

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Special Permit 1941 **DATE:** 11-28-01

PROPOSAL: Storage of vehicles for sale in the front yard.

CONCLUSION: Vehicles permanently parked up to the front property line could cause visual concerns for drivers exiting the lot onto Cornhusker Hwy. and for drivers on Cornhusker Hwy.

The required landscape plan was not provided by the applicant. However, installing a 15-foot landscape buffer would enhance the area and be compatible with properties east of N. 31st St. Cir. It would also allow the applicant to park cars for sale or resale closer to Cornhusker Hwy.

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

LEGAL DESCRIPTION: East 110' of Lot 2, Spilker 1st Addition and Lot 97 and 98 IT; located in the SW 1/4 of Section 7, T10N, R7E, Lancaster County, Nebraska.

LOCATION: 2940 Cornhusker Highway

APPLICANT: Mike Kebraei
Best Buy Auto
2940 Cornhusker Hwy
Lincoln, Ne 68504

OWNER: Spilker Family Co.

CONTACT: Mike Kebraei

EXISTING ZONING: H-3 Highway Commercial District

EXISTING LAND USE: Auto Sales

SURROUNDING LAND USE AND ZONING:

North: I-1, Industrial
South: H-3, Highway Commercial
East: Adjacent is H-3, Highway Commercial; East of N.31st St. Circle is I-1 Industrial District.
West: H-3 Highway Commercial

HISTORY:

On August 7, 2000 City Council approved Special Permit 1841 to allow the storage of vehicles for sale in the front yard and rear yard on property located at 29th and Cornhusker Hwy.

On October 20, 1997 City Council approved a zoning text change to allow the storage of vehicles for sale and resale in the front yard of the B-3, H-2, H-3 and I-2 zoning districts by special permit.

On August 24, 1992 the City Council approved Change of Zone 2697 from H-3 Highway Commercial to I-1 Industrial on an area between N. 31st St. Circle and N. 33rd St. on the north side of Cornhusker Hwy.

1979 the zoning was changed to H-3 Highway Commercial District.

Prior to 1979 the zoning was H-2 Highway Commercial District

COMPREHENSIVE PLAN SPECIFICATIONS:

The Land Use Plan shows this area as Commercial.

TRAFFIC ANALYSIS:

The lot has direct access to Cornhusker Hwy.

Cornhusker Hwy is classified as an Urban Principal Arterial Street in the Comprehensive Plan.

ENVIRONMENTAL CONCERNS:

The site is within the 100 year flood plain.

AESTHETIC CONSIDERATIONS:

A landscape plan was not provided with this application. Design Standards require a landscape plan.

The streetscape along Cornhusker Hwy.

ANALYSIS:

1. The storage of vehicles for sale and resale in the front yard is allowed by special permit in the H-3 zoning district. (Sec. 27.63.700 LMC)

2. The H-3 zoning district has a 30 foot setback in both the front and rear yards.
3. Any area in a required front yard for storage of vehicles must conform to the parking lot design standards. (Sec. 27.63.700 LMC)
4. Parking lot design standards state that parking lots which exceed 10,000 square feet in paved area, there shall be planted within that paved area one shade tree for each 10,000 square feet of parking lot paving or portion in excess thereof. (Chapter 3.45 Section 3.6 Design Standards)
5. Design standards for screening and landscaping of parking lots states: "When there is less than five feet (5) between the parking lot and the street, one (1) deciduous tree shall be required for parking lots less than five thousand (5,000) square feet and one (1) additional tree for each additional five thousand (5,000) square feet of parking or fraction of five thousand (5,000) square feet." (Chapter 3.50 Section 7.1(f) Design Standards). The parking area is paved to the front property line, therefore no screening along Cornhusker Highway is required. The only landscaping that is required would be shade trees, which can be planted anywhere on the premises.
6. A landscape plan was not provided with this application.
7. Parking is permitted in the front yard in the H-3 district. (27.67.030) However, vehicles do not consistently occupy parking spaces as would be the case with storage of vehicles for sale. The vehicles stored for sale are a main use similar to a building that permanently occupies space.
8. The area between N. 31st St. Circle and N. 33rd St. has parking set back 15 feet from the front property line. The 15 foot area is devoted to landscaping.
9. The land use abutting the subject property to the east is a convenience store/ gas station. Although there is paving to the front lot line, the area is not used for permanent parking and is mainly used as a driving aisle.
10. The Lincoln Police Department indicates that parking cars in the front yard will cause visual concerns for drivers of vehicles exiting the lot onto Cornhusker Hwy.
11. If applicant would install a 15-foot wide landscape screen along Cornhusker Highway that meets screening guidelines for parking lots and place the wheel stop 17.5 feet from the property line; conditional approval would be a reasonable response.

