

FACTSHEET

TITLE: SPECIAL PERMIT NO. 08052, requested by South Ridge Village, LLC, for an early childhood care facility, on property generally located at South 29th Street and Porter Ridge Road.

STAFF RECOMMENDATION: Conditional Approval.

ASSOCIATED REQUESTS: Change of Zone No. 08073 (09-30) and Use Permit No. 100B (09R-29).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 01/28/09
Administrative Action: 01/28/09

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

FINDINGS OF FACT:

1. This special permit for an early childhood care facility for 130 children was heard before the Planning Commission in association with Change of Zone No. 08073 (from R-3 to O-3) and Use Permit No. 100B (to expand the boundaries of the South Ridge Village use permit).
2. The applicant has also requested a waiver of the requirement to be located on an arterial street.
3. The staff recommendation of conditional approval, including approval of the waiver request, is based upon the "Analysis" as set forth on p.4, concluding that this special permit, together with the change of zone to O-3 and the amendment to the South Ridge Village use permit, are generally in conformance with land uses at this location and are consistent with the Comprehensive Plan, the Land Subdivision Ordinance and Design Standards. The child care facility complies with the special permit requirements, except for the waiver of the requirement to be located on an arterial street. The staff presentation is found on p.7.
4. The applicant's testimony is found on p.7-8. A revised site plan and proposed amendments were submitted by the applicant at the public hearing before the Planning Commission, resulting in a reduction of the number of children from 130 to 120 and deleting the reduction of side yard setback (p.19-21).
5. Testimony in opposition is found on p.8-9, and the record consists of 16 letters in opposition (p.22-55). The issues of the opposition include increased traffic and safety; adverse effect on property values and marketability; infringement upon the existing residential homes; availability of other locations for the proposed use; and management expertise.
6. The applicant's response to the opposition is found on p.10.
7. On January 28, 2009, the Planning Commission disagreed with the staff recommendation, finding that the associated change of zone would result in a more intensive use and that the neighboring residents have a reasonable expectation to not have a more intense zoning use behind them, and voted 8-0 to recommend **denial** (Partington absent).
8. On January 28, 2009, the Planning Commission voted 5-3 to recommend **denial** of the associated Change of Zone No. 08073 from R-3 to O-3, and voted 8-0 to recommend **denial** of Use Permit No. 100B to expand the boundaries of the South Ridge Village use permit.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: February 13, 2009

REVIEWED BY: _____

DATE: February 13, 2009

REFERENCE NUMBER: FS\CC\2009\SP.08052+

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for January 28, 2009 PLANNING COMMISSION MEETING

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

PROJECT #: **Special Permit No. 08052**
Change of Zone No. 08073
Use Permit No. 100B

PROPOSAL: Approval of a **special permit for an early childhood care facility** and a change of zone from R-3 Residential to O-3 Office Park and an expansion of abutting South Ridge Village Use Permit to include the area of the childhood care facility.

LOCATION: S. 29th Street and Porter Ridge Road

LAND AREA: **Special Permit - 1.13 acres more or less**
Change of Zone - .98 acres more or less
Use Permit - 8.86 acres more or less

EXISTING ZONING: R-3 Residential and O-3 Office Park

CONCLUSION: The amendment to the Use Permit, Special Permit for an early Childhood Care Facility and Change of Zone are generally in conformance with land uses at this location and are consistent with the Comprehensive Plan, Land Subdivision Ordinance and Design Standards. The child care facility complies with the requirements of the special permits except for the waiver request to be located on an arterial street. The waivers to the setbacks in the use permit are appropriate and consistent with the existing use permit.

RECOMMENDATION:

Change of Zone (R-3 to O-3)

Special Permit (Early Childhood Care Facility)

Use Permit 100B

Waivers/modifications:

Special Permit

27.63.070 (c) That facilities with thirty-one or more children shall be

located on an arterial street.

Use Permit

27.27.070 (a) To reduce the side yard setback from 15 feet to 5 feet and to reduce the rear yard from 40 feet to 20 feet.

Approval

Conditional Approval

Conditional Approval

Approval

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTIONS: See attached

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING FOR THE CHANGE OF ZONE AND SPECIAL PERMIT:

North: O-3 Office District

South, East, West: R-3 Residential - Single family and attached single family.

SURROUNDING LAND USE AND ZONING FOR THE USE PERMIT:

North, West: H-4 Planned Service Commercial - Retail

South, East: R-3 Residential - Single family and attached single family

HISTORY:

September 11, 2000 City Council approved and amendment to the South Ridge Village Use Permit # 100 which adjusted the boundaries of the use permit to align with the O-3 Office Park District boundary lines, and adjust the location of the required landscape screen from the office park property to the residential property to the south.

December 9, 1996 City Council approved Change of Zone No. 2952 which located the zoning district boundaries on the north side of Porter Ridge Road.

On February 28, 1994 City Council approved Change of Zone No. 2740 over this area which established the general areas of the R-3, O-3, and H-4 Districts.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page 10 - The Urban Environment - Residential Neighborhoods - Child care centers should be located within neighborhoods and near schools and parks when possible

Page 48 - Buildings and land uses at the edge of the center should be compatible with adjacent residential uses. Examples of compatible land uses include offices or child care centers. Buildings should be compatible in terms of height, building materials and setback.

Page 48 - Centers should contain a mix of residential, office, service and retail uses. In addition, other "residential" uses such as multi-family, single family attached, child care centers, and recreational facilities should be integrated within the development.

UTILITIES: Existing

TRAFFIC ANALYSIS: S. 29th Street and Porter Ridge Road are Local Streets.

ALTERNATIVE USES: Remain R-3 Residential

ANALYSIS:

1. This application has 3 distinct parts in order to develop one new building for a new child care center. There is an application for a special permit for an early childhood care facility, an application for a change of zone from R-3 Residential to O-3 Office Park District, and an expansion of the abutting South Ridge Use Permit to include the area of the change of zone and special permit.
2. The daycare is proposed to be 11,000 square feet and will have 130 children and 26 employees.
3. An early childhood care facility with thirty-one or more children is required to be located on an arterial street. The applicant is asking for a waiver to this requirement. The proposed facility is located directly adjacent to an existing commercial area which is directly adjacent to Pine Lake Road and arterial street. Although S. 29th Street is a local street, it functions as a collector street and is appropriate for the traffic from the center.
4. The O-3 Zoning District is “ a district intended to provide a developing or redeveloping area primarily consisting of a mixture of office and other types of compatible and complementary commercial uses, and residential uses in suburban areas. This district is intended to be located on arterial streets in close proximity to commercial uses. This district is intended to provide an appealing atmosphere, stressing the quality of the environment” per the Lincoln Zoning Ordinance. Adding the early childhood care facility is consistent with the intent of this zoning district.
5. Staff is in support of the requested waivers. If the lot was not being re-zoned to O-3, the use of an early childhood care facility would be allowed under special permit in the existing R-3 Residential District with an allowed side yard of 5 feet and a rear yard of 30 feet or 20% of the depth of the lot. The proposed building shown on the site plan sits five foot from the side lot line to the south. The building will act as a buffer between the adjacent residential property and the activity of the childcare facility. The existing use permit was granted a waiver of the rear yard along the east side of the use permit to 20 feet. The waiver to reduce the the rear yard to 20 feet will be consistent with the existing use permit. The rear yard for the childhood care facility will be used as open space and play area.
6. If the child care facility goes away this lot could be used for any use permitted in the O-3 Zoning District.
7. This property will be required to meet both minimum landscape and screening requirements of the of the O-3 as well as those for early childhood care facilities.
8. The maximum number of parking stalls that can be allocated to the daycare facility from the shared parking area is 39 stalls. If the daycare requires more than 39 stalls, additional parking stalls will have to be constructed.

This approval permits a change of zone from R-3 Residential to O-3 Office Park District, the expansion of the South Ridge Village Use Permit by approximately .98 acres and an 11,000 square foot early childhood care facility or any other use permitted in the O-3 zoning district.

CONDITIONS OF APPROVAL:

Site Specific Conditions for SP08052 and UP100B:

1. The City Council approves associated request:
 - 1.1 Change of Zone #08052
2. The developer 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 a final plat is approved:
 - 2.1 Remove from the General Notes on the site plan for the special permit # 3, 5 and 7 and # 2 under Waivers.
 - 2.2 Add “was granted with UP100B” to # 3 and 4 under Waivers on the site plan for the special permit.
 - 2.3 Add to #2 on the General Notes on the site plan for the special permit
“ Any changes to number of employees and children will not increase parking requirements over 39 stalls.”
 - 2.4 Add a note to General Notes on the site plan for the special permit and use permit that “Landscaping and screening need not be shown on this plan but will be provided for at the time of building permit.”
 - 2.5 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. Prior to the issuance of a building permit:
 - 3.1 The construction plans substantially comply with the approved plans.

Standard Conditions for SP08052 and UP100B:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying buildings or starting the operation all development and construction is to substantially comply with the approved plans.
 - 4.2 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the owner 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 must be in substantial compliance with the location of said items as shown on the approved site plan.
- 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 4.5 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.
- 4.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions/ordinances approving previous permits remain in force unless specifically amended by this resolution.

Prepared by
Christy Eichorn
Planner

DATE: January 15, 2009

APPLICANT/ OWNER: South Ridge Village LLC
8200 Cody Dr., Suite F
Lincoln, NE 68512

CONTACT: Marcia Kinning
ESP
601 Old Cheney RD., Suite A
Lincoln, NE 68512

**CHANGE OF ZONE NO. 08073,
SPECIAL PERMIT NO. 08052
and
USE PERMIT NO. 100B**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 28, 2009

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

Ex Parte Communications: None.

Staff recommendation: Approval of the change of zone, conditional approval of the special permit and use permit.

Staff presentation: **Christy Eichorn of Planning staff** explained that two of the major issues are traffic and noise. Staff attempted to address the noise in the staff report. With regard to traffic, the lot in question will have access to S. 29th St. which functions as a collector street. The applicant requested waivers for reduction in setback for side and rear yard along with the requirement that a day care be located on an arterial street. She will let the applicant address those issues.

Proponents

1. **Rick Krueger**, manager of South Ridge LLC, the applicant, presented the proposal and submitted a revised site plan for consideration. This is for a child care center. Except for home day care, all day care facilities requires a special permit. He originally looked at doing the day care center under the existing R-3 zoning, but thought it best to extend the O-3 zoning. The elevation has been designed to look similar to the office buildings that are there now. After the neighborhood meeting, he made changes to the parking on the site plan and the original waiver for side yard setback is no longer needed. South Ridge Village originally had a 20 foot setback abutting the existing residential. The proposed building has been designed to be at least 30 feet from the lot line. It is 40 foot in areas. The approach to the parking lot driveway is on 29th St. It is a one-way access point. He believes most traffic will come off Pine Lake Rd.

Day care, along with other uses, are called for in the Comprehensive Plan as transitional uses.

There are three things that were adjusted after the neighborhood meeting. 1) The side yard was adjusted from 5 feet to 15 feet; 2) the number of children was changed from 130 to 120; and 3) the dumpster location was moved.

Francis would like the outdoor playground area outlined. Krueger replied that buffering will be as required in the zoning code. There will be a six foot fence. The square footage of the

outdoor play area is about four times what is required. He believes outdoor activity is important for kids.

