

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for May 24, 2006 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone #06031

PROPOSAL: The creation of a special sign district for the area covered by the 48th & O Streets Redevelopment Plan.

LOCATION: Southeast of the intersection of South 48th & O Streets

LAND AREA: Approximately 4.6 acres.

EXISTING ZONING: B-3 Business.

CONCLUSION: The approved redevelopment agreement pursuant to the redevelopment plan for this area contained a conceptual site plan that included signs. While not specifically approved by that agreement, the package of signs included as part of this request for a special sign district were originally envisioned by the developer as part of the overall development. The special sign district is limited to the area of the redevelopment agreement and modifies the sign regulations to the extent that ground signs are allowed to exceed the maximum height and area for the B-3, and allows a multi-tenant sign on an outlot. CZ#06032 which amends the special sign district regulations must be approved first to allow the creation of this special sign district.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: See the attached legal description.

EXISTING LAND USE: The long-time auto dealership and auto display area, and other retail and residential uses that existed on this site have been removed in preparation for redevelopment.

SURROUNDING LAND USE AND ZONING:

North:	Commercial/Vacant	H-2
South:	Residential, Elementary School	R-2, P
East:	Commercial, Residential	R-2, H-2
West:	Commercial, Residential	R-2, R-5, O-2, H-2

ASSOCIATED APPLICATIONS: CZ#06032 - A text amendment proposing to revise LMC 27.69.300 making areas covered by an approved redevelopment plan also eligible for special sign districts.

FPPL#06023 - A final plat currently under review to subdivide the area of the proposed sign district into three lots and two outlots.

HISTORY: May 11, 2006 - Presented to the Mayor's Neighborhood Roundtable.

May 8, 2006 - CZ#06017 changing the zoning from R-2, O-2 and H-2 to B-3 for this site was approved.

January 26, 2005 - CPC#04010 was approved finding that the 48th & O Streets Redevelopment Plan was in conformance with the Comprehensive Plan.

August 23, 2004 - The City Council adopted the findings of a Blight and Substandard Determination Study and declared the 48th & O Streets area "substandard and blighted."

1979 - The zoning was changed from H-1 to H-2 with the 1979 Zoning Update.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F25 - The Land Use Map designates commercial land uses for this site.

Page F49 - Guiding Principles for Existing Commercial Centers

Encourage renovation and reuse of existing commercial centers. Infill commercial development should be compatible with the character of the area and pedestrian oriented.

Maintain and encourage retail establishments and businesses that are convenient to, and serve, neighborhood residents, yet are compatible with, but not intrusive upon residential neighborhoods.

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

The priority in older areas should be on retaining areas for residential development. Prior to approving the removal of housing in order to provide for additional parking to support existing centers, alternatives such as shared parking, additional on-street parking or the removal of older commercial stores should be explored.

ANALYSIS:

1. Special sign districts are currently limited to either an area of particular historical, ethnic, cultural or entertainment atmosphere, an area with a unique or special theme, or in an area designated as landmark district.
2. The associated application CZ#06032 amends the Zoning Ordinance making areas covered by approved redevelopment plans eligible for special sign districts. The subject property is covered by the approved 48th & O Streets Redevelopment Plan, and will be eligible for a special sign district if the proposed text amendment is approved.
3. Special sign districts can be characterized as an overlay district. All applicable zoning requirements still apply to the land within the district, only the applicable sign regulations are modified by the district. The applicable sign regulations can be made either more or less restrictive by the district.
4. The proposed district specifically modifies the B-3 sign requirements for four signs, otherwise all signs must comply with the applicable regulations. The attached sign elevations depict the four signs, with one sign for each of Lots 1, 2, 3, and Outlot A.
5. The sign requirements are modified in three ways. First, the maximum height of ground signs is adjusted from 8' to 13' 6". The sign elevations show the sign on Lot 1 at 13' in height; the sign on Lot 2 at 12' in height; the sign on Lot 3 at 13' 6" in height; and the sign on Outlot A at 9' in height.

Second, ground signs are not allowed to exceed 100 square feet in area. The sign on Lot 1 is shown at approximately 138 square feet; the sign on Lot 2 is shown at approximately 77 square feet; and the sign on Lot 3 is shown at approximately 118 square feet. The sign on Outlot A is shown at approximately 56 square feet and requires no adjustment. It should be noted that the sign face area calculations include the entire sign as measured from the ground to the top of the sign excluding the first 12" of the sign at the bottom.

Third, outlots are reserved for open space and common facilities and signs are not allowed. This district proposes to locate the 9' tall multiple-tenant sign near the northwest corner of Outlot A.

6. The site plan shows a 40' tall flag pole, with 6' x 9' flag. It is considered a sign unless the flag flown is an official government flag or some other flag excepted under LMC Section 27.69.110. The note does not indicate what type of flag will be flown, but staff understands it will be a flag with the name of the business located on Lot 3. A sign was

not shown in this location as part of the plan in the redevelopment agreement and does not appear to have been previously considered. As a flag pole, it does not comply because it exceeds the maximum allowed height of 35' and cannot advertise a business. As a sign, it does not comply because it exceeds the maximum allowed height of 35', and must be located more than 100' away from the sign shown along O Street.

