

City Council Introduction: **Monday**, February 25, 2002  
Public Hearing: **Monday**, March 4, 2002, at **1:30** p.m.

Bill No. 02R-28

## **FACTSHEET**

**TITLE: SPECIAL PERMIT NO. 1943**, requested by Kent Seacrest on behalf of Lincoln Plating Company, to build a parking lot in the R-2 Residential District, on property generally located at South Folsom and West "E" Street.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 01/23/02  
Administrative Action: 01/23/02

**STAFF RECOMMENDATION:** Conditional Approval.

**RECOMMENDATION:** Conditional Approval (7-0: Steward, Newman, Taylor, Bills, Carlson, Krieser and Schwinn voting 'yes'; Duvall and Hunter absent).

**ASSOCIATED REQUESTS:** Street & Alley Vacation No. 01022 (02-25).

### **FINDINGS OF FACT:**

1. This special permit and the associated Street Vacation No. 01022 were heard at the same time before the Planning Commission.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-4, concluding that the proposal meets the requirements for the special permit; however, some minor site adjustments are required.
3. This application had been placed on the Consent Agenda of the Planning Commission on January 23, 2002. However, Danny Walker requested that it have a separate public hearing.
4. The applicant's testimony is found on p.7-8.
5. Testimony in opposition by Danny Walker is found on p.7. Mr. Walker's main concern is expansion of the business which sits in the middle of the floodplain.
6. It was explained by the applicant that the conservation easement will sustain the floodplain capacity (See Minutes, p.8).
7. On January 23, 2002, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend conditional approval, as set forth in the staff report dated January 7, 2002. The conditions of approval are found on p.4-6.
8. The Site Specific conditions of approval required to be completed prior to scheduling this item on the Council agenda have been submitted by the applicant and approved by the reviewing departments.

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

**DATE:** February 19, 2002

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

**DATE:** February 19, 2002

**REFERENCE NUMBER:** FS\CC\2002\FSSP1943

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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**P.A.S.:** Special Permit #1943

**DATE:** January 7, 2002

**PROPOSAL:** To build a parking lot in the R-2 residential district.

**LAND AREA:** 1.39 acres, more or less

**CONCLUSION:** The proposal meets the requirements for the special permit; however, some minor site adjustments are required.

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

**LEGAL DESCRIPTION:** Lot 1, Lincoln Plating Addition, located in the SE 1/4 of Section 27, T10N, R6E of the 6<sup>th</sup> P.M., Lincoln, Lancaster County, Nebraska.

**LOCATION:** S. Folsom and W. "E" Street

**APPLICANT:** Kent Seacrest  
Seacrest & Kalkowski, P.C.  
1111 Lincoln Mall, Suite 350  
Lincoln, NE 68508-3905  
(402) 435-6000

**OWNER:** Lincoln Plating Company

**CONTACT:** Kent Seacrest

**EXISTING ZONING:** R-2 Residential

**EXISTING LAND USE:** Open space

**ASSOCIATED APPLICATIONS:** Street and Alley Vacation #01022

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

North:	I-1 Industrial	Lincoln Plating buildings
South:	R-2 Residential	Single family housing
East:	R-2 and I-1	City pumping station and vacant floodplain
West:	R-2	One residence and vacant land

**HISTORY: August 22, 2001** The applicant requested that Change of Zone #3335 be deferred until a street and alley vacation and special permit could be obtained.

**May 16, 2001** The Planning Director informed Kent Seacrest that the proposed B-1 zoning would not provide the same buffer that the existing R-2 would.

**Sept. 6, 2000** Planning Commission approved the Lincoln Plating Addition Final Plat, which provided a new location for W. "E" Street.

**Feb. 22, 2000** City Council approved Street & Alley Vacation #99005, which vacated W. "E" Street from S. Folsom to SW 6<sup>th</sup> Street.

