

## FACTSHEET

**TITLE: CHANGE OF ZONE NO. 14029**  
(O-2 to B-3 - NE corner of S. 48<sup>th</sup> Street and  
Pioneers Boulevard).

**BOARD/COMMITTEE:** Planning Commission

**APPLICANT:** Ironwood Properties

**RECOMMENDATION:** Approval, subject to  
Conditional Zoning Agreement, as revised (9-0: Harris,  
Beecham, Cornelius, Hove, Weber, Sunderman, Scheer,  
Corr and Lust voting 'yes').

**STAFF RECOMMENDATION:** Approval,  
subject to Conditional Zoning Agreement,  
as revised.

**OTHER DEPARTMENTS AFFECTED:** None.

**SPONSOR:** Planning Department

**OPPONENTS:** None

**REASON FOR LEGISLATION:** Change of Zone from O-2 Suburban Office District to B-3 Commercial  
District, on property generally located at South 48th Street and Pioneers Boulevard (4820 and 4826  
Pioneers Boulevard).

### **DISCUSSION / FINDINGS OF FACT:**

1. The purpose of this change of zone request is to facilitate redevelopment and revitalization of an existing business in one of Lincoln's older business districts to include new retail and office uses as well as a wood working shop.
2. The staff recommendation to approve this change of zone request, subject to a conditional zoning agreement, is based upon the "Analysis" as set forth on p.6-8, concluding that the zoning pattern in the College View area is irregular and based largely upon a historical development pattern dating back to the early 1900's. As a result, there are several commercially-zoned sites that are not adequately sized to accommodate redevelopment given modern-day constraints. To mitigate the impacts of the expanded commercial next to residential, a zoning agreement is proposed, which will include additional landscaping, restrict certain uses, add street trees and provide transparency for buildings located close to the front lot line. This type of renovation and redevelopment activity, together with a zoning agreement, is key to maintaining the viability and vitality of Lincoln's older commercial districts and residential zoning districts, and is supported by the 2040 Comprehensive Plan. The staff presentation is found on p.11-13, and the proposed terms of the zoning agreement are found on p.8-9, as amended (Also see Staff Memo dated January 7, 2015, p.16-21). The building elevations referred to in 2.e. of the zoning agreement are found on p.18-21.
3. Testimony on behalf of the applicant is found on p.13-14.
4. A letter in support submitted by the College View Neighborhood Association is found on p.30.
5. There was no testimony in opposition.
6. On January 7, 2015, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval, subject to the conditional zoning agreement (See Minutes, p.14).
7. The associated Development and Conditional Zoning Agreement is also being introduced on Council agenda on January 26, 2015 (Bill #15R-25).

**FACTSHEET PREPARED BY:** Jean Preister, Administrative Officer

**DATE:** January 20, 2015

**REVIEWED BY:** David R. Cary, Acting Director of Planning

**DATE:** January 20, 2015

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**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**  
**for NOVEMBER 12, 2014 PLANNING COMMISSION MEETING**

**\*\*As Revised and Recommended for Approval, subject to a Conditional Zoning\*\***  
**Agreement, by Planning Commission: January 7, 2015**

- PROJECT #:** Change of Zone No.14029
- PROPOSAL:** From O-2 Suburban Office District to B-3 Commercial District.
- LOCATION:** Northeast corner of S. 48<sup>th</sup> Street and Pioneers Boulevard
- LAND AREA:** 0.5 acres more or less
- EXISTING ZONING:** O-2 Suburban Office District
- CONCLUSION:** If approved, this request facilitates redevelopment and revitalization of an existing business in one of Lincoln's older business districts. While a portion of the new development is already zoned B-3, this application will expand the B-3 commercial zoning to the east. There are sites where this type of expansion of commercial zoning is not appropriate, however that is not the case here. The zoning pattern in the College View area is irregular, and based largely on a historical development pattern dating back to the early 1900's. As a result there are several commercially-zoned sites that are not adequately sized to accommodate redevelopment given modern-day constraints. To mitigate the impacts of the expanded commercial next to residential a zoning agreement is proposed. The zoning agreement will include additional landscaping along the residential lot line, restrict certain uses, add street trees and provide transparency for buildings located close to the front lot line. This type of renovation/redevelopment activity together with a zoning agreement is key to maintaining the viability and vitality of Lincoln's older commercial districts and residential zoning districts, and is supported by the Comprehensive Plan.

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

**LEGAL DESCRIPTION:** Lots 11, 12 and 13, Block 45, College View, located in the SE1/4 of Section 5-9-7, Lincoln, Lancaster County, Nebraska

**EXISTING LAND USE:** Single family dwelling unit and another single family dwelling unit formerly used as a dentist office.

## **SURROUNDING LAND USE AND ZONING:**

North: R-4 Residential	Single Family and a Duplex
B-3 Commercial District	Duplex
South: O-2 Suburban Office District	Offices
B-1 Local Business District	Commercial -retail
East: R-2 Residential	Single Family residential
West: B-3 Commercial District	Commercial - retail (Lamar's and Colby Ridge)

## **HISTORY:**

- May 1979                      The two western most lots were rezoned from A-2 Single Family district to R-2 Residential and the eastern lot was rezoned from A-2 Single Family to O-2 Suburban Office District. The purpose of the O-2 was to provide a transition between the existing commercial ne residential.
- January 1981                City Council approved a change of zone from R-2 Residential to O-2 Suburban Office District on the eastern two lots of this application to accommodate a dental office building.
- 2007 College View Mobility Audit was conducted. The purpose of the audit was to identify strategies that would make the College View area more walker-biker-rider-driver friendly. This 2007 study lead to the S. 48<sup>th</sup> Street Road improvement project which added a turn lane and improved the streetscape. Although the road project improved the S. 48<sup>th</sup> Street corridor, it didn't add any parking in this historic commercial area.

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

**Pg 1.9** - This property is shown as commercial in the 2040 Comprehensive Plan Future Land Use Map

**Pg 2.7** - Guiding Principles for Community Form.

- The Urban Environment The community's present infrastructure investment should be maximized by planning for well-designed and appropriately-placed 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 existing neighborhoods, redevelopment of underperforming commercial areas into mixed use redevelopment areas that include residential, retail, office and entertainment uses, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods.

- Preservation and renewal of historic buildings, districts, and landscapes is encouraged. Development and redevelopment should respect historical patterns, precedents, and boundaries in towns, cities and existing neighborhoods.

- Mixed use redevelopment, adaptive reuse, and well-designed and appropriately-placed infill development, including residential, commercial and retail uses, are encouraged. These uses may develop along transit routes, at major nodes, and near employment centers to provide residential opportunities for persons who do not want to or cannot drive an automobile.

**Pg 5.15 - Strategies for Commercial Infill.**

- Discourage auto-oriented strip commercial development and seek opportunities for residential mixed use redevelopment and/or transit oriented development of existing commercial strips.
- Develop infill commercial areas to be compatible with the character of the area.
- Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.
- 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.

**UTILITIES: Existing**

**TRAFFIC ANALYSIS:** S. 48<sup>th</sup> Street and Pioneers are Urban Minor Arterial Streets. The properties included in the proposed development currently have three accesses on Pioneers (one for each developed property) and one access along S. 48<sup>th</sup> Street adjacent to the alley.

**Access Management Policy**

*We know there will be conflicts between best practices and existing property rights or site layout. This particularly is true in the built environments. We expect to apply the standards to fit the reality of the location and use under consideration. Requests to modify or deviate from these rules will take time for fact gathering and communication. Development in the built environment is encouraged under the Comprehensive Plan and Public Works understands the need to balance interests to foster economically viable development in our City. (Access Management Policy Page 4)*

*The implementation of the access standards may be triggered by any of the following property actions: change of zone, preliminary plat, final plat, annexations, Planned Unit Development, Community Unit Plan, special permit, use permit, or a building permit when the number of trips generated will be increasing by 50% or more. Any undeveloped properties seeking new access must meet these standards. (Access Management Policy Page 5)*

*It is also recognized that getting access in the built environment to conform to all of these standards may be difficult and challenging. For that reason, it is necessary for the Director of Public Works and Utilities, or their designee, to take this into consideration when applying this policy and work with developers to design site access on an individual, case-by-case basis that will promote the goals of this policy while still providing reasonable access to the site. (Access Management Policy Page 6)*

Public Works favors a larger separation distance from the intersection. The three existing access points on Pioneers should be consolidated to one access located as far west as feasible on the site. It is acceptable and desirable to eliminate access to S. 48<sup>th</sup> Street for this project and take access from the alley.

Although not a requirement of this change of zone, it should be noted that if a certain number of crashes happen within the first two years the driveway is open, and the crashes are attributable to left turn movements, a barrier to prohibit left turns on Pioneers will likely be installed.

