

# **Lincoln City - Lancaster County**

## **PLANNING COMMISSION AGENDA**

### **PLANNING COMMISSION**

Dennis Scheer: Chair

Tracy Corr: Vice-Chair

Thomas Beckius

Dick Campbell

Tracy Edgerton

Deane Finnegan

Maja V. Harris

Cristy Joy

Sändra Washington

### **PLANNING STAFF**

David R. Cary: Director

Geri Rorabaugh: Administrative Officer

Rhonda Haas: Office Specialist

## **June 12, 2019**



**NOTICE:** The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, June 12, 2019, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

**\*\*PLEASE NOTE:** The Planning Commission action is final action on any item with a notation of "FINAL ACTION". Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission.

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

## **AGENDA**

**WEDNESDAY, June 12, 2019**

Approval of minutes of the regular meeting held May 29, 2019.

**1. CONSENT AGENDA  
(Public Hearing and Administrative Action):**

**SPECIAL PERMIT:**

Page 01 1.1 SPECIAL PERMIT 19028, for Planned Service Commercial, with waivers to reduce the minimum parking for a furniture store and waive the floor area regulations for stores or shops for retail sales, on property generally located at 2240 Fletcher Avenue.

**Staff recommendation: Conditional Approval**

**Staff Planner: Rachel Jones, 402-441-7603, [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)**

Page 15 1.2 SPECIAL PERMIT 19029, to allow an expanded home occupation for indoor storage, on property generally located at 6531 West Denton Road.

**\*\*\*FINAL ACTION\*\*\***

**Staff recommendation: Conditional Approval**

**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)**

**2. REQUESTS FOR DEFERRAL:**

**3. ITEMS REMOVED FROM CONSENT AGENDA:**

**4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:**

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**AT THIS TIME, ANYONE WISHING TO SPEAK ON AN ITEM NOT ON THE AGENDA, MAY DO SO**

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**Adjournment**

**PENDING LIST:** *Preliminary Plat 18002, to add 430 residential lots on approximately 152.1 acres, more or less, on property generally located at the SW corner of West Old Cheney Road and South Folsom Street. \*\*\* FINAL ACTION \*\*\**

*Special Permit 18045, to allow for a County AG (Agricultural District) CUP (Community Unit Plan), consisting of 148.49 acres, more or less, for 9 single family acreage lots on property generally located at North 14<sup>th</sup> Street and Rock Creek Road.*

**Planning Department Staff Contacts:**

David Cary, <i>Director</i> .....	402-441-6364..	<a href="mailto:dcary@lincoln.ne.gov">dcary@lincoln.ne.gov</a>
Stephen Henrichsen, <i>Development Review Manager</i> .....	402-441-6374 ..	<a href="mailto:shenrichsen@lincoln.ne.gov">shenrichsen@lincoln.ne.gov</a>
Paul Barnes, <i>Long Range Planning Manager</i> .....	402-441-6372..	<a href="mailto:pbarnes@lincoln.ne.gov">pbarnes@lincoln.ne.gov</a>
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Kellee Van Bruggen, <i>Transportation Planner</i> .....	402-441-6363..	<a href="mailto:kvanbruggen@lincoln.ne.gov">kvanbruggen@lincoln.ne.gov</a>
Ed Zimmer, <i>Historic Preservation Planner</i> .....	402-441-6360..	<a href="mailto:ezimmer@lincoln.ne.gov">ezimmer@lincoln.ne.gov</a>

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**The Planning Commission meeting which is broadcast live at 1:00 p.m. every other Wednesday will be rebroadcast on Wednesdays at 7:00 p.m., Thursdays at 12:00 a.m. and Sundays at 12:30 p.m. on 5 City TV, Cable Channel 5.**

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**The Planning Commission agenda may be accessed on the Internet at <http://www.lincoln.ne.gov/city/plan/pcagenda/index.htm>**

**ACCOMMODATION NOTICE**

The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln, please contact the Director of Equity and Diversity, Lincoln Commission on Human Rights, at 402 441-7624 as soon as possible before the scheduled meeting date in order to make your request.

## MEETING RECORD

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, May 29, 2019, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska

**MEMBERS IN ATTENDANCE** Tom Beckius, Dick Campbell, Tracy Corr, Tracy Edgerton, Cristy Joy, Maja V. Harris, Dennis Scheer; (Sandra Washington, Deanne Finnegan absent). David Cary, Steve Henrichsen, Ed Zimmer, Geri Rorabaugh and Rhonda Haas of the Planning Department; media and other interested citizens.

**STATED PURPOSE OF MEETING:** Regular Planning Commission Hearing

Chair Scheer called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

Next, Steve Henrichsen, Planning Department, introduced and welcomed Rhonda Haas as the new Office Specialist for the Development Review Division of the Planning Department. Rhonda formerly worked for the City Clerk's Office, and her duties include providing clerical assistance for Planning Commission-related tasks, attending the hearings, and the preparation of minutes.

Scheer requested a motion approving the minutes for the regular meeting held May 15, 2019. Motion for approval made by Campbell, seconded by Beckius and carried 7-0: Beckius, Campbell, Edgerton, Harris, Joy, Corr and Scheer voting 'yes'; Washington, Finnegan absent.

### **CONSENT AGENDA**

### **PUBLIC HEARING & ADMINISTRATIVE ACTION**

### **BEFORE PLANNING COMMISSION:**

**May 29, 2019**

Members present: Beckius, Campbell, Edgerton, Harris, Joy, Corr and Scheer; Washington and Finnegan absent.

Scheer declared a Conflict of Interest on items 1.5a and 1.5b. and exited the chambers.

The Consent Agenda consisted of the following items: **Annexation 19006, Change of Zone 19015, Special Permit 19024, Change of Zone 19013, Special Permit/Use Permit 19C, Special Permit 19026, Special Permit 1960B, Street and Alley Vacation 19005.**

Note: This is **FINAL ACTION** on **Special Permit 19025; Special Permit/Use Permit 19C; Special Permit 19026; and Special Permit 1960B** unless appealed by filing a letter in the Office of the City Clerk within 14 days. This is a recommendation to the City Council all other items.

