## COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposal, subject to conditions of approval is compatible with the Comprehensive Plan which encourages child care centers to be located within neighborhoods and near schools and parks when possible.

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### BRIEF SUMMARY OF REQUEST

This is a request for a special permit for an expansion of an early childhood care facility that will be located on the south side of A Street just west of S. 48th Street. The expansion includes demolishing an existing house and replacing it with a new building that has a residential appearance and is meant to be converted back into a house if necessary in the future. The special permit boundary includes an existing building with an early childhood care facility located to the east of the proposed new building. The two buildings combined will have a maximum occupancy of 115 children with 25 proposed employees on the largest shift. Existing access on A Street and existing parking off S. 48th Street will be utilized.

### JUSTIFICATION FOR RECOMMENDATION

The proposal for an early childhood care facility with up to 115 children is appropriate for this location. The buildings are located on A Street with the parking lot adjacent to S. 48th Street. These are both minor arterials, and facilities with thirty-one or more children are required to be located on an arterial street. Also, the location is immediately adjacent a residential area. The child care facility as proposed is compatible with the adjoining office, church and residential uses.

### APPLICATION CONTACT

Jessica Greenwald, (402) 434-3000 or jgreenwald@ohdbslaw.com

### STAFF CONTACT

George Wesselhoft, (402) 441-6366 or gwesselhoft@lincoln.ne.gov
KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.9 - The 2040 Lincoln Area Future Land Use Plan identifies the property as urban density residential.

P. 8.2 - Education...Child care centers should be located within neighborhoods and near schools and parks when possible.

ANALYSIS

1. LINCOLN MUNICIPAL CODE (LMC) 27.63.070 provides that early childhood care facilities with sixteen or more children may be allowed upon approval of a special permit. The applicant proposal is for a new early childhood care facility that will be located on the south side of A Street just west of S. 48th Street in a new approximate 46’ by 39’ building. The existing single family home on the property will be removed. The new building will be approximately the same size in terms of its footprint and will be residential in appearance, one story with a walkout basement on the backside. The proposed number of employees will be 25 on the largest shift while the maximum number of children will be 115.

2. The facility will utilize existing parking located on the east side of the existing Montessori School. Access to this parking lot is off S. 48th Street. This is a parking lot that is owned by the Nebraska Conference Association of the Seventh-day Adventists which owns the church property that is nearby across S. 48th Street. There is an arrangement between the applicant and the church to use the existing parking, which this was the case when the first Special Permit 1151 for the property was approved in 1985. The parking lot will continue to provide parking for employees as well as loading/unloading areas for children and is satisfactory as the school and church have noncurrent parking demands. The currently facility is approved for 60 students, so this is a significant expansion to 115 students.

3. Currently there are three driveway approaches on A Street on the properties owned by the applicant. The western two are associated with the single family home that is to be removed for the new early childhood care facility. The easternmost drive currently is not used. As part of the conditions of approval, the middle driveway will be removed with curb restored while the remaining western and eastern drives will be limited to right in and right out access only.

4. The Special Permit criteria pursuant to 27.63.070 include the following:

(a) The application shall be accompanied by the following information:
   (1) The number of children and number of staff members on the largest shift.

   The planned maximum occupancy for the facility is to provide for 115 children. 25 employees are proposed on the largest shift.

   (2) A physical description of the facility and a site plan drawn to scale that includes, but is not limited to, the location and arrangement of parking spaces, the traffic circulation pattern, loading and unloading areas, fencing, play area, and entrances/exists to such facility.

   A site plan was provided that shows the existing early childhood care facility building along with the adjoining existing parking to the east which is included as part of the total special permit boundary along with the location of the proposed early childhood care facility expansion. The proposed facility will use the existing parking lot to the east of the existing building. Access for the parking lot is off S. 48th Street.

(b) Prior to occupancy, such facilities shall comply with all applicable state and local early childhood care and building requirements.

   The facility will meet applicable early childhood care and building requirements prior to occupancy.

(c) Facilities with twenty-one to thirty children shall be located on collector or arterial streets. Facilities with thirty-one or more children shall be located on an arterial street. The location of such facilities on such streets shall comply with the design standards for early childhood care facilities.

