
Lincoln City - Lancaster County

**PLANNING COMMISSION
AGENDA**

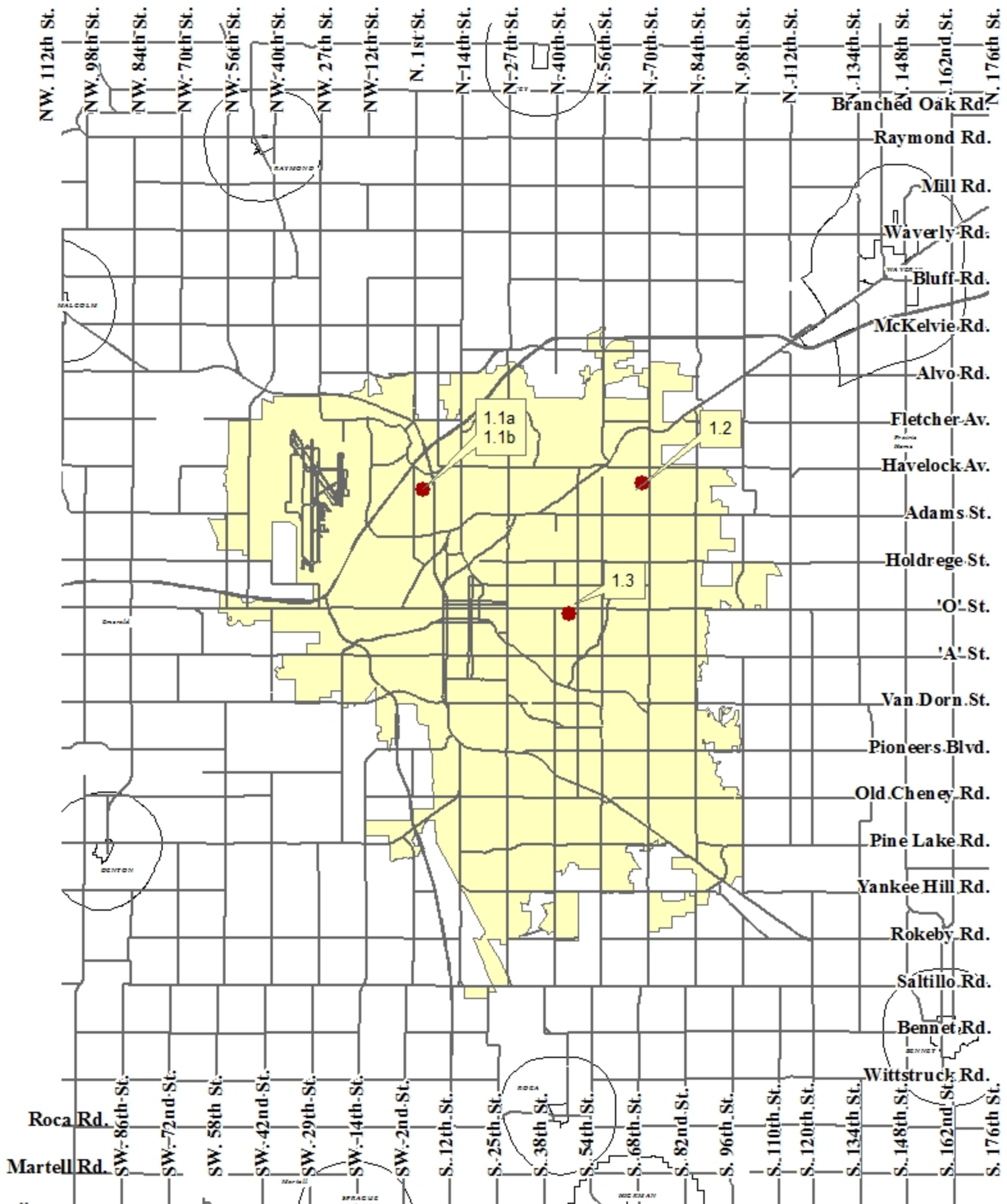
PLANNING COMMISSION

Dennis Scheer: Chair
Tracy Corr: Vice-Chair
Thomas Beckius
Tracy Edgerton
Deane Finnegan
Maja V. Harris
Chris Hove
Cristy Joy
Sändra Washington

PLANNING STAFF

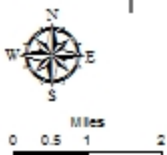
David R. Cary: Director
Geri Rorabaugh: Administrative Officer
Amy Huffman: Office Specialist

January 17, 2018



Planning Commission Agenda Item Map

January 17, 2018



NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, January 17, 2018, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

The Lincoln/Lancaster County Planning Commission will meet on Wednesday, January 17, 2018, from 12:15 p.m. to 12:45 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska, to discuss UDD Reorganization.

****PLEASE NOTE:** The Planning Commission action is final action on any item with a notation of “FINAL ACTION”. Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission.

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

AGENDA

WEDNESDAY, JANUARY 17, 2018

Approval of minutes of the regular meeting held January 3, 2018.

1. **CONSENT AGENDA**
(Public Hearing and Administrative Action):

COMPREHENSIVE PLAN CONFORMANCE:

CHANGE OF ZONE AND RELATED SPECIAL PERMIT:

Page 01 1.1a Change of Zone No. 17037, from R-3 (Residential District) to R-4 (Residential District), on property generally located at 3720 North 1st Street.
Staff recommendation: Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

Page 07 1.1b Special Permit No. 17053, to allow for the development of a new Community Unit Plan comprised of 10 dwelling units with waivers to setbacks and lot dimensions, on property generally located at 3720 North 1st Street. ****FINAL ACTION****
Staff recommendation: Conditional Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

SPECIAL PERMITS:

Page 21 1.2 Special Permit No. 687A, to allow a daycare center for up to 90 children, on property generally located at 4005 North 70th Street.
Staff recommendation: Conditional Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

Page 33 1.3 Special Permit No. 17051, to allow a daycare center for up to 120 children, on property generally located at 4401 O Street. ****FINAL ACTION****
Staff recommendation: Conditional Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

2. REQUESTS FOR DEFERRAL:

2.1 _____

2.2 _____

3. ITEMS REMOVED FROM CONSENT AGENDA (Public Hearing and Administrative Action):

3.1 _____

3.2 _____

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

AT THIS TIME, ANYONE WISHING TO SPEAK ON AN ITEM NOT ON THE AGENDA, MAY DO SO

Adjournment:

PENDING LIST:

Planning Department Staff Contacts:

David Cary, <i>Director</i>	402-441-6364	dcary@lincoln.ne.gov
Stephen Henrichsen, <i>Development Review Manager</i>	402-441-6374	shenrichsen@lincoln.ne.gov
Paul Barnes, <i>Long Range Planning Manager</i>	402-441-6372	pbarnes@lincoln.ne.gov
Collin Christopher, <i>Planner</i>	402-441-6372	cchristopher@lincoln.ne.gov
Michael Brienzo, <i>Transportation Planner</i>	402-441-6369	mbrienzo@lincoln.ne.gov
Tom Cajka, <i>Planner</i>	402-441-5662	tcajka@lincoln.ne.gov
Stacey Groshong Hageman, <i>Planner</i>	402-441-6361	slhageman@lincoln.ne.gov
Rachel Jones, <i>Planner</i>	402-441-7603	rjones@lincoln.ne.gov
Dessie Redmond, <i>Planner</i>	402-441-6373	dredmond@lincoln.ne.gov
Andrew Thierolf, <i>Planner</i>	402-441-6371	athierolf@lincoln.ne.gov
George Wesselhoft, <i>Planner</i>	402-441-6366	gwesselhoft@lincoln.ne.gov
Brian Will, <i>Planner</i>	402-441-6362	bwill@lincoln.ne.gov
Kellee Van Bruggen, <i>Transportation Planner</i>	402-441-6363	kvanbruggen@lincoln.ne.gov
Ed Zimmer, <i>Historic Preservation Planner</i>	402-441-6360	ezimmer@lincoln.ne.gov

* * * * *

**The Planning Commission meeting
which is broadcast live at 1:00 p.m. every other Wednesday
will be rebroadcast on Wednesdays at 7:00 p.m., Thursdays at 12:00 a.m. and
Sundays at 12:30 p.m. on 5 City TV, Cable Channel 5.**

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**The Planning Commission agenda may be accessed on the Internet at
<http://www.lincoln.ne.gov/city/plan/pcagenda/index.htm>**

ACCOMMODATION NOTICE

The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln, please contact the Director of Equity and Diversity, Lincoln Commission on Human Rights, at 402 441-7624 as soon as possible before the scheduled meeting date in order to make your request.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future urban density residential on the 2040 Lincoln Area Future Land Use Plan.

P. 1.6 - Approximately 20% of new dwelling units will be built within the existing City, with about 3,000 in the Downtown and Antelope Valley areas, 1,000 in existing neighborhoods, and 4,000 in mixed use redevelopment nodes and corridors.

P. 7.2 - Neighborhoods & Housing Guiding Principles

- Promote sustainability and resource conservation by preserving and improving housing in existing neighborhoods.
- Distribute and preserve affordable housing throughout the community to be near job opportunities and to provide housing choices within existing and developing neighborhoods.
- Make available a safe residential dwelling for all citizens.
- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.
- Provide safe and decent affordable and special needs housing for low- and moderate-income households.

P. 7.8 - Preserving existing housing and promoting homeownership should remain the focus in established neighborhoods, with modest opportunities for infill and redevelopment.

P. 7.8 - 1,000 well-designed and appropriately-placed dwelling units are projected for neighborhoods in the existing city – a one percent increase to the existing housing stock—on vacant lots, expansions of existing apartment complexes with undeveloped land, and through accessory dwelling units. Residential redevelopment in existing neighborhoods tends to occur naturally without public intervention over a long period of time, as individual properties become obsolete or are acquired piecemeal by private or nonprofit developers.

P. 7.9 - Strategies for Redevelopment in Existing Neighborhoods

- Promote the preservation, maintenance and renovation of existing housing and neighborhoods throughout the city, with special emphasis on low and moderate income neighborhoods.
- Maintain and enhance infrastructure and services in existing neighborhoods.
- Encourage well-designed and appropriately placed density, including within existing apartment complexes and special needs housing where there is land available for additional buildings or expansions.
- Recognize that broad economic diversity within existing neighborhoods encourages reinvestment and improves quality of life for all residents while acknowledging the need for affordable housing.
- Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.
- Retain existing predominately single-family blocks in some existing neighborhoods, in order to maintain the mix of housing types.

ANALYSIS

1. This request is for a change of zone from R-3 to R-4 on approximately 1.42 acres at N. 1st and Fairfield Streets.
2. The purpose of the change of zone is to allow for an additional dwelling unit on the site associated with a proposed new Community Unit Plan (CUP) for 10 attached dwelling units. Under R-3 zoning a maximum of 9 dwelling units would be allowed with a CUP. R-4 zoning would allow up to 19 dwelling units with a CUP. However, the applicant is only requesting one additional dwelling unit above what would be allowed under R-3 zoning for a maximum of 10 units.
3. There are four other areas of R-4 zoning adjacent to N. 1st Street between Superior Street and Cornhusker Highway, approved between approximately 1981 and 2001 (see attached exhibit titled "R-4 Zoning on N. 1st Street"). Two of the changes of zone were for proposed multifamily developments, and the others were for attached and detached single family developments. Several were initially controversial but were ultimately approved by the City Council based on a density that was considered appropriate adjacent to an arterial street and to the R-2 and R-3 zoned single family areas. The proposed R-4 zoning is similarly supportable given that the dwellings will be attached or detached single family and limited to an appropriate maximum of 10 units. Multifamily dwellings would be prohibited per a note on the Community Unit Plan.