Gaylor Baird inquired about the height of the proposed building. Krueger stated that the height of this building will be lower than some of the neighbors. The back side of the building is a walk-out basement. The footprint of the building will be less than the building immediately to the north.

Esseks noted there is a lot of concern about traffic on 29th St. Krueger believes that the traffic to the day care will be mostly from Pine Lake Rd. The market will be much greater than the immediate neighborhood. He thinks that people will take the most convenient route.

Esseks inquired as to how many cars can be parked in front of the building because that is always an issue at a day care center, from his experience. Krueger stated that there are two drop-off stalls and 10 diagonal stalls.

Esseks inquired if there is information to indicate how many parking stalls would be needed for 120 children. Krueger advised that the proposed design meets the State of Nebraska standards for day care.

Carroll questioned what would happen if this day care would not be successful. Krueger replied that they would most likely look for another day care provider.

Opposition

1. Jaime Frey, 7530 Brummond Drive, representing Porter Ridge Neighborhood, testified in opposition. They are concerned with the amount of traffic that this business will generate. They are concerned that the stop light at 29th St. and Pine Lake Rd. being a slow light. The proposed waivers are an infringement of privacy to the neighbors. They feel this will reduce property values.

2. Bruce Hahn, 7307 S. 30th St., testified in opposition. He stated five major concerns: 1) the right to enjoy his property; 2) property values; 3) increased traffic; 4) availability of other locations; and 5) management expertise. The lots that back up to the proposed development are not deep lots. At the developer's meeting, Mr. Krueger compared this project to the office buildings to the north. He does not believe they compare. He believes that homeowners wanting to use their decks will not have any privacy. There is the noise issue. He believes that homes that are near busy streets, hospitals, commercial buildings, and schools take longer to sell. Home sales decreased 12.4 percent in Lincoln in 2008. He believes there would be a stigma attached to a home that backs up to a child care facility. There is a concern for safety with increased traffic. There are many other desirable locations where this day care center could be developed. The person seeking to run this facility is currently running a child care out of her home. This will require the management of a large staff and many children. If the business fails, there will be an empty shell that affects market values. Mr. Krueger told the neighbors that there is a critical need for child care facilities, yet there are other facilities in the area that are not completely full.

3. Steve Goosic, 7301 S. 30th St., testified in opposition on his own behalf and submitted two letters in opposition from other neighbors which list concerns with traffic and infringement of

property rights. Mr. Krueger talked about the existing setback from the current office buildings and that there is additional buffer created by parking spaces. Those who are directly south of the day care will have a view of a six foot fence and the roof of the day care. There will be lack of a view and lack of sunshine. They will have to deal with the effects of the operation. The buffer zone between a residential area and the office area is currently there. 120 children creates a small school in the middle of a residential area. There is a lot of traffic in front of a school. Based on the developer's proposal, he believes the layout is not suitable to handle that type of traffic pattern. There are only twelve parking stalls nearby. The others will park on the side streets. There is a tremendous amount of traffic that already goes down this street. When he purchased his property, he was assured that this property was zoned R-3.

4. Doug Deboer appeared in opposition on behalf of his father, **Clifton Deboer**. His father goes to Phoenix every winter. There is a lot of traffic on S. 29th St. He doesn't believe there is enough parking available. He believes this will affect the market value of his father's home and the view.

5. Steve Moeller, 7300 S. 30th St., testified in opposition. He has lived at his property for approximately 15 years. S. 29th St. is a very busy street. Kids get dropped off at the school. There is a potential for 140 cars in addition to what is already there. This was labeled as a collector road. Porter Ridge Rd. empties onto S. 29th St. He has two small children himself. On a cold day, cars will want to park as close to the front door of the day care center as possible. This is going to create problems. Cars will be parked all along the road. He does not see where there is nearly enough parking for this business. There is a Starbucks at the end of the road that generates a lot of traffic by itself. He was told at the neighborhood meeting that the latest traffic study is ten years old. He would like to see a current traffic study. He and his family are opposed to this application.

Staff questions

Esseks noted that Public Works appears to have no objection. Dennis Bartels of Public Works stated that his comments are based on traffic numbers and commonly used traffic generation methods. S. 29th St. is signalized at Pine Lake Rd. The streets themselves are able to handle the traffic. He believes traffic will enter this site from Porter Ridge Rd. or S. 29th St. He could not comment on what is an acceptable level of traffic in a neighborhood but he can give data if the street widths can handle the traffic and if the required parking is being met.

Esseks questioned how many lanes are on S. 29th St. in front of this property. Bartels replied that this is a typical 39 foot wide commercial street. It is typically wide enough to park on both sides of the street and still have room for 2 cars.

Francis questioned what could be built with the existing zoning. Eichorn replied that with R-3 zoning, someone could request a special permit for a day care for 120 children as long as they met the requirements. Parking requirements are 1 stall for every 10 children and 1 stall for every employee.

Gaylor Baird questioned the parking stalls. Eichorn replied that the maximum amount of parking could be reached for this development with 130 children.

Carroll wondered what else could be built under O-3 zoning. Eichorn stated that banks are the highest traffic generator. Tailor shops and group homes could be done by right without a special permit.

Gaylor Baird inquired about the buffer to the north. Eichorn replied that most of the buildings are set back 40 feet from the lot line. With a day care facility, a six foot high fence will be required.

Esseks believes you need a lot of space in front of the building for parents to drop off their children, especially in the winter. Eichorn stated that to the best of her knowledge, the site plan was created to maximize the space and have a large play area.

Response by the Applicant

Krueger believes it is better to have a larger playground than more drive area and parking spaces. He believes this is the best use for this property. He has agreed to reduce the number of children from 130 to 120 and has revised the site plan to have less impact. The floor area ratio is about 19 percent of the lot.

Esseks questioned the drop-off lane. He would like to see it be longer for more parents to drop off their kids. Krueger expressed willingness to take another look at that.

Larson inquired whether the south side is the only entrance to the building. Krueger replied that it is not the only exit, but day care facilities like to control the entrance.

Gaylor Baird questioned why O-3 zoning was not originally sought for this area. Krueger could not recall specifically. Porter Ridge was done first and everything else added to it.

Gaylor Baird wondered if this could be developed with homes. Krueger responded that the lot has some odd dimensions.

Krueger stated that he has been a big proponent for more access points to arterial streets. In December, 2008, parking in the front yard in R-3 zoning was eliminated. Setbacks for R-3 would make it hard to obtain required parking for the day care center.

CHANGE OF ZONE NO. 08073

ACTION BY PLANNING COMMISSION:

January 28, 2009

Larson moved approval, seconded by Sunderman.

Francis believes what the applicant is trying to achieve can be done without a change of zone and by downsizing their plans. From her experience as a realtor, people do not like to live next to a child care center.

Esseks noted that the ridge line of this building is not any taller than is allowed under R-3 and he thinks the noise will be relatively reduced due to the fact that not all the children will be there at the same time. People testifying noted that they would not have built their existing homes had it been next to a day care, but this use could be a special permit under the existing R-3 zoning.

Cornelius noted that this is an increase in zoning to a more intensive use. The current neighbors have a reasonable expectation to not have a more intense zoning use behind them. They have less deep lots and already have a challenge.

Sunderman noted that he likes the office area flowing into this area. The applicant has created a larger setback.

Carroll believes the protection should be there for the residents who built their houses with R-3 zoning behind them. He is against a change of zone.

Motion for approval failed 3-5: Esseks, Larson and Sunderman voting 'yes'; Gaylor Baird, Carroll, Cornelius, Francis and Taylor voting 'no'; Partington absent.

Francis moved denial, seconded by Gaylor Baird and carried 5-3: Gaylor Baird, Carroll, Cornelius, Francis and Taylor voting 'yes'; Esseks, Larson and Sunderman voting 'no'; Partington absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 08052

ACTION BY PLANNING COMMISSION:

January 28, 2009

Cornelius moved denial, seconded by Francis.

Cornelius suggested that the whole package needs to be revisited with the recommendation of denial on the change of zone.

Francis has issues with the traffic. It is too congested already. A day care would add to this.

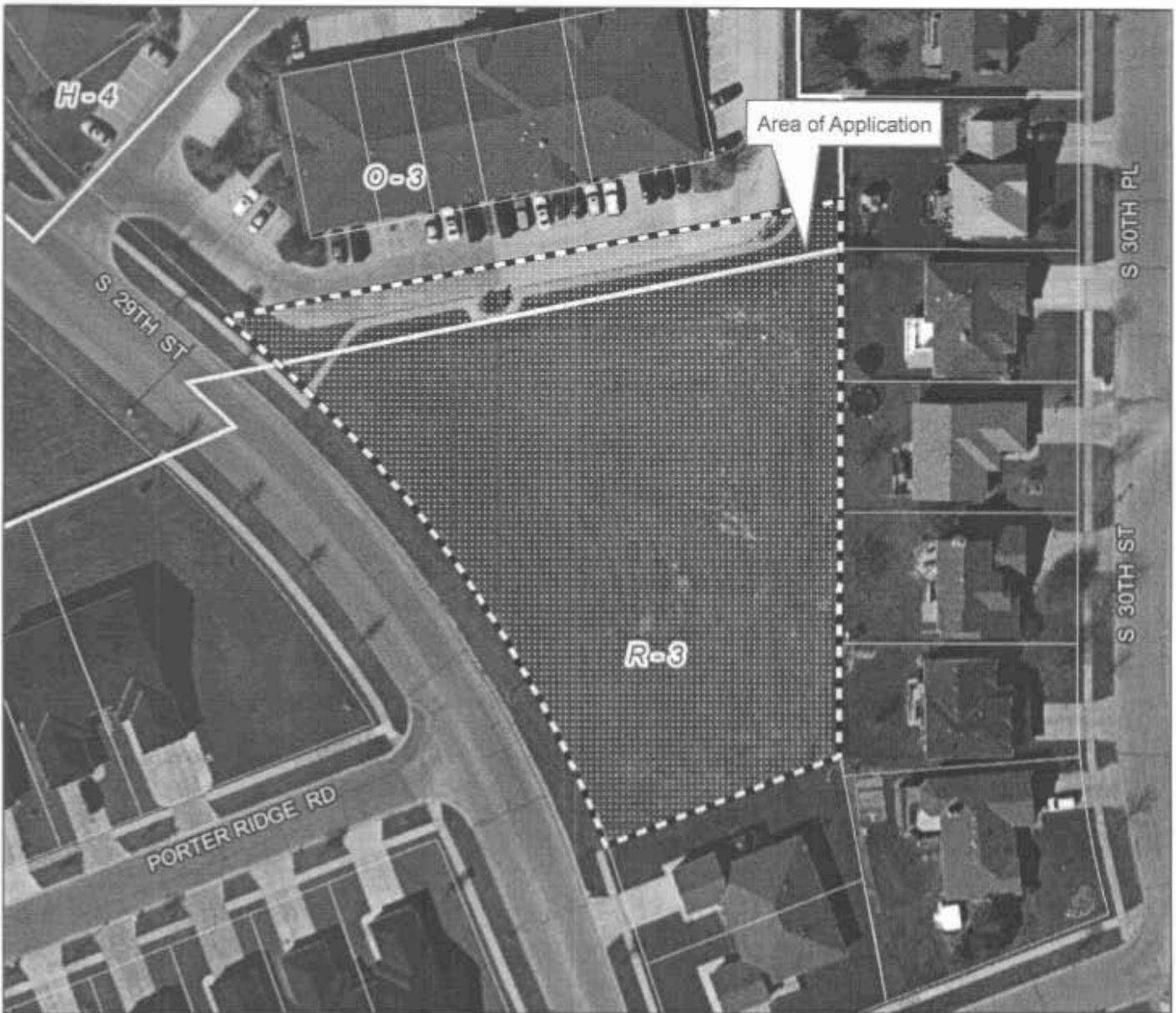
Motion for denial carried 8-0: Gaylor Baird, Carroll, Cornelius, Esseks, Francis, Larson, Sunderman and Taylor voting 'yes'; Partington absent. This is a recommendation to the City Council.

