

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 1629F**, requested by Brian D. Carstens and Associates on behalf of DuTeau Investment Company, for authority to adjust the side yard setback from 50 feet to 25 feet to allow display vehicle parking, on property generally located at South 27th Street and Porter Ridge Road.

STAFF RECOMMENDATION: Conditional Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 08/31/05
Administrative Action: 08/31/05

RECOMMENDATION: Conditional Approval (8-0: Carlson, Carroll, Esseks, Krieser, Larson, Pearson, Bills-Strand and Taylor voting 'yes'; Sunderman declaring a conflict of interest).

FINDINGS OF FACT:

1. The purpose of this amendment to the existing special permit is to allow parking of display vehicles in a required yard setback on the DuTeau car dealership site.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-4, concluding that the adjustment will allow parking within 25 feet of the property line along the east side of the site adjacent to residential. The impact of a parking lot in proximity to homes will not be significant as it will be used for display vehicles. The area is proposed to be buffered from the residential by landscape screening, further enhanced by a 30 inch retaining wall, a 6 ft. high opaque fence and the fact that the parking lot is between two to four feet lower than the ground elevation at the property line.
3. On August 31, 2005, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On August 31, 2005, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval, as set forth in the staff report (Commissioner Sunderman declaring a conflict of interest). The conditions of approval are found on p.4-5.
5. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied and the revised site plans are attached (p.9-10).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: September 12, 2005

REVIEWED BY: _____

DATE: September 12, 2005

REFERENCE NUMBER: FS\CC\2005\SP.1629F

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for the August 31, 2005 PLANNING COMMISSION MEETING

PROJECT #: Special Permit #1629F
South Ridge Village

PROPOSAL: To allow parking for display vehicles in a required yard setback on the DuTeau car dealership site.

WAIVER REQUEST: Adjust the side yard setback from 50' to 25' to allow display vehicle parking.

LAND AREA: Approximately 5.4 acres.

CONCLUSION: The adjustment will allow parking within 25' of the property line along the east side of the site adjacent to residential. The impact of a parking lot in proximity to homes will not be significant as it will be used for display vehicles. The area is proposed to be buffered from the residential by landscape screening, further enhanced by a 30" retaining wall, a 6' high opaque fence, and the fact that the parking lot is between 2'-4' lower than the ground elevation at the property line.

RECOMMENDATION:	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached legal description.

LOCATION: South 27th Street and Porter Ridge Road

EXISTING ZONING: H-4 General Commercial

EXISTING LAND USE: Car Dealership

SURROUNDING LAND USE AND ZONING:

North:	H-4	Commercial
South:	P	Utility Substation
East:	R-3	Single-family Residential
West:	H-4, B-2	Commercial

HISTORY:

August 2002 SP#1629E was approved adjusting building envelopes, total floor area, and to allow a 50' tall clock tower.

February 2002	City Council denied SP#1629D for an additional ground sign for the gas station at South 27 th Street and Porter Ridge Road.
August 2000	City Council approved SP#1629B to convert a pole sign to a ground sign and to add a ground sign to the DuTeau site.
July 2000	The applicant withdrew SP#1629C to revise the boundaries of the South Ridge Village special permit boundary. It was found that the revision was not needed.
March 1999	City Council approved CZ#3161 from O-3 to H-4.
February 1999	SP#1629A was approved to increase the size of the DuTeau dealership on the south side of Porter Ridge Road to 40,000 square feet.
Sept. 1996	SP#1629 for planned service commercial for South Ridge Village was approved.
February 1994	This area was annexed and the zoning was changed from AG to H-4 and O-3.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Map designates this site as Commercial.

TOPOGRAPHY: Generally sloping down from east to west, and from south to north across the site.

TRAFFIC ANALYSIS: South 27th Street is a principal arterial and Pine Lake Road is a minor arterial.

AESTHETIC CONSIDERATIONS: The compatibility of a parking lot adjacent to residential.

