

City Council Introduction: **Monday**, November 4, 2002
Public Hearing: **Monday**, November 18, 2002, at **1:30 p.m.**

Bill No. 02R-260

FACTSHEET

TITLE: SPECIAL PERMIT NO. 168A, requested by McMaster Enterprise, Inc., for a parking lot in a residential district, on property generally located at 1216 to 1230 "H" Street and 635 South 13th Street.

STAFF RECOMMENDATION: Conditional approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 11/01/01
Administrative Action: 11/01/00

RECOMMENDATION: Conditional approval (7-0: Krieser, Carlson, Schwinn, Taylor, Steward, Newman and Bayer voting 'yes'; Duvall and Hunter absent).

FINDINGS OF FACT:

1. The staff recommendation of conditional approval is based on the "Analysis" as set forth on p.4-6, concluding that this proposal follows the prior staff recommendation that Special Permit No. 168 on the older lot to the west should be expanded to include this parcel and the lot between, and to bring the entire package up to today's standards for layout, screening and landscaping.
2. The applicant's testimony is found on p.7.
3. This proposal was reviewed and approved by the Nebraska Capitol Environs Commission See Planning Commission Minutes, p.7, and Nebraska Capitol Environs Minutes, p.22).
4. There was no testimony in opposition.
5. On November 1, 2000, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend conditional approval, as set forth in the staff report dated October 23, 2000.
6. The Site Specific conditions of approval required to be completed prior to scheduling this application on the Council agenda have been submitted by the applicant, approved by the reviewing departments and the revised site plan is attached (p.11).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: October 28, 2002

REVIEWED BY: _____

DATE: October 28, 2002

REFERENCE NUMBER: FS\CC\2002\SP.168A

EXISTING ZONING:

R-8 Residential

EXISTING LAND USE:

Parking lots, one apartment building and one duplex (the westerly building shown on the aerial has been removed).

SURROUNDING LAND USE AND ZONING:

R-8 zoned to the east, west and south, O-1 zoned to the north across the alley. Apartments to the east (parking lot across 13th St.) and apartments to the west, church and office across the street to the south, office uses to the north.

COMPREHENSIVE PLAN SPECIFICATIONS:

Urban residential

HISTORY:

This property was converted from E-1 to R-8 the equivalent zoning district in the 1979 zoning update. The larger parking lot to the west (1216 H St.) was approved by Special Permit #168 in 1959. The small, new, parking lot at 1220 H St., adjacent to the west, was reviewed by the Nebraska Capitol Environs Commission for building demolition in July 1999. No special permit or building permit was issued for that lot. A request for a parking lot special permit on Lot 10, 1228/1230 H St. (#1867), was withdrawn by the applicant on September 20, 2000.

SPECIFIC INFORMATION:

TOPOGRAPHY:

The land is generally flat and on grade with the alley on the north. The street on the south is below the lot elevation.

TRAFFIC ANALYSIS:

The parking lot does not have a direct access to H Street. The traffic would use the paved east/west alley to the north and discharge onto 12th and 13th Streets.

REGIONAL ISSUES:

This is in the Capitol Environs District, and the building demolitions and parking lots are being reviewed by that body.

ENVIRONMENTAL CONCERNS:

Green space and mature trees will be lost. The existing parking lots do not meet current standards for screening or tree placement.

AESTHETIC CONSIDERATIONS:

The landscape plan does not meet the minimum landscape design standards.

ANALYSIS:

1. This is a request to expand an existing parking lot to a 69 stall parking lot. Two residential structures will be removed for this expansion.
2. The section of the Zoning Ordinance for special permitted parking lots states:

27.63.170 Permitted Special Use: Parking Lots.

(a) Parking lots may be allowed by special permit in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, and O-2 zoning districts in conformance with the provisions of Chapter 27.67 and under one of the following conditions:

(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 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 non-residential street. If access is proposed from a local residential street, such access must be gained at a location that does not negatively impact adjacent residential zoned property.

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

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

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

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

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

An adjustment to these criteria may be granted by the City Council upon a determination that there is a sufficient cause for such an adjustment and that there will be no significant impact on adjacent residential uses...

