

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Special Permit #1984

DATE: August 25, 2002

PROPOSAL: Brian Carstens, on behalf of David L. and Doreen K. Miller, has requested a Special Permit for a parking lot on residentially zoned property.

WAIVER

REQUEST: None

LAND AREA: Approximately 4,794 square feet

CONCLUSION: The proposed parking lot in a residential area, if revised to meet parking lot design standards, will meet the requirements of the zoning code.

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

LEGAL DESCRIPTION: Lot 'C', County Clerk's Subdivision of Lot 9, Block 2, located in the Northwest Quarter of Section 36, T10N, R6E, Lincoln, Lancaster County, Nebraska.

LOCATION: S. 17th and Washington Streets

APPLICANT: David L. and Doreen K. Miller
Miller Electric
1537 South 17th Street
Lincoln, NE 68502
(402) 435-0249

OWNER: David L. and Doreen K. Miller
Miller Electric
1537 South 17th Street
Lincoln, NE 68502
(402) 435-0249

CONTACT: Brian Carstens
Brian Carstens and Associates
601 Old Cheney Road, Suite 'C'
Lincoln, NE 68521

EXISTING ZONING: R-6

EXISTING LAND USE: Illegal gravel parking lot constructed without a building permit

SURROUNDING LAND USE AND ZONING:

North:	Residential	R-6
South:	Residential and Commercial	R-6 and B-3
East:	Commercial	B-3
West:	Residential Multi-family	R-6

HISTORY:

August 15, 2002	Teri Dolezal, on behalf of ALLTEL, has requested an Administrative Special Permit #02011 to co-locate on the existing wireless telecommunications tower at 1537 S. 17 th Street.
August 8, 2002	Brian Carstens, on behalf of David L. and Doreen K. Miller, has requested a Special Permit for a parking lot on residentially zoned property.
June 7, 2001	Planning Director approves Administrative Special Permit #00020 to Qwest for authority to co-locate on the existing personal wireless facility at 1537 S. 17 th Street.
March 7, 2001	Planning Commission approved Special Permit #1884 to Miller Electric, for authority to construct an 80' tall wireless communications facility and a waiver of the fallzone.
1979 Zoning Update	This property was converted from D, Multiple Dwelling District to R-6, Residential District
Date Unknown	Lot was converted to a gravel parking lot without a special permit or building permit.

COMPREHENSIVE PLAN SPECIFICATIONS: Shown as residential in the 2025 Lincoln-Lancaster County Comprehensive Plan.

P. F49. Guiding Principles For Existing Commercial Centers:

Encourage renovation and reuse of existing commercial centers. Infill commercial development should be compatible with the character of the area and pedestrian oriented. Maintain and encourage retail establishments and businesses that are convenient to, and serve, neighborhood residents, yet are compatible with, but not intrusive upon residential neighborhoods.

Expansion of existing commercial and industrial uses should not encroach on existing neighborhoods and must be screened from residential areas.

The priority in older areas should be on retaining areas for residential development. Prior to approving the removal of housing in order to provide for additional parking to support existing centers, alternatives such as shared parking, additional on-street parking or the removal of older commercial stores should be explored.

UTILITIES: Utilities are available

TOPOGRAPHY: The property slopes slightly from the east to the west

TRAFFIC ANALYSIS: The existing and the Future Street and Road Network Functional Classification of Garfield Street at this site is Local Street. This application will not adversely affect traffic. The driving aisle of the parking lot is proposed to provide access to the building located on the B-3 zoned land. Access to the commercial building must be from the alley, not through the parking lot.

PUBLIC SERVICE: This site receives City of Lincoln services.

REGIONAL ISSUES: None apparent

AESTHETIC CONSIDERATIONS: The request for a parking lot in a residential district is commercial in nature and does not coincide with the adjacent residential aesthetics. As it is an existing parking lot currently, this special permit will ensure that the parking lot will meet Design Standards.

ALTERNATIVE USES: The alternative uses for this site are the uses permitted by the R-6 zoning district.

ANALYSIS:

OVERVIEW: The applicant has requested a special permit for a parking lot in a residential district. The existing parking lot is gravel, currently does not meet Design Standards, and did not receive a building permit. This special permit would ensure that the parking lot meets Design Standards.

