

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER UP10001A	FINAL ACTION? No	OWNER Compensation Programs, Inc.
PLANNING COMMISSION HEARING DATE November 14, 2018	RELATED APPLICATIONS None	PROPERTY ADDRESS 1040 N. Cotner Blvd

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a use permit amendment to reduce the front yard setback requirement from 25 feet to 15 feet for a freestanding sign. The property is located at the southeast corner of Y Street and North Cotner Boulevard and is approximately 0.48 acres in size. The proposal is for a 4 foot by 3 foot freestanding sign that would face N. Cotner Boulevard to the west. The sign will consist of the name of the business (Compro) and the address placed on a boulder. The use permit amendment is required because per LMC 27.69 freestanding signs are not allowed in the front yard of the R-T District.



JUSTIFICATION FOR RECOMMENDATION

The use permit proposal is appropriate as it will allow for a limited setback reduction to place a small sign in front of trees and landscaping and will not be detrimental to the neighborhood.

APPLICATION CONTACT
Brian McPike, (402) 488-5100 or bmcpike@comproins.com

STAFF CONTACT
George Wesselhoft, (402) 441-6366 or gwesselhoft@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposal subject to conditions is compatible with the Comprehensive Plan and is compatible with the character of the neighborhood.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.9 - this site is shown as Residential - Urban Density on the 2040 Lincoln Area Future Land Use Plan.

p. 5.2 - Strive for predictability for neighborhoods and developers.

p. 7.10 - Redevelopment and infill should strive for compatibility with the character of the neighborhood and adjacent uses (i.e., parking at rear, similar setback, height and land use).

ANALYSIS

1. This request is a proposed use permit that will allow for a reduction in the front yard setback from 25 feet to 15 feet to allow the placement of a freestanding sign, 12 square feet in size, in the front yard. The sign would include the name of the business (Compro) along with the address on a boulder. This property is zoned R-T. Per 27.72.030(a) the front yard setback in the R-T district is 10 feet or the same as the abutting district, whichever is greater. Since this property abuts lots to the east and south which are zoned R-2 Residential, the front yard setback for this property is 25 feet along North Cotner Boulevard and the Y Street frontage. Per Table 3 Chapter 27.69.040 free-standing signs are not allowed in the front yard of the R-T district. Signs not in the front yard are allowed, but no larger than 32 square feet in area, and 6 feet in height.
2. The applicant letter notes that the zoning was changed on the property to R-T Residential Transition previously in order to allow for the conversion of the house to their current office and that they never have had a sign at their location. The concern is that they would like a freestanding sign installed to be seen in both directions of N. Cotner Boulevard as they have had clients mistakenly walk into the house across the street from their office. The applicant states, in order for the sign to fit correctly in terms of existing conditions, it must be setback 15 feet from the front property line facing N. Cotner Boulevard as any further back and it would be blocked by one of the mature trees in the yard on N. Cotner Boulevard or they would have to remove one of the trees.
3. The site in question is a corner lot with two front yards, one facing North Cotner Boulevard and one facing Y Street. Y Street is a local street whereas North Cotner Boulevard is a minor arterial and the more likely route for arrival of clients to the business in question and therefore the proposed sign location. In this case, there are existing mature trees on the west side of the property that if the proposed freestanding sign were placed at 25' from the front lot line would reduce the visibility of the sign. The proposed sign is not allowed to be illuminated per **27.69.030(a)(9)**:

The required space between the location of any sign and an abutting residential premises in a residential district shall be as follows:

- i. 50 feet if non-illuminated,
 - ii. 100 feet if illuminated;
4. The proposed use permit complies with the Zoning Ordinance and is consistent with the Comprehensive Plan. The R-T district is intended to provide a buffer between residential and more intense commercial uses. There is commercial zoning to the north and the property fronts a minor arterial. The proposed front yard setback adjustment for the freestanding sign will not be of detriment to the neighborhood and is still in keeping with the intent of the R-T District.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Office; R-T

SURROUNDING LAND USE & ZONING

North: Office, Single Family Detached; B-1, R-2

South: Single Family Detached; R-2

East: Single Family Detached; R-2

West: Single Family Detached; R-2

APPLICATION HISTORY:

- Jan, 2011 City Council approved CZ10025 which changed the zoning from R-2 Residential to R-T Residential Transition District to convert an existing single family home into an office.
- Jan, 2011 City Council approved UP10001 which permitted 3,100 square feet of office use and allowed for the reduction of setback for parking lots, including driveways adjacent to a residential district.

