

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Special Permit #1629D

DATE: December 19, 2001

PROPOSAL: Special permit for planned service commercial, along with a request to modify the requirements of §27.69.047 L.M.C. to permit an additional ground sign for the U-Stop at the northeast corner of S. 27th Street and Porter Ridge Road.

LAND AREA: 31.5 acres, more or less

CONCLUSION: An additional sign along Porter Ridge Road provides little additional benefit - any traffic arriving from S. 27th Street would already have seen the sign on S. 27th Street and traffic exiting the residential area would already be aware of the service station they passed on the way into the neighborhood.

The applicant intends the sign to provide pricing information. This information can be provided on the S. 27th Street sign or on wall signs.

It would be difficult to deny future requests for additional ground signs within this development: the other businesses have a reasonable expectation that they will be treated fairly.

While within the Council's power to grant, this request is neither necessary nor appropriate.

RECOMMENDATION:

Denial

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 1 and Outlot A, South Ridge Village 7th Addition, located in the NW 1/4 of Section 19, T9N, R7E of the 6th P.M., Lancaster County, Nebraska.

LOCATION: S. 27th Street and Porter Ridge Road

APPLICANT: Whitehead Oil/U-Stop Convenience Shop

CONTACT: Brian D. Carstens
Brian D. Carstens & Associates
601 Old Cheney Road - Suite C
Lincoln, NE 68512

EXISTING ZONING: H-4 with a special permit for planned service commercial

EXISTING LAND USE: Gas station/convenience store under construction

SURROUNDING LAND USE AND ZONING:

North:	H-4	Vacant
South:	H-4	car dealership
East:	H-4	Vacant
West:	B-2	grocery store and pad sites

HISTORY:

August 2001	The Planning Director approved Administrative Amendment #01059 to Special Permit #1629. This amendment approved the site layout for the convenience store and gas station. Included on the site plan were two ground sign envelopes. Only one ground sign is permitted per business in the H-4 district, unless the requirements are modified by City Council.
August 2000	City Council approved Special Permit #1629B, which converted a pole sign to a ground sign and added a ground sign to the Duteau site.
March 1999	City Council approved Change of Zone #3161 from O-3 to H-4.
February 1999	Special Permit #1629A was approved. This increased the size of the auto dealership on the south side of Porter Ridge Road to 40,000 square feet.
Sept. 1996	Special Permit #1629 for planned service commercial was approved.
February 1994	This area was annexed and the zoning was changed from AG to H-4 and O-3.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Map designates this site as Commercial. One of the goals of the Comprehensive Plan is to “discourage strip development and encourage more compact and higher quality development.” (p 54)

TRAFFIC ANALYSIS: S. 27th Street is a principal arterial in the future functional road and street classification. Porter Ridge Road is a local street.

AESTHETIC CONSIDERATIONS: Substantial effort has been made to reduce the signage on all four corners of S. 27th Street and Pine Lake Road in order to promote higher quality development.

ALTERNATIVE USES: One ground sign per business, as permitted by §27.69.047(a) L.M.C.

ANALYSIS:

1. If approved, this request would permit an additional ground sign for the gas station/convenience store at the corner of S. 27th Street and Porter Ridge Road.
2. §27.69.047 L.M.C. states:

27.69.047 Permitted Signs; H-1 and H-4 Zoning Districts.

In the H-1 and H-4 zoning districts, the specific regulations are as follows:

- (a) One on-premises pole sign or ground sign per business. If such sign is in the required front yard, it shall not exceed fifty square feet of sign area; if it is outside the required front yard, it shall not exceed 100 square feet of sign area.
- (b) In lieu of (a) above, one on-premises pole sign or one on-premises ground sign identifying the name of the H-4 commercial area or primary activity conducted within the district shall be permitted. Such sign shall not exceed 100 square feet in area and shall not exceed thirty-five feet in height and shall be permitted adjacent to each public street abutting the perimeter of any H-4 district; provided, that said street frontage extends for at least 300 feet.

One additional ground sign identifying individual businesses shall be permitted in the H-4 district for each 500 feet of combined frontage along a single street. Such ground sign shall not exceed fifty square feet in area and shall not exceed eight feet in height. All such ground signs shall be spaced a minimum of 150 feet apart along any street frontage, and shall be permitted in the required front yard at a minimum distance of twenty-five feet from the front lot line.

