LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for April 15, 2015 PLANNING COMMISSION MEETING

PROJECT #: Text Amendment No.15003

PROPOSAL: Amend Section 27.63.090 *Dwellings For Members of a Religious Order* to allow an increase in density, if approved by Planning Commission, and amending Table 27.72.010 (c) *Exemptions to the Minimum Lot Requirements in the AG and AGR Districts* to allow Dwellings For Members of a Religious Order on property less than 5 acres in the AG zoning district.

CONCLUSION: The proposed changes are in conformance with the 2040 Comprehensive Plan and should not have a significant negative impact on surrounding properties.

RECOMMENDATION:	**Approval**

GENERAL INFORMATION:

ASSOCIATED APPLICATIONS: SP15018 and SP15020

HISTORY:

November 1985 City Council approved Ordinance # 14276, a text amendment to the Special Permit for Dwellings for Members of a Religious Order, providing density and parking requirements.

COMPREHENSIVE PLAN SPECIFICATIONS:

Strategies for Neighborhoods and Housing, Page 7.4

- Create housing opportunities for residents with special needs throughout the city that are integrated into and compatible with residential neighborhoods.
- Design and locate special needs housing to enhance the surrounding neighborhood.

Developing Neighborhoods, Page 7.5

- There are notable differences between special needs housing and traditional multiple-family residential developments. Typically, special needs housing will have fewer occupants per unit and will generate less traffic than housing built for the general marketplace. Thus, a location that is deemed appropriate for special needs housing may not be deemed appropriate for other types of higher-density housing such as apartments or town homes.

Existing Neighborhoods, Page 7.8

- For existing neighborhoods, housing diversity is often already in place, but efforts must focus on maintaining this balance and variety. The diversity of architecture, housing types and sizes are central to what makes existing neighborhoods great places to live.

Rural Areas, P 7.11

- New acreage development is not encouraged in the *"Map 1.3: Growth Tiers with Priority Areas"* for Lincoln's three-mile extra territorial jurisdiction (ETJ), except for areas already platted, zoned, or designated for low density residential development.

ANALYSIS:

1. This text amendment will change two sections of the zoning ordinance; Section 27.63.090 Dwellings For Members of a Religious Order and Table 27.72.010 (c) Exemptions to the Minimum Lot Requirements in the AG and AGR Districts.

2. There are two special permits in process that are dependent on these changes. The first one is Special Permit No.15018 Christ The King Convent at St. Peter's School proposes to use an existing house as a dwelling for members of a religious order. They are proposing to have up to 6 persons reside in the house. Today the special permit provisions would only allow a maximum of four persons based on a ratio of 1 person per 3,000 square feet of lot area in the R-3 zoning district.

   The proposed site has 9,051 square feet of lot area. The proposed amendment would allow for double the amount of persons be special permit, when the dwelling is located a maximum of 600 feet from a school, church or early childhood care facility served by the members.

   All other requirements of the special permit will have to be met including the dwelling be a single housekeeping unit and the parking requirements of 27.67 must be met.

   The language to be added to 27.63.090 to accommodate this change is as follows: *The Planning Commission may increase the number of members up to 100 percent when the dwelling is located within 600 feet from the boundary of a school, church or early childhood care facility served by the members.*

   The impact of this change will be minimal on neighborhoods. Most members walk to and from the dwelling to the school, church or early childhood care facility so there should be no significant increase in traffic.

   The Planning Commission has the authority to decide on a case by case basis if an increase in members is appropriate for each special permit.

3. The second related special permit is SP15020, the Saint John Paul Mercy House which proposes to convert an existing structure into a dwelling for members of a religious order. This project is generally located at S. Coddington and W. Claire Avenue, in the City 3 mile zoning jurisdiction. The property is zoned AG Agriculture and is on approximately 7 acres. Today this special permit is only allowed on parcels that are 20 acres or greater in the AG zoning district.

   Table 27.72.010 (c) in the Height and Area chapter of the zoning ordinance lists uses that are allowed on AG zoned properties that are less than 20 acres. Such uses include but are not limited to : churches, greenhouses and pet cemeteries.

