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**Lincoln City - Lancaster County**

**PLANNING COMMISSION  
AGENDA**

**PLANNING COMMISSION**

Dennis Scheer: Chair  
Tracy Corr: Vice-Chair  
Thomas Beckius  
Tracy Edgerton  
Deane Finnegan  
Maja V. Harris  
Chris Hove  
Christy Joy  
Sändra Washington

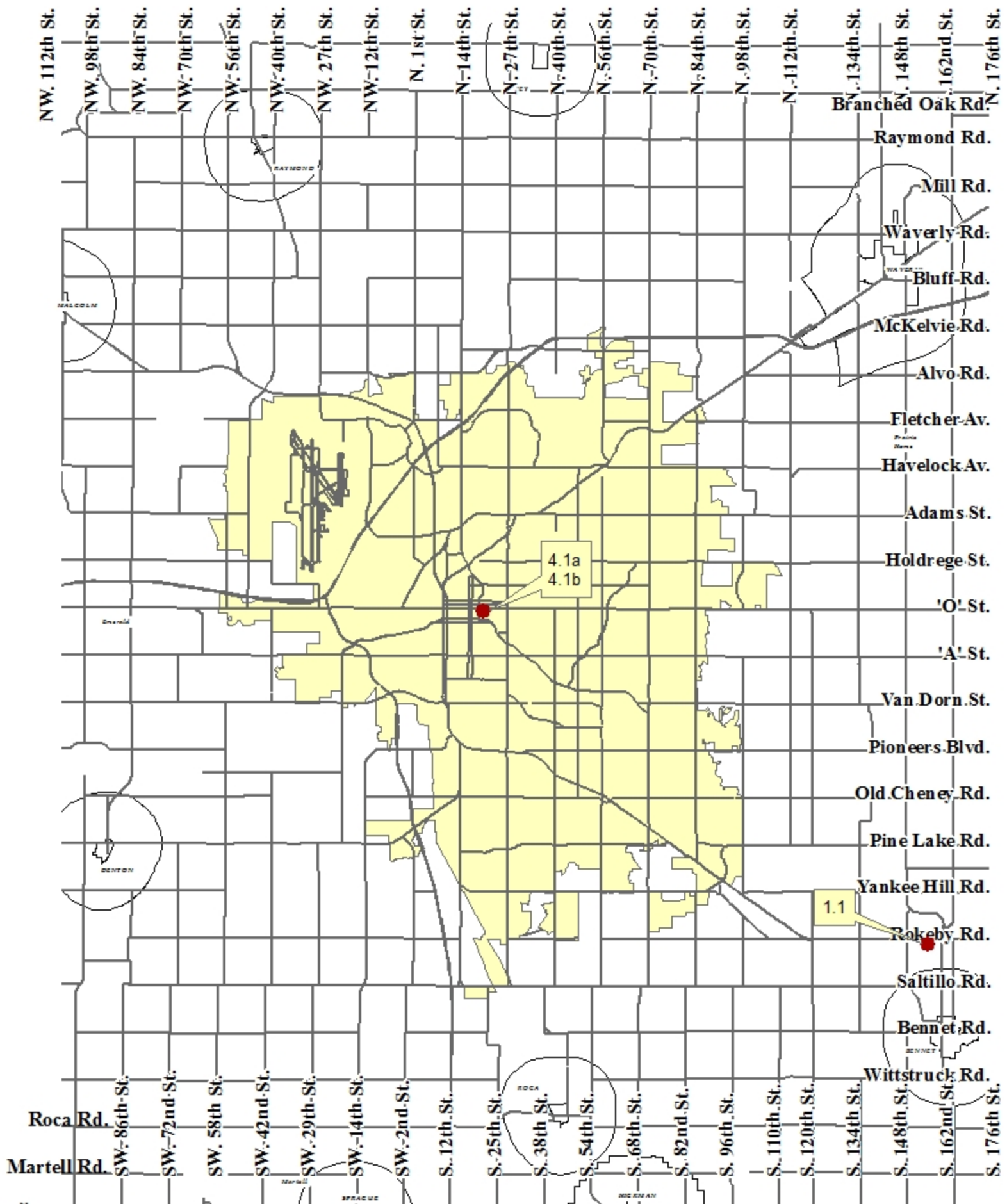
**PLANNING STAFF**

David R. Cary: Director  
Geri Rorabaugh: Administrative Officer  
Amy Huffman: Office Specialist

**Septmeber 13, 2017**

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Planning Commission Agenda Item Map

September 13, 2017



**NOTICE:** The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, September 13, 2017, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

**\*\*PLEASE NOTE:** The Planning Commission action is final action on any item with a notation of "FINAL ACTION". Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission.

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

**AGENDA**

**WEDNESDAY, SEPTEMBER 13, 2017**

Approval of minutes of the regular meeting held August 30, 2017.

**1. CONSENT AGENDA  
(Public Hearing and Administrative Action):**

**COUNTY CHANGE OF ZONE:**

Page 01 1.1 County Change of Zone No. 17025, from AG (Agricultural District) and I (Industrial District) to B (Business District), on property generally located at the intersection of Highway 2 and Highway 43.  
**Staff recommendation: Approval**  
**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)**

**2. REQUESTS FOR DEFERRAL:**

2.1 \_\_\_\_\_

2.2 \_\_\_\_\_

**3. ITEMS REMOVED FROM CONSENT AGENDA  
(Public Hearing and Administrative Action):**

3.1 \_\_\_\_\_

3.2 \_\_\_\_\_

**4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:**

**CHANGE OF ZONE AND RELATED SPECIAL PERMIT:**

Page 13 4.1a Change of Zone No. 17021, from B-3 (Commercial District) and R-6 (Residential District) to B-4 (Lincoln Center Business District), on property generally located at 2051 K Street.  
**Staff recommendation: Approval**  
**Staff Planner: George Wesselhoft, 402-441-6366, [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)**

Page 21 4.1b Special Permit No. 17033, for a building addition along with expansion of vehicle storage and parking with reduction of rear yard setback from 28.4 feet to 10 feet, on property generally located at 2051 K Street. **\*\*FINAL ACTION**  
**Staff recommendation: Conditional Approval**  
**Staff Planner: George Wesselhoft, 402-441-6366, [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)**

**AT THIS TIME, ANYONE WISHING TO SPEAK ON AN ITEM NOT ON THE AGENDA, MAY DO SO**

\*\*\*\*\*

**Adjournment:**

**PENDING LIST:**

**Planning Dept. staff contacts:**

|   |                        |  |
|---|------------------------|--|
| David Cary, <i>Director</i> . . . . .                           | 402-441-6364 . . . . . | <a href="mailto:dcary@lincoln.ne.gov">dcary@lincoln.ne.gov</a>               |
| Stephen Henrichsen, <i>Development Review Manager</i> . . . . . | 402-441-6374 . . . . . | <a href="mailto:shenrichsen@lincoln.ne.gov">shenrichsen@lincoln.ne.gov</a>   |
| Paul Barnes, <i>Long Range Planning Manager</i> . . . . .       | 402-441-6372 . . . . . | <a href="mailto:pbarnes@lincoln.ne.gov">pbarnes@lincoln.ne.gov</a>           |
| Collin Christopher, <i>Planner</i> . . . . .                    | 402-441-6372 . . . . . | <a href="mailto:cchristopher@lincoln.ne.gov">cchristopher@lincoln.ne.gov</a> |
| Michael Brienzo, <i>Transportation Planner</i> . . . . .        | 402-441-6369 . . . . . | <a href="mailto:mbrienzo@lincoln.ne.gov">mbrienzo@lincoln.ne.gov</a>         |
| Tom Cajka, <i>Planner</i> . . . . .                             | 402-441-5662 . . . . . | <a href="mailto:tcajka@lincoln.ne.gov">tcajka@lincoln.ne.gov</a>             |
| Brandon Garrett, <i>Planner</i> . . . . .                       | 402-441-6373 . . . . . | <a href="mailto:bgarrett@lincoln.ne.gov">bgarrett@lincoln.ne.gov</a>         |
| Stacey Groshong Hageman, <i>Planner</i> . . . . .               | 402-441-6361 . . . . . | <a href="mailto:slhageman@lincoln.ne.gov">slhageman@lincoln.ne.gov</a>       |
| Rachel Jones, <i>Planner</i> . . . . .                          | 402-441-7603 . . . . . | <a href="mailto:rjones@lincoln.ne.gov">rjones@lincoln.ne.gov</a>             |
| Andrew Thierolf, <i>Planner</i> . . . . .                       | 402-441-6371 . . . . . | <a href="mailto:athierolf@lincoln.ne.gov">athierolf@lincoln.ne.gov</a>       |
| George Wesselhoft, <i>Planner</i> . . . . .                     | 402-441-6366 . . . . . | <a href="mailto:gwesselhoft@lincoln.ne.gov">gwesselhoft@lincoln.ne.gov</a>   |
| Brian Will, <i>Planner</i> . . . . .                            | 402-441-6362 . . . . . | <a href="mailto:bwill@lincoln.ne.gov">bwill@lincoln.ne.gov</a>               |
| Kellee Van Bruggen, <i>Transportation Planner</i> . . . . .     | 402-441-6363 . . . . . | <a href="mailto:kvanbruggen@lincoln.ne.gov">kvanbruggen@lincoln.ne.gov</a>   |
| Ed Zimmer, <i>Historic Preservation Planner</i> . . . . .       | 402-441-6360 . . . . . | <a href="mailto:ezimmer@lincoln.ne.gov">ezimmer@lincoln.ne.gov</a>           |

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**The Planning Commission meeting  
which is broadcast live at 1:00 p.m. every other Wednesday  
will be rebroadcast on Wednesdays at 7:00 p.m., Thursdays at 12:00 a.m. and  
Sundays at 12:30 p.m. on 5 City TV, Cable Channel 5.**

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**The Planning Commission agenda may be accessed on the Internet at  
<http://www.lincoln.ne.gov/city/plan/pcagenda/index.htm>**

### **ACCOMMODATION NOTICE**

The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln, please contact the Director of Equity and Diversity, Lincoln Commission on Human Rights, at 402 441-7624 as soon as possible before the scheduled meeting date in order to make your request.



