

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 05024**, requested by Brian D. Carstens and Associates on behalf of Monte and Lisa Froehlich, for authority to operate an early childhood care facility for up to 80 children, on property located at 1520 Knox Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 05/25/05
Administrative Action: 05/25/05

STAFF RECOMMENDATION: Conditional Approval.

RECOMMENDATION: Conditional Approval (8-0: Sunderman, Carroll, Larson, Taylor, Krieser, Carlson, Pearson and Bills-Strand voting 'yes').

FINDINGS OF FACT:

1. This is a proposal to operate an early childhood care facility for up to 80 children and 10 employees, and requests a waiver of the requirement to be located on an arterial street.
2. The staff recommendation of conditional approval, including approval of the waiver request, is based upon the "Analysis" as set forth on p.3-4, concluding that the proposal conforms to the requirements of the zoning ordinance, provided revisions are made to the plan. The conditions of approval are found on p.5-6.
3. On May 25, 2005, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On May 25, 2005, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval, as set forth in the staff report dated May 10, 2005.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: May 31, 2005

REVIEWED BY: _____

DATE: May 31, 2005

REFERENCE NUMBER: FS\CC\2005\SP.05024

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 25, 2005 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #05024
Early Childhood Care Facility

PROPOSAL: Permit an early childhood care facility for up to 80 children.

LOCATION: 1520 Knox Street

WAIVER REQUEST: Requirement to locate on an arterial street.

LAND AREA: 27,106 square feet, or 0.6 acre, more or less.

CONCLUSION: This request conforms to the requirements of the zoning ordinance provided revisions to the plans are made.

| | |
|---|----------------------------------|
| <u>RECOMMENDATION:</u> Waive requirement to locate on an arterial street. | Conditional Approval Approval |
|---|----------------------------------|

GENERAL INFORMATION:

LEGAL DESCRIPTION: Outlot A, Northside Village 4th Addition, located in the SW1/4 of Section 12 T10N R6E, Lancaster County, Nebraska.

EXISTING LAND USE AND ZONING: Apartment Offices R-2 Residential

SURROUNDING LAND USE AND ZONING:

| | | |
|--------|---------------------------|-----------------|
| North: | Multiple-family dwellings | R-2 Residential |
| South: | Multiple-family dwellings | R-2 Residential |
| East: | Multiple-family dwellings | R-2 Residential |
| West: | Multiple-family dwellings | R-2 Residential |

HISTORY:

Aug 1996 Administrative Amendment #96060 approved an expansion to the management and maintenance building located on this property.

Dec 1988 Northside Village 4th Addition final plat approved; this property was designated Outlot A since it was used as management offices and maintenance storage for the apartments.

Nov 1979 Administrative Amendment #286 approved the addition of a management and maintenance building on this property.

- May 1979 The zoning update changed the zoning on this property from A-2 Single-Family Dwelling to R-2 Residential.
- Dec 1972 Northside Village 1st Addition Replat approved; this property still part of Lot 1, Block 3.
- May 1971 Special Permit #544 Northside Village CUP approved 368 dwelling units. Special Permit #544 identified this property as future park area and golf green.
- Oct 1969 Northside Village 1st Addition final plat approved; this property was part of Lot 1, Block 3.
- Jan 1969 Northside Village preliminary plat approved.

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Future Land Use Plan shows this area as Urban Residential. (F 25)

TRAFFIC ANALYSIS: Knox Street is identified as a local street; Adams Street, located one block south of this property, is identified as a minor arterial. (E 49, F 103) Local streets essentially serve as connectors between abutting properties and higher order streets. (F 105) Minor Arterials serve trips of moderate length and are characterized by moderate to heavy traffic volumes. (F 103)

ANALYSIS:

1. This is a request to permit an early childhood care facility for up to 80 children and 10 employees.
2. Lincoln Municipal Code §27.63.070 allows a special permit for a childcare facility within the R-5 district, under the following conditions:

- (a) **The application shall be accompanied by the [required] information.**

The application materials submitted provide much of the required information, including the number of children and staff. A site plan was provided showing the location and arrangement of parking, traffic circulation, fencing, and play area. However, the loading/unloading spaces, and building entrances and exits must be identified.