**REGIONAL ISSUES:** The College View area is a thriving historic neighborhood business district adjacent to and surrounding Union College. A streetscape improvement project was recently completed which enhanced the historic small town character of this area. This is an area with a diverse mix of local businesses that serve Union College and the surrounding neighborhood.

According to the 2007 College View Mobility Audit, transit is one of the basic modes of travel used in the College View Neighborhood. As a neighborhood that has historically been served by the transit system in Lincoln, namely by the College View bus route, and with the Union College campus and an active business community functioning as activity centers, transit service is an important and viable transportation element in this neighborhood.

Nearly all transportation trips begin and end in some manner as a walking trip. Whether walking to the car, to the bus stop, using a bike, or walking the entire way to a destination, pedestrian activity is integral to the transportation system. The study showed that this is especially true of the College View neighborhood. It is a walkable neighborhood where residents and visitors enjoy and desire pedestrian activity.

In College View, bicycling is identified as a preferable option by residents and visitors alike for various reasons. The neighborhood contains the Union College campus where students, faculty, and staff are active bikers, and this neighborhood sits between major City trail facilities in every direction - Boosalis/Highway 2 Trail to the south, Rock Island Trail to the west, Billy Wolff Trail to the north, and the Holmes Lake Trails to the east.

South 48th Street is the main north/south arterial roadway that serves the College View neighborhood and provides arterial street connectivity to other areas of Lincoln. This street also brings together all major forms of travel in College View. Cars and trucks share this part of the neighborhood with pedestrians, bicyclists, and buses making this a mobility hub for the neighborhood.

This property is on the southern boundary of the newly created College View Business Improvement District.

**AESTHETIC CONSIDERATIONS:** This project is located in College View, one of Lincoln's oldest commercial districts originally founded in the late 1800's. The development pattern is typical in many respects of those built-out during the early part of the 20<sup>th</sup> century. Some of those distinguishing characteristics include development focused along a major street, buildings fronting onto and located near the street, with active frontage, and a lack of depth to the commercial development, often times only one lot deep with residential development immediately adjacent.

Lincoln's modern suburban development follows an entirely different model, in fact almost completely opposite. The design principles of this model can be seen at newer centers such as South Pointe Pavilions, Edgewood, Pioneer Woods, etc., where access

to major streets is limited, the orientation of buildings has an internal focus, and parking lots are situated between buildings and adjacent streets.

Early discussions with an the applicant focused on the site design aspects of the project. A better option would be a site layout more closely following the historic development pattern of the area be presented, one that would serve to expand the strong influence represented by the west block faces fronting onto South 48<sup>th</sup> Street.

Locating the building nearer South 48<sup>th</sup> Street, and replicating the dominant characteristic to the north along South 48<sup>th</sup> Street would be preferred. The proposed plan does provide enhanced landscaping and screening on the east boundary of the site be used to buffer the commercial activity from the adjacent residential lot. It appeared practical to both re-zone additional land to allow adequate area to facilitate redevelopment, while providing a site layout that complements and contributes to the historic elements of College View.

### **ANALYSIS:**

1. This request seeks to change the zoning from O-2 to B-3 on Lot 11, 12 and 13, all in Block 45, College View.
2. The change of zone is needed to accommodate the planned redevelopment of the site which includes new retail and office uses as well as a wood working shop.
3. Lincoln's older commercial districts, such as Havelock, Uni Place, and College View, began to form around the turn of the 20<sup>th</sup> century. At that time there was less dependence upon the automobile, and the commercial centers primarily served the surrounding neighborhoods. Retailers were generally smaller as compared to their modern day counterparts, and they typically did not have to dedicate much, if any, space to parking lots for cars.

The zoning pattern which exists today in these older commercial districts is reflective of the historic land use pattern dating from the first half of the 20<sup>th</sup> century.

4. There are many areas in the older districts, as with College View, where the commercial zoning is only as deep as the lot fronting onto the major street. Commonly only 150' deep, redevelopment options are constrained when attempting to accommodate both commercial floor area and adequate parking consistent with current parking standards.
5. The Comprehensive Plan has elements when viewed in isolation that both support and discourage a change of zone like this one that encroaches into the residential zoning district. For that reason, the applicable elements must be taken together as a whole and viewed in a larger context.

6. Generally zoning district lines are best located in streets or other features which serve to provide natural separation and logical boundaries. Split zoning across a block or individual lots can result in incompatible land uses being located next to one another. It also increases the level of uncertainty for residential property owners, as there is a higher probability that commercial areas will expand at the expense of residential uses. In this case the impacts of the commercial zoning adjacent to residential can be mitigated through a zoning agreement and associated site plan.
  - Street trees - 4 on Pioneers, 1 on S. 48<sup>th</sup> Street; (*Street trees are in keeping with the character of the neighborhood.*)
  - Landscaping -the 10 foot setback along the east property line is for landscaping and trees;
  - Parking Lot-Screening -there will be a minimum 6' landscape screen along S. 48<sup>th</sup> Street and a minimum 6' landscape screen along Pioneers adjacent to the right of way;
  - Uses - exclude cabinet shops that conduct refinishing activities, motorized vehicle wash facilities, and motorized vehicle repair/service on the lot adjacent to residential zoning; (*These are all nuisance uses when located close to residential uses. Cabinet refinishing involves chemicals that can be toxic.*)
  - Transparency -the two buildings along Pioneers located less than 20 feet from the front lot line, at least 50% of the area between 3 and 9 feet above grade shall consist of windows, glass doors or other transparent building surfaces. (*The purpose of this requirement is to not have a solid wall with no transparency along the street, in keeping with the character of the business area.*)
  - Access to S. 48<sup>th</sup> Street and Pioneers Boulevard shall be per the attached site plan.
  - Development will be per the attached site and landscape plan once revised by the conditions above.
7. There is a 40 foot from center line Building Line District along Pioneers Boulevard. That means that approximately 7 feet of the property along Pioneers is unbuildable. The 7 feet of unbuildable area is reflected in the site plan.
8. There is a required 25 foot front yard setback along Pioneers due to residential zoning on the same block face. When this setback is added to the Building Line District the setback becomes 32 feet. The only way to adjust this setback would be to amend the zoning ordinance. The applicant has applied for a text amendment (TX14021) that would provide a step back transitional setback on residential block faces instead of maintaining the residential front yard setback through the commercial district.
9. Impacts of moving the building to the street on a residential block face should be mitigated by requiring a minimum amount of transparency, as discussed in the

zoning agreement, to avoid a blank wall adjacent to the sidewalk. Transparency promotes public safety by “putting eyes on the street”. It also helps maintain the continuity of the residential block face since most houses particularly in older parts of Lincoln have windows and doors that face the street. It also is in character with other commercial development along S. 48<sup>th</sup> Street in this business district.

10. In anticipation of submitting these associated requests, the applicants representatives invited the neighbors to 2 meetings. One was on August 8<sup>th</sup>, 2014 prior to formally submitting an application to the City. The other meeting was on December 22, 2014.
11. One of the Comprehensive Plan's preeminent goals is maintaining and nurturing the older commercial districts. So while they contribute greatly to Lincoln's urban fabric and provide a living connection to our historic past, they also provide a range of goods and services to nearby neighborhoods and help reduce vehicle trips. If approved, this request would allow an existing businesses to upgrade and modernize. Such renovation and redevelopment is key to maintaining the viability of the older business districts located throughout the City and is supported by the Comprehensive Plan.
12. The attached elevation submitted on January 6, 2015 from the applicant provides additional information on the development. The elevations are for the south side (viewed from Pioneers Blvd.) and the west side (viewed from 48<sup>th</sup> Street.) It shows the view to all of the buildings from a particular side. The proposed elevations includes multiple windows, doors, an articulated front with “column” like relief and a variety of building materials. When taken as a whole, the elevations show that the buildings would not provide a blank wall to the street and would provide a good addition to the commercial area. The middle building doesn't provide the 50% transparency as recommended, but when the buildings elements are taken together as a whole, the overall effect is acceptable. Thus, the change of zoning and reduction in the front yard next to residential is acceptable as long as the development as constructed is substantially equivalent to the attached elevations. The attached elevations will be included in the zoning agreement.

