

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for November 23, 2005 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No.05077
Thunderstone Planned Unit Development (PUD)

PROPOSAL: From H-3 to H-3 PUD for 36,000 square feet commercial/industrial floor area and a 9,000 square feet warehouse.

LOCATION: N.W. 32nd St. and west "O" St.

CONCLUSION: The proposed development is in conformance with the Comprehensive Plan, Zoning and Subdivision Ordinances.

| | |
|------------------------|----------------------|
| RECOMMENDATION: | Conditional Approval |
| Waivers: | |
| Storm water detention | Denial |

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 74 & 75 Irregular Tract, located in the SE 1/4 of Section 20, Township 10, Range 6 East, Lancaster County, Nebraska

EXISTING ZONING: H-3 Highway Commercial

EXISTING LAND USE: Undeveloped

SURROUNDING LAND USE AND ZONING:

North: AG Agricultural Interstate 80 Right of Way
South: H-3 Highway Commercial
East: H-3 Highway Commercial
West: H-3 Highway Commercial

HISTORY:

June 11, 2001 Special Permit #1887 for Planned Service Commercial was approved by the City Council. This special permit is located west of this application.

COMPREHENSIVE PLAN SPECIFICATIONS:

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 per acre in new neighborhoods. (F-17)

This area is within the Capitol View Corridor (F-19a)

The 2025 Comprehensive Plan Land Use Plan identifies this area as commercial. (F-23)

The Plan identifies the demand for approximately 21.5 million square feet of new space for retail, office, and service uses over the next twenty five years. (F-37)_

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 compatible with existing or planned residential uses
- 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 (F-38)

UTILITIES: Sanitary sewer shall be extended from the west. A water main exist on the south side of West "O" St.

TOPOGRAPHY: The site generally slopes north to south. There is an existing drainage way on the western portion of this site.

TRAFFIC ANALYSIS: West "O" St. is a principal arterial and a state highway (Hwy 6). Nebraska Department of Roads is currently working on a project to realign and widen West "O" St to 4 lanes plus turn lanes. This project is estimated to begin construction in 2011-2012.

PUBLIC SERVICE:

The nearest fire station is located at N. 2nd St. and "N" St.

AESTHETIC CONSIDERATIONS: The northern portion of this site is within the Capitol View Corridor.

ANALYSIS:

1. This is a request to change the zoning from H-3 to H-3 PUD for the purpose of developing 36,000 square feet of retail/manufacturing and 9,000 square feet of warehouse. The H-3 district does not allow manufacturing.
2. This PUD permits all uses in the H-3 district and manufacturing. Setbacks, maximum building height, parking and signs shall conform to the H-3 district.
3. The development is proposed in two phases. Phase I is for 33,000 s.f. of retail/manufacturing. Phase II is for a 9,000 s.f. warehouse and a 3,000 s.f. expansion of the main building.
4. The zoning ordinance states, "The planned unit development district is intended to provide a mechanism to permit flexibility in private or public development or redevelopment of areas throughout the city in the form of an overlay zone used in combination with one or more of the city's existing zoning districts."
5. According to the applicant's letter, Thunderstone specializes in the design, manufacture, sale and distribution of cast stone architectural building components for residential and commercial buildings. The manufacturing component of their operation shall be done entirely within the proposed building. Raw material shall also be stored within the building.
6. The applicant has requested a waiver to storm water detention. Public Works and Utilities Engineering Services and Watershed Management do not support the requested waiver.
7. This site is within the Airport Environs Noise District and is located between the 60 DNL and 65 DNL. The requirements of Chapter 27.58 shall apply and an Aviation and Noise Easement is required. The site is also located within a turning zone.
8. The proposed development is compatible with adjacent land uses and is in conformance with the 2025 Comprehensive Plan.
9. This development will require sanitary sewer to be extended from the west approximately 450' to the sites west property line.

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 Delete Note 10 from the general notes.
- 1.1.2 Define the dot pattern and the cross hatch. Add it to the legend.
- 1.1.3 Delete the note about a median opening and show a full median On West "O" St. across from the entrance.
- 1.1.4 Remove the exterior storage from the front yard setback.
- 1.1.5 The landscape area east of the entrance must be a minimum of six feet between the lot line and the drive.
- 1.1.6 The west boundary of the site is a side yard and requires only a 15' setback.
- 1.1.7 Show minimum flood corridor for channel on the western portion of the site.
- 1.1.8 Make revisions to the satisfaction of Public Works and Utilities memo of November 8, 2005.
- 1.1.9 Show a 10' utility easement on the north, west and east lot line and a 15' utility easement on the south lot line per LES memo of November 3, 2005.
- 1.1.10 Show 10 street trees along West "O" St. The street trees must be on private property.
- 1.1.11 Delete the "1,565 s.f. retail" note from the plan.
- 1.1.12 Delete the specific stall count in the parking table. Replace the stall count with a note stating that parking for retail shall be at 1 stall per

200 s.f. and parking for manufacturing/warehouse shall be at 1 stall per
1,000 s.f. in conformance with the H-3 district.