However should the Planning Commission after public hearing choose to approve the special permit the following are suggested conditions:

CONDITIONS:

Site Specific:

1. This approval permits the storage of vehicles for sale in the front yard of this lot provided:
 - 1.1 If the use of the premises is changed from vehicle sales, this special permit shall not be considered an adjustment or waiver of the standards for a parking lot nor shall the area be considered a nonconforming parking lot.
 - 1.2 The hood or trunk or both shall not be left open on the stored vehicles for sale and resale in the front yard except when the vehicle is inspected by a customer or for servicing.

General:

2. Before storing vehicles for sale or resale in the front yard:
 - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
 - 2.1.1 A revised site plan showing the following revisions:
 - 2.1.1.1 Standard parking lot barriers to prevent vehicles for sale from extending into the street.
 - 2.1.1.2 Parking stall and drive aisle dimensions with type of surfacing. The parking areas do not need to be striped, however they must be shown for review of standards.
 - 2.1.1.3 A landscape plan that conforms to the design standards.
 - 2.1.1.4 Add a note that the hood or trunk or both shall not be open except when inspected by a customer or for servicing.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:
 - 3.1 Before storing vehicles for sale or resale in the front yard all development and construction is to comply with the approved plans.
 - 3.2 All privately-owned improvements, including landscaping, are to be permanently maintained by the owner.

- 3.7 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.
- 3.8 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 3.9 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

Planner
Tom Cajka

Area of Application



Cornhusker Hwy.

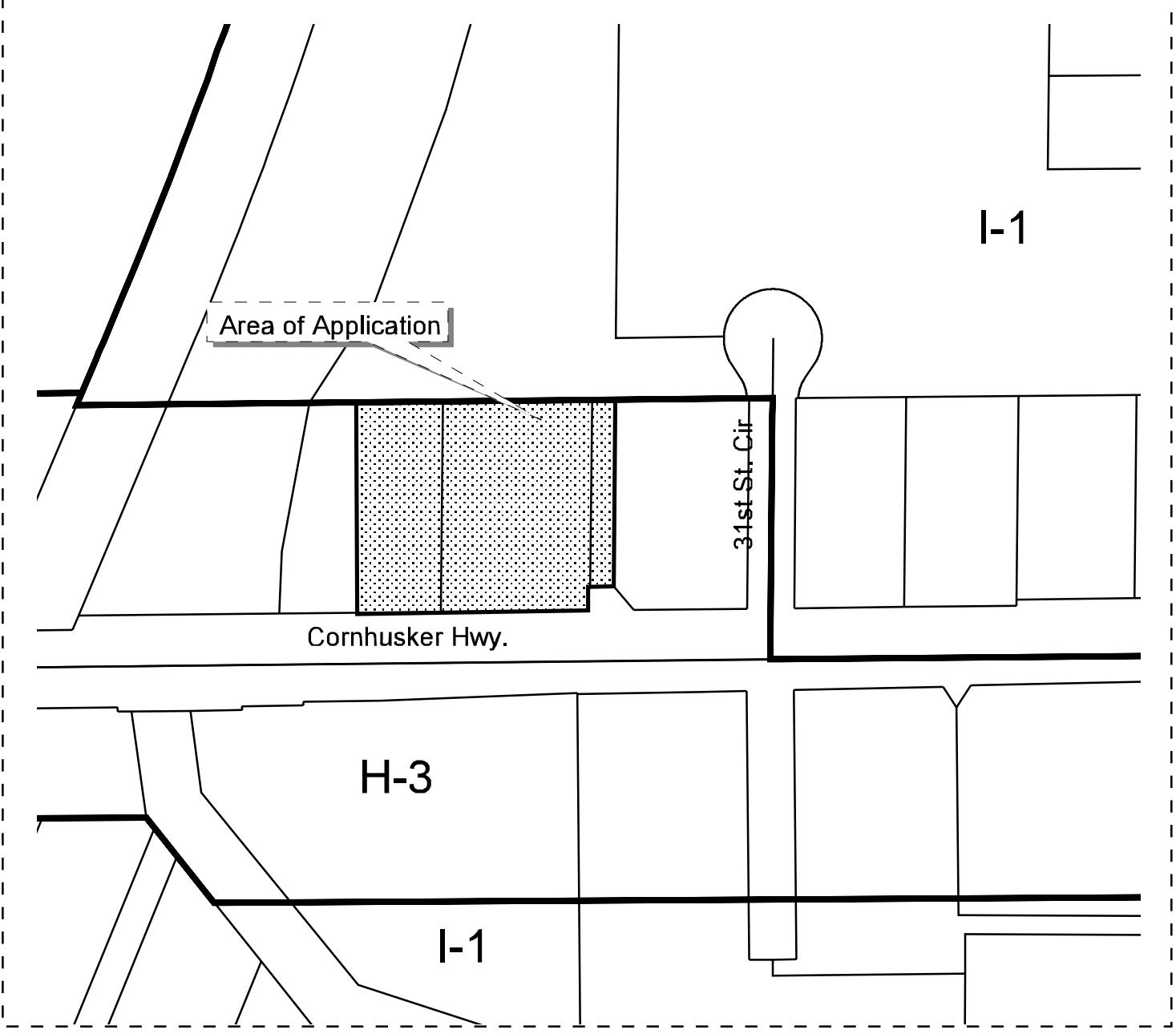
31st St. Cir.