Campbell moved approval of the Consent Agenda, seconded by Beckius and carried 6-0: Beckius, Campbell, Edgerton, Harris, Joy and Corr; Scheer declared a conflict of interest on Special Permit 1960B and Special Permit 19026 and recused himself from voting on the Consent Agenda; Washington and Finnegan absent.

Vice-Chair Corr called for Requests for Deferral.

**PRELIMINARY PLAT 18002**

**TO ADD 430 RESIDENTIAL LOTS ON APPROXIMATELY 152.1 ACRES, MORE OR LESS, ON PROPERTY GENERALLY LOCATED AT THE SW CORNER OF WEST OLD CHENEY ROAD AND SOUTH FOLSOM STREET:** **May 29, 2019**

Chair Scheer returned to chambers.

Members present: Beckius, Campbell, Edgerton, Harris, Joy, Corr and Scheer; Washington and Finnegan absent.

**Staff recommendation:** Four-week deferral

The Clerk noted that the applicant has requested to defer this item for four weeks to the regular Planning Commission hearing on June 26, 2019.

Campbell moved for a four-week deferral until June 26, 2019, seconded by Joy and carried 7-0: Beckius, Campbell, Edgerton, Harris, Joy, Corr and Scheer 'yes'; Finnegan and Washington absent.

**CHANGE OF ZONE 19016**

**FROM R-2 (RESIDENTIAL DISTRICT) TO A R-2 (RESIDENTIAL DISTRICT) WITH LANDMARK OVERLAY (HISTORIC PRESERVATION DISTRICT)**

**AND**

**SPECIAL PERMIT 19027**

**TO ALLOW FOR THE CONSTRUCTION OF A DETACHED GARAGE, WITH WAIVERS REGARDING HEIGHT, LOT AND AREA, AND OTHER ZONING RESTRICTIONS, ON A NEWLY DESIGNATED HISTORIC LANDMARK, BEING PROPERTY GENERALLY LOCATED AT 3422 GRIMSBY LANE.**

**May 29, 2019**

Members present: Beckius, Campbell, Edgerton, Harris, Joy, Corr and Scheer; Finnegan and Washington absent.

There was ex parte communications disclosed on these items.

Harris disclosed that this project was posted on her Neighborhood Association Facebook Page, stating that is where she learned about it, but did not participate.

**Staff recommendation: Conditional Approval**

**Staff Presentation: Ed Zimmer, Planning Department**, stated he would be presenting both items beginning with the landmark designation and then the special permit. These two items are associated, but they are not eligible for the special permit unless there is a landmark designation. Both of these items have been presented to the Preservation Commission and recommend your approval. This is located in the Woodshire Neighborhood which is also the Woodshire National Registry Historic District. This is recommended on the basis that this is a fine Tudor Revival style house, which were built from 1930 to 1934 and this qualifies on its architectural merit alone. The owner's purpose is to construct a garage in their backyard that would fit the style of the house. The garage is taller than the limit would normally allow, as the owners are wanting this garage to have two floors with storage below and a workshop above along with a bathroom. Because of where they are wanting to place the bathroom, they are wanting to condition the space, which is not normally allowed in the rear yard. We have include these conditions with a little broader language to allow for situations that may be missed in this design to allow the process of being approved and constructed, to enable the Planning Director to have the authority to approve or deny additional changes.

Corr asked if in the future someone wanted to change the garage into an apartment, would they need to go through the process again. Zimmer said yes, they would need to come back to amend the application.

**APPLICANT:**

1. Chad Mohr stated that they purchased the house in 2003 and had added a small addition prior to it being considered as a landmark doing everything to make it look as if it had always been there. The intention is to have a nice garage that fits with the house and the neighborhood.

No one appeared in support or opposition.

**CHANGE OF ZONE 19016**

**ACTION BY PLANNING COMMISSION:**

**May 29, 2019**

Beckius moved approval, seconded by Corr and carried 7-0: Beckius, Campbell, Edgerton, Harris, Joy, Corr and Scheer 'yes'; Finnegan and Washington absent.

Beckius shared that it appears that the applicant has done a nice job in trying to implement the proposed structure with the existing neighborhood, stating that it fits nicely.

Corr thanked the applicant for going above and beyond making this project blend in with the neighborhood.

Scheer shared that it's a beautiful structure with a beautiful design, stating this is the building that we would want to see there.

**SPECIAL PERMIT 19027**

**ACTION BY PLANNING COMMISSION:**

**May 29, 2019**

Egerton moved Conditional Approval, seconded by Corr and carried 7-0: Beckius, Campbell, Edgerton, Harris, Joy, Corr and Scheer 'yes'; Finnegan and Washington absent.

There being no further business to come before the Commission, the meeting was adjourned at 1:20 p.m.

Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, June 12, 2019.

**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

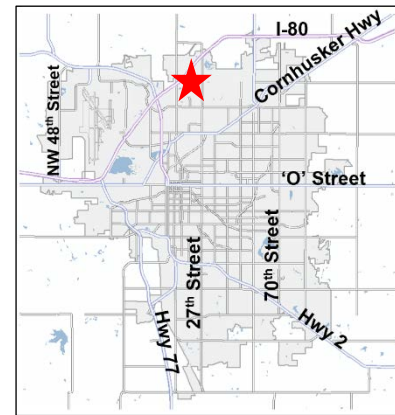
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit 19028	FINAL ACTION? No	DEVELOPER/OWNER RR&T Enterprises, LLC
PLANNING COMMISSION HEARING DATE June 12, 2019	RELATED APPLICATIONS Text Amendment 19003	PROPERTY ADDRESS 2240 Fletcher Avenue

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

**BRIEF SUMMARY OF REQUEST**

This is a request for a Special Permit for Planned Service Commercial to develop up to 102,000 square feet of commercial floor area including a furniture store and space for additional retail tenants. The applicant requests waivers to reduce the minimum required parking for the furniture store and waive the floor area requirements under the special permit for retail stores and shops.



**JUSTIFICATION FOR RECOMMENDATION**

The Planned Service Commercial Special Permit provides mechanisms for modifying parking and floor area requirements consistent with adequate protection of neighboring land uses and addressing impacts on the street network. The requested waivers are supported based on the conditions of the special permit to obtain an agreement for the necessary offsite parking stalls and construct a right turn lane to address impacts to traffic movement on Fletcher Avenue resulting from the development.