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

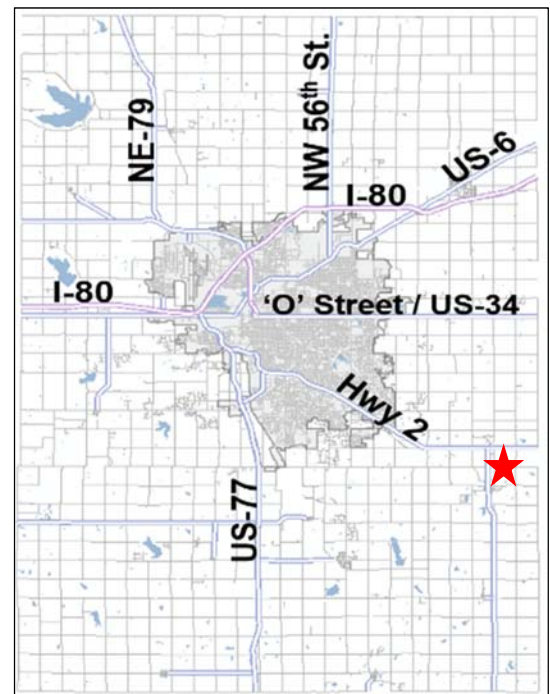
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

|  |                              |  |
|--|------------------------------|--|
| APPLICATION NUMBER<br>Change of Zone #17025            | FINAL ACTION?<br>No          | DEVELOPER/OWNER<br>Casey's Retail Company              |
| PLANNING COMMISSION HEARING DATE<br>September 13, 2017 | RELATED APPLICATIONS<br>None | PROPERTY ADDRESS/LOCATION<br>Highway 2 and Highway 43. |

**RECOMMENDATION: APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request from the applicant for a change of zone from AG-Agricultural to B, Business and from the Planning Director from "I" Industrial to "B" Business over the existing convenience store. The area The total area is approximately 17.78 acres. The "AG" to "B" area is approximately 13.50 acres and the "I" to "B" is approximately 4.28 acres.



**JUSTIFICATION FOR RECOMMENDATION**

The 2040 Lancaster County Future Land Use Plan shows this parcel as commercial. The 2040 Comprehensive Plan supports commercial uses at the interchange of Highway 2 and 43. The existing Industrial zoning is not appropriate for an area shown as commercial in the Comprehensive Plan. "B" zoning matches the existing use and the future land use plan for this interchange.

**APPLICATION CONTACT**  
Doug Derscheid 402-340-0680  
[dderscheid@windstream.net](mailto:dderscheid@windstream.net)

**STAFF CONTACT**  
Tom Cajka (402) 441-5662 or  
[tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The requested change of zone is in conformance with the 2040 Comprehensive Plan and the 2040 Lancaster County Future Land Use Plan.

**KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN**

P. 12.3 - the entire 17.78 acre site is shown as future commercial on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 - commercial includes areas of retail, office, service and residential mixed uses. Commercial uses may vary widely in their intensity of use and impact.

P. 5.4- uses near the interchange of Highway 2 and Highway 43 (the Bennet exit) should be limited to commercial immediately surrounding the interchange that generally supports the agricultural community and those traveling through the area. The remainder of the designated area should be reserved for a potential large industrial employer which may desire to locate in a rural area with limited services and would be compatible with the surrounding rural residential area.

**ANALYSIS**

1. The applicant has requested a change of zone from "AG" Agricultural to "B" Business on that portion of Lot 16 zoned AG. A small portion of Lot 16 is zoned "I" Industrial.
2. The Planning Director is requesting a change of zone from I to B. Currently a convenience store is located on the "I" portion of Lot 16.
3. The 2040 Lancaster County Land Use Plan identifies this area as commercial. The Land Use Plan also identifies approximately 210 acres of industrial on the north side of Highway 2 and west of S. 158<sup>th</sup> Street. With this large area of industrial on the north side of Highway 2, there is no need for industrial zoning at this location. The current use located in the "I" District is permitted in the "B" District.
4. The Comprehensive Plan supports commercial uses at the interchange of Highway 2 and Highway 43.
5. A zoning agreement is being requested with this application. The zoning agreement would prohibit any new access to Highway 43 and require a preliminary plat before any building permit or final plat. A preliminary plat will help to assure the orderly development of the area. The preliminary plat also provides for planning of proper access from adjacent streets and to abutting property and planning of utility corridors. It is also advantageous to property to the east which in the long term would benefit from access to Highway 43 and internal access.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Ag, Agricultural                      Farm ground

**SURROUNDING LAND USE & ZONING**

|        |                 |                              |
|--------|-----------------|------------------------------|
| North: | AG Agricultural | Farm ground                  |
| South: | AG Agricultural | Farm ground and one dwelling |
| East:  | AG Agricultural | Farm ground                  |
| West:  | AG Agricultural | Farm ground                  |

**APPROXIMATE LAND AREA:** 17.78 acres, more or less.

**LEGAL DESCRIPTION:**

Lot 16, Irregular Tract in Section 34, Township 9 North, Range 8 East, Lancaster County, NE

Prepared by

\_\_\_\_\_  
Tom Cajka, Planner

Date: August 30, 2017

Applicant: Doug Derscheid  
9529 Thornwood Circle  
Lincoln, NE 68512

Contact: Mark Hunzeker  
600 Wells Fargo Center, 1248 "O" Street  
Lincoln, NE 68508  
402-458-2131  
mhunzeker@baylorevnen.com

Owner: Casey's Retail Company  
Accounting Department  
P.O. Box 3001  
Ankeny, Iowa 50021

F:\DevReview\CZ\17000\CZ17025 AG to B.tjc.docx

Site Specific Conditions:

1. The Developer signs the zoning agreement before the County Board of Commissioners approves the change of zone.



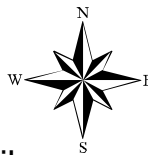
**Change of Zone #: CZ17025**  
**Bennet Corner**  
**Hwy 43 & Hwy 2**