3. The land is zoned R-8 Residential.
4. The parking lot is located less than 300' from an O-1 zoning district.
5. Direct access to the parking lot is not from H Street. The alley that serves this lot is currently used for both residential and commercial/office uses. The alley is paved.
6. There is no residential use located between the parking lot and the commercial uses to the north.
7. The continuity of the building facade block face will be impacted by the building loss. Good setback (10' in R-8) and screening of all the parking lots will mitigate the impact.
8. "Back mall" parking is supportive of the transition of uses in the area and the Capitol Environs Plan.
9. This will include the western parking lots and these two new areas now used for dwellings.
10. The August 18th, 2000 report on SP #1867, recommended that the prior SP #168 be amended to include all the properties affected. This reflects that proposal.
11. The minimum landscaping and screening for this proposal requires:
 - a 60% screen from 2' to 4' along the street side of the lot,
 - a 90% screen from 2' to 4' on all other sides of the lots, and
 - one deciduous shade tree for each 10,000 sq. ft. of parking (3 trees)
12. The Capitol Environs Commission will review this application for the removal of the two buildings and the parking lot on October 26, 2000.

STAFF CONCLUSION:

This follows the prior staff recommendation that Special Permit # 168 on the older lot to the west should be expanded to include this parcel and the lot between, and to bring the entire package up to today's standards for layout, screening and landscaping.

STAFF RECOMMENDATION:

Conditional Approval

CONDITIONS:

Site Specific:

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 A landscape plan designed to conform to the landscape design standards.
 - 1.1.2 A parking lot layout that meets design standards.
 - 1.1.3 Show the lot lines and setbacks.

2. The Capitol Environs Commission must approve this application.
3. This approval permits a parking lot.

General:

4. Before receiving building permits:
 - 4.1 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

5. The following conditions are applicable to all requests:
 - 5.1 Before occupying the parking lot all development and construction shall have been completed in compliance with the approved plans.
 - 5.2 All privately-owned improvements including the landscaping shall be permanently maintained by the owner.
 - 5.3 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.
 - 5.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 5.5 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.
6. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Mike DeKalb, AICP
Planner

SPECIAL PERMIT NO. 168A

PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 1, 2000

Members present: Krieser, Carlson, Schwinn, Taylor, Steward, Newman and Bayer; Duvall and Hunter absent.

Planning staff recommendation: Conditional approval.

Proponents

1. Jay McMaster of McMaster Real Estate, the applicant, presented the application for a special permit to expand the parking lot at 13th & H. McMaster has had this particular area for over 40 years and has been upgrading it piece by piece moving toward future development. At the present time, the parking is needed and they do have two pieces of property that are getting old and need more upkeep. Increasing the parking will help the progress of the area and make it more safe. They have been at this location without any problems. They will not disrupt the city utilities, sidewalks, streets, lawns or personnel. The people in the existing buildings will be relocated within their own properties.

2. Maryetta Colbert of McMaster Company Management advised that the parking lots that exist are under lease to another company. It was McMaster's mistake in leaving it up to them to do the city permits and meeting the city requirements. Unfortunately, they did not do that. McMaster will overtake these parking lots and make sure that all city requirements are met, in addition to the new parking that is being combined by this special permit. She has discussed this with the businesses on the block and they all support the additional parking. There are 42 tenants on the block at the present time, not including the businesses and their employees. At this time, around that block, there are 33 on-street parking spaces. The tenants and employees of the businesses compete with the people around that area, i.e. Billy's Restaurant, the Capitol, the County-City Building, downtown employees.

McMaster advised that Capitol Environs has reviewed this application and does not object as long as they keep the parking off the mall.

There was no testimony in opposition.

Mike DeKalb of Planning staff advised that the Nebraska Capitol Environs Commission concurred with the staff report and recommendation; however, it would be their preference that the corrections to the site plan be done prior to City Council approval.

Steward noted that the staff report mentions some tree loss due to this change. Are there any other trees in the interior that might have or could have been retained? DeKalb stated that there is nothing of any substance. The street trees are mature and will remain. There are no mature trees outside of the right-of-way.

