

## FACTSHEET

**TITLE:** WAIVER NO. 16007 - Parking Requirements  
(between A Street and Washington Streets, 2847 A Street)

**BOARD/COMMITTEE:** N/A

**APPLICANT:** Lynn Johnson, Director of  
Parks and Recreation Department

**RECOMMENDATION:** N/A

**STAFF RECOMMENDATION:** Approval

**OTHER DEPARTMENTS AFFECTED:** None.

**SPONSOR:** Planning Department

**OPPONENTS:** None received.

### **REASON FOR LEGISLATION:**

Request to waive parking lot surfacing requirements per Lincoln Municipal Code (LMC) 27.67.100c).

### **DISCUSSION/FINDINGS OF FACT:**

1. This waiver request is associated with the zoo expansion applications, including but not limited to Comprehensive Plan Conformance No. 16005 (Bill#16-112), Text Amendment No. 16010 (Bill#16-113), Street and Alley Vacation No. 16005 (Bill#16-114), Change of Zone No. 16028 (Bill#16-115), Change of Zone No. 16022 for a landmark designation (Bill#16-116), and Special Permit No. 16047 (Bill#16R-246), which were heard at the same time before the Planning Commission on October 28, 2016.
2. This is a request of Lynn Johnson, Director of the City Parks and Recreation Department, to waive the requirement to pave the Phase 2 parking lot associated with Special Permit No. 16047 (Bill#16R-246) for two years from time of approval. The entire Phase 2 area including the P zoned area outside the Special Permit would then be paved after two years.
3. The staff recommendation to approve the parking adjustment is based upon the "Analysis" as set forth on pp. 2-4, concluding that the requested waiver meets the requirements of Section 27.67.100 c).
4. No letters of support or opposition have been received.
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 manner as is required by the Lincoln Municipal Code for zoning and subdivision applications.
7. On October 28, 2016, the Planning Commission voted 5-0 to find the associated Comprehensive Plan Conformance No. 16005 - declaring city-owned property as surplus (Bill#16-112), to be in conformance with the Comprehensive Plan; voted 5-0 to recommend approval of Text Amendment No. 16010 (Bill#16-113); voted 5-0 to find Street and Alley Vacation No. 16005 (Bill#16-114) to be in conformance with the Comprehensive Plan; voted 5-0 to recommend approval of Change of Zone No. 16028 (Bill#16-115); voted 5-0 to recommend approval of Change of Zone No. 16022 for a landmark designation (Bill#16-116), and voted 5-0 to recommendation of Special Permit No. 16047 (Bill#16R-246).

**FACTSHEET PREPARED BY:** Geri Rorabaugh, Administrative Officer

**DATE:** October 31, 2016

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

**DATE:** October 31, 2016



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# LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

## For City Council Meeting

**PROJECT #:** Waiver No.16007

**PROPOSAL:** A waiver of parking lot surfacing requirements per Lincoln Municipal Code (LMC) 27.67.100 c)

**LOCATION:** Generally located between A Street and Washington Street at 2847 A Street

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

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

**LEGAL DESCRIPTION:** See attached

**EXISTING ZONING:** B-3 Commercial (to be rezoned to R-6 Residential), R-6 Residential, R-2 Residential

**EXISTING LAND USE:** Existing Zoo surplus parking lot, existing duplex and single family home at 2823 and 2825 A Street (both owned by Opahc Properties LLC for the Zoo), South 29<sup>th</sup> Street, Washington Street and alley right of way to be vacated, single family home at 2858 Washington Street (owned by Opahc Properties LLC for the Zoo), vacant parcel owned by Opahc Properties LLC and vacant City owned property adjacent the bike trail.

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

North:	P Public	City Park Land/Zoo
South:	R-2 Residential	Duplex, Single Family Homes
East:	P Public	Bike Trail
West:	R-6 Residential/R-2 Residential	Apartments/Single Family Homes

### **ASSOCIATED APPLICATIONS:**

Change of Zone No. 16028 from B-3 Commercial to R-6 Residential  
Comprehensive Plan Conformance No. 16005 for Surplus Property  
Text Amendment No. 16010 to allow zoo parking in residential zoning within 360' of the Zoo  
Special Permit No. 16047 for Zoo expansion parking  
Street and Alley Vacation No. 16005 to vacate street and alley right of way

### ANALYSIS:

1. The City is selling the current surplus parking lot on the south side of A Street to the Zoo. This will be part of the total parking lot which will include 145 spaces (see attached site plan). Phase 1 of this parking lot includes 103 spaces which would be paved while Phase 2 would include

42 spaces. This is a request to allow Phase 2 of the Zoo Parking Lot on the south side of A Street associated with Special Permit No. 16047 to be surfaced with gravel/aggregate for a period of time not to exceed two (2) years. This request is based on the cost of paving Phase 2.

