

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for October 26, 2005 PLANNING COMMISSION MEETING

PROJECT #: Special Permit #05049

PROPOSAL: To allow a parking lot in the R-2 district.

LOCATION: Southwest of the intersection of South 56th and N Streets.

LAND AREA: 7,440 square feet.

CONCLUSION: This request proposes to remove a residence to provide parking for an office use. Such encroachment by an existing commercial use into an existing residential area is strongly discouraged by the Comprehensive Plan, and is contrary to the Plan's goals of preserving existing neighborhoods and housing stock. Planning staff considers the adjacent site one of the best examples of using the R-T district as a transition from commercial to single-family residential. The building is very residential in character. To most people, the building reflects the abutting neighborhood. Removing a single-family residence and adding a parking lot completely destroys the purpose of the R-T district.

RECOMMENDATION:	Denial
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GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached ownership certificate.

EXISTING ZONING: R-2 Residential.

EXISTING LAND USE: Single-family Residential.

SURROUNDING LAND USE AND ZONING:

North:	Office	R-T
South:	Residential	R-2
East:	Open Space/Parking	R-2
West:	Residential	R-2

ASSOCIATED HISTORY:

February 3, 1993 - UP#51A was approved revising the site layout for the office building and parking areas on the R-T-zoned lot adjacent to the north.

October 3, 1990 - UP#51 was approved to allow a 4,725 square foot office building on the R-T-zoned lots adjacent to the north.

January 30, 1990 - CZ#2510 approved a change of zone from R-2 to R-T for the two lots adjacent to the north to allow a proposed office building.

October 14, 1980 - CZ#1833 to change the zoning from R-2 to O-2 for the two lots adjacent to the north was denied.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F25 - The Land Use Map designates this site for urban residential land uses.

Page F41 - Guiding Principles Applying to all Forms of Commerce Centers - New or established commercial uses should not encroach upon, or expand into, existing neighborhoods.

Page F49 - Guiding Principles for Existing Commercial Centers - Maintain and encourage retail establishments and businesses that are convenient to, and serve, neighborhood residents, yet are compatible with, but not intrusive upon residential neighborhoods. Expansion of existing commercial and industrial uses should not encroach on existing neighborhoods and must be screened from residential areas. The priority in older areas should be on retaining areas for residential development. Prior to approving the removal of housing in order to provide for additional parking to support existing centers, alternatives such as shared parking, additional on-street parking or the removal of older commercial stores should be explored.

Page F65 - Residential Overall Guiding Principles - Preservation of these homes for use by future generations will protect residential neighborhoods and allow for many households to attain the dream of home ownership.

Page F68 - Guiding Principles for Existing Neighborhoods - Promote the continued use of single-family dwellings and all types of buildings, to preserve the character of neighborhoods and to preserve portions of our past.

Page F69 - Guiding Principles for Existing Neighborhoods -

1. Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face. Similar housing types face each other: single family faces single family, change to different use at rear of lot. Commercial parking lots should not intrude into residential areas where residential uses predominate a block face. More intense commercial uses (gas stations, big box stores, car wash, fast food, etc.) may not be compatible due to impact on nearby housing. Expansion in existing centers should not encroach, or expand to encroach, on existing neighborhoods, and commercial areas must be screened from residential areas.
2. Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses.
3. Require new development to be compatible with character of neighborhood and adjacent uses (i.e., parking at rear, similar setback, height and land use).

5. Encourage retention of single family uses in order to maintain mix of housing.

ANALYSIS:

1. This request is to allow a 14-stall parking lot in the R-2 district. The proposed parking lot is to be used for the office building located on the on the two lots adjacent to the north.
2. CZ#2510 was approved in 1990, and changed the zoning on the two lots adjacent to the north from R-2 to R-T to allow an office building as a transition. Part of the justification for the change of zone was that R-T would provide a stable transition from the H-2 north of the alley along O Street to the R-2 to the south. As the R-T is a “use permit” district, development of the site is regulated by the City’s site plan review authority.
3. Pursuant to LMC §27.63.170:
 - (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:**

This proposed parking lot is approximately 150' away from the H-2-zoned commercial corridor along O Street.

- (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.**

There are two access points to the proposed parking. One is a driveway onto South 56th Street, and the other is a connection to the existing parking lot to the north which has access to an east-west alley that extends from Piazza Terrace to South 56th Street. West-bound cars can use the alley to navigate back through the neighborhood to get to the traffic signal at South 52nd and O Streets, and as a result there is potential for an increase in traffic through the residentially-zoned areas.