#### **CONDITIONS OF APPROVAL:**

1. The Developer signs zoning agreement before the City Council approves the change of zone.
2. The zoning agreement shall list the following conditions, which will be reviewed by the Planning Director for conformance at time of building permit: (\*\*Per Planning Commission, as recommended by staff: 01/07/15\*\*)
  - a. **Street trees** - 4 on Pioneers, 1 on S. 48<sup>th</sup> Street; (*Street trees are in keeping with the character of the neighborhood.*)

- b. **Landscaping** -the 10 foot setback along the east property line is for landscaping and trees, except for a 4 ft. sidewalk against the building leading from the southern parking stall to the front entry. Parking lot screening shall meet design standards; (\*\*Per Planning Commission, as recommended by staff: 01/07/15\*\*
- c. **Parking Lot Screening** -there will be a minimum 6' landscape screen along S. 48<sup>th</sup> Street and a minimum 6' landscape screen along Pioneers adjacent to the right of way;
- d. **Uses** - exclude cabinet shops that conduct refinishing activities, motorized vehicle wash facilities, and motorized vehicle repair/service on the lot adjacent to residential zoning; *(These are all nuisance uses when located close to residential uses. Cabinet refinishing involves chemicals that can be toxic.)*
- e. **Transparency** -~~the two buildings along Pioneers located less than 20 feet from the front lot line, at least 50% of the area between 3 and 9 feet above grade shall consist of windows, glass doors or other transparent building surfaces. (The purpose of this requirement is to not have a solid wall with no transparency along the street, in keeping with the character of the business area.)~~ The two buildings along Pioneers Boulevard will be substantially similar to the attached building elevations for the south side of the buildings. (\*\*Per Planning Commission, as recommended by staff: 01/07/15\*\*)
- f. **Access** to S. 48<sup>th</sup> Street and Pioneers Boulevard shall be per the attached site plan.
- g. **Development** will be per in substantial compliance with the attached site and landscape plan once revised by the conditions above. **(\*\*Per Planning Commission, as recommended by staff: 01/07/15\*\*)**

Prepared by:

Christy Eichorn, Planner

**DATE:** December 23, 2014

**APPLICANT/CONTACT:** Derek Zimmerman  
1248 O Street, Suite 600  
Lincoln, NE 68508  
402-475-1075

**OWNER:** Ironwood Properties  
Roger Bumgarner  
P.O.Box 6515  
Lincoln, NE 68506

Steffen Construction Specialists, Inc  
4817 Meredith Street  
Lincoln, NE 68506

## CHANGE OF ZONE NO. 14029

### PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 7, 2015

Members present: Weber, Sunderman, Corr, Cornelius, Beecham, Harris, Sheer, Hove and Lust.

Staff recommendation: Approval

Corr disclosed that she attended the neighborhood meeting on December 22, 2014.

Staff presentation: **Christy Eichorn of Planning staff** presented the proposal for change of zone from O-2 to B-3 at the northeast corner of South 48<sup>th</sup> Street and Pioneers Blvd., stating that it is important to keep in mind that this is a request for change of zone, not a special permit or use permit. The Comprehensive Plan, in general, says that we should not encroach into residential neighborhoods but we also need to encourage and enhance redevelopment in our community. We can help facilitate that redevelopment by utilizing a zoning agreement with certain conditions on uses and require a site plan that would be followed with the change of zone. It works very similar to having a special permit on a property.

The building in which LaMars and Colby Ridge are located is currently zoned B-3. To the east is an old dental office and a house (to be removed). The applicant is requesting that the corner be rezoned to B-3, with one large B-3 and residential to the east.

The staff has worked with the applicant on conditions that would be appropriate for this particular site in order to allow for its redevelopment, even though it moves closer to the residential area and eliminates the existing O-2 buffer. The list of conditions that would be included in the ordinance and the zoning agreement include adding street trees – four on Pioneers and one on South 48<sup>th</sup> Street; additional landscaping and buffer between the residential and commercial (normally B-3 requires a 5' side yard and we are asking for 10' side yard between the eastern property line and the building). The additional side yard setback would allow screening and landscaping along that property line, whether vegetation or a fence. Parking lot screening is required and would have to meet current design standards. After speaking with Health, it would be best not to have cabinet shops with refinishing nor motorized vehicle wash or repair and service facilities on the area being rezoned. Those are uses that tend to be nuisance uses and can often cause problems when located adjacent to a residential district.

One access on Pioneers Boulevard and the existing access point on the alley on South 48<sup>th</sup> have been eliminated, and the applicant has agreed to provide some transparency along Pioneers Boulevard, with at least 50% transparency for the separate building and a 30% transparency on another building. The agreement would state that the elevations will comply with what is shown on the exhibit.

With regard to combining the access points, Corr noted that the staff report mentions that a barrier will be installed to prevent left hand turns if there is a significant number of crashes taking a left. Who pays for the barriers, if necessary? Eichorn believes it would be the City because it could be way into the future. The intent is to make it clear that it is not a guaranteed access point in the future.

Corr asked for the difference between a woodworking shop and a cabinet shop. Eichorn explained that it is the chemicals used in refinishing the wood. She has talked with the applicant and they are aware that the cabinet shop would not be able to do any finishing of that product.

Beecham confirmed that the alley is not paved at this time. Eichorn concurred. The applicant will probably have to pave it when they come in for building permit, but she did not know for sure.

Beecham then asked whether you can drive between the two buildings, or is there a walkway? Eichorn stated that there is a patio and walkway between the buildings and not a driveway.

With regard to consideration for the future, Beecham inquired whether this design with today's current requirements would allow a drive-through. Eichorn indicated that it would be very difficult because of the limited access points and challenging in order to keep the parking stalls required because they just barely meet the parking requirements now.

Beecham inquired as to the height difference allowed between the office zoning and B-3 zoning. Eichorn did not know, but would find out. Beecham also asked for the difference between B-3 and residential zoning. (*Editorial comment: This question was answered later in the hearing*).

Beecham inquired about the uses allowed in B-3 that are not allowed in the office zoning. Eichorn suggested that O-2 is really only an office district; B-3 would allow personal services, retail, service stations, gas stations, auto sales, etc.

Beecham then inquired about businesses that are allowed in residential areas. Eichorn explained that any business/commercial uses would require a special permit, unless it is a home-based business. Restaurants are also not allowed in residential.

Harris inquired whether the 4' sidewalk eliminates any trees. Eichorn advised that the applicant will be required to show whether they can provide the necessary street trees on a revised landscape plan.

Beecham commented that this is such a strange intersection for pedestrians. Did Public Works have any recommendations on ways to make this a safer crossing? Eichorn explained that a study was done in this area back in 2007-08 which talked about a potential round-about in the future in this area. Public Works has been

exploring multiple options on how to improve this intersection. However, there are not currently any funds budgeted for any improvements.

### Proponents

**1. Derek Zimmerman** appeared on behalf of the property owners and developers. He displayed the site plan and the proposed uses. He also showed a photograph of the building which houses LaMars and Colby Ridge as it exists today, which is over 50 years old. To the east is an existing dental office, which is currently not being used. He also displayed a photograph of the existing residence which has been purchased by his client. The interior condition is not good and not usable in its current form and remodeling is something that would not be economically worthwhile.

Zimmerman advised that the existing tenants will stay. They will be located in the old building while the new building is constructed. The strip center will include an insurance-based office use. The other spaces are open at this time. The parking for this site is challenging and Zimmerman does not believe there would be a feasible way to have a drive-through with the stacking requirements, and he assured that a drive-through is not in the developer's current plan. The alley will be paved and used as a drive access to the cabinet shop. This development will be a significant improvement over what is there today. Zimmerman agreed with the conditions pertaining to the uses and the zoning agreement.

As part of the change of zone, Zimmerman stated that the developer has worked with city to make sure the transition from the commercial to the residential is a seamless and positive one.

With regard to the landscaping, Zimmerman pointed out that B-3 requires 5 feet; however, the applicant is in agreement with 10 feet of landscaping and trees; there will be a walkway from the parking area; the developer has agreed to the transparency and an elevation substantially similar along the south side facing Pioneers Boulevard. They are making changes to provide space that is open to the north (patio space that is covered) rather than a space that faces Pioneers Boulevard. It would be possible to have some open space facing Pioneers but that is a lot less attractive than the patio area up to the north further away from the street.

Zimmerman acknowledged that the access points have been approved by Public Works. The access on Pioneers Boulevard is being eliminated.

There was no testimony in opposition.

Eichorn reapproached to answer Beecham's previous questions about maximum height. The O-2 district actually has a lower height limit than the residential, i.e., O-2 is 28 feet (or 25 feet, depending on the pitch of the roof because it is a transitional zoning district). Most residential is 35 feet maximum height, and in B-3 you can go up to 45

feet, but the lot adjacent to the residential cannot exceed 35 feet in height. The cabinet shop cannot go higher than 35 feet because it is considered adjacent to residential.

#### Response by the Applicant

Zimmerman clarified that the buildings are all planned to be single-story.

#### **ACTION BY PLANNING COMMISSION:**

January 7, 2015

Weber moved to approve the staff recommendation of approval, subject to a zoning agreement, as revised, seconded by Hove.

Although he had reservations about the previous text amendment, Cornelius stated that given this body chose to recommend approval of the text amendment, he sees no reason to oppose this application.

Beecham observed that this is in an old neighborhood that is in transition. She likes what the applicant has done with the design. It is a tricky intersection. It is right adjacent to residential. She likes that this design is not super tall; and it appears that they are doing a good job adding the extra buffer to try to create a buffer for the neighbors.