**APPLICATION CONTACT**

Cristy Joy, (402) 464-6600 or [cjoy@archi-etc.com](mailto:cjoy@archi-etc.com)

**STAFF CONTACT**

Rachel Jones, (402) 441-7603 or [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The Comprehensive Plan supports flexibility in the siting of commercial and industrial sites and fostering economic growth that affords predictability for neighbors. This proposal would grant reasonable flexibility for the proposed tenants and makes use of shared parking, which is encouraged by the Comprehensive Plan.

**WAIVERS**

1. Allow stores or shops for retail sales and services exceeding 30,000 square feet in floor area per building and waive the minimum land area to floor area ratio per Section 27.63.470.a.11. (Recommend Approval)
2. Reduce the minimum required parking for furniture stores from 1 stall per 300 square feet to 1 stall per 600 square feet. (Recommend Approval)

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future commercial on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 - Commercial. Areas of retail, office, service and residential mixed uses. Commercial uses may vary widely in their intensity of use and impact. Individual areas designated as commercial in the land use plan may not be appropriate for every commercial zoning district.

P. 5.1-5.2 - Business & Economy Guiding Principles

- Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.
- Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.
- Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.
- Provide flexibility to the marketplace in siting future commercial and industrial locations.
- Strive for predictability for neighborhoods and developers.

P. 5.15, 6.8 - Detailed Strategies for Commercial Infill and Mixed Use Redevelopment - Encourage shared parking between land uses with different peak demand periods.

P. 7.7 - Detailed Strategies for Developing Neighborhoods: Encourage shared parking wherever possible.

## ANALYSIS

1. This is a request for a new Special Permit for Planned Service Commercial over one property comprised of a portion of Lot 1, Block 2, North Creek Business Park to develop up to 102,000 square feet of commercial floor area. The applicant proposes a furniture store of approximately 89,500 square feet and approximately 12,500 square feet of additional retail space for other tenants.
2. Two waivers are requested according to Section 27.63.470.d of the Special Permit for Planned Service Commercial, which states: **"The City Council may adjust the floor area requirements above, height and lot regulations, and minimum parking applicable in the H-4 General Commercial District, consistent with adequate protection of the environments of adjacent land uses."**
  - a. *Reduce the minimum required parking for furniture stores from 1 stall per 300 square feet to 1 stall per 600 square feet.*

The proposed parking reduction would result in a parking requirement of 150 stalls for the furniture store. Other retail tenant parking will remain at the 1:300 ratio and would require an additional 42 stalls. This waiver is supported based on documentation provided by the applicant that they anticipate a lower parking demand for the furniture store than the standard parking requirement.

The applicant's support includes a study documenting a lower parking demand at a similar furniture retailer operated by the owner in Omaha that showed a range of 15-53 vehicles in the parking lot at any one time during the study, with the average count being approximately 31 stalls. The applicant also submitted aerial photos of other similar stores in Lincoln that show relatively few cars in the parking lots, although it should be noted that the time of day these aerials were taken is unknown. On the basis of the applicant's lower anticipated parking demand for their proposed store, the reduced parking is reasonable and should not have a negative impact on neighboring properties.

- b. *Waiver to Section 27.63.470.a.11, which states the following allowed use: "Stores or shops for retail sales and services not exceeding 30,000 square feet in floor area per building; provided, there is at least four and one-half square feet of land area excluding other uses and their accessory uses within the approved special permit area per one square foot of floor area;"*

The cap on retail square footage in the Planned Service Commercial Special Permit is part of a larger pattern where in the majority of districts where retail is allowed, it is either limited or there is a requirement for a Use Permit review. Retail sales are limited to 20,000 square feet per business in the I-1 and H-3 districts and 30,000 square feet in H-4. The I-2 district also has strict limitations on the amount of retail space. The B-2 and B-5 districts require a use permit before any sized store can open and the I-3 also requires a Use Permit and has an overall percentage cap. The B-1 and B-3 districts are in older neighborhoods where there are few parcels large enough for a store over 20,000 or 30,000 square feet. There are strict limitations in the O-1 and O-3 districts, and the O-2, R-T and H-1 districts don't allow retail sales.

The 1979 zoning update followed the Comprehensive Plan goals at the time that supported the majority of retail to be located Downtown. Over time, this policy was eliminated from the Comprehensive Plan. The Special Permit for Planned Service Commercial now primarily allows for review by the City of the traffic impact of the large retailer on the adjacent street network.

The proposed building floor area is approximately 102,000 square feet, which exceeds the square footage cap of 30,000 square feet. Their land area to floor area ratio also would not meet the standard described above, which would require a land area of at least 464,059 square feet. The property size is 358,979 square feet.

As described above, this special permit allows the City Council to adjust the floor area requirements as long as the modification is consistent with adequate protection of adjacent land uses. The primary ways in which a large building on this site would impact adjacent developments in this area would be overflow parking and increase in traffic. A right turn lane is required for this development by the Access Management Plan to expedite movement of through traffic on Fletcher Avenue and promote safety. In addition, an exhibit is required to demonstrate that the existing driveway structure can properly accommodate turning tractor trailers. Regarding parking, the applicant has described a lower parking demand for this use and will meet the reduced parking requirement through a joint parking agreement with the neighboring church (described in greater detail later in this staff report).

The conditions of the special permit regarding traffic and parking should adequately address potential impacts to adjacent land uses.

3. In order to meet their required parking while preserving open space and avoiding the need to construct all of the stalls on their own property, the applicant proposes a joint parking arrangement with the adjacent North Pointe Community Church located immediately to the northwest. As described in Section 27.67.045.a, uses that have parking demands that occur at substantially different times can join their parking facilities, needing only to provide parking for the use with the largest parking demand. The joint parking agreement is appropriate. A condition of approval would require that an agreement must be in place for the additional stalls prior to issuing building permits.
4. The Lincoln Transportation and Utilities Department (LTU) requires a westbound to northbound right turn lane to serve this private driveway based on the Access Management Policy. The current lane arrangement in Fletcher Avenue at this intersection has a westbound through lane that is constructed like a right turn lane facility. A condition of approval would require the applicant to work with LTU on either constructing a new right turn lane and dedicating additional right-of-way, or some other improvement to the street that would meet this requirement to their satisfaction.
5. Related Text Amendment 19003 was submitted by the same applicant. The text amendment language is not finalized at this time but would likely propose a new special parking requirement of 1 stall per 600 square feet for retail sales of large items such as furniture, mattresses, carpet, and large appliances that would result in a lesser parking requirement over traditional retail in most cases. The proposed parking ratio with the text amendment is the same as what is requested with the waiver under this special permit, but the text amendment would apply City-wide and include additional types of large item retail sales versus the reduction only for a furniture store

requested with the special permit.

