

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 10015**, requested by Clyde Anderson, to amend Title 27 of the Lincoln Municipal Code to allow uses to exceed the maximum height in the H-2 Highway Business District and H-3 Highway Commercial District by special permit.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 07/28/10
Administrative Action: 07/28/10

STAFF RECOMMENDATION: Approval.

RECOMMENDATION: Approval (5-0: Larson, Partington, Francis, Taylor and Sunderman voting 'yes'; Gaylor Baird, Lust, Esseys and Cornelius absent).

FINDINGS OF FACT:

1. This is a request to amend Title 27 of the Lincoln Municipal Code relating to Zoning by amending Section 27.41.040 to allow any permitted use which exceeds the maximum height permitted in the H-2 Highway Business District to be allowed as a special permitted use in said district; amending Section 27.43.040 to allow any permitted use which exceeds the maximum height permitted in the H-3 Highway Commercial District to be allowed as a special permitted use in said district; and amending Section 27.63.250 to provide that a permitted use exceeding the maximum height permitted in the district may be allowed in the H-2 and H-3 zoning districts by a special permit.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.2-3, concluding that the proposed change allowing exceptions to the maximum height of the district in the H-2 and H-3 is consistent with the same type of provision existing in other commercial and industrial districts. The proposed change provides more flexibility in the zoning ordinance for unique situations while preserving the ability for public input through the public hearing process.
3. On July 28, 2010, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On July 28, 2010, the Planning Commission agreed with the staff recommendation and voted 5-0 to recommend approval.
5. On July 28, 2010, the Planning Commission also adopted Resolution No. PC-01210 approving Special Permit No. 10027, to allow a flag pole to exceed the maximum height in the H-3 district on property used for auto sales, generally located at North 27th Street and Wildcat Drive. Approval of this text amendment is a condition of approval of said special permit. As of the date of this Factsheet, said special permit has not been appealed to the City Council.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: August 2, 2010

REVIEWED BY: _____

DATE: August 2, 2010

REFERENCE NUMBER: FS\CC\2010\CZ.10015 text

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for July 28, 2010 PLANNING COMMISSION MEETING

- PROJECT #:** Change of Zone No.10015
- PROPOSAL:** To allow in the H-2 and H-3 zoning districts for a special permit to allow uses to exceed the maximum height.
- LOCATION:** 27.41.040, 27.43.040, 27.63.250
- CONCLUSION:** The proposed change does not alter the purpose or the intent of the H-2 or H-3 zoning districts nor does it change the purpose of the special permit. Allowing for the opportunity to apply for a special permit to exceed the height of the district in H-2 and H-3 is consistent with allowing this provision in other heavy commercial districts. The proposed change provides more flexibility in the zoning ordinance for unique situations while preserving the ability for public input thru the public hearing process.

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

ASSOCIATED APPLICATIONS: Special Permit No. 10027 to allow a flag pole to exceed the maximum height of the H-3 zoning district.

HISTORY:

July 31, 1995 Ordinance #16844 added the I-2 zoning district to the districts that allowed for a special permit to exceed the maximum height.

ANALYSIS:

1. The H-2 Highway Business District and the H-3 Highway Commercial district currently have a maximum height of 55 feet and do not provide for additional height by special permit.
2. Structures that might require additional height include, but are not limited to, buildings, flagpoles, lights, heating and air conditioning units located on roof tops.
3. Currently the O-1, B-4, H-4, I-2 and I-1 Zoning Districts allow additional height by special permit under section 27.63.250.

4. The H-2 district is generally intended for redeveloping areas to provide business and services oriented to major arterial streets. It provides for those uses usually found in neighborhood business areas, plus a limited number of additional uses, such as auto repair garages, mini-warehouses, and auto sales. The H-2 is only found in two locations, the N. 48th and O area and Abbot Sports complex on N. 70th Street. The H-3 zoning district is very similar in that it is also intended for redeveloping areas and provides low density commercial uses requiring high visibility and or access from major highways. Generally this is a mix of neighborhood and highway business uses. H-3 zoning is mostly along Highway corridors. (See attached map to see where H-2 and H-3 are located)
5. Use permit districts, R-T, B-2, B-5 and O-3 allow for a waiver to the maximum height through the use permit process. The special permit to exceed the height of the district is not allowed in O-2, B-1 and B-3 because these are older zoning districts, usually very close to residential.
6. In the past thirty years this special permit has only been used approximately 6 times. It was used twice for flagpoles, one for lighting at a baseball park, one for cement handling equipment and at least twice for a building to exceed the height of the district.
7. No City department had any objections to this text change.
8. This amendment allows for the opportunity to apply for a special permit to exceed the height of the district in H-2 and H-3 and is consistent with allowing this provision in other heavy commercial districts. Use Permit districts already allow for Planning Commission to adjust the maximum height as part of a use permit. The proposed change provides more flexibility in the zoning ordinance for unique situations while preserving the ability for public input through the public hearing process. The proposed changes do not change the purpose or the intent of the H-2 or H-3 zoning districts nor does it change the purpose of the special permit.

