

City Council Introduction: **Monday**, April 5, 2004  
Public Hearing: **Monday**, April 12, 2004, at **1:30** p.m.

Bill No. 04R-74

## **FACTSHEET**

**TITLE:** **SPECIAL PERMIT NO. 730638B** (formerly known as Special Permit No. 04005), requested by Brian D. Carstens and Associates on behalf of West Point, L.L.C., to amend Special Permit No. 638A, to expand an existing parking lot in a residential district, on property generally located at S. 55<sup>th</sup> Street and Saylor Street).

**STAFF RECOMMENDATION:** Conditional Approval

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda, 03/17/04  
Administrative Action: 03/17/04

**RECOMMENDATION:** Conditional Approval (8-0: Carlson, Carroll, Larson, Marvin, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'; Krieser absent).

### **FINDINGS OF FACT:**

1. The purpose of this special permit amendment is to expand an existing parking lot by 128 feet in a residential district.
2. The associated text amendment (to allow parking in the rear yard of a R-T Residential Transition District) that will allow this special permit is scheduled for public hearing before the City Council on April 5, 2004 (Change of Zone No. 04008, Bill No. 04-57).
3. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-5, concluding that the expansion of the parking lot should not have a negative impact on the surrounding neighborhood.
4. On March 17, 2004, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
5. On March 17, 2004, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval, as set forth in the staff report dated February 26, 2004. The conditions of approval are found on p.3-5.
6. The Site Specific conditions of approval required to be completed prior to scheduling this application on the Council agenda have been satisfied.
7. (The number on this special permit has been changed to coordinate with the new numbering system being implemented in the Planning Department)

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

**DATE:** March 29, 2004

**REVIEWED BY:** \_\_\_\_\_

**DATE:** March 29, 2004

**REFERENCE NUMBER:** FS\CC\2004\SP.730638B

# LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for March 17, 2004 PLANNING COMMISSION MEETING

**P.A.S.:** **Special Permit** ~~04005~~ **730638B** (formerly known as Special Permit No. 04005)

**PROPOSAL:** Expand an existing parking lot in a residential district.

**LOCATION:** S. 55<sup>th</sup> St. & Saylor St.

**LAND AREA:** 0.83 acres, more or less

**CONCLUSION:** The expansion of the parking lot should not have a negative impact on the surrounding neighborhood.

<b>RECOMMENDATION:</b>	<b>Conditional Approval</b>
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## **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lots 3-6, Block 9, Second Addition to Normal and the east 128 feet of Lot 17, Woods Bros Fairview Acres, located in the NE 1/4 of Section 32, Township 10 North, Range 7 East of the 6<sup>th</sup> P.M. Lancaster County, NE

**EXISTING ZONING:** R-2 Residential

**EXISTING LAND USE:** Parking lot and rear yard of existing house

## **SURROUNDING LAND USE AND ZONING:**

North:	R-2	Residential	Single family houses
South:	R-T	Residential Transition	Office Buildings
East:	R-2	Residential	Single family houses
West:	R-2	Residential	Single family houses

## **HISTORY:**

**March 17, 2004** Public hearing at Planning Commission for Change of Zone #04008 to allow parking in rear yard of a R-T district.

**September 2003** Special Permit 638A to increase the size of the parking lot in a residential district was approved by City Council.

**September 2003** Change of Zone #3417 from R-2 to R-T was approved by City Council

- September 2003** Use Permit #153 to construct two office buildings in the R-T District was approved by City Council.
- January 1973** Special Permit #638 to allow a parking lot in a residential district on Lots 3-5, Block 9, Normal Addition was approved.
- September 1972** Special Permit#624 to expand a previously approved parking lot in a residential district on Lot 99, Woods Brothers Fairview Acres Addition was approved.
- May 1970** Special Permit #504 to expand a previously approved parking lot in a residential district on the north 120' of Lot99, Woods Brothers Fairview Acres Addition was approved.
- May 1970** Change of Zone #1044 from A-2 Single family to “G” Local Business at the northwest corner of S. 55<sup>th</sup> St. & South St. was approved.
- March 1966** Special Permit #342 to allow a parking lot in a residential district on Lot 98, Woods Brothers Fairview Acres Addition was approved

**COMPREHENSIVE PLAN SPECIFICATIONS:**

The Land Use Plan designates this area as residential.

Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face. Similar housing types face each other: single family faces single family, change to different use at rear of lot. Commercial parking lots should not intrude into residential areas where residential uses predominate a block face. More intense commercial uses (gas stations, big box stores, car wash, fast food, etc.) may not be compatible due to impact on nearby housing. Expansion in existing centers should not encroach, or expand to encroach, on existing neighborhoods, and commercial areas must be screened from residential areas. (F-69)

Require new development to be compatible with character of neighborhood and adjacent uses (i.e., parking at rear, similar setback, height and land use).(F-69)

**TOPOGRAPHY:** The area slopes gently from east to west.

**TRAFFIC ANALYSIS:** S. 55<sup>th</sup> St. and Saylor St. are local streets. Access to the parking lot is from S. 55<sup>th</sup> St. or South St.

**ENVIRONMENTAL CONCERNS:** Loss of open green space and mature shade trees. Additional pavement in a residential district. The Landscape plan shows more shade trees than required by parking lot design standards.

**ANALYSIS:**

1. This is an application to expand an existing parking lot by 128 feet in a residential district.

2. The parking lot on Lots 3-5, Block 9, Second Addition to Normal has existed since 1973. Special Permit 638A, approved in September 2003, extended the parking lot west by 48 feet.
3. The expansion of the parking lot would remove 128 feet of the rear yard of Lot 17, Woods Bros Fairview Acres resulting in a lot depth of 182 feet. With the expansion of the parking lot, the house would still be approximately 98 feet from the parking lot.
4. With the proposed expansion, the parking lot will have 92 parking stalls.
5. The following applies to parking lots in residential districts:

**27.63.170 Permitted Special Use: Parking Lots.**

(a) Parking lots may be allowed by special permit in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, and O-2 zoning districts in conformance with the provisions of Chapter 27.67 and under one of the following conditions:

(1) A. The premises upon which the parking lot is located shall not be located more than 300 feet from the boundary of one of the following districts: O-1, B-1, B-3, B-4, H-2, H-3, or I-1 and the following conditions shall be met:

(i) The parking lot shall not use a local residential street for access, unless access cannot be gained to the proposed parking lot from a non-residential street. If access is proposed from a local residential street, such access must be gained at a location that does not negatively impact adjacent residential zoned property.

(ii) Any adjacent alley serving the parking lot shall be paved.

(iii) Any lighting facility shall be orientated to eliminate light trespass on adjacent residentially zoned properties in accordance with adopted design standards.

B. In addition to the above conditions, the City Council, in passing upon applications for special permits under subparagraph (1), shall also consider the following criteria:

(i) There shall be no residential use located between the parking lot and the commercial or industrial establishment.

(ii) The parking lot shall not disrupt the continuity of the block face, and the character of the existing residential neighborhood shall be preserved.

(iii) The parking lot shall be allowed only if it can function as a transitional use while protecting the adjacent residential use.

(iv) The parking lot shall abut a commercial or industrial zoning district.

An adjustment to these criteria may be granted by the City Council upon a determination that there is a sufficient cause for such an adjustment and that there will be no significant impact on adjacent residential uses, or

(2) The land shall not be located more than 360 feet from property occupied by a college, university, or church; provided that the parking lots are used primarily in connection with the said college, university, or church.

(b) Parking areas consisting of less than six parking spaces may be allowed by special permit in the same zoning districts in conformance with the same provisions and under the same conditions applicable to parking lots as contained in paragraph (a) of this section. (Ord. 15981 §1; September 30, 1991: prior Ord. 15522 §3; April 16, 1990: Ord. 15103 §1; February 13, 1989: Ord. 13353 §1; April 5, 1982: Ord.12571 §320; May 8, 1979).

6. The proposed expansion meets all of the conditions stated above.
7. The parking lot takes access from S. 55<sup>th</sup> St.
8. Currently there is no landscaping for the parking lot. The proposed special permit will enable the City to obtain the required landscaping.
9. Although the proposed parking lot will require the removal of mature trees the developer is planting more than the required landscaping. The landscape plan identifies seven trees to have a 4 inch diameter trunk when planted.

