

**West O Area
Business Association**

650 West O St
Lincoln, NE 68528
438-9555
Karl Jensvold - President

CHANGE OF ZONE NO. 3350

SUBMITTED AT CONTINUED PUBLIC
HEARING BEFORE PLANNING COMMISSION: 3/06/02

March 5, 2002

City of Lincoln Planning Department
Mayor Don Wesley
City Council Members

Just a quick note that on March 1st, 2002 at the regularly scheduled meeting of the West O Area Business Association, we voted on the proposed compromise which would permit car dealers to sell vehicles 6' back from their property line in the H-2, H-3 and I-2 zoning. This was passed by unanimous vote by the members in attendance.

The next scheduled meeting with the West O Area Business Association will be at noon on April 5th. We meet at the ABC Training Center at 830 Westgate Blvd and would like to invite anyone who can make it.

Sincerely,



Karl Jensvold
President

NEBRASKA INDEPENDENT AUTO DEALERS



JAN MERRITT, EXECUTIVE DIRECTOR

5701 Russell Dr. - P.O. Box 29107

Lincoln, NE 68529 - (402) 464-2089 OR 1 (800) 659-5453

E-mail: neiada@msn.com

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President-Elect
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HAROLD WREHE

2001 Leavenworth St.
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(402) 345-6800

RANDY YATES

2620 N. 10th St.
Gering, NE 69341
(308) 632-3522

February 27, 2002

MEMO TO:

Mayor Don Wesley
Planning Department
City Council

On behalf of our members doing business in Lincoln, we feel the proposed compromise to allow car dealers to sell and display vehicles 6' back from the property line in the H-2, H-3, and I-2 zoning is acceptable.

Sincerely,

Jan Merritt,
Executive Director

4/14/02
MEETING 2/20/02

RE: CZ 3350/52

ITEM NO. 3.1 and 3.2: CHANGE OF ZONE NO. 3350
CHANGE OF ZONE NO. 3352
(p.33 - Public Hearing - 2/20/02)

SETBACKS CODE CHG.

DEAR COMMISSIONER:

After the West "O" repaving, it was such a beautiful vista headed west on the viaduct looking over two miles of 5 lane boulevard across the Salt Creek valley all the way to the Hwy 77 bypass. With a unique 120' R.O.W., there was plenty of room for trees and other landscaping. On the north side from Colin Electric to Dairy Queen there was a 30' setback that allowed vehicles to turn into any driveway from the median-free center lane and access all businesses on that stretch through their joined front yards.

Then an auto dealer closed a driveway, asphalted every square foot of his lot, and chose not to cooperate with any of those plans or even any of his business neighbors who had done so. He wanted to display sale items in the setback. With a council-granted special permit rightfully vetoed, he countered his recurring pleas for "visibility" by putting up a legal block long 8' dog-ear stockade fence.

Now 20 some West "O" auto dealers plea they can not compete with 4 "special permits" that have been issued to date. "Special Permits" mean just that. Very unusual site layouts or other conditions met by extra effort in the areas of landscaping, lighting, or other enhancements. These permits will always need to exist on a case by case basis, but that does not mean anyone able to fill out the application automatically qualifies for such conditional treatment.

After organizing city-wide to orchestrate an "emergency" by intentionally violating setbacks and claiming enforcement was unequal and unfair because a complaint was necessary at each site before any actions by City authorities (as is most every statute except new construction), the dozen dealers showed up with a respected ex-City Attorney to actually change the codes on setbacks in all H-1, 2, 3, and I-1 zones throughout the city.

They wanted to "level the field" toward the 4 "special permits" (one yet to even open). One thing these 4 do do is have illumination that has 100% "cutoff" at the property lines by using fixtures aimed downward, never elevated more than 45 degrees, with bright elements fully hooded or shielded and the main display lights shut off from 2 AM to 6 AM nightly.

The 30' setback is for the public's health and safety as well as aesthetic concerns and future needs. The dealers want just a 5' setback. Planning has offered 15' with 6' in landscaping screen less than 2' high covering 60% of frontage minus driveway. The dealers are willing to "compromise" at 6' total. They all "can live with that".