APPROXIMATE LAND AREA: 0.48 acres, more or less

LEGAL DESCRIPTION:

Lots 4-6, Block 94, Bethany Heights, located in the NE 1/4 of Section 21-10-7, Lincoln, Lancaster County, Nebraska

Prepared by

George Wesselhoft, Planner

Date: November 1, 2018

Owner: Compensation Programs, Inc.
1040 N. Cotner Blvd
Lincoln, NE 68505
(402)488-5100
Bmcpike@comproins.com

Applicant/: Brian McPike
Contact 1040 N. Cotner Blvd
Lincoln, NE 68505
(402)488-5100

F:\DevReview\UP\UP10001A Comp Pro Boulder Sign.gjw.docx

CONDITIONS OF APPROVAL - UP10001A

This approval allows 3,100 square feet of office with a front yard setback reduction for a freestanding sign from 25 feet to 15 feet within the boundaries of the use permit.

Site Specific Conditions:

1. 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 upon approval before receiving building permits.
 - 1.1 Update the Use Permit title to Use Permit 10001A
 - 1.2 Remove Use Permit 10001 Prior Approval stamp, Received and Final Approved Copy text from drawing.
 - 1.3 Add Note 8 "Signs need not be shown on the site plan. The setback for signs along North Cotner Boulevard is reduced to 15 feet" and remove specific proposed sign location.

Standard Conditions:

2. The following conditions are applicable to all requests:
 - 2.1 Before occupying the buildings all development and construction is to substantially comply with the approved plans.
 - 2.2 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.
 - 2.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 2.4 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.
 - 2.5 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions/ordinances approving previous permits remain in force unless specifically amended by this resolution.



City of Lincoln/Lancaster County, NE

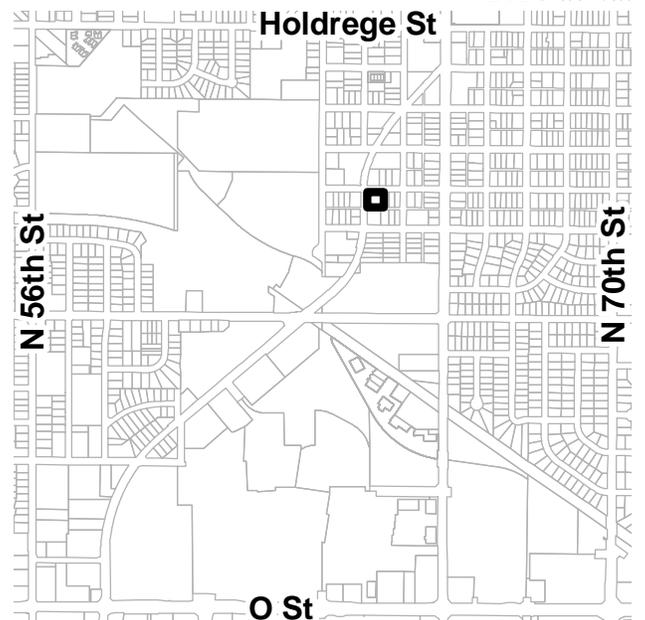
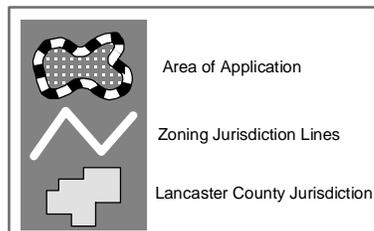
2018 aerial

Use Permit #: UP10001A
N Cotner Blvd & Y St

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

One Square Mile:
Sec.21 T10N R07E



October 8, 2018

City Planning Division
City/County Building
Lincoln, NE 68501

Re: Sign/Use Permit for Boulder Sign at 1040 N Cotner Blvd

To Whom It May Concern:

I have owned a health/employee benefits insurance agency for the past 27 years. In 2010 I purchased the property at 1040 N. Cotner Blvd and converted this house to our office. We did have to get the zoning changed to Residential Transition.