Prepared by:

Christy Eichorn, Planner
402-441-7603
ceichorn@lincoln.ne.gov

DATE: June 15, 2010

APPLICANT: Clyde Anderson
1600 Mill Road
Raymond, NE 68428

CHANGE OF ZONE NO. 10015

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

July 28, 2010

Members present: Francis, Larson, Partington, Sunderman and Taylor; Gaylor Baird, Cornelius, Esseks and Lust absent.

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 10004, CHANGE OF ZONE NO. 10015, SPECIAL PERMIT NO. 10027 and COUNTY SPECIAL PERMIT NO. 07024B.**

Ex Parte Communications: None

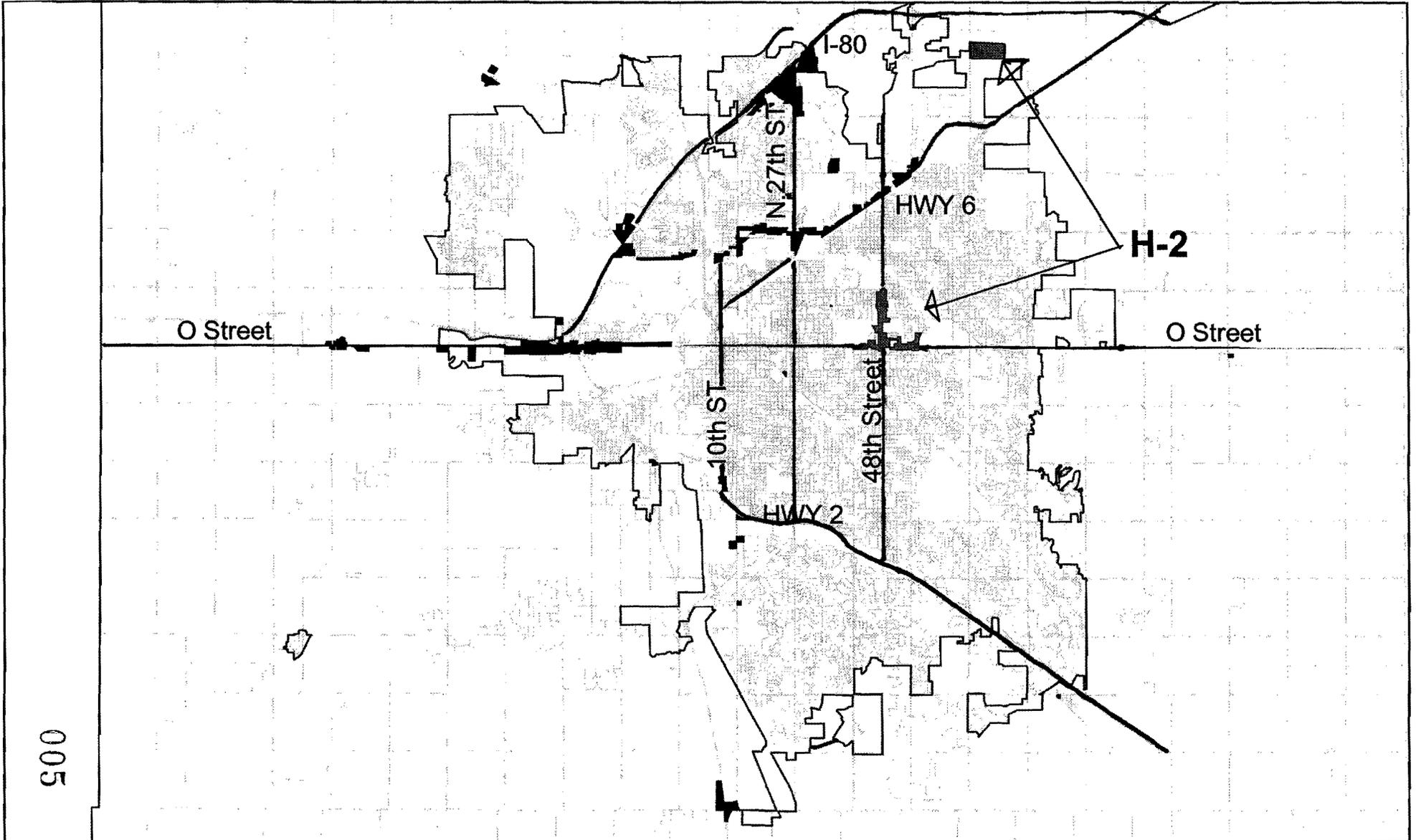
Taylor moved to approve the Consent Agenda, seconded by Francis and carried 5-0: Francis, Larson, Partington, Sunderman and Taylor voting 'yes'; Gaylor Baird, Cornelius, Esseks and Lust absent.

Please Note: This is final action on Special Permit No. 10027, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days.

