

FACTSHEET

TITLE: CHANGE OF ZONE NO. 05066, a text amendment to Title 27 of the Lincoln Municipal Code, requested by the Director of Planning, by amending Section 27.63.470 to add public or private elementary and high schools as an allowed use by the Planned Service Commercial special permit in the H-4 General Commercial District.

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 09/14/05
Administrative Action: 09/14/05

RECOMMENDATION: Approval (9-0: Carlson, Carroll, Esseks, Krieser, Larson, Person, Bills-Strand, Sunderman and Taylor voting 'yes').

FINDINGS:

1. The specific proposal is to amend Section 27.63.470 "***Permitted Special Use: Planned Service Commercial***", to add the following to the list of 24 allowed uses by the Planned Service Commercial special permit in the H-4 General Commercial District:

Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school, and having no rooms regularly used for housing or sleeping purposes.
2. The staff recommendation of approval is based upon the "*Analysis*" as set forth on p.2-3, concluding that the proposed text amendment is in conformance with the Comprehensive Plan.
3. On September 14, 2005, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On September 14, 2005, the Planning Commission voted 9-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: September 19, 2005

REVIEWED BY: _____

DATE: September 19, 2005

REFERENCE NUMBER: FS\CC\2005\CZ.05066

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for SEPTEMBER 14, 2005 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No.05066

PROPOSAL: To amend Section 27.63.470 "Permitted Special Use: Planned Service Commercial" to amend the list of uses allowed by special permit to add public or private elementary and high schools as an allowed use.

CONCLUSION: In conformance with the comprehensive plan.

RECOMMENDATION:

Approval

ANALYSIS:

1. The specific proposal is to amend Section 27.63.470 "**Permitted Special Use: Planned Service Commercial**" to add to the list of 24 allowed uses by the Planned Service Commercial special permit in the H-4 General Commercial District, to add:

(25) public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school, and having no rooms regularly used for housing or sleeping purposes;
2. Public and private elementary and high schools are allowed by right in all residential zoning districts as well as the O1, O2, B1, B2, B3, B4, H2 and H3 commercial districts. They are not listed as a permitted use in the H-4 district.
3. In the H-4 a **Planned Service Commercial** center is allowed by special permit. This special permit lists 24 allowed uses, including automobile sales, warehouses, contractors office and storage, restaurants, convenience stores, recreational facilities, offices and retail. The list of permitted uses also includes some uses allowed by right or as conditional uses in residential districts such as churches, and early childhood care facilities. The Planned Service Commercial also allows private schools as an allowed use. In this case a "private school" is defined as a trade school or gymnastic or marital arts school.
4. The H-4 district requires a 50 foot setback to any residential district. This district provides greater setbacks than the H-2 and H-3 district and is generally used in newly developing areas as a district that allows a few more intensive commercial uses than B-2 Planned Neighborhood Business, but is still suitable to be adjacent to residential uses.
5. Special permits for "Planned Service Commercial" are typically used in the H-4 district in new areas. For example the Trade Center at 56th and Highway 2, South Ridge Village on the southeast corner of 27th and Pine Lake Road, Vavrina Meadows at S. 14th and Yankee Hill Road and Northern Lights northwest of N. 84th and Adams are all by this type of special permit.

6. Lincoln Public Schools operates a few schools on leased space in commercial zoning districts. For example the Arts & Humanities focus program is in leased space in H-3 zoning at 25th and Randolph and LPS operates a temporary school at the Abbott Sports complex at N. 70th and Salt Creek in H-2 zoning.
7. In recent discussions with LPS staff about their options for leasing space in the future it was noted that the H-4 district did not allow schools, even though the H-2 and H-3 districts did permit this use. In many newly developing areas, most of the commercial zoning is either B-2, O-3 or H-4.
8. This text amendment would give LPS and private elementary and high schools the option to also lease space in the H-4 district in any center that was approved with a special permit for Planned Service Commercial. It also gives these schools the option to buy land in the H-4 as well, but this is less likely due to the price of commercially zoned land.

Prepared by:

Stephen Henrichsen
Principal Planner

DATE: September 1, 2005

APPLICANT: Director of Planning, Marvin S. Krout

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CHANGE OF ZONE NO. 05066

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

September 14, 2005

Members present: Carlson, Carroll, Esseks, Krieser, Larson, Pearson, Bills-Strand, Sunderman and Taylor.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 05060, CHANGE OF ZONE NO. 05066, SPECIAL PERMIT NO. 05036 and SPECIAL PERMIT NO. 05044.**

Ex Parte Communications: None.

Bills-Strand moved to approve the Consent Agenda, seconded by Pearson and carried 9-0: Carlson, Carroll, Esseks, Krieser, Larson, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'.

Note: This is final action on Special Permit No. 05036 and Special Permit No. 05044, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.