

## **LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

**P.A.S.:** Special Permit #1908

**DATE:** April 17, 2001

**PROPOSAL:** Scott Osterhaus, on behalf of Anderson Ford, has requested a Special Permit to allow the storage of vehicles for sale where parking is permitted in the front yard and rear yards, and has requested a waiver of design standards to allow storage of vehicles for sale on raised islands on property generally located at N. 27<sup>th</sup> Street and Wildcat Drive.

### **GENERAL INFORMATION:**

**APPLICANT:** Scott Osterhaus  
Olsson Associates  
1111 Lincoln Mall  
Lincoln, NE 68508  
(402) 474-6311

**CONTACT:** Same

**LOCATION:** N. 27<sup>th</sup> Street and Wildcat Drive

**LEGAL DESCRIPTION:** Lot 1, Block 1, High Pointe North Commercial Park 3<sup>rd</sup> Addition located in the NE 1/4 of Section 36, T11N, R6E, Lincoln, Lancaster County, Nebraska.

**SIZE:** 9 acres more or less

**EXISTING ZONING:** H-3 Highway Commercial

**EXISTING LAND USE:** Auto dealership under development

**SURROUNDING LAND USE AND ZONING:** Zoned H-3 Highway Commercial to the north with wetlands. Zoned H-3 Highway commercial to the east, south and west with highway commercial uses and land under development. Zoned AG Agricultural north of I-80 with agricultural uses.

**COMPREHENSIVE PLAN SPECIFICATIONS:** Shown as Commercial in the 1994 Lincoln-Lancaster County Comprehensive Plan. The following goals are pertinent to the proposed Special Permit:

- Identify, protect and enhance features which give Lincoln and Lancaster County its distinctive character, image, sense of purpose and means of orientation through urban design and historic preservation.
- Protect and improve important vistas and entryways to the city.

**HISTORY:** **September 1997** Change of Zone #3068 changed the zoning from AG Agricultural and R-3 Residential to H-3 Highway Commercial and Annexation #97011 annexed the area into the City.

**October 1999** Preliminary Plat #98030, High Pointe North Commercial Center was approved by City Council.

**April 2000** Preliminary Plat #99026, High Pointe North Commercial Center 1<sup>st</sup> Addition was approved by City Council.

**SPECIFIC INFORMATION:**

**UTILITIES:** Available

**TOPOGRAPHY:** Sloping to the northeast

**ENVIRONMENTAL CONCERNS:** Increased runoff of storm water and pollutants into the wetland north of the property.

**AESTHETIC CONSIDERATIONS:** The I-80 and N. 27<sup>th</sup> Street entryway corridor.

**ANALYSIS:**

1. This is a request for a Special Permit to allow the storage of vehicles for sale and resale in the front yard along Wildcat Drive and in the rear yard along the wetland.
2. Section 27.63.700 of the Zoning Ordinance provides that a Special Permit may be granted to allow the storage of vehicles for sale in the front and rear yards if the area conforms with the parking lot design standards, unless specifically adjusted or waived by the City Council.
3. The H-3 zoning district has a 30 foot setback in both the front and rear yards. However, parking is allowed in both.
4. The proposed site plan shows a 15 foot landscaped front yard along Wildcat Drive. The proposed parking/display area is within the back 15 feet of the 30' front yard setback along Wildcat Drive.
5. A rear yard varying between 5 and 8 feet is shown. Most of the yard is planted with shrubbery. A 30' buffer strip planted with native grasses is beyond this lot and within the outlot to the north to provide a buffer to the wetlands.
7. The application letter stated that permission to display vehicles for sale was requested in the N. 27<sup>th</sup> Street front yard, as well. However, all of the display area is shown outside of the front yard setback along N. 27<sup>th</sup> Street.

