

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

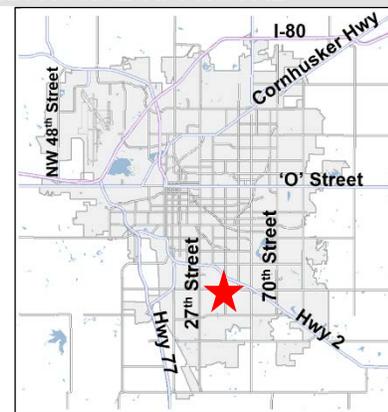
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Change of Zone #20026 Use Permit #20010	FINAL ACTION? No	DEVELOPER/OWNER TNGG Capital
PLANNING COMMISSION HEARING DATE September 16, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 5600 S. 27 th St.

**RECOMMENDATION: CHANGE OF ZONE: APPROVAL
USE PERMIT: CONDITIONAL APPROVAL**

BRIEF SUMMARY OF REQUEST

This is a combined staff report for a change of zone from P-Public to O-3 Office Park District and a Use Permit to allow a 22,000 sq. ft. office building. The Use Permit is requesting waivers to reduce the side yard setback, front yard setback and reduce required parking.



JUSTIFICATION FOR RECOMMENDATION

A change of zone from P to O-3 and the Use Permit is compatible with surrounding area. This request, with the conditions of approval, complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

APPLICATION CONTACT

Matt Langston, Olsson 402-474-6311
mlangston@olsson.com

STAFF CONTACT

Tom Cajka, (402) 441-5662 or
tcajka@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan encourages using infill sites that utilize existing infrastructure for commercial development while limiting the impacts and encroachment into those neighborhoods. This proposal will utilize existing public infrastructure.

WAIVERS

1. Reduce required parking from 1stall per 300 sq. ft. to 1 stall per 500 sq. ft. (Recommend Approval)
2. Reduce side yard setback adjacent north lot line to 6 feet. (Recommend Approval)
3. Reduce front yard setback from 20' to 10' along Old Cheney Rd. (Recommend Approval)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.1 - 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.

P. 12.3 - this site is shown as future public and semi-public on the 2040 Lincoln Area Future Land Use Plan.

P. 5.1-5.2 - Business & Economy Guiding Principles

- Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.
- Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.
- Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.
- Provide flexibility to the marketplace in siting future commercial and industrial locations.
- Strive for predictability for neighborhoods and developers.

P. 5.6 - Based on the projected population growth rates, the Plan identifies the potential for 58.6 million square feet of occupied retail, office, and service uses by 2040. A substantial portion of this future commercial capacity will be accommodated on sites already zoned or approved for commercial development or that have been identified in the Plan for future commercial land use.

5.15 - Detailed Strategies for Commercial Infill

- Maintain existing vehicular access, relocate drives as needed, share access where possible and discourage additional vehicular access to an arterial street.
- Align commercial driveways with existing streets where possible.
- Orient buildings to the street, especially corners.

ANAYLISIS

1. This is a request for a change of zone from P-Public to O-3 Office Park District and a Use Permit for a 22,000 sq. ft. medical office building on approximately 2.27 acres. The site is located northeast of S. 27th Street and Old Cheney Road.
2. This site is owned by the City and was declared surplus property on September 15, 2014. A purchase agreement with TNGG Capital LLC was approved by City Council on June 8, 2020. The purchase agreement limited allowed uses to office only with no drive-thru. Retail is not allowed on the site.
3. Access is limited to S. 27th Street. No access is allowed to Old Cheney Rd. The developer will be required to construct a new right turn lane into the property off S. 27th Street. This requirement is based on Access Management Plan which identifies S. 27th St. as an arterial street. The City had not agreed to access to Old Cheney Rd in the purchase agreement. Access to Old Cheney would contrary to Access Management policy as well as could leave to unsafe turning movements. The applicant has agreed to drop the request for the turn lane.
4. A waiver is requested to reduce the front yard setback from 20' to 10' along Old Cheney Rd. With the required 16 feet of right-of-way being dedicated it makes the site tight to maneuver the mobile medical unit if the 20' setback is required.
5. The applicant is requesting a waiver to reduce the side yard setback to 6 feet along a portion of the north lot line. This would be adjacent the fire station parking lot. The reduction is needed for a driving aisle and should not impact the fire station.
6. The last waiver requested is to reduce the required parking from one stall per 300 sq. ft. of the building to 1 stall per 500 sq. ft. of building. The Use Permit proposes a 22,000 sq. ft. office building. This would require 74 parking stalls at one stall per 300 sq. ft. The site plan shows 69 parking stalls and space for 5 additional stalls. The applicant's letter states that the medical office will have a maximum of 8 to 10 patients per day and at the proposed parking ratio is more than adequate to provide the parking needs. If the current use ceases, any new use would have to meet the one stall per 300 sq. ft. parking requirement.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: P-Public Fire station and undeveloped

