

FACTSHEET

TITLE: **LETTER OF APPEAL** filed by Danny Walker on behalf of the South Salt Creek Community Organization, appealing the action of the Lincoln City-Lancaster County Planning Commission which approved **SPECIAL PERMIT NO. 2038**, with conditions, requested by Britt Baer, for authority to operate a salvage yard on approximately 27,000 sq. ft. on property generally located at South 3rd and Garfield Streets (1646 S. 3rd Street).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 10/15/03
Administrative Action: 10/15/03

RECOMMENDATION: Conditional approval, as revised on 10/15/03 (7-0: Duvall, Carlson, Bills-Strand, Taylor, Marvin, Krieser and Steward voting 'yes'; Larson absent).

STAFF RECOMMENDATION: Conditional approval, as revised on 10/15/03.

FINDINGS OF FACT:

1. The purpose of this application for special permit is to allow a salvage yard operation on approximately 27,000 sq. ft., including a 5,000 sq. ft. office/shop building and 1,000 sq. ft. enclosed storage space. The business and use is currently in existence. Approval of this special permit will bring an illegal use into compliance with the zoning ordinance.
2. The staff recommendation of conditional approval, as revised on October 15, 2003, is based upon the "Analysis" as set forth on p.10-12, concluding that compliance with the conditions of approval will bring this use into conformance with the Comprehensive Plan and the Zoning Ordinance. Condition #3.8 was added on October 15, 2003, which pertains to the floodplain regulations (See p.14).
3. The testimony by the applicant's representative, Mark Hunzeker, is found on p.16-17. The applicant agreed with all conditions of approval. Testimony in support by Bob Stephens, a neighboring business owner, is found on p.17.
4. Testimony in opposition by Danny Walker, on behalf of the South Salt Creek Community Organization, is found on p.17. His concerns relate to location in the floodplain and tie-downs for the vehicles.
5. The applicant's response to the opposition is found on p.17-18, wherein it was stated that the applicant will comply with all floodplain regulations.
6. On October 15, 2003, the Planning Commission agreed with the revised staff recommendation and voted 7-0 to approve Resolution No. PC-00832 (p.3-8).
7. On October 23, 2003, Danny Walker filed a letter of appeal on behalf of the South Salt Creek Community Organization (p.2).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: October 27, 2003

REVIEWED BY: _____

DATE: October 27, 2003

REFERENCE NUMBER: FS\CC\2003\SP.2038 Appeal

Joan Ross
City Clerk
Lincoln, Nebr.
October 23, 2003

Danny Walker
427 "E" St.
Lincoln, Nebr.
68508

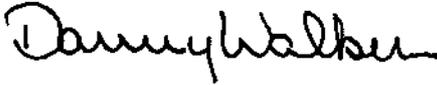
Dear Joan:

On behalf of the South Salt Community Organization I wish to appeal a decision made by the Planning Commission on the date of October 15, 2003 regarding Special Permit No. 2038 shown as Item 3.1 on the Planning Commission agenda for a salvage yard on property located at 1646 So. 3rd St.

I would appreciate it if you would notify me in writing as much in advance as possible regarding the date this appeal will come before the City Council of Lincoln, Nebr.

Thank You,

Danny Walker



Cc Planning Dept.
Mayors Office
City Council Office

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CITY CLERK'S OFFICE
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CITY OF LINCOLN
NEBRASKA

**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning 

DATE : October 16, 2003

RE : **Special Permit No. 2038**
(Salvage yard - S. 3rd & Garfield Streets)
Resolution No. PC-00832

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, October 15, 2003:

Motion made by Marvin, seconded by Bills-Strand, to approve **Special Permit No. 2038**, with conditions, requested by Britt Baer, for authority to operate a salvage yard on approximately 27,000 square feet on property generally located at South 3rd and Garfield Streets. Motion for approval, with conditions, carried 7-0: Duvall, Carlson, Bills-Strand, Taylor, Marvin, Krieser and Steward voting 'yes'; Larson absent.

The Planning Commission's action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Britt Baer, 1647 S. 3rd Street, 68502
Brian D. Carstens & Associates, 601 Old Cheney Road, Suite C, 68512
Mark Hunzeker, P.O. Box 95109, 68509
Steve Larrick, South Salt Creek Community Org., 920 S. 8th Street, 68508
Omadeane Talley, South Salt Creek N.A., 806 W. Garfield, 68522
Danny Walker, 427 E Street, 68508
Bob Stephens, Stephens and Smith Construction, 1542 S. 1st Street, 68502

RESOLUTION NO. PC- 00832

SPECIAL PERMIT NO. 2038

1 WHEREAS, Britt Baer has submitted an application designated as Special
2 Permit No. 2038 for authority to operate a salvage yard on approximately 27,000 square
3 feet on property generally located at South 3rd and Garfield Streets, and legally described
4 to wit:

5 Lots 33 through 37, Block 6, and Lots 14 through 17, Block 7,
6 Hull's South Addition, located in the Northwest Quarter of
7 Section 35, Township 10 North, Range 6 East of the 6th P.M.,
8 Lancaster County, Nebraska;

9 WHEREAS, the Lincoln City-Lancaster County Planning Commission has
10 held a public hearing on said application; and

11 WHEREAS, the community as a whole, the surrounding neighborhood, and
12 the real property adjacent to the area included within the site plan for this salvage
13 operation will not be adversely affected by granting such a permit; and

14 WHEREAS, said site plan together with the terms and conditions hereinafter
15 set forth are consistent with the comprehensive plan of the City of Lincoln and with the
16 intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health,
17 safety, and general welfare.

