

City Council Introduction: **Monday**, May 6, 2002
Public Hearing: **Monday**, May 13, 2002, at **1:30 p.m.**

Bill No. 02-62

FACTSHEET

TITLE: CHANGE OF ZONE NO. 3359, from O-2 Suburban Office District to O-3 Office Park District, requested by W. Michael Morrow, on behalf of Pinnacle Bank and 70th Street Properties, Inc., on property generally located at South 70th Street and Lincolnshire Road.

STAFF RECOMMENDATION: Approval

ASSOCIATED REQUESTS: Combined Use Permit/Special Permit No. 19 (02R-103)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 04/17/02
Administrative Action: 04/17/02

RECOMMENDATION: Approval (8-0: Newman, Steward, Larson, Bills-Strand, Carlson, Duvall, Taylor and Schwinn voting 'yes'; Krieser absent).

FINDINGS OF FACT:

1. This change of zone and the associated Combined Use Permit/Special Permit No. 19 were heard at the same time before the Planning Commission.
2. The staff recommendation to approve the change of zone request is based upon the "Analysis" as set forth on p.4-5, concluding that the proposed change does not significantly alter the character of the uses on the property. Any future changes will require Planning staff review with Planning Director approval or public hearing by the Planning Commission.
3. These applications were removed from the Consent Agenda of the Planning Commission on April 17, 2002, and had separate public hearing at the request of Julie Strahl.
4. The applicant's testimony is found on p.6-7.
5. Testimony by Julie Strahl in opposition is found on p.7. The issues of the opposition are increased traffic that will result from the associated Combined Use Permit/Special Permit and safety for children who walk through the parking lot on their way home from school. Julie Strahl is in possession of a petition signed by 20 parents who believe that 70th Street Properties should reconfigure the parking lot to provide a sidewalk for crossing the parking lot.
6. The applicant's response to the opposition is found on p.8, indicating that a sidewalk in the parking lot would make for a more dangerous situation, would expose the property owner to potential liability and would not be allowed by the City.
7. On April 17, 2002, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval of the change of zone.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: April 29, 2002

REVIEWED BY: _____

DATE: April 29, 2002

REFERENCE NUMBER: FS\CC\2002\CZ.3359

EXISTING LAND USE: Medical offices and bank

SURROUNDING LAND USE AND ZONING:

North: O-3 Lincolnshire Square office buildings
South: R-1 Townhomes and townhouses
East: R-1 Single family housing
West: P Morley Elementary School across S. 70th Street

HISTORY:

- 5/12/1991** Building & Safety issued a demolition permit for the supper club.
- 1979** The area was changed from F Restricted Commercial to O-2 Suburban Office in the Zoning Update.
- 2/10/1975** City Council approved Special Permit #716, which permitted the addition of a cooler, a party room and a kitchen expansion for the restaurant.
- 5/14/1973** City Council approved Change of Zone #1282, which changed the zoning in the area from A-1 Single Family Dwelling to F Restricted Commercial.
- 1/22/1968** 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.
- 10/25/1965** City Council approved Special Permit #328, which allowed an addition to an existing East Hills supper club.

Note: It is not clear when the original supper club was approved.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan designates this area as Commercial. On page 171, the Plan notes in the Health Services section that “minor emergency medical services are also provided at several private facilities dispersed through the community.” On the same page, the Plan states:

The Health Care Industry is very important to the economy and well-being of the community. The expansion of the industry can be anticipated during the planning period. However, the expansion of major health care institutions in the developed areas of the community will have an impact upon abutting neighbors of the property. Health care institutions are encouraged to reduce the impacts of planned expansion on the neighborhood and the community as a whole; to notify neighbors and the community about long range institutional plans; and to coordinate long range institutional plans with the long range land use and capital improvement plans of the city.

UTILITIES: In place

TOPOGRAPHY: Flat

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

PUBLIC SERVICE: City of Lincoln Fire and Police.

ALTERNATIVE USES: Medical offices and clinics with stays no longer than 24 hours.

ANALYSIS:

1. This request does not include exterior alterations to existing buildings. The use permit includes 5,100 square feet for a bank, 24,000 square feet of medical office use, and a 20 bed maximum health care facility. The initial application requested 11 beds. The number was revised to 20 at staff's recommendation. The application meets the parking requirements for a 20 bed facility and approving the beds now allows for potential future expansion.
2. The applicant is requesting the change of zone because health care facilities are not permitted in the O-2 zoning district. Patients are permitted to stay in medical office buildings for periods no longer than 24 hours. If this application is approved, the facility could accept patients for longer stays.
3. Attached to this report are excerpts from the zoning ordinance for O-2 and O-3. There are a number of uses permitted in O-3 which are not permitted in O-2 (examples include restaurants and pharmacies).
4. The change of zone does increase the variety of uses which are permitted, but the O-3 district requires a use permit. Any change to a use not covered by this application would require an amendment to the Combined Use Permit/Special Permit and site plan.

5. 27.63.080 Permitted Special Use: Health Care Facilities.

Health care facilities may be allowed by special permit in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, O-1, O-3, B-1, B-2, B-3, H-3, or I-1 zoning districts under the following conditions:

(a) Parking. Parking shall be in conformance with Chapter 27.67; additional parking requirements may be imposed. Traffic may be required to be discharged into a major street as designated in the Comprehensive Plan, or into a classified collector. No parking shall be permitted in required front or side yards; all parking shall be screened.