During the process we have never had a sign at our office due to the regulations and where it would need to be installed to be seen in both directions of Cotner Blvd. Several times, our clients have walked in to the house across the street from our office (they couldn't figure out southeast corner of Cotner & Y Street). After 7 years I think I have figured out a way to install a sign.

For it to fit correctly it must start no more than 18 feet from the sidewalk, any further back it would either be blocked by on of the 3 Oak trees in the yard on N Cotner or I would have to cut down one of the Oak trees.

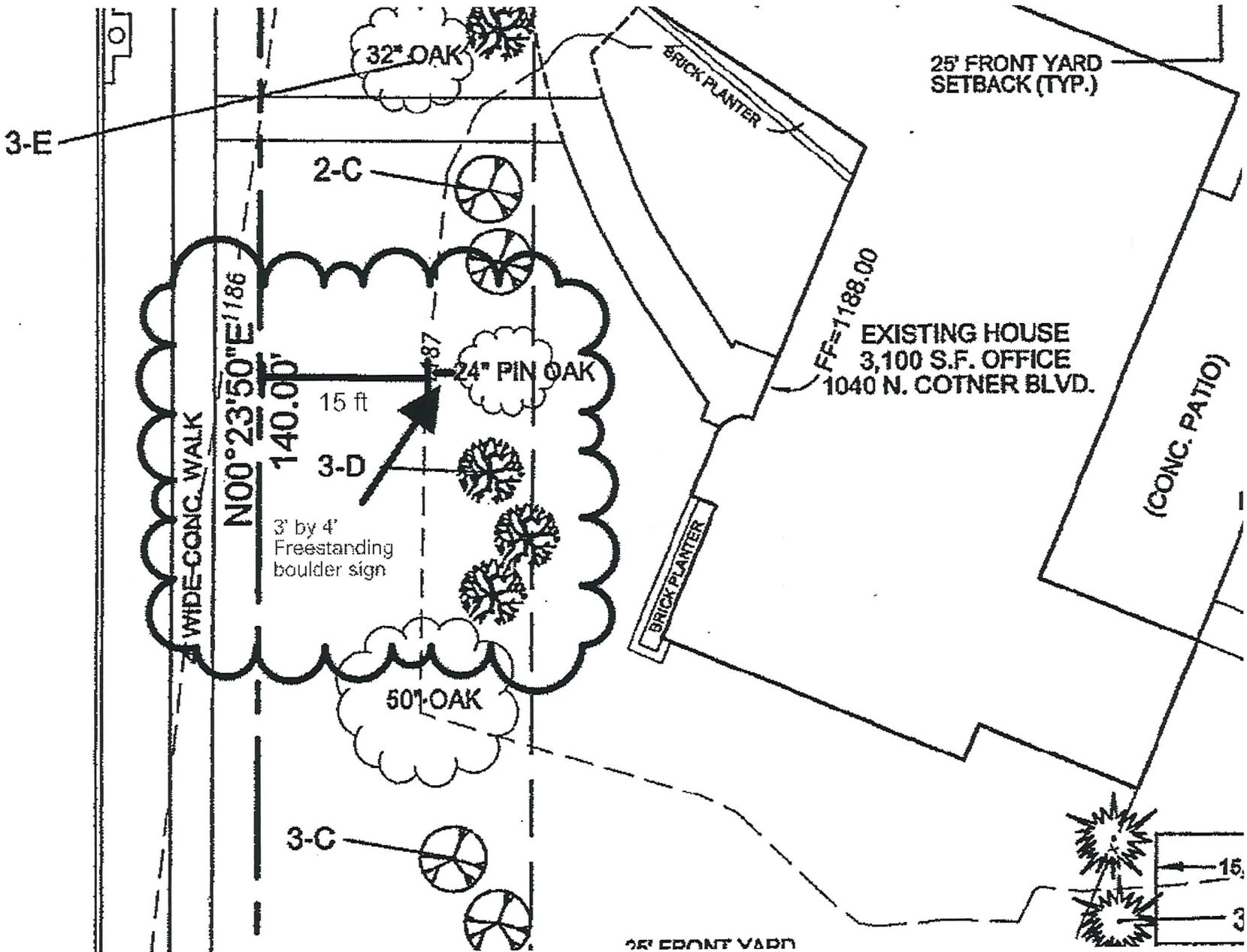
My request is to allow us to install this boulder sign 18 feet back from the sidewalk. I have attached a site map to approximate where the boulder would be located. Any help in approving this "Boulder" sign will be greatly appreciated.