SURROUNDING LAND USE & ZONING

North:	P-Public	Fire Station
	R-3 Residential	Apartment complex
South:	R-3 Residential	Single-family homes
East:	R-3 Residential	Apartment complex
West:	B-2 Business	Retail

APPROXIMATE LAND AREA: 2.27 acres

LEGAL DESCRIPTION: Lot 69 I. T. except the North 150 feet of the West 160 feet thereof lying within the SW ¼ of Section 7, Township 9 North, Range 7 East, Lancaster County, NE.

Prepared by

Tom Cajka, Planner

Date: September 3, 2020

Applicant: Mat Langston
 Olsson
 601 P Street, Suite 200
 Lincoln, NE 68508
 mlangston@olsson.com

Contact: Same as applicant

Owner: City of Lincoln

F:\DevReview\CZ\20000\CZ20026 P to O3 27th and Old Cheney.tjc.docx

CONDITIONS OF APPROVAL - USE PERMIT #20010

This approval a Use Permit for a 22,000 square feet office building with waivers to reduce the front yard setback along Old Cheney Rd to 10 feet, the side yard setback to 6 feet as shown on the site plan and the parking ratio to one stall per 500 sq. ft. of floor area for a medical office use.

Site Specific Conditions:

1. Before a final plat is approved the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.
 - 1.1 Remove the drive to Old Cheney Rd.
 - 1.2 Remove the 10' of dedicated right-of-way along S. 27th St as the required amount of right-of-way has been provided.
 - 1.3 Show additional right-of-way along Old Cheney Rd. so there is 76 feet of right-of-way from the centerline of Old Cheney Rd.
 - 1.4 Delete "and Old Cheney Road" in Note #3.
 - 1.5 Add to the waivers list to reduce front yard setback from 20 feet to 10 feet along Old Cheney Rd.
 - 1.6 Show an easement for the sanitary sewer that crosses Lot 1 to Lot 2.
 - 1.7 Change the setback on the north lot line to 15 feet.
 - 1.8 The east lot line is a rear yard. Show a 40' setback. Parking is allowed in the rear yard setback
 - 1.9 Per Lincoln Transportation and Utilities Watershed Management:

Provide reasonable access and safety bench for detention cell.
 - 1.10 Add to the General Notes, "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 & Safety Department prior to installation".
 - 1.11 Submit a landscape screen that shows a double row of landscape screening along Old Cheney Rd.
2. Before receiving building permits, the developer shall provide the following documents to the Planning Department:
 - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the planned unit development has been recorded.
 - 2.2 Change of Zone #20026 is approved by the City Council.
3. Final plat is approved by the City.

If any final plat on all or a portion of the approved use permit is submitted five (5) years or more after the approval of the use permit, the city may require that a new use permit be submitted, pursuant to all the provisions of section 26.31.015. A new use permit may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the use permit as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, landscaping screens, street trees, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. **A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.**

Permittee agrees:

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat

to complete the installation of street trees along the east side of S. 27th Street and the north side of Old Cheney Road as shown on the final plat within two (2) years following the approval of this final plat.

to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

To complete the right turn lane on S. 27th Street prior to starting operations.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Lincoln Transportation and Utilities a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

