

City Council Introduction: **Monday**, July 23, 2001
Public Hearing: **Monday**, July 30, 2001, at **5:30 p.m.**

Bill No. 01-116

FACTSHEET

TITLE: CHANGE OF ZONE NO. 3313, from R-3 Residential to H-3 Highway Commercial, requested by Engineering Design Consultants on behalf of North Creek L.L.C., on property generally located at No. 27th Street and Whitehead Drive.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 06/13/01
Administrative Action: 06/13/01

STAFF RECOMMENDATION: Approval.

RECOMMENDATION: Approval (6-0: Newman, Duvall, Carlson, Krieser, Taylor and Schwinn voting 'yes'; Hunter, Bayer and Stewart absent).

ASSOCIATED REQUESTS: Preliminary Plat No. 01003, North Creek Commercial Center (01R-192)

FINDINGS OF FACT:

1. This change of zone request and the associated North Creek Commercial Center preliminary plat were heard at the same time before the Planning Commission.
2. The Planning staff recommendation to approve the change of zone request is based upon the "Analysis" as set forth on p.4-5, concluding in part that the proposed Preliminary Plat and Change of Zone are consistent with the previously approved preliminary plat. The Change of Zone conforms to the Comprehensive Plan.
3. The applicant's testimony is found on p.6.
4. There was no testimony in opposition.
5. On June 13, 2001, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: July 16, 2001

REVIEWED BY: _____

DATE: July 16, 2001

REFERENCE NUMBER: FS\CC\FSCZ3313

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.#: **North Creek Commercial Center**
Change of Zone #3313
Preliminary Plat #01003

Date: May 30, 2001

****As Revised by Planning Commission, 6/13/01****

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

PROPOSAL: Robert Dean, of Engineering Design Consultants, has applied for the following proposals in the vicinity of N. 27th Street and Whitehead Drive:

- 1) Change of Zone #3313 from R-3 Residential to H-3 Highway Commercial
- 2) Preliminary Plat #01003 North Creek Commercial Center consisting of 10 commercial lots.

Requested Waivers or Variations from:

- 1) Section 26.23.130 "Block size" to allow block lengths over 1,320 feet.

GENERAL INFORMATION:

APPLICANT: Robert Dean
Engineering Design Consultants
630 N. Cotner Blvd, Suite 105
Lincoln, NE 68505
(402) 464-4011

CONTACT: Same

LAND OWNER: North Creek L.L.C
Robert Hampton
6101 Village Drive, Suite 101
Lincoln, NE 68516

LOCATION: N. 27th Street and Whitehead Drive.

LEGAL DESCRIPTION: See Attached

EXISTING ZONING: R-3, Residential

SIZE: 37.34 acres, more or less

EXISTING LAND USE: Undeveloped

SURROUNDING LAND USE AND ZONING: Zoned H-3 Highway Commercial District to the north and east with commercial uses under development; zoned R-3, Residential and R-4, Residential to the south and southwest with a drainage way and wetlands and residential uses under development; zoned AG to the northwest across I-80 with a request for change of zone and preliminary plat to allow industrial uses under review.

COMPREHENSIVE PLAN SPECIFICATIONS: Shown as commercial on Figure 16 “Lincoln’s Land Use Plan” and on the “Approved Future Land Use” map of the “North 27th Street Subarea”.

HISTORY:

- The property was changed from A-2, residential to R-3, residential with the 1979 zoning update.
- The 1994 Lincoln Lancaster County Comprehensive Plan designated the future land use of the area as residential.
- The land use designation was changed from residential to industrial/employment center when the N. 27th Street Subarea Plan (Comprehensive Plan amendment #94-03) was adopted in September, 1996.
- The industrial employment center designation was changed to commercial with the Fourth Annual Review of the Comprehensive Plan in 1999.
- The property was included as an outlot for future commercial development in both the North Creek Preliminary Plat (approved in 1999) and the North Creek Trade Center Preliminary Plat approved in 2001.
- The area was annexed and is subject to the annexation agreement approved at the same time the North Creek Trade Center Preliminary Plat was approved on April 23, 2001.

SPECIFIC INFORMATION:

UTILITIES: Extension of water and sewer lines is addressed in the Preliminary Plat.

TOPOGRAPHY: Generally sloping from the north to the south.

TRAFFIC ANALYSIS: Telluride Drive, Whitehead Drive and Wildcat Circle are local, commercial streets. Wildcat Circle should extend through the property and connect with Telluride Drive to provide adequate circulation and to avoid block lengths that exceed 1,320 feet.