**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 Revise the site plan to show:
  - 1.1.1 Change the two Skyline Honey locust trees with Colorado Spruce.
  - 1.1.2 Move the shrubs closer to the lot line along Saylor St.
  - 1.1.3 Add landscaping in the northwest area of the parking lot. The screening shall be between the parking area and the south lot line.
  - 1.1.4 Amend the landscape schedule. Only include the landscaping within the boundary of the special permit.
  - 1.1.5 Delete note one from the general notes.
- 1.2. Post a surety in the amount of \$1,400.00 to guarantee the completion of the storm sewer manhole in South St.
- 1.3 Post a surety in an amount to be determined by Parks & Recreation Department to guarantee the planting of the landscaping of the parking lot; then the planting shall be completed within two (2) years following the approval of this special permit.

2. This approval permits a parking lot in a residential district.

General:

3. Before receiving building permits:

- 3.1 The permittee shall have submitted a revised final plan including 5 copies and the plans are acceptable.
- 3.2 The construction plans shall comply with the approved plans.
- 3.3 Final Plats shall be approved by the City.

**STANDARD CONDITIONS:**

4. The following conditions are applicable to all requests:
  - 4.3 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.
  - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Tom Cajka  
441-5662  
[tcajka@ci.lincoln.ne.us](mailto:tcajka@ci.lincoln.ne.us)

Planner

**DATE:** February 26, 2004

**APPLICANT:** West Point, L.L.C.  
3730 S. 14<sup>th</sup> St.  
Lincoln, NE 68502  
(402) 434-5450

**OWNER:** same as applicant and

Michael & Cynthia Vestecka  
1952 S. 53<sup>rd</sup> St.  
Lincoln, NE 68506  
(402) 489-4048

**CONTACT:** Brian D. Carstens  
Brian D. Carstens & Associates  
601 Old Cheney Rd. Suite C  
Lincoln, NE 68512  
(402) 434-2424

**SPECIAL PERMIT NO. 730683B**  
**(Formerly known as Special Permit No. 04005)**

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

March 17, 2004

Members present: Carlson, Carroll, Larson, Marvin, Pearson, Bills-Strand, Sunderman and Taylor; Krieser absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 04008; CHANGE OF ZONE NO. 04012; ANNEXATION NO. 03008; CHANGE OF ZONE NO. 04013; SPECIAL PERMIT NO. 2045, HARTLAND'S CARDINAL HEIGHTS 2<sup>ND</sup> ADDITION; SPECIAL PERMIT NO. 04005; SPECIAL PERMIT NO. 04010; SPECIAL PERMIT AMENDMENT NO. 04002; and COMPREHENSIVE PLAN CONFORMANCE NO. 03013.**

**Item No. 1.3a, Annexation No. 03008; Item No. 1.3b, Change of Zone No. 04013, Item No. 1.3c, Special Permit No. 2045 and Item No. 1.5, Special Permit No. 04010,** were removed from the Consent Agenda and scheduled for separate public hearing.

Carlson moved to approve the remaining Consent Agenda, seconded by Larson and carried 8-0: Carlson, Carroll, Larson, Marvin, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'; Krieser absent.

Note: This is final action on Special Permit Amendment No. 04002, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