Carlson attended the Capitol Environs meeting and it seemed like they were satisfied with the design but were concerned that it would be built accordingly. Is there another round of approval other than deferral to assure that the requirements are met?

DeKalb noted that this application must go on to the City Council and the revised site plans must be submitted prior to scheduling on the Council agenda. The design standards will pick up any flaws. Building permits will also be required, thus DeKalb believes there are sufficient checkpoints.

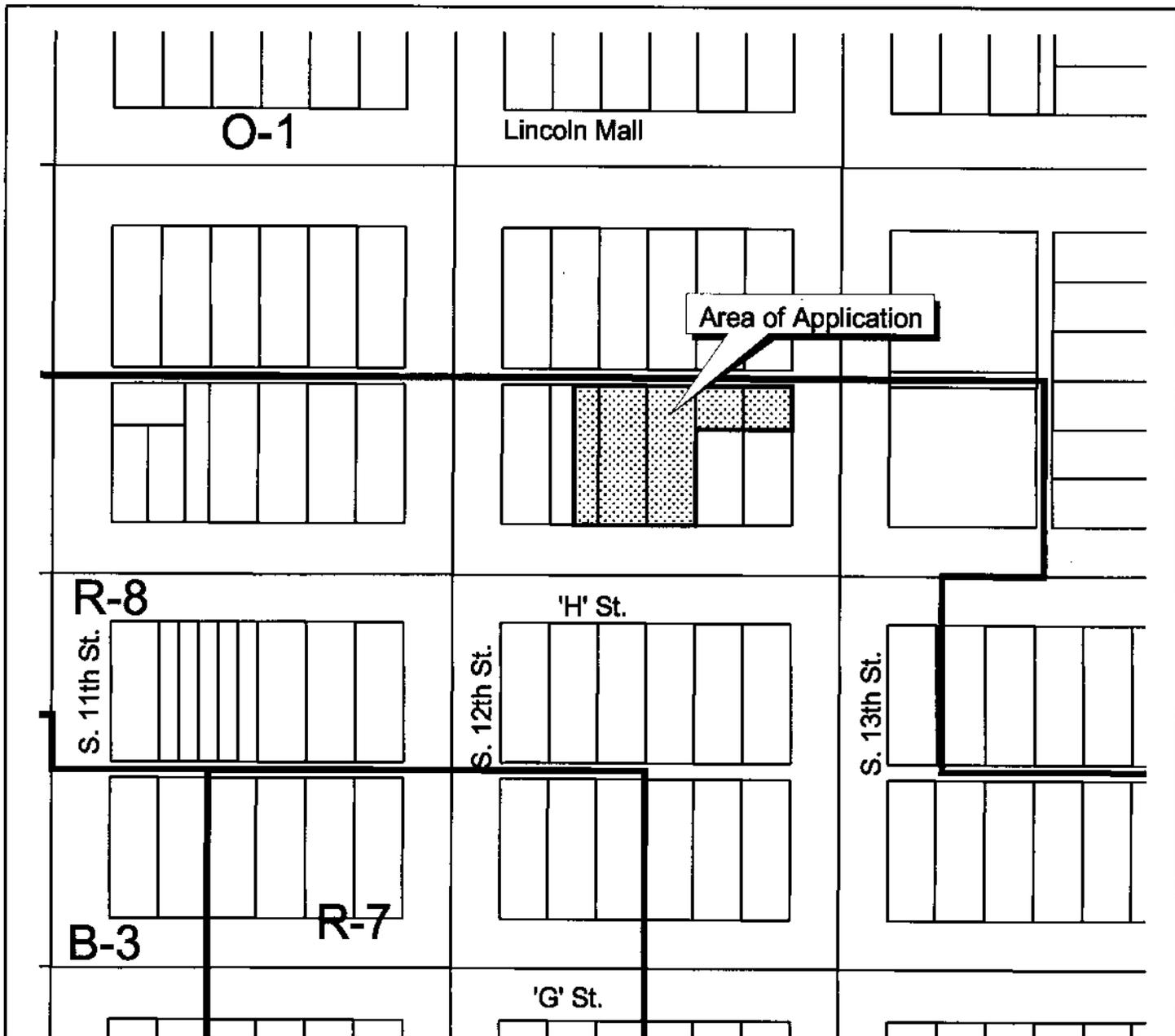
Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

November 1, 2000

Schwinn moved to approve the Planning staff recommendation of conditional approval, seconded by Krieser. Carlson expressed appreciation for the applicant's willingness to work through this.