USE PERMIT NO. 100B

ACTION BY PLANNING COMMISSION:

January 28, 2009

Cornelius moved denial, seconded by Francis and carried 8-0: Gaylor Baird, Carroll, Cornelius, Esseks, Francis, Larson, Sunderman and Taylor voting 'yes'; Partington absent. This is a recommendation to the City Council.



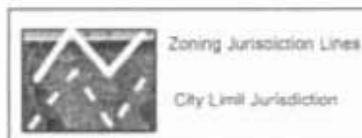
Special Permit #08052
S 29th St & Porter Ridge Rd

2007 aerial

Zoning:

One Square Mile
 Sec. 19 T09N R07E

- 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 Employers Center District
- P Public Use District





LYLE L. LOTH, P.E./L.S.

Suite A - 601 Old Cheney Road
Lincoln, NE 68512

Phone (402) 421-2500
Fax (402) 421-7096

Email: lyle@espeng.com

December 31, 2008 (Revised)

Mr. Marvin Krout, AICP
Director of Planning
Christy Eichorn, Planner
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: SOUTH RIDGE VILLAGE – South 27th Street & Pine Lake Road
AMENDMENT TO USE PERMIT #100A
SPECIAL PERMIT – Early Childhood Daycare Facility
CHANGE OF ZONE - From 'R-3' to 'O-3'

Dear Marvin,

On behalf of South Ridge Village LLC, we are submitting several applications to South Ridge Village located in the southeast corner of South 27th Street and Pine Lake Road. The applications include an Amendment to Use Permit #100A, a Special Permit for an Early Childhood Daycare Facility and a Change of Zone from 'R-3' to 'O-3' to match the zoning of the existing Use Permit.

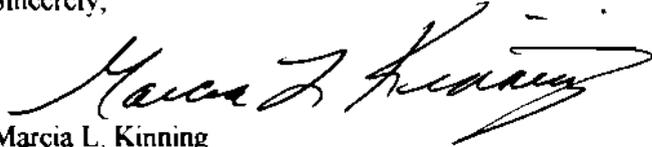
The amendment to the approved Use Permit #100A of South Ridge Village revises the boundary of the use permit to include approximately 0.98 acres. The additional area will include an Early Childhood Care Facility of 11,000 square feet. The total square footage of the approved General Office space will remain the same, 100,000 square feet. The waivers approved with the original Use Permit have been listed on the Site Plan. An additional waiver to reduce the side yard setback from 15' to 5' is being requested as well as extending the existing 20' rear yard setback to the revised south property line. The Trip Generation Chart has been modified to reflect the additional trips. The combined PM Peak Trips from Use Permit #100A and Special Permit #1629G has exceeded the approved total of 1,694 trips by 112 trips.

The proposed Early Childhood Care Facility shall consist of a two-story building with 11,000 square feet. The facility shall contain a maximum of 130 children and 26 employees. In addition to the waiver listed above, we are also requesting a waiver of the facility having access to an arterial street. A list of the mentioned waivers are enclosed with designations and explanations.

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Please do not hesitate to contact me if you have additional questions.

Sincerely,



Marcia L. Kinning

Cc: South Ridge Village LLC

Enclosures: Application for Amendment to Use Permit, Special Permit and Change of Zone
Amendment Fee of \$960.00
6 Sets of Sheets 1 through 4 of 4
Legal Description
1 - 8 ½ x 11
Special Permit Fee of \$890.00
10 Sets of Sheets 1 & 2 of 2
Legal Description
List of Requested Waivers
1 - 8 ½ x 11
Change of Zone Fee of \$440.00
Exhibit
Legal Description

**SOUTH RIDGE VILLAGE
SPECIAL PERMIT
EARLY CHILDHOOD CARE FACILITY**

LEGAL DESCRIPTION

A portion of Outlot 'A', South Ridge Village 6th Addition and Lot 14, South Ridge Village Addition, all located in the Northwest Quarter of Section 19, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the Northwest Corner of Lot 2, Block 1, Porter Ridge 3rd Addition; Thence on the West line of said Lot 2, South $00^{\circ}06'19''$ West, a distance of 47.52 feet to the POINT OF BEGINNING;

Thence continuing on said bearing South $00^{\circ}06'19''$ West, a distance of 254.48 feet to the southeast corner of Lot 14, South Ridge Village Addition;

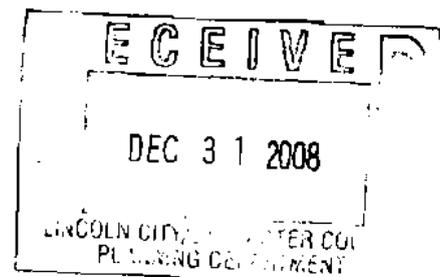
Thence on the South line of said Lot 14, South Ridge Village Addition, South $69^{\circ}18'11''$ West, a distance of 115.80 feet;

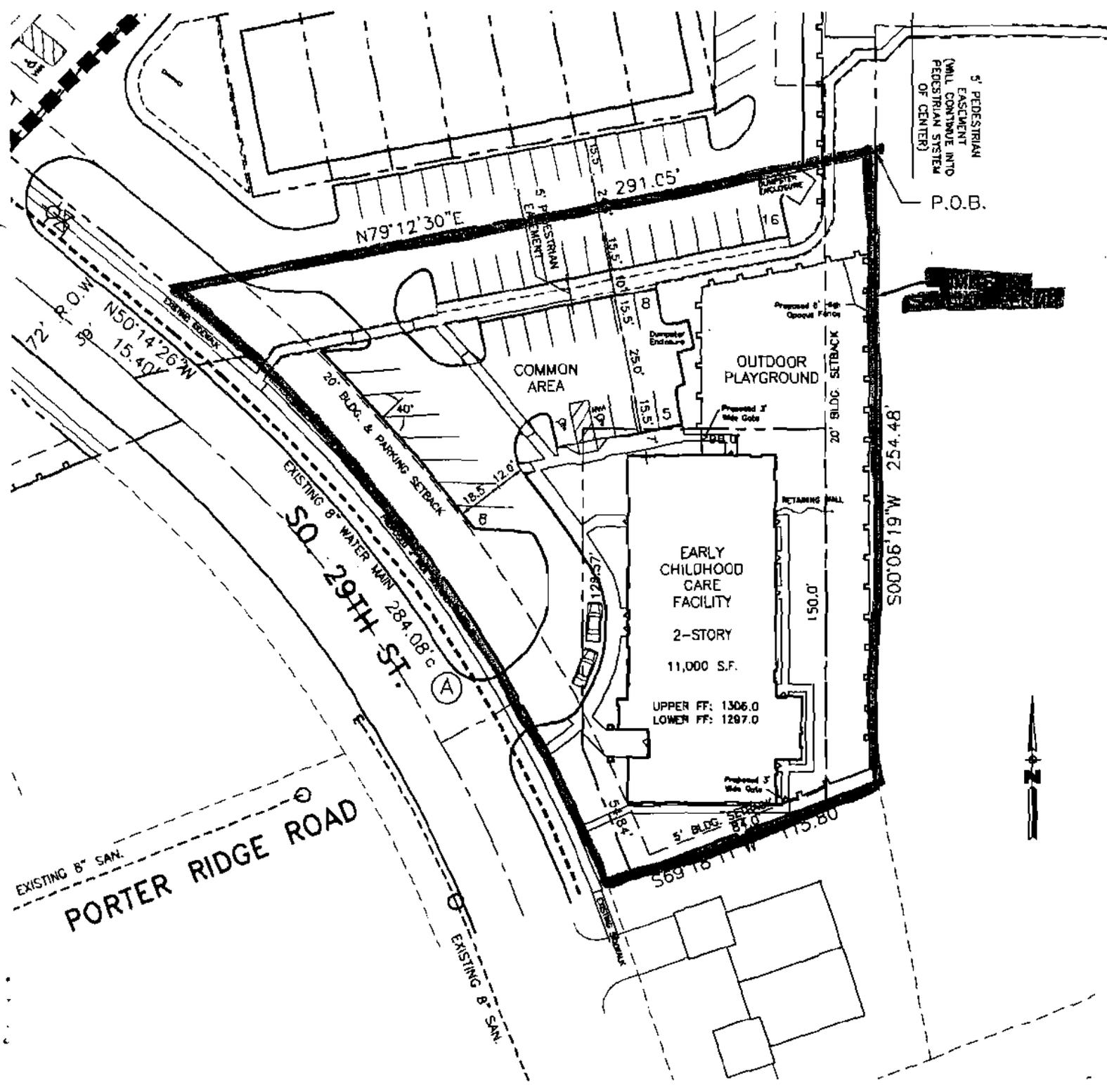
Thence on a circular curve to the left, having a radius of 561.00 feet, a central angle of $29^{\circ}19'57''$ and whose chord (284.08 feet) bears North $35^{\circ}34'25''$ West;

Thence on the arc of said circular curve 287.20 feet to the point of tangency;

Thence North $50^{\circ}14'26''$ West, a distance of 15.40 feet;

Thence North $79^{\circ}12'30''$ East, a distance of 291.05 feet to the POINT OF BEGINNING and containing a calculated area of 49,010.62 square feet or 1.13 acres.





5' PEDESTRIAN
EASEMENT
(WILL CONTINUE INTO
PEDESTRIAN SYSTEM
OF CENTER)
P.O.B.

N79°12'30"E

291.05'

N50°14'26"W
15.40'

COMMON
AREA

OUTDOOR
PLAYGROUND

EXISTING 8" WATER MAIN 284.08' c
SO HILL ST
2944 ST.

EARLY
CHILDHOOD
CARE
FACILITY
2-STORY
11,000 S.F.

UPPER FF: 1306.0
LOWER FF: 1297.0

S00°06'19"W 254.48'

EXISTING 8" SAN.
PORTER RIDGE ROAD

EXISTING 8" SAN.

Review Comments for
Application # SP08052
SOUTH RIDGE VILLAGE DAY CARE
Comments as of Tuesday, January 13, 2009

Status of Review: Approved 01/02/2009 10:58:08 AM
 Reviewed By: Building & Safety ANY
 Comments: approved

Status of Review: FYI 01/05/2009 11:00:16 AM
 Reviewed By: Building & Safety Terry Kathe
 Comments: Note 2 should add that any changes to employees and children numbers will not increase parking requirements over 39 stalls.

