

FACTSHEET

TITLE: SPECIAL PERMIT NO. 08023,
requested by Jacquelyn Wright, for an early
childhood care facility on property generally
located at S. 16th Street and Smith Street (2640
S. 16th Street).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 06/18/08
Administrative Action: 06/18/08

STAFF RECOMMENDATION: Conditional
Approval.

RECOMMENDATION: Conditional Approval
(8-0: Carroll, Cornelius, Esseks, Larson,
Sunderman, Partington, Francis and Taylor
voting 'yes'; Gaylor Baird absent).

FINDINGS OF FACT:

1. This is a request to allow a day care facility for 12 children and 2 staff in a dwelling unit that will not be used as a residence, located at 2640 S. 16th Street. The applicant is also requesting a waiver to reduce the required number of parking stalls from four to two.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-4, concluding that the proposed early childhood care facility is in conformance with the Zoning Ordinance, including a waiver to reduce parking from four stalls to two stalls if granted by the City Council. The special permit and associated waiver request should have no negative impact on surrounding residences. The modification to the parking requirements is based on the applicant's residence next door, plus the additional on-street parking for this corner lot allows the special permitted use to blend in with the existing neighborhood.
3. On June 18, 2008, 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 June 18, 2008, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval, as set forth in the staff report dated June 5, 2008. The conditions of approval are found on p.4-5.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: June 30, 2008

REVIEWED BY: M. Knout

DATE: June 30, 2008

REFERENCE NUMBER: FS\CC\2008\SP.08023 JLP

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for June 18, 2008 PLANNING COMMISSION MEETING

PROJECT #: Special Permit No. 08023

PROPOSAL: Allow an early childhood care facility in a dwelling not used as a residence.

LOCATION: S. 16th Street and Smith Street

LAND AREA: .14 acres more or less

EXISTING ZONING: R-4 Residential

CONCLUSION: The early childhood care facility is in conformance with the Zoning Ordinance provided a waiver to reduce parking from 4 stalls to 2 stalls is granted. The waiver and special permit should have no negative impact on surrounding residents. The waiver allows the special permitted use to blend in with the existing neighborhood.

RECOMMENDATION:	Conditional Approval
Waivers/modifications: To reduce the required number of parking stalls from 4 to 2.	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 12, Block 5, Garfield Park, Located in the SW 1/4 of 36-09-07 Lincoln , Lancaster County, Nebraska

EXISTING LAND USE: Single-family dwelling R-4 Residential

SURROUNDING LAND USE AND ZONING:

North:	Single-family dwellings	R-4 Residential
South:	Single-family dwellings	R-4 Residential
East:	Single-family dwellings	R-4 Residential
West:	Single-family dwellings	R-4 Residential

HISTORY:

May, 1979 The zoning designation was changed from B Two Family Dwelling District to R-4 Residential during the zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS: The 2030 Future Land Use Plan shows this area as Urban Residential.(19)

TRAFFIC ANALYSIS: Both S. 16th Street and Smith Street are local streets.

ALTERNATIVE USES: Any permitted use of the R-4 zoning district.

ANALYSIS:

1. This approval permits a daycare in a dwelling unit that will not be used as a residence. The proposal is for 12 children and 2 staff with a waiver to reduce the number of required parking stalls from 4 to 2.
2. Lincoln Municipal Code §27.63.070 allows a special permit for a childcare facility in a non-residence dwelling within the R-4 district, under the following conditions:

(a) The application shall be accompanied by the [required] information.
The required information was submitted.

(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.

(c) 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.

Due to the small size of the facility, this paragraph does not apply.

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

The site plan and play area generally comply with the Design Standards for a facility of this size.

(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.

Based upon 12 children and 2 staff members, this facility is required to provide 2 employee parking spaces and 2 designated loading/unloading spaces. The site plan shows 2 parking spaces. Applicant has requested a reduction in the number of parking stalls required from 4 stalls to 2 stalls.