6. This property is not required to meet Water Quality requirements due to being previously preliminary platted prior to adoption of the standards in 2016.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Vacant; H-4

**SURROUNDING LAND USE & ZONING**

North: Church; H-4 and R-3

South: Townhomes, vacant; R-3, R-4 and H-3

East: Open space/wetlands; R-3

West: Commercial; H-4

**APPLICATION HISTORY:** See attached.

**APPROXIMATE LAND AREA:** 7.55 acres or 328,878 square feet.

**LEGAL DESCRIPTION:** See attached.

Prepared by

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Rachel Jones, Planner

Date: June 6, 2019

Applicant/Contact: Architecture Etcetera c/o Cristy Joy  
2436 N. 48<sup>th</sup> Street, Suite E  
Lincoln, NE 68504  
(402) 464-6600 or [cjoy@archi-etc.com](mailto:cjoy@archi-etc.com)

Owner: RR&T Enterprises, LLC  
10015 S. 173 Circle  
Omaha, NE 68136  
(402) 677-1531 or [rkush@7dayfurniture.net](mailto:rkush@7dayfurniture.net)

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## APPLICATION HISTORY - SPECIAL PERMIT 19028

- Jan. 1999 The North Creek Preliminary Plat 98021 was approved by the Planning Commission showing 135 single family lots and 10 commercial lots. Associated applications for Annexation 98012 and Changes of Zone 3144 and 3156 from R-3 Residential to H-3 Highway Commercial were approved by the City Council in April 1999.
- May 2001 Amendment of the North Creek Preliminary Plat was approved by the City Council with Preliminary Plat 00014 and related applications Annexation 00002 and Change of Zone 3260 annexing the area north of Fletcher Avenue and showing a commercial lot layout, and changing the zoning for that area to a combination of H-3 and H-4 Highway Commercial.
- Nov. 2001 The North Creek Business Park final plat was approved by the Planning Commission.
- June 2010 Waiver 10010 was approved by the Planning Director to extend the time for two years to install sidewalks, street trees and landscape screening for North Creek Business Park.
- June 2011 Waiver 11008 was approved by the Planning Director to extend the time for two years to install a bike trail for North Creek Business Park.
- June 2013 Administrative Amendment 13042 to Preliminary Plat 00014 was approved by the Planning Director to reduce the landscape easement width along I-80 for two lots.

## CONDITIONS OF APPROVAL - SPECIAL PERMIT 19028

Per Section 27.63.470 this approval permits a Special Permit for Planned Service Commercial for up to 102,000 square feet of commercial floor area with waivers to allow stores or shops for retail sales and services exceeding 30,000 square feet in floor area per building and waiver of the minimum land area to floor area ratio per Section 27.63.470.a.11, and reduce the minimum required parking for furniture stores from 1 stall per 300 square feet to 1 stall per 600 square feet.

### Site Specific Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
  - 1.1 If necessary, to the satisfaction of the Transportation and Utilities Department, construct a west bound right turn lane in Fletcher Avenue per the Access Management Policy and dedicate the associated right-of-way or another improvement to their satisfaction, or obtain an approved Executive Order. The Executive Order could include relocation of the sidewalk and other facilities as necessary.
  - 1.2 If dedicating right-of-way for a right turn lane, revise the site plan to remove parking stalls from the revised front yard.
  - 1.3 Submit a turning exhibit for a tractor trailer for the driveway approach to Fletcher Avenue and revise the site plan if needed to the satisfaction of the Transportation and Utilities Department.
  - 1.4 Along the area labeled "existing rock to be removed", show a sidewalk leading to the church as per the Design Standards for Pedestrian Circulation in Commercial and Industrial Areas.
  - 1.5 Delete the text of "Preliminary not for construction" in the lower right corner.
  - 1.6 Remove the labels for the rear yard and side yard along the south and west sides, as these are not property lines but ownership boundaries of the condominium regime and would not have zoning setbacks.
  - 1.7 Add a note stating that parking is waived for furniture stores to 1 stall per 600 square feet, and that any current or future tenants or uses other than a furniture store must meet the parking requirements of the Zoning Ordinance.
  - 1.8 Add to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation".
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 or starting the operation all development and construction shall substantially comply with the approved plans.
  - 3.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established association approved by the City.

- 3.3 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.
- 3.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
- 3.5 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, 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.



City of Lincoln Lancaster County, NE

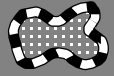


2018 aerial

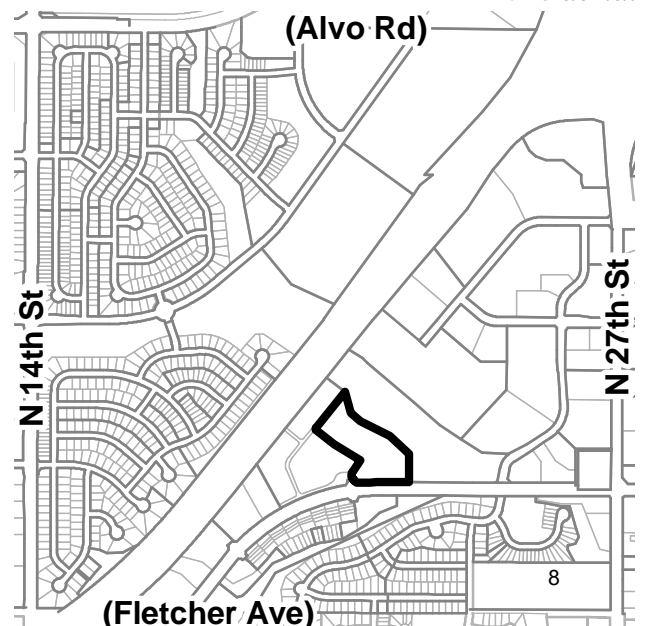
**Special Permit #: SP19028**  
**Tombstone Ridge Dr & Fletcher Ave**

