

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 07044A**, requested by First Presbyterian Church, for a parking lot in a residential district and to allow parking in the front yard along South 18th Street and the side yard, on property generally located at South 18th Street and F Street.

STAFF RECOMMENDATION: Conditional Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 06/02/10
Administrative Action: 06/02/10

RECOMMENDATION: Conditional Approval (9-0: Cornelius, Partington, Lust, Larson, Taylor, Esseks, Francis, Gaylor Baird and Sunderman'yes').

FINDINGS OF FACT:

1. Approval of this special permit amendment allows a parking lot in a residential district with parking allowed in the front yard along South 18th Street and the side yard.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-4, concluding that the parking lot meets the requirements of the Zoning Ordinance, provided the conditions of approval set forth on p.4-5 are met. The block face along 18th Street faces church parking to the west, and the multi-family buildings on the north side of this block face already have a reduced front yard. There should be no significant impact on the surrounding properties. The staff presentation is found on p.7.
3. The applicant's testimony is found on p.8. This special permit amendment will allow 20 parking stalls as opposed to 10, and will help relieve congestion in the neighborhood.
4. There was no testimony in opposition.
5. On June 2, 2010, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend conditional approval as set forth in the staff report.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: June 8, 2010

REVIEWED BY: _____

DATE: June 8, 2010

REFERENCE NUMBER: FS\CC\2010\SP.07044A

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for JUNE 2, 2010 PLANNING COMMISSION MEETING

PROJECT #: Special Permit No.07044A

PROPOSAL: Parking lot in a residential district with parking allowed in the front yard along S. 18th Street and the side yard.

LOCATION: S. 18th Street and F Street

LAND AREA: 8,479sf, more or less

CONCLUSION: This parking lot meets the requirements of the Zoning Ordinance provided the conditions set forth below are met. The block face along 18th Street faces church parking to the west and the multifamily buildings on the north side of this block face already have a reduced front yard. There should be no significant impact on the surrounding properties.

RECOMMENDATION:	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 18, block 4, Sawyer's Addition, Lincoln, Lancaster County, NE

EXISTING ZONING: R-6, Residential

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING:

North:	R-6, Residential	Multifamily
South:	R-6, Residential	Single family
East:	R-6, Residential	Multifamily
West:	R-7, Residential	First Presbyterian Church

HISTORY:

The zoning on this property changed from "D"-Multiple Dwelling District to R-6- Residential District in the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS:

The Land Use Plan identifies this property as Urban Residential. (19)

The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use is often gradual. (23)

Support retention of public uses (elementary schools, churches) as centers of neighborhoods – encourage shared parking whenever possible — permit minor incursions of accessory parking for public/semi-public uses into neighborhoods if properly screened.(68)

Infill development also needs to respect the street pattern, block sizes and development standards of the area, (71)

TRAFFIC ANALYSIS: S. 18th Street and F Street are local streets.

ALTERNATIVE USES: Residential or any use allowed in the R-6 residential zoning district that meets setback and lot area requirements.

ANALYSIS:

1. In 2007 a parking lot was approved for this property but was required to meet all codes and design standards. At that time there was no provision for allowing parking in the front yard. According to the applicant, not allowing parking or drive isles in the front yard substantially limited the number of parking stalls that could be placed on this site, making the project uneconomical.

In 2008 First Presbyterian Church sponsored a text amendment to allow City Council to consider granting parking and drive aisles in the front yard as part of the special permit for parking in a residential zoning district. The text amendment was approved by City Council. The applicant is now asking for approval of the same site plan they presented in 2007 with the ability to have parking in the front yard of S. 18th Street and side yard. They are preserving the front yard along F Street which is consistent with the block face.

2. The Comprehensive Plan encourages the retention of public uses such as churches as centers of neighborhoods. It also encourages both shared parking and minor incursions of accessory parking for such uses into neighborhoods if properly screened. If churches are going to stay in the City’s core they will need to be able to provide parking for their growing congregation. In this instance, First Presbyterian Church is located in a densely developed neighborhood with apartments built at a time of less parking required or needed. The church is competing for on street parking spaces with nearby residents.

3. The area of the proposed parking lot has multifamily uses to the north, east and single family to the south, with the First Presbyterian Church and its on site parking to the west.

4. The proposed parking lot is to be used for additional parking for the First Presbyterian Church. The church currently has 3 parking lots with approximately 62 stalls.