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

There is no alley adjacent to the proposed parking lot. The alley north of the office building in the R-T is already paved.

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

The site plan notes that lighting will comply with design standards for parking lots. Compliance with these standards will be reviewed at the time of building permits. Additionally, an existing light located at the northwest corner of the building will be replaced so it does not shine on the neighboring residential properties.

- B. In addition to the above conditions, the Planning Commission, 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.**

The parking lot and office use being served are on adjacent lots and are not separated by a residential use.

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

The commercial uses north of the proposed parking lot are established, as is the surrounding residential neighborhood. The creation of the proposed parking lot requires the removal of an existing residence, and results in the expansion of a commercial use into an existing neighborhood and changes the character of the block face along South 56th Street. The parking lot will disrupt the continuity of the block face of the residential neighborhood.

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

The change of zone to R-T for the two lots to the north was intended to be the transition from the commercial corridor along O Street to the surrounding residences to the south and west. Parking lots can be compatible with residential uses, but they should not encroach into areas already developed with residential uses. This does not protect the adjacent residential uses, and on this site is not a transitional use.

- (iv) The parking lot shall abut a commercial or industrial zoning district. An adjustment to these criteria may be granted by the Planning Commission 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, or**

While it may be argued that R-T is a commercial zoning district, its purpose is to provide a transition between commercial and residential uses.

- (2) The land shall not be located more than 360 feet from property occupied by a college, university, or church; provided that the parking lots are used primarily in connection with the said college, university, or church.**

The proposed parking lot is not intended to be used for a college, university, or church.

- (b) Parking areas consisting of less than six parking spaces may be allowed by special permit in the same zoning districts in conformance with the same provisions and under the same conditions applicable to parking lots as contained in paragraph (a) of this section.**

The proposed parking lot has more than 6 parking spaces.

4. One of the Comprehensive Plan's guiding principles for commerce centers is that "New or established commercial uses should not encroach upon, or expand into, existing neighborhoods." One of the guiding principles for existing commercial areas in the Plan goes on to state that "Expansion of existing commercial and industrial uses should not encroach on existing neighborhoods and must be screened from residential areas. The priority in older areas should be on retaining areas for residential development." The Plan also states "Preservation of these homes for use by future generations will protect residential neighborhoods and allow for many households to attain the dream of home ownership", and to "Promote the continued use of single-family dwellings and all types of buildings, to preserve the character of neighborhoods and to preserve portions of our past." This request is not consistent with the goals of the Comprehensive Plan of preserving the housing stock and not allowing commercial areas to encroach into existing neighborhoods.
5. The site plan submitted shows a revised parking lot layout for the office building in the R-T. Because that site is covered by an existing use permit, it must be amended to allow the proposed layout as shown.
6. Design Standards require a 60% landscape screen from 2'-4' along South 56th Street. The 50% screen shown on the site plan must be increased to meet this.
7. The required side yard setback in R-2 is 5'. This setback must be shown along both side yards and will require the parking lot to be reconfigured.

8. Design Standards require parking barriers to prevent cars from overhanging into required yards. This will require the barrier (curb) to be 7' from the property line along the side yard, not 5.5' as shown.
9. L.E.S. noted in their review that a 15' wide utility easement is required along South 56th Street.
10. Staff does not support this request and recommends denial. However, if the Planning Commission votes to approve it, staff recommends it be subject to the following conditions.

CONDITIONS:

Site Specific:

1. This approval permits a 14-stall parking lot as shown on the site plan.

General:

2. Before receiving building permits:
 - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department for review and approval.
 - 2.1.1 Five copies of a revised site plan showing the following revisions:
 - 2.1.1.1 A revised Tree and Screening Plant Schedule showing landscaping increased to provide a 60% parking lot screen along South 56th Street.
 - 2.1.1.2 A 15' utility easement per the L.E.S. review.
 - 2.1.1.3 The required 5' setback along both side yards.
 - 2.1.1.4 A revised parking lot layout showing the parking barrier (curb) at least 2' from the side yard setback and at least 7' from side property lines.
 - 2.2 The construction plans comply with the approved plans.
 - 2.3 A copy of the required easement as shown on the site plan with a recordation stamp verifying it was recorded with the Register of Deeds.

- 2.4 Applicant submits an application for an administrative amendment to Use Permit #51A.

