

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 13019**, the **Piedmont Shops Planned Unit Development**, requested by Piedmont Shopping Center, LLC, on property generally located at Cotner Boulevard and A Street.

**STAFF RECOMMENDATION:** Conditional approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 10/02/13  
Administrative Action: 10/02/13

**RECOMMENDATION:** Conditional Approval (7-0: Corr, Beecham, Scheer, Hove, Sunderman, Cornelius and Lust voting 'yes'; Weber absent).

### **FINDINGS OF FACT:**

1. This proposed ***Piedmont Shops Planned Unit Development*** requests a change of zone from B-1 Local Business District to B-3 Commercial District PUD on approximately 3.78 acres, more or less, generally located at 1265 South Cotner Boulevard. The proposal is to update the existing shopping center by improving the building facade and providing enhanced pedestrian areas. The proposed plan includes flexibility for on- and off-sale alcohol establishments. The proposal maintains the existing access and modifies the parking lot configuration. There are waiver requests being approved with this PUD, including a) parking requirements for doctor and dentist offices; b) permit required parking spaces to be located within the Building Line District; c) adjust the parking lot screening and landscaping standards; and d) permit two center signs as provided for in the associated Development Plan (p.20-22).
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.4-9, concluding that the proposal to change the zoning from B-1 to B-3 PUD will provide flexibility in uses and parking requirements. The proposed PUD will facilitate redevelopment of the commercial center that is compatible with the surrounding neighborhood. Subject to the conditions of approval (p.9-11), the types of uses and enhanced pedestrian amenities are supported by the Comprehensive Plan. The staff presentation is found on p.12-14.
3. The applicant's testimony is found on p.14-15.
4. There was no testimony in opposition.
5. On October 2, 2013, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend conditional approval; however, Commissioners Corr and Beecham did express concerns about the alcohol sales (See Minutes, p.14 and 15).

**FACTSHEET PREPARED BY:** Jean L. Preister

**DATE:** October 8, 2013

**REVIEW ED BY:** Marvin Krout, Director of Planning

**DATE:** October 8, 2013

**REFERENCE NUMBER:** FS\CC\2013\CZ13019 PUD

# LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

## for October 2, 2013 PLANNING COMMISSION MEETING

**PROJECT #:** Change of Zone No. 13019 Piedmont Shops Planned Unit Development (PUD)

**PROPOSAL:** A B-3 Commercial District PUD to allow a mix of commercial uses.

**LOCATION:** 1265 S. Cotner Boulevard

**LAND AREA:** 3.78 acres, more or less

**EXISTING ZONING:** B-1 Local Business District

**WAIVERS (REQUESTED) :**

1. Per Design Standards Chapter 3.5 - Waive landscaping and screening requirements for parking lots.

2. Per Zoning Code Section 27.67.040 - Adjust parking for doctors' and dentists' offices to 1 space per 600 feet of floor area.

3. Per Zoning Code Section 27.69.030 - Adjust sign requirements to allow two center signs with 83 square foot electronic changeable copy total.

**CONCLUSION:** The proposal to change the zoning from B-1 to a B-3 PUD will provide flexibility in uses and parking requirements. The proposed PUD will facilitate redevelopment of the commercial center that is compatible with the surrounding neighborhood. Subject to the conditions of approval, the types of uses and enhanced pedestrian amenities are supported by the Comprehensive Plan.

**RECOMMENDATION:**

CZ#13019 from B-1 to B-3 PUD Conditional Approval

**WAIVERS:**

1. Waive design standards for parking lot landscaping and screening. Conditional Approval

2. Adjust parking for doctors' and dentists' offices to 1 space per 600 square feet of floor area. Approval

3. Adjust sign requirements to allow two center signs with electronic changeable copy. Conditional Approval

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 1, Mark Plaza Addition located in the SE1/4 of Section 29-10-7, Lancaster County, Nebraska.

**EXISTING LAND USE:** Shopping Center

**SURROUNDING LAND USE AND ZONING:**

North:	Park	P, Public
South:	Single-Family Dwellings	R-1, Residential District
East:	Park, Single Family Dwellings	R-1, Residential District
West:	Single-Family Dwellings	R-2, Residential District

**ASSOCIATED APPLICATIONS:** The applicant is also requesting Tax Increment Financing for this project, and the blight study will be presented to the Planning Commission on October 2, 2013.

**HISTORY:**

January 6, 2004 Special Permit #04002 to serve alcoholic beverages on-premises at Sunrise Coffee Company was withdrawn by the applicant.

May 2, 2012 Special Permit #12017 to reduce the front yard setback for a pharmacy drive-through was approved by the Planning Commission.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged. (p. 5.1)

Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities. (p. 5.2)

Neighborhood Centers typically range in size from 50,000 to 150,000 square feet of commercial space. (p. 5.11)

Neighborhood Centers provide services and retail goods oriented to the neighborhood level, with significant pedestrian orientation and access. A typical center will have numerous smaller shops and offices and may include one or two anchor stores. Residential mixed use is encouraged. (p. 5.11)

**STRATEGIES FOR COMMERCIAL INFILL:**

Discourage auto-oriented strip commercial development and seek opportunities for residential mixed use redevelopment. (p. 5.14)

Maintain and encourage businesses that conveniently serve nearby residents while ensuring compatibility with adjacent neighborhoods. (p. 5.14)

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. 5.14)

Ensure the priority in older areas is on retaining areas for residential development. Prior to approving the removal of housing in order to provide for additional parking to support existing centers, alternatives such as reduced parking requirements, shared parking, additional on-street parking, or the removal of other commercial structures should be explored. (p. 5.14)

**DETAILED STRATEGIES FOR COMMERCIAL INFILL:** (p. 5.15)

Encourage higher Floor Area Ratio for commercial redevelopment.

Encourage shared driveways and interconnected parking lots where possible.

Orient buildings to the street, especially corners.

Encourage a vertical mix of residential and commercial use types.

Encourage shared parking between land uses with different peak demand periods.

**MIXED-USE REDEVELOPMENT GUIDING PRINCIPLES:** (p. 6.2)

Target existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and more efficiently utilize existing infrastructure.