8. The applicant has requested a waiver of the parking lot design standards to allow vehicles to be displayed on “vehicle display pads” in the front yard along Wildcat Drive.
9. The applicant has not provided an elevation or details of the proposed “vehicle display pads”. It is not clear if the applicant proposes to park cars on a raised concrete island, or on a raised display structure.
10. The applicant has shown landscaping in the required 30' front yard along the I-80 frontage. This area is shown as a landscaped area with shrubs and street trees. While the proposed landscaping exceeds what was shown on the approved Preliminary Plat, the materials and location do not match the landscaping shown on the approved Preliminary Plat.
11. Additional trees are shown along the west side yard property line.
12. The landscape plan does not provide the design spread and height of the plant material, and does not provide screening calculations. The applicant will need to demonstrate on the plan that the screening meets design standards.
13. The applicant has indicated that he is working with a Landscape Architect to prepare a coordinated landscape design for the front yard area generally located along Wildcat Drive, Whitehead Drive and Telluride Drive. He has verbally indicated a willingness to provide coordinated landscape design standards for the area prior to City Council approval of this plan.
14. The Public Works and Health Departments had no objections to the proposal.
15. The Parks and Recreation Department suggested substitutions for some of the proposed trees.
16. This special permit does not apply to internal parking or landscaping. All internal parking and landscaping will be required to meet applicable design standards.

**STAFF CONCLUSION:** This parcel is highly visible from the I-80 and N. 27<sup>th</sup> Street entryway. The applicant could provide parking in the front and rear yards by right. The applicant has agreed to provide additional landscaping along the I-80 frontage and to provide a 15' landscaped front yard along Wildcat Drive.. The applicant has further agreed to provide a coordinated landscape scheme for the area that would enhance the corridor. However, allowing vehicles to be displayed on raised platforms in the required yards will not enhance the corridor.

**STAFF RECOMMENDATION:** Conditional approval of the Special Permit to allow the storage of vehicles for sale in the front yard along Wildcat Drive and in the rear yard.

Denial of the waiver to allow vehicles to be displayed on raised platforms.

**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 that is consistent with the approved Preliminary Plat.
  - 1.1.2 The design height and design spread of the plant materials and the screening calculations, and landscaping meeting the parking lot design standards, including any parking allowed on vehicle display pads.
  - 1.1.3 Provide a coordinated landscape scheme for the area prepared by a Landscape Architect.
  - 1.1.4 Revise the plant materials to the satisfaction of the Parks and Recreation Department.
  - 1.1.5 Revise the placement of the street trees to the satisfaction of the Parks and Recreation Department.
  - 1.1.6 Remove the "vehicle display pad" designation from the site plan.
  - 1.1.7 Add a note to the plans to indicate that neither the hood or trunk of a car can be left open on the vehicles displayed for sale or resale in the front or rear yard except when the vehicle is inspected by a customer or being serviced.
  - 1.1.8 Add a note to the plans indicating that used cars will not be displayed in the rear yard area adjacent to the outlot containing a wetland.

2. This approval permits the storage of vehicles for sale or resale within the rear yard an within the Wildcat Drive front yard, as shown on the approved site plan. 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 non-conforming parking lot.

General:

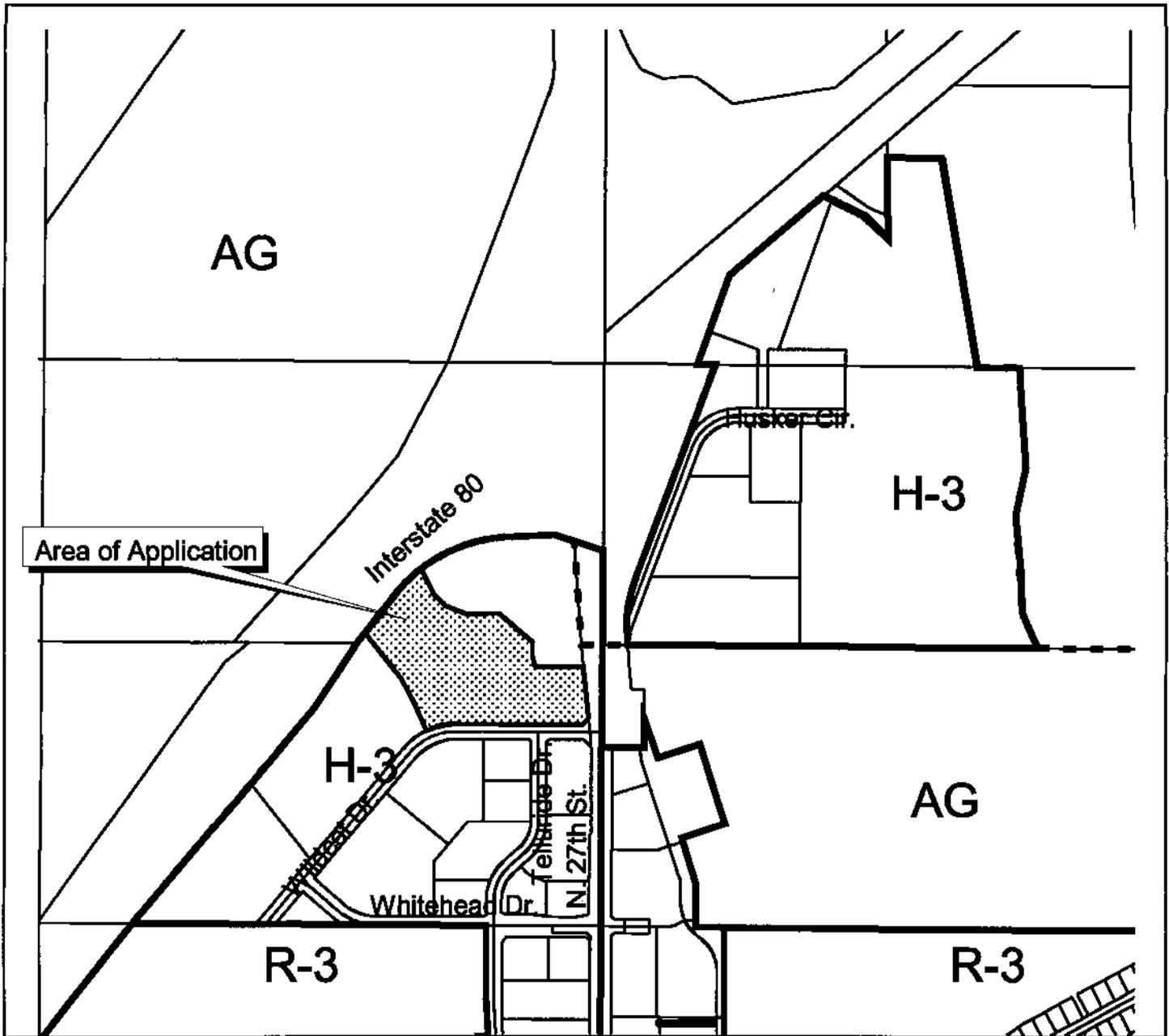
3. Before receiving building permits:
  - 3.1 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
  - 4.1 Before storing vehicles for sale or resale in the front or rear yard, all development and construction shall have been completed in compliance with the approved plans.
  - 4.2 All privately-owned improvements shall be permanently maintained by the owner.
  - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 4.5 The 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.

Prepared by:

Jennifer L. Dam, AICP  
Planner

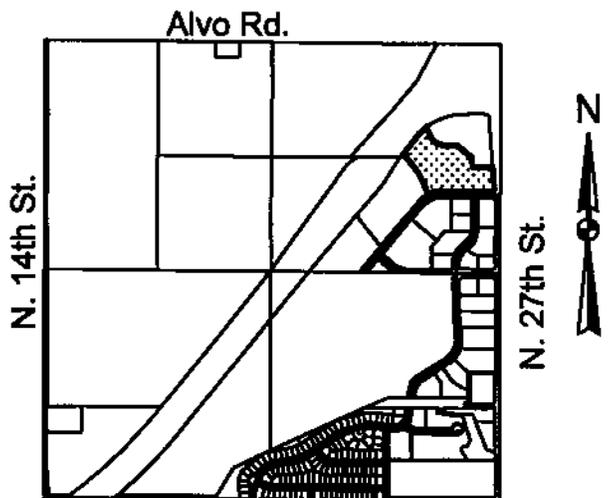


**Special Permit #1908  
N. 27th & Wild Cat Drive**

**Zoning:**

- |            |  |
|------------|--|
| R-1 to R-8 | Residential District                   |
| AG         | Agricultural District                  |
| AGR        | Agricultural Residential District      |
| R-C        | Residential Conservation District      |
| O-1        | Office District                        |
| O-2        | Suburban Office District               |
| O-3        | Office Park District                   |
| R-T        | Residential Transition District        |
| B-1        | Local Business District                |
| B-2        | Planned Neighborhood Business District |
| B-3        | Commercial District                    |
| B-4        | Lincoln Center Business District       |
| B-5        | Planned Regional Business District     |
| H-1        | Interstate Commercial District         |
| H-2        | Highway Business District              |
| H-3        | Highway Commercial District            |
| H-4        | General Commercial District            |
| I-1        | Industrial District                    |
| I-2        | Industrial Park District               |
| I-3        | Employment Center District             |
| P          | Public Use District                    |