1. SPECIAL PERMIT REQUIREMENTS FOR A PARKING LOT IN A RESIDENTIAL DISTRICT PER L.M.C. 27.63.170(a)1:

(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:

The site of this application is adjacent to a B-3 District located directly to the east.

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 nonresidential street:

The existing and proposed parking lot uses the concrete alley for access.

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

The alley adjacent to the parking lot to the north is paved.

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

Under 'General Note 4.' on the site plan the applicant has noted "4. Parking lot lighting shall be installed as per City of Lincoln Lighting 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:

There is none.

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

The landscape plan has included appropriate screening along Garfield Street. The existing fence along the west lot line should remain, with the addition of required street trees and screening by the Design Standards for Screening and Landscaping.

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

This application fulfills these requirements with the adherence to the conditions of screening and landscaping of this special permit and the current Design Standards.

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

The parking lot abuts the B-3 commercial district.

Planning Commission review and City Council approval is required for this use.

2. L.E.S. RESPONSE: Additional utility easements are required.

3. PUBLIC WORKS RESPONSE: The Public Works and Utilities Department has noted that the required 17.5' depth of the accessible parking stall intrudes into the required 22' driving aisle.

4. CITY PARKS AND RECREATION RESPONSE: The Parks and Recreation Department notes that the Landscape Plan should include street trees.

5. This is located in a commercial redevelopment area.

6. This application meets the special permit requirements of 27.63.170 for a parking lot in a residential district. This special permit provision is to provide parking, after review and conditions, next to older, developed, established districts such as B-3, as this site is, when at the time it was developed no parking was required by the zoning code nor was it provided.

CONDITIONS:

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 That the required 17.5' depth of the accessible parking stall does not intrude into the required 22' driving aisle, per request by Public Works

1.1.2 Add the additional utility easements required by L.E.S.

1.1.3 Remove the drive from the parking lot to the future building.

1.2 Revise the landscape plan to show:

1.2.1 Screening and landscaping that meet the City of Lincoln Design Standards

1.2.5 Add the required street trees to meet current standards.

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

General:

3. Before receiving building permits:

3.1 The construction plans shall comply with the approved plans.

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 therefore to be paid in advance by the applicant.

Prepared by:

Abigail Davis
Planner

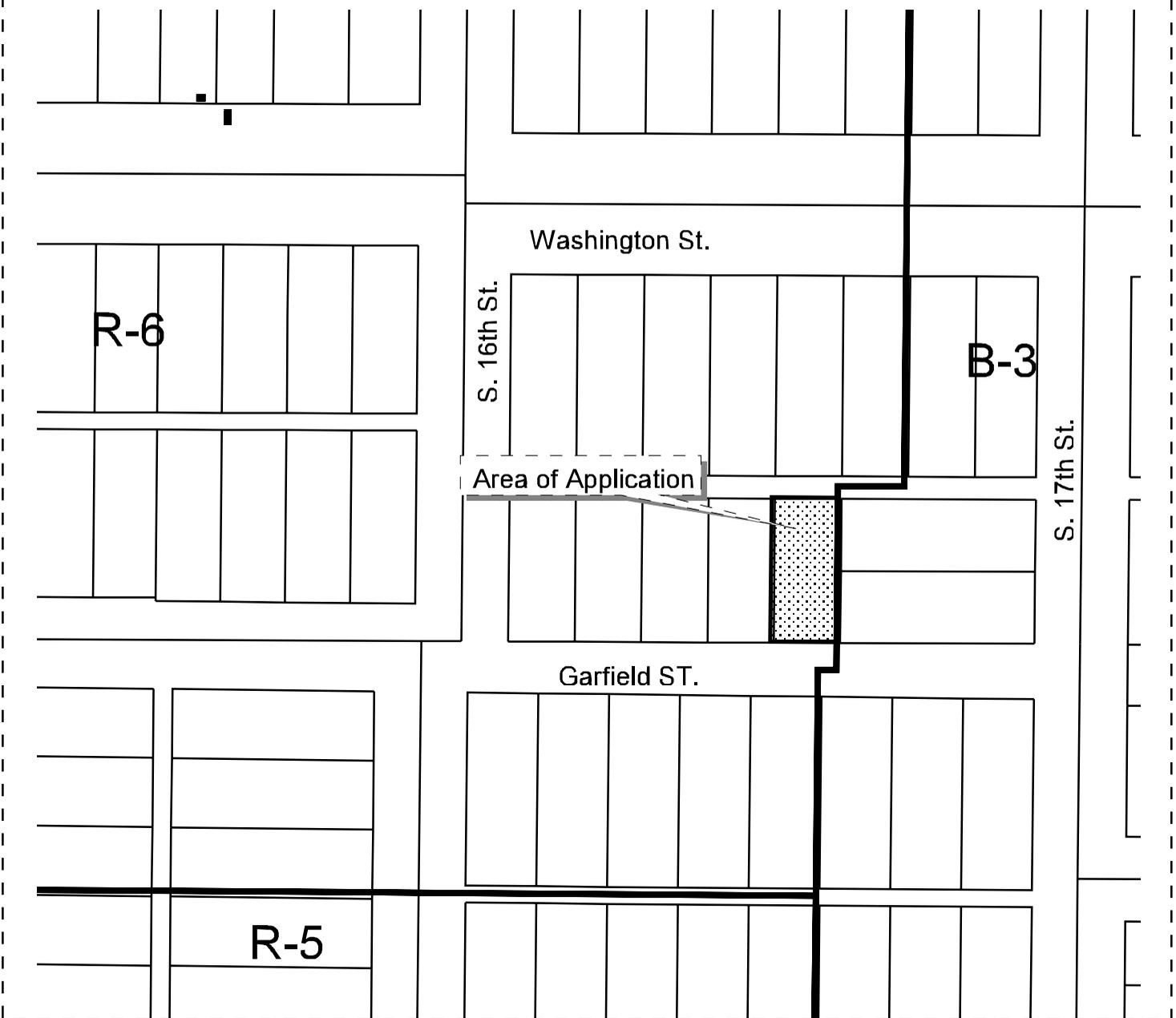
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**Special Permit #1984
S. 17th & Washington St.**



