

## FACTSHEET

**TITLE: SPECIAL PERMIT NO. 15032**

Parking Lot in a Residential District with front and side yard setbacks (710 South 36<sup>th</sup> Street)

**BOARD/COMMITTEE:** Planning Commission

**APPLICANT:** Sister Anne Joelle on behalf of St. Teresa Church

**RECOMMENDATION:** Conditional Approval (8-0: Sunderman, Harris, Cornelius, Hove, Weber, Scheer, Corr and Lust voting 'yes').

**STAFF RECOMMENDATION:** Conditional Approval.

**OTHER DEPARTMENTS AFFECTED:** N/A

**SPONSOR:** Planning Department

**OPPONENTS:** None

**REASON FOR LEGISLATION:**

To allow the construction of a parking lot in a residential district with a reduction of the front and side yard setbacks, on property generally located at 710 South 36<sup>th</sup> Street.

**DISCUSSION/FINDINGS OF FACT:**

1. The is a request for a parking lot in the R-2 Residential District with a reduction of from 25 feet to 8 feet in the front yard along South 36<sup>th</sup> Street and the reduction from 5 feet to 0 feet along the south lot line.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-4, concluding that the parking lot will help alleviate congestion during church services and events and will also serve as an expanded playground for the school. The reduction in the front yard and side yard setbacks is acceptable with the additional landscaping along S. 36<sup>th</sup> street and the wooden fence.
3. On June 10, 2015, the Planning Commission voted 8-0 to recommend conditional approval of this special permit application as part of the consent agenda. See p.7.

**FACTSHEET PREPARED BY:** Geri Rorabaugh, Administrative Officer

**DATE:** June 16, 2015

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

**DATE:** June 16, 2015

f:\devreview\factsheets\2015\cc\SP15032

**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**

**for June 10, 2015 PLANNING COMMISSION MEETING**

**PROJECT #:** Special Permit No. 15032

**PROPOSAL:** A request per Section 27.63.170 for a parking lot in a residential district

**LOCATION:** 710 S. 36<sup>th</sup> Street

**LAND AREA:** 0.3 acres, more or less

**EXISTING ZONING:** R-2, Residential

**MODIFICATION:** 1. Reduce the front yard setback from 25 feet to 8 feet along S. 36<sup>th</sup> Street  
2. Reduce the side yard setback from 5 feet to 0 feet along the south lot line

**CONCLUSION:** This parking lot will help alleviate congestion during church services and events and will also serve as an expanded playground for the school. The reduction in the front yard and side yard setbacks is acceptable with the additional landscaping along S. 36<sup>th</sup> Street and the wooden fence.

<b>RECOMMENDATION:</b>	Conditional Approval
<b>MODIFICATIONS:</b>	
1. Reduce the front yard setback from 25 feet to 8 feet	Approval
2. Reduce the side yard setback from 5 feet to 0 feet	Approval

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lots 17 and 18, Lyman Park, located in the northeast quarter of Section 30-10-7, Lincoln, Lancaster County, Nebraska.

**EXISTING LAND USE:** Single-family dwelling

## **SURROUNDING LAND USE AND ZONING:**

North: School; R-2  
South: Single-family dwelling; R-2  
East: Single-family dwelling; R-2  
West: Church; R-2

## **HISTORY:**

This property was rezoned from B Residential to R-4 Residential during the 1979 Zoning Update.

This neighborhood was platted as Lyman Park in May 1915.

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

P. 1.9 - This area is shown as Urban Density Residential on the Future Land Use Map.

P. 7.10 - Strategies for existing neighborhoods includes encouraging a mix of compatible land uses in neighborhoods.

P. 7.11 - Support the retention of public and semi-public uses (elementary schools, churches) as centers of neighborhoods.

P. 7.9 - Promote the preservation, maintenance and renovation of existing housing and neighborhoods throughout the City, with special emphasis on low and moderate income neighborhoods.

P. 7.9 - Promote the continued use of single-family dwellings and all types of buildings, to preserve the character of neighborhoods and to preserve portions of our past.