The facility meets the parking requirements for the proposed uses. The change from medical office to health care facility results in a reduction in the amount of required parking. S. 70th Street is a major street. There is an existing curb cut on Lincolnshire Road, which is neither a collector nor a major street. There is no parking in either the front or the side yards, although some driving aisles are located in the front yard setback as permitted by §27.71.030. The landscape screen is in place.

(b) Yard and area regulations.

(1) Buildings shall not occupy over thirty-five percent of the total land area covered by the special permit.

The buildings cover 22% of the site.

(2) Yards abutting a nonresidential district shall be the same as those required in said abutting district.

The property abuts an O-3 district on the north. The O-3 district requires a side yard setback of 15 feet. The proposed waiver of side yard setback is acceptable because the parking lot is already located 5 feet from the property line and was legally constructed under the O-2 zoning.

(3) Any yard abutting a residential district or located wholly or partially in a residential district shall be the greater of ten feet or that required in the said abutting district, plus an additional one foot setback for each one foot of height shall be provided between the yard line and the wall nearest the yard line for that portion of the building exceeding twenty feet in height.

The application meets these requirements.

(4) Required front and side yards shall be landscaped.

The yards were landscaped to design standards with the building permit applications.

(5) The City Council may increase or decrease these requirements with consideration given to both facilities and adjacent environment.

(c) The proposed health care facility shall conform to all applicable state and federal requirements.

The applicant proposes that this statement be incorporated into the conditions of approval.

(d) The location of health care facilities shall be readily accessible to the area served. Such facilities should be located on major streets near the center of the area to be served.

The applicant states, "the location of the proposed Health Care Facility is centrally located in the Lincoln, Nebraska area and is readily accessible to the area served..."

The proposed use meets the requirements of the Zoning Ordinance and is consistent with the goals and principles of the Comprehensive Plan.

Prepared by:

Jason Reynolds
Planner

**CHANGE OF ZONE NO. 3359
and
COMBINED SPECIAL PERMIT/USE PERMIT NO. 19**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

April 17, 2002

Members present: Newman, Steward, Larson, Bills-Strand, Carlson, Duvall, Taylor and Schwinn; Krieser absent.

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

Proponents

1. W. Michael Morrow, 201 No. 8th, appeared on behalf of the applicant. This facility is already built at the northeast corner of 70th & Lincolnshire, currently occupied by Pinnacle Bank, Eye Surgical Associates and a medical office building. The applicant does not intend to make any changes to the exterior of the facility at all and none to the interior of the building except to enlarge some of the exit doors to make them wheelchair and handicap accessible.

Morrow further advised that this property sits on O-2 zoning. The zoning ordinance does not allow a "health care facility" within the O-2 zoning district, thus the request for O-3 Office Park. The entire property to the north all the way to "A" is already zoned O-3. Therefore, this is not an isolated change of zone. The primary reason for the request is to obtain the designation of "health care facility" to fall under the Nebraska Bureau of Health for inspection purposes, so that the patients can be told that the surgical center does comply with all state and federal rules and regulations. The applicant wants to assure and reassure the patients that they do in fact comply and will obtain a certificate from the state to operate the surgical center as a hospital.

An additional purpose for this request is because the facility is not currently designated and licensed as a hospital and therefore cannot serve Medicare patients because they can only go to a licensed hospital. This will allow this applicant to serve a number of elderly patients requesting services.

Morrow also advised the Commission that the applicant had initially requested only seven beds; however, the staff suggested they request 20 beds so that they do not have to come back in and request an amendment if the number of beds increases. Morrow indicated that the applicant has no intention to have a 20-bed hospital facility. The application was only amended to the full 20-bed facility because that is what the premises would allow.

Again, Morrow advised that there will be no exterior change to the existing facility other than the enlargement of a few of the doors to comply with state rules and regulations.

The applicant is requesting a waiver of the setback requirement, which is 15' under the O-3 zoning. When the facility was initially built under the O-2 zoning, only a 5' setback was required. The driving

lanes for the parking flow into the driving lanes for the facility to the north (the Hampton office development). This applicant does not anticipate any problems. They have had contact with Mr. Hampton and there has been no objection.

Morrow also advised that Eye Surgical Associates did conduct a neighborhood meeting. In summary, Morrow stated that this application will basically allow patients to stay at the facility more than a 24-hour period.

Opposition

1. Julie Strahl, 7221 Whitestone Circle, testified in opposition. She stated that she is not testifying as a neighbor to gripe about noise and trash, but she is here to talk about safety of students that cross the parking lot every day after school as they go through this center. If they keep patients for longer than a day, Strahl believes that there will be increased traffic because it will require more support services. As it stands, when this property was developed, it was O-2 zoning and they didn't have to come to the neighborhood about what they were going to do because the use fit the O-2 requirements. There was a way for the children to bypass the bank and the parking lot, but that sidewalk was demolished as part of the building by 70th Street Properties and the neighbors were told that it would be the neighborhood's responsibility if they wanted the sidewalk reinstalled. She has talked with the principal at Morley School and the para-educator of the school. The possibility of increased traffic could cause more of a concern and there are already near misses of children darting out between rows of parked cars. She has 20 signatures of parents who agree that a condition should be attached to this special permit that 70th Street Properties reconfigure the parking lot to provide a sidewalk for crossing the parking lot. The parents do not want their children going down 70th Street and crossing three driveways as they go down Lincolnshire Drive.