2002 aerial

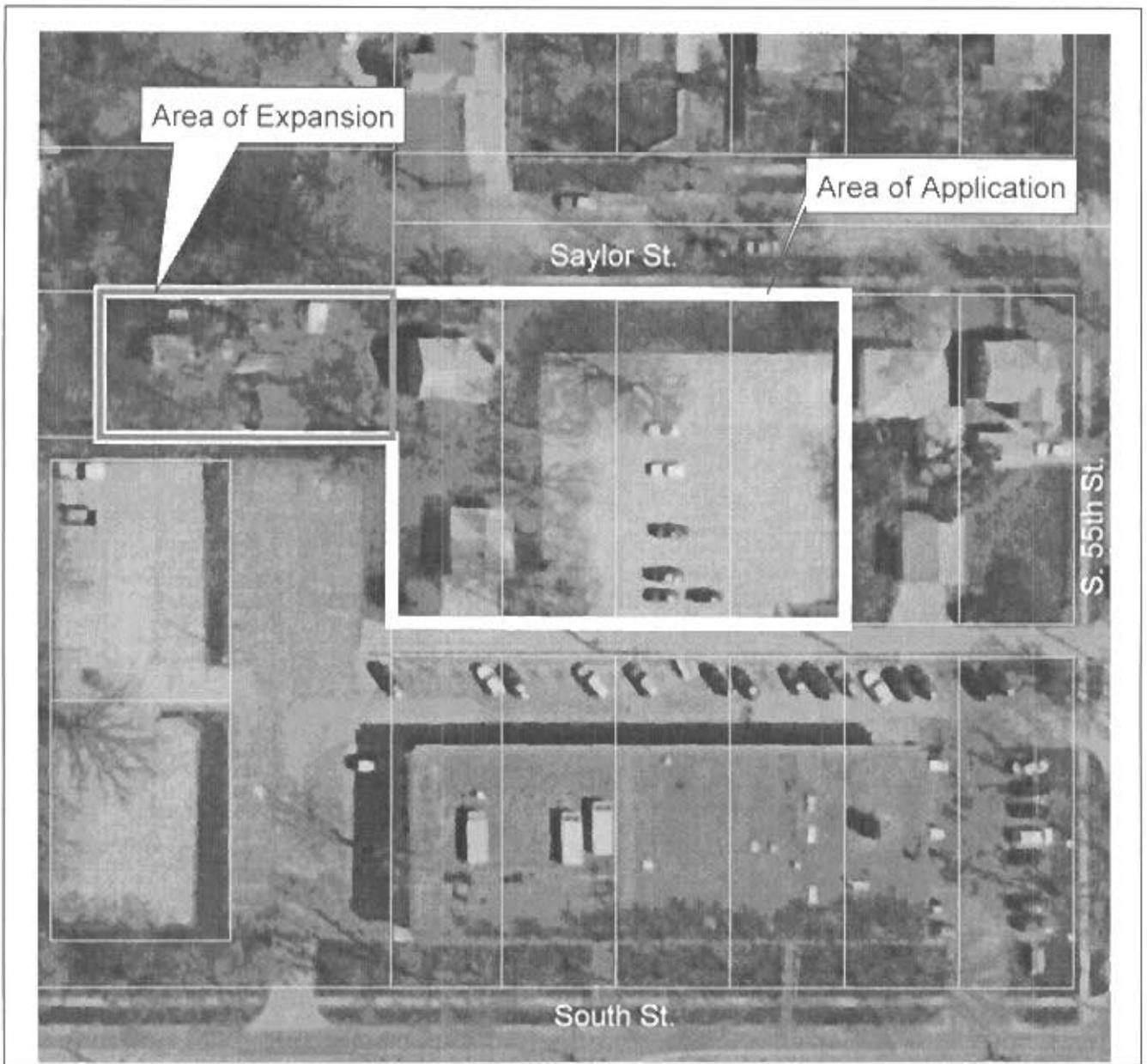
## Special Permit #04005 S. 55th & South St.

### 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. 32 T10N R7E





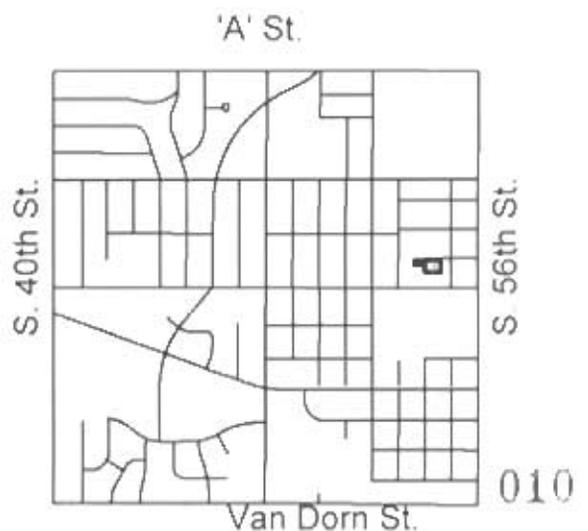
2002 aerial

## Special Permit #04005 S. 55th & South St.

### Zoning:

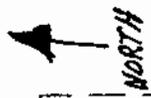
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-7 Residential Transition District
- B-1 Local Business District
- B-2 Planned 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
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- I-1 Industrial District
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- I-3 Employment Center District
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One Square Mile  
Sec. 32 T10N R7E