For the H-4 zoning district, **the sign regulations in this paragraph may be modified by the City Council in connection with the granting of a special permit for a planned service commercial district** in conformance with all other requirements of Chapter 27.45. (emphasis added)

3. The site plan accompanying the administrative amendment for the convenience store included two sign envelopes. Per §27.69.047 L.M.C. only one sign is permitted per business, unless the requirements are modified by City Council. The sign regulations cannot be altered administratively, whatever the site plan may depict.

4. In this case, the sign locations were interpreted as alternatives by staff and as approved sign locations by the developer.
5. The proposed sign location would serve little purpose. Traffic from S. 27th Street would have already seen the ground sign on S. 27th Street. People from within the residential area would already be aware of this business, which they most likely passed on the way into the neighborhood. The applicant notes that the proposed sign is identical to the sign on S. 27th Street.
6. Purchasers of other lots within this development have a reasonable expectation of equal treatment under the zoning ordinance. If an additional sign is approved at this location, it would be difficult to deny further applications while maintaining a policy of fairness.
7. While this request is within the power of City Council to grant, it is neither necessary nor appropriate.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan to show:

1.1.1 Add a note indicating that §27.69.047 L.M.C. has been modified to permit an additional ground sign for the convenience store.

1.1.2 Relocate the sign so that it is not directly above existing LES cable.

2. This approval permits 215,000 square feet of commercial uses as shown on the approved site plan and modifies the requirements of §27.69.047 L.M.C. to permit an additional 8 foot tall/50 square foot maximum area ground sign in the required front yard of the gas station/convenience store at the corner of S. 27th Street and Porter Ridge Road.

General:

3. Before receiving building permits:

- 3.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies showing the following revisions and the plans are acceptable:
- 3.2 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Jason Reynolds
Planner



Area of Application

Area of Amendment

S. 27th St.

Pine Lake Rd.

S. 29th St.

Porter Ridge Rd.

Lawson Dr.

S. 28th St.

Lambert Pl.

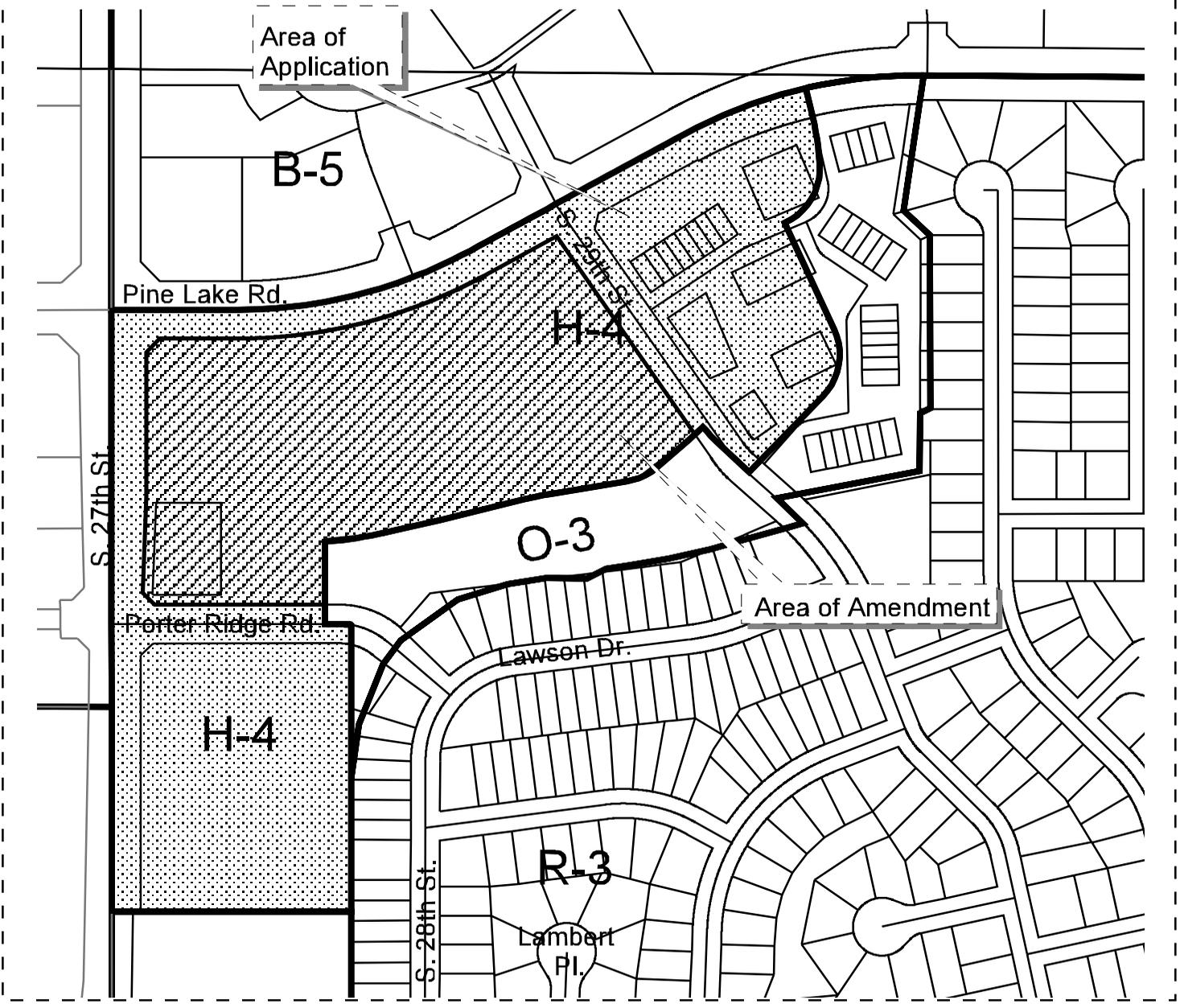
Brummond Rd.