**Oct. 7, 1998** Planning Commission approved the Lincoln Plating Preliminary Plat.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Land Use Plan designates this area as Urban Residential.

**UTILITIES:** Available

**TOPOGRAPHY:** Flat

**TRAFFIC ANALYSIS:** S. Folsom is an Urban Collector; Capitol Parkway is a Principal Arterial

**REGIONAL ISSUES:** Buffering neighborhoods from commercial/industrial uses

**ENVIRONMENTAL CONCERNS:** Development in the flood plain

**AESTHETIC CONSIDERATIONS:** Parking lot separation from residential uses

**ALTERNATIVE USES:** Open space

**ANALYSIS:**

1. Parking is allowed in the R-2 Residential zoning district by special permit under the provisions of §27.63.170:

**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.

- 2. W. "E" Street has not yet been completed. None of the residences to the south take access from it. Access to the parking lot will be from W. "E" Street, a local commercial street.
- 3. There are no residential uses between the proposed parking lot and Lincoln Plating. The residential neighborhood fronts upon W. "D" Street. The proposed parking lot abuts I-1 Industrial land. This special permit with its 25' front yard setback provides a more generous buffer than the proposed change of zone to B-1.
- 4. The proposal meets the requirements for the special permit; however, some minor site adjustments are required.

**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 On the site plan, revise the right-of-way dimensions - it should clearly indicate the 12 feet being vacated and the utility easement over the area vacated.
  - 1.1.2 Indicate the portion of Outlot "A" to be deeded to the City.
  - 1.1.3 Remove the Scotch Pines from the landscape plan. No coniferous trees are permitted in City right-of-way. Also, Scotch Pine is susceptible to pine wilt disease and another species should be used.

- 1.1.4 Replace Spring Snow Crabapple with Donald Wyman Crabapple as the street tree on Folsom Street.
- 1.1.5 Replace Summershade Maple with Autumn Purple Ash as the parking lot tree.
- 1.1.6 Landscaping which meets the requirements of Chapter 3.50 of the Design Standards.
- 1.1.7 Revise the drawings so that the dimensions of the street vacation agree with the petition submitted for Street and Alley Vacation #01022.

2. This approval permits a parking lot in the R-2 zoning district.

General:

3. Before receiving building permits:

3.1 The construction plans shall comply with the approved plans.

3.2 The applicant shall deed to the City of Lincoln the north 6.9 feet of Outlot "A", Lincoln Plating Addition.

3.3 Street and Alley Vacation #01022 shall be approved.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:

4.1 Before occupying the parking lot all development and construction shall have been completed in compliance with the approved plans.

4.2 All privately-owned improvements shall be permanently maintained by the owner.

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.

Prepared by:

Jason Reynolds  
Planner

**SPECIAL PERMIT NO. 1943  
and  
STREET VACATION NO. 01022**

**CONSENT AGENDA**

**PUBLIC HEARING & ADMINISTRATIVE ACTION**

**BEFORE PLANNING COMMISSION:**

January 23, 2002

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

The Consent agenda consisted of the following items: **CHANGE OF ZONE NO. 3254; SPECIAL PERMIT NO. 1943; STREET AND ALLEY VACATION NO. 01022; COUNTY FINAL PLAT NO. 01036, PRAIRIE VISTA; COMPREHENSIVE PLAN CONFORMANCE NO. 01005; COMPREHENSIVE PLAN CONFORMANCE NO. 01006; STREET AND ALLEY VACATION NO. 01023; and STREET AND ALLEY VACATION NO. 01024.**

**Item No. 1.1, Change of Zone No. 3254; Item No. 1.2a, Special Permit No. 1943; Item No. 1.2b, Street and Alley Vacation No. 01022; and Item No. 1.3, County Final Plat No. 01036** were removed from the Consent Agenda and scheduled for separate public hearing.

Carlson moved to approve the remaining Consent Agenda, seconded by Bills and carried 6-0: Bills, Carlson, Krieser, Newman, Schwinn and Steward voting 'yes'; Duvall, Hunter and Taylor absent.

