

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 10008**, requested by Mike Barnett, owner of Mike's 66 & Towing Used Cars, Inc., to amend Title 27 of the Lincoln Municipal Code, the Zoning Ordinance, relating to outdoor vehicle storage in the H-3, H-4 and I-2 zoning districts.

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 05/05/10
Administrative Action: 05/05/10

RECOMMENDATION: Approval (9-0: Larson, Esseks, Partington, Cornelius, Taylor, Francis, Gaylor Baird, Lust and Sunderman voting 'yes').

FINDINGS OF FACT:

1. This is a request to amend Title 27 of the Lincoln Municipal Code relating to zoning by amending Sections 27.43.030, 27.45.025, and 27.49.030 to add outdoor vehicle storage as a permitted conditional use in the H-3, H-4, and I-2 zoning districts, respectively; and repealing Sections 27.43.030, 27.45.025, and 27.49.030 of the Lincoln Municipal Code as hitherto existing.
2. The applicant currently operates a tow lot in the H-3 Zoning District. The zoning ordinance does not have a use identified as "tow lot". Therefore, the use is classified as outdoor storage, which is not allowed in the H-3 Zoning District. The Planning staff has worked with the applicant on the proposed text.
3. The staff recommendation is based upon the "Analysis" as set forth on p.2-3, concluding that outdoor vehicle storage in the H-3, H-4 and I-2 zoning districts, when adequately screened, should have little impact on the surrounding areas.
4. On May 5, 2010, 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 May 5, 2010, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: May 10, 2010

REVIEWED BY: _____

DATE: May 10, 2010

REFERENCE NUMBER: FS\CC\2010\CZ.10008 text

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for May 5, 2010 PLANNING COMMISSION MEETING

- PROJECT #:** Change of Zone No.10008
- PROPOSAL:** To add outdoor vehicle storage as a conditional use in the H-3, H-4 and I-2 zoning districts.
- CONCLUSION:** Allowing outdoor vehicle storage in H-3, H-4 and I-2 when adequately screened should have little impact on the surrounding areas.

<u>RECOMMENDATION:</u>	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: see attached

ANALYSIS:

1. This application is to allow outdoor vehicle storage in H-3, H-4 and I-2. The applicant currently operates a tow lot in the H-3 District. The zoning ordinance does not have a use identified as "tow lot". Therefore, the use is classified as outdoor storage which is not allowed in H-3. Planning staff has worked with the applicant on proposed text.
2. Outdoor or open storage is addressed in four areas of the zoning ordinance. The I-2 district has "open storage" as a conditional use. The H-2, H-3 and I-2 districts address vehicles stored outside when waiting repair at a vehicle body shop, and the special permit for Planned Service Commercial addresses outdoor storage associated with service centers, contractor's storage and wholesale/distribution centers.
3. Currently, outdoor storage for vehicles such as campers, boats, recreational vehicles and cars is only allowed in the I-2 district under the conditional use for open storage or when accessory to mini-storage warehouse.
4. Although outdoor vehicle storage is allowed in the I-2 today, this text would separate vehicle storage from other outdoor storage. The proposed conditions for outdoor vehicle storage are different than open storage. The I-2 requires open storage to be screened from public view with an enclosure or screen at least 6 feet in height.
5. The City Design Standards requires open storage to be screened if it is located within 150 feet of street right-of-way and within public view. The screen "shall be evenly distributed to screen at least 60% of the surface area of a vertical plane from the ground elevation to a height of ten feet."
6. Outdoor vehicle storage would have to meet the screening requirements for open storage as identified in the City Design Standards. Other conditions include no dismantling, wrecking or disassembling of vehicles and no stacking of vehicles.

7. Allowing outdoor storage of vehicles in the H-2, H-3 and I-2 districts should have no more impact on the surrounding area than allowing outdoor storage of vehicles when waiting for repair at a body repair shop or allowing outdoor storage associated with a contractor's business.

Prepared by:
Tom Cajka
Planner

DATE: April 20, 2010

APPLICANT: Mike Barnett
8200 N. 56th St.
Lincoln, NE 68514
402-466-1129

CONTACT: same as applicant

CHANGE OF ZONE NO. 10008

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

May 5, 2010

Members present: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Lust, Partington, Sunderman and Taylor.

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 10002, ANNEXATION NO. 08027, ANNEXATION NO. 10003, CHANGE OF ZONE NO. 10010, CHANGE OF ZONE NO. 10008 and COUNTY SPECIAL PERMIT NO. 10020.**

Ex Parte Communications: None

Item No. 1.5, County Special Permit No. 10020, was removed from the Consent Agenda and called under Requests for Deferral.

Larson moved to approve the remaining Consent Agenda, seconded by Francis and carried 9-0: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Lust, Partington, Sunderman and Taylor voting 'yes'.

Note: This is final action on Comprehensive Plan Conformance No. 10002, 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.