Sincerely,



Brian K McPike
President/Agent

☐ N. COTNER BLVD



1040 N. COTNER BLVD. USE PERMIT #10001

OWNER & DEVELOPER:
COMPENSATION PROGRAMS, INC
8181 1ST STREET, SUITE 201
LINCOLN, NE 68510
PHONE: (402) 488-9100

ENGINEER:
CIVIL DESIGN GROUP, INC.
6333 EXECUTIVE WOODS DRIVE
SUITE 200
LINCOLN, NE 68512
(402) 434-3484

ATTORNEY:
SEACREST & MALKOWSKI
1111 LINCOLN MALL, SUITE 350
LINCOLN, NE 68505
PHONE: (402) 435-9000

SURVEYOR:
ALLIED SURVEYING AND MAPPING, INC.
6120 S. 58TH STREET
SUITE 'A'
LINCOLN, NE 68516
(402) 434-2668

GENERAL SITE NOTES

1. THE USE PERMIT IS APPROVED FOR 3,100 S.F. OF OFFICE.
2. THE CURRENT ZONING IS P-2 WITH A REQUESTED CHANGE OF ZONE TO RT.
3. THE OWNER/DEVELOPER SHALL COMPLY TO THE ENVIRONMENTAL PERFORMANCE STANDARDS RELATING TO NOISE EMISSION, DUST, ODOOR, CLARIE, AND HEAT AS ADOPTED BY THE CITY OF LINCOLN.
4. ALL CURVILINEAR DIMENSIONS SHOWN ARE CHORD LENGTHS UNLESS NOTED.
5. PAVING RADII SHALL BE 15 FEET AT INTERIOR INTERSECTIONS.
6. SIDEWALKS SHALL BE BUILT FOUR FEET WIDE ALONG "Y" STREET.
7. THE DEVELOPER/OWNER AGREES NOT TO LIGHT THE PARKING LOT.

WAIVER

1. REDUCTION OF SETBACK FOR PARKING LOTS, INCLUDING DRIVEWAYS ADJACENT TO RESIDENTIAL DISTRICT TO 10 FEET.

PLAN REFERRED TO IN
POSITION # A-96899
ADOPTED BY THE CITY COUNCIL
ON 1-31-2011

PROJECT LOCATION



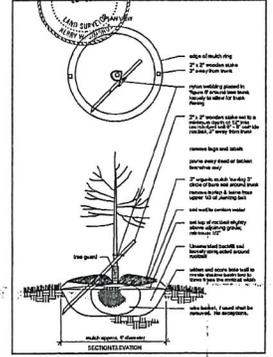
VICINITY MAP
NO SCALE

LEGAL DESCRIPTION - CHANGE OF ZONE & USE PERMIT

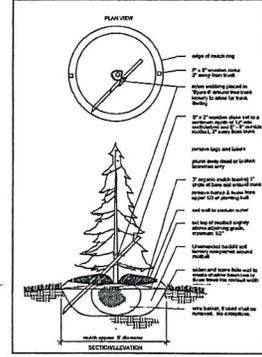
LOTS 4, 5 AND 6, BLOCK W, BETHANY HEIGHTS, LOCATED IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 12 NORTH, RANGE 1 EAST OF THE 1ST P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK W; THENCE IN AN EASTERLY DIRECTION ALONG THE NORTH LINE OF SAID BLOCK W, ON AN ASSUMED BEARING OF 88°32'00" E FOR A DISTANCE OF 150.00' TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE S 87°23'12" W ALONG THE EAST LINE OF SAID LOT 4, FOR A DISTANCE OF 140.00' TO THE SOUTHEAST CORNER OF SAID LOT 4;
THENCE N 89°23'30" W ALONG THE SOUTH LINE OF SAID LOTS 4, 5 AND 6, FOR A DISTANCE OF 184.00' TO THE SOUTHWEST CORNER OF SAID LOT 5;
THENCE N 60°23'00" E, ALONG THE WEST LINE OF SAID LOT 5, FOR A DISTANCE OF 140.00' TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 2100.00 SQUARE FEET.