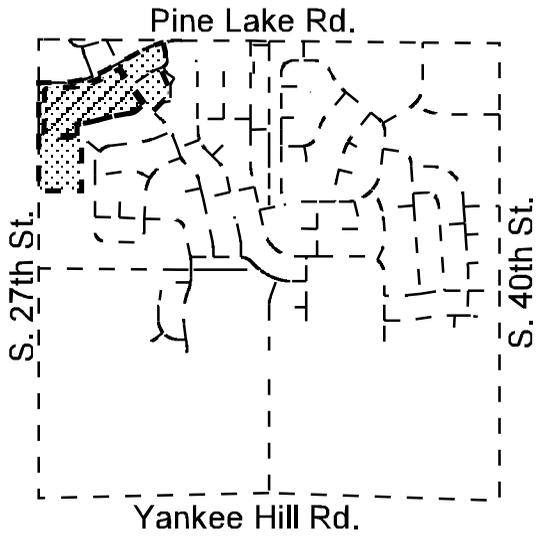
Special Permit #1629D
S. 27th & Porter Ridge Rd.

Photograph Date: 1999

Lincoln City - Lancaster County Planning Dept.



Special Permit #1629D
S. 27th & Porter Ridge Rd.

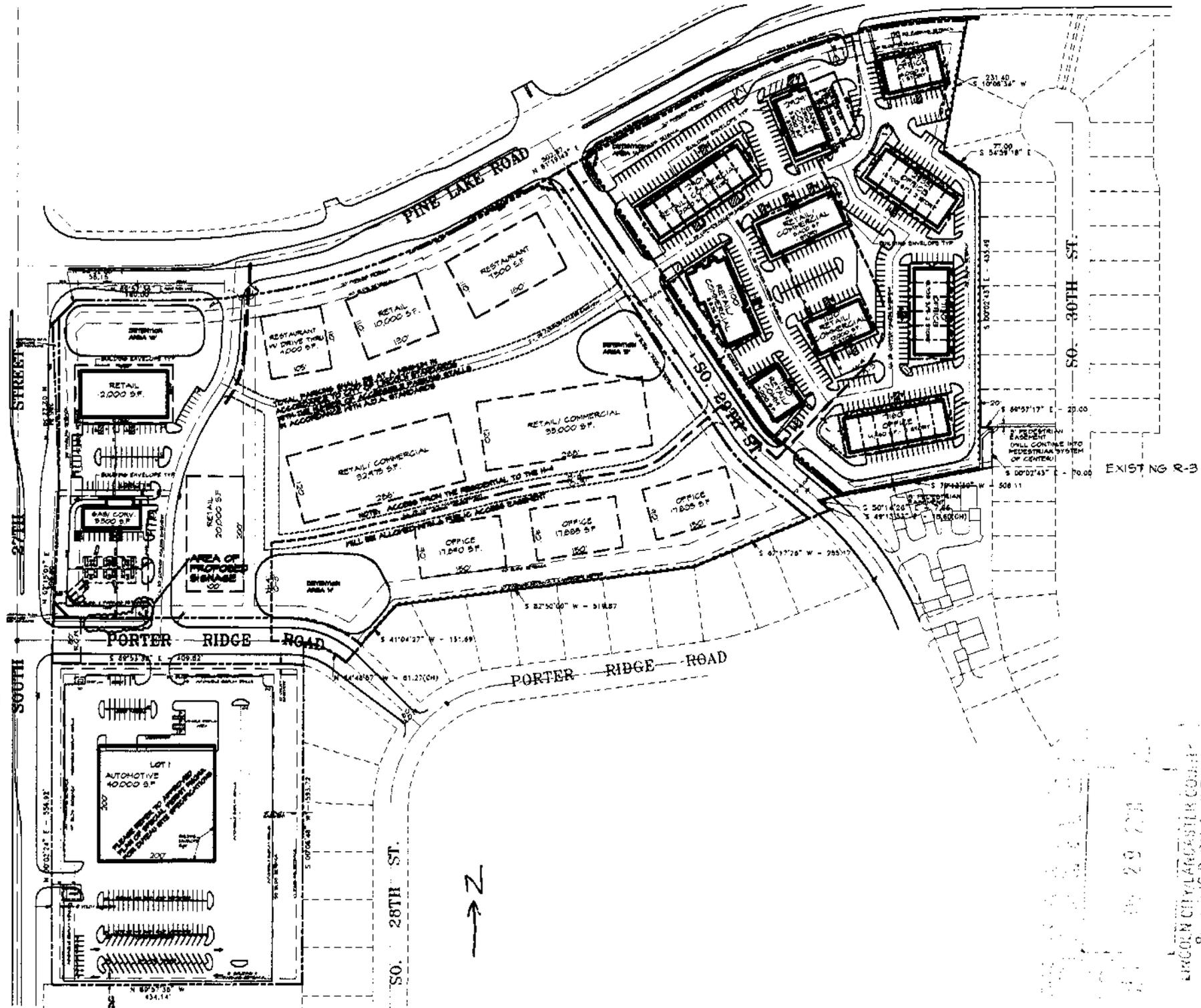


Zoning:

- | | |
|------------|--|
| R-1 to R-8 | Residential District |
| AG | Agricultural District |
| AGR | Agricultural Residential District |
| R-C | Residential Conservation 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. 19 T9N R7E





NOV 29 2011

LINDSEY CHRYSLER/ARISTARCO
 Planning Director

27TH



N 02°15'01" E
305.80

NEW 4' SIDEWALK

191.15'

15'

CAR WASH
800 S.F.

GAS/ CONV.
3,500 S.F.

5' HIGH MAX. BRICK
DUMPSTER ENCLOSURE

A.R/
VACUUM

C.L. 32' COMMON ACCESS EASEMENT

UNDER
GROUND
TANKS

50' BLDG. & PARKING SETBACK

EXISTING 50 S.F.
GROUND SIGN, 8' MAX. HT.
W/ 20'x20' CONST. LIMITS

PROPOSED 50 S.F.
GROUND SIGN, 8' MAX. HT.
W/ 20'x20' CONST. LIMITS

NEW 4' SIDEWALK

80'
R.O.W.

BUILDING ENVELOPE TYP.

10' STORM
SEWER EASE

LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

RETAIL
20,000

200'