7. The sign district allows all other signs as permitted in the B-3 district, but does not increase the number of signs allowed.
8. Except as noted in paragraph 5 above, all signs in the special sign district must otherwise comply with all other applicable requirements of LMC and the Uniform Sign Code.
9. The sign locations shown on the attached site plan are approximate. Public Works notes that the specific sign locations will be approved at the time of sign permits and must comply with all traffic and pedestrian sight triangles. Showing approximate locations allows the signs to be moved to accommodate the sight triangles or other requirements if necessary without an amendment to the special sign district.
10. The approved redevelopment agreement entered into by the City with the developer pursuant to the approved redevelopment plan included a concept site plan which was referenced as an exhibit in the agreement. While not specifically approved, that site plan included a sign plan nearly identical to the special sign district being proposed.
11. It was noted at the time of building/sign permits that the signs shown on the redevelopment plan exhibit did not fully comply with the B-3 sign requirements. A text amendment to allow special sign districts in areas covered by approved redevelopment plans was initiated along with this request for a special sign district.
12. The lot configuration shown on the site plan assumes the final plat of Phoenix Additional (FPPL#06023) is approved.

CONDITIONS OF APPROVAL:

Site Specific Conditions:

1. This approval permits the creation of a special sign district as shown on the attached plan and adjusts the sign regulations for the B-3 district as shown on the site plan and attached sign elevations, and in the sign district regulations that are a part of the special sign district.

General Conditions:

2. Before receiving building/sign permits:
 - 2.1 The permittee shall submit five copies of the plans and attachments to the Planning Department showing the following revisions:
 - 2.1.1.1 The note indicating a 40' tall flag pole with a 6' x 9' flag deleted from the special sign district plan.
 - 2.2 The construction plans shall comply with the approved plans.

Standard Conditions:

3. The following conditions are applicable to all requests:
 - 3.1 All development and construction is to comply with the approved plans.
 - 3.2 The site plan shall be the basis for all interpretations of sign requirements for signs within the special sign district.
 - 3.3 This ordinance's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the change of zone, provided, however, said 60-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the ordinance approving the change of zone and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

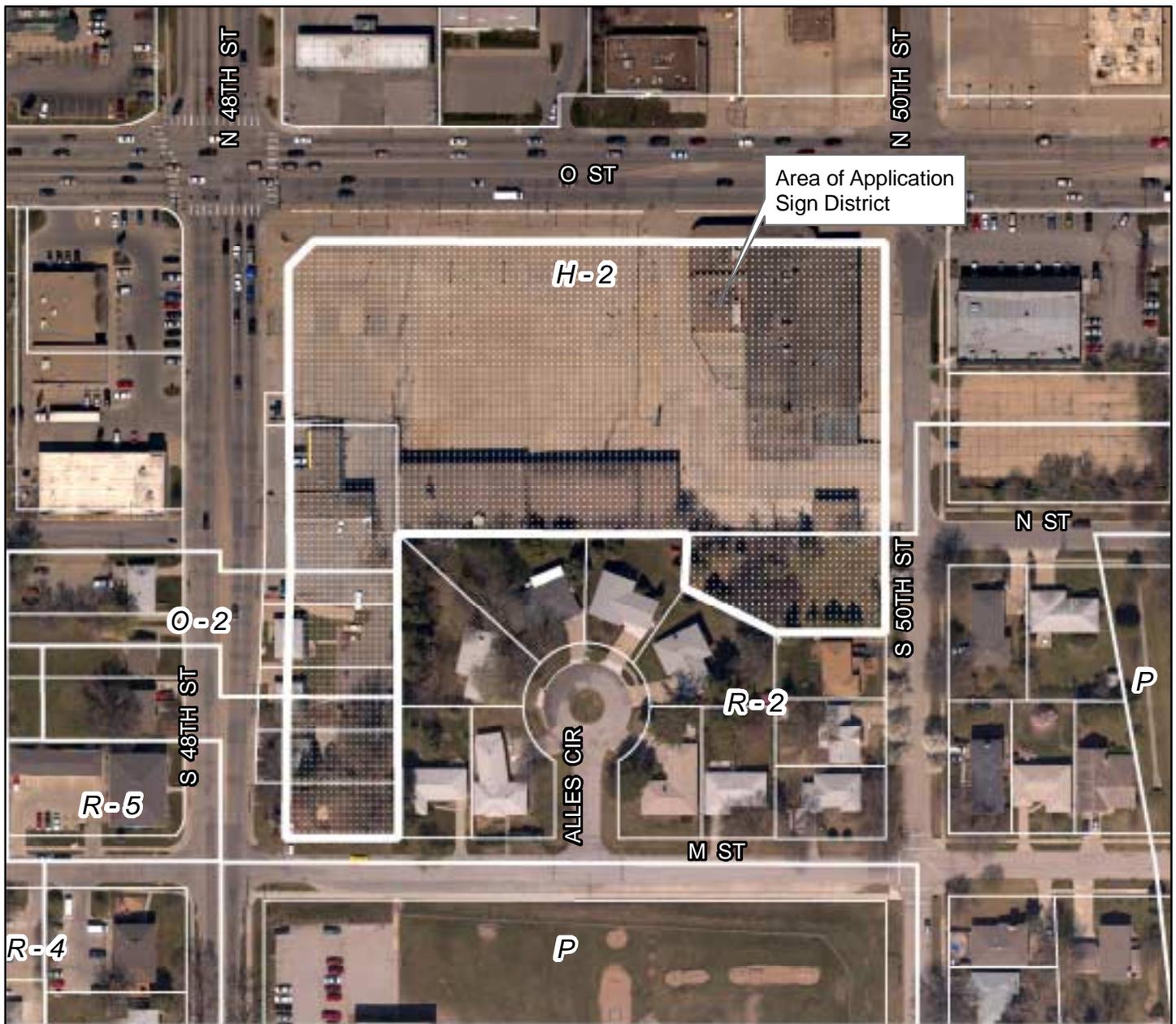
Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner
May 11, 2006

