

City Council Introduction: **Monday**, April 26, 2010
Public Hearing: **Monday**, May 3, 2010, at **3:00** p.m.

Bill No. 10R-108

FACTSHEET

TITLE: **WAIVER NO. 10008**, requested by Camp Sonshine, to waive the parking lot surfacing requirement, on property generally at South 25th Street and Bennet Road.

SPONSOR: Planning Department

BOARD/COMMITTEE: N/A

STAFF RECOMMENDATION: Conditional Approval.

FINDINGS OF FACT:

1. This is a request by Camp Sonshine, a religious and nonprofit organization, to waive the parking lot surfacing requirement on property generally located at South 25th Street and Bennet Road, pursuant to Section 27.67.100 (c) of the Lincoln Municipal Code.
2. The applicant's justification for this waiver is set forth on p.8.
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.
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: April 19, 2010

REVIEWED BY: _____

DATE: April 19, 2010

REFERENCE NUMBER: FS\CC\2010\WVR.10008

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

For City Council Meeting

PROJECT #: Waiver #10008

PROPOSAL: Camp Sonshine day camp is requesting a waiver of parking lot surfacing requirements.

LOCATION: S. 25th Street and Bennet Rd.

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

RECOMMENDATION:	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 3 and the east 314 feet of Lot 4 in the NE 1/4 of Section 12-T8N-R6E and the west 332 feet of the N 1/2 of the NW 1/4 of Section 7-T8N-R7E and the 3 acre "Parcel A" in the SW 1/4 of the N 1/2 of the NW 1/4 of Section 7-T8N-R7E, all located in Lancaster County Nebraska.

EXISTING ZONING: AG, Agriculture

EXISTING LAND USE: Dwelling, farming operations, farm buildings and recreational/day camp facility.

SURROUNDING LAND USE AND ZONING:

North: Farmland, zoned AG Agriculture
South: Farmland, zoned AG Agriculture
East: Farmland, zoned AG Agriculture
West: Farmland and farm dwelling, zoned AG Agriculture

ANALYSIS:

1. The purpose letter states Camp Sonshine is both a religious organization and a non-profit. This summer daycamp/recreation facility was approved by the Planning Commission (Special Permit #10005) for up to 80 users during the summer months only. This application includes a drawing showing a 33 stall parking lot with associated drives and drop-off lane that they request not be paved.
2. South 25th Street is a gravel county road at this location. The area is surrounded by farm fields.

3. The Comprehensive Plan shows this land and the adjacent property as Agriculture in the Future Land Use Map. This is on the outside edge of Tier III.
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 non-profit religious group

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

The application states the parking lot will be a grass field used for parking and drop off in the morning and afternoon. Of the three items mentioned, dust appears to be the only one that may be an issue. 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 own the surrounding farm fields. The closest house to the west is owned by a family member.

(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 the frequency of use will only be during the summer season, about 40 days a year. Paving of the parking lot would create an unnecessary financial burden on Camp Sonshine and impact the program.

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. The goal of the Zoning Ordinance and City policy is to have urban parking areas paved, This location is in a rural farm area, outside of the City growth Tiers and should not have urban development within 50 years or more.
6. The City County Health Department notes the landowner is responsible for control of any off site dust from the parking lot.
7. The County Engineer recommends approval.

CONDITIONS

Site Specific:

1. This approval waives the requirement to pave parking.

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:

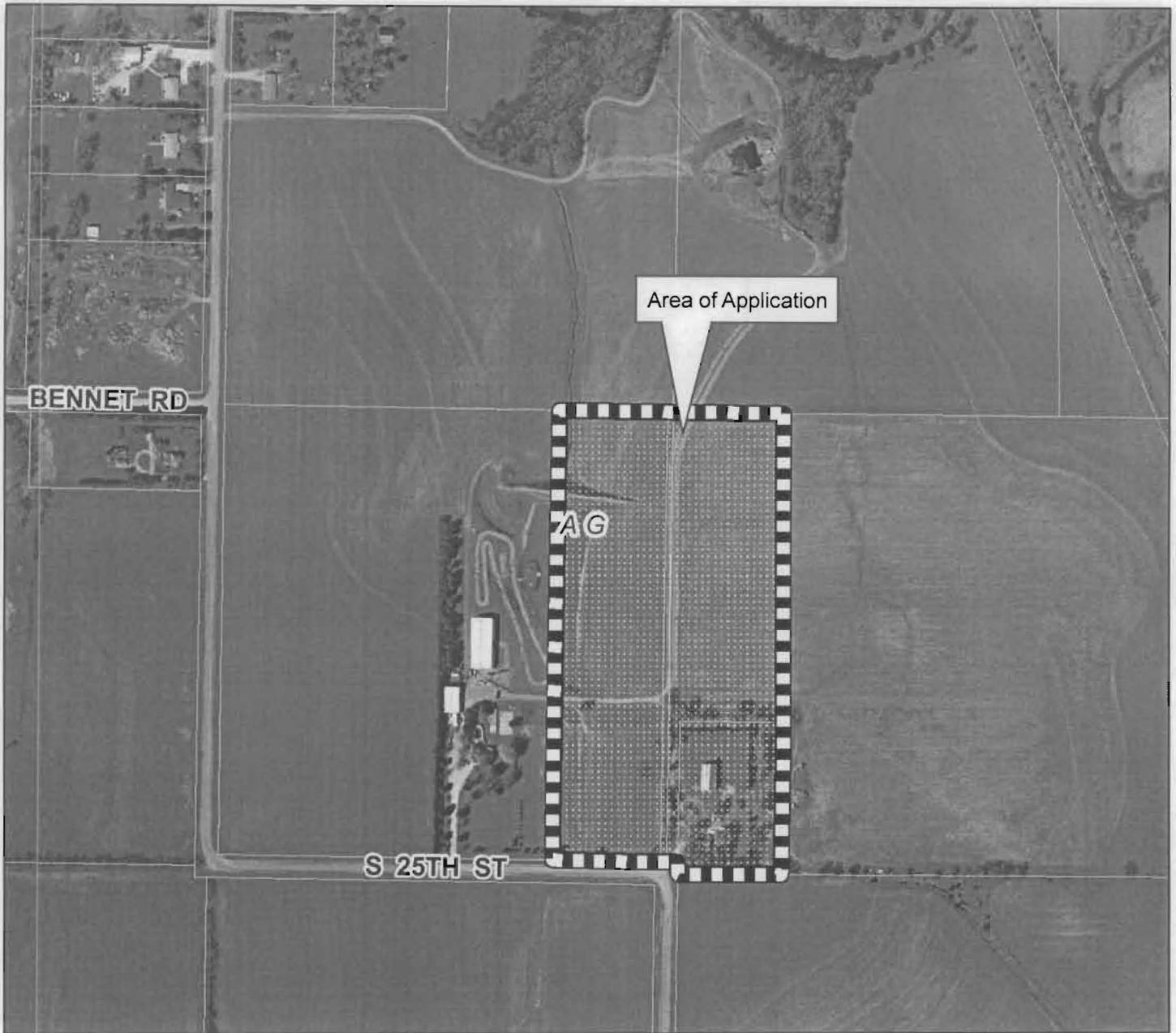
Mike DeKalb
Planner

APPLICANT: Camp Sonshine
C/o Jeff Keiser
13440 S 25th Street
Roca, NE 68530
402-560-1277
jlkeiser@gmail.com

OWNER: Darrel and Patricia Schrader and Lonnie and Brenda Schrader
13330 S. 25th Street
Roca, NE 68530
402-610-2268

Jeffrey L and Trisha A Keiser
13440 S 25th Street
Roca, NE 68530

CONTACT: Jeffrey L and Trisha A Keiser
13440 S 25th Street
Roca, NE 68530
402-560-1277



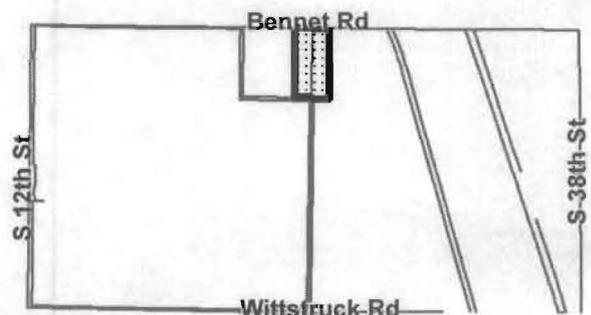
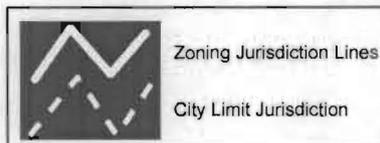
2007 aerial