AREA OF
PROPOSED
SIGNAGE

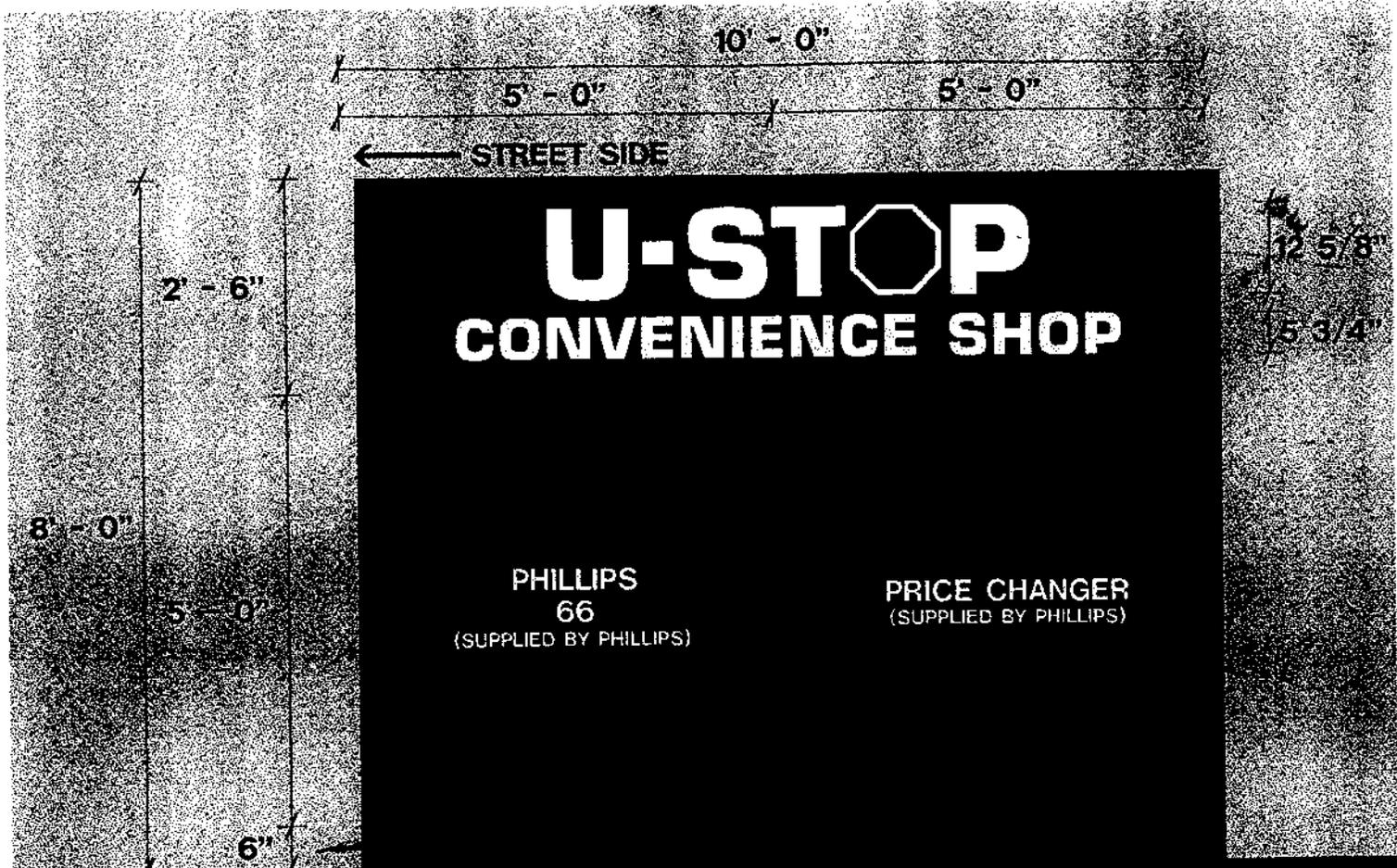
100'

PORTER

RIDGE

ADDITIONAL R.O.W.
DEDICATED
INST. #99-064716

(U-STOP) WHITEHEAD OIL # 8429



RECEIVED
 JUL 29 2001
 LINCOLN CITY AND CASPER COUNTY
 PLANNING DEPARTMENT

TWO DOUBLE-FACE, INTERIOR-ILLUMINATED, GROUND SIGNS
 CUSTOM FABRICATED METAL CABINET ON ANGLE FRAME
 CABINET AND RETAINERS TO BE PAINTED BLACK
 "PHILLIPS 66" AND "PRICE CHANGER" FACES TO BE PROVIDED BY PHILLIPS
 "U-STOP" SIGN TO BE FABRICATED BY ME. SIGN - FACE TO BE PAN-TYPE FACE
 DECORATED F/S WITH TRANSLUCENT FILMS (VERIFY RETAINER SIZE)
 BACKGROUND TO BE BLACK WITH WHITE COPY - "STOP SIGN" TO BE
 #230-73 "DK-RED" TRANSLUCENT FILM
 FLUORESCENT ILLUMINATION
 BASE TO BE BY OTHERS

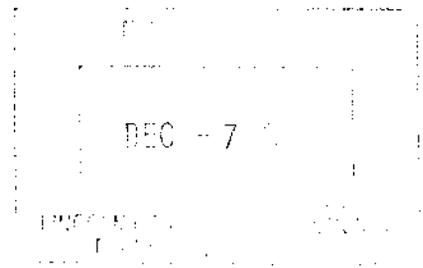
COMPUTER GENERATED DRAWING IS INTENDED TO BE AN APPROXIMATE REPRESENTATION OF ACTUAL COLORS AND IMAGES.