2. The area of Phase 2 parking lot is approximately 35 feet from the closest residential use property (duplex) to the south at 1500 S. 29<sup>th</sup> Street.
3. Section 27.67.100©) authorizes the City Council to grant a waiver to surfacing requirement if the following apply:

c) Waiver of surfacing requirement: (2) 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:

(I) 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.

The subject parking lot will be used in conjunction with the Lincoln Children's Zoo, which is a nonprofit institution.

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

The site plan general notes indicate gravel/aggregate being used for Phase 2 of the parking lot. 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).

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

The Phase 2 of the parking lot will be approximately 35 feet from the duplex to the south at 1500 South 29<sup>th</sup> Street, the closest residential neighbor. The next closest home is at 2850 Washington Street which is approximately 50 feet from the proposed Phase 2 parking.

**(B) 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 proposed Phase 2 of the parking lot which is the area requested for the waiver is the most distant parking from the Zoo. As such its usage would likely be less than the parking on the main property north of A Street and less than Phase 1 which is directly along A Street where the existing overflow parking is located. However, during peak periods all the available parking for the Zoo including Phase 2 may be utilized which could be more than just one or two days a week.

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.

4. In recent years, paving waivers have been approved for other nonprofit or religious entities in Lincoln and its 3-mile extraterritorial jurisdiction, most with a 4-year limit. It should be noted that church parking is often only a few times a week and many of the churches had large setbacks between the parking lots and nearby residential uses whereas this Zoo lot might be used daily or multiple times a week for many months and has homes in closer proximity. Recent waivers include the following:

WVR No.14002 for Word of Life Lutheran Church at N. 1<sup>st</sup> St. and Fletcher Ave. for four years.

WVR No.13006 for Pius X at the Northwest corner of the intersection of Eldon Drive and A Street, approved for two years, with potential for one year extension due to a construction project.

WVR No.12019, Life Tabernacle Church, 1<sup>st</sup> & Adams Street, approved for four years.

WVR No.12001, Christ's Place Church, Warlick & Old Cheney Road, overflow parking for four years, due to uncertainty of road project impact on parking lot.

WVR No.10008 for Camp Sonshine near South 25th Street and Bennet Road was approved without a time limit on paving as it is completely surrounded undeveloped rural lands and unpaved county roads.

WVR No.10022, Centerpointe Inc. non-profit, 630 West C Street, since clients did not have cars, the requirement to pave parking was waived until such time as a change in use or type of group home where the majority of residents have "vehicles on site" or additional parking is required.

WVR No.09006 for the New Creation Church located at South Coddington Avenue and Old Cheney Road, which had a house nearby, approved for four years.

WVR No.09002 for Lincoln Family Church located just south of South 70th Street and Highway #2, which is adjacent to a residential area, for four years.

5. The Health Department supports the waiver for only the two year time limit due to the close proximity of residences and the potential for off-site dust impacts.
6. For this proposal, a two year time limit on the waiver is appropriate rather than a longer time frame as previously requested by the applicant of five years or the four years that have been generally granted for other non profits. However, other non-profits do not have the daily traffic in summer like the Zoo. The two year time limit is also due to the close proximity of residential homes and potential for dust nuisance. The two year time frame would give the Zoo some flexibility while minimizing the waiver duration compared to most other prior requests.

**CONDITIONS:**

This approval waives the requirement to pave the Phase 2 parking lot as shown on the attached site plan associated with Special Permit No. 16047 for two years from time of approval. The entire Phase 2 area including the P zoned area outside the Special Permit would then be paved after 2 years.

**Site Specific:**

1. The developer shall cause to be prepared and submitted to the Planning Department 3 copies of a final plot plan as otherwise approved with any conditions as part of Special Permit No. 16047.