**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.36 T11N R06E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



## SPECIAL PERMIT LEGAL DESCRIPTION

A legal description of a portion of Lot 1, Block 2 "North Creek Business Park", located in the South Half of Section 36, Township 11 North, Range 6 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

Referring to the South Quarter Corner of Section 36, Thence Easterly on the South Line of the Southeast Quarter of Section 36 on an assumed bearing of S 89°47'28" E, for a distance of 788.63'; Thence N 00°12'32" E, for a distance of 1181.87' to a point on the north right-of-way line of Fletcher Avenue, said point being the Southeast Corner of Lot 1, Block 2, North Creek Business Park said point also being the Point of Beginning: Thence on the North line of Fletcher Avenue and the Southerly Line of Lot 1, Block 2 North Creek Business Park the following 6 courses:

N 89°46'06" W for distance of 243.58';

Thence with a non-tangential curve turning to the left with an arc length of 162.80', with a radius of 1860.00', with a chord bearing of S 87°42'34" W, with a chord distance of 162.75',

Thence N 88°38'04" W for distance of 67.84';

Thence N 52°38'02" W for distance of 27.94';

Thence N 07°51'55" W for distance of 14.65';

Thence S 81°35'22" W for a distance of 12.24';

Thence leaving the North Line of Fletcher Avenue and the southerly line of Lot 1, Block 2 North Creek Business Park with a non-tangential curve turning to the left with an arc length of 19.47', with a radius of 83.50', with a chord bearing of N 18°38'13" W, with a chord distance of 19.43';

Thence with a reverse curve turning to the right with an arc length of 55.09', with a radius of 51.90', with a chord bearing of N 05°05'36" E, with a chord distance of 52.54';

Thence N 35°30'13" E for a distance of 124.47';

Thence N 59°05'45" W for a distance of 280.42';

Thence N 50°39'04" W for a distance of 204.93';

Thence with a tangential curve turning to the right with an arc length of 23.12', with a radius of 15.00', with a chord bearing of N 06°29'26" W, with a chord distance of 20.90' to a point on the Northwesterly Line of Lot 1, Block 2 North Creek Business Park;

Thence on the Northwesterly, Northeasterly, and Easterly Lines of Lot 1, Block 2 North Creek Business Park the following 7 courses:

N 37°40'12" E for a distance of 4.08';

Thence N 38°46'18" E for a distance of 410.79';

Thence S 14°54'49" E for a distance of 197.69';

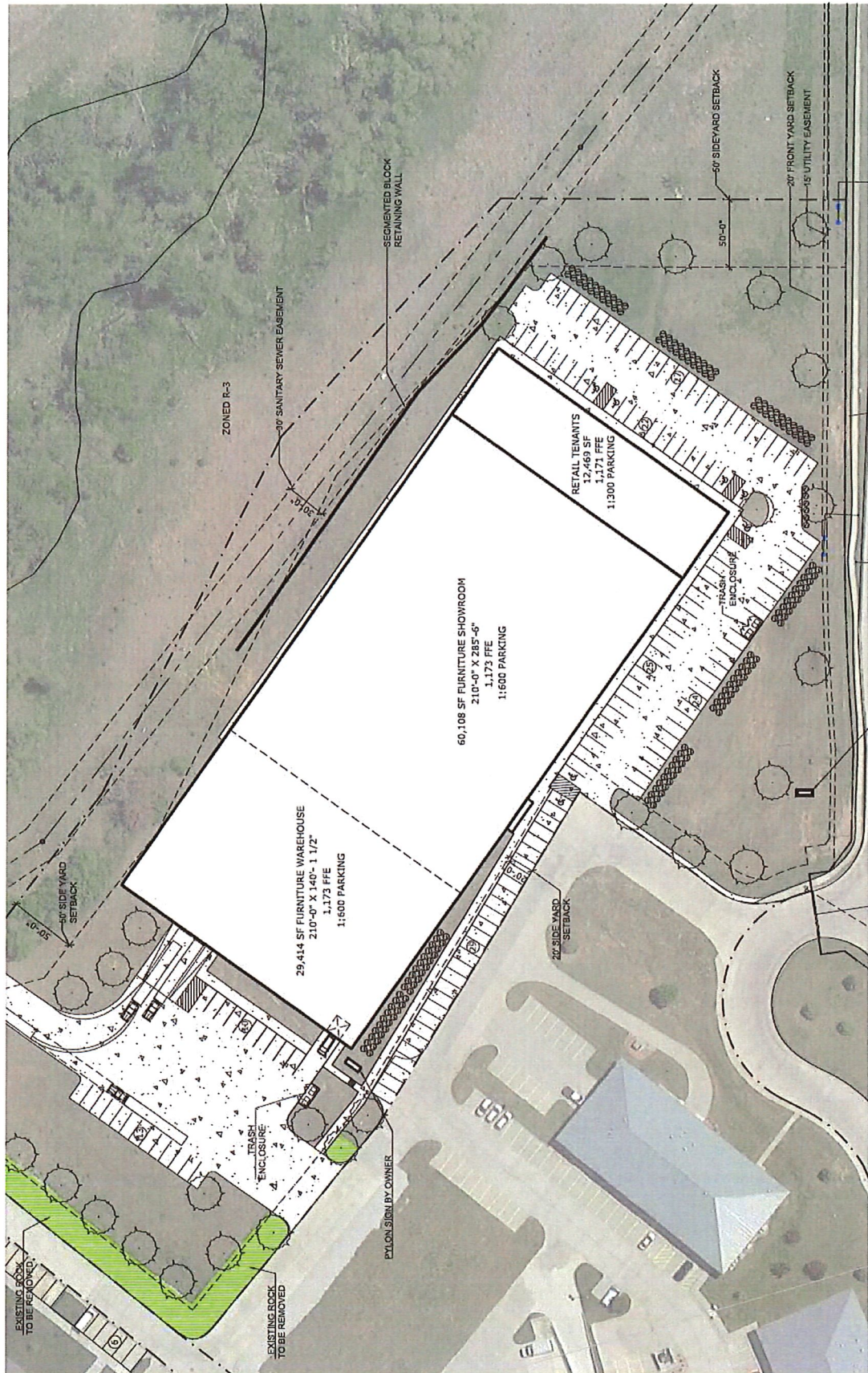
Thence S 52°04'06" E for a distance of 116.58';

Thence S 63°12'38" E for a distance of 295.69';

Thence S 47°06'02" E for a distance of 239.64';

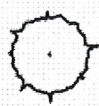

Thence S 00°13'54" W for a distance of 256.99' to the Point of Beginning, and having a calculated area of 7.55 acres of 329010 sq. ft. more or less.