So what does the Public get in this 50% or 80% or 83% setback giveaway? A 6' width of spotty, miniature landscaping? The dealers will probably bet on who can kill their plantings fastest and frustrate city officials the longest while feigning cooperation without replacing anything. Plastic Christmas trees would look better than browning shrubs choked over in bindweed. Most locations do not have on-site maintenance staff or green thumbs. Some lawn services mow all cans, glass and trash where it lays as if that's recycling and move on to their next job.

For such a generous giveaway by the Public (15' is plenty), every auto-lot light fixture could be fully hooded/shielded for \$20-35 each. That's a one-time only cost less

than one cycle of sacrificial plantings. Timers can be changed for nightly shutdown and angles (typically now at 70-85 degrees) can be lowered to 45 degrees or less (most lot lights typically throw 160 degree fields in height and width) at no cost. LES could possibly help with field work (contact Kenneth Rittgarn at 467-7561). The existing "parking lot" code could be utilized with appropriately higher illumination intensity numbers. Every display area will end up with more illumination from existing fixtures as previously lost "overspill" is returned to the lot surfaces.

Lighting needs to be aimed low so display targets not hit directly are hit by ricochet effects. High aiming angles (above 45 degrees) hit innocents beyond the display (usually residents) and generate massive "glare" sources that shut down the human eye's ability to "see" immediately.

A "one size fits all" setback would be easier to administer, but would always be unfair to the smaller operations no matter what number is used. I always thought setbacks had a formula of 10% of max lot depth for front and back yard setbacks given a 15' min and 30' max each. Sideyards were 10% of max lot width with a 5' min and 15' max each side. Special permits then addressed site problems or other unique conditions on a as needed basis.

When West "O" beautification finally takes place, it will need installation by a private contractor and maintenance by an annual district fee toward Park department crews with a 10 year commitment for effect. Better control of lighting at auto lots and a nightly shutdown period will have an immediate positive effect on the whole city's quality of life, not only West "O" street.

Neither CZ-3350 or CZ-3352 is an improvement for the future of this city, and action should be deferred as long as needed to achieve lighting improvements in return for the Public's imminent setback giveaways as well as to address the following questions.

- ① Lessening setbacks usually makes for ever uglier corridors. It denies the opportunity at effectiveness of existing or future "entry corridor" standards.
- ② The setback giveaway does not take into account the comprehensive plan yet being written and near completion.
- ③ This action originally appeared to public information as a simple, single zone change only at 702 W. "O" St. Now it has morphed into a code change dispersed throughout the city. All 170 locations affected need to display a yellow zoning change sign for 30 days in order for any chance at some public awareness and input.
- ④ Police and Traffic Safety need to be heard on the effects of such encroachment on vehicle traffic, pedestrian movement, sight-line quality and other conditions.
- ⑤ Wait till the new Planning Director is in place and can have some input instead of dumping negative concessions on the future of Lincoln with no ideas taken into account but those of an organized handful of backward-thinking, scofflaw auto dealers who intentionally orchestrated this "crisis" at an opportune time when citizenry and City staffs had lots of more important problems at hand.
- ⑥ Federal and/or State Highway setback/sight lines/safety standards may be violated or in conflict with one or both of these mistaken proposals in an unknown number of instances at any of approx 170 auto lots throughout the city.

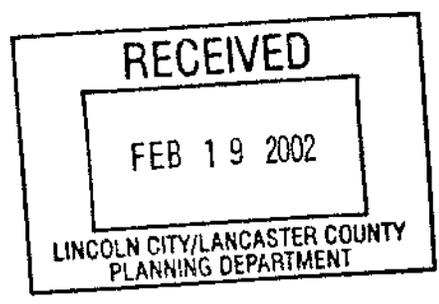
At this time, the only action both these sweeping code alterations deserve is a deferral in pending until more equal compromises are made in the long term interest of the Public.

