

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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**P.A.S.:** Special Permit #1949

**DATE:** November 8, 2001

**PROPOSAL:** To convert an existing private dance school into an early childhood care facility for up to 47 children.

**LAND AREA:** 20,600 sq. ft. more or less

**CONCLUSION:** The proposal meets the design standards for early childhood care facilities, though there are some corrections required on the site plan.

<b><u>RECOMMENDATION:</u></b>	Conditional Approval
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 16, Block 1, Allendale Addition, located in the NE 1/4 of Section 7, T9N, R7E, Lancaster County, Nebraska.

**LOCATION:** 3341 Pioneers Boulevard

**APPLICANT:** Donna Roller  
2000 Twin Ridge Road  
Lincoln, NE 68506

**OWNER:** Barman Investments

**EXISTING ZONING:** O-2 Suburban Office

**EXISTING LAND USE:** Office building, formerly a dance academy

### **SURROUNDING LAND USE AND ZONING:**

North: R-1 single family dwellings

South: R-2 two-family dwellings

East: R-2 two-family dwellings

West: B-1 commercial uses

**HISTORY:** On **September 10, 1997**, the Planning Commission approved a special permit for a private school/dance academy on this site.

On **December 10, 1979**, the site was rezoned from R-2 to O-2.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Land Use Plan identifies this parcel as Commercial.

**UTILITIES:** Available

**TOPOGRAPHY:** Flat

**TRAFFIC ANALYSIS:** Pioneers Boulevard is a minor arterial

**PUBLIC SERVICE:** City of Lincoln fire and police

**ANALYSIS:**

1. This is an application for an early childhood care facility with a maximum of 47 children.
2. The Zoning Ordinance states:

**27.63.070 Permitted Special Use: Early Childhood Care Facilities.**

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

(a) The application shall be accompanied by the following information:

- (1) The number of children and number of staff members on the largest shift;

The applicant states: "Our hours of operation are 7:30 am to 5:30 pm with a staggered arrival time period from 7:30-9:00 am and a staggered dismissal from 4:00-5:30 pm, Monday through Friday. The leased space is for two classrooms with an anticipated enrollment of 30 children ages 3-6 , and 17 children ages 2-3. Our staff to student ratios meet HHS (Health & Human Services) requirements and will employ 6 teachers and assistants during core hours of 9:00 am to 4:00 pm."

- (2) A physical description of the facility and a site plan drawn to scale that includes, but is not limited to, the location and arrangement of parking spaces, the traffic circulation pattern, loading and unloading areas, fencing, play area, and entrances/exits to such facility.

No scale is indicated on the site plan, nor is the fencing labeled. The Lincoln-Lancaster County Health Department requests information regarding the HVAC system within the building as well as a written statement that no hazardous chemicals are stored in the building.

- (3) If the proposed facility is for twenty-one or more children and is located in a residential district, the application must also include a conversion plan which complies with the design standards for early childhood care facilities.

The facility is in an O-2 Suburban Office district, so no conversion plan is required.

(b) Prior to occupancy, such facilities shall comply with all applicable state and local early childhood care and building requirements.

The applicant indicates that the school is currently licenced by the State.

(c) Facilities with twenty-one to thirty children shall be located on collector or arterial streets. Facilities with thirty-one or more children shall be located on an arterial street. The location of such facilities on such streets shall comply with the design standards for early childhood care facilities.

The proposed facility is located on Pioneers Boulevard, an arterial street. All parking stalls enter and exit the street in a forward motion.

(d) The site plan and play area for such facilities shall comply with the design standards for early childhood care facilities.

The site plan does not indicate that the route from the facility to the playground is fenced or enclosed, which is required by Design Standards. The site plan must show the opaque fence location.

(e) The parking and loading/unloading area for such facilities shall comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code. In residential districts, such parking and loading/unloading area shall comply with the design standards for early childhood care facilities.

The Department of Public Works & Utilities has reviewed the parking lot design and found it in compliance with Design Standards. The proposed facility is not located in a residential district. There is adequate parking for all the tenants of the building.

(f) If the proposed facility is located in an industrial district, the applicant shall submit to the Health Department, for its review and recommendation, information on the storage and use of hazardous chemicals in the vicinity, evacuation plans and internal air quality control.

Not applicable.

