

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT
for September 28, 2016 PLANNING COMMISSION MEETING

PROJECT #: Special Permit No. 1013K - Trade Center

PROPOSAL: A request for a special permit for a kennel with an outdoor area for more than three animals per Section 27.63.790.

LOCATION: 5930 South 57th Street

LAND AREA: 0.52 acres, more or less

EXISTING ZONING: H-4 General Commercial

CONCLUSION: This request is located in the H-4 zoning district, and subject to all the conditions of Special Permit 27.63.790.

RECOMMENDATION:	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 4-6, Block 1, Country Place 4th Addition, located in the NW 1/4 of Section 16-9-7, Lincoln, Lancaster County, Nebraska.

EXISTING LAND USE: Commercial

SURROUNDING LAND USE AND ZONING:

North:	Commercial	H-4
South:	Commercial	H-4
East:	Railroad Tracks, commercial beyond	H-4
West:	Commercial	H-4

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg. 1.9 - The Future Land Use Map designates the area for commercial land uses.

Pg. 5.2 - Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.

ANALYSIS:

1. The subject property is located in the H-4 zoning district, where kennels are allowed as a conditional use. The conditions state that a kennel is allowed if the associated outdoor area is more than 200' away from a residential zoning district, and if no more than three animals are allowed outside at any one time. These conditions can be waived by Special Permit 27.63.790, which is the case with this application. The applicant is seeking approval of an outdoor area for more than three animals at any one time.
2. The subject property is located within the boundary of the Planned Service Commercial special permit for the Trade Center. The original special permit, SP#1013, is being amended for this application.
3. The proposed outdoor area is approximately 20' x 80' based upon a measurement of the un-scaled, un-dimensioned exhibit submitted as part of the application. The building is fully surrounded by commercial zoning and commercial development. The nearest residential zoning is R-1 Residential to the northwest of the property across South 56th Street in excess of 300' away. The R-1 area is developed with a miniature golf course which is also subject to a special permit.
4. Special Permit 27.63.790 contains several limitations. It is not clear from the exhibit provided that all the limitations are understood or intended to be met, and so the requirement that a note indicating such be added to the site plan is included as a recommended condition of approval. The applicable limitations under Special Permit 27.63.790 are as follows:

A. **The outdoor area and fences surrounding the outdoor area must meet the setbacks of the zoning district.**

This requirement means that the outdoor area for animals must be located outside any required setbacks, so the outdoor area is treated the same as the building with respect to setbacks. The building is more than 50' away from the east lot line, so there is more than enough room to accommodate the 20'-deep outdoor area.

B. **Outdoor areas shall be screened 100% from the ground to six feet with an opaque fence or wall.**

The type of screening or fencing is not specified on the exhibit provided. A 6'-tall privacy fence is the typical solution to satisfy this requirement.

C. Use of outdoor areas between 0:00 p.m. and 7:00 a.m. is prohibited.

Hours of operation of the outdoor are not specified in the application, but ongoing compliance is a requirement of the special permit.

D. Animals in the outdoor area shall be under supervision of handlers at all times.

This requirement was added to prevent animals from being turned out in an enclosure where barking goes unchecked. Again, this was not addressed in the application but is a requirement of the special permit if the use is established.

E. In addition, the Planning Commission may limit the number of animals allowed in the outdoor area at any one time.

The specific number of animals that are anticipated to be outside at any one time is not noted in the application. The enclosure is approximately 1,600 square feet and large enough to accommodate several animals. The concern for the number of animals is not as significant at this location which is situated in a large commercial center, as it would be if it were in proximity to dwellings or a residential area.

5. Special Permit #1013 designated uses throughout the Trade Center, and allocated parking based upon those anticipated uses. The parking provided for any given building is a combination of on-site spaces located on individual lots, and spaces located in common areas and not on individual lots.

The subject lot was designated for 10,562 square feet of commercial floor area. At a ratio of 1 stall per 300 square feet of floor area, 36 stall are required. Per the special permit, 46 stalls are allocated for this site, 10 more than required.

The outdoor area requires the removal of at least 6 spaces, still leaving 4 in excess of the number required. It should be noted that one of the stalls to be removed is a handicap-accessible space which will need to be relocated. Parking lot striping and accessibility will be reviewed at the time of building permits and be required to meet all applicable requirements at that time.