Be located and designed in a manner compatible with existing or planned land uses.

Help to create neighborhoods that include homes, stores, workplaces, schools, and places to recreate.

Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements. (p. 7.9)

**DETAILED STRATEGIES FOR EXISTING NEIGHBORHOODS** (p. 7.10)

Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses.

Redevelopment and infill should strive for compatibility with the character of the neighborhood and adjacent uses.

Utilize streets for commercial and residential parking.

**UTILITIES:** All utilities are available. The project proposes a new 15" storm sewer inlet along the south side of the parking lot.

**TOPOGRAPHY:** The site slopes to the south and will generally remain the same. The project proposes to reconfigure the parking lot layout and does not include substantial grading.

**TRAFFIC ANALYSIS:** S. Cotner Boulevard is classified as a minor arterial and S. 50<sup>th</sup> Street and C Street are classified as local streets.

**PUBLIC SERVICE:** The nearest fire station is located at A Street and S. Cotner Boulevard.

**AESTHETIC CONSIDERATIONS:** The improvements as proposed will enhance the neighborhood center.

**ANALYSIS:**

1. This is a request for a change of zone from B-1 Local Business District to B-3 Commercial District with a Planned Unit Development overlay on the 3.78 acre site. The proposal is to update the existing shopping center by improving the building facade and providing enhanced pedestrian areas. The proposed plan includes flexibility for on-sale and off-sale alcohol establishments and limits the range of residential uses, hotels and motels. The proposal maintains the existing access and modifies the parking lot configuration.

2. The B-3 zoning district is found in the older neighborhoods such as University Place and Havelock. Given the existing neighborhood context, the B-3 district is also appropriate for the Piedmont neighborhood.

3. The development plan modifies the uses allowed in the B-3 district as follows:

Adds as Conditional Uses: Off-sale and on-sale alcoholic beverages as a conditional use subject to the conditions of the B-2 zoning district.

Prohibits: Elderly and retirement housing, housing for the handicapped, multiple-family dwellings, single-family dwellings, townhomes, two-family dwellings, hotels and motels.

Although the Comprehensive Plan promotes mixed-use development, the applicant has requested that residential uses be prohibited at this center. If the shopping center were reconfigured for residential uses, it would be likely that an amendment to the PUD would be required.

These additions and deletions are compatible and appropriate for the shopping center. The Comprehensive Plan recommends targeting existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and more efficiently utilize existing infrastructure. The proposed PUD will support the reuse of the shopping center.

4. The sale of alcoholic beverages for consumption on and off the premises requires a special permit in the B-3 zoning district, and the applicant is proposing the sale of alcoholic beverages for consumption on and off the premises to be allowed as a conditional use found in the B-2 zoning district. Both the B-2 and B-3 zoning districts require a separation between the licensed premises and residential areas, parks, day cares, etc, but the difference between the two is how the separation of the alcohol sales is measured. In the B-3 zoning district, the separation between uses is 100 feet measured from the property line of a premises. In the B-2 zoning district, the separation between uses is 100 feet measured from the exterior door opening of the licensed space. The B-3 separation requirement, as measured from the property line, could not be met. However, the B-2 separation requirement, as measured from the existing exterior doors, could be met for all tenant bays in the center.

B-2 zoning is common for local shopping facilities and related activities that are provided on a neighborhood level. An existing B-2 center is located at the Clock Tower Shopping Center at S. 70<sup>th</sup> and A Streets. The context of the Clock Tower Shopping Center is similar to the Piedmont Shops in that it is located near residential uses, a school and a park, and the B-2 zoning at Clock Tower allows for alcohol sales. The exterior doors of both shopping centers do not face the residential uses or parks and are separated by street rights-of-way. It doesn't appear that the Piedmont neighborhood would be negatively impacted by allowing alcohol sales per the B-2 zoning district.

5. The City has an interest in closing the intersection of S. 50<sup>th</sup> Street and A Street at some point in the future. This closure would change the six-way intersection to a five-way intersection. At the time that this intersection is closed, a public access easement should be

provided across the south end of the Piedmont Shopping Center parking lot to allow vehicles to access S. Cotner Boulevard from S. 50<sup>th</sup> Street and vice versa.

6. The drive on the south end of the shopping center between S. 50<sup>th</sup> Street and S. Cotner Boulevard is currently designed for one-way westbound traffic only. Trucks or other traffic that access the alley along the backside of the building must exit west onto S. 50<sup>th</sup> Street. In order to allow two-way traffic and the future public access easement, the five parallel spaces along the south end of the parking lot need to be removed.
7. The proposed parking lot reconfigures the existing striping and increases the number of spaces from 193 to 200. With the reduction of five spaces on the south end (as previously mentioned) the total number of parking spaces would be 195. The B-3 zoning district requires one parking space per 600 square feet of commercial floor area. The requirement for restaurants/bars is one space per 100 square feet of floor area, and this requirement is proposed to remain the same. The applicant's development plan also proposes a parking requirement of one space per 600 square feet for doctors' and dentists' offices. The parking requirement for these uses is currently one space per 225 square feet, as in all other permitted zoning districts. Several past projects have also requested a reduction of the parking requirements for doctors' and dentists' offices. The parking requirements for doctors' and dentists' offices is currently an item under consideration in the draft reFORM effort.

The parking requirement for B-3 of one space per 600 square feet of floor area (except restaurants and bars) acknowledges that many of these older centers developed at a time when the automobile was less dominant and the centers primarily served the surrounding neighborhoods within walking distance. This appears to be the same for the Piedmont Shopping Center and therefore B-3 parking requirements are appropriate.

The parking requirements for this center will be balanced between the amount of commercial floor area and the amount of restaurant/bar floor area. Given the center is 50,342 square feet, the maximum amount of restaurant space would be 13,330 square feet as shown below:

37,012 Square Feet of B-3 Commercial @ 1 per 600	= 62 spaces
13,330 Square Feet of Restaurant/Bar @ 1 per 100	= 133 spaces
50,342 Square Feet Total	= 195 total spaces

Given the parking scenario above, the development is able to meet parking requirements by keeping restaurant/bar space at or below 13,330 square feet. However, any additional restaurant space would require more parking. If that cannot be provided then a waiver would need to be approved by the City Council.

