

City Council Introduction: **Monday**, May 12, 2003
Public Hearing: **Monday**, May 19, 2003, at **1:30 p.m.**

Bill No. 03R-119

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 2011, Heritage Lakes Early Childhood Development Center**, requested by Olsson Associates on behalf of Andermatt, L.L.C. and Julie Delp, for an early childhood care facility, on property generally located northeast of the intersection of South 91st Street and Heritage Lakes Drive.

STAFF RECOMMENDATION: Conditional approval, including approval of the request to waive the requirement for access to an arterial street.

ASSOCIATED REQUEST: Waiver No. 03006 (03R-120)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 04/30/03
Administrative Action: 04/30/03

RECOMMENDATION: Conditional Approval (9-0: Krieser, Taylor, Larson, Carlson, Bills-Strand, Duvall, Newman, Steward and Schwinn voting 'yes').

FINDINGS OF FACT:

1. This special permit and the associated Waiver No. 03006 (03R-120) were heard at the same time before the Planning Commission.
2. The staff recommendation of conditional approval, including approval of the request to waive the requirement for access to an arterial street, is based upon the "Analysis" as set forth on p.4, concluding that with the requested waivers, the proposal complies with the Zoning Ordinance and is an appropriate use of land at this location.
3. On April 30, 2003, this application appeared on the Consent Agenda of the Planning Commission and was opened for hearing. No one came forward to speak.
4. On April 30, 2003, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend conditional approval, as set forth in the staff report dated April 16, 2003. The conditions of approval are found on p.4-5.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: May 5, 2003

REVIEWED BY: _____

DATE: May 5, 2003

REFERENCE NUMBER: FS\CC\2003\SP.2011

ASSOCIATED APPLICATIONS:AFP#02062 Heritage Lakes Early Childhood Development Addition - An administrative final plat to create a 1.49 acre lot for the proposed day care center is currently under review.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F18 Residential Neighborhoods - Fourth paragraph - Child care centers should be located within neighborhoods and near schools and parks when possible.

Page F18 Transportation - Interconnected networks of streets, trails and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, conserve energy and for the convenience of the residents.

The street network should facilitate calm traffic conditions, provide multiple connections within and between neighborhoods, using neighborhood development aspects such as four way intersections of residential streets, multiple connections to arterial streets, and reduced block lengths.

Page F25 Future Land Use Plan - The Future Land Use Plan designates this area for future urban residential uses.

Page F42 Business and Commerce - Second paragraph - Buildings and land uses at the edge of the center should be compatible with adjacent residential uses. Examples of compatible land uses include office and child care centers.

Page F145 Guiding Principles - Fourth paragraph - Child care centers should be located within neighborhoods and near schools and parks when possible.

UTILITIES: Water - There is a 6" water main in Heritage Lakes Drive that can be tapped to serve this site.

Sewer - There is a 15" sewer line in a 30' sewer easement adjacent to this site and can only be tapped by a manhole connection.

TRAFFIC ANALYSIS: Heritage Lakes Drive has a 66' wide right-of-way, with a 33' wide improved surface. This is the standard for a local street in a commercial, business, or industrial district, and is wider than the 26' pavement width required of a local residential street.

PUBLIC SERVICE: Fire and Police protection will be provided by the City of Lincoln.

AESTHETIC CONSIDERATIONS: The facility should be designed in a manner that visually accommodates one of the allowed alternate uses in the R-3 district should the day care cease to operate.

ALTERNATIVE USES: As with all child care centers caring for 31 or more children, the City of Lincoln Design Standards require that the facility be designed to accommodate conversion to an alternate use that is allowed by right in the district should the day care cease to operate. In this case, the facility is designed to be converted to a private school in compliance with the Design Standards.

