

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for October 12, 2005 PLANNING COMMISSION MEETING

P.A.S.: Use Permit 04008-Geico Development Addition

PROPOSAL: Develop 5,000 s.f. of office/medical use.

LOCATION: SW 17th St. and West "A" St.

WAIVER REQUEST:
No waivers are being requested.

LAND AREA: One acre, more or less

CONCLUSION: The proposed development uses vacant ground within an established neighborhood. Using infill lots for development is one of the goals of the comprehensive plan. The property abuts commercial to the west.

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

LEGAL DESCRIPTION: Outlot A, New Century Estates, located in the NE 1/4 of Section 33, Township 10 North, Range 6 East, Lancaster County, Nebraska.

EXISTING ZONING: R-2 Residential

EXISTING LAND USE: Undeveloped

SURROUNDING LAND USE AND ZONING:

North:	R-2 Residential	Single family/two-family residential
South:	R-2 Residential	Single family/two-family residential
East:	R-2 Residential	Single family/two-family residential
West:	B-2 Neighborhood Business	Shopping Center

ASSOCIATED APPLICATIONS: Change of Zone 04085

HISTORY:

- October 29, 1993** New Century Estates final plat was approved by the Planning Director.
- August 30, 1993** New Century Estates preliminary plat was adopted by City Council.

COMPREHENSIVE PLAN SPECIFICATIONS:

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 per acre in new neighborhoods.(F-17)

Encourage mixed-use redevelopment, adaptive reuse, and **in-fill development** including residential, commercial and retail uses. (F-18)

The Land Use Plan designates residential for this site. (F-24)

General Principles for all Commercial and Industrial Uses - Commercial and industrial districts in Lancaster County shall be located:

- within the City of Lincoln or incorporated villages
- outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning)
- where urban services and infrastructure are available or planned for in the near term
- in sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan
- in areas accessible by various modes of transportation (i.e. automobile, transit and pedestrian)
- so that they enhance entryways or public way corridors, when developing adjacent to these corridors
- in a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan. (F-38)

Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face. Similar housing types face each other: single family faces single family, change to different use at rear of lot. Commercial parking lots should not intrude into residential areas where residential uses predominate a block face. More intense commercial uses (gas stations, big box stores, car wash, fast food, etc.) may not be compatible due to impact on nearby housing. Expansion in existing centers should not encroach, or expand to encroach, on existing neighborhoods, and commercial areas must be screened from residential areas. (F-69)

Require new development to be compatible with character of neighborhood and adjacent uses (i.e., parking at rear, similar setback, height and land use).(F-69).

UTILITIES: All utilities are available

TOPOGRAPHY: The site slopes very slightly west to east.

TRAFFIC ANALYSIS: West "A" St. is a two lane asphalt rural cross section road and is classified as a minor arterial in the 2025 Comprehensive Plan.

ALTERNATIVE USES: Leave as open space.

ANALYSIS:

1. This request is to construct a 5,000 s.f. office/medical building
2. The lot is currently zoned R-3. The applicant has requested a change of zone to R-T Residential Transition.
3. The subject property was reserved for open space and recreation with New Century Estates preliminary plat. Resolution A-75657 states that Outlot A shall be permanently reserved as open space and "Open play Area" for this development and shall not be changed without full review by the City.
4. The outlot was never developed into a recreational area and has remained undeveloped. The original developer of New Century Estates is the current property owner of the outlot.
5. A letter from the Planning Department was sent to the five abutting property owners to survey their opinion about the future of Outlot A. Of the five letters sent, four responded. Only one of the four wanted the outlot left as open space.
6. The West "A" neighborhood association does not oppose this development.
7. The proposed project will utilize vacant ground within an established area.

