

FACTSHEET

**TITLE: COMPREHENSIVE PLAN AMENDMENT
NO. 14008** (South 84th Street and Karl Ridge Rd.)

BOARD/COMMITTEE: Planning Commission

APPLICANT: R.C. Krueger Development

RECOMMENDATION: Approval (9-0:
Sunderman, Harris, Beecham, Cornelius, Hove,
Weber, Scheer, Corr and Lust voting 'yes').

STAFF RECOMMENDATION: Approval

OTHER DEPARTMENTS AFFECTED: N/A

SPONSOR: Planning Department

OPPONENTS: None

REASON FOR LEGISLATION: Change the Future Land Use map in the 2040 Lincoln-Lancaster County Comprehensive Plan from "Urban Residential" designation to "Commercial" designation on approximately 9.2 acres, more or less; from "Public & Semi-Public" designation to "Commercial" designation on approximately 0.8 acres, more or less; and from "Urban Residential" designation to "Public & Semi-Public" designation on approximately 0.2 acres, more or less, generally located at South 84th Street and Karl Ridge Road.

DISCUSSION/FINDINGS OF FACT:

1. This comprehensive plan amendment request and the associated Change of Zone No. 14028 (Bill #15-1), Special Permit No. 14045 for Planned Service Commercial (Bill #15R-7) and Street and Alley Vacation No. 14009 (Bill #15-2) were heard at the same time before the Planning Commission.
2. The purpose of this proposal is for a Planned Service Commercial special permit to allow mini-storage and outside RV/vehicle storage on the site.
3. The staff recommendation to approve the comprehensive plan amendment is based upon the "Analysis" as set forth on p.4-5, concluding that the amendment is appropriate given the access constraints, the pipeline hazard area and the proposed low-intensity commercial development which considers the development constraints present on the site. The staff presentation is found on p.7-9.
4. The applicant's testimony is found on p.10.
5. There was no testimony in opposition.
6. On December 10, 2014, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval of this comprehensive plan amendment.
7. On December 10, 2014, the Planning Commission also voted 9-0 to recommend approval of the associated Change of Zone No. 14028 (Bill #15-1), Special Permit No. 14045 (Bill #15R-7) and Street and Alley Vacation No. 14009 (Bill #15-2)

FACTSHEET PREPARED BY: Jean Preister, Administrative Officer

DATE: December 29, 2014

REVIEWED BY: Stephen S. Henrichsen, Development Review Manager

DATE: December 29, 2014

LINCOLN /LANCASTER COUNTY PLANNING STAFF REPORT
for December 10, 2014 Planning Commission Meeting

Project #: Comprehensive Plan Amendment #14008

PROPOSAL: Amend the Future Land Use map in the 2040 Lincoln-Lancaster County Comprehensive Plan from "Urban Residential" designation to "Commercial" designation on approximately 9.2 acres, from "Public & Semi-Public" designation to "Commercial" designation on approximately 0.8 acres, and from "Urban Residential" designation to "Public & Semi-Public" designation on approximately 0.2 acres, more or less, generally located at South 84th Street and Karl Ridge Road.

CONCLUSION: The site is bounded by residential uses on the north, west and south and is adjacent to the S. 84th Street right-of-way on the east. The only access to this property is by Viewpoint Drive off Karl Ridge Road. No access is available to S. 84th Street or to South Street. This site is also impacted by a natural gas pipeline in S. 84th Street which limits residential development within 80 feet of S. 84th Street. This land use amendment is appropriate given the access constraints, the pipeline hazard area, and approval of the associated change of zone and special permit applications which will limit development to low-volume traffic development and will require additional screening and landscaping adjacent to the residential uses.

RECOMMENDATION:	Approval of the proposed amendment
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GENERAL INFORMATION:

LOCATION: S. 84th Street and Karl Ridge Road

EXISTING LAND USE: Open Space

ASSOCIATED APPLICATIONS:

- Change of Zone #14028 - From R-1 to H-4, R-3 to H-4, P to H-4 and R-1 to P
- Special Permit #14045 - Planned service commercial in H-4
- Street Vacation #14009 - Viewpoint Drive

HISTORY:

November 14, 1994 The 1994 Lincoln/Lancaster County Comprehensive Plan was adopted by City Council. The plan showed this area as Urban Residential.