**Standard Conditions:**

2. The following conditions are applicable:
  - 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.

Prepared by

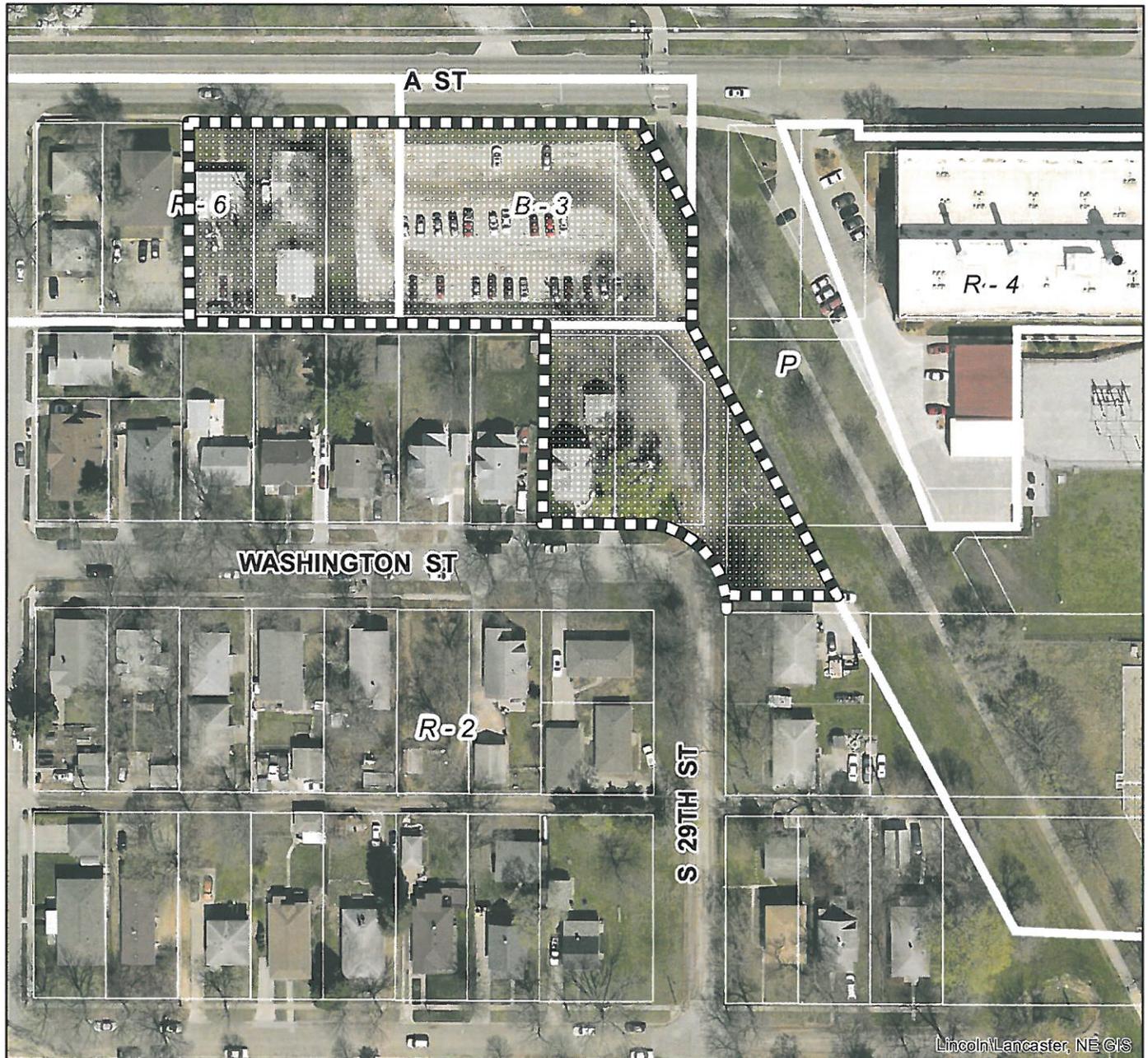
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George Wesselhoft, Planner  
(402-441-6366, gwesselhoft@lincoln.ne.gov)

October 13, 2016

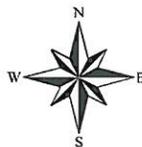
**OWNER:** Opahc Properties, LLC  
1222 South 27<sup>th</sup> Street  
Lincoln, NE 68502