Photograph Date: 1997

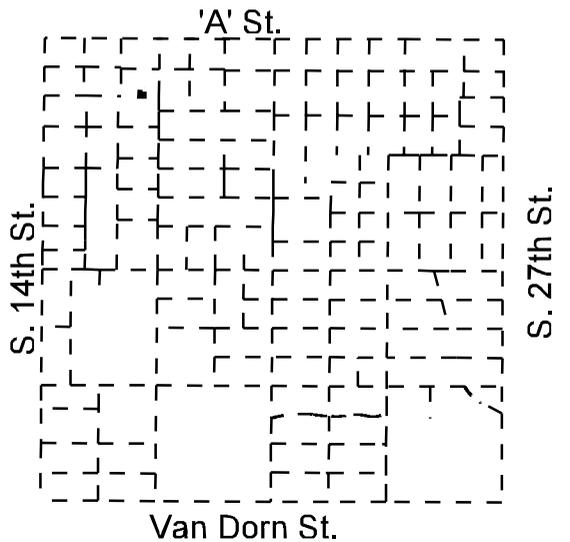
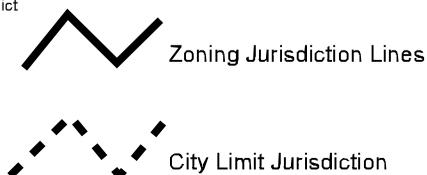


