

City Council Introduction: **Monday**, May 21, 2012
Public Hearing: **Monday**, June 4, 2012, at **3:00** p.m.

Bill No. 12R-97

FACTSHEET

TITLE: **WAIVER NO. 12004**, requested by Katie Cloran, to reduce the required parking for a proposed restaurant, on property generally located at N. Cotner Boulevard and Fairfax Avenue.

SPONSOR: Planning Department

BOARD/COMMITTEE: N/A

STAFF RECOMMENDATION: Approval.

FINDINGS OF FACT:

1. This is a request by the owner of Gratitude Café & Bakery to waive the requirement to provide additional parking due to a change in use. The previous use of the building at 1551 N. Cotner Boulevard was a hair salon. The proposed use is a bakery and café.
2. The applicant's justification for this waiver is set forth on p.7.
3. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3-4, concluding that sometimes the strict application of the zoning code should be relaxed to protect the character of older neighborhoods. The retail shops in Bethany along this block were established when few people had cars. To keep the walkability and the character of the area, the parking waiver for a restaurant/bakery in a historic building which could become an anchor for revitalization of this area, is justified.
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 by the Lincoln Municipal Code for zoning and subdivision applications.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: May 14, 2012

REVIEWED BY: _____

DATE: May 14, 2012

REFERENCE NUMBER: FS\CC\2012\WVR12004

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

- PROJECT #:** Waiver of Design Standards #12004
- PROPOSAL:** Reduce required parking for a proposed restaurant.
- LOCATION:** N. Cotner Blvd. and Fairfax Ave.
- CONCLUSION:** To protect the character of these older neighborhoods, sometimes the strict application of the zoning code should be relaxed. The retail shops in Bethany along this block were established when few people had cars. To keep the walkability and the character of the area, the parking waiver for a restaurant/bakery in a historic building, which could become an anchor for revitalization of this area, is justified.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

- LEGAL DESCRIPTION:** The north ½ of Lot 1, Block 57, Bethany Heights
- EXISTING ZONING:** B-1, Local Business District
- EXISTING LAND USE:** Vacant commercial building. Formerly a hair salon

SURROUNDING LAND USE AND ZONING:

North:	B-1, Local Business	Single family dwelling
South:	B-1, Local Business	Commercial
East:	B-1, Local Business	Multi-family and commercial
West:	B-1, Local Business	Multi-family

HISTORY:

1985: The building was listed on the National Register of Historic Places.

COMPREHENSIVE PLAN SPECIFICATIONS:

Preservation and renewal of historic buildings, districts, and landscapes is encouraged. development and redevelopment should respect historical patterns, precedents and boundaries in towns, cities and existing neighborhoods. (p.2.8)

Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged. (p.5.1)

Neighborhood centers provide services and retail goods oriented to the neighborhood level, with significant pedestrian orientation and access. (p.5.11)

Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods. (p.5.14)

TRAFFIC ANALYSIS: N. Cotner Blvd. is classified as a minor arterial in the 2040 Comprehensive Plan. Fairfax Ave. is a local street.

ANALYSIS:

1. This application is for a waiver to provide additional parking due to a change in use. The ordinance states that a special review and approval by City Council may occur when a change in use results in an increased parking requirement that can not be or is not met. Previously the building was a hair salon. The proposed use is for a bakery and café.
2. A commercial space in the B-1 district is required to have one off-street parking stall per 300 sq. ft. of floor area. The parking may be within 300 feet of the premise. A restaurant is required to have one parking stall per 100 sq. ft. of floor area.
3. The Lancaster County Assessor's site calculates the building at 1,750 sq. ft. gross floor area. Since certain areas such as mechanical rooms are not counted as floor area, the parking requirement could be between 15 and 18 parking stalls for a restaurant or 5 to 6 parking stalls for other commercial use. The current parking does not meet minimum parking requirements and is considered non-standard. If the proposed use was retail or office this request would not be needed, but since the restaurant is considered a more intense use, the additional parking is required.
4. Currently there is space for 2-3 cars off the alley across the 25 foot lot width in the back of the building. These spaces would be used for employees.
5. The applicant's letter states that initial hours of operation would be from 7:00 a.m. to 11:00 a.m. on Sunday and Wednesday through Saturday when most of the other businesses are closed. The store will be closed on Monday and Tuesday.
6. The building was the former First State Bank of Bethany. The former bank was constructed in 1914 to house a community bank organized a decade earlier. The bank failed in 1930 during the Great Depression. Lincoln had annexed the town of Bethany Heights in 1926. To serve library needs in that area, the Library bought the former bank and the structure served as a branch of Lincoln City Library from 1937 into the 1950's. In 1985 the former bank was listed on the National Register of Historic Places as a locally rare example of a small town bank surviving within the larger city of Lincoln.
7. The proposed use could not locate in this building if the City requires the 18 parking stalls. To provide the 18 stalls would require removing existing buildings. Installing a parking lot along N. Cotner Blvd. in this block would disrupt the character of the area.

