally approved, this type of project was not even contemplated as a potential use. The Special Permit was left as flexible as possible and created with typical uses in mind. For most uses, a building of this size would not work due to the amount of accompanying parking that would be necessary, but in this instance, that parking is not needed. The footprint of the building is around 33,000 square feet, which is not out of character, with what is already approved just to the north, where a 33,000 recreational facility with a additional 1,000 square foot of office. So there could be another building that is roughly the same size as this one. This building does go up, but that is allowed in this zoning district. She went on to say that she appreciates the sensitivity of T. O. Haas to their visibility on 84th Street, however, they did not purchase a lot on 84th Street. Their lot is already behind two on 84th. We have attempted to minimize the impact by pulling the setback as far back as we can go. There is no way to guarantee that street visibility unless you buy a lot on the street.

Lust asked if there is currently any signage for anyone along 84th Street. Kalkowski said the only one allowed signage are the lots on 84th. Walgreen's has a sign on the corner.

Corr asked if the property owner would be open to placing a center sign on their property along 84th street where T.O. Haas would have the option to advertise. Kalkowski said there is ample setback, so if that was something the entire center was interested in contributing in, it would probably not be problematic.

Beecham asked for clarification about the boundaries of the entire special permit area and whether the area discussed today is only Lots 6 and 10. Kalkowski said the applicant is only asking to amend the Special Permit for Lots 6 and 10 and everything else stays in place.

SPECIAL PERMIT NO. 04016A
ACTION BY PLANNING COMMISSION: **January 20, 2016**

Lust moved Approval as amended by the applicant, seconded by Corr.

Lust stated that she knows that Dino's has not satisfied all of the concerns of the neighbors, but she appreciates their willingness to work with them and to make this as neighborhood friendly as possible. The plans presented today show a significant change from what was seen in December. She plans to support this application.

Scheer expressed appreciation for the changes made to the building and for the efforts to make the storage facility look more like an office building. He said he is not opposed to the use, but he is opposed to the size. A 30,000 square foot footprint, multiplied by three stories is a dramatic change in character from the existing and surrounding area. It is too much. He will not support this application.

Beecham agreed that the work by the applicant is to be commended, but the proposal is not in keeping with the character of the development as a whole. It is not the right scope. She also has no opposition to the use, only the size.

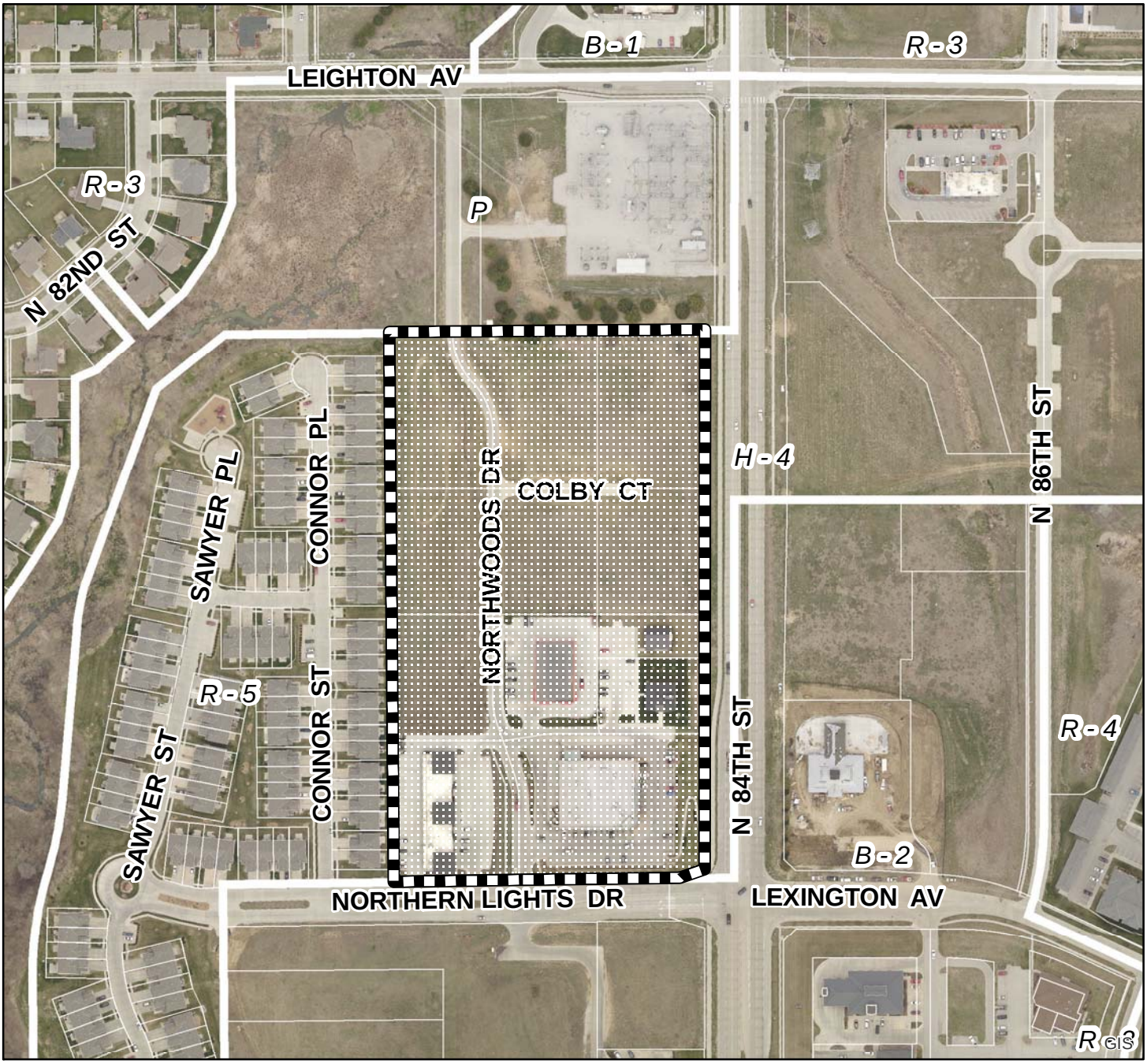
Corr stated this case has been a tough one and there has been a lot of opposition. The main complaints are about the size, height, setback and aesthetics. This is a really nice looking building, they have moved the location back as far as possible. Unfortunately, T.O. Haas will still have visibility issues. That is a business risk they took when they chose an inner lot. The new proposal is only 5 feet over the 35 feet allowed. The applicant has gone above and beyond in their efforts to address concerns and to make it fit. The mass of the building comes from the fact that it is being built up. Even though she dislikes supporting a development where so many concerns were expressed by neighbors, she will support this project. The huge buffer surrounding the building will make a bid difference.