6. This use is located in the Trade Center, which is entirely zoned H-4 General Commercial. The center is mostly populated by uses such as building contractors and commercial suppliers. The range of uses is best characterized as more intense than a typical retail center, but less intense than an industrial center. When considering the existing range of uses in the Trade Center, the proposed use is compatible and in character with the area.

7. Provided the site plan for Special Permit #1013 is modified as recommended in the conditions of approval, this request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

CONDITIONS OF APPROVAL:

Per Section 27.63.790 this approval permits a kennel with an outdoor for more than three animals at one time.

Site Specific Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department three copies of a revised and reproducible final site plan with all required revisions and documents as listed below:
 - 1.1 Revise the site plan to include the following:
 - A. Add a note which states "A kennel with an outdoor for more than three animals at one time is allowed on Lots 4-6 subject to all the requirements of LMC 27.63.790."
 - 1.2 Revise the land use/parking table to reflect the reduced number of spaces to be provided on Lots 4-6 due to the addition of the outdoor area.
2. Before receiving building permits 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 special permit has been recorded.

Standard Conditions:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the buildings all development and construction shall substantially comply with the approved plans.
 - 3.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
 - 3.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

- 3.4 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, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

Prepared by:

Brian Will, AICP, 441-6362, bwill@lincoln.ne.gov
Planner
September 14, 2016

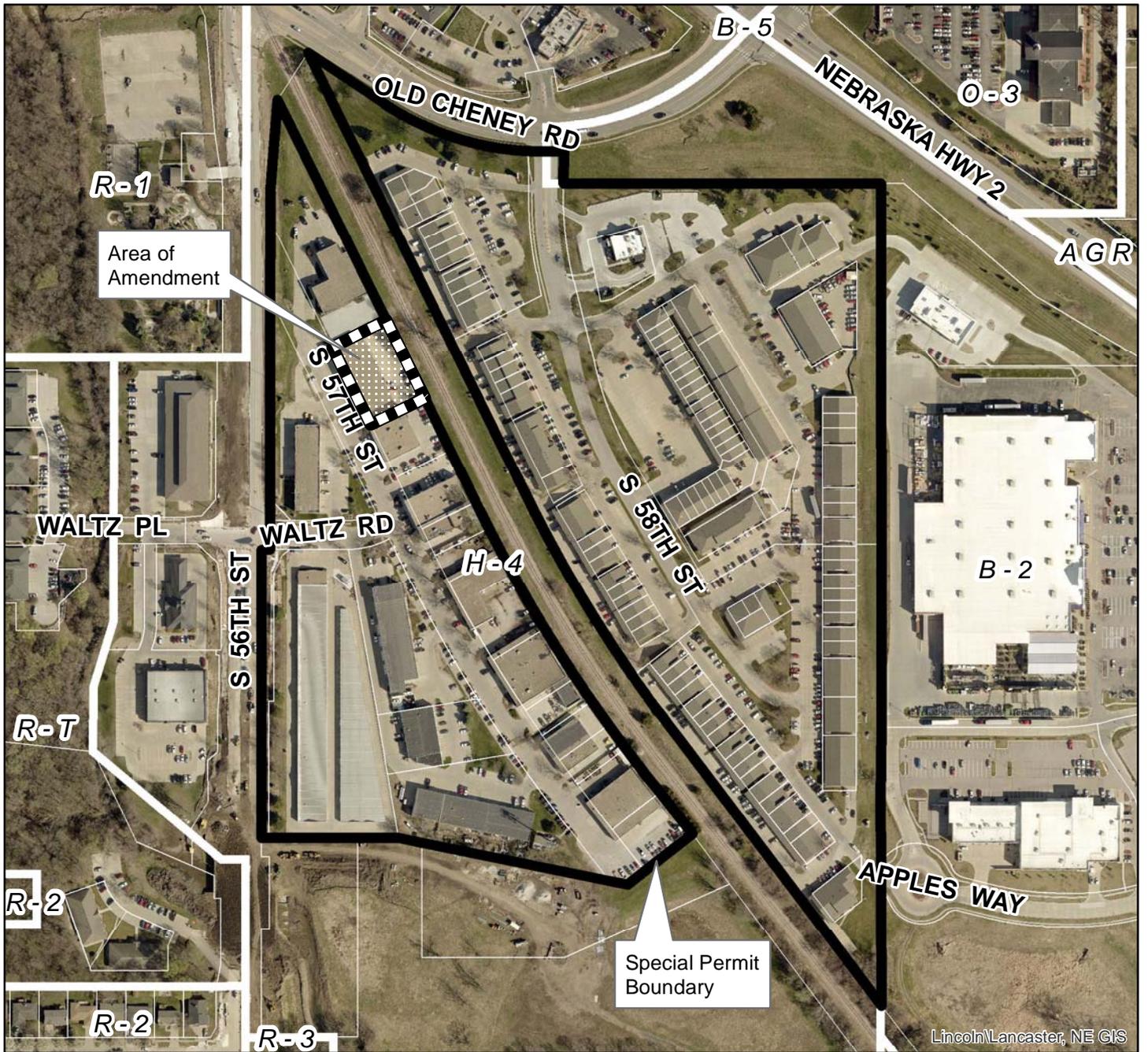
**APPLICANT/
CONTACT:**

Derek Zimmerman
1248 O Street, Ste. 600
Lincoln, NE 68508
402-475-1075

OWNER:

1701 Leasing Group, LLC
4800 Eagle Ridge Road
Lincoln, NE 68516

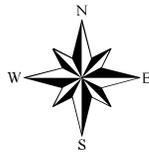
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Lincoln/Lancaster, NE GIS

2016 aerial

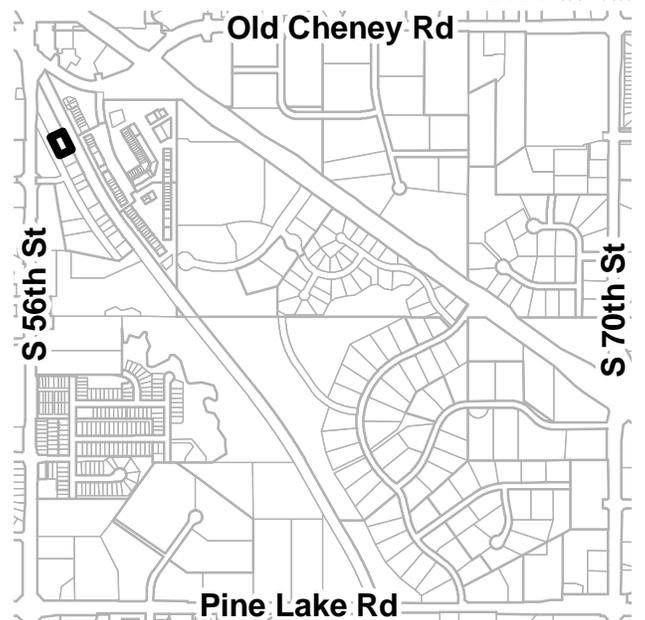
Special Permit #: SP1013K
Trade Center
S 56th St & Waltz Rd