HISTORY: Special Permit #1990 and Waiver #02021 - Submitted on September 13, 2002, these applications were essentially identical to those reviewed by this report. The Planning Commission

recommended conditional approval at the October 30, 2002 hearing, after which time both applications were forwarded to City Council for their consideration. The applicant was granted two delays on the applications before requesting that both applications be withdrawn citing difficulties with project financing.

The site plan for SP#1990 was revised between the Planning Commission hearing and introduction at City Council to address both staff concerns and the Planning Commission's recommendation. The revisions included moving the identification sign out of the front yard, screening the play area, and showing all required parking. Additionally, a pedestrian connection to the property adjacent to the north was included per the Planning Commission's recommendation. The applicant is ready to proceed with the project and has submitted plans consistent with the conditions previously recommended for approval by the Planning Commission to the City Council.

ANALYSIS:

Special Permit #2011

1. A waiver to Design Standard Chapter 3.90 (1.3), which requires facilities with 31 or more children to have frontage on an arterial street, has been requested. This design standard was adopted to help ensure that a larger day care center, many of which generate traffic volumes similar to commercial uses, could not locate in a residential neighborhood. At this location, Heritage Lakes Drive will be 33' wide when completed - the width for a local street in a commercial, office or industrial district. Additionally, the Nebraska Heart Hospital has been approved to be built south across the street. Given the location of this facility, the planned street layout and the developing land use pattern in this area, it is appropriate to grant this waiver.

Waiver to Design Standard #03006

1. A waiver to the Subdivision Ordinance design standard that requires lot lines to be perpendicular to streets has also been requested. The rationale for the request is that the proposed lot for this facility is located next to a delineated wetland, and the east lot line is drawn to partially accommodate that fact. Additionally, this site is located at the apex of the curve on Heritage Lakes Drive. Given the site constraints and street layout, this waiver is appropriate.

CONDITIONS:

Special Permit #2011

Site Specific:

1. This approval permits an early childhood care facility with a waiver to required access to an arterial street.

General:

2. Before receiving building permits:

- 2.1 The permittee shall have submitted a revised final plan including 5 copies and the plans are acceptable.
- 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:

- 3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the facility all development and construction shall have been completed in compliance 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 applicant 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, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Brian Will, AICP
Planner

APPLICANT: Julie Delp
13500 South 148th Street
Bennet, NE 68317 (402) 782-6281

OWNER: Andermatt, L.L.C.

CONTACT: Stephen Clymer
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508 (402) 458-5987

**SPECIAL PERMIT NO. 2011
and
WAIVER NO. 03006**

CONSENT AGENDA

PUBLIC HEARING AND ADMINISTRATIVE ACTION:

April 30, 2003

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

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3403; CHANGE OF ZONE NO. 3404; CHANGE OF ZONE NO. 3405; MISCELLANEOUS NO. 03002; MISCELLANEOUS NO. 03003; SPECIAL PERMIT NO. 846B; SPECIAL PERMIT NO. 2007; SPECIAL PERMIT NO. 2008; SPECIAL PERMIT NO. 2009; SPECIAL PERMIT NO. 2011; WAIVER NO. 03006; FINAL PLAT NO. 02012, MECHLING'S WILDERNESS PARK ESTATES; FINAL PLAT NO. 02045, HARTLAND HOMES SOUTHWEST 1ST ADDITION; and FINAL PLAT NO. 02049, VINTAGE HEIGHTS 14TH ADDITION.**

Item No. 1.3a, Change of Zone No. 3405; Item No. 1.3b, Miscellaneous No. 03002; Item No. 1.3c, Miscellaneous No. 03003; and Item No. 1.7, Special Permit No. 2009, were removed from the Consent Agenda and scheduled for separate public hearing.

Steward moved to approve the remaining Consent Agenda, seconded by Newman and carried 9-0: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Steward, Bills-Strand and Taylor voting 'yes'.