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

January 23, 2002

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

Staff recommendation: Conditional approval of the special permit and a finding of conformance with the Comprehensive Plan on the street vacation.

These applications were removed from the Consent Agenda at the request of Danny Walker.

**Proponents**

**1. Kent Seacrest** appeared on behalf of **Lincoln Plating Company**. This is a special permit to allow a parking lot in residential zoned property along with a street vacation request. Over four years ago, Lincoln Plating knew it was growing and developed a master plan, which was shared with the neighborhood. Pieces of this master plan were brought forward in 1998 and 2000, and at those times the applicant met with the neighborhood to reconfirm the plans and there was no opposition.

These applications are another part of the master plan, which is a parking lot on the south side of the main facility. Initially, this was proposed as a change of zone to commercial. Lincoln Plating is trying to get a four-row parking lot to provide capacity for customers and employees. Staff was opposed to the commercial zoning and recommended a special permit rather than the change the zone. The residential zoning had 25' front yard setback which prevented the parking lot being requested. The staff suggested shifting the road that has not yet been built so that they can meet the 25' setback in the residential zone, thus the request for the street vacation. Lincoln Plating has given the city a deed for land on the south side and the staff is willing to vacate some land on the north side in order to shift the road to the south.

Seacrest is unaware of any neighborhood concerns.

Steward inquired whether this is an alleyway. Seacrest responded, "No, it's a 'confusing-way'". Seacrest explained the proposal on the map. E Street is being shifted. There will be an outlot on the south that is landscaped. The protection for the neighbors is the public street, an outlot that is landscaped and an alley. There is a tree mass back there as well.

### Opposition

**1. Danny Walker** wanted to know the actual size of the proposed parking lot. If he understands correctly, this E Street (which does not actually exist) was vacated some time ago and he wants to know if that is true. His main concern is that there is a lot of expansion going on in that business, sitting in the middle of the floodplain with hazardous chemicals, etc., etc., etc.

Jason Reynolds of Planning staff advised that the total area of the special permit is 1.39 acres, with about 25' of green space between the sidewalk and the parking area on two sides. He estimated the parking lot to be 1.1 acres in the area of the special permit. He believes there was a vacation of E Street with the previous Lincoln Plating Addition preliminary plat, which created E Street. This vacation is vacating a portion of that E Street that was created a few years ago.

### Response by the Applicant

Seacrest agreed with the staff comments. There used to be an E Street further to the north that was shifted with the preliminary plat. We did that to create a new street that the neighbors did not have to rely on, but to allow for Lincoln Plating's commercial traffic to go out to Folsom and not come through the neighborhood. We finally do have a circulation plan to separate the commercial traffic from the residential traffic with this proposal.

Newman inquired as to the effect of the conservation easement. Seacrest suggested that, 1) it's an open space that will not have buildings or signs, and 2) it will sustain the floodplain capacity in that area.

Public hearing was closed.

**SPECIAL PERMIT NO. 1943**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

January 23, 2002

Steward moved to approve the staff recommendation of conditional approval, seconded by Krieser.

Schwinn believes that Danny Walker did bring up a serious question about hazardous chemicals in the floodplain; however, we are only talking about a parking lot in front of this business and the facility has been there long before any of these Commissioners got here. This action is to make sure the parking lot fits into the neighborhood as well as possible. He appreciates what Lincoln Plating is trying to do for the neighborhood.