May 20, 2002	The 2025 Lincoln/Lancaster County Comprehensive Plan was adopted by City Council. The plan showed this area as Urban Residential.
November 16, 2006	The 2030 Lincoln/Lancaster County Comprehensive Plan was adopted by City Council. The plan showed this area as Urban Residential.
October 31, 2011	The 2040 Lincoln/Lancaster County Comprehensive Plan was adopted by City Council. The plan shows this area as Urban Residential.

The City received a previous proposal from the Lincoln Housing Authority to develop this site with 72 dwelling units. The application was forwarded to the Planning Commission with a recommendation of Conditional Approval from City staff. The neighboring residents and the Planning Commission opposed the development and the application was put on hold once it was forwarded to City Council, except for the declaration of surplus which was approved.

During this time, a new Administrative Regulation for Surplus Property went into effect. The Urban Development Department followed the new regulation which required the "For Sale" signs be posted for 30 days and the property be reopened for additional proposals after the property is declared surplus by the City Council. Five proposals were submitted to the City, including the Lincoln Housing Authority's proposal for housing on this site. The proposals were presented to the neighborhood residents, and representatives of the neighborhood submitted a petition in support for a mini-storage development on this site. The City took into account the wishes of the neighborhood and selected the developer of the mini storage units as the future buyer, and the Lincoln Housing Authority then withdrew their applications.

COMPREHENSIVE PLAN SPECIFICATIONS

P. 1.9 - The 2040 Lincoln and Lancaster County Comprehensive Plan identifies this area as Urban Residential.

P. 5.2 - Promote and foster appropriate, balanced and focused future economic growth that maintains the quality of life of the community.

P. 5.2 - Provide flexibility to the marketplace in siting future commercial and industrial locations.

P. 5.3 - Apply design standards as a tool for economic development. They provide assurances for surrounding property owners as well as prospective developers.

P. 5.5 - Commercial and Industrial Development Strategies -

- Within the City of Lincoln or incorporated villages.

- Outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning).

- Where urban services and infrastructure are available or planned for in the near term.

- In sites supported by adequate road capacity - commercial development should be linked to the implementation of the transportation plan.

- In areas compatible with existing or planned residential uses.
- So that they enhance entryways or public way corridors, when developing adjacent to these corridors.

P. 5.6 - The Commercial Centers map shows an unbuilt, approved Community Center on the east side of S. 84th Street at Van Dorn Street. Community Centers tend to be dominated by retail and service activities, although they can serve as campuses for corporate office facilities and should include a mix of residential uses. They property located, some light manufacturing or assembly may be appropriate.

P. 5.14 - COMMERCIAL INFILL: A variety of commercial land uses seek infill and redevelopment locations. There are numerous opportunities throughout the community. Currently, there are approximately 1,900 acres of vacant commercially-zoned land in the existing city. That translates to over 10 million potential square feet based on current floor area ratios by zoning district.

P. 5.14 - Strategies for Commercial Infill:

- 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.

P. 7.10 - Detailed Strategies for Existing Neighborhoods:

- Encourage a mix of compatible land uses in neighborhoods - (d) More intense commercial uses may not be compatible due to impact on nearby housing.
- Redevelopment and infill should strive for compatibility with the character of the neighborhood and adjacent uses.

ANALYSIS:

1. The proposed amendment is for a change from "Urban Residential" designation to "Commercial" designation, from "Public & Semi-Public" designation to "Commercial" designation, and from "Urban Residential" designation to "Public & Semi-Public" designation on property generally located at South 84th Street and Karl Ridge Road. Additionally, this request has associated applications for a change of zone from R-1 to H-4, R-3 to H-4, P to H-4 and R-1 to P, a special permit for planned service commercial over the approximately 10-acre area and a request to vacate Viewpoint Drive.
2. Since this site is greater than five acres in area, a comprehensive plan amendment is required to change the future land use designation on the Future Land Use Map of the Comprehensive Plan.
3. Surrounding zoning and land uses include: fire station/water tank and single-family dwellings to the north, zoned P and R-1 respectively; single-family dwellings to the west zoned R-1; single-family attached dwellings to the south zoned R-3; and farmland to the east zoned AG.
4. The subject property is a City-owned lot and is accessed by Viewpoint Drive off of Karl Ridge Road. No access will be approved on S. 84th Street or South Street.