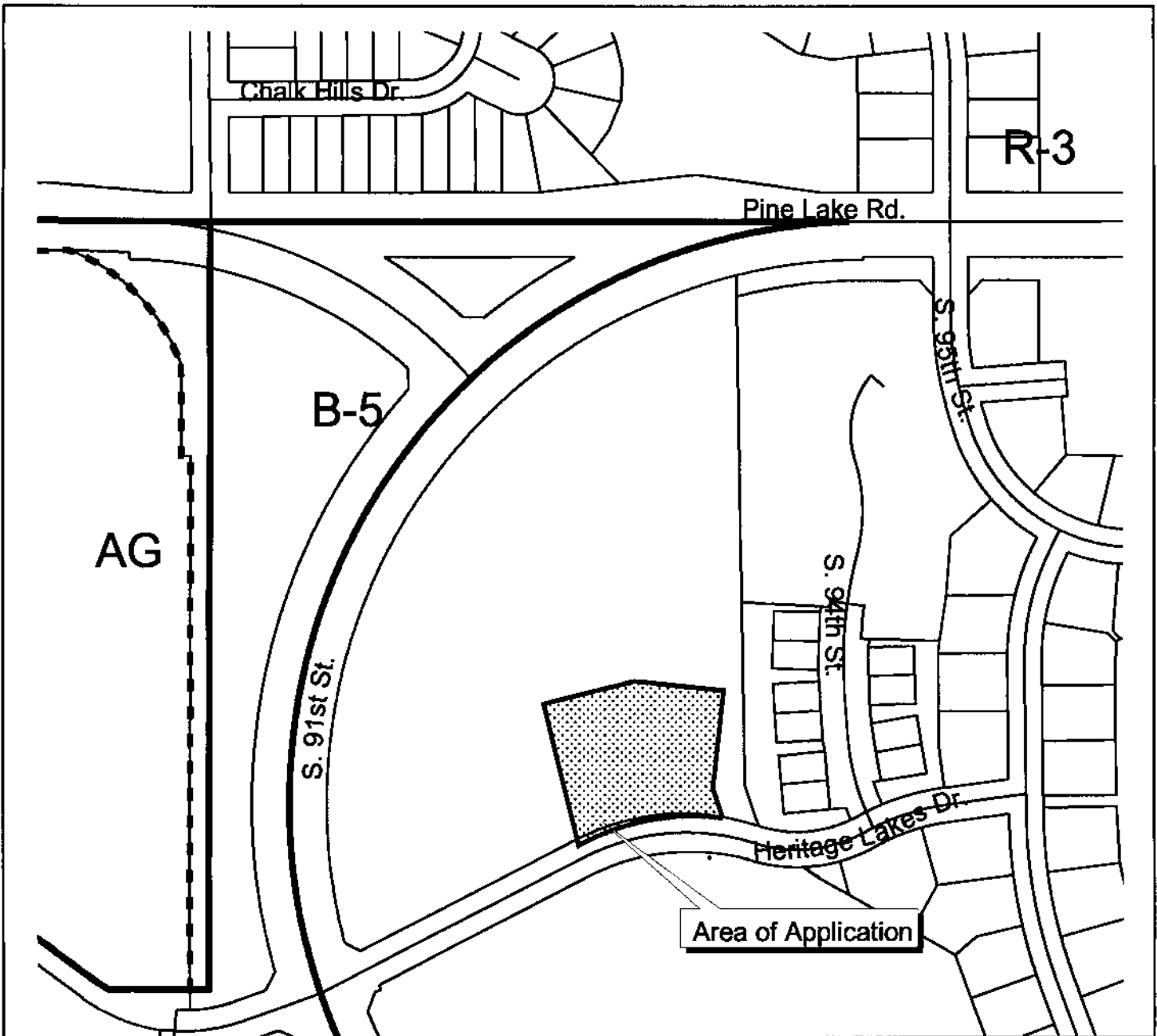
Note: This is final action on Special Permit No. 846B, the Mechling's Wilderness Park Estates Final Plat No. 02012, the Hartland Homes Southwest 1st Addition Final Plat No. 02045 and the Vintage Heights 14th Addition Final Plat No. 02049, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