- (b) **Prior to occupancy, such facilities shall comply with all applicable state and local early childhood care and building requirements.**

This is a condition of approval.

- ©) **Facilities with twenty-one to thirty children shall be located on collector or arterial streets. Facilities with thirty-one or more children shall be located on an arterial street. The location of such facilities on such streets shall comply with the design standards for early childhood care facilities.**

Applicant has asked for a waiver of this requirement, which is supported by staff.

- (d) **The site plan and play area for such facilities shall comply with the design standards for early childhood care facilities.**

The site plan generally complies with the Design Standards for a facility of this size. The one aspect not in compliance relates to the requested waiver. The conversion plan for this facility identifies a future use as a 4-unit multiple-family dwelling within this CUP, or returning to its current use serving the adjacent apartments as a clubhouse or administrative offices.

- (e) **The parking and loading/unloading area for such facilities shall comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code. In residential districts, such parking and loading/unloading area shall comply with the design standards for early childhood care facilities.**

The parking requirements are 1 space per 10 children and per employee. Based on 80 children and 10 employees, 18 parking spaces are required (8 dedicated loading/unloading, 10 for employees). The site plan shows 18 parking spaces, but does not identify those dedicated to loading/unloading.

- (f) **If the proposed facility is located in an industrial district, the applicant shall submit to the Health Department, for its review and recommendation, information on the storage and use of hazardous chemicals in the vicinity, evacuation plans and internal air quality control.**

This site is not located in an industrial district.

- (g) **The City Council may modify these conditions, except for condition (b).**

Applicant has requested a waiver to allow this facility to locate on a non-arterial street.

4. Applicant's request for a waiver to allow this facility on a non-arterial street is based on three reasons. First, this site is surrounded by apartments. Second, the building already exists. Third, Adams Street is an arterial located in close proximity to the site. Staff supports this waiver, given the site's location; traffic using this site will likely use Adams Street rather than navigate the neighborhood to another major street. Also, given the density of development in this area, neighborhood impacts should be minimal.
5. The Building and Safety Department has not yet received a change of occupancy permit request. This permit is necessary for the Bureau of Fire Prevention to review the building's compliance with code requirements for an early childhood care facility.

CONDITIONS:

Site Specific:

1. This approval permits an early childhood care facility for up to 80 children and 10 staff members on the largest shift, along with a waiver to allow the facility to be located on a non-arterial street.

General:

2. Before receiving building permits, the permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
 - 2.1 Submit a revised site plan including 8 copies showing the following revisions:
 - 2.1.1 Add a parking space matrix listing the number of children to be served and the number of employees on the largest shift, and clearly indicate the stalls to be dedicated for loading/unloading.
 - 2.1.2 Show a sidewalk connection to the public sidewalk along Knox Street.
 - 2.1.3 Revise note 2 to say R-2 rather than R-5.
 - 2.2 The construction plans shall comply with the approved plans.
 - 2.3 The operation and the premises are to meet appropriate local and state licensing requirements, including compliance with health codes.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying this early childhood care facility, all development and construction is to comply with the approved plans.
 - 3.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.4 The permittee shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by

Greg Czaplewski
441.7620, gczaplewski@ci.lincoln.ne.us

Date: May 10, 2005

Applicant: Monte and Lisa Froehlich
and 1520 Knox Street
Owner: Lincoln, NE 68521
475.8776

Contact: Brian Carstens
601 Old Cheney Road, Suite C
Lincoln, NE 68512
434.2424

SPECIAL PERMIT NO. 05024

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

May 25, 2005

Members present: Carlson, Carroll, Krieser, Larson, Pearson, Bills-Strand, Sunderman and Taylor.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 2382B, an amendment to the STONY RIDGE PLANNED UNIT DEVELOPMENT; CHANGE OF ZONE NO. 05037; CHANGE OF ZONE NO. 05019; MISCELLANEOUS NO. 05006; SPECIAL PERMIT NO. 05024; COUNTY SPECIAL PERMIT NO. 05025; COMPREHENSIVE PLAN CONFORMANCE NO. 05004; ANNEXATION NO. 05011; CHANGE OF ZONE NO. 05034; and PRELIMINARY PLAT NO. 05008, EAGLETON HEIGHTS.**

Ex Parte Communications: None.