Strahl noted the applicant's comments that they are not making exterior changes, but over time, if they keep people for two or three days, Strahl believes that the scope of their services might expand and they may have more traffic. Strahl submitted that it is this applicant's responsibility, financially and as a community neighborhood member, to assure the safety of the children.

Newman asked where the children are cutting through the parking lot. Strahl responded stating that there is a crosswalk at the Pinnacle Bank. There is a strip of grass and then when the children cross off the crosswalk off 70th Street, there is basically no sidewalk and they cut through the large parking lot because there isn't anywhere else for them to go, unless they walk down 70th Street to Lincolnshire. The parents do not want them walking down 70th Street. LPS does not have responsibility legally once the children leave the school grounds. There is a traffic signal and the children are monitored after they go across the street. There are stop signs on Lincolnshire but there is no traffic control on 70th.

Bills-Strand asked whether there is a sidewalk along Lincolnshire Road. Strahl indicated that there is. But there are three driveways on that sidewalk, and some of the parents do not want their children to walk down 70th Street. There is a sidewalk that currently runs along the side of the 70th Street Properties building, and Strahl suggested that they "could sort of L-shape one through there". She acknowledged that this would require some reconfiguration of the parking lot. The only sidewalk through the parking lot is right by the building.

Response by the Applicant

Morrow reminded the Commission that this is a medical office complex, ambulatory surgical care center and medical clinic. There is adequate sidewalk all along 70th Street and all along Lincolnshire. To require the applicant to install a sidewalk through their parking lot will expose the applicant to potential liability for children that get hurt walking through the parking lot. You risk extreme danger by putting a sidewalk through this parking lot. We have to have access through the parking area. We cannot provide an elevated sidewalk with no curb cuts through the parking lot. The sidewalk along Lincolnshire is adequate. To bring the children through the private property owner's property will exacerbate any type of safety problem that might be there today. There are adequate public sidewalks that are maintained by the city all around this complex. To put some kind of public/private easement through the middle of this parking lot is not acceptable from a safety standpoint. The applicant is totally opposed to putting a sidewalk off of 70th Street all the way up to the medical office building and through the parking lot.

Bob Findlay, the architect, approached the Commission and advised that some time ago they had worked with the city regarding this issue. They tried to put a sidewalk between the bank and the parking lot, but the city would not allow it because no one would be able to accept the liability. Findlay also advised that there was never a situation where the Eye Surgical Associates told the neighborhood that a sidewalk would be at the neighbors' expense.

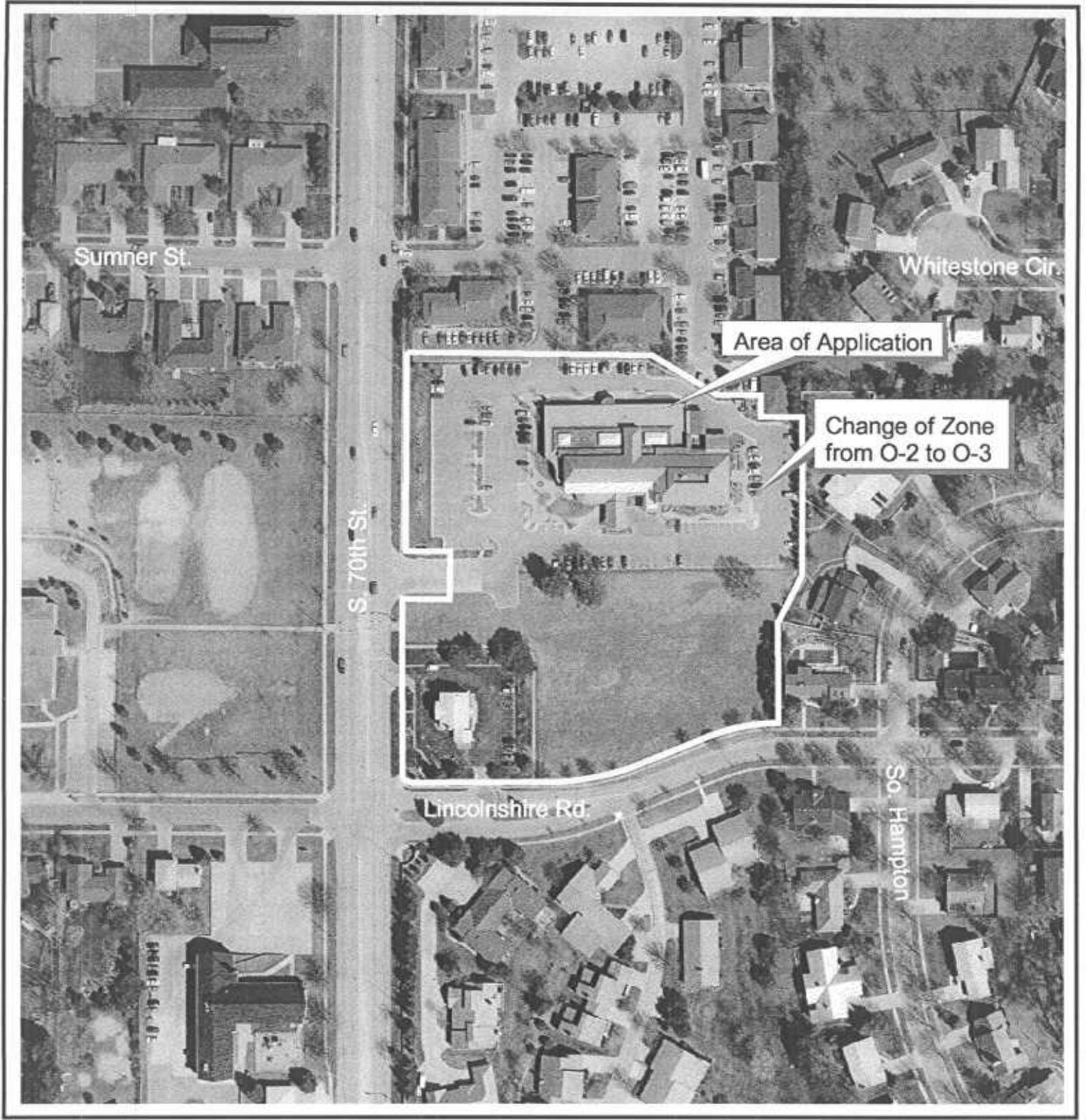
Public hearing was closed.