USE (ZONING: H-4)	SQUARE FOOTAGE
BUILDING TOTAL SIZE	101,991
RETAIL TENANTS	12,469
FURNITURE SHOWROOM	60,108
FURNITURE WAREHOUSE	29,414

PARKING (ZONING: H-4)	STALLS
SPECIAL PERMIT FOR PLANNED SERVICE COMMERCIAL 1:600 FURNITURE RETAIL - 89,522 SF	150
1:300 RETAIL TENANT STORES - 12,469 SF	42
TOTAL REQUIRED PARKING STALLS W/SPECIAL PERMIT	192
PROVIDED PARKING ON PROJECT SITE (2240 FLETCHER)	150
JOINT PARKING AGREEMENT WITH 2224 FLETCHER	80
TOTAL AMOUNT OF PARKING STALLS PROVIDED	230
NOTE: THE JOINT PARKING AGREEMENT BETWEEN 2240 & 2224 FLETCHER WILL HAVE NON-CONCURRENT USES	

REQUIRED LANDSCAPING		
KEY	TYPES	QTY.
	DECIDUOUS SHADE TREE (BUILDING SF & PAVING SF)	33
	SHRUBS	4,000 SF

May 15, 2019

Ms. Rachel Jones  
Planning Department – City of Lincoln/Lancaster County  
555 S 10<sup>th</sup> Street, Ste 213  
Lincoln, Nebraska 68508

Re: Request for a Planned Service Commercial in our zoning district for the Development of a Multi-Tenant Facility located at 2240 Fletcher Avenue, Unit D; Lincoln NE 68517

Dear Ms Rachel Jones,

Enclosed pleas find the following for the above mentioned project:

1. City Application
2. Application fee
3. Project Information
4. Site Plan

On behalf of the Owner, RR&T Enterprises, LLC, with the legal description North Creek Business Park, Amended, Unit D requests that you grant to utilize the Planned Service Commercial in our H-4: General Commercial District for the Development of a Multi-Tenant Facility located at address 2240 Fletcher Avenue, Unit D, Lincoln NE 68517.

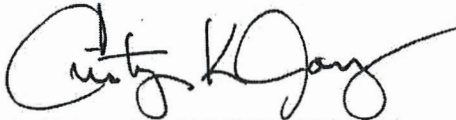
The application is to allow the use of Planned Service Commercial for the development with the following requested waivers:

1. Parking reduction for furniture stores to 1 stall per 600 SF.
2. Waiver of the floor area requirements in Section 27.63.470.11

Please let us know if you have any questions of need additional information.

Thank you for your thoughts and consideration.

Sincerely,



Cristy K Joy, AIA NCARB LEED AP



**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

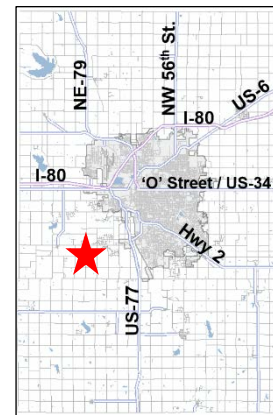
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #19029	FINAL ACTION? Yes	DEVELOPER/OWNER Vincent Soucie
PLANNING COMMISSION HEARING DATE June 12, 2019	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 6531 W. Denton Rd.

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for Expanded Home Occupation under Article 13.032 of the Lancaster County Zoning Regulations for indoor storage. The indoor storage will be in one existing building as shown on the site plan.



**JUSTIFICATION FOR RECOMMENDATION**

The request meets the conditions of Article 13.032. There is no new construction and there should be minimal impact to adjacent property owners.

**APPLICATION CONTACT**

Vincent Soucie (402) 525-0645  
[vinniesoucie@gmail.com](mailto:vinniesoucie@gmail.com)

**STAFF CONTACT**

Tom Cajka, (402) 441-5662 or  
[tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The Comprehensive Plan encourages accessory home businesses.

**KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN**

P. 5.5 Continue to encourage and permit accessory home businesses.

**ANALYSIS**

1. This is a request for special permit for an Expanded Home Occupation. The use is for indoor storage within an existing building. Storage will be campers, boats, recreational vehicles, cars and other vehicles.
2. The site is approximately 78 acres with a house, several barns and other accessory buildings. The indoor storage will utilize only one building that is 5,400 sq. ft.
3. The Lancaster County Zoning Regulations were amended in September 2009 to allow Expanded Home Occupation by special permit. The intent was to allow small family owned businesses to operate out of their homes. The business is to be accessory to the residential use of the property and operated by the family occupying the residence. This condition makes it more likely that the business will be a "good neighbor." The business should not detract from the peace and enjoyment of surrounding properties.

4. The county special permit conditions related to this expanded home occupation are as follows:
- a. On-site sales shall be limited primarily to products grown, manufactured, processed, treated or assembled on the premise.  
**There are no sales of goods on site. The service being provided is the use of the building.**
  - b. Except for a Family as defined by this Resolution, no more than two (2) persons participate in the home occupation on the premises.  
**There will be no persons involved in the operation that do not live on site.**
  - c. The lot area shall be ten (10) acres or larger.  
**The lot is 78 acres.**
  - d. Driveways and parking areas shall be provided with an all-weather (gravel or rock) surface to minimize dust.  
**All storage is inside. No parking areas are required, since only vehicles are being parked on site inside.**
  - e. No more than 50% of the floor area of the residence may be used for said business when the home occupation is located within the residence.  
**None of the residence floor area is proposed to be used for the business.**
  - f. The total floor area for all buildings used for said business shall not be more than 10,000 square feet.  
**The building for storage is 5,400 sq. ft.**
  - g. Outside area used for work area, storage or other business activity and parking shall not exceed 15,000 square feet.  
**There are no outside business related activity.**
  - h. All outside business related activity shall be located at least 200 feet from all premise property lines and shall be visually screened from public streets and adjacent property lines.  
**There is no outside business related activity.**

