

City Council Introduction: **Monday**, August 21, 2000
Public Hearing: **Monday**, August 28, 2000, at **1:30 p.m.**

Bill No. 00R-233

FACTSHEET

TITLE: USE PERMIT NO. 100A, an amendment to South Ridge Village, requested by Brian D. Carstens and Associates on behalf of South Ridge Village, L.L.C. and R.C. Krueger Development, Inc., to adjust the boundaries of the use permit to align with the O-3 Office Park District boundary lines, and to adjust the location of the required landscape screen from the office park property to the residential property to the south, on property generally located north of Porter Ridge Road between South 28th Street and South 29th Street and east of South 29th Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda, 07/26/00
Administrative Action: 07/26/00

RECOMMENDATION: Conditional approval (5-0: Carlson, Duvall, Newman, Schwinn and Steward voting 'yes'; Taylor abstaining; Bayer, Hunter and Krieser absent).

STAFF RECOMMENDATION: Conditional approval.

ASSOCIATED REQUEST: Change of Zone No. 3273 (00-153).

FINDINGS OF FACT:

1. This amendment to Use Permit No. 100 and Change of Zone No. 3273 were heard at the same time before the Planning Commission.
2. The Planning staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-5.
3. This item was placed on the Consent Agenda of the Planning Commission on July 26, 2000, and opened for public hearing. No one came forward to speak.
4. The Planning Commission agreed with the staff recommendation of conditional approval, as set forth on p.5-6.
5. The Site Specific conditions of approval required to be completed prior to scheduling this item on the Council agenda have been submitted by the applicant and approved by the reviewing departments.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: August 14, 2000

REVIEWED BY: _____

DATE: August 14, 2000

REFERENCE NUMBER: FS\CC\FSUP100A

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: USE PERMIT NO. 100
SOUTH RIDGE VILLAGE

DATE: JULY 11, 2000

PROPOSAL: Brian D. Carstens of Brian D. Carstens and Associates, on behalf of South Ridge Village L.L.C. and R. C. Krueger Development, Inc., request an amendment to approved Use Permit No. 100 to adjust the boundaries of the use permit to align with the O-3 Office Park District boundary lines, and adjust the location of the required landscape screen from the office park property to the residential property to the south.

GENERAL INFORMATION:

APPLICANT: Brian D. Carstens
c/o Brian D. Carstens and Associates
2935 Pine Lake Road - Suite H
Lincoln, NE 68516
402-434-2424

OWNER: South Ridge Village, L.L.C. &
R. C. Krueger Development, Inc.
2929 Pine Lake Road - Suite C
Lincoln, NE 68516

LOCATION: Generally, north of Porter Ridge Road between South 28th and South 29th and east of South 29th Street.

REQUESTED ACTION: Amend the boundary of the Use Permit and adjust the location of the required landscape screen.

PURPOSE: To permit 100,000 square feet of office development and allow the required landscape screen to be located on the residential property to the south.

LEGAL DESCRIPTION: See attached

SIZE: 7.90 acres more or less

EXISTING ZONING: O-3 Office Park District (with approval of Change of Zone No. 3273).

EXISTING LAND USE: Vacant west of South 29th Street, developed office area east of South 29th Street.

SURROUNDING LAND USE AND ZONING: Vacant R-3 Residential to the south, developed R-3 Residential to the east, vacant H-4 General Commercial to the north of the area north of Porter Ridge Road and developed commercial to the west of the area east of South 29th Street.

COMPREHENSIVE PLAN SPECIFICATIONS: This area as shown on the Land Use Plan of the *Comprehensive Plan* as commercial.

HISTORY:

On February 28, 1994, the City Council approved Change of Zone No. 2740 over this area which established the general areas of the R-3, O-3, and H-4 Districts.

December 9, 1996, the Council approved Change of Zone No. 2952 which located the zoning district boundaries on the north side of Porter Ridge Road.

The various final plats in the vicinity were approved by the Planning Commission and administratively between 1995 and 1999.

ANALYSIS:

1. This request is for two items, first, to adjust the boundaries of the use permit to align with the O-3 Office Park District boundaries (these are being adjusted with Change of Zone No. 3237), and secondly, to allow the required landscape screen between the office uses and the residential uses to be located on the residential lots to the south rather than on the O-3 property.

District Boundaries

2. The initial change of zone on this area was done in 1994, and revised in 1996, both by metes and bounds descriptions, to establish the current district boundary line. The platting of the lots by survey created a situation of the district boundary lines not aligning with the platted lot lines.

3. **Section 27.05.030(b) of the L.M.C. - Rules Where Uncertainty as to Boundaries Arises** states:

“Where the property has been or may hereafter be divided into blocks and platted lots, the district boundaries shall be construed to coincide with the nearest platted lot lines; and where the district designated in the district map made a part of this title by reference are bounded approximately by platted lot lines, the platted lot line shall be construed to be the boundary of the district.”

4. Since both the district bound line and the platted lot lines were established by survey or metes and bounds description, the line locations are specifically approved and cannot be adjusted as per **Section 27.05.030(b) of the L.M.C. - Rules Where Uncertainty as to Boundaries Arises**.

5. This application will align the use permit boundaries with the O-3 District lines as will be approved with Change of Zone No. 3237.

Landscape Screen Location Adjustment

6. The second part of this request is to allow the required landscape screen between the office area and the residential uses to be located on the residential property along Porter Ridge Road between South 28th Street and South 29th Street.

7. The *Design Standards for Zoning Regulations - Design Standards for Landscaping and Screening subsection 5) Adjacent Land Uses and Zoning Districts of Substantially Different Character; B-1, B-2, B-3, H-2, H-3, H-4, B-5, O-2, I-1, (and) 1-2, Abutting Residential Districts* states:

“The screen shall be evenly distributed horizontally, however, it may vary in height so as to screen at least sixty percent (60%) of the surface area of a vertical plane extending along the entire length of the property line and the ground elevation to a height of ten feet (10') above the adjacent ground elevation. This screen shall generally be located adjacent to the property line abutting the different uses.”