5. There is an 18" natural gas pipeline located in S. 84th Street, parallel to this site. Based on the contents, diameter and pressure, the pipeline hazard area has been identified by the Health Department as 175' from the centerline of the pipeline. No habitable structures are recommended within this hazard area. The hazard area impacts approximately 80' of the site that fronts on S. 84th Street. The proposed H-4 zoning district does not allow residential units, so it is an appropriate zone near the pipeline.

L.E.S. has overhead powerlines on the southern end of this property. A 110' easement further restricts development where the powerlines are located.

6. This property has been identified as Urban Density Residential in the current and previous Lincoln/Lancaster County Comprehensive Plans. Urban Residential could be an appropriate land use on this property if properly designed with regard to site constraints. However, limited commercial development may also be appropriate on this site with detailed site planning, landscaping and screening.

A special permit for planned service commercial is also requested for this site. This type of special permit approves a specific land use for properties. If a change in use is proposed then the special permit must be amended. Limiting the commercial land uses on this property to mini-storage will also limit traffic impacts on the surrounding neighborhood. A detailed landscape plan should be adopted as well to ensure the commercial uses are adequately screened from the surrounding residential properties.

7. The City Council recently approved a similar request for a comprehensive plan amendment at the northwest corner of South 70th Street and Pine Lake Road. The request was to amend the future land use map from Urban Residential to Commercial. Development proposed on that site was also mini-storage and included some office. That site was also regulated by a special permit for planned service commercial, and access to the site was not through the residential neighborhood. Through the special permit the site layout, access and screening from residential properties allowed compatible commercial development near residential properties.

SUMMARY:

The change of land use from "Urban Residential" designation to "Commercial" designation, from "Public & Semi-Public" designation to "Commercial" designation, and from "Urban Residential" designation to "Public & Semi-Public" designation will allow low-intensity commercial development which considers the development constraints present on the site.

PROPOSED AMENDMENT:

Amend the 2040 Lincoln/Lancaster County Comprehensive Plan as follows:

1. Amend the Lancaster County Future Land Use plan on pages 1.8 and 12.2 and the Lincoln Area Future Land Use Plan on pages 1.9 and 12.3 to reflect Commercial land use designation, and all other maps, figures, and plans where the land use map is displayed.

Prepared by:

Paul Barnes, Planner
pbarnes@lincoln.ne.gov
402-441-6372

DATE: November 14, 2014

APPLICANT: R.C. Krueger Development
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Lincoln, NE 68512

CONTACT: Marcia L. Kinning, ESP
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Lincoln, NE 68512

OWNERS: City of Lincoln
Real Estate Division
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Lincoln, NE 68508

Lincoln Federal Savings & Loan
1101 N Street
Lincoln, NE 68508

**COMPREHENSIVE PLAN AMENDMENT NO. 14008,
CHANGE OF ZONE NO. 14028,
SPECIAL PERMIT NO. 14045
and
STREET & ALLEY VACATION NO. 14009**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 10, 2014

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

Staff recommendation: Approval of the comprehensive plan amendment and change of zone; conditional approval of the special permit; and a finding of conformance with the Comprehensive Plan on the street and alley vacation.

There were no ex parte communications disclosed.

Staff presentation: **Paul Barnes of Planning staff** presented the proposal, indicating that this property has been designated as Urban Residential on the Future Land Use map for quite some time. Since we are looking at a commercial development for this site and it is greater than 5 acres in size, it is typical policy to process a comprehensive plan amendment to reflect that change on the land use designation. Although the property has been recommended to be shown as residential, the staff believes that commercial uses can be appropriate for this site with certain restrictions and considerations with the site planning and landscaping.