**Special Permit #1984
S. 17th & Washington St.**

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. 36 T10N R6E

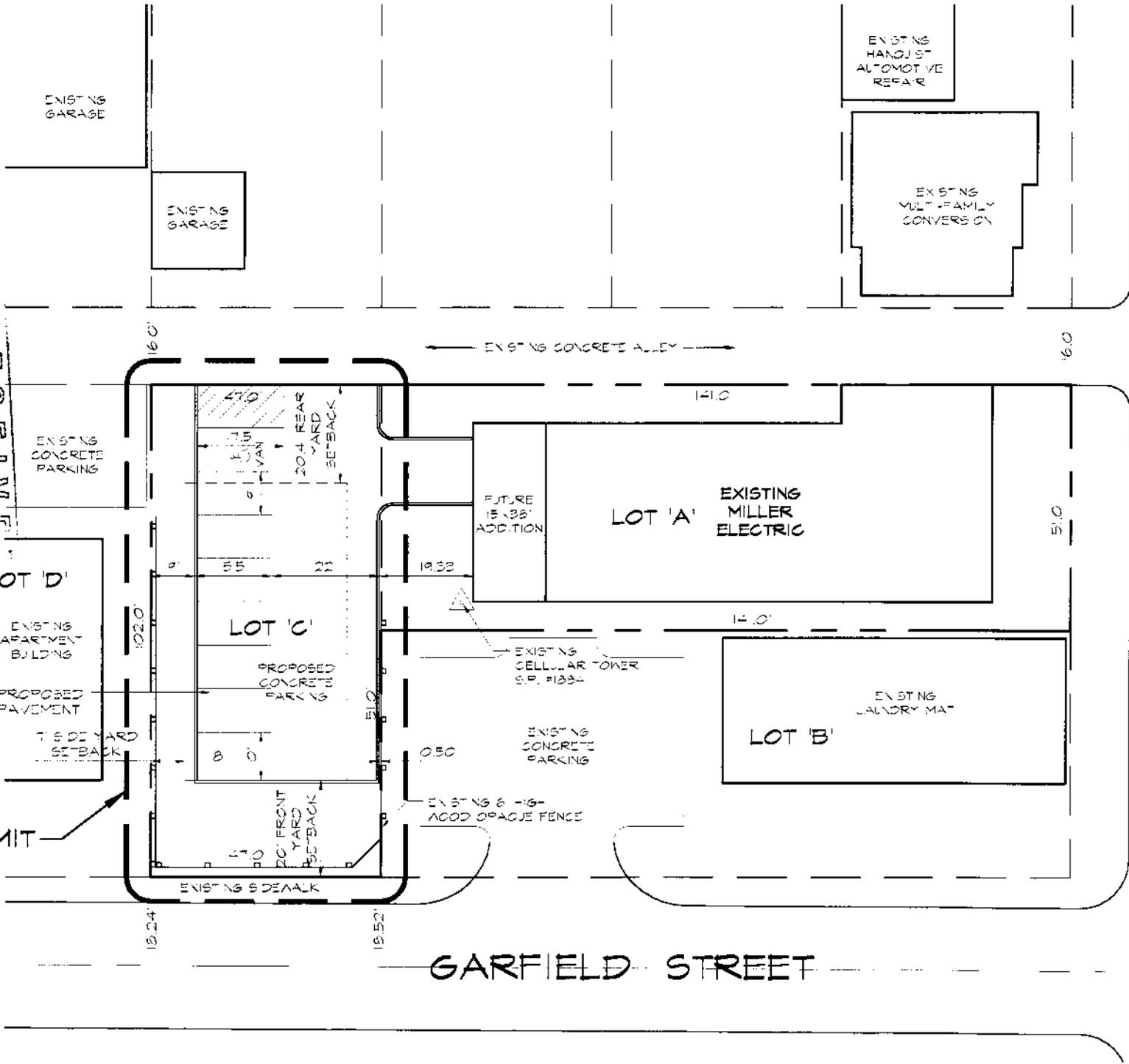


LANCASTER CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

AUG - 8 2002

PERMITS

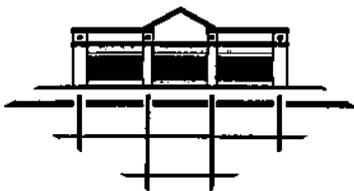
LIMITS OF SPECIAL PERMIT



SOUTH 17TH STREET

GARFIELD STREET

N



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 8, 2002

Mr. Mike Dekalb
Interim Planning Director
Planning Department
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: MILLER ELECTRIC - SPECIAL PERMIT FOR A PARKING LOT
1537 South 17th Street

Dear Mike,

On behalf of David L. & Doreen K. Miller, we submit the following Special Permit for your review. We are requesting a special permit to construct a paved parking lot in the area of an existing graveled parking lot.

The owner purchased the property on January 1, 1998. The graveled lot was existing at that time. Upon application for a building permit to expand the building, it was discovered that this parking lot was not in conformance with the zoning ordinance. Thus our request for this special permit.

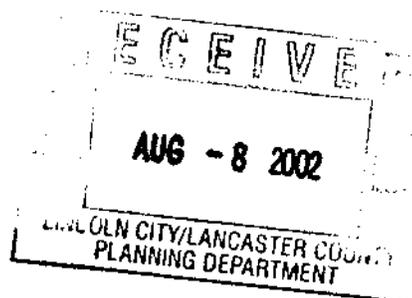
Please contact me if you have any further questions.