18 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster
19 County Planning Commission of Lincoln, Nebraska:

20 That the application of Britt Baer, hereinafter referred to as "Permittee", to
21 operate a salvage yard be and the same is hereby granted under the provisions of Section
27.63.500 the Lincoln Municipal Code upon condition that the operation of said salvage

1 yard be in strict compliance with said application, the site plan, and the following additional
2 express terms, conditions, and requirements:

- 3 1. This permit approves a salvage yard.
4 2. Before occupying the building and using the premises for a salvage

5 yard:

6 a. The Permittee must submit an acceptable, revised final site
7 plan along with eight copies to the Planning Department showing the following revisions:

- 8 i. Revise the legal description to include Lot 37.
9 ii. Remove the word "existing" from the labels of the
10 various elements on the drawing.
11 iii. Show the height of each fence segment.
12 iv. Add a note stating outdoor storage of salvage material
13 will not exceed the height of the fence.
14 v. Add a note stating all perimeter fencing must be
15 opaque. Chain link fencing is not permitted for
16 perimeter fences, whether with or without slats.
17 vi. Add a note stating fences will be a neutral color.
18 vii. Add a note stating fence gates leading to outdoor
19 storage areas will remain closed at all times, unless
20 salvage material is being transported into or out of the
21 storage area.

1 7. Enclosed semi-trailers may be used for storage provided they are
2 properly licensed, operable, and not located in the required front yard. They may be
3 located in the side or rear yard, provided that if such yard abuts a residential district, the
4 semi-trailers must be located at least 20 feet from the respective property line and
5 openings to the trailer shall not face the residential district.

6 8. All privately-owned improvements, including landscaping and
7 screening, must be permanently maintained by the owner or other alternative approved by
8 the City.

9 9. Fences must be installed, inspected, and maintained as provided in
10 Lincoln Municipal Code and the Lincoln Design Standards.

11 10. The storage or processing of materials that are, in time of flooding,
12 buoyant, flammable, explosive, or could be injurious to human, animal, or plant life, is
13 prohibited.

14 11. The side plan approved by this permit shall be the basis for all
15 interpretations of setbacks, yards, locations of buildings, location of parking and circulation
16 elements, and similar matters.

17 12. The terms, conditions, and requirements of this resolution shall be
18 binding and obligatory upon the Permittee and the Permittee's successors and assigns.
19 The building official shall report violations to the City Council which may revoke the special
20 permit or take such other action as may be necessary to gain compliance.

21 13. The Permittee shall sign and return the City's letter of acceptance to
22 the City Clerk within 30 days following approval of the special permit, provided, however,
said 30-day period may be extended up to six months by administrative amendment. The

1 City Clerk shall file a copy of the resolution approving the special permit and the letter of
2 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the
3 Permittee.

4 The foregoing Resolution was approved by the Lincoln City-Lancaster
5 County Planning Commission on this 15th day of October, 2003.

ATTEST:


Chair

Approved as to Form & Legality:


Chief Assistant City Attorney

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for October 15, 2003 PLANNING COMMISSION MEETING

****As Revised by Staff and Approved by Planning Commission: 10/15/03****

P.A.S.: Special Permit 2038

PROPOSAL: Obtain a special permit for a salvage yard.

LOCATION: Approximately South 3rd and Garfield Streets.

LAND AREA: 27,000 square feet, more or less.

CONCLUSION: As proposed, this application does not conform to the Comprehensive Plan or Zoning Ordinance. However, changes can be made to bring this project into conformance.

RECOMMENDATION:	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION:

Lots 33 - 36, Block 6, and Lots 14 - 17, Block 7, Hull's South Addition, located in the NW 1/4 of Section 35 T10N R6E, Lancaster County, Nebraska.

EXISTING ZONING: I-1 Industrial

EXISTING LAND USE: Auto salvage and repair business.

SURROUNDING LAND USE AND ZONING:

North:	Industrial	I-1 Industrial
South:	Industrial	I-1 Industrial
East:	Industrial	I-1 Industrial
West:	Industrial	I-1 Industrial

HISTORY:

May 1979 The zoning on this property changed from K Light industrial to I-1 Industrial as part of the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2025 Land Use Plan shows this area as Industrial. (F 25)

Industrial: Areas where railroads, manufacturing, trucking and transportation facilities are the dominant land use. Some commercial activities may also take place in predominantly industrial districts, such as office, retail or warehouses. (F 22)

TRAFFIC ANALYSIS:

The Comprehensive Plan identifies both 3rd and Garfield Streets as Local Streets, both now and in the future. A Street, located approximately 1-1/2 blocks north, is classified as a Minor Arterial, both now and in the future. (E49, F103)

Local Streets: These are composed of all lower order facilities that essentially serve as a conduit between abutting properties and higher order streets. Local streets provide the lowest level of mobility and generally exhibit the lowest traffic volumes. (F 105)

Minor Arterials: This functional class serves trips of moderate length and offers a lower level of mobility than principal arterials. This class interconnects with, and augments principal arterials, distributes traffic to smaller areas, and contains streets that place some emphasis on land access. These are characterized by moderate to heavy traffic volumes. (F 103)

ENVIRONMENTAL CONCERNS:

This site is located within the 100-year floodplain. Concerns exist over potential for water contamination from automotive fluids, as well as vehicles and other material being carried away during a flood event.

AESTHETIC CONSIDERATIONS:

The Design Standards include specific screening requirements for salvage yards to screen the yard contents from view by the public.

ALTERNATIVE USES:

This property could be used for any use allowed in the I-1 zoning district.

ANALYSIS:

1. This is a request for a special permit to allow a salvage yard operation on approximately 27,000 square feet, including a 5,000 square foot office/shop building and 1,000 square feet of enclosed storage space. This business and use is currently in existence.
2. Based upon a review of the records of the Building and Safety Department for this property, it appears as though Applicant has been cited for running an illegal salvage operation. Approval of this special permit will make this use legal.
3. Salvage yards are allowed by special permit in the I-1 zoning district provided they conform to the conditions of LMC §27.63.500:
 - a) **Construction and operation shall comply with Chapters 5.41 (Salvaging, Recycling, and Composting Operations) and 8.26 (Nuisances) of the Lincoln Municipal Code and any other applicable codes or requirements;**

This is a recommended condition of approval.

