

City Council Introduction: **Monday**, May 19, 2008
Public Hearing: **Monday**, June 2, 2008, at **1:30 p.m.**

Bill No. 08R-119

FACTSHEET

TITLE: SPECIAL PERMIT NO. 08018, requested by First Plymouth Congregational Church, to allow a parking lot in a residential zoning district; to waive the minimum 15 foot site penetration per Chapter 4.0 of the Lincoln Design Standards; to allow parking in the front yard along South 21st Street and F Street; and to allow for a sign in the front yard, on property generally located at South 21st Street and F Street.

STAFF RECOMMENDATION: Conditional Approval, except denial of the waiver of the 15' site penetration design standard.

ASSOCIATED REQUESTS: Change of Zone No. 08016 (08-60)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/07/08
Administrative Action: 05/07/08

RECOMMENDATION: Conditional Approval, except denial of the waiver of the 15' site penetration design standard (8-0: Gaylor Baird, Sunderman, Carroll, Cornelius, Taylor, Larson, Esseks and Francis voting 'yes').

FINDINGS OF FACT:

1. The applicant has requested this special permit to allow a parking lot in a residential zoning district. The request to allow parking in the front yard along South 21st Street and F Street and to allow a sign in the front yard are acceptable if the City Council approves the text amendment, Change of Zone No. 08016. The applicant is also seeking exceptions to the Design Standards to: a) place the screening in the public right-of-way; b) to waive the requirement of the uniformity ratio of 4:1 for parking lot lighting; and c) to waive the minimum 15' site penetration for the 1st stall off the alley access from 21st Street.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.4-5, concluding that the proposed special permit is acceptable if Change of Zone No. 08016 is approved, which allows the City Council to approve parking and allowed signs in the front and side yards. The City Council must also approve the screening on the street right-of-way. The applicant has agreed to eliminate the access to F Street and to do additional landscaping at the northern corners of the parking lot to reduce the intrusion into the neighborhood. The staff presentation is found on p.8-10.
3. Public Works Department is opposed to the waiver of the minimum 15' site penetration for the 1st parking stall off the alley access from 21st Street. Public Works submitted an alternative site plan at the public hearing (p.28).
4. The applicant's testimony is found on p.10-11. The applicant is opposed to the alternative site plan submitted by Public Works and continues to request the waiver of the minimum 15' site penetration. The applicant is attempting to mirror the existing parking lot located on the south side of the abutting alley.
5. There was no testimony in opposition.
6. On May 7, 2008, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval, as set forth in the staff report (p. 5-7).
7. This action recommends denial of the waiver of the 15' site penetration design standard; however, Commissioners Carroll and Sunderman believe this waiver is acceptable in this case (See Minutes, p.13).
8. On May 7, 2008, the Planning Commission also voted 8-0 to recommend approval of Change of Zone No. 08016, which allows the City Council to approve parking and allows signs in the front and side yard setbacks.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: May 12, 2008

REVIEWED BY:

DATE: May 12, 2008

REFERENCE NUMBER: FS\CC\2008\SP.08018+

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 7, 2008 PLANNING COMMISSION MEETING

PROJECT #: Special Permit No. 08018

PROPOSAL: To allow a parking lot in a residential zoning district.

LOCATION: S. 21st Street and "F" Street

LAND AREA: .34 acres more or less

EXISTING ZONING: R-2 Residential

CONCLUSION: This parking lot occupies the front yard along S. 21st Street and F Street and the side yard on the west, therefore it does not meet the requirements of the zoning ordinance. However if change of zone # 08016 which proposes a text amendment to allow for parking in the front yard is approved, this special permit would be acceptable. Screening will have to be on the street right of way and will require City Council approval to do so. In an effort to reduce the intrusion to the neighborhood and not reduce on-street parking, the applicant has revised their site plan to show the elimination of the drive to F Street and additional landscaping added at the northern corners of the parking lot.

RECOMMENDATION:

Conditional Approval

Waivers/modifications:

1. To waive the minimum 15 foot site penetration per Chapter 4.0 of the Lincoln Design Standards. **Denial**
2. Allow parking in the the front yard along S. 21st Street and F Street. **Conditional Approval**
3. Allow for a sign in the front yard. **Conditional Approval**

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 1 and 2, Block 6, Houtz Addition, Lincoln, Lancaster County, Nebraska

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING:

North: R-2 Residential, single family residential
South: R-2 Residential, church parking lot
East: R-2 Residential, multifamily

West: R-2 Residential, single family residential

HISTORY:

- November 12, 1995 City Council approved special permit #1579 for a parking lot for the church on 2 lots south of the alley at the N.W. corner of S. 21st Street and E Street.
- September 29, 1995 Board of Zoning Appeals approved resolution 2101 to vary the front and side yards so parking could be allowed in the required yards for special permit #1579 .
- February 5, 1992 Planning Commission approved special permit # 684A to increase the lot area coverage of First Plymouth Church.
- January 21, 1974 City Council approved special permit # 684 under provision 27.42.200, for First Plymouth Congregational Church, to adjust the required front yard on lots 1 through 16, Block 1 generally located at S. 21st Street and D Street.

This property was converted from D Multiple to R-6 Residential during the 1979 Zoning Update.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan identifies this property as Urban Residential. (19)

The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use is often gradual. (23)

Promote the continued use of single-family dwellings and all types of buildings, to preserve the character of neighborhoods and to preserve portions of our past. Building code requirements for the rehabilitation of existing buildings should protect the safety of building occupants, while recognizing the need for flexibility that comes with rehabilitating existing buildings. (67)

Support retention of public uses (elementary schools, churches) as centers of neighborhoods – encourage shared parking whenever possible — permit minor incursions of accessory parking for public/semi-public uses into neighborhoods if properly screened. (68)

Infill development also needs to respect the street pattern, block sizes and development standards of the area, (71)

In existing neighborhoods, retain existing predominately single family blocks in order to maintain the mix of housing types. The current mix within each neighborhood provides ample housing choices. Because existing neighborhoods have significantly greater populations and residential densities than other areas of the community, intensification will be detrimental to the neighborhoods and exceed infrastructure capacities. Codes, zoning and regulations that encourage changes in the current balance of housing types, should be revised to retain the existing character of the neighborhoods and to encourage maintenance of established older neighborhoods, not their extensive conversion to more intensive uses. (72)

TRAFFIC ANALYSIS: S. 21st Street and F Street are both local streets.

REGIONAL ISSUES: Approval of a special permit could lead to a proliferation of parking lots with similar waivers.

AESTHETIC CONSIDERATIONS: The proposed parking lot will mirror an existing parking lot located on the south side of the abutting alley. The new parking lot will have the same ornamental lighting, setbacks and more landscaping than the existing parking lot, providing for a sense of symmetry and cohesiveness. Eliminating the drive to F Street provides more area for screening and green space.

ALTERNATIVE USES: Residential or any use allowed in the R-2 residential zoning district.

ANALYSIS:

1. Chapter 27.63.170 allows for parking lots used primarily in connection with a church, college, or university in the R-2 residential zoning district by special permit, provided the parking lot is in conformance with the other provisions for parking of Chapter 27.67 and is not located more than 360 feet from property occupied by the church, college, or university.

