

City Council Introduction: **Monday**, April 12, 2004  
Public Hearing: **Monday**, April 19, 2004, at **1:30** p.m.

Bill No. 04-65

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 04016**, a text amendment to Title 27 of the Lincoln Municipal Code, requested by Community Alternatives Nebraska, to amend § 27.26.020 of the Zoning Ordinance to add "Adult Care Center" as a permitted use in the O-2 Suburban Office District.

**STAFF RECOMMENDATION:** Approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 03/31/04  
Administrative Action: 03/31/04

**RECOMMENDATION:** Approval (8-0: Carlson, Carroll, Larson, Marvin, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'; Krieser absent).

### **FINDINGS OF FACT:**

1. The applicant, Community Alternatives Nebraska, is requesting that "Adult Care Centers" be allowed as a permitted use in the O-2 Suburban Office District (See p.6).
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.2-3, concluding that the addition of Adult Care Centers to the O-2 Suburban Office District should not significantly impact other uses found in the O-2 district or in nearby residential districts.
3. On March 31, 2004, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On March 31, 2004, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval, as set forth in the staff report dated March 17, 2004.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** April 5, 2004

**REVIEWED BY:** \_\_\_\_\_

**DATE:** April 5, 2004

**REFERENCE NUMBER:** FS\CC\2004\CZ.04016

# LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

## for March 31, 2004 PLANNING COMMISSION MEETING

**P.A.S.:** Change of Zone #04016

**PROPOSAL:** Revise LMC §27.26.020 O-2 Suburban Office District, by adding Adult Care Center as a permitted use.

**CONCLUSION:** The addition of Adult Care Centers to the O-2 Suburban Office district should not significantly impact other uses found in this district or in nearby residential districts.

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

#### **HISTORY:**

- Dec 2000 Change of Zone #3283 added LMC §§ 27.13.040(aa), 27.15.040(cc), and 27.17.040(z) allowing adult care center as a special permitted use in the R-2, R-3, and R-4 Residential districts, respectively, and added LMC §27.63.740 providing special permit conditions for adult care centers.
- Sep 1993 Change of Zone #2781 added LMC §27.29.020(l) allowing adult care center as a permitted use in the B-1 Local Business District.
- Oct 1992 Change of Zone #2722 added LMC §27.03.037 defining "Adult Care Center," §27.33.020(l) allowing adult care center as a permitted use in the B-3 Commercial District, and §27.67.040(d)(11)(l) regarding parking requirements for adult care centers.

#### **ANALYSIS:**

1. This is a request to allow adult care centers as a permitted use in the O-2 Suburban Office district by amending LMC §27.26.020 as follows:

##### **27.26.020 Permitted Uses**

A building or premises shall be permitted to be used for the following purposes in the O-2 Suburban Office District:

- (a) Office buildings;
- (b) Parks, playgrounds, and community buildings, owned or operated by a public agency;
- (c) Public libraries;
- (d) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school, and having no rooms regularly used for housing or sleeping purposes;
- (e) Churches;
- (f) Nonprofit religious, educational, and philanthropic institutions;
- (g) Banks, savings and loans, credit unions, and finance companies;
- (h) Barber shops, beauty parlors, and shoeshine shops;

- (i) Tailor shops, shoe repair shops, upholstery shops, printing and photocopying shops, or other, similar business establishments; however, that portion of the premises of such business establishments not devoted to sales or office space shall not exceed 5,000 square feet of floor area;
- (j) **Adult care center.**