Motion for conditional approval carried 7-0: Krieser, Carlson, Schwinn, Taylor, Steward, Newman and Bayer voting 'yes'; Duvall and Hunter absent.

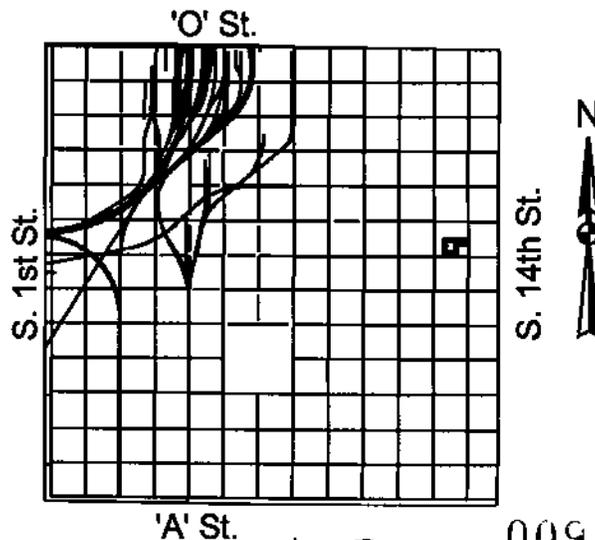
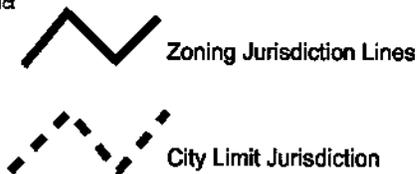


Special Permit #168A
S. 13th & 'H' St.

Zoning:

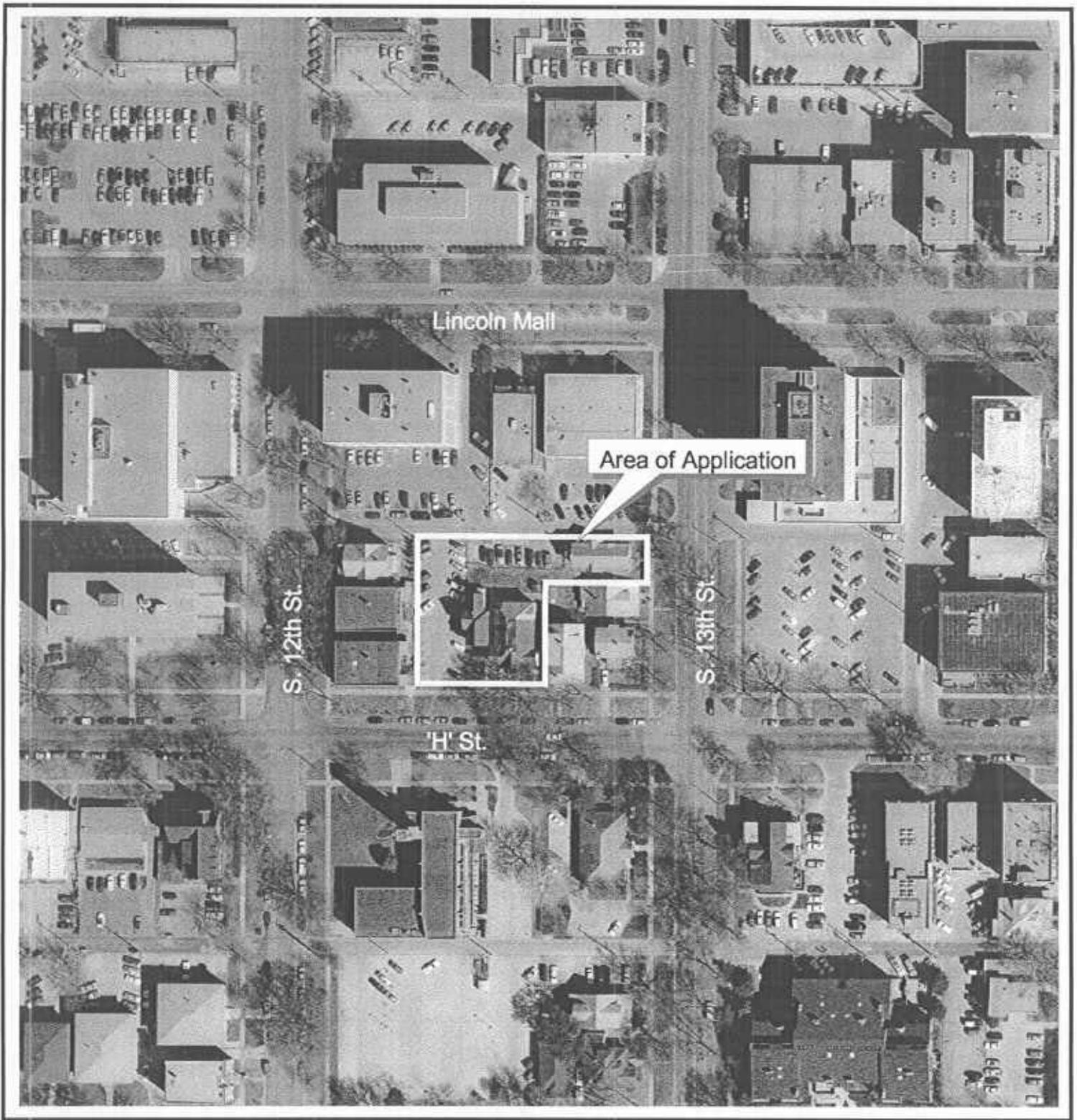
- | | |
|------------|--|
| R-1 to R-8 | Residential District |
| AG | Agricultural District |
| AGR | Agricultural Residential District |
| R-C | Residential Conservation District |
| O-1 | Office District |
| O-2 | Suburban Office District |
| O-3 | Office Park District |
| R-T | Residential Transition 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. 26 T10N R6E