Chapter 27.67.100 provides that parking lots consisting of six or more parking spaces located in any zoning district shall be constructed in accordance with the following requirements: All parking lots authorized by this chapter shall be constructed pursuant to and in conformance with the design standards adopted by the City and on file with the City Clerk. The chapter also states that the location and design of all entrances and exits shall be subject to the approval of the City. It also states that lighting shall be so arranged as to reflect lighting away from the adjacent properties and public street and direct rays of light shall be shielded from an adjacent residential district or residential land use. Finally, lighting shall be in conformance with the lighting standards adopted by the City.

2. To represent that this parking lot is the northern limit of parking into the neighborhood, to retain on-street parking and to provide more green space, the drive connection to F Street has been removed from the site plan. This parking lot, which the applicant indicates is anticipated to be used primarily by staff and volunteers, will gain access via the alley to the south.
3. Reducing the front yard along F Street disrupts the continuity of the block face and could be more of an intrusion. The plan shows additional landscaping in the northern corners of the parking lot to mitigate the impact on the house directly west of the parking lot and to preserve the site line of the street.
4. Placing the landscape screening in the public right-of-way is not generally recommended, per Chapter 3.50 of Lincoln Design Standards, and where there is space available for plants, they should be planted on private property. Screening is needed to reduce the impact on the neighborhood especially when parking is allowed in the front yard. Staff recommends approval of the waiver request and recommends a bond in an amount to guarantee the health and vitality of the landscape screen should be posted and a revised landscape plan shall be submitted meeting the satisfaction of the Director of Planning.
5. The applicant has agreed to increased screening. The design standard requires a minimum 90% screen from 0 to 3 feet. In this instance screening should be increased to

100%. The applicant has also agreed to add an additional street tree at a location to be determined by Parks and Recreation and add additional screening in the northern corners of the parking lot.

6. Since the F Street access has been removed, the waiver to the minimum 15 foot site penetration at the F Street driveway is not an issue. But Public Works has noted that the applicant does need a waiver for the site penetration for the 1st stall off the alley access from 21st Street. Public Works would not support this waiver.
7. Parking Lot Lighting Design Standards per Chapter 3.100 of Lincoln Design Standards to waive the requirement of the uniformity ratio of 4:1 is supported by staff. The applicant has submitted a lighting plan showing that the proposed lighting fixtures will be "cutoff" which will protect adjacent properties from light and glare.
8. Although the reduction of yards in residential areas can be intrusive and break up a block face, with proper landscaping these issues can be mitigated. The reduction of the front yard setback from along S. 21st Street and F Street to 0 feet and to reduce the side yard along the west property line to 0 feet would be consistent with the existing parking lot on the southern half of the block and would provide for some uniformity contributing to enhancing the aesthetics of the neighborhood as well as providing maximum parking on these lots for the church.
9. The applicant has also requested a sign that will be placed in the front yard in the north east corner. The sign will only be placed in the front yard if change of zone # 08016 is approved. (See attached drawings)

This approval permits a parking lot in a residential zoning district and the following waivers to the Lincoln Design Standards:

1. An exception to Landscape Design Standards to place the screening in the public right of way.
2. An exception to Parking Lot Lighting to waive the requirement of the uniformity ratio of 4:1

CONDITIONS OF APPROVAL:

Site Specific Conditions:

1. Upon approval of the special permit by the Planning Commission and before receiving building permits the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 5 copies with all required revisions and provide to the Building & Safety Department the documents listed below:
 - 1.1 List revisions:

- 1.1.1 Submit a revised landscape plan showing an 100% screen from 0 to 3ft high along S. 21st Street and F Street (except in the sight triangle, where the screen will not exceed 30 inches in height) to be approved by the Planning Director. Screening shall meet all landscape design standards, unless City Council approves placing screening on street right-of-way.
- 1.1.2 Provide a minimum 15' site penetration for the 1st stall off the alley access from 21st Street or unless a waiver of the minimum site penetration requirement is obtained by the City Council.
- 1.1.3 Remove the sign from the front yard unless City Council approves CZ08016.
- 1.1.4 Remove parking from the front and side yards unless City Council approves CZ08016.
- 1.1.5 Plant 1 street tree or provide cash in the amount of \$220 to the City for the planting of the street tree.
- 1.2 The construction plans shall comply with the approved plans.
- 1.3 Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

General Notes:

3. Add to the General Notes:
 - 3.1 "Permission will be obtained to place the plant materials in the City right-of-way and sign a maintenance agreement, or move plant materials onto the private property per Chapter 14.54."
 - 3.2 "A bond will be posted in an amount determined by the Director of Parks and Recreation to be sufficient to guarantee the health and vitality of the plants."

Standard Conditions:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the parking lot all development and construction is to substantially comply with the approved plans.
 - 4.2 All privately-owned improvements, including landscaping, are to be permanently maintained by the owner.

- 4.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
- 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by

Christy Eichorn
Planner

DATE: April 15, 2008

APPLICANT/ OWNER: First Plymouth Congregational Church
2000 D Street
Lincoln, NE 68502

CONTACT: Mark Hunzeker
600 Wells Fargo Center
1248 O St.
Lincoln, NE 68508

**CHANGE OF ZONE NO. 08016
and
SPECIAL PERMIT NO. 08018**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 7, 2008

Members present: Larson, Sunderman, Cornelius, Taylor, Gaylor Baird, Francis, Esseks and Carroll.

Ex Parte Communications: None.

Staff presentation: **Marvin Krout, Director of Planning**, made the presentation and explained that the requirements of the associated special permit call for a change in the zoning text.

The text amendment changes several sections of the Zoning Ordinance concerning requests for parking lots in residential districts, which are currently reviewed and approved by the Planning Commission through the special permit hearing process. The proposed changes would allow the City Council (not the Planning Commission) to permit, on a case-by-case basis, parking or a sign to encroach into the front or side yard setbacks of parking lots that are approved through the special permit process.

The general rule in residential districts is that front yards and side yards are landscaped – not for parking nor for buildings – and there are limitations on paving in some of the residential parking lots. This text amendment would allow, on a case-by-case basis, some or all of those yard areas to be reviewed and considered and recommended by the Planning Commission, but the final decision would rest with the City Council because it is a zoning standard.

Krout further explained that for many years since 1955, there has been one provision or another in the zoning code that has allowed the City Council to consider individual waivers of the front yard setback standards, and those lasted until 1987. The last previous provision allowed the City Council to consider various types of waivers for encroachments into front yards. The most prevalent, until 1987, were for enclosed porches that would encroach into front yards, but in 1987, the recourse to the Board of Zoning Appeals (BZA) became available.

Special Permit No. 08018, also on today's agenda, is a request for special permit for a parking lot. Ten years ago, the BZA approved a variance that allowed the applicant to encroach into the front yard setback areas. There is still that opportunity to go to the BZA but the BZA has since been working under a different philosophy, taking a more strict view of their area of authority and unless there is some kind of unique character to the site or lot in question that makes it different from the rest of the area, the BZA is generally reluctant to approve variances of all kinds, including this kind.

