

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for JUNE 22, 2005 PLANNING COMMISSION MEETING

PROJECT #: Use Permit No.05005

PROPOSAL: Construct a 5,000 sq. ft. office/medical building

LOCATION: Southwest of the intersection of S. 37th St. and "O" St.

WAIVER REQUEST: No waivers have been requested

LAND AREA: 0.563 acres, more or less

CONCLUSION: The proposed 5,000 sq. ft. office/medical building is not in character with the surrounding neighborhood. The office/medical building will cause a substantial increase of traffic through the neighborhood.

RECOMMENDATION:	Denial
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 18 & 19, Block 9, Young's Hyland Park, located in the NE 1/4 of Section 30-10-07, Lancaster County, NE

EXISTING ZONING: R-4, Residential

EXISTING LAND USE: Single family residential

SURROUNDING LAND USE AND ZONING:

North:	B-1 Local Business	Office-building
South:	R-4 Residential	Single-family
East:	R-4 Residential	Single-family
West:	R-4 Residential	Single-family

ASSOCIATED APPLICATION: Change of Zone #05043

HISTORY:

January 22, 2003 Special Permit #1997 to operate an early childhood care facility on a portion of Lots 18 and 19, Block 9, Young's Hyland Park Addition was denied by the Planning Commission.

- January 22, 2003 Alleyvacation#02020 to vacate the east 115' of the east-west alley from 35th St. to 37th St. was denied by the Planning Commission.
- October 3, 1990 Use Permit #51 for a 4,725 sq. ft. office building in an R-T District at S. 56th St. & "N" St. was approved by the Planning Commission.
- January 22, 1990 Change of Zone #2510 from R-2 to R-T at S. 56th St. and "N" St. was approved by the City Council.
- February 1970 Special Permit #489 for a parking lot in a residential zone on a portion of Lot 19, Block 9, Young's Hyland Park Addition was approved by the City Council.
- October 13, 1969 Special Permit #480 for a parking lot in a residential district on a portion of Lots 9, 10 and 11, Block 2 Young's Hyland Park Addition was approved by the City Council.

This area was zoned B-Two-family dwelling prior to the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS:

"The community continues its commitment to neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies. The Comprehensive Plan is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's established neighborhoods." (F-15)

"Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units in new neighborhoods." (F-17)

"Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood." (F-18)

"Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population." (F-18)

"Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood." (F-18)

The Land Use Plan shows this area as urban residential. (F-25)

“The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use is often gradual. The Comprehensive Plan also encourages the integration of compatible land uses, rather than a strict segregation of different land uses. (F-27)

“Expansion of existing commercial and industrial uses should not encroach on existing neighborhoods and must be screened from residential areas.” (F-49)

“The priority in older areas should be on retaining areas for residential development. (F-49)

“Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. Preserve existing affordable housing and promote the creation of new affordable housing throughout the community. (F-65)

“Promote the preservation, maintenance and renovation of existing housing and neighborhoods throughout the city, with special emphasis on low and moderate income neighborhoods.” (F-68)

“Promote the continued use of single-family dwellings and all types of buildings, to preserve the character of neighborhoods and to preserve portions of our past.” (F-68)

Guiding Principles for Existing Neighborhoods include: (F-69)

1. Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face.
2. Require new development to be compatible with character of neighborhood and adjacent uses.
3. Encourage retention of single family uses in order to maintain mix of housing

UTILITIES: This area is served with all utilities.

TOPOGRAPHY: The site has a very slight slope from east to west.

TRAFFIC ANALYSIS: S. 37th St. is a local street.

AESTHETIC CONSIDERATIONS: A 5,000 sq. ft. building is not in character with the existing houses. The surrounding houses are less than a 1,000 sq. ft. in size.

ALTERNATIVE USES: Alternative uses include replacing the houses with new single family houses or constructing a duplex on each lot.

ANALYSIS:

1. This application request is for a use permit to allow a 5,000 sq. ft. office/medical building. Associated with this request is Change of Zone #05043 from R-4 to R-T. This request is not in conformance with the Comprehensive Plan.
2. The area of application is served by a local street. Average traffic counts for a 5,000 sq. ft. medical office building are 181 trips per day compared with 55 trips per day for general office and 23 trips per day for two duplexes(four dwelling units). Persons leaving the office building and wishing to go west on "O" St. will most likely travel through the neighborhood to 33rd St., where there is a stoplight at 33rd St. & "O" St.
3. The increased traffic will most likely have a negative impact on the neighborhood.
4. Public Works and Utilities Department notes that the 27' wide local street does not meet design standards for commercial uses.
5. The size of the building is not in character with the surrounding houses. The surrounding houses range in size from 972 sq. ft. to 768 sq. ft.
6. The construction of the office building would require the removal of two single-family homes. The existing houses serve a need for low to moderate priced housing.
7. The applicant has agreed to the request from the Witherbee Neighborhood Association to not allow early childhood care facilities within the limits of the Use Permit.
8. Staff recommends denial of this application, however should the City Council choose to approve the Use Permit, staff recommends that approval be subject to the following conditions.