Status of Review: Active
 Reviewed By: Fire Department ANY
 Comments:

Status of Review: Approved 01/09/2009 2:56:03 PM
 Reviewed By: Health Department ANY
 Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
 INTER-OFFICE COMMUNICATION

TO: Christy Eichorn DATE: January 9, 2009

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

CARBONS TO: EH File SUBJECT: South Ridge Village
 EH Administration Day-care SP #08052
 CZ #08073 AA #08088

The Lincoln-Lancaster County Health Department has reviewed special permit application with the following noted:

Developers are responsible for all mosquito control issues during the building process and all outlots, green-spaces, and/or natural corridors subsequently controlled by the owner, tenant, occupant, lessee, or otherwise, for that subdivision would be responsible for vectors of zoonotic disease in those areas.

All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.

During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.



"Chad E. Blahak"
 <cblahak@lincoln.ne.gov>
 01/15/2009 01:06 PM

To "Tina D. Queen" <tqueen@lincoln.ne.gov>
 cc Christy J Eichorn <CEichorn@ci.lincoln.ne.us>
 bcc
 Subject South Ridge

Memorandum

To:	Christie Eichorn
From:	Chad Blahak
Subject:	South Ridge Village sp08052 cz08073
Date:	January 15, 2008
cc:	

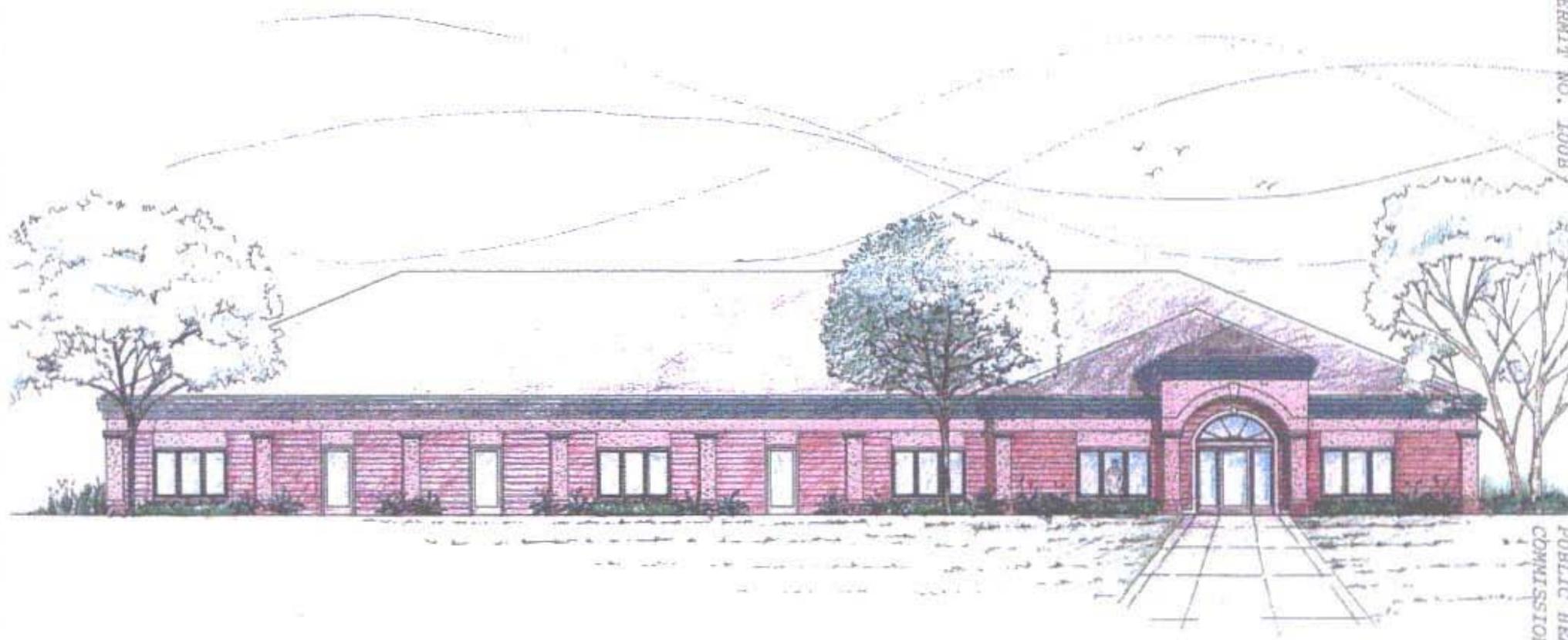
Engineering Services has reviewed the submitted plans for the proposed day care facility in the South Ridge Village Use Permit, located approximately at South 29th Street and Pine Lake Road and has the following comments:

- Public Works approves the requested waiver of design standards to locate a child care facility not adjacent to an arterial street. The proposed facility is located directly adjacent a commercial area which in turn is directly adjacent to an arterial street.
- Public Works has no objection to the increased traffic as a result of the proposed use.

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SPECIAL PERMIT NO. 08052
USE PERMIT NO. 100B

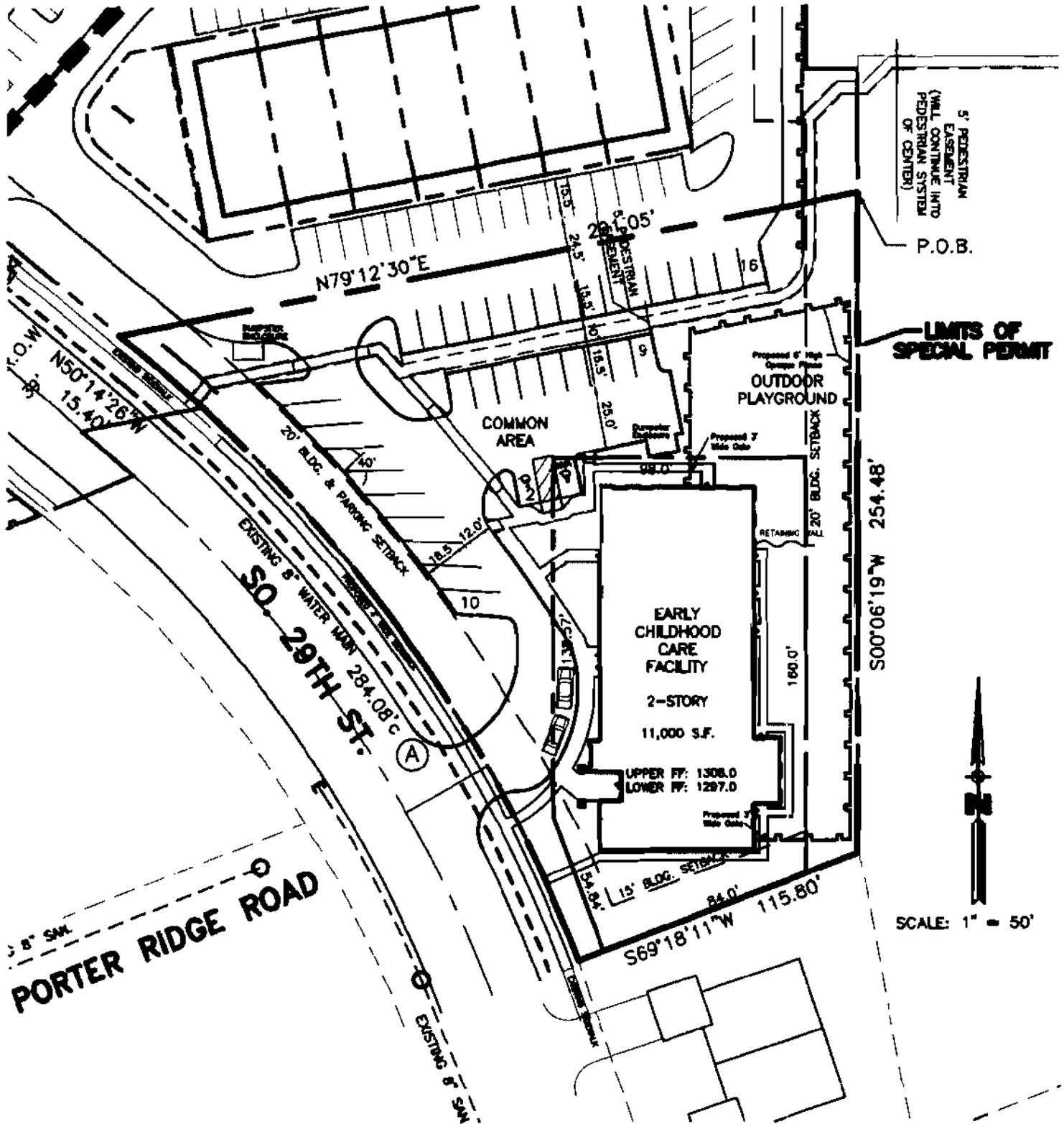
REVISED SITE PLAN SUBMITTED BY APPLICANT AT
PUBLIC HEARING BEFORE PLANNING
COMMISSION: 1/28/09



South Ridge Village

Early Childhood Care Facility

019



JANUARY 28, 2009

PLANNING COMMISSION

SPECIAL PERMIT #08052, CHANGE OF ZONE #08073, USE PERMIT # 100B

WE REQUEST THE FOLLOWING ADJUSTMENTS TO OUR APPLICATION:

1. DELETE THE WAVIER FOR SIDE YARD SETBACK ON THE SOUTH PROPERTY LINE LEAVING A 15' SIDE YARD IN THE O-3 DISTRICT
2. ADJUST THE NUMBER OF CHILDREN FROM 130 TO 120