Cornelius stated that he is sensitive to all of the concerns expressed by neighbors. He would like to discuss the note regarding the 35-foot height limit that was on the original Special Permit. It shows the importance and careful consideration of the wording that goes into these Special Permits because it is just as easy to argue that the limitation was put there to protect adjacent neighbors to changes made to H-4 zoning regulations. So in the future, it would be best to specify a height or a district, and not both. For the reasons already stated, he will support the motion.

Harris stated she is also in support. The applicant has gone above and beyond. She is sympathetic to the concerns of neighbors, but a considerable amount of time has passed where a more modest development could have gone in, and it has not happened. For the economic viability of the entire development, you must look at compromises. The wording of the permit is important, as are the minutes. Hopefully in the future, we will not see these kinds of confusing issues.

Hove said he is sensitive to the needs of the neighbors and he appreciates their involvement throughout the process. He will support the motion. Because of height levels of the road and down to the townhomes, and with the future development of the strip of land between this storage facility and those townhomes, the visual impact of this project will not be so significant.

Motion carried 6-2: Cornelius, Corr, Harris, Lust, Sunderman, and Hove voting ‘yes’; Beecham and Scheer voting ‘no’; Weber absent.



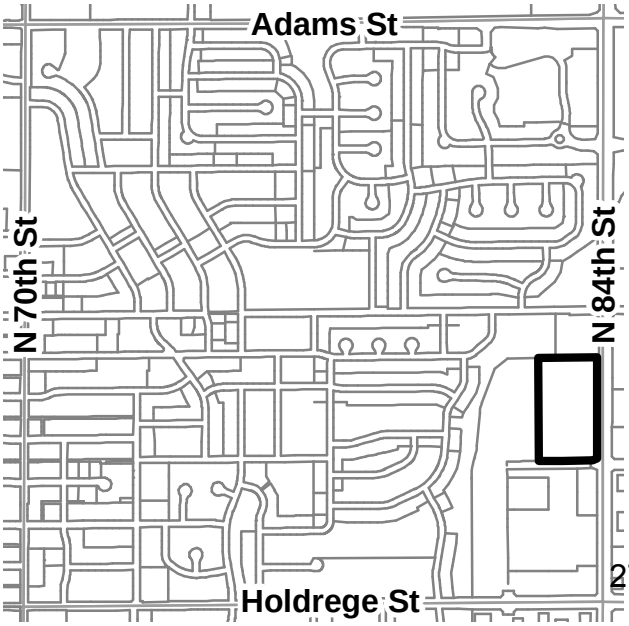
2013 aerial

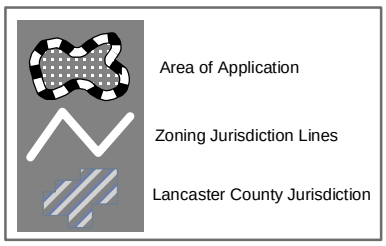
Special Permit #: SP04016A
Northern Lights Commercial Center
N 84th St & Leighton Av

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.15 T10N R07E





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NORTHERN LIGHTS COMMERCIAL CENTER

ADMINISTRATIVE AMENDMENT TO SPECIAL PERMIT #04016 (PLANNED SERVICE/COMMERCIAL)
SITE PLAN

ENGINEER & PREPARER
OLSSON ASSOCIATES
1111 LINCOLN MALL
LINCOLN, NE 68501
PHONE: 474-6311

OWNER & DEVELOPER
YEUTTER FAMILY LLC
P.O. BOX 22998
LINCOLN, NE 68542

NORTHERN LIGHTS, L.L.C.
P.O. BOX 22998
LINCOLN, NE 68542
(402)421-9222

THE PLANNING DIRECTOR APPROVES THIS
AA #07078 TO
SP #04016
PLANNING DIRECTOR — DATE 10/16/07

LEGEND

- EXISTING WATER MAIN
- PROPOSED WATER MAIN
- EXISTING SANITARY SEWER
- PROPOSED SANITARY SEWER
- SANITARY SEWER MANHOLE
- FIRE HYDRANT
- WATER VALVE
- EXISTING STORM SEWER
- PROPOSED STORM SEWER
- LIMITS OF SPECIAL PERMIT

