

FACTSHEET

TITLE: TEXT AMENDMENT NO. 15002
(Title 27 - To remove the requirement for additional setbacks for clubs based on the height of the building)

BOARD/COMMITTEE: Planning Commission

APPLICANT: American Historical Society of Germans from Russia

RECOMMENDATION: Approval (7-0: Lust, Hove, Weber, Beecham, Corr, Harris, and Sunderman; Scheer and Cornelius absent).

STAFF RECOMMENDATION: Approval

OTHER DEPARTMENTS AFFECTED: N/A

SPONSOR: Planning Department

OPPONENTS: None

REASON FOR LEGISLATION: To amend Section 27.63.200 the Lincoln Municipal Code relating to Clubs to delete the requirement that clubs be set back from all yard lines a distance of not less than one foot for each one foot of building height; and repealing Section 27.63.200 of the Lincoln Municipal Code as hitherto existing.

DISCUSSION/FINDINGS OF FACT:

1. The approval of this text amendment will amend the special permit for clubs in Section 27.63.200 to remove the requirement for additional setbacks for clubs based on the height of the building.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.2-3, concluding that the proposed text change will base the setbacks for new and existing clubs on the setbacks of the underlying zoning district. Since clubs are approved by special permit, the Planning Commission may increase the minimum requirements, including an increase in setbacks and landscaping, based on the location of the club and the impact on adjacent land uses.
3. On April 1, 2015, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval (Scheer and Cornelius absent).

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer

DATE: April 7, 2015

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

DATE: April 7, 2015

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for April 1, 2015 PLANNING COMMISSION MEETING

- PROJECT #:** Text Amendment No. 15002
- PROPOSAL:** Amend the special permit for clubs in Section 27.63.200 to remove the requirement for additional setbacks for clubs bas on the height of the building.
- CONCLUSION:** The proposal will base the setbacks for new and existing clubs on the setbacks of the underlying zoning district. Since this is a special permit the Planning Commission may increase the minimum requirements, including an increase in setbacks and landscaping, based on the location of the club and the impact on adjacent land uses.

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

ASSOCIATED APPLICATIONS:

SP876C Special Permit to expand an existing club

COMPREHENSIVE PLAN SPECIFICATIONS:

- P. 1.2 - For a "good quality of life," a community has more than jobs, shelter, utilities and roads - there are numerous services, education, historic, natural and cultural resources that are fundamental to enriching lives.
- P. 5.2 – Strive for predictability for neighborhoods and developers.
- P. 6.2 – Help to create neighborhoods that include homes, stores, workplaces, schools and places to recreate.
- P. 8.1 - Encourage adequate facilities and services which provide diverse educational, cultural, and social opportunities.

ANALYSIS:

1. This request is a text amendment to amend the zoning ordinance relating to clubs to delete the requirement that clubs have an additional setback based on the height of the building. The American Historical Society of Germans from Russia would like to expand their existing facility at 631 D Street and is requesting this amendment. Since this is a text amendment to the zoning code, the proposed change would have an impact on club facilities throughout the City.
2. A club is defined as a building or facility used for a social, educational, civic, cultural, labor, or professional or recreational purpose that does not operate primarily for profit or that renders a service normally carried on by a business. Churches and social halls are not considered clubs. Other clubs around Lincoln and Lancaster County include the Boy Scouts and the Isaac Walton Gun club.

3. Currently, clubs that abut a residential district are required to have a setback in addition to the yard setback of the underlying zoning district. The additional setback is one foot for each one foot of building height and is measured from all yard lines. This is not a requirement for a club that abuts a non-residential district.

For example, a club that is located in the R-4 district must first comply with the setbacks of the zoning district. In the R-4 district the setbacks are 25 foot front yard, 5 foot side yard and 30 feet or 20% of lot depth for rear yard. If the club in the R-4 district is 15 feet tall, the setback for the club per the special permit would be 40 foot front yard, 20 foot side yard and 45 feet for rear yard (or 20% of the lot depth, plus 15 feet).

These setbacks are quite extensive for a single-story building. They also don't take into account the intensity of the club use. The Germans from Russia club operates as a museum and office with low-volume traffic and noise. Greater setbacks in this case would not provide an additional benefit to the surrounding property owners.

4. The current special permit language allows the Planning Commission to adjust the additional setback based on height for existing buildings. The Planning Commission cannot adjust the setback for new buildings. This proposal would provide the Planning Commission with a consistent authority when reviewing special permits for both new and existing clubs.

Text Amendment #15002 will revise the Clubs special permit section to remove the requirement that clubs be set back from all yard lines a distance of not less than one foot for each foot of building height.

5. The Planning Commission may impose additional height and area requirements as part of the special permit approval. If the setbacks of the underlying district are not found appropriate given the circumstance, additional setbacks may be required.

The special permit also requires visual screening in any yard that abuts a residential district. This requirement would remain as a tool to mitigate potential negative impacts between the clubs and neighboring residential uses.

6. This amendment will follow the setbacks of the underlying district for clubs. The Planning Commission will still have the authority to increase setbacks and landscaping based on the location of the club and the impact on adjacent land uses. This approach is consistent with other sections of the code including the use permits chapter and the community unit plan chapter.

Prepared by

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

DATE: March 19, 2015

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

OWNER: American Historical Society of German from Russia
631 D Street
Lincoln, NE 68502

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

TEXT AMENDMENT NO. 15002

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

April 1, 2015

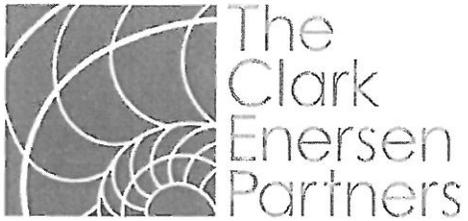
Members present: Lust, Hove, Beecham, Weber, Corr, Harris, and Sunderman; Scheer and Cornelius absent.