CONDITIONS:

Site Specific:

1. This approval permits a 5,000 square feet of office/medical building.

General:

2. Before receiving building permits:
 - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.

- 2.1.1 A revised site plan showing the following revisions:
 - 2.1.1.1 Delete the note "15' side yard setback". There is a 0' side yard when abutting commercial uses.
 - 2.1.1.2 Relocate the ground sign outside of the front yard setback.
 - 2.1.1.3 Change Emerald Queen Maple to Autumn Blaze Maple on the Landscape Plan.
 - 2.1.1.4 Show a 10' utility easement on the east and south lot line on the site plan as requested by the July 6, 2005 LES memo.
 - 2.1.1.5 Correct the surface stalls within the parking summary.
 - 2.1.1.7 Add a note stating "The grant of an avigation and noise easement to the Lincoln Airport Authority is a condition of approval as all or part of the land is located within the Airport Environs Noise District and potentially subjects the land to aircraft noise levels which may affect users of the property and interfere with its use.
 - 2.1.1.8 Make corrections to the satisfaction of Public Works & Utilities Department.
- 2.1.2 A permanent reproducible final site plan as approved.
- 2.2 The construction plans comply with the approved plans.
- 2.3 Final plat(s) is/are approved by the City.
- 2.4 Grant an avigation and noise easement to the Lincoln Airport Authority on all or that part of the land located within the Airport Environs Noise District.
- 2.5 The required easements as shown on the site plan are recorded with the Register of Deeds.

STANDARD CONDITIONS:

- 3. The following conditions are applicable to all requests:
 - 3.1 Before occupying any building all development and construction is to comply with the approved plans.

- 3.2 All privately-owned improvements, including landscaping are to be permanently maintained by the owner or an appropriately established property owners association approved by the City.
- 3.3 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.
- 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 3.5 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.

Prepared by

Tom Cajka
Planner

DATE: September 28, 2005

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

OWNER: GEICO Development
2251 W. Pleasant Hill Rd.
Lincoln, NE 68523
(402) 430-6977

CONTACT: same as applicant



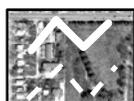
Use Permit #04008
Change of Zone #04085
SW 17th & West A St.

2002 aerial

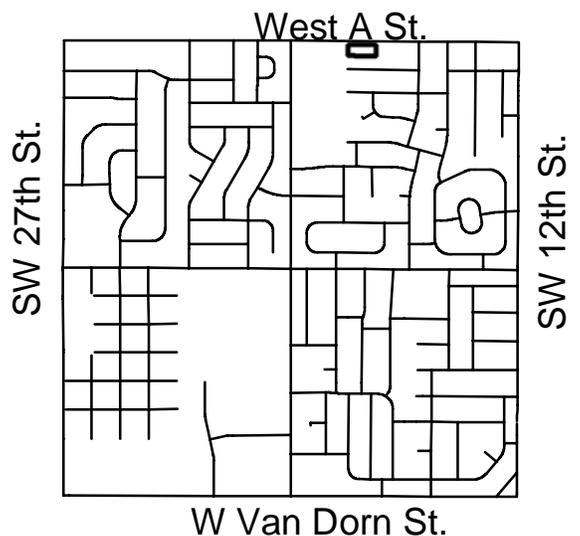
Zoning:

- 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. 33 T10N R6E



Zoning Jurisdiction Lines
 City Limit Jurisdiction



GENERAL NOTES

1. THE CURRENT ZONING IS 'R-2', WITH A CHANGE OF ZONE TO 'R-T'.
2. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION AND TO SUBMIT A SEEDING AND MAINTENANCE SCHEDULE BEFORE SITE GRADING IS DONE. THE DEVELOPER WILL BE RESPONSIBLE FOR CONTROLLING OFF-SITE DUST EMISSIONS IN ACCORDANCE WITH LINCOLN-LANCASTER COUNTY AIR POLLUTION REGULATIONS AND STANDARDS ARTICLE 2, SECTION 32.
3. THE OWNER/ DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES SHOWN ON THIS USE PERMIT.
4. BUILDING HEIGHT SHALL NOT EXCEED 28 FEET (R-T).
5. DIRECT VEHICULAR ACCESS TO WEST 'A' STREET IS HEREBY RELINQUISHED EXCEPT AT THE PRIVATE DRIVEWAY AS SHOWN ON THIS USE PERMIT.
6. COMMON AND PUBLIC ACCESS EASEMENTS ARE HEREBY GRANTED OVER ALL DRIVES, DRIVING AISLES, PARKING STALLS AND SIDEWALKS SHOWN.
7. ALL EXTERIOR LIGHTING SHALL COMPLY TO THE DESIGN STANDARDS AS ADOPTED BY THE CITY OF LINCOLN.
8. ALL PARKING AREAS SHALL BE SURFACED WITH A MINIMUM OF 5 INCHES OF CLASS 'A' PORTLAND CEMENT OR 6 INCHES OF ASPHALTIC CONCRETE. A 6 INCH RAISED CURB BARRIER SHALL BE PROVIDED AT THE PERIMETER.
9. LOT 1 SHALL CONTAIN 5,000 S.F. OF OFFICE/MEDICAL SPACE, OR ANY OTHER USES PERMITTED UNDER CHAPTER 27.28.010 OF THE L.M.C..
10. ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
11. PUBLIC SIDEWALKS SHALL BE 5 FEET IN WIDTH AND INSTALLED ON THE SOUTH SIDE OF WEST 'A' STREET.
12. SIGNAGE SHALL BE AS PER SECTION 27.69 OF THE LINCOLN MUNICIPAL CODE.
13. THE OWNER/ DEVELOPER SHALL COMPLY TO THE ENVIRONMENTAL PERFORMANCE STANDARDS RELATING TO NOISE, EMISSION, DUST, ODOR, GLARE AND HEAT AS ADOPTED BY THE CITY OF LINCOLN.
14. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION AND TO SUBMIT A SEEDING AND MAINTENANCE SCHEDULE BEFORE SITE GRADING COMMENCES.
15. A BLANKET UTILITY EASEMENT IS HEREBY GRANTED EXCEPT FOR BUILDING ENVELOPES. ANY RELOCATION OF EXISTING UTILITY FACILITIES WILL BE AT THE OWNER/DEVELOPER'S EXPENSE.
16. EXISTING TOPOGRAPHICAL CONTOURS ARE IN NORTH AMERICA VERTICAL DATUM (NAVD) 1988.

Memorandum

To: Tom Cajka, Planning Department

From: Chad Blahak, Public Works and Utilities
Dennis Bartels Public Works and Utilities

Subject: Geico Development Addition UP #04008

Date: September 28, 2005

cc:

Engineering Services has reviewed the re-submitted plans for the Geico Development Addition UP #04008, located south of West A Street at SW 17th Street, and has the following comments:

- 1 The site plan and grading plan need to be revised to show the required temporary turn lanes and associated grading in West A Street for the proposed entrance drive as stated in the Public Works memo dated December 29, 2004. This developer is responsible for the cost and construction of the turn lanes.
- 2 It is likely that the future grades for West A Street in this location will be raised to provide drainage for the future urban curb and gutter section. The existing section of West A Street frontage shown with 0% slope will not exist with curb and gutter. The site grading and proposed sidewalk needs to be revised to meet the future grades.
- 3 The Tech Memo from the Flatwater Group indicates a 100yr elevation of 1158.89'. It is shown on the grading plan that the window elevation of the house to the east of this plat is 1158.49'. Information needs to be provided showing that the existing house is protected from the 100yr flood. Also, it needs to be shown that the lot drainage for the existing property to the east is will remain adequate.
- 4 The rim elevation for proposed grate inlet near the southwest corner of the proposed building is shown to be 1155.5' which would require a less than 1154.5' flow line with the 12" pipe shown. The flow line of the storm sewer that this 12" pipe would drain to is shown to be 1154.4' which would indicate negative slope for the pipe. Revisions need to be made to the plans showing that the area to the south of the proposed building can be drained. There is existing LES facilities in the area that may need to be raised as a result.



**PUBLIC WORKS AND
UTILITIES DEPARTMENT**

Memorandum

Date: 9/29/2005

To: Tom Cajka

From: Devin Biesecker

Subject: Geico Development

cc: Ben Higgins, Chad Blahak

Below are Watershed Management's comments for the Geico Development near West 'A' and Coddington.

1. The hydrologic study shows that stormwater impacts due to the overtopping of 'A' Street have been eliminated. It is also shown on the plans that structures on the south side of this property will not be impacted by stormwater. However, based on the City of Lincoln 2 foot contours, stormwater depths on these properties will increase. An agreement or flowage easement must be obtained and submitted to Public Works and Utilities showing that each property owner is in agreement with the increased stormwater depths on their property.
2. The plans show a basement window elevation for the house on the east side of this proposed development below the proposed 100 year water surface elevation. A plan must be submitted showing that this house is not impacted by a 100 year event. The plan must also show that local drainage from this property will not be effected by any of the proposed grading on this site.