Sincerely,

Brian D. Carstens

cc: David Miller

ENCLOSURES: 16 Copies of Sheet 1 of 2
6 Copies of Sheet 2 of 2
Application for a Special Permit
Certificate of Ownership
8 1/2" x 11" Reductions
Application fee of \$195.00





INTER-DEPARTMENT COMMUNICATION

DATE August 19, 2002

TO Abby Davis, City Planning

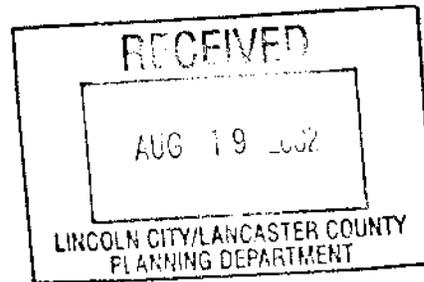
FROM Sharon Theobald
(Ext. 7640)

SUBJECT DEDICATED EASEMENTS
DN #15S-16E

Attached is the Revised Special Permit request for Miller Electric to construct a paved parking lot in the area of the existing graveled Lot.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map.

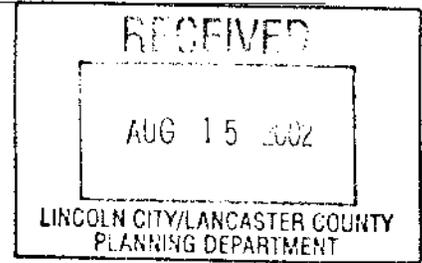


ST/ss
Attachment
c: Terry Wiebke
Easement File

M e m o r a n d u m



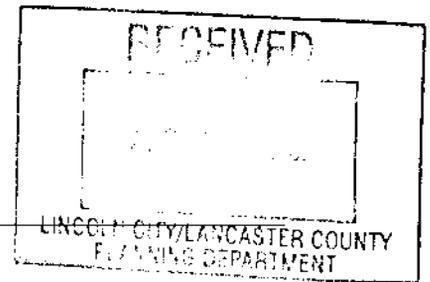
To: Abby Davis, Planning Dept.
From: ^{AB} Bruce Briney, Public Works and Utilities
Subject: Special Permit #1984
Miller Electric, Paving an Existing Gravel Parking Lot
Date: August 14, 2002
cc: Nicole Fleck-Tooze
Randy Hoskins



The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Application for Special Permit #1984 for Miller Electric to pave an existing gravel parking lot at 1537 South 17th Street and has the following comment:

- The required 17.5' depth of the accessible parking stall intrudes into the required 22' driving isle.

M e m o r a n d u m



To: Abby Davis, Planning Dept.

From: BB
Bruce Briney, Public Works and Utilities

Subject: Special Permit #1984, Miller Electric
Paving an Existing Gravel Parking Lot/Nonconforming Fence

Date: August 20, 2002

cc: Nicole Fleck-Tooze
Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Application for Special Permit #1984 for Miller Electric to pave an existing gravel parking lot and to resolve the issue of a nonconforming fence at 1537 South 17th Street and has the following comment:

- As noted in the response to the previous submittal for Special Permit #1984, the required 17.5' depth of the accessible parking stall intrudes into the required 22' driving isle.

Memo



To: Abby Davis, Planning Department

From: Mark Canney, Parks & Recreation

Date: August 19, 2002

Re: Miller Electric SP 1984

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. Landscape Plan should include street trees.

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

MILLER ELECTRIC

of LINCOLN INC.

1537 S. 17TH STREET STE # 1
LINCOLN, NEBRASKA 68502-2504
(402) 435-0249 FAX (402) 435-4330
E-mail: DAVIDLMILLER1@AOL.COM

Dear Robert Chapman
7150 S. Wedgewood
Lincoln, NE

Owner of Property at
1617 & 1619 Washington

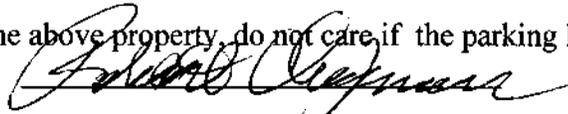
Subject: Parking lot & Addition to building

I am asking all the owners of the propoerty's around my building for their input on the existing parking lot in the rear of my building at 1537 S. 17th St. Currently it is not zoned as a parking lot, but it is not in violation of any ordinances as it has been a parking lot since 1973, but I would like to get it paved, which requires a zone change. Also at the same time I would be applying for a building permit for a 20' additon to the rear of the building to the west. At that time the entire building would be painted to match.

