

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT
for October 12, 2016 PLANNING COMMISSION MEETING

PROJECT #: Use Permit No. 16008

PROPOSAL: To construct an office building with 3,900 square feet of maximum floor area with associated parking.

LOCATION: N 46th and Orchard Streets

LAND AREA: 0.42 acres, more or less

EXISTING ZONING: R-2 Residential

CONCLUSION: This proposal is for an infill commercial project on a site that is currently vacant. The office building will meet Neighborhood Design Standards to ensure compatibility with the surrounding residential neighborhood. The building will be oriented toward the street with all parking to the side and rear. This proposal conforms to the Comprehensive Plan and Zoning Ordinance.

RECOMMENDATION:	Conditional Approval
Waivers:	
27.72.030(b)(1)	
R-T District Parking Lot Setback	Approval
27.69.040	
R-T District Sign Location	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See Attached

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING:

North:	Residential	R-2 Residential
South:	Vacant, Broadcast Tower	R-2 Residential
East:	Donation Center/Store	H-2 Highway Business
West:	Residential	R-2 Residential

ASSOCIATED APPLICATIONS:

Change of Zone No. 16029 from R-2 to a mix of R-T and R-4.

Street and Alley Vacation No. 16004 to vacate portion of N 46th Street right-of-way.

HISTORY:

June 1891 Area originally platted with Mount Forest subdivision.

December 1951 Area identified as A-2 Single Family Residential on City Zoning Map.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page 1.9 The site is shown as Residential in the Future Land Use Plan.

Page 5.14 Develop infill commercial areas to be compatible with the character of the area.

Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, are properly screened, fulfill a demonstrated need and are beneficial to health and safety.

Page 7.10 Redevelopment and infill should strive for compatibility with the character of the neighborhood and adjacent uses.

Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses.

UTILITIES: All utilities are available on site.

AESTHETIC CONSIDERATIONS:

The proposed office will be required to meet Neighborhood Design Standards. Additionally, the R-T district has design standards to ensure that commercial structures are compatible with residential uses.

ANALYSIS:

1. This request is to construct an office building of up to 3,900 square feet and associated parking over three vacant lots. The lots are currently zoned R-2 but are proposed to be changed to R-T with associated Change of Zone No. 16029. Development in the R-T district requires a use permit.
2. The proposed office is for Habitat for Humanity and will be used only for administrative functions. Habitat for Humanity is seeking an office near their existing ReStore donation center/retail store, which is located directly east of the site.
3. The office building will be constructed to match the character of the neighborhood. It is required to meet Neighborhood Design Standards, which are reviewed at time of building permit. The standards address items such as the orientation of windows and entrances, height, and massing.

In addition, the R-T district requires design criteria to limit the “office” appearance of the building. R-T standards include a pitched roof, nonreflective siding and roof materials, and no air conditioners on the roof.

The parking lot is oriented to the side and rear of the office building. The garage door is located on the rear of the building and is not visible from Orchard Street.

4. The Design Standards for Screening and Landscaping provide two requirements relevant to this site: parking lot screening (Chapter 3.50, Section 7.1) and screening between the R-T district and adjacent residences (Chapter 3.50, Section 7.10). The provided landscape plan meets the parking lot screening requirements but does not meet the R-T district screening requirements. The site is required to meet both requirements.
5. The site plan shows 13 parking stalls, which would allow a maximum of 3,900 square feet of floor area per the R-T district parking standards. The existing site plan shows a one-story building with 1,800 square feet on the main floor and 1,800 square feet in the basement (3,600 square feet total). This use permit would allow for flexibility to adjust the floor area of the building up to 3,900 square feet. The attached garage of 750 square feet is not included in floor area calculations.

6. The site plan is currently showing a one-story building with a basement. Per the R-T district the maximum height is 28 feet, so the building potentially could be two stories as long as total square footage does not exceed 3,900 square feet and the building footprint substantially complies with the site plan. Maximum height for the adjacent R-2 and R-4 residential districts is 35 feet. The H-2 district to the east has a maximum height 55 feet.

7. Two waivers are requested with this application:

27.72.030(b)(1) - R-T District Parking Lot Setback

Parking lots in the R-T district, including driveways, cannot be located closer than 20 feet to any residential district. The parking lot and drive aisle in the southeast corner of the site is approximately 5 feet from the residential district to the south. The area immediately to the south is proposed to be zoned R-4 and contains the existing broadcast tower and associated structures.

