

City Council Introduction: **Monday**, October 20, 2003
Public Hearing: **Monday**, October 27, 2003, at **5:30 p.m.**

Bill No. 03-168

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3410**, requested by Kent Seacrest on behalf of Ridge Development Company and Southview, Inc., for a text amendment to Title 27 of the Lincoln Municipal Code, § 27.63.470, to allow "automobile/truck wash facility" as an allowed use in the Planned Service Commercial by special permit in the H-4 General Commercial District.

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 08/06/03
Administrative Action: 08/06/03

RECOMMENDATION: Approval (9-0: Carlson, Duvall, Krieser, Larson, Marvin, Schwinn, Bills-Strand, Taylor and Steward voting 'yes').

FINDINGS OF FACT:

1. This proposed text amendment was submitted in association with the development proposals for the northeast and northwest corners of S. 27th Street and Yankee Hill Road; however, a text amendment should be reviewed on its own merits as opposed to being reviewed in association with a development proposal.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.2-3, concluding that the amendment is to allow car and truck washing facilities as part of a special permit in the H-4 district. These uses are already allowed in less intensive zoning districts, and are consistent with the other uses allowed in Planned Service Commercial.
3. On August 6, 2003, 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 6, 2003, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: October 13, 2003

REVIEWED BY: _____

DATE: October 13, 2003

REFERENCE NUMBER: FS\CC\2003\CZ.3410

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for August 6, 2003 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone #3410

PROPOSAL: Amend Section 27.63.470 of the Zoning Ordinance to allow 'Automobile Wash Facility and /Truck Wash Facility' as an allowed use in Planned Service Commercial by special permit in the H-4 district.

CONCLUSION: This amendment is to allow car and truck washing facilities as part of a special permit in the H-4 district. These uses are already allowed in less intensive zoning districts, and are consistent with the other uses allowed in planned service commercial.

RECOMMENDATION:	Approval
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ANALYSIS:

1. Automobile wash facilities and truck wash facilities are considered distinct uses in the Zoning Ordinance, and are treated differently with respect to the zoning districts they are allowed in. The following table summarizes by district where and how the uses are allowed:

USE	PERMITTED USE	CONDITIONAL USE	USE PERMIT
Automobile Wash Facility	B-4, I-1, I-2	B-1, B-3, H-2, H-3	B-2, B-5
Truck Wash Facility	B-4, I-1, I-2	H-2, H-3	n/a

*Note - A category for special permit is not included in the above table as there are no special permit provisions for either automobile or truck wash facilities.

2. Both uses are allowed in the B-4, I-1 and I-2 districts under the general provision in those districts regarding permitted uses. That general provision allows any building or premises to be used for any commercial or industrial purpose not in conflict with any other ordinances or regulations of the City of Lincoln.

3. In the B-1 and B-3, automobile wash facilities are allowed subject to the following conditions:

(1) Automatic, conveyor-operated: The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "guidelines and regulations for driveway design and location" as adopted by the City of Lincoln.

(2) Self-service, coin-operated car wash: The car wash facility shall not exceed four wash bays. The length and location of vehicle stacking lane or lanes for the approach

side or sides and the exit side or sides of the wash operation shall be in conformance with the "guidelines and regulations for driveway design and location" as adopted by the City of Lincoln.

The B-3 district goes on to include a condition that prohibits the stacking space from being located within the required front yard, a condition not included in the B-1.