CONDITIONS OF APPROVAL:

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 10' utility easement along the west lot line as requested by the June 1, 2005 LES report.
- 1.1.2 Show the location of the sanitary sewer on the north and west property lines and easements for the sanitary sewer.
- 1.1.3 Show the existing storm sewer and easement.
- 1.1.4 The building envelope on the north side must be changed to allow the required 20' depth of the parking stalls.
- 1.1.5 Make corrections to the satisfaction of Public Works and Utilities Department.
- 1.1.6 Correct the overlapping text between the building and the alley on the Landscape Plan.
- 1.1.7 Correct the quantity of Colorado Spruce in the landscape schedule

2. This approval permits a 5,000 sq. ft. office/medical building

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.
- 3.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:

- 4.1 Before occupying the building 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:

Tom Cajka
Planner

DATE: June 6, 2005

APPLICANT: Brian D. Carstens
Brian D. Carstens & Associates
601 Old Cheney Rd. Suite "C"
Lincoln, NE 68512
(402) 434-2424

OWNER: Gregg & Cindy Trautman
8001 Brookfiels Dr.
Lincoln, NE 68506
(402) 488-3971

CONTACT: same as applicant



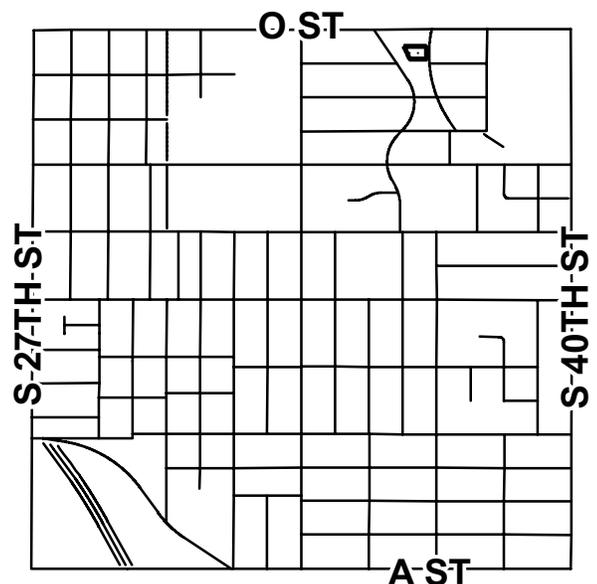
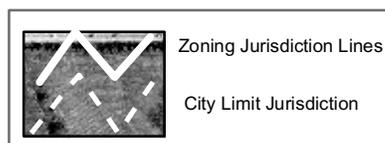
2002 aerial