## **TRAFFIC ANALYSIS:**

S. 36<sup>th</sup> Street is a local street.

## **ANALYSIS:**

1. This is a request for a parking lot in the R-2 Residential zoning district for the St. Teresa's church and school. Parking lots are allowed in a residential district by special permit. The parking lot will contain approximately 29 stalls and will serve both the school and the church. The parking lot will also be used as a playground for the school.
2. A parking lot in a residential district is allowed by special permit as long as the property is located no more than 360 feet from property occupied by a college, university, or church. The proposed parking lot lies adjacent to St. Teresa's school and across the street from St. Teresa's Church. The parking lot is within 360 feet of a church and will be used primarily in connection with the church.
3. One house and a garage are on the property within the area of the proposed parking lot. According to the application, the church is proposing to move the house off-site instead of demolishing the structure.

4. A reduction in the setback is requested along S. 36<sup>th</sup> Street from 25 feet to 8 feet and along the southern side yard setback from 5 feet to 0 feet. Additional landscaping has been consistently requested to counter the effect of the reduced front yard setback for parking lots in residential districts. The Design Standards require parking lots to have a 90% screen from the ground to 3 feet above the ground, and the site plan shows double this requirement along S. 36<sup>th</sup> Street. A 6 foot wooden fence is proposed along the south and east sides of the parking lot which would exceed the minimum screening requirements.

Special permits for a parking lot in a residential area have been supported in the past. Two recent examples include a parking lot for the First Street Bible Church located at 1<sup>st</sup> and G Streets and Temple Baptist Church located at 49<sup>th</sup> and Randolph Streets. In both cases, the approval was conditioned upon the applicant providing double the required landscaping due to the reduced setback. Similar neighborhood conditions exist at St. Teresa's Church and School, and therefore the application should be supported given the additional landscaping.

5. The special permit authorizes the City Council to allow parking and drive aisles in the front and side yards and increase the minimum screening and landscaping requirements. Since the applicant is requesting a reduction in the front and side yard setbacks, the City Council must approve this special permit.
6. Although the Comprehensive Plan encourages retention of single family uses in existing neighborhoods, it also encourages a mix of housing types and public/semi-public uses. With landscaping and a privacy fence the impact on the surrounding neighbors should be minimal. The extra stalls will help the church meet the needs of patrons and remain viable at this location as recommended by the Comprehensive Plan.

#### **CONDITIONS OF APPROVAL:**

Per Section 27.63.170 this approval permits a parking lot in a residential district with a waiver to reduce the front yard setback to 8 feet on S. 36<sup>th</sup> Street and to reduce the side yard setback to 0 feet.

#### **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 that states, "Parking stalls shown on this plan are conceptual and subject to minor adjustments."

- 1.2 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".
  - 1.3 Add a note to the plan that states, "The front yard setback along S. 36<sup>th</sup> Street is reduced from 25 feet to 8 feet. No portion of the vehicles may be parked in the front yard setback.
  - 1.4 Add a note to the plan that states, "The landscaping will be installed at the time of building permit."
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.
3. Prior to the issuance of a building permit:
    - 3.1 The construction plans must substantially comply with the approved plans.

**Standard Conditions:**

4. The following conditions are applicable to all requests:
  - 4.1 Before occupying the parking lot all development and construction shall substantially comply with the approved plans.
  - 4.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
  - 4.3 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.
  - 4.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

- 4.5 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, filling fees therefor to be paid in advance by the applicant.

