

City Council Introduction: **Monday**, September 24, 2012
Public Hearing: **Monday**, October 1, 2012, at **3:00** p.m.

Bill No. 12R-235

FACTSHEET

TITLE: **WAIVER NO. 12019**, requested by Gerald White on behalf of Life Tabernacle Church, to waive the parking lot surfacing requirement on property generally located at North 1st Street and Adams Street (3230 North 1st Street).

SPONSOR: Planning Department

BOARD/COMMITTEE: N/A

STAFF RECOMMENDATION: Approval.

FINDINGS OF FACT:

1. This is a request by the Life Tabernacle Church to waive the surfacing requirement for a parking lot pursuant to § 27.67.100 (c) of the Lincoln Municipal Code, due to the cost of a paved parking lot and because the churches on both sides of this church have gravel parking lots. The church is located at 3230 North 1st Street.
2. The applicant's request is found on p.8.
3. The staff recommendation to waive the parking lot surfacing requirement for four (4) years is based upon the "Analysis" as set forth on p.2-4, concluding that the requested waiver meets the requirements of Section 27.67.100 (c) of the Lincoln Municipal Code. There are residences within 120 feet of the proposed parking and a time-limit will ensure that if the church desires to pursue a time extension, the neighbors will have an opportunity to be involved in the request.
4. This application does not require review and action by the Planning Commission.
5. The Planning Department has provided notice of this public hearing to property owners the same as is required by the Lincoln Municipal Code for zoning and subdivision applications.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: September 17, 2012

REVIEWED BY: Marvin Krout, Director of Planning

DATE: September 17, 2012

REFERENCE NUMBER: FS\CC\2012\WVR12019

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

PROJECT #: Waiver No. 12019

PROPOSAL: Life Tabernacle Church is requesting a waiver to the surfacing requirement for a parking lot.

LOCATION: N. 1st St. and Adams St.

LAND AREA: 2.33 acres, more or less

CONCLUSION: The requested waiver meets the requirements of Section 27.67.100 (c).

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 59 & 60 Irregular Tracts

EXISTING ZONING: R-3, Residential

EXISTING LAND USE: Church

SURROUNDING LAND USE AND ZONING:

North:	R-3, Residential	Church
South:	R-3, Residential	Church
East:	R-3, Residential	Single family dwellings
West:	R-2, Residential	Single family dwellings

HISTORY:

June 16, 1997 Waiver #97004 to waive parking lot surfacing for Northwest Lincoln Church located to the south of the applicants property was approved by the City Council.

TRAFFIC ANALYSIS: N.1st St. is classified as a minor arterial on the Existing Functional Classification map in the 2040 Comprehensive Plan.

ANALYSIS:

1. Life Tabernacle Church is requesting a waiver to the surfacing requirement for a parking lot due to the cost of a paved parking lot and that the churches on both sides of them have gravel parking lots.

2. The church on the property to the south was granted a waiver to surfacing the parking lot in June 1997. A check with the Lincoln-Lancaster County Health Department revealed that there have been no dust complaints on this property since the waiver was granted.
3. Section 27.67.100 (c) authorizes the City Council to grant a waiver to surfacing requirement if the following apply:

c) Waiver of surfacing requirement: Upon application to the City Council, the owner of a parking lot may be relieved of the surfacing requirement of this section if the Council finds that:

(1) The parking lot is (i) to be used in conjunction with a nonprofit, religious, educational, or philanthropic institution; (ii) in excess of the parking required by the provisions of this title and not pay parking; or (iii) used for employee parking and located wholly within an industrial district.

In this case, the parking lot is to be used in conjunction with a church.

(2) Alternate materials or techniques shall be utilized which provide reasonable control of dust, runoff, and safe circulation.

The site plan shows gravel being used for the parking lot. Of the three items mentioned, dust appears to be the only one that may be an issue. The City has the authority to require dust control under Title 8. Additionally, the last paragraph of Section 27.67.100 (c) which authorizes this waiver states that even if this waiver is granted, the City Council can revoke it if is found that dust or noise generated exceeds the levels established in Lincoln Municipal Code (LMC).