Along with the comprehensive plan amendment, Barnes stated that the staff is supporting the change of zone and special permit, which further take a look at the development and restrict not only uses but things like siting of the buildings. The change of zone and special permit go hand-in-hand, including a request for H-4 commercial zoning which allows the developer to apply for a Planned Service Commercial special permit. The Planned Service Commercial special permit can restrict what types of uses are allowed.

Barnes advised that the special permit would allow up to 130,000 sq. ft. of mini-storage. The access to this type of development will not be through the adjacent residential neighborhood, but rather near South 84th Street, which is an arterial. There is a connection off South 84th Street on Karl Ridge Road.

A previous request for residential units on this property was denied by the Planning Commission due to the location of a pipeline hazard area, limited access to the site and opposition from the surrounding neighbors. Thereafter, the city requested proposals for development on this site. This proposal was presented to the neighborhood and the neighborhood supports this development.

Barnes further pointed out that the commercial use near the residential area allows flexibility to make sure the development is compatible with the nearby residents in the area. The access will be limited to one point and some additional landscaping and screening will be provided between the residential units and this commercial development. The proposal from the developer includes a 10' wall as well as a wrought iron fence and some trees. The conditions request that the landscaping be enhanced.

With regard to the special permit for Planned Service Commercial, Barnes submitted a recommendation by the staff to amend the conditions of approval. Watershed Management is now satisfied, thus the staff is recommending that the proposal can move forward to the City Council. The proposed amendments are as follows:

RECOMMENDATION:	Conditional Approval
<u>CHANGE OF ZONE NO. 14028</u>	<u>Approval</u>
<u>SPECIAL PERMIT NO. 14045</u>	<u>Conditional Approval</u>

WAIVERS:

1. Per Section 27.72.040 of the Zoning Code, Height and Area Requirements. To reduce the rear and side yard setbacks.	Conditional Approval
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2. Per Chapter 2.05 of the Design Standards, Stormwater Drainage. Waive the requirement that post development flows be less than pre-development flows for an on-site detention pond.	Denial <u>Conditional Approval</u>
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~~1. The grading and stormwater management plans shall be approved by the Watershed Management Division, prior to scheduling these applications on a City Council agenda.~~

1.4 The City Council approves associated request:

1.1.4 Amendment of the Lincoln/Lancaster County Comprehensive Plan to show this property as a "Commercial" designation

1.4.2. Street vacation of Viewpoint Drive

1.3 Change of Zone No. 14028

2.6 Add a note to the plan that states, "The Stormwater Detention Calculations report dated October 15, 2014, and revised December 1, 2014, is a supplement to the special permit for Planned Service Commercial."

2.7 Provide hard copies of the revised drainage report to the satisfaction of the Watershed Management Division.

Regarding the request to vacate Viewpoint Drive, Barnes explained that Viewpoint Drive is a stub street/public right-of-way that is located off of Karl Ridge Road. The intent of the right-of-way is to provide access back to the larger parcel for future development. Essentially, by vacating it at the request of this developer and the adjacent property owners, the public right-of-way will become a private driveway and will still serve as access to the development.

Beecham commented that traffic through the residential neighborhood had been a concern in the past. Are we looking at large trucks coming into the mini-storage, or is it more likely to be smaller trucks? She thinks that perhaps travelers going north on 84th might go through the neighborhood. Barnes explained that the staff did not require the developer to do a full traffic study, but the staff and the applicant did specifically discuss the types and frequency of the vehicles, which will be addressed in the applicant's testimony. There would be potential for larger trucks but more frequently it would be smaller vehicles.

Corr asked for an explanation about Outlot A currently being non-buildable, but yet it appears that there will be some units on Outlot A. Barnes explained that platted outlots are generally non-buildable and typically reserved for open space, drainage, etc. In this case, Outlot A was reserved for some type of future use. In order to build the units as proposed, a final plat is required to designate that lot in order to get a building permit. Corr assumes that is acceptable and that Outlot A was for water detention. Barnes pointed out that this proposal includes a detention facility in the northwest portion of the site which will carry and hold most of the detention for this development, and there are also some underground facilities connecting to South 84th Street. Corr asked why Outlot A was designated as non-buildable in the first place. Barnes suggested that the owner may have wanted to reserve it for a period of time. Corr then sought to confirm that there are no existing topographic issues making that outlot non-buildable. Barnes concurred.