A couple of months ago, the Planning Commission reviewed a request for parking lot by First Presbyterian Church, which showed encroachment into front yards occupying most of the front yards with its parking. The Planning Commission approved that site plan conditional upon obtaining a

variance from the BZA. That request for variance was subsequently denied by the BZA. Now, First Plymouth wants to do the same and has requested the text amendment to avoid going to BZA for the variance. The proposed text amendment would allow review, on a case-by-case basis, with potential for waiver by the City Council using broader authority than the BZA. The staff believes this is a reasonable text amendment. The City Council has similar authority to reduce front yard requirements in other districts, such as community unit plans, use permits and planned unit developments, which often have waivers of the yards.

Krout cautioned that encroachments into yard areas should be considered carefully, but on a case-by-case basis, the Planning Commission can recommend and the City Council can approve these kinds of waivers. In some cases it may mean that you have a tradeoff – if you permit some encroachment and you have a better yield of parking on one lot or two lots, you may be able to avoid taking three lots or four lots to provide the parking to serve the need of the church or other use. In some cases, the City and the facility may be responding to complaints from neighbors about on-street parking.

In this particular case (First Plymouth), the Near South Neighborhood Association, in part responding to the large amount of on-street parking because of First Plymouth, supports the request for special permit.

Krout suggested the services provided to the neighborhood by the facility should be considered against the issue of forcing the facility to move. It must also be remembered that the philosophy of the BZA has changed and there is no other recourse.

With regard to the special permit, the staff is recommending approval, with some conditions of mitigation and more screening than the minimum standard and the addition of one street tree. The staff is also suggesting that access to F Street not be allowed, but to limit the access to the alley access because this lot is the farthest away from the church and intended for employees of the church.

Krout explained that the Public Works Department is recommending that the request to waive the design standard which requires a minimum 15' distance between the nearest parking space and the right-of-way line of an alley or a street be denied. The purpose of this is to make sure there is adequate area for queuing of cars to avoid cars backing up in the street and into the alley and blocking traffic. Staff has denied this waiver and it is now being appealed to the Planning Commission.

In addition, Krout advised that the Public Works Department has submitted a proposed alternative parking plan that shows two rows of diagonal parking instead of the 90 degree parking, the effect being to narrow down the area that is needed for parking so that there would be about 6' on either side for front yard landscaping, meaning that the landscaping would not need to be on public right-of-way. This alternative plan was provided to the applicant on Monday.

Krout clarified that this is a surface parking lot. The church does have ultimate plans to do some decked parking but they are not in a position to move ahead with that project at this time.

Dennis Bartels of Public Works explained that the conflict with the design standards is the three stalls that are within 6' of the alley. It is a public alley going the full block, paved from F Street west. The design standards provide that all maneuvering space must be on the permittee's property. The end

stalls cannot be entered without making a second maneuver, i.e. backing out into the public alley. Public Works has authority to waive the design standards, but Bartels does not believe that the applicant provided the necessary justification for this waiver. The only documentation provided was to maximize the number of stalls on a lot. He did not find that that was within the spirit of the design standards. Public Works is proposing an alternative layout with diagonal parking which provides a 13' aisle and keeps the 15' penetration clear. This would be two less stalls than shown on the applicant's plan. It also keeps the landscaping on private property.

Esseks asked staff to define and show the sight triangle and its purpose. Bartels explained that a lot of it will depend on the situation, but generally you look at where the car is parking or where they can pick up a line of sight for someone coming from the other direction. There will be through traffic coming down the alley at the same time that the parking lot is used. It is basically a line of sight from where the driver's eye is to where you see another car.

Proponents

1. Mark Hunzeker appeared on behalf of **First Plymouth Church**. This is an addition to an existing parking lot that was approved about ten years ago, which is identical in configuration to that which is being proposed with this special permit. The existing screening exceeds the requirements as well as what is proposed for the new lot. The church needs additional parking. The church has doubled in membership since the 1970's. The other central city churches in the community are roughly half the membership that they were in the 1970's. This church is a center of neighborhood activity – music program, community outreach, preschool and daycare – they have all been a very strong part of the Near South Neighborhood for a very long time. Any sort of negative aspect of the parking and parking lot encroachment into the neighborhood has been more than offset by the positive influence of this institution being a vital part of the neighborhood for a very long time.

Hunzeker acknowledged that this special permit will not solve their parking problem. An additional 38 parking stalls will simply alleviate the problem to a certain extent, giving the staff and other people in the church on a regular basis a place to park that will not take up a lot of space right near the church. It is designed to match the existing facility with the same setbacks, same lighting standards, the same or better landscaping, with a small sign at the intersection of 21st and F Streets for the purpose of defining the edge of the church campus.

With respect to the waiver of the site penetration design standard, Hunzeker submitted that this should not be viewed as being two separate parking lots, but simply a single parking lot with two entrances, one on E Street and one from 21st Street. And from each of those entrances there is more than 40' from the curb line of the street where they take access to the entrance of the parking area. It is a two-way alley, and it is a two-way drive aisle. People have ample opportunity to maneuver into the stalls. He does not believe there is a problem. It does not cause a problem with traffic backing out onto the public street. This is an alley paved only to a certain point and not paved to the west. It is infrequently traveled except for people accessing the parking lot.

In response to the alternative site plan submitted by Public Works, Hunzeker suggested that the use of the angled stalls is an inferior design because it encroaches into the sight triangle at 21st & F Streets. They would lose a stall there and at least one or two more because the design does not

provide a location to comply with the lighting standards. The Public Works alternative design shows a 13' wide driving aisle. Hunzeker suggested that drivers cannot see one another backing out of those diagonal stalls. The applicant's proposed design provides for a 23' aisle with 90 degree parking, much like any commercial parking lot in town, providing ample opportunity to view other people on the other side of the aisle.

With regard to the screening in the right-of-way, Hunzeker explained that they are requesting to utilize a portion of the 4' between the lot line and the sidewalk for the landscaping, just like on the parking lot on the south half of the block. The church maintains the screening in a way that is trimmed up vertically to avoid getting into the sidewalk area. He does not believe there has been any objection from the Parks Department on this issue.

Esseks observed that they are also wanting to put some bushes outside the property line to the north facing F Street. Hunzeker concurred that there would be some in the area between the sidewalk and the curb on the north side. But, there is a much greater distance because the east/west streets in this area are 100' wide rights-of-way providing a wider distance from the property line to the curb and sidewalk. They would landscape between the curb and the sidewalk.

Hunzeker also pointed out that, in conjunction with the Planning Department, they redesigned this parking lot to delete the access to F Street and removed a stall so that any parked cars will be back a distance from F Street, providing a fairly straight line giving more consistent setback and additional opportunity to do some landscaping.

Esseks is concerned about setting a precedent with the waiver of the design standard. He asked Hunzeker to provide a very strong reason for approving this waiver. Hunzeker suggested that it should be considered on the analysis of the property involved on a case-by-case basis. He agreed that there could be a concern about setting a precedent, but at the same time, each application must be reviewed on its own merits and in the context of the neighborhood and the property being served. This parking lot serves an institution which is very important and vital for this neighborhood. There is no opposition from the neighborhood. There have been meetings between the church and the neighborhood association and the neighborhood association is supportive of the church and its efforts to alleviate some of the street parking concerns. Hunzeker believes that the existing parking lot on the south half of this block and this addition to it make a lot of sense in the context of providing parking to serve this institution. He did not know whether there would ever be an additional request for a parking lot. At this time there are no such plans, but there have been plans they have dreamed about to having a second deck on the parking lot east of the building, but they do not own enough property there. They don't have very many options. If the variances are not granted, it eliminates approximately half of the area that is available for parking on the same amount of property. It would be impossible to gain 38 parking stalls on these two lots with a 20' setback along 21st Street and 20' setback along F Street. "We need to maximize." Hunzeker stated that the church does not want to discount the impact of having additional parking on the edge of the neighborhood, but he believes they have minimized the adverse impacts to have as little impact on the housing stock in the area as possible.