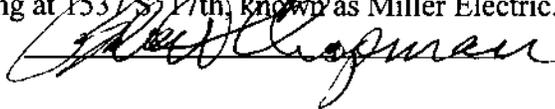
David L. Miller
Miller Electric of Lincoln inc.

(Please sign by the ones that apply)

I, as owner of the above property, do not care if the parking lot gets Zoned as a parking lot, so it can be paved.



I, as owner of the above property, do not care if a 20' Addition is added on to the rear of the existing building at 1537 S. 17th, known as Miller Electric.



I, as owner of the above property, do not want the parking lot to be Zoned as a parking lot, so it can be paved. _____

I, as owner of the above property, do not want to see a 20' Addition added on to the rear of the existing building at 1537 S. 17th, known as Miller Electric. _____

RECEIVED

AUG - 8 2002

LINCOLN CITY/LANCASTER CO. PLANNING DEPARTMENT

1609
1617
1619
1629

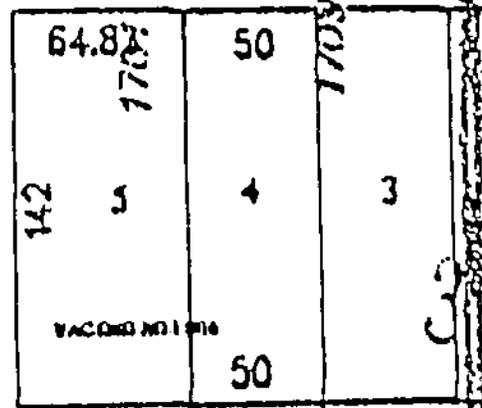
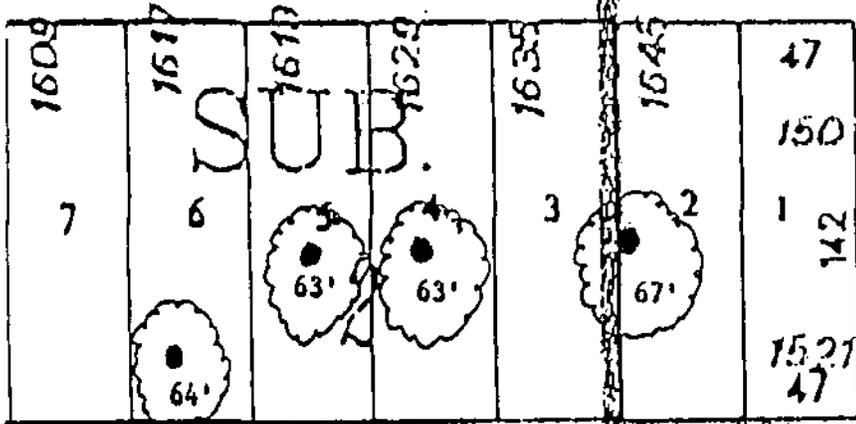
EXISTING TREE LAYOUT