CENTERLINE CURVE DATA

	A	B	C	D	E
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	L=[illegible].13	L=[illegible].10	L=[illegible].41	L=[illegible].19	T=21.[illegible]
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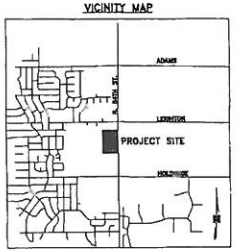
VICINITY MAP



LAND USE TABLE

BLOCK	LOT #	ZONE	LAND USE	FLOOR AREA/ UNITS	AREA (ACRES)	AREA (S.F.)
1	1	H-4	RETAIL/COMMERCIAL/RESTAURANT	10,000 S.F.	1.16	50,769
	2	*	RETAIL/COMMERCIAL	7,900 S.F.	0.85	37,326
	3	*	RETAIL/COMMERCIAL	7,900 S.F.	0.85	37,285
	4	*	RETAIL/COMMERCIAL	5,900 S.F.	0.93	40,825
	5 & 11	*	RECREATION FACILITY / OFFICE	33,000 S.F. / 1,000 S.F.	2.36	103,583
	6 & 10	*	RETAIL/COMMERCIAL	140,000 S.F.	1.78	77,722
	7	*	RETAIL/COMMERCIAL	7,000 S.F.	0.83	36,532
	8	*	RETAIL/COMMERCIAL	16,000 S.F.	1.82	79,151
	9	*	RETAIL/COMMERCIAL	7,500 S.F.	0.85	37,159
			TOTALS	216,2[illegible] S.F.	11.41	499,381

PLANNING DIRECTOR APPROVAL

THE PLANNING DIRECTOR APPROVES THIS AA TO SPECIAL PERMIT NO. 04016 – NORTHERN LIGHTS COMMERCIAL CENTER – NORTH 84TH & LEIGHTON AVE. – REVISE USE & FLOOR AREA FOR LOTS 1, 8, & 7. ADD SPECIAL PERMIT NOTE #15.

DATE _____ DIRECTOR OF PLANNING _____

ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF NEBRASKA. THESE PLANS MEET THE REQUIREMENTS OF THE CITY ENGINEER'S OFFICE DESIGN REQUIREMENTS.

10/16/2007 — MARK C. PALMER — E-9103

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED THE BOUNDARY OF THE ABOVE PRELIMINARY PLAT AND THAT PERMANENT MONUMENTS HAVE BEEN PLACED OR FOUND AT ALL BOUNDARY CORNERS.

Oct 11th, 2007 — MICHAEL R. JOHNSON — L.S. NO. 528

LEGAL DESCRIPTION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPRISED OF LOTS 1-12, BLOCK 1, NORTHERN LIGHTS 3RD ADDITION, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 12, BLOCK 1 NORTHERN LIGHTS 3RD ADDITION, SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 02 MINUTES 13 SECONDS EAST ALONG THE EAST LINE OF LOTS 12 THROUGH 9, SAID LINE BEING 50.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 922.62 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 71 DEGREES 31 MINUTES 42 SECONDS WEST ALONG A SOUTHEAST LINE OF LOT 9, A DISTANCE OF 43.42 FEET TO A POINT, THENCE SOUTH 88 DEGREES 08 MINUTES 30 SECONDS WEST ALONG THE SOUTH LINE OF LOTS 9, 8 AND 1, A DISTANCE OF 488.18 FEET TO A POINT, THENCE NORTH 00 DEGREES 35 MINUTES 47 SECONDS WEST ALONG THE WEST LINE OF LOTS 1 THROUGH 4, A DISTANCE OF 937.25 FEET TO THE NORTHWEST CORNER OF SAID LOT 4, THENCE NORTH 88 DEGREES 18 MINUTES 42 SECONDS EAST ALONG THE NORTH LINE OF LOTS 4, 5 AND 12, A DISTANCE OF 538.51 FEET TO THE TRUE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 11.47 ACRES, OR 499,745.96 SQUARE FEET MORE OR LESS.