**FORMAL PROTEST AGAINST THE
DEVELOPMENT OF AN
EARLY CHILDHOOD CARE FACILITY
AT 29TH STREET & PORTER RIDGE ROAD**

**Bruce and Cathy Hahn
7307 S. 30th Street
Lincoln, NE 68516
402-890-4246**

AREAS OF CONCERN

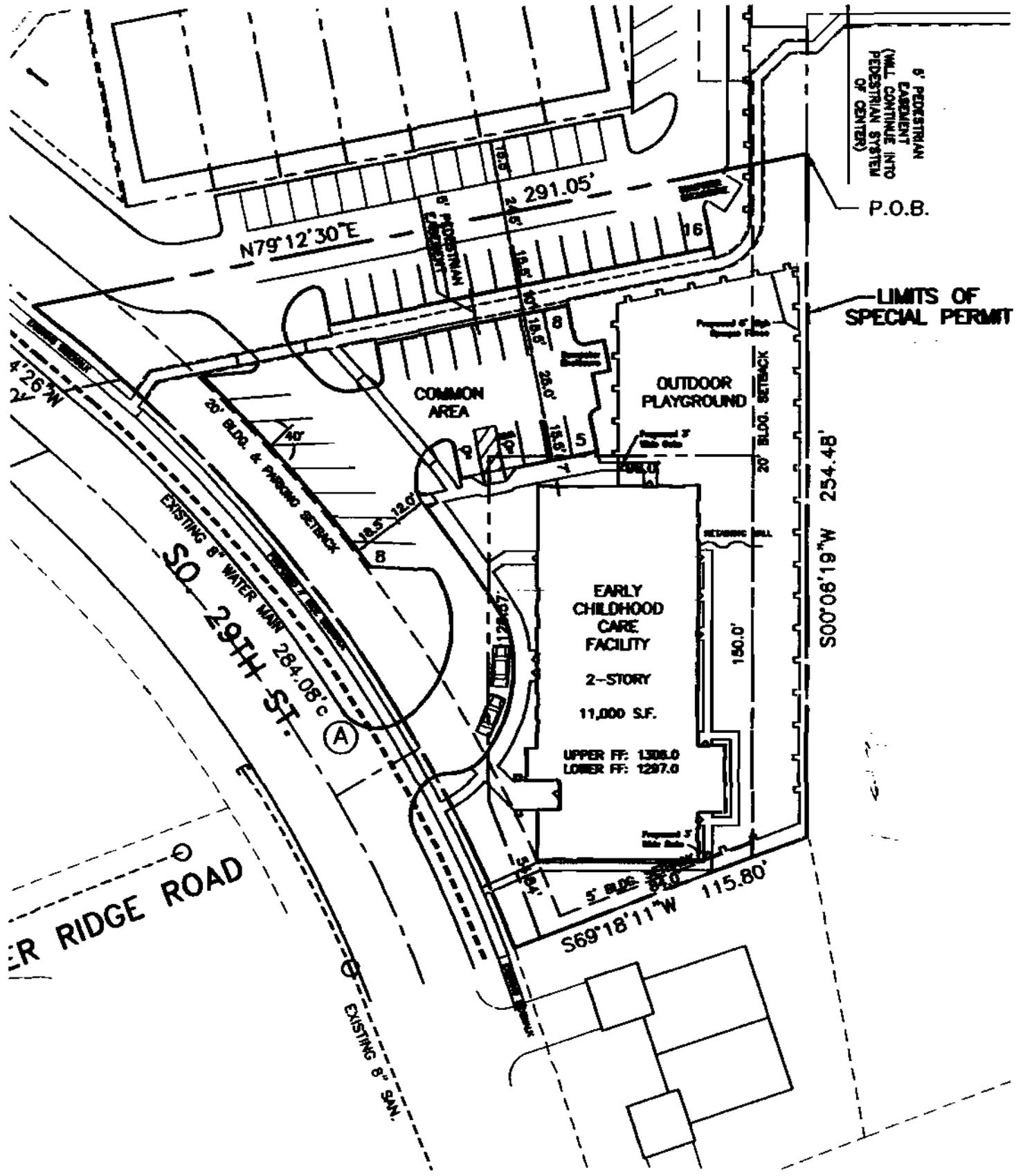
Right To Quiet Enjoyment

**Adverse Effect On Property Values
And Marketability**

Increased Traffic And Safety

**Availability Of Other Desirable
Locations**

Management Expertise



5' PEDESTRIAN
EASEMENT
(WILL CONTINUE INTO
PEDESTRIAN SYSTEM
OF CENTER)
P.O.B.

LIMITS OF
SPECIAL PERMIT

ER RIDGE ROAD

Right To Quiet Enjoyment

The lots that back up to the proposed development are not deep lots. Each lot is only 110 feet deep. Take away the front setback and the building footprint and each house is left with a very small backyard. Please note on the lot map included the depth of the lots and as an example the first office building directly north of the proposed area has a building width that is 32' longer than the depth of any of the homeowner's lots.

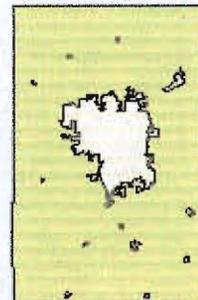
As the proposal shows there is no buffer zone between the homes on 30th Street or the duplex on 29th Street and the childcare facility. One side of the lot line belongs to the homeowners and on the other side is the playground. No common area separation. In addition, one of the setback variances that is being requested puts the childcare building right up to the lot line of the duplex owned by Mr. DeBoer

At the Developer's meeting, Mr. Krueger compared this project to the office buildings that are located in the development directly to the north. However, this is not an accurate comparison. If you will note on the aerial shot that was provided by the city, you can use the dotted line showing the area of application as an accurate depiction of where the privacy fence is located. Please note that by the office buildings there is about a 6' buffer of ground after the fence, then there is a driveway for access to the buildings before the actual buildings are constructed. Again, there is no buffer zone for the homeowners backing up to the proposed childcare facility - private yard - fence - playground.

As an example, at my home, which is the southern most lot on the map I provided. I measured and the playground would start just 30 feet away from my patio and deck. It is only 14 steps from my patio to the start of the playground if there were no fence. In addition, each of the four homes backing up to the proposed development are on walkout lots - as a result, the childcare's 6' privacy fence will offer no privacy for any homeowner wanting to make use of their decks.

Finally, there is the issue of noise. The childcare center could accommodate up to 130 children. That is 130 children using the playground throughout the day. That is 130 children laughing, shouting and screaming on the playground at a facility that is open approximately 250 days of the year. Spring, summer, fall and winter. Not even a summer break or extended breaks for holidays that is provided by the school system.

Lancaster County Parcel Map



- Legend**
- Lakes/Streams
 - Parcels
 - Streets
 - Schools
 - Parks
 - City Limit
 - County

This map is intended to show as accurately as possible the relationship of parcels, but it is not intended to be construed as survey accurate in any manner.

Norman H. Agena
 County Assessor/Register of Deeds
 555 South 10th Street
 Lincoln, NE 68508
 402-441-7463
 assessor@co.lancaster.ne.us



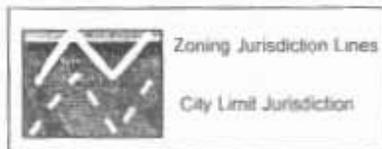
**Use Permit #100 B
South Ridge Village
S 27th St & Pine Lake Rd**

2007 aerial

Zoning:

One Square Mile
Sec. 19 T09N R07E

- R-1 to R-4 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



Photos of my home taken from my patio and then taken from the lot line to illustrate just how close we are to the proposed childcare facility



Adverse Effect On Property Values And Marketability

First and foremost, I can virtually guarantee to you that the current homeowner's of the four 30th Street lots and the duplex lot on 29th Street would not be the current homeowners if the childcare facility being proposed was already in existence during the time when we were shopping for new homes. I personally checked the zoning before making an offer to purchase and I know that a number of other homeowners did the same.

I am a full time Realtor in my twelve year in this market. I can personally attest to the fact that homes that back up to or are near busy streets, hospitals, schools, and commercial buildings that have the perception of high traffic are very often rejected by potential buyers, many times they won't even go in and tour the property once they see the location. There is a very real stigma attached to those properties and they frequently take longer to sell and ultimately sell for less than similar homes located in quieter neighborhoods.

We are in the midst of one of the worst recessions in history and Lincoln is being affected just like the rest of the country. During 2008, 3,608 single family homes were sold in the Lincoln market. This represents a 12.4% decrease over 2007 and in fact, the lowest number of units sold since the year 2000. On top of that, our inventory is at it's all time highest level.

I've included the YTD absorption rate for the Lincoln market. These numbers are supplied by the Realtors Association of Lincoln. The Absorption Rate is a number that projects the average number of months it can take to sell a property in our market based upon the number of homes available in a price range in relation to the number of homes that were sold in that price range over the last 12 month period. The bulk of the homes in the Porter Ridge/Pine Lake Heights subdivision are in the \$160,000 - \$200,000 price range. As you can see it currently can take 7.36 months to absorb those homes available for sale—and that's if the current rate of sale remains the same and no additional homes in that price range come on the market. Add any other form of adverse issues and the time on market grows significantly.

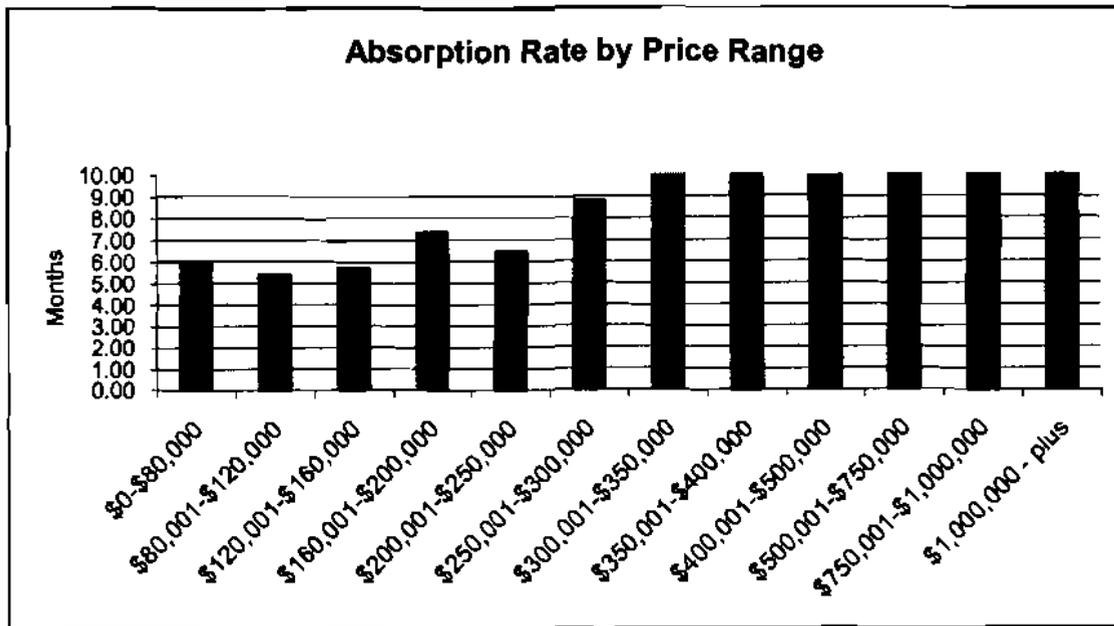
Currently, there are 15 homes available for sale in Porter Ridge/Pine Lake Heights subdivision with an average number of days on the market of 140. There is currently only one home under contract. Add the stigma attached to a home that backs up to a childcare facility and those homes that might be affected could anticipate a much longer selling time.

Given the choice of purchasing a home in a quiet neighborhood or similar property that has a busy childcare facility with a playground just off your lot line and approximately 130 children occupying that facility and playing virtually in your backyard - which property would you choose?

YTD - Absorption Rate of Active Residential Listings for December 2008

	Units	SOLD Prior 12 months 11/30/2007- 11/30/2008	Absorption Rate
\$0-\$80,000	269	536	6.02
\$80,001-\$120,000	413	917	5.40
\$120,001-\$160,000	476	997	5.73
\$160,001-\$200,000	309	504	7.36
\$200,001-\$250,000	184	343	6.44
\$250,001-\$300,000	124	169	8.80
\$300,001-\$350,000	87	92	11.35
\$350,001-\$400,000	63	62	12.19
\$400,001-\$500,000	56	25	26.88
\$500,001-\$750,000	50	25	24.00
\$750,001-\$1,000,000	13	7	22.29
\$1,000,000 - plus	8	1	96.00
Total *	2052	3678	6.69

*This total is combined total units / combined total sales for all residential homes in MLS
 YTD Absorption Rate: Active units / Sold prior 12 months x 12
 1/14/2009



Increased Traffic And Safety

At the Developer's meeting, this week the opinion was expressed by the developer that much of the increased traffic that would be associated with the completion of the childcare facility would come off of Pine Lake Road on 29th Street.