ALTERNATIVE USES: Leave the area as open green space for a buffer.

ANALYSIS:

1. The South Ridge Village special permit was amended in 1999 to expand the car dealership to 40,000 square feet.
2. The required setbacks in the H-4 are: Front - 50'; Side and Rear - 20', except 50' when abutting residential. Parking is allowed in the rear yard, but not in the front and side. The permit adjusted the front yard setback along South 27th Street and Porter Ridge Road from 50' to 20', but the 50' side yard setback to parking and buildings was maintained along the east lot line.
3. The H-4 allows a fairly intense range of land uses. Many of them are high traffic generators that can potentially operate 24 hours a day. The large setbacks are included to maintain compatibility with surrounding land uses.

4. Th application letter notes an adjustment to “building and parking setback”, but only describes an adjustment to allow vehicle display parking. The recommendation of this staff report is to only consider an adjustment to the setback for display vehicle parking and to not include buildings.
5. It is noted that this request is to allow an adjustment in the setback to allow for vehicle display parking. There is a distinction between required off-street parking which accommodates the employees and customers of the business, versus vehicle display area which is where automotive inventory is stored. There is little turn-over associated with the vehicles parked in the display areas compared to those where employees and customers park.
6. The hours of operation for this use are generally typical business hours. That portion of the parking lot dedicated to display area will see little activity after normal business hours, and the impact of cars parked there is minimal. After-hours visitors to the lot are confined to travel on the existing internal drive aisles, and their vehicles are allowed no closer to the east lot line as a result of this amendment. A reduction from 50' to 25' is similar to the 20' setback in the B-2 Planned Neighborhood Business, where the use is allowed closer to residential due to its' reduced intensity combined with adequate screening.
7. A 30" proposed retaining wall is shown along with the existing 6' high opaque fence along the east lot line. Additionally, the ground elevation falls from east to west from between 2' to 4' along the east lot line. For H-4 adjacent to residential, Design Standards require a 10' high, 60% screen along the property line. The existing fence satisfies this requirement. However, under similar circumstances staff typically recommends that the loss of open space associated by a reduced setback be offset by additional landscaping. In this case, additional trees and shrubs are proposed in addition to the existing fence, and not counting the fence the proposed landscaping alone exceeds the screening requirement.
8. Staff does not object to this request, but it should be noted that the original 50' setback was maintained largely over concern on the part of residential neighbors about the proximity of this use to the residential. The applicant states that the neighbors have been contacted and informed about the proposed site plan.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department 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 A 50' setback to buildings, and a 25' setback to vehicle display parking along the east lot line.

2. This approval permits an adjustment to the side yard setback from 50' to 25' for vehicle display parking along the east lot line.

General:

3. Before receiving building permits:

3.1 The permittee shall have submitted a five copies of the final plan.

3.2 The construction plans shall comply with the approved plans.

Standard:

4. The following conditions are applicable to all requests:

4.1 Before occupying the dwelling units 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 or an appropriately established property owners association approved by the City Attorney.

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:

Brian Will, 441-6362, bwill@ci.lincoln.ne.gov
Planner

APPLICANT/

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

OWNER: DuTeau Investment Company
7300 South 27th Street
Lincoln, NE 68512
(402) 420-3300

SPECIAL PERMIT NO. 1629F

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

August 31, 2005

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

The Consent Agenda consisted of the following items: **COUNTY CHANGE OF ZONE NO. 05058, CHANGE OF ZONE NO. 05059, PRE-EXISTING SPECIAL PERMIT NO. 23F, PRE-EXISTING SPECIAL PERMIT NO. 33A, SPECIAL PERMIT NO. 1629F, SPECIAL PERMIT NO. 05042 and SPECIAL PERMIT NO. 05043.**

Ex Parte Communications: None.

Taylor moved to approve the Consent Agenda, seconded by Bills-Strand and carried 8-0: Carlson, Carroll, Esseks, Krieser, Larson, Pearson, Bills-Strand, and Taylor voting 'yes'; Sunderman declared a conflict of interest.