4. The uses are combined and allowed as a conditional use in the H-2 and H-3 districts. The conditions are similar to those of the B-1 and B-3, but the number of allowed bays is increased to six in the H-2, and there is no limit on the maximum number of bays in the H-3.
5. The following is a listing of permitted uses in the H-4:

(a) Automobile, motorcycle, truck, and heavy equipment sales; (b) Commercial storage or sale of farm implements and products used for agriculture, but not including fertilizer, or toxic or flammable agricultural chemicals;(c) Lumber yards;(d) Warehouses;(e) Mini-warehouses;(f) Service centers for the repair of machinery and equipment, but not including salvage or scrap processing operations;(g) Truck terminals;(h) Dwellings for caretakers employed and required to reside on the premises;(i) Ambulance service;(j) Outdoor theaters;(k) Hospitals and clinics for animals but not open kennels;(l) Sale barns;(m) Contractors' offices and storage, including electrical, plumbing, heating, and air conditioning contractors;(n) Restaurants;(o) Service stations;(p) Truck stops;(q) Mobile home sales;(r) Auctions;(s) Stores or shops for retail sales and service, not to exceed 30,000 square feet of floor area;(t) Food storage lockers;(u) Enclosed commercial recreational facilities;(v) Banks, savings and loan associations, credit unions, and finance companies;(w) Mail order catalog sales.
6. This request is to allow automobile and truck wash facilities in the H-4 district, but as a use allowed by special permit as part of a planned service commercial development. In contrast to the permitted uses noted above, the special permit process provides an opportunity for staff review, and a public hearing before the Planning Commission.
7. Auto and truck wash facilities are allowed as both permitted and conditional uses in less intensive zoning districts. Additionally, these uses are compatible with those allowed in the H-4 district, and are the types of services the public would reasonably expect to find in the H-4 areas around the City (i.e., South 56th and Highway 2; North 84th and Leighton Avenue; South 27th Pine Lake Road; Northwest 48th Street and West O Street; and South 14th Street and Yankee Hill Road).
8. This request was presented to the Mayor's Neighborhood Roundtable on June 12, 2003 for their information and comment. The minutes of that discussion are attached.

Prepared by:

Brian Will
Planner
July 22, 2003

Applicant: Ridge Development Company and Southview, Inc.
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(402) 436-3111

Contact: Kent Seacrest
1111 Lincoln Mall, Suite 350
Lincoln, NE 68508
(402) 435-6000

CHANGE OF ZONE NO. 3410

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

August 6, 2003

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

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3410, SPECIAL PERMIT NO. 2012, SPECIAL PERMIT NO. 2023 and WAIVER NO. 03009.**

Item No. 1.2, Special Permit No. 2012, was removed from the Consent Agenda at the request of Commissioner Marvin and scheduled for separate public hearing.

Carlson moved to approve the remaining Consent Agenda, seconded by Bills-Strand and carried 9-0: Carlson, Duvall, Krieser, Larson, Marvin, Schwinn, Bills-Strand, Taylor and Steward voting 'yes'.

Note: This is final action on Special Permit No. 2023, 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.

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May 15, 2003

HAND DELIVERY

Marvin Krout
Planning Director
County-City Building
555 South 10th
Lincoln, NE 68508

RE: Submittals for S. 27th Street and Yankee Hill Road Commercial Center

Dear Marvin:

Our law firm represents Ridge Development Company ("Ridge") and Southview, Inc. ("Southview"), the owners of the following tracts of property:

(i) NE Tract: a 30 acre tract located on the northeast corner of S. 27th Street and Yankee Hill Road. This Tract is currently zoned O-3 and B-2 and is subject to existing Use Permit No. 134.

(ii) NW Tract: a 16 acre tract located northwest of the S. 27th Street and Yankee Hill Road intersection. The major road entrance into this tract is approximately one-fourth mile north of the intersection of S. 27th Street and Yankee Hill Road at Grainger Parkway. This Tract is currently zoned AG.

Ridge and Southview are submitting applications for both the NE Tract and the NW Tract at the same time so that they can be reviewed together. Both Tracts are part of the Commercial Center designation currently shown in the Comprehensive Plan Annual Review as Comprehensive Plan Proposed Amendment No. 14.