GENERAL NOTES

1. SANITARY SEWER AND WATER LINES TO BE 8" PIPE UNLESS OTHERWISE SHOWN. STORM SEWER SHALL BE CONSTRUCTED USING APPROVED PIPE MATERIALS OF THE BUILDING AND SAFETY PLUMBING DEPT. PUBLIC AND PRIVATE UTILITIES TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS.
2. ALL PAVEMENT RETURN RADII TO BE 20' (MIN.) UNLESS OTHERWISE NOTED.
3. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION.
4. ALL SIDEWALKS SHALL BE 4' WIDE. SIDEWALKS SHALL BE CONSTRUCTED ON THE WEST SIDE OF 84TH, BOTH SIDES OF NORTHERN LIGHTS DRIVE, BOTH SIDES OF NORTHWOODS DRIVE THROUGH THE H-4 AREA TO THE PROPOSED BIKE TRAIL, AND ALONG THE WEST SIDE OF NORTHWOODS DRIVE ADJACENT TO THE ICE SKATING POND.
5. ALL STREET INTERSECTIONS ARE AT 90° UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
7. DIRECT VEHICULAR ACCESS TO NORTH 84TH STREET SHALL BE RELINQUISHED EXCEPT AS SHOWN.
8. ALL ELEVATIONS ARE TO NAVD 1988.
9. ALL PARKING LOT ISLANDS SHALL BE RAISED, CONCRETE CURB AND GUTTER MEDIANS.
10. ALL OUTLOTS, MEDIANS, AND PRIVATE ROADWAYS WITHIN THIS SPECIAL PERMIT SHALL BE MAINTAINED BY AN ASSOCIATION OF PROPERTY OWNERS.
11. UTILITY EASEMENTS TO BE PROVIDED AS REQUESTED BY L.E.S.
12. ORNAMENTAL LIGHTING SHALL COMPLY WITH L.E.S. STANDARDS.
13. THE PROPOSED LOT LINES ARE CONCEPTUAL AND MAY VARY IN THE FINAL PLAT.
14. TOTAL USAGE:
    TOTAL BLOCKS – 1
    TOTAL LOTS – 11