5. In 2005 the church purchased the two parcels that were located on Lot 18. After acquiring the property the church removed the houses with the intent of building a parking lot for their parishioners.

6. The parking lot must meet all design standards: screening and landscaping, drainage, surfacing, stall depths, drive aisle widths, and driveway locations and setbacks.

7. Access to the alley will require that an Executive Order for work in the public right-of-way be issued for the reconstruction of the alley and the returns onto 18th Street. The owner will be required to submit engineered construction plans and post the required bonds to guarantee the work.
8. The parking along S. 18th Street is shown in the required 20ft front yard setback. The applicant is asking to allow parking and drive aisles in the front and side yards. To mitigate the impact of parking in the front and side yards additional landscaping should be required above what the landscape design standards provide for. At the time of Building Permit the applicant should provide a landscape plan that shows:
 - a) Screening shall meet all landscape design standards. In addition to the required design standards, a 100% screen from 0 to 3ft high along S. 18th Street and F Street (except in the sight triangle, where the screen will not exceed 30 inches in height) will be required
 - b) This lot is lacking street trees. The applicant should provide one additional street tree along S. 18st Street and one replacement street tree along F Street.
9. All landscaping should be shown out of the right of way and sight triangles.
10. Public Works suggests the parking lot be curbed rather than wheel stops placed at the edges of the lot to enhance storm water controls.
11. Storm sewer may be required to control drainage and tap into the system in "F" Street.
12. If the proposed parking lot meets the City Design Standards it should not have an adverse affect on the abutting property.
13. Pursuant to LMC §27.63.170: (2) The land shall not be located more than 360 feet from property occupied by a college, university, or church; provided that the parking lots are used primarily in connection with the said college, university, or church. This application meets these minimum requirements.

CONDITIONS OF APPROVAL:

Site Specific:

1. This approval permits a parking lot on property legally described as Lot 18, block 4, Sawyer's Addition, Lincoln, Lancaster County, NE

General:

2. Before receiving a building permit the permittee shall complete the following instructions and submit a revised site plan including 5 copies showing the following revisions to the Planning Department office for review and approval.
 - 2.1 Show correct setbacks for the parking lot.
 - 2.2 Clearly show property lines and their dimensions.

- 2.3 Show the fence on the correct lot.
- 2.4 Show that vehicles will not over hang setback lines or property lines. Barriers should be 2 feet behind setback lines.
- 2.5 The parking lot meeting all design standards.
- 2.6 Submit a grading & drainage plan.
- 2.7 Screening shall meet all landscape design standards. In addition to the required design standards, show an 100% screen from 0 to 3ft high along S. 18st Street and F Street (except in the sight triangle, where the screen will not exceed 30 inches in height)
- 2.8 Plant 1 North Red Oak on F Street and 1 Kentucky Coffee tree on S. 18th Street or provide cash in the amount of \$440 to the City for the planting of the street tree.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying this parking lot all development and construction is to comply with the approved plans.
 - 3.2 All privately-owned improvements, including landscaping are to be permanently maintained by the owner.
 - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.5 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 clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by

Christy Eichorn
Planner
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DATE: May 20, 2010

APPLICANT: Terri Sherman
5210 Deer Ridge Drive
Eagle NE, 68347

OWNER: First Presbyterian Church
840 S. 17th Street
Lincoln, NE68508

CONTACT: same as applicant

SPECIAL PERMIT NO. 07044A

PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 2, 2010

Members present: Cornelius, Partington, Lust, Larson, Taylor, Esseks, Francis, Gaylor Baird and Sunderman.

Ex Parte Communications: None.

Staff recommendation: Conditional approval.

Staff presentation: **Christy Eichorn of Planning staff** explained that this is an application for a special permit for a parking lot in a residential zoning district for First Presbyterian Church located at 18th & F Street. This special permit was previously approved for a parking lot in 2007, but at that time there was not a provision to allow parking in the front or side yard setback for parking lots in residential zoning districts. When the use was approved, the applicant was required to meet all design standards and Title 27 requirements. In order to meet those provisions at that time, the church could not have parking along 18th Street, leaving approximately 10 stalls on the lot.

Eichorn went on to explain that in 2008, First Plymouth Church came forward with a text amendment to allow churches to have the ability to ask the City Council for an adjustment to allow parking in the side and front yards in a residential zoning district. In order to mitigate that parking in the front yard, the legislation provided that the city could ask for additional landscaping, street trees, etc. In this case, the conditions of approval require the same landscaping as was required of First Plymouth Church.