This waiver is appropriate because locating a parking lot and drive aisle within 20 feet of the lot line would not have a negative impact on the broadcast tower and associated structures. The parking lot is approximately 45 feet from the remaining residential area to the south and approximately 20 feet from the residential area to the west.

27.69.040 - R-T District Sign Location

Freestanding signs are not allowed in the front yard in the R-T district. The applicant is requesting a freestanding sign in the front yard along Orchard Street. The office building is located along the edge of the front yard setback to accommodate parking in the rear. The layout provides no desirable location for a sign except for the front yard. This waiver is appropriate since it allows the building to be oriented to the street with parking in the rear.

All other sign regulations shall apply. A wall sign of 25 square feet is allowed but it cannot face a residential district. Electronic changeable copy signs are prohibited.

8. The Grading and Drainage Plan was reviewed and approved by Watershed Management. Detention and water quality standards are not applicable since the area of disturbance is less than one acre.

9. The associated staff report for Change of Zone No. 16029 notes that the proposed R-4 lot boundary to the south will need to be slightly re-adjusted so the broadcast tower and associated buildings can maintain a 10-foot setback per building code. This will require a slight adjustment to the use permit boundary on the southeast corner of the site.

CONDITIONS OF APPROVAL:

This approval permits 3,900 square feet of office space with a waiver to the R-T district parking lot setback and sign location.

Site Specific Conditions:

1. The City Council approves associated request:
 - 1.1 Change of Zone No. 16029
 - 1.2 Street and Alley Vacation No. 16004
2. The permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **3** copies with all required revisions and documents as listed below before a final plat is approved:
 - 2.1 Revise landscape plan to conform with the Design Standards for Screening and Landscaping.
 - 2.2 Remove items from page one of site plan relating to change of zone application and make site plan larger.
 - 2.3 Add note: "Office building shall comply with Neighborhood Design Standards and elevations shall be approved by Planning Director prior to building permit approval."
 - 2.4 Add note: "All development and construction is to substantially comply with the approved plans."
 - 2.5 Revise setbacks per R-T district. Change side and rear yards to 10 feet.

- 2.6 Revise use permit boundary to allow adjacent broadcast tower and associated structures to maintain a 10-foot setback on their lot to the south.
- 2.7 Remove interior building details and separately label office and garage area.
- 2.8 Add waivers: 27.72.030(b)(1) - To allow parking less than 20 feet from residential district.
27.69.040 - To allow a freestanding sign in the front yard. All other sign regulations shall apply.

Standard Conditions:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the buildings all development and construction is to substantially comply with the approved plans.
 - 3.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
 - 3.3 This resolution'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. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

Prepared by

Andrew Thierolf
Planner

October 3, 2016

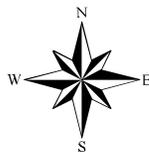
**APPLICANT/
CONTACT:** J.D. Burt
218 S 38th Street
Lincoln, NE 68510

OWNER: Judeth and Harold Hoppe
440 N 8th Street
Lincoln, NE 68508



2016 aerial

**Use Permit #: UP16008
Habitat for Humanity
N 46th St & Orchard St**



**One Square Mile:
Sec.20 T10N R07E**

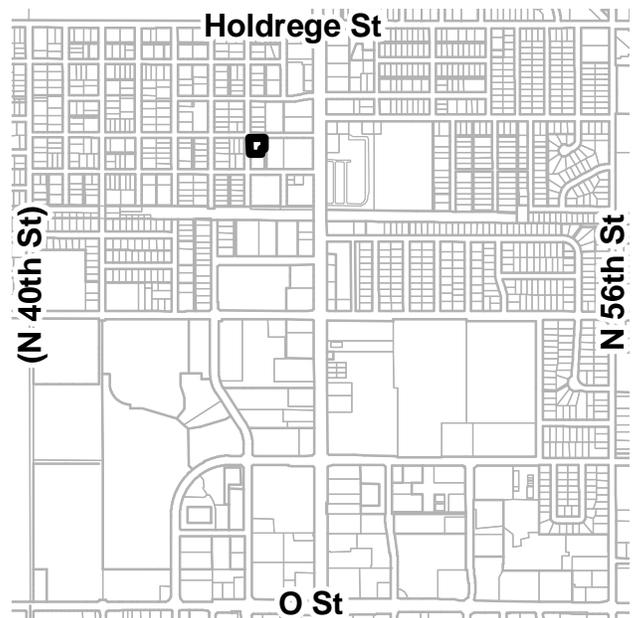
Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential 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