Scheer indicated that he will support this change of zone because he thinks that the change of zone will create opportunity for this corner, which is a great thing for this neighborhood, especially on a corner that has been the same for 50 years. He does have a few reservations, but since we are creating the opportunity, he wants to make sure we don't miss the opportunity. This is a great urban design element for Lincoln on a very important corner. He would like the developer to think about how to make this corner more contextual with College View – to create points for pedestrian access, entry and use around the side as well as within the site. He loves the goal with patios, etc., but to make this as contextual as possible on this corner in College View is a very important thing to follow up since we are creating opportunity with the change of zone.

Corr commented that she has struggled with this a lot. This is not her favorite layout and not appealing to her. She understands this is a challenging site but feels like we are trying to put too much in there (a square peg in a round hole). However, she stated that she will support this based on a couple of things. She appreciates the neighborhood outreach with two neighborhood meetings, and it improves the access for this corner. She is, however, concerned that this sets a precedent to tear down viable buildings to expand commercial.

She doesn't think the house looks that bad. The O-2 buffer is really important. With that being said, she appreciates the work that has been done and she will support the change of zone.

Lust stated that she will also support this change of zone. She is in favor when we are able to have a zoning agreement to get things like street trees, landscaping, transparency in design, etc. She believes it is a good development for a problematic corner.

Motion carried 9-0: Weber, Sunderman, Corr, Cornelius, Beecham, Harris, Scheer, Hove and Lust voting 'yes'. This is a recommendation to the City Council.

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## MEMORANDUM

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**TO:** Planning Commission

**FROM:** Christy Eichorn, Planning Department

**SUBJECT:** CZ14029 S. 48<sup>th</sup> and Pioneers

**DATE:** January 7, 2016

**CC:** Derek Zimmerman

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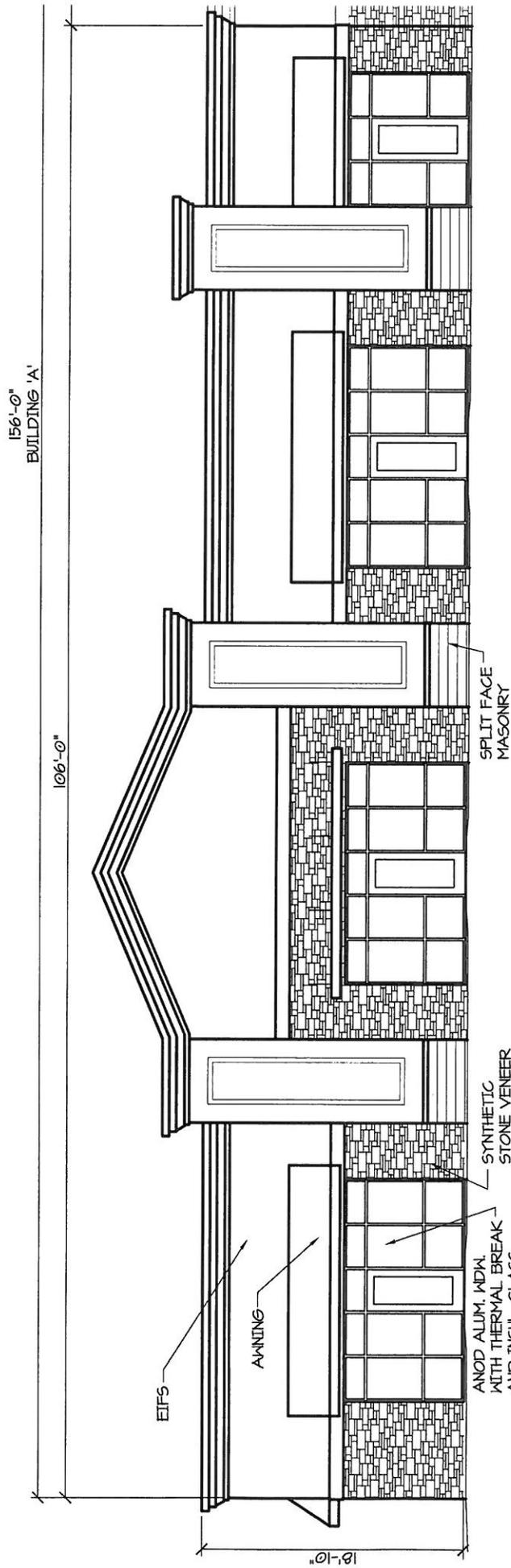
This applicant submitted initial building elevations, yesterday January 6, 2015, as part of the change of zone application. The applicant and staff have worked out a few amendments to clarify and revise the conditions of the development. As a result of the discussion and building elevation submitted, the staff report analysis and recommendation is hereby amended as follows:

### ANALYSIS:

12. The attached elevation submitted on January 6, 2015 from the applicant provides additional information on the development. The elevations are for the south side (viewed from Pioneers Blvd.) and the west side (viewed from 48<sup>th</sup> Street.) It shows the view to all of the buildings from a particular side. The proposed elevations includes multiple windows, doors, an articulated front with "column" like relief and a variety of building materials. When taken as a whole, the elevations show that the buildings would not provide a blank wall to the street and would provide a good addition to the commercial area. The middle building doesn't provide the 50% transparency as recommended, but when the buildings elements are taken together as a whole, the overall effect is acceptable. Thus, the change of zoning and reduction in the front yard next to residential is acceptable as long as the development as constructed is substantially equivalent to the attached elevations. The attached elevations will be included in the zoning agreement.

**CONDITIONS OF APPROVAL:**

1. The Developer signs zoning agreement before the City Council approves the change of zone.
2. The zoning agreement shall list the following conditions which will be reviewed by the Planning Director for conformance at time of building permit:
  - a. **Street trees** - 4 on Pioneers, 1 on S. 48<sup>th</sup> Street; (*Street trees are in keeping with the character of the neighborhood.*)
  - b. **Landscaping** -the 10 foot setback along the east property line is for landscaping and trees except for a 4 foot sidewalk against the building leading from the southern parking stall to the front entry. Parking lot screening shall meet design standards.
  - c. **Parking Lot Screening** -there will be a minimum 6' landscape screen along S. 48<sup>th</sup> Street and a minimum 6' landscape screen along Pioneers adjacent to the right of way;
  - d. **Uses** - exclude cabinet shops that conduct refinishing activities, motorized vehicle wash facilities, and motorized vehicle repair/service on the lot adjacent to residential zoning; (*These are all nuisance uses when located close to residential uses. Cabinet refinishing involves chemicals that can be toxic.*)
  - e. **Transparency** ~~the two buildings along Pioneers located less than 20 feet from the front lot line, at least 50% of the area between 3 and 9 feet above grade shall consist of windows, glass doors or other transparent building surfaces. (*The purpose of this requirement is to not have a solid wall with no transparency along the street, in keeping with the character of the business area.*)~~ The two buildings along Pioneers will be substantially similar to the attached building elevations for the south side of the buildings.
  - f. **Access** to S. 48<sup>th</sup> Street and Pioneers Boulevard shall be ~~per~~ per the attached site plan.
  - g. **Development** will be ~~per~~ in substantial compliance with the attached site and landscape plan once revised by the conditions above.



**48TH & PIONEERS  
SOUTH ELEVATION  
BUILDING A**



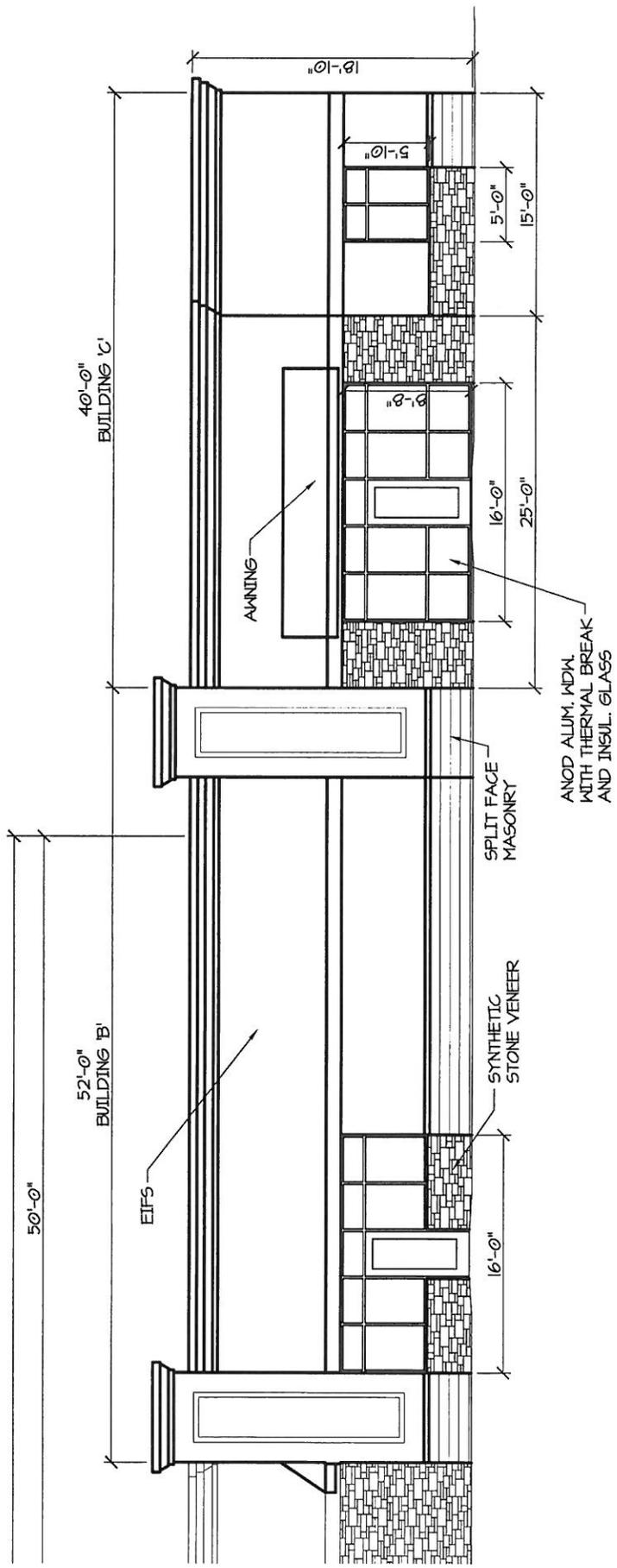
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**Design Associates**  
of Lincoln, Inc.