Standard:

3. The following conditions are applicable to all requests:
 - 3.1 Before use of the parking lot all development and construction is to comply with the approved plans.
 - 3.2 All privately-owned improvements, including landscaping, are to be permanently maintained by the owner.
 - 3.3 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.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.5 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

Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner
October 11, 2005

APPLICANT: Nebraska Realtors Association
145 South 56th Street
Lincoln, NE 68510

**OWNER/
CONTACT:** Robert Schoenleber
123 South 84th Street Ste A
Lincoln, NE 68510



2005 aerial

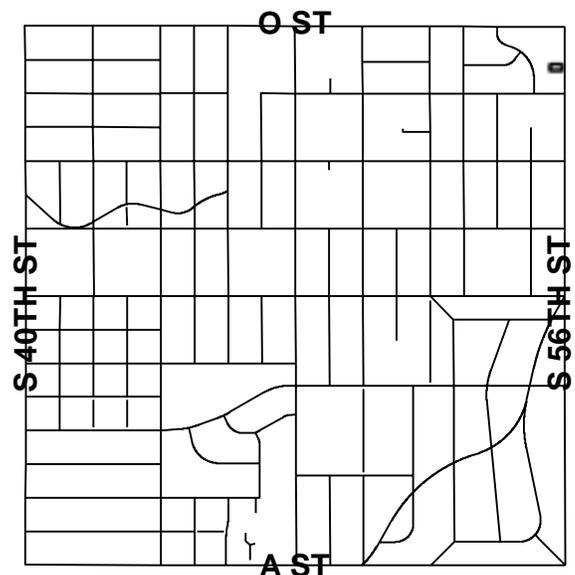
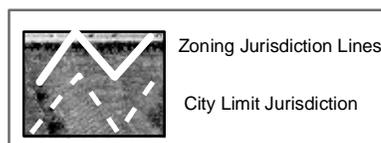
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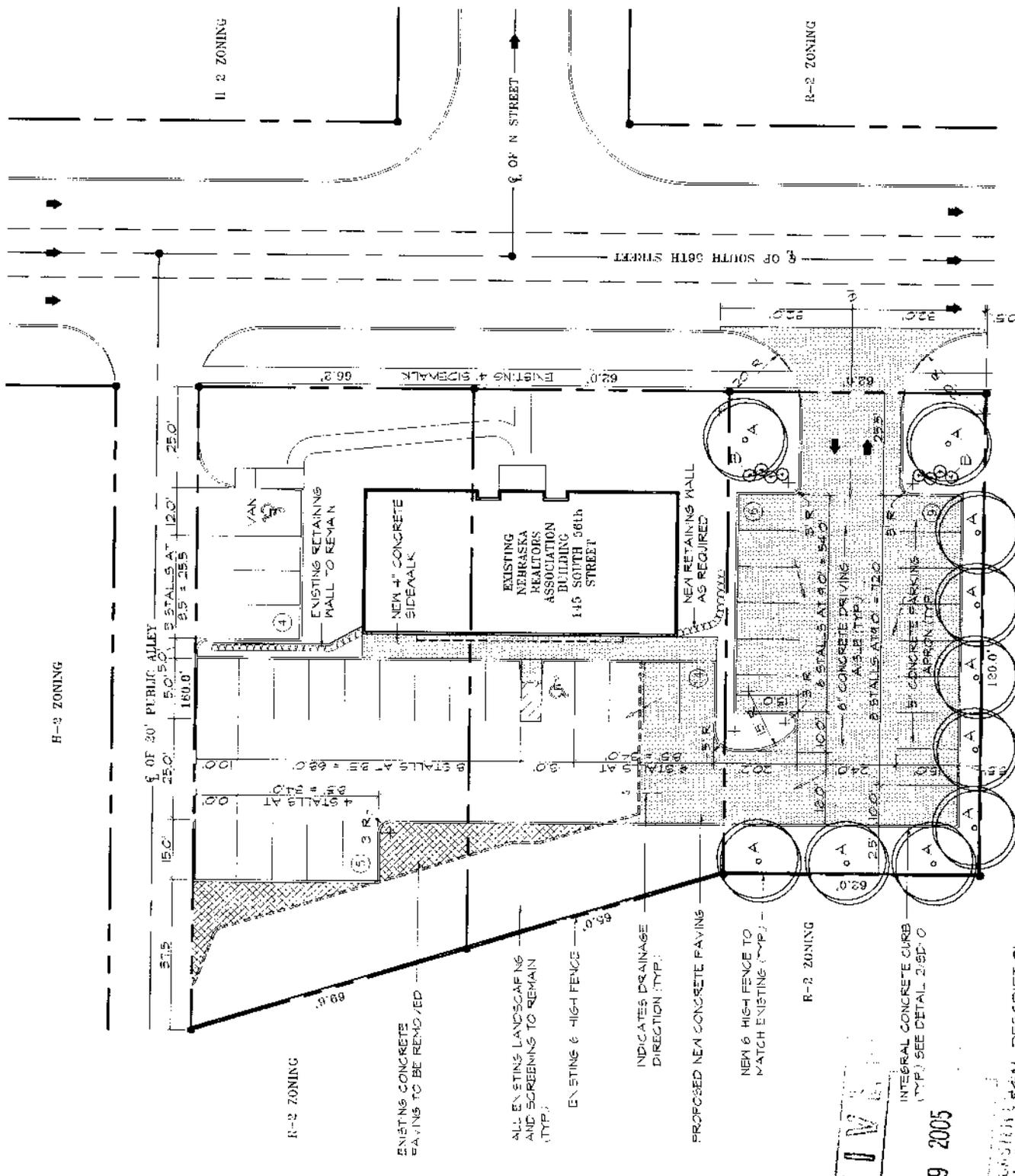
S. 56th & N St