**APPLICANT/
CONTACT:**

Tim Gergen
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
402.474.6311

OWNER:

City of Lincoln
c/o Wynn Hjermstad
555 South 10th Street
Lincoln, NE 68508
402.441.7982



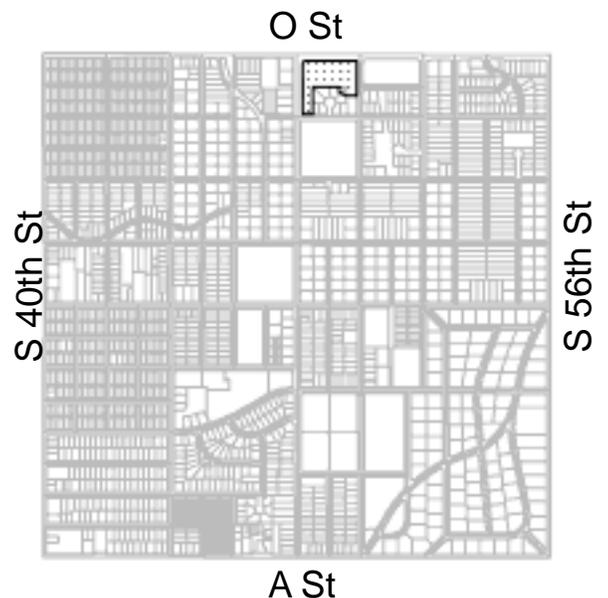
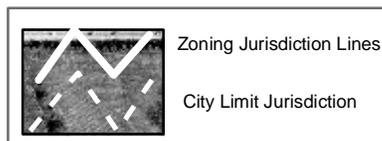
2005 aerial