CLIENT	WHITEHEAD/PHILLIPS 66	SALESPERSON	ISAACSON	HARDCOPY	<input checked="" type="checkbox"/>	This proposed advertising display has been created from a survey and analysis by our qualified representatives and designers. It is an original drawing created by Nebraska Sign Company. All permits are advised that this design is the exclusive property of Nebraska Sign Company and that any use of the same without written permission is strictly forbidden. FILE: WHITEHD66
ADDRESS	27TH & PORTIER RIDGE RD.	ARTIST	SCHOENECK	SITE PLAN	<input type="checkbox"/>	
CITY	LINCOLN	SKETCH NO.	02803	PHOTO	<input type="checkbox"/>	
STATE	NE	SCALE	1/2" = 1'-0"	CLIENT APPROVAL	<input type="checkbox"/>	
		DATE	6/22/01	DATE	<input type="checkbox"/>	
			REVISED 7/11/01			Nebraska Sign Company 1140 North 21st Street Ph. (402) 476-6563 P.O. Box 80956 FAX (402) 476-3461 Lincoln, Nebraska 68501

M e m o r a n d u m

[REDACTED]

To: Jason Reynolds, Planning Department
From: Charles W. Baker, Public Works and Utilities *CBK*
Subject: Special Permit # 1629-C, South Ridge Village
Date: December 6, 2001
cc: Roger Figard
Nicole Fleck-Tooze



The City Engineer's Office of the Department of Public Works and Utilities has reviewed the site plan for the proposed sign location for the C- Store located at 27th and Porter Ridge Road. Public Works has the following comments:

- The proposed sign location is located within the sight distance triangle for the sidewalk and must be relocated.

City of Lincoln, Nebraska

IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Plan Review Comments

Permit # **DRF01108**

Address

Job Description: **SOUTH RIDGE VILLAGE**

Location: **SOUTH RIDGE VILLAGE**

Special Permit: **Y 1629-C**

Preliminary Plat: **N**

Use Permit: **N**

CUP/PUD: **N**

Requested By: **JASON**

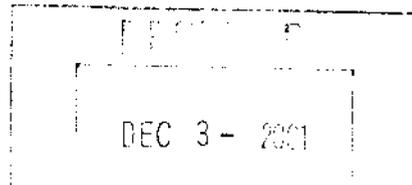
Status of Review: **Approved**

Reviewer: **FIRE PREVENTION/LIFE SAFETY CODE** **BOB FIEDLER**

Comments:

Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards





INTER-DEPARTMENT COMMUNICATION

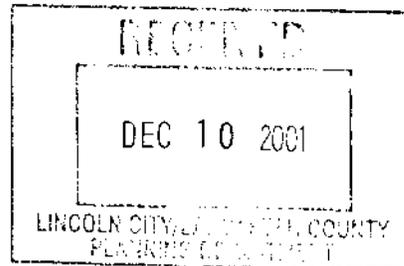
TO Jason Reynolds, City Planning
SUBJECT DEDICATED EASEMENTS
DN #70S-29E

DATE December 7, 2001
FROM Sharon Theobald
(Ext. 7640)

Attached is the Special Permit Request for Southridge Village.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

Please be advised there are existing underground cables, as noted in red on the attached drawing.



ST/ss
Attachment
c: Terry Wiebke
Easement File

27TH STREET

27TH

SOUTH

N 02°22'38" W 285.21

N 02°15'01" E 305.80

BUILDING ENVELOPE TYPE

RETAIL 12,000 S.F.

BUILDING ENVELOPE TYPE

GAS/ CONV. 3,500 S.F.

CAR WASH 800 S.F.

RETAIL 20,000 S.F.