Eichorn explained that in deciding whether parking in the front yard would be appropriate, the staff considers the distance that other structures are set back on that same block face. In this case, there are two other structures with less than 20' front yard setback, which is what would generally be required for any kind of structures in the R-6 zoning district.

Eichorn pointed out that the applicant has not asked to park in the front yard along F Street, where they are maintaining the 20' front yard setback in that area.

Larson inquired whether this action also requires a change of zone. Eichorn stated that it does not require a change of zone. In 2008, the ordinance was changed to allow commercial businesses or churches to ask for this accommodation without a change of zone.

Gaylor Baird believes that the landscaping and screening is key in this kind of equation and asked staff to speak to the conditions of approval. Eichorn stated that all parking lots, whether in a residential or commercial district, must meet landscape design standards. The staff may ask for additional landscape screening, but we also try not to totally block off the parking lot. In this case, the staff recommendation asks for some street trees in the public right-of-way to help soften the parking lot being up close.

Proponents

1. **Terri Sherman**, 5210 Deer Ridge Drive, Eagle, appeared on behalf of the applicant, **First Presbyterian Church** at 18th & F Streets. The church is requesting this special permit because the neighborhood is very congested with a lot of multi-family, large apartment buildings and duplexes, and the church members are finding it difficult to park. The church purchased and removed the two homes across the street. When the church realized the parking would only be 10 stalls, they put everything on hold. They are vacant lots at this time. The church is requesting to park in the front yard only on 18th Street. This will allow 20 additional parking stalls directly across the street from the other parking lot. The waiver is only to allow parking in the front yard on 18th Street to allow 20 stalls instead of 10.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

June 2, 2010

Francis moved to approve the staff recommendation of conditional approval, seconded by Taylor.

Francis believes this is excellent use of the space and that it is important to help retain churches in older neighborhoods.

Gaylor Baird expressed appreciation for the conditions requiring the additional landscaping.

Motion for conditional approval carried 9-0: Cornelius, Partington, Lust, Larson, Taylor, Esseks, Francis, Gaylor Baird and Sunderman voting 'yes'. This is a recommendation to the City Council.



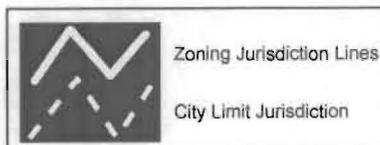
2007 aerial

Special Permit #07044A
S 18th & F St

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. 25 T10N R06E



FIRST PRESBYTERIAN CHURCH is located at 840 S 17th street. Our church is located in the heart of Lincoln with limited parking lots. In our long range planning we realized the need for an additional church parking lot. We currently have three small parking lots. One on the north side of the church with approximately 18 stalls, one to the west side of 17th street with 8 stalls and one on the back of the church on F street that holds approximately 36 stalls.

Location of the parting lot: Located at: Lot 18, Block 4, Sawyer's Addition, Lincoln, Lancaster County (18th & F)

During the busy activities of the church this new parking lot will take a few more cars off the street and will allow for better passage of cars traveling through the narrow F street neighborhood. This will also provide more safety to our older parishioners who will opt to parking in the lot so as not to have to deal with opening car doors on the busy streets.

The plans show that we have complied with all the requirements according to the regulations. We are asking for a waiver to park on the front lot of the property. The lot will hold 20 stalls and will be landscaped according to the city code, which will enhance the looks of the corner of 18th & F. The Parking Lot will be asphalt with cement curbing. We will be putting up a retaining wall and fence on the East side of the Property and landscaping on the West and South sides of the property. We will also have one light pole added. A city tree will be replaced on the South side of the property. A grading, plan have been made of the property.

We are in need of this special permit to proceed with the final approval of the overall plan.

First Presbyterian Church, Lincoln (PCUSA) is a place of growth in the heart of a growing city. We are a congregation cultivating a healthy community: where faith is nurtured, curiosity is encouraged, diversity is welcomed, and all are loved.

LEGAL DESCRIPTION:
 LOT 18, BLOCK 4, SAWYER'S ADDITION,
 LINCOLN, LANCASTER COUNTY NEBRASKA

— BLUE LOT LINE
 61' X 142'
 — CURB & GUTTER