I believe that all interested parties would agree that much of the anticipated enrollment at this childcare facility would likely come from Porter Ridge/Pine Lake Heights, Stone Ridge, Wilderness Ridge, Wilderness Hills and Vavrina Meadows subdivisions.

As you can clearly see from the map of the area included, that the most likely routes for families who live in Porter Ridge/Pine Lake Heights would be through the development itself rather than off Pine Lake Road. Likely streets affected would include Porter Ridge Road, 29th Street heading north to the facility, Ashlee Lane, 30th Street, Katelyn Lane and Whitlock Road.

There is a real concern for safety with this increased traffic. Children also use these streets to walk and ride bikes to Scott Middle School as well as Cavett Elementary School.

Also, as you'll see, the developments of Stone Ridge, Wilderness Hills and Wilderness Ridge would most likely turn east onto Porter Ridge Road as they come from the North on 27th Street.

Porter Ridge Road and 29th Street already experience quite heavy traffic as residents and visitors use these roads to go to Southpointe Mall and all of the retail and service companys that surround this area.

Mapped Listings Report



#	Listing #	Status	Address	City	List/Sell \$
1	905315	Sold	7307 S 30th St Lincoln, NE 68516-4874	Lincoln	162,500

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Availability Of Other Desirable Locations

At the Developers meeting, the young woman who wishes to operate the childcare facility indicated her main reason for choosing this site was the proximity to her home and to the school (Adams) that her children attend.

This is all well and good, but her chosen location, while convenient for her, would result in a substantial amount of inconvenience and problems for the many homeowners that own property surrounding her chosen location.

With very little effort, I was able to find a significant amount of land that should be available for a childcare facility. This area as illustrated by the map that I've included runs from 27th Street east to 30th Street and from Grainger Parkway south to Yankee Hill Road.

These parcels are currently owned by such local developers as Ridge Development and Brager/White. The parcels that I found are zoned H-4 which should more easily accommodate a childcare facility. Most importantly the surrounding neighbors are commercial ventures such as a Veterinarian, Car Wash, Auto Dealerships, Restaurants rather than residential real estate.

In addition, these locations would just as easily serve the Pine Lake/Porter Ridge, Wilderness Hills, Wilderness Ridge and Stone Ridge subdivisions. These lots would also easily accommodate the traffic from arterial streets such as 27th Street, Yankee Hill Road and Grainger Parkway rather than smaller residential streets.

Lancaster County Parcel Map



Legend

- Lakes/Streams
- Parcels
- Streets
- Schools
- Parks
- City Limit
- County



This map is intended to show as accurately as possible the relationship of parcels, but it is not intended to be construed as survey accurate in any manner.

Norman H. Agena

County Assessor/Register of Deeds
 555 South 10th Street
 Lincoln, NE 68508
 402-441-7463
 assessor@co.lancaster.ne.us

Management Expertise

The person seeking to open this childcare facility currently runs a daycare out of her home. She has an enrollment of 8 children and her capacity is 10. I must seriously question the vast differences between running a home daycare facility for 8 kids and opening an 11,000 square foot facility that requires the management of a large staff of employees, building maintenance, financial responsibility and the management and care of children 13 times larger than her current enrollment.

This seems to be an extremely daunting situation and one that is highly likely to fail, particularly given the current economic climate. If this business fails, or limps along and the director struggles financially, we are likely see maintenance of the facility suffer in addition to the quality of care. This affects the homeowners just as much if not more than the owner of the childcare facility. At the end of the day, she and her staff go home and the neighbors are left with a poorly maintained property. Or if the business fails, the surrounding homeowners are sitting with an empty building that is like to fall into disrepair. Mr. Krueger specifically stated at Monday's meeting that it is very difficult to convert a building that was constructed as a childcare facility into a more standardized office building.

Mr. Krueger also stated at Monday's meeting that there is a critical need for additional childcare facilities in this area. In fact, he was quoted as saying that in the newspaper article in today's Lincoln Journal Star. I strongly disagree with this statement and have the data to back it up. I've spoken with each of the four major childcare operations in the same immediate area and have come to realize that this critical need does not exist. The following information was given to me by the directors of each of the childcare centers in the area.

Knowledge Beginnings is located at 6700 S. 32nd Street. This location is .6 of a mile from the proposed new facility. They have a capacity of 170 children and are only 70% full. They have openings for another 50 children.

Academic Advantage is located at 7301 S. 15th Street. This location is 1.7 miles from the proposed new facility. They have a capacity of 167 children and are only 43% full. They have openings for another 96 children. I would also like to note that this is the second operator of a childcare facility in this building in the last 4 years. The current owner has been there for approximately 1.5 years and is struggling to find additional enrollment. I've been informed that the first operator of a childcare center at this location filed bankruptcy.

La Petite Academy is located at 2700 Jameson. This location is 1.7 miles from the proposed new facility. They have a capacity of 120 children and are 80% full. They have openings for another 24 children.

Williamsburg Village Child Development Center is located at 3301 Orwell. This location is 1.8 miles from the proposed new facility. They have a capacity of 200 and are not full. The director would not reveal at what capacity this operation is currently running. If I take the average, I would guess at most 65% of capacity. This would leave openings for approximately 70 children.

OPPOSITION:

ITEM NO. 1.9a,b,c: CHANGE OF ZONE NO. 08073
SPECIAL PERMIT NO. 08052
USE PERMIT NO. 100B

(p.61 - Consent Agenda - 01/28/09)



cliff deboer
<crdeboer@hotmail.com>
01/22/2009 11:12 PM

To <plan@lincoln.ne.gov>
cc
bcc
Subject Public Hearing 1/28/09

Re: Change of Zone No. 08073
Special Permit No. 08052
Use Permit No. 100B
South 29th Street & Porter Ridge Road

Change of Zone No. 08073 - this area was zoned R-3 Residential at the time we purchased 7310 South 29th with the expectation that it would stay residential. If the property just north of us is changed to an O-3, our value will change. We have not been able to talk with someone about the value and how it would be affected. We object to any business encroaching into a residential area.

Special permit - an early childhood care facility is to be located on an arterial street. South 29th is not an arterial street. There is a reason for this law/rule, i.e., possibly because of the noise and traffic. Should this pass, the proposed building could be closer to our property line. This, if a tall building, could block the summer sun and any view we now have.

We called Marcia Kinning, with ESP, and was faxed two sheets of paper showing a floor plan and an outline of the proposed use of the area. We were extremely upset after seeing the plans from the contractor, that the building is being planned to be just five feet from our property line, that a sidewalk would be on that five feet, a gate would be there to possibly allow youngster to leave the area, that the playground covers the back of the proposed building coming south to our property line, that approximately 228 preschool children, plus after school children (amount unknown), plus approximately 38 adults may be housed in this building on two levels (presuming the lower level has classrooms), that the after-school children will be housed approximately 15 to 20 feet north of our property line and on nice days would be playing just outside their assigned area, noise level at day-cares is very high, constant traffic will occur, that the building is said to be two stories but we are unable to determine from the drawing what the lower level contains, front elevation in comparison to our home elevation and all elevations. Also, we are concerned about drainage on our lot.

What is the value or reason for the revision of the boundaries of all the lots listed in the Permit No. 100B.

When were all these change of zone and special & use permits submitted to the planning commission. Why weren't we notified at that time? We have an objection to a notification letter being mailed 1/16/09, and because of MLKing holiday, was not received until 1/20/09.

We are snowbirds and are in Arizona at this time and unable to attend the January 28th hearing. We ask the planning commission to defer action until spring on a date, after April 15th, when we can attend in person or at least have time to further study the proposal.

We also own a section of 7160 South 29th, Ste. B1 & B2, and this could be extreme in and out traffic in their area which may affect the value and the ability to rent.

Cliff & Toby DeBoer
17200 West Bell Road, Lot 264
Surprise, AZ 85374

037

OPPOSITION

ITEM NO. 1.9a,b,c: CHANGE OF ZONE NO. 08073
SPECIAL PERMIT NO. 08052
USE PERMIT NO. 100B
(p.61 - Consent Agenda - 01/28/09)

January 25, 2009

To Whom It May Concern:

RE: The building of a Day Care Center in Port Ridge Area

Dear Sir/Madam,

We are strongly against the proposal to build a Day Care Center at the 29th and Port Ridge Rd.



Jie Li and Luwen Zhang
7031 S 30th PL
Lincoln, NE68516

OPPOSITION

ITEM NO. 1.9a,b,c: CHANGE OF ZONE NO. 08073
SPECIAL PERMIT NO. 08052
USE PERMIT NO. 100B

(p.61 - Consent Agenda - 01/28/09)

To <plan@lincoln.ne.gov>

cc

bcc

Subject Proposed Day Care at 29th & Porter Ridge Rd.



betsy stumpf
<bstumpf@neb.rr.com>

01/27/2009 12:47 PM

To Whom It May Concern: I am writing since I am unable to attend the meeting that was scheduled for today. I have lived on the southwest corner of 29th Porter & Ridge Rd. for over 10 years. In that time I have noticed rapid growth to the south of me and thus the traffic has become excessive and most cars exceeding the speed limit for a residential area. 29th St. is not an arterial. Not only are there numerous cars traveling north and south, they are using Porter Ridge Rd as their main route to 27th St. etc. I am also concerned that a great many students from Scott Middle School walk, bike skate board etc. along this same route. I believe a traffic study should be done before proceeding with this project. Porter Ridge Assn is comprised of mainly Senior Citizens and we are often detained for long periods of time just to back out of our driveways. I urge you to consider the congestion that comes with a day care of this size and the other traffic problems that will follow. Thank you for your consideration

Bettynelle(Betsy) Stumpf
Ridge Rd.==420-6155.

2883 Porter

OPPOSITION

ITEM NO. 1.9a,b,c: CHANGE OF ZONE NO. 08073
SPECIAL PERMIT NO. 08052
USE PERMIT NO. 100B

(p.61 - Consent Agenda - 01/28/09)



Jean L Prellstar/Notes

01/27/2009 12:01 PM

To

cc

bcc

Subject Fw: Daycare- S 29th St Opposition Letter

— Forwarded by Christy J Eichorn/Notes on 01/27/2009 11:49 AM —



"Ling, Kristin"
<kling@fnrl.com>

01/27/2009 09:44 AM

To <ceichorn@lincoln.ne.gov>

cc

Subject Daycare- S 29th St

I attended the neighborhood meeting last night regarding the proposal to build a daycare in the empty lot on S. 29th St behind my house. I am writing with my concerns about such a building:

- 1) The proposed plan (building, parking, playground etc) is too large for the lot. The parties involved are asking for numerous concessions to city code- rezoning, setback waivers etc.
- 2) The individual opening the daycare currently has 8 children in a home daycare. What expertise/qualifications does she have to open and make successful a 131 children facility? What happens to the building if she fails? What tenants can inhabit the building then?
- 3) The proposed parking stalls are too far from the front door of the building. Concern is that the parents will pull up to the front of the building, or park on 29th St to drop their children off, rather than walk from the stalls provided.
- 4) Traffic will be the biggest issue. The left turn into the facility will cause traffic to back up, or attempt to go around the turning car. Turning off of Porter Ridge Rd from the west (onto 29th St) is a "blind hill" as it is- I am envisioning many accidents in that area. Concern as well that parents will not use 29th but will wind through my neighborhood (32nd to Ashlee, jogging over to Porter Ridge Rd (east side of 29th) and onto 29th St- Or utilize Porter Ridge Rd on the west side of 29th St as a through street. Daycares are supposed to be built on arterial streets- we're told that 29th is a "collector" street. It can by no means handle the amount of traffic that we would expect to generate from this facility- not to mention the safety concern for neighborhood children with the additional traffic flow.
- 5) Current zoning is R-3- if it is allowed to change to O-3, what other occupants may be allowed to inhabit that building?
- 6) Relocation of the dumpster to accommodate new parking places puts the dumpster directly behind my house. No thanks! Rick Krueger did indicate they would look for another place to locate the dumpster if the facility passes.
- 7) Landscaping? What concessions can I receive as a homeowner regarding fencing, mature trees etc to shield my property from the commercial area? Property values will decrease for home that back up to a commercial area- we would want to retain as much privacy/separation as possible.