- b) **Receiving areas for salvage material shall be designed to avoid the depositing of salvage material outside a building or outside screened storage areas.**

This is a recommended condition of approval.

- c) **Scrap processing operations and salvage yards shall contain a minimum of two acres, except that the site may be as small as 20,000 square feet where the site abuts one or more existing scrap processing or salvage yards that exceed two acres in total, or where the site is located no closer than 100 feet to the boundary of the I-1 zoning district except where said boundaries are common with H-2 zoning district;**

This site contains approximately 27,000 square feet. However, it is located approximately 198' from the I-1 zoning district boundary. Therefore, this lot size is permitted.

- d) **Salvage material kept outside a building or buildings shall not be located closer than 500 feet from any of the following entrance corridors, except where existing land forms completely obstruct the view by the traveling public of the salvage material;**

This condition is not applicable as this site is located more than 500' from each of the enumerated entrance corridors.

- e) **Salvage material kept outside a building or buildings shall not be located in the required front yard;**

This is a recommended condition of approval.

- f) **Salvage material kept outside a building or buildings shall be located at least 100 feet from the boundaries of the I-1 or I-2 zoning district except where said boundaries are common with the H-3 zoning district and shall be at least 500 feet from any residential zoning district;**

The boundaries of this site are located more than 100' from the boundaries of the I-1 zoning district, and approximately 1,075' from the nearest residential zoning district.

- g) **Salvage materials may be stored in enclosed semi-trailers provided that the semi-trailers are properly licensed and are operable to be drawn by a motor vehicle upon the streets and highways of the City of Lincoln and the State of Nebraska and the semi-trailer shall not be located in the required front yard. Where the side yard or rear yard of the salvage yard abuts a residential district, the semi-trailers shall be located at least twenty feet from the respective side lot line or rear lot line and the openings to the trailer shall not face the residential district;**

Applicant has not proposed to use semi-trailers for storage. However, since semi-trailers could be used in the future, these requirements will be a recommended condition of approval.

- h) **The City Council may decrease the setback requirements in (c) and (f) above upon a finding that there is sufficient justification for such modification and that there will be no significant adverse effect on the adjacent property.**

Applicant has not asked to waive any of the setback requirements in (c) or (f).

4. The Design Standards require 90% screening from ground level to 6' in height. Applicant proposes to meet this requirement with a minimum 8' tall opaque fence. It should be noted on the drawings that the salvage material shall not be stored above the top of the fence, the fences must be of a neutral color, and the gates should remain closed unless material is being transported into or out of the storage area. The height of all fences should also be indicated.
5. A visit to this site reveals much of the existing fencing is chain link, either with slats or with freestanding wood stockade fence panels placed on the inside of the chain link. Design Standards do not allow chain link fencing, with or without slats. This fencing must be changed to conform with Design Standards.
6. This entire site is located within the 100-year floodplain. The applicant will erect a fence around the property pursuant to Design Standards, which should contain any floating material during a flood. Additionally, the applicant has proposed to "moor" the salvage vehicles themselves to rebar embedded in concrete. This mooring system will be similar to that used at the City Impound Lot located at 1st and Charleston.
7. With regard to the potential for water contamination, the City does not have any restrictions for this type of use in the floodplain. However, LMC §5.41.110 typically requires automotive fluids and batteries be removed within 90 days of arrival or prior to any salvage process.
8. The drawings and attached aerial photograph indicate salvage material is being stored in public right-of-way and on other property not owned by Applicant. All such material must be stored within the limits of this permit, and fences constructed across public right-of-way must be removed. A fence must be constructed along the west line of Lots 33-37, Block 6 adjacent to the alley, or the alley must be vacated and purchased by Applicant.
9. No City departments have objected to this application.
10. Applicant has provided letters of support from 13 neighboring property owners. A copy of one is attached for reference. All of the letters are part of the file, and may be viewed at the Planning Department.

The Planning Department recommends conditional approval based upon the following conditions.

CONDITIONS:

Site Specific:

1. This approval permits a salvage yard.

General:

2. Prior to occupying the building and using the premises for a salvage 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 including 8 copies showing the following revisions:

- 2.1.1.1 Revise the legal description to include Lot 37.
- 2.1.1.2 Remove the word “existing” from the labels of the various elements on the drawing.
- 2.1.1.3 Show the height of each fence segment.
- 2.1.1.4 Add a note stating outdoor storage of salvage material will not exceed the height of the fence.
- 2.1.1.5 Add a note stating all perimeter fencing must be opaque. Chain link fencing is not permitted for perimeter fences, whether with or without slats.
- 2.1.1.6 Add a note stating fences will be a neutral color.
- 2.1.1.7 Add a note stating fence gates leading to outdoor storage areas will remain closed at all times, unless salvage material is being transported into or out of the storage area.
- 2.1.1.8 Identify the use of the area located north of the building on Lots 36 and 37.

2.2 The construction plans comply with the approved plans.

2.3 Applicant shall receive a Section 404 Permit or a Letter of No Effect from the Army Corps of Engineers.

2.4 The applicant shall receive a Flood Plain Development Permit from Building and Safety in compliance with Lincoln Municipal Code.

2.5 A fence must be constructed along the west line of Lots 33-37, Block 6. Fences constructed across both alleys must be removed. Alternatively, Applicant may request to vacate and purchase the alleys.