Respectfully Yours,

Ron Sisel

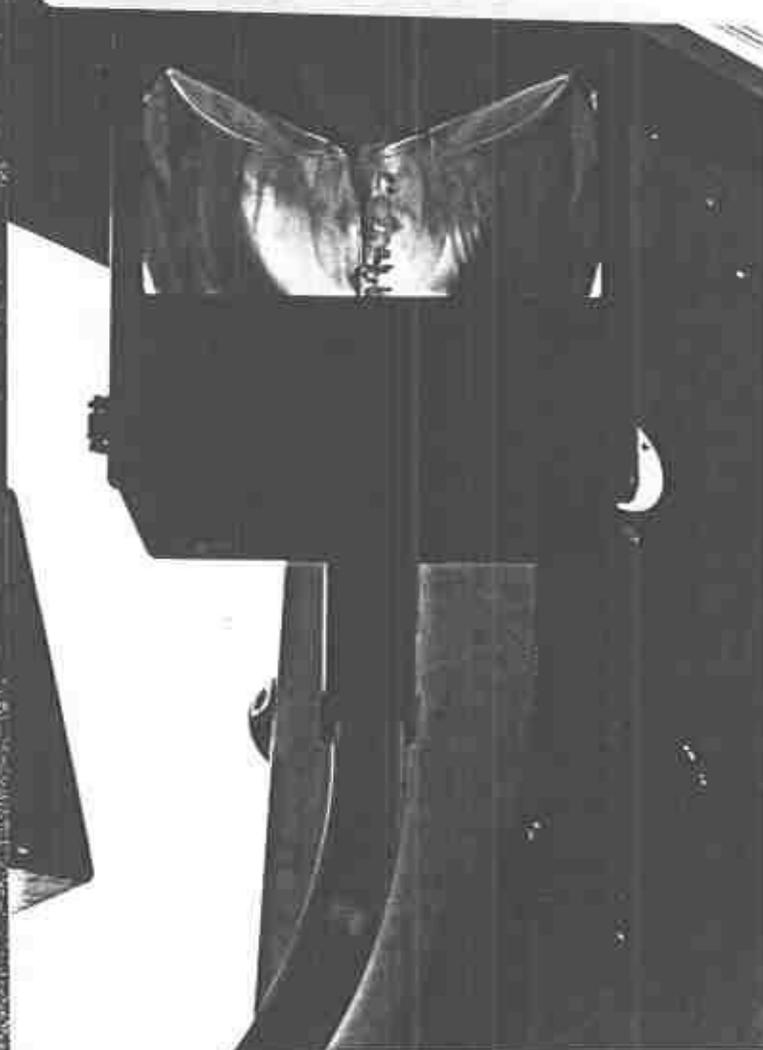
Ron Sisel 1010 West "P" St.
30 year neighborhood resident, worker, and
homeowner - lifetime Lincolnite
475-8543 messages
416-6581 questions

cc:Plan Comm 02/20/02
Mayor
City Council
Plan Dir
Bldg & Saf Dir
Planning-Ray Hill
Brian Will
LEGAL - Rick Fied



ITEM NO. 4.1 and 4.2: CHANGE OF ZONE 3350
CHANGE OF ZONE 3352
(p.33-Cont'd Public Hearing-3/06/02)

SUBMITTED AT PUBLIC HEARING BEFORE
PLANNING COMMISSION: 2/20/02
BY RON SISEL



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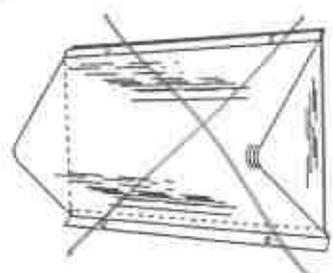


VSI Vandal shield for FLI floodlight. 1/4" thick clear polycarbonate, U.V. stabilized. Mounting hardware included. (A=14-15/16", B=9").

VSF Visor for Sports flood, SFG or SFH, rotatable around reflector. Dark bronze finish. Mounting Hardware and safety chain included.