ENVIRONMENTAL CONCERNS: Areas for wetlands and flood plain/stormwater drainage are shown in outlots southwest of the proposed plat.

AESTHETIC CONSIDERATIONS: The area abuts I-80, an entry way to the city. The approved annexation agreement addresses signage and landscaping for the development. A note should be added to the plan specifying the signage limitations.

ANALYSIS:

Project Overview

1. This is a request for a change of zone from R-3 Residential to H-3 Highway Commercial and for a preliminary plat consisting of 10 commercial lots. The area was shown as an outlot for future commercial development in previously approved Preliminary Plats.
2. The area is designated for commercial land uses on Figure 16 "Lincoln's Land Use Plan" and in the North 27th Street Sub Area Plan, of the amended 1994 Lincoln-Lancaster County Comprehensive Plan. The change of zone is in general conformance with the Comprehensive Plan.

Entryway

3. The area is adjacent to Interstate 80. The City has prepared entryway design guidelines that include the section of I-80 abutting this development. However, specific recommendations for the corridor have not been adopted.
4. Through the previously approved annexation agreement the developer agreed to provide additional landscaping and to establish landscape covenants to provide a distinct character for the development with visual continuity. The landscaping covenants incorporate native plant materials. That agreement applies to this area as well.
5. The landscape plan on the Preliminary Plat shows a 20' buffer/landscape easement. The landscape incorporates native materials and was designed to be compatible with the recommended entryway guidelines. The I-80 frontage does require street trees, which will be required to be added to the landscape plan.
6. The proposed H-3 district allows 1 ground or pole sign per business per lot or 2 signs per lot occupied by a single business. Because the area is within 660' of the Interstate, the signs could be up to 80' high.
7. The approved annexation agreement restricts the number of allowed signs to only 1 sign per lot. The sign could be either a ground sign or a pylon sign. A pylon sign is similar to a pole sign but has a base that is at least 24" wide. The maximum height allowed for a pylon sign would be 30'. Off premises signs (billboards) are not allowed. The signs would be designed of non-reflective material that is the same or similar to the building with which it is associated. The sign covenants will be an attachment to the annexation agreement.
8. The developer has provided design covenants for the buildings. The proposed covenants could be changed only with the approval of the Planning Director or City Council.
9. The proposed preliminary plat contains 10 commercial lots. The developer anticipates that Lot 4 and Lot 10 will ultimately be combined with existing lots to the north through the administrative platting process.

10. The developer has requested a waiver of the block length requirement. Due to the location of the Interstate, and wetlands, this request is reasonable to the northwest and south. However, there is not justification why Wildcat Circle should not be extended to Telluride Drive to meet the 1,320' block length requirement and improve traffic circulation.

Conclusion

The proposed Preliminary Plat and Change of Zone are consistent with the previously approved preliminary plat. The Change of Zone conforms to the Comprehensive Plan. The approved annexation agreement applies to this property. There is not justification to grant the waiver to the 1,320' block length. Therefore, Wildcat Circle should be extended to Telluride Drive.

STAFF RECOMMENDATION:

- Approval of Change of Zone #3313
- Conditional Approval of Preliminary Plat #01001
 - Approval of the Waiver of Block Length adjacent to the Interstate and the wetlands
 - Denial of the Waiver of Block Length along Telluride Drive

**CHANGE OF ZONE NO. 3313
and
PRELIMINARY PLAT NO. 01003,
NORTH CREEK COMMERCIAL CENTER,**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 13, 2001

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

Planning staff recommendation: Approval of the change of zone and conditional approval of the preliminary plat; however, denial of the waiver of block length along Telluride Drive.

Proponents

1. Mark Hunzeker appeared on behalf of **North Creek Development**. This application is in accordance with the covenants and conditions that were part and parcel to the previous rezoning and preliminary plat that took place recently. The only issue is the requested waiver of the block length along Telluride Drive. This plat abuts a wetland on the southwest and I-80 on the northwest, and waivers of the block length are being granted along both of those areas. Likewise, on the east side of Telluride running along the east side of this plat, a waiver of the block length was granted because the east side of those lots is 27th Street. The only issue here is whether or not the cul-de-sac shown should be extended on down to Telluride. Looking at Lots 1 and 2, which comprise the entire frontage of this plat along Telluride, those lots have been sold to a single buyer. Together they are more than 10 acres. If this condition is not waived, they will end up with a plat which proposes a street that runs on down to Telluride, but as a practical matter, it will stop at the west line of those two lots because that 10 acre parcel will be sold in one piece and will not be owned by this developer at the time the final plat is approved. This developer will not be building that street regardless. Hunzeker requested that the waiver of block length be granted and that access be provided via the cul-de-sac. These are businesses which will not require a great deal of drive-by traffic. Hunzeker requested that Condition #2.1.2 be amended as follows:

A modification to the requirements of the land subdivision ordinance to permit a waiver of the block length requirement along I-80, ~~and~~ the wetlands located along the southwestern boundary of the Preliminary Plat, and along Telluride Drive.