Chapter 27.67.030 “(f) Where additional parking is required by this chapter due to a change in use and provision for such additional parking is not made, a special review and approval shall be required by the City Council.”

The applicant lives next door to the proposed facility. She will be one of two employees and will walk across the yard each day and will not drive to the facility. The waiver to reduce parking should be limited to the time the operator lives next door. Due to state requirements for infant to employee ratios, the applicant expects to have only 8 to 10 children at the facility even though she will be licenced for 12 children. If the applicant was licenced for 10 children she would be required to have only 3 stalls (1 for the children and 1 for each employee) instead of the 4 stalls (2 for the children and 1 for each employee) required for 12 children. If all 4 stalls are required on the property the applicant will need to add additional pavement making the property look less like a single family dwelling in this neighborhood dominated by single family dwelling units. The additional parking stalls would likely require the removal of a mature tree that could potentially provide shade to the outdoor play area.

The property is a corner lot that has much more street frontage than an interior lot. While there is no way to reserve the on street parking, it is likely there will be available on street parking stalls that could be used by employees or parents.

(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 proposed facility is not located in an industrial district.

(g) The City Council may modify these conditions, except for condition (b).
The applicant is not requesting any additional waivers for this special permit other than the reduction in parking mentioned in (e) above.

CONDITIONS OF APPROVAL:

Site Specific Conditions:

1. This approval permits a daycare in a dwelling unit that will not be used as a residence. The proposal is for 12 children and 2 staff with a waiver to reduce the number of required parking stalls from 4 to 2 only as long as the operator lives next door as stated in the application.
2. The applicant shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 5 copies with all required revisions and documents as listed below before receiving building or occupancy permits:
 - 2.1 The operation and the premises are to meet appropriate local and state licensing requirements, including compliance with health codes.
 - 2.2 Show 2 additional parking stalls on site for a total of 4 stalls unless waiver is approved by City Council.
 - 2.3 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".
 - 2.4 Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
3. If the applicant or their successors do not reside at an abutting property to the special permit then parking required by Chapter 27.67 shall be provided.

Standard Conditions:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the building or starting the operation all development and construction is to substantially comply with the approved plans.

- 4.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
- 4.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 4.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City 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

Christy Eichorn
Planner

DATE: June 5, 2008

APPLICANT / CONTACT: Jacquelyn Wright
2634 S. 16th ST.
Lincoln, NE 68502

OWNER: Jeffery & Elizabeth Kohout
3745 Calvert ST.
Lincoln, NE 68506

SPECIAL PERMIT NO. 08023

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

June 18, 2008

Members present: Carroll, Cornelius, Esseks, Francis, Larson, Partington, Sunderman and Taylor; Gaylor Baird absent.

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 08012; SPECIAL PERMIT NO. 1748A; SPECIAL PERMIT NO. 08022; SPECIAL PERMIT NO. 08023; and SPECIAL PERMIT NO. 08024.**

Ex Parte Communications: None

Larson moved to approve the Consent Agenda, seconded by Sunderman and carried 8-0: Carroll, Cornelius, Esseks, Francis, Larson, Partington, Sunderman and Taylor voting 'yes'; Gaylor Baird absent.

Note: This is final action on Special Permit No. 1748A and Special Permit No. 08024, 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.