   The proposed change will require adding language to both 27.63.090 and to

Table27.72.010 (c) as follows:

27.63.090 add "*In the AG district, the minimum lot area is five acres.*" and

amend Table27.72.010 (c) to include Dwellings for members of a religious order on less than 5 acres in the table.

The proposed change will allow for more rural living options for members of a religious order.

4. The proposed text change was presented to the Neighborhood Roundtable on March 9, 2015. There was no opposition at that time.

Prepared by:

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DATE: April 2, 2015

APPLICANT: Catholic Bishop of Lincoln
3400 Sheridan Boulevard
Lincoln, NE 68506

CONTACT: Bill Meduna
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Lincoln, NE 68510

TEXT AMENDMENT NO. 15003

PUBLIC HEARING BEFORE THE PLANNING COMMISSION: April 15, 2015

Members present: Lust, Hove, Beecham, Weber, Scheer, Harris, and Sunderman; Corr and Cornelius absent.

Staff Recommendation: Approval

There were no ex parte communications disclosed on this item.

Staff presentation: **Christy Eichorn of the Planning staff** explained that the text amendment specifically addresses the special permit for the dwellings of a religious order. This amendment influences two special permits on today's agenda – Special Permit No. 15020 and Special Permit No. 15018. Eichorn explained that the amendment allows for an increase in the number of people who can reside within a dwelling for members of a religious order, i.e. convent. If there are more than three unrelated persons, a special permit would be required. Dwellings for members of a religious order is a special permit and it is very specific to the use. In today's code, there are specific square footage requirements that are used to determine the number of people who can reside in the house. The applicant is requesting to have at least six individuals. Based on the calculations of the current code, they would only be allowed to four. The proposed text amendment would allow an increase of up to 100 percent if they are within 600 feet of a school, church, etc. Eichorn explained that 600 feet was determined to be an appropriate distance based on issues discussed at the neighborhood roundtable level – 600 feet is approximately two blocks and used throughout the code for parking standards, etc. This is a general standard that is used when they determine how far people are willing to walk from one place to another. Eichorn further explained that the text amendment would also for dwellings for members of a religious order to be on lots that are less than 20 acres. Currently, the AG zoning district limits a special permit for dwellings of a religious order if it is located on 20 acres or more. Eichorn noted that there are several lots in the 3-mile jurisdiction that are zoned AG and less than 20 acres, they are not considered allowable for special permitted uses unless it is specifically stated. Referring to the Height and Area Regulations Table 27.72.010, Eichorn indicated that dwellings for members of a religious order function very similar to how churches function, which are allowable on a minimum lot area of five acres. She noted that this amendment would include dwellings for members of a religious order to the table allowing them on a minimum lot size of five acres.

Beecham asked if the text amendment ramifications relating to parking requirements? Eichorn reported that there are special parking requirements for dwellings for members of a religious order but these are not being changed. In the future, if a special permit application and it was deemed more parking might be necessary in that particular instance, than it would be a condition of the special permit.

Hove asked staff if they believe this will set a precedent for future similar developments? Hove noted that he is comfortable with this application but asked about the definition of a *religious order* and whether or not it could be abused. Eichorn explained that this is a special permitted use; therefore, they would be reviewed on a case-by-case basis through the special permit. This text amendment allows for more options for people to come before the Planning Commission to show why they should be granted a special permit in a particular neighborhood zoning district.

Beecham asked if the amendment would allow for a camp counselor housing situation? Eichorn indicated that this would not likely fit the definition as it applies to this particular special permit.

Proponents:

1. **Sister Mary Michael,** 400 S.W. 56th Street, Lincoln, NE, principal of Saint Peters School, applicant, came forward and explained that there are currently three sisters serving at the school. They are requesting to be allowed to go up to six because they hope to serve in the parish for many years and they have several young members joining their parish so believe that they will likely be increasing their school capacity is very probable. In addition, they are entertaining the idea of hiring a student teacher to help train the young sisters. Mother Joan Paul asked if they could propose the text amendment since they are acquiring the property so as not to be limited in the future. Currently, the three sisters ride in one car, and they hope to be a positive impact on the neighborhood. They would like to reside closer to the school.