Sheet 1 of 3
 Date: 10-23-00
 Lincoln City - Lancaster County Planning Dept.

009



Special Permit #168A
S. 13th & 'H' St.



Sheet 2 of 3

Date: 10-23-00

Photograph Date: 1997

010

October 4, 2000

CITY OF LINCOLN
PLANNING DEPARTMENT
CITY COUNCIL

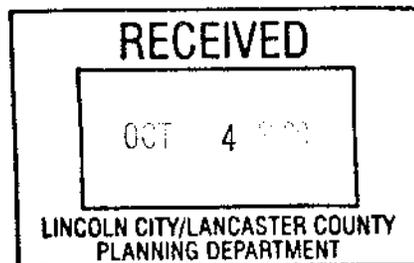
RE: Addendum to Special Permit
168 for continuing the
width of present parking at
1216 'H' St. (E. ½ Lot 8)
to include Lot 9, 10, & N44'
of Lot 11, 12; Block 126
Lincoln Original LLCN

TO WHOM IT MAY CONCERN:

Said property belongs to McMaster Enterprise Incorporated
and has belonged to same since 11-30-65. Filed in Book
701 of Deeds, Page 511, Lancaster County Nebraska.

MCMASTER ENTERPRISE, INC.

by 
J. L. McMaster, President



McMASTER CO.
 Subsidiary of McMaster Enterprise Inc.

Property Management
 Remodeling
 Building

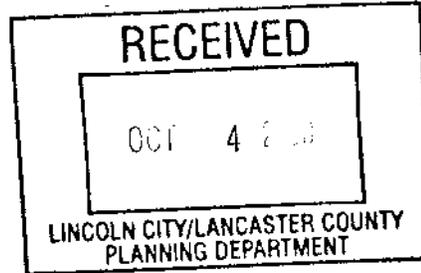
Realtors

MULTIPLE LISTING SERVICE
 CITY AND FARM SALES

858 SOUTH 27th STREET
 LINCOLN, NEBRASKA 68510

October 4, 2000

LINCOLN PLANNING COMMISSION



RE: Addendum to Special Permit
 # 168

Dear Commission:

We come before you to ask for an Addendum to Special Permit # 168, having the 225 foot Front along 'H' Street, mainly Lots 12, 11, 10, 9 and 1/2 of 8, Block 126. We are planning as we have over the last 30 years, to eventually build a high rise apartment building.

