

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 04073**, requested by Tom Huston on behalf of St. Monica's Home, for authority to operate a health care facility on property generally located at Wedgewood Drive and Lakewood Drive.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 02/02/05
Administrative Action: 02/02/05

STAFF RECOMMENDATION: Conditional Approval.

RECOMMENDATION: Conditional Approval (9-0: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes').

FINDINGS OF FACT:

1. This proposal is for a 24-bed, 14,000 sq. ft. health care facility for inpatient and outpatient therapy, counseling and rehabilitation services. The proposed facility will also house the administrative offices that serve all of St. Monica's facilities and clients. The proposal includes the re-use of an existing medical office building.
2. The proposal also includes requests to waive the required landscaping in the front yard along Lakewood Drive; to waive the required landscaping in the side yard; and to allow parking in the front yard along Lakewood Drive.
3. The staff recommendation of conditional approval, including approval of all waiver requests, is based upon the "Analysis" as set forth on p.3-5, concluding that the proposed use appears to be an appropriate re-use of an existing medical office building. Located between a low-density residential neighborhood and auto-oriented commercial businesses, this proposal does not appear to increase the intensity of use, but increases the amount of front yard green space facing residential uses. The B-1 regulations allow parking in the front yard and the site has parking in the front yard now.
4. On February 2, 2005, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
5. On February 2, 2005, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend conditional approval, as set forth in the staff report dated January 19, 2005. The conditions of approval are found on p.6-7.
6. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: February 7, 2005

REVIEWED BY: _____

DATE: February 7, 2005

REFERENCE NUMBER: FS\CC\2005\SP.04073

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for February 2, 2005 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #04073 - Health Care Facility

PROPOSAL: 24-bed health care facility for inpatient and outpatient therapy, counseling, and rehabilitation services.

LOCATION: Wedgewood and Lakewood Drives.

WAIVER REQUEST:

1. Landscaping in the front yard along Lakewood Drive.
2. Landscaping in the side yard.
3. Allow parking in the front yard along Lakewood Drive.

LAND AREA: 1.04 acres, more or less.

CONCLUSION: This proposed use appears to be an appropriate re-use of an existing medical office building. Located between a low-density residential neighborhood and auto-oriented commercial businesses, this proposal does not appear to increase the intensity of use, but increases the amount of front yard green space facing residential uses. The B-1 regulations allow parking in the front yard and the site has parking in the front yard now.

RECOMMENDATION:

1. Waive required landscaping in the front yard along Lakewood Drive
2. Waive required landscaping in the side yard
3. Allow parking in the front yard along Lakewood Drive

Conditional Approval

Approval

Approval

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 13-16, Block 2, Wedgewood Manor, located in the NW 1/4 of Section 27 T10N R7E, Lancaster County, Nebraska.

EXISTING ZONING: B-1 Local Business

EXISTING LAND USE: Medical Office

SURROUNDING LAND USE AND ZONING:

North:	Retail Commercial	B-1 Local Business
South:	Single-Family Residential	R-1 Residential
East:	Office Commercial	O-2 Suburban Office
	Single-Family Residential	R-1 Residential
West:	Office Commercial	O-2 Suburban Office
	Single-Family Residential	R-1 Residential

HISTORY:

- May 1979 The zoning update changed the zoning on this property from G Local Business to B-1 Local Business.

- Dec 1960 Special Permit #194 Wedgewood Manor CUP approved. These lots shown zoned as G Local Business, and included in the multiple-family portion of the CUP.

- Oct 1960 Wedgewood Manor final plat approved.

COMPREHENSIVE PLAN SPECIFICATIONS:

The Land Use Plan shows this property as Commercial (F 25).