**APPLICANT/  
CONTACT:** Thomas C. Huston  
233 S. 13<sup>th</sup> Street, Suite 1900  
Lincoln, NE 68508



2016 aerial

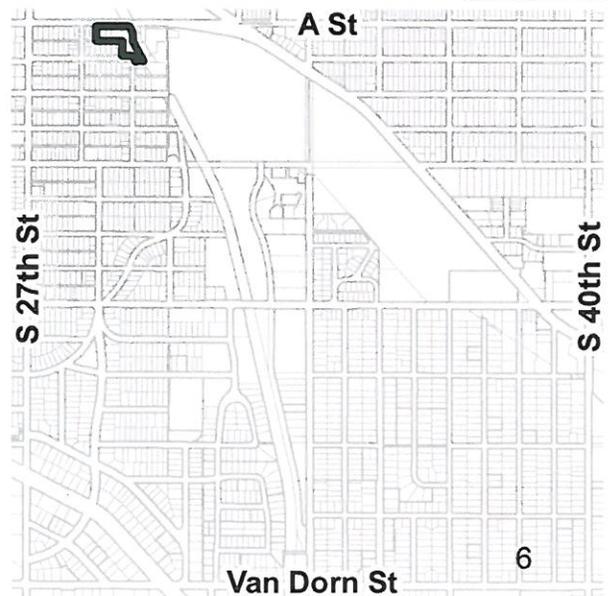
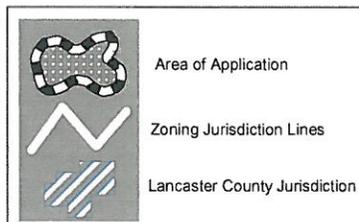
**Waiver #: WVR16007**  
**Lincoln Children's Zoo**  
**S 27th St & A St**

