

## **FACTSHEET**

**TITLE:** CHANGE OF ZONE NO. 05073, a text amendment to Title 27 of the Lincoln Municipal Code, requested by the Director of Planning, by amending Section 27.37.020, "*B-5 Planned Regional Business District: Use Regulations*", and Section 27.27.020, "*O-3 Office Park District: Use Regulations*", to add public and private schools to the list of allowed uses.

**STAFF RECOMMENDATION:** Approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 10/26/05  
Administrative Action: 10/26/05

**RECOMMENDATION:** Approval (8-0: Carlson, Carroll, Esseks, Krieser, Larson, Pearson, Sunderman and Taylor voting 'yes'; Strand absent).

### **FINDINGS:**

1. This proposed text amendment adds public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school, and having no rooms regularly used for housing or sleeping purposes, to the list of permitted uses allowed by use permit in the B-5 Planned Regional Business District and O-3 Office Park District.
2. The staff recommendation of approval is based upon the "*Analysis*" as set forth on p.1-2, concluding that the proposed text amendment is in conformance with the Comprehensive Plan.
3. On October 26, 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 October 26, 2005, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** October 31, 2005

**REVIEWED BY:** \_\_\_\_\_

**DATE:** October 31, 2005

**REFERENCE NUMBER:** FS\CC\2005\CZ.05073

# LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

## for October 26, 2005 PLANNING COMMISSION MEETING

**PROJECT #:** Change of Zone #05073

**PROPOSAL:** To amend Section 27.37.020 "**B-5 Planned Regional Business District: Use Regulations**" and Section 27.27.020 "**O-3 Office Park District: Use Regulations**" to add to the list of allowed uses public and private schools.

**CONCLUSION:** In conformance with the Comprehensive Plan.

**RECOMMENDATION:**

Approval

### ANALYSIS:

1. This proposal is to amend Sections 27.37.020 and 27.27.020 of the Zoning Code. In both instances the proposed amendments add to the list of permitted uses allowed by use permit in each district. For Section 27.37.020 **B-5 Planned Regional Business District: Use Regulations**, the amendment reads as follows:

*(16) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school, and having no rooms regularly used for housing or sleeping purposes.*

For Section 27.27.020 **O-3 Office Park District: Use Regulations**, the amendment reads as follows:

*(q) Public elementary and high schools, or private schools having a curriculum equivalent to public elementary or public high school, and having no rooms regularly used for housing or sleeping purposes.*

2. Public and private elementary and high schools are allowed by right in all residential zoning districts as well as the O-1, O-2, B-1, B-2, B-3, B-4, H-2, and H-3 commercial districts. A recent application has requested they be allowed by special permit for "planned service commercial" in H-4 districts. Assuming this request is approved, public and private schools will be allowed either by right, special permit, or use permit in every district with the exception of all industrial districts, H-1, and RT districts.
3. In the B-5 district 15 uses are allowed with the approval of a use permit. Such uses include, retail shops, offices, places of public assembly, hotels, restaurants, service stations, public or nonprofit community services, and "private schools". Early childhood care facilities are allowed as a conditional use in this district.
4. When referencing "private schools" in this report it includes but is not limited to business or commercial schools; dance or music academies; gymnastic or martial arts schools; and special schools. For the purpose of this report schools that are private, generally not for profit, and/or parochial in nature having a curriculum equivalent to public elementary or high schools shall be generally recognized as private schools.
5. In the O-3 district, 16 uses are presently allowed with the approval of a use permit. Such uses

include office buildings, single, two family, and multiple family dwelling units, townhouses, bookstores, playgrounds and parks, and libraries. Early childhood care facilities servicing fifteen or less children are among the uses allowed by conditional use. Health care facilities, hotels, early childhood care facilities serving greater than fifteen children, and private schools are among those uses allowed by special permit.

6. The Planning Department requests the proposed amendments on behalf of Lincoln Public Schools. In recent discussions with LPS staff, it was noted that there exists a need for the district to have flexibility in selecting locations for new school sites, temporary school sites, or other educational program sites.
7. Furthermore, while the district may exercise its power of eminent domain on property it owns, it does not hold such power over property it leases. The proposed amendments would permit public and private schools to also operate schools on leased space. For instance, LPS currently operates an Arts & Humanities focus program on leased space zoned H-3 at 25<sup>th</sup> & Randolph and a temporary school at Abbott Sports Complex at N. 70<sup>th</sup> and Salt Creek on property zoned H-2.
8. These amendments would also permit public and private schools to locate schools on leased property with local businesses or corporations such as State Farm and others. This will allow LPS to administer special programs with corporate sponsors and more simply will provide the district extra space in an office setting where food service and gymnasium facilities will not be needed but technological resources may be.
9. Presently, churches are allowed by right in O-3 and B-5 districts, thereby permitting schools accessory to churches. For instance, St. Patrick's School in Havelock is located on property zoned O-3 and is accessory to a church.
10. Public and private schools would not negatively impact B-5 and O-3 districts and such uses are not anticipated to occur often in these districts due to higher land costs. However, small amounts of leased space may be desirable to school operators in these districts.
11. The Lincoln/Lancaster County Health Department notes that in the B-5 district, dry cleaning or laundry establishments are a permitted use. Considering the concerns it has regarding the chemicals and processes employed by such a use, the Health Department notes that at the time a use permit application for a commercial development or school is submitted specific recommendations relative to the appropriate separation distances between schools and dry cleaning establishments will be made.

Prepared by:

Joe Rexwinkle  
Planner  
441-6373

**DATE:** September 26, 2005

**APPLICANT:** Marvin S. Krout, Director of Planning

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# CHANGE OF ZONE NO. 05073

## CONSENT AGENDA

### PUBLIC HEARING & ADMINISTRATIVE ACTION

#### BEFORE PLANNING COMMISSION:

October 26, 2005

Members present: Carlson, Carroll, Esseks, Krieser, Larson, Pearson, Sunderman and Taylor; Strand absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 05073**, **CHANGE OF ZONE NO. 05072** and **SPECIAL PERMIT NO. 1883A**, an amendment to the **STEVENS CREEK POINTE COMMUNITY UNIT PLAN**.

Ex Parte Communications: None.

**Item No. 1.2a, Change of Zone No. 05072, and Item No. 1.2b, Special Permit No. 1883A**, were removed from the Consent Agenda and scheduled for separate public hearing.

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