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. 29 T10N R7E





H-3 ZONING

II-2 ZONING

R-2 ZONING

5' OF 20' PUBLIC ALLEY
 25.0' 50.0' 160.0' 25.0' 12.0'
 5 STALLS AT 25' x 35'

5' OF N STREET

5' OF SOUTH 56TH STREET

R-2 ZONING

R-2 ZONING

PARKING MATRIX
 EXISTING PARKING = 7 STALLS
 PROPOSED NEW PARKING = 2 STALLS
 TOTAL PARKING = 9 STALLS

PROPOSED SITE PLAN

SCALE: 1" = 20'-0"

EXISTING CONCRETE PAVING TO BE REMOVED

ALL EXISTING LANDSCAPING AND SCREENING TO REMAIN (TYP.)

EXISTING 6' HIGH FENCE

INDICATES DRAINAGE DIRECTION (TYP.)

PROPOSED NEW CONCRETE PAVING

NEW 6' HIGH FENCE TO MATCH EXISTING (TYP.)

R-2 ZONING

INTEGRAL CONCRETE CURB (TYP.) SEE DETAIL 2.5D-0

RECEIVED
 SEP 19 2005

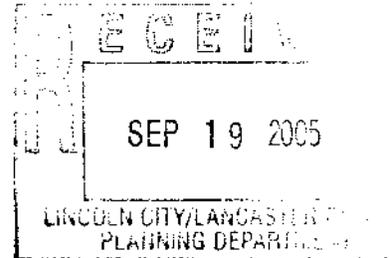
LINCOLN CITY PLANNING DEPARTMENT
 LEGAL DESCRIPTION ON LOT 1, BLOCK OF CASINO HEIGHTS, LINCOLN, LANCASTER COUNTY, NEBRASKA



SCHOENLEBER, SHRINER & HITTLE
Architecture and Construction Consulting Services
123 South 84th • Suite A • Lincoln, Nebraska 68510 • (402) 483-2893

September 16, 2005

City County Building
Attn: Marvin Krout, Planning Director
555 South 10th Street, Room 213
Lincoln, NE 68508



RE: Special Use Permit Application for 201 S. 56th Street, Lincoln, NE

Planning Director:

On behalf of the Nebraska Realtors Association, I am submitting this letter and attached information for the purpose of requesting a Special Use Permit for a Parking Lot on the property located at 201 South 56th St, Lincoln, NE. This property abuts the Nebraska Realtors Association property at 145 South 56th and would connect the existing parking lot of the building with the proposed new parking area.

The proposed new parking area meets all of the requirements of the Lincoln Municipal Code article 27.63.170 that would allow the Special Use Permit to be approved:

1. The parking lot would be located in an existing R-2 zoned lot.
2. The lot is with-in 300 feet of an H-2 zoning district.
3. No residential street would be used for access.
4. The alley adjacent to the existing parking is paved.
5. Security lighting would be designed to eliminate trespassing on the adjacent residential properties.

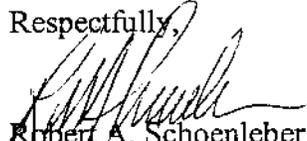
In addition to the above criteria, there would be no residential uses located between the new lot and the commercial area, the block face would be minimally interrupted due to existing and proposed new landscaping, the parking lot screening would protect the residential uses and the parking lot would abut a commercially used property.

