

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3352**, a text amendment to Title 27 of the Lincoln Municipal Code, requested by William Austin, on behalf of the Nebraska Independent Auto Dealers Association and the West "O" Area Business Association, to amend the Zoning Ordinance by adding a new § 27.70.060 to allow the storage of vehicles for sale in the front yard in the H-2, H-3 and I-2 zoning districts, with conditions.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 01/23/02
Administrative Action: 01/23/02

RECOMMENDATION: Denial (6-1: Steward, Newman, Taylor, Bills, Carlson and Krieser voting 'yes'; Schwinn voting 'no'; Duvall and Hunter absent).

STAFF RECOMMENDATION: Denial.

FINDINGS OF FACT:

1. The staff recommendation to **deny** this text amendment is based upon the "Analysis" as set forth on p.2-3, concluding that any revisions to the zoning ordinance that affect setbacks, landscaping and design standards along both public way corridors and entryway corridors is premature and should be reviewed in conjunction with the process established to develop the new standards for public way corridors and entryway corridors.
2. The applicant's testimony is found on p.4-5 and 8. The revised application submitted by the applicant at the public hearing is found on p.11-12. The revised application deletes the B-3 zoning district from the text amendment; imposes the condition that no storage of vehicles shall be permitted within five feet of the front lot line; and repeals the special permit process for storage of vehicles for sale where parking is permitted. The matrix submitted by the applicant showing the impacts of this text amendment is found on p.13.
3. Other testimony in support is found on p.5; the photographs submitted by Danny Walker are found on p.17; and a letter in support from the West "O" Area Business Association is found on p.14.
4. Testimony in opposition is found on p.6-7, and the record consists of two letters in opposition (p.15-16).
5. The Planning Commission discussion with staff is found on p.7-8.
6. On January 23, 2002, the Planning Commission agreed with the staff recommendation and voted 6-1 to recommend **denial** (Commissioner Schwinn dissenting). See Minutes, p.8-9.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: January 28, 2002

REVIEWED BY: _____

DATE: January 28, 2002

REFERENCE NUMBER: FS\CC\FSCZ3352

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Change of Zone #3352

DATE: January 9, 2002
****Revised 01/28/02****

PROPOSAL: To add Section 27.70.060 to the Lincoln Municipal Code (LMC) to allow the storage of vehicles for sale in the front yard of the B-3, H-2, H-3, and I-2 zoning districts with conditions. (****The applicant removed B-3 from the application at the Planning Commission hearing on 01/23/02****)

RECOMMENDATION:

Denial

GENERAL INFORMATION:

APPLICANT: Jan Merritt, Executive Director
Nebraska Independent Auto Dealers Association
5701 Russell Drive
Lincoln, NE 68507

CONTACT: Bill Austin, Esq.
301 South 13th Street Suite 400
Lincoln, NE 68508

PROPOSED TEXT CHANGES: Attached.

HISTORY: SP#1929 - An application for a special permit was submitted by Red Star Auto to park and display vehicles in the front yard at 702 West O Street. The application received recommendations for denial from the Planning Department and Planning Commission. The permit was approved by the City Council on October 22, 2001, but was subsequently vetoed by the Mayor on October 29, 2001.

CZ#3350 - In response to issues raised by SP#1929, the City Council directed City Staff to develop alternate revisions to the Zoning Ordinance to allow auto sales and display in the front yard without a special permit, but that included conditions that would provide land use compatibility. Consensus among City Council, the Mayor and City Staff had not been reached on the content and form of the revision when CZ#3352 was submitted by the Nebraska Independent Dealers Association.

ANALYSIS:

1. The proposed change to the Zoning Ordinance adds Section 27.70.060 to allow the storage of vehicles for sale or resale in the B-3, H-2, H-3 and I-2 zoning districts on any portion of a required yard where parking is otherwise permitted, under certain conditions. Generally, these conditions state that the vehicle cannot be upon a raised structure, the hood or trunk

will not be open, and the landscaping must be installed in accordance with the parking lot design standards. The provision allowing this use with a special permit remains, presumably for those circumstances where an exception to these conditions is desired.