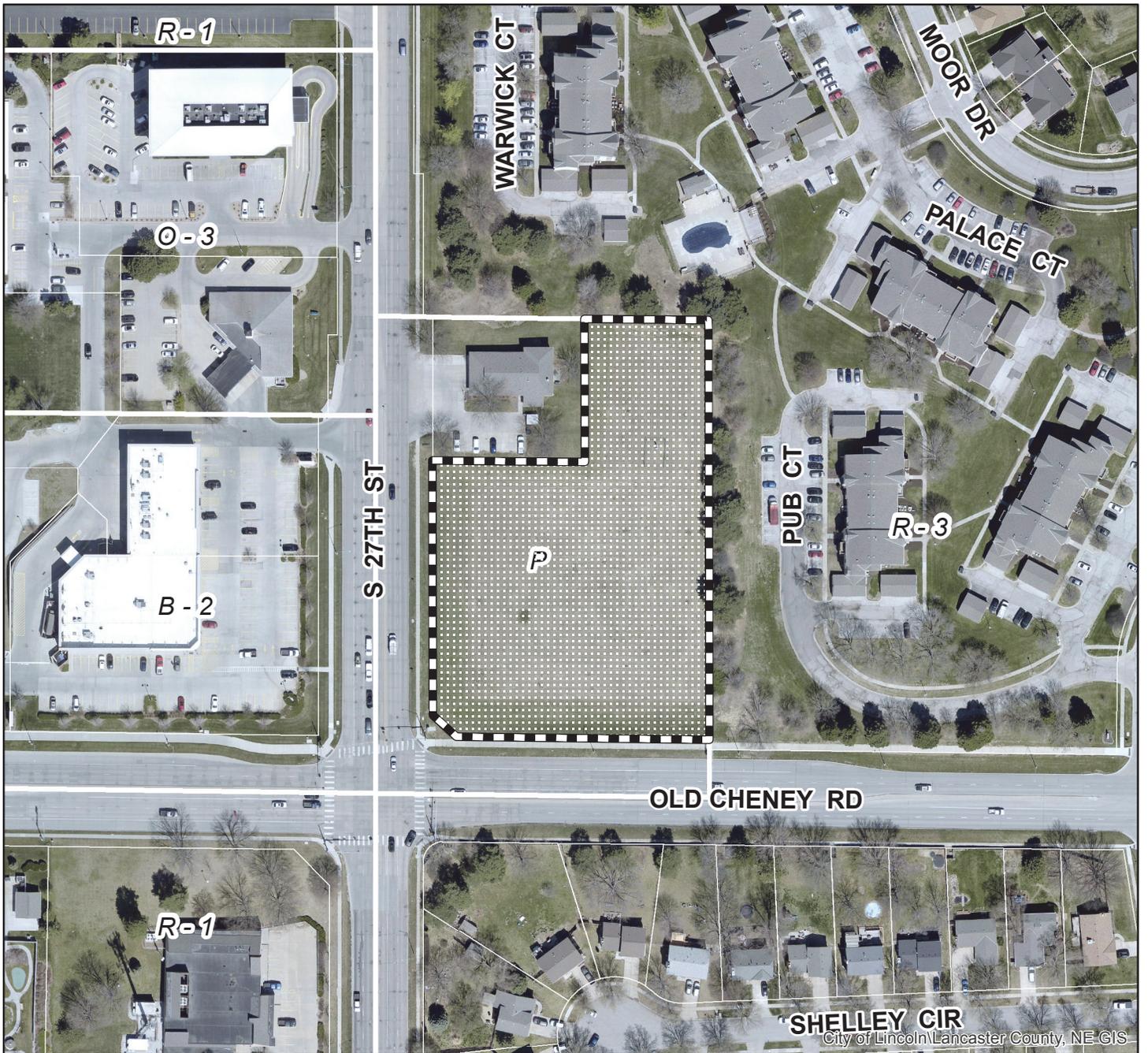
to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to relinquish the right of direct vehicular access to Old Cheney Road.

Standard Conditions:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the building all development and construction shall substantially comply 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 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.
 - 4.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.
 - 4.5 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.