4. This change of zone is consistent with the Comprehensive Plan based on the proposed residential use. In addition, the proposed density is suitable adjacent to N. 1st Street and fits with the designated future urban density residential land use identified for the site.

EXISTING LAND USE & ZONING: Single family residential dwelling; R-3

SURROUNDING LAND USE & ZONING

North: Single family attached dwelling; R-3
South: Single family detached dwelling; R-3
East: Single family detached dwelling; R-3
West: Mobile home court; R-3

APPROXIMATE LAND AREA: 1.42 acres, more or less

LEGAL DESCRIPTION: Lot 39, I.T., except the west 7 feet of the north 60 feet thereof, located in the SW 1/4 of Section 11-10-6, Lincoln, Lancaster County, Nebraska.

Prepared by

Rachel Jones, Planner

Date: January 9, 2018

Applicant: Jerry Boyce
4631 S. 67th Street
Lincoln, NE 68516
jerry.boyce23@gmail.com

Contact: Tim Gergen
The Clark Enersen Partners
1010 Lincoln Mall, Suite 200
Lincoln, NE 68508
(402) 477-9291 or tim.gergen@clarkenersen.com

Owner: Thomas and Betty King
6007 N. 14th Street
Lincoln, NE 68521
(402) 432-8920

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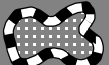


2016 aerial

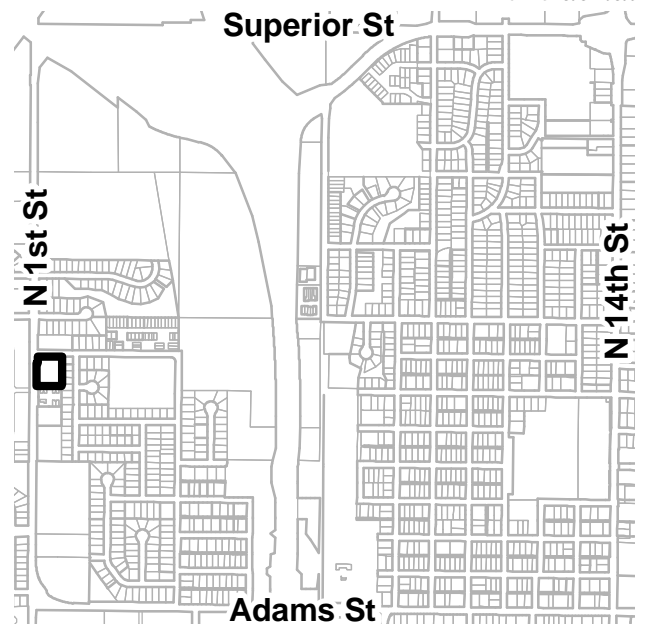
**Change of Zone #: CZ17037 (R-3 to R-4) &
Special Permit #: SP17053
Joy's Garden Townhomes CUP
N 1st St & Fairfield St**

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.11 T10N R06E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #17053	FINAL ACTION? Yes	DEVELOPER Jerry Boyce
PLANNING COMMISSION HEARING DATE January 17, 2018	RELATED APPLICATIONS Change of Zone #17037	PROPERTY ADDRESS 3720 N. 1 st Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a Community Unit Plan to develop 10 dwelling units with waivers to setbacks, the lot width-to-depth ratio, lot width and area. A waiver to detention was requested but is not supported by staff. Several of the units will take access from a private alley. The remainder will take access directly from Fairfield Street. The site is proposed to be rezoned from R-3 to R-4 Residential to allow for a slightly higher density with the Community Unit Plan.



JUSTIFICATION FOR RECOMMENDATION

The proposal will have similar zoning and housing types to the existing developments to the south along N. 1st Street. The requested waivers facilitate infill on the site and the overall creative concept for this development.

APPLICATION CONTACT

Tim Gergen, (402) 477-9291 or tim.gergen@clarkenersen.com

STAFF CONTACT

Rachel Jones, (402) 441-7603 or rjones@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed land use and density are in conformance with the 2040 Comprehensive Plan, which identifies future urban density residential uses in this location.

WAIVERS

1. Reduce the front yard setback from 25 feet to 15 feet for lots along N. 1st Street. (Recommend Approval)
2. Reduce the front yard setback from 25 feet to 20 feet for lots along Fairfield Street. (Recommend Approval)
3. Waive the requirement per Section 26.23.140 of the Subdivision Ordinance that lots shall have a maximum depth of three times their width. (Recommend Approval)
4. Allow detached single family dwellings on lots with a minimum width of 40 feet and minimum area of 4,000 square feet. (Recommend Approval)
5. Waiver of detention. (Recommend Denial)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future urban density residential on the 2040 Lincoln Area Future Land Use Plan.

P. 1.6 - Approximately 20% of new dwelling units will be built within the existing City, with about 3,000 in the Downtown and Antelope Valley areas, 1,000 in existing neighborhoods, and 4,000 in mixed use redevelopment nodes and corridors.

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- Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.
- Retain existing predominately single-family blocks in some existing neighborhoods, in order to maintain the mix of housing types.

ANALYSIS

1. This is a request for a Community Unit Plan (CUP) to develop up to 10 dwelling units on property located southeast of N. 1st and Fairfield Streets. The dwelling units are shown as two-family dwellings (i.e., attached single family) on the site plan but could alternatively be developed as detached single family dwellings if the properties met the proper dimensions as noted in the conditions of approval.
2. This site can be easily served by existing infrastructure such as roads and utilities. Lots fronting on Fairfield Street will take direct access to Fairfield Street. The remaining lots adjacent to N. 1st Street will take access to Fairfield Street via the north-south private alley with parking at the rear of the dwellings to prevent the introduction of new driveways on N. 1st Street. This project also incorporates a commons area on the east side. The commons area will provide open space for residents and could be used as a gathering space, play area, etc.
3. A change of zone from R-3 to R-4 is also requested. The proposed density is well below that which would be permitted within the CUP under R-4 zoning. Under R-3 zoning a maximum of 9 dwelling units would be allowed with a CUP. R-4 zoning would allow up to 19 dwelling units with a CUP. However, the applicant is only requesting one additional dwelling unit above what would be allowed under R-3 zoning for a maximum of 10 units.

4. There are four other areas of R-4 zoning adjacent to N. 1st Street between Superior Street and Cornhusker Highway, approved between approximately 1981 and 2001 (see attached exhibit titled "R-4 Zoning on N. 1st Street"). Two of the changes of zone were for proposed multifamily developments, and the others were for single family attached and detached developments. Several were initially controversial but were ultimately approved by the City Council based on a density that was considered appropriate adjacent to an arterial street and to the R-2 and R-3 zoned single family areas. Multifamily dwellings would be prohibited per a note on the Community Unit Plan.
5. The applicant is requesting waivers to reduce the front yard setbacks. A waiver of the minimum lot width-to-depth ratio is also needed based on the dimensions for Lots 1 and 5-10. These waivers are supportable because the density they allow is appropriate for this site and neighborhood, and does not exceed the maximum permitted for the CUP. The waivers facilitate a density and layout appropriate for infill development on this site.
6. Flexibility for development has been preserved by including a waiver allowing a detached single family dwelling to be built on a smaller than standard lot (minimum 40 feet wide and 4,000 square feet) in case a future owner wants to construct single family house(s) across multiple lots rather than attached units.
7. The applicant also requested a waiver to the detention requirement. Staff recommends denial of the detention waiver. Section 26.23.105 of the Subdivision Ordinance requires that the peak discharge rate of subdivisions be limited such that the peak discharge rates for post development conditions do not exceed predevelopment peak runoff rates for the 2-year, 10-year and 100-year discharges at the project property line. Applicable provisions for this are detailed out in Chapter 2.05 of the Design Standards as well as Chapter 8 of the City's Drainage Criteria Manual.

Typically this requirement is met through the use of detention or retention pond facilities which store runoff and release at a lesser rate than the incoming flow. Due to the existing topographic layout (gentle slope) and no existing underground drainage or practical means of providing underground drainage, this CUP precludes the use of using standard detention/retention in a practical matter to reduce runoff.

The City has requested the developer to look into other methods of reducing runoff as there are property owners down gradient of the development that could be affected by an increase in flow from the development. Also, a typical development with streets such as those proposed in this CUP would cause the flow to be concentrated and further aggravate future drainage conditions down gradient.

One such method to lower the runoff capacity of the development is through the use of conservation practices. One such conservation practice is the use of pervious pavement, which allows rainwater to percolate through the pavement and into the ground instead of immediately running off. Pervious pavement also allows for some limited storage to further reduce runoff and would aid in reducing concentration of flow. The greater the pervious pavement, the more reduction in flow and flow concentration.

8. The availability of on-street parking has historically been a concern in attached single family developments with narrow lots. That concern has been alleviated in this development as the required guest parking will be provided off the private alley.
9. Several revisions to the site plan are required and are listed in the conditions of approval.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Single family residential dwelling; R-3

SURROUNDING LAND USE & ZONING

North: Single family attached dwelling; R-3
South: Single family detached dwelling; R-3
East: Single family detached dwelling; R-3
West: Mobile home court; R-3

APPROXIMATE LAND AREA: 1.42 acres, more or less

LEGAL DESCRIPTION: Lot 39, I.T., except the west 7 feet of the north 60 feet thereof, located in the SW 1/4 of Section 11-10-6, Lincoln, Lancaster County, Nebraska.

Prepared by

Rachel Jones, Planner

Date: January 8, 2018

Applicant: Jerry Boyce
4631 S. 67th Street
Lincoln, NE 68516
jerry.boyce23@gmail.com

Contact: Tim Gergen
The Clark Enersen Partners
1010 Lincoln Mall, Suite 200
Lincoln, NE 68508
(402) 477-9291 or tim.gergen@clarkenersen.com

Owner: Thomas and Betty King
6007 N. 14th Street
Lincoln, NE 68521
(402) 432-8920

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CONDITIONS OF APPROVAL - SPECIAL PERMIT #17053

Per Section 27.63.320 this approval permits a Community Unit Plan for 10 dwelling units with waivers to reduce the front yard setback from 25 feet to 15 feet for lots along N. 1st Street, reduce the front yard setback from 25 feet to 20 feet for lots along Fairfield Street, waive the requirement per Section 26.23.140 of the Subdivision Ordinance that lots shall have a maximum depth of three times their width, and allow detached single family dwellings on lots with a minimum width of 40 feet and minimum area of 4,000 square feet. Multi-family dwellings are prohibited.