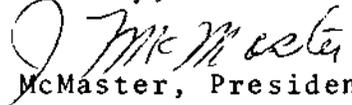
Our first application for a Special Permit did need a few changes, so we have taken the advice of the Staff Report and incorporated those changes into this request for an Addendum to Special Permit # 168. We believe you will find this application satisfactory and meeting all standards and requirements set by the Planning Department.

This Addendum shall allow us to:

1. Raze buildings on Lot 10 and N 44' on Lots 11 & 12. (pictures of each are attached for your review)
2. Black-top areas where buildings were and re-coat existing parking areas.
3. Re-strip TOTAL area as to standards set by the Planning Department.
4. Erect guard-rails along South side('H' St.) and do landscaping in accordance with regulations.

There shall be no walks, drives, streets or utilities disturbed. All told, making the area more safe for those living around the lot and relieving some of the congestion on the streets for parking.

Respectfully,


 J.L. McMaster, President

LETTER OF APPROVAL

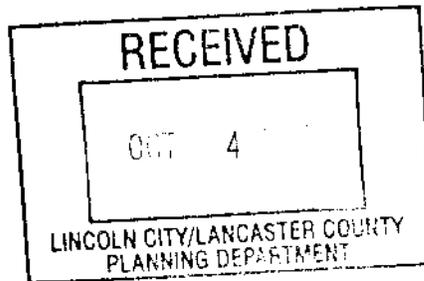
(no objections)

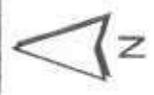
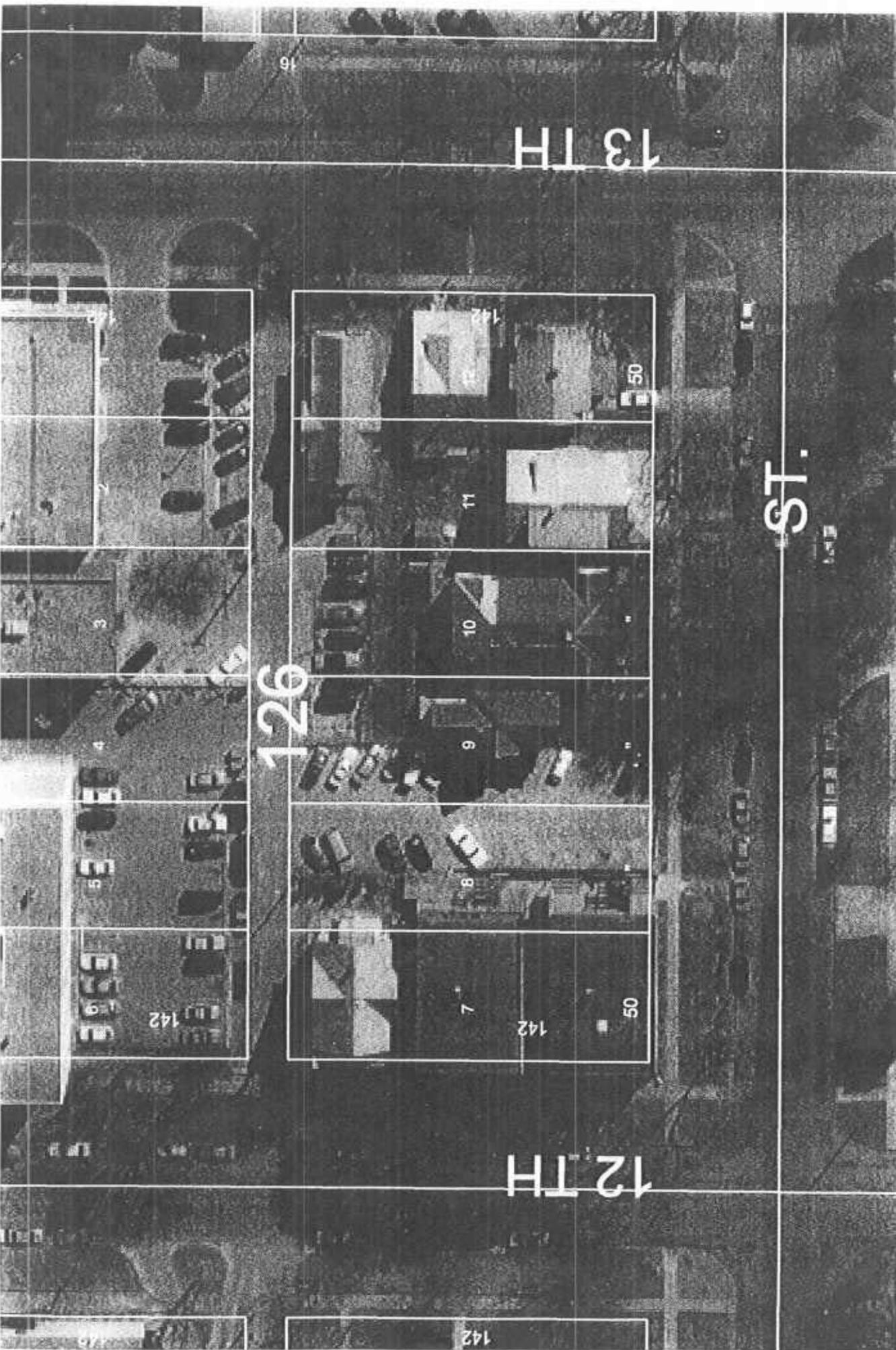
WE the undersigned being neighbors and adjacent to said parking do now state that we do not object to having this upgrade and improvement for safety purposes as well as for the betterment of the neighborhood, knowing it could be a prelude to more, as well as aesthetically improving this area of the City.