8. While the *Design Standards for Zoning Regulations - Design Standards for Landscaping and Screening subsection 6) Required Yards, Open Space Areas, Malls, and Around Buildings in the O-3, B-2, B-5, 1-2, (and) I-3 Districts and Churches* in R-1 through R-4 Residential Districts, requires:

“There shall be provided for each 10,000 square feet or fraction thereof of building coverage, four (4) trees with a design spread diameter of thirty (30') feet each or combination of trees to equal the same, and four hundred (400) square feet of shrub coverage.”

9. Generally, the O-3 District is considered to be a well landscaped and screened area so that specific screening is not required between the office park and abutting residential uses.

10. The screening and landscaping is proposed to be a 6 foot high opaque wood fence on the property line with a mix of coniferous and deciduous plantings on the residential lots along with future planting within the actual O-3 area.

11. This proposal is sufficient to meet the landscaping and screening requirements for the O-3 District.

12. This is similar to the screening and landscaping used on the residential lots on the west side of South 30th Street to the east which abuts the office area on the east side of South 29th Street.

14. The issue with this proposal is the homeowners of the future dwellings along Porter Ridge Road will have to maintain the plant materials rather than the owners of the office area. However, if the property owners are aware that they will have to maintain the screening, the concern is lessened.

15. The developer of the office area needs to be responsible for the installation of the fence and the plant materials.

General

16. The square footage, parking locations and circulation, access points, and signage elements are not being changed with this amendment.

Site Plan Corrections

17. The Use Permit site plan includes the area of Special Permit No 1629. This area should be removed from the site plan or specifically noted as not being part of the use permit.

18. The legal description, Land Use Table, and PM Peak Hour Trip Generation Table need to be revised to reflect only the Use Permit.

STAFF RECOMMENDATION:

Conditional approval

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 Submit certified information from an abstractor or an attorney indicating the current record owner(s) of all land within the limits of this application.
 - 1.2 Revise the site plan to show:
 - 1.2.1 The area of Special Permit No. 1629 removed from the site plan or the Use Permit/Special Permit boundary clearly identified and the special permit area labeled as not a part of the Use Permit.
 - 1.2.2 The legal description revised to include only the area of the Use Permit.
 - 1.2.3 The Land Use Table and PM Peak Hour Trip Generation Table revised to reflect only the Use Permit development.
 - 1.2.4 Add a note indicating that the future property owners of the lots along the north side of Porter Ridge Road will be advised that it will be their responsibility to maintain the required landscaping and screening on the northern 20 feet of their lots.
2. This approval permits the development of 100,000 square feet of office uses in the area north of the residential lots on the north side of Porter Ridge Road between South 28th Street and South 29th Street and running east and north between the H-4 area at the corner of South 29th Street and Pine Lake Road and the residential uses along the west side of South 30th Street.
3. The City Council approves:
 - 3.1 Change of Zone No. 3239

- 3.2 An adjustment to the *Design Standards for Zoning Regulations* - **Design Standards for Landscaping and Screening** to allow the screening and landscaping to be located on the residential lots along the north side of Porter Ridge Road.

General:

4. Before receiving building permits:
 - 4.1 The permittee shall have submitted a revised and reproducible final plan of the entire use permit area.
 - 4.2 Individual site plans, including design of sanitary sewer and water systems, grading and drainage plans, and landscape plans for each building envelope have been approved by the City.
 - 4.3 All signs and landscaping shall be located outside of the initial sight triangle at all intersections and driveways.
 - 4.4 The construction plans shall comply with the approved plans.
 - 4.5 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

6. The following conditions are applicable to all requests:
 - 6.1 Before occupying any of this development all development and construction shall have been completed in compliance with the approved plans.
 - 6.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established property owners association approved by the City Attorney.
 - 6.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 6.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 6.5 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

Richard A. Houck, AICP
Planner II
Planning Department

**CHANGE OF ZONE NO. 3273
and
USE PERMIT NO. 100A**

**CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:**

July 26, 2000

Members present: Carlson, Duvall, Newman, Taylor, Schwinn and Steward; Bayer, Hunter and Krieser absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3270; CHANGE OF ZONE NO. 3273; USE PERMIT NO. 100A; SPECIAL PERMIT NO. 1553A; SPECIAL PERMIT 1858;SPECIAL PERMIT NO. 1859; FINAL PLAT NO. 99039, BLACK FOREST ESTATES ADDITION; FINAL PLAT NO. 00002, HIMARK ESTATES 3RD ADDITION; FINAL PLAT NO. 00013, IRONGATE ESTATES ADDITION; COMPREHENSIVE PLAN CONFORMANCE NO. 00006; AND MISCELLANEOUS NO. 00006.**

Item No. 1.9, Comprehensive Plan Conformance No. 00006, and Item No. 1.10, Miscellaneous No. 00006, were removed from the Consent Agenda and scheduled for separate public hearing.

Steward moved to approve the remaining Consent Agenda, seconded by Newman and carried 5-0: Carlson, Duvall, Newman, Schwinn and Steward voting 'yes'; Taylor abstaining; Bayer, Hunter and Krieser absent.

Note: This is final action on Special Permit No. 1858, Special Permit No. 1859, Black Forest Estates Addition Final Plat No. 99039, Himark Estates 3rd Addition Final Plat No. 00002, and Irongate Estates Addition Final Plat No. 00013, unless appealed to the City Council by filing a notice of appeal with the City Clerk within 14 days of the action by the Planning Commission.