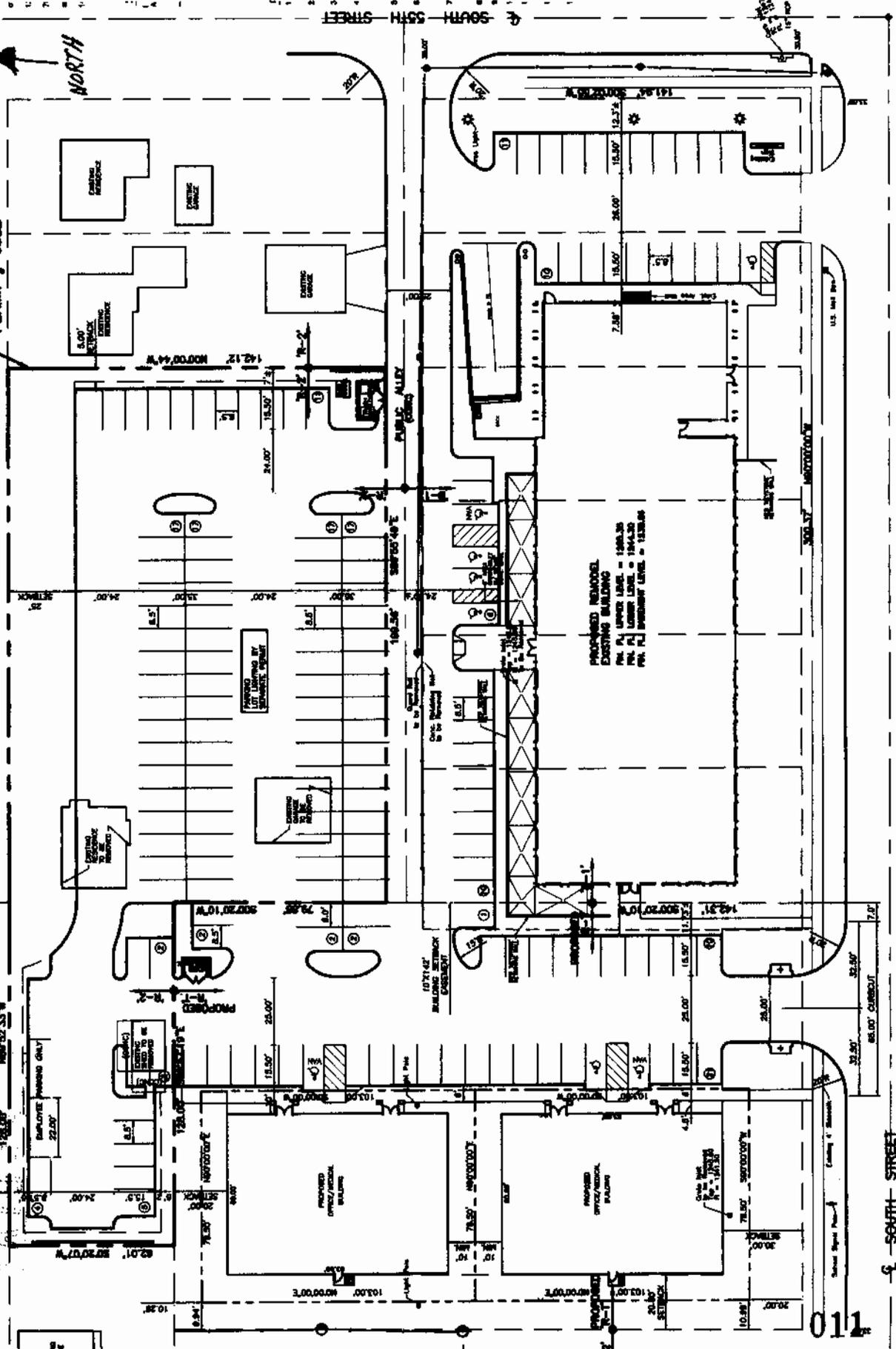
SAYLOR STREET

LIMITS OF SPECIAL PERMIT # 03203



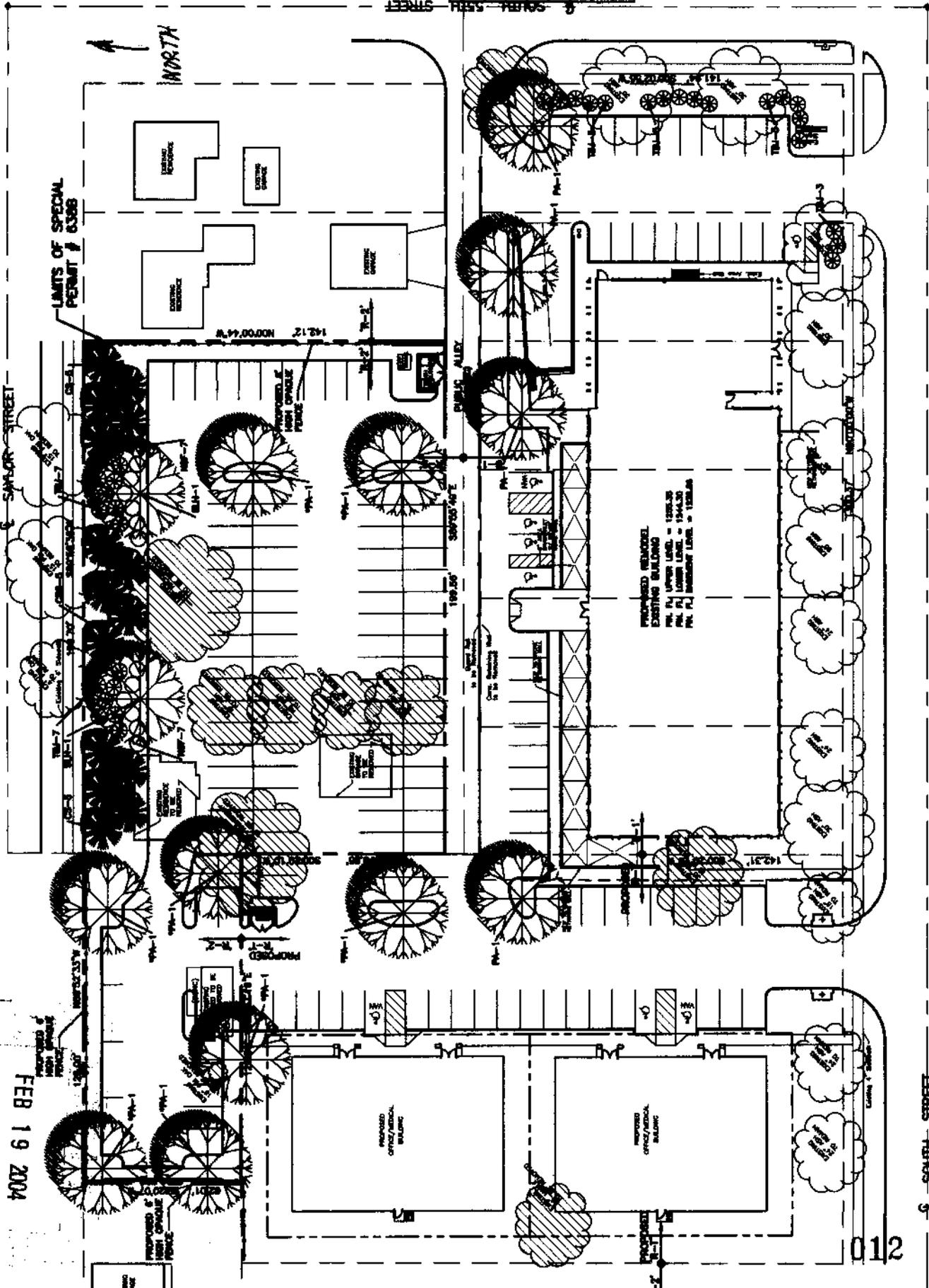
SOFT 55TH STREET

FEB 19 2004



111th STREET

111



LIMITS OF SPECIAL PERMIT # 6388

NORTH

SAYLOR STREET

PUBLIC ALLEY

SOUTH STREET

PROPOSED WAREHOUSE  
 EXISTING BUILDING  
 EXISTING DRIVE  
 PUBLIC ALLEY

PROPOSED OFFICE/RETAIL BUILDING

PROPOSED OFFICE/RETAIL BUILDING

FEB 19 2004

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# MIDTOWN BUSINESS PARK

## SPECIAL PERMIT #638B LEGAL DESCRIPTION:

Lots 3 thru 6, Block 9, Second Addition to Normal and the east 128 feet of Lot 17, Woods Bros Fairview Acres located in the Northeast Quarter of Section 32, Township 10 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows:

Beginning at the Northwest corner of said Lot 6; thence in a Westerly direction, along the North line of Lot 17, on a bearing of North 89 degrees 52 minutes 33 seconds West for a distance of 128.00 feet

THENCE South 00 degrees 20 minutes 07 seconds West for a distance of 62.01 feet

THENCE South 89 degrees 57 minutes 19 seconds East, along the South line of said Lot 17 for a distance of 128.00 feet

THENCE in a Southerly direction, along the West line of said Lot 6 on an assumed bearing of South 00 degrees 20 minutes 10 seconds West for a distance of 79.85 feet to the Southwest corner of said Lot 6