Existing LES 12KV underground cables.
AREA OF PROPOSED SIGNAGE 100'

PORTER RIDGE

S 89°53'38" E 409.82'

ADDITIONAL R.O.W. DEDICATED INST #99-064716

NEW 4' SIDEWALK

EXISTING 50 S.F. GROUND SIGN 8' MAX. HT. IN 20x20 CONST. LIMITS

PROPOSED 30 S.F. GROUND SIGN 8' MAX. HT. IN 20x20 CONST. LIMITS

20' BLDG. & PARKING SETBACK

20' PARKING SETBACK

40' BLDG. SETBACK

5' HIGH MAX. BRICK DUMPSTER ENCLOSURE

CL. 32' COMMON ACCESS EASEMENT

10' STORM SEWER EASE

AIR/ VACUUM

UNDER GROUND TANKS

80' R.O.W.

IDENTIFYING A PARTICULAR BUSINESS 75 S.F. GROUND SIGN 10' MAX. HEIGHT IN 11x17 CONST. LIMITS

DISPLAY 5 GUEST 5

20' BLDG. & PARKING SETBACK 16 AUTOMOBILE DISPLAY STALLS

10' UTILITY EASEMENT

GUEST PARKING

VEHICLE DISPLAY AREA

TOT ACC 7 7

H-4' 0-3

60

200'

100'

104

LLB

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MEMORANDUM

DATE: October 31, 2001
TO: SP1629 files
FROM: Ray Hill, Planning Department
SUBJECT: Signs for Whitehead Oil @ S. 27th & Porter Ridge
COPY:file

On Oct. 30, '01, Mark Hunzeker phoned to find out our reaction to allowing a second business sign. He indicated that they had been denied the second business sign by Terry Kathe in Building & Safety Department because the Zoning Ordinance permits only one business sign.

Mark pointed out that the administrative amendment approving the site plan did show two sign pads. I explained that the administrative amendment cannot change the zoning requirements and that the sign pads could be optional locations for the business or the second sign area used as a sign to identify the center as permitted in the zoning ordinance.

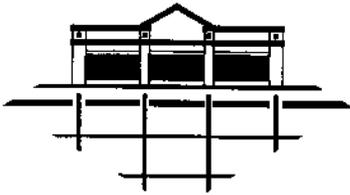
Mike D, Steve H, Jason R, Brian W. and I discussed allowing the second business sign. We concluded that:

This is the first building to be constructed and that it would set the standard for the rest of the buildings.

All the building pad sites will expect fair and equal treatment.

The second business sign should not be permitted.

I informed Mark of our decision.



BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

November 29, 2001

Ms. Kathleen A. Sellman, AICP
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: SOUTH RIDGE VILLAGE - SPECIAL PERMIT #1629- C
SOUTH 27TH STREET AND PINE LAKE ROAD
U-STOP CONVENIENCE SHOP SIGNAGE

Dear Kathleen,

On behalf of Whitehead Oil/ U-Stop Convenience Shop, we submit the following revised Special Permit for your review. U-Stop desires to construct an additional ground sign at their new location at South 27th and Porter Ridge Road as shown on the attached plans.

There has been some confusion on the part of the City as to the sign envelopes that were shown on the latest approved administrative amendment. We had shown the two sign envelopes on the U-Stop site along with the site plan for the convenience store. We had always anticipated using both sign locations for U-Stop.

However, at the time Nebraska Sign Company applied for the two sign permits, they were only granted one. The other location was approved in error, according to building and safety. Thus we are requesting a formal amendment to the Special Permit, to allow the additional ground sign. Please note that the City Council has the authority to grant the additional sign in connection with the approval of the revised Special Permit.

It is important to U-Stop to have this ground sign, as it is located on one of the major entrances to the South Ridge Village / Porter Ridge development. Porter Ridge Road acts as a 'collector' street into the Porter Ridge neighborhood. This sign will advertise the current gasoline pricing as patrons enter the site.

The proposed sign will be 8 feet in height. It contains a 25 square foot 'U-Stop Convenience Shop' sign, a 25 square foot 'Phillips 66' sign as well as a 25 square foot 'price changer' sign. Please note that the 'price changer' signage is not counted in the total square footage of the sign, as per 27.69.180 (a). The proposed sign will be exactly the same as the existing sign along South 27th Street.

Please contact me if you have any further questions.

Sincerely,

Brian D. Carstens

cc: Mark Whitehead, Whitehead Oil

Mark Hunzeker

ENCLOSURES: 16 Copies of Sheet 1 of 4
6 Copies of Sheets 2 thru 4 of 4
Application for a Special Permit

Certificate of Ownership
8-1/2" x 11" Reductions
Application fee of \$585.00

