PROJECT #: Use Permit No. 16011

PROPOSAL: To Allow an Early Childhood Care Facility for 130 children

LOCATION: 8080 O Street

LAND AREA: 0.99 acres, more or less

EXISTING ZONING: R-2 Residential

CONCLUSION: The request for an Early Childhood Care Facility for up to 130 children is appropriate at this location. This property is located on an arterial street and is adjacent to office buildings. The request is supported by the Comprehensive Plan.

RECOMMENDATION: Conditional Approval

Waivers:
1. Reduce the rear yard setback from 40 feet to 29 feet. Approval
2. Reduce the side yard setbacks from 15 feet to 5 feet. Approval
3. Reduce the freestanding sign setback from residential from 50 feet for non-illuminated sign to 35 feet. Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 20 & 64 Irregular Tracts located in Section 22, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska

EXISTING LAND USE: Early Childhood Care Facility (under construction)

SURROUNDING LAND USE AND ZONING:

North: Park; P
South: Offices; O-3
East: Single Family; R-2
West: Offices; O-3
ASSOCIATED APPLICATION:

Change of Zone No. 16043 from R-2 to O-3

HISTORY:

This property was rezoned from Single-Family Dwelling District to R-2 Residential District with the 1979 Zoning Update.

Special Permit No. 15041 for an early childhood care facility for up to 125 children was approved by City Council on August 24, 2015.

COMPREHENSIVE PLAN SPECIFICATIONS:

P 1.9 – This property is designated as Residential-Urban Density on the Future Land Use Map.

P 5.7 - Design buildings and land uses at the edge of the center to be compatible with adjacent residential land uses. Examples of compatible land uses include apartments, mixed use residential buildings, offices, assisted living facilities, or childcare centers.

P 6.2 - Mixed Use Guiding Principles: Help to create neighborhoods that include homes, stores, workplaces, schools, and places to recreate.

P 6.6 - Strategies for Mixed Use: In proximity to planned or existing neighborhoods and community services, to facilitate access to existing community services or to address a deficiency by providing services such as grocery stores, childcare centers, and restaurants.

P 7.9 - Maintain and enhance infrastructure and services in existing neighborhoods.

P 8.2 - Elementary and middle schools should be sized and located to enable children to walk or bicycle to them. Childcare centers should be located within neighborhoods and near schools and parks when possible.

UTILITIES: Existing.

TRAFFIC ANALYSIS: O Street is classified as a Major Arterial.

ANALYSIS:

1. This request is to allow an Early Childhood Care Facility for up to 130 children. The lot is currently zoned R-2 but is proposed to be changed to O-3 with associated Change of Zone No. 16043. Development in the O-3 district requires a use permit. Special Permit No. 15041 approved the request for the facility for up to 125 children and 22 staff on the largest shift under R-2 Zoning. At the time, the applicant did not request a Change of Zone to O-3. Now the applicant, in order to be permitted to have a proposed freestanding ground sign which is not allowed under the R-2 zoning, is proposing the Change of Zone with the Use Permit. The applicant is also
proposing a change in occupancy from 125 to 130 children and from 22 to 24 staff on the largest shift.

2. The site plan is identical to the approval Special Permit No. 15041, but since R-2 and O-3 have different setback requirements some waivers are needed.

3. The site plan shows the building which will be located on the north side of the property with the parking in the front. A playground area would be located on the west side of the building. The building will be 7,660 square feet in size. A waiver from the O-3 rear yard setback requirement of 40 feet is needed as the proposed rear building setback is 29.90 feet.

4. The parking lot will include 24 parking stalls including 1 handicap stall. Landscaping will be provided to meet the minimum standards for parking lot screening. A waiver from the side yard setback is needed for the parking from 15 feet to 5 feet.

5. The proposed freestanding ground sign would be located in the front yard between the two driveways and would be 9' long by 5' tall (45 square feet) and non-illuminated. A waiver from the freestanding sign setback requirement is needed from setback of 50 feet from adjacent residential for non-illuminated sign to 35 feet. In the long term, the residential property to the east will likely be redeveloped into office or commercial use.

6. In the event the future use of the building would change, an office use up to 8,000 square feet be should be permitted as alternate use as part of the Use Permit approval.

CONDITIONS OF APPROVAL:

Per Section 27.64 this approval permits an Early Childhood Care Facility up to 8,000 square feet in size for 130 children with 24 staff on the largest shift or an office use up to 8,000 square feet in size subject to meeting parking requirements along with waivers to the O-3 District rear building setback, side yard setbacks, and sign location requirements.

Site Specific Conditions:

1. The City Council approves associated request:

   1.1 Change of Zone No. 16043

2. The permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below before a final plat is approved:
2.1 Delete the conversion plan waiver which does not apply for the O-3 zoning. List waivers for rear yard setback (waiver from 40 feet to 29 feet), side yard setbacks (waiver from 15 feet to 5 feet), and freestanding sign setback from residential for non illuminated sign (from 50 feet to 35 feet).

2.2. List the number of staff and children updated per current request of 24 and 130, respectively.

2.3 Note #1: Amend to O-3 zoning.

2.4 Note #10: Reference the sign waiver for setback distance from residential. Also, list under waivers.

2.5 Change the front yard setback on the site plan from 25 feet to 20 feet for O-3 District.

2.6 Add a note on the site plan and show screening for dumpster.

**Standard Conditions:**

3. The following conditions are applicable to all requests:

3.1 Before occupying the buildings all development and construction is to substantially comply with the approved plans.

3.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

3.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

3.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
Use Permit No.16011

Prepared by

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

December 22, 2016

OWNER: E&G Enterprises LLC
8080 O Street
Lincoln, NE 68510

APPLICANT/CONTACT: Ernest Young
1000 Coachmans Dr.
Lincoln, NE 68510

F:\DevReview\UP\16000\UP16011 Young Voices.giw.wpd
Change of Zone #: CZ16043 (R-2 to O-3) & Use Permit #: UP16011
Young Voices Child Development Center
Russwood Prky & O St

Zoning:

One Square Mile:
Sec.22 T10N R07E

P - 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

Area of Application
Zoning Jurisdiction Lines
Lancaster County Jurisdiction
December 2\textsuperscript{nd} 2016

E & G Enterprises, LLC
Ernest L. & Gail A. Young

To Whom it may concern:

We, Ernest L. and Gail A. Young, purchased the lot at 8080 O Street, Legal Description; "S22, T10, R7 6\textsuperscript{th} principal Meridian, Irr. Tract Lot 20 & 64SE" with the plans of clearing the lot and making improvements to build a Commercial Child Care Center. This project, scheduled completion, December 31\textsuperscript{st} 2016.

It has come to our attention that the zoning of the property, R2, limits us in the signage we may use for our near completed building. Prior approval 2015 special permit.

We would respectfully request zoning for our property be changed to 03 office Commercial. This would fall in line with all properties to the west of our location. Please see attached photo of signage for requested 03 office zoning.

Respectfully Submitted,

\[signature\]

Ernest L. Young
Gail A. Young
E & G Enterprises, LLC