NE TRACT

Ridge and Southview are requesting a slight reconfiguration of the O-3 zoning lines on the NE Tract, as well as a change of zone from B-2 to H-4. An amendment to existing Use Permit No. 134 is requested for the O-3 area showing office and a bank uses. A special permit for planned service commercial is requested for the H-4 area. The planned service commercial development includes a mix of retail uses, restaurants and a full service automobile dealership. The O-3 and H-4 areas show a combined total of 211,600 square feet.

(C2.3410)
* In addition, Ridge and Southview are requesting a zoning text amendment to the planned service commercial special permit provision to allow automobile/truck wash facilities as an approved use within a planned service commercial development. Automobile/truck wash

facilities are permitted as a conditional use in the H-2 and H-3 zones, and automobile wash facilities are permitted as a conditional use in the B-2 zone and a permitted use in the B-5 zone. Automobile, motorcycle, and four-wheel truck sales, along with automobile repair, including vehicle body repair shops, are approved uses with a planned service commercial development. We think it is appropriate to allow automobile/truck wash facilities to also be located in the H-4 zone as part of a planned service commercial development. Because a planned service commercial development is a permitted special use in the H-4 zone, the City will have an opportunity to review site plans for automobile/truck wash facilities to insure it is compatible with abutting land uses.

We are requesting that the following waivers be added to the above mentioned project:

1. *To reduce the required front yard setback from 50' to 40' along South 27th Street and Yankee Hill Road in the H-4 zone.*

An additional 10' of right of way is being dedicated for South 27th Street and Yankee Hill Road. There is additionally a 10' pedestrian and landscape easement being dedicated. We are requesting a corresponding setback waiver for this 10' right of way dedication.

2. *A waiver of the internal yard setbacks to 0' for lots 1 thru 12, block 2.*

The proposed lots are surrounded by Outlot "A" that accounts for all parking and setback requirements.

3. *To waive the minimum lot sizing in the H-4 zoning from 15,000 SF to 4,000 SF.*

This waiver is in conjunction with waiver request #2. The proposed lots are surrounded by Outlot "A" that accounts for all parking and setback requirements. The lots are specifically for the buildings and are therefore substantially smaller.

Enclosed please find the following information supporting the requests for the NE Tract:

1. City of Lincoln Zoning Application
2. Certificate of Ownership
3. Application fee in the amount of \$1,365
4. 21 copies of the site plans
5. 9 copies of the grading/drainage plan
6. 9 copies of the landscape plan
7. 9 copies of the profile sheet

NW TRACT

Ridge and Southview are requesting a change of zone from AG to B-2 for the NW Tract, as well as a use permit for a 151,000 square feet neighborhood center. The neighborhood center contains a mix of uses including a grocery store.

**PROPOSED AMENDMENT TO
LINCOLN MUNICIPAL CODE**

27.63.470 Permitted Special Use: Planned Service Commercial

Planned service commercial development may be allowed by special permit in the H-4 General Commercial District under the following conditions:

(a) The uses approved within a planned service commercial development shall be limited to:

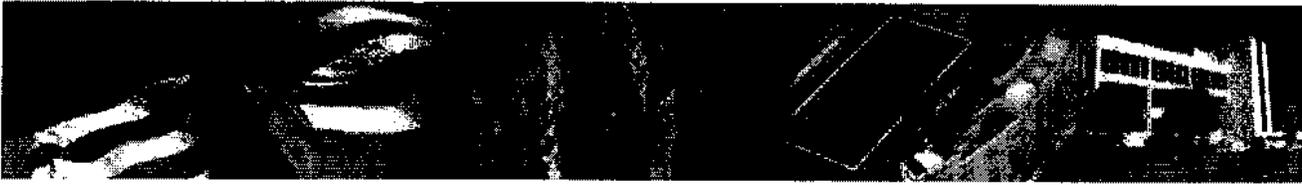
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(24) Automobile/truck wash facility:

(i) Automatic, conveyor-operated: The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "guidelines and regulations for driveway design and location" as adopted by the City of Lincoln.