SURVEYOR'S CERTIFICATE

I, Kerry W. Simonds, a registered land surveyor in the State of Nebraska, certify that a survey of the outer boundary of this Community Unit Plan was performed by me or under my direct supervision, and that said survey is correct to the best of my knowledge and belief.
Date 1/11/11 Kerry W. Simonds
Kerry W. Simonds, S. 9033



1 DECIDUOUS TREE PLANTING DETAIL FOR STREET TREES



2 EVERGREEN TREE PLANTING DETAIL

NOTES:

1. ALL PLANT MATERIAL INSTALLED SHALL BE "NURSERY GROWN" MEETING THE FOLLOWING CRITERIA:
A. PLANT MATERIAL GROWN BY ESTABLISHED COMMERCIAL NURSERIES AND SOLD TO LICENSED AND CERTIFIED NURSERY AND LANDSCAPE CONTRACTORS.
B. GROWN AND SOLD ACCORDING TO AMERICAN STANDARD FOR NURSERY STOCK SPECIFICATIONS (ANSI Z60.1-1996).
2. CITY OF LINCOLN SHALL MARK STREET TREE PLANTING LOCATIONS BEFORE PLANTING IS DONE.

LEGEND

- EXISTING ROW
- EXISTING CENTERLINE
- USE PERMIT BOUNDARY
- PROPOSED SETBACK
- EASEMENT
- FOUND PROPERTY CORNER
- SET PROPERTY CORNER

**LINCOLN CITY - LANCASTER COUNTY
PLANNING COMMISSION APPROVAL**

THE FOREGOING USE PERMIT & CHANGE OF ZONE WAS APPROVED BY THE LINCOLN CITY-PLANNING COMMISSION ON THIS _____ DAY OF _____, 2011.

ATTEST: CHAIR

LINCOLN CITY COUNCIL APPROVAL

THE FOREGOING USE PERMIT & CHANGE OF ZONE WAS APPROVED BY THE LINCOLN CITY COUNCIL ON THIS _____ DAY OF _____, 2011.

ATTEST: CHAIR

STREET TREE SCHEDULE

KEY	LOCATION	COMMON NAME	BOTANICAL NAME	SIZE @ PLANTING	PLANTING METHOD	SPRD	HT	EXISTING QUANTITY		PROPOSED QUANTITY		ARTERIAL IMPROVED/UNIMPROVED
								LANDSCAPE	STREET	LANDSCAPE	STREET	
A	"Y" STREET	PACIFIC SUNSET MAPLE	ACER TRUNCATUM X A. PLANTANOIDES 'WARRENRED'	1 1/2" cal	B&B	30'	25'	-	-	3	-	-
B	PARKING LOT SCREENING	GOLDFIP PITZNER	JUNIPERUS CHIBENSIS PFIZERIANA	18" - 24"	B&B	6'	3'	-	6	-	-	-
C	PARKING LOT SCREENING	SWISS STONE PINE	PINUS CEMBRA	4" - 6"	B&B	6'	12'	-	20	-	-	-
D	PARKING LOT SCREENING	WINGED ELYNIUMUS (BURNING BUSH)	ELYNIUMUS ALATA COMPACTA	18" - 24"	B&B	6'	10'	-	11	-	-	-
E	N. COTNER BLVD.	OKM						3	-	-	X	-

REVISIONS	DATE	DESCRIPTION
1	1/11/2011	PLANNING COMMISSION REVIEW

1040 N. COTNER BLVD.
USE PERMIT #10001

SITE PLAN

LINCOLN, NEBRASKA

drawn by: JLS
checked by: JLS
approved by: 2010-03-18
project no.:
drawing no.:
date: 1/11/2011

SHEET 1 OF 1

PREPARED BY: JLS
 DATE: JAN 04, 2011
 CHECKED BY: JLS
 DATE: JAN 04, 2011
 APPROVED BY: JLS
 DATE: JAN 04, 2011



Boulder Size - 48" wide by 36 tall

* NOTE THAT NO TWO BOULDERS ARE THE SAME. *ALL FONTS AND IMAGES MAY VARY SLIGHTLY ON COMPLETED PRODUCT.
PROOFS SHOWN ARE NOT EXACT REPRESENTATIONS AND LIKE ALL NATURAL MATERIALS VARIATION IS NORMAL.