(g) The City Council may modify these conditions, except for condition (b). (Ord. 17232 §12; August 18, 1997: prior Ord. 16894 §2; November 2, 1995: Ord. 16854 §42; August 14, 1995: Ord. 16606 §3; May 9, 1994: Ord. 15368 §18; December 18, 1989: Ord. 14728 §3; August 10, 1987: Ord. 14576 §1; January 5, 1987: Ord. 14192 §3; September 3, 1985: Ord. 14023 §1; January 14, 1985: Ord. 12571 §310; May 8, 1979).

No waivers have been requested.

**CONDITIONS:**

Site Specific:

1. This approval permits an early childhood care facility with 6 staff and a maximum of 47 children.

General:

2. Before receiving building permits:
  - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
    - 2.1.1 A revised site plan including 5 copies showing the following revisions:
      - 2.1.1.1 Provide a scale and north arrow on the site plan.
      - 2.1.1.2 Show the access from the building to the playground.
      - 2.1.1.3 Label the 6 foot opaque fence.
      - 2.1.1.4 Provide information satisfactory to the Lincoln-Lancaster County Health Department.
      - 2.1.1.5 Add a note to the site plan indicating that playground equipment shall be outside required yards.
    - 2.3 The construction plans comply with the approved plans.

**STANDARD CONDITIONS:**

3. The following conditions are applicable to all requests:
  - 3.1 Before occupying this child care facility all development and construction is to comply with the approved plans.
  - 3.2 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the owner or an appropriately established homeowners association approved by the City.

- 3.3 The operation is to meet appropriate local and state licensing requirements.
  - 3.4 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.
  - 3.5 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 3.6 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.
4. The site plan as approved with this resolution voids and supersedes all previously approved site plans.
  5. This resolution voids and supersedes special permit #1704.

Prepared by

Jason Reynolds  
Planner

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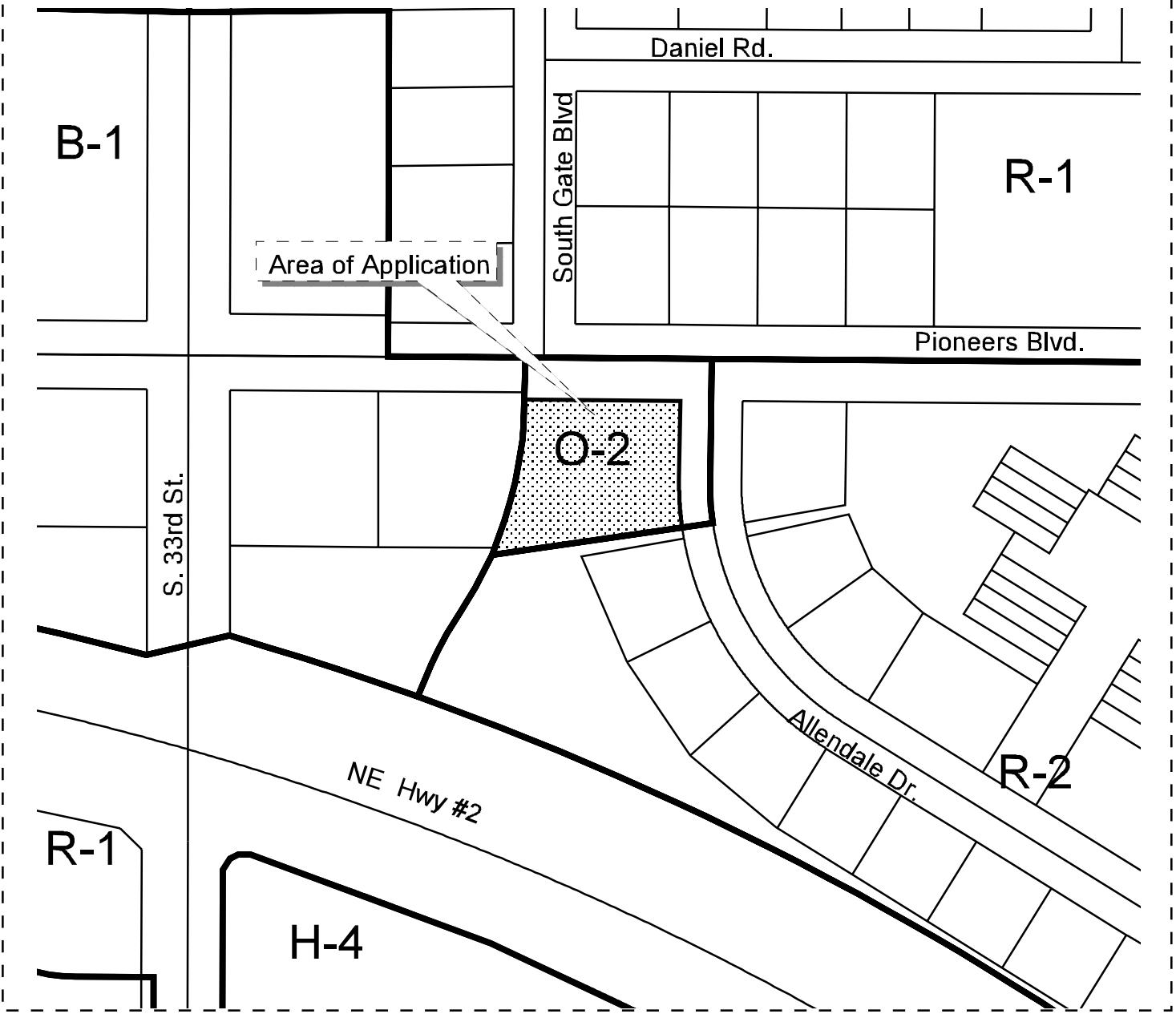