2. This approval permits 45,000 square feet of commercial/manufacturing and warehouse floor areas.

General:

3. Before receiving building permits:
 - 3.1 The permittee shall have submitted a revised and reproducible final plan 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 building all development and construction shall have been completed in compliance with the approved plans.
 - 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 ordinance's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The City Clerk shall file a copy of the ordinance approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

Tom Cajka
Planner

DATE: November 10, 2005

APPLICANT: Mark Hansen
Thunderstone LLC
3300 SW 6th St.
Lincoln, NE 78602
(402) 420-2322

OWNER: MSR LLC
3300 SW 6th St.
Lincoln, NE 78602
(402) 420-2322

CONTACT: J.D. Burt
Design Associates
1609 "N" St.
Lincoln, NE 68508
(402) 474-3000



Area of Application
from H-3 to H-3 PUD

**Change of Zone #05077
Thunderstone PUD
NW 32nd & W O St**

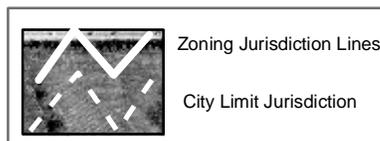
2005 aerial

Holdrege 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. 20 T10N R6E



NW. 40th St.

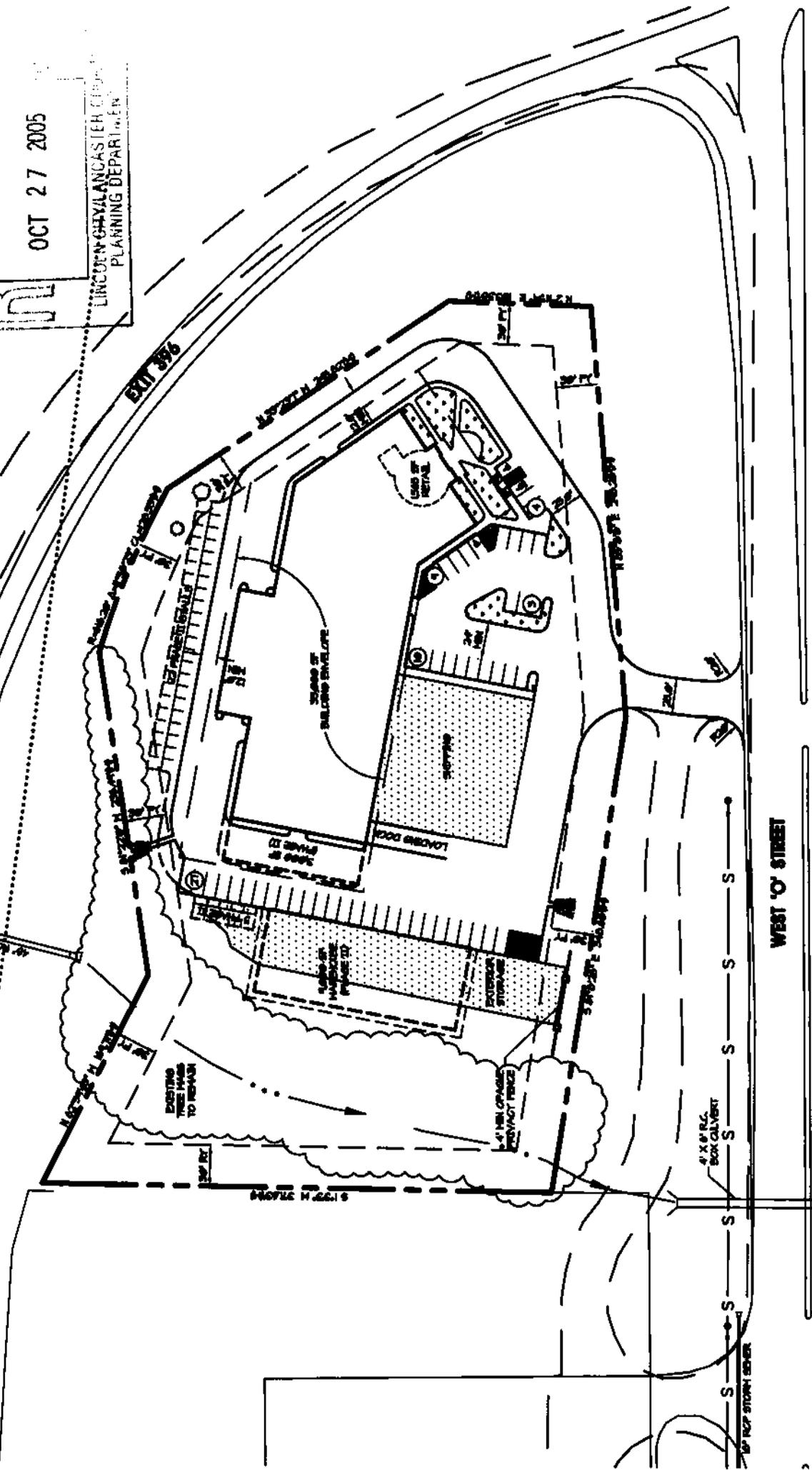


NW. 27th St.

O St.

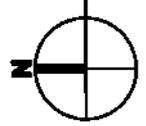
INTERSTATE 90 (EASTBOUND)

RECEIVED
OCT 27 2005
LINCOLN-GAYLARD CASLER GROUP
PLANNING DEPARTMENT



PERSHING SQUARE
1809 "N" STREET
LINCOLN NEBRASKA 68508
voice: 402/474-3000
fax: 402/474-4045
desasoc@lincolnbrosniko.com

THUNDERSTONE P.U.D.



SCALE: 1" = 100'

21 OCT 2005

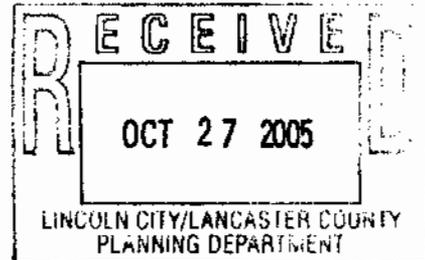


**Design
Associates** *of Lincoln, Inc.*

Pershing Square
1609 'N' Street
Lincoln, NE 68508
Phone: (402) 474-3000 • Fax: (402) 474-4045

October 27, 2005

Marvin Krout
City County Planning Department
555 South 10th Street
Lincoln, Nebraska 68508