City of Lincoln/Lancaster County, NE GIS

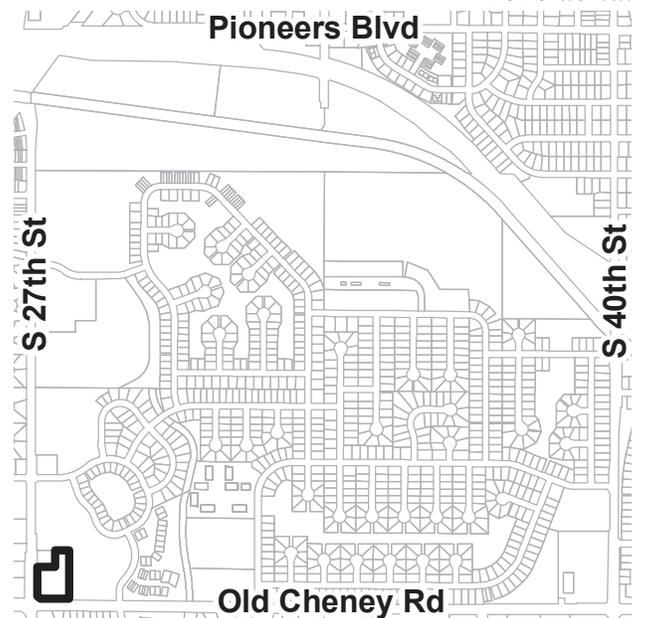
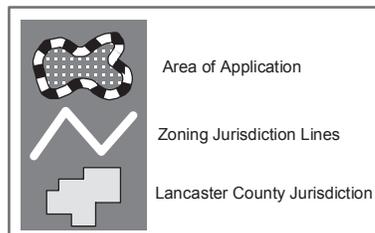
2020 aerial

**Use Permit #: UP20010 and
Change of Zone #: CZ20026 (P to O-3)
S 27th St & Old Cheney Rd**

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.07 T09N R07E**



COVER SHEET TNNG HEALTH PLAZA

LAND USE TABLE		
LOT NUMBER	USE	FLOOR AREA (SQ. FT.)
1	OFFICE	22,000
TOTAL		22,000

LEGEND	
	USE PERMIT BOUNDARY
	PROPOSED WATER MAIN
	EXISTING WATER MAIN
	PROPOSED SANITARY SEWER
	EXISTING SANITARY SEWER
	EXISTING STORM SEWER
	PROPERTY LINE
	RIGHT OF WAY
	CENTERLINE
	SETBACK
	EASEMENT
	R.O.W. TO BE DEDICATED