Area of Application

Zoning Jurisdiction Lines

City of Lincoln Jurisdiction



Use Permit Legal Description

PART OF LOTS 7, 8, 9 AND 10, BLOCK 15, MOUNT FOREST, LINCOLN, LANCASTER COUNTY, NEBRASKA, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOW;

BEGINNING AT THE SOUTHEAST CORNER OF LOT 7, BLOCK 15, MOUNT FOREST; THENCE WESTERLY ON THE SOUTH LINE OF SAID LOT 7, BLOCK 15, S 89°54'42"E 100.00'; THENCE NORTHERLY, N 0°09'56"W 141.87', TO A POINT ON THE NORTH LINE OF SAID LOT 10; THENCE EASTERLY ON SAID NORTH LINE, S 89°53'36"E 71.00'; THENCE NORTHERLY, N 0°09'56"W 42.34'; THENCE EASTERLY, S 89°52'55"E 29.00', TO A POINT ON THE EAST LINE OF SAID LOT 10; THENCE SOUTHERLY ON THE EAST LINE OF SAID LOTS 7, 8, 9 AND 10, S 0°09'56"E 184.17', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 15,413.45 SQUARE FEET OR 0.35 ACRES, MORE OR LESS

GENERAL SITE NOTES

1. THE CURRENT ZONING IS R-2. WE ARE REQUESTING PARCEL TO BE ZONED TO R-T AND R-4.
2. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
3. ALL DIMENSIONS ARE TO BACK OF CURB.
4. SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE. AND MUST BE APPROVED BY BUILDING AND SAFETY DEPARTMENT PRIOR TO INSTALLATION.
5. ALL ELEVATIONS ARE BASED ON NAVD 1988.
6. LOT DIMENSIONS ARE APPROXIMATE AND MAY VARY AT THE TIME OF FINAL PLAT..
7. THE YARD SETBACKS REGULATE STRUCTURAL WALLS ONLY AND DOES NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCROACHING INTO THE SETBACKS.

Burt Real Estate, LLC

September 14, 2016

Andrew Thierolf
Lincoln-Lancaster County Planning Department
555 South 10th Street
Lincoln, Nebraska 68508

RE: Petition to Vacate Public Way
Change of Zone
Use Permit

Andrew,

On behalf of the property owners, Judeth and Harold Hoppe, attached are applications to vacate 46th Street and amend zoning on the property located between Orchard and Y Street east of 46th Street.

The proposed development includes five components:

- Vacation of North 46th Street between Orchard and Y Streets;
- Change of Zone from R2 Residential District to Residential Transitional District zoning along Orchard east of 46th Street;
- Change of Zone from R2 Residential District to R4 Residential District along Y Street;
- Retention of R2 Residential District between the proposed RT and R4 districts and the existing single family residences located along the west side of 46th Street; and
- Use Permit for an office use for the proposed Residential Transitional District.

The proposed Street Vacation, Changes of Zone and Use Permit have been shared with the abutting property owners. Both owners have signed the petitions to vacate 46th Street and have not expressed any objection to the land use applications. A final plat will be submitted under separate cover to reconfigure lot lines.

The Use Permit development plan includes an office building having residential design elements and a footprint of approximately 1,850 square feet. Construction will include an off-street parking area containing 15 stalls. The construction is proposed by Habitat for Humanity for their administrative offices. This site was selected due to its proximity to the Habitat Restore retail facility which is located immediately east of the proposed Use Permit.

The R4 area is limited to two proposed lots located at the southwest corner of the property. These lots will provide a transition zoning between the H-2 Highway Commercial District located east of the property and the existing R2 zoning district located west of 46th Street.

Burt Real Estate, LLC

The existing R2 zoning is being retained along the west limit of the property to provide one single family lot fronting Orchard Street and one single family lot fronting Y Street. These single family lots are proposed to create a buffer between the proposed RT and R4 districts and the adjacent single family residences which abut the subject property.

Thank you in advance for your assistance and support for these land use applications.

Please feel free to call or contact me if you have questions or are in need of additional information.

Regards,



J.D. Burt

Attachments: Petitions to Vacate Public Ways
Application for Changes of Zone
Application for Use Permit