In regard to the developer's plans to construct a 10' wall, Harris was interested in what the minimum screening requirement would normally be for this type of development. She referred to the design standards, i.e., at least 60% up to 10 feet. What would the minimum be for this type of development? Barnes stated that the staff would follow the design standards for screening which would require screening between the perimeter of the commercial use and the adjacent residential properties. There is a formula in the design standards that is followed. By providing the 10' wall, essentially they are screening 100% from the adjacent property. Harris asked if 10' would be the maximum for whatever would have been developed. Barnes responded that the "60% up to 10 feet" is the design standard. Harris then assumed that the developer is doing the maximum screening and they would never be asked to do anything above ten feet. Barnes acknowledged that the staff is not recommending any additional height. There is some grade difference, so from properties on the west, the wall may look taller than 10', but the recommendation includes additional plant material throughout the site to provide the minimum requirement.

Proponents

1. Rick Krueger, President of Krueger Development, testified as the applicant, stating that the green area shown on the map is the area that will remain grass. In fact, 37% of the site will still be grass when completed. This is a very straight-forward application, and he expressed his appreciation to the staff for creating workable solutions on all of the various issues involved.

Krueger stated that the developer team met with the neighborhood, and there is a letter of support in the record. There were three proposals submitted to the City for this property, and this application received positive vibes from the neighbors. Krueger stated that he has no issues with the city in regard to design items.

With regard to the 10' wall, Krueger explained that the perimeter wall will be located at least at the setback and in some cases back beyond the normal setback so that there would not be any light trespass into the neighborhood; it will provide security for the facility; and by moving it back, the neighbors have more open space. This was also done at South Ridge Village at 27th & Pine Lake between the office use and the residential.

Krueger pointed out that there are two detention cells on 84th Street (series of underground vaults) and the major cell drains through an existing pipe and down through the city storm system. The proposal meets all of the standards for detention.

2. Danielle Smith, regional manager of **Big Red Storage** responded to the concerns about truck traffic. The traffic count indicates that there will be 35 visits (70 trips) per day. As far as large vehicles, there may be some smaller moving trucks, but there will be very limited semi-truck access. She does not believe it will be an issue.

Beecham inquired whether the trucks are Big Red's own fleet or private vehicles. Smith stated that Big Red does has two 14' U-Haul trucks which might be parked there a few months out of the year. Beecham encouraged that the neighbors contact Ms. Smith if there are any problems.

There was no testimony in opposition.

COMPREHENSIVE PLAN AMENDMENT NO. 14006 **ACTION BY PLANNING COMMISSION:**

December 10, 2014

Hove moved approval, seconded by Scheer.

Lust thinks this is a good project for the location and she is glad the City was able to regroup and have a project come forward that is acceptable to the neighborhood.

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

CHANGE OF ZONE NO. 14028

ACTION BY PLANNING COMMISSION:

December 10, 2014

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

SPECIAL PERMIT NO. 14045

ACTION BY PLANNING COMMISSION:

December 10, 2014

Hove moved to approve the staff recommendation of conditional approval, as amended, seconded by Weber and carried 9-0: Scheer, Harris, Cornelius, Beecham, Corr, Sunderman, Weber, Hove and Lust voting 'yes'. This is a recommendation to the City Council.

STREET & ALLEY VACATION NO. 14009

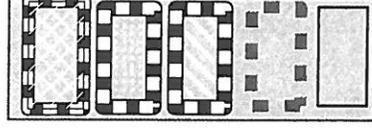
ACTION BY PLANNING COMMISSION:

December 10, 2014

Cornelius moved to approve a finding of conformance with the Comprehensive Plan, seconded by Hove and carried 9-0: Scheer, Harris, Cornelius, Beecham, Corr, Sunderman, Weber, Hove and Lust voting 'yes'. This is a recommendation to the City Council.