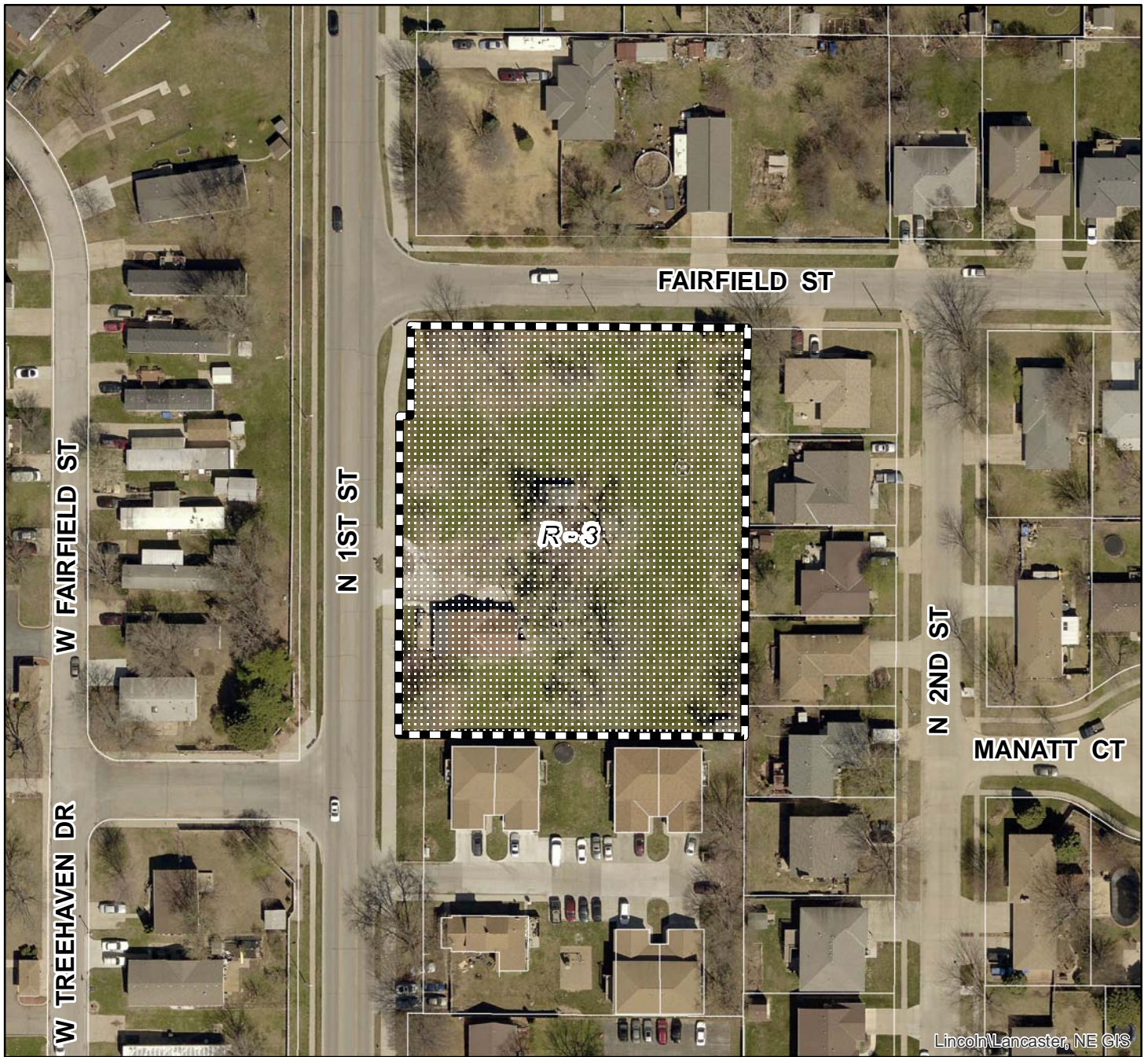
Site Specific Conditions:

1. The City Council approves associated request:
 - 1.1 Change of Zone #17037
2. Before a final plat is approved 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:
 - 2.1 Delete the waiver to detention requirements (see Condition 2.11).
 - 2.2 Add a waiver to the lot width to depth ratio.
 - 2.3 Add a waiver that reads, "Detached single family dwellings are permitted on lots with a minimum width of 40 feet and minimum area of 4,000 square feet". This will permit flexibility in case a future owner wants to construct a detached house over two lots.
 - 2.4 Revise Note 3 as follows to clarify the allowed density and reflect that there is no longer a 10% density reduction: "Total Area of CUP = 1.42 acres. 1.42 acres x 13.93 units per acre = 19 units maximum potential density allowed. Only 10 dwelling units approved with this CUP."
 - 2.5 Delete Notes 9 and 11 as they are unnecessary.
 - 2.6 Add a note that reads, "The private alley and guest parking stalls will be paved."
 - 2.7 Correct the right-of-way dedication area width to be 10 feet wide and 17 feet wide on the northern and southern portions, respectively. Label this area as "Additional Right-of-Way Dedication".
 - 2.8 Label and dimension the lines representing building envelopes/setbacks and label as "building envelope for dwellings".
 - 2.9 Show street tree locations along N. 1st Street to avoid confusing at the time of final plat. Due to the trail, there was not previously room in the right-of-way for street trees. With the additional right-of-way to be dedicated, there will be room for the trees east of the trail.
 - 2.10 Show the private alley located in an outlet. Revise the outlet to show 18-foot wide paving, leaving a 2-foot buffer on either side for maintenance.
 - 2.11 Increase the containment of post-construction runoff to meet detention requirements per the attached comments from the Public Works and Utilities Department.
 - 2.12 Revise the sanitary sewer to extend it to serve Lots 1-3 to the satisfaction of the Public Works and Utilities Department per their attached comments.
 - 2.13 Show utility easements as requested by L.E.S. per the attached markup.

3. Before a final plat is approved provide the following documents to the Planning Department:
 - 3.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

Standard Conditions:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.
 - 4.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
 - 4.3 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.
 - 4.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 4.5 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.



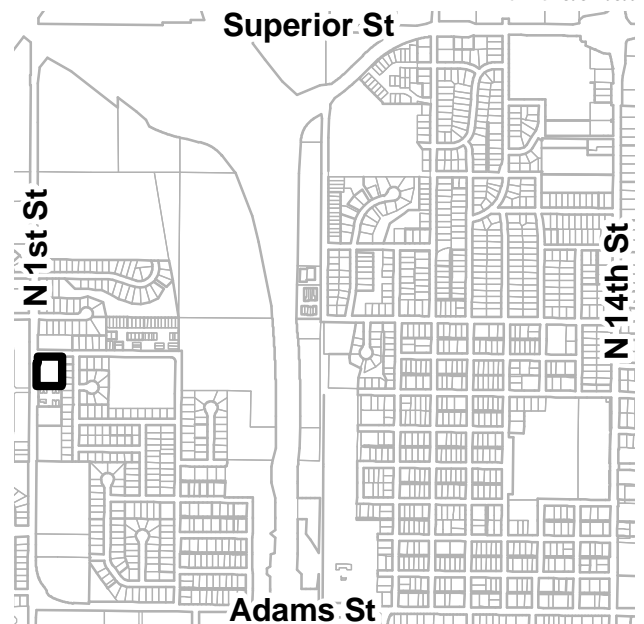
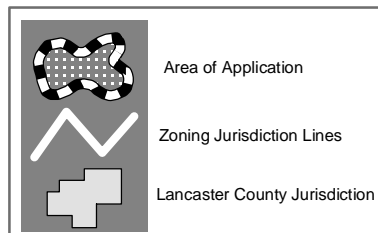
2016 aerial

**Change of Zone #: CZ17037 (R-3 to R-4) &
Special Permit #: SP17053
Joy's Garden Townhomes CUP
N 1st St & Fairfield St**

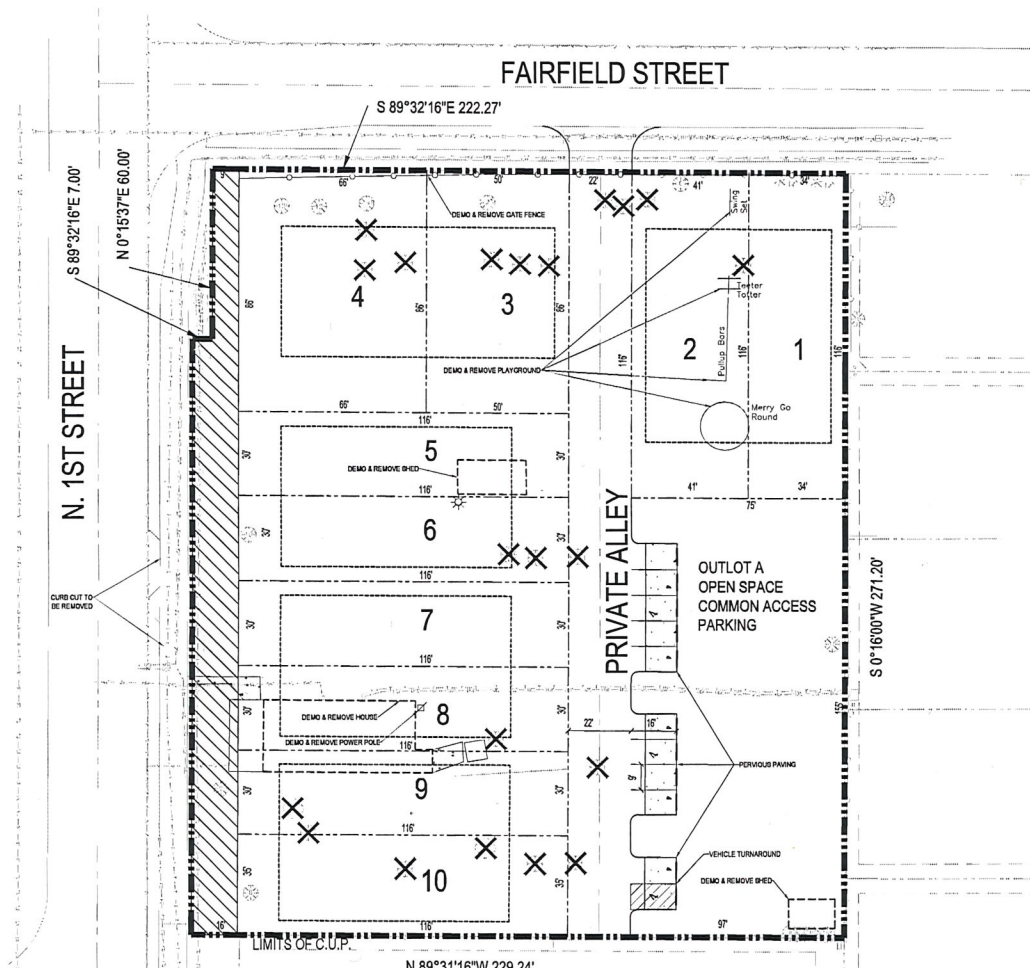
Zoning:

- 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.11 T10N R06E



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SITE PLAN
 SCALE: 1" = 20'

- LEGEND**
- LIGHT POLE
 - POWER POLE
 - SANITARY SEWER MANHOLE
 - ROW DEDICATION
 - PERVIOUS PAVEMENT
 - FENCE
 - PROPERTY LINE
 - EXISTING WATER LINE
 - FIBER LINE
 - EXISTING SANITARY SEWER LINE
 - UNDERGROUND TELEPHONE LINE
 - OVERHEAD POWER LINE
 - UNDERGROUND POWER LINE
 - LIMITS OF C.U.P.
 - DECIDUOUS TREE
 - CONIFEROUS TREE
 - TREES TO BE REMOVED