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** AG-Agriculture                      Agricultural, Dairy

**SURROUNDING LAND USE & ZONING**

North: AG-Agriculture	Farm ground
AGR-Agriculture Residential	Acreage development
South: AG-Agriculture	Farm ground
East:   AGR-Agriculture Residential	Acreage development
West:  AG-Agriculture	Farm ground

**APPROXIMATE LAND AREA:**   79.26 acres, more or less.

**LEGAL DESCRIPTION:**   East ½ of the NW ¼ of Section 24, Township 9 North, Range 5 East; Lancaster County, NE.

Prepared by

---

Tom Cajka, Planner

Date: May 29, 2019

Applicant: Vincent Soucie  
6531 W. Denton Rd.  
Denton, NE 68339  
402-525-0645  
vinniesoucie@gmail.com

Contact: Same as applicant

Owner: Same as applicant

F:\DevReview\SP\19000\SP19029 Snell Dairy Storage.tjc.docx

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #19029

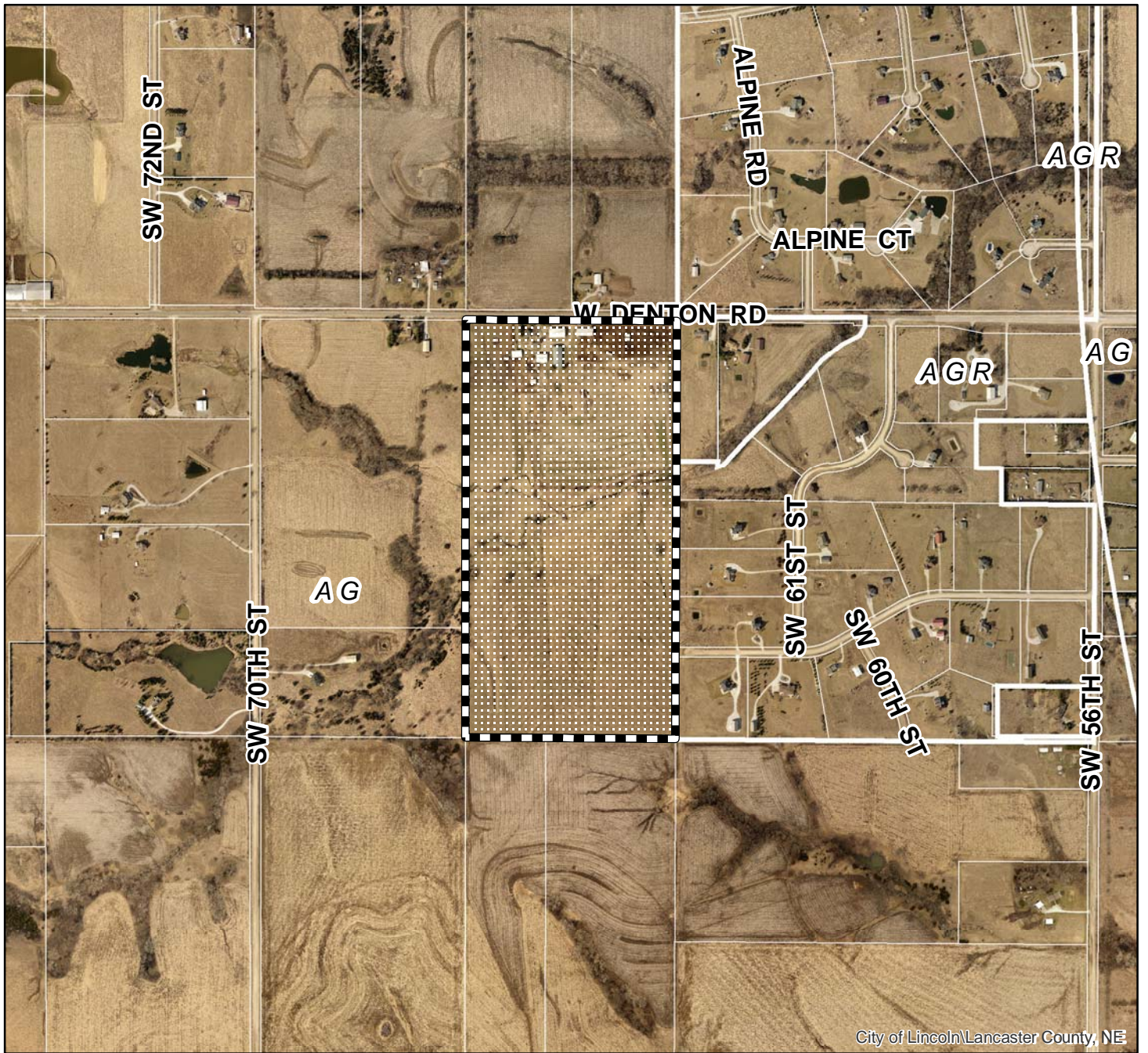
Per Article 13.032 this approval permits Expanded Home Occupation for indoor storage in one building as identified on the attached site plan.

### Site Specific Conditions:

1. Before beginning operations the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:
  - 1.1 Add a note that there shall be no outside storage shall be allowed.
  - 1.2 Add a note that no off street parking is required for this special permit.
2. Before starting the operation 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 starting the operation 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 County Clerk. This step should be completed within 60 days following the approval of the special permit. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.



