

FACTSHEET

TITLE: SPECIAL PERMIT NO. 15041

BOARD/COMMITTEE: Planning Commission

APPLICANT: The Clark Enersen Partnership
on behalf of E & G Enterprises, LLC

RECOMMENDATION: Conditional Approval
(6-0: Sunderman, Harris, Cornelius, Hove, Weber, and
Corr voting 'yes'; Scheer Declared a Conflict of Interest;
Lust and Beecham absent).

STAFF RECOMMENDATION: Conditional
Approval.

OTHER DEPARTMENTS AFFECTED: N/A

SPONSOR: Planning Department

OPPONENTS: None present at hearing.

REASON FOR LEGISLATION:

To allow an Early Childhood Care Facility for up to 125 children and 22 staff members, including a waiver to the conversion plan for a facility in a residential district, on property generally located at 8120 O Street.

DISCUSSION/FINDINGS OF FACT:

1. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-4, concluding that the request for an early childhood care facility for up to 125 children is appropriate for this location. This property is located on an arterial street and is adjacent to office buildings. The waiver of a conversion plan is also supported given that any other use at this location would likely be a conversion to an office use and commercial zoning. This request should have minimal impact on the surrounding properties and is supported by the Comprehensive Plan.
2. On August 5, 2015, this application appeared on the Consent Agenda of the Planning Commission. The Planning Commission voted 6-0 as part of the consent agenda to recommend conditional approval as set forth in the staff report dated July 24, 2015. See p.4-6.

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer

DATE: August 10, 2015

REVIEWED BY: David R. Cary, Acting Director of Planning

DATE: August 10, 2015

f:\devreview\factsheets\2015\cc\SP15041

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for August 5, 2015 PLANNING COMMISSION MEETING

PROJECT #: Special Permit No. 15041

PROPOSAL: A request per Section 27.63.070 for an Early Childhood Care Facility for 125 children

LOCATION: 8120 O Street

LAND AREA: 0.99 acres, more or less

EXISTING ZONING: R-2, Residential

WAIVER REQUEST: Waive the requirement of Section 27.63.070(a)(3) for a conversion plan for an Early Childhood Care Facility located in a residential district.

CONCLUSION: The request for an Early Childhood Care Facility for up to 125 children is appropriate at this location. This property is located on an arterial street and is adjacent to office buildings. The waiver of a conversion plan is also supported given that any other use at this location would likely be a conversion to an office use and commercial zoning. This request should have minimal impact on the surrounding properties and is supported by the Comprehensive Plan.

RECOMMENDATION:	Conditional Approval
WAIVER: Section 27.63.070 (a)(3) requiring a Conversion Plan.	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 20 & 64 Irregular Tracts located in Section 22-10-7, Lincoln, Lancaster County, Nebraska.

EXISTING LAND USE: There is a single-family dwelling on the property that will be demolished.

SURROUNDING LAND USE AND ZONING:

North: Herbert Park; P
South: Offices; O-3
East: Single-Family Dwelling; R-2
West: Offices; O-3

HISTORY:

This property was rezoned from Single-Family Dwelling District to R-2 Residential District with the 1979 Zoning Update.

COMPREHENSIVE PLAN SPECIFICATIONS:

P 1.9 – This property is designated as Residential on the Future Land Use Map.

P 5.7 - Design buildings and land uses at the edge of the center to be compatible with adjacent residential land uses. Examples of compatible land uses include apartments, mixed use residential buildings, offices, assisted living facilities, or childcare centers.

P 6.2 - Mixed Use Guiding Principles: Help to create neighborhoods that include homes, stores, workplaces, schools, and places to recreate.

P 6.6 - Mixed Use Strategies: In proximity to planned or existing neighborhoods and community services, to facilitate access to existing community services or to address a deficiency by providing services such as grocery stores, childcare centers, and restaurants.

P 7.9 - Maintain and enhance infrastructure and services in existing neighborhoods.

P 8.2 - Elementary and middle schools should be sized and located to enable children to walk or bicycle to them. Childcare centers should be located within neighborhoods and near schools and parks when possible.

UTILITIES: This site will be served by existing utilities.