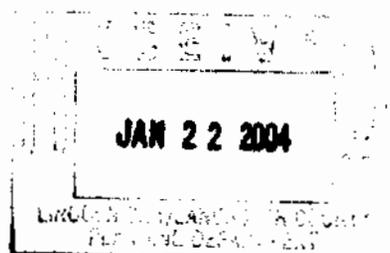
THENCE South 89 degrees 55 minutes 49 seconds East for a distance of 199.56 feet to the Southeast corner of said Lot 3

THENCE North 00 degrees 00 minutes 44 seconds West, along the East line of said Lot 3, for a distance of 142.12 feet to the Northeast corner of said Lot 3

THENCE South 89 degrees 56 minutes 36 seconds West for a distance of 198.70 feet to the Point of Beginning

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 0.83 acres more or less.



# Memorandum

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<b>To:</b>	Tom Cajka, Planning Department
<b>From:</b>	Charles W. Baker, Public Works and Utilities
<b>Subject:</b>	Midtown Business Park Special Permit # 04005, Revised
<b>Date:</b>	March 3, 2004
<b>cc:</b>	Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Revised Midtown Business Park Special Permit. Public Works finds the parking lot revisions satisfactory.

An executive order will be required for the construction of the storm sewer manhole in South Street with the Special Permit. A \$1,400 bond should be required for the man hole construction

# Memo



**To: Tom Cajka, Planning Department**

**From: Mark Canney, Parks & Recreation**

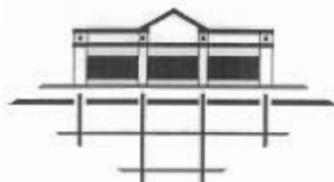
**Date: February 24, 2004**

**Re: Midtown Business Park**

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Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have no comments.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.



**BRIAN D. CARSTENS AND ASSOCIATES**  
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN  
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

February 18, 2004

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

RE: SPECIAL PERMIT #638B- REVISED PLANS

Dear Marvin,

On behalf of WestPointe, L.L.C., I am submitting revised parking lot plans for the above mentioned Special Permit for a parking lot. I have been working with Tom Cajka with several revisions, and we feel this is the best parking lot layout for the site.

We will be removing 5 larger mature trees with this application. However, we will be replacing the trees with a minimum of 4" diameter shade trees as well as 8'-10' high spruce where no present landscape exists. The proposed landscape plan exceeds the zoning requirement for landscape screening.

Please feel free to contact me if you have any further questions.

Sincerely,

Brian D. Carstens

Enclosures: 25 copies of sheet 1 of 4  
8 copies of sheets 2 through 4 of 4  
8-1/2" x 11" reductions of the plans

FEB 19 2004

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