2016 aerial

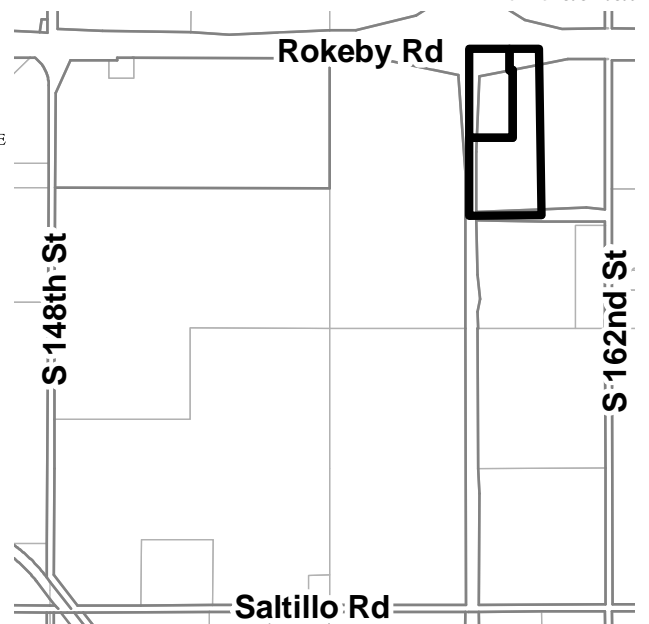
**Zoning:**

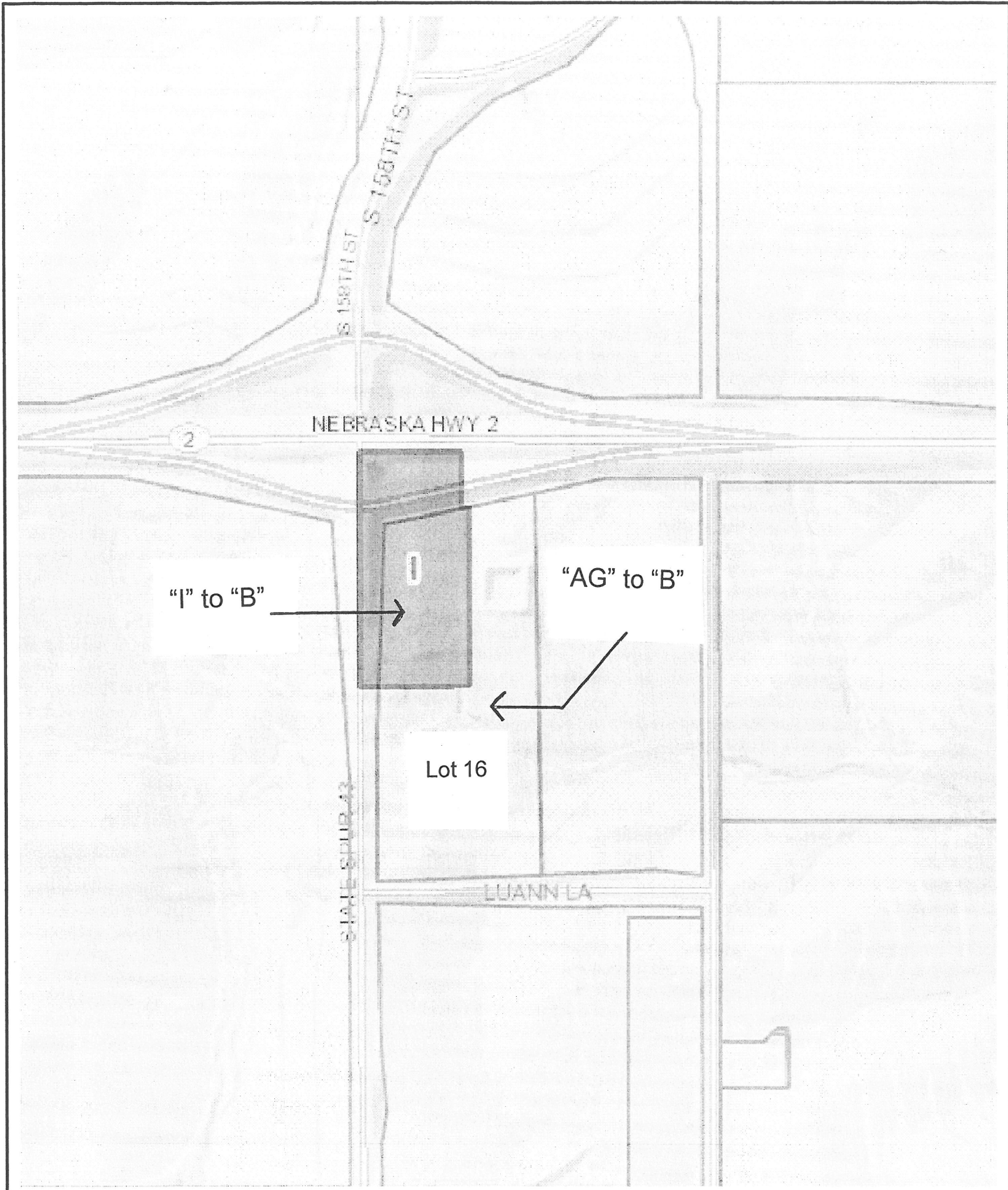
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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.34 T09N R08E



|   |                               |
|---|-------------------------------|
|  | Area of Application           |
|  | Zoning Jurisdiction Lines     |
|  | Lancaster County Jurisdiction |





**Lancaster County/City of Lincoln GIS Map**

CHANGE OF ZONE #17025



Printed: Sep 05, 2017

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email [ags@lincoln.ne.gov](mailto:ags@lincoln.ne.gov) and you will be directed to the appropriate department.



\*RANDALL L. GOYETTE (IA)  
STEPHEN S. GEALY  
GAIL S. PERRY  
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JILL GRADWOHL SCHROEDER  
DAVID A. DUDLEY  
BRENDA S. SPILKER  
MARK A. HUNZEKER  
WILLIAM G. BLAKE  
WILLIAM F. AUSTIN

JARROD S. BOITNOTT  
\*TIMOTHY E. CLARKE (IA)  
ANDREW M. LOUDON  
\*CHRISTINA L. BALL (KS)  
JENNY L. PANKO  
\*CAROLINE M. WESTERHOLD (IA)  
JARROD P. CROUSE  
ANDREA D. SNOWDEN  
\*PAUL T. BARTA (IA)  
\*COLIN A. MUES (IA)

\*TORREY J. GERDES (IA)  
\*ROBERT S. LANNIN (IA, MO)  
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BRETT E. EBERT  
\*THOMAS B. SHIRES (IA)  
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\*ZACHARY W. ANDERSON  
(MO, AZ, NV)

OF COUNSEL:  
PETER W. KATT  
W. SCOTT DAVIS  
WALTER E. ZINK II  
DONALD R. WITT  
ROBERT T. GRIMIT

(\* ADMITTED IN OTHER STATES)

August 17, 2017

David Cary, Director  
Lincoln/Lancaster County Planning Department  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: Change of Zone request at Bennet Corner

Dear David:

Attached is an application for Change of Zone from AG to B for all the portion of the 17.98+/- acre tract at the intersection of Highway 2 and Highway 43 which is not currently zoned I. The applicant, Doug Derscheid, has an agreement with Casey's to purchase the property, which is contingent upon rezoning. There will ultimately be a need to subdivide the parcel; however, the details of how the subdivided parcel will be configured have not been worked out between the parties. There is a sewer lagoon on the AG zoned portion of the property which now serves Casey's which may need to be moved, or which may be shared. When that is decided, we will proceed with the subdivision of the parcel.

The property is shown in the Comprehensive Plan to be commercial, so we believe the zoning request is appropriate at this time.

Please let me know if there is any additional information needed.

Sincerely,

Mark A. Hunzeker  
For the Firm  
mhunzeker@baylorevnen.com

Enclosure

1758146

DEVELOPMENT AND CONDITIONAL ZONING  
AGREEMENT

This Development and Conditional Zoning Agreement (“Agreement”) is hereby made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by and between Doug Derscheid, hereinafter referred to as “Developer”, Casey’s Retail Company, hereinafter referred to as “Record Owner,” and the County of Lancaster, Nebraska, a political subdivision of the State of Nebraska, hereinafter referred to as “County.” Collectively the Developer, the Record Owner, and the County may be referred to as “the Parties”.

RECITALS

I.

Developer, as equitable owner of the Property by virtue of a contract for sale to purchase the Property from Record Owner contingent on approval of a Change of Zone, has petitioned the County for a Change of Zone (“CZ17025”) from AG Agricultural District (“AG”) to B Business District (“B”) upon property generally located at 10200 South 158th Street, Lancaster County, Nebraska, and legally described as:

All of that portion of Lot 16, Irregular Tracts in Section 34, Township 9 North, Range 8 east of the 6th PM, Lancaster County, NE, which is not presently zoned Industrial (the “Property”).

II.

Approval of CZ17025 would allow the Developer to develop the Property for a range of commercial and retail uses, and the Change of Zone should be subject to certain conditions to ensure the orderly development of the surrounding area.

III.

The Developer and the Record Owner have represented to the County that, in consideration of the County’s re-zoning the Property to B, the Developer and the Record Owner will enter into an agreement with the County to restrict use on the Property and the Casey’s Property as set forth in Section IV below.

IV.

The County desires an Agreement to be assured that the Property will be developed as represented should the Property be rezoned to B pursuant to CZ17025.

NOW THEREFORE, in consideration of the above recitals and the following terms and conditions, the Parties agree as follows:

1. The County hereby agrees to grant Developer’s petition to change the zoning

map from AG to B on the Property.

2. In consideration for the County's rezoning the Property to B, the Developer and Record Owner agree that the development of the Property shall be subject to the following conditions:

a. The County shall change the zoning map from Industrial ("I") to "B" on the following property, owned by Record Owner:

All of that portion of Lot 16, Irregular Tracts in Section 34, Township 9 North, Range 8 east of the 6th PM, Lancaster County, NE, which is presently zoned Industrial ("the Casey's Property")

b. No new access to/from the Property shall be allowed to/from Highway 43

c. For purposes of accessing the Property and the Casey's Property to/from Highway 43, Record Owner and Developer shall share the existing access to/from Highway 43 located on the Casey's Property, as depicted in Exhibit A to this Agreement, which Exhibit is attached hereto and incorporated herein by this reference; and

d. No building permit or final plat for the Property shall be approved until a preliminary plat for the Property has been approved pursuant to the Lancaster County Land Subdivision Resolution.