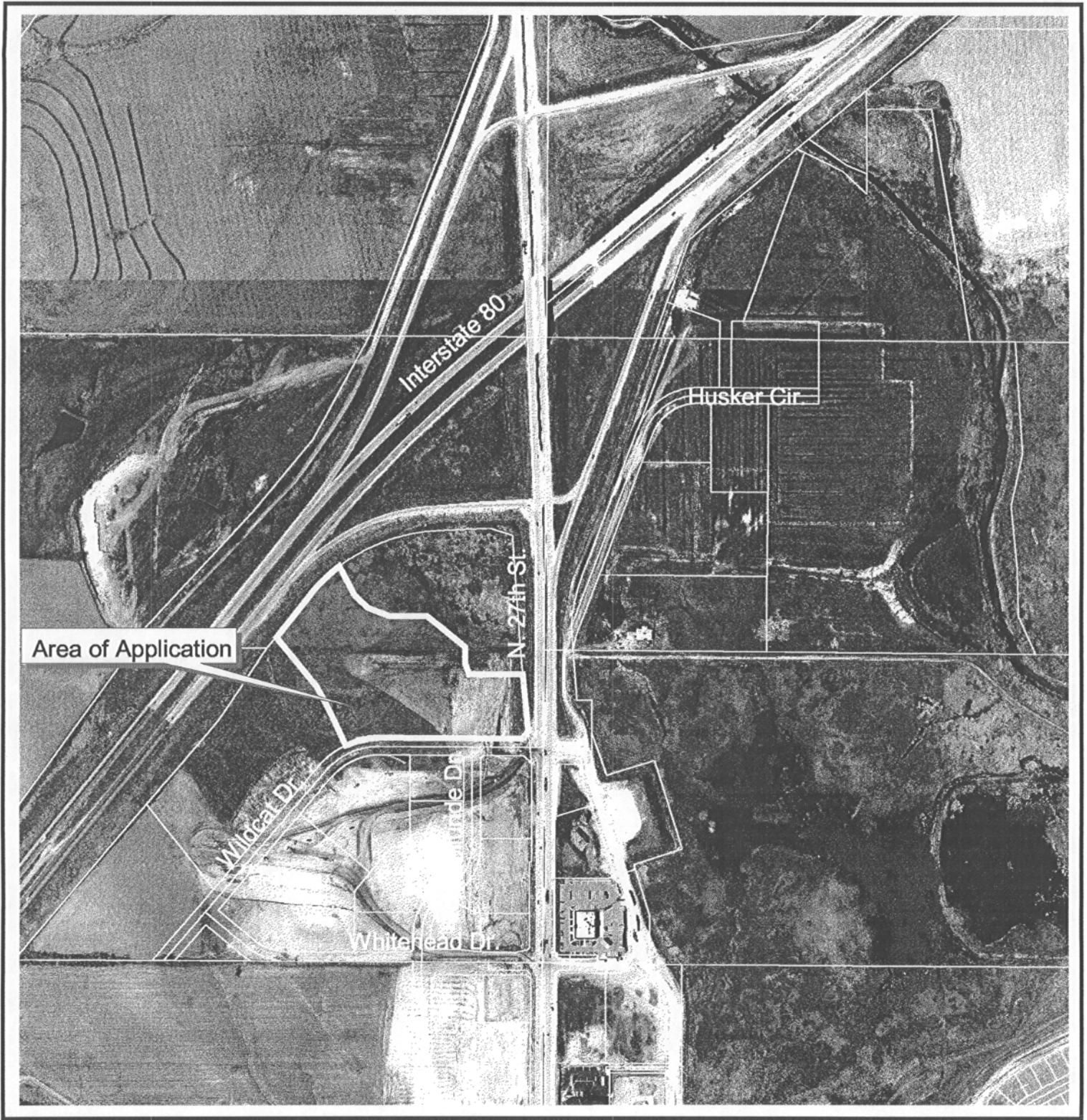
One Square Mile  
Sec. 36 T11N R6E



Fletcher Ave.

Sheet 1 of 2  
Date:

Lincoln City - Lancaster County Planning Dept.