ARCHITECTS • ENGINEERS • PLANNERS

PERSHING SQUARE 1609 "N" STREET LINCOLN NEBRASKA 68508  
Voice: 402-474-3000 office@DAofLincoln.com Fax: 402-474-4045

06 JAN 2015



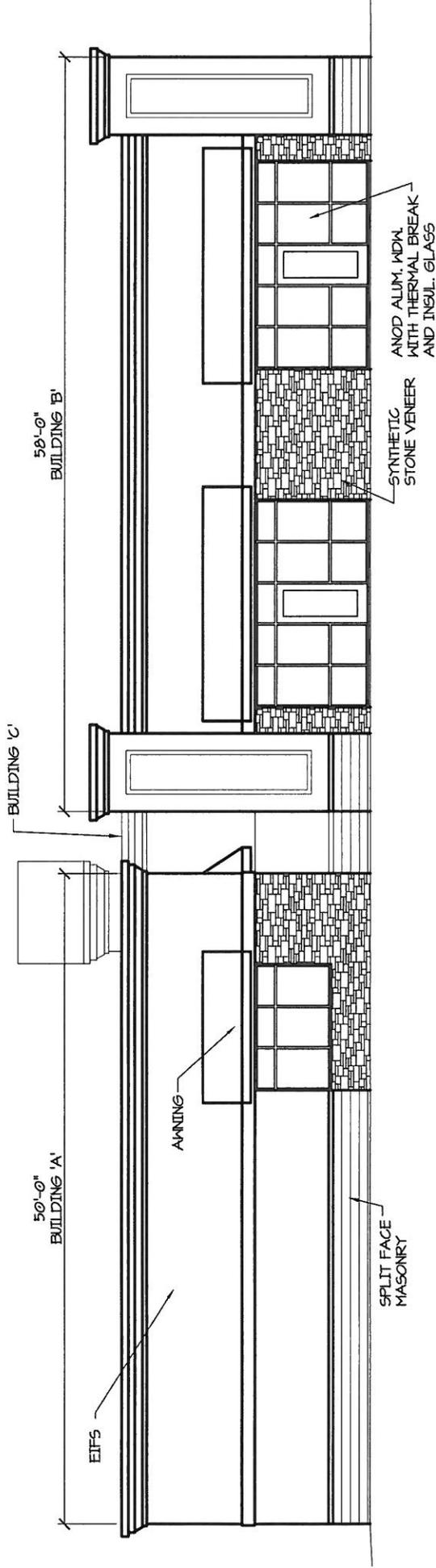
**48TH & PIONEERS  
SOUTH ELEVATION  
BUILDINGS B & C**

SCALE: 3/32" = 1'-0"

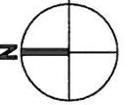


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**48TH & PIONEERS  
WEST ELEVATION  
BUILDINGS A, B & C**



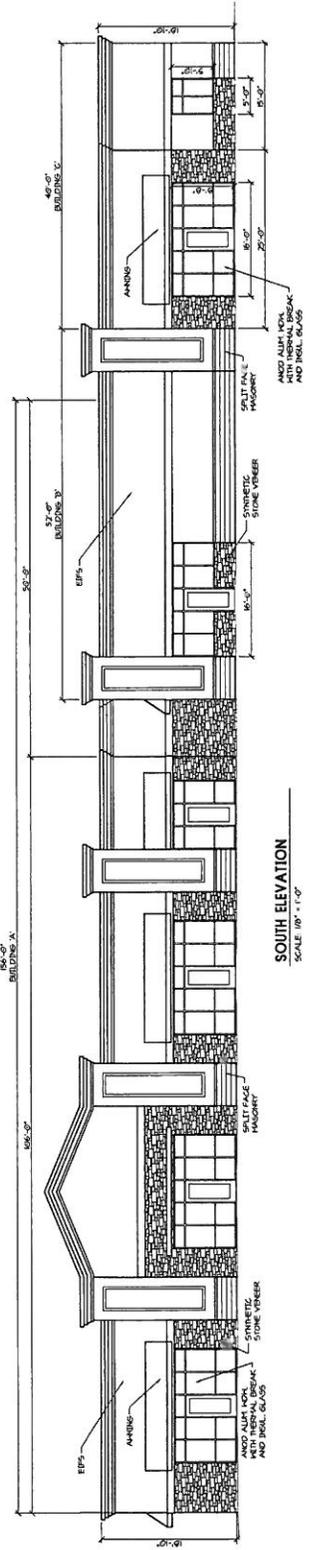
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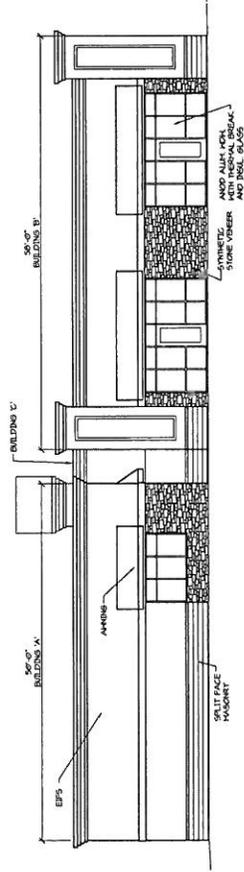
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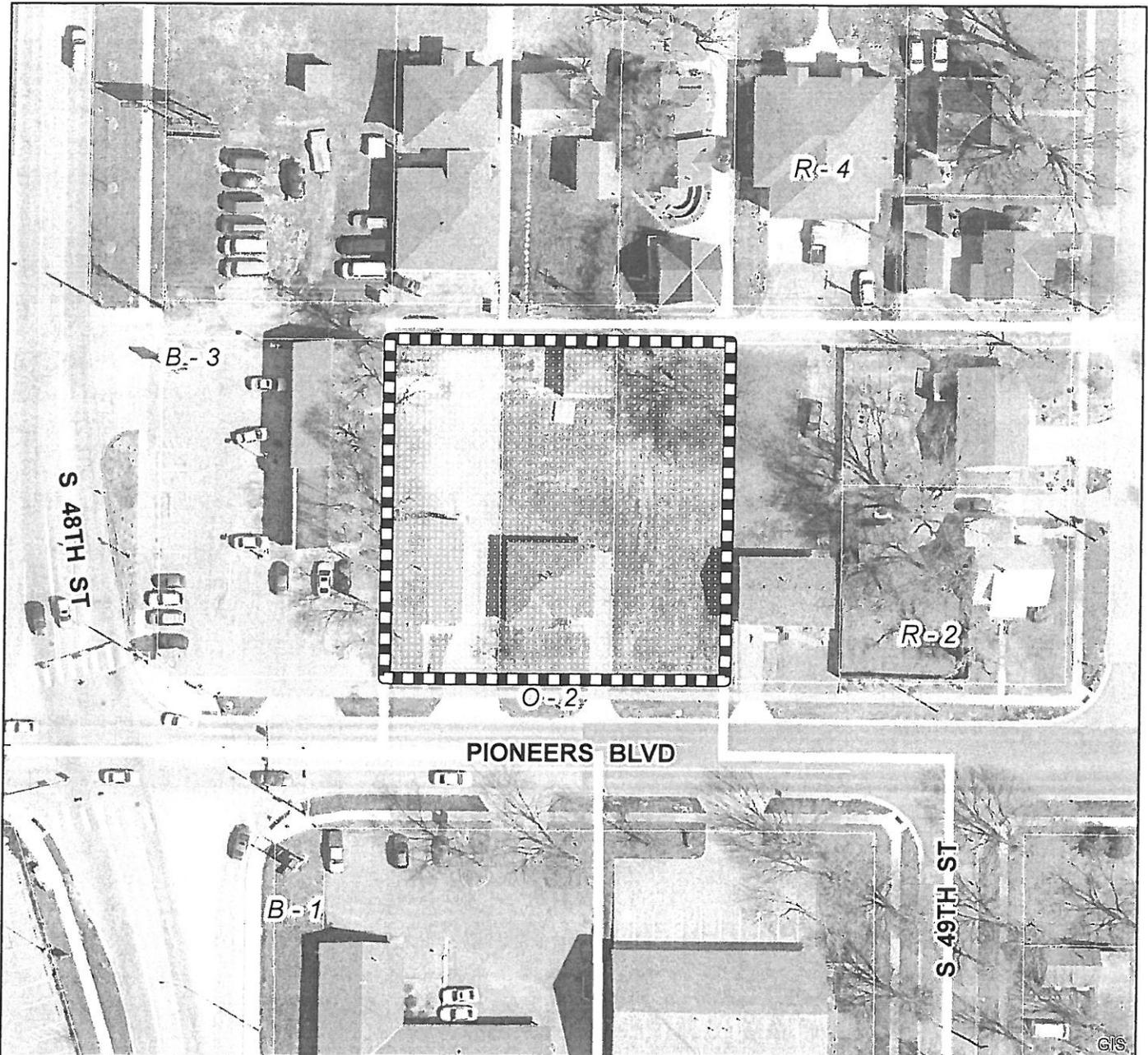
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**SOUTH ELEVATION**  
 SCALE 1/8" = 1'-0"