Change of Zone #06031 48th & O Streets

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. 29 T10N R7E



48TH AND 'O' STREET



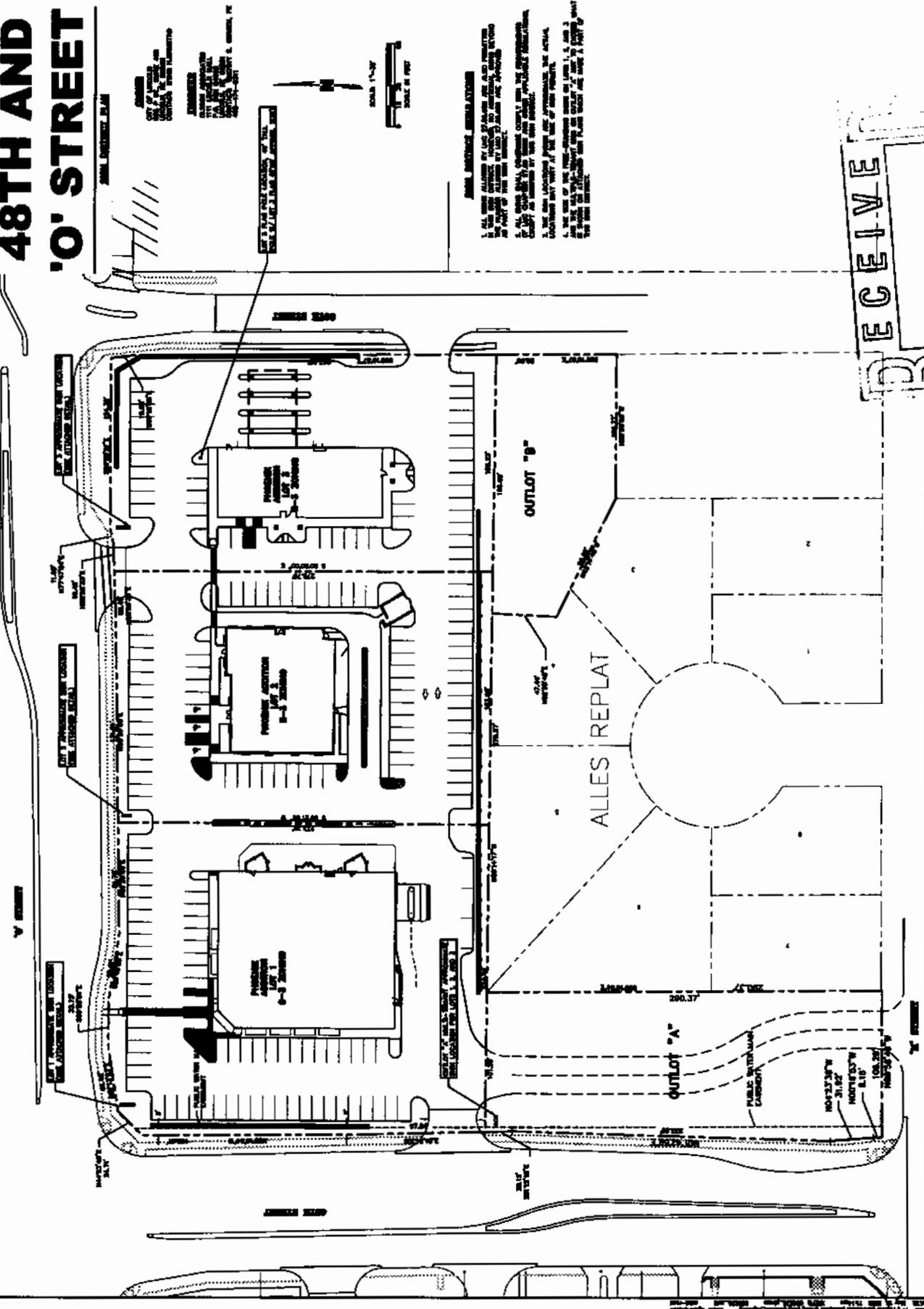
PROJECT NO.	2006
DATE	2006
BY	
CHECKED BY	
APPROVED BY	
DATE	

8000 DISTRICT PLAN
48TH & 'O' STREET
REDEVELOPMENT

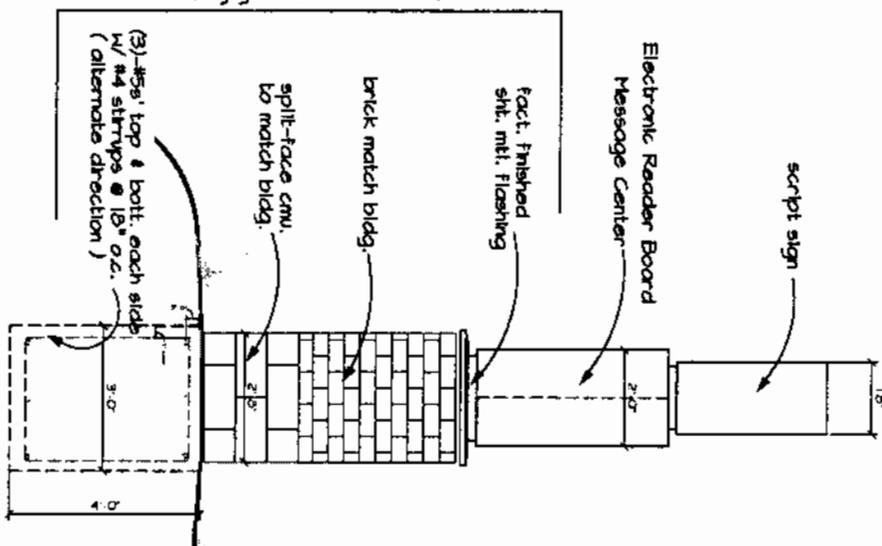
RECEIVE

MAY 16 2006

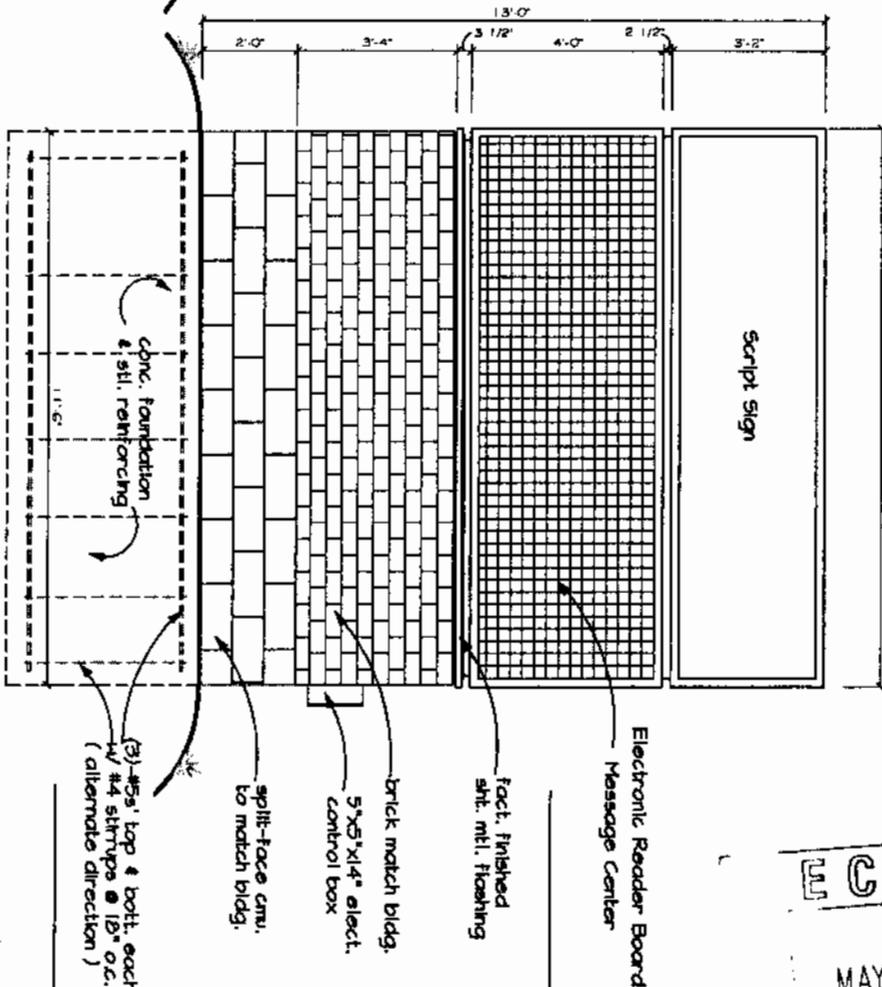
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT



(by general contractor)



2 | 3 SIDE ELEVATION
Scale: 1/2" = 1'-0"



2 | 1 FRONT ELEVATION
Scale: 1/2" = 1'-0"

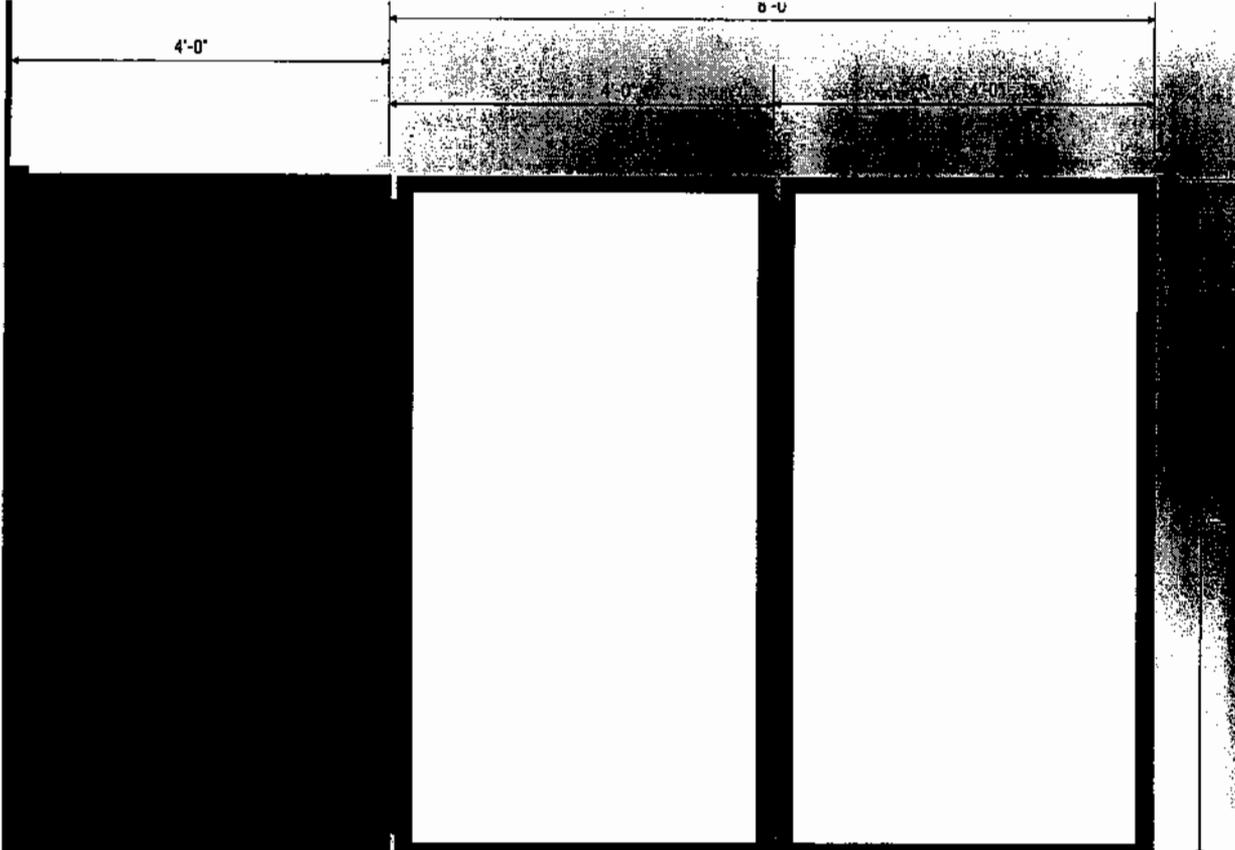
(by general contractor)