Maximize the community’s present infrastructure investment by planning for residential and commercial development in areas with available capacity. (F 17)

Encourage mixed-use redevelopment, adaptive reuse, and in-fill development including residential, commercial and retail uses. These uses may develop along transit routes and provide residential opportunities for persons who do not want to or cannot drive an automobile. (F 18)

Maintain and encourage retail establishment and businesses that are convenient to, and serve, neighborhood residents, yet are compatible with, but not intrusive upon residential neighborhoods. (F 49)

A safe residential dwelling should be available for each citizen: the efficiency apartment and the country estate, the small single family “starter” home and the large downtown apartment suite, the most affordable and the most expensive dwelling unit, completely independent living and living within the care of others. Provision of the broadest range of housing options throughout the community improves the quality of life in the whole community. (F 65)

Provide different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population. (F 66)

Create housing opportunities for residents with special needs throughout the city that are compatible with residential neighborhoods. (F 66)

TRAFFIC ANALYSIS: The Comprehensive Plan identifies Wedgewood Drive and Lakewood Drive as local streets both now and in the future. (E 49, F 103)

PUBLIC SERVICE:

The closest public transportation connection is at Wedgewood and “O” Streets, which provides weekday and Saturday service. The closest fire station for emergency services is Station 9, located at 901 North Cotner Boulevard.

ANALYSIS:

1. This is a proposal for a 24-bed health care facility for inpatient and outpatient therapy, counseling, and rehabilitation services. This facility will also house administrative offices that serve all of St. Monica’s facilities and clients. This proposal includes the reuse of an existing medical office building.

2. A special permit for a health care facility may be granted pursuant to LMC §27.63.080 under the following conditions:

- a) **Parking shall be in conformance with Chapter 27.67; additional parking requirements may be imposed. Traffic may be required to be discharged into a major street designated in the Comprehensive Plan, or into a classified collector. No parking shall be permitted in required front or side yards; all parking shall be screened.**

The proposed number of parking spaces appears to meet the minimum requirements. However, the parking calculation must be revised. In this case, there are three components to the parking calculation; 1 space per 2.5 beds (10 spaces), and 1 space per employee on largest shift for the hospital portion (6 spaces), and 1 space per 300 sf for the administrative offices since they serve additional facilities (24 spaces). The result is the same number of required parking spaces, but reflects the different uses within the building. The parking requirement is 40 spaces; Applicant has provided 45 spaces.

The proposed drawings do not show parking lot screening, but do note the parking lot shall be screened. This note should be revised to state parking lot screening shall be provided during the building permit process. Applicant has asked for a waiver to allow parking in the front yard along Lakewood Drive.

- b) **Yard and area regulations.**

- 1) **Buildings shall not occupy over thirty-five percent of the total land area covered by the special permit.**

The proposed drawings indicate a building coverage of approximately sixteen percent (16%) of the special permit area.

- 2) **Yards abutting a nonresidential district shall be the same as those required in said abutting district.**

The front yard along Lakewood Drive abuts O-2, and is shown with a 30' setback as required by O-2.

- 3) **Any yard abutting a residential district or located wholly or partially in a residential district shall be the greater of ten feet or that required in the said abutting district, plus an additional one foot setback for each one foot of height shall be provided between the yard line and the wall nearest the yard for that portion of the building exceeding twenty feet in height.**

The front yard along Wedgewood Drive abuts R-1, and is shown with a 30' setback as required by R-1. The side yard also abuts R-1, and is shown with a 10' setback, as required by R-1. According to Building and Safety records, the wall nearest the side yard line is approximately 16' in height. Therefore, no additional side yard setback is necessary.

- 4) **Required front and side yards shall be landscaped.**

Applicant has requested a waiver of this requirement for the side yard, and the front yard along Lakewood Drive. The existing paving in the front yard along

Wedgewood Drive, a portion of which faces R-1 zoning, is shown on the plans to be removed and replaced with landscaping pursuant to this section.

- 5) **The City Council may increase or decrease these requirements with consideration given to both facilities and adjacent environment.**

Applicant has requested a waiver of required landscaping for the side yard, and the front yard along Lakewood Drive. There is existing paving in both yards which Applicant intends to retain. The side yard includes an existing driveway and privacy fence screening the adjacent R-1 zoning. The front yard is paved with existing parking stalls and faces B-1 zoning. A 5' wide section of the front yard will be replaced with landscaping and the remainder will be used as a driveway.

Applicant has also requested a waiver to allow parking in the front yard along Lakewood Drive. These existing parking stalls face B-1 zoning. The existing paving configuration complies with the B-1 zoning requirement. Should the proposed health care facility relocate from this site in the future, any permitted use in the B-1 district would be allowed to pave and park in these yards again.