CHANGE OF ZONE NO. 3359

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

April 17, 2002

Duvall moved approval, seconded by Bills-Strand and carried 8-0: Newman, Steward, Larson, Bills-Strand, Carlson, Duvall, Taylor and Schwinn voting 'yes'; Krieser absent.



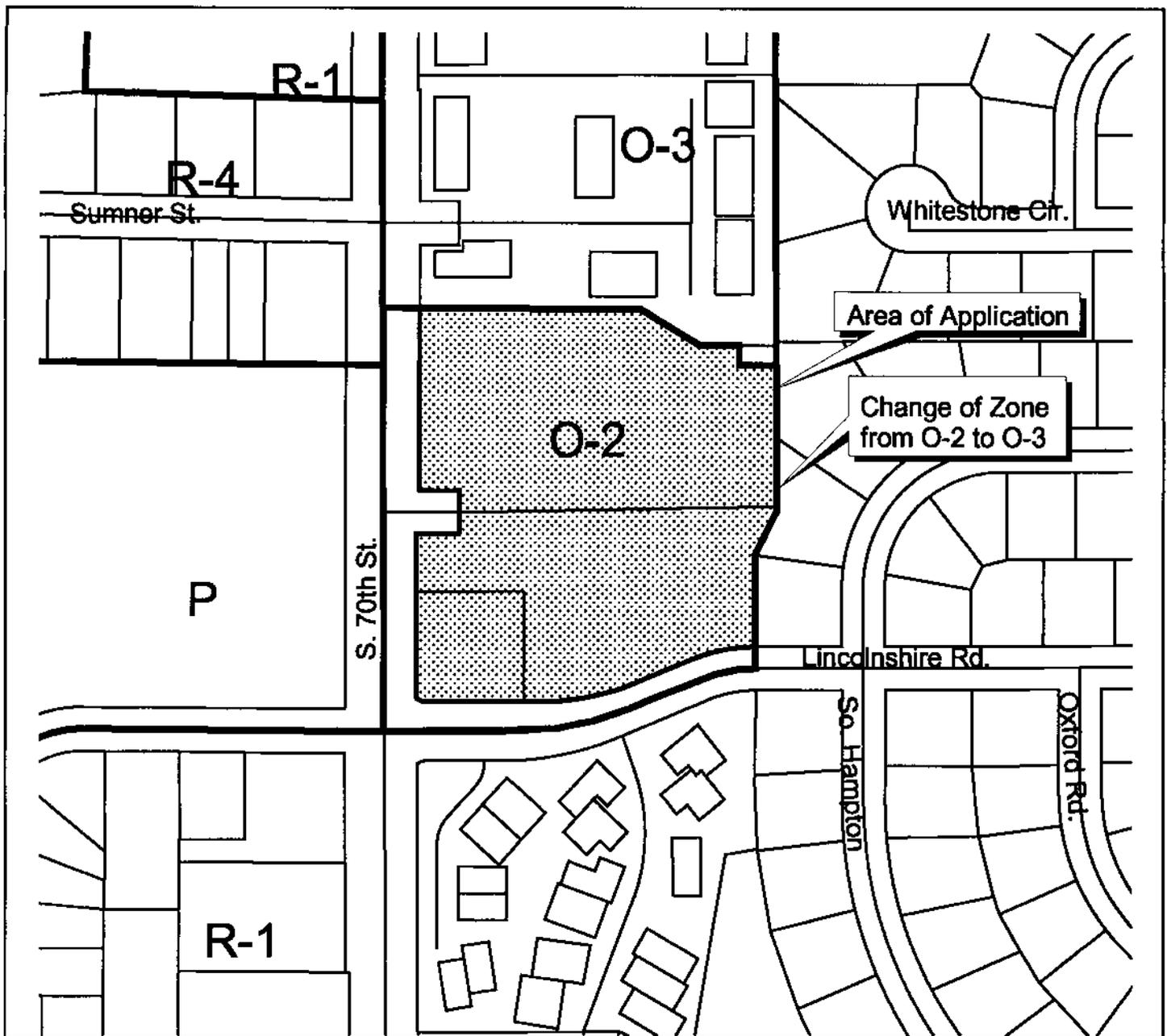
**Combined Special/Use Permit #19
Change of Zone #3359
S. 70th St. and Lincolnshire
70th Street Medical Complex**



009

Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.