2.6 Install mooring as shown on the approved plan.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:

- 3.1 The operation and use is to comply with Chapter 5.41 for "Salvaging, Recycling, and Composting Operations" and 8.26 for "Nuisance" of the Lincoln Municipal Code, as amended.
- 3.2 Receiving areas for salvage material shall be designed to avoid the depositing of salvage material outside a building or outside screened storage areas.
- 3.3 Salvage material kept outside a building shall not be located in the required front yard.
- 3.4 All perimeter fencing must be of a neutral color, and cannot be chain link, whether with or without slats.
- 3.5 Enclosed semi-trailers may be used for storage provided they are properly licensed, operable, and not located in the required front yard. They may be located in the side or rear yard, provided that if such yard abuts a residential district, the semi-trailers shall be located at least 20' from the respective property line and openings to the trailer shall not face the residential district.
- 3.6 All privately-owned improvements, including landscaping and screening, are to be permanently maintained by the owner or other alternative approved by the City.
- 3.7 Fences shall be installed, inspected, and maintained as provided in Lincoln Municipal Code and the Lincoln Design Standards.
- 3.8 The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited. (**As revised by staff and approved by Planning Commission: 10/15/03**)
- 3.9 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.
- 3.10 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 3.11 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

Greg Czaplewski
Planner

DATE: September 28, 2003

**Applicant
and
Owner:** Britt Baer
1647 South 3rd Street
Lincoln, NE 68502
477.6442

Contact: Brian D. Carstens & Associates
Brian Carstens
601 Old Cheney Road, Suite C
Lincoln, NE 68512
434.2424

SPECIAL PERMIT NO. 2038

PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 15, 2003

Members present: Duvall, Carlson, Bills-Strand, Taylor, Marvin, Krieser and Steward; Larson absent.

Staff recommendation: Conditional approval.

Ex Parte Communications: None.

Greg Czaplewski of Planning staff submitted a revised staff report adding Condition #3.8 at the request of Building & Safety.

- 3.8 The storage or processing of materials that are, in time of flooding, buoyant, flammable, explosive, or could be injurious to human, animal or plant life, is prohibited.”

This is language found in the zoning ordinance dealing with the floodplain.

Proponents

1. Mark Hunzeker appeared on behalf of the applicant, **Britt Baer**. Mr. Baer has been in business at this location since 1974. His operation has not changed significantly in that period of time. Only recently has he been asked by Building & Safety to seek a special permit for this use. His primary business has been, and still is, acquiring vehicles which have been damaged and similar vehicles which have damage other than that on the vehicle initially acquired to repair and resell the vehicle. He has not thought himself to be in the salvage business; however, a complaint has been lodged and action taken by the City Attorney to require him to cease operation absent the special permit.

Hunzeker believes there is a very plausible and strong argument that could be made that this applicant is not in violation but is, in fact, a legal nonconforming use; however, Mr. Baer is attempting to take the path that is less expensive and less trouble. There are no waivers being requested. The applicant agrees to comply with the conditions of approval, including the new Condition #3.8.

Steward noticed on the site map that the application property is split by 3rd Street. Steward inquired whether the applicant distinguishes uses between those two sites. Hunzeker stated that the use on the east side has been temporary parking of vehicles and/or storage of materials, which Mr. Baer has from time to time, upon request, sold to the public. The property on the west side is where all of the dismantling of vehicles takes place indoors, and the vehicles, after repair, are

displayed for sale. The property on the east side is screened by a fence which does not meet the design standards, which will have to be changed. Hunzeker believes it would be found to be a very neat operation and not one creating an eyesore. Hunzeker pointed out that there are 13 letters in support from area businesses.

Steward inquired as to the use of the property to the south on the west side of 3rd Street. Hunzeker reported it to be an automotive related business but he did not know whether there is any salvage business taking place there.

2. Bob Stephens, a neighbor to this operation, testified in support. The area is zoned industrial and he believes the applicant is using the property within those constraints. It is exactly the kind of business that he would like to see located there and the type of business he would like to have as a neighbor to his construction business.

Opposition

1. Danny Walker, 427 E Street, testified as representative of the South Salt Creek Community Organization in opposition. From the information he has gathered, he believes this is an illegal operation. The salvage facility was never approved. Within the contents of the proposal, it is stated that tie-downs will be utilized the same as they are in the city tow lot. The city tow lot handles between 400-600 vehicles per day. There is a grand total of 18-20 tie-downs in that city tow lot, regardless of the fact that the city promised the City Council that there would be tie-downs for every vehicle in that city tow lot. There are huge recreational facilities directly south of this area. The road is closed off—it is a non-maintenance road. The city wants to close the road, and now it is dirt with rock being put in by one of the businesses located in the area.

Walker referred to page 4 of the staff report, Analysis #7, regarding potential for water contamination, where it states that the City does not have any restrictions for this type of use in the floodplain. Walker suggested that the floodplain regulations require that the storage or processing of materials that are buoyant, flammable, explosive or could be injurious is prohibited. This is in the city's own floodplain regulations. Yes, there are businesses in there but some of them are no more than a glorified junk yard. This area is not that far from residential properties—about 3 blocks—and this should be taken into consideration. He does not believe this business should have been located in the floodplain in the first place, legal or illegal. The Commission needs to consider what will happen if there is a serious flood. There is a vehicle being salvaged in that area right now. If they don't have tie-downs they have to be out of there in a certain amount of time, but Walker contends that it is flash flooding that will cause major flood damage.

Response by the Applicant

Hunzeker stated that there is no salvage taking place on the east side of the road. There is a car there today with its hood up, but there are no parts being removed or salvage operation taking place on that property. There is storage of vehicles which will be salvaged, or parts thereof, for reconstruction of vehicles on the west side, but those parts would be removed indoors and removed from the property.