Staff comments

Buff Baker of Public Works and Utilities, Engineering Services, clarified that Public Works fully supports the parking lot for the church. The only objection is that what the applicant believes to be “a better design” with the site penetration waiver does not help Public Works justify all of the other variances that will be requested. Public Works uses the diagonal parking stalls on public streets with 11' drive aisles, designed for 25 mph speed limit, with very few crashes on public streets when backing out of stalls. He does not believe that is a valid excuse. Public Works is attempting to uphold the design standards. The proposed alternative also allows the applicant to put the screening on their own property and provides the proper sight triangles.

Response by the Applicant

Hunzeker acknowledged that there are 55 degree parking stalls on public streets with 11' drive aisles, but he is not aware of any public streets with 11' or even 13' drive aisles with parking stalls on both sides. In addition, he does have a problem with locating lights in the offset parking stalls if the Public Works alternative is used. The proposed driving aisles will not line up with the driving aisles coming out from the south into the area to the north. If this is to function as a single parking lot, the driving aisles need to line up. 15' is not a good design given the circumstances. The current situation and the applicant's design are the best alternative.

CHANGE OF ZONE NO. 08016

ACTION BY PLANNING COMMISSION:

May 7, 2008

Larson moved approval, seconded by Francis.

As a member of the Board of Zoning Appeals, Carroll acknowledged that the BZA is following a state law that states that it must be a peculiar, unusual and exceptional circumstance or situation to approve a variance and that is why the BZA denied the First Presbyterian request. This text amendment allows opportunity for parking lots in the urban inner city to do this and to help churches get extra parking off the street. He is in favor.

Motion for approval carried 8-0: Larson, Sunderman, Cornelius, Taylor, Gaylor Baird, Francis, Esseks and Carroll voting 'yes'. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 08018

ACTION BY PLANNING COMMISSION:

May 7, 2008

Larson moved approval, with the conditions set forth in the staff report, seconded by Esseks. (Approval of the applicant's design but denial of the site penetration waiver).

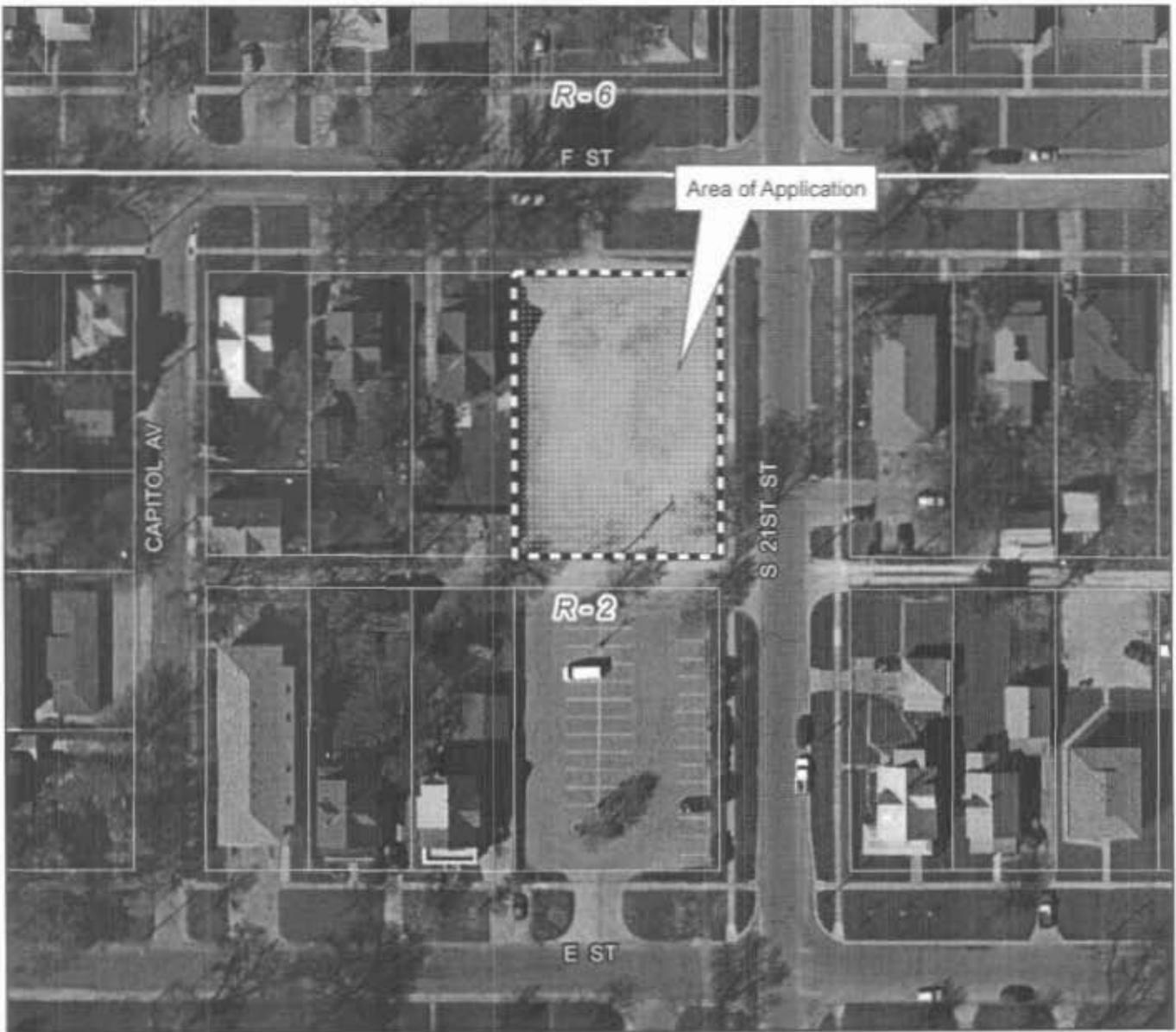
Esseks made a motion to amend Condition #1.1.1 to in effect remove the landscaping from the public right-of-way in the sight triangle, seconded by Sunderman. Esseks is concerned about safety for pedestrians and traffic.

Upon further discussion, Esseks withdrew the motion to amend and Sunderman agreed as the seconder of the motion.

With regard to the 15' site penetration, Sunderman believes it is important to mirror what is to the south of this particular lot to keep them equal and even, and since this is an alleyway he does not believe the 15' penetration is as important as on a main street; however, this is a waiver that must be approved by the City Council.

Carroll agreed with Sunderman. He does not see the problem with the 15' intrusion of the standard. As far as the landscaping, it is apparent that the church does a very good job and he knows the parking lot will look nice and good for the neighborhood.