Opponents: None.

Staff Questions: None.

ACTION BY PLANNING COMMISSION: April 15, 2015

Hove moved to recommend approval of this text amendment; seconded by Beecham.

Lust stated that this seems like a sensible text amendment, especially with the extra protection of requiring a special permit whenever a similar type of project comes forth. She supports that the application.

Harris agreed with Commissioner Lust and stated that she likes it when a text amendment is associated with a particular application rather than theorizing, so they have a concrete example.

The motion for approval of this text amendment carried 7-0; Lust, Hove, Beecham, Weber, Scheer, Harris, and Sunderman: Corr and Cornelius absent.

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March 18, 2015

City of Lincoln Planning Department
555 S 10th Street, Ste 213
Lincoln NE 68508

RE: Request for Zoning Text Amendment to 27.63.090 and 27.72.010(c) as applicable to Dwellings for Members of a Religious Order

To Whom it May Concern:

The Catholic Bishop of Lincoln wishes to propose zoning text amendments applicable to current zoning regulations regarding Dwellings for Members of a Religious Order. This request currently impacts two of our institutions submitting special permit requests, the School Sisters of Christ the King at St. Peter School and St. Joseph Institute in conjunction with Catholic Social Services.

The first request allows increases in density when the dwelling for members of a religious order is near a school, church, or early childhood care facility. We believe the increase in density in these situations will not cause any negative impact on the community as most of the residents will be walking to the school, church, or early childhood care facility. In addition, such residents usually share only one or two cars. The cost savings of having more people in one building is significant to the church.

The second request defines the minimum lot area for Dwellings for Members of a Religious Order in AG and AGR districts to be 5 acres. This change allows our institutions such as St. Joseph Institute and Catholic Social Services to house sisters and priest in a more retreat like rural setting while still allowing the purchase to be affordable. We see no negative impact to the surrounding neighbors.

Our religious sisters and priests provide valuable services to not only our Catholic schools and institutions but also to the community at large with the benefits to education and service of the poor and needy. We appreciate all the work and accommodations allowed under the zoning regulations related to our sisters and priests residences. Thank you.

Sincerely,

Msgr. Timothy Thorburn
Victor General, Diocese of Lincoln

Potential Zoning Text Amendment

The current text allows for members of the religious order by special permit in residential zoning districts. There is a limit on the number of persons based on the size of the lot and the zoning district. Currently there are no provisions for adjusting the number of persons based on the conditions. The proposed amendment would allow for the option to request additional persons when the dwelling is within two blocks (600 feet) of the church or school that the members serve. Any request for an increase would still require a special permit and public hearing.

The second request defines the minimum lot area for Dwellings for Members of a Religious Order in AG and AGR districts to be 5 acres.

27.63.090 Dwellings For Members of a Religious Order.

Dwellings for members of a religious order may be allowed by special permit in the AG, AGR, R-1 R-2, R-3, R-4, R-5, R-6, R-7 and R-8 zoning districts under the following conditions:

(a) The dwelling be a single housekeeping unit;

(b) Parking shall be in conformance with Chapter 27.67; and

(c) The maximum number of members occupying such a facility shall not exceed the following ratios between the resident and the lot area:

(1) AG and AGR . . . . . 1 resident / 5,000 square feet;

(2) R-1 . . . . . 1 resident / 3,000 square feet;

(3) R-2 and R-3 . . . . . 1 resident / 2,000 square feet;

(4) R-4 . . . . . 1 resident / 1,000 square feet;

(5) R-5, R-6, R-7, and R-8 . . . . . 1 resident / 750 square feet.

<u>(d) The number of members may be increased up to 100 percent when the dwelling is located within 600 feet from the boundary of a school, church or early childhood care facility served by the members. In the AG district the minimum lot area is five acres.</u>

<u>Amend Table 27.72.010 (c) "Exceptions to the Minimum Lot Requirements in the AG and AGR Districts" to allow Dwellings for Members of a Religious Order on a minimum lot area of five acres.</u>