RE: Application for Planned Unit Development
Thunderstone
3150 West "O" Street

Mr. Krout,

On behalf of MSR Investments, LLC, owner and Thunderstone, LLC, contract purchaser, please accept this correspondence as supplemental information to the attached City Zoning Application. This application requests approval of a Planned Unit Development to permit light manufacturing within the H-3 zoning district. The application is limited to the 4.7-acre parcel under contract by Thunderstone that is legally described as Lots 74 and 75 Irregular Tracts, in the SW quarter of Section 20-10-6.

Thunderstone originated in Lincoln and continues to be locally owned and operated. Thunderstone specializes in the design, manufacture, sale and distribution of cast stone architectural building components for residential and commercial buildings. Their product lines include balusters, columns, cornices, door and fireplace surrounds, signs, urns and many other decorative architectural pieces. Since Thunderstone is self-contained with respect to manufacturing and marketing, local zoning requirements restrict this type of business to industrial zoning districts that are typically not conducive for retail sales. Approval of this application will allow a single location for this local business thus allowing operation of a mixed-use center in the H-3 district. Review of other permitted uses in the H-3 district reveals that contractor's offices and storage yards; and lumber and coal yards; and retail stores and shops for the sale of goods with less than 20,000 square feet of area are allowed by right. The combination of these permitted uses closely resemble the Thunderstone operation that includes outdoor storage of construction materials and/or equipment; accessory office space; and limited sales area. The proposed use is consistent with the Comprehensive Plan.