Motion for conditional approval carried 8-0: Larson, Sunderman, Cornelius, Taylor, Gaylor Baird, Francis, Esseks and Carroll voting 'yes'. This is a recommendation to the City Council.



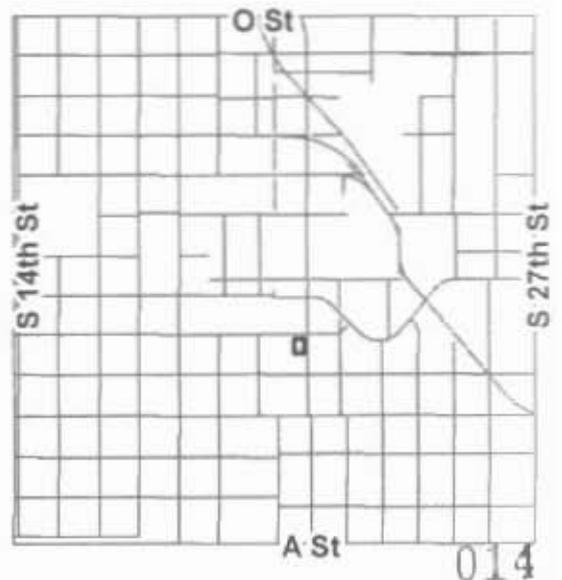
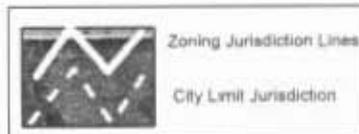
2007 aerial

Special Permit #08018
S 21st & F St

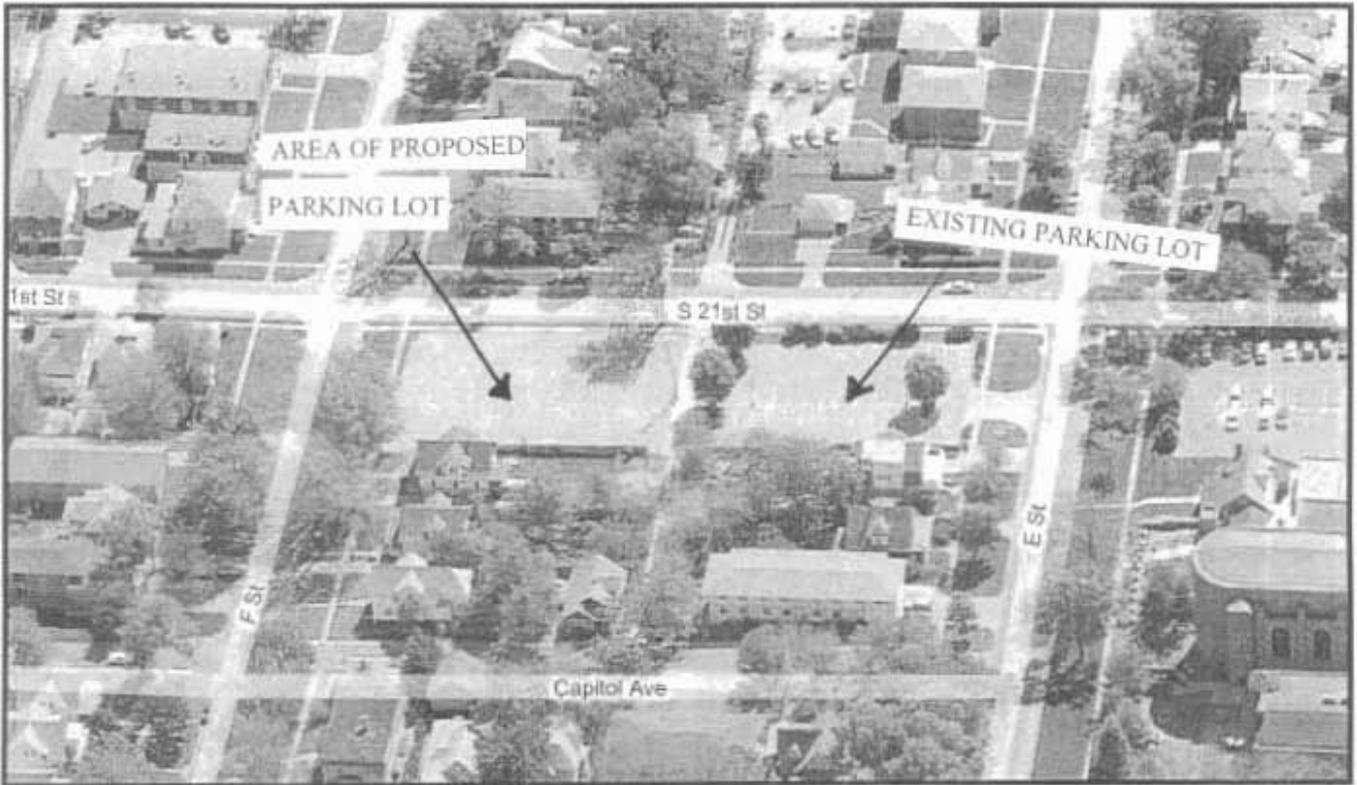
Zoning:

One Square Mile
 Sec. 25 T10N R06E

- 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

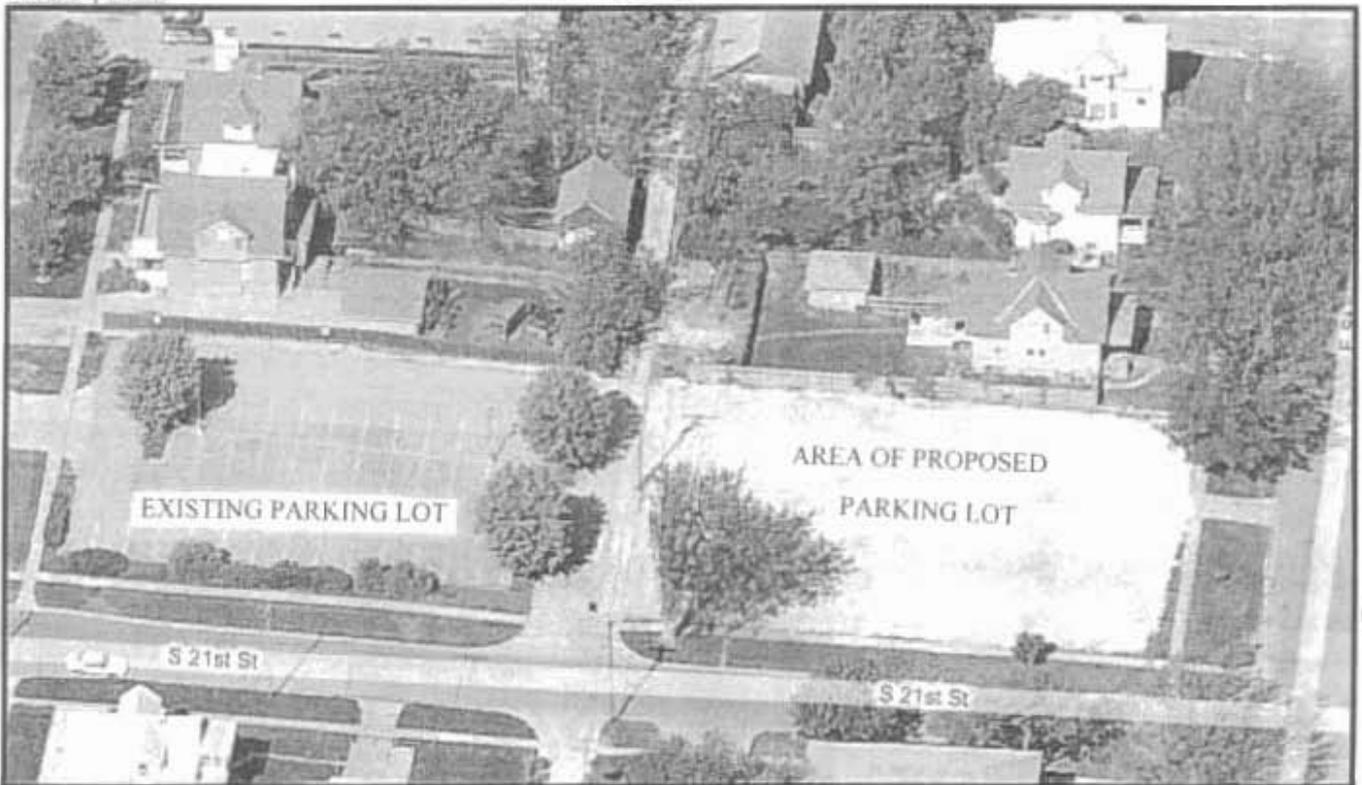


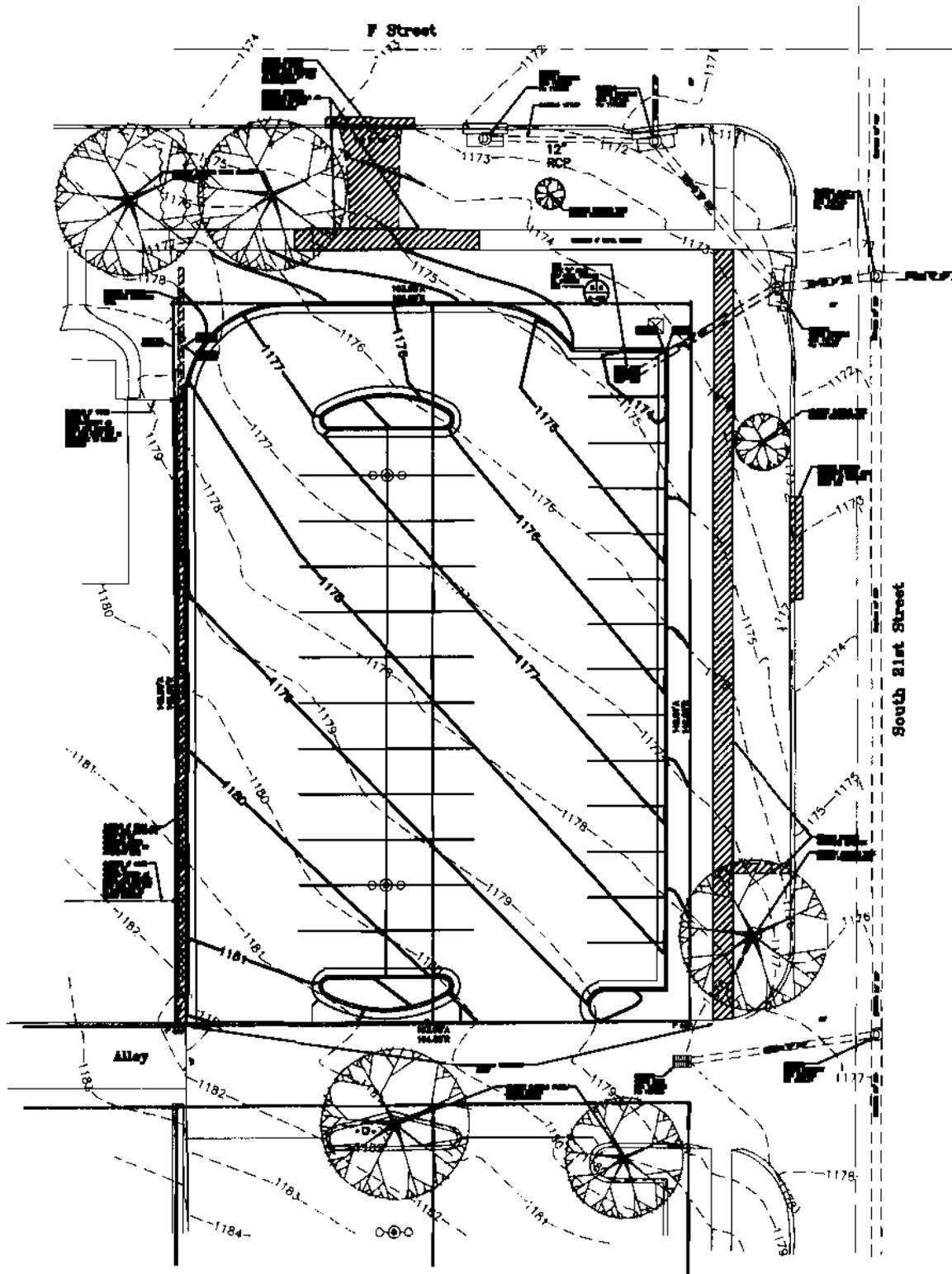
LOOKING EAST



Share | Print

LOOKING WEST





Site Demolition/Grading Plan

SCALE: 1" = 30'-0"



Date: 10/10/07 Rev: 04/25/06
 Drawing:
 Issue sheet

TITLE
 Site Demolition/Grading Plan

PROJECT
 Parking Lot Expansion
 First-Plymouth Congregational Church
 Lincoln, Nebraska