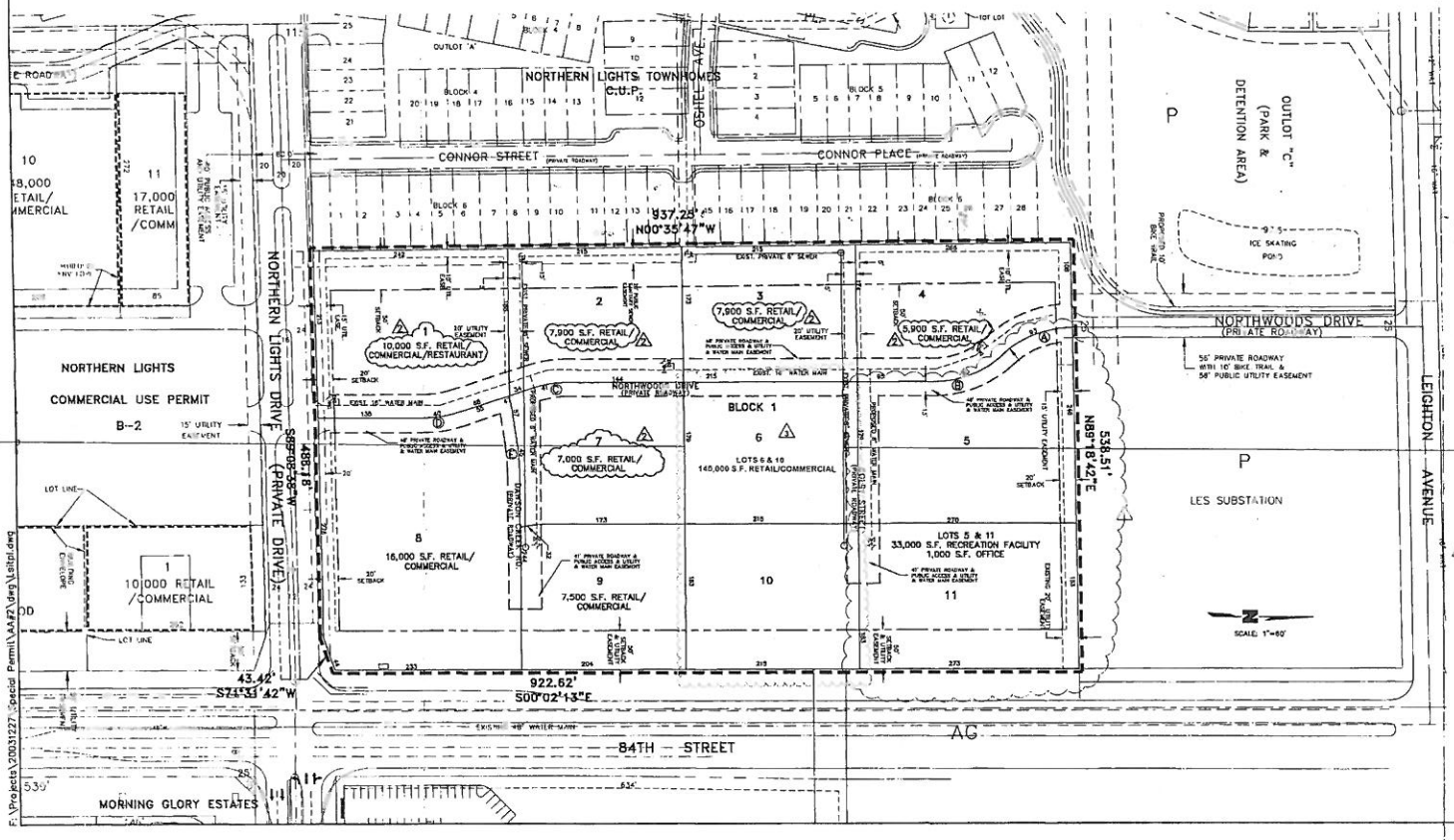
SPECIAL PERMIT NOTES

1. A LANDSCAPE PLAN WILL BE SUBMITTED WITH EACH INDIVIDUAL SITE PLAN BUILDING PERMIT APPLICATION.
2. THE DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES/LOT SHOWN ON EACH LOT.
3. ALL DRIVES SHALL BE 24' WIDE TYPICAL UNLESS OTHERWISE NOTED.
4. SIGNS NEED NOT BE SHOWN ON THE SITE PLAN, BUT WILL BE SHOWN AT TIME OF BUILDING PERMIT & WILL BE PER ZONING ORDINANCE 27.69.
5. ALL DISABLED PARKING STALLS SHALL BE IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, (FEDERAL REGISTER/VOL. 56, NO. 144/RULES AND REGULATIONS.
6. THE SALE OF ALCOHOL SHALL MEET THE ZONING ORDINACE REQUIREMENTS.
7. TENT USAGE APRIL 1ST – NOV. 1ST MAX. SIZE OF TENTS 80' X 40' BUT SMALLER CAN BE USED. NO PARKING WITHIN 20 FEET OF TENTS. MULTIPLE MAY BE UP AT ONE TIME, HOWEVER, TOTAL NUMBER OF TENTS USED AT ONE TIME MAY NOT COVER MINIMUM NUMBER OF PARKING STALLS REQUIRED BY CHAPTER 27.67 OF THE ZONING ORDINANCE.
8. ATM's, FENCES, DECORATIVE STRUCTURES, & ACCESSORY BUILDINGS ARE NOT SHOWN ON THE SITE PLAN IF THEY ARE 25' X 25' OR SMALLER AND ARE CONSTRUCTED OUTSIDE OF SETBACKS, SIGHT TRIANGLES, EASEMENTS, AND REQUIRED MINIMUM PARKING AND ARE BUILT ACCORDING TO THE ZONING ORDINANCE PROVISIONS, AND ARE IN CONFORMANCE WITH ALL OTHER APPLICABLE CODES.
9. WE ARE REQUESTING A COMMON ACCESS EASEMENT OVER ALL DRIVES & PARKING STALLS.
10. BUILDING HEIGHT SHALL NOT EXCEED 35 FEET (H-4). WEST OF NORTHWOODS DR
11. ALL OUTSIDE LIGHTING SHALL MEET CITY OF LINCOLN DESIGN STANDARDS FOR PARKING LOTS, AND SHALL BE DIRECTED AWAY FROM RESIDENTIAL USES.
12. THE LOCATION AND ALIGNMENTS OF THE PRIVATE ROADWAYS IN THE H-4 AREA WERE PREVIOUSLY APPROVED UNDER THE NORTHERN LIGHTS COMMERCIAL CENTER PRELIMINARY PLAT AND USE PERMIT.
13. INDIVIDUAL SITE PLANS, INCLUDING DETAIL OF PARKING LOT LAYOUT AND BUILDING LAYOUT, SHALL BE SUBMITTED AT THE TIME OF BUILDING PERMIT AND SHALL MEET ALL DESIGN STANDARDS AND ZONING CODES. PARKING LOT AISLES SHALL BE CONTINUOUS BETWEEN LOTS.

OCT 23 2007

REQUESTED WAIVERS

1. A WAIVER TO THE LINCOLN MUNICIPAL CODE TO REDUCE THE REQUIRED FRONT YARD SETBACK ON THE NORTH SIDE OF NORTHERN LIGHTS DRIVE FROM 50' TO 20'.
2. A WAIVER TO THE LINCOLN MUNICIPAL CODE TO ELIMINATE THE INTERNAL SETBACKS WITHIN THE H-4 AREA.



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OLSSON ASSOCIATES
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1111 LINCOLN MALL, LINCOLN, NEBRASKA 68508 PHONE: 402.474.6311 FAX: 402.474.5160

REVISIONS
10/17/07 REVISE USE & FLOOR AREA FOR LOTS 1-4 & 8-7
10/10/07 REVISE USE & FLOOR AREA FOR LOTS 1-4 & 8-7
LOTS 5 & 11 — 1/3/07
LOTS 5 & 11 — 12/5/06
LOTS 1-12 — 11/13/06
LOTS 1-12 — 10/13/06
LOTS 1-12 — 9/13/06