50

1732

1745

WASHINGTON

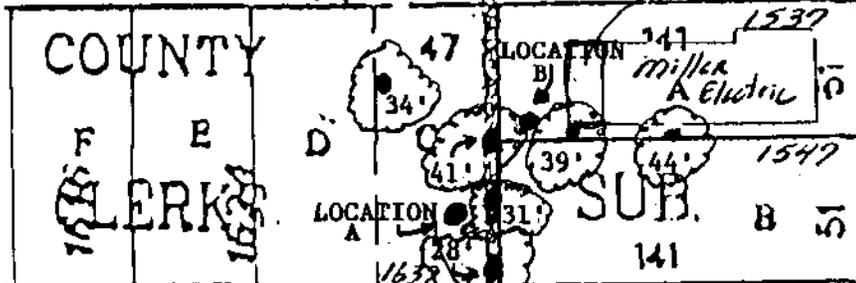


ALLEY

PROPOSED

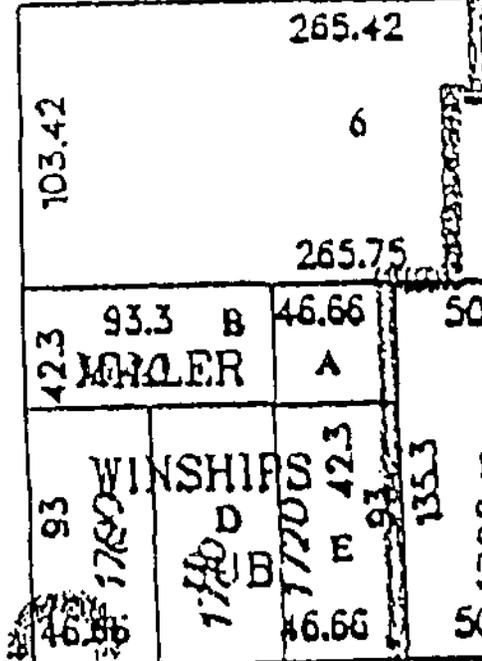
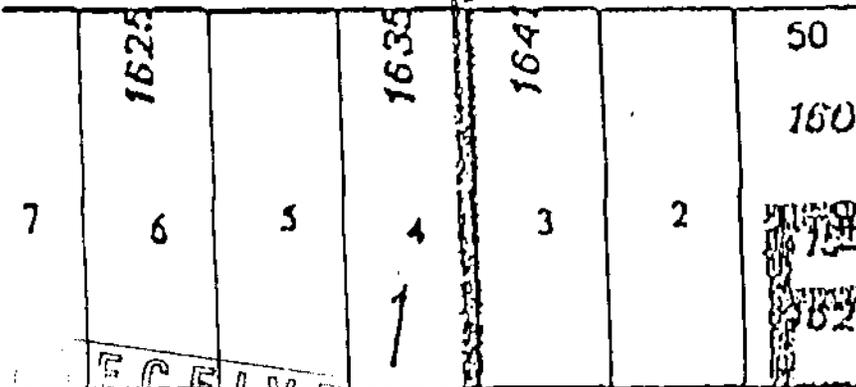
Addition

18

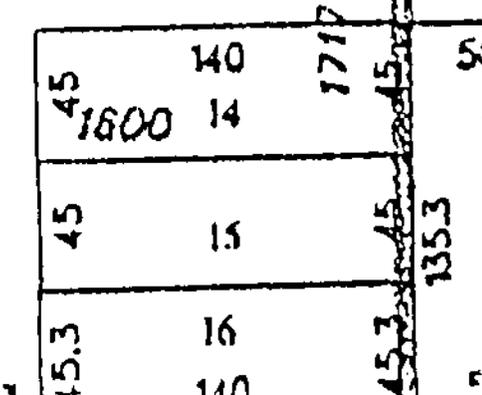
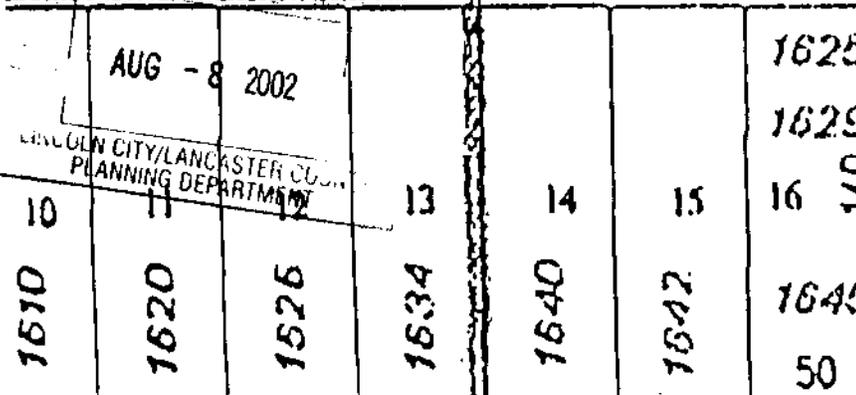


17th ST.