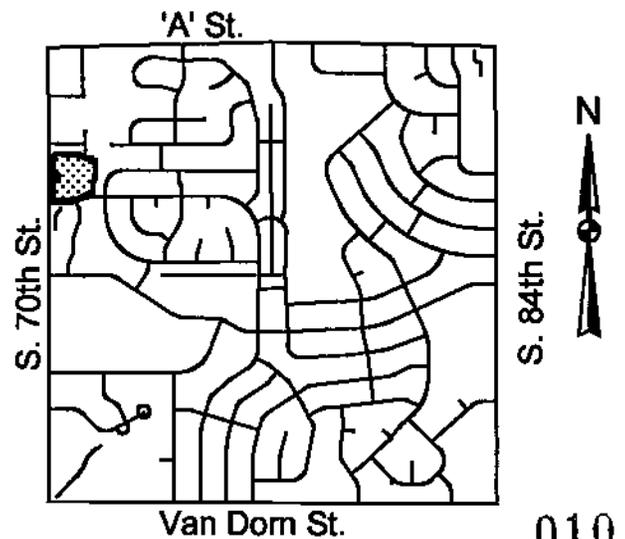
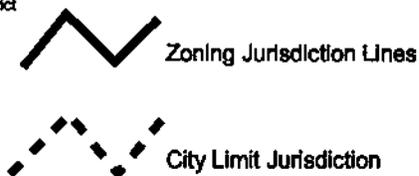


**Combined Special/Use Permit #19
Change of Zone #3359
S. 70th St. and Lincolnshire
70th Street Medical Complex**

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. 34 T10N R7E



010

City of Lincoln, Nebraska

IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Plan Review Comments

Permit # **DRF02022**

Address

Job Description:

Location: 70TH ST. MEDICAL COMPLE

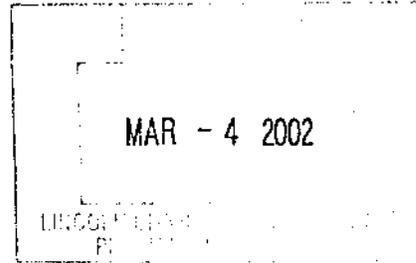
Special Permit:

Preliminary Plat:

Use Permit:

CUP/PUD:

Requested By: JASON



Status of Review: Approved

Reviewer: FIRE PREVENTION/LIFE SAFETY CODE

BOB FIEDLER

Comments:

Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Jason Reynolds

DATE: 3/11/2002

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Bruce Dart, Director
EH File
EH Administration

SUBJECT: 70th St. Medical Complex
SP/UP #19 CZ #3359

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed 70th Street Medical Complex and does not have any further comment at this time.

Post-it [®] Fax Note		7671	Date <i>2/3</i>	# of pages <i>1</i>
To <i>Jason</i>	From			
Co./Dept.	Co.			
Phone #	Phone #			
Fax #	Fax #			

M e m o r a n d u m

[REDACTED]

To: Jason Reynolds, Planning Department

From: Charles W. Baker, Public Works and Utilities *CB*

Subject: 70th Street Medical Complex Special Permit / Use Permit #19
Change of Zone #3359

Date: March 6, 2002

cc: Roger Figard
Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the request for the Special Permit, Use Permit and Change of Zone for the proposed Medical Complex located at 70th and Lincolnshire and has no objections.

CHAPTER 27.26
O-2 SUBURBAN OFFICE DISTRICT

This district is intended to provide a redeveloping area, primarily of office uses in those suburban areas previously zoned O-1 Office District and those fronting on the same street, with the same side lot lines and within 150 feet of the following districts: B-1, B-3, B-4, H-2, H-3, and I-1. This district is intended as a transition zone where it abuts the previously mentioned districts. (Ord. 12701 §5; October 2, 1979).

27.26.010 Scope of Regulations.

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations in the O-2 Suburban Office District. (Ord. 12571 §228; May 8, 1979).

27.26.020 Permitted Uses.

A building or premises shall be permitted to be used for the following purposes in the O-2 Suburban Office District:

- (a) Office buildings;
- (b) Parks, playgrounds, and community buildings, owned or operated by a public agency;
- (c) Public libraries;
- (d) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school, and having no rooms regularly used for housing or sleeping purposes;
- (e) Churches;
- (f) Nonprofit religious, educational, and philanthropic institutions;
- (g) Banks, savings and loans, credit unions, and finance companies;
- (h) Barber shops, beauty parlors, and shoeshine shops;
- (i) Tailor shops, shoe repair shops, upholstery shops, printing and photocopying shops, or other, similar business establishments; however, that portion of the premises of such business establishments not devoted to sales or office space shall not exceed 5,000 square feet of floor area.

(Ord. 16767 §1; April 10, 1995; prior Ord. 13466 §1; September 20, 1982; Ord. 12679 §3; September 4, 1979; Ord. 12571 §229; May 8, 1979).