JOY'S GARDEN TOWNHOMES

COMMUNITY UNIT PLAN

SPECIAL PERMIT C.U.P.
 CHANGE OF ZONE (R-3 TO R-4)

ENGINEER THE CLARK ENERSEN PARTNERS 1818 LINCOLN MALL, SUITE 200 LINCOLN, NE 68508 CONTACT: TIM GERGEN 402-477-9291	OWNER KING, THOMAS G & BETTY L 6007 N 14 ST LINCOLN, NE 68521	DEVELOPER JERRY BOYCE BOYCE CONSTRUCTION, INC 4828 SOUTH 87TH STREET LINCOLN, NE 68518
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CHANGE OF ZONE AND COMMUNITY UNIT LEGAL DESCRIPTION
 LOT 38 REGULAR TRACT EXCEPT THE WEST 7' OF THE NORTH 40' THEREOF, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 18 NORTH & EAST OF THE 6th P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA

GENERAL SITE NOTES

1. ALL DIMENSIONS ALONG CURVED ARE CHORD DISTANCES.
2. ALL PAVING RADI TO BE 20' UNLESS OTHERWISE NOTED.
3. TOTAL AREA OF C.U.P. = 1.42 ACRES
 1.42 ACRES X 19.83 SQ FT PER ACRE X 10% REDUCTION = 17 MAX UNITS
4. ALL STREET DIMENSIONS ARE TO EDGE OF PAVING.
5. SIGNAGE NOT TO BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.89 OF THE LINCOLN ZONING ORDINANCE, AND MUST BE APPROVED BY BUILDING AND SAFETY DEPARTMENT PRIOR TO INSTALLATION.
6. ALL ELEVATIONS ARE BASED ON NAVD 1988.
7. DIRECT VEHICULAR ACCESS TO NORTH 1ST STREET IS REINFORCED.
8. LOT DIMENSIONS ARE APPROXIMATE AND MAY VARY AT THE TIME OF FINAL PLAT.
9. ALL OUTLOTS SHALL BE OWNED AND MAINTAINED BY EITHER THE DEVELOPER OR THE HOMEOWNERS ASSOCIATION.
10. THE YARD SETBACKS REGULATE STRUCTURAL WALLS ONLY AND DOES NOT RESTRICT OVERHANGS, PORCH, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCRoACHING INTO THE GETBACKS.
11. SITE PLAN IS APPROVED FOR 10 UNITS MAX.
12. MULTI-FAMILY USE IS PROHIBITED.
13. A CHANGE OF ZONE FROM R-3 TO R-4 IS BEING REQUESTED.

WAIVERS

1. DETENTION REQUIREMENTS
2. 15' FRONT YARD SETBACK FOR LOTS ALONG N. 1ST STREET
3. 25' FRONT YARD SETBACK FOR LOTS ALONG FAIRFIELD STREET

ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF NEBRASKA. THESE PLANS MEET THE REQUIREMENTS OF THE CITY ENGINEER'S OFFICE DESIGN REQUIREMENTS.

December 20, 2017
 DATE: TIM GERGEN E-10344



VICINITY MAP
 NO SCALE

Joy's Garden Townhomes
 Community Unit Plan

3720 N 1ST
 Lincoln, NE

TCEP No.: 191-001-17

December 20, 2017



Site Plan

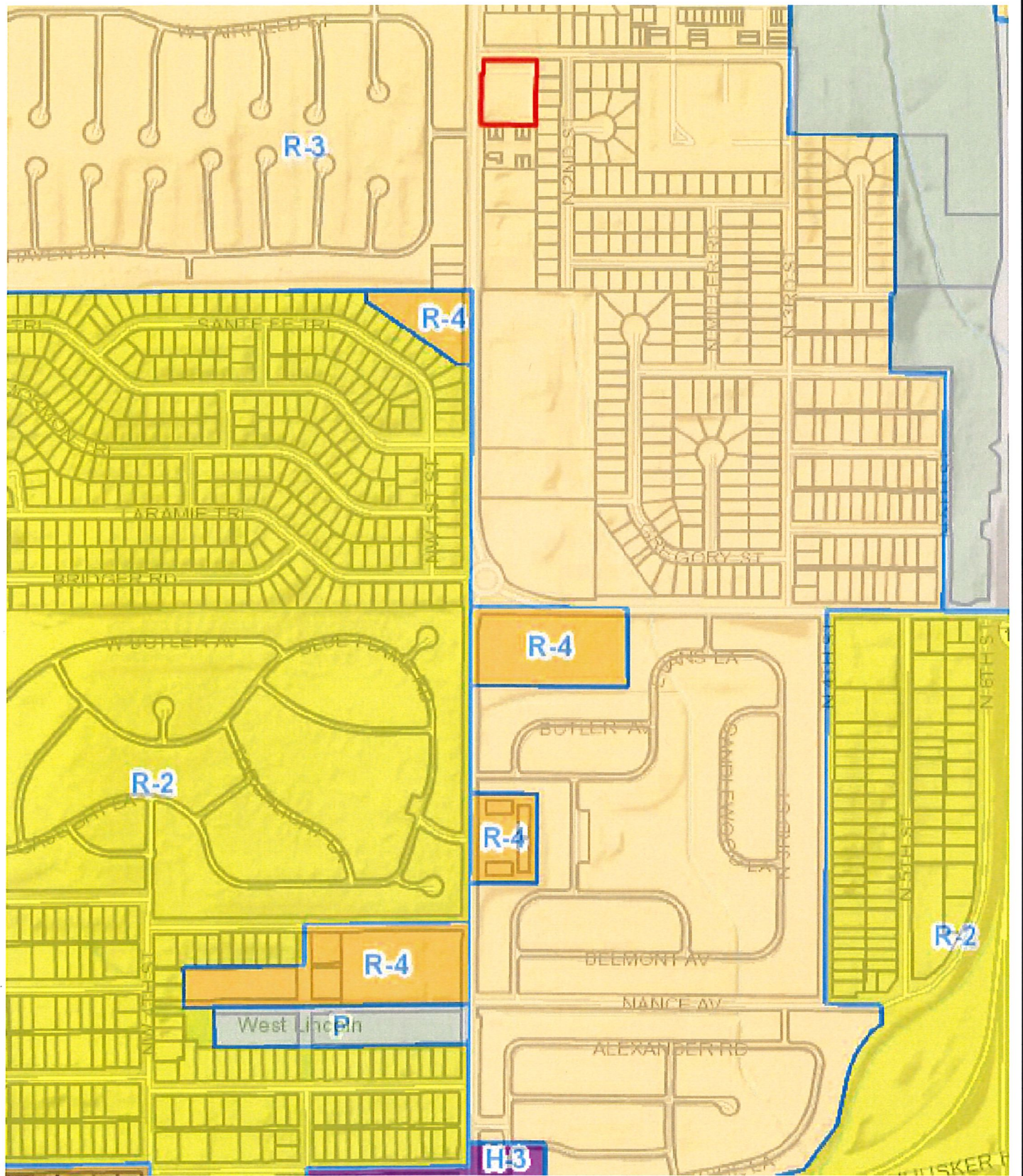
1 of 2

GENERAL SITE NOTES

1. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
2. ALL PAVING RADII TO BE 20' UNLESS OTHERWISE NOTED.
3. TOTAL AREA OF CUP = 1.42 ACRES.
1.42 ACRES X 13.93 UNITS PER ACRE X 10% REDUCTION = 17 MAX UNITS
4. ALL STREET DIMENSIONS ARE TO EDGE OF PAVING.
5. SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE, AND MUST BE APPROVED BY BUILDING AND SAFETY DEPARTMENT PRIOR TO INSTALLATION.
6. ALL ELEVATIONS ARE BASED ON NAVD 1988.
7. DIRECT VEHICULAR ACCESS TO NORTH 1ST STREET IS RELINQUISHED.
8. LOT DIMENSIONS ARE APPROXIMATE AND MAY VARY AT THE TIME OF FINAL PLAT.
9. ALL OUTLOTS SHALL BE OWNED AND MAINTAINED BY EITHER THE DEVELOPER OR THE HOMEOWNERS ASSOCIATION.
10. THE YARD SETBACKS REGULATE STRUCTURAL WALLS ONLY AND DOES NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCROACHING INTO THE SETBACKS.
11. SITE PLAN IS APPROVED FOR 10 UNITS MAX.
12. MULTI-FAMILY USE IS PROHIBITED.
13. A CHANGE OF ZONE FROM R-3 TO R-4 IS BEING REQUESTED.

WAIVERS

1. DETENTION REQUIREMENTS
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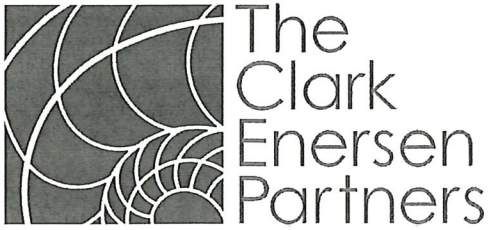
Lancaster County/City of Lincoln GIS Map

R-4 Zoning on N. 1st Street



Printed: Jan 09, 2018

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email ags@lincoln.ne.gov and you will be directed to the appropriate department.



December 20, 2017

Mr. David Cary
Planning Department, City of Lincoln
County-City Building
555 So. 10th Street
Lincoln, NE 68508

RE: Joy's Garden Townhomes Change of Zone & Community Unit Plan

Dear Mr. Cary:

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

1. Application (Change of Zone and Special Permit)
2. Application fee \$2,210.30 [\$988 + \$988 + 1.42(\$165)]
3. Site Plan
4. Grading & Drainage Plan

On behalf of the Owner, Thomas & Betty King, 6007 N. 14th Street, Lincoln NE 68521 and Developer, Jerry Boyce, 4631 S. 67th Street, Lincoln NE 68516, we are requesting a Special Permit for a Community Unit Plan and a Change of Zone from R-3 to R-4 to the property located at 3720 N. 1st Street. This application is to add 10 single family attached lots with a private alley. The lots abutting N. 1st Street will have their driveways take access to the private alley to restrict vehicular access to N. 1st Street. The proposed lots will be served by existing public water, existing public sanitary sewer within an existing public roadway system.

We are requesting a waiver to detention for the reason that there is not a storm sewer near the site to discharge to. We are mitigating the impact of the slight increase of the drainage by adding pervious pavement to the private alley and creating an open green space located in the vicinity the site will be draining to.

Sincerely,



Tim Gergen

Architecture + Landscape Architecture + Engineering + Interiors

1010 Lincoln Mall, Suite 200
Lincoln, NE 68508-2883 402 477.9291 Fax 402 477.6542

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Current Project - Agency Review Report

Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
Fire Department	patrick borer	1	Recommend Approval	Lincoln Fire and Rescue recommends approval of this application.	Individual
LES	les reviews	1	Corrections Required	1/3/18 Add additional requested easements. JG Possible Street Light pole relocation near north driveway. ES	First In Group
Lincoln Police Department	sgt randy clark	1	Recommend Approval		First In Group
Parks & Recreation	sara hartzell	1	Recommend Approval		First In Group
Public Works - Engineering Services	bob simmering	1	Corrections Required	1-3-18 Lots 1-3 require EO sanitary sewer extension	First In Group
Public Works - Watershed Management	ben higgins	1	Corrections Required	Not OK with requested detention waiver. Increase in runoff is significant (83% increase for 2 year, 44% for 10 year and 26% for 100 year). Amount of proposed pervious paving is too minor to offset increased runoff.	First In Group
Public Works & Utilities - Wastewater	brian kramer	1	Corrections Required	There is no sanitary sewer in Fairfield along the northern property line to serve lots 1,2,3. A sanitary sewer extension will be necessary.	Individual

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #687A	FINAL ACTION? No	DEVELOPER Light-Works Studio, Inc.
PLANNING COMMISSION HEARING DATE January 17, 2018	RELATED APPLICATIONS None	PROPERTY ADDRESS 4005 N. 70 th Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This request would allow for an early childhood care facility containing up to 90 children to be located in a former church building. The church currently takes access from Kearney Avenue. No access would be taken from the alley. A fenced-in outdoor playground will be installed on the east side of the facility.