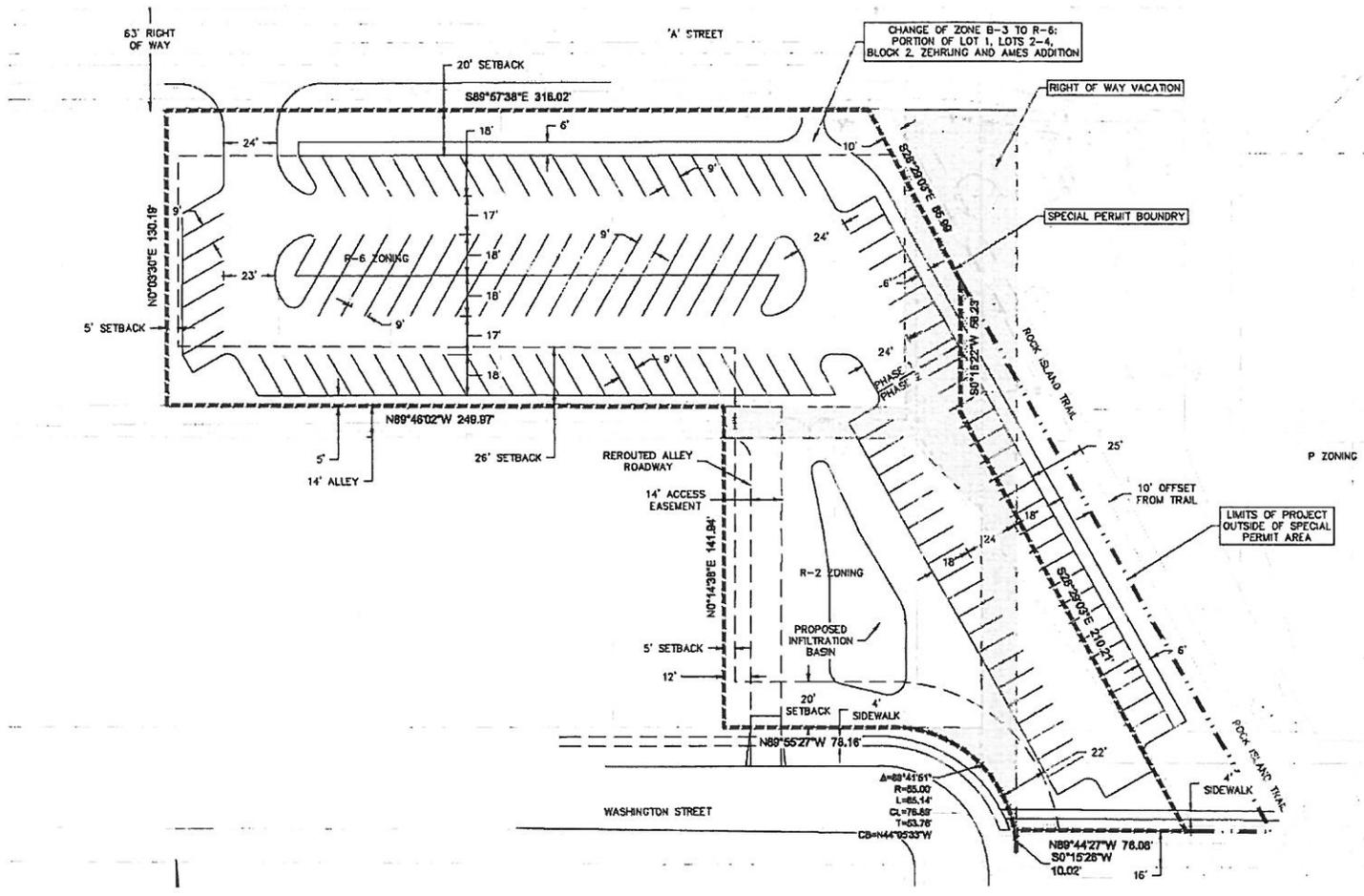


**Zoning:**

- 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.31 T10N R07E**





### GENERAL NOTES

1. PARKING LAYOUT IS CONCEPTUAL AND WILL BE FINALIZED AT TIME OF SUBMITTAL FOR PARKING LOT PERMIT AT BUILDING AND SAFETY. PARKING LOT WILL BE DESIGNED IN ACCORDANCE WITH CITY OF LINCOLN DESIGN STANDARDS.
2. A WAIVER IS REQUESTED TO REDUCE THE FRONT YARD SETBACK OF WASHINGTON STREET AND S. 29TH STREET TO 20'.
3. A WAIVER IS REQUESTED TO THE CITY OF LINCOLN PARKING LOT DESIGN STANDARDS TO ALLOW PHASE 2 OF THE PARKING LOT TO BE SURFACED WITH GRAVEL/AGGREGATE FOR A PERIOD OF TIME NOT TO EXCEED TWO (2) YEARS.
4. THE PROPOSED 14' ACCESS EASEMENT ON BLOCK 2, LOT 17 WILL BE SURFACED WITH AGGREGATE AND WILL RECEIVE A CONCRETE DRIVEWAY APPROACH FROM 5' OUTSIDE THE PROPERTY LINE TO BACK OF CURB ON WASHINGTON STREET.
5. THE EXISTING INFILTRATION BASIN LOCATED AT THE CORNER OF WASHINGTON AND 29TH STREET WILL BE REMOVED AND A NEW INFILTRATION BASIN WILL BE CONSTRUCTED. THE INFILTRATION BASIN SHALL MATCH THE ORIGINAL DESIGN INTENT AS SHOWN ON CONSTRUCTION PLANS TITLED "ACP-04: ANTELOPE PARK, CITY PROJECT NO. 701585, DATED MAY 2013."
6. A REQUEST FOR APPROVED ALTERNATE TO CHAPTER 28.03 OF THE REGULATIONS OF POST CONSTRUCTION STORMWATER MANAGEMENT HAS BEEN SUBMITTED FOR THE STORMWATER QUALITY BEST MANAGEMENT PRACTICES ASSOCIATED WITH THE PARKING LOT. THE REQUIRED WATER QUALITY VOLUME IS PROPOSED TO BE INSTALLED OFFSITE AS A PART OF THE LINCOLN CHILDREN'S ZOO EXPANSION PROJECT. WATER QUALITY DESIGN AND REQUIRED TREATMENT VOLUME WILL BE IN ACCORDANCE WITH CHAPTER 8 OF THE DRAINAGE CRITERIA MANUAL AND WILL BE SUBMITTED AT THE TIME OF BUILDING AND SAFETY PERMIT.
7. A WAIVER IS REQUESTED TO CHAPTER SIX (6) OF THE DRAINAGE CRITERIA MANUAL TO ELIMINATE THE STORMWATER DETENTION REQUIREMENTS FOR THE PARKING LOT. THE INCREASE IN PROPOSED RUNOFF FROM THE EXISTING GRAVEL PARKING LOT AND THE PROPOSED CONCRETE PARKING LOT IS NEGLIGIBLE AND THE DOWNSTREAM STORM SEWER SYSTEM IS SIZED ADEQUATELY TO DISCHARGE THE RUNOFF FROM THE CONTRIBUTING AREA.
8. LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH CITY OF LINCOLN PARKING LOT DESIGN STANDARDS FOR SCREENING. A LANDSCAPE PLAN WILL BE PROVIDED AT THE TIME OF BUILDING PERMIT FOR THE PARKING LOT CONSTRUCTION.
9. LANDSCAPE BUFFER WILL BE PROVIDED ON WEST SIDE OF ACCESS EASEMENT ON LOT 17, ZEHRUNG AND AMES ADDITION.