SITE PLAN

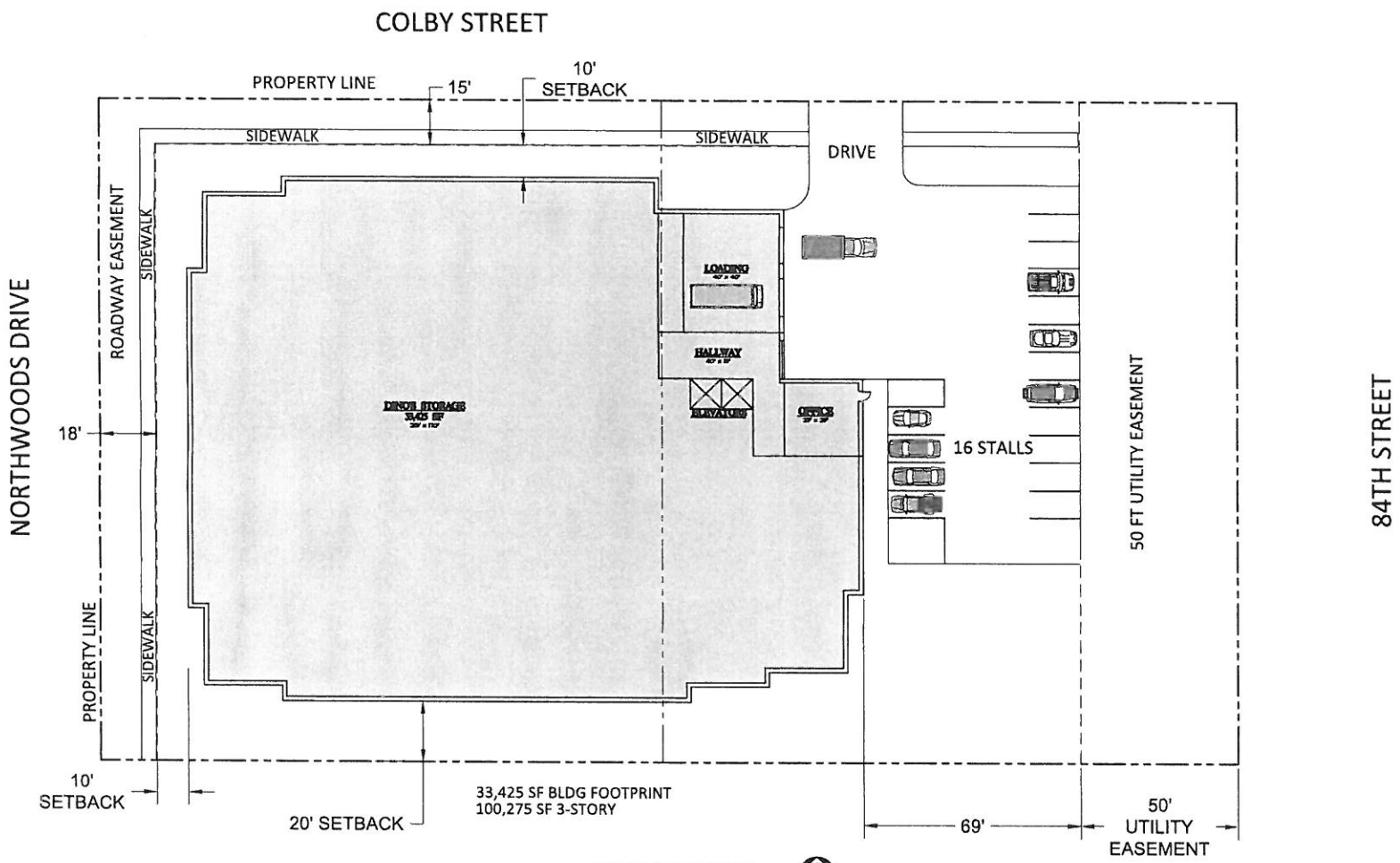
NORTHERN LIGHTS COMMERCIAL CENTER
ADMINISTRATIVE AMENDMENT TO SPECIAL PERMIT #04016

LINCOLN, NEBRASKA

2004

drawn by:	C.A.
checked by:	MCP
revised by:	MCP C.A.
project no.:	03-1227
drawing no.:	400140-1
date:	03/19/04

SHEET 01 OF 04



1 SITE DESIGN "H"
SCALE: NONE
33,425 SQ FT

NORTH

DINO'S STORAGE - NORTHWOODS DRIVE
NORTHERN LIGHTS SUBDIVISION
LINCOLN, NEBRASKA

Jan 8, 2016
102016
C1-H

hgm ASSOCIATES INC.