**Special Permit #2011
Waiver #03006
Heritage Lakes Early Childhood Development Center
S.91st & Heritage Lakes Dr.**



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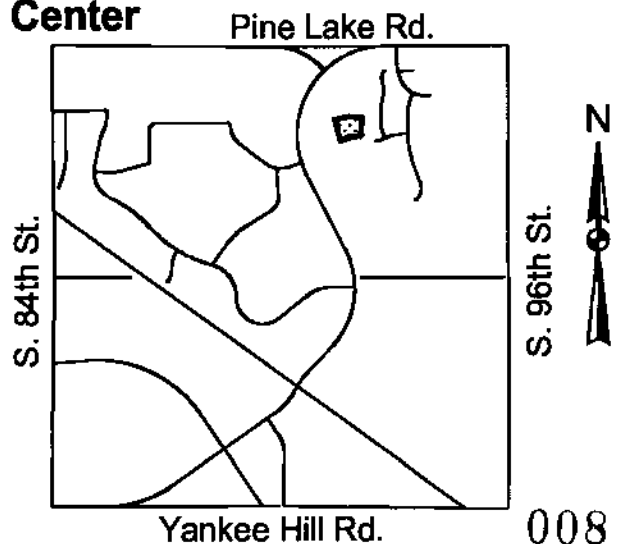
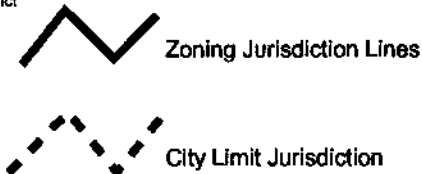


**Special Permit #2011
 Waiver #03006
 Heritage Lakes Early Childhood Development Center
 S.91st & Heritage Lakes Dr.**

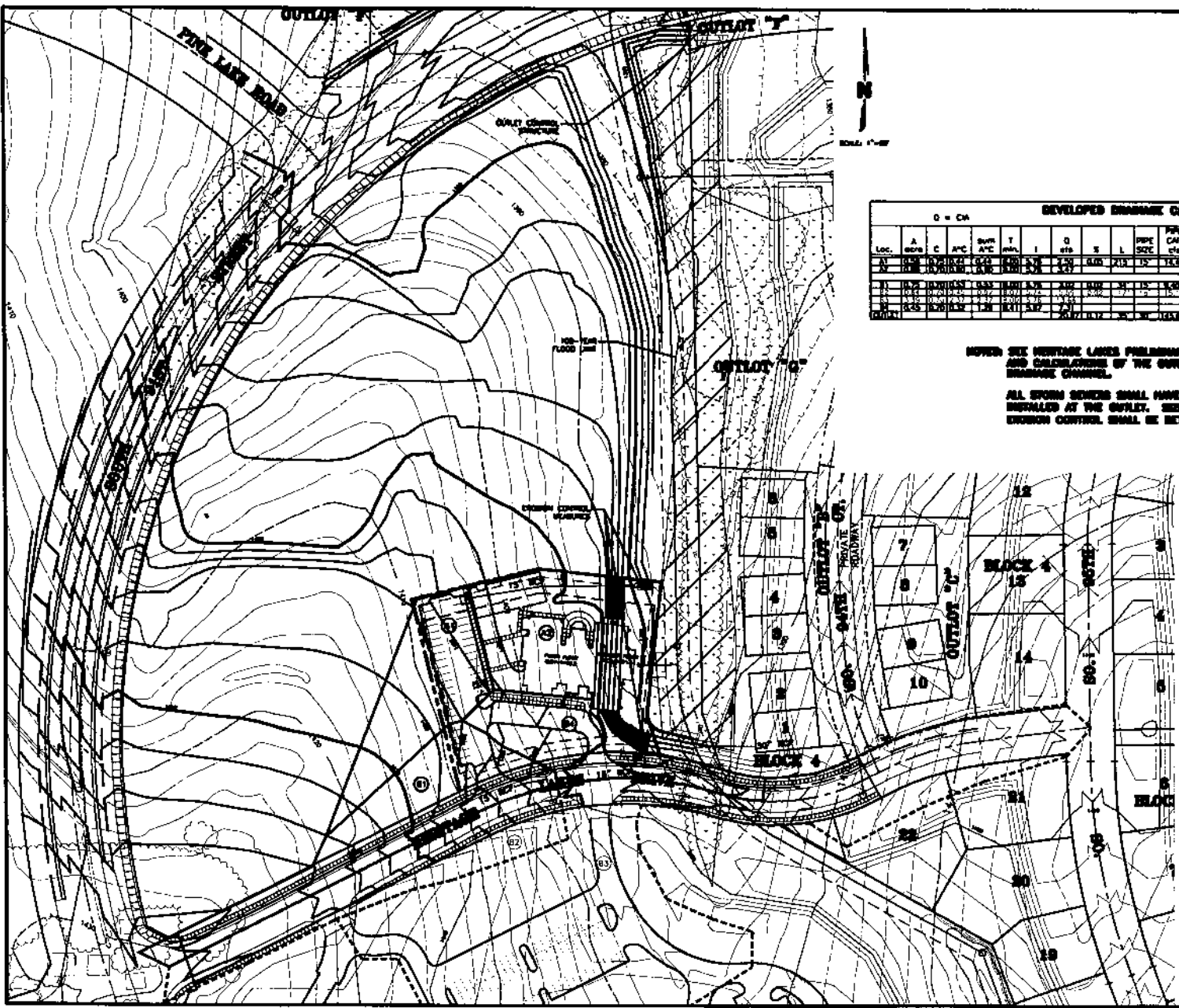
Zoning:

- 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. 23 T9N R7E



008



DEVELOPED DRAINAGE CALCULATIONS Storm Frequency 10 Yr.

| Loc. | A | C | AFC | Swf | T | Q | S | L | PIPE | PIPE | TIME | Comments |
|------|-------|------|------|------|------|------|------|------|------|------|-------|---|
| | acres | | AFC | AFC | min. | cfs | cfs | ft | SIZE | CAP | In | |
| | | | | | | | | | cfs | cfs | min. | |
| A | 0.25 | 0.00 | 0.00 | 0.00 | 1.00 | 0.00 | 0.00 | 0.00 | 12 | 0.00 | 11.72 | OUTLET TO HERITAGE LAKES DEVELOPMENT CENTER (SEE SHEET 101) |
| B | 0.25 | 0.00 | 0.00 | 0.00 | 1.00 | 0.00 | 0.00 | 0.00 | 12 | 0.00 | 11.72 | OUTLET TO HERITAGE LAKES DEVELOPMENT CENTER (SEE SHEET 101) |
| C | 0.25 | 0.00 | 0.00 | 0.00 | 1.00 | 0.00 | 0.00 | 0.00 | 12 | 0.00 | 11.72 | OUTLET TO HERITAGE LAKES DEVELOPMENT CENTER (SEE SHEET 101) |
| D | 0.25 | 0.00 | 0.00 | 0.00 | 1.00 | 0.00 | 0.00 | 0.00 | 12 | 0.00 | 11.72 | OUTLET TO HERITAGE LAKES DEVELOPMENT CENTER (SEE SHEET 101) |
| E | 0.25 | 0.00 | 0.00 | 0.00 | 1.00 | 0.00 | 0.00 | 0.00 | 12 | 0.00 | 11.72 | OUTLET TO HERITAGE LAKES DEVELOPMENT CENTER (SEE SHEET 101) |
| F | 0.25 | 0.00 | 0.00 | 0.00 | 1.00 | 0.00 | 0.00 | 0.00 | 12 | 0.00 | 11.72 | OUTLET TO HERITAGE LAKES DEVELOPMENT CENTER (SEE SHEET 101) |
| G | 0.25 | 0.00 | 0.00 | 0.00 | 1.00 | 0.00 | 0.00 | 0.00 | 12 | 0.00 | 11.72 | OUTLET TO HERITAGE LAKES DEVELOPMENT CENTER (SEE SHEET 101) |