2. This Agreement shall run with the land and shall be binding upon the Parties hereto and their respective successors and assigns.

3. This Agreement, when executed by the Parties hereto, shall be recorded by the County in the office of the Register of Deeds of Lancaster County, Nebraska, filing fees to be paid by Developer.

IN WITNESS WHEREOF, the Parties herein have executed this Agreement on the day and year set forth above.

EXECUTED this \_\_\_\_ day of \_\_\_\_\_ 2017, by the County.

BY THE BOARD OF COUNTY COMMISSIONERS OF LANCASTER COUNTY, NEBRASKA

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPROVED AS TO FORM  
this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_

Deputy County Attorney  
For JOE KELLY  
Lancaster County Attorney

\_\_\_\_\_

STATE OF NEBRASKA            )  
  ) ss.  
COUNTY OF LANCASTER        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_, County  
Commissioners of the Board of County Commissioners of the County of Lancaster, Nebraska.

\_\_\_\_\_  
Notary Public

EXECUTED this \_\_\_\_ day of \_\_\_\_\_ 2017, by the Developer.

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF NEBRASKA            )  
  ) ss.  
COUNTY OF LANCASTER        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by

\_\_\_\_\_.

\_\_\_\_\_

Notary Public

EXECUTED this \_\_\_\_ day of \_\_\_\_\_ 2017, by the Record Owner.

By: \_\_\_\_\_

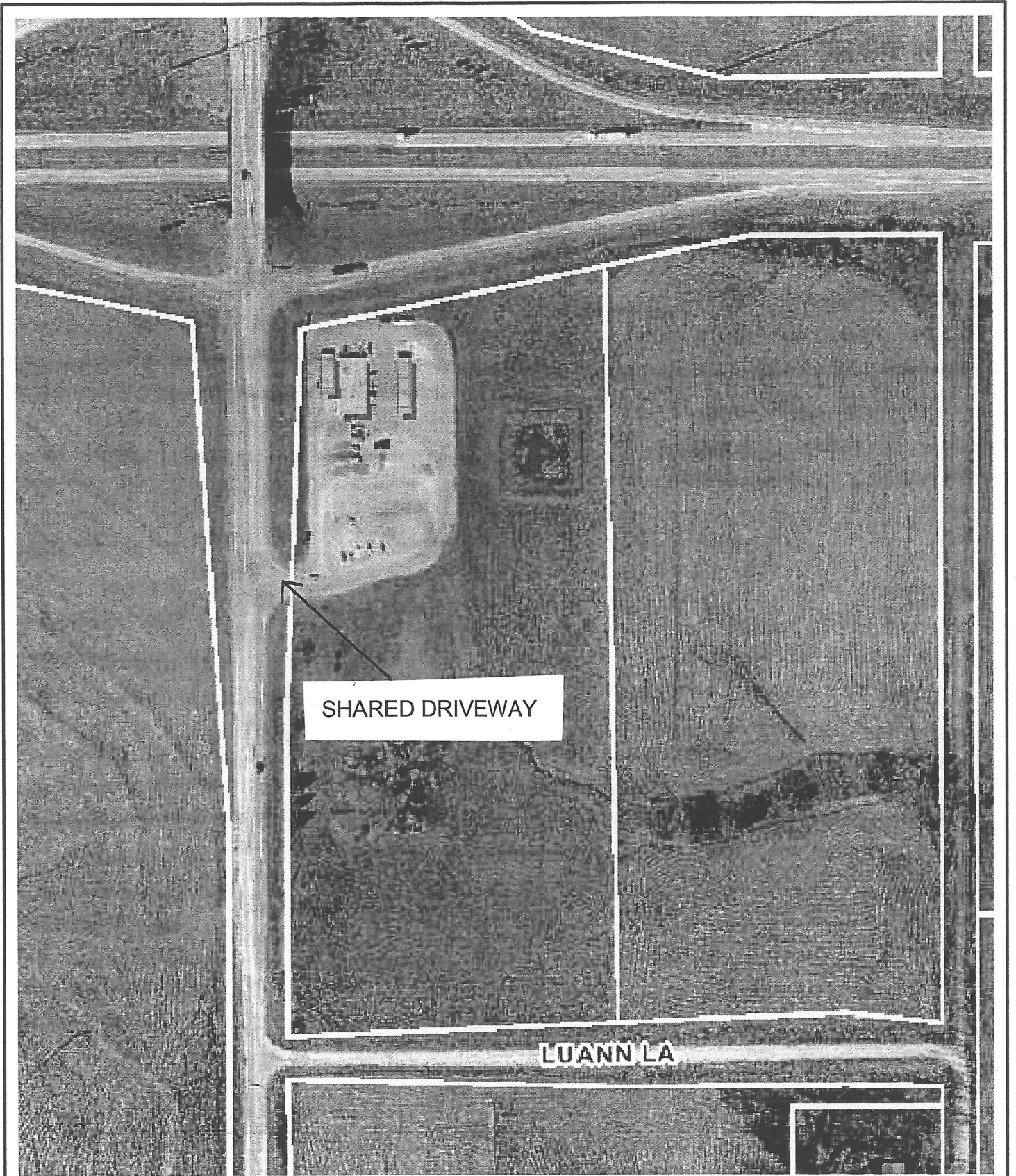
Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF NEBRASKA            )  
  ) ss.  
COUNTY OF LANCASTER    )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2017, by  
\_\_\_\_\_.

\_\_\_\_\_  
Notary Public



## Lancaster County/City of Lincoln GIS Map



### EXHIBIT "A"

Printed: Sep 05, 2017

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email [ags@lincoln.ne.gov](mailto:ags@lincoln.ne.gov) and you will be directed to the appropriate department.

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

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

|  |   |   |
|--|---|---|
| APPLICATION NUMBER<br>Change of Zone #17021<br>Sierra Investments, LLC | FINAL ACTION?<br>No                           | DEVELOPER<br>Sierra Investments, LLC  |
| PLANNING COMMISSION HEARING DATE<br>September 13, 2017                 | RELATED APPLICATIONS<br>Special Permit #17033 | PROPERTY ADDRESS/LOCATION<br>2051 K Street/Lots 1-9, Block 3,<br>Mc Murtry's Addition |

**RECOMMENDATION: APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for a change of zone from B-3 Commercial and R-6 Residential to B-4 Commercial for the property located on the south side of K Street between South 20<sup>th</sup> and South 21<sup>st</sup> Street and comprising approximately 1.47 acres. The applicant is proposing a building addition on the B-3 portion of the property for a motorized vehicle repair use and associated vehicle storage expansion and parking on the R-6 portion of the property.



**JUSTIFICATION FOR RECOMMENDATION**

The change of zone is in conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan. The property is at the eastern edge of the Downtown with existing B-4 zoning to the north. The site is shown as commercial in the Comprehensive Plan. B-4 zoning is proposed for the entire property which is more consistent with the Comprehensive Plan, Downtown Master Plan and Antelope Valley Redevelopment Plan. Related Special Permit #17033 is for expansion of Nonconforming Use for the same property.

**APPLICATION CONTACT**

Mark A. Hunzeker  
600 Wells Fargo Center  
1248 O Street  
Lincoln, NE 68508  
402-458-2131  
[mhunzeker@baylorevnen.com](mailto:mhunzeker@baylorevnen.com)

**STAFF CONTACT**

George Wesselhoft  
(402) 441- 6366  
[gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The proposed B-4 Commercial zoning is compatible with the surrounding land use. The properties generally along K Street in this area are shown for Commercial in the 2040 Lincoln-Lancaster County 2040 Comprehensive Plan. B-4 zoning is also compatible with the Downtown Master Plan and Antelope Valley Redevelopment Plan.

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.9 - The 2040 Lincoln Area Future Land Use Plan identifies the property as commercial.

P. 4.6 - The 400-foot State Capitol is the key historic, architectural, and geographic landmark of the city and surrounding countryside....The community's opportunity to benefit from the Capitol is further enhanced by improvements to its immediate setting.

P. 5.1 - Enhance Downtown's role as the heart of the City. A strong downtown is important to the economic future of the community...Together with Antelope Valley, Haymarket and the surrounding neighborhoods, it forms a vital core for the City.

P. 5.4 - Support compatible and pedestrian-oriented development and implementation of the Antelope Valley project, South Haymarket Neighborhood Plan, Telegraph District and West Haymarket redevelopment, making use of the Lincoln Downtown Design Standards.

## KEY QUOTES FROM THE DOWNTOWN MASTER PLAN

P. 37 - A healthy downtown supports and is supported by its surrounding neighborhoods. At its eastern edge, Downtown Lincoln abuts the Antelope Valley area, and this junction is of crucial importance to both of these essential parts of Lincoln.

P. 37 - The "entry corridor" of Capitol Parkway along K and L Streets is appropriate for both residential uses and low-rise office buildings.