RECEIVED
 MAY 10 2006
 LINCOLN CITY/LANCASTER COUNTY
 PLANNING DEPARTMENT

Lot 1
 MONUMENT SIGN
 48TH AND "O" STREET

Scale: 1/2" = 1'-0"
 426 South 14th Street
 Omaha, Nebraska 68107
 Phone: (402) 342-2400
 FAX: (402) 342-2401

28 North 14th Street
 Lincoln, Nebraska 68508
 Phone: (402) 476-9100
 FAX: (402) 476-9122



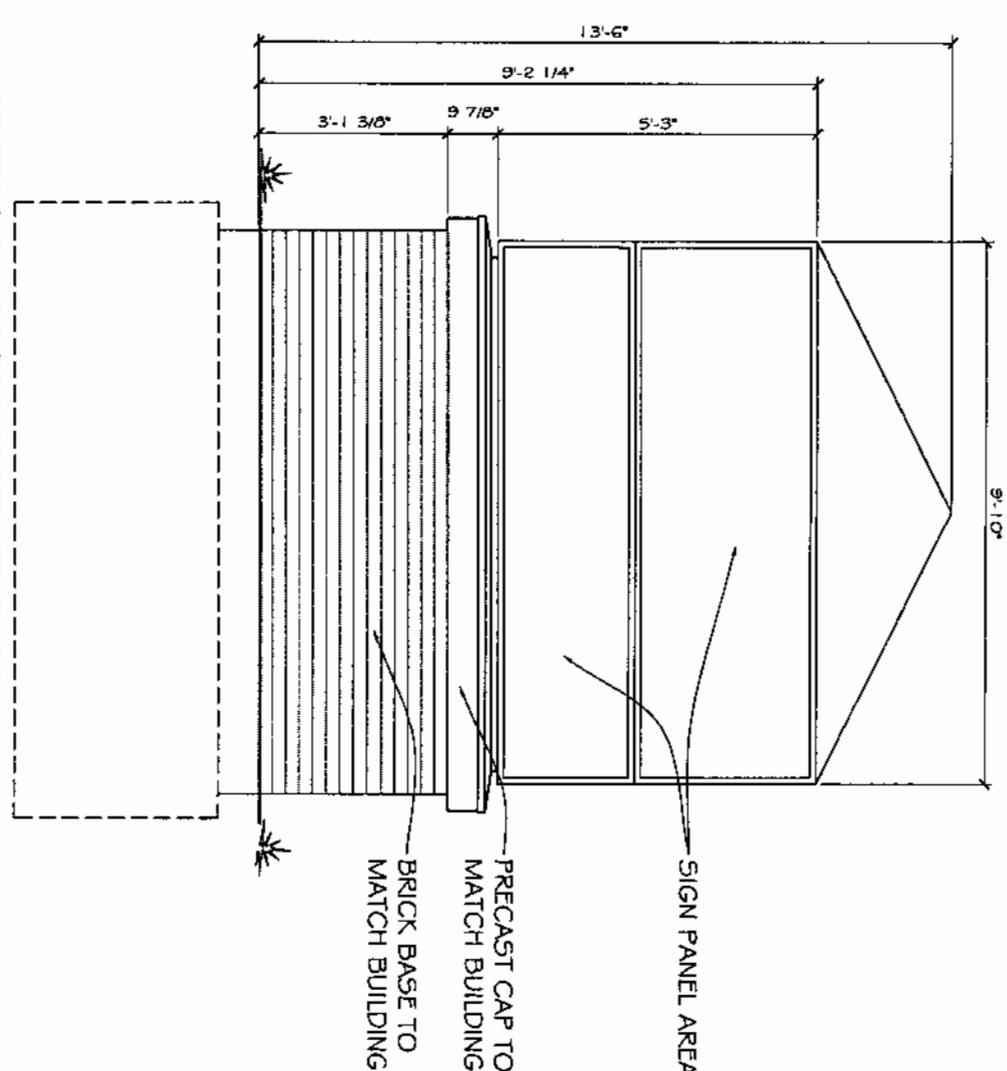
Brick Base is Built By Others.