2. Currently, standards are being developed for both public way corridors and entry way corridors. Any revisions to LMC that affect setbacks, landscaping and design standards along those roadways should be reviewed in the broader context of the standards currently being developed. Considering the potential for conflict between the proposed ordinance amendment and the work done thus far on entry and public way corridors, this request is premature but should be reviewed in conjunction with the process established to develop these new standards.
3. As noted in #1 above, the proposed amendment does not remove provisions in the Zoning Ordinance that allow storage of vehicles for sale where parking is permitted in the B-3, H-2, H-3 and I-2 zoning districts with a special permit. With these provisions still in place, the process to grant exceptions to conditions or design standards by special permit remains intact. The effect is that the amendment does not relieve the City Council from having to consider special permits seeking waivers to allow auto sales in the front yard.

If the City Council approves this request, it should be subject to an amendment that deletes the special permit provisions.

Prepared by:

Brian Will, AICP
Planner

CHANGE OF ZONE NO. 3352

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 23, 2002

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

Staff recommendation: Denial.

Brian Will of Planning staff submitted a letter in opposition from Rich Wiese.

Proponents

1. Bill Austin of Erickson & Sederstrom, 301 South 13th Street, presented the application on behalf of the applicants, the Nebraska Independent Automobile Dealers Association and the West "O" Area Business Association. This amendment would create a new section which would allow for the storage of vehicles for sale where parking is permitted in the H-2, H-3 and I-2 zoning districts, under certain specified conditions (a conditional use). The original application included B-3; however, the applicant is amending the application to delete the B-3 district from this text amendment in response to concerns raised by the Neighborhood Roundtable.

In addition, Austin stated that this application now proposes a 5' clear zone from the front lot line where storage will not be permitted. This is a compromise to what staff proposed at a December 10, 2001, precouncil meeting.

Austin also clarified that the original proposal did not suggest eliminating the special permit process. The staff has expressed concern that failure to eliminate the special permit application procedure did not accomplish one of the goals of the City Council. Austin's clients did not include a repeal in the original proposal because of apprehension about repealing a special permit process. Austin realizes the concern raised by staff and City Council, and he is amending the application to include the repeal of the special permit process at this time, with the understanding that this application is being presented as an "all or nothing" proposal. Please do not divide the question.

Why are we here? Austin noted that it has been only a couple months since he came forward with the Red Star Auto application for a special permit for this same type of use. That special permit was initially approved by the City Council but was subjected to a Mayoral veto. We are here because the City Council suggested it was willing to consider a procedure which would take the Council out of the hassle of hearings on these sorts of permits. Austin believes this proposal incorporates those conditions that have typically been appended to special permits for this type use since 1977. He believes this type of conditional use best comports with the City Attorney opinion of 1997 when a special permit process was at issue, and which the Mayor's veto contravened. In 1997, the staff report specifically stated, "The City Law Department has issued an opinion that states that merely neighborhood opposition is not enough to deny a special permit." Nevertheless, Red Star's special permit was vetoed and the Mayor said, "This Council's action could now set a

precedent of approving a special permit when there is opposition from a neighboring business.” Austin went on to state that the Mayor vetoed the Red Star Auto special permit notwithstanding that no other application for this use had been denied.

Austin submitted that the conditional use process would take the arbitrariness out of the process. Why should this be permitted? Austin suggested that parking in the front yard is the nature of these highway districts which are intended for high visibility uses. Parking is already permitted in the front yards in the H-2, H-3 and I-2 zoning districts. Signs are permitted in the front yards in those districts; fences can be constructed in the front yard. It is no answer to say this change would create clutter in the front yards. This will properly regulate this use and give recognition to what is already occurring. It will provide what is needed by the industry that has been responsible for the rehabilitation of the West “O” area up to this date. 62% of business for used car dealers comes from drive-by traffic. They need visibility to survive.