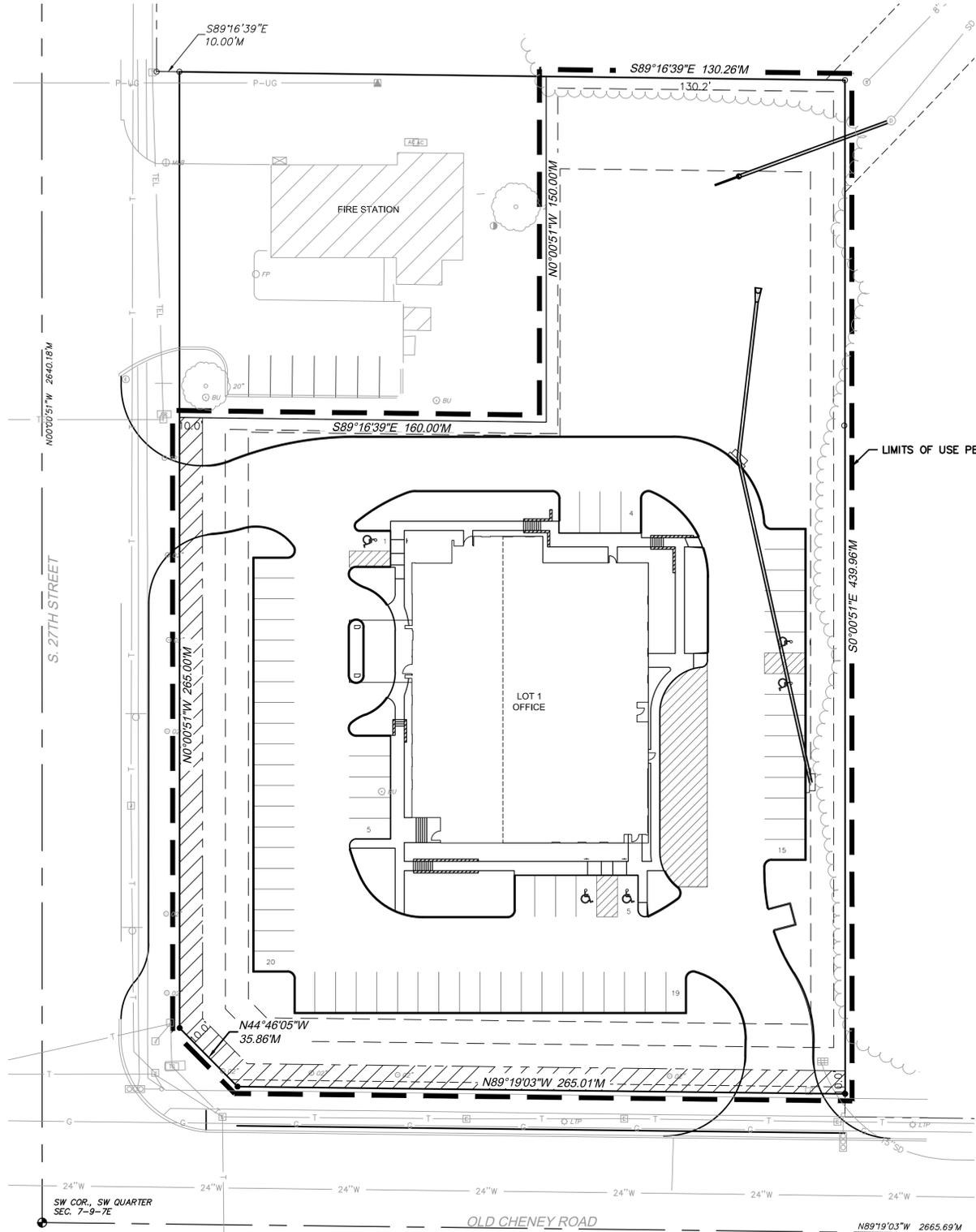
DEVELOPMENT INFORMATION

LEGAL DESCRIPTION: LOT 69 I.T., EXCEPT THE NORTH 150 FEET OF THE WEST 160 FEET THEREOF, LYING WITHIN THE SW 1/4 OF SECTION 7, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA

PROPOSED ZONING: O-3

AREA: 2.27 ACRES

- WAIVERS**
- TO REDUCE THE SIDE YARD SETBACK, ADJACENT TO THE FIRE STATION, FROM 15' TO 6', PER TABLE 27.72.030(o).
 - TO REDUCE THE PARKING REQUIREMENT FOR OFFICE USES FROM 1 STALL PER 300 SQ. FT. TO 1 STALL PER 500 SQ. FT. PER TABLE 27.67.020.



- GENERAL NOTES**
- ALL PAVEMENT RETURN RADII TO BE 20' (MIN.) UNLESS OTHERWISE NOTED.
 - ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
 - DIRECT VEHICULAR ACCESS TO S. 27TH STREET AND OLD CHENEY ROAD SHALL BE RELINQUISHED EXCEPT AS SHOWN.
 - ALL ELEVATIONS ARE TO NAVD 1988.
 - ALL EAVES, CANOPIES AND OTHER BUILDING PROJECTIONS MAY EXTEND OVER THE BUILDING ENVELOPE LINES BUT NOT LOT LINES.
 - ALL DRIVES SHALL BE 24' WIDE TYPICAL UNLESS OTHERWISE NOTED.
 - FINAL SITE LAYOUT AND INDIVIDUAL LANDSCAPE PLANS FOR COMMERCIAL BUILDINGS TO BE SUBMITTED AT TIME OF BUILDING PERMIT.
 - 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.

OWNER/DEVELOPER
TNNG CAPITAL LLC
6849 RIDGE POINT ROAD
LINCOLN, NE 68512

ENGINEER
OLSSON
601 'P' STREET
SUITE 201
LINCOLN, NE 68508
402-458-5013

olsson
601 P Street, Suite 200
P.O. Box 84608
Lincoln, NE 68508
TEL 402.474.6311 www.olsson.com