27.26.030 Permitted Conditional Uses.

Any building or premises may be used for the following purposes in the O-2 Suburban Office District in conformance with the conditions prescribed herein:

- (a) Dwellings, provided that:
 - (1) Dwellings shall only be permitted above the first story of a building;
 - (2) The first story shall be used for a nondwelling use permitted in the district;
 - (3) Said nondwelling use shall not:
 - (i) be accessory to the residential use;
 - (ii) be a parking lot or garage;
 - (4) Said first story shall not have more than twenty percent of its height below grade.
- (b) Photography studios, provided that said studios be used only for the taking of photographs and the development of photographs taken by the owner or employees of the studio.

(c) Parking lots, provided that no part of the frontage within the block face on which a parking lot is proposed is zoned residential.

(d) Early childhood care facilities with a maximum of fifteen children present at any time:

(1) Such facilities shall comply with all applicable state and local early childhood care requirements;

(2) Such facilities shall comply with all applicable building and life safety code requirements;

(3) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;

(4) Such facilities must receive a conditional use permit from the Department of Building and Safety.

(Ord. 16854 §23; August 14, 1995: prior Ord. 15522 §1; April 16, 1990: Ord. 13579 §1; May 2, 1983: Ord. 12571; §230; May 8, 1979).

27.26.040 Permitted Special Uses.

A building or premises may be used for the following purposes in the O-2 Suburban Office District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:

(a) Broadcast towers;

(b) Expansion of nonconforming uses;

(c) Historic preservation;

(d) Public utility purposes;

(e) Wind energy conversion systems;

(f) Outdoor seasonal sales;

(g) Certain parking lots as defined in Chapter 27.63;

(h) Mail order catalog sales;

(i) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.26.030;

(j) Private schools.

(Ord. 17254 § 1; October 6, 1997: prior Ord. 16854 §24; August 14, 1995: Ord. 16606 §1; May 9, 1994: Ord. 16144 §2; July 6, 1992: Ord. 15522 §2; April 16, 1990: Ord.14780 §10; November 2, 1987: Ord. 13980 as amended by Ord. 14123 §2; June 3, 1985: Ord. 13588 §10; May 9, 1983: Ord. 12978 §12; August 25, 1980: Ord. 12894 §12; April 7, 1980: Ord. 12571 §231; May 8, 1979).

Chapter 27.27

O-3 OFFICE PARK DISTRICT

This district is 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.

27.27.010 Scope of Regulations.

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to

in this chapter, are the regulations in the O-3 Office Park District. (Ord. 12571 §156a; May 8, 1979).

27.27.020 Use Regulations.

Any development, including building and open land uses, except farming and the sale of farm produce, shall be prohibited in the O-3 Office Park District prior to the approval of a use permit in conformance with the requirements of this chapter. O-3 Office Park District zoning shall not be permitted or granted upon any property having a total area of less than two acres. A building or premises shall be permitted to be used for the following purposes in the O-3 Office Park District:

- (a) Office buildings;
- (b) Single-family dwellings;
- (c) Two-family dwellings;
- (d) Multiple dwellings;
- (e) Townhouses;
- (f) Pharmacies;
- (g) Medical supply shops;
- (h) Barber shops, beauty parlors, and shoeshine shops;
- (i) Book, newspaper, and magazine stores;
- (j) Parks, playgrounds, and community buildings owned or operated by a public agency;
- (k) Public libraries;
- (l) Banks, savings and loan associations, credit unions, and finance companies, and insurance companies;
- (m) Churches;
- (n) Nonprofit religious, educational, and philanthropic institutions;
- (o) Technology transfer industries or applications if the area proposed for such use is designated in the Comprehensive Plan as a Technology Park;
- (p) Tailor shops, shoe repair shops, upholstery shops, printing and photocopying shops, or other, similar business establishments; however, that portion of the premises of such business establishments not devoted to sales or office space shall not exceed 5,000 square feet of floor area.

The total area occupied by permitted uses identified as (f), (g), (h), (i) and (p) shall be located within an office building and shall be accessible only through an interior lobby, corridor, or passage-way of the office building; provided, however, a pharmacy may also have a separate exterior entrance if the total area occupied by such pharmacy does not exceed five percent of the total square footage of the office building or 1,000 square feet, whichever is less. (Ord. 16931 §1; February 12, 1996; prior Ord. 16767 §2; April 10, 1995; Ord. 16326 §2; March 15, 1993; Ord. 12571 §156a; May 8, 1979).

27.27.025 Permitted Conditional Uses.

Any building or premises may be used for the following purpose in the O-3 Office Park District in conformance with the conditions prescribed herein:

Early childhood care facilities with a maximum of fifteen children present at any time:

- (1) Such facilities shall comply with all applicable state and local early childhood care requirements;
- (2) Such facilities shall comply with all applicable building and life safety code requirements;
- (3) Such facilities shall be fenced and have play areas that comply with the design standards for

early childhood care facilities. (Ord. 16854 §25; August 14, 1995).