**Special Permit #1908  
N. 27th & Wild Cat Drive**

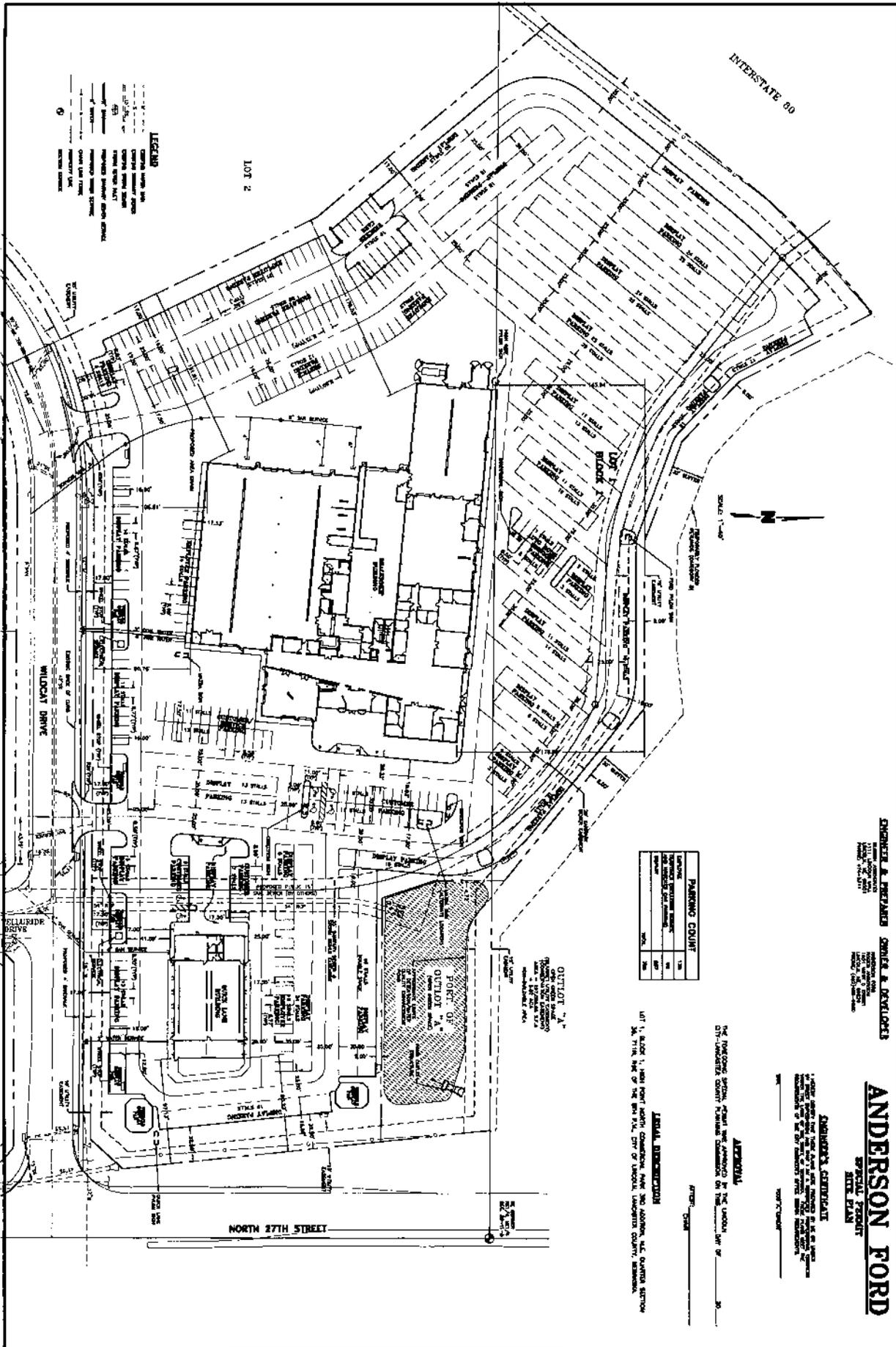


Sheet 2 of 2

Date: \_\_\_\_\_

Photograph Date: 1999

Lincoln City - Lancaster County Planning Dept.



**ENGINEER & ARCHITECT SMITH & DEVELOPS**  
 1111 W. WASHINGTON ST.  
 SUITE 200  
 MILWAUKEE, WI 53233  
 PHONE: 414.224.1111  
 FAX: 414.224.1112  
 WWW: WWW.SMITHANDDEVELOPS.COM

**ANDERSON FORD**  
 SPECIAL PROJECT  
 SITE PLAN

**CONTRACTOR'S CERTIFICATE**  
 I, THE UNDERSIGNED, CONTRACTOR, HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS SITE PLAN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

**PARKING COURT**

TYPE	NO.	AREA (SQ. FT.)
STANDARD	12	1,200
COMPACT	18	1,800
TOTAL	30	3,000

LOT 1, BLOCK 1, 1800 NORTH WILDCAT DRIVE, COMMISSIONER OF THE LAND, MILWAUKEE, WISCONSIN  
 24.57 AC. OF THE 80.00 AC. CITY OF MILWAUKEE, WISCONSIN

**LEGAL DESCRIPTION**

**APPROVAL**  
 BY: \_\_\_\_\_  
 DATE: \_\_\_\_\_

**OUTLOT 'A'**  
 PORT OF OUTLOT 'A'  
 1.00 AC. OF THE 2.00 AC. CITY OF MILWAUKEE, WISCONSIN

SCALE: 1" = 40'



