

City Council Introduction: **Monday**, July 27, 2009
Public Hearing: **Monday**, August 3, 2009, at **3:00** p.m.

Bill No. 09R-134

FACTSHEET

TITLE: **WAIVER NO. 09006**, requested by the Kansas-Nebraska Association of Seventh Day Adventists for The New Creation Church, to waive the parking lot surfacing requirement, on property generally located at the northeast corner of the intersection of South Coddington Avenue and West Old Cheney Road.

SPONSOR: Planning Department

BOARD/COMMITTEE: N/A

STAFF RECOMMENDATION: Conditional Approval.

FINDINGS OF FACT:

1. This is a request by the Kansas-Nebraska Association of Seventh Day Adventists for The New Creation Church, to waive the parking lot surfacing requirement on property located at the northeast corner of the intersection of South Coddington Avenue and West Old Cheney Road, pursuant to Section 27.67.100 (c) of the Lincoln Municipal Code, which authorizes the City Council to grant such a waiver for religious institutions.
2. The applicant is requesting this waiver due to the low membership and cost associated with paving the parking lot. The cost of paving would be a financial burden for the church.
3. The staff recommendation of **conditional approval** is based upon the "Analysis" as set forth on p.2-4, concluding that the waiver request meets the requirements of Section 27.67.100 (c) of the Lincoln Municipal Code. The conditions of approval are found on p.4, including a four-year time limit on the waiver.
4. This application does not require review and action by the Planning Commission.
5. The Planning Department has provided notice of this public hearing to property owners as is required for zoning and subdivision applications.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: July 20, 2009

REVIEWED BY: _____

DATE: July 20, 2009

REFERENCE NUMBER: FS\CC\2009\WVR.09006

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

For City Council Meeting

PROJECT #: Waiver #09006

PROPOSAL: The New Creation Church is requesting a waiver of parking lot surfacing requirements.

LOCATION: Northeast corner of the intersection of South Coddington Ave and West Old Cheney Rd.

CONCLUSION: The requested waiver meets the requirements of Section 27.67.100©).

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: The southern 20 acres +/- of Lot 2, Potter's Pocket 1st Addition; located in the SE 1/4 of Section 9-9-6, Lancaster County, Nebraska

EXISTING ZONING: AG, Agriculture

EXISTING LAND USE: Vacant land, farm shed

SURROUNDING LAND USE AND ZONING:

North:	AG Agriculture	Acreages
South:	AG Agriculture/AGR Ag Residential	Acreages and farming
East:	AG Agriculture	Acreages
West:	AG Agriculture	Acreages

ANALYSIS:

1. The purpose letter states this is a very small congregation. New Creations Church is requesting this waiver due to the low membership and the cost associated with paving the parking lot. The cost of paving would be a financial burden for the church. The application includes a drawing showing a 171, X 122', 51 stall parking lot.
2. South Coddington Avenue is paved at this location. W. Old Cheney abuts this land on the south and is an unopened half county road. W. Old Cheney is shown for a future 120' of right of way extension to Coddington Ave.
3. The Comprehensive Plan shows this land and the adjacent property to the north, south and east as Future Urban Residential.

4. Section 27.67.100 ©) authorizes the City Council to grant a waiver to surfacing requirement if the following apply:

c) Waiver of surfacing requirement: Upon application to the City Council, the owner of a parking lot may be relieved of the surfacing requirement of this section if the Council finds that:

(1) The parking lot is (i) to be used in conjunction with a nonprofit, religious, educational, or philanthropic institution; (ii) in excess of the parking required by the provisions of this title and not pay parking; or (iii) used for employee parking and located wholly within an industrial district.

In this case, the parking lot is to be used in conjunction with a church.

(2) Alternate materials or techniques shall be utilized which provide reasonable control of dust, runoff, and safe circulation.

The application states a compacted gravel and/or crushed concrete will be laid to a depth of 4 inches. Of the three items mentioned, dust appears to be the only one that may be an issue. The City has the authority to require dust control under Title 8. Additionally, the last paragraph of Section 27.67.100 ©) which authorizes this waiver states that even if this waiver is granted, the City Council can revoke it if it is found that dust or noise generated exceeds the levels established in Lincoln Municipal Code (LMC).

(3) (i) The location of the parking lot is a sufficient distance from surrounding uses that it will not adversely affect the surrounding uses.

The applicant notes they are at least 400' from any other buildings.

(ii) The frequency of use of the parking lot is so low that compliance with the surfacing requirement of this section would cause undue economic hardship on the owner as compared with minimal impact upon surrounding land uses.

The applicant states that they are a small congregation with limited funds and with limited usage. Paving of the parking lot would create an extreme financial hardship as funds are very limited.