**Special Permit #1941
29th & Cornhusker**

Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.

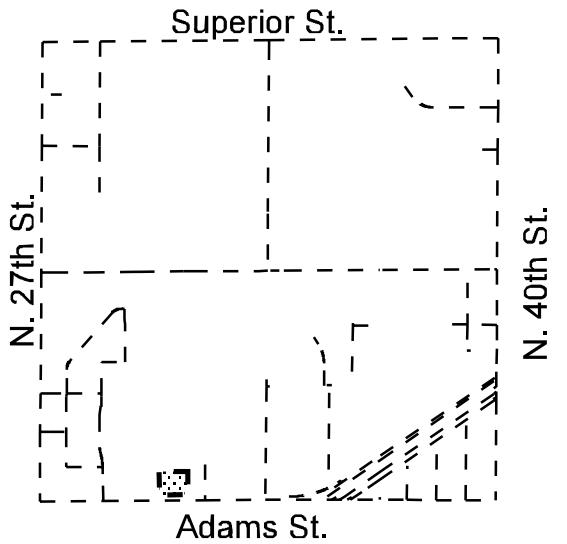
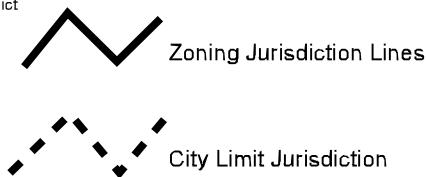


Special Permit #1941 29th & Cornhusker

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. 7 T10N R7E



NOV 16

ENCLOSURE



Five trees
base 6'X6'

unpaved

110'

57'

43'