27.27.030 Permitted Special Uses.

A building or premises may be used for the following purposes in the O-3 Office Park District if a combined use permit and special permit for such use has been obtained in conformance with the requirements of this chapter and Chapter 27.63:

- (a) Expansion of nonconforming uses;
- (b) Historic preservation;
- (c) Restaurants;
- (d) Medical testing laboratories;
- (e) Recreational facilities;
- (f) Clubs;
- (g) Church steeples, towers, and ornamental spires which exceed the maximum height;
- (h) Broadcast towers;
- (i) Public utility purposes;
- (j) Wind energy conversion systems;
- (k) Health care facilities;
- (l) Motels and hotels;
- (m) Private schools;
- (n) Outdoor seasonal sales;
- (o) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.27.025;
- (p) Mail order catalog sales
- (q) Sale of alcoholic beverages for consumption on the premises in restaurants, provided the locational requirements of Section 27.63.680 have been met or waived by the City Council. (Ord. 17320 §1; April 20, 1998: prior Ord. 16870 §1; October 2, 1995: Ord. 16854 §26; August 14, 1995: Ord. 16616 §1; June 6, 1994: Ord. 16144 §3; July 6, 1992: Ord. 15368 §12; December 18, 1989: Ord. 14123 as amended by Ord. 14138 §1; July 1, 1985: Ord. 13980 §10; October 29, 1984: Ord. 13941 §12; September 4, 1984: Ord. 13901 §1; July 30, 1984: Ord. 13768 §2; February 21, 1984: Ord. 12978 §13; August 25, 1980: Ord. 12878 §1; March 31, 1980: Ord. 12894 §14; April 15, 1980: Ord. 12571 §156a; May 8, 1979).

W. MICHAEL MORROW
TERRANCE A. POPPE
ROBERT R. OTTE
DAVID W. WATERMEIER
TIMOTHY C. PHILLIPS
JOEL G. LONOWSKI
JOSEPH E. DALTON
KELLY N. TOLLEFSEN
JENNIFER S. LILIEDAHL

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WATERMEIER & PHILLIPS, P.C.**

Attorneys at Law

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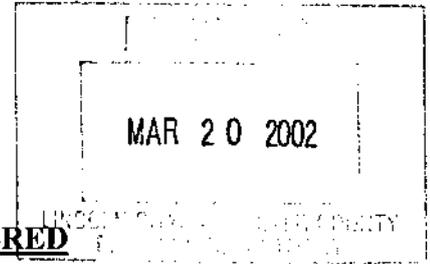
Location:
201 N. 8th Street, Suite 300
Lincoln, Nebraska 68508

Mailing Address:
P.O. Box 83439
Lincoln, Nebraska 68501-3439

March 20, 2002

Jason Reynolds
Planning Department
555 S. 10th Street, Suite 213
Lincoln, NE 68508

HAND DELIVERED



Re: Northeast corner 70th & Lincolnshire/Request for change of zoning from O-2 to O-3;
Combined Application for Use Permit and Special Permit

Dear Jason:

I am forwarding you this letter in accordance with the request made by you at our March 15, 2002 meeting regarding the above captioned matter. It is my understanding that Robert Findley, the architect for this project, submitted to you a new Site Plan on March 19, 2002 per your March 15, 2002 request. References in this letter will be to the revised Site Plan submitted to you by Mr. Findley on March 19, 2002.

In accordance with Section 27.63.080 of the Lincoln Municipal Zoning Code, this letter will serve to confirm to you that:

1. The Petition to Amend the Zoning Ordinance previously filed with your office is for purposes of requesting a change of zone from O-2 to O-3 on all three (3) lots including the current Pinnacle Bank site. The Application for a Use Permit is for purposes of establishing a Use Permit for all three (3) lots including the current Pinnacle Bank site under the O-3 zoning classification.

The Application for a Special Permit previously filed with your office is only for Lot 8 Lincolnshire Square, LLCN, and Lot 94 I.T. in the NW $\frac{1}{4}$ of §39, T10N, R7E of the 6th P.M., LLCN (which does not include the current Pinnacle Bank facility), and should be considered as an Application for a Special Permit to operate a Health Care Facility on both such lots pursuant to 27.63.080 LMC.

The uses and existing parking are noted on the Site Plan submitted to you by Mr. Findley on March 19, 2002.

2. The parking requirements the O-3 zoning and for a Health Care Facility are currently met via the existing improvements located on the lots, all as depicted on the March 19 Site Plan submitted to you by Mr. Findley.

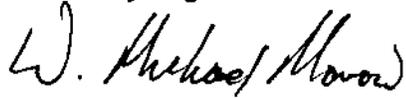
3. Traffic from the facility is discharged onto South 70th Street, which is designated in the comprehensive plan as a major street or alternatively a collector street.
4. No parking will be permitted in the required front or side yard of the Health Care Facility; and all parking for the Health Care Facility will be screened pursuant to the Site Plan submitted to you by Mr. Findley on March 19, 2002.
5. Buildings located on the lots for which the Health Care Facility Special Permit is requested do not occupy over 35% of the total land area covered by the Application for the Special Permit.
6. We have requested a waiver for the proposed Health Care Facility yard abutting the existing O-3 district to the north. For your information, the setback requirement under the previous O-2 zoning designation was 0 feet. The actual existing setback is 5 feet. The O-3 required setback is 15 feet. We are therefore requesting a waiver for the setback requirement relating to the proposed Health Care Facility in relationship to the existing O-3 district to the north from 15 feet to 5 feet (5 feet being the current existing setback).
7. The setback requirements from the residential district to the east of the proposed Health Care Facility are in conformance with the provisions of 27.63~~8~~.080 LMC, and are depicted on the March 19 Site Plan submitted to you by Mr. Findley.
8. Required front and side yards are already landscaped in accordance with the landscape plans previously submitted to your office.
9. We have been advised by the State of Nebraska that the existing facility for which the Health Care Facility Permit is requested (with some slight modifications which are required to be made for purposes of enlarging the exits in order to conform to federal hospital facility guidelines) will be in compliance with all state and federal requirements. The enlargement of the exists will not change the current configuration of the buildings already located on the property. In this regard, we would propose that the Special Permit be granted conditioned upon the applicant providing to the City the necessary licenses from the State of Nebraska Department of Health evidencing the conformance of the facility to state and federal requirements.
10. The location of the proposed Health Care Facility is centrally located in the Lincoln, Nebraska area and is readily accessible to the area served, and is located on a major street near the center of the area to be served.