REV. NO.	DATE	REVISIONS DESCRIPTION

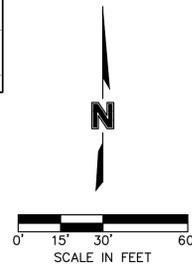
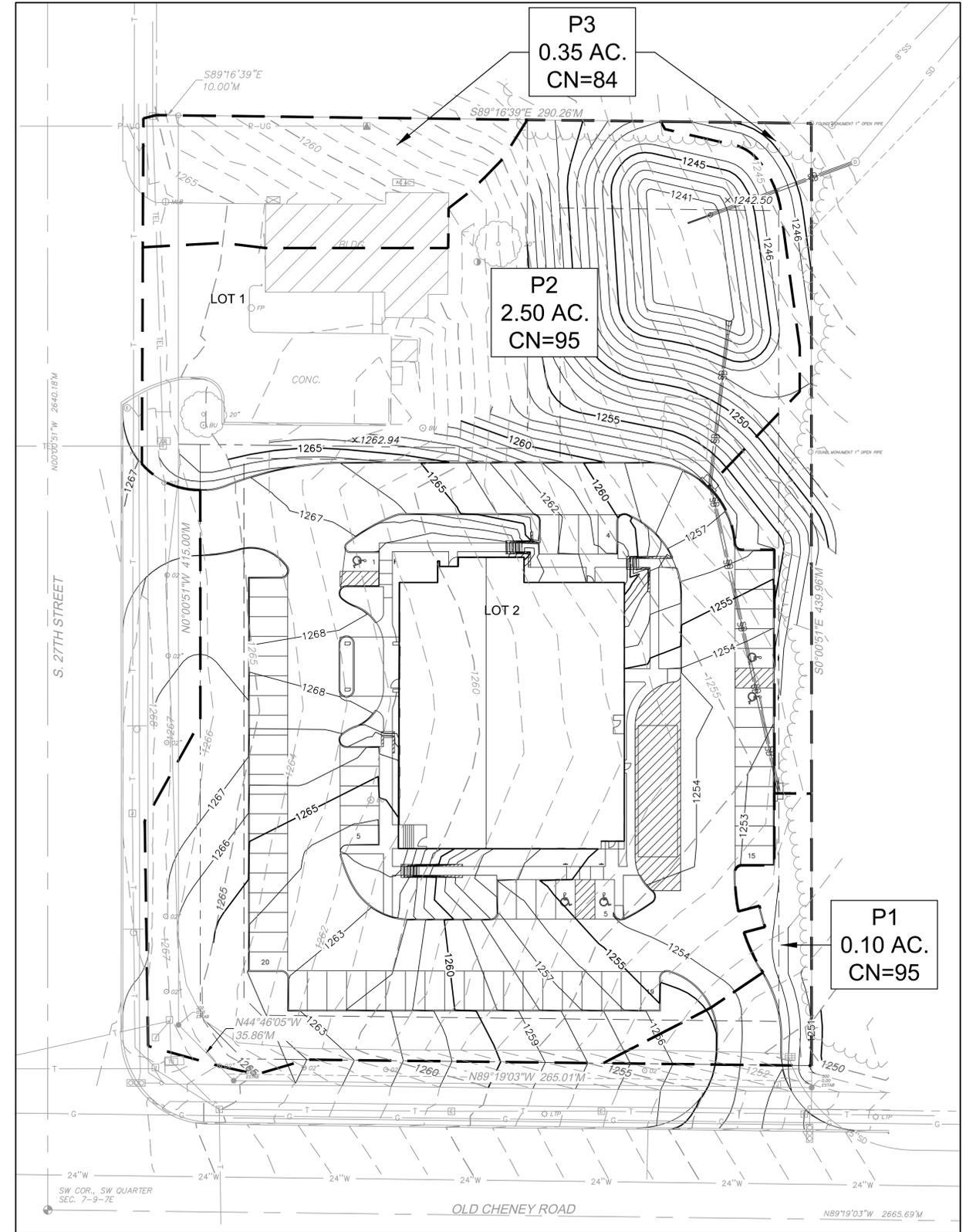