Since the proposed waivers apply to yards that face commercial zoning or are screened from residential zoning, and the use of the yards will remain largely as it currently is, city staff recommend approval of these waivers.

- c) **The proposed health care facility shall conform to all applicable state and federal requirements.**

This requirement is a condition of approval.

- d) **The location of health care facilities shall be readily accessible to the area served. Such facilities should be located on major streets near the center of the area to be served.**

This facility serves a broad population base. This facility is located along a local street, but only one block from "O" Street, which is a principal arterial. It is readily accessible by the immediate area, as well as other residents of Lincoln.

3. This facility will generally operate only during normal business hours; the administrative functions and outpatient services will typically not occur after 5:00 p.m.. However, inpatient clients and their staff will be on-site 24 hours per day.
4. Applicant has contacted the neighbors and invited them to learn about the project; out of 90 invitations, 5 neighbors attended a meeting.
5. The B-1 zoning district requires screening along property lines that abut residential districts. A note should be added to the plan stating such screening will be provided during the building permit process.

6. Planning staff recommends approval based upon the following conditions.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 Revise the site plan as follows:
 - 1.1.1 Add a note stating parking lot screening will be provided at the time of building permits.
 - 1.1.2 Add a note stating screening along property lines that abut residential zoning will be provided at the time of building permits.
 - 1.1.3 Show the height of the building, and revise the setbacks from residential zoning if necessary.
 - 1.1.4 List the waivers that have been requested.
 - 1.1.5 Revise the parking calculations to show required parking based on the number of beds, employees on the largest shift, and square footage of office space.
2. This approval permits a 14,000 square foot health care facility for up to 24 residents. Lot coverage for the building shall not exceed 35%. The requirement that side and front yards be landscaped has been waived for the side yard, and the front yard along Lakewood Drive. The requirement prohibiting parking in the front yard has been waived for the front yard along Lakewood Drive.

General:

3. Before receiving building permits:
 - 3.1 The permittee shall have submitted 8 copies of the approved and revised final plan.
 - 3.2 The construction plans shall comply with the approved plans.
 - 3.3 The operation and the premises shall comply with local, state, and federal requirements.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.

- 4.2 All privately-owned improvements shall be permanently maintained by the owner.
- 4.3 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.
- 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 4.5 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.

Prepared by:

Greg Czaplewski
441-7620, gczaplewski@lincoln.ne.gov

Date: January 19, 2005

Applicant: St. Monica's Home
4600 Valley Road, Suite 250
Lincoln, NE 68510

Owner: Wedgewood Office LLC
817 "R" Street, Suite 200
Lincoln, NE 68508
435.5223

Contact: Cline, Williams, Wright, Johnson, & Oldfather LLP
Tom Huston
233 South 13th Street, Suite 1900
Lincoln, NE 68508
474.6900

SPECIAL PERMIT NO. 04073

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

February 2, 2005

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

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 05001; SPECIAL PERMIT NO. 1386C, an amendment to the WINDHOEK 4TH ADDITION COMMUNITY UNIT PLAN; *SPECIAL PERMIT NO. 04073*; SPECIAL PERMIT NO. 05001; COUNTY SPECIAL PERMIT NO. 195, BEAVER CREEK COMMUNITY UNIT PLAN; and COUNTY PRELIMINARY PLAT NO. 02011, BEAVER CREEK.**

Ex Parte Communications:

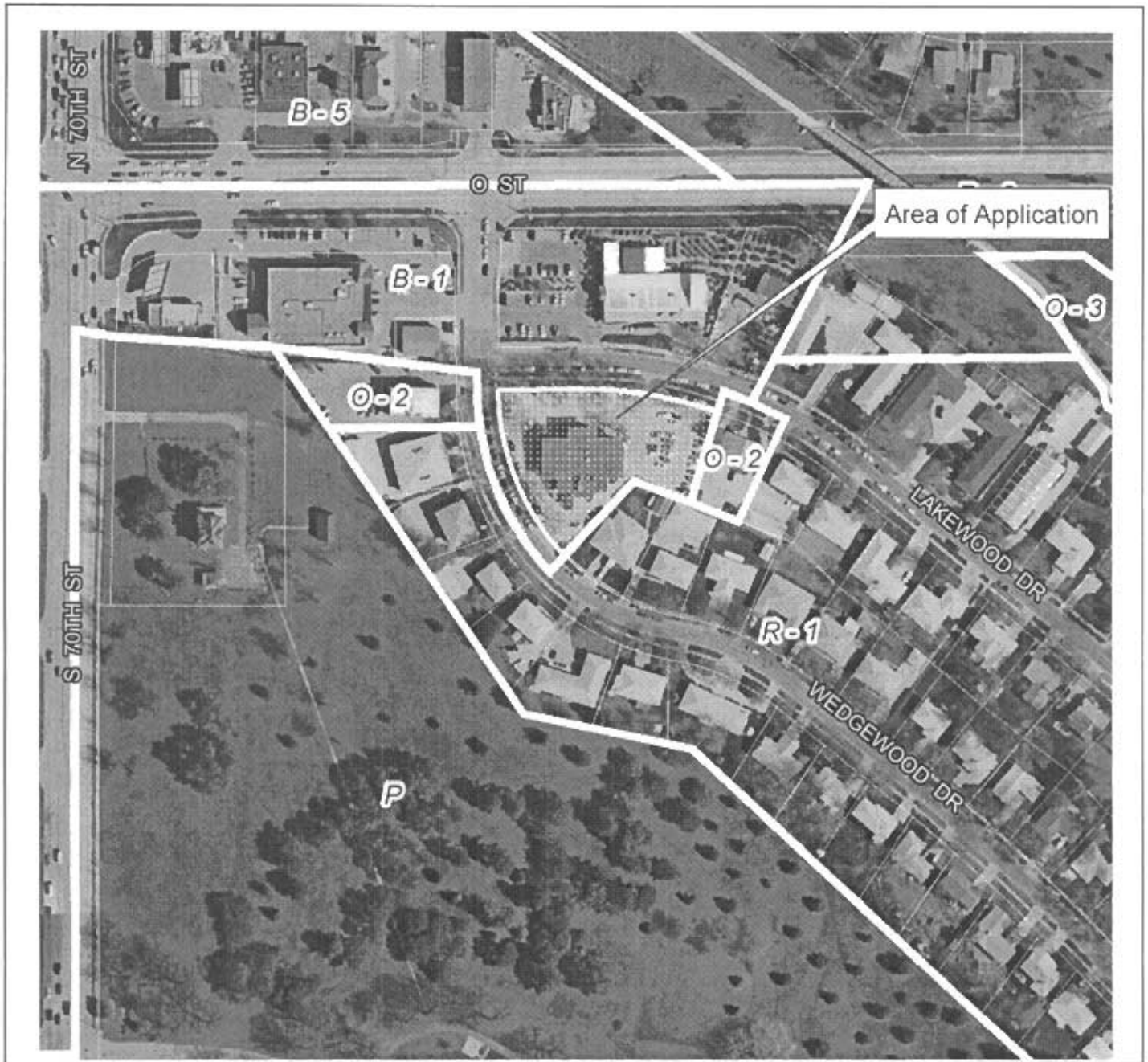
Marvin disclosed that he was contacted and encouraged to vote in favor of Item No. 1.3, Special Permit No. 04073.

Bills-Strand disclosed that she was also contacted to see if she had any questions about Special Permit No. 04073.

Item No. 1.2, Special Permit No. 1386C, was removed from the Consent Agenda and scheduled for separate public hearing.

Carlson moved to approve the remaining Consent Agenda, seconded by Carroll and carried 9-0: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'.

This is final action on Special Permit No. 1386C and Special Permit No. 05001, unless appealed to the City Council within 14 days.



2002 aerial

Special Permit #04073 120 Wedgewood Dr.