**Special Permit #1949  
33rd & Pioneers Blvd.**



Photograph Date: 1997

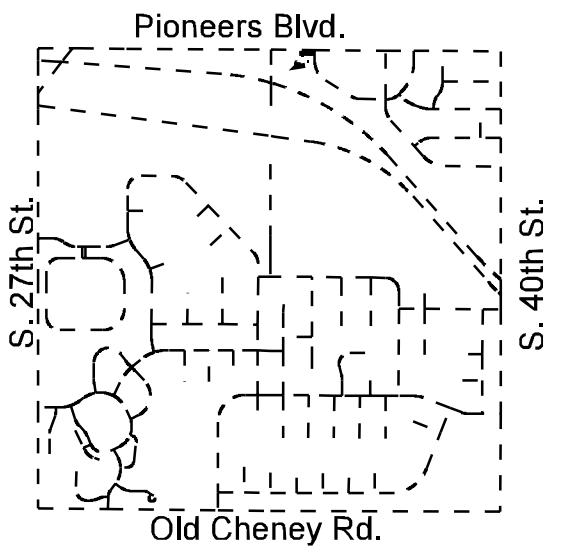
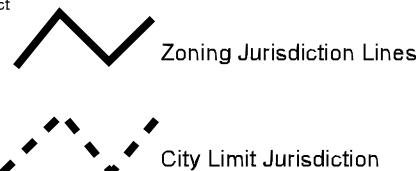
Lincoln City - Lancaster County Planning Dept.

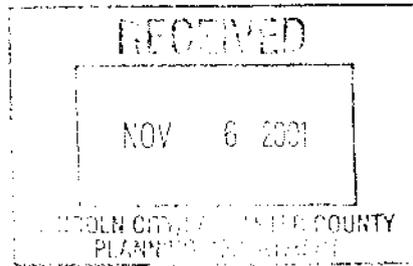


**Special Permit #1949  
33rd & Pioneers Blvd.**

- 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. 7 T9N R7E





# Memo

**To: Jason Reynolds, Planning Department**  
**From: Mark Canney, Parks & Recreation** *MC*  
**Date: November 5, 2001**  
**Re: Arborview Montessori School Special Permit 1949**

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Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have not comments at this time.

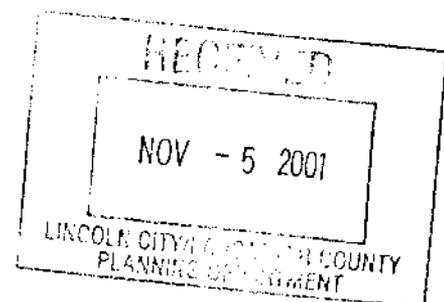
If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248.

# M e m o r a n d u m

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**To:** Jason Reynolds, Planning Department  
**From:** Charles W. Baker, Public Works and Utilities *Buff*  
**Subject:** Arborview Montessori School, Special Permit # 1949  
**Date:** November 5, 2001  
**cc:** Roger Figard  
Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the site plan for the proposed Arborview Montessori School at 3341 Pioneers Boulevard. The proposed parking layout meets design standards.