If this waiver is granted and it is later discovered that dust or noise created by the use of the proposed parking lot exceeds the maximum levels set forth in Title 8 of the Lincoln Municipal Code, then such waiver may, after notice and hearing by the City Council, be revoked. Thereafter the use of said parking lot shall cease unless surfaced in accordance with the adopted design standards.

5. As the goal of the Zoning Ordinance and City policy is to have parking areas paved, staff recommends a four year time limit be placed on the waiver rather than an open-ended approval. This would relieve the impact of paving right away yet still achieve paving in a reasonable time. This stipulation was included in several other recent paving waivers.
6. The Public Works & Utilities Department has no objections provided dust control is followed.
7. The Building and Safety Department notes a time frame is typically allowed.
8. The County Engineer has no objections.

CONDITIONS

Site Specific:

1. This approval waives the requirement to pave parking for four years.

Standard:

2. The following conditions are applicable to all requests:
 - 2.1 Before use of the parking lot, all development and construction is to substantially comply with the approved plans.
 - 2.2 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 2.3 The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-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:

Mike DeKalb
Planner

APPLICANT: Kansas-Nebraska Association of Seventh Day Adventists

CONTACT: Michael Hevener
3161 Kleckner Ct.
Lincoln, NE 68503
402-610-3997

OWNER: Kansas-Nebraska Association of Seventh Day Adventists
3440 Urish Rd,
Topeka, KS 66614
(785) 478-4726



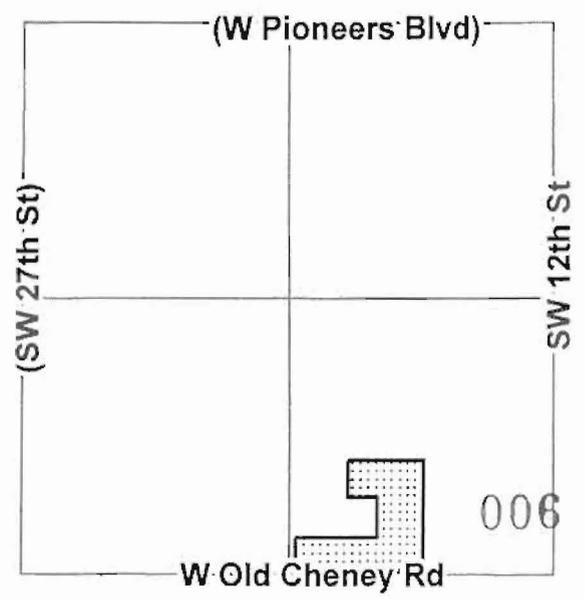
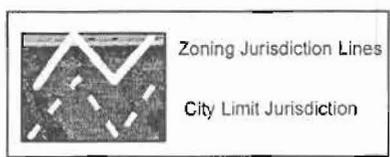
2007 aerial

Waiver #09006
5620 S Coddington Ave

Zoning:

One Square Mile
 Sec. 09 T09N R06E

- 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



6/26/2009

City of Lincoln
Building & Safety
555 south 9th
Lincoln, NE 68508

Dear Sir,

This is a letter to request a waiver for paving of the parking lot for New Creation Church.

- (1) We are a nonprofit organization with a nonprofit number of 050790249.
- (2) Compacted gravel and/or crushed concrete will be laid to a dept of 4 inches. We also feel that gravel will create less run off and therefore be better for the surrounding environment.
- (3) Attached is a copy of the site indicating that we are at least 400' from any other buildings. In addition, we are a small congregation with limited funds and with limited usage. Paving of a parking lot would create an extreme financial hardship as funds are very limited.

Thank you for your prompt attention and help in this matter.