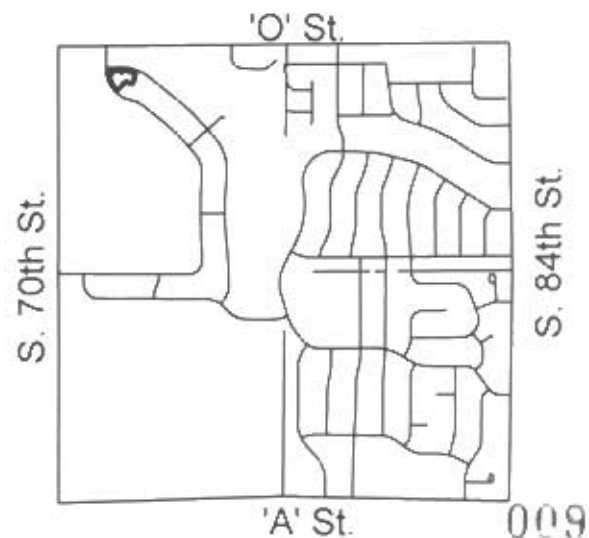
Zoning:

- 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. 27 T10N R7E



Zoning Jurisdiction Lines
City Limit Jurisdiction



SPECIAL PERMIT APPLICATION
for
St. Monica's Home
120 Wedgewood Drive

LEGAL DESCRIPTION: Lots 13-16, Block 2, Wedgewood Manor
PROPOSED USE: Health Care as per 27.29.040 (a) and 27.63.080 with a capacity of 24 beds.

ZONING: B-1

ADJACENT ZONING: B-1 (North)
O-2 (East and West)
R-1 (East, West, and South)

EXISTING BUILDING AREA: 14,000 SF (approx.)
(7,000 SF x 2 Stories)

SITE AREA: 1.04 acres

BUILDING SITE COVERAGE: 16% (1.04 x 43,560 / 7,000 = 15.45)

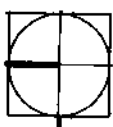
PARKING CALCULATION: Per 27.67.040 (d) (8)
24 beds x 1/2.5 beds = 10 spaces
30 employees x 1/1 emp. = 30 spaces
Total = 40 spaces

Total Spaces Provided = 45 spaces

SPECIAL PERMIT REQUIREMENTS FOR HEALTH CARE FACILITIES
As per 27.63.080:

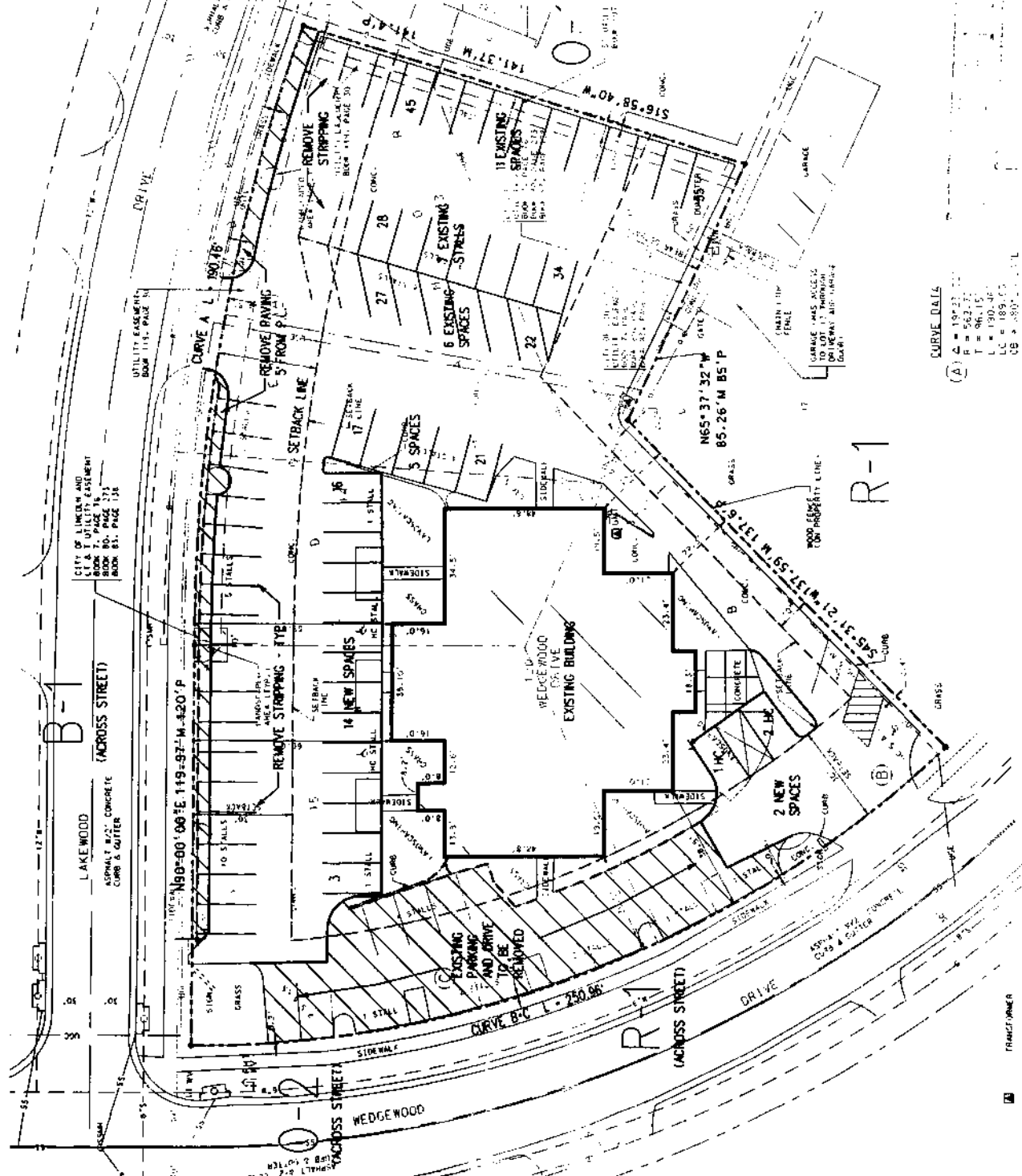
- Parking not permitted in required front and side yards
- All parking shall be screened
- Buildings shall not occupy over 35 percent of the total land area
- Yards abutting nonresidential district shall be the same as in the abutting district
- O-2: Front Yard-30 feet; Side Yard-0 feet; Rear Yard-0 feet
- R-1: Front Yard-50 feet; Side Yard-10 feet; Rear Yard-N/A
- Required front and side yards shall be landscaped
- Proposed health care facility shall conform to state and federal requirements
- Location of health care facilities shall be readily accessible to area served

