

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for June 20, 2007 PLANNING COMMISSION MEETING

PROJECT #: Use/Special Permit #19A - Lincoln Surgical Center

PROPOSAL: Adjust side yard setback for parking

LOCATION: 1710 South 70th Street

LAND AREA: Approximately 5.48 acres

EXISTING ZONING: O-3 Office Park

WAIVER REQUEST: Adjust side yard setback for parking

CONCLUSION: The requested adjustment affects yards internal to the development, and is limited to two specific yards at the southwest corner of the site between the bank and hospital. If granted, the impact upon surrounding properties will be negligible, and the required setbacks are maintained elsewhere within the development as originally approved. It will allow the site to develop in a manner typical of office parks with shared parking and access.

RECOMMENDATION:	Conditional Approval
Waivers/modifications: Side yard setback to 0' where Lot 94 abuts Lot 93	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached ownership certificates for descriptions of Parcels 1 (Lot 94) and 2 (Lot 8), and Lot 93.

EXISTING LAND USE: Health care facility, medical office, and bank.

SURROUNDING LAND USE AND ZONING:

North:	Office	O-3
South:	Residential	R-1
East:	Residential	R-1
West:	Elementary school, residential	P, R-4

ASSOCIATED APPLICATIONS:

CZ#07033 - An amendment to the Zoning Ordinance to allow joint parking lots and parking garages as allowed uses in the O-3, B-2, B-5, and I-3 zoning districts.

HISTORY:

- Mar 2007** Administrative Amendment #06109 was approved allowing an underground parking garage and addition to the hospital, but no increase in the number of beds or employees.
- May 2004** Administrative Amendment #04038 was approved allowing the enclosure of an outdoor courtyard.
- May 2002** Combined Use/Special Permit was approved allowing a 20-bed health care facility, 24,000 square feet of medical office floor area, and 5,100 square feet of floor area for a bank.
- May 2002** Change of Zone #3359 from O-2 to R-3 was approved.
- May 1991** Building & Safety issued a demolition permit for the supper club.
- May 1979** The area was changed from F Restricted Commercial to O-2 Suburban Office in the Zoning Update.
- Feb 1975** City Council approved Special Permit #716, which permitted the addition of a cooler, a party room and a kitchen expansion for the restaurant.
- May 1973** City Council approved Change of Zone #1282, which changed the zoning in the area from A-1 Single Family Dwelling to F Restricted Commercial.
- Jan 1968** City Council approved Change of Zone #844, which changed the zoning at S. 70th & Lincolnshire from A-1 Single Family Dwelling to F Restricted Commercial.
- Oct 1965** City Council approved Special Permit #328, which allowed an addition to an existing East Hills supper club.

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 16 - The Future Land Use Map of the Comprehensive Plan designates this area for commercial land uses.

Pg 131 - Medical Health Care

-Currently, Bryan LGH West and St. Elizabeth's Hospitals are undergoing significant expansions. The Bryan LGH East campus and Madonna Rehabilitation hospitals also recently underwent major renovations and construction as well. These four campuses, located near existing residential neighborhoods are expected to remain the vital core to health care services in the county and region. It is important to Lancaster County citizens and other surrounding areas to develop Lincoln as a major network of quality regional health care services at reasonable costs.

-Hospitals represent one of the highest and most important community service land uses. Further construction on these campuses in the future is likely. Any hospital expansion will need to take into consideration the impact on the adjacent neighborhoods. Hospitals are planning on using parking garages and multi-story construction in order to maximize the use of the land.

-Another major factor in health care is the expansion of medical office space throughout Lincoln. Recently, new medical office buildings have been constructed in both the southern and northern portions of the city. This trend is likely to continue into the immediate future as the demand for health care services increases as a result of the community's growing and aging population base.

TRAFFIC ANALYSIS: South 70th Street is a minor arterial and Lincolnshire Road is a local street.

ANALYSIS:

1. The change of zone and use/special permit approved in 2002 for a health care facility permitted the existing clinic to be converted to a hospital so patients would be allowed to stay for more than 24 hours at a time. The permit covers both the hospital/medical office complex and the bank located at the southwest corner of the site.
2. The original permit approved a 20-bed hospital, 5,100 square feet of floor area for a bank, and 24,000 square feet of medical office floor area on three lots. The hospital and medical office are located on two lots owned by the same entity, and the bank is located on a separate lot owned by the bank.
3. The most recent amendment approved an expansion of the hospital, a single-level underground parking garage, and a revised surface parking layout. Even though the hospital was allowed additional floor area under the amendment, the constraints imposed by the original permit covering the scope of the facility remain intact. Those include: a maximum of 20 hospital beds with a maximum of 35 staff members per shift; a ratio of building to land area of 25%, well below the 35% cap imposed by the Zoning Ordinance; 24,000 square feet of medical office floor area; and 5,100 square feet of floor area for the bank.
4. The building permit review for the underground parking facility noted two deficiencies with the revised surface parking layout. First, it showed hospital parking spaces encroaching into side yards which is prohibited in the O-3 zoning district unless adjusted by City Council. Second, a number of the hospital's parking spaces were shown located on the bank's lot. In this case, the Law Department has