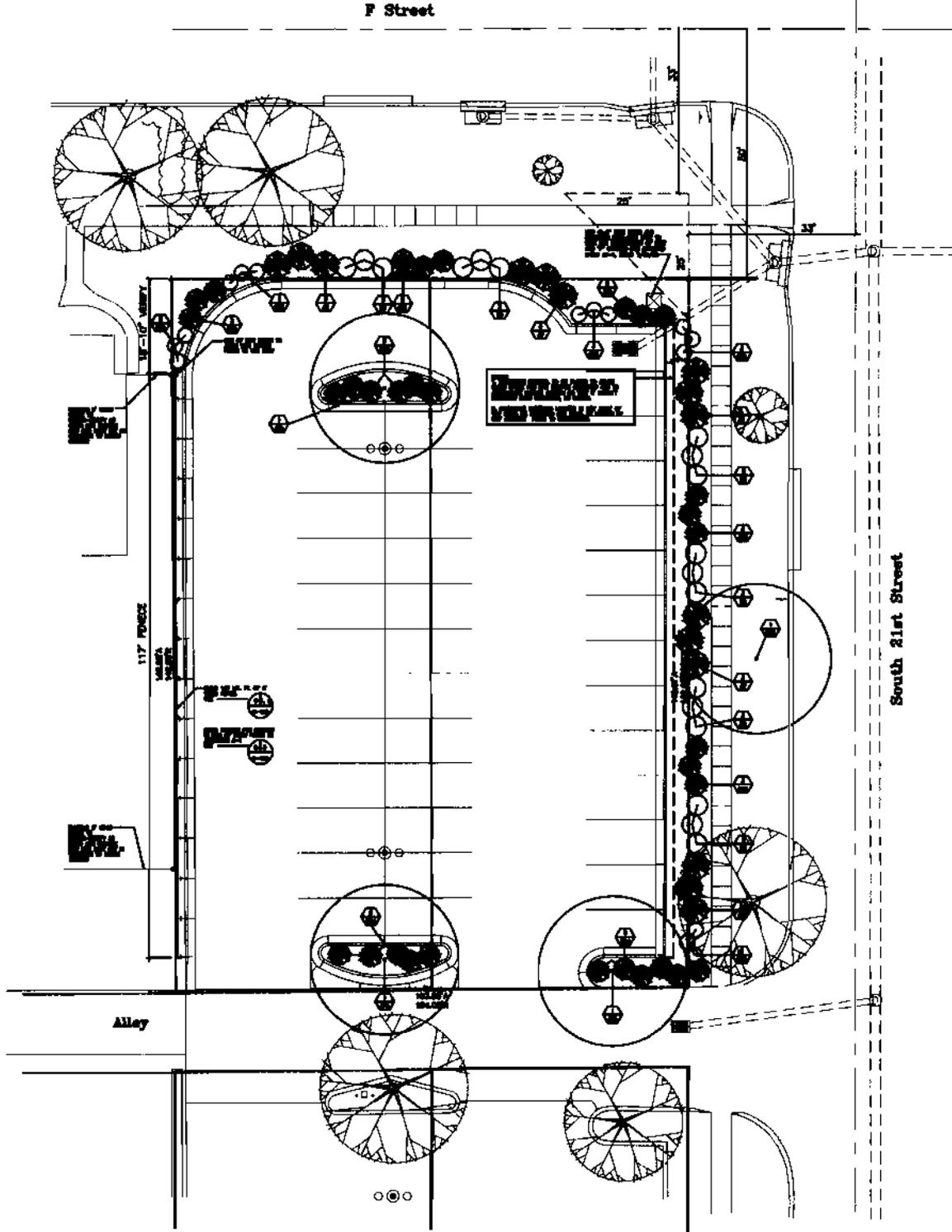
Check:
 SE Frank Pittenger
 Omaha, NE 68102
 Phone (402) 491-0000
 Fax: (402) 491-0000

Check:
 SE Frank Pittenger
 Omaha, NE 68102
 Phone (402) 491-0000
 Fax: (402) 491-0000

Check:
 SE Frank Pittenger
 Omaha, NE 68102
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- LEGEND**
-  EXISTING DECIDUOUS TREE TO REMAIN.
 -  PROPOSED DECIDUOUS TREE / SHRUB.
 -  PROPOSED CONIFER TREE / SHRUB.

PLANT MATERIALS LIST							
KEY	QTY.	COMMON NAME	SCIENTIFIC NAME	DBL. HT.	DBL. SPCL.	SPCC.	REMARKS
01	2	SMALL PINEAPPLE	QUERCUS ALBIFLORA "SMALL PINEAPPLE"	4'	4"	1 1/2" DBL.	U & V
02	10	SMALL SPYDER GLOBE	QUERCUS ROBURATA "SMALL SPYDER GLOBE"	4'	4"	1 1/2" DBL.	U & V
03	10	SMALL ALABASTER	QUERCUS ROBURATA "SMALL ALABASTER"	4'	4"	1 1/2" DBL.	U & V
04	10	SMALL BURNING BUSH	EUONYMUS ALATUS "SMALL BURNING BUSH"	4'	4"	1 1/2" DBL.	U & V
05	10	SMALL FLAME TREE	SPYRAEA SPICATA "SMALL FLAME TREE"	4'	4"	1 1/2" DBL.	U & V
06	10	SMALL-LEAFED JASMINE	JASMINUM NUDIFLORUM "SMALL-LEAFED JASMINE"	4'	4"	1 1/2" DBL.	U & V
07	1	RED TWIG DOGWOOD	COSSYPIUM COCCINEUM "RED TWIG DOGWOOD"	4'	4"	1 1/2" DBL.	U & V



  **Site Landscaping Plan**



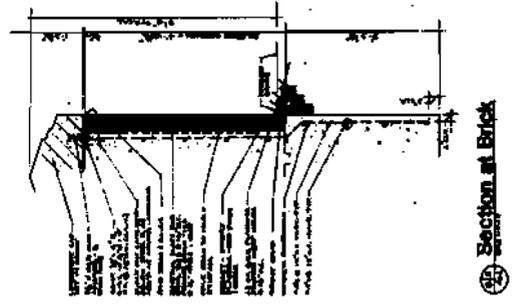
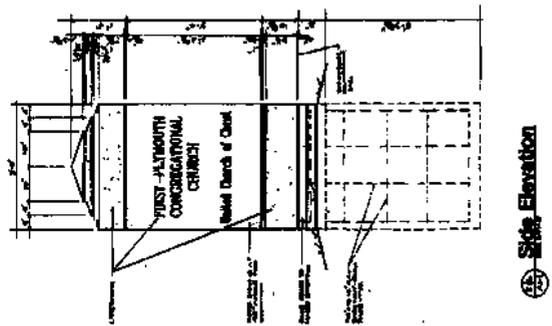
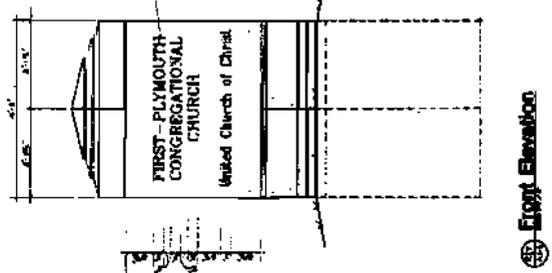
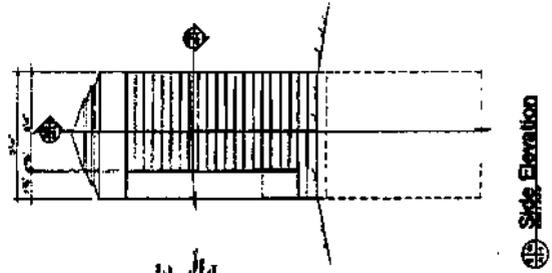
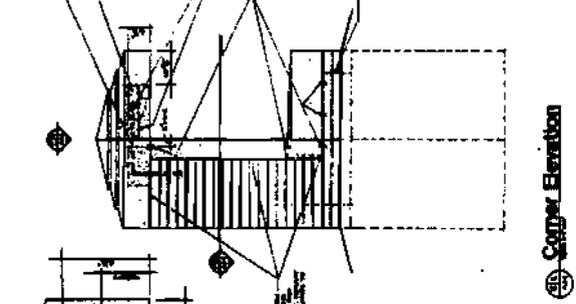
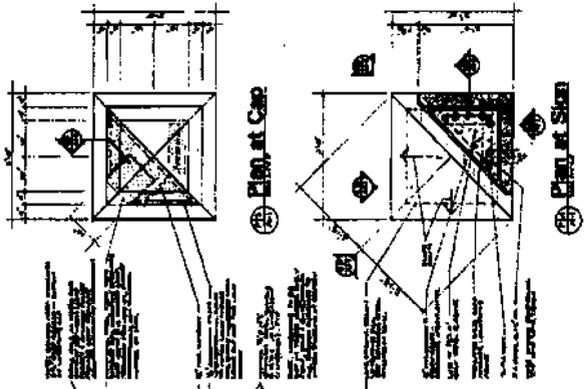
Date: 12/10/07 Rev. 04/25/08
 Drawing:
 Issue: 01/08