(3) (i) The location of the parking lot is a sufficient distance from surrounding uses that it will not adversely affect the surrounding uses.

The nearest building is a church located approximately 75 feet to the south and houses approximately 120 feet to the east of the parking area.

(ii) The frequency of use of the parking lot is so low that compliance with the surfacing requirement of this section would cause undue economic hardship on the owner as compared with minimal impact upon surrounding land uses.

The applicant did not address this, but it is reasonable to assume that the majority of traffic would be on Sundays.

If this waiver is granted and it is later discovered that dust or noise created by the use of the proposed parking lot exceeds the maximum levels set forth in Title 8 of the Lincoln Municipal Code, then such waiver may, after notice and hearing by the City Council, be revoked. Thereafter the use of said parking lot shall cease unless surfaced in accordance with the adopted design standards.

4. Recently, paving waivers have been approved for three other churches in Lincoln. Waiver 12001 for Christ's Place Church; Waiver 09002 for Lincoln Family Church and Waiver 09006 for New Creation Church were all approved with a 4-year limit.

Christ's Place Church located at Old Cheney Rd and Warlick Blvd. has a residential area on the north side of Old Cheney Rd. Lincoln Family Church is just south of 70th and Highway 2 and next to a residential area; The New Creation Church is located at S. Coddington and West Old Cheney, which has a house nearby.

5. For this proposal, staff recommends a four year time limit be placed on the waiver rather than an open-ended approval. There are residences within 120 feet of the proposed parking and a time-limit would ensure that if the church desires to pursue a time extension, then the neighbors will have an opportunity to be involved in the request.
6. The Lincoln-Lancaster County Health Department has no objections provided the applicant controls off-site dust emissions from the parking lot in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage.

CONDITIONS

Site Specific:

1. This approval waives the requirement to pave parking for four years from time of approval.

Standard:

- 2 The following conditions are applicable to all requests:
 - 2.1 The applicant shall substantially comply with the revised site plan that shows a fence, curb stops and a concrete driveway.
 - 2.2 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 2.3 The clerk shall file a copy of the resolution approving the waiver with the Register of Deeds, filing fees therefore to be paid in advance by the applicant.

Prepared by:

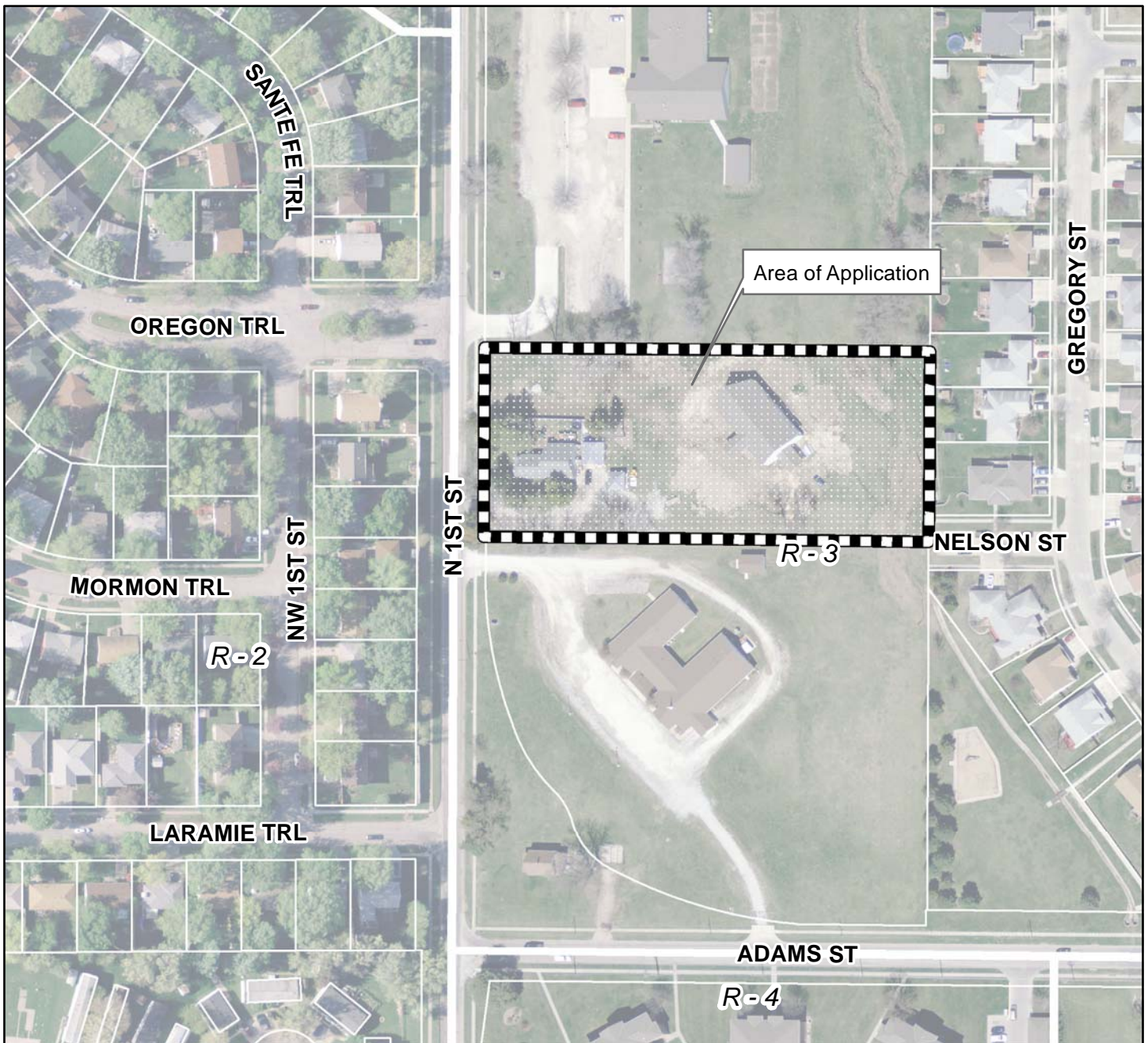
Tom Cajka
Planner

DATE: September 12, 2012

APPLICANT: Gerald White
320 Judson St.
Lincoln, NE 68521
402-475-7713

OWNER: Life Tabernacle Church
3230 N. 1st St.
Lincoln, NE 68521
402-475-9100

CONTACT: Same as applicant



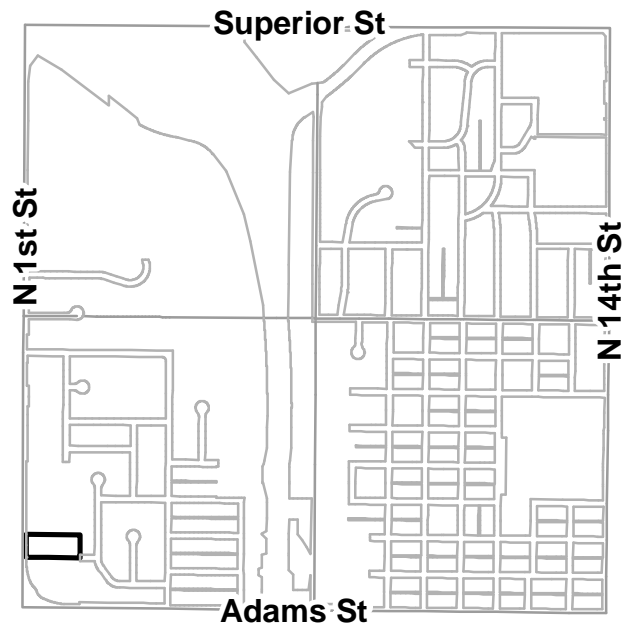
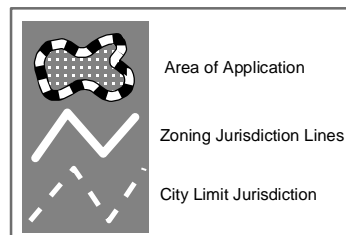
2010 aerial