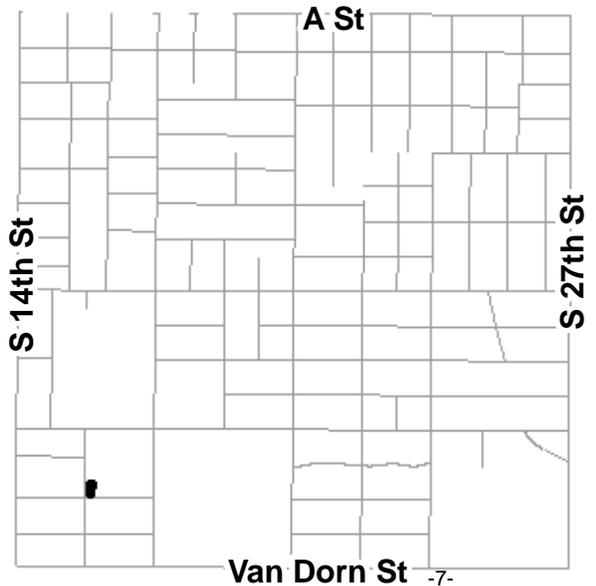
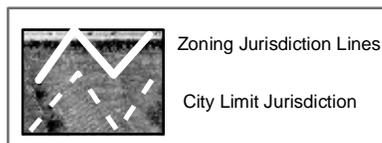
Special Permit #08023
S 16th & Smith St

2007 aerial

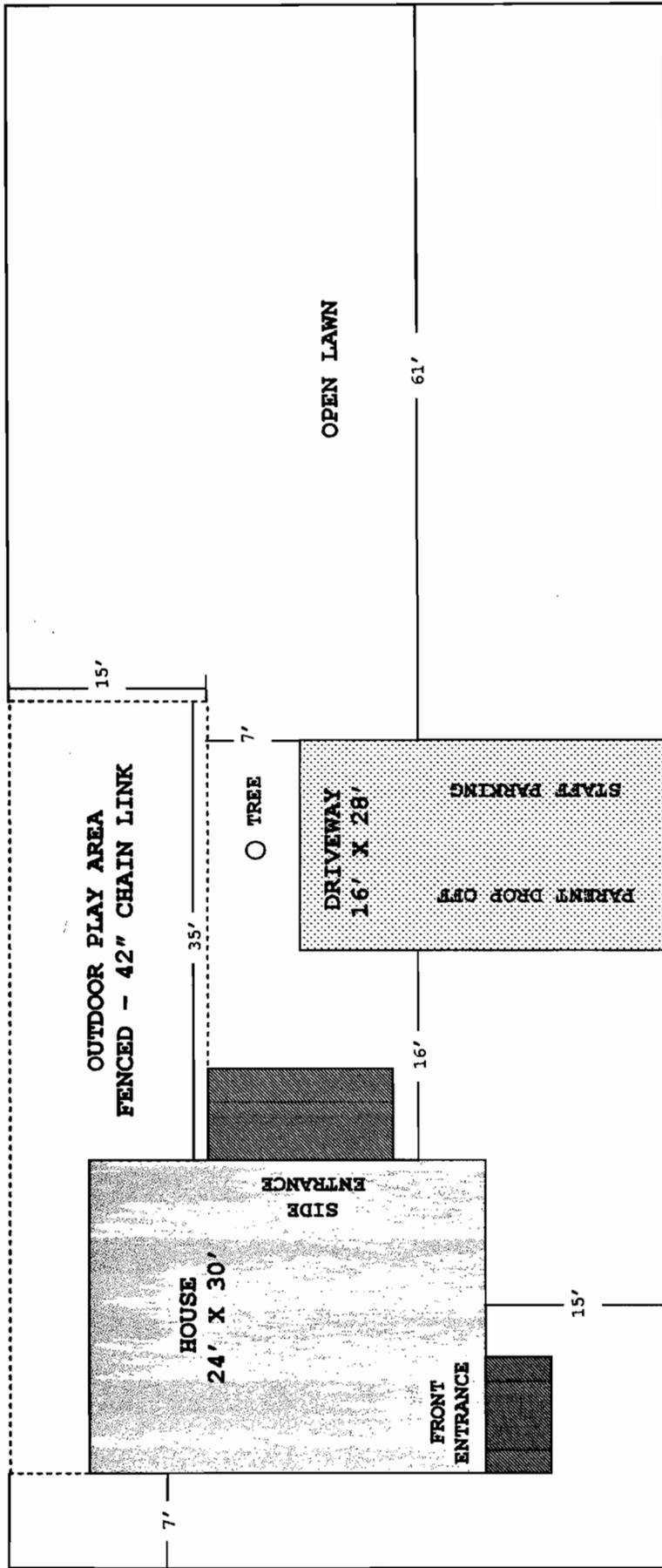
Zoning:

One Square Mile
 Sec. 36 T10N R06E

- 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



PROPERTY LINE 119'



SMITH STREET

PROPERTY LINE 50'

SOUTH 16TH STREET

APPLICATION FOR SPECIAL PERMIT 27.63.070
SITE PLAN FOR LITTLE FEET ACADEMY
2640 S 16TH STREET, LINCOLN, NEBRASKA

GARFIELD PARK, BLOCK 5, LOT 12

SCALE 1" = 10'



540 W. INDUSTRIAL LAKE DR.
 SUITE 1 - LINCOLN, NE 68528
 (402) 476-3020
 (402) 476-3138 FAX

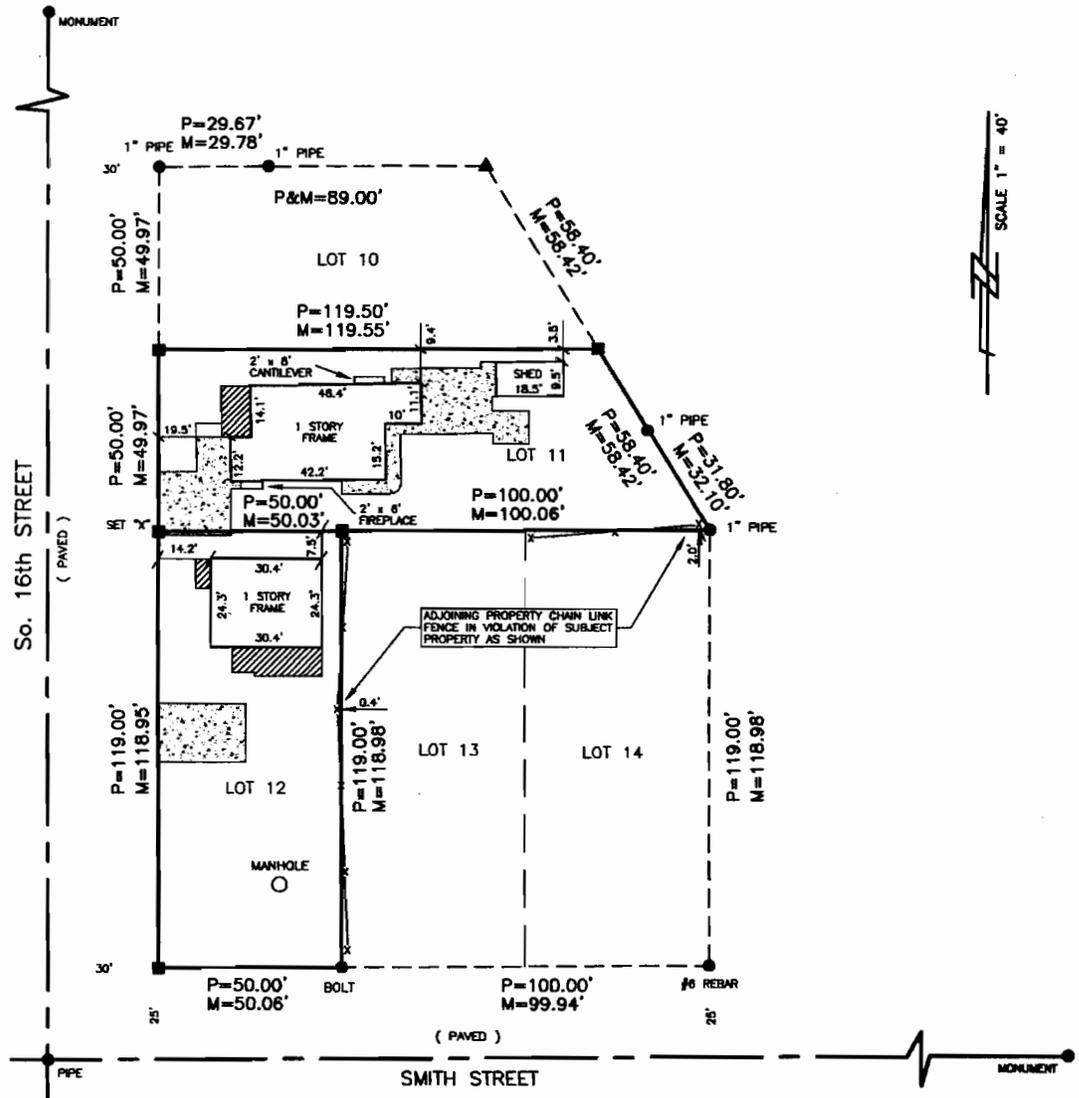
SURVEY RECORD
K&M Inc.
 Land Surveying

JEFF KOHOUT
 PROJECT # 0508084
 DATE: 8/29/05 B/P: 154-35

Survey Of: LOTS 11 & 12 BLOCK 5, GARFIELD PARK, LOCATED IN THE
 SOUTHWEST QUARTER OF

Section: 36 , T 10 N , R 6 E , of the 6th P.M. LINCOLN, LANCASTER County, Nebraska

2634 & 2640 So. 16th STREET



Subject property apparently falls within the confines of Zone " X " as determined by the FEMA-FIA
 Flood Rate Map community 315273 , panel 0315 E , revised 9-21-01 .

- P = Platted
- M = Measured
- = Found as noted
- = Set #5 Rebar & L.S. #483 Cap
- ▲ = Set Temp. Point.

SURVEYOR'S CERTIFICATE

I hereby certify that I have accurately surveyed the property in the above plat. All dimensions are in feet and decimals of a foot.

Signed this day of _____

Billy Joe Kerr
 Billy Joe Kerr, L.S.



2634 S 16th Street
Lincoln, NE 68502
May 27, 2008

Christy J. Eichorn
Lincoln/Lancaster County Planning Department
555 S 10th Street Suite 213
Lincoln, NE 68508

Dear Ms. Eichorn,

As you already know, I have recently filed an application for a special use permit for an early childhood care facility. I am requesting that two of the four parking stalls required be waived for the following reasons.

I, being one of the employees a parking stall is required for, live next door to the facility and will have no use for a parking stall. My own vehicle will remain in my own driveway and I will be walking over to the facility each day.

One parking stall is required for every ten children and being licensed for twelve I will be required to have two spots for parent drop off. I will always have my own infant at the facility and this not only now limits me to eleven children, but due to his age and ratios set out in licensing regulations I will be limited to four infants and six toddlers, or eight infants total. In either case, I will be expecting ten or less children at the facility at any given time.

Since the property is a corner lot, there are two street parking spots available for parents to pick up and drop off. Because of the nature of the daycare, the parents will not be parking their cars here for long periods of time during business hours. They will be using these spots temporarily in the morning and late afternoon to pick up and drop off their children.

Rather than adding additional parking, would like to maintain the current appearance of the lot as much as possible. The property owners would also prefer this option to make conversion back to a single family home more possible. Please consider this request. Call me at (402)730-2793 or email me at mjm.wright@hotmail.com if you have any questions.