Item No. 1.1, Change of Zone No. 2382B; Item No. 1.6, Comprehensive Plan Conformance No. 05004; Item No. 1.7a, Annexation No. 05011; Item No. 1.7b, Change of Zone No. 05034; and Item No. 1.7c, Preliminary Plat No. 05008 were removed from the Consent Agenda and scheduled for separate public hearing.

Larson moved to approve the remaining Consent Agenda, seconded by Taylor and carried 8-0: Carlson, Carroll, Krieser, Larson, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'.

Note: This is final action on Comprehensive Plan Conformance No. 05004 and Eagleton Heights Preliminary Plat No. 05008, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



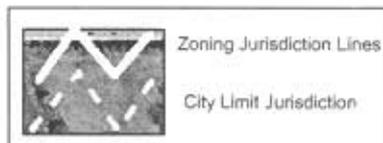
2002 aerial

Special Permit #05024 N. 15th & Knox St.

Zoning:

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

One Square Mile
Sec. 12 T10N R6E



Superior St.



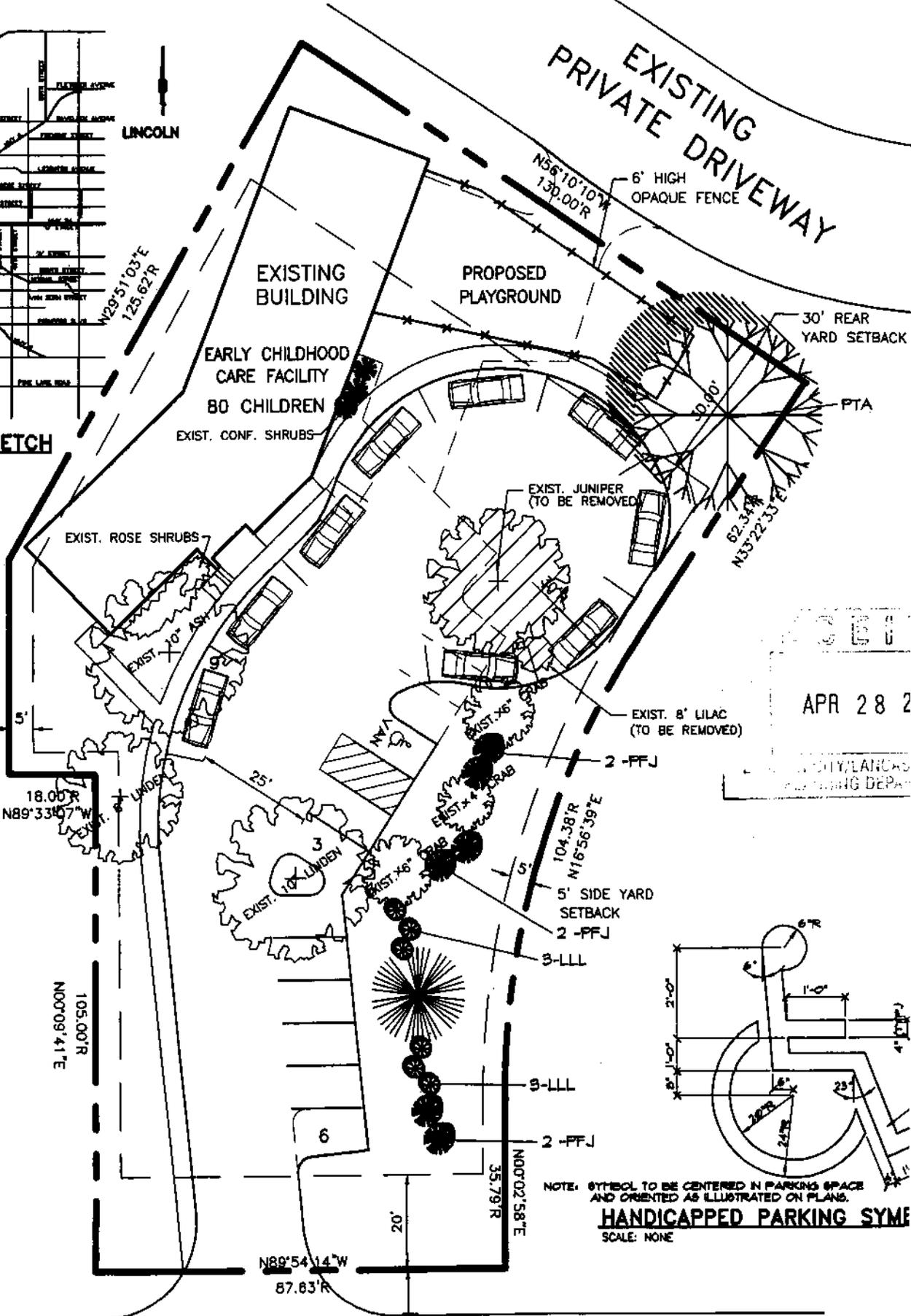