8. The proposal includes relocating the existing three foot sidewalk from the back of curb along S. Cotner Boulevard to a location adjacent to the parking lot. The new sidewalk will be wider and will be separated from the traffic along S. Cotner Boulevard. The six existing street trees would need to be removed, and the applicant is proposing to replace them.

Currently no sidewalks exist adjacent to this site along S. 50<sup>th</sup> Street or along C Street, and the applicant is not proposing additional sidewalks at these locations. S. 50<sup>th</sup> is challenged with steep topography and utility lines. If required, a sidewalk along S. 50<sup>th</sup> could substantially

increase costs due to utility relocation, potential retaining walls and railings. C Street currently has a sidewalk along the north side adjacent to the park. This sidewalk could provide a pedestrian connection to the Piedmont Shops if the section along Aldrich Road is constructed as recommended.

9. The applicant has requested a waiver from the parking lot landscaping and screening requirements. The proposed PUD is providing flexibility with parking requirements, additional uses and signage and an associated application for TIF is requested from the applicant.

Given the area of this parking lot, a total of 12 parking lot trees are required per the standard. Since this site is already developed, it may be challenging to place 12 trees within and around the parking lot. Therefore it may be acceptable to reduce the number of required parking lot trees to fit the site and meet the intent of the standard. The Planning Director should review and approve the landscaping plan prior to obtaining a building permit, and may consider any request to reduce the required number of parking lot trees at that time.

10. The design standards for screening and landscaping require a 90% screen at 3 feet within a 6 foot landscape strip along the sides of parking lots.

As stated, the applicant has proposed to relocate the sidewalk from back of curb to a location adjacent to the parking lot. This will require that the six existing street trees be removed. However, the relocated sidewalk will be wider and separated from the traffic along S. Cotner Boulevard, and the street trees will be replaced along that right-of-way.

The proposal also includes planting beds within the S. Cotner right-of-way. Planting material in these beds should include a variety of material as indicated on the landscaping plan but should not be higher than 30 inches from the ground in order to meet sight distance requirements for pedestrian and traffic safety. This will help mitigate the waiver of the usual requirement to screen the parking lot. In addition, staff recommends that additional trees be planted along the right-of-way of Aldrich Road and C Streets to mitigate the expected reduction in parking lot trees.

The landscaping plan should also provide screening of the back side of the building along S. 50<sup>th</sup> Street. This screening should meet the standard of 90% screen at three feet above the ground. The screening may include a combination of plant material and the land surface elevation to achieve the visual buffer. The screening will soften the visual impact of the backside of the shopping center on the single-family residential neighborhood to the west.

A detailed landscaping plan showing the above conditions should be submitted to the Planning Department. The landscaping plan will be reviewed by the Parks Department and approved by the Planning Director prior to obtaining a building permit.

11. The applicant is proposing four modifications to the sign ordinance as follows:
  - a. Reduce the required separation for illuminated signs and residential zoning districts
  - b. Ban illuminated signs on S. 50<sup>th</sup> Street
  - c. Allow two center signs
  - d. Allow a larger electronic changeable copy sign on each center sign

The first waiver requests a reduction in the required separation for illuminated signs from an abutting residential district. However, this waiver is not applicable since the Piedmont Shops site is not adjacent to a residential zoning district. If a residential district is separated by a street then it is not considered abutting. This waiver is not needed and the applicant may have illuminated signs on the site.

The applicant is also proposing to ban illuminated signs on the west side of the building along S. 50<sup>th</sup> Street. This ban is supported and should also include a ban on illuminated signs on the north side of the building along C Street across from the park. This would reduce the amount of signage and light that would impact the residents to the west and the park to the north.

Third, the applicant would like to have two center signs. A center sign is a sign that includes the name of the center or address in addition to the names of the businesses within the center. The sign code allows one center sign for Piedmont Shops since there is frontage on one arterial street (S. Cotner is classified as an arterial street). However, the sign provisions in the B-3 district allow a center sign or a sign for each individual business. This area is surrounded by residential zoning and City park, so signage should be more limited in this case. Two smaller center signs may be appropriate if they are the only freestanding signs on the property, illuminated wall signage is banned on S. 50<sup>th</sup> Street and C Street, and if each center sign is reduced in size and height. The size of the center sign allowed by code in the B-3 district is 150 square feet and 35 feet tall. The applicant's proposal is to keep the small, north sign and replace the existing south sign with a larger center sign. The existing north sign is 46 square feet, and the new south sign is proposed to be 64 square feet, for a total of 110 square feet. Further, the proposed height of each sign is substantially less than the allowed 35 feet. The proposed south sign would be 10 feet tall and the existing north sign is approximately 6 feet. This modification is supported since both signs added together do not exceed either the amount of signage or the height that is otherwise allowed.

The applicant has also requested an increase in the allowed square footage for an electronic changeable copy sign from 80 square feet to 83 square feet on two center signs. The sign code allows any center sign in the business districts to have up to 80 square feet of electronic changeable copy. The existing sign at the north entrance currently has an electronic changeable copy sign that is 27 square feet, and the applicant would like to add an additional electronic changeable copy sign at the south entrance that is 56 square feet. The total amount of electronic changeable copy signage would be 83 square feet, which is slightly more than the allowable 80 square feet on any one sign, but less than could be allowed on multiple business signs. Subject to limiting the number, size and height of the freestanding signage, this request is supported.

The letter included in the application refers to "animation". Except in Downtown, the rules for electronic changeable copy require messages to be static and remain for at least three seconds, followed by a transition of no more than one second with limited animation to the next static message. The applicant did not specifically ask to waive this provision, and staff would not support a waiver.

12. This portion of S. Cotner Boulevard is a 40 foot Building Line District. The existing S. Cotner Boulevard right-of-way is 30 feet from the centerline to the Piedmont Shops property line. Therefore, the Building Line District encroaches 10 feet onto the Piedmont site.