MIKE'S 66 & TOWING
USED CARS, INC
8200 NO 56TH STREET
LINCOLN, NE 68514
402-466-1438
402-466-1129 FAX

March 17, 2010

TO :CITY OF LINCOLN PLANNING DEPARTMENT

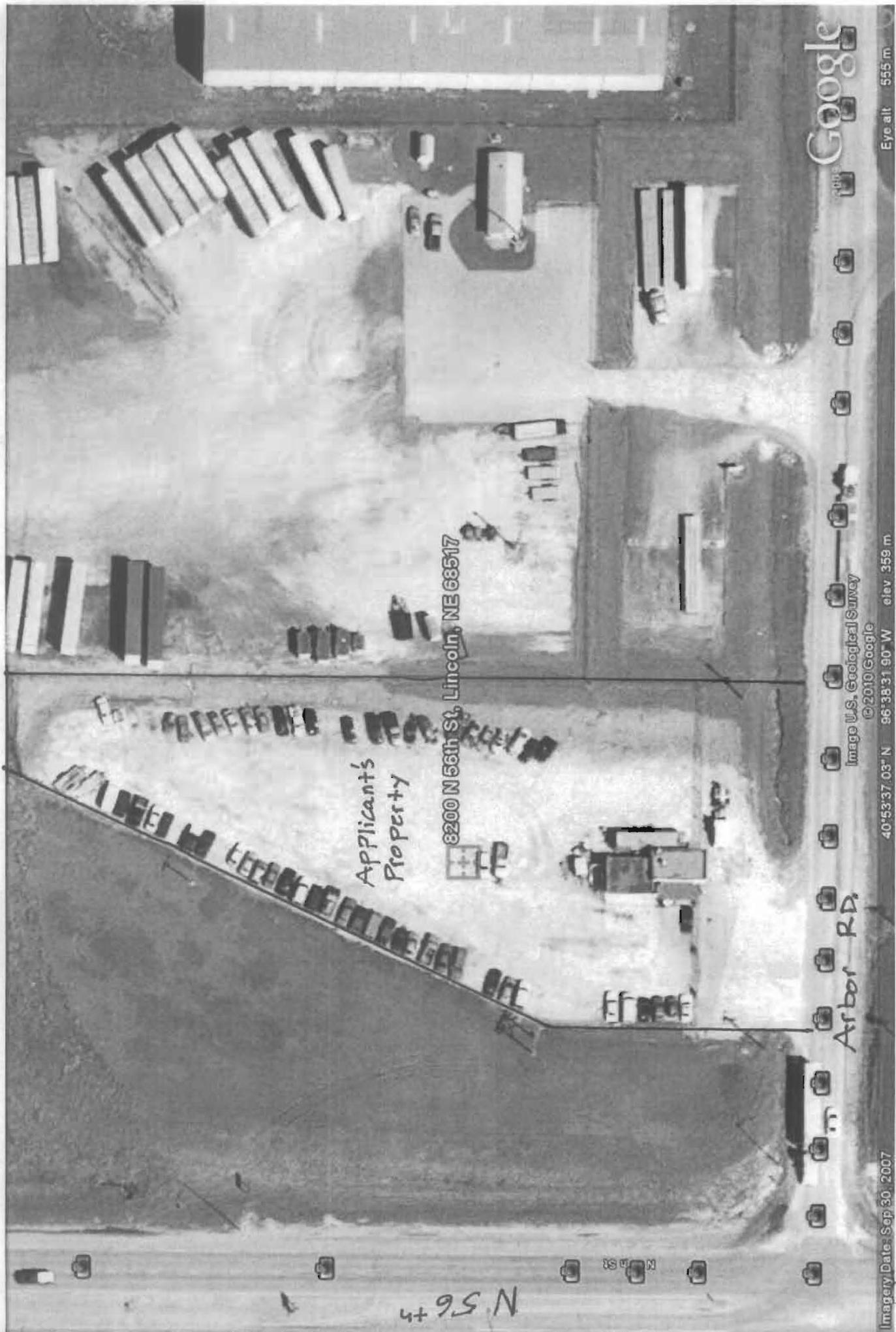
WE ARE REQUESTING A TEXT CHANGE IN H-3 ZONING AT
8200 NO. 56TH STREET LINCOLN, NE 68514-9198 TO PROVIDE
USAGE AS A SECURE PARKING LOT FOR THE LAW
ENFORCEMENT ORDERED TOWS AND THE OPERATION OF OUR
TOW SERVICE.

WE WILL WORK HARD TO KEEP THIS OPERATION NEAT AND
CLEAN AND WILL ABSOLUTELY NOT DISMANTLE OR SALVAGE
VEHICLES IN ANY WAY.

YOUR COOPERATION IS GREATLY APPRECIATED IN THIS
MATTER.

THANK YOU,

MIKE BARNETT
OWNER MIKE'S 66 & TOWING USED CARS, INC



N 56th

Applicant's
Property

6200 N 56th St, Lincoln, NE 68517

Arbor Rd

Google

Eye alt 555 m

Image U.S. Geological Survey
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40°53'37.03" N 96°38'31.90" W elev. 359 m

Imagery Date: Sep 30, 2007