**WEST ELEVATION**  
 SCALE 1/8" = 1'-0"



**Change of Zone #: CZ14029**  
**S 48th St & Pioneers Blvd**  
**O-2 to B-3**

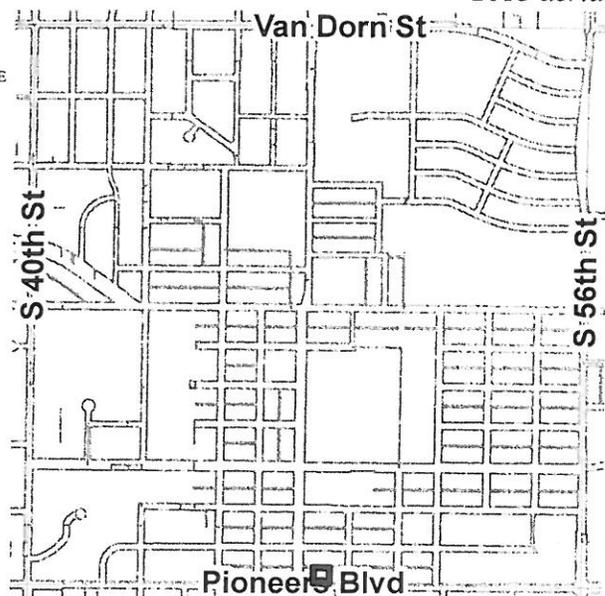
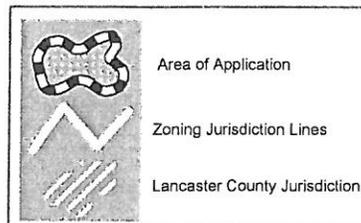
2013 aerial



**One Square Mile:**  
**Sec.05 T09N R07E**

**Zoning:**

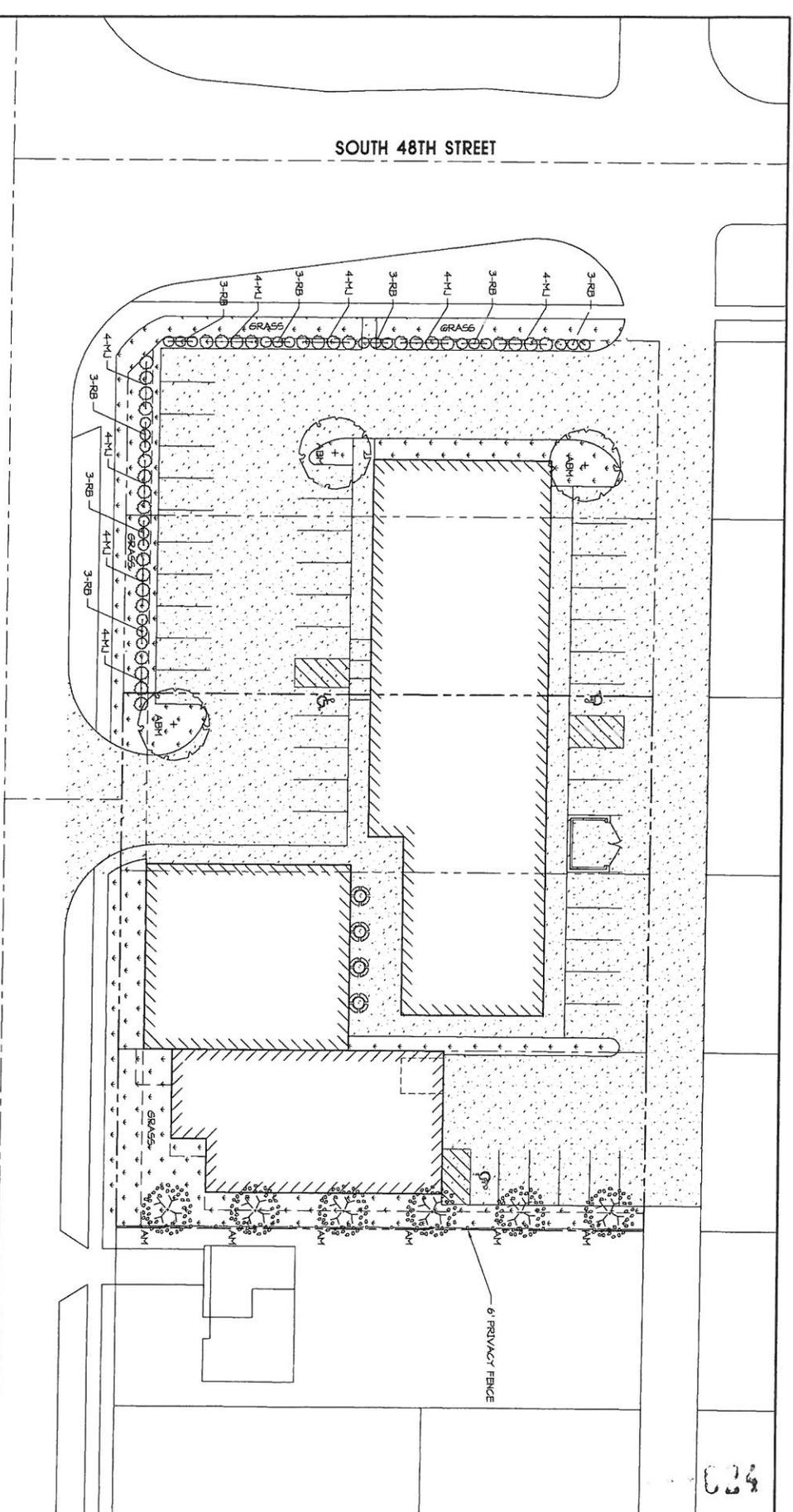
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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



022



024



**PARKING LOT SCREENING**

	REQUIRED				PROVIDED			
SIDE	DISTANCE TO BE SCREENED (L.F.)	DISTANCE FROM LOT LINE (L.F.)	REQUIRED SCREENING	VERTICAL PLANE (S.F.)	REQUIRED AREA (S.F.)	PLANT QUANTITY AND TYPE	PLANT AREA (S.F.)	PROVIDED AREA (S.F.)
NORTH	121	3	90%	0-3	327	16 HJ	12	182
EAST	100	5	90%	0-3	210	16 HJ	4	135
SOUTH						16 HJ	12	182
						9 RB	4	81

NOTE: AT LEAST 90% OF SCREENING MUST COME FROM CONIFEROUS TREES OR TREES THAT DO NOT LOSE THEIR LEAVES.