Waiver #10008
S 25th & Bennet Rd

Zoning:

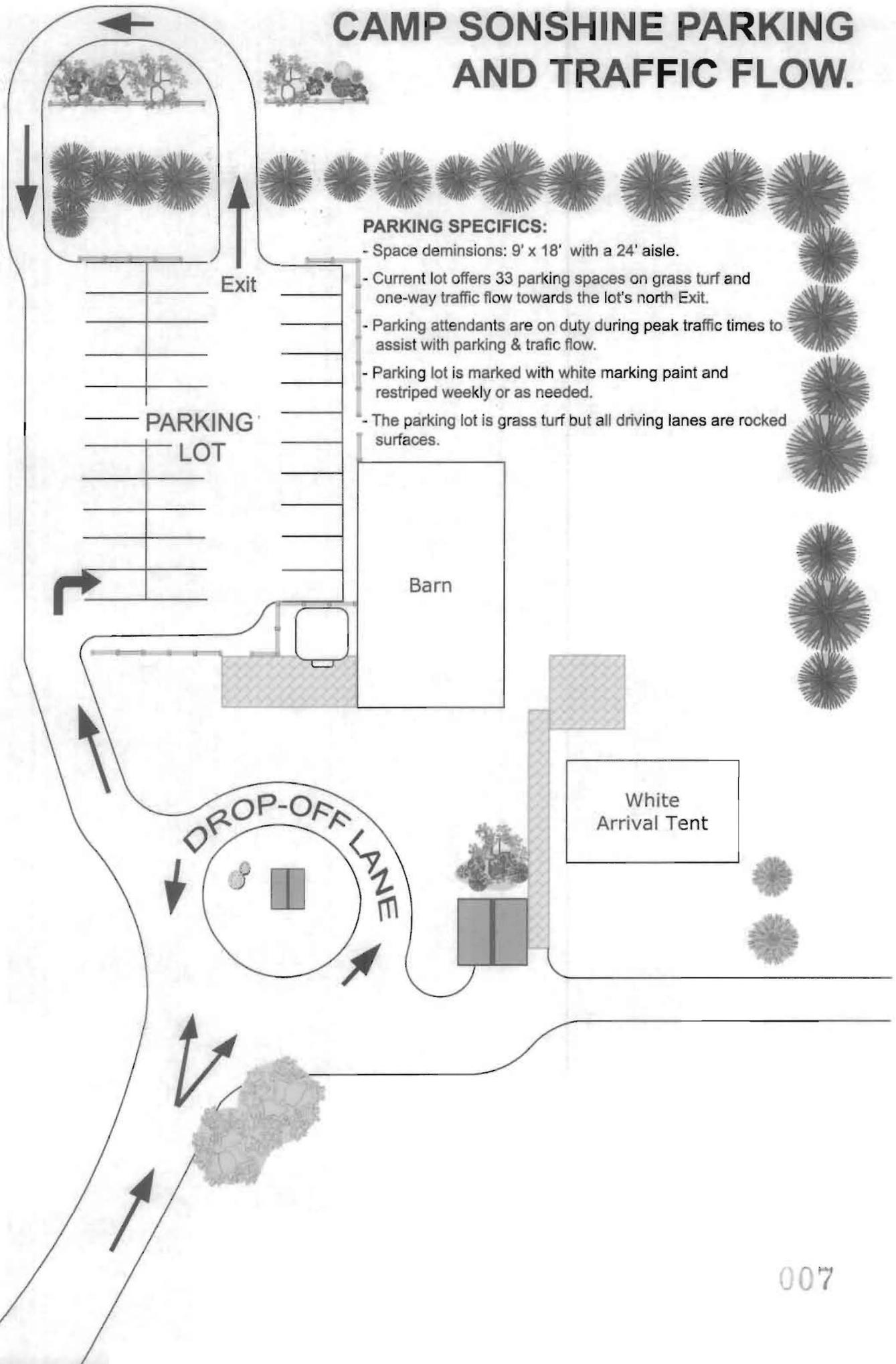
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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

Two Square Miles
 Sec. 12 T08N R06E
 Sec. 7 T08N R07E



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CAMP SONSHINE PARKING AND TRAFFIC FLOW.