JUSTIFICATION FOR RECOMMENDATION

The proposed facility would provide a valued service for the surrounding neighborhood. Its location on N. 70th Street facilitates access to and from the site via Kearney Avenue. The child care facility is compatible with the adjoining residential uses.

APPLICATION CONTACT
Don Farrall, (402) 440-7486 or donfarrall@gmail.com

STAFF CONTACT
Rachel Jones, (402) 441-7603 or rjones@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan supports locating child care centers within neighborhoods. This facility would be located within a neighborhood and adjacent to an arterial street.

WAIVERS

- Section 1.3, Chapter 3.90 of the Design Standards for Early Childhood Care Facilities requiring that facilities with 31 or more children take access from a collector street if the applicant's lot is a corner lot with frontage on the collector and arterial street. (Recommend Approval)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future urban density residential on the 2040 Lincoln Area Future Land Use Plan.

P. 8.2 - 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. This application is for a licensed early childhood care facility at 4005 N. 70th Street at the intersection of N. 70th Street and Kearney Avenue. The facility would have a maximum of 90 children and up to 11 staff members on the largest shift. This is an amendment to the special permit that was approved for this site in 1974 for up to 40 children accessory to the church.

2. 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 90 children. There is proposed to be 11 employees 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/exits to such facility.**

The applicant proposes to purchase the church property for use as a daycare. They are in the process of obtaining a license through the Nebraska Department of Health and Human Services. The special permit area will have frontage on N. 70th Street and Kearney Avenue. The daycare premises will include the existing church building, parking lot, and large open space that will be converted to a play area. The special permit will not include the existing house adjacent to N. 70th Street. A final plat will be submitted to re-plat the property to place the daycare and house on separate lots. The impact on the alley will be minimal as the parking lot will only take access from Kearney Avenue.

(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 N. 70th Street, a minor arterial. One waiver to the design standards is requested. Section 1.3, Chapter 3.90 of the Design Standards for Early Childhood Care Facilities states that access to facilities with 31 or more children is allowed from a collector street if the applicant's lot is a corner lot with frontage on the collector and arterial street. This facility has frontage on a local street and arterial street. Access would be taken from the local street. The waiver is supportable given that the facility's location on N. 70th Street should facilitate sufficient access to and from the site via Kearney Avenue. Per 27.63.070(d) and (g) City Council approval is required to modify design standards for early childhood care facilities.

(d) The site plan and play area for such facilities shall comply with the design standards for early childhood care facilities.

The site plan and play area will comply with the design standards for early childhood care facilities. The proposed outdoor playground area will be located on the east side of the building and will be surrounded by a 6' tall opaque fence.

(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. 11 parking stalls are proposed for the 11 employees, and 9 loading/unloading stalls are proposed for the 90 childcare receivers.

3. There is an existing freestanding sign for the church at the northwest corner of N. 70th Street and Kearney Avenue. The sign does not meet the signage regulations for a daycare special permit per Section 27.69.160 and cannot be re-used by the daycare in its current location.
4. The Comprehensive Plan supports locating early childhood care facilities within neighborhoods. This facility should have a minimal impact on traffic within the neighborhood because its entrance is a short distance from 70th Street.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Church; R-2

SURROUNDING LAND USE & ZONING: This property is surrounded on all sides by single-family dwellings under R-2 zoning.

APPLICATION HISTORY

Mar. 1974 Special Permit #687 approved an early childhood care facility for the Havelock Assembly of God for up to 40 children.

May 2009 Special Permit #08048 to expand the parking lot for the Lincoln Family Church was withdrawn.

APPROXIMATE LAND AREA: 0.8 acres, more or less

LEGAL DESCRIPTION: See attached.

Prepared by

Rachel Jones, Planner

Date: January 9, 2018

Applicant/Contact: Don Farrall
 Light-Works Studio, Inc.
 941 O Street #100
 Lincoln, NE 68508

Owner: EPIC Church (formerly Lincoln Family Church)
 6601 S. 70th Street
 Lincoln, NE 68516

CONDITIONS OF APPROVAL - SPECIAL PERMIT #687A

Per Section 27.63.070 this approval permits an early childhood care facility for up to 90 children, with a waiver to Section 1.3, Chapter 3.90 of the Design Standards for Early Childhood Care Facilities requiring that facilities with 31 or more children take access from a collector street if the applicant's lot is a corner lot with frontage on the collector and arterial street.

Site Specific Conditions:

1. Before receiving building permits or before a final plat is approved 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:
 - 1.1 On the sheet titled "Site Plan", this special permit is only concerned with the area noted as Parcel 2. Clarify the special permit boundary as shown on the attached markup.
 - 1.2 Dimension the setback to the playground on the south side.
 - 1.3 Dimension the parking stalls.
 - 1.4 Confirm whether the regular parking and ADA parking stalls meet the Design Standards for Parking Lots and ADA standards and revise the parking layout accordingly as needed.
 - 1.5 Show parking lot screening per the Design Standards for Screening and Landscaping.
 - 1.6 Add the following note: "The existing freestanding sign for the church on the northwest corner of N. 70th Street and Kearney Avenue does not meet the provisions of Section 27.69.160 and cannot be used by the daycare in the current location."
 - 1.7 Add the following note: "Signs need not be shown on this site plan, but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation."
 - 1.8 Revise the Conversion Plan (Alternative Use Plan) to remove mention of uses not allowed by right in the R-3 zoning district (triplex and quadplex) to the satisfaction of the Planning Director.
2. Before receiving building permits or before a final plat is approved 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.

Standard Conditions:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the buildings 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. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.
- 3.5 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.

LEGAL DESCRIPTION - SPECIAL PERMIT #687A

Lots 11 thru 16, Block 1, Ackerman Addition to Havelock, EXCEPT the North Half of Lots 15 and 16, and the East 1.0 foot of the North Half of Lot 14, Block 1, Ackerman Addition to Havelock, located in the Northeast Quarter of Section 9, Township 10 North, Range 7 East of the 6th Principal Meridian, City of Lincoln, Lancaster County, Nebraska and being more particularly described as follows:

Referring to the Northeast corner of Lot 16, Block 1, Ackerman Addition to Havelock, a 1" Pipe found for corner; thence southerly on an assumed bearing of South $00^{\circ}10'48''$ West, on the East line of said Lot 16, 71.00 feet, to the true Point of Beginning; thence continuing on the last described bearing, on the East line of Lot 16, 71.00 feet, to the Southeast corner of Block 1, Ackerman Addition to Havelock; thence South $89^{\circ}58'17''$ West, on the South line of Block 1, Ackerman Addition to Havelock, 291.28 feet, to the Southwest corner of Lot 11, Block 1, Ackerman Addition to Havelock; thence North $00^{\circ}00'18''$ East, on the West line of Lot 11, Block 1, Ackerman Addition to Havelock, 142.15 feet, to a point of intersection on the North line of the South Half of said Block 1; thence North $89^{\circ}59'58''$ East, on the North line of the South Half of Block 1, 199.28 feet; thence departing said North line South $00^{\circ}00'18''$ West, 71.03 feet; thence North $89^{\circ}59'08''$ East, 92.22 feet, to the Point of Beginning.

Containing a total calculated area of 34,859 square feet, or 0.800 acres, more or less.



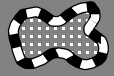


2016 aerial

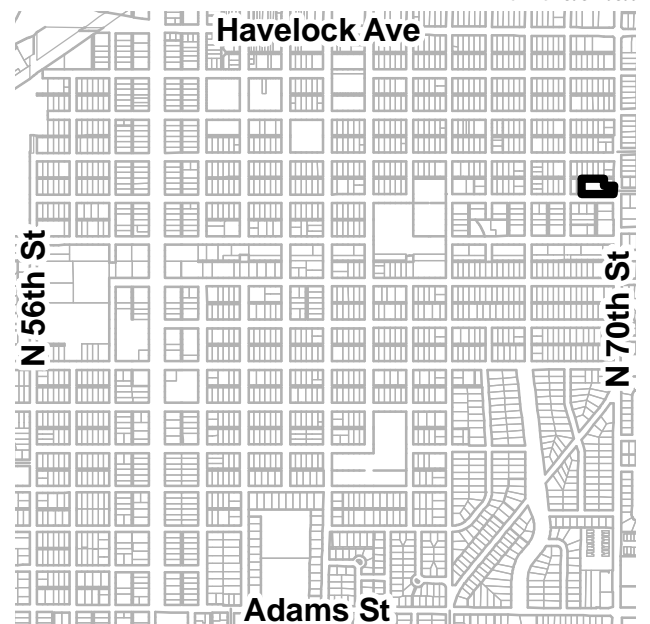
Special Permit #: SP687A
Kelly's Kids
N 70th St & Kearney Ave

Zoning:

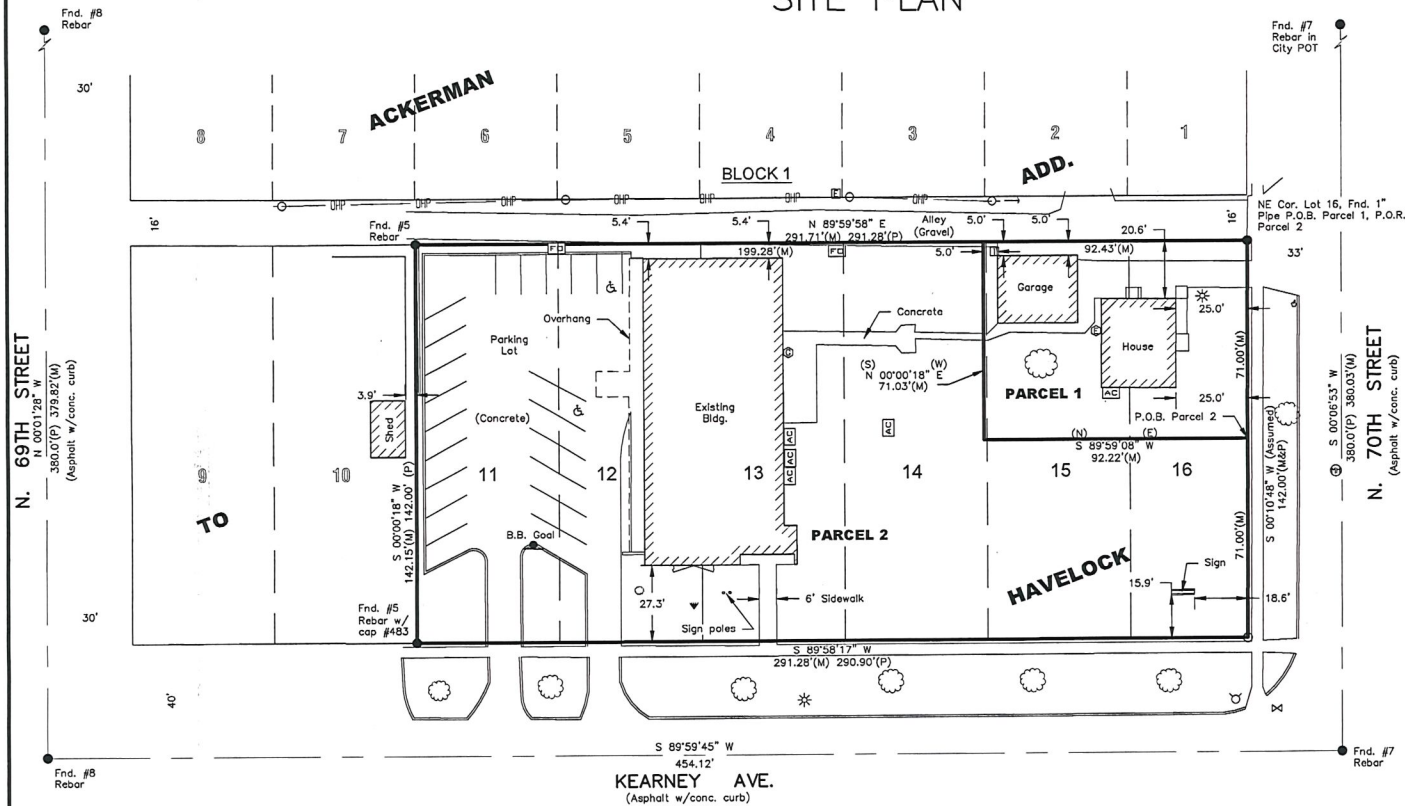
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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.09 T10N R07E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



SITE PLAN



LEGAL DESCRIPTIONS

Parcel 1:

The North Half of Lots 15 and 16, and the East 1.0 foot of the North Half of Lot 14, Block 1, Ackerman Addition to Havelock, located in the Northeast Quarter of Section 9, Township 10 North, Range 7 East of the 6th Principal Meridian, City of Lincoln, Lancaster County, Nebraska and being more particularly described as follows:

Beginning at the Northeast corner of Lot 16, Block 1, Ackerman Addition to Havelock, a 1" Pipe found for corner; thence southerly on an assumed bearing of South 00°10'48" West, on the East line of said Lot 16, 71.00 feet; thence South 89°59'08" West, 92.22 feet; thence North 00°00'18" East, 71.03 feet, to a point of intersection on the North line of the South Half of Block 1, Ackerman Addition to Havelock; thence North 89°59'58" East, on the North line of the South Half of Block 1, Ackerman Addition to Havelock, 92.43 feet, to the Point of Beginning.

Containing a total calculated area of 6,556 square feet, or 0.151 acres, more or less.

Parcel 2:

Lots 11 thru 16, Block 1, Ackerman Addition to Havelock, EXCEPT the North Half of Lots 15 and 16, and the East 1.0 foot of the North Half of Lot 14, Block 1, Ackerman Addition to Havelock, located in the Northeast Quarter of Section 9, Township 10 North, Range 7 East of the 6th Principal Meridian, City of Lincoln, Lancaster County, Nebraska and being more particularly described as follows:

Referring to the Northeast corner of Lot 16, Block 1, Ackerman Addition to Havelock, a 1" Pipe found for corner; thence southerly on an assumed bearing of South 00°10'48" West, on the East line of said Lot 16, 71.00 feet, to the true Point of Beginning; thence continuing on the last described bearing, on the East line of Lot 16, 71.00 feet, to the Southeast corner of Block 1, Ackerman Addition to Havelock; thence South 89°58'17" West, on the South line of Block 1, Ackerman Addition to Havelock, 291.28 feet, to the Southwest corner of Lot 11, Block 1, Ackerman Addition to Havelock; thence North 00°00'18" East, on the West line of Lot 11, Block 1, Ackerman Addition to Havelock, 142.15 feet, to a point of intersection on the North line of the South Half of said Block 1; thence North 89°59'58" East, on the North line of the South Half of Block 1, 199.28 feet; thence departing said North line South 00°00'18" West, 71.03 feet; thence North 89°59'08" East, 92.22 feet, to the Point of Beginning.

Containing a total calculated area of 34,859 square feet, or 0.800 acres, more or less.

Legend of Symbols & Abbreviations

- | | | |
|--------------------------------|------------------------|-----------------------------|
| ● = Cor. Fnd | ⊕ = Electric Meter | P.O.B. = Point of Beginning |
| ○ = Cor. Set #5 | ⊖ = Electric Manhole | P.O.R. = Point of Reference |
| ⊕ = Rebar w/cap | ⊖ = Electric Pedestal | |
| ⊕ = Section Corner | ⊖ = Fire Hydrant | |
| ⊕ = Benchmark | ⊖ = Gas Manhole | |
| (M) = Meas. Dist. | ⊖ = Gas Meter | |
| (P) = Plat Dist. | ⊖ = Guy Wire | |
| (D) = Deed Dist. | ⊖ = Light Pole | |
| (R) = Record Dist. | ⊖ = Sign | |
| A/C = Air Conditioning Unit | ⊖ = Mailbox | |
| co = Clean Out | ⊖ = Post | |
| - E = Underground Electric | ⊖ = Power Pole | |
| - T = Underground Telephone | ⊖ = Manhole | |
| - TV = Underground Television | ⊖ = Sanitary Manhole | |
| - FO = Underground Fiber Optic | ⊖ = Storm Manhole | |
| - OHP = Overhead Utilities | ⊖ = Catch Basin | |
| - S = Sanitary Sewer Utilities | ⊖ = Telephone Pedestal | |
| - SS = Storm Sewer Utilities | ⊖ = Telephone Manhole | |
| - W = Water Utilities | ⊖ = Transformer | |
| - o = Chain Link Fence | ⊖ = TV Manhole | |
| - x = Barbed Wire Fence | ⊖ = Valve | |
| - a = Wood Fence | ⊖ = Water Manhole | |
| | ⊖ = Well | |

Survey of: Lots 11-16, Block 1, Ackerman Addition to Havelock

NE1/4, Section 9 T. 10N. R. 7 E. of the 6th P.M.

Lancaster County, Nebraska

Date of Survey 12-19-17 Job No. 5410

Surveyor's Certificate

I, Jayme M. Malone, a Professional Registered Land Surveyor under the laws of the State of Nebraska, certify the above survey was executed by me, on the date shown. Permanent monuments corners as described in the survey drawing were placed at all missing or remonumented corners. Distances shown are measured in feet and decimals of a foot.

Signed this _____ day of _____, 20 ____

Jayme M. Malone



Scale 1"=30'

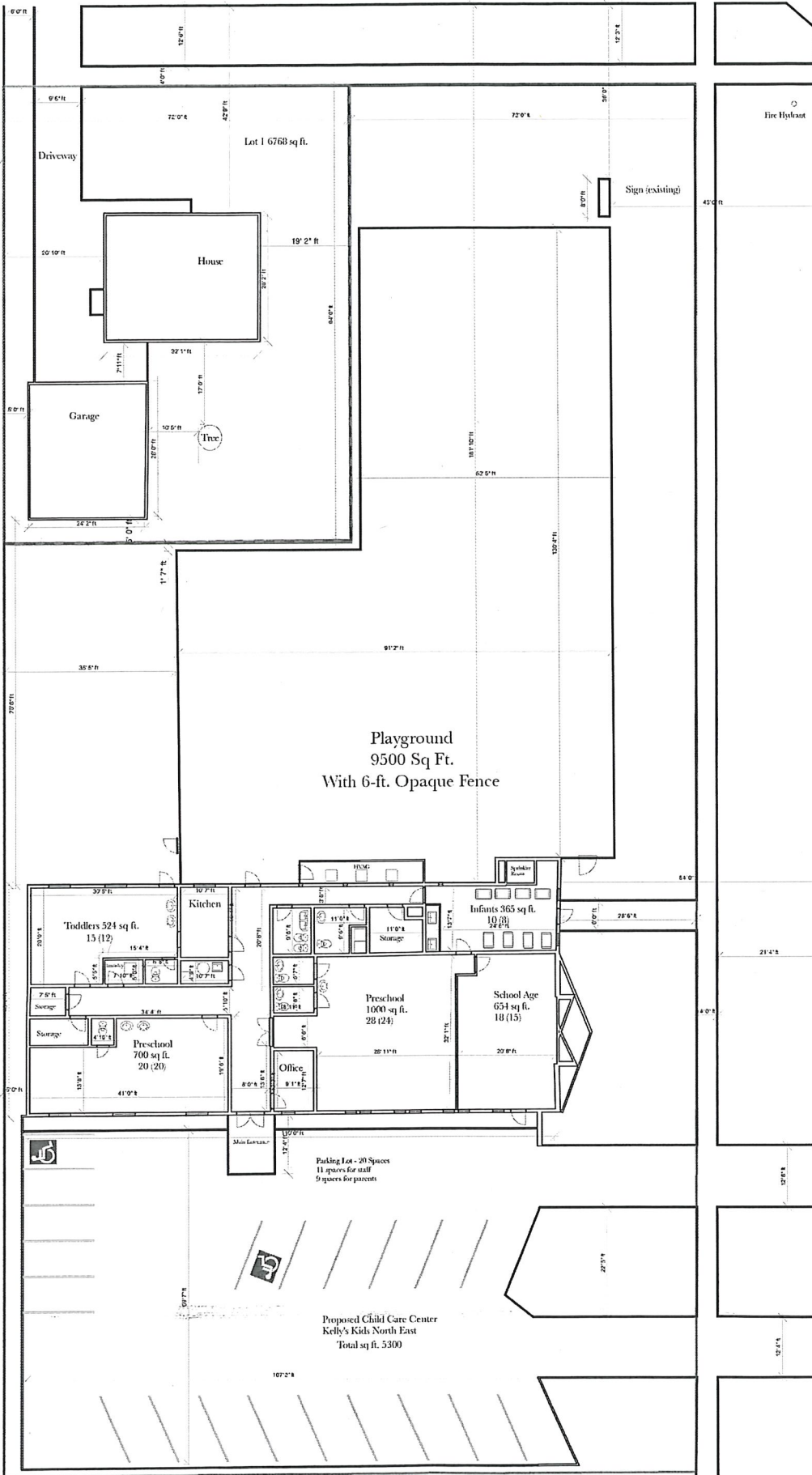


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(402)423-5211
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70th St.



Alley



Child Care Facility, Alternate Use Plan.

The church building located at 4005 N. 70th St was built in 1958. It is a 5300 square foot concrete block structure with a sanctuary, classrooms and a kitchen. It has been used as a church since it was built. We are proposing converting it to an Child Care Center. The process of this conversion will not substantially change the layout or the potential use of the building. The conversion will update the building adding a fire sprinkler system and upgrading the fire monitoring system to bring the building in compliance with current safety codes. In the event that the building would at some point in the future cease to be used as a child care center there are several possible alternate uses. One would be for it to be utilized again as a church. We will not be substantially altering the sanctuary. A second alternate use would be as some type of elder care facility.