BLUE CROSS & BLUE SHIELD by *Jessie A. Duster*

CENTURY HOUSE MANAGEMENT by *Alan D. Lotter*

MCMASTER CO. MANAGEMENT by *Marietta S. Colbert*





1997 Aerial
Map created 9/15/00

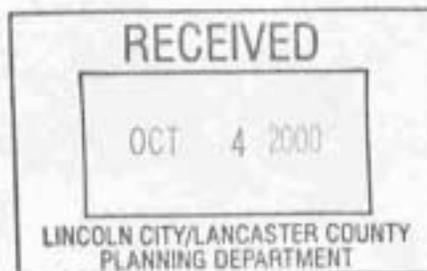
200 Feet
1" = 50'





1228/1230 'H' St.

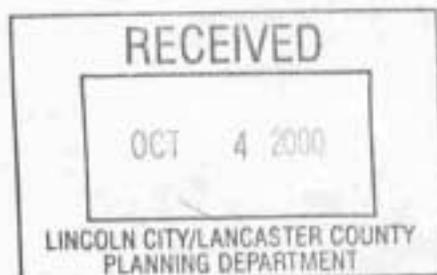
Former "rooming" house with 30 some rooms. At first only an out-house served it's needs....then a single bath on each floor. Since then many more changes have taken place but, it is time to remove for it is not right for the neighborhood.



016



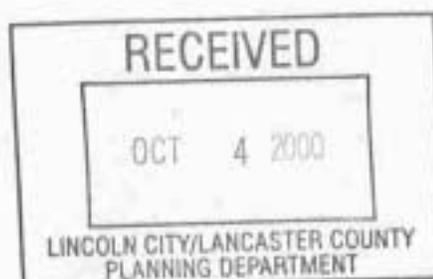
635 South 13th
Facing East on South side of Alley, 44'X100'. Part of the
larger future plan for the block.



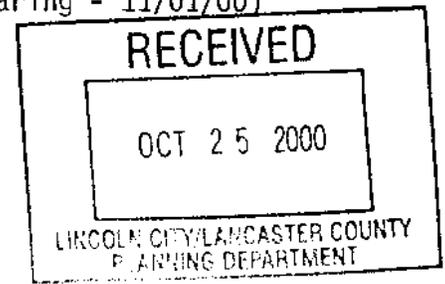


635 South 13th

South side of alley, 44'X100'. Interior has been upgraded as much as it can be. Needs major replacement. Over 100 yrs. old. Does not fit neighborhood.