2018 aerial

**Special Permit #: SP19029**  
**SW 70th St & W Denton Rd**

**Zoning:**

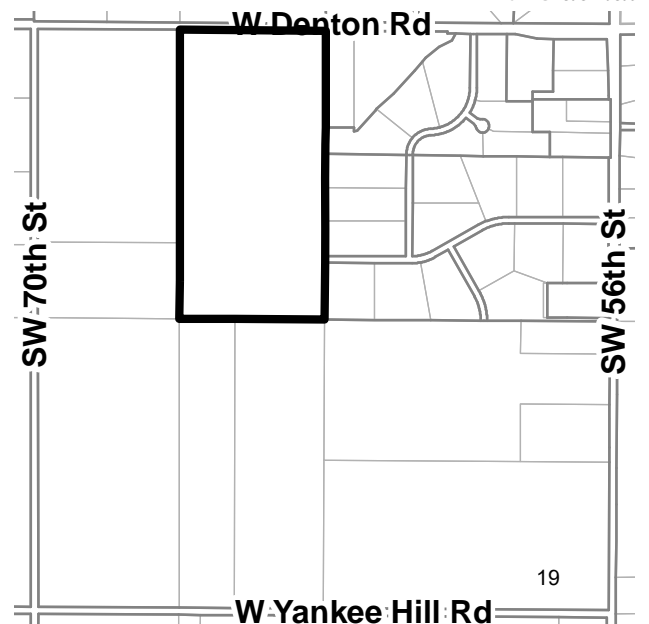
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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

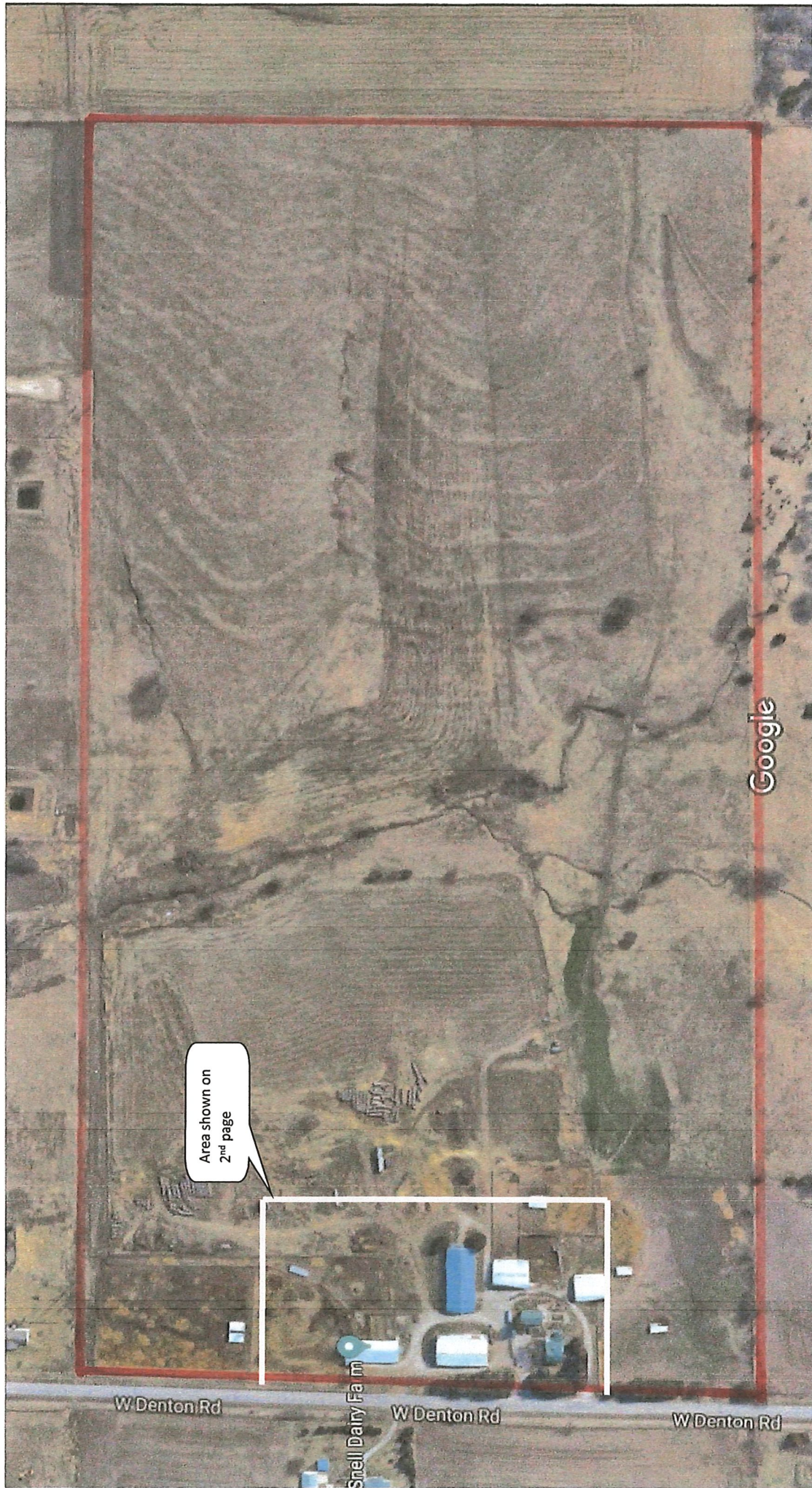
One Square Mile:  
 Sec.24 T09N R05E

Area of Application

Zoning Jurisdiction Lines

City of Lincoln Jurisdiction





Area shown on  
2<sup>nd</sup> page



Imagery ©2019 Google, Map data ©2019 Google 50 ft

PLS & SIB  
BÉCHIEL

Date: May 14, 2019

RE: Expanded Home Occupation; Special Permit

Our application is requesting indoor storage for one building located on the 78.76 acres that we own. The building is 54 x 100. There are two driveways on our property that can be used for access. The reason we are asking for this use of our property is to help supplement income.

Thank you for your time.

Sincerely,  
Vincent Soucie



## Tom J. Cajka

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**From:** Kim Soucie <[ksoucie@nebhomesales.com](mailto:ksoucie@nebhomesales.com)>  
**Sent:** Thursday, May 23, 2019 2:35 PM  
**To:** Tom J. Cajka  
**Subject:** Vinnie Soucie, West Denton Rd

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Tom,

#1. No employees will be will be required to accomplish the indoor storage.

#2. No outdoor storage on property is going to be required at this time.

#3. Items to be stored are Cars, Trucks, RV's, Campers, Boats, Motorcycles ATVs, Trailers.

--

YOUR TEAM,

Kim Soucie, 402-440-9199, [ksoucie@nebhomesales.com](mailto:ksoucie@nebhomesales.com)

Tim Reckling, 402-660-0473, [timreckling@nebhomesales.com](mailto:timreckling@nebhomesales.com)

Rich Rodenburg, 402-440-7570, [rich@nebhomesales.com](mailto:rich@nebhomesales.com)