The staff's recommendation to deny this waiver is based upon the written standards of the subdivision ordinance. Lots 1 and 2 together are more than 10 acres, so once this matter is moved forward, those lots could be sold as a single parcel without a final plat. Telluride and Whitehead Drive already exist so access is there. The buyer of those two parcels will not want the street running through and splitting what he intends to buy and use as a single parcel. There will not be a street there. Access back to Fletcher is available and you can move out to 27th to get south.

There was no testimony in opposition.

Staff questions

Carlson was not sure where the road would have to make contact and he wondered about justification for the waiver being requested. Jennifer Dam of Planning staff advised that the subdivision ordinance provides the block length requirement. It would need to connect from the cul-de-sac to a point on Telluride to meet the block length requirements for ease of traffic circulation. The developer is not proposing a preliminary plat with just one lot on that frontage. There is no engineering evidence why that block length cannot be met. They can create a 10-acre parcel; however, that is not what was proposed in this preliminary plat. Carlson clarified with staff that the block length is strictly a circulation issue as opposed to a safety issue. Dam concurred.

Public hearing was closed.

CHANGE OF ZONE NO. 3313

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

June 13, 2001

Duvall moved approval, seconded by Carlson and carried 6-0: Newman, Duvall, Carlson, Krieser, Taylor and Schwinn voting 'yes'; Hunter, Bayer and Steward absent.

PRELIMINARY PLAT NO. 01003

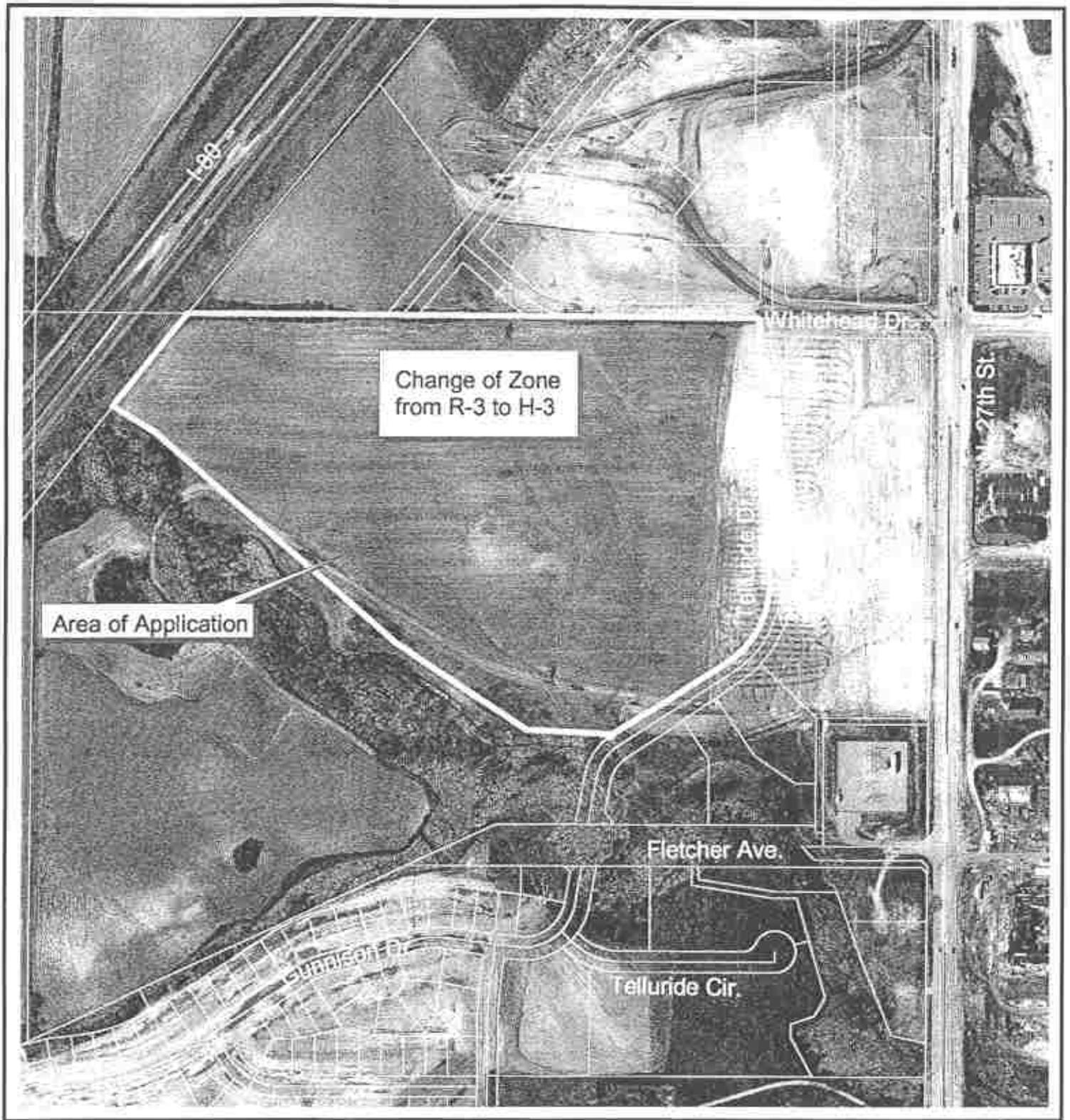
ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