REFER SEE HERITAGE LAKES PRELIMINARY PLAN & C.M.P. FOR DETAILS AND CALCULATIONS OF THE OUTLET CONTROL STRUCTURE AND DRAINAGE CHANNEL.

ALL STORM SEWERS SHALL HAVE EROSION CONTROL PROTECTION INSTALLED AT THE OUTLET. SIZE, QUANTITY AND LOCATION OF EROSION CONTROL SHALL BE DETERMINED BASED FROM MANUAL.

MINIMUM ELEVATIONS

| | |
|-------------------|----------------------|
| 100-YEAR FLOOD D. | MINIMUM ELEVATION D. |
| 1288.50 | 1280.00 |

NOTE: ALL ELEVATIONS ARE BASED ON MGS 1985.

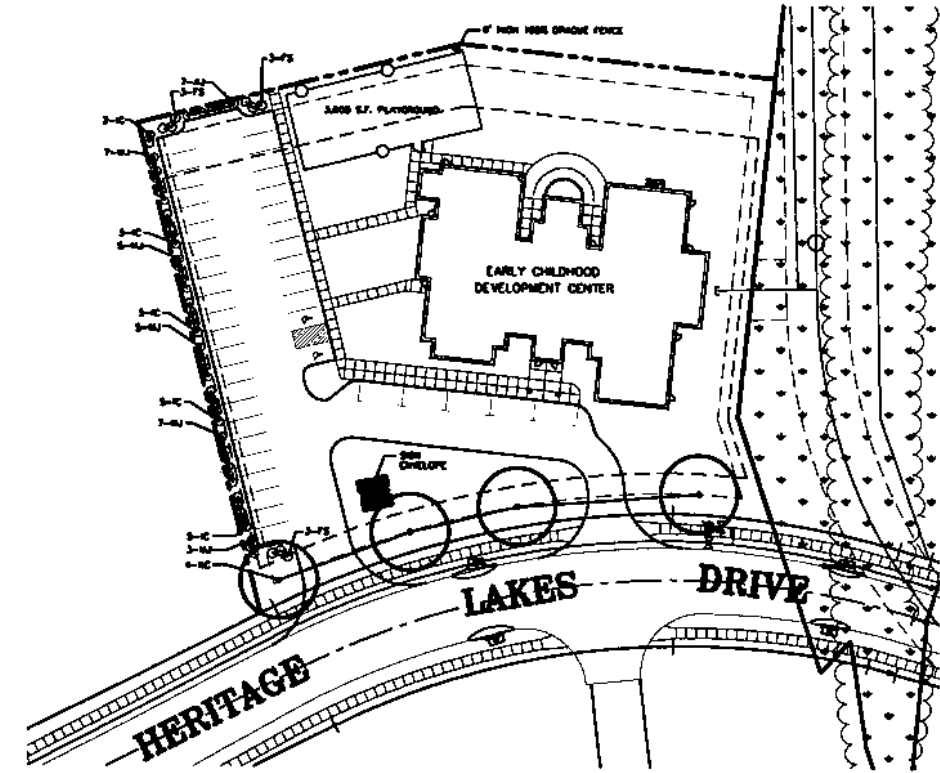
- LEGEND**
- PROPOSED MAJOR CONTOUR
 - PROPOSED MINOR CONTOUR
 - - - - - EXISTING MAJOR CONTOUR
 - - - - - EXISTING MINOR CONTOUR
 - EXISTING SEWER
 - PROPOSED STORM SEWER
 - PROPOSED CATCH BASIN