Sincerely,



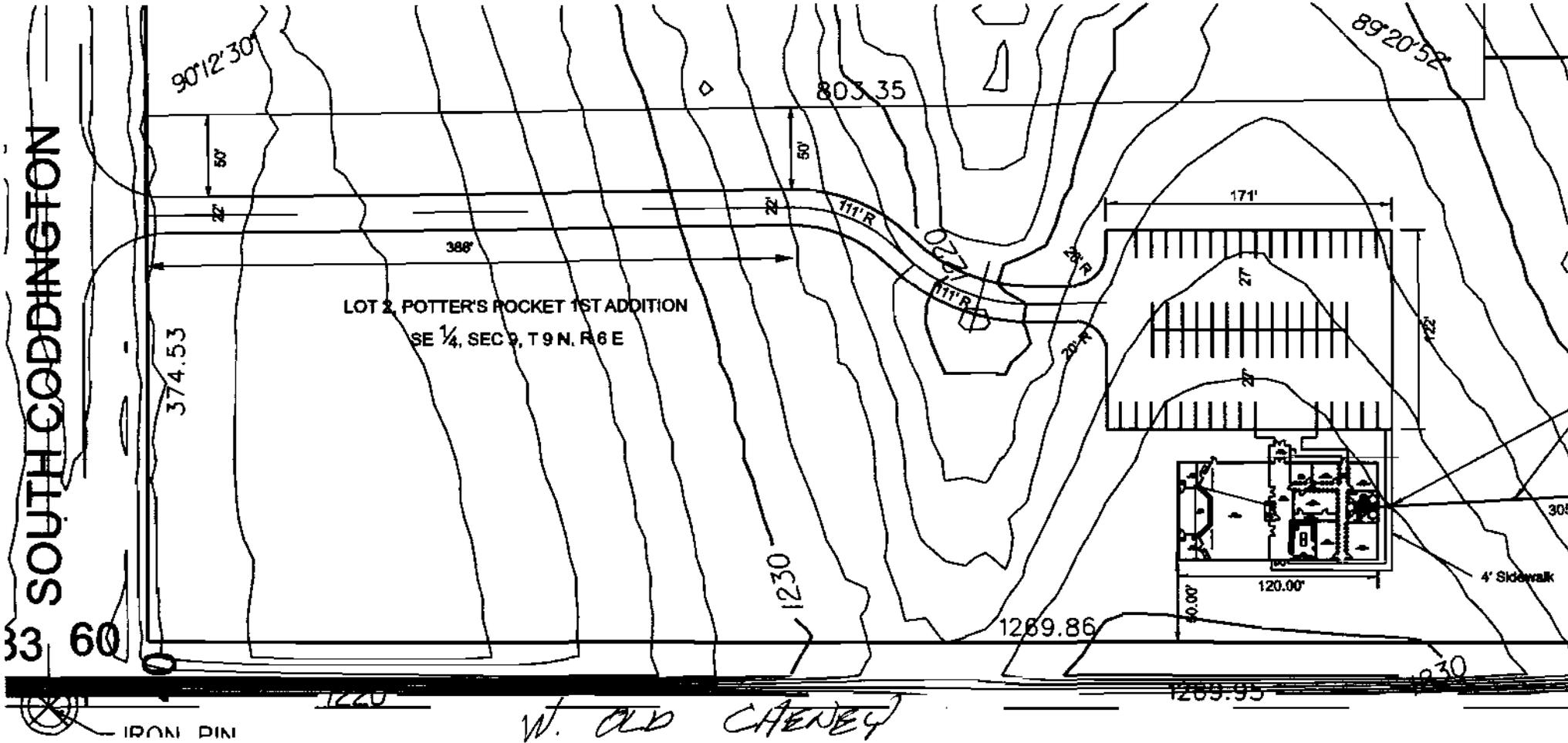
Michael Hevener
402 610-3997

RECEIVED

JUN 29 2009

Lincoln/Lancaster Co.
Planning Department

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RECEIVED

JUN 29 2009

Lincoln/Lancaster Co.
 Planning Department

Waiver #09006
 5620 S Coddington Ave



800

Review Comments for
Application #: WVR09006
PARKING LOT PAVING

Comments as of: Thursday, July 09, 2009

Status of Review: FYI

07/01/2009 1:34:52 PM

Reviewed By Building & Safety

Terry Kathe

Comments: Typically, there is a time frame on how long the parking is allowed to remain gravel.

Status of Review: Active

Reviewed By County Engineer

JIM LANGTRY

Comments:

Status of Review: Active

Reviewed By Health Department

ANY

Comments:

Status of Review: Active

Reviewed By Planning Department

MIKE DEKALB

Comments:

Status of Review: Routed

Reviewed By Planning Department

COUNTER

Comments:

Status of Review: Complete

07/02/2009 2:17:07 PM

Reviewed By Public Works - Development Services

ANY

Comments: Memorandum
||

To: Mike DeKalb, Planning Department
From: Charles W. Baker, Public Works and Utilities
Subject: Miscellaneous #09005 Waiver of Parking Lot Surfacing
Date: July 2, 2009
cc: Randy Hoskins
□

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Miscellaneous #09005 Waiver of Parking Lot Surfacing for the New Creation Church located on Lot 2, Potters Pocket 1st Addition in the SE 1/4, Sec 9, T 9 N, R 6 E. Public Works has no objections provided dust control as monitored by the Health Department is followed.

009

LANCASTER
COUNTY
ENGINEERING

Don R. Thomas
County Engineer

Kenneth D. Schroeder - Deputy
County Surveyor

DEPARTMENT

DATE: July 7, 2009
TO: Mike DeKalb
Planning Department
FROM: Ken D. Schroeder 
County Surveyor
SUBJECT: WVR09006
WAIVER OF PARKING LOT PAVING FOR NEW CREATION CHURCH
5620 SOUTH CODDINGTON AVE.

Upon review, this office has no direct objections to this submittal.

RECEIVED

JUL 8 - 2009

Lincoln/Lancaster Co.
Planning Department

KDS/bml

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