The Nebraska Realtors Association conducted a "pre-submittal" design meeting to which all of the affected neighboring properties were invited. The property owners, of the two lots directly to the west, were in attendance and were very favorable towards what was being proposed with minor revisions. A copy of the letter regarding the results from that meeting to the neighbors has been attached for your review.

Page 2 - Special Use Permit Application for 201 S. 56th Street, Lincoln, NE (continued)

I will be acting as the point of contact for this project and would welcome any comments or questions you may have regarding this submittal. Please let me know if I can provide any information that would assist you with the approval of this Special Use Permit.

Respectfully,

A handwritten signature in black ink, appearing to read 'R. Schoenleber', written over the word 'Respectfully,'.

Robert A. Schoenleber, AIA

RAS:pla

Attachments



SCHOENLEBER, SHRINER & HITTLE
Architecture and Construction Consulting Services
123 South 84th • Suite A • Lincoln, Nebraska 68510 • (402) 483-2893

September 16, 2005

RE: Plan submittal follow-up

Dear Neighbor:

The Nebraska Realtors Association (NRA) is in the process of submitting an application for Special Permit for the Parking Lot as allowed under Section 27.63.170 of the Lincoln Municipal Code. You, as neighbors, have been a big part in the planning of this proposed project. As part of the NRA's commitment made during our planning meeting August 4, 2005, I am sending this letter to all of the abutting neighbors of the properties located at 145 & 201 S. 56th Street, Lincoln, NE to make you aware of this submittal and to send you a copy of the proposed plan.

As we discussed during our planning meeting with affected neighbors, the NRA feels that this additional parking area is necessary to improve ingress & egress from the site, eliminate the dead-end parking scheme that currently exists and to provide overflow parking for the building's use. The NRA also feels that the project would be a benefit to the neighborhood by eliminating a non-owner occupied structure and providing a new landscaping scheme that would enhance the 56th Street experience.

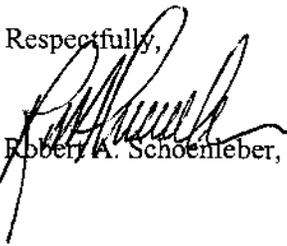
During the planning meeting, several suggestions were made by the neighboring property owners that we felt improved the proposed plan's design. The comments regarding the preliminary plan included:

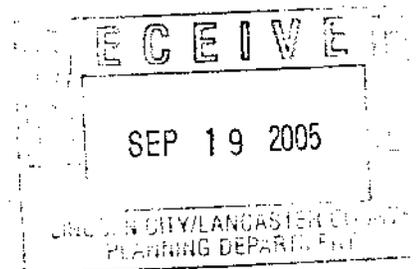
- 1) Change the proposed vinyl screen fence to a 6' high wood screen fence to match existing.
- 2) Move the screen fence adjacent to the property line and put all new landscaping on the NRA's side, in order to allow maintenance of the landscape material and provide fencing as property boundary.
- 3) Ensure that any parking lot lighting does not trespass on the neighboring properties. Replace existing light in the northwest corner of the building's exterior with lighting that does not shine towards the neighbors.
- 4) Place new perimeter tree plantings near the new fencing, so that an additional screening canopy is provided above the fencing to protect the neighbors.
- 5) Keep parking on the west side 8-10' off of the property line for better noise protection.

By reviewing the proposed plan, you will see that these suggestions have been incorporated into the document. The NRA continues to strive to be a conscientious neighbor and would appreciate any support for the new parking area's approval. If possible, please call the Planning Department upon receipt of their required notice and tell them you have been involved in the plan's preparation and voice your approval of the proposed project.

Thank you for all of your help in the planning and design of this endeavor.

Respectfully,


Robert A. Schoenleber, AIA



OWNERSHIP CERTIFICATE

FILE NO: 6025819

TO: Tammy Brookhuser
Nebraska Realtors Association

Nebraska Title Company, authorized to engage in the business of abstracting in the State of Nebraska under Certificate of Authority No. 56, hereby certifies that the records of LANCASTER County, Nebraska have been carefully examined with referenced to the following described property, and from such examination finds as follows:

LEGAL DESCRIPTION:

Lot Nineteen (19), Block One (1), Casino Heights, Lincoln, Lancaster County, Nebraska

Address: 201 S 56 St, Lincoln, NE 68507

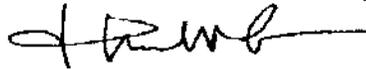
OWNER OF RECORD:

Nebraska Realtors Association, a Nebraska corporation

Effective Date: September 12, 2005 at 8:00 am

Nebraska Title Company

By:



President
Registered Abstractor

Please direct inquiries to: Joan Journey