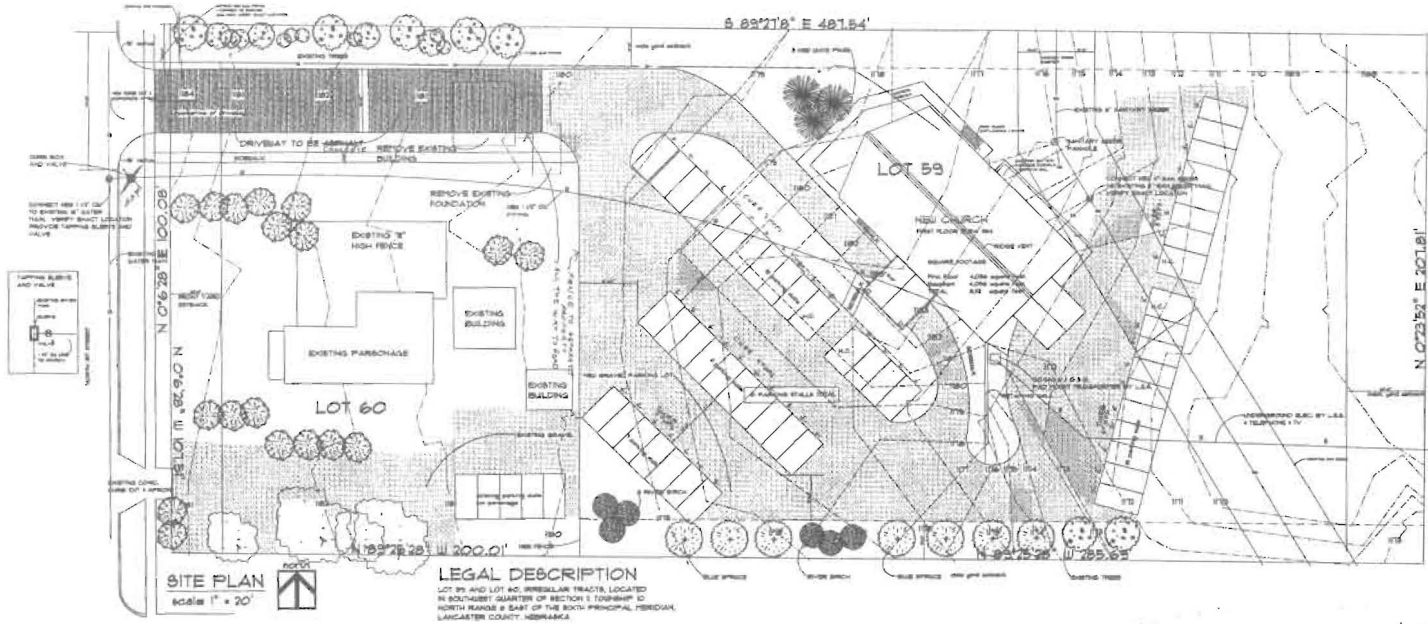
Waiver # 12019
Life Tabernacle Church
N 1st & Adams St

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
 Sec. 11 T10N R06E





SITE PLAN
Scale: 1" = 20'

LEGAL DESCRIPTION
LOT 59 AND LOT 60, IRREGULAR TRACTS, LOCATED IN SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 10 NORTH, RANGE 8 EAST OF THE SOUTH PRINCIPAL MERIDIAN, LANCASTER COUNTY, NEBRASKA.