Please take our concerns as homeowners into account when deciding whether or not to grant the building of this facility, and all of the waivers off/concessions to code that are being asked of you. The homeowners in this neighborhood are concerned about a building of this size occupying this lot, and especially

concerned about the traffic and safety issues it will generate.

Kristin Ling
7221 S 30th Place
402-430-1496

OPPOSITION

(p.61 - Consent Agenda - 01/28/09)

Attn: Christy Eickhorn

I would like to go on record for the Planning Commission meeting Wedn. Jan 28, 2009 regarding the Change of Zone - issuance of a special permit and waive of setback regulations at S. 29th Street + Porter Ridge Road. After attending the Public Meeting regarding this area I have concerns:

- 1) 130 children will add approximately 60 cars to the already busy 29th St + Porter Ridge Rd.
- 2) We have a traffic pattern that goes from 27th St down Porter Ridge Rd to 29th St. Particularly concentrated at 7:30 and 5 PM. Daycare traffic will compound the flow.
- 3) The corner of 29th + Porter RR is dangerous with blind spots from the North + South.
- 4) The City zoning laws were established to prevent over concentration of traffic and habitation. The area is zoned R-3 residential.
- 5) Property value will decrease - I live in a town-house - middle access to Porter Ridge Rd. The street is sooo busy now that I have to turn my turn signal on to go into my drive.
- 6) High traffic business is required to be on an arterial - for good reasons.

Please respect tax paying home owners concerns & rights. Study the proposed bldg and surrounding neighbors and deny this bldg permit.

Thank You
Donette Engstrom
2847 Porter ledge Rd
68516

* Also take into consideration the demographics of the area - Children would be better served farther south near their homes.

RECEIVED

JAN 27 2009

Lincoln/Lancaster Co.
Planning Department

jep



Ranette Engstrom
<ranetteng@yahoo.com>

01/27/2009 07:21 PM

Please respond to
<ranetteng@yahoo.com>

To <plan@lincoln.ne.gov>

cc

bcc

Subject Porter Ridge Daycare

To Whom It May Concern

I am a resident on Porter Ridge Road and I am very concerned about the planned daycare at the corner of 29th and Porter Ridge Road. Both of those streets are very busy now and adding 60+ cars will create more traffic flow issues. The constant coming and going of ears dropping off and picking up their children will lead to more chaos on the these streets. Even with a U-shaped driveway there is going to be continual traffic backing up and parking on both sides of the streets. With the increase in traffic and adding young children there is the potential for car/pedestrian accidents because the corner of 29th and Porter Ridge is a "blind corner".

The demographics of the area they want to put this daycare is mainly retirees and townhomes. Adding this type of facility to the area is bound to effect our property value.

When making your decision please take neighborhood impact and safety into considerations.

Please feel free to respond or contact me if you want further information or comments.

Sincerely,
Ranette Engstrom
2847 Porter Ridge Road
402-730-1942

ITEM NO. 1.9a,b,c: CHANGE OF ZONE NO. 08073
SPECIAL PERMIT NO. 08052
USE PERMIT NO. 100B

(p.61 - Consent Agenda - 01/28/09)



LeRoy Ernst
<leedme@attitel.net>
01/27/2009 04:21 PM

To <jcamp@lincoln.ne.gov>, <ceichorn@lincoln.ne.gov>,
<plan@lincoln.ne.gov>
cc
bcc

Subject Request rejection of change of zone #08073, special permit
#08052, and use permit #100B

To: Christy Eichorn
City Planning Commission
City Council

From: LeRoy and Donna Ernst
2875 Porter Ridge Rd.
Lincoln, NE, 68516

We are writing this letter to express our strong opposition to the proposed change of zone #08073, special permit #08052, and use permit # 100B.

Our reasons for opposing the above proposed changes:

- The added car traffic on what is already two very busy streets. (29th street and Porter Ridge Road)
- With the estimated one hundred thirty children and twenty plus child care employees, we can only imagine traffic the nightmare this facility would create at this location.
- Due to the child care center and the added traffic, we are also concern about the decrease in the value of our homes.
- The hill just south of the proposed child care entrance would make it difficult and dangerous for the drivers turning east into this site on 29th street. Also, the north bound traffic will have a difficult time stopping or slowing down on a downhill slope just south of the child care entrance.
- Please come to the corner of 29th street and Porter Ridge Road to observe the amount of early morning and late afternoon traffic. Then picture the added traffic from a child care center and determine for yourself our safety concerns.
- We would not want this dangerous traffic potential on our shoulders and we're hoping that you will agree with our concerns. Please vote to deny the above mentioned changes.

Respectfully submitted,
LeRoy Ernst
Donna Ernst



Robin Hadfield
<robinhad@gmail.com>
01/27/2009 08:36 PM

To <plan@lincoln.ne.gov>
cc
bcc

Subject Change of Zone—29th and Porter Ridge Road

I am writing in opposition to the change of zone, special use permit, and use permit at 29th and Porter Ridge Road, which is on the agenda for the January 28, 2009, meeting of the Planning Commission.

I live at 2801 Brummond Drive, which is in the Porter Ridge neighborhood. The only access to the neighborhood is from Porter Ridge at 27th Street or 29th Street at Pine Lake. The proposed child care facility is on 29th Street about 3 blocks from Pine Lake. I have several concerns about the proposal:

1. Traffic: Both 29th Street and Porter Ridge carry a great deal of traffic from people coming into the neighborhood and from those who cut through the neighborhood. A child care facility with 120 children and 30 staff will greatly add to this traffic. On 29th Street at Pine Lake, a number of cars make u-turns to get to Starbucks.
2. Safety: The traffic would not only create problems for other drivers, but would affect the safety of the children in the facility. In addition, young people walk through the neighborhood to go to Scott Middle School or Adams Elementary.
3. Zoning: The area is currently zoned as residential for a reason. There is a business development immediately to the north and residences immediately to the south and east. Those homeowners purchased their homes believing they would be next to residences, not a 2-story child care facility. The neighborhood was previously misled when DuTeau's Chevrolet was allowed to build at 27th and Porter Ridge when the area was originally zoned for offices. If the child care facility fails, any manner of businesses would be allowed to take over the building because the zoning has already been changed. It seems the zoning laws mean little. There must be a reason that a child care facility with that many children is required to be on an arterial street.
4. 29th Street Issues: 29th Street is a residential street which already carries more traffic than it was built for. There is a slight hill as it approaches Porter Ridge, and the hill goes down after Porter Ridge. The intersection of 29th and Porter Ridge already has blind spots in both directions, and the child care facility would be right in the middle of this. One of the townhouses had its fence knocked down by someone driving off the street.

I ask that you give consideration to these comments and reach a decision that this application should be denied.

Sincerely,

Robin Hadfield



Jean L. Preister/Notes
01/28/2009 09:30 AM

To
cc
bcc

Subject Fw: South 29th St. Day Care Proposal Opposition

--- Forwarded by Christy J Eichorn/Notes on 01/28/2009 09:24 AM ---



Debra Boosalis
<dboosalis@earthlink.net>

To <ceichom@lincoln.ne.gov>

01/27/2009 08:40 PM

cc

Please respond to
Debra Boosalis
<dboosalis@earthlink.net>

Subject South 29th St. Day Care Proposal

Ms. Eichorn,

I was in attendance at a meeting last night representing my father and his property at 7310 south 29th street which is on the south lot line of the proposed day care.

My back ground as a day care teacher provides me with incite concerning a day care in this proposed residential location.

Issues Concerning:

(1) Traffic flow and congestion

Safety of children with a connecting arterial of Pine Lake Road and the congestion of traffic at that location is of great concern. Not only day care children but children walking to Scott Middle school and South Pointe Mall. Traffic will be increased during drop off and pick up times as well as special day care events etc., as I have witnessed being a day care teacher, and resident in close proximity of a day care the traffic can pile up in a long waiting line. The increased congestion may cause traffic flow to be diverted through the residential area to access main arterial of 27th street thus increasing residential traffic.

(2) Parking Issues

With the number of parking spaces provided by the day care and considering the number of staff, South 29th street will be used for parking during day care events involving family members as a convenience for their parking needs. I have witnessed this at the Knowledge Beginnings day care facility on 32nd street.

(3) Noise Level

Again I have first hand experience living at 3321 Williamsburg Drive which is around the corner and down the hill a few homes from Knowledge Beginnings Day Care on 32nd Street. I have experienced the high noise level of the children and I'm not even located next to the day care. I can't imagine what the noise level would be if the building was 5 feet to 20 feet from my lot line as proposed by Mr. Krueger.

(4) Property value decrease and cosmetic views of concerned property owners

This is an obvious concern and a petition will be pursued to voice the opinion of the neighborhood.

Please take into consideration the brief concerns I have listed as well as many other concerns voiced by the neighbors at the informational meeting for this day care proposal.

Thank you for your time, representing Cliff DeBoer, 7310 South 29th Street

Item No. 1.9a,b,c: CHANGE OF ZONE NO. 08073
SPECIAL PERMIT NO. 08052
USE PERMIT NO. 100B
(p.81 - Consent Agenda - 01/28/09)



Jean L. Preister/Notes
01/28/2009 09:35 AM

To
cc
bcc
Subject Fw: Planning Commission - Change of Zoning and Special
Waivers - 29th and Porter Road

— Forwarded by Christy J Eichorn/Notes on 01/28/2009 09:24 AM —



<sgoosic@hotmail.com>
01/27/2009 10:32 PM

To <jcamp@lincoln.ne.gov>, <ceichorn@lincoln.ne.gov>
cc
Subject Planning Commission - Change of Zoning and Special
Waivers - 29th and Porter Road

Change of Zone No. 08073
Special Permit No. 08052
Use Permit No. 100B

After having attended the presentation (1/26/2009) by Kruger Development on the proposed **131** child day care center, to be build on the empty lot of 29th and Porter Ridge Road, I am strongly concerned as to the impact that this will have on the property values abutting to the south and east side of the site as well as the increase traffic congestion that it will contribute to 29th and Potter Ridge Road. I strongly oppose the three request before the planning commission.

Special Permit No. 08052 seeks a waiver of the requirement to be located on an arterial street. This requirement is applied to early childhood care facilities of thirty-one or more children, for safety and traffic flow concerns. The applicant of the special waiver intends to build a early childhood care facility that will facilitate up to **131** children. That is in excess of 4 time the maximum limit allowable by city code for operating a early childhood care facility on a no-arterial street.