SITE PLAN
SCALE: 1" = 30'



SINCLAIRhille
architects

DEC 23 2004



CURVE DATA
(A) Δ = 150°37'33"
R = 562.77'
T = 96.15'
L = 130.46'
LC = 189.55'
UB = 2807.24'

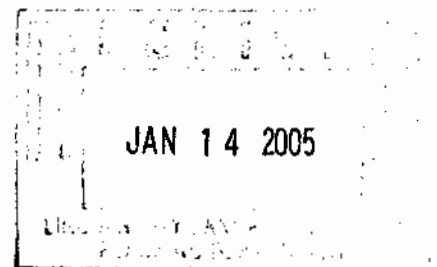
**PURPOSE STATEMENT FOR ST. MONICA'S HOME
TO OPERATE A HEALTH CARE FACILITY AT
120 WEDGEWOOD DRIVE IN LINCOLN, NEBRASKA**

St. Monica's Home has entered into a contract to purchase the existing office structure located at 120 Wedgewood Drive. This structure was formerly a medical office building for Wedgewood Medical Center. This property is located in the B-1 Local Business District, which is governed by Lincoln Municipal Code Section 27.29.040. The term "health care facility" is defined in LMC §27.03.310, which includes a building or structure, licensed or approved by the State as an appropriate agency, if required, used as any of the following: "(c) A facility in which 16 or more people reside while receiving therapy, counseling, or rehabilitation for physical, emotional, or mental disease or disability. . . ."

The anticipated use as reflected by the site plan submitted in connection with the application for the health care facility's special permit indicates that St. Monica's Home will operate the facility containing approximately 20 beds for in-patient treatment and, in addition, outpatient treatment facilities for alcohol and chemical dependency patients. The facility will also house administrative offices in the upper level of the building.