PARKING SPECIFICS:

- Space deminsions: 9' x 18' with a 24' aisle.
- Current lot offers 33 parking spaces on grass turf and one-way traffic flow towards the lot's north Exit.
- Parking attendants are on duty during peak traffic times to assist with parking & trafic flow.
- Parking lot is marked with white marking paint and restriped weekly or as needed.
- The parking lot is grass turf but all driving lanes are rocked surfaces.

Waiver of Surfacing Requirements:

Camp Sonshine herein requests a "Waiver of surfacing requirements" as described in the city zoning ordinance 26.67.100 based upon the following justifications:

- (1) The parking lot is for Camp Sonshine which is both a religious organization as well as a registered 501(c)(3) nonprofit day-camp for kids.
- (2) An existing field will be used for parking during the morning drop-off and afternoon pick-up times.
 - (a) It is a grass field used during a brief period of time in the morning & again in the afternoon
 - (b) Circulation will be controlled through ground markings, signage and parking personnel
- (3) The location of the parking lot is in the midst of crop fields (that are all owned by the applicant's family) and will not adversely affect any of the surrounding areas.
- (4) The primary frequency of use of the parking lot is during the summer camp season, which currently operates for approximately 40 days out of the year and would result in an unnecessary financial burden upon Camp Sonshine and its ability to develop its programs.
- (5) Paving the lot would detract from the natural setting of Camp Sonshine's outdoor based programs which are designed to get kids out of town and into the country. Also, since we are out in the country, all of the roads leading to camp are currently dirt and gravel roads.

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: MAR 12 2007

CAMP SONSHINE
C/O JEFF KEISER
13440 S 25TH ST
ROCA, NE 68430-4112

Employer Identification Number:
87-0785556
DLN:
17053025011007
Contact Person:
RAMACHANDRAN MANOHAR ID# 31344
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
SEPTEMBER 30
Public Charity Status:
509(a)(2)
Form 990 Required:
YES
Effective Date of Exemption:
NOVEMBER 22, 2006
Contribution Deductibility:
YES
Advance Ruling Ending Date:
SEPTEMBER 30, 2011

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. During your advance ruling period, you will be treated as a public charity. Your advance ruling period begins with the effective date of your exemption and ends with advance ruling ending date shown in the heading of the letter.

Shortly before the end of your advance ruling period, we will send you Form 8734, Support Schedule for Advance Ruling Period. You will have 90 days after the end of your advance ruling period to return the completed form. We will then notify you, in writing, about your public charity status.

Please see enclosed Information for Exempt Organizations Under Section 501(c)(3) for some helpful information about your responsibilities as an exempt organization.

Letter 1045 (DO/CG)



Application Information		
Application #	WVR10008	Title: WAIVER TO PARKING PAVING - CAM
Associated Requests	SP 10005	

Planning Department Use Only			
Submission Date	4/6/2010	Review Due	4/16/2010
Project Planner	Mike Dekalb		

Review Comments	
Planning	<input checked="" type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required Review 1:
County Engineer (Ken Schroeder)	<input checked="" type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input checked="" type="radio"/> Recommend Denial <input checked="" type="radio"/> Recommend Approval with Conditions <input checked="" type="radio"/> Recommend Approval <input checked="" type="radio"/> No Review Required Review 1:
County Health (Chris Schroeder)	<input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input checked="" type="radio"/> Recommend Denial <input checked="" type="radio"/> Recommend Approval with Conditions <input checked="" type="radio"/> Recommend Approval <input checked="" type="radio"/> No Review Required Review 1: The land owner(s) will be responsible for controlling off-site dust emissions from the parking lot in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water or other dust suppression chemicals.
Development Review Manager (Steve Henrichsen)	<input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input checked="" type="radio"/> Recommend Denial <input checked="" type="radio"/> Recommend Approval with Conditions <input checked="" type="radio"/> Recommend Approval <input checked="" type="radio"/> No Review Required Review 1:

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