LANDSCAPE SUMMARY

1. SITE ZONING - R3
2. LANDSCAPE SCREENING CALCULATED AS ONE COMMAND (1/2 EVERGREEN, 1/3 DECIDUOUS) FOR PARKING AREA. FIVE FEET HIGHANCE LINES DRING. SCREENING BARRIERS ARE TO BE PROVIDED ALONG PROPERTY BOUNDARIES ARE SCREENED AS PER CH. 3.30-9, SEC. 7.1.2. (SHRUB TREES SHOWN IN SITE SCREEN AREAS ACCORD TO 1/2 OF THE REQUIRED DECIDUOUS PLANT RATIO.)
3. NO INTERIOR TREES REQUIRED FOR PARKING LOT PAVING. TOTAL SQ. FT. OF PARKING LOT PAVING AREA = 8,230 SQ. FT.
4. A LANDSCAPE SCREEN IS PROVIDED FOR THE OUTSIDE PLAY AREA AS PER CH. 3.30-6, SEC. 7.6. A SIX FOOT HIGH, 100% GRASS FENCE SHALL BE PROVIDED AROUND THE PLAYGROUND.

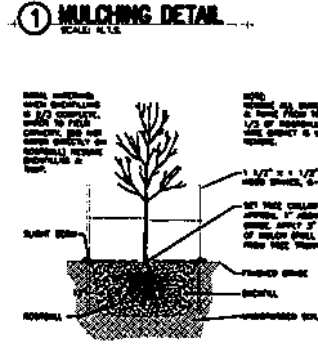
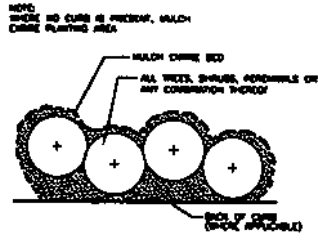
GENERAL NOTES

1. ALL PLANT MATERIAL INSTALLED SHALL BE "TRUSSBY GROWN" MEANS THE FOLLOWING DEFINED:
2. HOBY CITY OF LINCOLN FOR ALL STREET TREE LOCATIONS FROM TO PLANTING.
3. LANDSCAPE SHALL BE DONE IN ACCORDANCE WITH CITY OF LINCOLN STANDARD SPECIFICATIONS FOR MUNICIPAL CONSTRUCTION.



STREET TREES & LANDSCAPE SCHEDULE

| KEY | LOCATION | COMMON NAME | BOTANICAL NAME | SIZE @ PLANTING | PLANTING METHOD | NUMBER | REMARKS |
|---------------------|--------------------|-----------------------------|------------------------------------|-----------------|-----------------|--------|---------|
| STREET TREES | | | | | | | |
| 1C | HERITAGE LAKES DR. | HERBERT COPPERFIRE | GYNOCLADUS DIOICA | 8 1/2" DBH | BAR | 40 | 22 |
| SCREENING | | | | | | | |
| 1C | SITE SCREENING | 'MOON'S BEAUTY' CHERRYBERRY | PRUNUS HELIOPHYLLA 'MOON'S BEAUTY' | 12-18" | COMMAND | 4 | 3 |
| 1S | SITE SCREENING | 'TINA TURNER' SHADBLOW | ROSA 'TINA TURNER' HYBRID | 18-24" | COMMAND | 5 | 4 |
| 1A | SITE SCREENING | 'WESTWIND' JUMPER | JUMPING CHERRYBERRY 'WESTWIND' | 18" | COMMAND | 4 | 4 |
| 1U | SITE SCREENING | 'TINY JAZZ' JUMPER | JUMPING CHERRYBERRY 'TINY JAZZ' | 18" | COMMAND | 4 | 4 |



LANDSCAPE PLAN
SCALE: 1" = 20'-0"