Austin further pointed out that when the special permit process was instituted, it was recognized that this was a small difference from what is already permitted and the only real function of the special permit was to condition the use to avoid obnoxious activities, like raising hoods and trunks and putting the cars on platforms. The conditions that this application proposes would address those concerns.

Austin submitted a matrix showing the minimal impact of this proposed text amendment.

Newman asked how they came up with 5' from the front lot line. Austin suggested that 5' is used in the design standards right now—it is one of the dimensions utilized when making changes in the landscaping. It was a figure that came out when he was talking with staff. Newman wondered whether 10-15' would be as reasonable. Austin believes 10-15' moves them too far back. Red Star is some 28' back from the curb line to the front yard, and another 5' would move it back further.

2. Karl Jensvold, who operates an auto center on West “O” Street and current President of the West “O” Area Business Association, testified in support. The entire Association agrees that this is something that can work for us and will not hamper the projects in place or that we are working on in the West “O” area.

3. Danny Walker testified that he toured the West “O” area and he has known that area for years. It seems like one individual lot is being singled out and picked on. Before that business (Red Star Auto) was there, that lot was total garbage. Then he reads the article in this morning’s paper—one phone call to the Mayor constitutes a rejection? One phone call overrides a City Council action? Maybe the Mayor should look at some of the areas like the older neighborhoods. He suggested that the Mayor spend his time on something like 6th & “G” behind the Park School. This is an individual’s livelihood and he does not appreciate going to meeting after meeting and hear one person say he represents the West “O” Area Business Association when there were only three or four people attending those meetings.

Opposition

1. Walt Hutchison, owner of Popeye's Chicken, testified in opposition. This is about visibility. Who does visibility belong to? Should it be taken from one business and given to another? Popeye's Chicken has been there for 23.5 years. Every cent of his parents' money and his money went into getting this restaurant business. They all work there 7 days a week. He believes his family members have been great leaders. When they were putting Popeye's in, they conformed to every setback and sign requirement and they believed their neighbors would do the same. He thought the laws were enacted by smart people to protect people like him. Who does the visibility belong to? Does it belong to everybody or just car dealers? Hutchison displayed a map showing what would happen if a car lot is placed on either side of his restaurant. Red Star Auto is on the east side. He has no wish for Red Star Auto not to succeed, but Popeye's Chicken is sitting back where the city told them they had to be with the building. By this proposal, the attention is drawn away from the Popeye's Chicken building. On the other side is a car wash. If this legislation is passed, that car wash could become a car lot, so Popeye's Chicken will be in this tunnel of cars. It takes his credibility away and the visibility of his restaurant away. This will also take away the viability of his business and will reduce the net worth of his business. Do car dealers need the visibility more than we do? No, the restaurant draws people in by visibility and signage. We need to think about what the city is giving up in passing this. If we lose 15% of our business, we are back to zero again and our business will not be worth anything to a buyer.

The Popeye's Chicken building is set back 70'. Popeye's has a monument sign rather than a pole sign because they can have a larger sign with the monument sign.

Hutchison also confirmed that Red Star Auto has put a fence up in front of the Popeye's Chicken sign.

Carlson wondered whether Hutchison had any thoughts about the potential trade-off in that now they can park customer cars in that area, but they come and go. If you move the ability for anything to be parked back 5' or 10', at some point do you gain a sufficient sight line? Hutchison responded, stating that one of the problems with parking cars up there (before they were moved back) is that people (customers) could not really identify where to park their cars and they were parking in the Popeye's lot and walking over to Red Star Auto.

2. Craig Groat testified in opposition. He is concerned about the aesthetics of the city and quality of life. He cited from the Code of Ethics of the American Planning Association. Groat really dislikes driving down West "O" Street because of its appearance. Cutting into the setback will cause a tremendous amount of harm on the aesthetics. He showed photos of situations in other communities with quality controls and landscaping requirements. A number of years ago, Misle Chevrolet at 48th & O kept parking cars in the setback area. They were repeatedly fined. Finally, the city gave them a permit to park out there and it is one of the ugliest areas in town and is a detriment to our city. Quality businesses want to come in where there are zoning requirements for aesthetics. They don't want to come in and play around with stuff like this. He has repeatedly seen business people come that do not consider the long range consequences. Each little one has a

cumulative affect and it is another nail in the coffin of our city becoming a quality city and having quality employers. All they have to do is invest a little bit of money. These people (businesses) need to be educated that landscaping and aesthetics will bring people and help their bottom line.