TOPOGRAPHY: The existing site gently slopes down from the southeast to the northwest.

TRAFFIC ANALYSIS: O Street is classified as a Major Arterial.

AESTHETIC CONSIDERATIONS: The special permit for an Early Childhood Care Facility in a residential district requires a conversion plan be approved. The applicant is requesting this requirement be waived for this site.

ANALYSIS:

1. This application is a request for an Early Childhood Care Facility for up to 125 children and 22 staff members to be located at 8120 O Street. There is a single-family dwelling in the property, and that will be demolished. The existing daycare to the west would like to relocate to a larger facility. Early Childhood Care Facilities are allowed in all residential zoning districts by special permit. Since this property is zoned R-2 a special permit is required for this use.

2. The design standards for Early Childhood Care Facilities require that facilities in residential districts include a conversion plan. The applicant has requested a waiver of this requirement. Although the proposed facility is located in an R-2 district, it is likely that any future reuse of this property would require a change of zone to O-3 Office zoning which is the same as the uses to the west. Since O Street is a major arterial, residential zoning and uses are encouraged to transition to office or commercial.
3. The applicant's plan shows landscape areas on the edges of the parking lot. The screening in these areas should meet the minimum standards for parking lot screening and should be noted on the plan. The minimum standards for parking lot screening were applied to the office building to the west to screen between the office building and the former residential dwelling.
4. The recommended streetscape includes shifting the sidewalk 8 feet from the back of curb. This will place some public sidewalk on private property. Any portion of the public sidewalk on private property should include public access easements. The easements should be noted on the plan and filed prior to obtaining a building permit.
5. The grading plan shows runoff that would drain onto the neighboring property at 8040 O Street, but the current grade does not drain onto 8040 O Street. According to the Watershed Management Division, the grading plan should be revised to avoid runoff in the northwest section of the property or get approval of the neighbor to drain onto the property. The drainage from the parking lot and the front part of the building should also be contained in the drainage system prior to draining into the frontage road.

CONDITIONS OF APPROVAL:

Per Section 27.63.70 this approval permits an Early Childhood Care Facility for up to 125 children and 22 employees with a waiver to Design Standards to not provide a conversion plan for a facility in a residential district.

Site Specific Conditions:

1. 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 4 copies with all required revisions and documents as listed below:
 - 1.1 Add a note to the plan that states, "Public access easements will be granted, as shown on the site plan, prior to building permit for any portion of public sidewalk on private property."

- 1.2 Add a note to the plan that states, "The landscaping shown on this plan will meet the minimum standards for parking lot screening and will be installed at the time of building permit."
 - 1.3 Add to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation".
 - 1.4 Add a note to the plan that states, "The building footprints and parking stalls shown on this plan are conceptual and subject to minor adjustments."
 - 1.5 Dimension the streetscape to verify the public sidewalk is 8 feet from the back of curb.
 - 1.6 Revise the grading plan to avoid runoff in the northwest section of the property to the satisfaction of the Public Works and Utilities Department.
 - 1.7 Add the following text to note 7, "Buildings may be built anywhere on the site outside of the setbacks."
2. Before receiving building permits provide the following documents to the Planning Department:
 - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
 - 2.2 Verification that the required easements as shown on the site plan have been recorded with the Register of Deeds.

Standard Conditions:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the building all development and construction shall substantially comply with the approved plans.
 - 3.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee.
 - 3.3 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.
 - 3.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

- 3.5 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.

Prepared by

Paul Barnes, Planner
402-441-6372
pbarnes@lincoln.ne.gov

DATE: July 24, 2015

APPLICANT: The Clark Enersen Partners
1010 Lincoln Mall, Suite 200
Lincoln, NE 68508