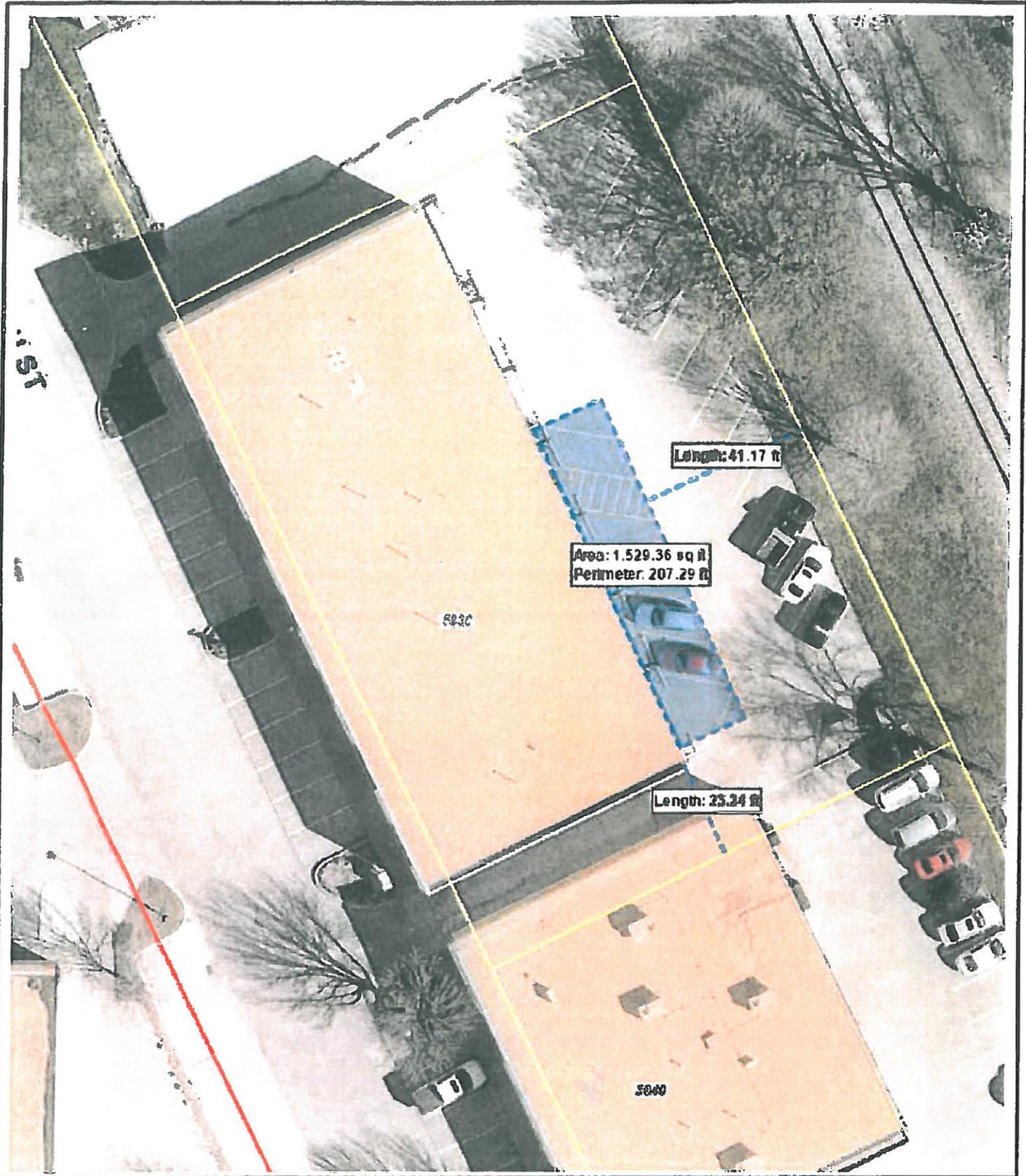


One Square Mile:
 Sec. 16 T09N R07E

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





Lancaster County/City of Lincoln GIS Map

5930 South 57th Street

 Proposed Outdoor Area



Printed: Sep 07, 2016

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email esmi@lincoln.ne.gov and you will be directed to the appropriate department.



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DALLAS D. JONES
JILL GRADWOHL SCHROEDER
DAVID A. DUDLEY
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ALSO ADMITTED IN:
*IOWA
**KANSAS

August 31, 2016

Via Hand Delivery

Mr. David Cary
Lincoln Planning Department
555 South 10th Street, Ste. 213
Lincoln, NE 68508

RE: Application for Special Permit

Dear Mr. Cary:

On behalf of Colleen Clark as the contract purchaser for the property located at 5930 South 57th Street, Lincoln, Nebraska, legally described as Country Place 4th Addition, Block 1, Lots 4-6, attached with this correspondence is the Application for Special Permit. The purpose of this Application is to allow Ms. Clark to operate a kennel facility with an outdoor area that meets the requirements of 27.63.790 of the Lincoln Municipal Code. The proposed use is compatible with that of the surrounding properties, and the designated outdoor area meets the setbacks of the zoning district.

If you have any questions or need additional information, do not hesitate to contact me.

Sincerely,

Derek C. Zimmerman
For the Firm
dzimmerman@baylorevenen.com

Enclosures

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