It appears that 44 parking spaces and two signs are located within the Building Line District. Per the zoning code, parking spaces, other than required parking, and signs may be located within the building line district. The 44 parking spaces located within the Building Line District are required. The Piedmont Shopping Center was built in 1956, and the Building Line District ordinance was adopted in 1985. The 44 required parking spaces located within the Building Line District became nonconforming at the time the Building Line District ordinance was adopted.

The Building Line District should be added to the site plan. The setback should also be adjusted and measured from the Building Line District and not the property line.

13. The applicant is intending to apply for Tax Increment Financing assistance. This is why there is a separate request in the Planning Commission agenda to make a determination that this property is blighted. If TIF is approved, the Planning Commission can expect to review a redevelopment plan and agreement for this area in the future. As part of that process there may be a requirement for elevations and review of the facades by the Urban Design Committee.

This approval changes the zoning from B-1 to B-3 PUD with adjustments to: a) parking requirements for doctors' and dentists' offices, b) permit required parking spaces to be located within the Building Line District, c) adjust the parking lot screening and landscaping standards and d) permit two center signs as provided for in the associated development plan which also a part of this PUD.

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

##### **Site Specific Conditions:**

1. Before receiving building permits the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 5 copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.
  - 1.1 Add the sidewalk connection from S. Cotner Boulevard to C Street along Aldrich Road.
  - 1.2 Remove the 5 parallel parking spaces on the south end of the parking lot.
  - 1.3 Add the 40 foot Building Line District to the site plan and adjust the setback to reflect the Building Line District.
  - 1.4 Add text to the Development Plan that states, "No illuminated signs shall be allowed on the sides of the buildings facing South 50<sup>th</sup> Street or C Street".
  - 1.5 Delete note #3A in the Development Plan.
  - 1.6 Delete notes #3C and #3D in the Development Plan and replace them with the following text: "Two center signs are permitted, subject to the following conditions. Each sign may not exceed 60 square feet in size or 10 feet in height and the total center signage allowed may not exceed 120 square feet. Electronic changeable copy

signs may be included on each center sign but may not exceed 80 square feet total for both. Center signs are only allowed on S. Cotner Boulevard frontage.”

- 1.7 Remove the signs from the site plan and add the following text to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with the provisions approved by this PUD, and must be approved by Building & Safety Department prior to installation. The signs will be installed outside the sight distance triangle."
  - 1.8 Delete note #6 in the Development Plan and replace it with the following text: "A detailed landscaping plan will be submitted to the Parks Department for review and will be approved by the Planning Director, prior to obtaining a building permit. Street trees will be planted along S. Cotner Boulevard, Aldrich Road, and C Street and will meet the Design Standards for Street Trees. Trees will be located in the parking lot and will meet the design standard found in Chapter 3.50. However, the number of trees required in the parking lot may be reduced at the discretion of the Planning Director, due to existing site conditions, if adequate justification is provided by the applicant. The landscape plan will also include the minimum required landscape screening along S. 50<sup>th</sup> Street to the satisfaction of the Planning Director. The screening along S. 50<sup>th</sup> Street may include plant material and land surface elevation to achieve the visual buffer. Any screening along S. 50<sup>th</sup> Street that is within a sight distance will be no higher than 30 inches."
  - 1.9 Add a note to the site plan that states, "The signs and required parking spaces located in the Building Line District shall be removed at the sole cost of the property owner whenever necessary for public use."
2. Before receiving building permits, the developer shall provide the following documents to the Planning Department:
    - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the planned unit development has been recorded.
3. Prior to the issuance of a building permit:
    - 3.1. The construction plans must substantially comply with the approved plans.
    - 3.2 A detailed landscape plan will be reviewed by the Parks Department and approved by the Planning Director which meets the conditions stated in this PUD.

**Standard Conditions:**

4. The following conditions are applicable to all requests:
  - 4.1 Before occupying the buildings all development and construction shall substantially comply with the approved plans.

- 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
- 4.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
- 4.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the permittee, its successors and assigns.
- 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
- 4.6 The site plan as approved with this ordinance voids and supersedes all previously approved site plans, however all ordinances approving previous permits remain in full force and effect unless specifically amended by this ordinance.

Prepared by:  
Paul Barnes

Planner

**DATE:** September 19, 2013

**APPLICANT/OWNER:** Piedmont Shopping Center, LLC  
Stephen Glenn  
1212 O Street  
Lincoln, NE 68508

**CONTACT:** E&A Consulting Group, Inc.  
Rick Onnen  
7130 S. 29<sup>th</sup> Street, Suite D  
Lincoln, NE 68516

# CHANGE OF ZONE NO. 13019, PIEDMONT SHOPS PLANNED UNIT DEVELOPMENT

## PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 2, 2013

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

Staff recommendation: Conditional approval.

There were no ex parte communications disclosed.

Staff presentation: **Paul Barnes of Planning staff** explained that this is an application for change of zone for a PUD. There is a proposal from the new owner to redevelop this existing site which has some challenges. The PUD can offer some flexibility to meet some of the demands of the current market.

The staff report discusses three waivers as well as some additions and deletions in terms of the allowed uses in the B-3 district. Currently, this is a B-1 Local Business District and this request is to change it to B-3 Commercial District PUD. The PUD adds on- and off-sale alcohol as a conditional use, under the same type of requirement that exists in the B-2 Planned Neighborhood Business District today. For example, on- and off-sale alcohol is allowed in Clocktower. The condition is that the exterior door of the licensed premises for the restaurant or bar must be at least 100 feet from residential property, parks and other uses. The B-2 conditional use at this site would be appropriate and would allow for the restaurant and bar type of use. Today, those doors that would face any potential conflict do not orient towards the residential area or the parks or the school.

Barnes further pointed out that the other change to allowable uses includes the prohibition of residential uses, at the request of the applicant. The Comprehensive Plan does recommend mixed-use in commercial centers. Although a residential component is not included in this proposal today, if it were to be incorporated at some point in the future there would likely be a PUD amendment.

Staff is recommending conditional approval of the request to waive landscape and screening requirements. Because this is an existing site, it may be difficult to meet the standard requirements. The parking lot trees will be reconfigured and there will be parking lot screening. The modified landscape plan would be approved by the Director of Planning prior to building permit.