OWNER: E & G Enterprises, LLC
1000 Coachmans Drive
Lincoln, NE 68510

CONTACT: Tim Gergen
1010 Lincoln Mall, Suite 200
Lincoln, NE 68508

Special Permit No. 15041

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

August 5, 2015

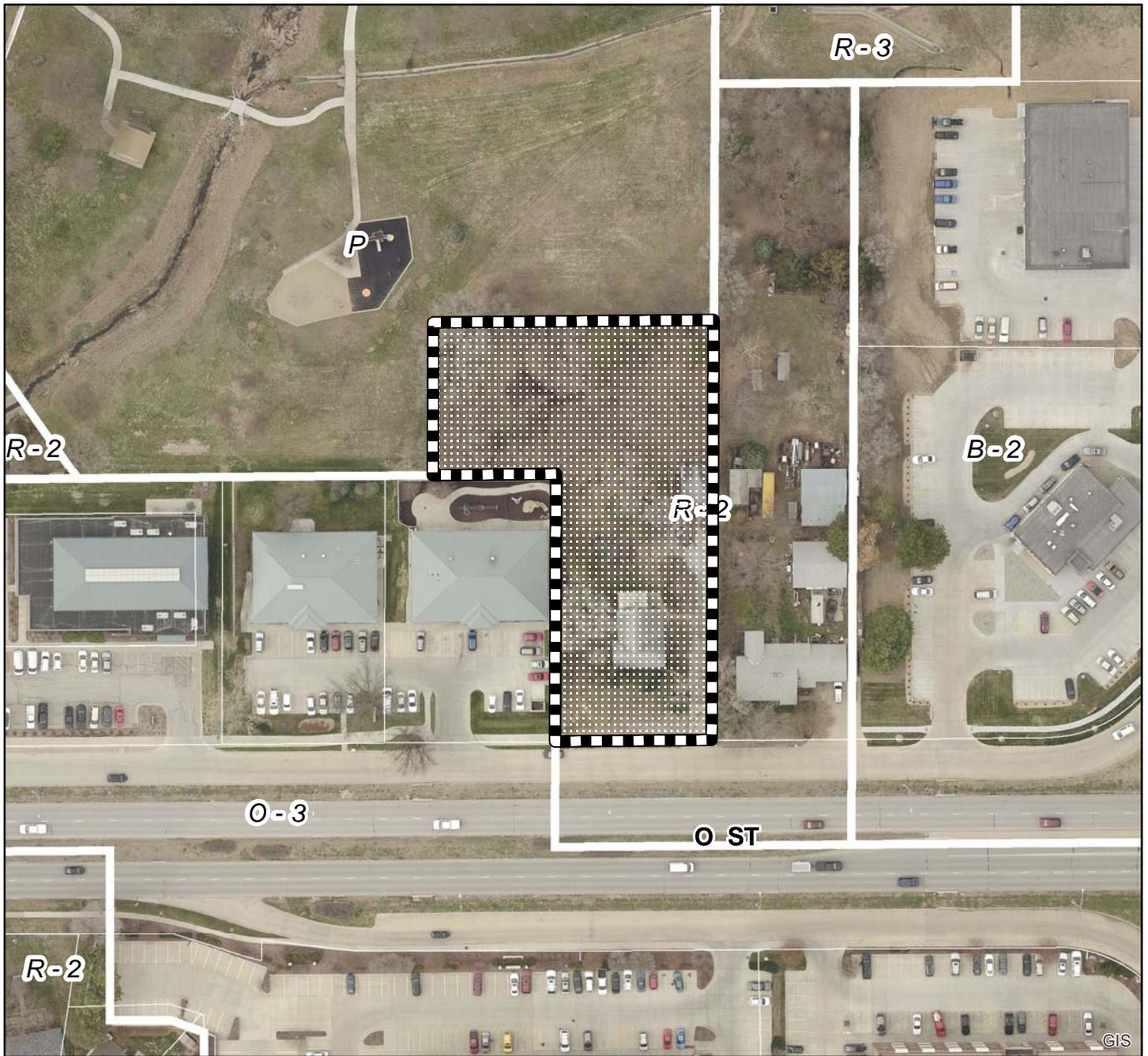
Rorabaugh noted that Commissioner Scheer declared a conflict of interest on **Item 1.2, Special Permit No. 15041**, and will therefore exit the chambers during the Consent Agenda action.

Members present: Corr, Cornelius, Harris, Hove, Sunderman, and Weber; Scheer (conflict of interest on Special Permit No. 15041), Lust and Beecham absent.