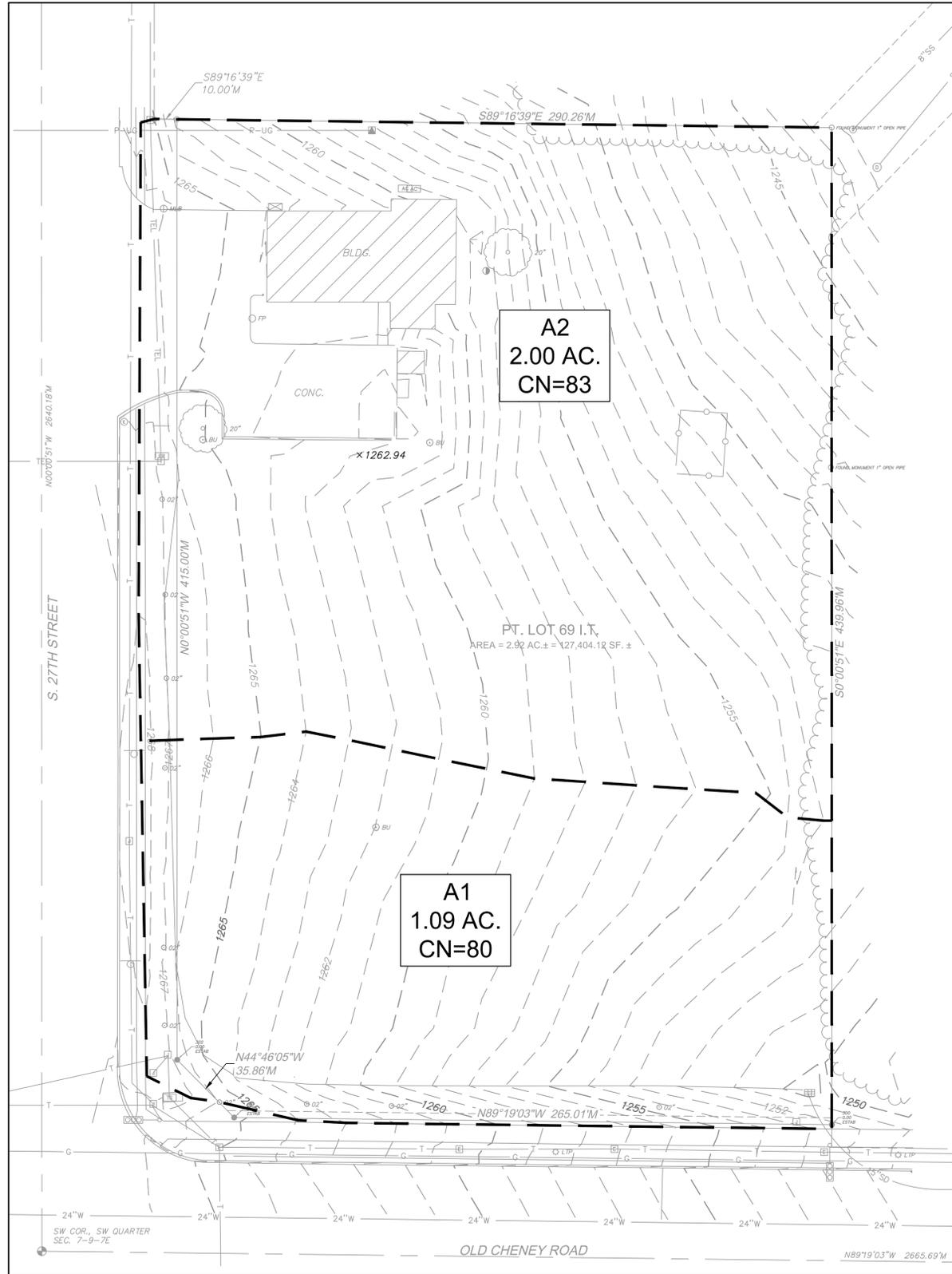
COVER SHEET
TNNG HEALTH PLAZA
LINCOLN, NEBRASKA