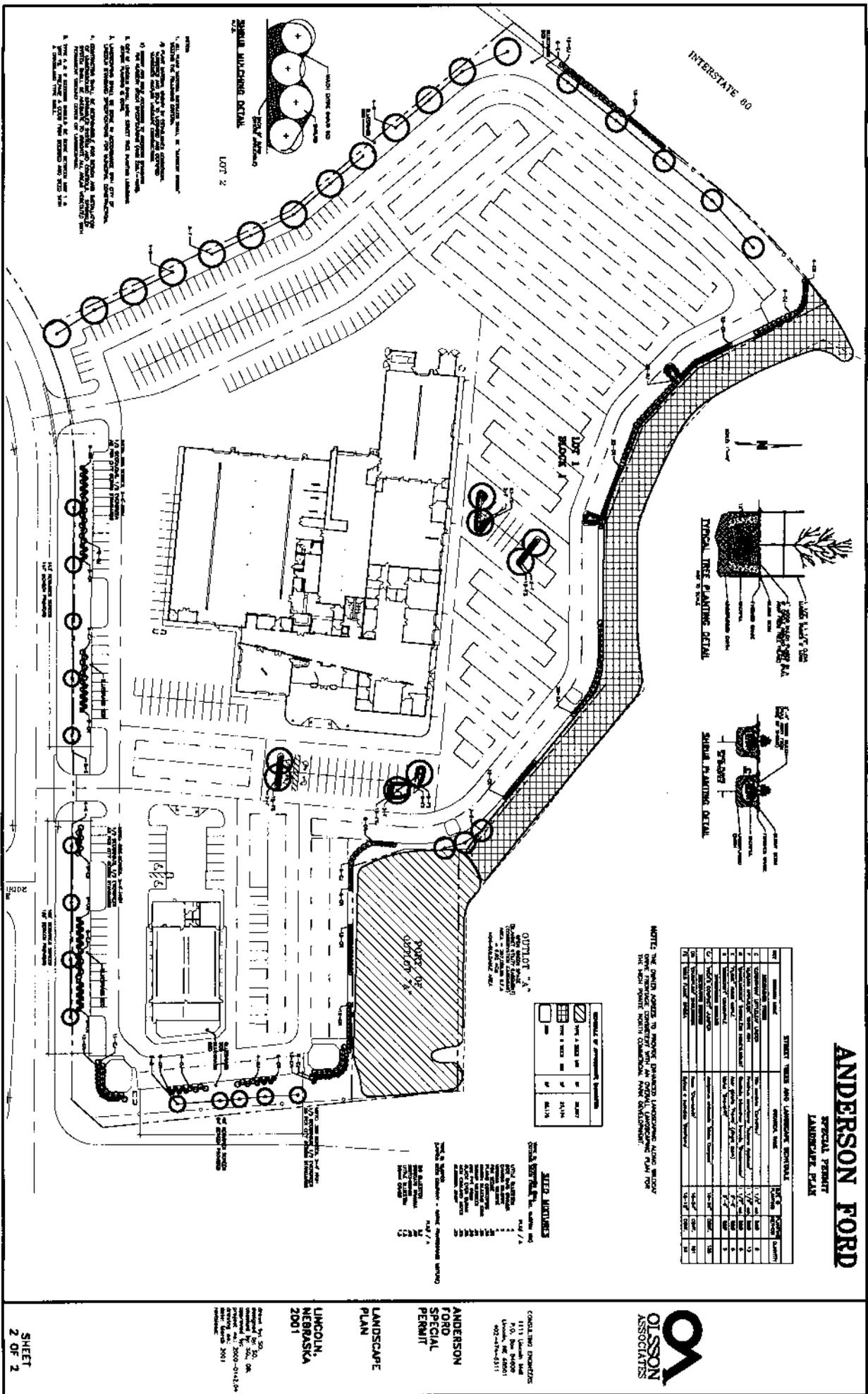
**CONSULTING ENGINEER**  
 OLSSON ASSOCIATES  
 P.O. Box 8480  
 Lincoln, NE 68501  
 402-476-8311

**ANDERSON FORD SPECIAL PERMIT**

**SITE PLAN**

**LINGUIST HIRSHMAN 2001**

Drawn by: J. D. ...  
 Checked by: J. D. ...  
 Project No.: 2000-014234  
 Issue Date: 2001



# ANDERSON FORD

SPECIAL PERMIT  
LANDSCAPE PLAN

NO.	PLANT SPECIES	QUANTITY	DATE
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NOTE: THE OWNER AGREES TO PROVIDE ENHANCED LANDSCAPING ALONG WITH THE MAIN DRIVE NORTH OF ANDERSON FORD DEVELOPMENT.

DETAIL OF PROPOSED PLANTING

NO.	PLANT SPECIES	QUANTITY	DATE
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OUTLET "A"  
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SEE NOTES  
...

CONSULTING ENGINEERS  
1117 Lincoln Ave  
Lincoln, NE 68501  
402-474-4511

ANDERSON FORD  
SPECIAL PERMIT  
LANDSCAPE PLAN

LINCOLN, NEBRASKA  
2001

Drawn by: SD  
Checked by: SD  
Designed by: SD  
Project No.: 2001-0424  
Revision No.: 001

# 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 # DRF01031

Address

Job Description: HIGH POINTE NORTH COMMERCIAL P

Location: HIGH POINTE NORTH COMM

Special Permit: Y 1908

Preliminary Plat: N

Use Permit: N

CUP/PUD: N

Requested By: RAY HILL

Status of Review: Approved

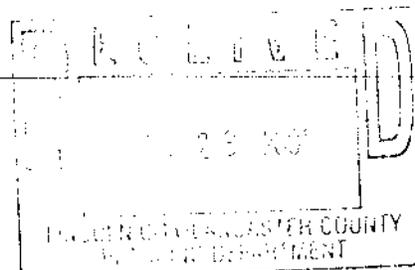
Reviewer: FIRE PREVENTION/LIFE SAFETY CODE