March 20, 2002
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If after your review of this letter you have any questions regarding this matter please do not hesitate to contact me.

Very truly yours,

MORROW, POPPE, OTTE,
WATERMEIER & PHILLIPS, P.C.
A Limited Liability Organization

By: 

W. Michael Morrow
E-mail: wmm@morrowpoppelaw.com

WMM/pg
c: Gregory E. Sutton
Robert Findley
Rob Linafelter
Mark Hesser/Pinnacle Bank

STATE OF NEBRASKA



March 8, 2002



Mike Johanns
Governor

Bob Findley
Findley and Associates
16600 S. 82 St.
Roca, NE 68430

STATE FIRE MARSHAL
Ken Winters
Fire Marshal



Re: **Occupancy Classification**
Lincoln Surgery Center
1710 S. 70 St.
Lincoln, NE

Dear Bob,

This letter is a follow-up to our discussions earlier today. The facility wishes to certify portions of the building as a hospital. We are concerned with three basic portions of the building. They are the sleeping area (two hour separated from all other spaces, the surgery area (currently classified as an Ambulatory Surgical Center), and the clinic (currently classified as a Business Occupancy).

As discussed, any portion of the building that is not certified as a hospital must be separated from the certified areas by two-hour fire rated construction. Therefore, it was determined that the sleeping area, the entire surgery area and the clinic will be certified as a hospital. Due to the layout of the floors, the surgery area is classified as a single story structure. As such, the construction type (III 211) is acceptable.

To gain compliance as a certified hospital some changes will be necessary.

- All required exits shall have 44 inch-wide (41.5 inch clear opening) doors. This will include several doors in the surgery and clinic areas as well as the door to the exterior stair in the link.
- All required exit access corridors shall be at least eight feet in width.
- Smoke detection, tied to the fire alarm system will be necessary in many areas of the hospital where spaces such as lobbies, waiting areas or other miscellaneous areas are open to an exit corridor.
- The clinic area will be classified as a suite of rooms. The requirements of a suite must be met.

MAIN OFFICE and
 DISTRICT A
246 South 14th Street
Lincoln, NE 68508-1804
(402) 471-2027

DISTRICT B
438 West Market
Albion, NE 68620-1241
(402) 395-2164

DISTRICT C
200 South Silber
North Platte, NE 69101-4200
(308) 535-8181

FLAMMABLE LIQUID
STORAGE TANK DIVISION
246 South 14th Street
Lincoln, NE 68508-1804
(402) 471-9465

TRAINING DIVISION
2410 North Wheeler Avenue
Suite 112
Grand Island, NE 68801-2358
(308) 385-6892

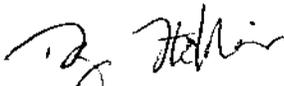
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Bob Findley
March 8, 2002
Page Two

To gain approval of the facility as requested, a drawing showing the layout, egress paths and fire rated partitions must be submitted to me for review. Ruth Orthengren will ultimately be responsible for final approval. This information does not include a determination of compliance with the City of Lincoln ordinances.

I believe this is an accurate description of our meeting. Please contact me with any questions, comments or corrections.

Sincerely,



Doug Hohbein
Chief Plans Examiner

cc: Robb Linafelter
Ruth Orthengren
Rod Laucomer
Lincoln Codes

Lincoln



Nebraska's Capital City

February 4, 2002

Sutton Eye Clinic
1710 S 70th Street
Lincoln NE 68506

To whom it may concern,

The Sutton Eye Clinic at 1710 S. 70th Street, does eye surgery and has an area that is used for a short-stay (less than 24 hours) which at the time the area was built under a permit it was looked at as a motel or hotel occupancy area.

The eye clinic is requesting that this same area be looked at as a Long Stay (more than 24 hours) hospital type room area or an Institutional Occupancy (I-1.1). To do this for compliance with the 1997 Uniform Building Code, this area will need to be separated from the rest of the building with a 2-hour construction type to be an I-1.1 occupancy.

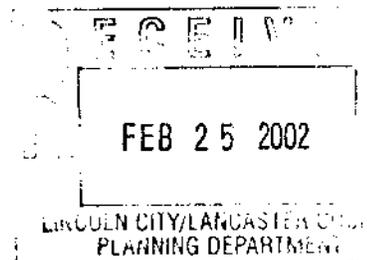
I have reviewed permit B9903984 that shows all structural members and separation walls as being 2-hour protection rated and everything complies for the building code. The area can be used as an I-1.1 Occupancy Class.

Sincerely,

Gary Spier
Plans Examiner

pc: Chuck Zimmerman
Dale Stertz
File

KREKMC\kreebb\sutton.ltr



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