Staff questions

Carlson asked staff to confirm the street right-of-way in the area of Red Star Auto. Brian Will of Planning staff did not have this information. Carlson then inquired as to the typical difference between street and sidewalk. Dennis Bartels of Public Works stated that the sidewalk is close to the property line--in the zero to 4' range along arterial streets. Carlson indicated that he was trying to get a sense of H-2 and H-3--don't they typically exist on wider streets or wider arterials? What existing distance buffer might there be by virtue of the size of the right-of-way before you get to the setback? **Vince Cornell, Red Star Auto**, appeared and stated that he had measured that just today. From the curb to the front edge of the sidewalk it is 13'. The sidewalk is 4'. From the area of the sidewalk to the property line is another 11', so it is 28' from the edge of the curb to the property line, and he is parking 30' back behind that.

Carlson wondered whether these numbers are indicative of the average. Will indicated that this would need to be researched on a case-by-case basis.

Schwinn noted that obviously, 28' from the back of the curb is applied right-of-way and in that area that is a 5 lane road. So we do have some pretty big rights-of-way. Schwinn's concern is not the impact on West "O" Street, but the ramifications when we get into No. 48th where we don't have that width of right-of-way. Will concurred that this is a much larger issue than just the West "O" area and only considering Red Star Auto in this location is not appropriate. It causes problems all throughout the city. We need to look at this in a broader context such as entryway corridors and public way corridors.

Schwinn wondered whether staff could get a matrix together to explain what the ramifications may be in other parts of the city and with the public way corridors to give the Commission a greater sense of what the impacts might be throughout the city. Schwinn would like to see a deferral.

Steward believes it is a waste of staff time to go through that process. There are numerous differences in right-of-way designation in the H-2, H-3 and I-2 district. "O" Street is a highway--we've got industrial circumstances. Steward stated that he is not just concerned with the sight line, but also with the adjacent properties. You could be at the edge of one of these zones and there would be legitimate concerns. You could be in the middle and have different concerns. He is ready to deal with this today.

Will commented that he is not sure the width of right-of-way is necessarily a large factor or one of the criteria being considered. We are talking about improvements on any particular property owner's site. All of these improvements are out of the right-of-way. From the staff's perspective, the discussion should be limited to the improvements we are talking about and how they impact the property, aside from the right-of-way.

Carlson recalled that there was some talk at the City Council level about having some further re-investigation into this type of proposal. Is this proposal the result of that? Will explained that after the special permit for Red Star Auto was vetoed, the City Council held a precouncil meeting and directed staff to take a look at alternatives to address the issue. Staff did draft at least one alternative, but that

amendment is now being circulated among staff, the Council and the Mayor to reach consensus. In the meantime, this application was submitted and the staff turned their focus toward review of this application in order to bring it forward. This is where we are today. The staff consensus at this point is that it makes sense to review any amendments that deal with parking in the front yard in the broader context of the standards that will be in the process of being developed for entryways and public way corridors. This issue is not just unique to West "O" Street.

Response by the Applicant

Austin concurred that staff did mention the corridor and entryway studies in the staff report. At this point, as best he can determine, life does have to go on in terms of looking at what is appropriate with this special permit process and whether there is an alternative. He does not see why it would be appropriate to wait for those studies. No matter what happens with the entryway studies or public way corridor studies, what you have right now in the H-2, H-3 and I-2 zoning districts, as a matter of right, is parking in front yards. And those studies are not going to change that. Everyone who is parking in the front yard right now is going to be able to do that as a nonconforming use.