018



Memorandum

To: Mike Dekalb, Planning Department
From: Gary Lacy, Public Works and Utilities *GLL*
Subject: Special Permit #168A, McMaster Parking Lot
Date: October 23rd, 2000
cc: Allan Abbott, Roger Figard

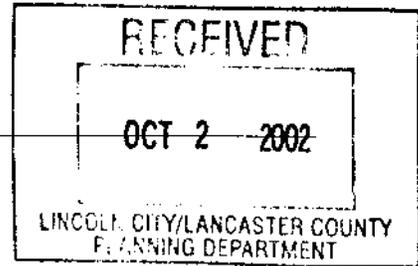
The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Special Permit 168A, McMaster Parking Lot, at 13th and 'H' Streets. Public Works has the following comments:

The parking lot lay out does not show internal circulation. The 4 stalls located in the middle aisles on the south end need to be eliminated to allow for a 18' minimum drive aisle. The present design would require a vehicle to back out of the lot if it entered while all the parking stalls were occupied.

A proposed grading and drainage is required with proposed elevations shown on the site plan.

Paving material and thickness that meets design standards for parking lots are required on the plan. Approved parking barriers around the proposed parking lot should be shown on site plan.

M e m o r a n d u m



[Redacted]

To: Mike DeKalb, Planning Dept.
From: ^{q/s} Bruce Briney, Public Works and Utilities
Subject: Special Permit #168A, McMaster Parking Lot
Date: October 1, 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 #168A, McMaster parking lot, located on the north side of 'H' Street between South 12th Street and South 13th Street and has no additional comments.

*Per. items are resolved
Per BB
27.4 or
MD.*

Memo



To: Mike DeKalb, Planning Department

From: Mark Canney, Parks & Recreation

Date: October 4, 2002

Re: McMaster Parking SP 168A

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have the following comments:

1. An alternative species of tree should be considered as a substitute for the (2) Red Oak planted in the median of the parking lot. Environmental concerns for this location including lack of sufficient space for the roots and establishment and the overall size of the tree should be taken into consideration. Please consider using a Swamp White Oak, Mancana or Patmore Ash, all of which have a better rate of survivability in the proposed conditions.

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

Certificate of Appropriateness (and recommendation on a special permit) for demolition and building parking lot at 1216 - 1230 H Street and 635 S 13th Street.

Public Hearing & Discussion

October 26, 2000

Zimmer stated that this application involves the removal of two buildings. The goal of coordinating the area into one parking lot has been accomplished. However it does not meet the landscaping requirements.

Hunter suggested taking this to the City Attorney for assistance in enforcing the standards.

Zimmer suggested two possible courses of action. One would be to get the current situation brought up to standard, then approve the second portion. The other would be to tell the owner to bring everything up to standard on paper before this would be approved.

Laging expressed concerns with the design of the parking lot, in that it does not allow traffic to circulate.

Zimmer added that it needs street trees and landscaping. In addition, the owner will not be able to have as many stalls as he thinks.

Laging wondered if the Commission should make a statement that is conditional on the whole series of items.

Hunter moved approval with the appropriate contingencies and staff recommendations, seconded by Rex.

Laging suggested that one contingency be that the lot must have movement.

Hunter suggested that the Commission be represented by the Chair at the Planning Commission meeting to stress how important this is.

Jon Carlson, Planning Commissioner, indicated that it would be advantageous for the Planning Commission to have the Capitol Environs Commission's desired conditions on paper.

Hunter withdrew his earlier motion for approval and moved that the Commission conceptually approve the Certificate of Appropriateness for the use, but recommended that the Planning Commission not approve the Special Permit without the submission of a comprehensive design that meets all the City standards and Environs standards. Motion was seconded by Rex.

Hunter reiterated the importance of having the chair appear at the Planning Commission. Rex suggested submitting a letter on behalf of the Commission signed by the chair. Zimmer indicated that, since he was not the planner processing the application, he could appear on behalf of the Commission.

Action - Motion carried 4-0.