

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for December 8, 2004 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #04061
Early Childhood Care Facility

PROPOSAL: Permit a commercial business to provide an onsite daycare for up to 12 children to serve its employees.

LOCATION: 2605 Fairfield Street

LAND AREA: 1.54 acres, more or less.

CONCLUSION: This request conforms to the requirements of the zoning ordinance provided certain conditions are met.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 1, J.B.'s Addition, located in the SE1/4 of Section 12 T10N R6E, Lancaster County, Nebraska.

EXISTING ZONING: I-1 Industrial

EXISTING LAND USE: Existing commercial business

SURROUNDING LAND USE AND ZONING:

North:	LES offices	P Public
South:	Vacant	I-1 Industrial
East:	Commercial business	I-1 Industrial
West:	Vacant	I-1 Industrial

HISTORY:

Feb 1993 Board of Zoning Appeals #1965 approved a variance to the front yard setback from 15' to 0', along Fairfield Street.

May 1979 The zoning update changed the zoning on this property from K Light Industrial to I-1 Industrial.

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Future Land Use Plan shows this area as Commercial. (F 25)

TRAFFIC ANALYSIS: Fairfield Street is identified as a Local Street, both now and in the future. (E 49, F 103) Local streets essentially serve as connectors between abutting properties and higher order streets. (F 105)

ENVIRONMENTAL CONCERNS: This proposal is located in an industrial district. Therefore, health concerns exist due to the potential for exposure to hazardous chemicals from existing or future nearby industrial uses. Although the immediate surrounding properties are undeveloped, they are platted and may be developed at any time. The site plan indicates the other building located on this lot stores moderately hazardous materials. The Health Department will require the addition of 4 specific notes on the site plan to address these concerns.

ALTERNATIVE USES: This property could be used for any use allowed in the I-1 Industrial district.

ANALYSIS:

1. This is a request to permit a commercial business to provide an onsite daycare for the use of its employees. The daycare will serve up to 12 children with 3 staff members.
2. Lincoln Municipal Code §27.63.070 allows a special permit for a childcare facility within the I-1 district, under the following conditions:

- (a) The application shall be accompanied by the [required] information.

The application materials submitted provide the required information.

- (b) Prior to occupancy, such facilities shall comply with all applicable state and local early childhood care and building requirements.

This is a condition of approval.

- (c) Facilities with twenty-one to thirty children shall be located on collector or arterial streets. Facilities with thirty-one or more children shall be located on an arterial street. The location of such facilities on such streets shall comply with the design standards for early childhood care facilities.

Due to the small size of the facility, this paragraph does not apply.

- (d) The site plan and play area for such facilities shall comply with the design standards for early childhood care facilities.

The site plan complies with the Design Standards for a facility of this size.

- (e) The parking and loading/unloading area for such facilities shall comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code. In residential districts, such parking and loading/unloading area shall comply with the design standards for early childhood care facilities.

Based upon 12 children and 3 staff members, this facility is required to provide 3 employee stalls and 2 designated loading/unloading stalls. The site plan indicates there are 49 parking stalls available to serve the three uses (existing Xpress Lube, proposed Vital Services, and proposed childcare). There is only 1 dedicated loading/unloading stall shown on the site plan. Applicant must add a parking schedule to demonstrate the required number of parking stalls are provided for all uses on this lot, and must identify a total of 2 dedicated loading/unloading spaces for the childcare center.

- (f) If the proposed facility is located in an industrial district, the applicant shall submit to the Health Department, for its review and recommendation, information on the storage and use of hazardous chemicals in the vicinity, evacuation plans and internal air quality control.

The proposed plans indicate the adjacent business stores moderately hazardous materials. The plans also indicate the interior walls of the daycare that are shared with the other users will be designed to address air quality concerns. An evacuation plan must be submitted to the satisfaction of the Health Department.

- (g) The City Council may modify these conditions, except for condition (b).

Applicant has not requested to modify any conditions.

4. Parking is not allowed in the front yard setback within the I-1 industrial district. However, the Board of Zoning Appeals granted a variance to the front yard along Fairfield Street from 15' to 0'.
5. The Health Department has requested that 4 additional notes be added to the site plan to address the concern over potential future exposures to hazardous materials.
6. Planning Staff recommends approval of this special permit based upon the following conditions.

CONDITIONS:

Site Specific:

1. This approval permits an early childhood care facility for up to 12 children and 3 staff members on the largest shift.

General:

2. Before receiving building permits:

2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.

2.1.1 Submit a revised site plan including 8 copies showing the following revisions:

2.1.1.1 Add a parking stall matrix to account for the required parking for each use shown on the lot, and clearly indicate the two stalls to be dedicated for loading/unloading.

2.1.1.2 Add a note stating "Permittee shall, within 48 hours of becoming aware that quantities of hazardous materials requiring a permit under the Lincoln Municipal Code are being stored, transported, dispensed, used or handled on property within 300 feet of the area being used for childcare, notify the Health Department of such condition."