determined that parking lots and parking garages are not allowed uses in the O-3, B-2, B-5 and I-3 zoning districts, which means that parking cannot be located on a lot under separate ownership.

5. A setback adjustment was granted with the original use permit adjusting the side yard setback to 5', but not to 0', so the purpose of this amendment is to adjust the side yard setback to 0' to allow parking up to the lot line. The adjustment only applies to the two yards where the two properties abut one another (the bank lot's north and east lot lines). Both yards are internal to the site and the impact upon any other properties is negligible. The setbacks for yards along all other lot lines remain 'as-is' and are not affected.
6. Typically, use permit developments define building envelopes surrounded by an outlot for common parking and access. Setbacks are adjusted to 0' to allow buildings to be built anywhere within the envelopes, and parking is allowed anywhere within the outlot provided the setback required by the zoning district is maintained around the perimeter of the development. Developed this way, a side yard setback would not have been required between the hospital and bank lots.
7. CZ#07033 is a related proposed text amendment to the Zoning Ordinance to make parking facilities allowed uses within the use permit districts. If approved, it will allow hospital parking spaces to be located on the bank's lot as proposed. Such an allowance for shared parking was the original intent of the use permit concept where most aspects of site development such as uses, the number of parking spaces, signs, and required setbacks can be viewed in the context of the larger development, and reasonable adjustments can be made if justified. Such shared parking results in a more efficient use of land and parking facilities.

CONDITIONS OF APPROVAL:

Site Specific:

1. This approval adjusts the side yard setback to 0' where lots 93 and 94 abut one another.
2. The City Council approves associated request:
 - 2.1 Change of Zone #07033.

General:

3. Upon approval of the use permit by the City Council, the developer shall cause to be prepared and submitted to the Planning Department 5 copies of the site plan before receiving building permits.

- 3.1 The construction plans shall comply with the approved plans.

Standard Conditions:

4. The following conditions are applicable to all requests:
 - 4.1 Before use of the parking spaces all development and construction is to 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 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.
 - 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 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.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by

Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner
June 5, 2007

APPLICANT: 70th Street Properties
1710 South 70th Street
Lincoln, NE 68506
402.484.9000

UP#19A
Lincoln Surgical Center

Page 6

OWNER: 70th Street Properties
1710 South 70th Street
Lincoln, NE 68506
402.484.9000

Pinnacle Bank
6145 Havelock Avenue
Lincoln, NE 68507

CONTACT: Robert Findley
16600 South 82nd Street
Roca, NE 68430
402.792.3456

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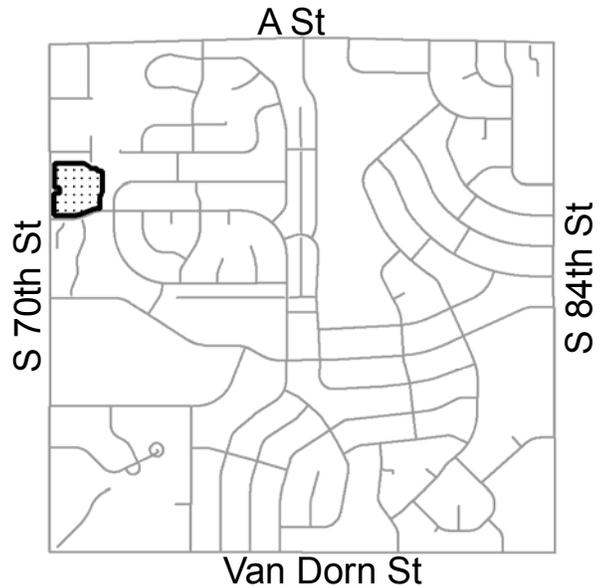
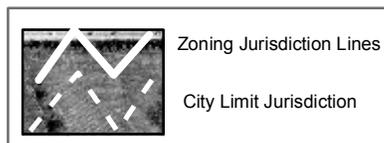
Combined Special/Use Permit #19A
1710 S 70th Street

2005 aerial

Zoning:

One Square Mile
 Sec. 34 T10N R07E

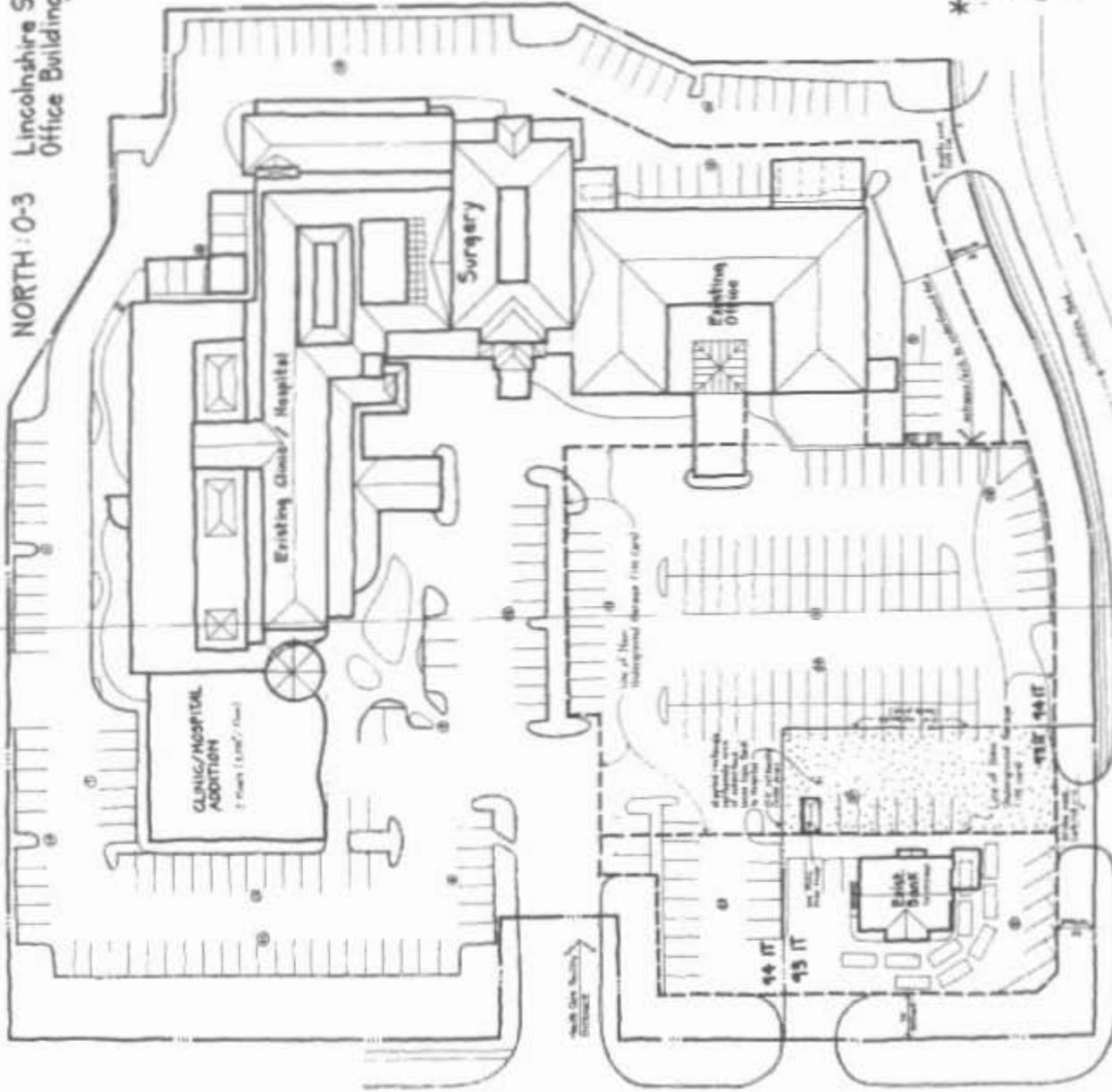
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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 Employment Center District
- P Public Use District



WEST: P Morley Elementary School

70th St.