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 15008, SPECIAL PERMIT NO. 15041, and SPECIAL PERMIT NO. 15042.**

There were no ex parte communications disclosed.

Cornelius moved to approve the Consent Agenda, seconded by Harris and carried 6-0: Scheer (conflict of interest on Special No. 15041), Lust and Beecham absent.

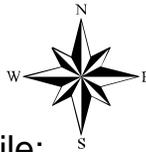


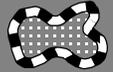
Special Permit #: SP15041
Russwood Pkwy & O St

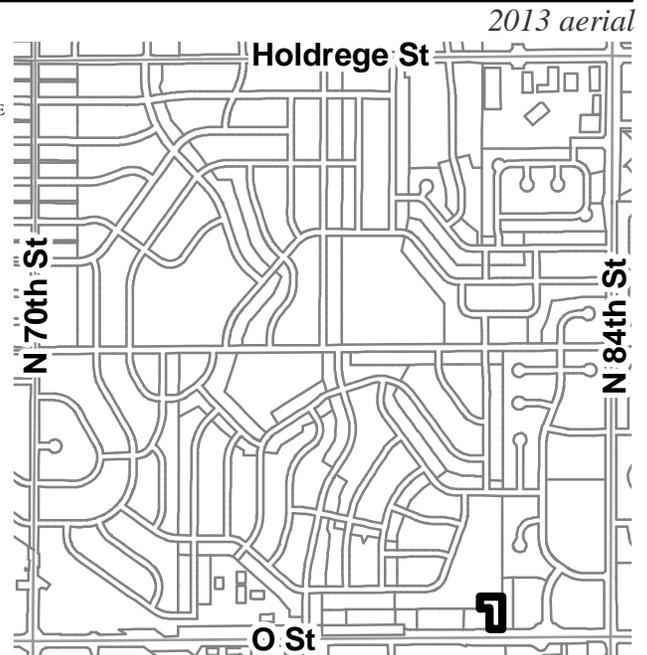
Zoning:

- 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.22 T10N R07E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



200.00'

EXISTING TREES TO REMAIN (4)

30' SETBACK

6' TALL OPAQUE FENCE AROUND PLAYGROUND

1560 SF PLAYGROUND AREA

S22, T10, R7 6TH PRINCIPAL MERIDIAN
LOTS 20 & 64 SE
24 PARKING STALLS
INCLUDING 1 HANDICAP STALL

109.00'

109.00'

5' SETBACK

5' SETBACK

88.00'

(1) TREE, TYP

LANDSCAPING SCREEN

189.00'

HANDICAP RAMP

LANDSCAPING SCREEN

189.00'