June 13, 2001

Duvall moved to approve the Planning staff recommendation of conditional approval, with the amendment to Condition #2.1.2 as requested by the applicant to waive the block length along Telluride Drive, seconded by Krieser.

Carlson commented that if the block length waiver were a safety issue for emergency vehicles it would be a lot more important. With commercial and industrial it will be mostly concrete and parking lots anyway and they will circulate in their own fashion.

Motion for conditional approval, with amendment to Condition #2.1.2, carried 6-0: Newman, Duvall, Carlson, Krieser, Taylor and Schwinn voting 'yes'; Hunter, Bayer and Steward absent.



Change of Zone
from R-3 to H-3

Area of Application

Whitehead Dr.

N. 27th St.

Fletcher Ave.

Telluride Cir.

Garrison Dr.

1-88

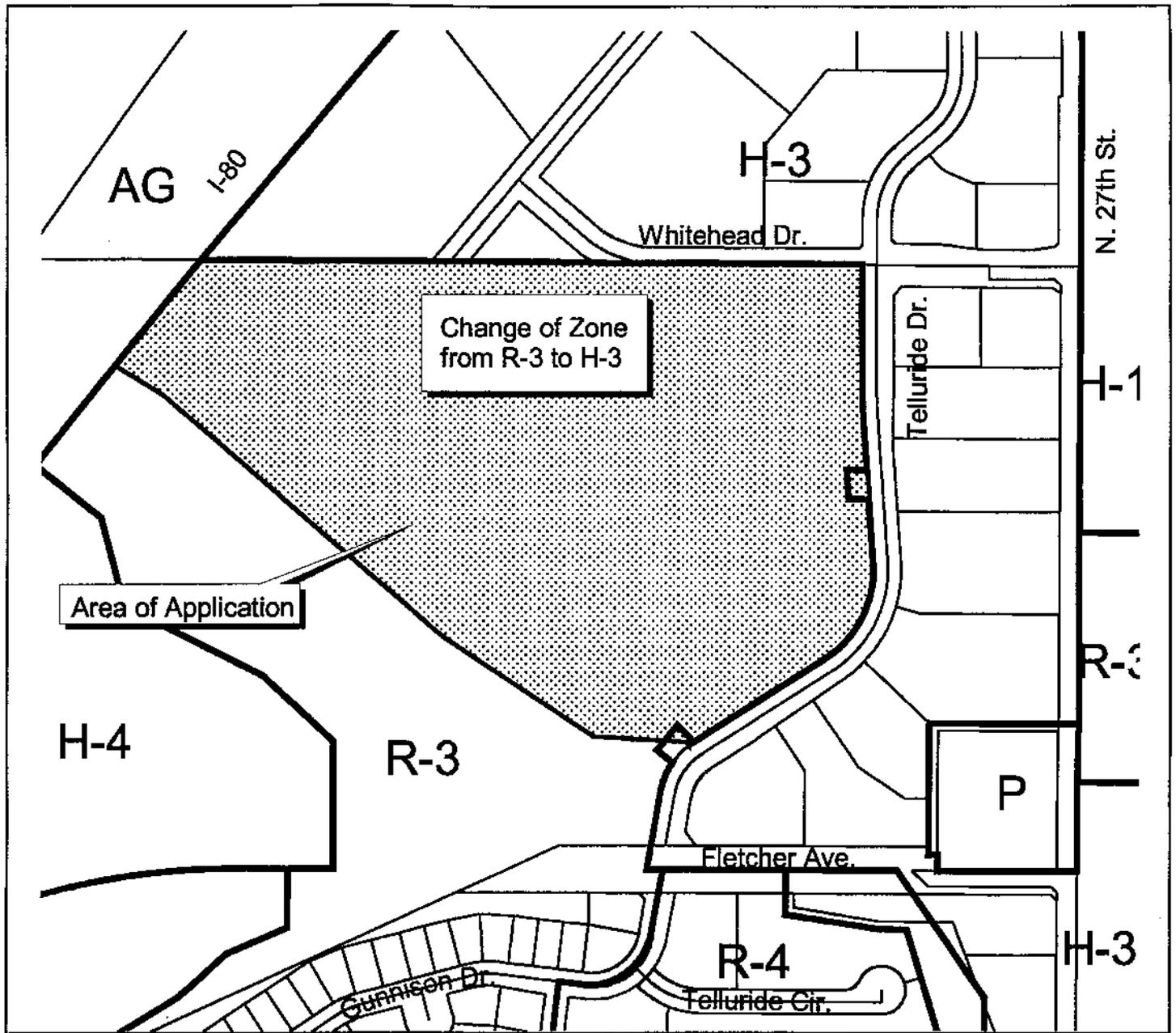
Preliminary Plat #01003
Change of Zone 3313
N. 27th & Whitehead Dr.