The property includes a 5300 square foot building and an adjacent parking lot of approximately the same size. The property also includes another (approximately) 10,000 square feet of lot space. Some of the undeveloped lot could be easily returned to residential use, especially the South half of lots 15 and 16, or all of Lot 14. This would leave the 5300 square foot building and parking lot. These could be converted into residential apartments, a duplex, triplex, or quadplex.

Property Address 4005 N. 70th St, Lincoln, NE.

This property is comprised of a 5300 square foot single story church building built on a slab. It sits on a .95 acre lot at the corner of 70th and Kearney Streets. The church building is situated on the west end of the lot with a parking lot with 20 spaces with entry and exit lanes opening onto Kearney St. There is also a two bedroom house and a garage on the North East portion of the lot facing 70th St.; there is a large open grassy lot between the house and the church building. The property, including the church building and the house and garage are currently owned by "EPIC" church. The house has been used for church staff, and the church building is currently occupied by another congregation that rents the church building on a month by month basis. My business, Light-Works Studio, Inc. currently has this property under contract for purchase, contingent upon the granting of a Special Permit to use the Church building as an Early Childhood Care Facility.

Light-Works Studio, Inc. currently owns a childcare facility (the building only) located in the Highlands. That property is leased to ".Kelly's Kids, Learning and Development Center, Inc." The Highlands building was built in 2008. The director and owner of the business is Kelly Kiihne, (my daughter). Kelly would like to expand her business and add a second location. Light-Works Studio, Inc. is purchasing this building and seeking to acquire a Special Permit for that use

We are very aware of all the requirements and improvements that will need to be made to the church building to make it meet the DHHS licensing standards. We are confident that we can meet those requirements.

After an initial review by the Planning Department, it has been suggested that the appropriate way to proceed with this proposal is to re-plat the existing lot, separating the property into two separate lots, one that would include the existing church building and a second lot that would include the house and the detached garage. A lot plan indicating this separation has been provided to illustrate the result of this proposed re-platting. A survey has been ordered and the metes and bounds from that survey have also been provided. The Surveyor will be following up with the materials and the Application for the replatting / final plat. The current combined lot includes all of lots 11-16, as a single property. After the re-platting the house and garage would sit on the North half of lots 15 and 16, and the childcare facility would sit on lots 11-14 and the South half of lots 15 and 16. The Planning Department has given their initial approval for this re-platting.

We intend to make the house a rental.

At one time this property was approved to operate as a child care center by a prior occupying congregation. At that time it was approved for 40 children, because the childcare function of the church would have been secondary and they would not have been using the entire facility.

We have a design that includes using all of the classrooms and the "fellowship hall" the existing sanctuary and the south foyer as childcare space, and will be requesting to license the property for a maximum of 90 children, based on the final determination of DHHS. In practical terms the number of children will be closer to 80, but the final determination as a function of square feet per child will be determined by DHHS upon their inspection of the finished facility.

We do not intend to build on to the church building, but an outside play area will be fenced in on the east side of the building, sufficient to meet the requirements.

The existing parking lot has 20 spaces. This number meets the required number of spaces based on DHHS regulations, one space for each care provider and one space for every ten children under care.

Kelly's Kids Learning and Development Center, Inc. is now in it's ninth year of operation. The director, Kelly Kihne, has proven herself to be a very capable director and business operator. I am confident, and she is too, that she can make this a viable operating business that will provide a great service to this underserved area of our city.

Kelly is one of only two childcare directors in the state of Nebraska, that are Commission Members of the Buffet Early Childhood Workforce Commission, a group that advocates for improved understanding of the roll of Early Childhood Education and the care givers that provide that care.

Thank You, Don Farrall



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #17051 Tiny Hands Daycare	FINAL ACTION? Yes	DEVELOPER/OWNER Crown Plaza LLC
PLANNING COMMISSION HEARING DATE January 17, 2018	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 4401 O Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a special permit for a new early childhood care facility that will be located on the south side of O Street between South 44th and South 45th Streets in an existing 4,560 square foot single-story building. The property also includes an existing two story adjoining office building. The facility will have a maximum occupancy of 120 children and 10 proposed employees on the largest shift. Existing access and parking on the south side of the building will be utilized. A fenced-in outdoor playground will be installed on the west side of the facility.



JUSTIFICATION FOR RECOMMENDATION

The proposal for an early childhood care facility with up to 120 children is appropriate for this location as O Street is a major arterial and facilities with thirty-one or more children are required to be located on an arterial street. Also, the location is immediately adjacent the residential area of the Witherbee neighborhood. The child care facility is compatible with the adjoining office use and nearby residential uses.

APPLICATION CONTACT
Alan Schmidt, Hutchinson Architects, P.C., (402) 421-1502 or alan_hdpc@windstream.net

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

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.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

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 O Street between South 44th and South 45th Streets in an existing 4,560 square foot building space. The proposed number of employees will be 10 while the maximum number of children will be 120. The facility will utilize existing parking and access drives off South 44th and South 45th Streets.

2. 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 120 children, including a maximum of 20 children 2 ½ years or less in age. There is proposed 10 employees 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/exits to such facility.

A site plan was provided that shows the existing two-story office building along with the adjoining existing one-story building on the west side which will be the location of the proposed early childhood care facility. The proposed facility will use the existing parking lots to the south of the building. Access for the loading and unloading parking spaces for the facility includes entrances off both South 44th Street and South 45th 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 O Street, a major arterial street. The facility shall comply with the design standards for early childhood care facilities prior to occupancy.

(d) The site plan and play area for such facilities shall comply with the design standards for early childhood care facilities.

The site plan and play area will comply with the design standards for early childhood care facilities. The proposed outdoor playground area will be located on the west side of the building and will be surrounded by a 6' tall opaque fence.

(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. 10 parking stalls are proposed for the 10 employees, which are designated for the southernmost existing parking lot. 12 loading/unloading stalls are proposed for the 120 childcare receivers which will be located on the south side of the facility location.

3. The proposed location for the facility is on O Street, a major arterial. The existing zoning is O-2 Suburban Office District. Existing access is off South 44th and South 45th Streets. The adjoining use on the property is office, which is a compatible use with the early childhood care facility. The location is in close proximity to existing Witherbee residential neighborhood. Therefore, this is an appropriate location for an early childhood care facility.
4. The existing parking lots on the property include a total of 82 stalls. 22 stalls will be required parking for the early childhood care facility while 59 stalls required for the adjoining office use for a total of 81 required stalls.
5. 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: Office/Vacant & O-2 Suburban Office District

SURROUNDING LAND USE & ZONING

North: Commercial	H-2 Highway Business District
South: Single Family Residential	R-2 Residential District
East: Vacant/Single Family Residential	H-2 Highway Business District/R-2 Residential
West: Commercial/Parking Lot	H-2 Highway Business District/R-2 Residential

APPLICATION HISTORY

- | | |
|-----------------|---|
| July, 1967 | The Board of Zoning Appeals denied a request to reduce the rear yard setback. |
| February, 1980 | The Board of Zoning Appeals approved requests for variances of the front yard requirements for 45 th and O Streets and to permit an exception from the parking requirements. |
| March, 1980 | Special Permit No. 879 to construct a parking lot was approved by the City Council. |
| September, 1984 | The Board of Zoning Appeals denied an application to permit exception of the parking requirements. |
| March, 1985 | The Board of Zoning Appeals approved a request to void a previously requested waiver for parking. |
| April, 1985 | The City Council approved Special Permit No. 879A for the construction of a parking lot in the R-4 Residential District. |
| April, 1987 | The City Council approved Special Permit No. 879B for the authority to construct a temporary parking lot. |
| January, 1997 | The City Council approved Special Permit No. 879C to allow a 34 stall parking lot in a residential area. |
| August, 2000 | The City Council approved Change of Zone 3267 changing the property zoning from H-2 to O-2 and R-4 to O-2. |

APPROXIMATE LAND AREA: 1.28 acres

LEGAL DESCRIPTION:

Lot 238 Irregular Tract, Lots 1 and 3, Gardens Complex Addition, and Lot 9, except for tract in NE corner, and Lots 10 and 11 except the North 6,' Witherbee Gardens, located in the NW 1/4 of Section 29-10-7, Lincoln, Lancaster County, Nebraska.

Prepared by

George Wesselhoft, Planner
(402) 441-6366 or gwesselhoft@lincoln.ne.gov
Date: January 4, 2018

Applicant/
Owner: Crown Plaza LLC
P.O. Box 23214
Lincoln, NE 68542
(402) 570-7512
masc197@gmail.com

Contact: Alan Schmidt, Hutchinson Architects, P.C.
4535 Normal Blvd., Suite 257
Lincoln, NE 68506
(402) 421-1502
alan_hdpc@windstream.net

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CONDITIONS OF APPROVAL - SPECIAL PERMIT #17051

Per Section 27.63.070 this approval permits an early childhood care facility with up to 120 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 3 copies with all required revisions and documents as listed below:
 - 1.1 Show street trees on North 44th Street per City spacing standards.
 - 1.2 Show the parking lot screening on the south side of the southern parking lot abutting the R-2 zoning.
 - 1.3 Remove Office Use text from Existing Building designation.
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.

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.



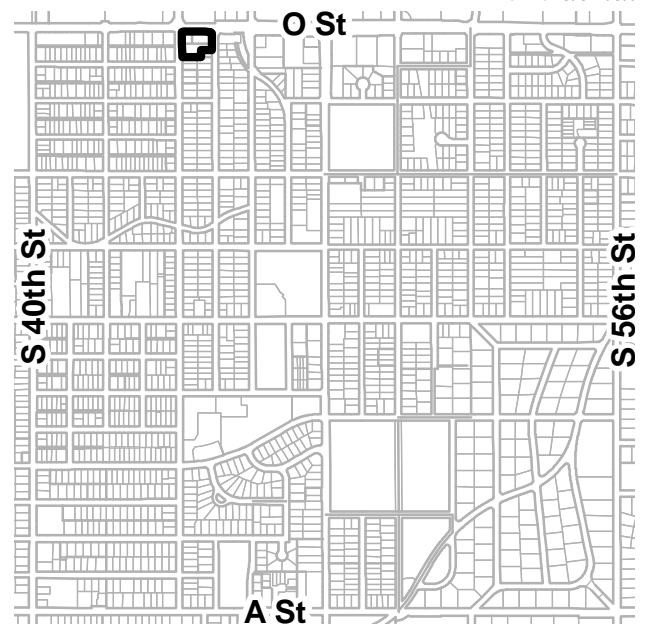
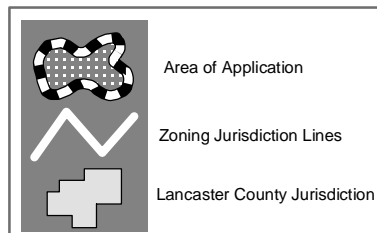
2016 aerial

Special Permit #: SP17051
Tiny Hands Daycare
N 44th St & O 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.29 T10N R07E





4535 Normal Blvd. Suite 257 Lincoln, NE 68506

Phone: (402) 421-1502 Fax: (402) 421-7835

December 20, 2017

Planning Commission
555 South 10th Street, Room 213
Lincoln, NE 68508

SUBJECT: Requested Special Permit for Daycare, 4435 'O' St., Lincoln, NE

Dear Planning Commission Members,

On behalf of Crown Plaza, LLC, Hutchinson Architects P.C. is requesting consideration and acceptance of the requested Special Permit for the property located at 4435 'O' for allowance of an Early Childhood Care Facility to occupy the 4,560s.f. single-story portion on the west end of the building. "No Waivers are requested." The building has frontage on an Arterial Street, 'O' St., with frontage and access from 44th St. and 45th St., with amenities required for such facilities as illustrated on the enclosed site plan. Including safe and sufficient drop-off parking, and outdoor playground.