INTER-DEPARTMENT COMMUNICATION



DATE: July 6, 2005
TO: Tom Cajka, City Planning
FROM: Sharon Theobald
Ext 7640
SUBJECT: DEDICATED EASEMENTS
DN# 14S-17W

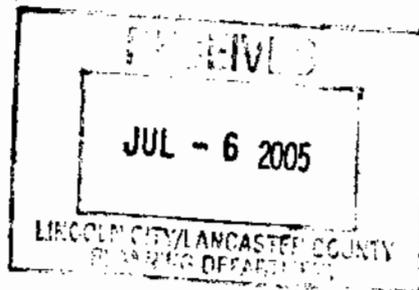
UP#04008

Attached is the Site Plan for Geico Development Addition.

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.

Sharon Theobald



ST/ss
Attachment
c: Terry Wiebke
Easement File

Memo



To: Tom Cajka, Planning Department

From: Mark Canney, Parks & Recreation

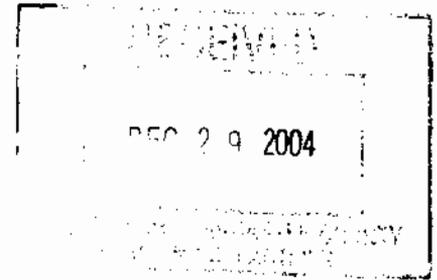
Date: January 4, 2005

Re: Gelco Development Addition

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have the following comments:

1. Emerald Queen Maple is susceptible to sun scald. Please substitute with Autumn Blaze Maple.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.



December 28, 2004

Mr. Tom Cajka, Project Planner
City-County Planning
555 So. 10th
Lincoln, NE 68508

Subject: Lincoln Airport, Lincoln, NE
Use Permit #04008/Change of Zone (PUD) #04085
Geico Development Addition

Mr. Cajka:

After reviewing the use permit/change of zone application we have the following comments.

Since the development is within the Airport Environs Noise District, the developer will need to comply with all provisions of Chapter 27.58 of the Lincoln Municipal Code, including the requirement for an aviation easement.

Also, the development is in an outer approach zone, as defined in Chapter 27.59. Given this location, heights of structures should be reviewed prior to permitting to ensure they do not exceed allowable heights.

If you have any questions or comments, please advise.

Sincerely,

AIRPORT AUTHORITY



Jon L. Large, P.E.
Deputy Director of Engineering

JLL/lb

cc: Mike Johnson, w/attachments

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Tom Cajka

DATE: January 6, 2005

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File

SUBJECT: Geico Development

EH Administration

Addition

CZ #04085 UP #04008

The Lincoln-Lancaster County Health Department has reviewed the proposed development with the following noted:

- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

June 3, 2004

Cindy Wohlers
1700 W. Washington St.
Lincoln, NE 68522

Dear Ms Wohlers:

Larry Geiger met with the Planning staff about his proposal to develop the vacant property, Outlot "A", north of your house. Larry Geiger developed New Century Estates and is the current owner of Outlot "A".

When New Century Estates was approved, Outlot "A" was designated as open space/play area. A homeowners association was to be formed to ensure maintenance of the Outlot. Mr. Geiger has informed the Planning Department that no homeowners association was formed and that the adjacent property owners have no desire to maintain and/or own Outlot "A". Mr. Geiger is proposing to develop Outlot "A" with an office building. This would require a change of zone from R-2 residential to R-T, residential transition. R-T zoning limits the size of a building to 5,000 square feet.

This letter is to survey the owners of the lots in New Century Estates on whether they want Outlot "A" left as open space/ play area or developed with possibly an office building. I suggest you talk to your neighbors before completing the survey.

Please check off your preference below.

----- Leave as open space.

----- Develop with possible office building.

Signature(s)

If you have any questions please call me at 441-5662 or e-mail at tcajka@ci.lincoln.ne.us

Sincerely,

Tom Cajka
Planner