Prepared by

Paul Barnes, Planner  
402-441-6372  
[pbarnes@lincoln.ne.gov](mailto:pbarnes@lincoln.ne.gov)

**DATE:** May 27, 2015

**APPLICANT:** Sister Anne Joelle  
616 S. 36<sup>th</sup> Street  
Lincoln, NE 68510

**OWNER:** St. Teresa Church  
735 S. 36<sup>th</sup> Street  
Lincoln, NE 68510

**CONTACT:** Justin Johnson  
3600 J Street  
Lincoln, NE 68510

# **SPECIAL PERMIT NO. 15032**

**CONSENT AGENDA**  
**PUBLIC HEARING & ADMINISTRATIVE ACTION**  
**BEFORE PLANNING COMMISSION:**

June 10, 2015

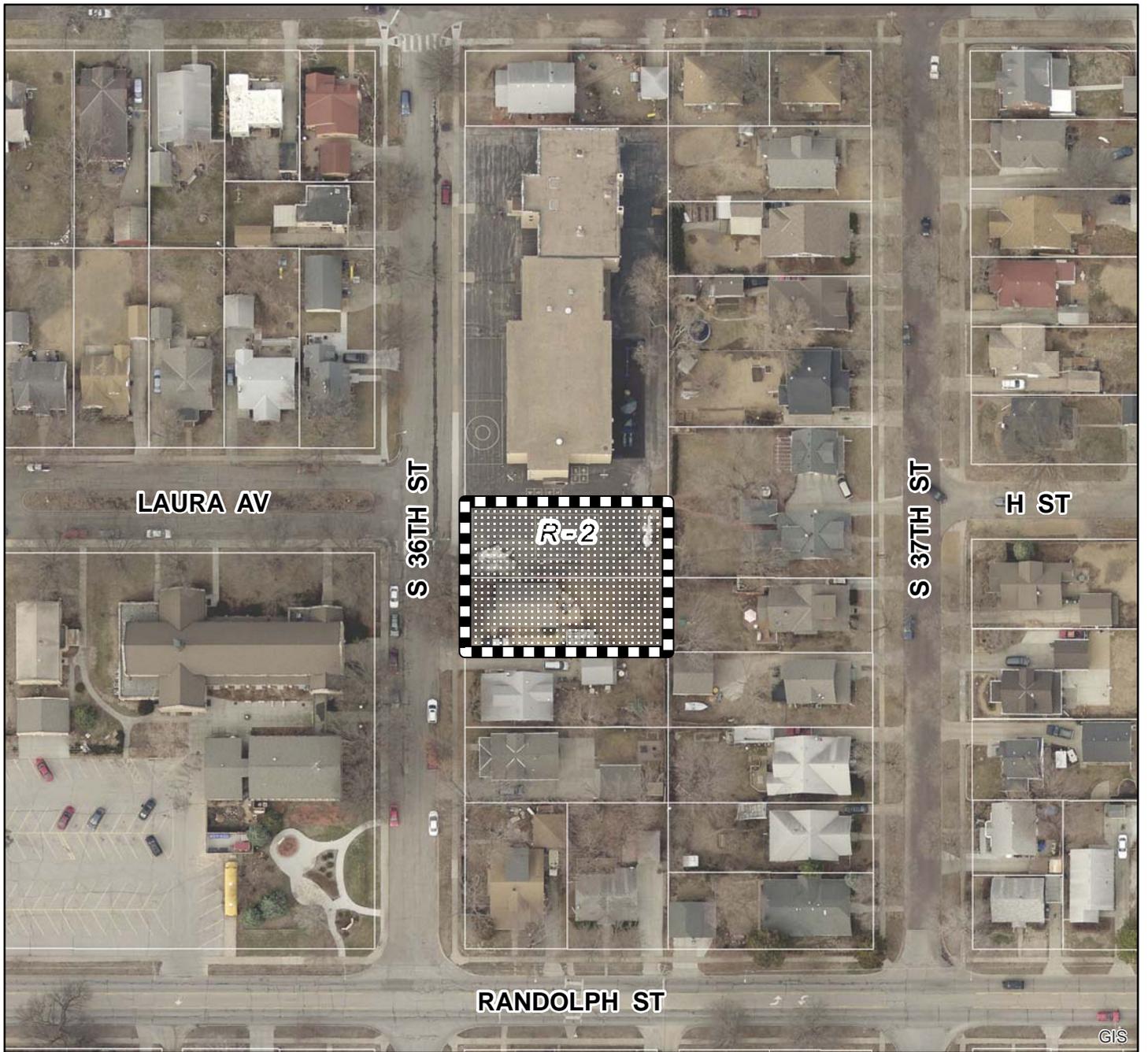
Members present: Lust, Scheer, Harris, Sunderman, Corr, Hove, Weber, and Cornelius; Beecham absent.