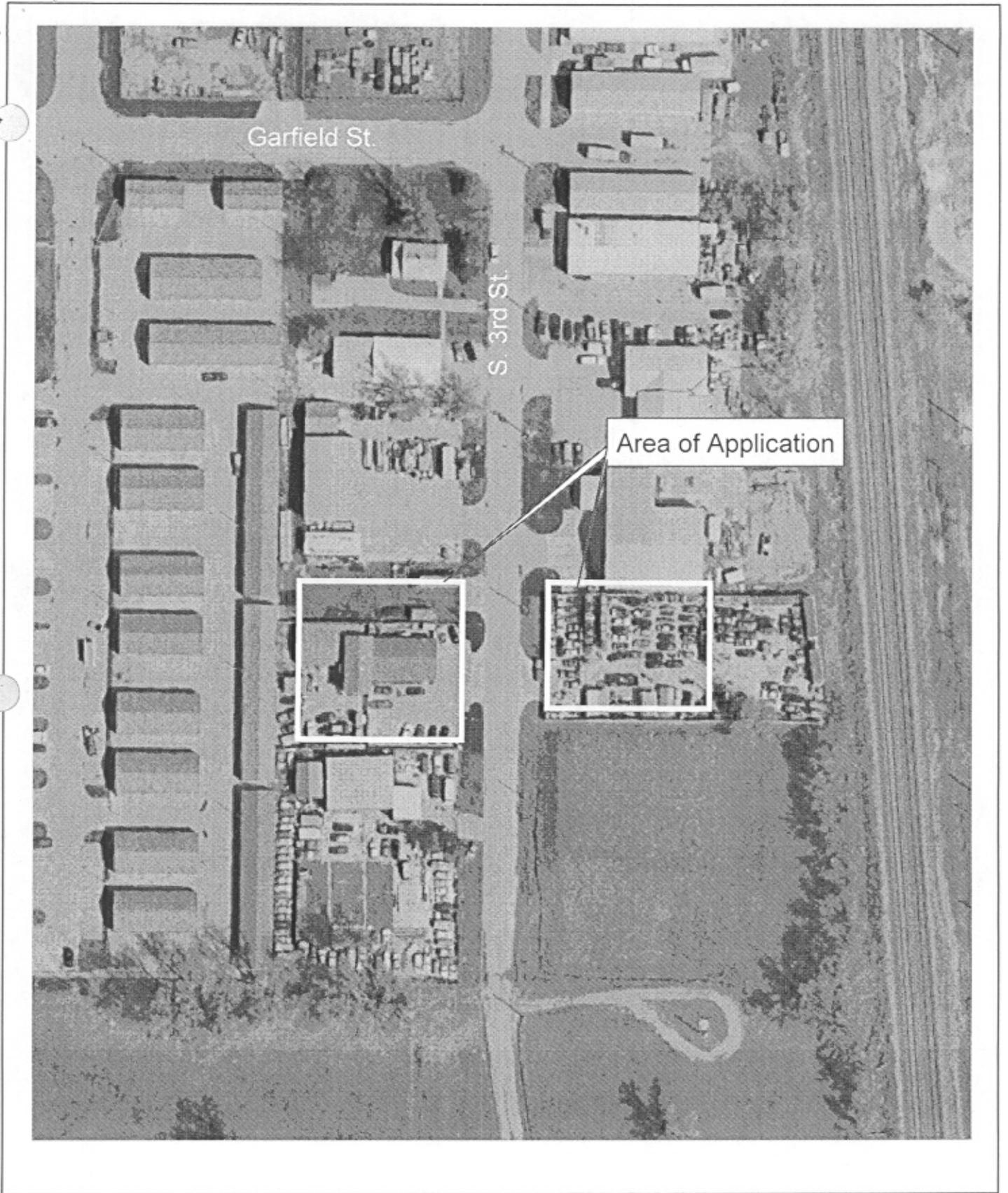
With respect to hazardous materials and buoyant materials, Hunzeker suggested that the new Condition #3.8 addresses the section of the ordinance that Mr. Walker was quoting. This property is in the floodplain today, but was not in 1974 when Mr. Baer commenced his operation. Mr. Baer has correspondence with Building & Safety in his files relative to his business that goes back at least as far as 1986 indicating that Building & Safety was aware of the location of this operation. Until recently, this applicant did not realize there was a legal problem with the use. This application is an attempt to address the concerns of Building & Safety and to bring this operation into compliance. The floodplain in this area is really backwater and storage—it is not channel and fast-moving water; however, the applicant has agreed to a condition which will require tie-downs for vehicles stored on the east side. The fence will be brought into compliance and the applicant has no objection to the conditions of approval.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