Note: This is final action on Pre-Existing Special Permit No. 23F, Pre-Existing Special Permit No. 33A and Special Permit No. 05042, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days.



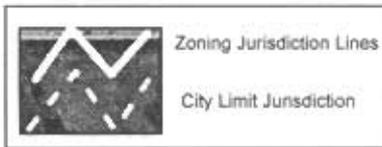
2005 aerial

Special Permit #1629f S. 27th & Porter Ridge Rd.

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

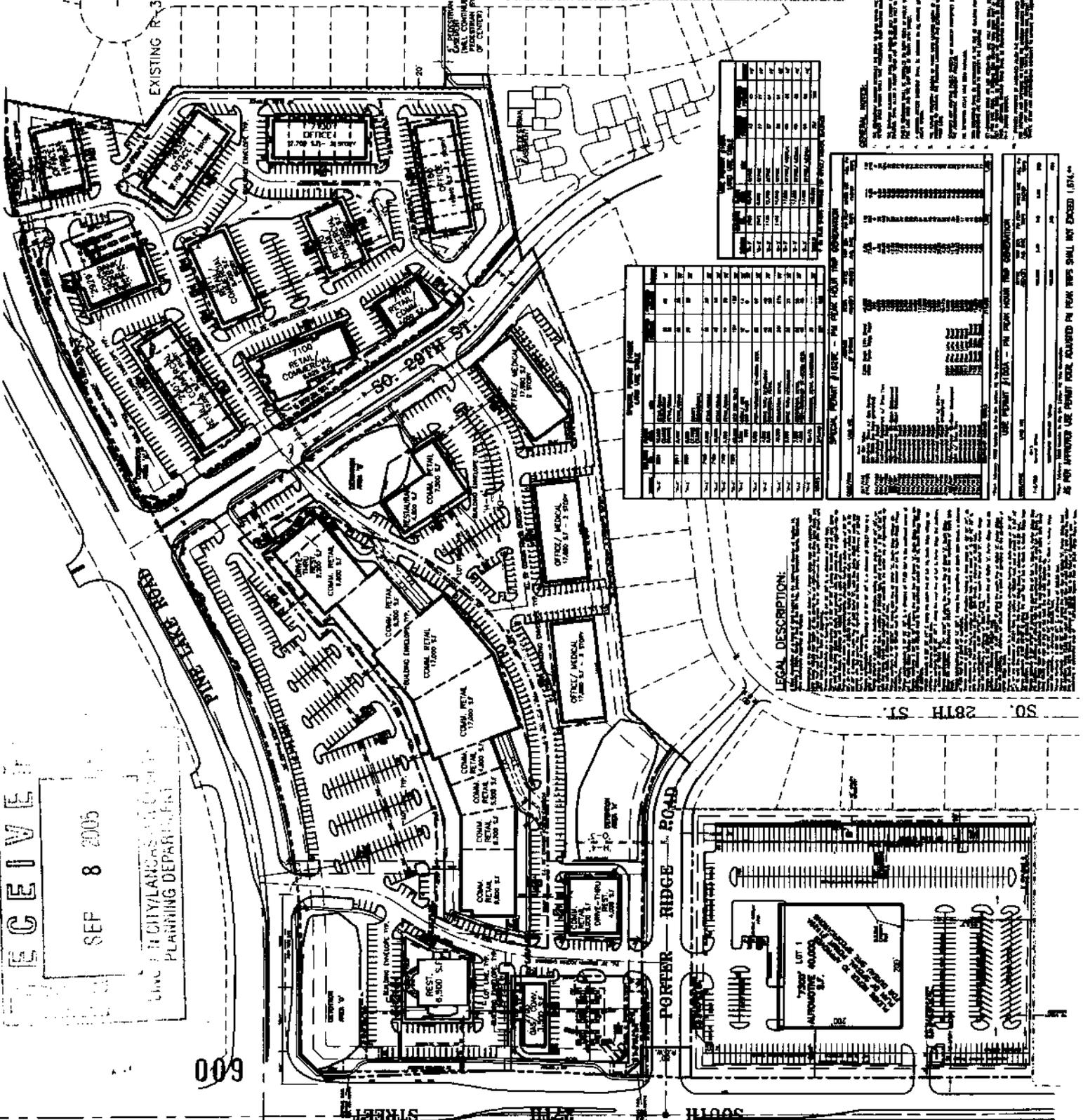
One Square Mile