CPA # 14008:
South 84th Mini-Storage
S 84th St & Karl Ridge Rd

Proposed Future Land Use



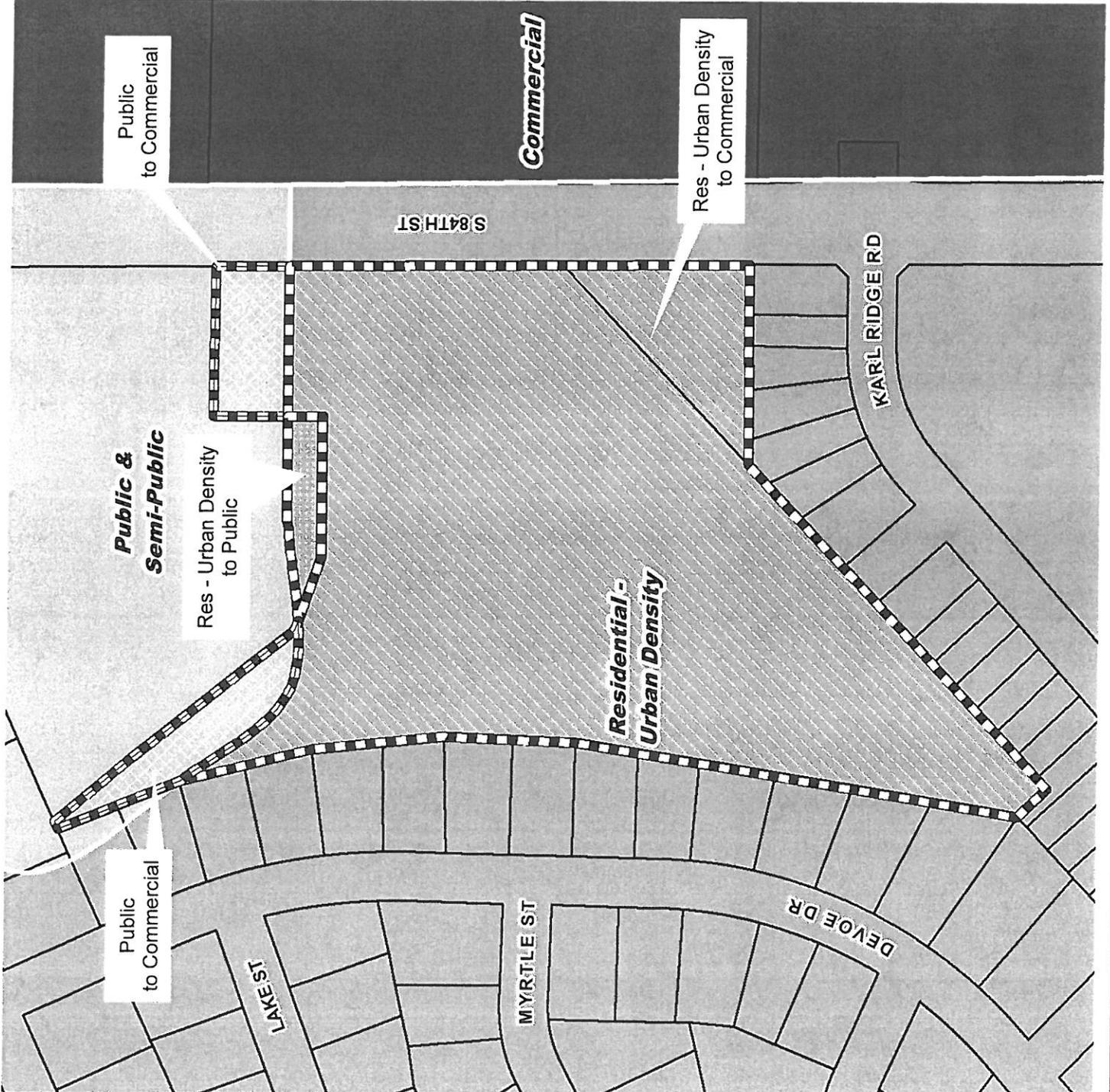
Public to Commercial

Res - Urban Density to Public

Res - Urban Density to Comm

Future Svc Limit

Ownership Parcels



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 PLANNING DEPARTMENT
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