2.1.1.3 Add a note stating "In the event quantities of hazardous materials requiring a permit under the Lincoln Municipal Code are being stored, transported, dispensed, used or handled on property within 300 feet of the area used for childcare, Permittee shall, in cooperation and consultation with the Health Department, attempt to work with the owner of property upon which such hazardous materials are located to develop a plan to protect the health, safety and welfare of persons using Permittee's property. Such plan may include, but not be limited to, the establishment of training programs for childcare employees to detect the presence of hazardous materials and evacuate the premises, the installation of filtration systems in the childcare HVAC system, or other precautionary measures.

2.1.1.4 Add a note stating "The electrical breaker switch for the HVAC system serving the childcare area shall be clearly marked and readily accessible at all times to the childcare employees, or Permittee shall equip the building with no more than two emergency shut-off switches approved by the Health Department so the HVAC system can be immediately shut down in the case of a hazardous chemical spill in the area. The switches shall be located so they are easily accessible at all times to employee's

within the building. Employees shall be trained on how to operate the switches.”

2.1.1.5 Add a note stating “If future uses within the building change to include the use or handling of hazardous materials, the applicant or new owners of the building will work with the Health Department regarding the design, construction, and HVAC system specifications for the building.”

2.1.2 Submit an emergency evacuation plan, including both text and drawings, identifying an emergency house-in-place scenario and an off-site evacuation plan, for the approval of the Health Department.

2.2 The construction plans shall comply with the approved plans.

2.3 The operation and the premises are to meet appropriate local and state licensing requirements, including compliance with health codes.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:

3.1 Before occupying this early childhood care facility, all development and construction is to comply with the approved plans.

3.2 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.

3.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

3.4 The permittee shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-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, filing fees therefor to be paid in advance by the applicant.

Prepared by

Greg Czaplewski, 441.7620, gczaplewski@ci.lincoln.ne.us

Date: November 23, 2004

Applicant: Sandstone Construction
2930 Ridgeline Road, Suite 105
Lincoln, NE 68516
421.7700

Owner: 3 Amigos Properties, LLC
2930 Ridgeline Road, Suite 105
Lincoln, NE 68516
421.7700

Contact: 3 Amigos Properties, LLC
Jerry Nelson
2930 Ridgeline Road, Suite 105
Lincoln, NE 68516
421.7700



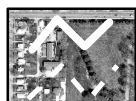
2002 aerial

**Special Permit #04061
2605 Fairfield St.**

Zoning:

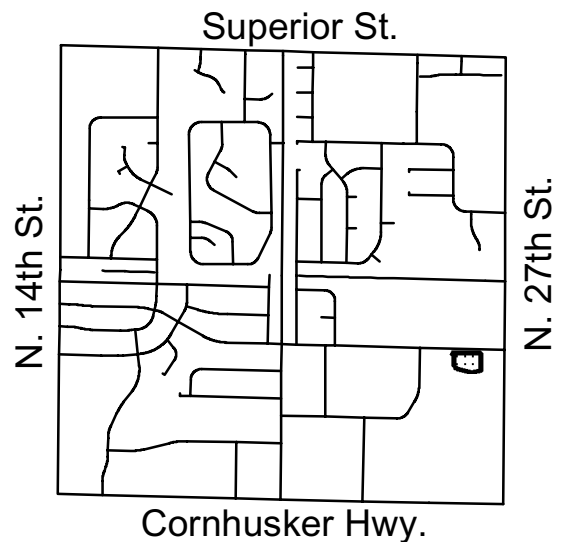
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned 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. 12 T10N R6E