The Consent Agenda consisted of the following items: **TEXT AMENDMENT NO. 15002, CHANGE OF ZONE NO. 15008, USE PERMIT NO. 140E, and SPECIAL PERMIT NO. 11013A,.**

Item 1.3, Special Permit No. 876C, was removed from the Consent Agenda and had separate public hearing due per the request of Commissioner Beecham.

There were no ex parte communications disclosed.

Beecham moved approval of the Consent Agenda (Item Nos. 1.1, 1.2a, 1.2b, 1.4), seconded by Weber and carried 7-0: Lust, Hove, Beecham, Weber, Corr, Harris, and Sunderman; Scheer and Cornelius absent.



March 2, 2015

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

RE: American Historical Society of Germans from Russia
Amendment to Special Permit #876B & Amendment to Zoning Ordinance

Dear Mr. Cary:

Enclosed please find the following for the above-mentioned project:

1. Zoning Application
2. Special Permit Application fee (\$330.00)
3. Text Change Application fee (\$330.00)
4. Special Permit Site Plan
5. Proposed Text Change

On behalf of the Owner, American Historical Society of Germans from Russia, 631 D Street, Lincoln, NE 68502, we are requesting a Text Amendment to the Zoning Ordinance 27.63.200(d) to allow the Planning Commission to revise the setbacks for a Club to enable a future building expansion. The revised front yard setback is being requested to be consistent with the existing front setback for the adjacent residential structures and revised side yard setback to be consistent with the existing side yard setback on the existing structure. The proposed museum building expansion structure will be similar in architecture to the existing structure which is compatible with its residential neighbors. In addition to, an Amendment to the existing Special Permit #876B is being requested to show the expansion of the existing building and show the proposed setbacks. We are not requesting to expand the parking requirements with this application which we feel is consistent with the desired outcomes in this historical district. The proposed building addition does not reduce the existing on-site parking and will not significantly increase the need for additional parking because it primarily moves functions currently in the basement to the main level. The basement will function as a staff lounge, storage and museum exhibit space. No increase in staff is anticipated and the existing parking has proved to be more than sufficient for the existing functions.

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Proposed Text Amendment:

27.63.200 Clubs.

(d) Height and area requirements shall as a minimum be in conformance with requirements of the district in which the use is located; additional requirements may be imposed. In the R-4, R-5, O-1, and O-3 districts, the buildings shall not cover over thirty-five percent of the total area of the lot. In the AG, AGR, R-1, R-2, and R-3 districts, the buildings shall not cover over fifteen percent of the total area of the lot; provided, however, the Planning Commission may adjust the percent of lot coverage to permit a club in an existing building. Except where abutting a nonresidential district, buildings shall be set back from all yard lines a distance of not less than one foot for each one foot of building height; provided, however, the Planning Commission may adjust this requirement for existing buildings. Visual screening shall be required in any yard that abuts a residential district.

Please let me know if you have any questions or desire more information.

Sincerely,



Tim Gergen

cc: American Historical Society of Germans from Russia

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ORDINANCE NO. _____

1 AN ORDINANCE amending Section 27.63.200 the Lincoln Municipal Code relating
2 to Clubs to delete the requirement that clubs be set back from all yard lines a distance of not less than
3 one foot for each one foot of building height; and repealing Section 27.63.200 of the Lincoln
4 Municipal Code as hitherto existing.

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

6 Section 1. That Section 27.63.200 of the Lincoln Municipal Code be amended to read
7 as follows:

8 **27.63.200 Clubs.**

9 Clubs may be allowed by special permit in the AG, AGR, R-1, R-2, R-3, R-4, R-5, and O-1
10 zoning districts under the following conditions:

11 (a) The application shall include the following information: Type of activity, expected
12 peak use and building capacity, anticipated time of peak activity, and expected expansion of
13 facilities.

14 (b) Clubs with an off-street parking demand of twenty spaces or more as determined by
15 the city shall be located on major streets. Clubs with an off-street parking demand of less than twenty
16 spaces as determined by the city may be located on any street.

17 (c) Parking requirements shall as a minimum be in conformance with the provisions of
18 Chapter 27.67. Additional parking regulations, parking ingress and egress, location control, and
19 buffering may be imposed. No parking shall be permitted in any required yard. The application shall
20 include applicant's estimate of the parking needs of the proposed club.

21 (d) Height and area requirements shall as a minimum be in conformance with
22 requirements of the district in which the use is located; additional requirements may be imposed.

23 In the R-4, R-5, O-1, and O-3 districts, the buildings shall not cover over thirty-five percent of the
24 total area of the lot. In the AG, AGR, R-1, R-2, and R-3 districts, the buildings shall not cover over

1 fifteen percent of the total area of the lot; provided, however, the Planning Commission may adjust
2 the percent of lot coverage to permit a club in an existing building. ~~Except where abutting a~~
3 ~~nonresidential district, buildings shall be set back from all yard lines a distance of not less than one~~
4 ~~foot for each one foot of building height; provided, however, the Planning Commission may adjust~~
5 ~~this requirement for existing buildings.~~ Visual screening shall be required in any yard that abuts a
6 residential district.

7 (e) On-site pedestrian circulation sidewalk systems shall be constructed in conformance
8 with the provisions of Section 27.81.010.

9 Section 2. That Section 27.63.200 of the Lincoln Municipal Code as hitherto existing
10 be and the same are hereby repealed.

11 Section 3. That this ordinance shall take effect and be in force from and after passage
12 and publication in one issue of a daily or weekly newspaper of general circulation in the City,
13 according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2015:

Mayor