## KEY QUOTES FROM THE ANTELOPE VALLEY REDEVELOPMENT PLAN

P. 74aa -Future Land Use for the property is identified as commercial.

## ANALYSIS

1. This is a request for a change of zone for the property on the south side of K Street between South 20<sup>th</sup> and South 21<sup>st</sup> from B-3 Commercial and R-6 Residential to B-4 Commercial. The parcel area is approximately 1.47 acres. The applicant is proposing a 50' by 109' building addition on the existing B-3 zoned portion of the property to extend the building west and an expansion of vehicle storage and parking on the R-6 zoned portion of the property. This existing building for the business is located at the southwest corner of K Street and South 21<sup>st</sup> Street and has been at its current location since 2006. The addition to the current building would be built to match the existing building architecture.
2. This property is located in the Capitol Environs District. The Capitol Environs Commission reviewed and approved the building addition for this matter at their meeting on July 27, 2017. The proposed change of zone application along with the associated special permit application will be reviewed by the Capitol Environs Commission on September 28.
3. Special Permit 17033 is the associated application for expansion of nonconforming use. The existing use is nonconforming because the facility in the B-3 Zoning is within 100 feet of residential use and zoning. In the B-4 District, motorized vehicle sales from 150 feet east of 17<sup>th</sup> Street to the eastern edge of the B-4 zoning district are prohibited, so in B-4 zoning the use is nonconforming as well.
4. A change of zone from R-6 Residential to B-3 Commercial (CZ#05082) was approved for the eastern part of site in 2006. At the time, the applicant was requesting to change the zoning for the entire property from South 20<sup>th</sup> Street to South 21<sup>st</sup> Street from R-6 to B-3. The staff recommendation was to deny as the proposed use of the property did not conform to the land use designations contained in either the Downtown Master Plan or the Antelope Valley Redevelopment Plan. Further, the Public Works Department identified an access concern with the recommendation to limit access to the development to the alley off of 21<sup>st</sup> Street. Actions taken on this change of zone included the following:
  - o The Nebraska Capitol Environs Commission on January 26, 2006 voted 4 to 1 to recommend approval of the change of zone to B-3 for only the east half of the property.
  - o The Planning Commission voted 5 to 1 on March 1, 2006 to approve the change of zone on the east 280',



Date: August 30, 2017

Applicant/  
Contact: Mark A. Hunzeker  
600 Wells Fargo Center  
1248 "O" Street  
Lincoln, NE 68508  
(402) 475-1075  
[mhunzeker@baylorevnen.com](mailto:mhunzeker@baylorevnen.com)

Owner: Sierra Investments, LLC  
2051 K Street  
Lincoln, NE 68510  
(402) 475-8441

F:\DevReview\CZ\17000\CZ17021 Sierra Investments LLC.gjw.docx



Lincoln/Lancaster, NE GIS

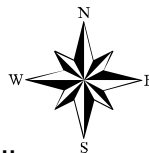
2016 aerial

**Change of Zone #: CZ17021  
S 20th St & K St**




**Zoning:**

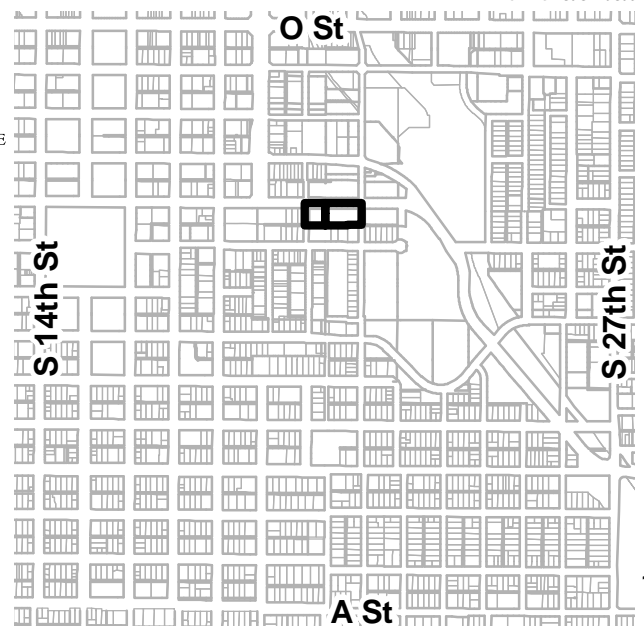
- R-1 to R-8 Residential District
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- R-T Residential Transition District
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- H-4 General Commercial District
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- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

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**One Square Mile:  
Sec.25 T10N R06E**

|   |                               |
|---|-------------------------------|
|  | Area of Application           |
|  | Zoning Jurisdiction Lines     |
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 PETER W. KATT  
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(\* ADMITTED IN OTHER STATES)

August 16, 2017

David Cary, Director  
 Lincoln/Lancaster County Planning Department  
 555 S. 10<sup>th</sup> Street  
 Lincoln, NE 68508

RE: **Glenn's Body Shop**

Dear David:

It has been brought to my attention that in the updating of Lincoln's zoning regulations, motor vehicle repair facilities became conditional uses in both the B-3 and B-4 zoning districts, and that one of the conditions is that such facilities must be located at least 100 feet from residential zoning districts. Inasmuch as Glenn's Body Shop was doing business at its current location prior to the change in the ordinance, it is a legal nonconforming use. However, its proposed expansion requires a special permit for the expansion of a nonconforming use (application and site plan attached).

I am informed by George Wesselhoft that the Planning Department would prefer our zoning application to change the entire parcel owned by this applicant to the B-4 Lincoln Center District, to be more consistent with the land across the street. We have no objection to a change to the B-4 district, and we would ask that you process the zoning application previously submitted as a request to change Lots 1 through 9, Block 3 McMurtry's Addition from B-3 and R-6 to B-4.

Please let me know if there is any additional information needed.