GARFIELD



GARFIELD



AUG - 8 2002

LANCASTER CITY/LANCASTER COUNTY PLANNING DEPARTMENT

MILLER ELECTRIC
OF LINCOLN INC.
1537 S. 17TH STREET STE # 1
LINCOLN, NEBRASKA 68502-2504
(402) 435-0249 FAX (402) 435-4330
E-mail: DAVIDLMILLER1@AOL.COM

Dear Mr. & Mrs. Hanquist
2035 Burnham St.
Lincoln, NE 68502

Owner of Property at
1501 & 1519 S. 17th street

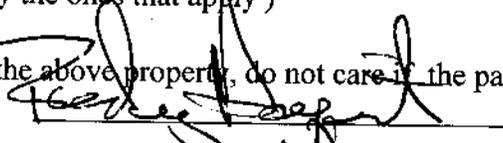
Subject: Parking lot & Addition to building

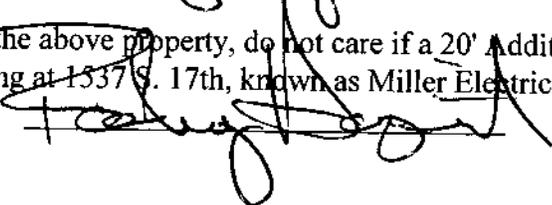
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David L. Miller
Miller Electric of Lincoln inc.

(Please sign by the ones that apply)

I, as owner of the above property, do not care if the parking lot gets Zoned as a parking lot, so it can be paved. 

I, as owner of the above property, do not care if a 20' Addition is added on to the rear of the existing building at 1537 S. 17th, known as Miller Electric. 

I, as owner of the above property, do not want the parking lot to be Zoned as a parking lot, so it can be paved. _____

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AUG - 8 2002

CITY OF LINCOLN

MILLER ELECTRIC
of LINCOLN INC.
1537 S. 17TH STREET STE # 1
LINCOLN, NEBRASKA 68502-2504
(402) 435-0249 FAX (402) 435-4330
E-mail: DAVIDLMILLER1@AOL.COM

Dear Edwin & Judith Holechek
7533 Sherman St.
Lincoln, NE 68506

Owner of Property at
1625 Washington

Subject: Parking lot & Addition to building

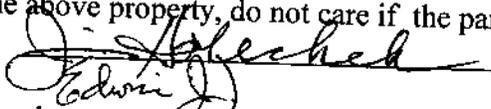
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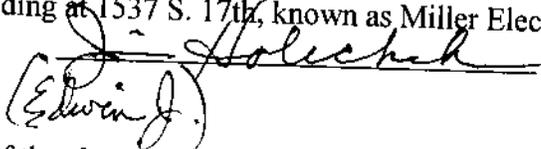
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Miller Electric of Lincoln inc.

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MILLER ELECTRIC

of LINCOLN INC.

1537 S. 17TH STREET STE # 1
LINCOLN, NEBRASKA 68502-2504
(402) 435-0249 FAX (402) 435-4330
E-mail: DAVIDLMILLER1@AOL.COM

Dear Hung Tran
3910 N 7th
Lincoln, NE 68521

Owner of Property at
1624 Garfield

Subject: Parking lot & Addition to building

I am asking all the owners of the property's around my building for their input on the existing parking lot in the rear of my building at 1537 S. 17th St. Currently it is not zoned as a parking lot, but it is not in violation of any ordinances as it has been a parking lot since 1973, but I would like to get it paved, which requires a zone change. Also at the same time I would be applying for a building permit for a 20' addition to the rear of the building to the west. At that time the entire building would be painted to match.

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Miller Electric of Lincoln inc.

(Please sign by the ones that apply)

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AUG - 8 2002

MILLER ELECTRIC

of LINCOLN INC.

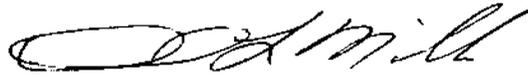
1537 S. 17TH STREET STE # 1
LINCOLN, NEBRASKA 68502-2504
(402) 435-0249 FAX (402) 435-4330
E-mail: DAVIDLMILLER1@AOL.COM

Dear Candyce A. Martin
1035 S. Cotner Blvd.
Lincoln, NE 68510

Owner of Property at
1635 Washington

Subject: Parking lot & Addition to building

I am asking all the owners of the propoerty's around my building for their input on the existing parking lot in the rear of my building at 1537 S. 17th St. Currently it is not zoned as a parking lot, but it is not in violation of any ordinances as it has been a parking lot since 1973, but I would like to get it paved, which requires a zone change. Also at the same time I would be applying for a building permit for a 20' additon to the rear of the building to the west. At that time the entire building would be painted to match.



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Miller Electric of Lincoln inc.

(Please sign by the ones that apply)

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