NORTH: 0-3
Lincolnshire Square
Office Buildings



SITE PLAN
9/23/07
Underground Garage - Office Addition
Local Parking Areas

SOUTH: R-1
Townhomes & Townhouses
70th Street Medical Complex
Combined Special/Use Permit # 19

EAST: R-1 Single Family Housing

Parking Calculations:

I. Usable Areas

- a. Building Office 4,000
- b. Health Care Facility 4,000
- c. Total 8,000

II. Required Parking

- a. Health Care Facility 100
- b. Office 100
- c. Total 200

III. % of Bldg./Land

- a. 100%
- b. 100%
- c. 100%

IV. Setback Requirements

- a. 100%
- b. 100%
- c. 100%

V. Setback

- a. 100%
- b. 100%
- c. 100%

VI. Setback

- a. 100%
- b. 100%
- c. 100%

VII. Setback

- a. 100%
- b. 100%
- c. 100%

VIII. Setback

- a. 100%
- b. 100%
- c. 100%

IX. Setback

- a. 100%
- b. 100%
- c. 100%

X. Setback

- a. 100%
- b. 100%
- c. 100%

XI. Setback

- a. 100%
- b. 100%
- c. 100%

XII. Setback

- a. 100%
- b. 100%
- c. 100%

XIII. Setback

- a. 100%
- b. 100%
- c. 100%

XIV. Setback

- a. 100%
- b. 100%
- c. 100%

XV. Setback

- a. 100%
- b. 100%
- c. 100%

XVI. Setback

- a. 100%
- b. 100%
- c. 100%

XVII. Setback

- a. 100%
- b. 100%
- c. 100%

XVIII. Setback

- a. 100%
- b. 100%
- c. 100%

XIX. Setback

- a. 100%
- b. 100%
- c. 100%

XX. Setback

- a. 100%
- b. 100%
- c. 100%

XXI. Setback

- a. 100%
- b. 100%
- c. 100%

*** Note:**
 Any future requests for joint
 Administrative Proceedings shall
 be subject to review of
 the City of Lincoln Planning Commission
 and the City of Lincoln Planning Commission
 shall have the final decision on
 the matter. All other requests shall
 be subject to the final decision of
 the City of Lincoln Planning Commission.

Ownership Map:

Owner: 70th Street Properties
 Address: 170 South 70th St., Lincoln, NE 68508
 Telephone: (402) 494-8000
 Attention: Rob Lindehaver



R. Findley
 Architect
 (402) 792-3456

Parking Calculations:

I. Use Table Areas

- a. Bank 5,100'
- b. Medical Office 29,000'
- c. Health Care Facility 47,901'

II. Required Parking:

- a. Bank = $5,100' \div 500 \text{ sq ft/stall}$ 17 stalls
- b. Medical Office = $29,000 \text{ sq ft} \div 255 \text{ sq ft/M}^2$ 107 stalls
- c. Health Care Facility
- 1. Surgery Center
 - * to Side @ 2.5 beds/stall 8 stalls
 - * 25 staff/max. shift / 1 stall per day 25 stalls
 - * Request under quarter @ 225 sq ft/stall 21 stalls

Z. Clinic Area:

- exist. * $1225 \text{ sq ft} \div 225 \text{ sq ft/stall}$ 77 stalls
- new * $16,000 \text{ sq ft} \div 225 \text{ sq ft/M}^2$ 72 stalls

TOTAL REQUIRED STALLS 343

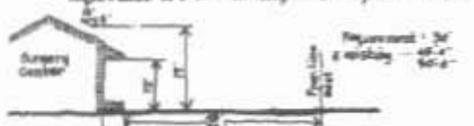
- Exist stalls on Grade 274
- Under Gr. Gar. 192

III. % of Bldg./Land

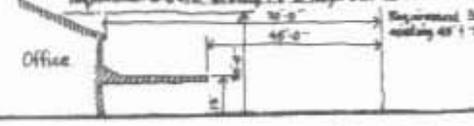
- a. Total Land Area 228,770 sq ft.
- b. Total Bldg. Coverage 38,000 sq ft.
- c. % of Bldg./Land 15%

IV. Setback Requirements:

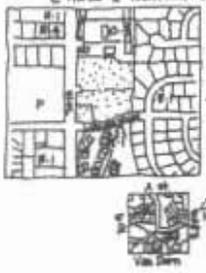
- a. Existing North side yard setback was required to be 0'-0"
- * Actual existing setback is 2'-0"
- * 0'-0" required setback is 2'-0"
- b. Surgery Center
 - * Rear yard setback residential (east prop. line)
 - Requirement: 30'-0" if 2'-0" for every 4'-0" in height over 20'-0"



- c. Office Building
 - * Rear yard setback residential (east prop. line)
 - Requirement: 30'-0" if 2'-0" for every 4'-0" in height over 20'-0"

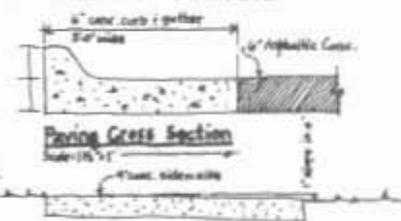


- d. Underground Garage Related Setbacks
- Request adjustment east prop. line of Lot 13 to north prop. line of 48 FT existing line of 14 FT where it abuts to IT. We request 0'-0" setbacks at these 2 locations. All other setbacks remain the same. 0'-0" setbacks relate to both properties.