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 15023, SPECIAL PERMIT 15031, SPECIAL PERMIT NO. 15032, WAIVER NO. 15010, WAIVER NO. 15011 AS AMENDED, WAIVER NO. 15012.**

There were no ex parte communications disclosed.

Hove moved for the approval of the Consent Agenda (Item Nos. 1.1 through 1.6, seconded by Corr and carried 8-0: Lust, Hove, Weber, Harris, Sunderman, Scheer, Corr, and Cornelius; Beecham absent.

Note: This is final action on Special Permit No. 15023, Special Permit No. 15031, Wavier No. 15010, Waiver No. 15011 as amended, and Waiver No. 15012, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days.



**Special Permit #: SP15032**  
**S 36th & Randolph St**

2013 aerial

**Zoning:**

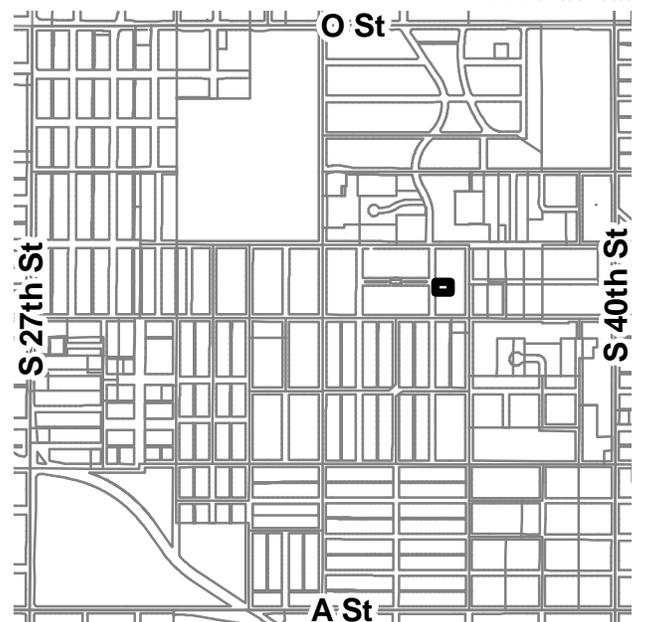
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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.30 T10N R07E

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



# ST. TERESA'S CHURCH

735 S 36TH  
LINCOLN, NE 68510

May 12, 2015

City of Lincoln  
Planning Department  
555 S 10th St, Ste. 213  
Lincoln, NE, 68508

The purpose of this application is to request a reduction in front yard setback to 8' for a new parking lot and playground expansion being proposed south of St. Teresa's School located at 616 S 36<sup>th</sup> St. The home at 710 S 36<sup>th</sup> St. is owned by St. Teresa's church and will be moved off site to make room for the new parking lot and playground expansion. The 8' setback request is to expand the playground area to its maximum size and provide for maximum parking that is much needed during church services and events. The paved area is intended to be a playground and only a parking lot for church services and special events.

A new 6' wood fence along the east and south side of the parking lot has been proposed. Neighbors with adjacent properties to the proposed property are being contacted and informed of the project. If those neighbors want to retain the fence they currently have, we're willing to entertain that option. All three of these neighbors are members of the St. Teresa's Church and have kids who attend the St. Teresa's School.