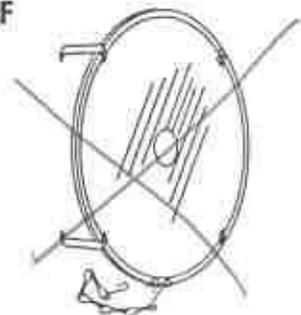
GSWL Glare shield for WLL wall light large 90° cutoff. Dark bronze finish, mounting hardware included.

VSWLM



VSWLM Vandal shield for WLM wall light medium. Polycarbonate, U.V. stabilized. Mounting hardware included.

VSSF



VSSF Vandal shield for SFH Sports floodlight. Polycarbonate, U.V. stabilized. Mounting hardware included.

GGL



GGL External glare guard for FLL floodlights. Dark bronze finish. Mounting hardware included.

NEMA CLASSIFICATION

NEMA Type	Horizontal Field Angle*	Protection Distance	Suggested Maximum Aiming Line Separation (X)
1	10°-18°	240' upward	8"
2	18°-29°	200'-240'	12"
3	29°-46°	175'-200'	24"
4	46°-70°	145'-175'	40"
5	70°-100°	105'-145'	60"
6	100°-130°	80'-105'	90"
7	130°+	under 80'	120"

*Formerly Beam Spread

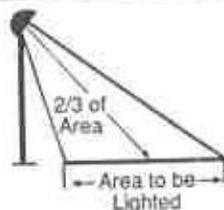
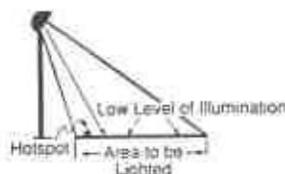
FLOODLIGHT AIMING

These examples are guidelines for aiming floodlights in typical lighting applications.



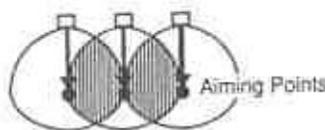
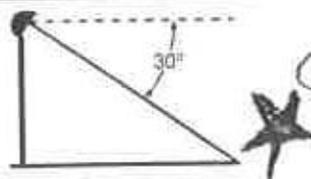
When luminaire is aimed at the far side, light is lost and results in glare.

When luminaire is aimed at the near side, the far side will not receive adequate illumination, while the near side has a hotspot.

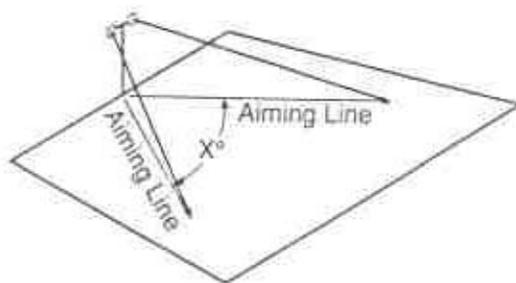
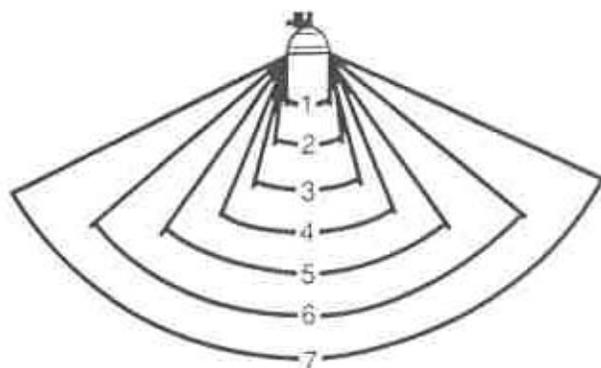


In general practice aim the luminaire two thirds the distance across the area to be luminated, or 2 times the mounting height, whichever is the lower value.

To provide good visual comfort aim luminaire at least 30° below horizontal. Increase mounting height if necessary to get angle 30° below horizontal.



When floodlights are aimed in such a way that the edge of the beam of a given fixture intersects the aiming of the adjacent luminaire, then acceptable uniformity is usually achieved.