DILSON ASSOCIATES

ARCHITECTS & LANDSCAPE ARCHITECTS

1000 S. 10TH STREET, SUITE 200
LINCOLN, NE 68502

PROJECT NO. 2000-001

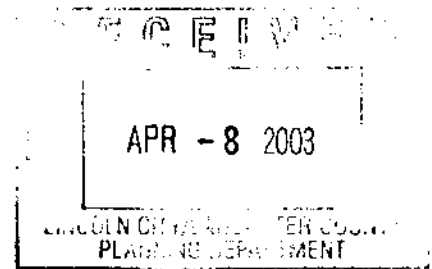
SHEET 3 OF 3



OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

April 8, 2003

Mr. Marvin S. Krout, Director
Lincoln Lancaster Planning Department
County-City Building
555 South 10th Street, Suite 213
Lincoln, NE 68508



Re: Heritage Lakes Early Childhood Development Center
"Special Permit for Use, #1900" with selected waivers to the Design Standards
OA Project No. 2002.0756

Dear Mr. Krout,

This project has been previously approved for City Council review. On behalf of our client, it was requested for delays twice and then finally withdrawn from any further action. Since that time, the project's financing arrangements have been solidified. It was the desire to pick up from where we were with the City Council and to that end, Brian Will informed us that Planning Department had agreed that it could go directly back to City Council. A letter from OA was submitted March 17 requesting a new date for City Council introduction. However, we were informed that the City Clerk and the City Law Department have reviewed this and it was decided that the submittal process must be started over with the Planning Commission. With this letter and application, we therefore are requesting to be on the agenda of the April 30 Planning Commission meeting.

The final plat for the project's property has been submitted and reviewed by planning staff. Current status is awaiting staff's recommendation for street tree escrow amounts.

Enclosed with this letter are the following:

1. City of Lincoln Zoning Application; "Special Permit".
2. Filing fee for "Special Permit"; \$585.00.

This new information is requiring our client to have this new submittal to your department today in order to make the deadline for the April 30 meeting. The following have not changed from previous submittals which you have in hand and will be resubmitted as soon as possible.

1. Site Plan, Sheet 1; 6 copies
2. Grading & Drainage Plan, Sheet 2; 6 copies
3. Landscape Plan, Sheet 3; 6 copies
4. Day Care Plan from Davis Design (Conversion Plan, Building Code Analysis & Occupant Load Analysis); 6 copies.

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** Certificate of Ownership: Previous submitted certificate remains valid as no ownership changes have occurred during this period (As per Brian Will, April 3, 2003).

On behalf of the Client, Julie Delp, 13500 South 148th Street, Bennet, NE 68317, we are requesting a "Special Permit for Use" to allow an "Early Childhood Care Facility " on property located in the Northeast Quarter of Section 23, Township 9 North, Range 7 east of the 6th P.m., Lancaster County, Nebraska. Enrollment will exceed sixteen children (27.15.040, (y)).

Requested waivers:

1. To allow non-perpendicular lot lines to the R.O.W. to Heritage Lakes Drive on both the east and west lot lines of Lot 1 (Lot area is taken from Lot 98, I.T.).
2. To allow waiver of Design Standards for Early Childhood Care Facilities, Chapter 3.90:

Section 1.3, Daycare with 31 or More Children / Arterial Street Access:

This site does not front on an arterial street, however, it does front on a street that has a typical section of Business Commercial pavement design (66' ROW, 33' of pavement). This street also serves another business, The Nebraska Heart Hospital. The site plan illustrates traffic entering the site on a drive located on the east side of the site. The traffic will exit west out a private drive on the abutting outlot and back onto Heritage Lakes Drive. The Final Plat drawings will define an access easement for the Early Childhood Development Center to use it for their exiting purposes.

Please contact us if you have any questions or require any additional material.

Sincerely,



Tim Gergen, P.E.

cc: Matt Metcalf, AIA, Davis Design
Julie Delp
Kelvin Korver

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