# 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 # **DRF01102**

Address

Job Description: **ARBORVIEW MONTESSORI SCHOOL**

Location: **ARBORVIEW MONTESSORI**

Special Permit: **Y 1949**

Preliminary Plat: **N**

Use Permit: **N**

CUP/PUD: **N**

Requested By: **JASON**

Status of Review: **Approved**

11/13/2001 12:47:45 PM

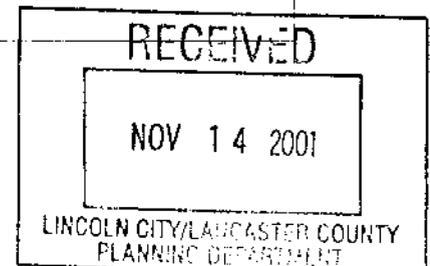
Reviewer: **FIRE PREVENTION/LIFE SAFETY CODE**

**BOB FIEDLER**

Comments: 1. need a change of occupancy plan submitted to building & safety.  
2. building will not meet the requirements for new educational use.  
unless modification are done to the space.

### 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





**MICHAEL WOOLMAN**  
<lpd737@CJIS.CI.LIN  
COLN.NE.US >

11/13/2001 09:43  
AM

To: Jason Reynolds <JReynolds@ci.lincoln.ne.us>  
cc:  
Subject: Arbor view Montessori School

Jason,

The Lincoln Police Department has no objections to the Arbor view Montessori School SP #1941.

Michael S. Woolman  
Planning Sergeant  
Lincoln Police Department



# Arborview Montessori School, Inc.

6200 Adams  
Lincoln, NE 68507

Phone 402-464-0123

October 29, 2001

Kathleen Sellman  
Planning Director

Dear Ms. Sellman,

This letter is to request a special permit for an Early Childhood Care facility under Section 27.63.070. The business name is Arborview Montessori, Inc. The location of the special permit is 3341 Pioneers Boulevard, Lot 16, Block 1, Allendale Addition, Lincoln, Lancaster County and is Zoned O-2 Suburban Office District. Arborview Montessori, Inc. will be leasing the lower level of the Manzitto Brothers building at the above address. Previously a private dance school leased this property under Special Permit # 1704 issued September of 1997.

## SCHOOL DESCRIPTION

Arborview Montessori, Inc. has served the Lincoln community since 1993 and is presently located in Northeast UCC church at 6200 Adams. The School request a special permit for 3341 Pioneers Boulevard in order to relocate the school in a location that would provide exclusive classroom use. The school is licensed by the State Department of Health & Human Services and is a certified program with the State Department of Education. The school is a Montessori school that practices the philosophy and educational standards of the American Montessori Society (AMS) for children ages 2 – 6 years of age (through the Kindergarten year). Our teachers hold AMS teaching certificates and elementary teaching certificates for the State of Nebraska.

## CLASS SCHEDULE

Our hours of operation are 7:30 AM to 5:30 PM with a staggered arrival time period from 7:30 – 9:00 AM and a staggered dismissal from 4:00 – 5:30 PM, Monday through Friday. The leased space is for two classroom with an anticipated enrollment of 30 children ages 3-6, and 17 children ages 2 – 3. Our staff to student ratios meet HHS requirements and will employ 6 teachers and assistants during core hours of 9:00 AM to 4:00 PM.

## PHYSICAL DESCRIPTION OF FACILITY & PARKING

The building is two levels. The School will lease the lower level with approximately 1,891 square feet; that has two ground floor exits in the rear and seven steps exit from front hallway. Two businesses operate on the upper level – Manzitto Brothers uses 1225 square feet and a Dentist office of 1130 square feet. There is adequate playground space in the rear and 22 parking stalls on the West side of the building. The parking meets city requirements- 5 spaces for Dentist office, 4 spaces for Manzitto Brothers and 11 for the Montessori School.