8. There are 20 on-street parking stalls in the one block between Holdrege St. and Fairfax Ave. on the west side of N. Cotner Blvd. There is also on-street parking on Fairfax Ave. It is likely that a substantial number of customers will be employees from the adjacent stores or will be from the adjacent neighborhood. On an early afternoon weekday, staff observed that just 7 of these 20 spaces were occupied. Therefore, it does not appear to be necessary to restrict operating hours for the proposed use.

CONDITIONS

Site Specific:

1. This approval waives the requirement for additional parking stalls for a restaurant.

Standard:

- 2 The following conditions are applicable to all requests:
 - 2.1 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 2.2 The clerk shall file a copy of the resolution approving the waiver with the Register of Deeds, filing fees therefore to be paid in advance by the applicant.

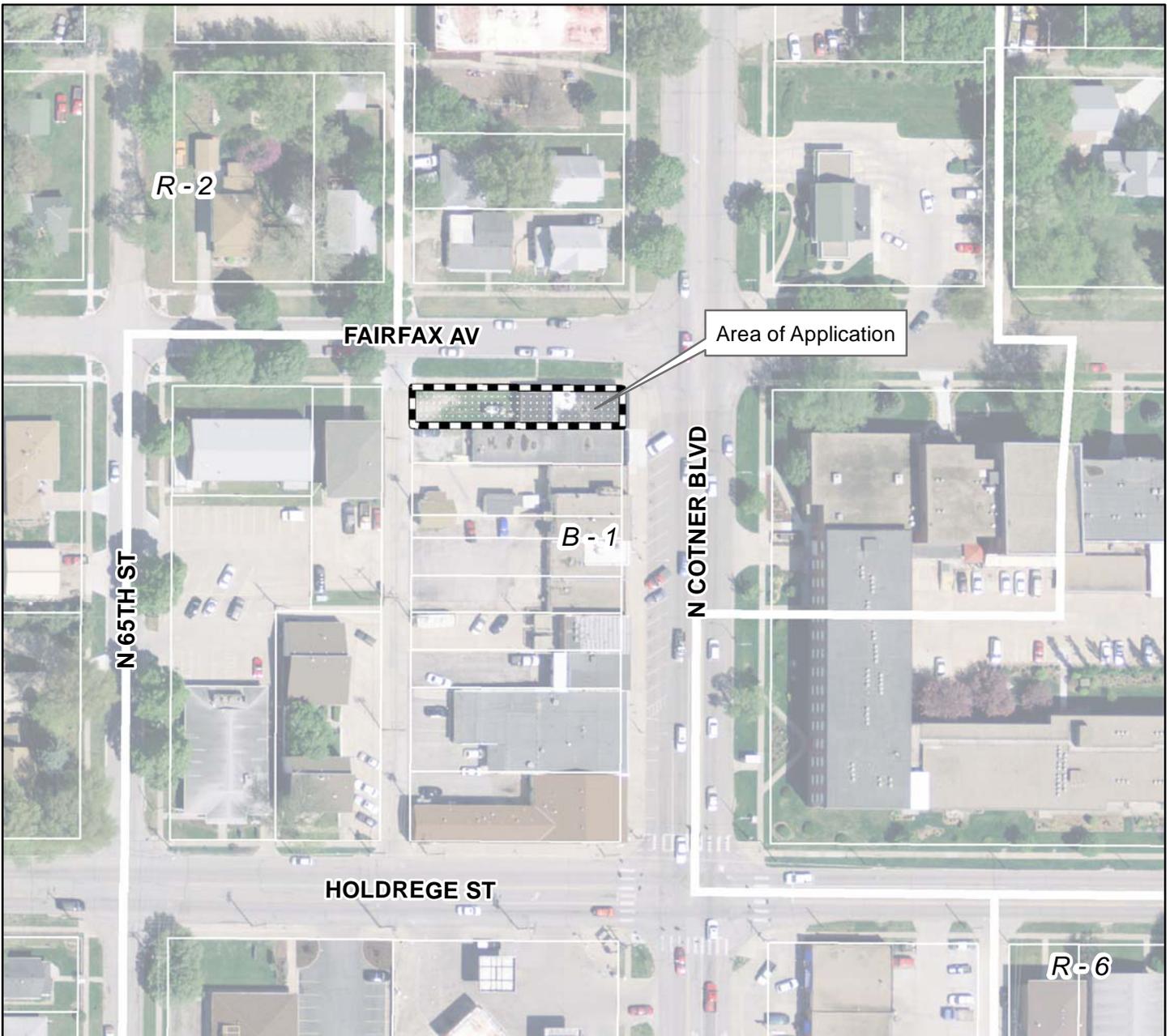
Prepared by:

Tom Cajka
Planner

DATE: May 7, 2012

APPLICANT: Katie Cloran
1551 N. Cotner Blvd.
Lincoln, NE 68505
402-202-4566

OWNER: Same as applicant



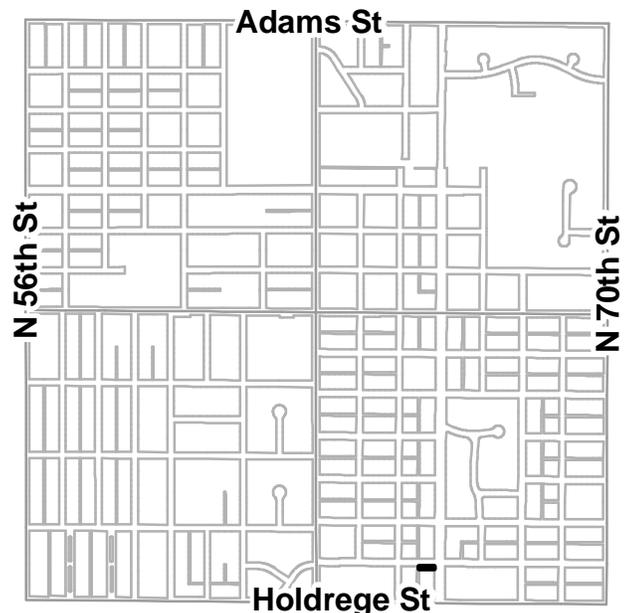
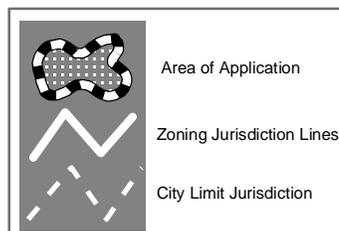
2010 aerial

Waiver #12004 N Cotner Blvd & Fairfax Ave

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. 16 T10N R07E





AREA OF APPLICATION
1551 N. Cotner Blvd.

900

April 21, 2012

Dear Tom Cajka and Lincoln City Council,

On December 5, 2011, we purchased the hair salon at 1551 N. Cotner. The building was originally built in 1914 as the First Bank of Bethany. Our building has been listed on the historic registry for over 25 years and we have spent the last 4 ½ months trying to restore the building as much as possible to its original condition.

We have restored the original hard wood and antique porcelain tiles as well as patching walls and structure issues. North windows and door have been replaced which has greatly enhanced both the structure and the look of the building. After much difficulty we have finally found a builder, plumber and electrician to help me with the final projects. Plans are in place to replace old plumbing and electrical again mindful of the age of the building. We have plans for our builder to put the final touches on our project.

Plans are to open, Gratitude Café & Bakery, a place for community, wholesome food and a positive space to bring the neighborhood together. There is a heart-space for a bakery within Bethany, since there has not been a bakery in that area since Daylight Donuts nearly 15 years ago. We want to fill that void and pull from the talent and recipe boxes of the neighborhood, including the Cotner Center.

Our heart is in this community and it has been met by an overwhelming amount of support. As part of Bethany, we want very much to cater to the residents with opening a gathering space and enhance the historic strip with a much needed bike rack and bench in front. We have received support of my plans from the neighborhood, fellow businesses and the community of the Cotner Center.

We are coming to you for help. We would like a waiver from the parking requirement, based on the following reasons:

1. Our building is historic and that fact has been at the forefront of all renovations.
2. Most of our traffic will be local and within the neighborhood; either arriving on foot or bicycle.
3. Building is located on a corner; where there is extra street parking.
4. Our initial hours of operation will be 7-11:00am. Most businesses in the area do not open until 11:00am when I will be closed. I will be closed Mondays and Tuesdays when other businesses are open. I will be the only business open Sundays.
5. We can provide 2 parking spots for employees in the back of the building.
6. We have a great deal of community support.

Thank you for your time and attention.

Sincerely,



Katie Cloran

Owner

Gratitude Café & Bakery

Jean Preister

To: Jean Preister
Subject: FW: I support Gratitude Cafe & Bakery

From: David Weickert [<mailto:mrweickert@neb.rr.com>]

Sent: Saturday, May 12, 2012 8:26 PM

To: Tom J. Cajka

Subject: I support Gratitude Cafe & Bakery

Dear Sir,

I am sending this note to express my support for Gratitude Café & Bakery to be approved for a parking permit for their business.

Respectfully,
David Weickert

008