The Thunderstone operation is unique with its layout and operation. Unlike other manufacturing facilities that produce concrete products, the entire Thunderstone production process will be located within the proposed building, including storage of raw materials. The site is designed to allow truck/trailer delivery of raw materials, such as Portland cement and sand, to the rear of the building where materials are off-loaded into a pit located in the northerly portion of the building. The materials are then moved through the building via an underground auger into interior storage areas for use in the production process. Finish product is then moved to the front shipping area for customer delivery. Due

to the nature of the Thunderstone products, outdoor storage of product is limited both in quantity and duration. A second exterior storage is shown in the southwest corner of the property. This area will be used for product storage, if needed for larger production demands or delayed delivery, as well as for storage of production equipment from time to time. This exterior storage will be screened along the south with a privacy fence and trees adjacent to West "O" Street and along the west with the existing tree mass. A general note on the site plan states: "trees in the mass located along the west property line will be replaced, if destroyed, to maintain a screen along the west limit of this development." The remaining West "O" Street frontage will be screened in compliance with design standards for the H-3 zoning district. The frontage along Interstate 80 and off ramp will be screened in compliance with design standards of the H-3 zoning district when abutting a residential district. Plantings along Interstate 80 will be placed as not to encroach upon the view of the State Capitol Building. Perpetuation of the tree mass along the west limit of the property and additional screening adjacent to Interstate 80 are being proposed to mitigate negative impacts of this manufacturing operation.

The Thunderstone building is proposed with 33,000 square feet for product display, marketing and administrative offices and production area. A future expansion of 3,000 square feet to the building and future storage building of 9,000 square feet are shown on the site plan as Phase 2. Buildout of this facility is expected to affect infrastructure less than other uses permitted with the property's existing zoning.

Parking proposed with this application is consistent with parking requirements of the H-3 zoning district and is based upon the floor areas of the building. Parking for the sales area of 1,565 square feet is provided at a rate of one stall per two hundred (200) square feet. Parking for the remaining building is provided at a rate of one stall per employee on the maximum shift. Thunderstone current has thirty-five (35) employees. An increase of ten (10) employees is expected at buildout of the facility. A total of fifty-three (53) parking stalls are shown on the site plan to meet parking requirements of the proposed uses for both Phase 1 and 2. Additional employees are not expected with completion of Phase 2.

Site development will include grading for the building, parking and vehicle maneuvering areas and extension of public water and sanitary sewer mains. Site grading and utility construction are proposed with Tax Incremental Financing funds or assessment districts where other properties will benefit from extension of public utilities.

The westerly portion of the property contains a large drainage way that receives storm water from the Interstate 80 right-of-way and areas to the north, as well as from west of the site. The total upstream drainage area of this drainage way is approximately ninety (90) acres. Site grading and development of this five (5) acre site is expected to increase surface runoff, but is not expected to adversely affect the existing storm water infrastructure up or down stream from this development. A waiver of storm water detention is requested. The waiver request is based upon the insignificant impact of this development on the drainage basin; as well as to avoid construction within the limits of anticipated wetlands.

Please note if this same plan were submitted for building permits with land uses in strict compliance with the property's current H-3 zoning not requiring an application for PUD, storm water detention would not be required on this site. The storm water detention requirement is based upon the PUD land use application that requests an expanded use of the property to include light manufacturing. This expanded use will not cause an increase in storm water runoff from the property.

Access to the site is limited to West "O" Street. Future street improvements proposed by the Nebraska Department of Roads to be constructed in 2011 are shown on the site plan.

Review of the allowable signage in the property's existing zoning of H-3 allows placement of off-premise signage. A general note is shown on the site plan that restricts placement of off-premise signs on the property as part of this Planned Unit Development.

On behalf of Thunderstone, we would like to thank you in advance for your favorable consideration of this application to allow light manufacturing to be located within the H-3 zoning district. We would also like to thank you and your staff for working with Thunderstone to achieve a reasonable solution for this unique local business. Please advise if additional information is desired.

Sincerely,



J.D. Burt
For the firm

Attachments: Application for Planned Unit Development
Reduced size Site Plan
24-Site/Landscape plans
8-Grading Plans

cc w/ Attachments: MSR Investments, LLC
Mark Hansen, Thunderstone LLC
Randy Harre, Schwisow Construction



CITY OF LINCOLN
NEBRASKA
MAYOR COLEEN J. SENG
www.ci.lincoln.ne.us

**PUBLIC WORKS AND
UTILITIES DEPARTMENT**

MEMORANDUM

Date: 11/08/2005

To: Tom Cajka, Planning Department

From: *John Callen, Watershed Management*

Subject: *Thunderstone review comments, CZ05077*

cc: *Chad Blahak*

Tom,

Below are Watershed Management's comments regarding the Thunderstone PUD, CZ05077:

1. Watershed Management does not agree to the requested waiver of storm water detention standards. Provide calculations for required detention as per Drainage Criteria Manual Chapter 6 or provide calculations demonstrating why detention should not be required.
2. Show minimum flood corridor for channel on the western portion of the site as required per Lincoln Municipal Code 26.15.020 (9).