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



SPI9108

# Memorandum

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**To:** Ray Hill, Planning  
**From:** Rachel Martin, Parks and Recreation  
**Date:** March 22, 2001  
**Re:** High Pointe North Commercial Park

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Parks and Recreation Department staff have reviewed the above-referenced proposal and have the following comments:

- 1) Street trees on Wildcat Drive need to be located at least 5 feet north of proposed sidewalk to avoid lifting of pavement. This needs to be noted on the landscape plan.
- 2) Street trees on North 27<sup>th</sup> Street need to be planted on private property. This needs to be noted on the landscape plan.
- 3) 'Corinthian' Littleleaf Linden is acceptable substitute for Greenspire Linden on Wildcat Drive.
- 4) 'Snowdrift' Crab on North 27<sup>th</sup> Street needs to be changed to either 'Donald Wyman' Crab or 'Professor Sprenger' Crab for better disease/insect resistance.

Please phone me at 441-7936 with any questions.

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

**TO:** Ray Hill

**DATE:** 3/26/2001

**DEPARTMENT:** Planning

**FROM:** Chris Schroeder

**ATTENTION:**

**DEPARTMENT:** Health

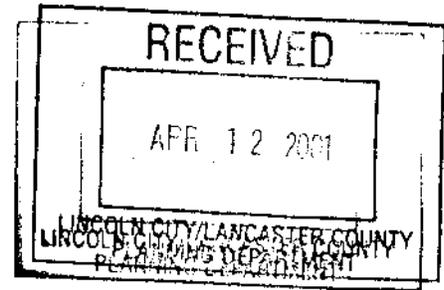
**CARBONS TO:** Leon F. Vinci, MPH  
EH File  
EH Administration

**SUBJECT:** High Pointe North  
Commercial Park  
SP #1908

The Lincoln-Lancaster County Health Department has reviewed the application for special permit number 1908 as has, at this time, not identified any potential negative public health impacts.

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

# M e m o r a n d u m



**To:** Jennifer Dam, Planning Department

**From:**  Dennis Bartels, Public Works & Utilities

**Subject:** Revised Display Parking for Anderson Ford

**Date:** April 9, 2001

**cc:** Roger Figard, Nicole Fleck-Tooze

The revised plans for the Anderson Ford display parking at 27<sup>th</sup> and Wildcat are satisfactory to Public Works.



**OLSSON ASSOCIATES**  
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

5 April 2001

Ms. Jennifer Dam  
Planning Department  
555 South 10<sup>th</sup> Street, Room 213  
Lincoln, NE 68508

Re: High Pointe North Commercial Park  
Special Permit  
OA Project No. 2000-0142.04

Dear Jennifer:

Enclosed find the following documents for the above-mentioned project:

1. 8 copies of the Site Plan.
2. 8 copies of the Landscape Plan
3. Special Permit Application

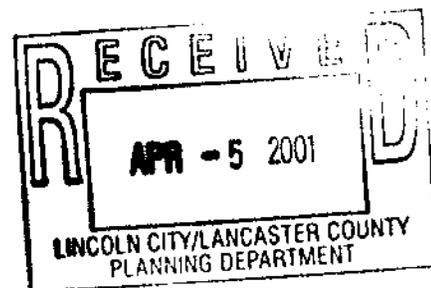
On behalf of the Owner/Developer, Anderson Ford, Roger Anderson, we are requesting a special permit over Lot 1, Block 1, to allow storage of vehicles for sale and resale within the front yard setback to within 15-feet from the property line, in conjunction with Section 27.63.700 of the Lincoln Municipal Code, Zoning Requirements. This would include all the existing front yards along Wildcat Drive and 27<sup>th</sup> Street. Also we are requesting a waiver for parking lot design standards to allow parking of display vehicles on islands along Wildcat Drive front yard setback to within 15-feet from the property line.

If you require further information or have any questions, please call.

Sincerely,

Scott Osterhaus

cc: Virgil Eihusen  
Roger Anderson  
Rob Otte



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