October 15, 2003

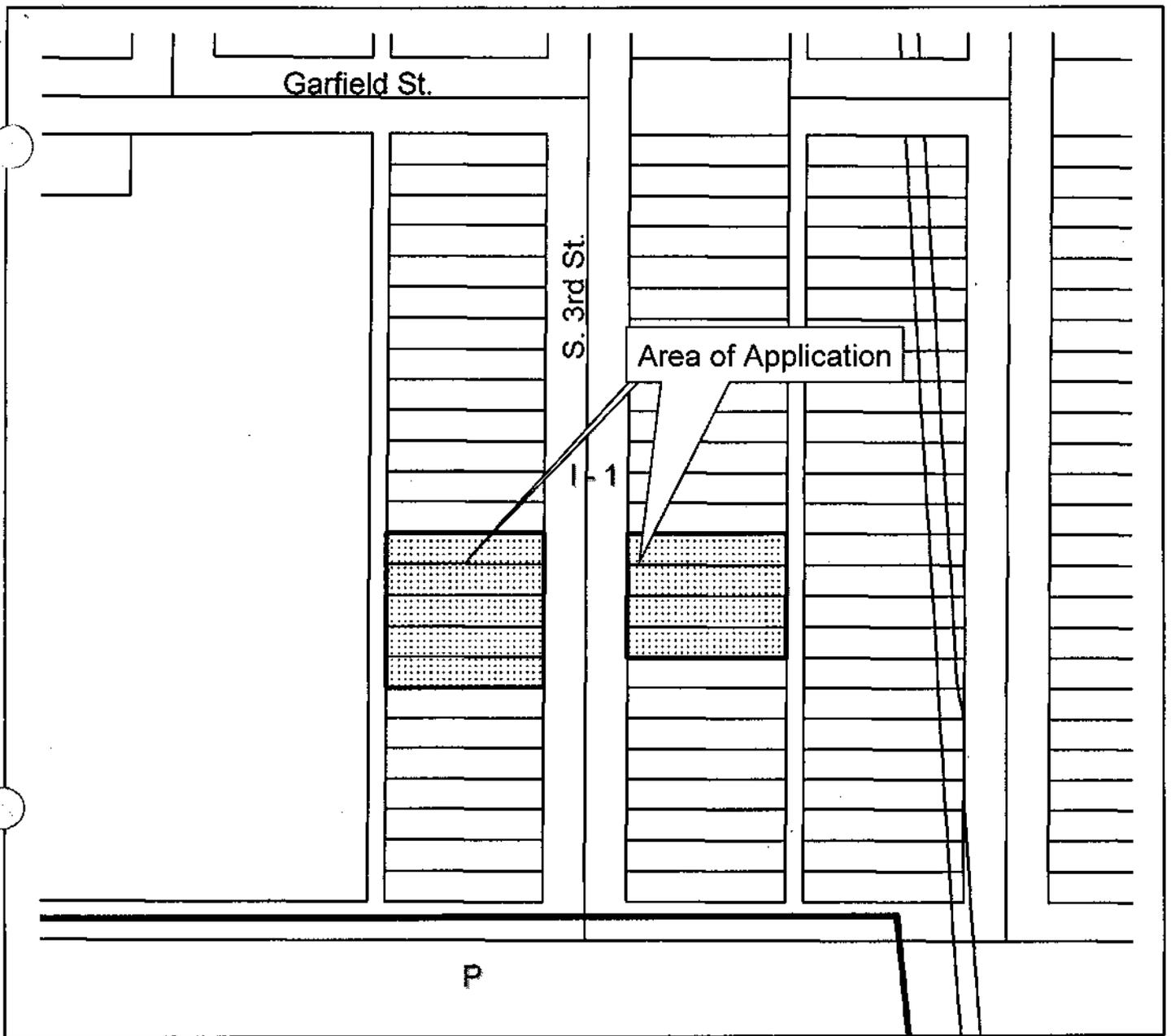
Marvin moved to approve the staff recommendation of conditional approval, as amended, adding Condition #3.8, seconded by Bills-Strand and carried 7-0: Duvall, Carlson, Bills-Strand, Taylor, Marvin, Krieser and Steward voting 'yes'; Larson absent.

Note: This is final action 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.



Special Permit #2038
1647 S. 3rd St.



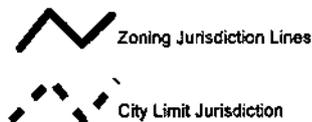
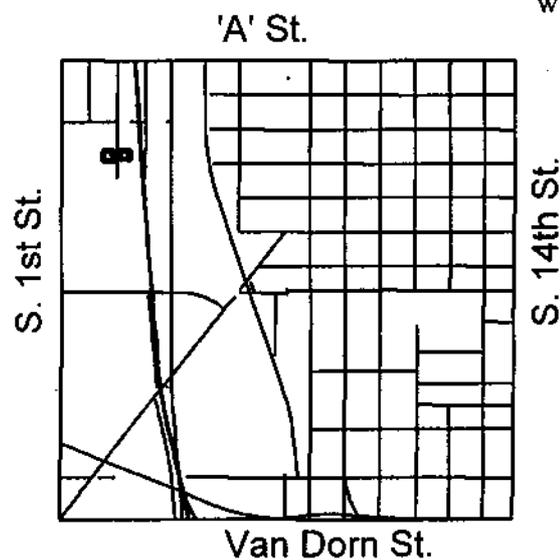


Special Permit #2038
1647 S. 3rd St.