drawn by: MCL
checked by: ENG
approved by: ENG
QA/QC by: ENG
project no.: 020-0895
drawing no.:
date: 08.04.2020

DWG: F:\2020\0501-1000\020-0895\40-Design\AutoCAD\Preliminary Plans\Sheets\CNC\ C_SIT01_0200895.dwg USER: mlangston
 DATE: Aug 05, 2020 9:21am XREFS: C_PBASE_0200895 V_XALTA_0200895 C_PBASE_81280 V_XTOPO_0200895

DRAINAGE PLAN

TNNG HEALTH PLAZA



DWG: F:\2020\0501-1000\020-0895\40-Design\AutoCAD\Preliminary Plans\Sheets\CNC\C.DRN01_0200895.dwg USER: mlcarlson
DATE: Aug 03, 2020 9:43am XREFS: C:\BASE_0200895 V_XTOP_0200895 V_XALTA_0200895

olsson

601 P Street, Suite 200
P.O. Box 84608
Lincoln, NE 68508
TEL 402.474.6311
www.olsosn.com

REVISIONS DESCRIPTION

DATE

REV. NO.

DRAINAGE PLAN

TNNG HEALTH PLAZA

LINCOLN, NEBRASKA

REVISIONS

2020

drawn by: MCL
checked by:
approved by:
QA/QC by:
project no.: 020-0895
drawing no.:
date: 08.03.2020

SHEET
4 of 4



August 4, 2020

Mr. David Cary
Planning Director
Planning Department
555 South 10th St., Suite 213
Lincoln, NE 68508

Re: TNG Health Plaza
Change of Zone and Use Permit
Olsson Project No. 020-0895

Dear Mr. Cary,

On behalf of TNG Capital, LLC ("TNG"), the potential buyer of the real property legally described as a portion of Lot 69 I.T., located in the southwest quarter of Section 7, Township 9 North Range 7, all located in Lancaster County, Nebraska ("the Property"). TNG has a purchase agreement with the City of Lincoln for the Property.

TNG is proposing a Use Permit, Special Permit, and change of zone for a Health Care Facility (non-residential) on Property containing 2.27 acres. The Use Permit proposes 22,000 sq. ft. of allowable floor area for office uses.

We request the following waivers with this application to accommodate the proposed health care facility:

1. To reduce the parking requirement for office uses from 1 stall per 300 sq. ft. to 1 stall per 500 sq. ft. per Table 27.67.020. The main user of the building will have a maximum of 8 to 10 patients per day and the proposed parking ratio will be more than adequate to provide the parking needs of the proposed use. Additional future parking stalls are shown that will meet the 1 stall per 300 sq. ft. requirement.
2. To reduce the side yard setback, adjacent to the fire station, from 15' to 6', per table 27.72.030(a).

The Property proposes two driveways for access, one from S. 27th Street and another from Old Cheney Road. The applicant will submit deviation requests to the director of LTU for each access. A right turn lane will be added on S. 27th Street for the driveway access and the existing right turn lane on Old Cheney Road will be extended.

The development team has met with City Staff in a preapplication meeting to discuss the proposed applications and will continue to work with Staff as the plans are reviewed.

Enclosed find the following documents for the above-mentioned project:

1. City of Lincoln Application, including:
 - a. Use Permit
 - b. Change of Zone from Public to O-3
2. Use Permit Site Plan

3. Exhibit "A" – Use Permit Exhibit and Legal
4. Application fees in the amount of \$2,350.55

Plans and other supporting documents will be submitted to ProjectDox upon notification from the Planning Staff. We appreciate your consideration of the above request and look forward to working with the City staff on this proposed Use Permit and change of zone. If you require further information or have any questions, please do not hesitate to contact me at bmarshall@olsson.com or (402) 458-5672.

Sincerely,



Brad J Marshall, P.E.

Enclosures.

From: Brad Marshall <bmarshall@olsson.com>
Sent: Tuesday, September 8, 2020 8:48 AM
To: Tom J. Cajka <tcajka@lincoln.ne.gov>
Cc: Matt Langston <mlangston@olsson.com>
Subject: RE: TNNG

[CAUTION] This email comes from a sender outside your organization.

Tom –

TNNG Capital, LLC is requesting a reduction of the front yard setback per Table 2.72.030(a) for the O-3 Zoning District from 20 feet to 10 feet along Old Cheney Road.

Justification:

The reduction of the front yard setback is to allow drives and parking to expand closer to Old Cheney Road on the Property to allow maneuvering of large semi-trailer vehicles around the building. With the only a single access into and out of the property allowed on S. 27th Street, the semi-trailer needs to circle the building requiring large turning movements. The semi-trailer would allow the medical office to provide a mobile MRI to the Property.

Please let me know if you need anything else for this request.

Brad J. Marshall, PE, LEED AP

Team Leader / Civil

D 402.458.5672

C 402.202.8360

601 P Street, Suite 200

Lincoln, NE 68508

O 402.474.6311



Follow Us: [Facebook](#) / [Twitter](#) / [Instagram](#) / [LinkedIn](#) / [YouTube](#)