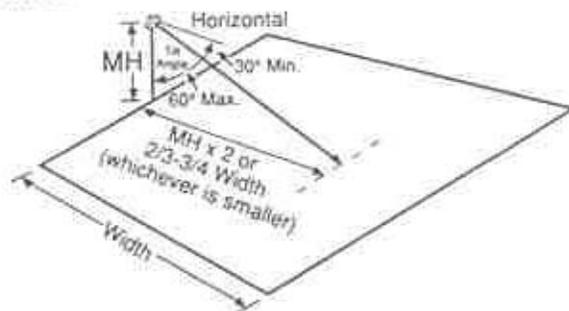


HORIZONTAL AIMING

NEMA 6 or 7 horizontal beam floodlights will effectively light an area 45° to either side of the aiming line.

For uniform lighting of narrow beam floodlights reduce the separation degrees between aiming line.

Perimeter poles need at least two floodlights per pole to cover the area

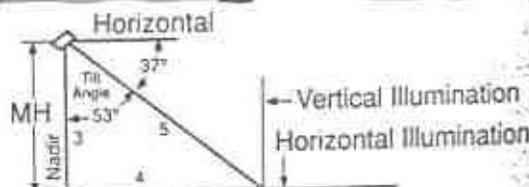


VERTICAL AIMING

The aiming point should be approximately 2/3-3/4 the distance across the area (width) or twice the mounting height (MH), whichever is the lower value.

For good visual comfort aim floodlight at least 30° below horizontal (or ma. 60° tilt angle from nadir).

Higher aiming angles will not improve uniformity and utilization.



The highest horizontal illumination occurs when the maximum intensity (candlepower) is aimed to form approximately a 3, 4, 5 right triangle.

This is useful when determining area lighting pole height or building lighting setback.

DIRECTOR OF PLANNING

RE: LZ-5550

ITEM NO. 4.1 & 4.2: CHANGE OF ZONE NO. 3350

CHANGE OF ZONE NO. 3352

(DISPLAYS FOR SALE IN FRONT YARD SETBACK)

DEAR KATHLEEN

(p.33-Cont'd Public Hearing-3/06/02)

FEB 22 2002
LINCOLN COUNTY
PLANNING DEPARTMENT

I PLEAD WITH YOU TO TAKE STRONG ACTIONS ON BEHALF OF ALL CITIZENS OF LINCOLN AND ESPECIALLY RESIDENTS WHO LIVE NEAR AUTO SALES LOTS. THESE SETBACK CONCESSIONS ARE SIMPLY EXCESSIVE, ILL-TIMED FOR THE FUTURE WELL BEING OF US ALL AND GET NOTHING OF REAL VALUE IN RETURN FOR SUCH A GIVEAWAY ORCHESTRATED BY ORGANIZED VIOLATION OF CITY STATUTES AND COMMON SENSE. IF THIS IS HOW THE SYSTEM WORKS AND HOW IT BOWS TO THE INTENTIONALLY ABSURD AND ENDANGERING ACTIONS OF A FEW DOZEN AUTO DEALERS I'LL BE LEAVING AS SOON AS MY CAREER REACHES RETIREMENT.

ALL THE DEALERS ARE IN ONE TIGHT GROUP Slobbering AT THE THOUGHT OF 24' MORE DISPLAY DEPTH STOLEN FROM THE 30' SETBACK THAT EXISTED FOR THE PURPOSES OF PUBLIC SAFETY, AESTHETIC WELL-BEING AND FUTURE NEEDS. THEY OWE THE PUBLIC AT LEAST $\$1/FT^2$ IN RETURN FOR SUCH ILL CONCEIVED CONCESSION. THAT VALUE SHOULD BE APPLIED TO THE MOUNTING OF GLARE-CONTROLLING GUARDS ON ALL AUTO LOT LUMINAIRES, LOWERED AIMING ANGLES TO STAY WITHIN THEIR PERIMETERS AND A NIGHTLY SHUTDOWN FROM 2 AM - 6 AM TO BETTER THE QUALITY OF LIFE FOR THOSE WHO HAVE TO LIVE WITHIN 300 YARDS OF THESE BLIGHTING, OVER-SPILLING GLARE SOURCES. APPLICATION OF SUCH BOLT-ON ATTACHMENTS, ADJUSTMENT OF AIMING AND RESETTING OF TIMERS COULD BE EASILY AND QUICKLY ACCOMPLISHED.