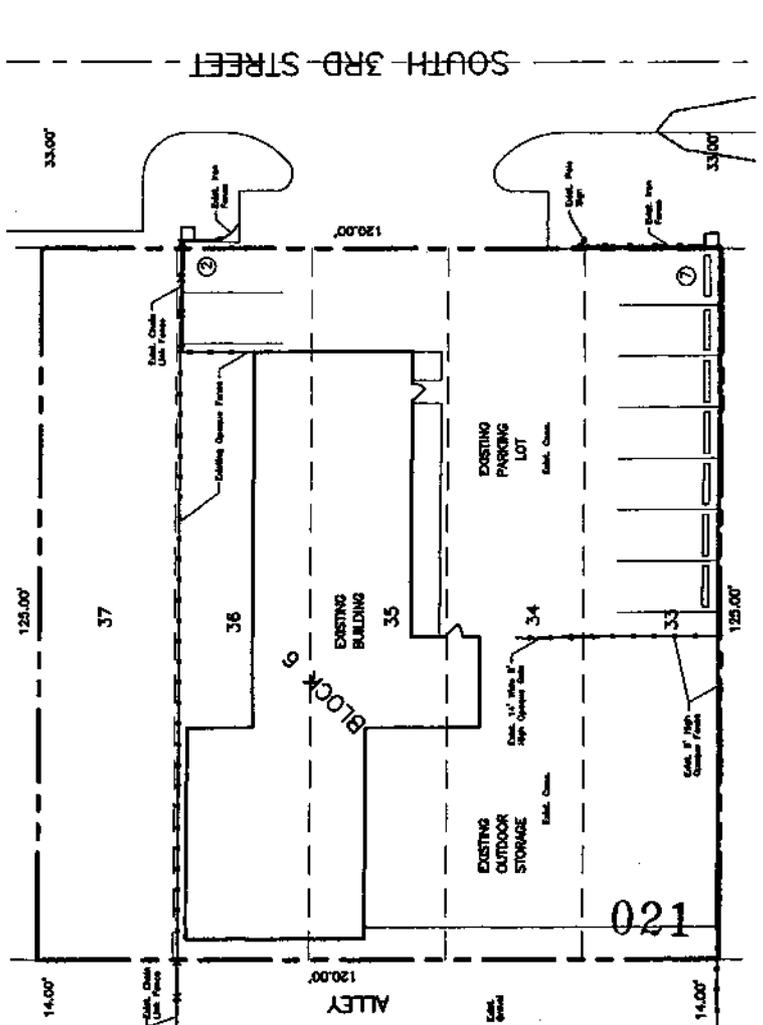
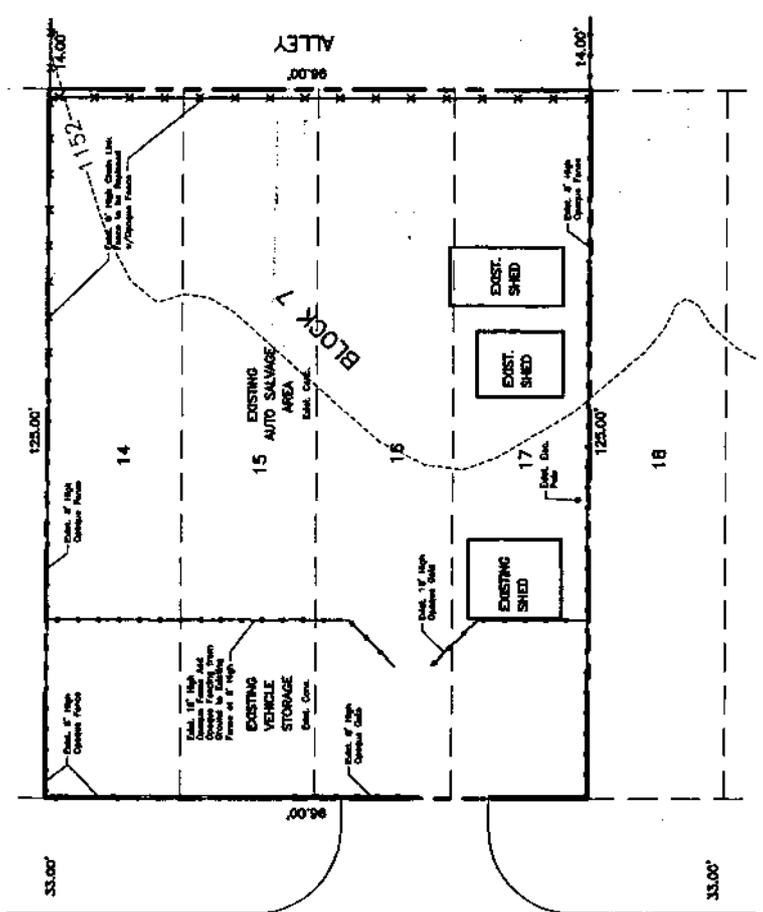
Zoning:

- 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
- I-5 Planned Regional Business District
- I-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. 35 T10N R6E



020



SOUTH 3RD STREET

ALLEY

ALLEY

BLOCK 7

BLOCK 9

021

SOUTH 3RD STREET



33.00'

33.00'

120.00'

125.00'

37

36

35

34

33

125.00'

BLOCK 9

EXISTING BUILDING

EXISTING PARKING LOT

Exist. Conc.

EXISTING OUTDOOR STORAGE

Exist. Conc.

ALLEY

120.00'

14.00'

14.00'

