

FACTSHEET

TITLE: WAIVER NO. 15015 - Parking Requirements
(2205 Highway 2)

BOARD/COMMITTEE: N/A

APPLICANT: Bailey's Bed and Bath for Pets

RECOMMENDATION: N/A

STAFF RECOMMENDATION: Approval

OTHER DEPARTMENTS AFFECTED: None.

SPONSOR: Planning Department

OPONENTS: None.

REASON FOR LEGISLATION: Request to waive the additional parking required by a change in use from a daycare to a kennel on property located at 2205 Highway 2.

DISCUSSION/FINDINGS OF FACT:

FINDINGS OF FACT:

1. This is a request by Bailey's Bed and Bath to adjust the parking requirement from 12 spaces to 9, for a 3,384 square foot building located 2205 Highway 2. The building is zoned B-1 and met the parking requirements when built in 1972.
2. The staff recommendation to approve the parking adjustment from 12 spaces to 9 is based upon the "Analysis" as set forth on p.3-4. The general parking requirement for the B-1 zoning district is one space per 300 square feet of floor area. This equates to 12 parking spaces based upon the 3,384 square feet of floor area for the building, which is three more than the number currently provided. The applicant notes that the anticipated peak demand is 6-7 spaces, which includes spaces for 4-5 employees, and for 1-2 customers who arrive by appointment and rarely overlap.
3. This proposed kennel shares a common driveway for access with three other business, none of which have direct access to Highway 2. The access easement for the shared driveway is over the north 24' of the lot, preventing any other use in that area. The former day care playground will also be used by the kennel as an outdoor area for pets. Bounded on the south by railroad tracks and on the north by Highway 2, there is no inexpensive way to add three parking stalls.
4. There are uses, that due to their unique operating characteristics, are required to provide parking at a rate different (higher or lower depending upon the use) from what the zoning district ordinarily requires, but a kennel is not one of them. Staff agrees that the actual parking demand for a kennel will be less than the zoning district requirement of one space per 300 square feet of floor area, and that 9 stalls will be adequate and therefore recommends approval of the waiver request.
5. This application does not require review and action by the Planning Commission.
6. 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: Geri Rorabaugh

DATE: September 8, 2015

REVIEWED BY: David R. Cary, Acting Director of Planning

DATE: September 8, 2015



LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

PROJECT #: Waiver #15015 - Bailey's Bed and Bath for Pets

PROPOSAL: A request to waive the additional parking required by a change in use from day care to a kennel per LMC Section 27.67.030(f)

LOCATION: 2205 Highway 2

LAND AREA: .37 acres more or less

CONCLUSION: Until just recently, this building has been used as an early childhood care facility since being built in 1972. A kennel operator is seeking to move into the building and provide animal boarding with a full-time caretaker.

The general parking requirement for the B-1 zoning district is one space per 300 square feet of floor area. This equates to 12 parking spaces based upon the floor area of the building, which is three more than the number currently provided. The applicant notes that the anticipated peak demand is 6-7 spaces, which includes spaces for 4-5 employees and for customers who arrive by appointment and rarely overlap. There are uses, that due to their unique operating characteristics, are required to provide parking at a rate different from what the zoning district ordinarily requires, but a kennel is not one of them.

Adjusting the required parking to nine instead of 12 spaces will accommodate this business without negatively impacting neighbors. It will also allow the building to be occupied by other uses that are allowed in the B-1 zoning district, but which do not have a special parking requirement beyond what the district requires.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 35, located in Section 12-09-06, Lancaster County, Nebraska.

EXISTING ZONING: B-1 Local Business

EXISTING LAND USE: Commercial

SURROUNDING LAND USE AND ZONING:

North:	Residential (separated by Highway 2)	R-2
South:	Railroad	I-2
East:	Commercial	B-1
West:	Commercial	B-1

ANALYSIS:

1. Section 27.67.030(f) states: Where additional parking is required by this chapter due to a change in use and provision for such additional parking is not made, a special review and approval shall be required by the City Council.
2. The commercial building of approximately 3,400 square feet was constructed in 1972. At the time it was built, it met the parking requirements of the Zoning Ordinance and a building permit was issued for an early childhood care facility.
3. Zoned G - Local Business District in 1972, it was converted to B-1 Local Business with the 1979 Zoning Ordinance Update.
4. The parking requirement for the B-1 zoning district is one space per 300 square feet of floor area for most uses. However, there are several uses, that due to their unique operating characteristics, are required to provide parking at a rate different in excess of what the zoning district ordinarily requires. For example, restaurants must provide parking at the rate of one space per 100 square feet of floor area, but warehouses are required to only provide one space per employee.
5. The proposed use, a kennel, has no specific parking requirement beyond what the zoning district ordinarily requires. Based upon the 3,384 square foot floor area of the building, 12 parking spaces are required using the ratio of one space per 300 square feet of floor area. Note: The applicant's letter indicates 11 parking stalls are required, but did not account for the need to round up when calculating parking.
6. The site is adjacent to commercial uses on the east and west, Highway 2 to the north, and railroad tracks to the south. No residential areas will be impacted by this reduction.
7. This and three other businesses are accessed by a shared driveway running parallel to Highway 2. The access easement for the shared driveway is over the north 24' of the lot, preventing any other use in that area. The former day care playground located behind the building is to be used as an outdoor area for the animals staying at the kennel. Bounded by railroad tracks and Highway 2, there is no inexpensive way to add three parking stalls.
8. Waiver requests to required parking due a change in use proceed directly to City Council without a Planning Commission hearing. The Planning Department recommends this waiver be granted, and that the waiver include all commercial uses allowed in the B-1 zoning district which do not have a higher parking requirement than that of the district. This would allow uses with an equal or reduced parking requirement to occupy the building, but not uses which are required to provide more parking than the zoning district requires.

CONDITIONS

This approval waives the parking requirement for the existing 3,384 square foot building from 12 to 9 spaces. This waiver applies to all commercial uses allowed in the B-1 zoning district also subject to the one space per 300 square feet of floor area requirement.

Site Specific:

1. Submit three copies of the final site plan to the Planning Department.

Standard:

- 2 The following conditions are applicable to all requests:
 - 2.1 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 2.2 The clerk shall file a copy of the resolution approving the wavier with the Register of Deeds, filing fees therefore to be paid in advance by the applicant.

Prepared by:

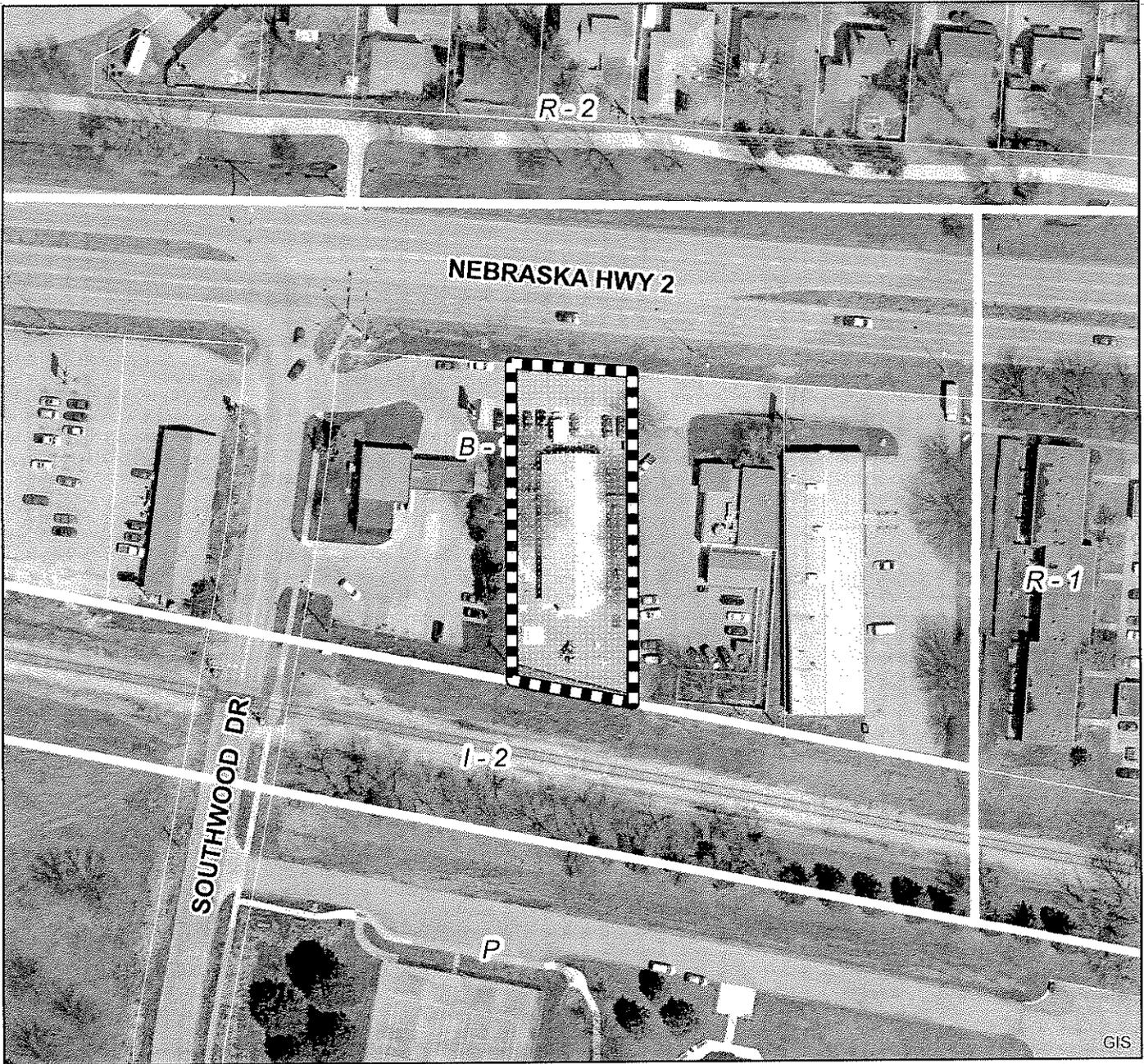
Brian Will
Planner
September 3, 2015

**APPLICANT/
CONTACT:**

Keith Pytlik
1980 Ryons
Lincoln, NE 68502
402-440-2470

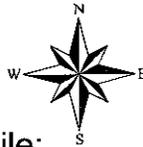
OWNER:

Lank, LLC
1980 Ryons
Lincoln, NE 68502
402-440-2470



2013 aerial

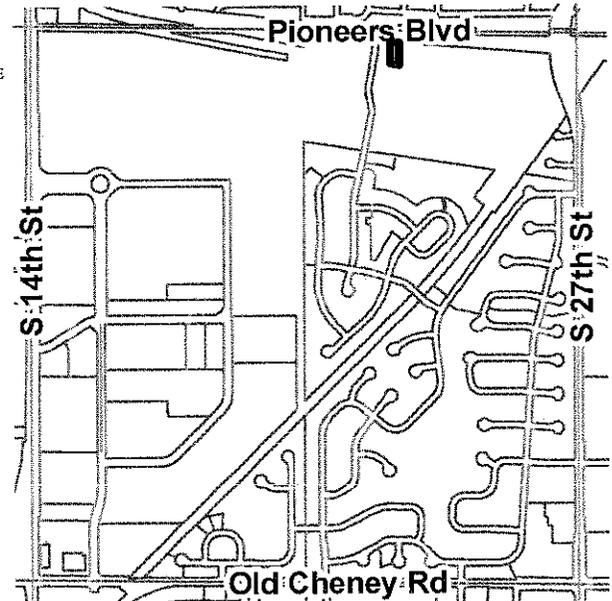
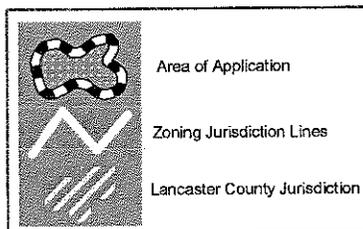
Waiver #: WVR15015
Southwood Dr & Highway 2

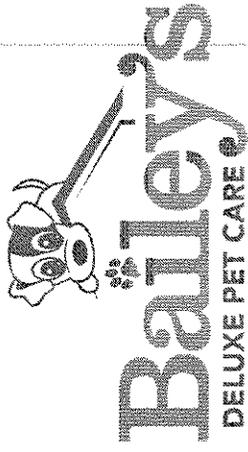


Zoning:

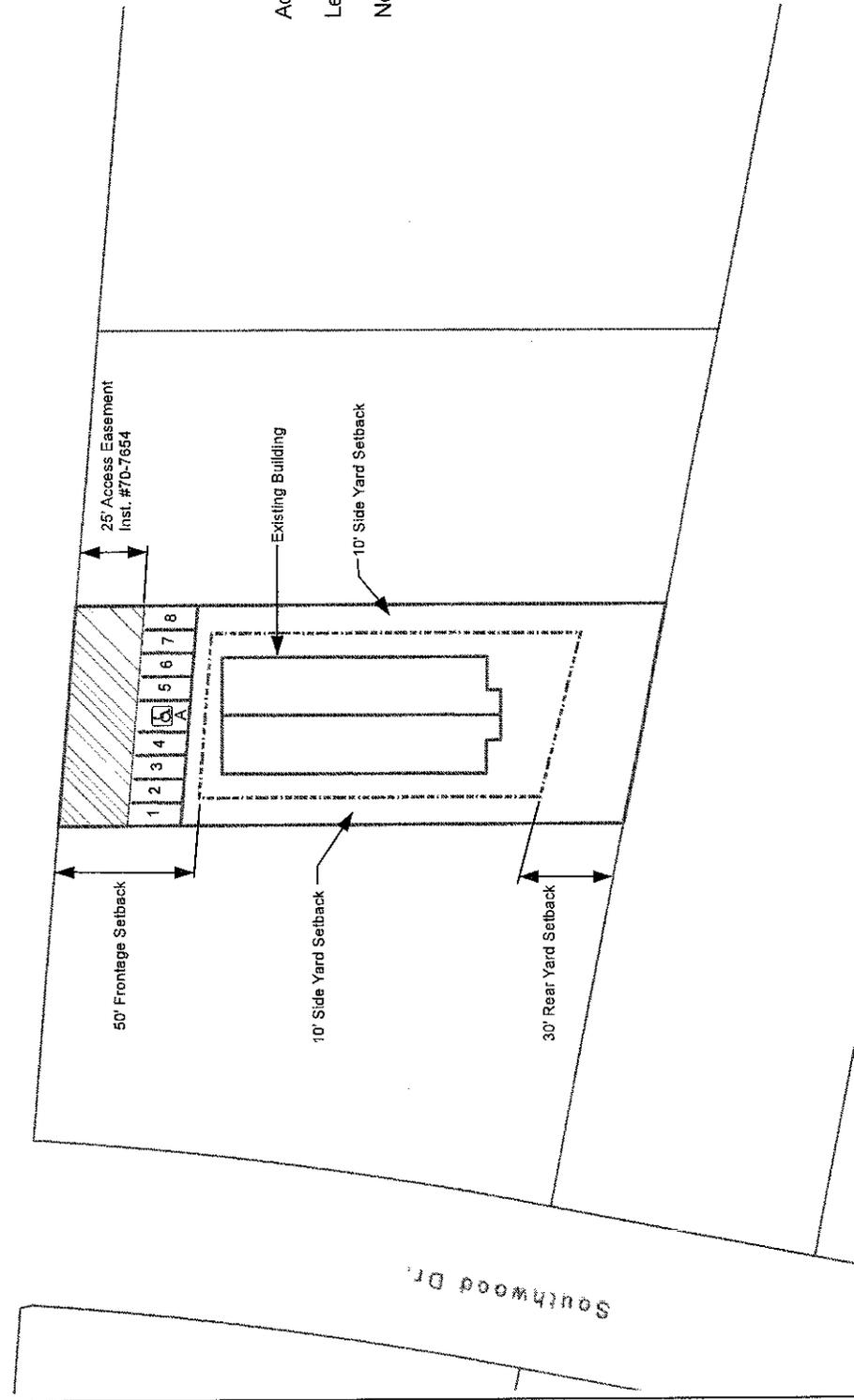
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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.12 T09N R06E





Nebraska Highway 2



Address: 2205 Hwy 2, Lincoln, NE 68502

Legal: Lot 35NE Sec. 12, T9N, R6E

Notes: 1) Existing parking spaces 1-4 and 5-8 are sized at 8.5' x 17.5'

2) Existing ADA parking space (A) is sized at 11.5' x 17.5'

Site Plan

SP1

August 10, 2015

Keith Pytlik
1980 Ryons St
Lincoln, NE 68502

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

To whom it may concern,

I am submitting this letter of explanation with our application for a parking waiver at 2205 Highway 2. My wife and I own and operate Bailey's Bed and Bath and Deluxe Pet and Home Sitters. We currently have a location at 2010 S 10th St that we are quickly outgrowing. We are moving our operations to a newly purchased property at 2205 Highway 2.

The location was built in 1972 as a Merry Moppets Day Care facility and has operated as such, with different names, until last year. It is a perfect location for our operation and offers the space we need. In the process of permitting our remodel, it has come to our attention that the parking requirements for the day care differ from that which is zoned 'Commercial Office or Retail Space'. Parking stall requirements for the daycares are based on the number of children and staff which occupy the facility. The regulations for retail and office space are based solely on square footages of the building. Based on the square footages and the repurpose of the building, the location requires 11 parking stalls. Our newly purchased property currently supports 9 stalls, including 1 ADA compliant stall, with no means to add additional parking stalls. Our intended use for the building will require fewer staff inside the building at any given time than that of a daycare. Our current business operates by appointment only. Because of this, the number of parking spaces needed at a given timeframe are limited only to the appointment times, including staff. Staffing includes 4-5 at any given time, and appointment times rarely overlap.

We have limited parking, and fewer stalls at our current location on So. 10th St., and have not had any issues related to available parking for our clients. We find that the existing 9 stalls, including 1 ADA compliant stall, that are currently available will provide adequate parking requirements for our business use. We are requesting a parking requirement waiver to allow us to operate our business.

Thank you for your consideration.

Sincerely,



Keith Pytlik