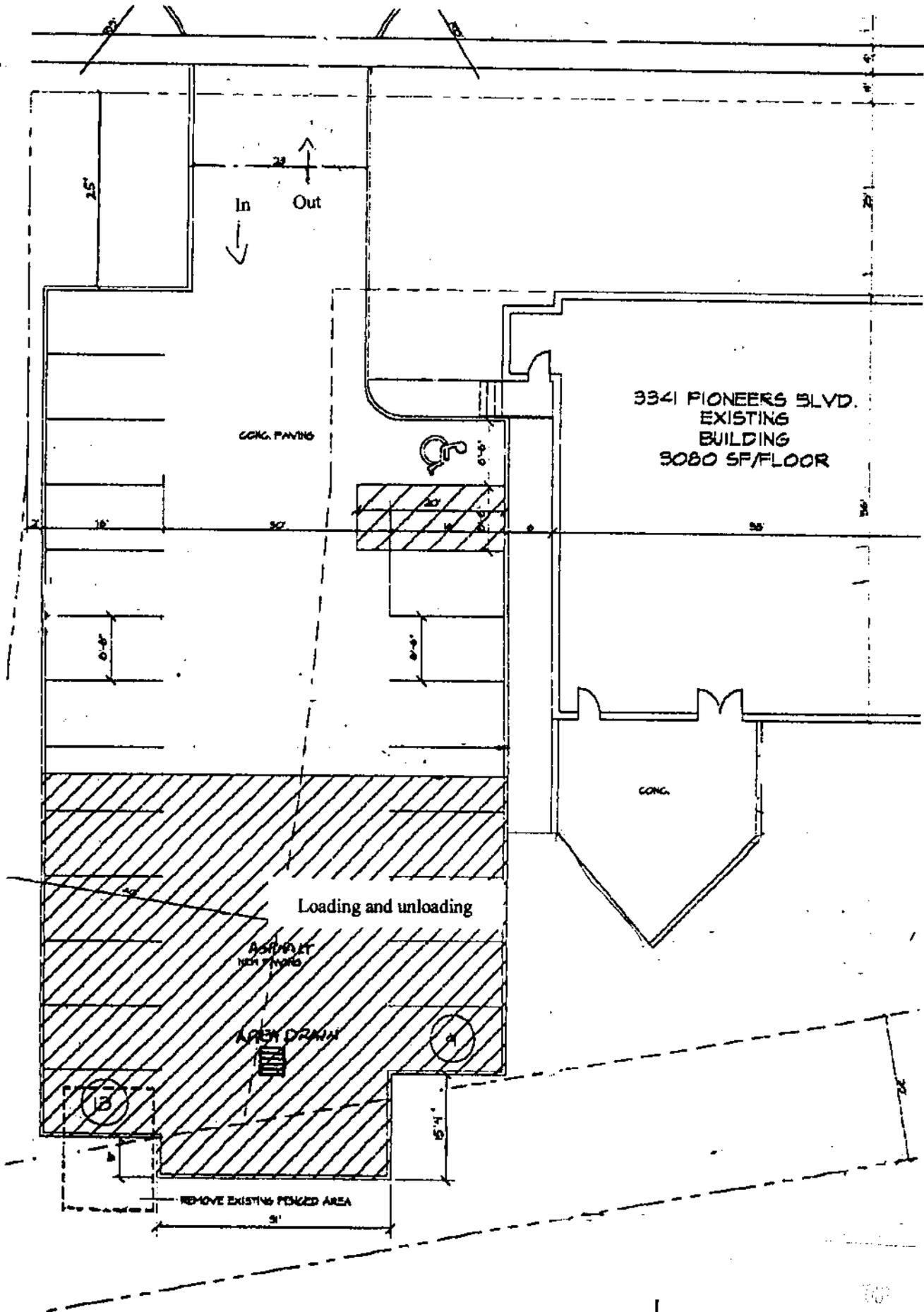
## PHYSICAL CHANGES NEEDED TO ACCOMMODATE SCHOOL

The O2 zoning is abutting Residential use and will be fenced in with a minimum of a 6 foot high opaque fence to minimize visual and noise impacts of the facility. An addition of a fire alarm system with smoke detectors will be installed and the addition of one toilet will be added to meet design standards for childcare.

Respectfully Submitted,

*Donna Roller*  
Donna Roller, Director

NOV - 1 2001



Parking Stalls  
added 1997

PIONEERS BLVD.

ALLENDALE DR.

3341 PIONEERS BLVD.  
EXISTING  
BUILDING  
3000 SF/FLOOR

Playground

15' →

Special Permit #1704

Sheet 3 of 4  
Date: 8/28/97



North

060

Lower level