(ii) Self-service, coin operated: The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "guidelines and regulations for driveway design and location" as adopted by the City of Lincoln.

Welcome to the Urban Development Department



**MAYOR'S NEIGHBORHOOD ROUNDTABLE
COUNTY/CITY BUILDING, 555 SOUTH 10TH STREET
ROOM 113 (First Floor, Southeast Corner)**

A G E N D A

June 12, 2003 at 4:30 p.m.

- 1. Welcome and Introductions**
- 2. Open Forum with Mayor Don Wesely**
- 3. Amendments to the Comprehensive Plan**
-Steve Henrichsen, Planning Department
- 4. Special Use Permit in the H-4 General Commercial District**
Automobile/Truck Wash facility
-DaNay Kalkowski, Seacrest & Kalkowski, P.C.
- 5. Announcements**
- 6. Adjourn**

**Next Mayor's Neighborhood Roundtable:
July 10, 2003 at 4:30 p.m.**

Call in Agenda Items to Carol Brown at 435-8932,
Ann Harrell, Mayor's Office, at 441-7511, or
Bradd Schmeichel, Urban Development, at 441-7866.

Summary of June 12, 2003 Roundtable Meeting

The regular meeting of the Mayor's Neighborhood Roundtable was called to order by Carol Brown, Chair, at 4:30 p.m., on Thursday, June 6, 2003, in Room 113 at the County/City Building, Lincoln, Nebraska. Twenty-seven participants were in attendance.

acreage studies. Mike DeKalb, Planning Department.

The first 9 items were proposed by government agencies. Items 10-20 were proposed by private individuals or companies. Contact Steve Henrichsen for 10-20, contact Mike Brienzo for 17.

10. North of Interstate between 14th and 17th Streets, Doanbridge Creek. 11. Proposal for commercial and light industrial uses east of SECC on both sides of 98th Street between O and Holdrege. Recommended for approval. 12. & 13. Neighborhood opposition, recommended for denial. 14. & 15. Adjustments to commercial designations. Recommended for approval. 16. Industrial/Wetland designation. Continued to June 15th. 17. Fixed line transportation system. Recommended for denial. 18. Addition of commercial space on north side of Hwy 2. Recommended for denial. 19. To designate NW corner of intersection for commercial and light industrial uses. 20. Commercial designation of area south of 40th & Rokeby Road.

Carol Brown asked if Planning Commission denials are brought to the City Council and County Board, and are they able to override the denial if they choose to.

Steve Henrichsen explained all the amendment recommendations are brought to the City Council and County Board. The City Council requires a super-majority to alter the Planning Commission recommendation.

Gary Hejl asked if the proposed growth towards the southwest includes roads to be done first, and if there is a plan to enlarge the Homestead Expressway.

Steve explained there are future improvements shown for West Denton Road, Folsom, Coddington, and roads in that area. There are several at grade crossings between the South Beltway and I-80 that will be changed to interchanges or overpasses or removed.

Don Jensen asked if the Planning Commission is still short a member.

Steve Henrichsen explained there was a loss of a member to the City Council. The Mayor's office is looking for applications to fill the opening.

 **SPECIAL USE PERMIT IN THE H4 GENERAL COMMERCIAL DISTRICT**

DaNay Kalkowski, Seacrest & Kalkowski, P.C., representing Ridge Development and Southview, Inc., provided information on a zoning text amendment which they have submitted to the City for review (see attached). This amendment would allow car and truck wash facilities in the H4 zone through a Special Permit use within the planned service commercial development.

Currently the H4 zone allows automobile, motorcycle, and 4-wheel truck sales as well as truck stops and service stations, but does not permit any car or truck wash facilities within that district. This is inconsistent with what is permitted in some of the other B and H commercial districts. The B1, B2, and B3 districts permit car wash facilities as a conditional use. In the B4 and B5 zones, automobile wash facilities are permitted with no conditions. The H2 and H4 are oriented to major commercial streets. In H2 and H3 automobile and truck wash facilities are conditional uses that are permitted. H4 is silent on car or truck wash facilities. H4 is for newly developing areas. All the Industrial Zones are oriented towards the major arterial streets.