   The facility is located on A Street with its parking lot fronting S. 48th Street, both minor arterial streets. The
The site plan and play area for such facilities shall comply with the design standards for early childhood care facilities. It is a condition of approval that the play area be identified with fencing shown pursuant to the design standards.

(e) The parking and loading/unloading area for such facilities shall comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code. In residential districts, such parking and loading/unloading area shall comply with the design standards for early childhood care facilities.

The required parking for an early childhood care facility is one space/employee on the largest shift, plus off-street loading/unloading area for one automobile per ten care receivers. 25 parking stalls are required for the 25 employees, and 12 loading/unloading stalls are required for the 115 childcare receivers. The proposed parking consists of 53 total stalls. The parking lot is located on the east side of the existing early childhood care facility.

5. The proposed location for the facility is on A Street, a minor arterial with parking lot access off S. 48th Street, also a minor arterial. The existing zoning is R-2 Residential District. Adjacent and close uses include single family residential, office and church uses, which are compatible with the early childhood care facility. Therefore, this is an appropriate location for an early childhood care facility.

6. The proposal with conditions is consistent with the Comprehensive Plan which encourages locating child care facilities within existing neighborhoods.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & EXISTING ZONING: Early Childhood Care Facility, Single Family Home & R-2 Residential District

SURROUNDING LAND USE & ZONING

<table>
<thead>
<tr>
<th>North</th>
<th>R-2 Residential District</th>
</tr>
</thead>
<tbody>
<tr>
<td>South</td>
<td>R-2 Residential District</td>
</tr>
<tr>
<td>East</td>
<td>R-2 Residential District</td>
</tr>
<tr>
<td>West</td>
<td>R-2 Residential District</td>
</tr>
</tbody>
</table>

APPLICATION HISTORY

August, 1985 The City Council approved Special Permit No. 1151 to operate a pre-school on the existing Montessori School property.

June, 1996 The Planning Commission approved Special Permit No. 1151A to allow a 1,500 square foot expansion of an existing Montessori School and increase the number of students from 40 to 60.

APPROXIMATE LAND AREA: 1.30 acres

LEGAL DESCRIPTION:
Lot 5, Block 1, Shurtleff’s Piedmont Park, Lot 6, except the west 3 inches thereof, Block 1, Shurtleff’s Piedmont Park and Lots 1-4, Block 1, Shurtleff’s Piedmont Park, located in the NW 1/4 of Section 32-10-7, Lincoln, Lancaster County, Nebraska.

Prepared by

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

Date: February 20, 2020
Applicant/ Owner: Montessori School for Young Children
4727 A Street
Lincoln, NE 68510
(402) 489-4399
dutter.emily@gmail.com

Contact: Jessica Greenwald
121 S. 13th Street, Suite 800
Lincoln, NE 68510
(402) 434-3000
jgreenwald@ohdbslaw.com
CONDITIONS OF APPROVAL - SPECIAL PERMIT 1151B

Per Section 27.63.070 this approval permits an early childhood care facility with up to 115 children.

Site Specific Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
   1.1 Label Special Permit boundary.
   1.2 Label all setbacks around the perimeter of the Special Permit area.
   1.3 Update required parking table to show 115 children and 25 employees.
   1.4 Label existing parking lot and provide drive aisle and parking stall dimensions.
   1.5 Label driveway entrance and exits along with traffic circulation.
   1.6 Show full footprint for existing building.
   1.7 Provide dimensions for proposed new building.
   1.8 Show fenced playground area that meets Design Standards (3.90, Section 2).
   1.9 Provide conversion plan to a residential use for the interior of the new facility as required by Design Standards (3.90, Section 3).
   1.10 Add building envelope.
   1.11 Remove random items from back yard and label play area.
   1.12 Show landscape screening for parking lot to meet Design Standards.
   1.13 Add note that existing driveway to be removed and replace curbing at east side of proposed expansion property.
   1.14 Label right in only for western drive on A Street.
   1.15 Label right out only for eastern drive on A Street.
   1.16 Add existing easement along S. 48th Street per LES 2/10/20 comments.
   1.17 Add grade information to building elevations.