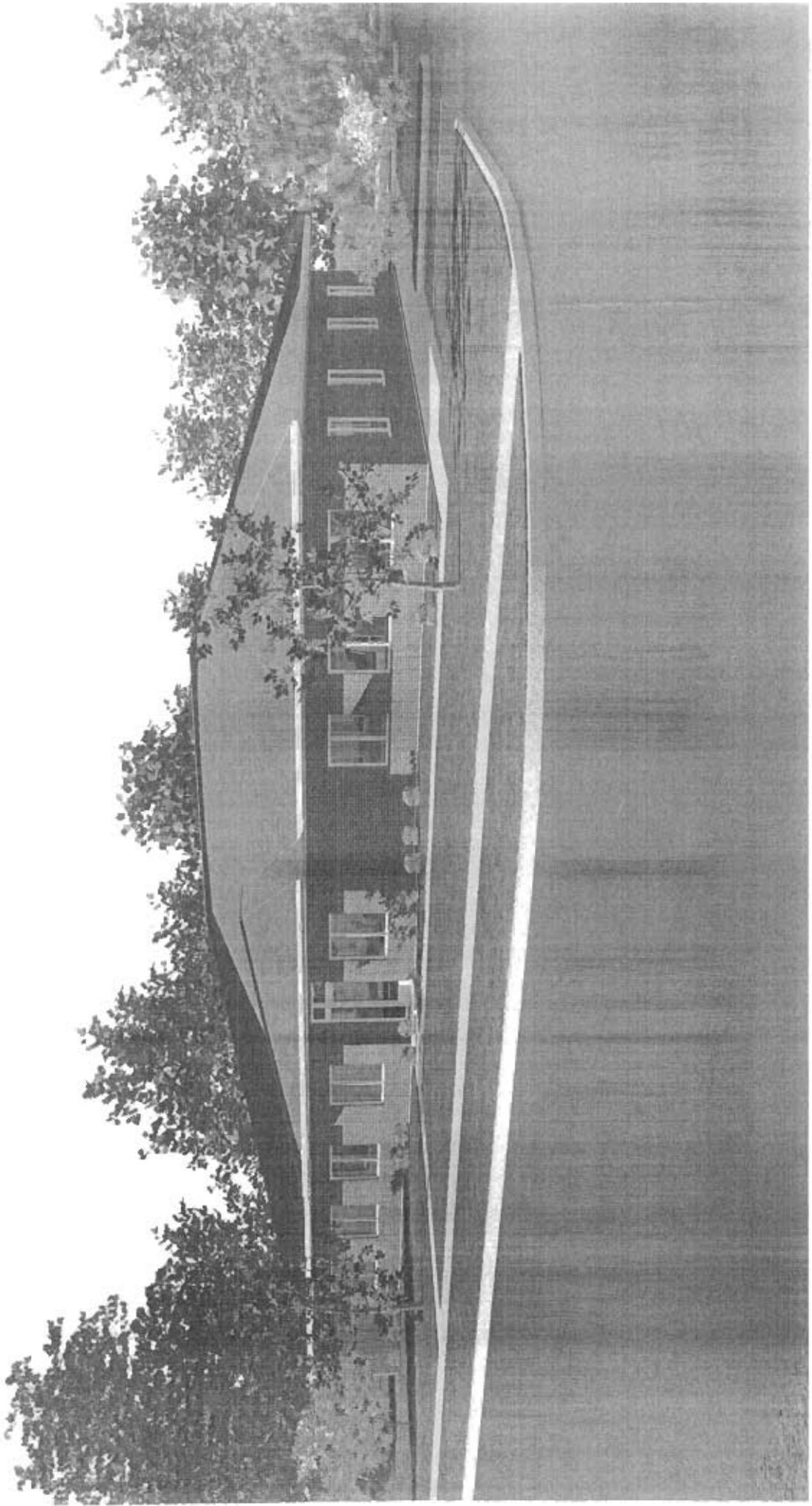
Use Permit #05005 S. 37th & 'O' St.