Austin also noted the mention of East "O" by the opposition. There you can easily see that everybody right now is violating the provision that says you shall not store vehicles in the front yard. Just about everyone except Red Star Auto has their vehicles too close right now. As a conditional use, it will require the adjustments at the time of the building permit. It would also be easier to enforce. The only way it is being enforced now is on a complaint basis.

Austin also suggested that if one went out and looked at where Red Star's vehicles are parked now, one would find it absurd as to how far back they are required to be from the right-of-way of West "O" Street. Austin pointed out that the zoning districts being dealt with in this text amendment are highway areas where you normally have a wider right-of-way. This is not all across the city--only in those districts designated for highway uses.

Finally, Austin referred to the picture shown by Popeye's with the vehicles next to the restaurant--if this was not a second hand auto dealer, those cars can park there as of right today. Anyone in H-3 can park those cars right up there for employee parking, customer parking and repair parking all day. The only cars that cannot park there now are those that are for display for sale by an auto dealer. Austin suggested that this is to some extent rather unfair discrimination. Others can use it for their business but the auto dealer cannot. His clients are willing to compromise with 5' further back to make it more attractive. This is not a radical intrusion into the front yards. It is actually occurring now in most places and this would regulate it.

Steward clarified that Red Star Auto can park customer cars in that front yard now. Austin agreed. Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

January 23, 2002

Steward moved to deny, seconded by Newman.

Steward believes it would be a major mistake to accept an ordinance change stimulated by one disagreeable circumstance. He fully agrees that this would make it easier to administer. If we don't

want to deal with special cases, we should just write one ordinance and say we can do whatever we want if we are a business and everyone will fend for themselves. There are edge circumstances; there are changing requirements for right-of-way conditions; there are future plans and ideas about beautification that haven't even been discussed. He believes we need to leave the front yard setback alone in these districts and find some other way to deal with apparently what this property owner believes is an egregious situation. He will not support this under any circumstance for any property owner, whether it is a used car operation or some other business.

Newman stated that she would be more comfortable if the staff came forward with their recommendations. The actual width of frontage on certain lots affects visibility.

Schwinn will vote against the motion. Every time the special permit came forward he has voted in favor because he does not see the difference between customer parking in the front area and a used car parked in the front area. He believes that the car dealers can do a better job of putting better cars in that area that look nicer than what you may see otherwise. He drives up and down "O" Street a lot and he noticed that the Red Star cars parked back is noticeable amongst all of the others. Their lot probably looks the best of any of them out there. He believes that this is limited enough in terms of the zoning districts to which it applies.

Taylor stated that this is a difficult decision because he definitely agrees that a business should be able to do its job. But another consideration is the neighbors. He is also concerned about the aesthetic qualities that we are seeking to realize in our City. He would like to see businesses succeed, but weighing those considerations, he would have to agree at this point with Steward and Newman in terms of denial. He is regretful, but he believes it is necessary.

Motion to deny carried 6-1: Steward, Newman, Taylor, Bills, Carlson and Krieser voting 'yes'; Schwinn voting 'no'; Duvall and Hunter absent.

Reasons for Request

Approval of new section 27.70.060 would allow for the storage of vehicles for sale in the front yard in the ~~B-3~~, H-2, H-3, and I-2 zoning districts. Currently, parking in the required front yard is permitted in the H-2 and H-3 zoning districts, but the display of vehicles for sale is not permitted. Under Section 27.63.700 of the Lincoln Municipal Code, a special permit can be obtained in the B-3, H-2, H-3, and I-2 zoning districts to allow storage of the vehicles for sale where parking is permitted.

This amendment would allow car dealers to display vehicles for sale in the required front yard in the specified districts under the typical limiting conditions attached to the special permits that have previously been granted. It eliminates the need for Planning Commission and City Council review of this limited additional use of the front yard where the conditions are met. The applicants suggest that the display of vehicles in the front yard has less probability of detracting from the appearance of these districts than typical parking.

The special permit provisions would still be available for those who request relief from the conditions or who seek modification of landscaping requirements.

