

City Council Introduction: **Monday**, March 10, 2008  
Public Hearing: **Monday**, March 17, 2008, at **1:30** p.m.

Bill No. 08-30

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 08006**, requested by the Director of Planning, to amend Title 27 of the Lincoln Municipal Code (the Zoning Ordinance) to add churches as a permitted use in the H-4 General Commercial District.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 02/27/08  
Administrative Action: 02/27/08

**STAFF RECOMMENDATION:** Approval.

**RECOMMENDATION:** Approval (6-0: Gaylor-Baird, Sunderman, Carroll, Cornelius, Esseks, and Francis voting 'yes'; Taylor, Larson and Moline absent).

### **FINDINGS OF FACT:**

1. The purpose of this proposal to amend Section 27.45.020 of the Zoning Ordinance is to add "churches" as a permitted use in the H-4 District.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.1, concluding that the proposed text amendment would permit churches in the H-4 district without being a part of a special permit for Planned Service Commercial.
3. On February 27, 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 February 27, 2008, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend approval (Taylor, Larson and Moline absent).

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

**DATE:** March 3, 2008

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

**DATE:** March 3, 2008

**REFERENCE NUMBER:** FS\CC\2008\CZ.08006 Text

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**  
**for FEBRUARY 27, 2008 PLANNING COMMISSION MEETING**

- PROJECT #:** Change of Zone No. 08006
- PROPOSAL:** A text amendment to Lincoln Municipal Code (LMC) Section 27.45.020 to add “churches” as a permitted use to the H-4 district.
- CONCLUSION:** The proposed text amendment would permit churches in the H-4 district without being a part of a special permit for Planned Service Commercial.

<b>RECOMMENDATION:</b>	Approval
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**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Section 27.45.020 of the Lincoln Municipal Code.  
See ordinance attached.

**HISTORY:**  
October 1, 1990 City Council approved Change of Zone #2582, which was a text amendment to Section 27.63.470, Planned Service Commercial, to allow churches in conjunction with the special permit.

**ANALYSIS:**

1. Churches are already allowed in H-4, but only in conjunction with a special permit for Planned Service Commercial , which allows a variety of uses, some of which are not otherwise permitted in the H-4 District. The H-4 District is the only district that a church is required to obtain a special permit.
2. The H-2 and H-3 Districts, as well as the B-1 through B-5 Districts allow churches as a permitted use. The I-1 through I-3 Districts allow churches as a conditional use.
3. The I-1, I-2, and I-3 Districts place conditions on churches such as evacuation plans. The special permit for Planned Service Commercial does not place any conditions on the location of churches.
4. The H-1 District is the only district in the zoning ordinance that does not allow churches by any means. The H-1 is a seldom-used district that is limited to travel-related uses.

Prepared by:

Brandon M. Garrett, AICP  
Planner

**DATE:** February 27, 2008

**APPLICANT:** Marvin Krout  
Planning Director  
Lincoln/Lancaster County Planning Dept.  
555 S. 10<sup>th</sup> Street, Ste. 213  
Lincoln, NE 68508

**CONTACT:** Brandon Garrett  
Planning Department  
bgarrett@lincoln.ne.gov  
402-441-6373

# CHANGE OF ZONE NO. 08006

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

February 27, 2008

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

The Consent Agenda consisted of the following items: ***CHANGE OF ZONE NO. 08006, CHANGE OF ZONE NO. 08007, SPECIAL PERMIT NO. 08012, SPECIAL PERMIT NO. 08010, SPECIAL PERMIT NO. 08013, SPECIAL PERMIT NO. 08014*** and **PRELIMINARY PLAT NO. 08003, Tara Hill Addition.**

Ex Parte Communications: None

**Item No. 1.4a, Special Permit No. 08013; Item No. 1.4b, Special Permit No. 08014; and Item No. 1.4c, Preliminary Plat No. 08003,** were removed from the Consent Agenda and scheduled for separate public hearing.

Sunderman moved to approve the remaining Consent Agenda, seconded by Esseks and carried 6-0: Gaylor-Baird, Carroll, Cornelius, Esseks, Francis and Sunderman voting 'yes'; Larson, Moline and Taylor absent.

Note: This is final action on Special Permit No. 08012 and Special Permit No. 08010, 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.



Status of Review: Complete

Reviewed By Building & Safety

Terry Kathe

Comments:

Status of Review: Approved

02/12/2008 10:26:22 AM

Reviewed By Health Department

ANY

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

TO: Brandon Garrett DATE: February 12, 2008

DEPARTMENT: Planning FROM: Chris Schroeder

ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: Text Amendment for  
EH Administration Churches in H-4  
CZ #08006

The Lincoln-Lancaster County Health Department has reviewed the special permit application and does not object to the proposed text changes.

Status of Review: Active

Reviewed By Law Department

ANY

Comments:

I am guessing that Health will require some sort of evacuation plan because of the uses that use hazardous materials.

This office does not have any other issues.

Terry Kathe  
Zoning Coordinator  
Dept. of Building & Safety

Dennis D Bartels/Notes  
02/04/2008 01:18 PM

To Brandon M Garrett/Notes@Notes  
cc Randy W Hoskins/Notes@Notes  
bcc

Subject Re: CZ#08006 text amendment

005

Adding churches as a permitted use in H4 is satisfactory to Public Works.