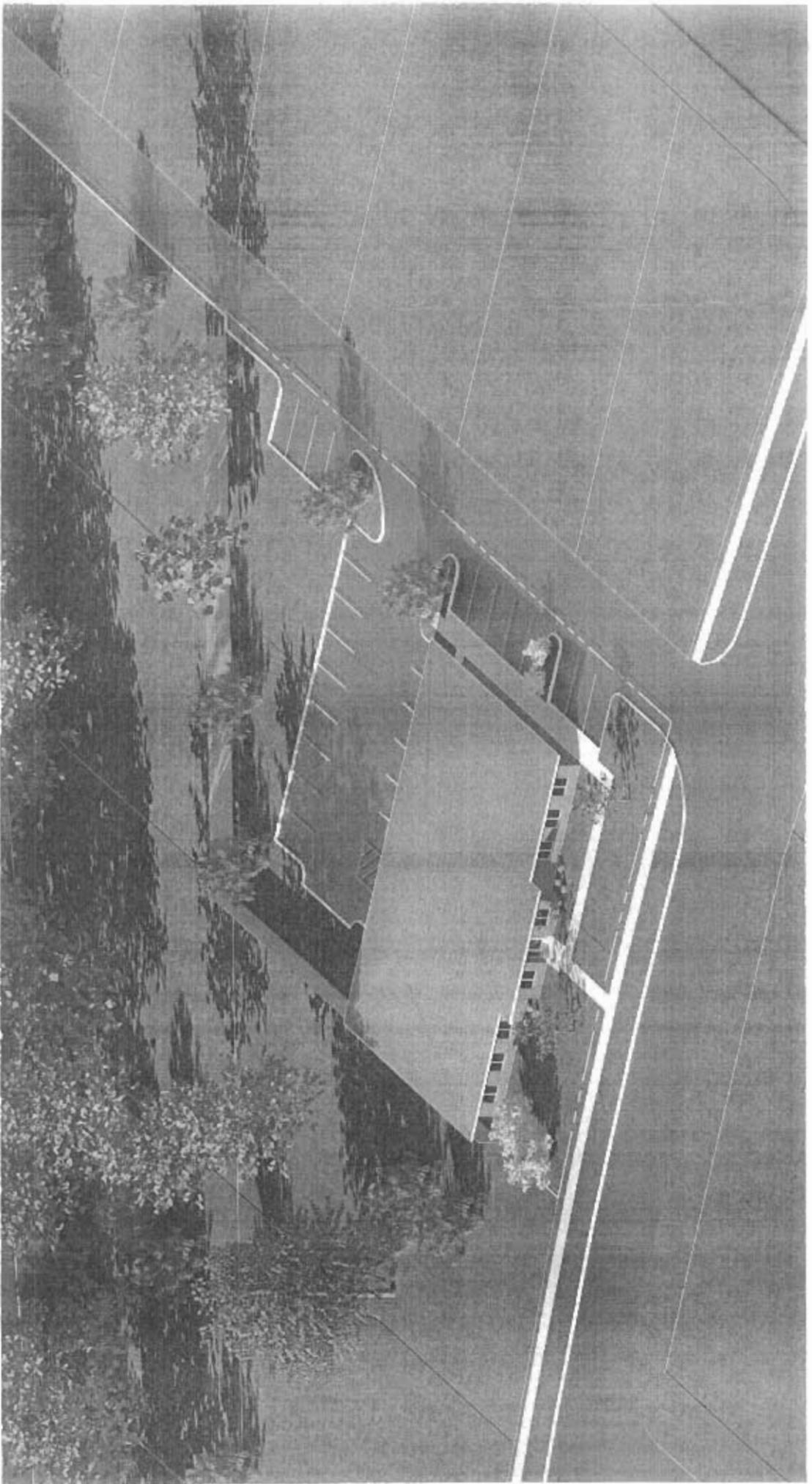
Zoning:

- 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. 30 T10N R7E





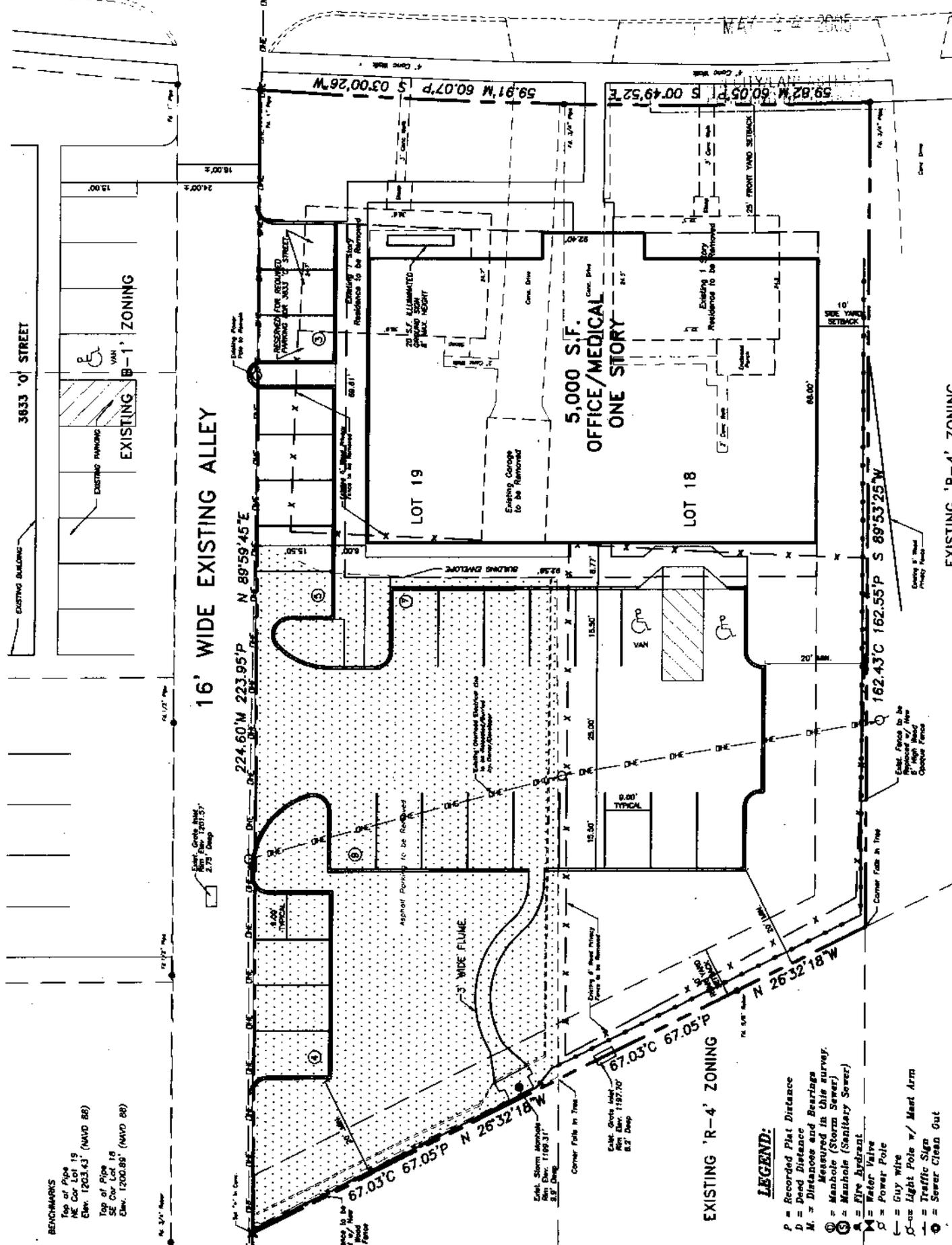


on the Not
 THEN
 OS approved
 recorded in
 Street, the
 Square feet

SURVEY
 I. MERRY, C
 AM A. L.S.D.

DESK A. E.

SOUTH 37TH STREET



3633 '0' STREET

EXISTING B-1' ZONING

16' WIDE EXISTING ALLEY

EXISTING 'R-4' ZONING

BENCHMARKS
 Top of Pipe 19
 N.E. Cor Lot 19
 Elev. 1203.43 (NAYD 88)

Top of Pipe
 S.E. Cor Lot 18
 Elev. 1200.85 (NAYD 88)

LEGEND:
 P = Recorded Plat Distance
 D = Dead Distance
 M, x = Distances and Bearings Measured in this survey.
 (M) = Manhole (Storm Sewer)
 (S) = Manhole (Sanitary Sewer)
 (F) = Fire Hydrant
 (W) = Water Valve
 (P) = Power Pole
 (G) = Guy wire
 (L) = Light Pole w/ Mast Arm
 (T) = Traffic Sign
 (C) = Sewer Clean Out

16' Wide Alley
 2.75' Deep

224.60'M 223.95'P N 89°59'45"E

67.03'C 67.05'P N 26°32'18"W

67.05'C 67.05'P

162.43'C 162.55'P S 89°53'25"W

5,000 S.F.
 OFFICE/MEDICAL
 ONE STORY

LOT 19

LOT 18

15.00'
 24.00'

59.91'M 60.07'P S 03°00'26"W

59.82'M 60.05'P S 00°49'52"E

15.50'
 15.50'

68.81'

10'

68.00'

68.81'