The Daycare provider's planned maximum occupancy for the facility is to provide for 120 Children (including a maximum of 20 children 2-1/2 years old or less), and a maximum of 10 employees, on the largest shift, pending final Building and Fire Code Approval.

The building owner and potential Tenant with the Daycare feel this location will provide quality child care for the Witherbee Neighborhood, with easy and direct access under safe conditions. Although the property is adjacent to a residential district to the south, a partnering entity owns the two immediate residences abutting this property. The owner has identified these for future removal for potential future parking and buffer, which, along with the natural a topographical variation in grade across the lots, provides a nice barrier to the remaining residences to the south.

The 4,560s.f. single story portion of the building the Daycare intends to occupy was originally built in 2001 as a building addition, but has never been occupied, as it was intended for expansion of the Building Tenant at the time but they never expanded. The occupancy use of the remaining 2-story building is Office. The use of a Child Care Facility should not create a negative impact on the neighborhood compared to the current use of this and nearby buildings in the area.

We appreciate your consideration of this proposal.
Respectfully,

Hutchinson Architects, P.C.

Alan L Schmidt, Project Coordinator



SITE PLAN

SCALE: 1" = 30'-0"

O-2 ZONE

LEGAL DESCRIPTION:
GARDENS COMPLEX ADDITION, LOT 1,
& LOT 3 & WITHERBEE GARDENS LOT
9 EX TRACT IN NE CORNER & LOTS 10
& 11 EX N6',
AND IRREGULAR TRACT LOT 238 NW,
S29, T10, R7, 6TH PRINCIPAL
MERIDIAN, LINCOLN, LANCASTER CO.,
NEBRASKA



12 / 20 / 2017
CROWN PLAZA, LLC
SPECIAL PERMIT
4435 'O' STREET
LINCOLN, NEBRASKA



HUTCHINSON
ARCHITECTS

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4535 Normal Blvd., Suite 257
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Phone: (402) 421-1502 Fax: (402) 421-7835
E-mail: hutchinsondesign@windstream.net

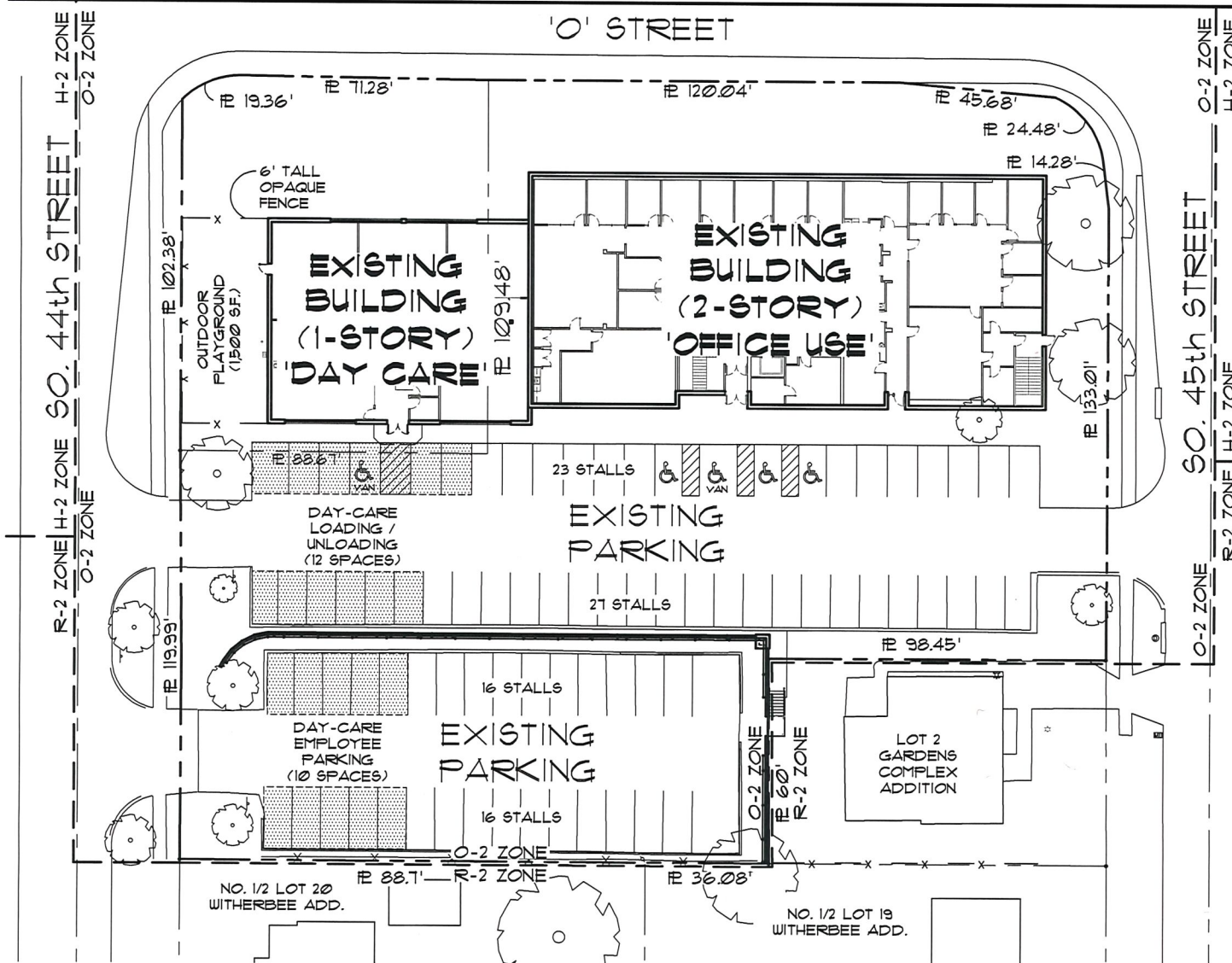
SITE PLAN

JOB NO: 17-1011
DATE: 12-20-17
REVISED:

SHEET

SP-1

DRAWN BY:



DAY CARE OCCUPANCY PARAMETERS:

EMPLOYEES ON LARGEST SHIFT: 10 (10 PARKING STALLS REQ'D)
LICENSED CHILD CAPACITY: 120 (12 LOADING/UNLOADING STALLS REQ'D)
(CHILDREN 2-1/2 YRS. OR LESS = 20) 22 PARKING STALLS REQUIRED.

PARKING MATRIX:

DAYCARE: 22 STALLS REQUIRED
REMAINING BUILDING: 59 STALLS REQUIRED (1:300)
(FLOOR AREA = 11,453 SF.)
TOTAL STALLS- REQUIRED: 81 STALLS
TOTAL STALLS- ACTUAL: 82 STALLS



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Phone: (402) 421-1502 Fax: (402) 421-7835

December 20, 2017

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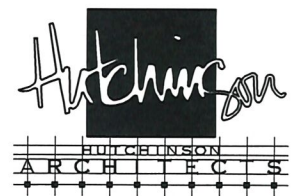
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12 / 20 / 2017
CROWN PLAZA, LLC
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4435 'O' STREET
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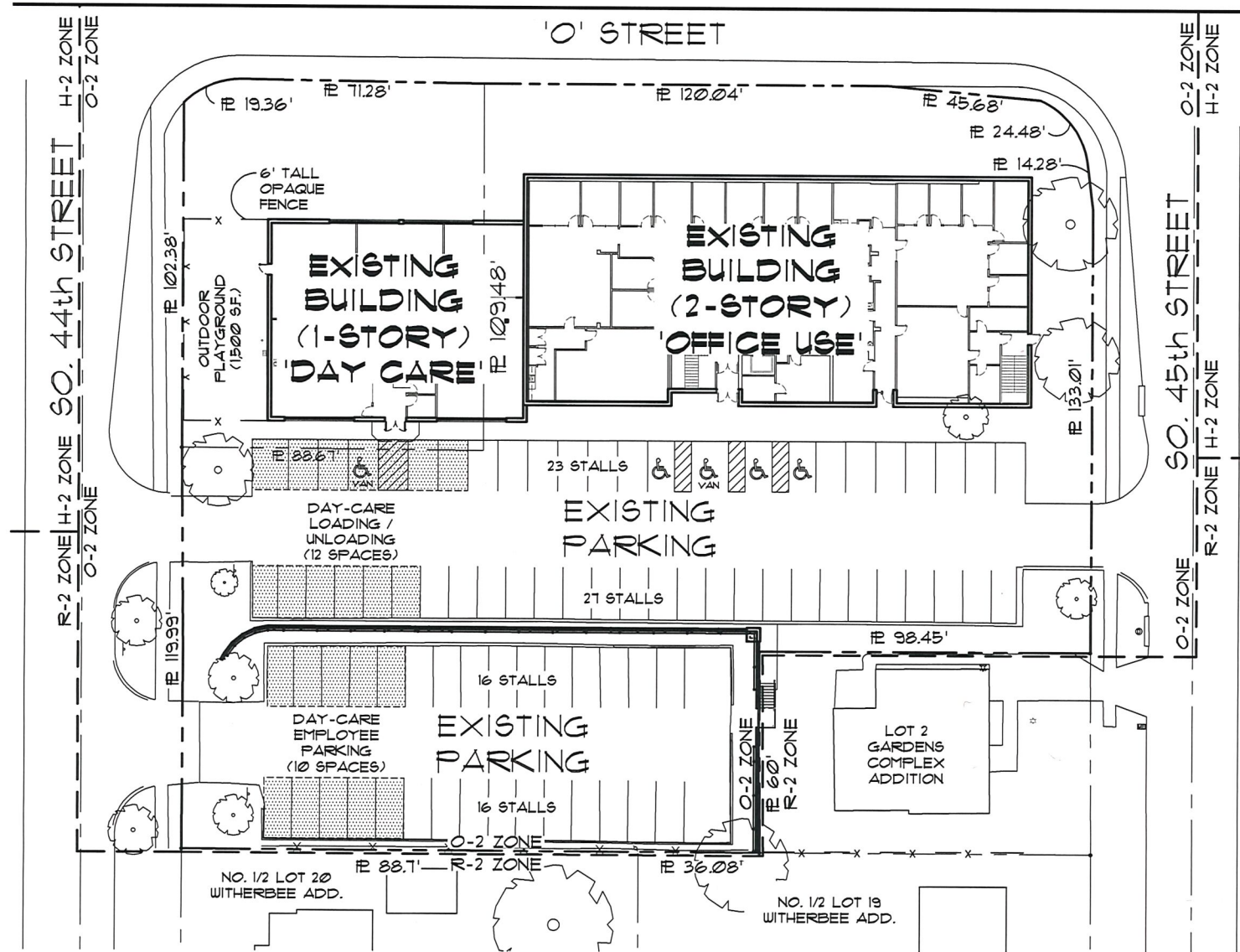
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SITE PLAN

JOB NO: 17-1011
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SHEET
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