There is a request to adjust the parking requirements for dentist and doctor offices from one space/225 sq. ft. to one space/600 sq. ft. This modification has been requested and approved at other sites and done successfully. This type of adjustment is also under consideration in the draft reFORM effort.

With regard to signage, B-3 would allow for one center sign on-site at a maximum of 150 sq. ft. at 35' in height. The applicant is requesting two center signs (the north sign that exists today and the south sign would be replaced with a larger sign, including electronic changeable copy). Staff believes that this is appropriate considering that the two signs together do not exceed what would otherwise be allowed.

Barnes indicated that the drive on the south end as configured today is currently a one-way to the west and staff is suggesting that five parking spaces be removed to allow a two-way drive aisle. The applicant is in agreement.

Beecham wondered whether the waivers were discussed with the neighbors, particularly the alcohol sales and electronic changeable signs. Barnes stated that in general, the neighborhood was very supportive. He does not recall, however, that the specific waivers were discussed.

With regard to sidewalks, Barnes advised that the existing sidewalk on South Cotner Boulevard is a safety issue. There is a condition to move that sidewalk to be adjacent to the parking lot to meet the minimum width requirement. The existing trees would be removed but would be replaced with six new street trees. There is a recommended sidewalk connection along Aldrich Road connecting to C Street. There is sidewalk on the north side of C Street going further west into the neighborhood. There is not a sidewalk on 50<sup>th</sup> Street.

Barnes believes that the applicant is generally in support of the conditions of approval. This is an existing site which is supported by the Comprehensive Plan in terms of using the existing infrastructure and reusing the site and enhancing the neighborhood.

Corr asked for the difference between B-1 and B-3. Barnes explained that B-3 was suggested because of the parking requirements. B-1 carries a heavier parking requirement. B-3 requires less parking. Staff believes that B-3 is appropriate. It is an older neighborhood and B-3 is found in other older neighborhoods such as Havelock and University Place.

Corr then asked about the permitted uses in B-1 versus B-3. Barnes was not sure that there is a great number of differences in terms of permitted uses. **Marvin Krout, Director of Planning**, approached and stated that the only significant difference is that B-3 cannot allow car sales. Corr wondered about car washes. Krout did not know for sure.

Corr observed that in B-3, the 100' only has to be from the property line. Barnes explained that the distance in B-3 is measured from the property line, which would not be met in this case given the distance to the adjacent neighborhood. But in the B-2 requirements, which is being proposed in the PUD, that separation can be measured from the front door of the premise. Corr wondered whether the measurement could be from the back door if they had a back door. Barnes believes it is measured from the primary entrance – not the back door. The requirement in this PUD is 100' measured from the primary entrance door to the residential property. The alcohol sales are subject to the B-2 conditional use within the B-3 PUD, as requested by the applicant.

Corr asked why B-2 requirements instead of B-3. Barnes explained that B-3 requires a special permit process and the separation would be measured from the property line. In this case, none of the tenants would meet that requirement.

Hove asked whether the PUD includes the filling station to the south. Barnes stated that it is not included, at the request of the applicant. Beecham wondered whether the filling station allows alcohol sales now. Barnes did not know. Corr believes it is just auto repair.

## Proponents

**1. Steve Glenn, Piedmont Shopping Center, LLC**, appeared as the applicant. He is trying to rebuild the center and it needs a restaurant facility. The neighbors have been very receptive. Part of the design elements are to have a very attractive facility for restaurants. He believes that the PUD will allow 13,300 sq. ft. of restaurant/food within the 50,000 sq. ft. footprint. The parking requirement really determines who we can have for restaurants. He thinks a car wash would eat up too much of the parking area. The practical side is that we really need a restaurant/bar – more restaurant than bar. There is Subway of 2,000 sq. ft. and a coffee shop of 2,500 sq. ft. There is 8,000 sq. ft. of potential restaurant/bar facilities. It's all based on the parking requirements. Glenn stated that he is committed to the neighborhood.

Glenn clarified that they do still pump gas at the station, but they do not sell alcohol and they are mostly a repair shop. He is not able to include the gas station in the PUD at this time.

Glenn pointed out that the PUD process allows the flexibility to build the center. It does not have a proper mix of retailers now to support the neighborhood.

Beecham asked Glenn whether the neighbors specifically understood the alcohol sales. Glenn acknowledged that they did mention a restaurant/bar. The preference from the neighbors was restaurant/bar rather than bar/restaurant. The neighbors want a place to eat in the center. The coffee shop closes at 6:00 p.m. The Subway came in January and they are open until 9:00 or 10:00 p.m. The neighborhood wants more family, sit-down opportunities. He is also hoping to help serve some of the employees and customers of Bryan Hospital.

Corr asked whether the developer met with three neighborhood associations. **Darl Naumann**, 2436 N. 48<sup>th</sup> Street, stated that there is not a formal neighborhood association in this area. There are three that are very close. Instead of sending letters out to the neighborhood associations, they actually went door-to-door across the neighborhood with fliers and advertised on the radio and television. About 53 individuals attended the neighborhood meeting. They went to the adjacent neighbors around the center and all the way to 48<sup>th</sup> Street. They did not go across 48<sup>th</sup> Street nor south of A Street.

Corr suggested that if the developer would have sent notices to the three neighborhood associations, her association would have been notified. She encouraged the developer to go ahead and do a mailing to those close neighborhood associations even though there is not a formal association for that area.

There was no testimony in opposition.

Krout approached to clarify the question about restaurant versus bar. As drafted today, the PUD allows for on-site alcohol sales that could be a bar or could be a restaurant. The code defines restaurant as not being subject to the 100' rule if they sell no more than 40% alcohol and the rest is food. Associated with that, there are other conditions about closing time, no video games, etc.

If the Planning Commission's intention is to limit on-sale alcohol to a restaurant that serves alcohol, the facility would have to have at least 60% food sales versus alcohol sales. That does need to be clarified in the PUD. The way it is written now, it could be a bar.

Lust suggested that policing those percentages is nearly impossible. Krout responded that it falls into the same category as operating hours, but we do have those conditions. Beecham wondered whether it could be a liquor store. Krout responded, only on-sale and not off-sale. Beecham inquired whether the local drug store could sell alcohol. Krout stated that it would not be allowed as the PUD is written today.