Sincerely,

Mark A. Hunzeker  
 For the Firm  
 mhunzeker@baylorevnen.com

Enclosure

1757429

OMAHA OFFICE  
 ONE PACIFIC PLACE

1125 S. 103<sup>RD</sup> STREET SUITE 400 OMAHA, NE 68124  
 PHONE 402.934.5468

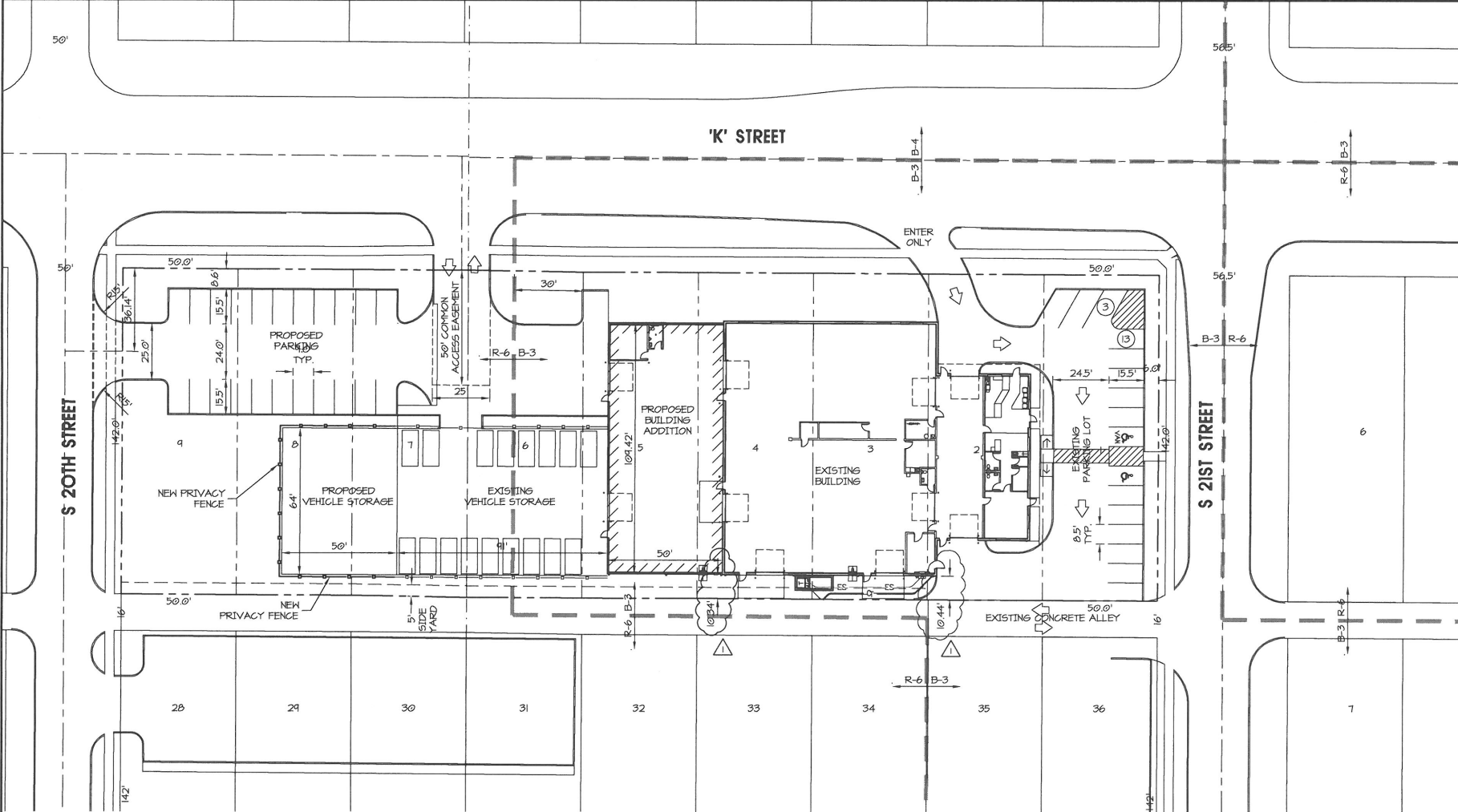
LINCOLN MAIN OFFICE  
 WELLS FARGO CENTER

1248 O STREET SUITE 600 LINCOLN, NE 68508  
 PHONE 402.475.1075 · FAX 402.475.9515

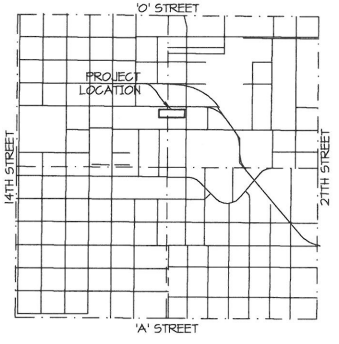
SYRACUSE OFFICE

920 12TH STREET SYRACUSE, NE 68446  
 PHONE 402.269.3200

DATE: 21 AUG 2017  
 REVISION: 23 AUG 17



**SITE PLAN**  
 SCALE: 1" = 30'



**VICINITY MAP**  
 NOT TO SCALE

**LEGAL DESCRIPTION**  
 LOTS 1-9, BLOCK 3, MCMURTRY'S ADDITION  
 SECTION 25 T10N R6E, LINCOLN, LANCASTER COUNTY, NEBRASKA

**ZONING:**  
 EXISTING: R-6 & B-3  
 PROPOSED: B4

FRONT YARD SETBACK = 0'  
 SIDE YARD SETBACK = 0', 5' ABUTTING R-6  
 REAR YARD SETBACK = 0', 30' ABUTTING R-6

**GLENN'S CARSTAR**  
 SPECIAL PERMIT #17033  
 LINCOLN, NE

Project No. \_\_\_\_\_  
 Sheet No. \_\_\_\_\_  
**SITE PLAN**

**Design Associates**  
 of Lincoln, Inc.  
 ARCHITECTS • ENGINEERS • PLANNERS  
 1500 S. LINCOLN AVENUE, SUITE 100  
 LINCOLN, NEBRASKA 68502  
 PHONE: 402.471.3000 FAX: 402.471.4010  
 WWW.DESIGNASSOCIATESOFLINCOLN.COM

**C-1**



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

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

|  |   |   |
|--|---|---|
| APPLICATION NUMBER<br>Special Permit #17033<br>Glenn's Body Shop | FINAL ACTION?<br>Yes                          | DEVELOPER/OWNER<br>Sierra Investments, LLC  |
| PLANNING COMMISSION HEARING DATE<br>September 13, 2017           | RELATED APPLICATIONS<br>Change of Zone #17021 | PROPERTY ADDRESS/LOCATION<br>2051 K Street/Lots 1-9, Block 3,<br>Mc Murtry's Addition |

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for a special permit for expansion of a nonconforming use. The applicant is proposing a building addition, parking lot and vehicle storage expansion and waiver from the rear yard setback associated with a motorized vehicle repair use for the property located on the south side of K Street between South 20<sup>th</sup> and South 21<sup>st</sup> Street and comprising approximately 1.47 acres. The existing use was established prior to the current conditional use requirement of a 100 foot separation requirement from any residential use or district for such facilities for the B-3 district.



**JUSTIFICATION FOR RECOMMENDATION**

The proposal to expand a nonconforming use is generally consistent with the 2040 Lincoln-Lancaster County Comprehensive Plan with the proposed conditions. The property is at eastern edge of the Downtown with existing B-4 zoning to the north. The site is shown as commercial in the Comprehensive Plan. The proposed extensive landscaping and street trees, will reduce negative impacts with the proposed expansion of nonconforming use by making the use more compatible with the surrounding area.

**APPLICATION CONTACT**

Mark A. Hunzeker  
600 Wells Fargo Center  
1248 O Street  
Lincoln, NE 68508  
402-458-2131  
[mhunzeker@baylorevnen.com](mailto:mhunzeker@baylorevnen.com)

**STAFF CONTACT**

George Wesselhoft, (402) 441-6366 or  
[gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The proposal, subject to conditions of approval including additional landscaping, is generally compatible with the Comprehensive Plan. The landscaping will be compatible with landscaping in the Telegraph District redevelopment to the north. In the Comprehensive Plan, this is an entryway corridor to Downtown, so the additional landscaping will enhance this gateway area.

**WAIVERS**

1. Waiver from rear yard setback requirement to 10 feet (Recommend Approval)

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.9 - The 2040 Lincoln Area Future Land Use Plan identifies the property as commercial.

P. 4.6 - The 400-foot State Capitol is the key historic, architectural, and geographic landmark of the city and surrounding countryside....The community's opportunity to benefit from the Capitol is further enhanced by improvements to its immediate setting.

P. 5.1 - Enhance Downtown's role as the heart of the City. A strong downtown is important to the economic future of the community...Together with Antelope Valley, Haymarket and the surrounding neighborhoods, it forms a vital core for the City.

P. 5.4 - Support compatible and pedestrian-oriented development and implementation of the Antelope Valley project, South Haymarket Neighborhood Plan, Telegraph District and West Haymarket redevelopment, making use of the Lincoln Downtown Design Standards.

## KEY QUOTES FROM THE DOWNTOWN MASTER PLAN

P. 37 - A healthy downtown supports and is supported by its surrounding neighborhoods. At its eastern edge, Downtown Lincoln abuts the Antelope Valley area, and this junction is of crucial importance to both of these essential parts of Lincoln.

P. 37 - The "entry corridor" of Capitol Parkway along K and L Streets is appropriate for both residential uses and low-rise office buildings.

## KEY QUOTES FROM THE ANTELOPE VALLEY REDEVELOPMENT PLAN

P. 74aa -Future Land Use for the property is identified as commercial.

## ANALYSIS

1. LINCOLN MUNICIPAL CODE (LMC) 27.63.280 allows for the expansion of nonconforming uses through special permit. In this case, the current use of the property as a motorized vehicle repair establishment is nonconforming because it does not meet the current conditional use requirement of a 100 foot separation from any residential use or district. The use on the property was established prior to this requirement which applies to any motorized vehicle sales and/or repair/services facilities in the B-3 District. In the B-4 District, motorized vehicle sales from 150 feet east of 17<sup>th</sup> Street to the eastern edge of the B-4 zoning district are prohibited, so regardless of B-3 or B-4 zoning, a special permit would be needed for the use to expand. The applicant is proposing a 50' by 109' building addition along with expansion of parking and vehicle storage. In consideration of the application, the following criteria per LMC 27.63.280 shall be given specific consideration:

**(a) Effects on adjacent property, traffic, city utility service needs:**

The request is for the expansion of an existing motorized vehicle repair establishment. Through additional landscaping and street trees the effects on adjacent property will be minimized. The removal of the second driveway on K Street will also limit the traffic impact.

**(b) Density of land use zoning for the subject property and adjacent property:**

The proposal includes a one story building addition along with expansion of parking and vehicle storage. As such, the density of zoning will not be detrimental to the adjacent property.

**(c) The degree of hardship upon the applicant which would be caused by failure to grant such a permit.**

The applicant legally established the motorized vehicle repair use after a change of zone was approved for the property in 2006. Subsequent to the establishment of the use on the property the Zoning Ordinance was amended as part of the Use Groups and the 100' separation from residential use or residential districts was added for motorized vehicle repair use thereby rendering the existing use nonconforming as there is both residential use and

zoning within 100'. In addition, the original building permit excluded the western part of the property so there were only two street frontages, thus the interior setback to the south at the time was a side yard of 5' and not a rear yard as it is under the present proposal. The proposed building setback relative to the south property line is a rear yard because of the three street frontages and as such is nonconforming. The waiver from the rear yard setback to reduce it to 10' is necessitated by virtue of the property having three street frontages. The Zoning Ordinance in this instance requires that the non-street frontage lot line is the rear yard and shall have a depth of not less than fifty feet or twenty percent of the depth of the lot, whichever is smaller. In this case, the required rear yard to the south is 28.4 feet. The requested waiver is for a 10 foot setback to accommodate the existing building and proposed building addition which are setback at 10.44' and 10.34', respectively.