**LANDSCAPE SCHEDULE**

MARK	QTY	PLANTED	COMMON NAME	BOTANICAL NAME	PLANTING SIZE	PLANTING METHOD	DESIGN SPREAD	DESIGN HEIGHT	SCREENING AREA (SF)
ABM	3	PARKING LOT	AUTUMN BLAZE MAPLE	ACER X RUBRUM	1-1/2" CAL	BIB OR 44" SPADE	50"	40'	-
AM	6	ZONING	AMUR MAPLE	ACER GINNALA	5'-6"	BIB OR 30" SPADE	15'	25'	-
HJ	12	PARKING LOT	MINT JULEP JUNIPER	JUNIPERUS CHINENSIS	15"-18"	CONTAINER	4'	4'	16
RB	10	PARKING LOT	RED LEAF JAPANESE BARBERY	BERBERIS THUNBERGII	18"-24"	CONTAINER	3'	4'	12

NOTE: SPECIES ARE TO BE VERIFIED BY OWNER. OWNER MAY PROVIDE ALTERNATE SPECIES OF SAME DESIGN SIZE.  
 2. TOTAL PARKING LOT AREA IS 23,826 SF. THIS REQUIRES 3 SHADE TREES.



**PROPOSED LANDSCAPE PLAN**

# Application Information Fact Sheet

Application Number: **CZ14029**  
 Parcels: 1605430012000, 1605430008000, 1605430009000, 1605430016000, 1605430015000

City Council District: **2** County Board District: **5** Section/Township/Range: **05-09-07**

## Location Findings:

Intersecting Applications: **CZ14029**

Zoning: **O-2**

Pre-1979 Zoning: **Single Family Dwelling District, Commercial District**

Post-1979 Zoning: **Suburban Office District, Residential District**

Existing Landuse: **Single Family Detached, Commercial NEC**

Future Landuse: **Residential - Urban Density, Commercial**

Subdivisions-City: **COLLEGE VIEW**

Subdivisions-County: **No value detected**

Growth Tiers: **Existing City**

Fire District: **Lincoln**

Historic District: **No value detected**

Traffic Analysis Zones: **229**

Home Owner Assoc(s): **No value detected**

Neighborhood Assoc(s): **College View, South 48th Street**

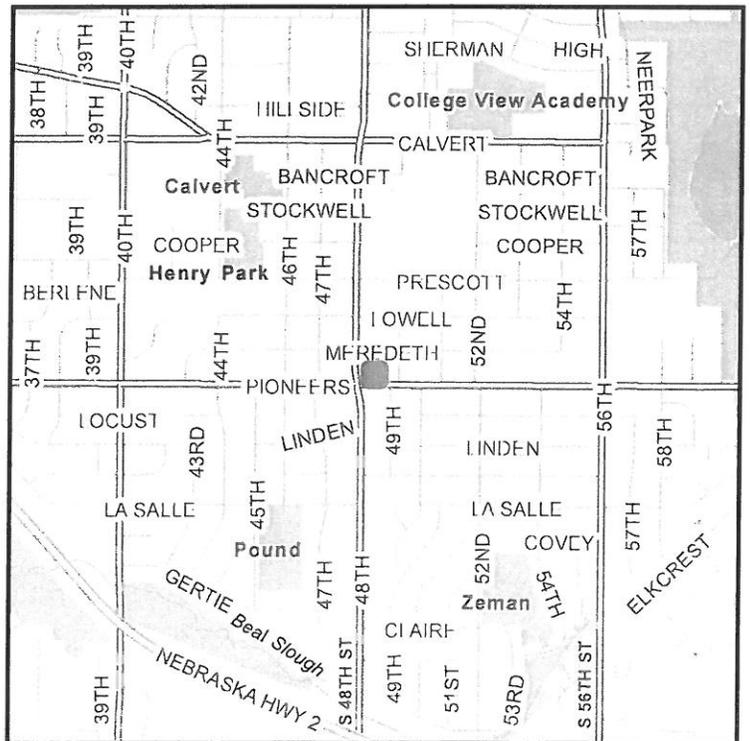
Annexation(Ord. #): **4524**

Annexation Agreement: **No value detected**

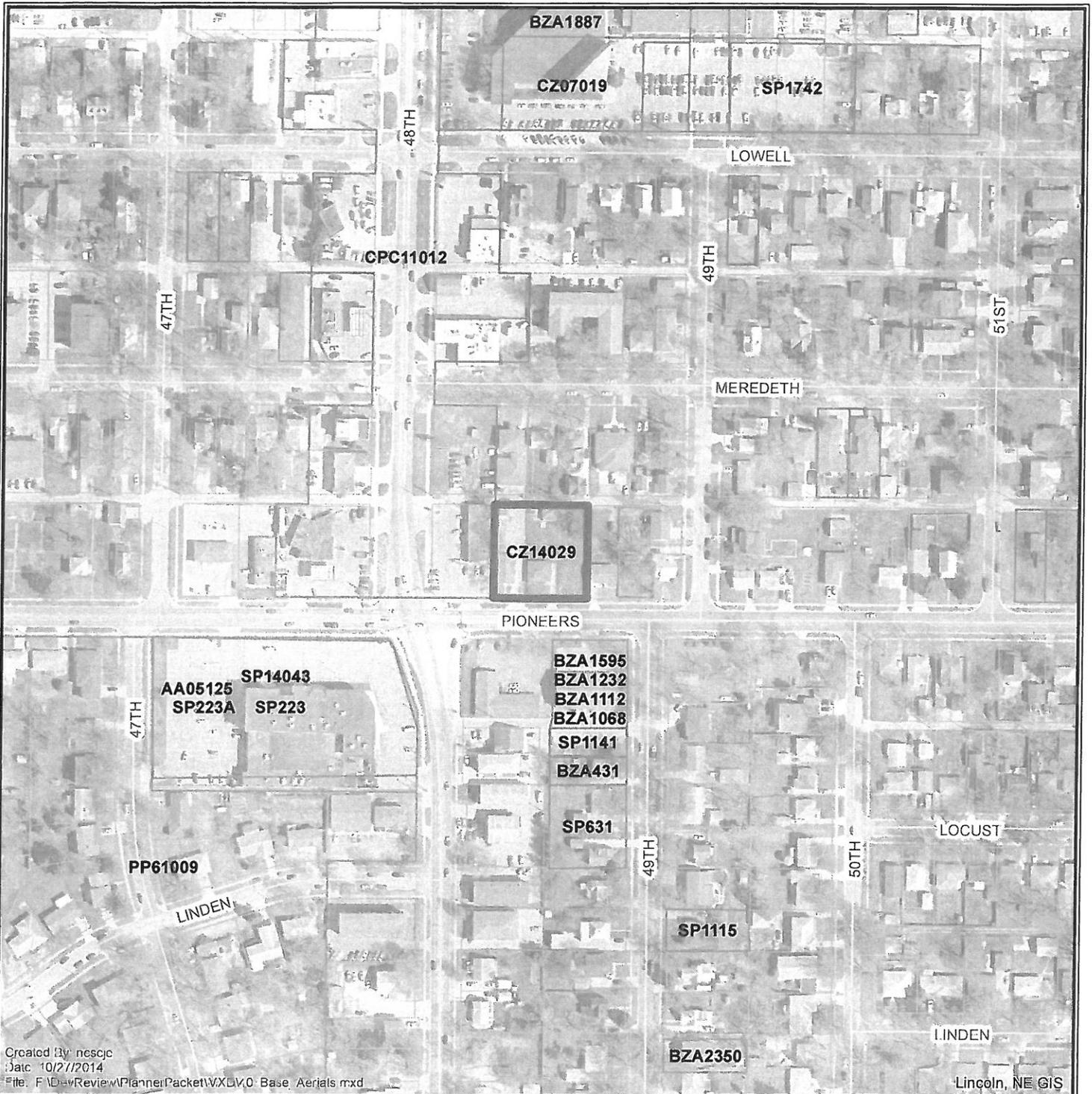
Drainage Basin: **Beal Slough**

## Intersecting Entities:

Trails:	No
Railroad Lines Present:	No
Beltway Corridor Protection:	No
Beltway Corridor:	No
Historic Sites Present:	No
Cell Towers Present:	No
Streams:	No
Lakes:	No
FEMA Floodplain:	No
Salt Creek Storage Area:	No
New Growth Flood	No
Standard Exemption Area:	No
Endangered Species:	No
Prime Ag Soils:	No
City Subdivisions:	No
Capitol Environs District:	No
Capitol View Corridor OD:	No
Capitol View Corridors:	Yes
Building Line Districts:	Yes
BIDs(UDD):	Yes
Redevelopment Areas(UDD):	No
Blighted Areas(UDD):	No
SIDs:	No
William Pipeline:	No
Airport Approach Elev.(1248):	No
Airport Zoning District:	No
Airport Noise Contours:	No
Airport Noise District:	No
Airport Runway Protection Zones:	No
Church (Planning Landuse - 100ft Buffer):	No
Church (Assessor Parcels - 100ft Buffer):	No
Elderly/Retirement Housing:	No
School Sites:	No
Parks(100ft Buffer):	No
Daycare Facilities(100ft Buffer):	No



\*\*\*NOTICE\*\*\* THIS DATA IS COMPILED FROM MANY SOURCES AND SCALES. EVERY EFFORT IS MADE TO ENSURE THIS DATA IS ACCURATE, AND LINCOLN/LANCASTER COUNTY ACCEPTS NO RESPONSIBILITY FOR ANY INACCURACY, ACTUAL OR IMPLIED.