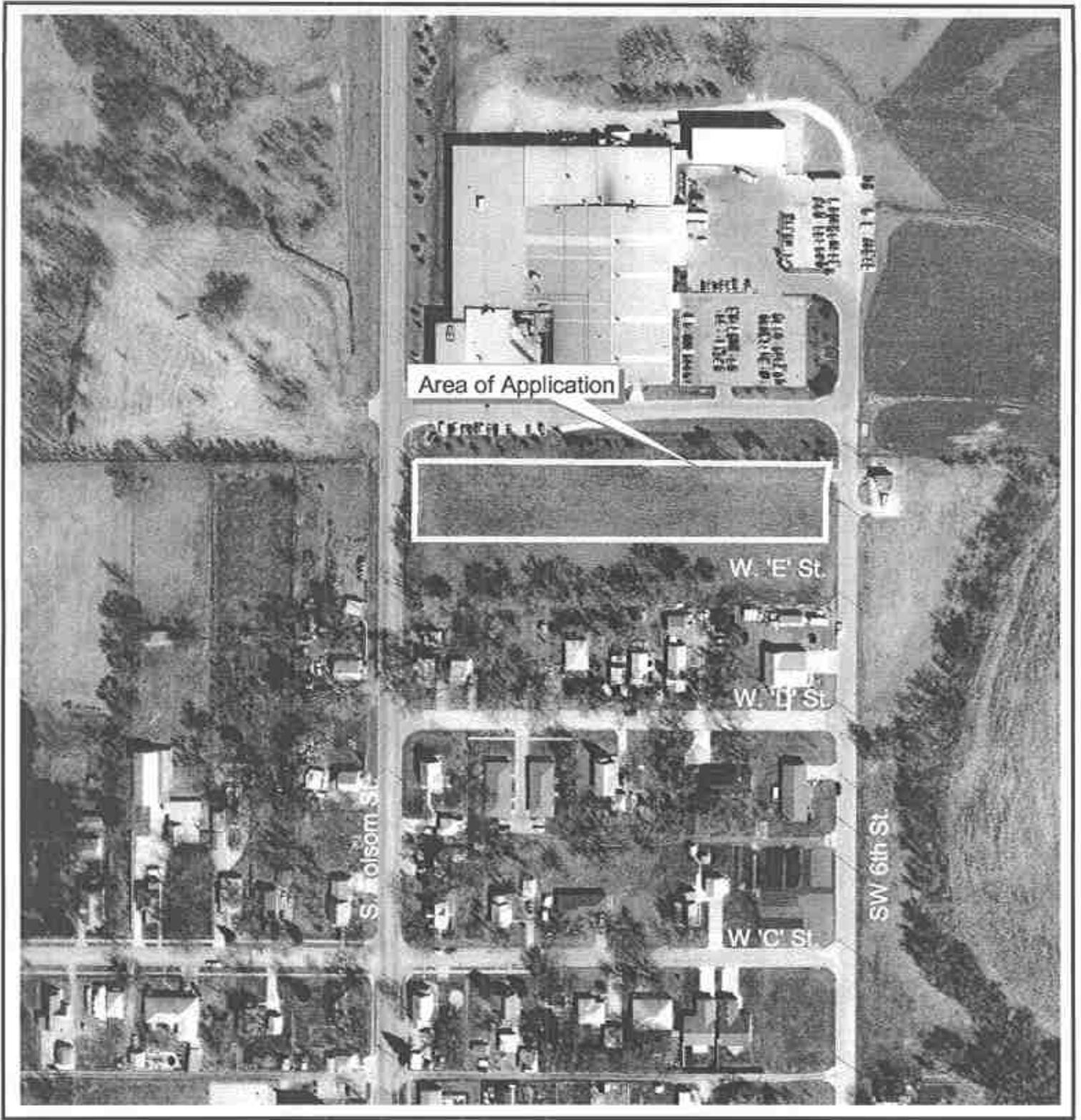
Motion for conditional approval carried 7-0: Steward, Newman, Taylor, Bills, Carlson, Krieser and Schwinn voting 'yes'; Duvall and Hunter absent.

**STREET VACATION NO. 01022**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

January 23, 2002

Steward moved to find the street vacation to be in conformance with the Comprehensive Plan, seconded by Krieser and carried 7-0: Steward, Newman, Taylor, Bills, Carlson, Krieser and Schwinn voting 'yes'; Duvall and Hunter absent.