**Steve Henrichsen of Planning staff** also approached to clarify that there are five differences between B-1 and B-3. B-1 allows marinas; B-3 allows motor vehicle sales, contractor services and cabinet shops as conditional uses with size limit and no more than 10% of the total floor area, and optical lense grinding. The other difference is that B-1 has a 10' front yard setback and B-3 has zero.

**ACTION BY PLANNING COMMISSION:**

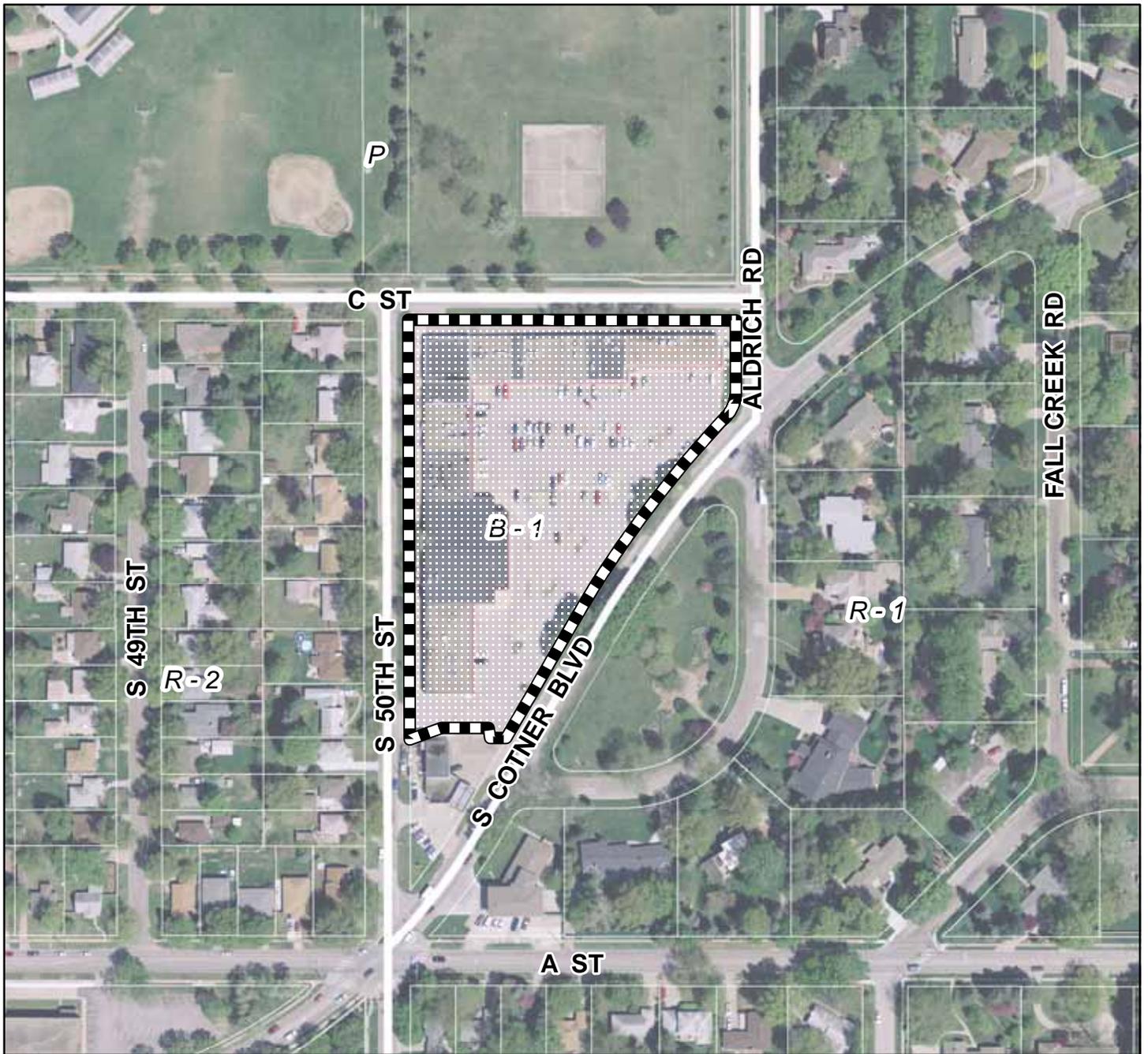
October 2, 2013

Hove moved to approve the staff recommendation of conditional approval, seconded by Sunderman.

Corr stated that she has some concerns. She would really like to see "no auto sales" included in the PUD. Just because we have that in older neighborhoods, that type of use can deteriorate a property fast. She is also concerned about the alcohol. Leffler School is right behind the center. She really wants to see a restaurant but she is torn on the 100' separation. She encouraged that the developer use more of the mixed-use development things and not knock out the residential for the future. Otherwise, she is looking forward to a revitalized community center area.

Lust will vote in support, as written. We have to recognize that any restaurant is going to have to be able to sell alcohol to be viable, and the 100' setback seems appropriate since this has always been a commercial center. She is not concerned about the alcohol sales.

Motion for conditional approval carried 7-0: Corr, Beecham, Scheer, Hove, Sunderman, Cornelius and Lust voting 'yes'; Weber absent. This is a recommendation to the City Council.