Vicinity Map:

Owner: 70th Street Properties
 Address: 1710 South 70th St. Lincoln - 68506
 Telephone: (402) 484-9032
 Attention: Robb Linafetter



Sidewalk Cross Section
 Note: All Drive Approaches - sidewalk through approaches on "C" curb, 1 foot "City of Lincoln" Design Standards for slope, thickness & strength.

R. Findley
 Architect
 (402) 792-3456

EXHIBIT "A"

**REQUEST FOR AMENDMENT TO
SPECIAL PERMIT/USE PERMIT NO. 19**

Owners and Applicant/Permittee hereby requests that:

1. The required set back within an O-3 District, as set forth in LMC 27.27.070 be reduced to zero (0) feet for the following described portions of the Property described on Exhibit "B" and "C":
 - A. The portion of the property described on Exhibit "B" (the property owned by 70th Street Properties, Inc.) that directly abuts and is contiguous to the north and east lot lines of the property described on Exhibit "C" (the Pinnacle Bank Property); and
 - B. For the north side yard and the east rear yard of the property described on Exhibit "C" (the Pinnacle Bank Property).
2. A joint underground parking garage with a related stair tower be permitted as a use for the Properties described on Exhibits "B" and "C", subject to the Owners of the Properties described on Exhibits "B" and "C" granting cross access and cross parking easements to each other by a separate written agreement, all as depicted on the site plan accompanying this Application.

OWNERSHIP CERTIFICATE

FILE NO: 6039036

TO: W. Michael Morrow
Morrow, Poppe, Otte & Watermeier, P.C.

Nebraska Title Company, authorized to engage in the business of abstracting in the State of Nebraska under Certificate of Authority No. 56, hereby certifies that the records of LANCASTER County, Nebraska have been carefully examined with referenced to the following described property, and from such examination finds as follows:

Legal Description:

Parcel 1:

Lot 94 of Irregular Tracts in the Northwest Quarter of Section 34, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, except a portion thereof more particularly described as follows:

Beginning at the Southeasterly corner of Lot 94 Irregular Tract (or the Southwesterly corner of Lot 1, Block 2, Lincolnshire Estates Addition to the City of Lincoln), said point is also on the Northerly right-of-way line of Lincolnshire Road; thence on a curve to the left and on the Southerly Line of Lot 94 Irregular Tract of said Section 34 or the Northerly Right-of-Way Line of said Lincolnshire Road, having a radius of 242.68 feet, an arc length of 7.77 feet and a central angle of 01°50'05", with a chord bearing of S 89°05'38" W, a chord distance of 7.77 feet; thence N 03°52'02" E, a distance of 115.21 feet to a point on the Easterly Line of Lot 94 Irregular Tracts of said Section 34 or the Westerly Line of Lot 1, Block 2 of said Lincolnshire Estates; thence S 00°00'00" E and on the Easterly Line of Lot 94 Irregular Tract of said Section 34 or the Westerly Line of Lot 1, Block 2 of said Lincolnshire Estates, a distance of 114.82 feet to the point of beginning.

Parcel 2:

Lot Eight (8), except the North 27 feet of the East 52 feet thereof, Lincolnshire Square, Lincoln, Lancaster County, Nebraska

Owner of Record:

Parcel 1: 70th Street Properties, Inc., a Nebraska corporation

Parcel 2: 70th Street Properties, Inc., a Nebraska Corporation

Effective Date: May 17, 2007 at 8:00 am

Nebraska Title Company

By: *Dickie M. Williamson*
Registered Abstracter

Please direct inquiries to: Julie Gilburd

Exhibit E

OWNERSHIP CERTIFICATE

FILE NO: 6039044

TO: **W. Michael Morrow**
Morrow, Poppe, Otte & Watermeier, P.C.

Nebraska Title Company, authorized to engage in the business of abstracting in the State of Nebraska under Certificate of Authority No. 56, hereby certifies that the records of LANCASTER County, Nebraska have been carefully examined with referenced to the following described property, and from such examination finds as follows:

Legal Description:

Lot 93 of Irregular Tracts in the Northwest Quarter of Section 34, Township 10 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska.

Owner of Record:

Havelock Bank (now known as Pinnacle Bank)

Effective Date: May 17, 2007 at 8:00 am

Nebraska Title Company

By: *Dickie M. Williamson*
Registered Abstractor

Please direct inquiries to: Julie Gilburd

EXHIBIT E