INDEX OF DRAWINGS

- A-1 SITE PLAN
- A-2 BASEMENT PLAN
- A-3 FIRST FLOOR PLAN
- A-4 ELEVATION
- A-5 WALL SECTIONS
- 8-100 FOUNDATION PLAN
- 8-101 ROOF FRAMING PLAN
- 8-200 TYPICAL DETAILS
- M-1 HEATING & PLUMBING PLANS
- M-2 HEATING & PLUMBING DETAILS
- E-1 LIGHTING PLANS
- E-2 ELECTRICAL PLANS

SITE PLAN SYMBOLS

- PROPERTY LINE
- - - SET BACK
- · - · - EXISTING GRADE LINE
- · - · - ADJUSTED GRADE LINE
- W WATER LINE
- G GAS LINE
- M SANITARY SEWER LINE
- E ELECTRICAL SERVICE LINE
- PARKING STALL
- ▨ GRAVEL SURFACE

REVISED SITE PLAN 02-25-09
Addressing and Showing Items On Plan Review Comments

SIGNS NOT APPROVED SEPARATE PERMIT REQUIRED

REVISIONS:

- 1. Remove sign from site plan.
- 2. Add sign to site plan.
- 3. Add sign to site plan.
- 4. Add sign to site plan.
- 5. Add sign to site plan.
- 6. Add sign to site plan.
- 7. Add sign to site plan.
- 8. Add sign to site plan.
- 9. Add sign to site plan.
- 10. Add sign to site plan.

LIFE TABERNACLE CHURCH
LINCOLN, NEBRASKA
STEVE FLANDERS & ASSOC. LTD
 8400 SOUTHWEST DRIVE, LINCOLN, NE 68506 TEL: 484-7171

DATE 02-01-09
PROJECT NO. 2195
8 SHEET
A-1

REVISED
 02-25-09
REVISED
 02-25-09

APPLICATION FOR A WAIVER
(not accompanying an application submitted to Planning Dept.)

Note: This application will be returned as insufficient if all required information is not provided.

Project Name: LIFE TABERNACLE CHURCH PARKING LOT

Project Address/General Location 3230 N. 1ST LINCOLN, NE. 68521

 1/4 Section T N,R E

PURPOSE

The standards are adopted for the purpose of establishing the technical specifications, engineering requirements and similar matters which property owners, subdividers, and permittees must meet when constructing or installing public and private improvements authorized or required by the various provisions of Title 26 and Title 27 of the Lincoln Municipal Code and City of Lincoln Design Standards. All such improvements shall substantially conform to standards, as determined by the appropriate department, except that the City may approve a deviation from any of the standards upon a satisfactory showing that such deviation will not materially and adversely affect the public welfare and that the general intent and spirit of the standard(s) are preserved.

PROCEDURE

Any request for a deviation from the City of Lincoln standards except as otherwise provided in these regulations shall be filed with the Planning Director. Such request shall set forth the specific modification requested and all supporting reasons and documentation as to why the modification should be granted, how the public welfare will be preserved and why the modification will not detract from the intent and spirit of the design standards.

List all waiver requests and provide justification for each waiver request (may be provided on attached sheet):

We want to forego using "concrete" or "asphalt" and use gravel for our church parking.

ANY OTHER INFORMATION OR COMMENTS RELATED TO THE WAIVER:

Because of the cost of concrete or asphalt we want to use gravel. Churches on both sides of us are using gravel in their parking lots.

Applicant <u>GERALD WHITE</u> (Authorized to act on Applicant's behalf)	Phone Number <u>402-475-7713</u>
Address <u>320 JUDSON LINCOLN NE. 68521</u> Street City State ZIP	Email <u>GWTWHITE@EARTHLINK.NET</u>
Owner <u>LIFE TABERNACLE CHURCH</u>	Phone Number <u>402-475-9100</u>
Address <u>3230 N. 1ST LINCOLN NE. 68521</u> Street City State ZIP	Email <u> </u>
Contact <u>GERALD WHITE</u>	Phone Number <u>402-475-7713</u>
Address <u>320 JUDSON LINCOLN NE. 68521</u> Street City State ZIP	Email <u>GWTWHITE@EARTHLINK.NET</u>
Applicant's Signature <u>Gerald White</u>	Date <u>8-27-12</u>