THIS IS A FAIR "COMPROMISE" IMPORTANT TO US ALL.

Sincerely,
Ron Sisel

RON SISEL - 1010 W. P - 30 YR RESIDENT - 475-8543

cc: MAYOR
PLAN DIR
McRop

IN POPULAR COLOR CORRECT USE - BRIGHT WHITE - 1000 WATT

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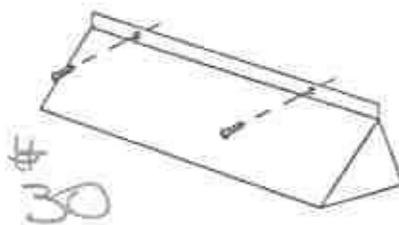


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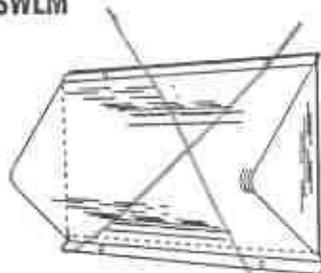


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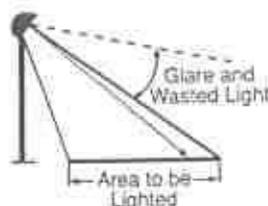
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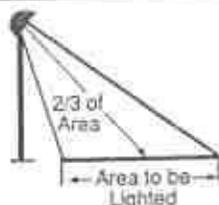
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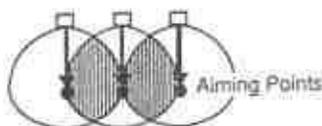
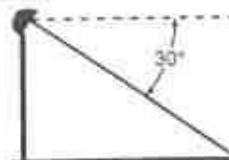
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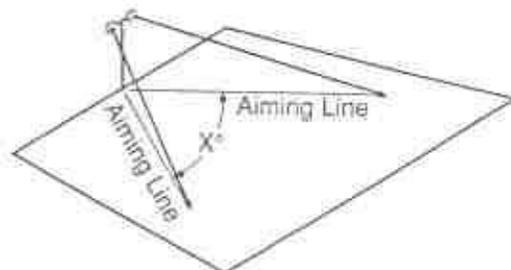
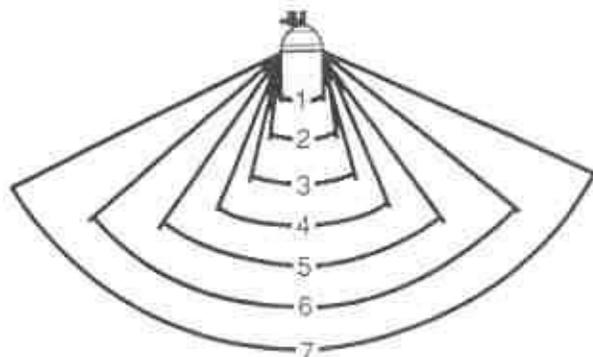


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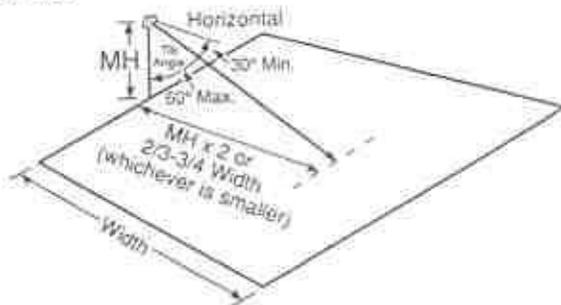


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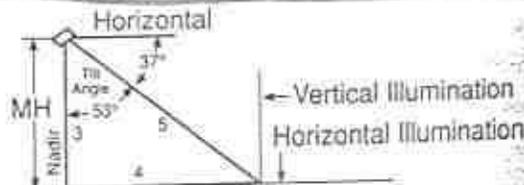


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