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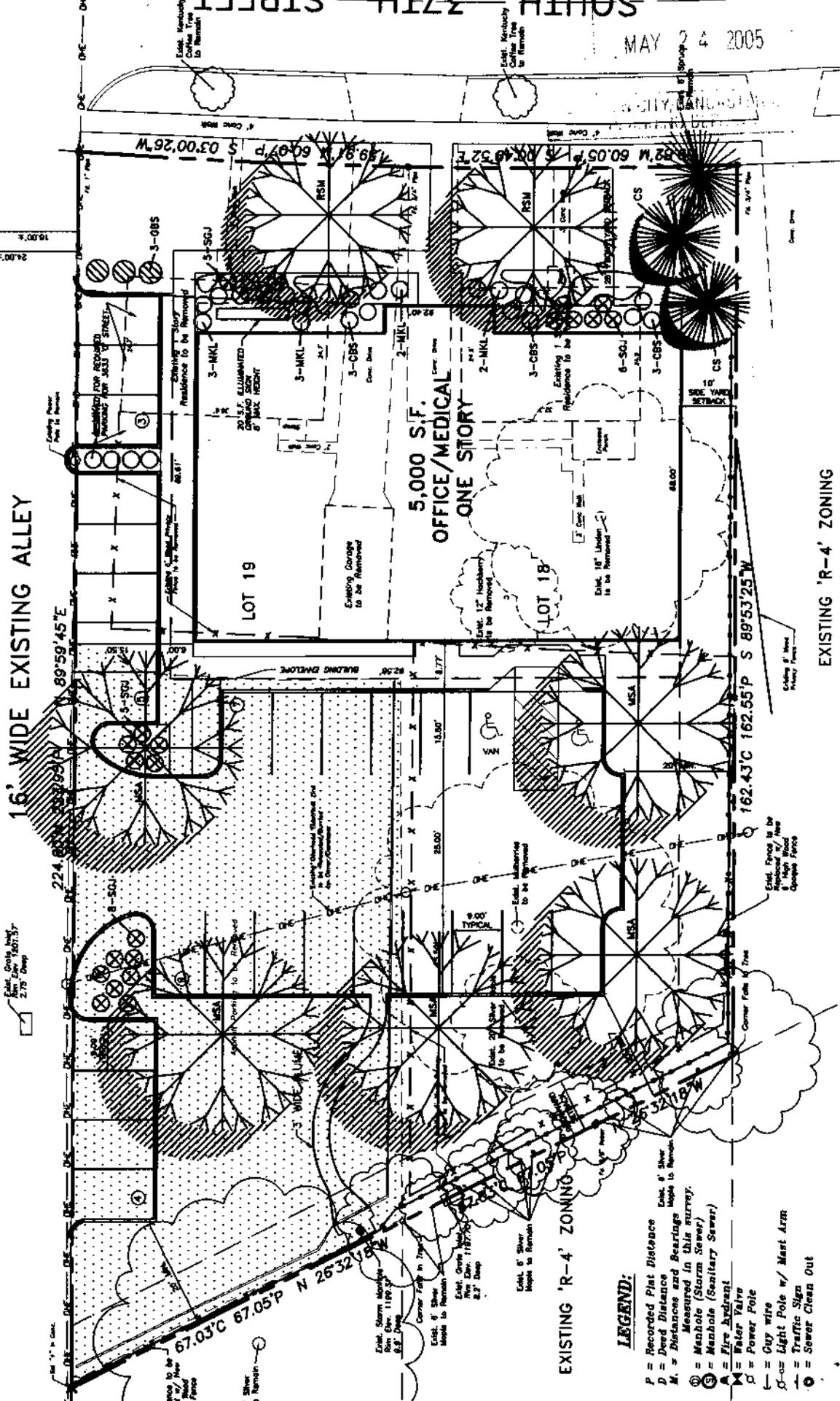
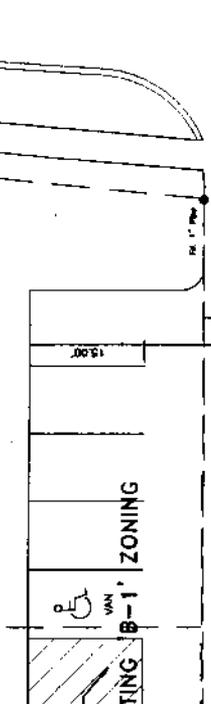
68.81'

68.81'

RECEIVED

MAY 24 2005

SPRING	WATER						
15'-24"	15'-24"	15'-24"	15'-24"	15'-24"	15'-24"	15'-24"	15'-24"
15'-24"	15'-24"	15'-24"	15'-24"	15'-24"	15'-24"	15'-24"	15'-24"

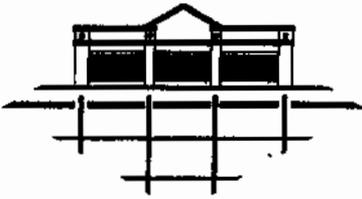


BENCHMARKS
Top of Pipe
at Cor. Lot 19
Elev. 1203.43' (NAVD 88)
Top of Pipe
at SE Cor. Lot 18
Elev. 1200.88' (NAVD 88)

LEGEND:

- P = Recorded Plat Distance
- D = Dead Distance
- M, x = Distances and Bearings Measured in this survey.
- ⊕ = Manhole (Storm Sewer)
- ⊙ = Manhole (Sanitary Sewer)
- ▲ = Fire Hydrant
- ⊥ = Water Valve
- ⊕ = Guy wire
- ⊕ = Light Pole w/ Mast Arm
- ⊕ = Traffic Sign
- ⊕ = Sewer Clean Out

LANDSCAPING SHALL BE INSTALLED PER CHAPTER 31, CITY OF LINCOLN STANDARD SPECIFICATIONS FOR MUNICIPAL CONSTRUCTION.



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

June 6, 2005

Mr. Tom Cajka
Planning Department
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: TRAUTMAN OFFICE – ‘R-T’ USE PERMIT- 38TH AND ‘O’ STREETS

Dear Tom,

As you are aware, we have been working with the Witherbee Neighborhood Association on the above mentioned project.