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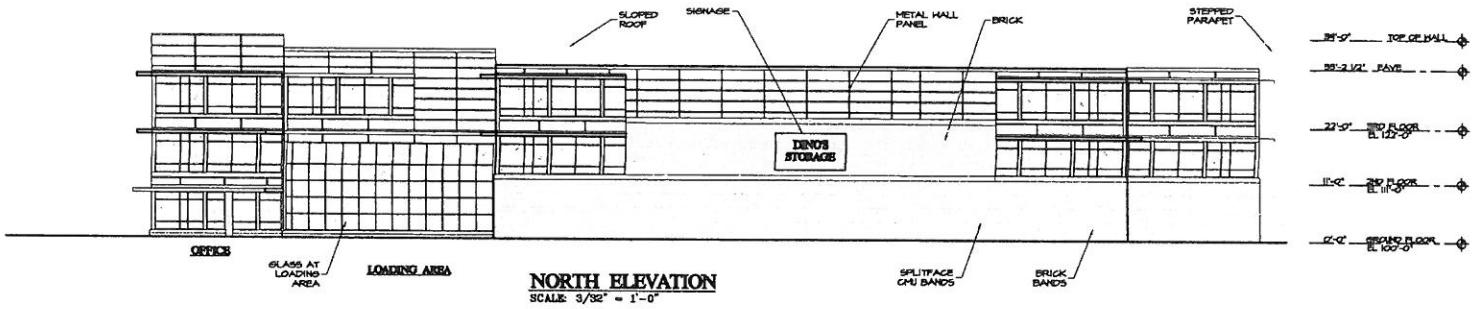
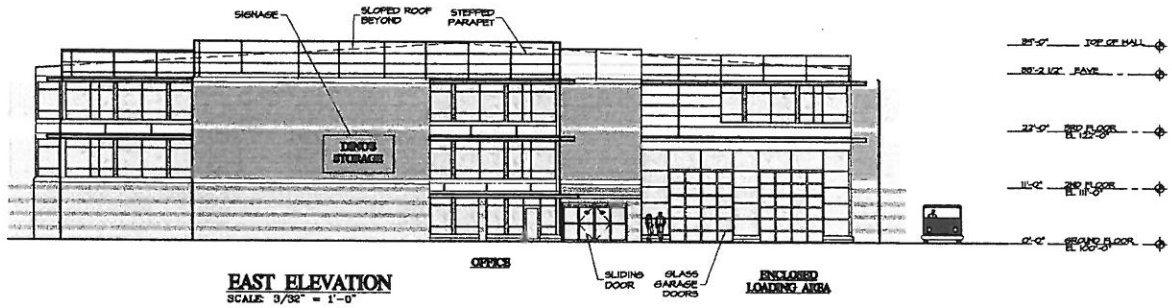


NORTH ELEVATION
SCALE: 3/32" = 1'-0"



EAST ELEVATION
SCALE: 3/32" = 1'-0"

DINO'S STORAGE - NORTHWOODS DRIVE

NORTHERN LIGHTS SUBDIVISION
LINCOLN, NEBRASKA

Jan 8, 2016
102016

hgm ASSOCIATES INC.

A2-H1

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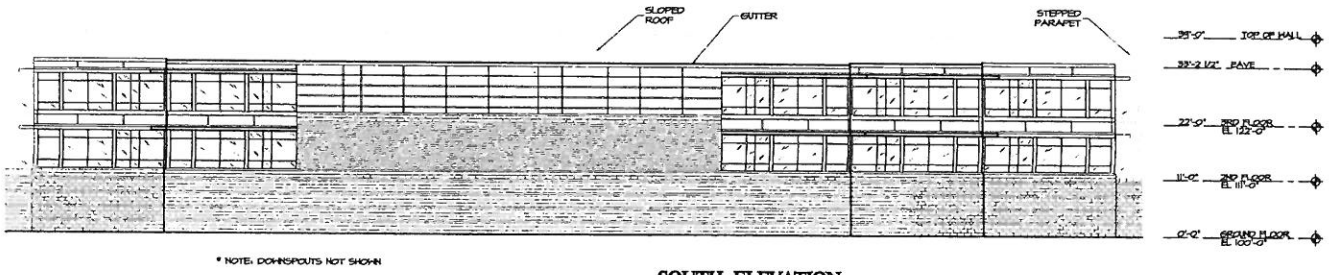
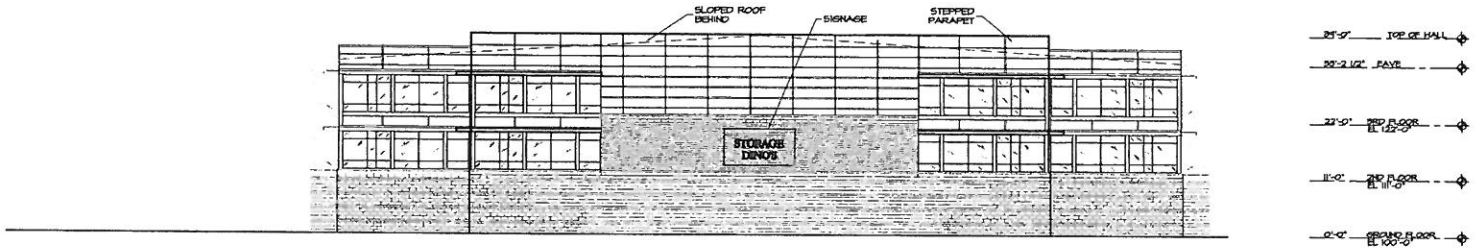


* NOTE: DOWNSPOUTS NOT SHOWN

SOUTH ELEVATION
SCALE: 3/32" = 1'-0"



WEST ELEVATION
SCALE: 3/32" = 1'-0"