Sincerely,

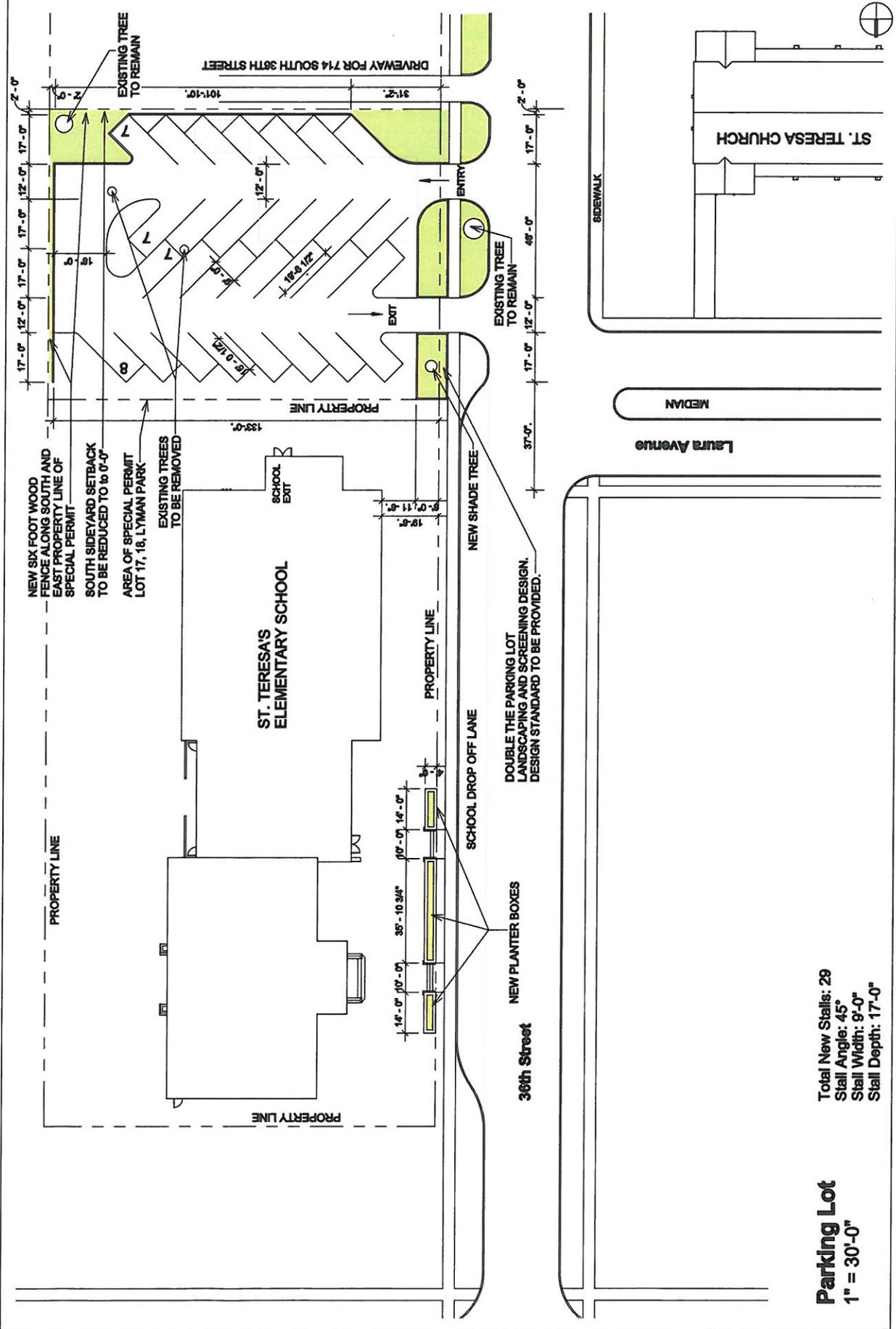


Justin Johnson

Project Manager

402-580-7888

ARCHITECT:	KAC
DRAWN BY:	IRS
ISSUE DATE:	06/28/2014
PROJECT NO.:	13813
SHEET NAME:	Parking Lot



**Parking Lot**  
1" = 30'-0"

Total New Stalls: 29  
Stall Angle: 45°  
Stall Width: 9'-0"  
Stall Depth: 17'-0"