**Special Permit #1943  
Folsom & 'E' St.**



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I-1

Area of Application

W. 'F' St.

W. 'D' St.

S. Folsom St.

SW 6th St.

W 'C' St.

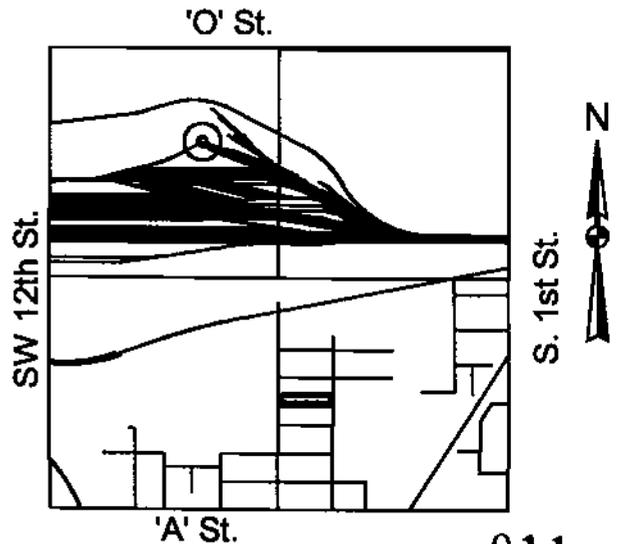
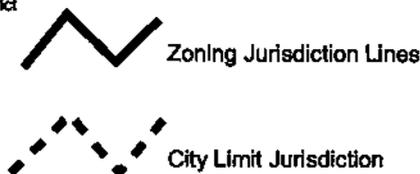
R-2

### Special Permit #1943 Folsom & 'E' St.

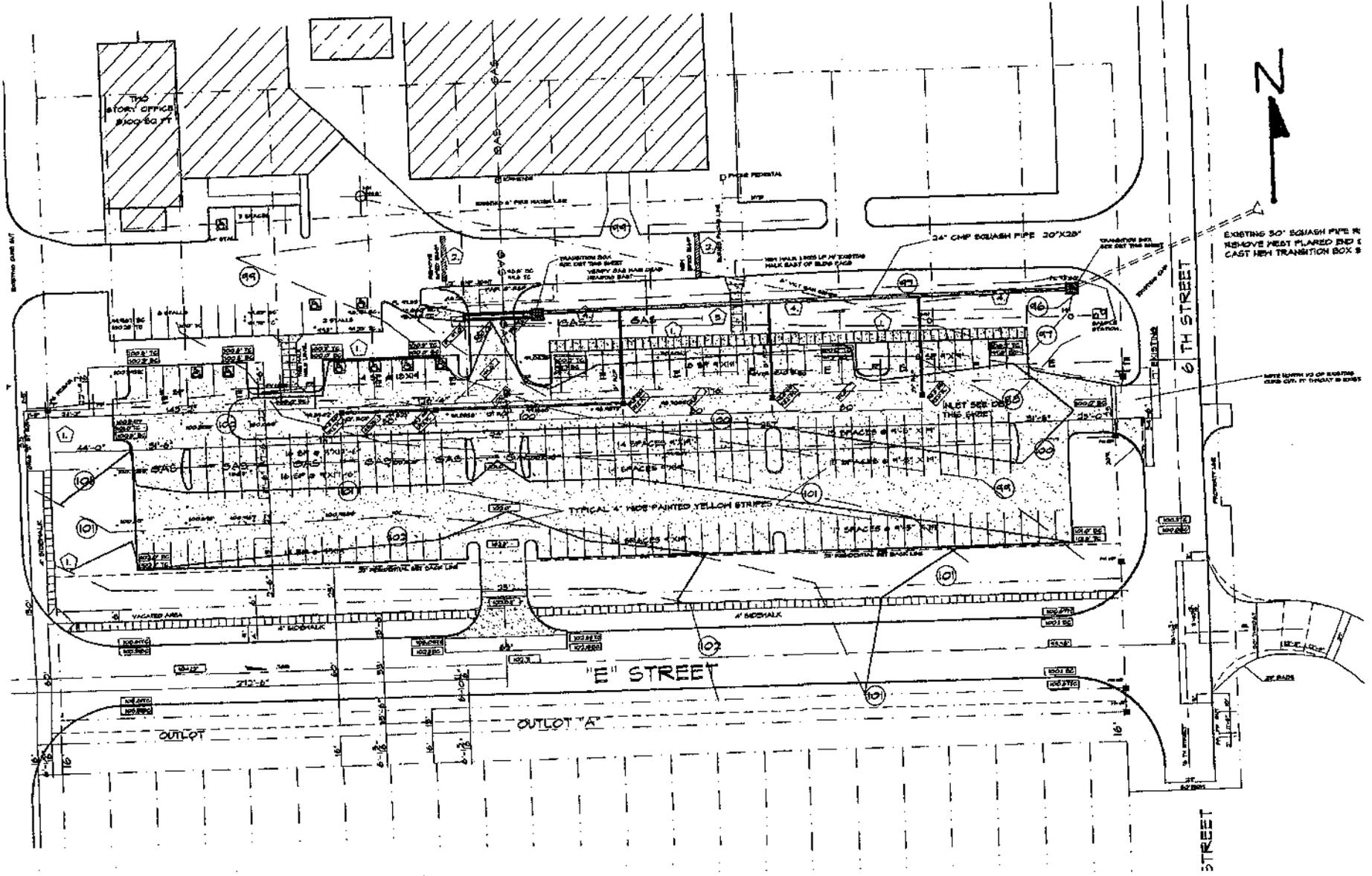
#### Zoning:

- 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. 27 T10N R6E



011





# Memo

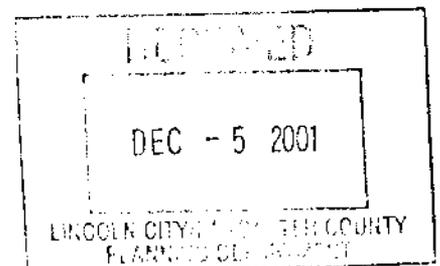
**To: Jason Reynolds, Planning Department**  
**From: Mark Canney, Parks & Recreation** *MCC*  
**Date: December 4, 2001**  
**Re: Lincoln Plating Company SP 1943**

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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 compiled the following comments:

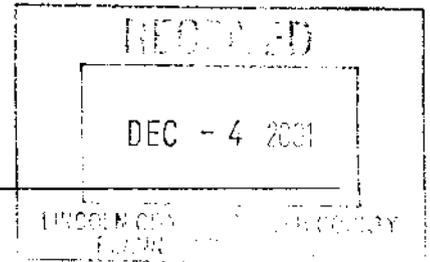
1. No coniferous trees are to be planted in the public right-of-way. Please eliminate all proposed scotch pines from the planting plan.
2. Spring Snow Crabapple susceptible to scab and fireblight. Please substitute Donald Wyman Crabapple as street tree on Folsom Street.
3. Summershade Maple susceptible to sun scald and has poor fall color. Please substitute Autumn Purple Ash as parking lot tree due to its superior growth rate, resistance to scald and consistent excellent fall color.

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



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# Memorandum



**To:** Jason Reynolds, Planning Department

**From:** Charles W. Baker, Public Works and Utilities *CB*

**Subject:** Special Permit # 1943, Lincoln Plating Parking Lot

**Date:** December 3, 2001

**cc:** Roger Figard  
Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the site grading plan for proposed parking lot in the vacated "E" Street between Southwest 6th and Folsom Street. Public Works requested a grading plan for review be submitted. The parking lot grading plan as proposed is satisfactory.