**LEGAL DESCRIPTION  
SPECIAL PERMIT**

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 1, BLOCK 2, ZEHRUNG AND AMES ADDITION, LOTS 2 THROUGH 6, BLOCK 2, ZEHRUNG AND AMES ADDITION, THE EAST 45.00' OF LOT 7, BLOCK 2, ZEHRUNG AND AMES ADDITION, AND LOTS 17 AND 18, BLOCK 2, ZEHRUNG AND AMES ADDITION, A PORTION OF LOTS 7 AND 8, BLOCK 1, ZEHRUNG AND AMES ADDITION, AND, A PORTION OF EAST-WEST ALLEY IN BLOCK 2, ZEHRUNG AND AMES ADDITION, A PORTION OF SOUTH 29<sup>TH</sup> STREET RIGHT-OF-WAY, AND A PORTION OF VACATED WASHINGTON STREET RIGHT-OF-WAY, ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 7, BLOCK 2, ZEHRUNG AND AMES ADDITION, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF "A" STREET, SAID POINT BEING 30.00' SOUTH OF THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., THENCE EASTERLY ON THE NORTH LINE OF SAID LOT 7, SAID LINE BEING THE SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 30.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, ON AN ASSUMED BEARING OF S89°57'38"E, A DISTANCE OF 5.00' TO A POINT OF INTERSECTION WITH THE WEST LINE OF A TRACT OF LAND DESCRIBED IN CORPORATION WARRANTY DEED, FILED LANCASTER COUNTY REGISTER OF DEEDS, INSTRUMENT NUMBER 1997-027331, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE CONTINUING S89°57'38"E ON THE NORTH LINE OF SAID LOT 7, AND ON THE NORTH LINE OF LOTS 6 THROUGH 1, BLOCK 2, ZEHRUNG AND AMES ADDITION, SAID LINE BEING THE SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 30.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 311.03' TO A POINT LOCATED 10.00' WEST OF AND PERPENDICULAR TO THE CENTER LINE OF THE VACATED CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD RIGHT-OF-WAY; THENCE S28°29'03"E, ON A LINE LOCATED 10.00' WEST OF AND PARALLEL WITH THE CENTERLINE OF SAID VACATED RAILROAD RIGHT-OF-WAY, A DISTANCE OF 85.99' TO A POINT OF INTERSECTION WITH THE CENTER LINE OF NORTH 29<sup>TH</sup> STREET RIGHT-OF-WAY; THENCE S00°15'22"W, ON THE CENTER LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 58.32' TO POINT LOCATED 28' WEST OF AND PERPENDICULAR TO THE CENTER LINE OF THE VACATED CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD RIGHT-OF-WAY; THENCE S28°29'03"E, ON A LINE LOCATED 28.00' WEST OF AND PARALLEL WITH THE CENTERLINE OF SAID VACATED RAILROAD RIGHT-OF-WAY, A DISTANCE OF 210.21' TO A POINT OF INTERSECTION WITH A LINE LOCATED 16.00' NORTH OF AND PERPENDICULAR TO THE SOUTH RIGHT-OF-WAY LINE OF VACATED WASHINGTON STREET; THENCE N89°44'27"W, ON A LINE LOCATED 16.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID VACATED RIGHT-OF-WAY, A DISTANCE OF 76.08' TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF SOUTH 29<sup>TH</sup> STREET; THENCE S00°15'26"W, ON THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 10.02' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL

ANGLE OF 88°41'51", A RADIUS OF 55.00', AN ARC LENGTH OF 85.14', A CHORD LENGTH OF 76.89', A TANGENT LENGTH OF 53.76', AND A CHORD BEARING OF N44°05'33"W TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF WASHINGTON STREET, SAID POINT BEING ON THE SOUTH LINE OF LOT 18, BLOCK 2, ZEHRUNG AND AMES ADDITION; THENCE N89°55'27"W, ON THE NORTH RIGHT-OF-WAY LINE OF WASHINGTON STREET, SAID LINE BEING ON THE SOUTH LINE OF LOTS 17 AND 18, BLOCK 2, ZEHRUNG AND AMES ADDITION, AND ON THE EASTERLY EXTENSION OF SAID LINE, A DISTANCE OF 78.16' TO THE SOUTHWEST CORNER OF SAID LOT 17; THENCE N00°14'38"E, ON THE WEST LINE OF SAID LOT 17, AND ON A NORTHERLY EXTENSION OF SAID LINE, A DISTANCE OF 141.94' TO A POINT OF INTERSECTION WITH THE NORTH LINE OF THE EAST-WEST ALLEY LOCATED IN BLOCK 2, ZEHRUNG AND AMES ADDITION; THENCE N89°46'02"W, ON THE NORTH LINE OF SAID EAST-WEST ALLEY, SAID LINE BEING THE SOUTH LINE OF LOTS 3 THROUGH 7, BLOCK 2, ZEHRUNG AND AMES ADDITION, A DISTANCE OF 245.13' TO A POINT OF INTERSECTION WITH THE WEST LINE OF A TRACT OF LAND DESCRIBED IN CORPORATION WARRANTY DEED, FILED LANCASTER COUNTY REGISTER OF DEEDS, INSTRUMENT NUMBER 1997-027331; THENCE N00°07'25"E, ON THE WEST LINE OF A TRACT OF LAND DESCRIBED IN CORPORATION WARRANTY DEED, FILED LANCASTER COUNTY REGISTER OF DEEDS, INSTRUMENT NUMBER 1997-027331, A DISTANCE OF 130.21' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 69,510.94 SQUARE FEET OR 1.57 ACRES, MORE OR LESS.

Wednesday, October 12, 2016

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September 14, 2016

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**VIA HAND DELIVERY**

David Cary  
Director of Planning  
Lincoln City/Lancaster County  
Planning Department  
555 South 10th Street, Room 213  
Lincoln, NE 68508

Re: Lincoln Children's Zoo Parking Lot Expansion Project  
Our File No.: 20275.002

Dear Mr. Cary:

This firm represents the Lincoln Children's Zoo (the "Zoo") which proposes to expand its zoo and consequently, needs to construct an additional parking lot located between "A" Street and Washington Street at the 29th Street right-of-way (the "Project"). While the main expansion for the Zoo will be north of "A" Street, additional parking is needed south of "A" Street for staff, Zoo School, and overflow visitor parking. The Zoo is working together with the City of Lincoln and the Lincoln Parks and Recreation Department in furtherance of the Project. The three parties worked together on preparing the various requests below.

**A. The Project**

The zoo expansion project involves creating a new entrance, expanded exhibition space, and a new home for the zoo/science school in which the zoo partners with LPS. To accommodate the growth north of "A" Street, the Project will include constructing an additional parking lot south of "A" Street. The Zoo seeks approval of: (a) a text amendment to the LMC § 27.63.170(a)(2) to insert the word "zoo"; (b) in order to utilize the proposed text amendment, the Zoo and the City of Lincoln request a change of zone for those underlying parcels currently in the B-3 commercial district and P public district to the R-6 residential district so that each underlying parcel is either zoned R-6 residential district or R-2 residential district; (c) following the change of zone, the Zoo seeks a special permit under LMC § 27.63.170(a)(2) as amended, to allow the parking use in the R-6 residential district;

STERLING RIDGE  
12910 PIERCE STREET, SUITE 200  
OMAHA, NE 68144-1105  
(402) 397-1700

1207 M STREET  
P.O. BOX 510  
AURORA, NE 68818  
(402) 694-6314

NORTHERN HEIGHTS PROFESSIONAL PLAZA  
416 VALLEY VIEW DRIVE, SUITE 304  
SCOTTSBLUFF, NE 69361  
(308) 635-1020

330 SOUTH COLLEGE AVENUE  
SUITE 300  
FORT COLLINS, CO 80524-7162  
(970) 221-2637

September 14, 2016

Page 2

and (d) the abutting landowners request the City to vacate a portion of the East-West alley between "A" Street and Washington Street and the 29th Street right-of-way between "A" Street and Washington Street. Each request is further discussed below.

#### **B. Text Amendment**

LMC § 27.63.170(a)(2), currently allows parking lots by special permit when the parking lot is located no more than 360 feet from property occupied by a "college, university, or church" and the parking lot is used primarily in connection with said "college, university, or church." The Zoo requests to amend LMC § 27.63.170(a)(2) by inserting "zoo," immediately before the word "college" as it appears in said section, thereby allowing parking lots in a residential zone by special permit when the parking lot is located no more than 360 feet from a zoo and the parking lot is used primarily in connection with said zoo.