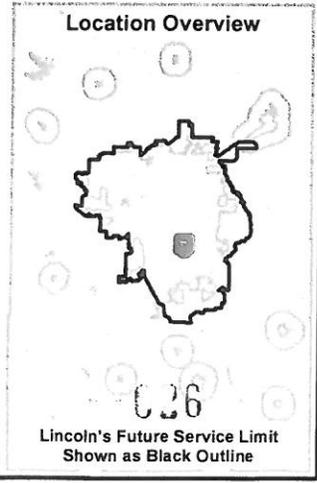


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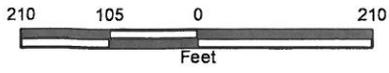
Lincoln, NE GIS

LINCOLN - LANCASTER COUNTY  
**PLANNING DEPARTMENT**  
 Information Technology Services  
**ITS**  
 335 South 10th Street  
 Lincoln, Nebraska 68508  
 Ph: 402-441-7491 Fax: 402-441-6377

Application Number  
**CZ14029**

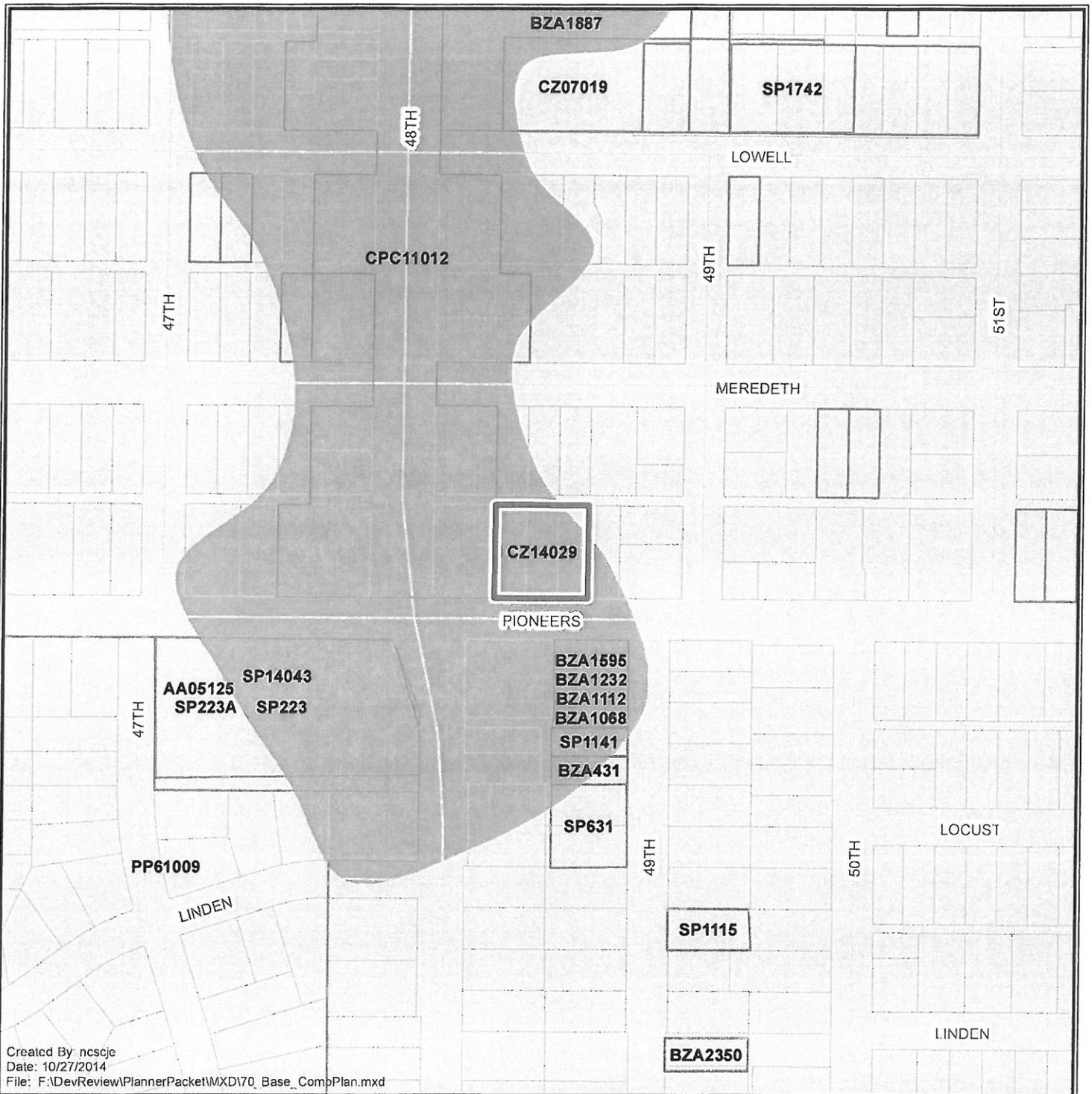


Sec.05 T09N R07E



Consult the detailed Application information at  
<http://www.lincoln.ne.gov/asp/city/plan/permap.asp>





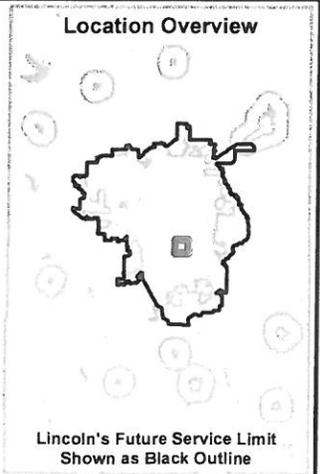
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LINCOLN - LANCASTER COUNTY  
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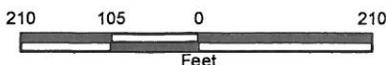
## Application Number CZ14029

### Future Landuse(2040 Comp. Plan)

- Potential Large Employer Opportunity Areas
- Open Space
- Res - Low Density Beyond 2040
- Agricultural
- Residential - Low Density
- Residential - Urban Density
- Ag Stream Corridor
- Commercial
- Industrial
- Public & Semi-Public
- Lakes & Streams
- Environmental Resources



Sec.05 T09N R07E



Consult the detailed Application information at  
<http://www.lincoln.ne.gov/asp/city/plan/permap.asp>



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DALLAS D. JONES  
JILL GRADWOHL SCHROEDER  
DAVID A. DUDLEY  
BRENDA S. SPILKER  
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CAROLINE M. WESTERHOLD\*  
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OF COUNSEL  
WALTER E. ZINK II  
DONALD R. WITT  
ROBERT T. GRIMIT

ALSO ADMITTED IN:  
\*IOWA  
\*\*KANSAS  
♦ IOWA ONLY

October 15, 2014

*Via Hand Delivery*

Mr. Marvin Krout  
Planning Department  
555 S. 10<sup>th</sup> Street, Ste. 213  
Lincoln, NE 68508

**RE: Application for Change of Zone – Ironwood Properties, LLC / Steffen Construction Specialists, Inc.**

Dear Mr. Krout:

Attached to this correspondence is the application for change of zone from O-2 to B-3 submitted on behalf of Ironwood Properties, LLC and Steffen Construction Specialists, Inc., for the properties located at Lot 11, Block 45, College View, Lincoln, Lancaster County, Nebraska; more commonly known as 4820 Pioneers Boulevard; Lot 12, Block 45, College View, Lincoln, Lancaster County, Nebraska; more commonly known as 4826 Pioneers Boulevard; and Lot 13, Block 45, College View, Lincoln, Lancaster County, Nebraska.

The purpose of this change of zone application is to allow for redevelopment of the commercial center generally located on the northeast corner of 48<sup>th</sup> and Pioneers Boulevard. The proposed development is compatible with the surrounding properties, and the proposed use is appropriate for the B-3 zoning classification.

If you have any questions or need additional information, do not hesitate to contact me.

Sincerely,

Derek C. Zimmerman  
For the Firm  
dzimmerman@baylorevnen.com

Enclosures

1038029

## Christy J. Eichorn

---

**From:** Cheri Blue <chblue@ucollege.edu>  
**Sent:** Tuesday, December 23, 2014 9:20 AM  
**To:** Christy J. Eichorn  
**Subject:** 48th & Pioneers

As members of the College View Neighborhood Association, we attended the public meeting on December 22 to hear about the proposed business plan for the northeast corner of 48<sup>th</sup> and Pioneers.

After seeing the architectural layout and having a discussion about the project, we support the proposed redevelopment plan.

Michaele Kujath, President  
College View Neighborhood Association  
[college.view@hotmail.com](mailto:college.view@hotmail.com)

Cheri Blue, Secretary  
College View Neighborhood Association  
[chblue@ucollege.edu](mailto:chblue@ucollege.edu)