The Witherbee Neighborhood Association supports the project, as long as Early Childhood Care Facilities are prohibited from this location.

Therefore, Greg and Cindy Trautman, voluntarily exclude ‘Early Childhood Care Facilities’ from the list of permitted and special permitted uses from the associated Use Permit application.

We will add a general note stating:

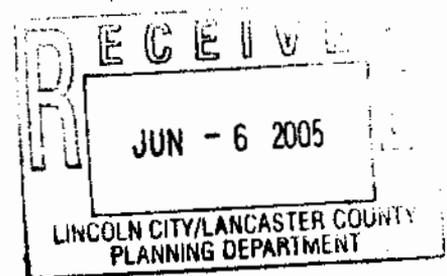
“Early Childhood Care Facilities shall not be located within the limits of this use permit.”

Please contact me if you have any further questions.

Sincerely,

Brian D. Carstens

Cc: Greg and Cindy Trautman
Fred Freytag- Witherbee Neighborhood Assn.



TRAUTMAN OFFICE

USE PERMIT

1000
CITY

MAY 24 2005

JACOBSEN CITY/LANCASTER, NEB.
PLANNING DEPARTMENT

LEGAL DESCRIPTION

A survey of Lots 18, and 19, Block 9, Youngs Hyland Park, located in the Northeast Quarter of Section 30 Township 10 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska. Said tract of land being more particularly described by metes and bounds as follows.

Commencing at the Northeast corner of Lot 19, Block 9, Youngs Hyland Park, and the POINT OF BEGINNING;

THENCE South 89 degrees 59 minutes 45 seconds West for a distance of 224.60 feet on the North line of Lot 19;

THENCE South 26 degrees 32 minutes 18 seconds East for a distance of 134.06 feet on the East line of Lots 18, and 19, Block 9, Youngs Hyland Park;

THENCE North 89 degrees 53 minutes 25 seconds East for a distance of 162.43 feet on the North line of Lot 17, Block 9;

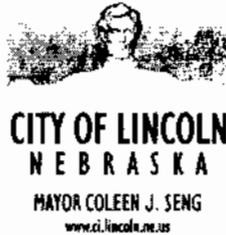
THENCE on a curve to the right, having a radius of 1176.30 feet, a central angle of 05 degreeed 49 minutes 52 seconds, a chord bearing of North 01 degrees 05 minutes 22 seconds East for a chord distance of 119.66 feet on the West right of way of South 37th Street the POINT OF BEGINNING; Said tract of land contains a calculated area of 24,509.67 Square feet or 0.563 acres more or less.

M e m o r a n d u m

To: Tom Cajka, Planning Department
From: Dennis Bartels, Engineering Services
Subject: Trautman Office Use Permit
Date: May 31, 2005
cc: Randy Hoskins
Ben Higgins
Chad Blahak

Engineering Services has the following comments concerning the proposed change of zone to R-T and accompanying use permit:

1. There is a 4" water main in 37th Street to provide service to this proposed development.
2. The existing sanitary sewer to serve this property is located approximately on the north line of the site. This sewer needs to be shown on the plans and easements dedicated to provide 15' of easement south of this main. There is also a sanitary sewer in or west of this property that parallels the west property line. It must be shown and design standard easements dedicated if necessary.
3. The intent of the drainage system to drain the parking is unclear. There is an existing storm sewer that runs in or adjacent to this property. It is not shown. The storm sewer and an easement meeting design standards must be shown. The plan also must be revised to show how the drainage flume will be built to tap into the existing storm sewer.
4. The parking shown is unsatisfactory. The right angle parking off the alley must be inset an additional four feet to provide a minimum of a 20' aisle behind the parking to allow vehicles to exit the parking in a single movement. The landscape screening ease of the east parking stall along the alley must be eliminated or a planting less than 30" in height provided to allow for site distance.
5. It is noted that 37th Street is designed as a 27' wide local street and does not meet design standards for a street in a commercially zoned area.
6. The application does not address the increased runoff from the site due to the proposed redevelopment. No storm water detention is shown or justification provided to consider waiving the requirement.