#### **C. Change of Zone**

In order to utilize the proposed text amendment discussed in Section B above, the Zoo and the City of Lincoln request the zoning map be amended to collectively change the zoning designation of those underlying parcels currently in the B-3 commercial district and the P public district to the R-6 residential district. Accordingly, the underlying parcels will either be in the R-2 residential district or the R-6 residential district. The requested change of zone will ensure that the amended LMC § 27.63.170(a)(2) applies to all the parcels upon which the Project will be located.

#### **D. Special Permit**

The Zoo seeks a special permit to construct an additional parking lot to primarily serve the Zoo, as permitted by the proposed amended LMC § 27.63.170(a)(2). The requested special permit and the additional parking lot will allow the Zoo to address its increasing demand for parking caused by the expanded zoo project north of "A" Street.

#### **E. Street and Alley Vacation**

The proposed parking lot is located upon a portion of the East-West alley located between "A" Street and Washington Street and upon the 29th Street right-of-way located between "A" Street and Washington Street. Accordingly, Opahc Properties, LLC and the City of Lincoln, as the abutting landowners, request the City to vacate said alley and right-of-way. The Zoo intends to purchase from the City the vacated portion of the East-West.

**F. Waivers**

The Zoo further requests the following waivers in connection with the Project:

- a. The Zoo requests a waiver of the front yard setback requirements, as there is sufficient distance between the parking stalls and the Washington Street and 29th Street intersection. This waiver will be included within the requested Special Permit; and
- b. The Zoo requests a waiver of Chapter 6 of the Drainage Criteria Manual to eliminate the storm water detention requirements for the parking lot, as the increase in storm water flows will be negligible and the downstream storm sewer system is sized adequately to discharge the runoff from the contributing area. Additionally, the existing infiltration basin located at the corner of Washington Street and 29th Street will be removed and a new infiltration basin will be constructed in accordance with the original design intent as shown on the construction plans titled "ACP-04: Antelope Park, City Project No. 701585" and dated May 2013.
- c. The Zoo requests a waiver to the Parking Lot Design Standards to allow Phase 2 of the parking lot to be surfaced with gravel/aggregate for a period of time not to exceed five years from the date the Zoo receives a parking lot permit for Phase 2.
- d. The Zoo requests a waiver of the requirement to install hard surfacing on the existing alley which abuts the special permit boundaries. Instead, the Project will include the installation of gravel/aggregate on the proposed fourteen-foot access easement on Block 2, Lot 17 of the Special Permit.

**G. Requests for Approved Alternative**

In regards to the City of Lincoln's storm water quality requirements, the Zoo submits a Request for Approved Alternative for the Project. The required water quality volume is proposed to be installed offsite as a part of the Zoo's expansion project north of "A" Street, and such water quality design and required treatment volume will be in accordance with Chapter 8 of the Drainage Criteria Manual. The Request for Approved Alternative to Chapter 28.03 and the Water Quality Control Form are enclosed with this delivery.

**H. Separately Submitted Applications**

In addition to the various items discussed above, an application to approve the local landmark designation for the Ager building and an application for a surplus

property declaration have been previously submitted. Said applications are a part of the overall Project and the Zoo requests that they be considered along with the various requests discussed herein and included in the enclosed application.

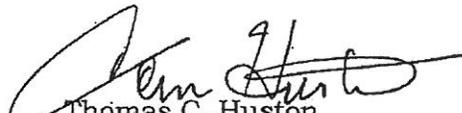
**I. Enclosures**

Enclosed with this delivery are the following items:

- a. Application Request Form which requests: (1) the text amendment to LMC § 27.63.170(a)(2); (2) the change of zone; (3) the parking lot special permit; and (4) the street and alley vacation.
- b. Site Plan as required by the City of Lincoln application. The electronic version will be uploaded to the ProjectDox registry.
- c. Petition to Vacate Public Way and Information Sheet signed by Opahc Properties, LLC, an affiliate of the Lincoln Children's Zoo, as owner of a portion of the abutting parcels.
- d. Petition to Vacate Public Way and Information Sheet to be signed by the City of Lincoln, as owner of a portion of the abutting parcels.
- e. The Request for Approved Alternative to Chapter 28.03 Form and the Water Quality Control Form pursuant to Chapter 8 of the Drainage Criteria Manual.
- f. Application Fee in the total amount of \$1,122.00, as provided in separate checks for the following:
  - i. \$792.00 for the special permit application fee; and
  - ii. \$330.00 for the surfaced parking waiver fee.

If there are any questions, please do not hesitate to contact me.

Sincerely,

  
Thomas C. Huston  
For the Firm

Enclosures