BEST BUY
AUTO

PRETZELS

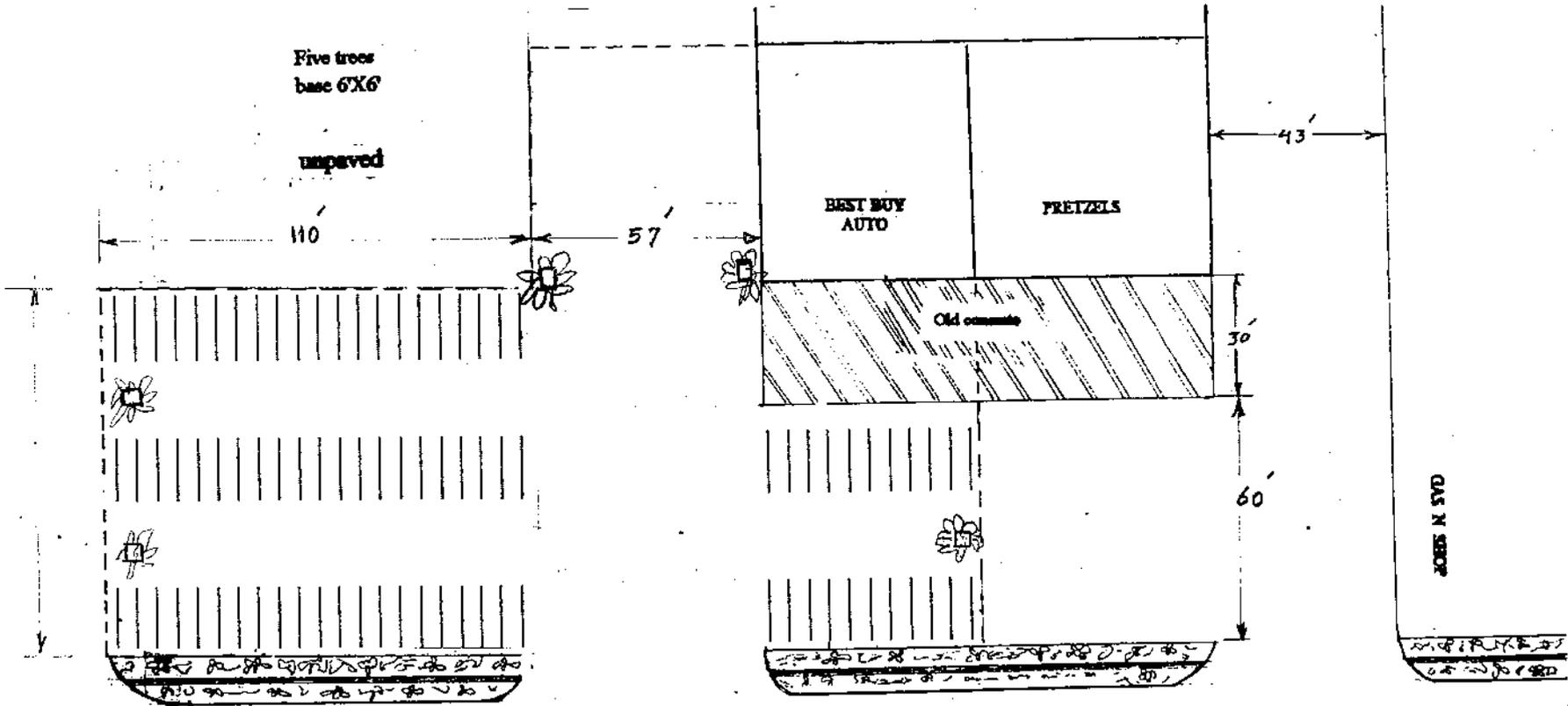
Old concrete

30'

60'

GAS N SHOP

CONSUMER HWY









MICHAEL WOOLMAN
<lpd737@CJIS.CI.LIN
COLN.NE.US >

To: Tom Cajka <TCajka@ci.lincoln.ne.us>
cc:
Subject: Best Buy Auto SP 1941

10/26/2001 03:39 PM

Tom,

The Lincoln Police Department does not endorse the Special Permit Application #1941 for Best Buy Auto. We feel that the waiver of the 30 feet will cause visual concerns for drivers of vehicles exiting the lot onto Cornhusker Hwy. We feel this will also cause safety concerns for drivers.

Michael S. Woolman
Planning Sergeant
Lincoln Police Department



Memo

To: Tom Cajka, Planning Department
From: Mark Canney, Parks & Recreation
Date: October 22, 2001
Re: Best Buy Auto SP 1941

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have no comments.

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

OCT 22 2001

City of Lincoln, Nebraska

IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Plan Review Comments

Permit # **DRF01095**

Address

Job Description: best buy auto

Location: BEST BUY AUTO

Special Permit: Y 1941

Preliminary Plat: N

Use Permit: N

CUP/PUD: N

Requested By:

Status of Review: Approved

Reviewer: FIRE PREVENTION/LIFE SAFETY CODE

BOB FIEDLER

Comments:

Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards

-LES INTER-DEPARTMENT COMMUNICATION

DATE October 24, 2001

TO Tom Cajka, City Planning

FROM Sharon Theobald
(Ext. 7640)

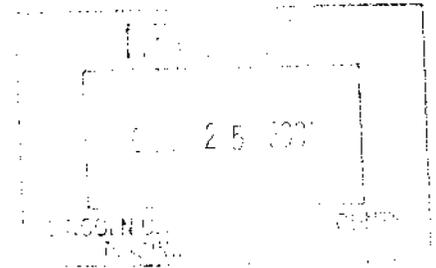
SUBJECT DEDICATED EASEMENTS
DN #13S-8W

Attached is the Special Permit request for Best Buy Auto at 2930 Cornhusker Highway.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will not offer any objections to the request by Best Buy Auto to park their used cars up front for better viewing by customers.

Sharon Theobald

ST/nh
Attachment
c:Terry Wiebke
Easement File



**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Tom Cajka

DATE: 10/26/2001

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Bruce Dart, Director
EH File
EH Administration

SUBJECT: Best Buy Auto
SP #1941

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the application for special permit #1941 for any possible negative public health impacts.

At this time, the LLCHD has not identified any negative impacts and does not object to the approval of special permit #1941.

If you have any questions, please contact me at 441-6272.