**PUBLIC WORKS AND
UTILITIES DEPARTMENT**

Memorandum

Date: 6/6/2005

To: Tom Cajka

From: Devin Biesecker

Subject: Trautman Office

cc: Dennis Bartels, Ben Higgins

Below are Watershed Management's comments for the Trautman Office Use Permit #05005

1. A new stormwater pipe is proposed for construction on the south side of this property. This project has been approved for design and construction as a part of the 2005 stormwater bond issue. An easement on the south side of the property should be granted for the new stormwater pipe and identified as an easement on the plan.
2. Several areas of flooding have been identified in a preliminary study on or near this property. All buildings that are proposed for this site should be elevated to protect them from localized flooding. The development should also ensure that any fill placed on this site will not negatively impact adjacent property flooding.

Note: Watershed Mangement will contact a representative for this development to discuss these issues further.

INTER-DEPARTMENT COMMUNICATION



DATE: June 1, 2005
TO: Tom Cajka, City Planning
FROM: Sharon Theobald (Ext. 7640)
SUBJECT: DEDICATED EASEMENTS
DN #1S-36E

UP #05005
CZ #05043

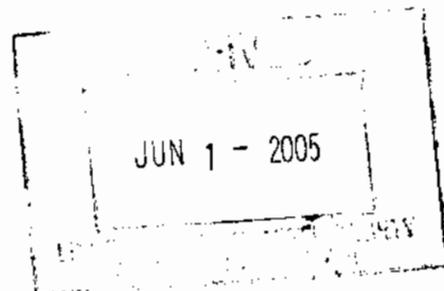
Attached is the Use Permit for Trautman Office

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.

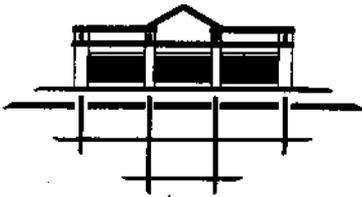
ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map.

It should be noted, any relocation of existing facilities will be at the owner/developer's expense.

Sharon Theobald



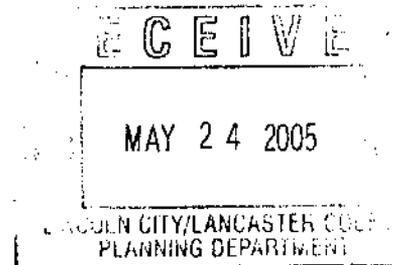
ST/nh
Attachment
c: Terry Wiebke
Easement File



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

May 24, 2005

Mr. Marvin Krout, AICP
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508



RE: TRAUTMAN OFFICE PROJECT- 37th and 'O' STREETS
CHANGE OF ZONE FROM 'R-4' TO 'R-T' W/ USE PERMIT

Dear Marvin,

On behalf of Gregg and Cindy Trautman, I am submitting the above mentioned zoning applications for your review.

The Trautman's recently purchased the office building on the southwest corner of south 37th and 'O' Streets and the two existing single family residences to the south. Both houses are in serious need of repair.

Gregg had asked me what could be built on the site. After reviewing the zoning ordinance, it was determined that 9 multi-family dwelling units could be built on the site of the two existing homes. After recent controversy in the Witherbee Neighborhood over multi-family projects, it was decided not to pursue that idea.

After looking at the zoning pattern of the existing land uses, I discovered that the office building to the north was zoned 'B-1'. 'R-T' zoning is permitted adjacent to and across from existing 'B-1' zoning.

After discussing the idea, we prepared a preliminary site plan and presented it to the Witherbee Neighborhood Association. They were excited about the project. They asked us to address parking lot lighting, and finding additional on site parking.

After reviewing an as built survey, we made a few changes to the site plan and incorporated their concerns as well. We presented the revised plan to the Neighborhood Association again. It was well received again. After further discussions with Fred Freytag, the President of the Witherbee Neighborhood Association, he agreed to make a formal request for a motion to support the Trautman Office Project as submitted to them.

Page 2.

They will be having another association meeting the first week of June. We will submit the letter of support at that time.

Therefore we submit the applications for a change of zone and the associated use permit for your review. The site contains a 5,000 square foot office/ medical building with a total of 28 parking stalls. Three of the new stalls will be for the existing office building to the north, to meet the parking requirements for that building.

No waivers are requested at this time. We will be meeting all of the conditions as outlined in the zoning ordinance in regards to building materials, roof pitch, lighting, mechanical equipment locations, etc.

Please feel free to contact me if you have any further questions.

Sincerely,



Brian D. Carstens

cc. Gregg and Cindy Trautman
Fred Freytag- Witherbee Neighborhood Association

Enclosures: 24 copies of sheet 1 of 3
8 copies of sheet 2 and 3 of 3
Application for a Change of Zone
Application for a Use Permit
Certificate of Ownership
Application Fees
8-1/2" x 11" reductions of the plans