Date: _____

Photograph Date: 1999 008

Lincoln City - Lancaster County Planning Dept.

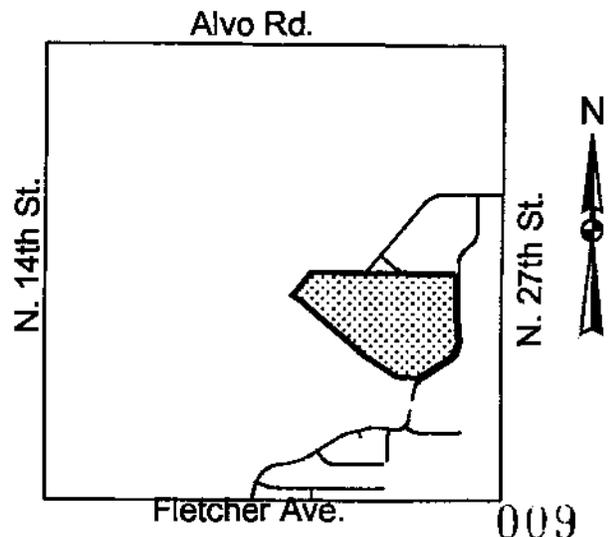
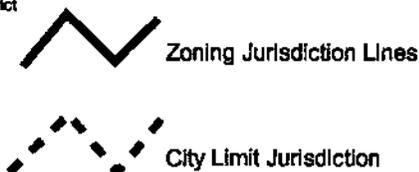


**Preliminary Plat #01003
Change of Zone 3313
N. 27th & Whitehead Dr.**

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation 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. 36 T11N R6E



**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Jennifer Dam

DATE: 3/12/2001

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Leon F. Vinci, MPH
EH File
EH Administration

SUBJECT: North Creek Commercial
Center

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the application for a change of zone and has noted the following:

- If the change of zone from R-3 to H-3 is approved, the LLCHD does have concerns regarding the future uses in the H-3 and the close proximity of the residential zone to the southwest. Under the permitted uses for H-3 zoning, warehouses are a permitted use. LLCHD has concerns regarding the storage of hazardous chemicals in such facilities because of the potential for adverse public health impacts from a hazardous chemical spill, fire, or other natural disaster. Therefore, before the LLCHD can make informed recommendations, the LLCHD requests the applicant to submit additional information regarding the future uses in the proposed H-3 zone. If uses can be restricted, LLCHD would appreciate being directly involved in that discussion process.
- The applicant should review the City of Lincoln, Noise Control Ordinance Chapter 8.24 L.M.C. Specifically, measured at the property line for residential zoning, noise pollution cannot exceed 65 dB(A) from 7:00 am to 10:00 pm and 55 dB(A) from 10:00 pm to 7:00 am.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of vegetable ground cover will also be incorporated as necessary.
- Provisions should be made for retaining as much tree mass as possible. Alternately, the applicant will need to plan for disposal of tree waste by burying on site, grinding, offering for firewood or hauling to the landfill. Permits for open burning of tree waste within the city limits will not be approved and applications for burning within the 3-mile zone are unlikely to be approved.