The location of the proposed facility is located at the junction of 29th and Porter Ridge Road. Both of these roads do not meet the definition of an arterial street. According to the county planning staff report, 29th street is considered as a collector street, but with just 32nd and 29th streets serving as the 2 main arteries into the area, traffic is already considerably high, especially congested mornings and evenings. Notably , Porter Ridge Road, a narrow street aligned with townhomes many of which are owned by young families and retired residence, is used quite often as a short cut to 27th street. By the demographic makeup of the area south of 27th and Pine Lake, it is probable to say that a large portlon of the traffic to the child care center would come from that direction and presumably use Porter Ridge Road. With the lack of adequate parking space available in front of the proposed building undoubtedly, parents will park along the street to take their child(s) up to the facility. With the increased flow of traffic, parking on the side street, and the blind spot that exist between the traffic heading south up the hill towards Porter Ridge Road those exiting from

Porter Ridge Road on to 29th street, it is presumable to expect a high number of traffic accidents.

I purchased my home at 7301 S. 30th with the assurance that the area behind my home was zoned R-3 Residential. If zoning should change to O-3, the property values of the homes which directly surround the lot to the south and east will most certainly be negatively impacted. I urge the City to respect the integrity of the neighborhood and restrain the encroachment of commercial development into our residential area.

Based merely on the sizes and the placement of the proposed building, not only our property values will be adversely affected but, also our ability to enjoy our property. The proposed building covering 11,000 square feet, will stretch north to south, covering nearly 75% of the lot area. Taking in account the total height of the building, including the height of the roof, and the length of the building it will completely eliminate any view I currently have and will eliminate all afternoon sunshine to my back yard. My shrubbery will wither and a garden will nearly be impossible to keep.

I am also concerned by the fact the operator of the early childhood care facility currently only cares for 8 children in a home daycare. What expertise does she hold that suggest she will be successful. There is a difference between running a home daycare and operating **131** child and 28 member staff early childhood care facility. If she is not successful what other uses would the building be used for? According the developer, because of the design and layout of the facilities within the build, it could only be used for a day care center. If this is the case then there is a possibility of the building sitting empty.

It is evident by the number of request for special permits and zone changes that the proposed building of an early childhood facility is not suitable for that lot. If Use Permit 100B, which request a waiver on the side and rear yard setbacks is approved, it means the building will set back only 20 feet from my property, with that space to be used as the play ground. Not only will the building be even closer to my property, more afternoon daylight will be blocked, it will not provide sufficient green space or vegetation to shield our properties from the sounds of the children, the inside/outside lighting, the drone from the AC compressors, or the heat radiating off the roof during the summer months. When I go to look out my back yard all I will see, will be a tall wooden wall the developer will erect, a few bricks, and a soaring roof.

The proposed number of children(**131**) in the daycare easily equates to the size of a small school. Taking notice from Lincoln Public schools, the distance that separates the play area of the school and that of the neighboring properties is much greater than 20 feet. In this case they intend to **squeeze** a school in this **little** space and expecting the neighbors to make huge concession.

The developer noted that the proposed setbacks is the same as it is between the office buildings north of the site and the homes located just behind. This technically may be true, but he does not account for the additional space provided by the drive way behind the builds. Also those homes sit at a higher elevation and over look the buildings below and the lots are deeper. Finally, the office buildings run in an east to west direction so as to not completely block the western sky.

As you come to your decision on whether or not to allow the zoning changes and special waivers, please take in account the concerns of the homeowners the concession we are being asked of. Will this development, improve or enhance our neighborhood?

Steve Goosic
7301 S. 30th St.
Lincoln, NE 68516



Jean L. Preister/Notes
01/28/2009 09:38 AM

To
cc
bcc
Subject Fw: Zone Change 29th end Porter Ridge Road

— Forwarded by Christy J Eichorn/Notes on 01/28/2009 09:25 AM —



<sgoosic@hotmail.com>
01/27/2009 10:42 PM

To <ceichorn@lincoln.ne.gov>
cc
Subject Zone Change 29th and Porter Ridge Road

Christy,

My neighbors who are unable to attend tomorrows Planning Commission hearing ask that I submit the attached letter on their behalf.

Sincerely,
Steve Goosic
7301 S. 30th
Lincoln NE, 68516



Windows Live™ Hotmail@:...more than just e-mail. Check it out. DayCare- 29thPorterRidge.tif

January 27, 2009

To: Lincoln Planning Commission,

My household opposes the proposed rezoning/development on South 29th Street just south of Pine Lake Road.

The proposed building is too large for the lots on which it will be placed causing less than acceptable space between it and existing buildings.

South 29th Street is not designed for handling the traffic the proposed business would create.

Phil Jenkins
7041 South 30th St
Lincoln NE 68516

January 27, 2009

Lincoln City/Lancaster County Planning Commission
c/o Christy Eichorn
555 South 10th Street
Lincoln, NE 68508

Dear Commissioners:

As a nearly life-long resident of Lincoln and a 13-year resident of Porter Ridge, I would like to share my thoughts and concerns regarding the proposed construction of an early childhood care facility on South 29th Street.

Based on the meeting last night with Mark Krueger, it is clear that I am far from alone in having concerns. While I fully expect development on this parcel of land, and recognize it will not be single family dwellings; I was very surprised to hear the some of the details. For purposes of this letter, I'd like to focus on a few of the issues as I see them.

1. Noise. The locations of the various playgrounds were not shown in the plan I reviewed, except for the large playground. However, in seeing areas marked as parking lots and sidewalks, by process of elimination virtually all of the playground areas needed for this facility have to be in the back yards of the homes surrounding the facility.

The size of this facility and its location will mean a lot of children and a lot of noise and very little buffer zone for the homeowners. There is no doubt that property values will be adversely impacted. Houses with a daycare playground in their back yard would be extremely undesirable.
2. I honestly believe that this facility is too big for this particular parcel of land. If you look at the site plan, I think you'll agree. Only with large concessions on the setbacks can it be wedged onto this property.
3. The main entrance to the building is quite a distance from the proposed parking stalls. While there is parking along the "circle" drive in the front of the facility, it was not designed to hold the number of cars that one would expect during a daycare's peak drop-off and pick-up hours. I looked at several daycare facilities in the area and all of them have parking spaces directly in front of the main entrance.

With this setup, it will not take long for parents to see that by parking on 29th Street they will be much closer to the front door. This setup also creates an incentive to use Porter Ridge Road or 32nd Street to park on the east side of 29th Street. Given that 29th is on a hill and is a winding street, I believe the risk of accidents (cars and pedestrians) will be higher if parking is allowed on this section of 29th Street. I

strongly recommend that the City look into making this a no parking zone regardless of the outcome of this application.

4. 29th street and the surrounding streets are already very busy in the morning and at the end of the business day. Trying to add another 50 to 70 cars during peak hours on a non-arterial street will result in traffic congestion problems and safety issues for 29th Street and the surrounding streets. I assume that is why the City has a requirement to locate such businesses on an arterial road and this requirement should not be waived for this project.

Mr. Krueger indicated that traffic was not an issue because those using the daycare would move through the neighborhood seamlessly. He believes parents would enter on 29th Street via Pine Lake (going south), turn left into the facility and then exit going north to Pine Lake. Parents will find making a left-hand turn into the facility is very difficult due to the heavy traffic going south on 29th in the mornings. They will then opt for other routes – primarily Porter Ridge Road or 32nd Street for a much easier right-hand turn.

I also believe many will avoid the light at 29th and Pine Lake when they exit, especially at the end of the day, and will opt to use Porter Ridge Road to access via 27th Street.

Also be mindful that there are a number of children on bikes using those same roads to get to Scott Middle School during the morning rush.

Please do not approve this plan as submitted and take the time necessary for Mr. Krueger, the City and the impacted residents to address these concerns.

Sincerely,


Jennifer Carney
7230 South 30th Place

OPPOSITION

RE: Special Permit No. 08052
Change of Zone No. 08052
Use Permit No. 100B
South 29th Street & Porter Ridge Road

We purchase our home at 2807 Porter Ridge Road with the understanding and expectation that it would remain residential. If the property north of us is changed to 0-3, our property value will be affected and deteriorate. Noise from traffic, as well as increased car traffic, would greatly impinge on our property as well as the general well-being of the neighborhood. I oppose your approving their request to build a childcare facility at this site.

I understand that 0-3 zoning is a district intended to provide a developing or redeveloping area primarily consisting of a mixture of office and other types of compatible and complimentary commercial uses, and residential uses in suburban areas. This district is intended to be located on an arterial street in close proximity to commercial uses. This proposal does not correspond within the guidelines of 27.63.070 of the planning Commission which states "facilities with thirty-one or more children shall be located on an arterial street".

My understanding is that the Early Childhood Care Facility would consist of a two-story building with 11,000 square feet. The facility shall contain a maximum of 130 children and 26 employees. In addition to the waiver listed above, they are also requesting a waiver of the facility having access to an arterial street. Since 29th street is connected to Pine Lake, they erroneously presume that it meets the requirements in 27.63.070 of the Planning Commission.

I vigorously object to South Ridge Village LLC building a childcare facility on this site, requesting a revision of the boundary of the use permit and an additional waiver to reduce the side yard setback, as well as extending the existing rear yard setback to the revised south property line.

Sincerely,

Ralph Borgman
Barbara Borgman
Ralph & Barbara Borgman

RECEIVED

JAN 28 2009

Lincoln/Lancaster Co.
Planning Department

054

Item No. 1.9a,b,c: CHANGE OF ZONE NO. 08073
SPECIAL PERMIT NO. 08052
USE PERMIT NO. 100B

(p.61 - Consent Agenda - 01/28/09)

From: LeRoy and Donna Ernst
2875 Porter Ridge Road
Lincoln, NE 68516

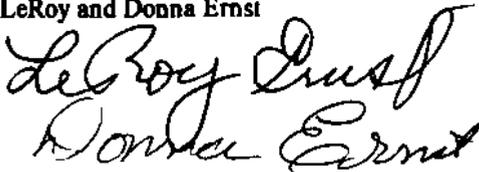
To: Christy Eichorn
City Planning Commission
City Council

We are writing this letter to express our strong opposition to the proposed change of zone #08073, special permit #08052, and use permit #100B.

Our reasons for opposing the above proposed changes:

- The added car traffic on what is already two very busy streets. (29th and Porter Ridge Road)
- ; With the estimated one hundred-thirty children and twenty plus childcare employees, we can only imagine the traffic nightmare that this facility would create.
- Due to the childcare center and the added traffic, we are also concerned about the decrease in value of our property.
- The hill just south of the proposed childcare entrance would make it difficult and dangerous for the drivers turning east into this site along 29th street. Also, the north bound traffic will have a difficult time stopping or slowing down on the downhill slope just south of the childcare entrance.
- Please come to the corner of 29th and Porter Ridge Road to observe the amount of early morning and late afternoon traffic. Then picture the added traffic from a childcare center and determine for yourself our safety concerns.
- We would not want this dangerous traffic potential on our shoulders and we're hoping that you will agree with us. Please vote to deny the above mentioned changes.

Respectfully submitted,
LeRoy and Donna Ernst



RECEIVED

JAN 28 2009

Lincoln/Lancaster Co.
Planning Department