Cornhusker Hwy. 0008

PROJECT LOCATION



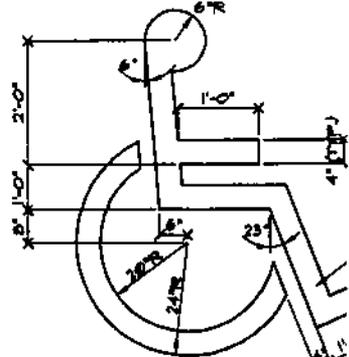
VICINITY SKETCH

EXISTING PRIVATE DRIVEWAY



APR 28 2

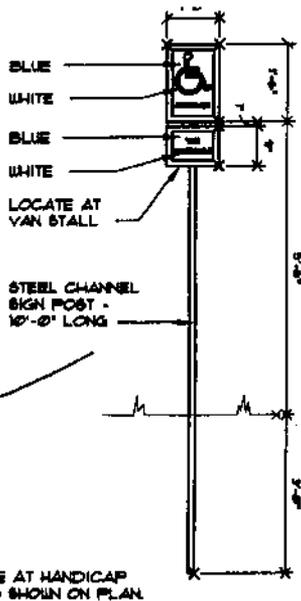
CITY/LANCA...
PLANNING DEPAR...



NOTE: SYMBOL TO BE CENTERED IN PARKING SPACE AND ORIENTED AS ILLUSTRATED ON PLANS.
HANDICAPPED PARKING SYM
SCALE: NONE

KNOX STREET

0009



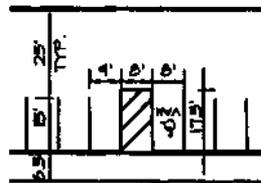
LOCATE AT HANDICAP STALLS SHOWN ON PLAN

HANDICAPPED PARKING SIGN

SCALE: NONE

LEGAL DESCRIPTION:

OUTLOT 'A', NORTHSIDE VILLAGE FOURTH ADDITION



TYPICAL PARKING LOT DETAILS

SCALE: NONE



BRIAN D. CARSTENS & ASSOCIATES

LAND USE PLANNING

RESIDENTIAL & COMMERCIAL DESIGN

601 OLD CHENEY ROAD
SUITE 'C'
LINCOLN, NE 68512

PHONE: (402) 434-2424
FAX: (402) 434-0467
© 2003 CARSTENS, INC.

NORTHSIDE VILLAGE

S.P. # _____

EARLY CHILDHOOD CARE FACILITY

1520 KNOX STREET

LINCOLN, NE

GENERAL NOTES:

- THIS SPECIAL PERMIT CONTAINS 1 BUILDABLE LOTS:
1- EARLY CHILDHOOD CARE FACILITY LOT
- THE CURRENT ZONING IS 'R-5'. PROPOSED ZONING IS 'R-5' W/ SPECIAL PERMIT.
- THE OWNER/DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING CONSTRUCTION LIMITS.
- THE OWNER/DEVELOPER SHALL COMPLY WITH TO THE ENVIRONMENTAL PERFORMANCE STANDARDS RELATING TO NOISE, EMISSION, DUST, ODOR, GLARE AND HEAT AS ADOPTED BY THE CITY OF LINCOLN.
- ALL EXTERIOR LIGHTING SHALL COMPLY TO THE DESIGN STANDARDS AS ADOPTED BY THE CITY OF LINCOLN.
- SIDEWALKS SHALL BE A MINIMUM OF 4 FEET IN WIDTH AND LOCATED A MINIMUM OF 4 FEET FROM THE BACK SIDE OF THE CURB. SIDEWALKS SHALL BE A MINIMUM OF 6 FEET IN WIDTH IF LOCATED ADJACENT TO THE CURB. SIDEWALKS SHALL BE A MINIMUM OF 4 INCHES THICK CONCRETE, 5 INCHES AT DRIVEWAY CROSSINGS.
- ALL PARKING AREAS SHALL BE SURFACED WITH A MINIMUM OF 5 INCHES OF CLASS 'A' PORTLAND CEMENT OR 6 INCHES OF ASPHALTIC CONCRETE. A 6 INCH RAISED CURB BARRIER SHALL BE PROVIDED AT THE PERIMETER.
- THE MAXIMUM BUILDING HEIGHT SHALL NOT EXCEED 35 FEET.
- THE EARLY CHILDHOOD CARE FACILITY SHALL NOT EXCEED 80 CHILDREN. A MAXIMUM OF 10 EMPLOYEES PER SHIFT. THE NUMBER OF CHILDREN MAY DECREASE AND THE EMPLOYEE NUMBER MAY INCREASE DUE TO ACTUAL PROGRAM REQUIREMENTS. PARKING SHALL BE PROVIDED AS FOLLOWS: 1- STALL PER 10 CHILDREN, 1- STALL PER EMPLOYEE, FOR A TOTAL OF 18 STALLS.
- A 20 S.F., ILLUMINATED WALL SIGN SHALL BE PERMITTED ON THE SOUTH SIDE OF THE EARLY CHILDHOOD CARE FACILITY.
- ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.

LANDSCAPE SCHEDULE

| KEY | COMMON NAME / BOTANICAL NAME | SIZE | METHOD | SPREAD | HEIGHT | QUAN. |
|-----|---|-----------|--------|--------|--------|-------|
| LLL | LITTLE LEAF LILAC <i>Syringa microphylla</i> | 2' - 3' | B & B | 4' | 4' | 6 |
| PFJ | PFITZER JUNIPER <i>Juniperus chinensis pfitzeriana</i> | 18" - 24" | B & B | 6' | 5' | 6 |
| PTA | PATMORE ASH <i>Fraxinus pennsylvanica "Patmore"</i> | 1.5" cal. | B & B | 35' | 40' | 1 |

INT TRAFFIC YELLOW 456 BEADS (TYP.)

WAIVERS:

We are requesting waivers of the Lincoln Municipal Code:

- 27.63.070 (a)(2) The requirement for the building plans and elevations be submitted at the time of this submittal, this building is already in existence and there plans to change the exterior of the building.
- 27.63.070 (3)(c) The requirement for the facility to be located on an arterial street and take access to the arterial street.

DEVELOPER & DEVELOPER:

MONTE L. & LISA R. FROELICH
1520 KNOX STREET
LINCOLN, NE 68521 (402) 475-8776

PETITIONER:

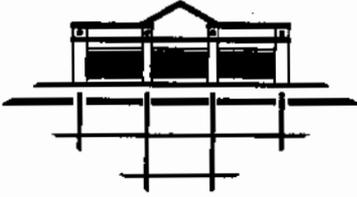
BRIAN D. CARSTENS
BRIAN D. CARSTENS & ASSOCIATES
601 OLD CHENEY ROAD, SUITE 'C'
LINCOLN, NE 68512 (402) 434-2424

SITE PLAN



SCALE: 1" = 30'

PROJECT 805007
DATE: 04/07/2005
REVISIONS:



BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

May 9, 2005

Mr. Marvin Krout
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: SPECIAL PERMIT #05024
EARLY CHILDHOOD CARE FACILITY

Dear Marvin,

Greg had requested some additional information as a part of the submittal. I have now enclosed pictures of the existing building. We don't anticipate any exterior modifications to the building, other than another required exit door or two. As stated in the original application, we do not have a tenant for the facility at this time.

We want to amend the "conversion plan" to eliminate the possibility of a group home or shelter from locating in the building. We would like to add a community clubhouse for the adjacent apartments, or a conversion to a 4 plex multi-family unit building with a minimum of 8 parking stalls.

Please feel free to contact me if you have any further questions or comments.

Sincerely,

Brian D. Carstens

Cc: Monte and Lisa Froehlich

Enclosures: Pictures of existing building



0012



0013