Due to the relative ease with which the existing structure can be converted to the health care facility use anticipated by St. Monica's Home, only two (2) waivers of the special permit requirements found in LMC §27.63.080 are requested or required. Section 27.63.080(b)(4) provides that all required front and side yards shall be landscaped. Further, Section 27.63.080(o) prohibits parking in the required front or side yards. The property in question previously housed a medical office building which is a permitted use which does not require a special permit. The current configuration of the property has parking stalls in the front yards of the north side of the building fronting Lakewood Drive. We are requesting a waiver of the special permit requirements to allow this parking area to remain in the front yard. This front is adjacent to other B-1 zoned property located across Lakewood Drive. Further, this required front yard on the north side cannot be landscaped without losing necessary parking stalls. Thus, the waiver requested is as follows:

Waiver of Sections 27.63.080(a) and 27.63.080(b)(4) to permit parking in the front yard on the Lakewood Drive frontage and to waive the landscaping in the required front yard and side yards as shown on the site plan.



LAW OFFICES OF
CLINE, WILLIAMS, WRIGHT, JOHNSON & OLDFATHER, L.L.P.

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STANTON N. BEEDER
LAURA R. HEGGE

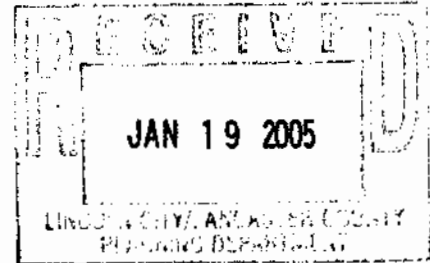
CHARLES E. WRIGHT, COUNSEL
RICHARD P. JEFFRIES, COUNSEL

January 19, 2005

e-mail

gczaplewski@ci.lincoln.ne.gov

Mr. Greg Czaplewski
Lincoln-Lancaster County Planning Dept.
555 South 10th Street, Suite 213
Lincoln NE 68508



Re: Health care facility special permit application
for St. Monica's Home
Our File: STM11-RE001

Dear Greg:

On Wednesday, January 12, 2005, St. Monica's Home held an informational meeting with the neighbors surrounding the location of the proposed health care facility at 120 Wedgewood Drive. Due to the fact that utilities had been turned off to the building, the informational meeting was held at the St. Monica's Home offices at 4600 Valley Road. St. Monica's Home either mailed or hand-delivered approximately 90 meeting notices. The notices were sent to the commercial properties in the neighborhood, the owners of the residential property, and the actual residents.

St. Monica's Home explained the operation of its proposed health care facility. The building contains approximately 14,000 square feet, with 7,000 square feet on each level. The upper level would be used primarily for administrative and office purposes, with some use as areas for outpatient treatment during the day. The outpatient treatment occurs during normal

January 19, 2005

Page 2

business hours. The lower level would be used for approximately 20 beds for inpatient residential treatment for drug and alcohol dependency. Mary Barry-Magsamen explained to the neighbors present at the meeting that the residential treatment is staffed 24 hours a day, seven days a week, and is a controlled environment.

I attach a copy of the meeting agenda that was provided and discussed with the neighbors. I would appreciate it if you could include this information in the information packet for the Planning Commission members.

Should you have any questions, please do not hesitate to contact me.

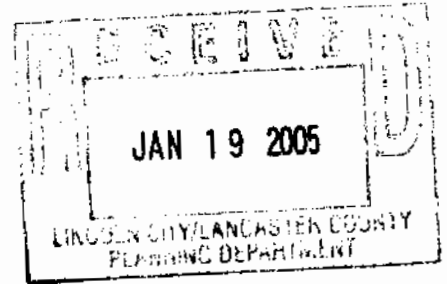
Sincerely,

Thomas C. Huston
For the Firm

Enc.

c: Mary Barry-Magsamen (e-mail)

**St. Monica's
Maple Village/Wedgewood Neighborhood Meeting
4600 Valley Road, Room 402
January 12, 2005, 7:00 p.m.**



Agenda

- | | |
|--|----------------------------|
| 1. Introductions | |
| 2. Who Are We – St. Monica's | Mary Barry-Magsamen |
| 3. Overview of Past Use of Facility | Mary Barry-Magsamen |
| 4. Proposed Use of Facility | Mary Barry-Magsamen |
| 5. Time Schedule | Mary Barry-Magsamen |
| 6. Questions & Answers | |