H-2 and H-3 Zoning Districts

Legend

-  H-3 zoning
-  H-2 zoning





Application Information	
Application #	CE10815
Title	27.63.250 ADDITIONAL HEIGHT
Associated Requests	SP10027

Planning Department Use Only	
Submission Date	7/1/2010
Review Due	7/11/2010
Project Planner	Christy Eichorn

Review Comments	
Planning	<input checked="" type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required Review 1: See Staff Report
Airport Authority (Jon Large)	<input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input checked="" type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required Review 1: Proposal is outside of Airport Environs Noise District (27.58) and Airport Zoning Regulations area (27.59). Depending on site elevation and pole height, proposal should be submitted to FAA for airspace review.
Building & Safety (Terry Kathe) <i>no comment</i>	<input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required Review 1:
County Health (Chris Schroeder)	<input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input checked="" type="radio"/> Recommend Approval <input type="radio"/> No Review Required Review 1:
Development	<input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input checked="" type="radio"/> Recommend Approval <input type="radio"/> No Review Required Review 1:

006

Review Manager (Steve Henrichsen)	Review Required Review 1: <i>Recommend Approval</i>							
Fire Department (Richard Furasek)	<table border="0"> <tr> <td>Corrections Needed for Review</td> <td>Insufficient Information for Review</td> <td>Recommend</td> </tr> <tr> <td>Denial</td> <td>Recommend Approval with Conditions</td> <td>No</td> </tr> </table> Review Required Review 1: We have no issues from the perspective of our department.	Corrections Needed for Review	Insufficient Information for Review	Recommend	Denial	Recommend Approval with Conditions	No	
Corrections Needed for Review	Insufficient Information for Review	Recommend						
Denial	Recommend Approval with Conditions	No						
Historic Districts/Capitol Environs (Ed Zimmer)	<table border="0"> <tr> <td>Corrections Needed for Review</td> <td>Insufficient Information for Review</td> <td>Recommend</td> </tr> <tr> <td>Denial</td> <td>Recommend Approval with Conditions</td> <td>No</td> </tr> </table> Review Required Review 1: Special permit process allows review of impacts on Capitol view corridors. Historic Districts and Capitol Environs District already have review authority in place.	Corrections Needed for Review	Insufficient Information for Review	Recommend	Denial	Recommend Approval with Conditions	No	
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Denial	Recommend Approval with Conditions	No						
Law Department (Rick Peo)	<table border="0"> <tr> <td>Corrections Needed for Review</td> <td>Insufficient Information for Review</td> <td>Recommend</td> </tr> <tr> <td>Denial</td> <td>Recommend Approval with Conditions</td> <td>No</td> </tr> </table> Review Required Review 1: Draft ordinance submitted to Planning on 7-8-10	Corrections Needed for Review	Insufficient Information for Review	Recommend	Denial	Recommend Approval with Conditions	No	
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Denial	Recommend Approval with Conditions	No						
Lincoln Police Department (Sgt Don Scheinost)	<table border="0"> <tr> <td>Corrections Needed for Review</td> <td>Insufficient Information for Review</td> <td>Recommend</td> </tr> <tr> <td>Denial</td> <td>Recommend Approval with Conditions</td> <td>No</td> </tr> </table> Review Required Review 1: The Lincoln Police Department does not object to the proposed ordinance change.	Corrections Needed for Review	Insufficient Information for Review	Recommend	Denial	Recommend Approval with Conditions	No	
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Denial	Recommend Approval with Conditions	No						
Public Works (Buff Baker)	<table border="0"> <tr> <td>Corrections Needed for Review</td> <td>Insufficient Information for Review</td> <td>Recommend</td> </tr> <tr> <td>Denial</td> <td>Recommend Approval with Conditions</td> <td>No</td> </tr> </table> Review Required Review 1:	Corrections Needed for Review	Insufficient Information for Review	Recommend	Denial	Recommend Approval with Conditions	No	
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Public Works (Dennis Bartels)	<table border="0"> <tr> <td>Corrections Needed for Review</td> <td>Insufficient Information for Review</td> <td>Recommend</td> </tr> <tr> <td>Denial</td> <td>Recommend Approval with Conditions</td> <td>No</td> </tr> </table> Review Required Review 1:	Corrections Needed for Review	Insufficient Information for Review	Recommend	Denial	Recommend Approval with Conditions	No	
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Denial	Recommend Approval with Conditions	No						
School District - Lincoln (Scott Wieskamp) <i>ADD comment</i>	<table border="0"> <tr> <td>Corrections Needed for Review</td> <td>Insufficient Information for Review</td> <td>Recommend</td> </tr> <tr> <td>Denial</td> <td>Recommend Approval with Conditions</td> <td>No</td> </tr> </table> Review Required Review 1:	Corrections Needed for Review	Insufficient Information for Review	Recommend	Denial	Recommend Approval with Conditions	No	
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Stronger Safer Neighborhoods (Jon Carlson)	<table border="0"> <tr> <td>Corrections Needed for Review</td> <td>Insufficient Information for Review</td> <td>Recommend</td> </tr> <tr> <td>Denial</td> <td>Recommend Approval with Conditions</td> <td>No</td> </tr> </table> Review Required Review 1: <i>no comments</i>	Corrections Needed for Review	Insufficient Information for Review	Recommend	Denial	Recommend Approval with Conditions	No	
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