ORDINANCE NO. _____

AN ORDINANCE amending Chapter 27.70 of the Lincoln Municipal Code by adding a new Section numbered 27.70.060 relating to the storage of vehicles for sale or resale in a required yard in the H-2, H-3, and I-2 zoning districts under specified conditions; and repealing Sections 27.33.040(m), 27.41.040(m), 27.43.040(q), 27.49.040(j) and 27.63.700 relating to the issuance of special permits for storage of vehicles for sale where parking is permitted.

BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

Section 1. That Chapter 27.70 of the Lincoln Municipal Code be amended by adding a new Section numbered 27.70.060 to read as follows:

Section 27.70.060 Storage of vehicles for sale where parking is permitted in the H-2, H-3, and I-2 zoning districts; conditions.

The storage of vehicles for sale or resale in the H-2, H-3, and I-2 zoning districts may be permitted within a required yard where parking is otherwise permitted under the following conditions:

- (a) No vehicle shall be stored for sale or resale in a required yard upon any raised structure;
- (b) Neither the hood nor the trunk lid of any vehicle stored for sale or resale in a required yard shall be open except when being inspected by a customer or when being serviced.
- (c) That portion of any front yard utilized for storage of vehicles for sale or resale shall be landscaped in accordance with the parking lot design standards.

(d) No storage of vehicles shall be permitted within five feet of the front lot line.

The provisions of this section shall be supplementary to, and in addition to, any other provisions of this code relating to storage of vehicles for sale or resale.

Section 2. That Sections 27.33.040(m), 27.41.040(m), 27.43.040(q), 27.49.040(j) and 27.63.700 of the Lincoln Municipal Code as hitherto existing, be and the same are hereby repealed.

Section 3. That this ordinance shall take effect and be in force from and after its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Zoning District	Parking in Yards Permitted?	Special Permit for Display of Vehicles in Yards?	Other Permitted Obstructions in Front Yards?	Proposed Change of Zone
H-2	Parking in front yard permitted	Available for any portion of lot where parking is permitted.	Fences (6 foot); signage.	3352 (new 27.70.060) Would allow display of vehicles for sale in front yards to extent parking as otherwise permitted in front yard, under listed conditions.
H-3	Parking in front yard permitted	Available for any portion of lot where parking is permitted.	Fences (6 foot); signage.	Would allow display of vehicles for sale in front yard to extent parking is otherwise permitted in front yard, under listed conditions.
I-2	Parking in front yard permitted only in rear 25 feet thereof; must abut a private road ending in a cul-de-sac; is in lieu of guest parking under 27.49.080(e).	Available for any portion of lot where parking is permitted.	Fences (6 foot); signage.	Would allow display of vehicles for sale in front yard to extent parking is otherwise permitted in front yard, under listed conditions.

West O Area Business Association
700 West "O" Street
Lincoln Ne 68528

Karl Jensvold-President Martin Huff-Vice President Brian Lavelle-Treasurer
Vince Cornell-Secretary

Dear :Mayor Wesley /City Council Members / Planning Department / Planning Commission /Building & Safety ,

On December 18th, 2001 the W.O.A.B.A. members met at their regularly scheduled meeting and a motion was made and seconded that the W.O.A.B.A. join the N.I.A.D.A. (Nebraska Independent Auto Dealers Association) and co-sponsor the attached proposed new ordinance , known as Section 27.70.060 relating to the storage of vehicles for sale or resale in the required front yard in the B-3 ,H-2 , H-3 , and I-2 zoning districts under specific conditions . This motion was voted on and was approved at that meeting .

Attached is a copy of the proposed ordinance for your review.