Sec. 19 T9N R7E



RECEIVED
 SEP 8 2005
 CHICAGO CITY PLANNING DEPARTMENT

SPECIAL PERMIT #1823F
LEGAL DESCRIPTION:
 [Illegible text describing the special permit and legal details]

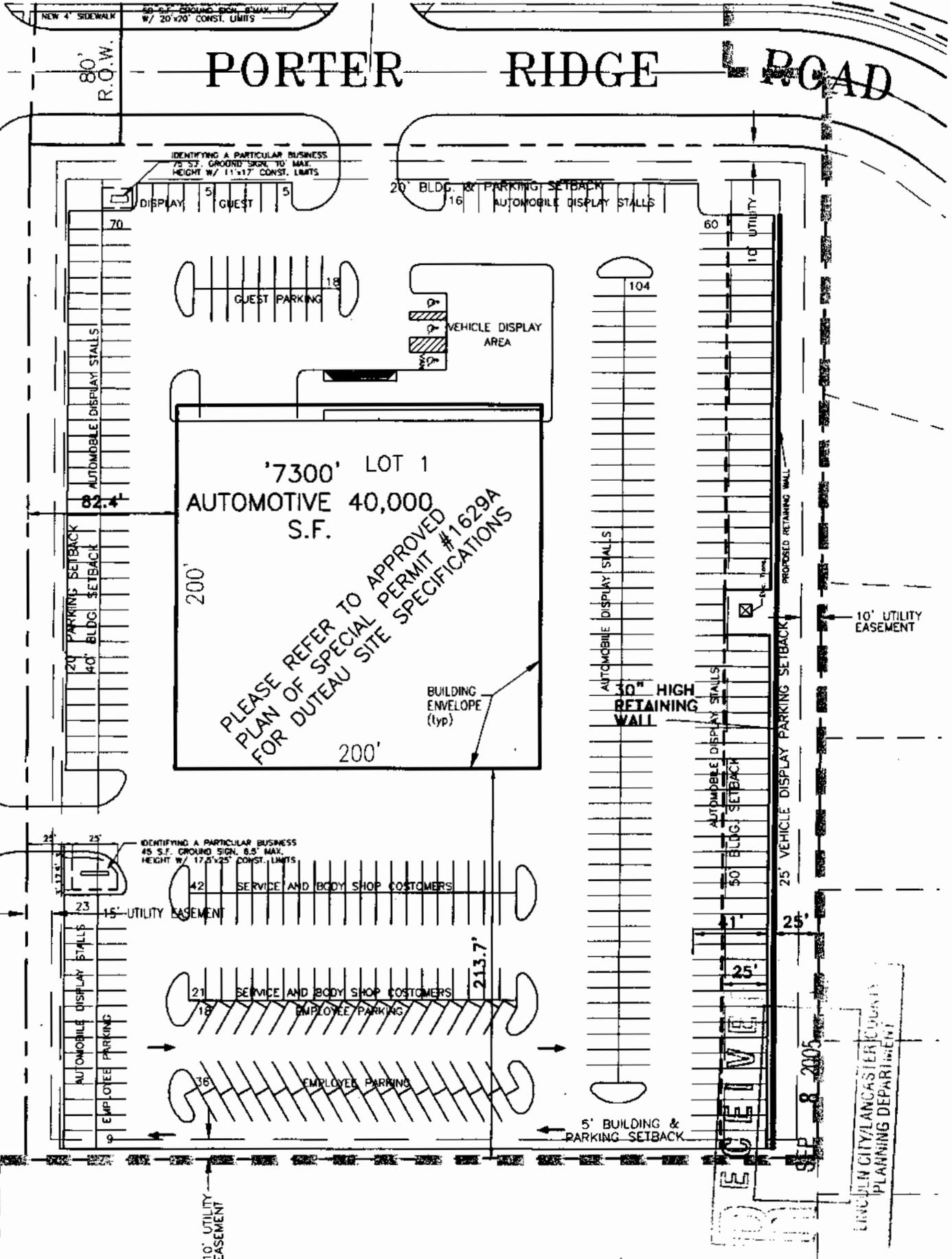
PERMIT #100A
LEGAL DESCRIPTION:
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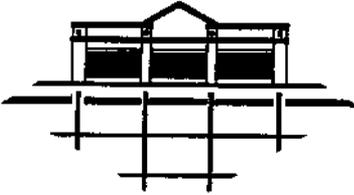
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SOUTH