The proposed language is identical to the H3 zone except the language is placed within the Special Permit use of planned service commercial section. Before you could have a car or truck wash facility within the H4 zone it would have to be part of the planned service commercial development. A Special Permit process would have to be approved by the Planning Commission and if there were any waivers, it would have to be approved by the City Council also. This will allow the City extra protection to ensure the use will fit within the development.

The text amendment will be on the Planning Commission agenda next month.

Craig Groat commented that car and truck washes are very detrimental to neighborhoods. They are noisy and brightly lit. He feels these things are shoved through the City Council with great opposition from the neighborhoods. He gave 56th and Holdrege as an example. He cited 1954 Supreme Court case *Berman vs. Parker*, that public safety, health, morality, peace and quiet, law and order are limited by these types of businesses.

Carol Brown asked what the location is that precipitated this proposal.

DaNay responded the location is 27th and Yankee Hill Road, 2 miles south of the bypass. It will be zoned H4, which would allow a full service car dealership, which is precipitating the desire to have a car wash facility to compliment that use. They felt that with the extensive automobile sales, truck stops and service station uses allowed in the H4, to have a wash facility is consistent with that zone, and to place it in the Special Permit section allows city review and approval. There has been a neighborhood meeting. The example at 56th and Holdrege is zoned B3.

Steve Henrichsen gave examples of H4 areas, which include: the southeast corner of 56th & Hwy 2; 27th & Pine Lake Road from DuTeau's to DaVinci's; along West O Street, between West O and the Interstate at NW 48th Street; 14th and Yankee Hill Road, which was established prior to the residential area and includes transitions; West of 84th Street between Leighton and Holdrege, south of the LES substation, north of an unbuilt B2 and east of a tree line. H4 is a district that has been used primarily in newer neighborhoods. The car wash use is allowed in the B1 and B3 districts, this does not change that. The H4 requires a 50 foot set-back for all uses, landscaping for screening, and site review, while B1 and B3 does not. In the H4 you have the opportunity for review before Planning Commission and City Council, while B1 and B3 does not.

Jonathan Cook asked if City Council could put conditions such as hours of operation and lighting, number of bays.

Steve Henrichsen responded that this should be addressed with the Special Permit process.

ANNOUNCEMENTS

Carol Brown provided brochures on the Community Emergency Response Team (CERT) training program. They are looking for groups of 15 to 25 people interested in the training.

The Roller Sports Indoor Speed, Figure and Jam Skating Session is July 12th to August 5th at the Pershing Center. Groups of volunteers are needed to help during this event.

Carol is also working on a form for neighborhood inspections and complaints for Building and Safety, she asked for comments and suggestions on the form, and would like to have it on the City webpage after it is approved by Mike Merwick.

A question was asked about people parking in the front yard.

Lin Quenzer noted that if you have 4 feet of clearance between the rear bumper and the curb, and 4 feet of clearance between the front bumper and the sidewalk, you may park there.

Patte Newman announced there is a meeting with the northeast constituents on the 3rd Thursday of the month at the Anderson Library from 5:30 to 6:30 p.m.

Craig Groat commented that the plantings and rocks that are being allowed in the parkway is a problem in neighborhoods. He also commented that raccoons, skunks, possums and foxes are common in the City, and if you just leave them alone, they will not be a problem. You should not trap raccoons, they are not harming anything. They were here first and are a part of nature.

Steve Larrick announced the Nebraska Urban Community Improvement Program Recognition Day will take place the first Saturday in November at Mahoney State Park. Neighborhoods are encouraged to submit a project report. Contact Steve if you would like more information.