220

Exist. Chain Link Fence

Exist. Chain Link Fence

Existing Opaque Fence

Exist. Iron Fence

Exist. 14' Wide 8' High Opaque Gate

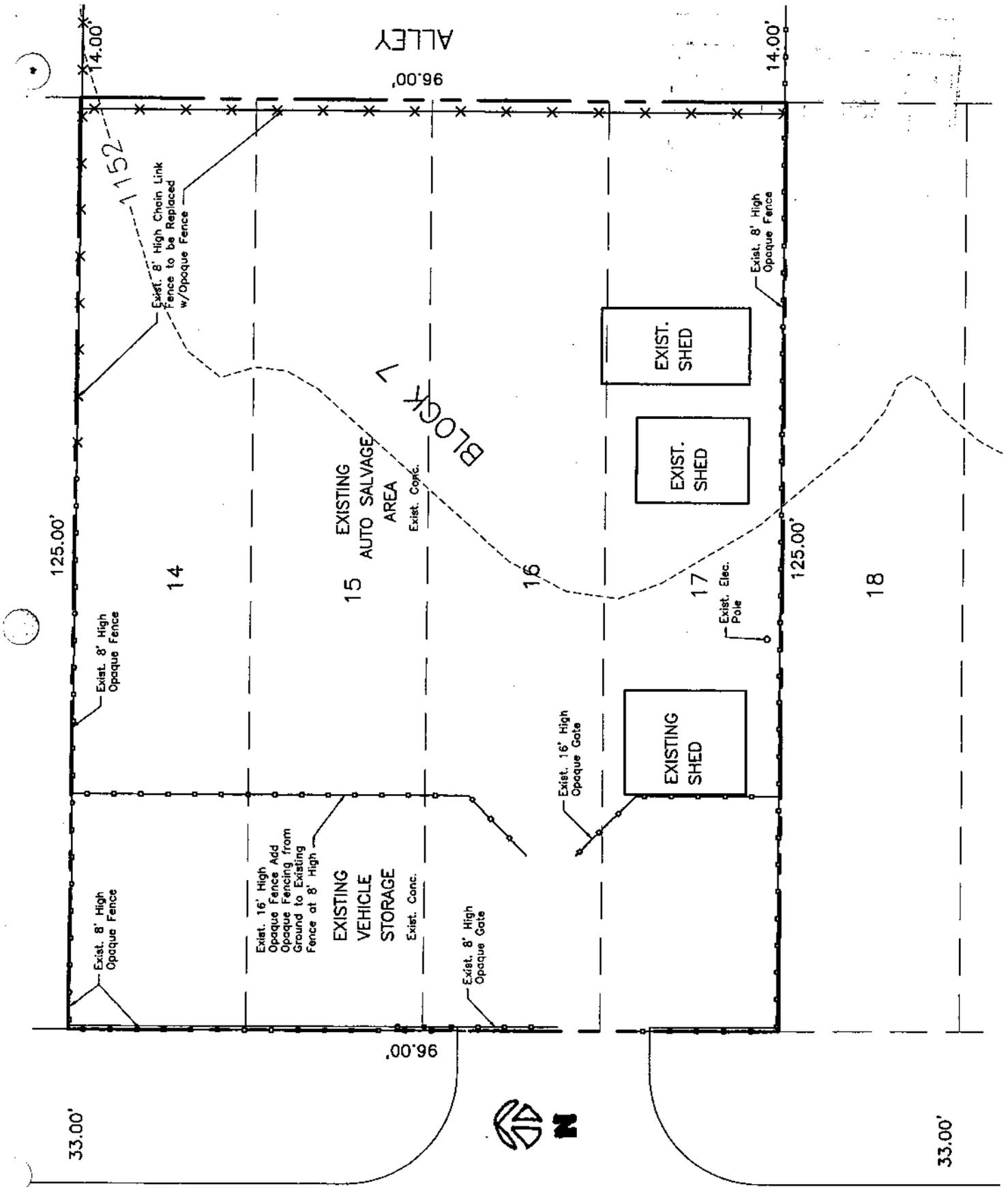
Exist. 8' High Opaque Fence

Exist. Pole Sign

Exist. Iron Fence

2

7



ALLEY

.00'96

14.00'

1152

Exist. 8' High Chain Link Fence to be Replaced w/Opaque Fence

Exist. 8' High Opaque Fence

EXIST. SHED

EXIST. SHED

15 EXISTING AUTO SALVAGE AREA

Exist. Conc.

BLOCK 7

14

16

17

18

125.00'

125.00'

Exist. 8' High Opaque Fence

Exist. Elec. Pole

EXISTING SHED

Exist. 16' High Opaque Gate

Exist. 16' High Opaque Fence Add Opaque Fencing from Ground to Existing Fence at 8' High

EXISTING VEHICLE STORAGE

Exist. Conc.

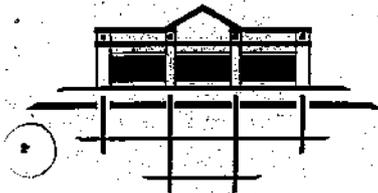
Exist. 8' High Opaque Gate

.00'96

33.00'

33.00'

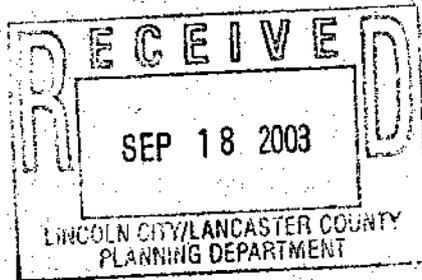




BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

September 17, 2003

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



RE: SPECIAL PERMIT FOR A SALVAGE YARD
1647 SOUTH 3RD STREET

Dear Marvin,

On behalf of Britt Baer we are submitting a Special Permit for a salvage yard at this location. Britt purchased the property in 1974 and constructed a building for the repair and sales of automobiles. As part of his business, he buys salvaged vehicles and removes certain parts to replace on other vehicles that he refurbishes and then resells the vehicle.

The site is zoned I-1 and is located quite some distance to residential zoning. He currently has most of his facilities screened with an 8' high fence, and will be adding additional fence screening to bring the site into compliance with the City of Lincoln Design standards for landscaping and screening.

The site is currently located in the 100 year flood plain. We are proposing to 'moor' the salvage vehicles in the same manor that the City Impound lot at 1st and Charleston Streets has done. Please refer to the attached special permit plans.

We are not requesting any waivers to the zoning ordinance with this application.

We are also enclosing letters of support from the adjacent neighbors.

Please feel free to contact me if you have any further questions.

Sincerely,

Brian D. Carstens

Cc: Britt Baer
Mark Hunzeker

Enclosures: 16 Copies of the site plan.
Application for a Special Permit & Fee
Certificate of Ownership.
Neighbor Letters

September 15, 2003

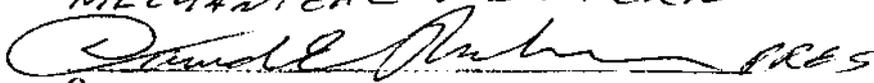
Planning Department
City of Lincoln
555 South 10th Street
Lincoln, NE 68508

RE: BAER'S AUTOMOTIVE SALES- 1647 SOUTH 3RD STREET
SPECIAL PERMIT FOR A SALVAGE YARD

Dear Planning Department,

We the undersigned business owner/ neighbor support Britt Bacr's request for a Special Permit for a "Salvage Yard" as defined in the Lincoln Municipal Code.

Sincerely,

MECHANICAL WESTERN
 PRES

Owner

1635 So 3RD LINCOLN
Address

Additional Comments