(3) 9' x 18.50' PARKING STALLS @ 60°

(11) 9' x 18.50' PARKING STALLS @ 60°

(10) 9' x 18.50' PARKING STALLS @ 60°

(13) 9' x 20' PARALLEL DROP-OFF STALLS

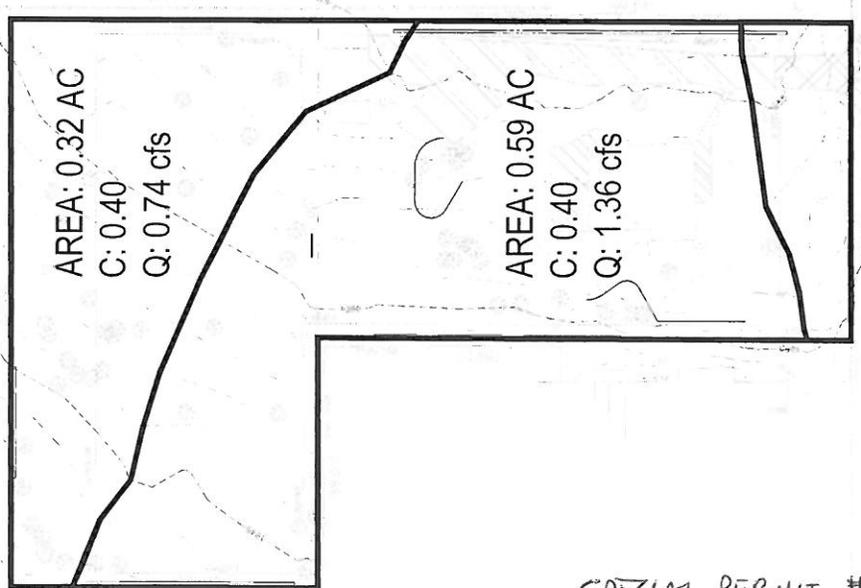
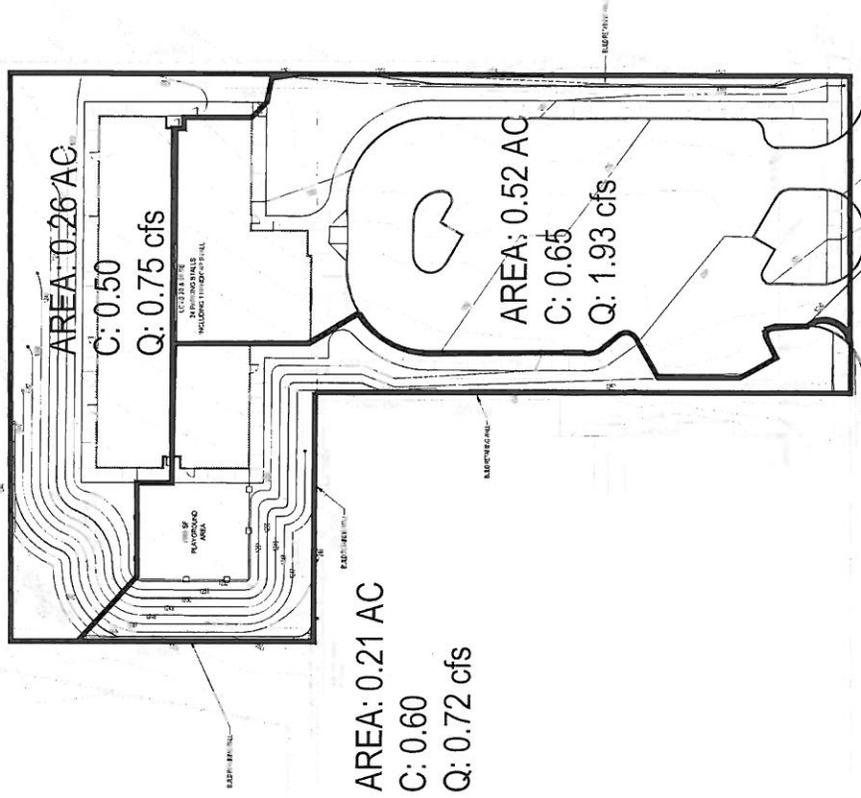
TRASH

(4) TREES, TYP

↑
NORTH

112.00'

SPECIAL PERMIT # 15041
8120 'O' STREET



SPECIAL PERMIT #15041
 8120 'O' STREET

PROPOSED SITE GRADING & DRAINAGE
 SCALE 1"=20'-0"

EXISTING SITE GRADING & DRAINAGE
 SCALE 1"=20'-0"



July 17, 2015

Mr. David Cary
Planning Department, City of Lincoln
County-City Building
555 So. 10th Street
Lincoln, NE 68508

RE: Revised Special Permit for Early Childhood Care Facility for Young Voices
Daycare

Dear Mr. Cary:

On behalf of the Owner, E & G Enterprises, 1000 Coachmans Dr, Lincoln, NE, we are revising our special permit application for an early childhood care facility on property located at 8120 'O' Street with a legal description of Lots 20 & 64 SE located in Section 22 Township 10N Range 7E, Lincoln, Nebraska. The revised student enrollment will be 125 children with 22 staff members on the largest shift. The site plan showing the parking lot and loading/unloading has been revised to reflect the revised student enrollment and staff parking.

Please contact me if you have any questions or require additional information.

Sincerely,



Tim Gergen

cc: E & G Enterprises

Architecture + Landscape Architecture + Engineering + Interiors

1010 Lincoln Mall, Suite 200
Lincoln, NE 68508-2883 402 477.9291 Fax 402 477.6542

www.clarkenersen.com
Lincoln, NE | Kansas City, MO | Fairway, KS