2. Before receiving building permits provide the following documents to the Planning Department:
   2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
   2.2 Provide documentation of the Register of Deeds instrument number of existing parking agreement with the Church for the parking lot or new parking agreement that includes City of Lincoln in the agreement.
**Standard Conditions:**

3. The following conditions are applicable to all requests:

3.1 Before occupying the building, all development and construction shall substantially comply with the approved plans.

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

3.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon 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 therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
Special Permit #: SP1151B
Montessori School for Young Children
S 48th 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.32 T10N R07E

Area of Application
Zoning Jurisdiction Lines
Lancaster County Jurisdiction
LEGEND

- 6" CONCRETE PAVEMENT
- 4" SIDEWALK PAVEMENT
- PROPERTY LINE (ASSUMED)

PARKING REQUIREMENTS

- 190 employees = 190 CAR SPACE REQUIRED
- 15 employees = 15 CAR SPACE REQUIRED
- TOTAL 205 CAR SPACE REQUIRED

BENCHMARK

BENCHMARK #1: SANITARY SEWER MANHOLE FOUND NORTHWEST OF THE PROJECT LOCATION.
BENCHMARK #2: SANITARY SEWER MANHOLE FOUND NORTH OF THE Project LOCATION.
BENCHMARK #3: SANITARY SEWER MANHOLE FOUND WEST CORNER OF "A" STREET & 5TH STREET.
RM ELEVATION = 1200.00
RM ELEVATION = 1300.00
RM ELEVATION = 1250.00
February 4, 2020

Mr. George Wesselhof
City of Lincoln Planning Dept.
555 S. 10th St., Ste. 213
Lincoln, NE 68508

Re: Application for Special Permit

Dear Mr. Wesselhof:

Our firm represents Montessori School for Young Children ("MSYC"), located at 4727 A Street, in connection with its application for an Early Childhood Care Facility Special Permit. As part of MSYC’s plan to add on to our existing facility, the City has required MSYC to file for a new Special Permit to replace our existing use permit to revise the use of our property from a Private School designation to an Early Childhood Care Facility designation. Additionally, this application seeks to include the neighboring parcel directly to the west of our current facility (4717 A Street) as an addition to our current facility, as well as the neighboring parcel to the east to satisfy parking requirements.

Enclosed please find the following for the above-described project:

1. City Application;
2. Application Fee ($988.00); and
3. Letter from Kansas-Nebraska Association of Seventh-Day Adventists authorizing MSYC to sign the application on its behalf.

On behalf of MSYC, we request that the City issue a special permit to allow for the expansion of our facility. No waivers are requested.

If you have questions or need anything further, please feel free to contact me.

Very truly yours,

[Signature]

Jessica B. Greenwald
jgreenwald@ohdbslaw.com

JBG:jal
Enclosures
February 3, 2020

Mr. George Wesselholt
City of Lincoln Planning Dept.
555 S. 10th St., Ste. 213
Lincoln, NE 68508

Re: Montessori School For Young Children; Authorization of Owner

Dear Mr. Wesselholt:

Kansas-Nebraska Association of Seventh-Day Adventists (the "Church") is the owner of certain property which is subject to that certain Application Request Form for a special permit (the "Application") submitted to the City of Lincoln by the Montessori School For Young Children ("MSYC"). This letter constitutes the Church’s written permission for MSYC to sign the Application on behalf of the Church.

Thank you.

Sincerely,

[Signature]
Darrel Huenergadt
Attorney for the Church

cc: Jessica Greenwald (via email: jgreenwald@ohdbslaw.com)
ATTACHMENT TO SPECIAL PERMIT
(Legal Descriptions)

Parcel 1: Lot Five (5), Block One (1), Shurtleff’s Piedmont Park, an addition to Lincoln Lancaster County, Nebraska;

Parcel 2: Lot Six (6), except the West 3 inches thereof, Block One (1), Shurtleff’s Piedmont Park, Lincoln, Lancaster County, Nebraska; and

Parcel 3: Lots 1-4, Block 1, Shurtleff’s Piedmont Park, Lincoln, Lancaster County, Nebraska