Memorandum

To: Tom Cajka, Planning Department
From: Chad Blahak, Public Works and Utilities
Subject: Thunderstone PUD CZ #05077
Date: November 8, 2005
cc:

Engineering Services has reviewed the submitted plans for the Thunderstone PUD, located north of West O Street at approximately NW 32nd, and has the following comments:

Sanitary Sewer - The following comments need to be addressed.

(1.1) Additional information needs to be provided showing that the proposed sanitary sewer extension will work in regard to the existing box culvert and any proposed drainage structures designed with the State's West O Street widening project.

(1.2) General note #10 refers to the use of tax increment financing or assessment districts to pay public utility extensions. The PUD does not approve the funding source for site improvements and any reference to TIF or assessment districts should be removed from the site plan.

Water Main - The water system is satisfactory.

Grading/Drainage - The following comments need to be addressed.

(3.1) The storm drainage outlet at the northwest corner of the site should be relocated to the west so as to not require any construction and adverse effects in the state ROW.

(3.2) Public Works does not approve the requested waiver of design standards for detention. The application letter indicates that insignificant impact will result in waiving detention. However, no supporting information has been provided. Information needs to be provided justifying the waiver of detention.

(3.3) The submittal letter references using tax increment financing for site grading. Site grading is not eligible for TIF money and funding sources are approved with the PUD.

Streets/Paving - The following comments need to be addressed.

(4.1) The note on the site plan indicating the enlarging of the existing median opening needs to be removed from the plans. The full access movement for this site will be provided by the wider

opening to the west of this site. Public Works does not approve the full access connection to this site until the proposed access road is constructed. If the full access is granted, adequate left turn storage needs to be provided and any improvements in West O Street that are required should be the responsibility of this developer.

(4.2) A 200' long right turn lane needs to be shown for the proposed drive and it should be the responsibility of this developer.

(4.3) The future West O Street widening and associated grades need to be shown on these plans. This site will need to accommodate the widening and grading.

General - The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

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

| | |
|---|---|
| TO: Tom Cajka | DATE: November 8, 2005 |
| DEPARTMENT: Planning | FROM: Chris Schroeder |
| ATTENTION: | DEPARTMENT: Health |
| CARBONS TO: EH File EH Administration | SUBJECT: Thunderstone PUD CZ #05077 |

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

- During the operation of this facility, the owner/operator will be responsible for complying with the Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 20, Paragraph (E), "No person shall cause or allow emissions from an existing source, which are of an opacity equal to or greater than (20%), as evaluated by an EPA approved method, or recorded by a continuous opacity monitoring system operated and maintained pursuant to 40 CFR Part 60 Appendix B except as provided for in paragraph (F) of this Section.". This requirement is specifically relevant to emissions from the facility via a vent or exhaust stack.
- During the construction and operation of this facility, the owner/operator 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. This requirement is specifically relevant to possible emissions from the offloading of raw materials into the propose pit on the north side of the facility.



www.lincolnaa.com

November 14, 2005

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

Project: Thunderstone PUD
Change of Zone (PUD) CZ05077

Mr. Cajka:

We have reviewed the subject Change of Zone/P.U.D. and have the following comments:

This development is within the Airport Environs Noise District and subject to the provisions contained in Chapter 27.58 of the Lincoln Municipal Code. This will require an appropriate Avigation and Noise Easement and Covenant Agreement, if there is not already one for this property.

This development also appears to be located in an area between the DNL 60 contour and the DNL 65 contour, as shown on the Airport Environs Noise District Map. Per the change of zone request it appears that both manufacturing and retail operations will take place in the development. A review of figure 27.58.050 shows that both activities are permitted in this area, although the inclusion of the retail space requires the entire facility meet certain acoustical standards, as outlined in Section 27.58.060.

Finally, the development is located within a turning zone, as defined in Section 27.59, and should be required to meet all requirements of that chapter.

If you have any questions concerning our comments, please give me a call.

Sincerely,

AIRPORT AUTHORITY

A handwritten signature in black ink, appearing to read 'Jon L. Large'.

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

JLL/lb
cc: Bill Austin, w/enclosures

INTER-DEPARTMENT COMMUNICATION



DATE: November 3, 2005
TO: Tom Cajka, City Planning
FROM: Sharon Theobald *ST*
Ext 7640
SUBJECT: DEDICATED EASEMENTS
DN# 1N-31W

PUD#CZ05077

Attached is the PUD for Thunderstone.

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.

ST/ss
Attachment
c: Terry Wiebke
Easement File