Thank you,

Jacquelyn L. Wright

2634 S 16th Street
Lincoln, NE 68502
May 16, 2008

City of Lincoln
Department of Building & Safety
555 S 10th Street, Room 203
Lincoln, NE 68508

To Whom It May Concern:

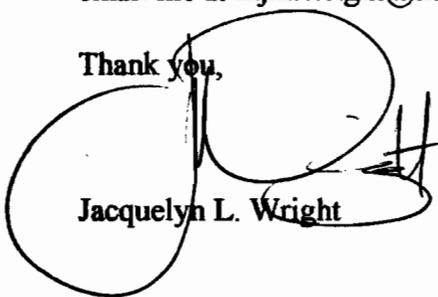
Please consider my application for a special use permit 27.63.070 for an Early Childhood Care Facility. The property, located at 2640 S 16th Street, is owned by my parents and I own and reside in the home immediately to the north. I have begun the license application process with the Department of Health & Human Services to become a licensed Family Care Home II.

I plan to operate the daycare Monday through Friday, from 7:00am to 6:00pm. The license will allow me to have up to twelve children in my care with the help of another staff member. There will be a total of two staff members on site during business hours.

I understand the regulation will require me to have four parking places; one parking place for each staff member and one parking place for every ten children. As seen on the attached site plan, the current driveway will need to be expanded to meet this requirement. I plan to remove the tree to the east of the driveway and this will allow me to expand the driveway by seven feet. If this does not allow enough parking spaces, there is free space to the south of the driveway that would allow for me to create more parking in that direction.

I look forward to hearing from you regarding this permit. Please call me at (402)730-2793 or email me at mjm.wright@hotmail.com if you have any questions.

Thank you,



Jacquelyn L. Wright

Enclosures (3)

**Review Comments for
Application #: SP08023
LITTLE FEET ACADEMY**

Comments as of: Tuesday, June 03, 2008

Status of Review: Active

Reviewed By Building & Safety

ANY

Comments:

Status of Review: FYI

05/28/2008 7:57:15 AM

Reviewed By Building & Safety

Terry Kathe

Comments: comment is the same as the meeting comments.

Based on advice from Rick Peo(Law Dept.);
A playground for a DayCare use is not allowed in the required side yard.

The amount of kids and employees requires 4 stalls. This SP stays with the property and not the owner. Waivers to parking need to be looked at as such. Counting parking in the public ROW (to be used as required parking) is not allowed in the zoning ordinance, because it is not in the abutting property owner's control.

Status of Review: Complete

05/23/2008 7:21:50 AM

Reviewed By Fire Department

ANY

Comments: We have no issues from the perspective of our department.

Status of Review: Approved

05/29/2008 10:15:59 AM

Reviewed By Health Department

ANY

Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION

TO: Christy Eichorn DATE: May 29, 2008

DEPARTMENT: Planning FROM: Chris Schroeder
ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: Little Feet Academy
EH Administration SP #08023

The Lincoln-Lancaster County Health Department has reviewed the special permit application and not object to the proposed childcare facility.

Status of Review: Complete

05/29/2008 4:09:10 PM

Reviewed By Public Works - Development Services

SIETDQ

Comments: Memorandum

To: Christy Eichorn, Planning Department
From: Charles W. Baker, Public Works and Utilities
Subject: Little Feet Academy Special Permit #08023
Date: May 29, 2008
cc: Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Little Feet Academy Special Permit #08023 on the property located at 2640 South 16th Street. Public Works has the following comments:

- The parking slab as shown on the submitted exhibit does not meet the requirement for the parking of four vehicles as stated in the letter of explanation from the applicant. It appears on the aerial photograph of the site that there is adequate space to extend the parking slab north and south to meet the required standard of 8.5' to 9' wide parking stalls 22' deep extending past the property line.

Reference my follow-up e-mail response to the proposed waiver of the parking reduction, I stated as follows:

- Public Works will not object to the waiver of the parking requirement for the employee living next door and not needing a parking stall. The question arises if the day care continues in that residence and the neighbor no longer works there, where does the driving employee park? The street can not be used for parking or for drop-off and pick-up according to the guidelines.