LANDSCAPE SCHEDULE FOR AUTOMOTIVE SALES

KEY	PLANT MATERIAL	QUAN.	HEIGHT	SPREAD	LOCATION
	EVERGREENS				
A	PICEA ABIES--(NORWAY SPRUCE), 6', B&B	8	50'	25'	EAST PROPERTY LINE
B	PICEA PUNGENS--(COLORADO BLUE SPRUCE) 6' B&B	12	25'	15'	EAST PROPERTY LINE
C	PINUS SYLVESTRIS--(SCOTCH PINE), 6' B&B	13	30'	15'	EAST PROPERTY LINE
Y	TAXUS MEDIA 'EVERLOW' - (EVERLOW YEW) 15", B&B	80	3'	4'	SOUTH 27TH STREET & PORTER RIDGE RD.
S	ABIES CONCOLOR--(WHITE FIR) 6' B&B	3	40'	15'	SOUTH 27TH STREET & PORTER RIDGE RD.
CJ	JUNIPERUS SABINA 'CALGARY CARPET' (CALGARY CARPET JUNIPER), 15" #3 CONTAINER	54			PARKING LOT ISLANDS
	DECIDUOUS SHRUBS				
RB	BERBERIS ATROPURPUREA 'ROSE GLOW'--(ROSE BLOW BERRY), 12-15", CONTAINER GROWN.	24	3'	2'	PARKING LOT ISLANDS
LS	SPIREA JAPONICA 'LITTLE PRINCESS' - (LITTLE PRINCESS SPIREA), 12-15", CONTAINER GROWN	156	3'	3'	SOUTH 27TH STREET & PORTER RIDGE RD.
	DECIDUOUS TREES				
D	FRAXINUS AMERICANA 'AUTUMN PURPLE' - (AUTUMN PURPLE ASH), 2" CALIPER, B&B	4	40'	25'	PARKING AREAS
E	ACER RUBRUM 'RED SUNSET'--(RED SUNSET MAPLE), 2" CALIPER, B&B	5	35'	30'	PARKING AREAS & EAST PROPERTY LINE
G	GINKGO BILOBA 'PRINCETON SENTRY'--(PRINCETON SENTRY GINKGO), 2" CALIPER, B&B	10	50'	25'	SOUTH 27TH STREET
J	TILIA CORDATA 'CORZAM'--(CORINTHIAN LINDEN)	7	40'	30'	PORTER RIDGE ROAD
K	ACER GINNALA 'FLAME'--(FLAME AMUR MAPLE), 5-6', B&B	8	20'	20'	EAST PROPERTY LINE



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

August 4, 2005

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

RE: SOUTH RIDGE VILLAGE - SPECIAL PERMIT #1629F
SOUTH 27TH STREET AND PINE LAKE ROAD

Dear Marvin,

On behalf of DuTeau Investment Company, we submit the following revised special permit for your review. DuTeau's desire to increase their vehicle display area to the east of the building. Currently, the site has a 50 foot building setback from the east property line as well as a 10 foot parking setback. Recent interpretations have required the display of vehicles to meet the building setback, not the parking setback.