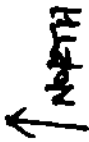


Zoning Jurisdiction Lines

City Limit Jurisdiction



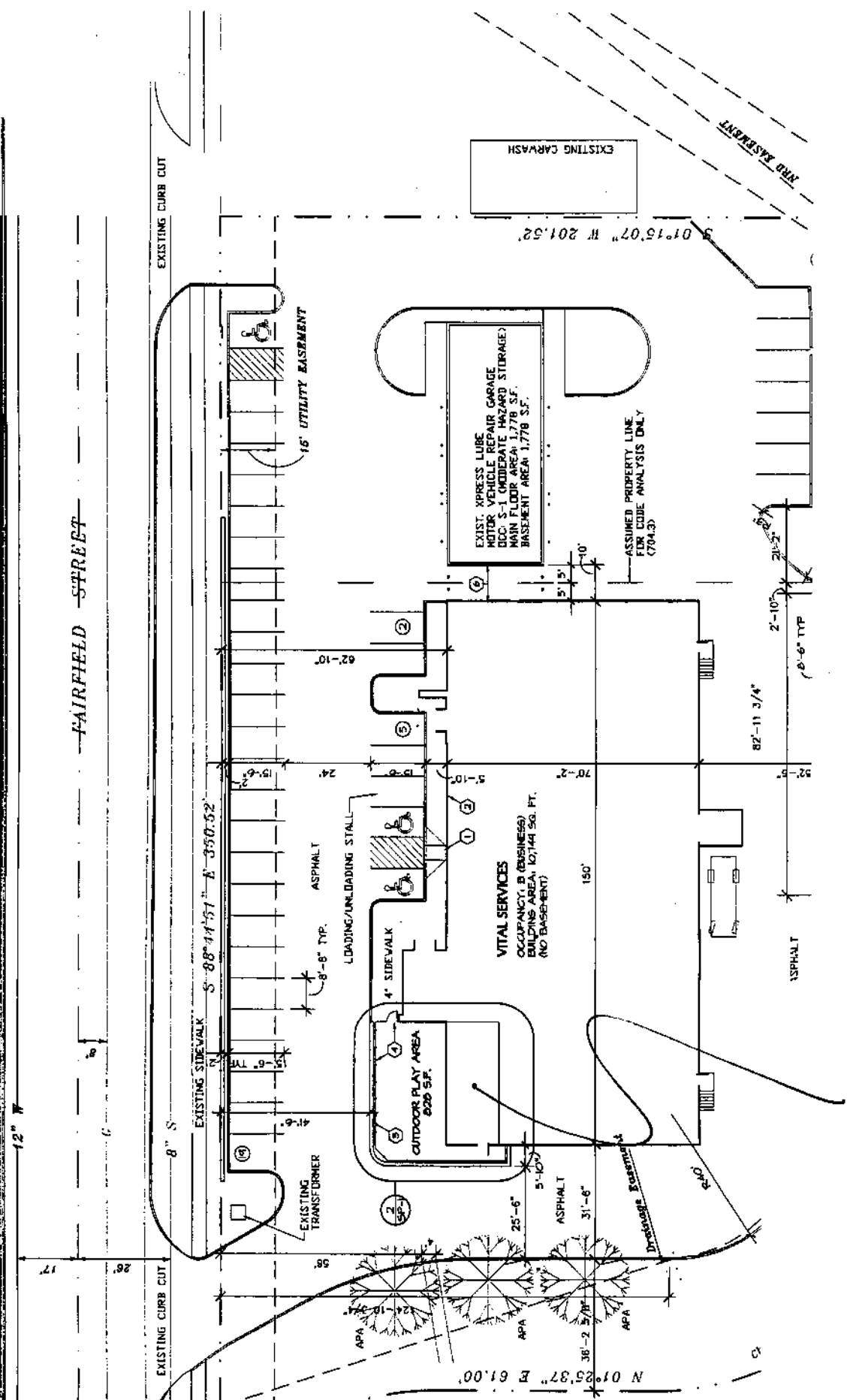
SITE PLAN



LANDSCAPE SC

KEY	COMMON IN
APA	AUTUMN PUR Fruitless tree

* PROVIDE LEVEL 1



CHILD CAPE AREA

AND EASTMENT

EXISTING CARWASH

EXIST. XPRESS LUBE MOTOR VEHICLE REPAIR GARAGE (BEG. 5-1. ORBERRATE PALAZO STORAGE) FLOOR AREA 1778 S.F. BASEMENT AREA 1778 S.F.

VITAL SERVICES OCCUPANCY (B BUSINESS) BUILDING AREA 10744 SQ. FT. (NO BASEMENT)

OUTDOOR PLAY AREA 628 SQ. FT.

15' UTILITY BASEMENT

ASSUMED PROPERTY LINE PER CODE ANALYSIS ONLY (704.3)

FAIRFIELD STREET

12' W

17

26

EXISTING CURB CUT

EXISTING SIDEWALK S-08°14'51" N-350.52'

ASPHALT

LOADING/UNLOADING STALL

4' SIDEWALK

ASPHALT

31'-6"

25'-6"

5'-10"

5'-10"

5'-10"

5'-10"

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SANDSTONE

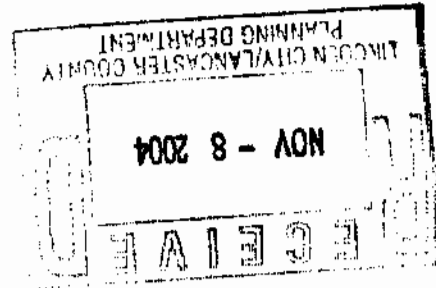
CONSTRUCTION COMPANY, L.L.C.

GENERAL CONTRACTING

• DESIGN BUILD

• CONSTRUCTION MANAGEMENT

November 08, 2004



Marvin Krout
Planning Director
Planning Department
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: VITAL SERVICES
SPECIAL PERMIT FOR
LOT 1, J.B.'S ADDITION


Dear Mr. Krout,

On behalf of 3 Amigos Properties, L.L.C., I am submitting a request for special permit 27.63.070 Early Childhood Care Facilities for Lot 1, J.B.'s Addition – Lincoln, Nebraska.

Purpose: To allow Vital Services to provide a small childcare facility for their employees. Vital Services is a local business relocating to this site which consists of general office and the packaging of small items. The childcare space has been arranged to eliminate interaction between them and the remainder of the building.

Please contact me if you have any questions.

Sincerely,



Jerry Nelson

Enclosures: 8 copies of Special Permit (sp-1)
8 copies of building floor plan as filed with building and safety
1 copies of application
1 copies of property deed