2. LMC §27.03.037 currently defines “Adult Care Center” as  
...a facility in which a program of structured and supervised social, manual, physical, and intellectual services or activities are provided to adults who are either ambulatory or wheelchair mobile. Such services or activities shall be provided for a minimum of three hours per day, but shall not provide for overnight stays by participating adults.
3. Adult care centers are regulated by the Nebraska Health Care Facility Licensure Act (Neb Rev Stat §§71-401 - 71-463) as an Adult Day Service.
4. Adult care centers are allowed in the R-2, R-3, and R-4 Residential districts by special permit, and the B-1 Local Business and B-3 Commercial districts as a permitted use. The B-4 Lincoln Center Business, I-1 Industrial, and I-2 Industrial Park districts allow it as a permitted use because it is not specifically prohibited.
5. The location of O-2 districts is limited to areas fronting on the same street, with the same side lot lines and within 150 feet of a B-1, B-3, B-4, H-2, H-3, or I-1 district. The B-1, B-3, B-4, and I-1 districts currently allow adult care centers.
6. Generalizations between adult care facilities and early childhood care facilities can be made. One option for adult care centers would be to treat them the same as early childhood care facilities. However, early childhood care facilities are generally permitted by conditional use permit up to 15 children, and by special permit for 16 or more children. Since the impact each use has on the surrounding area is likely quite different, Planning Staff does not recommend this approach at this time.
7. Planning Staff recommends approval of this change of zone request, and suggests further research is necessary to determine when adult care centers may be appropriate for other zoning districts.

Prepared by:

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Planner

**Date:** March 17, 2004

**Applicant:** Community Alternatives Nebraska  
**&** Carlye Long, Property Manager  
**Contact:** 4851 South 16<sup>th</sup> Street  
Lincoln, NE 68512  
420.2100

# CHANGE OF ZONE NO. 04016

## CONSENT AGENDA

### PUBLIC HEARING & ADMINISTRATIVE ACTION

#### BEFORE PLANNING COMMISSION:

March 31, 2004

Members present: Carlson, Carroll, Larson, Marvin, Pearson, Bills-Strand, Sunderman and Taylor; Krieser absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 04016** and **WAIVER NO. 04004**.

Sunderman moved to approve the Consent Agenda, seconded by Carroll and carried 8-0: Carlson, Carroll, Larson, Marvin, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'; Krieser absent.

Note: The action on Waiver No. 04004 is final, unless appealed to the City Council by filing a notice of appeal with the City Clerk within 14 days of the action by the Planning Commission.

# Community Alternatives Nebraska

4851 South 16th Street  
Lincoln, Nebraska 68512

phone: 402.420.2100  
fax: 402.420.1166

**Community Alternative Nebraska requests a Text Change to Amendment 27.26.020:**

**Add Adult Day Services a.k.a. Adult Care Center 27.03.037 as a permitted use in the O-2 district.**

**“Adult Care Center shall mean a facility in which a program of structured and supervised social, manual, physical, and intellectual services or activities are provided to adults who are either ambulatory or wheelchair mobile. Such services or activities shall be provided for a minimum of three hours per day, but shall not provide for overnight stays by participating adults.”**

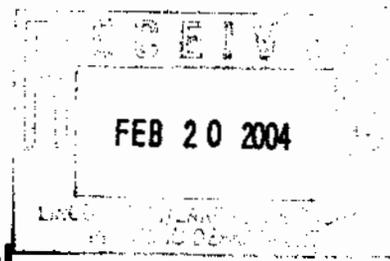
**Adult Day Service is compatible to permitted uses for the O-2 districts. These uses include schools, libraries, churches, community parks and buildings, and early childhood care facilities.**

**Community Alternatives Nebraska is committed to providing safe, supervised, and licensed by the State of Nebraska, day services to approximately 50 adults with mental illness. March 1, 2004, their day services with Madonna in the Trinity Church basement will be discontinued and Community Alternatives is assuming the responsibility of the Adult Day Services. Regional Centers within the State of Nebraska are downsizing and more people will need Adult Day Services in the near future.**

**Buildings for our services are currently permitted in industrial and business zones. We are a service for people and desire more choices as to where they may spend their day as any other citizen has the right to. We have found a building at 4827 Pioneers Blvd. in the O-2 zoning district perfect for providing services. The landlord is very supportive and ready for a long-term relationship with us.**

**Please consider giving this population a right to be in a nice building in the O-2 zoning district, now and in the future.**

**Thank you.**



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