Chairperson / President W.O.A.B.A. *Karl Jensvold*

Vice President W.O.A.B.A. *Martin Huff*

Secretary W.O.A.B.A. *Vince Cornell*

Treasurer W.O.A.B.A. *Brian Lavelle*



HuffJCHuff@aol.com
01/15/2002 06:56 AM

To: AMcroy@ci.lincoln.ne.us, jwalker@ci.lincoln.ne.us
cc: Rewiese@attglobal.net, deb-luebbe@truckpaper.com,
HuffJCHuff@aol.com
Subject: Change of Zone #3352

Council Woman McRoy,

My name is John Huff and I live at 505 Pier 2, Lincoln Nebraska. I wanted to address the proposed change of zone #3352 (Proposed Text Amendment to Title 27 of the Lincoln Municipal Code).

I have lived in Lincoln for more than 48 years and at my current location for the past 10. I frequently drive West O Street in both directions. Over the past few years the City and others have worked to improve the appearance of this approach to our down town. Improvements have been made by, planting trees, installing sidewalks and eliminating unsightly area's. While these efforts, are headed in the right direction, much more work must be done. Gateways or entrance corridors along major roadways into our community should be attractive and inviting, to provide visitors and residents a feeling of welcome.

I believe that this proposed amendment would be detrimental to the concept of making the West O Street corridor more attractive. Allowing the "storage of vehicles for sale" in front yard of businesses along West O Street, would simply clutter the area with parked cars. This might give anyone driving thru this corridor the feeling of being in a giant parking lot. I free this may also distract drivers, who may be window shopping for a vehicle (at 45 mph), which could lead to an increase in traffic accidents. We currently don't allow this encroachment into this area, providing good visibility for cross traffic and improved driver safety.

It is with all of this in mind that I oppose this amendment.

Sincerely,

John Huff

IN OPPOSITIONITEM NO. 3.2: CHANGE OF ZONE NO. 3352
(p.99 - Public Hearing - 1/23/02)

To: All Staff & All Planning Commissioners

Date: January 22, 2002

Re: Auto's for Sale in Front Yards on West "O"

In the late 1980's & early 1990's, the businesses on West "O" Street worked with the Department of Roads and the City of Lincoln to improve West "O" Street. At that time, they asked for a wider street, with left center turning lanes, for the entire length of that project, which was completed.

After completion, a beautification committee emerged and took donations for trees and green space in business's front yards and on the city's right-of-way. There was no money coming forward, but from a few car dealers, in fact, they didn't want trees.

I was asked to chair that committee, which I did. We raised \$4,200.00 from other businesses and worked with the city, NRD and the beautification committee to plant the trees. When the city staked out for the trees, the auto dealers again told the city they would not take care of trees and didn't want them.

After that, in about 1994, West "O" Business Association was formed and we had 1 auto dealer joins the association out of 38 members. Then, about 2 months ago, we had 26 new car dealers join in 1 meeting. It was good to have more new membership, but they made motions that West "O" Business Association resend past action to the city regarding car dealers parking cars for sale in front yards and that no sidewalks be built or maintained in the Association's area.

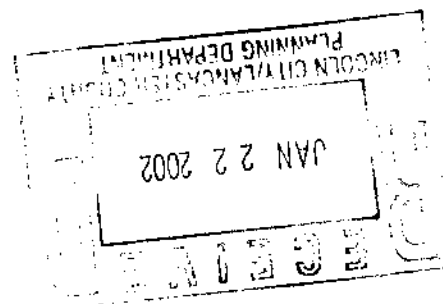
The old association for 6 years has worked with the city to enforce zoning, build sidewalks for the public, plant trees & landscape front yards, pick up litter twice a year, get new businesses in the area including the new ball field, student housing, fast foods, car washes and new office buildings in the West "O" area.

I'm not chairing the new association because I feel it's not right to go against the city.

Therefore, I'm against the new proposed change of zoning language, as are other business people. It will hurt our businesses, as there is only 7 ½ feet from the back of the curb to our lot line. The streets are used all the time for loading and unloading trucks. I hope you understand our concerns and the city's for this change.

If you have any questions, please feel free to call me on my cell 450-4509 or at the office 477-9501.

Sincerely,
Rich Wiese





↑ 6th + "G" Sts. ↑



↑ 7th + "P" Sts. ↑



↕ 6th + "G" Sts. ↕