2. Change of Zone 17021 is the associated application which is to change the existing B-3 part of the property and the R-6 part of the property to B-4, so the entire property is in the B-4 District. The Special Permit for the expansion of the nonconforming use would be required regardless of B-3 or B-4 Zoning.
3. Landscaping requirements would be similar for this property whether it was zoned B-3 zoning or B-4, however, due to the nonconforming use more extensive landscaping is appropriate, which as part the conditions will exceed minimum landscaping requirements for either district. Specifically, one of the landscaping conditions is a landscape treatment comparable to what was done for the parking lot on the north side of K Street, between South 20<sup>th</sup> and South 21<sup>st</sup> Streets. This screening will include two rows of continuous landscape material done in a landscape strip with at a minimum width of eight (8) feet. K Street is a very high traffic arterial, and paired with L Street constitute the southeast entry/exit corridor of Downtown, so requiring special treatment of this site is consistent with the north side of the street and would in addition to the change of zone tie this property into the existing B-4 area to the north. It should be noted that there is already significant landscaping associated with the existing building and parking lot areas. The requirements and conditions of approval of this Special Permit would expand on this landscaping and also add street trees.
4. Sign requirements would generally be the same for B-3 or B-4 Districts with the exception of maximum height for freestanding sign, which in the B-4 District 150 feet east of 17<sup>th</sup> Street there is a height limit of 8 feet. However, the existing free standing sign is less than 8 feet tall.
5. This location is in the Nebraska Capitol Environs District. The Capitol Environs Commission reviewed and approved the building addition for this matter at their meeting on July 27, 2017 (see attached meeting minutes). The Commission will review the proposed change of zone and special permit applications for advisory recommendation on September 28, 2017.
6. One of the conditions of approval is that the existing western driveway off K Street would be removed. The removal of this driveway was identified during review by the Public Works & Utilities Department. The second access on K Street does not meet spacing requirements of the Access Management Policy (AMP). The purpose of the AMP is to provide access to individual properties while protecting the effective safe flow of traffic on the surrounding road system. In its present configuration the parking areas serving the building are split by the building with an access point on K Street to each parking area. The proposed configuration provides two access points to the West lot. The second (new) access connects to 20<sup>th</sup> Street with the original K Street access remaining. Public Works believes that the West access on K Street should be eliminated. Elimination of this access point would improve flow on K Street. The West parking lot has adequate space to provide circulation to conveniently connect traffic in both directions on 20<sup>th</sup> Street. 20<sup>th</sup> Street allows 2 way traffic which would improve traffic movement in and out of the parking lot. Traffic control at both the K and L intersection with 20<sup>th</sup> Street create a safer transportation connection for users of the West lot. Also, the driveway is within the right turn lane for 21<sup>st</sup> Street, which is discouraged and not generally allowed under the Access Management Policy. The driveway is two-way, as opposed to the one being allowed to remain farther east. The exit movement is what creates the biggest safety issue, with vehicles trying to turn out thinking another vehicle is turning in, when the 2<sup>nd</sup> vehicle is actually planning to turn on to 21<sup>st</sup> Street. Another safety concern of this location is the potential for vehicles to try to cross all lanes of traffic in such a short distance to make a left turn onto 21<sup>st</sup> Street.
7. If the Downtown Design Standards were applied, the building related requirement would be 50% transparency from 4-9 feet above the "sidewalk." In this case, given the use of the property for motorized vehicle repair it is more appropriate to utilize landscaping as part of the site plan than adding windows to the building.

8. The proposal with conditions is generally consistent with the Comprehensive Plan, the Downtown Master Plan and Antelope Valley Redevelopment Plan. While either B-3 or B-4 zoning with approval of a Special Permit would allow for the expansion of the use, the B-4 designation is more appropriate given the proximity of the property to the existing B-4 District boundary and redeveloping Telegraph District. Through additional landscaping and street trees the proposal will not be detrimental to this corridor at the eastern edge of Downtown.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & EXISTING ZONING:** Motorized Vehicle Repair/Vacant, B-3 Commercial/R-6 Residential

**SURROUNDING LAND USE & ZONING**

|                              |                                |
|------------------------------|--------------------------------|
| North: Office, Parking Lot   | B-4 Commercial                 |
| South: Commercial/Apartments | B-3 Commercial/R-6 Residential |
| East: Parking Lot            | R-6 Residential                |
| West: Apartments             | R-6 Residential                |

**APPROXIMATE LAND AREA:** 1.47 acres

**LEGAL DESCRIPTION:** Lots 1-9, Block 3, McMurtry's Addition, Lincoln, Lancaster County, Nebraska

Prepared by

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George Wesselhoft, Planner  
 (402) 441-6366 or [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)  
 Date: August 30, 2017

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F:\DevReview\SP\17000\SP17033 Glenn's Body Shop.gjw.docx

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #17033

Per Section 27.63.280 this approval permits an expansion of a nonconforming use to allow for a building addition, parking lot and vehicle storage expansion associated with a motorized vehicle repair use with waiver to rear yard setback.

### Site Specific Conditions:

1. The associated Change of Zone CZ17021 is approved.
2. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:
  - 2.1 Remove the lot lines and lot numbers from the plan.
  - 2.2 Remove the B-3 and R-6 labeling and zoning line.
  - 2.3 Remove the west driveway to K Street and the 50 foot access easement.
  - 2.4 Remove the one parking stall adjacent to the building addition for landscaped area in front of the building.
  - 2.5 Show a 20 foot setback along 20<sup>th</sup> Street.
  - 2.6 Submit for the approval of the Planning Director a revised site and landscaping plan meeting the following:

The building addition and new parking lots fronting public streets shall be screened with two (2) rows of continuous landscape material.

The back row, located nearest the parking lot, shall consist of a combination of evergreen shrubs, deciduous shrubs, and ornamental grasses of 3 to 4 feet in height and spread. Ornamental grasses in this row can have a height of 5 to 6 feet. In the back row, 50-75% of the screen shall consist of evergreen shrubs.

The front row, shall consist of a combination of deciduous shrubs, ornamental grasses, and perennials. Plant material shall have a 1 ½ to 3 foot height and spread. Deciduous shrubs shall account for no more than 25% of the front row screen, while ornamental grasses and perennials shall each account for 25-50% of said screen.

To accommodate the double row, the landscape strip shall have minimum width of eight (8) feet.
  - 2.7 Show in the landscape plan the existing trees on site and note the trees on the western edge to be preserved.
  - 2.8 Show on the landscape plan the existing plants by the existing building and parking along K Street and 21<sup>st</sup> Streets.
  - 2.9 Show on the landscape plan new street trees along 20<sup>th</sup> Street and K Street per City spacing standards.
  - 2.10 Add note to site plan that the area south of the car storage is for green space and turf, not vehicle storage nor parking. All cars and equipment is to be stored behind the fence.
  - 2.11 Note on the site plan that free standing signs are allowed and need not be shown on the site plan.
  - 2.12 Change the "Side Yard" on the south to "Rear Yard".

- 2.13 Show setback distance from K Street for new driveway approach off South 20<sup>th</sup> Street per Public Works & Utilities Department requirements.
3. Before receiving building permits provide the following documents to the Planning Department:
  - 3.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

**Standard Conditions:**

4. The following conditions are applicable to all requests:
  - 4.1 Before occupying the building, all development and construction shall substantially comply with the approved plans.
  - 4.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
  - 4.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
  - 4.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.



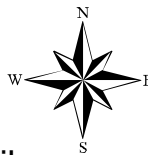
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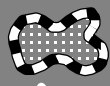


**Special Permit #: SP17033**  
**Glenn's Body Shop**  
**S 21st St & K St**

**Zoning:**

- R-1 to R-8 Residential District
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- AGR Agricultural Residential District
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 Sec.25 T10N R06E



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(\* ADMITTED IN OTHER STATES)

August 16, 2017

David Cary, Director  
 Lincoln/Lancaster County Planning Department  
 555 S. 10<sup>th</sup> Street  
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RE: **Glenn's Body Shop**

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Please let me know if there is any additional information needed.