**Lot 2
Monument Sign
48th & 'O' Street**

RECEIVED
MAY 10 2006
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

RECEIVED
 MAY 10 2006
 LINCOLN CITY/LANCASTER CO.
 PLANNING DEPARTMENT

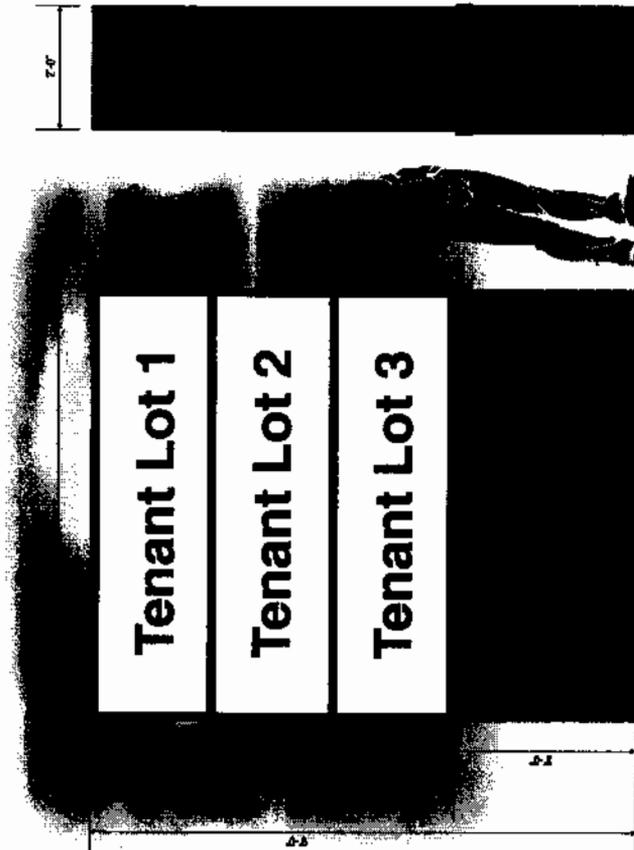


TYPICAL MONUMENT SIGN
 SCALE: 1/8" = 1'-0"

Lot 3
 Monument Sign
 48th & 'O' Street



Fabricate and Install (1) New Double Face Illuminated Ground Monument Sign



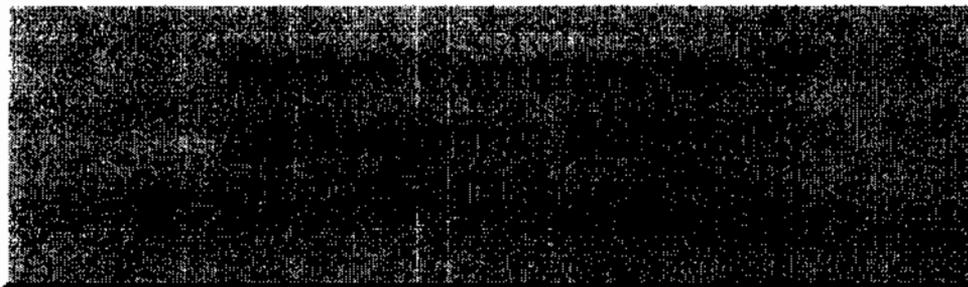
TENANT MONUMENT SIGN

Fabricate and Install (1) New Double Face Internally Illuminated Tenant Monument Sign. Cabinet is Built from .050 Aluminum over a 2" x 2" x 3/16" Angle Aluminum Interior Frame. Cabinet is Painted White Inside and Black Outside. Faces are Cut from White Lexan with Vinyl Applied. Black Aluminum Retainers are 1 1/2" Wide.

Faces are Internally Illuminated with CW/HQ Fluorescent Lamps Operating on 800ma Ballast. All Wiring and Electrical Components are UL Approved and Installed to Meet UL Specifications. Underground Feed to Sign is 120v from 20a Breaker.

**Outlot A
Multi-Tenant Sign
Monument Sign
48th & 'O' Street**





Status of Review: FYI

04/28/2006 11:53:51 AM

Reviewed By Building & Safety

Terry Kathe

Comments: Add note that states all signs must be per zoning ordinance unless shown.

Status of Review: Complete

Reviewed By Planning Department

RAY HILL

Comments:

Status of Review: Routed

Reviewed By Planning Department

COUNTER

Comments:

Status of Review: Active

Reviewed By Planning Department

BRIAN WILL

Comments:

Status of Review: Complete

05/05/2006 4:07:19 PM

Reviewed By Public Works - Development Services

SIETDQ

Comments: Memorandum()
□

To: □ Brian Will, Planning Department

From: □ Charles W. Baker, Public Works and Utilities

Subject: □ South 48th & "O" Street Sign District Change & Change of Zone #06032 and #06031

Date: □ May 5, 2006

cc: □ Randy Hoskins

□

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the South 48th and "O" Street Sign District Change and Change of Zone #06032 and #06031. Public Works has no objection to the proposed text changes. Public Works does not approve the site plan submitted with this proposal. Prior to approval of the sign locations, Public Works will require the site plan to show all traffic and pedestrian safety sight triangles be identified at the driveways and street intersections.

Status of Review: Active

Reviewed By Urban Development

ANY

Comments:

Status of Review: Active

Reviewed By Urban Development

ANY

Comments:

LEGAL DESCRIPTION

A LEGAL DESCRIPTION COMPOSED OF A PORTION OF THE REMAINING PORTION OF LOT 4, LEMINGS SUBDIVISION, AND A PORTION OF LOT 3 AND LOT 4, ALLES REPLAT, OF PART OF LOT 4, LEMINGS SUBDIVISION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF A PORTION OF THE REMAINING PORTION OF SAID LOT 4, SAID POINT BEING LOCATED AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF SOUTH 48TH STREET WITH THE NORTH RIGHT-OF-WAY LINE OF 'M' STREET, SAID POINT BEING 25 FEET NORTH OF THE ORIGINAL SOUTHWEST CORNER OF SAID LOT 4; THENCE, NORTH, ALONG THE EAST RIGHT-OF-WAY LINE OF SOUTH 48TH STREET, ON AN ASSUMED BEARING OF NORTH 00 DEGREES 10 MINUTES 54 SECONDS WEST, A DISTANCE OF 73.49 FEET TO THE SOUTH CORNER OF A PARCEL OF LAND AS REFERRED TO IN BOOK 628, PAGE 187, RECORDS OF LANCASTER COUNTY; THENCE NORTH 02 DEGREES 30 MINUTES 44 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 34.89 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND AS REFERRED TO IN SAID BOOK 628, PAGE 187; THENCE NORTH 02 DEGREES 30 MINUTES 37 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 120.51 FEET TO A POINT THAT IS 40.3 FEET EAST OF THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29; THENCE NORTH 02 DEGREES 36 MINUTES 49 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 50.40 FEET TO AN EAST CORNER OF A PARCEL OF LAND AS REFERRED TO IN SAID BOOK 82, PAGE 30; THENCE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 02 DEGREES 42 MINUTES 28 SECONDS, A RADIUS OF 307.00 FEET, AN ARC LENGTH OF 14.51 FEET, A CHORD BEARING OF NORTH 00 DEGREES 46 MINUTES 39 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, AND A CHORD LENGTH OF 14.51 FEET TO AN EAST CORNER OF A PARCEL OF LAND AS REFERRED TO IN SAID BOOK 82, PAGE 30; THENCE NORTH 00 DEGREES 10 MINUTES 54 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 130.34 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND AS DESCRIBED IN INST. NO. 2004-30482, RECORDS OF LANCASTER COUNTY; THENCE NORTH 89 DEGREES 49 MINUTES 06 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SOUTH 48TH STREET, A DISTANCE OF 22.00 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF LAND AS DESCRIBED IN SAID INST. NO. 2004-30482; THENCE NORTH 00 DEGREES 10 MINUTES 54 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 120.30 FEET TO AN EAST CORNER OF A PARCEL OF LAND AS DESCRIBED IN SAID INST. NO. 2004-30482; THENCE NORTH 44 DEGREES 23 MINUTES 48 SECONDS EAST, ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SOUTH 48TH STREET, A DISTANCE OF 34.77 FEET TO A SOUTH CORNER OF A PARCEL OF LAND AS DESCRIBED IN SAID INST. NO. 2004-30482; THENCE SOUTH 89 DEGREES 50 MINUTES 51 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF 'O' STREET, A DISTANCE OF 542.71 FEET TO THE WEST RIGHT-OF-WAY LINE OF SOUTH 50TH STREET; THENCE SOUTH 00 DEGREES 10 MINUTES 57 SECONDS EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 372.16 FEET TO A POINT THAT IS 30 FEET WEST AND 221 FEET NORTH OF THE ORIGINAL SOUTHEAST CORNER OF SAID LOT 4, AS REFERRED TO IN INST. NO. 2003-72339, RECORDS OF LANCASTER COUNTY; THENCE NORTH 89 DEGREES 50 MINUTES 06 SECONDS WEST, ALONG THE SOUTH LINE OF A PARCEL OF LAND AS REFERRED TO IN SAID INST. NO. 2003-72339, A DISTANCE OF 104.77 FEET TO THE EAST LINE OF SAID ALLES REPLAT, SAID POINT BEING 71 FEET NORTH OF THE SOUTHEAST CORNER OF LOT 3 OF SAID ALLES REPLAT; THENCE NORTH 63 DEGREES 16 MINUTES 48 SECONDS WEST, ALONG THE SOUTHWEST LINE OF A PARCEL OF LAND AS DESCRIBED IN SAID INST. NO. 2003-72339, A DISTANCE OF 96.56 FEET; THENCE NORTH 02 DEGREES 35 MINUTES 45 SECONDS EAST, ALONG THE WEST LINE OF A PARCEL OF LAND AS DESCRIBED IN SAID INST. NO. 2003-72339, A DISTANCE OF 47.44 FEET TO THE NORTH LINE OF SAID ALLES REPLAT, SAID POINT BEING 96.0 FEET EAST OF THE NORTHWEST CORNER OF LOT 4 OF SAID ALLES REPLAT, AS REFERRED TO IN SAID INST. NO. 2003-72339; THENCE NORTH 89 DEGREES 14 MINUTES 17 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 275.57 FEET TO THE NORTHWEST CORNER OF LOT 5, OF SAID ALLES REPLAT; THENCE SOUTH 00 DEGREES 10 MINUTES 54 SECONDS EAST, ALONG THE WEST LINE OF SAID ALLES REPLAT, A DISTANCE OF 290.37 FEET TO THE SOUTHWEST CORNER OF SAID ALLES REPLAT; THENCE NORTH 89 DEGREES 58 MINUTES 46 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF 'M' STREET, A DISTANCE OF 135.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 215,051.32 SQUARE FEET OR 4.94 ACRES, MORE OR LESS.