DINO'S STORAGE - NORTHWOODS DRIVE

NORTHERN LIGHTS SUBDIVISION
LINCOLN, NEBRASKA

Jan 8, 2016
102016

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A2-H2

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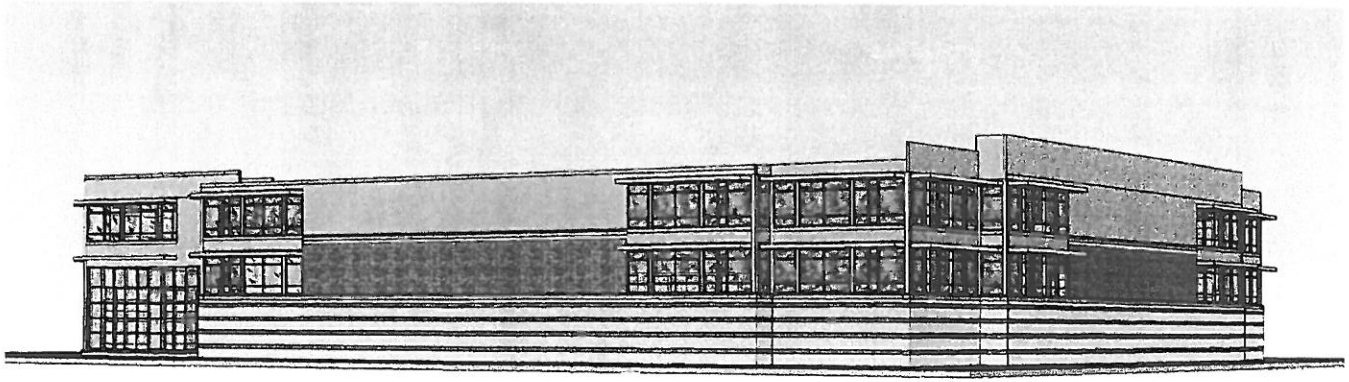
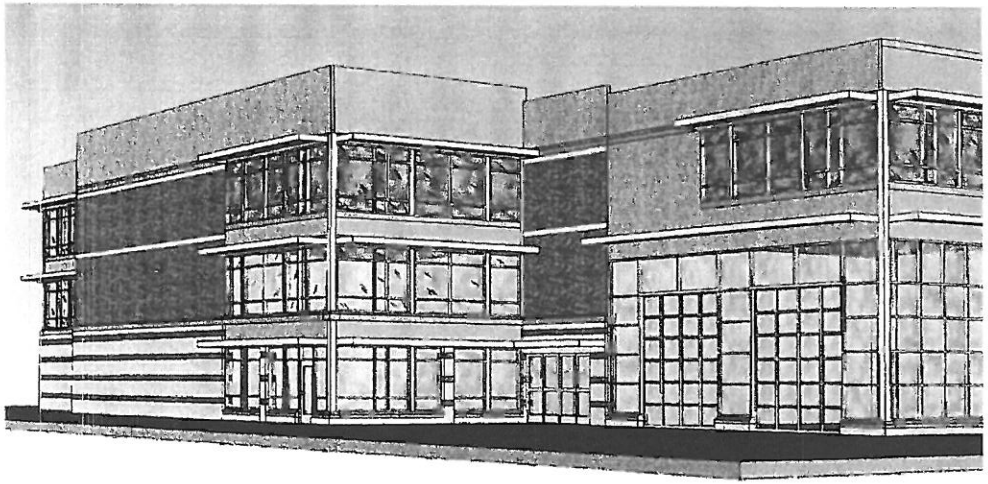


5 SCHEMATIC DESIGN "H" - LOOKING SOUTHEAST
SCALE: NONE



6 SCHEMATIC DESIGN "H" - LOOKING SOUTHWEST
SCALE: NONE

7 SCHEMATIC DESIGN "H" - ENTRY
SCALE: NONE

DINO'S STORAGE - NORTHWOODS DRIVE

NORTHERN LIGHTS SUBDIVISION
LINCOLN, NEBRASKA

Jan 8, 2016
102016

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A7-3

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Planning Board
Request Administrative Amendment of Maximum Bldg Size Allowed

Proposed Location: Dino's Storage Facility

Dino's Storage would like to build a multi-story climate controlled indoor self-storage building on what is currently lots 6 & 10 of the Northern Lights 3rd Addition. The property is located southeast of the Northwoods Drive and Colby Street intersection. Based upon the Land Use Requirements in the Northern Lights Commercial Center Administrative Amendment to Special Permit #04016, the allowable commercial/retail use floor area for the lots is 11,000 SF for Lot 6 and 8,000 SF for Lot 10, for a total of 19,000 SF. Dino's Storage is requesting to combine lots 6 & 10 into one lot and to increase the allowable floor area for this combined lot to 140,000 SF.

Unique perhaps to the self-storage industry is the reality that we sub-divide, market and sell "Floor Area". It is our one source of revenue. We respectfully request that the Board allow an increase in the allowed Building Floor Area for these parcels.

Dinos Storage has learned that a larger building size is necessary to offset the hard costs of constructing a multi-level climate controlled modern storage facility. The increase in Floor Area will generate the increased revenues to make this development possible.

The property is zoned H-4 and the Storage Facility, which is considered a Mini-warehouse Use, is a permitted use in that zoning. No waivers are being requested for the site.

Parking Requirements in the Lincoln Zoning Ordinance for Mini-warehouse has a requirement of 2 stalls for manager's office and 1 stall per 200 storage units. The proposed facility would have up to 1000 storage units, requiring 7 parking stalls. However based upon existing Dino's Storage Facilities in Omaha and past experience with customer use, we would propose to increase the amount of parking to 12-16 parking stalls.

Dinos Storage is excited about the possibility of a Lincoln, Nebraska development. We look forward to furthering this effort. We anticipate attending the December Planning board meeting ready to answer any questions and provide more information.

Thank You,

Respectfully,

Dale Clymens

Dinos Storage