Over the past several weeks, representatives of DuTeau's have been meeting the Porter Ridge Neighborhood Association, as well as adjacent neighbors. We are proposing to reduce the building setback from 50 feet to 25 feet. As part of the revised plan, we will be relocating the existing trees, east of their present locations. See attached landscape plan. Most of the trees will actually be 'moving up hill' and therefore will provide more screening than in their existing locations. The existing 6' high PVC opaque fence along the east property line will also remain. Parking lot/ display lighting will remain as is. No additional lights will be installed or moved from the present locations.

A small retaining wall will also be installed to lower the grade of the proposed parking/ display area. No other changes to this special permit are requested at this time.

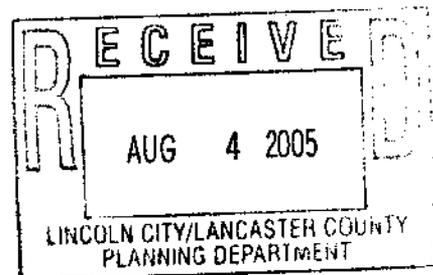
Please contact me if you have any further questions.

Sincerely,

Brian D. Carstens

cc: DuTeau Investment Company

ENCLOSURES: 24 Copies of Sheet 1 of 4
8 Copies of Sheets 2 thru 4 of 4
Application for a Special Permit
Certificate of Ownership
8 1/2" x 11" Reductions
Application fee of \$740.00



OWNERSHIP CERTIFICATE

TO: Brian Carstens
 Brian D. Carstens and Associates
 601 Old Cheney Road, Ste C
 Lincoln, NE 68512

INVESTORS TITLE INSURANCE COMPANY, authorized to engage in the business of abstracting in the State of Nebraska under Certificate of Authority No. 603, hereby certifies that the records of Lancaster County, Nebraska have been carefully examined with reference to the Owner of Record of the following described real estate, and from such examination finds as follows:

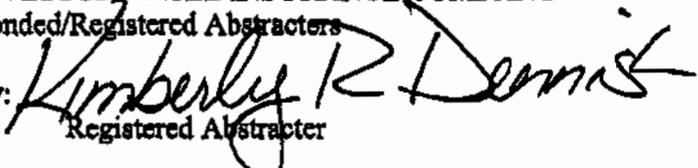
LEGAL DESCRIPTION: Lot 1, Block 1, Porter Ridge West 4th Addition, Lincoln, Lancaster County, Nebraska, EXCEPT a portion of Lot 1, Block 1, Porter Ridge West 4th Addition, Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Beginning at the northwest corner of said Lot 1, said corner being located at the intersection of the easterly 60 foot right-of-way line of 27th Street and the southerly 40 foot right-of-way line of Porter Ridge Road; thence southerly, along the west line of said Lot 1, a distance of 25.0 feet; thence northeasterly, a distance of 35.4 feet, more or less, to a point on the north line of said Lot 1 located 25.0 feet easterly from the northwest corner as measured along said north line; thence westerly along said north line a distance of 25.0 feet to said northwest corner and the Point of Beginning.

OWNERS OF RECORD: DuTeau Investment Company, a Nebraska General Partnership

Witness our hand and seal this 24th day of September, 2004 at 8:00 o'clock A.M.

INVESTORS TITLE INSURANCE COMPANY
Bonded/Registered Abstracters

By: 
Registered Abstracter

NOTE: This Ownership Certificate does not pass on the marketability of the title, nor does it guarantee the legality or sufficiency of any instrument in the chain of title to said described real property. Liability for errors and omissions is limited to the amount of the charges for the preparation of this certificate. This certificate is made for the benefit of the above addressed and is not to be used by any other entity for any other purpose.