Sincerely,

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Enclosure

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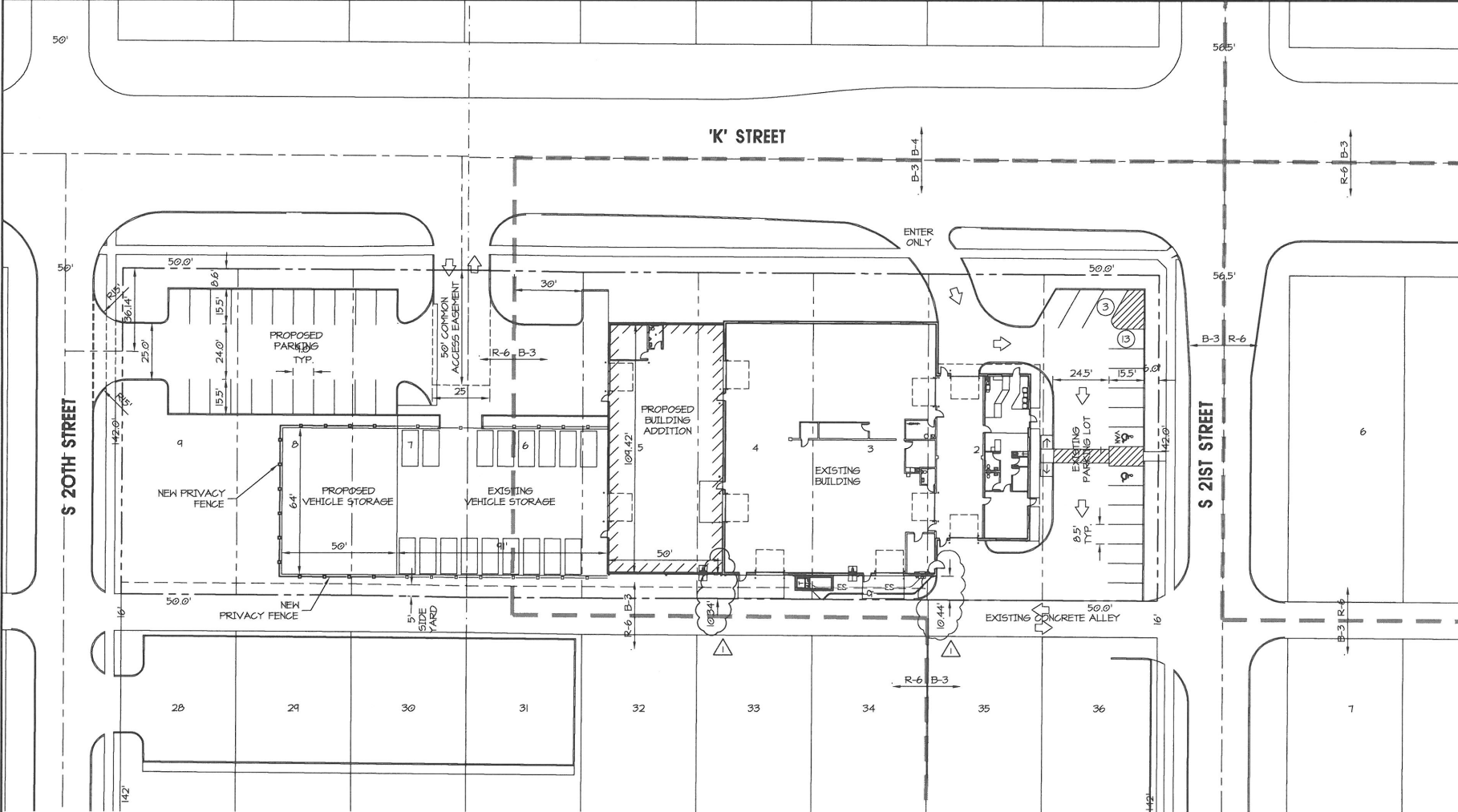
DATE: 21 AUG 2017  
 REVISION: 23 AUG 17

**GLENN'S CARSTAR**  
 SPECIAL PERMIT #17033  
 LINCOLN, NE

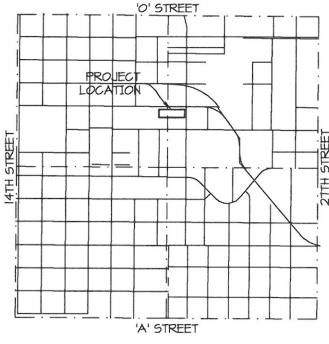
PROJECT NO. 17033  
 SHEET NO. SITE PLAN

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**C-1**



**SITE PLAN**  
 SCALE: 1" = 30'



**VICINITY MAP**  
 NOT TO SCALE

**LEGAL DESCRIPTION**  
 LOTS 1-9, BLOCK 3, MCMURTRY'S ADDITION  
 SECTION 25 T10N R6E, LINCOLN, LANCASTER COUNTY, NEBRASKA

**ZONING:**  
 EXISTING: R-6 & B-3  
 PROPOSED: B4

FRONT YARD SETBACK = 0'  
 SIDE YARD SETBACK = 0', 5' ABUTTING R-6  
 REAR YARD SETBACK = 0', 30' ABUTTING R-6

**Excerpt from MEETING NOTES**

**NAME OF GROUP:** NEBRASKA CAPITOL ENVIRONS COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Thursday, July 27, 2017, 8:00 a.m., Conference Room 214, Lincoln, Nebraska.

**MEMBERS IN ATTENDANCE:** Mary Campbell, Gene Crump, Christie Dionisopoulos, Karen Nalow, Ann Post and Jeff Searcy, John Sinclair

**OTHERS IN ATTENDANCE:** Ed Zimmer, Stacey Hageman and Teresa McKinstry of the Planning Department; Robert Ripley and Matt Hansen from the Office of the Capitol Commission; and Lynn Johnson from Parks and Recreation.

**STATED PURPOSE OF MEETING:** Nebraska Capitol Environs Commission Meeting

**A CERTIFICATE OF APPROPRIATENESS FOR WORK AT 2051 K STREET**

**PUBLIC HEARING:**

**July 27, 2017**

Members present: Campbell, Crump, Dionisopoulos, Nalow, Post, Searcy and Sinclair.

Tom Young stated that they would like to add 50 feet onto the west side of the building to look the same as the current appearance of the building. There is an enclosed parking area for vehicles that are waiting to be worked on, that would be extended. Parking would be extended to the west. There is an issue with zoning. Part of this is in a residential area.

Crump questioned if the addition will be the same height as the existing building. Young replied yes. Crump asked if there will be any more bays. Young replied that this will add more working space inside and another paint booth. They need more space because business is doing well. They store the cars inside that are being worked on.

Campbell wondered if the neighbors have responded in any way. Young stated that across the street is ALLO. Capitol Parkway is a big street. There are apartments across the street. There are no houses left on K Street.

Nalow believes the parking lot will need a special permit. Young stated there are setbacks that need to be maintained. Nalow believes this seems to have more of an ornamental character to the landscaping. Young stated that they can continue what is already there. They would add screening around the parking per design standards.

Zimmer noted that the applicant hasn't brought in the special permit request to extend the parking lot. It is still being worked out. The vehicles being worked on are part of the main business. They are regarded as different from parked cars of staff or customers, which can be addressed by a special permit for parking. Extending the fenced areas for cars being worked on would require a change of zoning district, not just the special permit. However, Zimmer stated he recommends the building addition because it matches the original building previously approved by NCEC. This site is not on a principal view to the Capitol.

Sinclair questioned if a zoning change would take care of the issues. Zimmer believes that would address most of the issues, but has more long-term consequences. Young noted that perhaps a change of zone would be proper in the long run. Sinclair added that the chances of a house being built on the west portion of the block are not very good. Young believes it would be nonexistent.

Searcy questioned if it is the intent to have similar building materials. Young replied that the existing look would continue on the new addition. They want it to look like one building when it is done.

Searcy believes if the parking lot is extended, they would lose a couple of large trees. Young noted they would be happy to replant. They will work with the plantings and what is required.

Sinclair noted that this whole area has changed so much.

Ripley believes this was constructed from a special permit. Zimmer noted this is B-3 zoning with residential on the end. Four lots are commercial, two are residential. Matt Hansen assumes this was all residential at one point. Zimmer replied yes. Searcy recalls the original application for this business was the result of some Antelope Valley relocation at the time. Ripley believes this was one of the last businesses to relocate out of Antelope Valley. He was opposed at the time this was originally suggested. This is within the Capitol Environs District. However, it is there now. Searcy believes the applicant has done a very nice job within the business they have. The proposal is aesthetically consistent with what is there. He recalls the conversations that Ripley does.

Ripley asked if there will be screened parking. Young stated that the damaged vehicles are within a fenced area.

Searcy questioned if there will be an opportunity to revisit the landscape design. Zimmer replied that the applicant isn't proposing the west parking lot at this time. The building falls within the commercial zoning. The application is for the building extension.

Sinclair wondered what could happen if the applicant doesn't request a zoning change. Would it always stay parking? Zimmer stated that commercial parking cannot be located in residential zoning without a special permit or change of zone.

Zimmer stated that the staff recommendation is based on what this commission approved for the original building. The guidelines address proximity as a key characteristic, putting the greatest scrutiny on developments facing Capitol Square or directly adjacent to one of the Malls. This site is near the edge of the district, not on a mall or the Square. All factors say this is a secondary location.

**ACTION:**

Sinclair moved approval of the 50 foot building expansion, seconded by Nalow and carried 7-0: Campbell, Crump, Dionisopoulos, Nalow, Post, Searcy and Sinclair voting 'yes'.

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