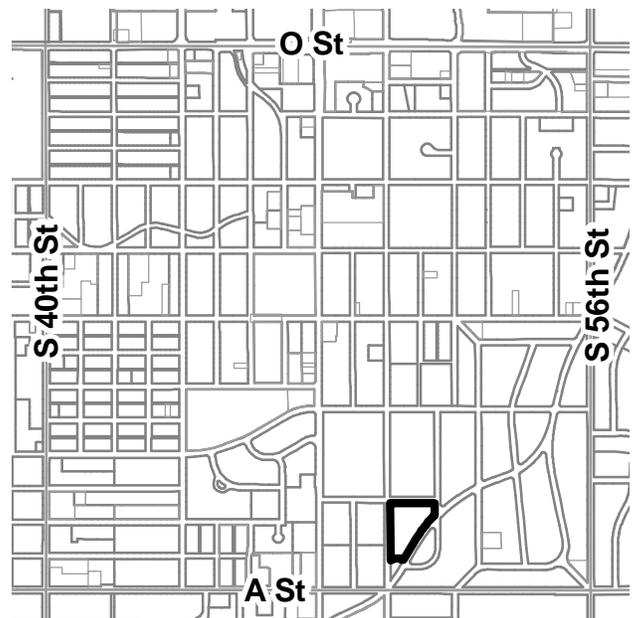
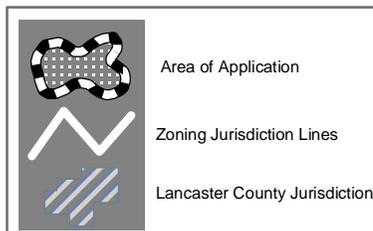
2010 aerial

**Change of Zone #: CZ13019**  
**S Cotner Blvd & A St**  
**B-1 to B-3**

**Zoning:**

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile:  
 Sec.29 T10N R07E





*Engineering Answers*

**E & A CONSULTING GROUP, INC.**

PLANNING • ENGINEERING • ENVIRONMENTAL & FIELD SERVICES

7130 SOUTH 29<sup>TH</sup> STREET, SUITE D  
LINCOLN, NE 68516

www.eacg.com

PHONE: 402.420.7217  
FAX: 402.420.7218

August 21, 2013

Mr. Marvin Krout  
Planning Director  
Planning Department  
County-City Building  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: Piedmont Shops Planned Unit Development  
E&A Project No. P2013.305.001

Dear Marvin:

On behalf of Piedmont Shopping Center LLC, the enclosed application for a Planned Unit Development is being submitted for your consideration. The proposed development is located at 1265 South Cotner Blvd.

In addition to this letter, our submittal includes the following enclosed documents:

- Completed Planning Department application form
- Application fee in the amount of \$1290.96
- Legal description of the PUD boundary
- Proposed Development Plan for the property
- 11x17 reduction of the Site Plan

Additional items to be submitted electronically include:

- Site Plan
- Landscape Plan
- Driveway Sight Triangle Exhibit
- Sidewalk Cross Section Exhibit

The owner and applicant is: Piedmont Shopping Center, LLC  
Attn: Steve Glenn  
1212 O Street  
Lincoln, NE 68508

Proposed improvements to the center include revising the building facade to a more modern style, providing wider pedestrian ways in front of the shops, improving handicapped accessibility, changing the parking configuration to improve traffic circulation, updating exterior lighting, and providing space for outdoor seating and merchandize display. A separate application for Tax Increment Financing to help fund improvements is be submitted to the Urban Development Department concurrent with this application.

017

The Development Plan proposes several deviations from existing zoning standards. Justification for the deviations is as follows:

- A reduction of the distance required between illuminated signs and residential property from 100' to 60' is intended to clarify that signage placement along Cotner Blvd. is not restricted due to the presence of residential zoning on the opposite side of the street.
- Illuminated signs will be prohibited on the west side of the building to minimize impacts to the residences on the west side of S. 50<sup>th</sup> Street.
- The development currently has two center signs located along the Cotner Blvd. frontage directing patrons to two drive approaches. One of the signs currently has the capability to display electronic changeable copy. Maintaining both sign locations is desired to help distribute trips more evenly between the two drives. A larger sign size than allowed under Section 27.69.030(f) is requested to allow the signs to be read more quickly and easily to reduce driver distractions. Electronic changeable copy with animation is requested to complement the more modern style proposed for the center.
- The shopping center layout offers limited building access to the west and north. This configuration combined with the width of the parking lot on the east provides separation between potential business entrances and the adjacent residential properties. As a result, restrictions on the sale of alcoholic beverages as defined under the B-2 zoning code are adequate .
- The shopping center is designed to accommodate retail and service related business. Therefore, residential land uses will be prohibited.
- The number of available parking stalls is considered adequate for most anticipated uses within the center. A reduction in the number of stalls required for medical and dental offices is being requested to take advantage of the anticipated non-concurrent parking demand created by the various tenants while maintaining sufficient stall counts for higher demand uses such as bars and restaurants.

The existing site has conditions which do not conform to current development standards. These conditions will be addressed as follows:

- There are no existing sidewalks on the east side of South 50<sup>th</sup> Street or the south side of "C" Street abutting the center. The utilitarian nature of the rear of the shopping center and grade differential between the street and the building provide no destination for pedestrians on these sections of street. An exhibit showing cross sections of the two streets with potential sidewalk locations is included with the submittal. Due to conditions described below, the developer is not supportive of constructing sidewalk in these areas.

The existing topography of the parkway along south 50<sup>th</sup> Street does not support the construction of a sidewalk without removing existing street trees and other screening plants, relocating utility guys, and raising the height of the retaining wall. This action is viewed as cost prohibitive and counterproductive to improving the aesthetic appeal of the center opposite residential properties.

Similarly, grade differential, existing street trees, and utility poles make it impractical to construct sidewalk in a standard location near the edge of the right-of-way along "C" Street. Placement of a walk immediately behind the curb is possible but not practical for snow removal. An existing walk on the north side of the "C" Street provides a path for pedestrians within the corridor.

018

E &amp; A CONSULTING GROUP, INC.

Planning • Engineering • Environmental &amp; Field Services

- Parking lot screening, as required by current design standards, is not provided along the Cotner Blvd. frontage. The position of the pavement relative to the property line does not allow room for the 6 foot wide landscape buffer without significantly reducing the number of parking stalls. The developer wishes to construct planting beds to showcase flowering plants rather than plant shrubs and bushes within the right-of-way.
- The Cotner Blvd. frontage currently has a 3 foot wide sidewalk immediately behind the street curb; and, the parking lot pavement extends to the right-of-way. The existing sidewalk is proposed to be removed and replaced with a 6 foot wide walk straddling the property line. The walk will include a curb facing the parking lot which will be positioned 2 feet onto the lot to restrict vehicle overhang into the public right-of-way (see the cross section detail on the Site Plan).
- Sidewalk removal and construction along Cotner Blvd. will require removal of six existing street trees and some shrubs within the right-of-way. Six new street trees spaced 50 feet apart are proposed between the new sidewalk and the street curb. Landscape beds containing flowering plants and ornamental grasses will be located between the trees. Planting and maintenance of the beds within the right-of-way will be the responsibility of the owner.

We ask that this project be presented to the Planning Commission and City Council for approval.

Please contact me if you have any questions or require additional information.

Regards,

E & A CONSULTING GROUP, INC.



Richard P. Onnen, P.E.

Encls.

cc: Steve Glenn, Cristy Joy

019

E & A CONSULTING GROUP, INC.

Planning • Engineering • Environmental & Field Services

## PIEDMONT SHOPS PUD DEVELOPMENT PLAN

September 3, 2013

1. The underlying zoning for the development is B3-PUD. Zoning regulations for B-3 Commercial District, as specified in Chapter 27.33 of the Lincoln Municipal Code, shall apply except as amended by this Development Plan
2. The PUD Site Plan is conceptual and subject to change provided parking requirements are met per this development plan.
3. Signage allowed will be as specified for the B-3 zones in Chapter 27.69 of the Zoning Ordinance except as modified below:
  - a. The required space between the location of an illuminated sign and an abutting residential district shall be 60' along the Cotner Boulevard frontage.
  - b. No illuminated signs shall be allowed on the sides of the building facing South 50<sup>th</sup> Street.
  - c. One center sign shall be allowed adjacent to each of the two entrance drives from Cotner Blvd.
  - d. On-premise center signs adjacent to Cotner Blvd. shall be allowed to have electronic changeable copy with animation. Each screen shall not exceed 100 square feet.
4. The proposed B-3 Commercial District PUD allows the uses shown in the Use Groups (permitted uses, conditional uses, and special permitted uses) for the B-3 district as shown in Chapter 27.06, Lincoln Municipal Code, except for the inclusions and exclusions shown below:

### **Inclusions or Increases:**

1. Retail Sales Use Group
  - a. Off-sale alcoholic beverages as a conditional use subject to the conditions of use of the B-2 zoning district per section 27.62-100.
2. Food and Drink Establishments Use Group
  - a. On-sale alcoholic beverages as a conditional use subject to the conditions of use of the B-2 zoning district per section 27.62-110.

### **Exclusions or Reductions:**

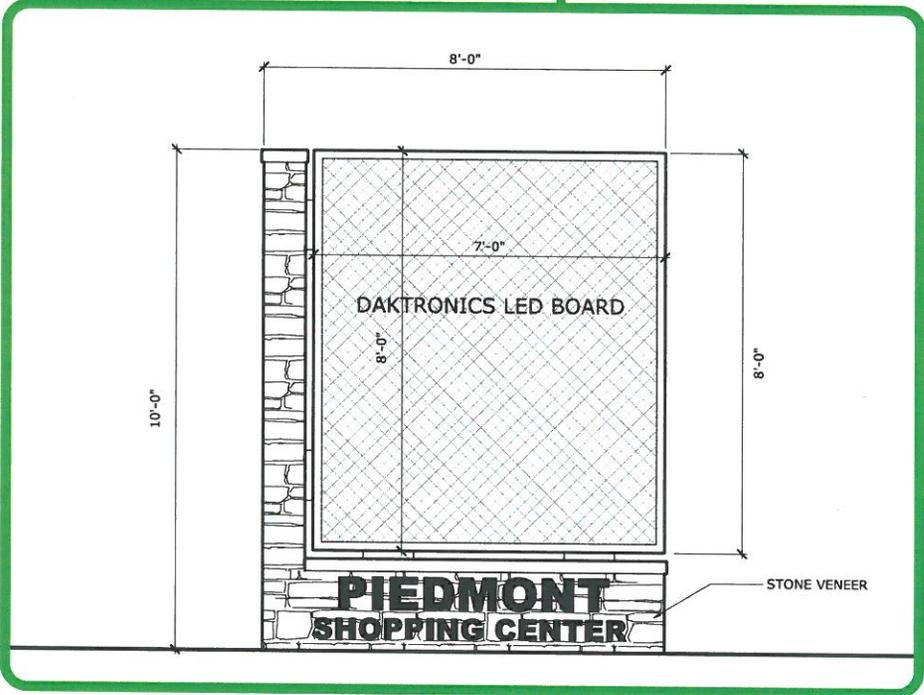
1. Household Living Use Group
  - a. Elderly and Retirement Housing is prohibited
  - b. Housing for the Handicapped is prohibited
  - c. Multifamily dwellings is prohibited
  - d. Single-family dwellings are prohibited
  - e. Townhomes are prohibited
  - f. Two-family dwellings are prohibited
2. Retail Sales Use Group
  - a. Hotels and Motels are prohibited
5. Parking requirements for the development shall be as described in section 27.67 of the zoning ordinance except as modified below:
  - a. Doctors' and dentists' offices shall require one space per 600 sq. ft. of floor area.

6. The requirement for landscape screening for parking lots, parking areas, and driving isles, as defined in Section 7.1 of Chapter 3.50 of the City of Lincoln Design Standards, shall be waived for the side of the parking lot abutting Cotner Blvd.

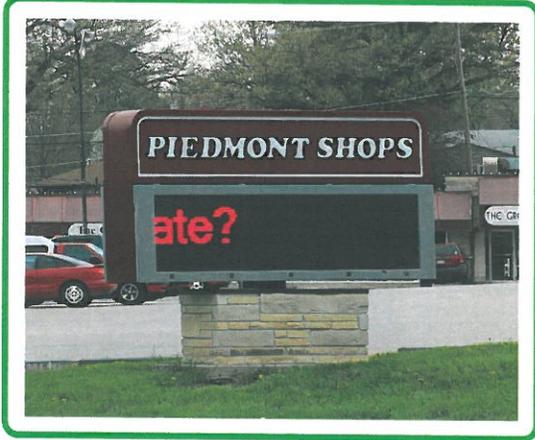
# SIGNAGE

## PIEDMONT SHOPPING CENTER

EXTERIOR CENTER SIGNAGE



NEW ENTRANCE SIGNAGE



EXISTING PIEDMONT SIGN



EXISTING 2825 S. 70TH STORE