TITLE
 Site Landscaping Plan

PROJECT
 Parking Lot Expansion
 First-Plymouth Congregational Church
 Lincoln, Nebraska

Consultants:
 221 North 74th Street
 Omaha, NE 68108
 Phone: (402) 461-9100
 Fax: (402) 461-9101

Architect:
 221 North 74th Street
 Omaha, NE 68108
 Phone: (402) 461-9100
 Fax: (402) 461-9101





DONALD R. WITT
M. DOUGLAS DEITCHLER
WALTER E. ZINK II
RANDALL L. GOYETTE
STEPHEN S. GRALY
GAIL S. PERRY
DALLAS D. JONES
JILL GRADWOHL SCHROEDER
DAVID A. DUDLEY

BRENDA S. SPILKER
STEPHANIE F. STACY
W. SCOTT DAVIS
MARK A. HUNZIKER
WILLIAM G. BLAKE
PETER W. KATT
CHRISTOPHER M. FERDICO
DARLA S. IDEFUS
JARROD S. BOITMOTT

TIMOTHY E. CLARKE
ANDREW M. LOUDON
CHRISTINA L. BALL*
JENNY L. PANKO
JAMES D. HAMILTON
CAROLINE M. WESTERHOLD
AMANDA A. DUTTON
CYNTHIA R. LAMM
DEREK C. ZIMMERMAN

JOHN J. HEIECK
MARK W. BUCKWALTER

OF COUNSEL
ROBERT T. GRIMIT
J. ARTHUR CURTISS
DAVID D. ZWART

*ALSO ADMITTED IN KANSAS

March 26, 2008

Hand Delivered

Mr. Marvin Krout
Planning Department
555 South 10th Street #213
Lincoln, NE 68508

**RE: First Plymouth Congregation Church Special Permit Application for Parking Lot
21st & F Street, Lincoln, NE**

Dear Marvin:

Attached is an Application for a Special Permit for a parking lot in connection with First Plymouth Congregational Church. The parking lot is immediately adjacent to an existing parking lot which serves the Church (Special Permit No. 1579). The parking lot is needed to serve the growing needs of the Church, and to minimize the inconvenience to neighbors and Church members resulting from parking on both sides of residential streets for several blocks around the Church during regular services, weddings, and other activities.

This Application will mirror the existing parking lot, and will be served by the same east/west alley which serves the parking lot to the south.

We are requesting several waivers which are consistent with the waivers approved under Special Permit No. 1579:

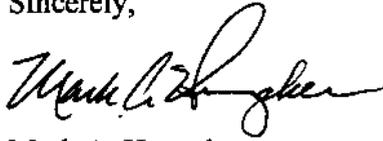
1. We request a waiver of the requirement that landscape screening material be placed on the lot and request permission to place the plant materials in the City right-of-way and execute a maintenance agreement with the City. We would, as provided in Special Permit No. 1579, be willing to post a bond in an amount determined by the Director of Parks and Recreation to be sufficient to guarantee the health and vitality of the plants.
2. We request a waiver of the minimum 15-foot site penetration at the F Street driveway.
3. We request a waiver of the parking lot lighting design standards; specifically, we request a waiver of the uniformity ratio requirement 4:1 average to minimum. The lighting plan is essentially identical to that which is currently in existence on the parking lot on the south,

Mr. Marvin Krout
March 26, 2008
Page 2 of 2

meeting the average to minimum ratio is extremely difficult with the decorative fixtures proposed. See attached letter form Jon Dalton of Davis Design, together with the lighting information.

We have also submitted an application to the Board of Zoning Appeals for a variance to reduce the required front yard along 21st Street and F Street to zero, and the side yard along the west property line to zero, as was approved by the Board of Zoning Appeals on September 29, 1995 for the parking lot to the south. If you require further information, please contact me.

Sincerely,



Mark A. Hunzeker
For the Firm
mhunzeker@bayloreven.com

Enclosures

210731



DONALD R. WITTY
M. DOUGLAS DEUTCHLER
WALTER E. ZINK II
RANDALL L. GOYETTE
STEPHEN S. GEALY
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OF COUNSEL
ROBERT T. GRIMM
J. ARTHUR CURTISS
DAVID D. ZWART

*ALSO ADMITTED IN KANSAS

April 9, 2008

Marvin Krout
Planning Director
555 South 10th Street Room 213
Lincoln, NE 68508

APR - 9 2008

RE: First Plymouth Congregational Church Special Permit for parking lot

Dear: Marvin

In addition to the waivers requested in our previous application, we hereby request a waiver of the front and side yards setbacks, in accordance with the site plans submitted, and pursuant to the text amendment which we have submitted today.

If there are any further questions please call.

Sincerely,

Mark A. Hunzeker
For the Firm
mhunzeker@baylorevnen.com

213790

021



ARCHITECTURE
ENGINEERING
INTERIOR DESIGN

Principals:

WYNN E. MEHLHAFF, AIA
MATTHEW C. METCALF, AIA
WADE W. STANGE, AIA
MICHAEL A. WACHAL, PE

Principal Emeritus:

LYNN L. JONES, AIA

SENIOR ASSOCIATES:

J. EDWARD BUKACEK, AIA
JON P. DALTON, PE
RON HACKETT, AIA
DAN L. HEMSATH
BRYCE G. JOHNSON, MS PE
MICHAEL D. MARSH, AIA
RENEE M. SHEIL
GREGORY T. SMITH, AIA

Lincoln:

211 NORTH 14TH STREET
LINCOLN, NEBRASKA 68508
PHONE: (402) 476-9700
FAX: (402) 476-9722

Omaha:

4245 SOUTH 143RD STREET
SUITE 5
OMAHA, NEBRASKA 68137
PHONE: (402) 341-6600
FAX: (402) 341-6611

www.davisdesign.com



December 9, 2007

Planning Department
City of Lincoln
555 S. 10th Street
Lincoln, Nebraska 68508

**RE: *First Plymouth Church
Parking Lot Lighting
Request for Waiver on Design Criteria***

To whom it may concern:

I am requesting a waiver to the City Design Standards for Parking Lot Lighting for the above mentioned project, specifically concerning the uniformity ratio requirement of 4 to 1 average to minimum.

The parking lot for this project is located adjacent to a parking lot of nearly identical dimensions, for the same owner. It is our desire to provide the same type and layout of the existing parking lot for consistency.

The fixture submitted is a full cut-off fixture, as required. A cut sheet is provided. We do not exceed the maximum allowed average light level of 4.0 footcandles, nor do we have any area on the parking lot less than two-tenths, (0.2). Please see the attached photometrics of the parking lot. The lighting layout also meets the criteria of being less than 0.5 footcandles spilled onto any adjacent properties, in this case, to the West of the parking lot.

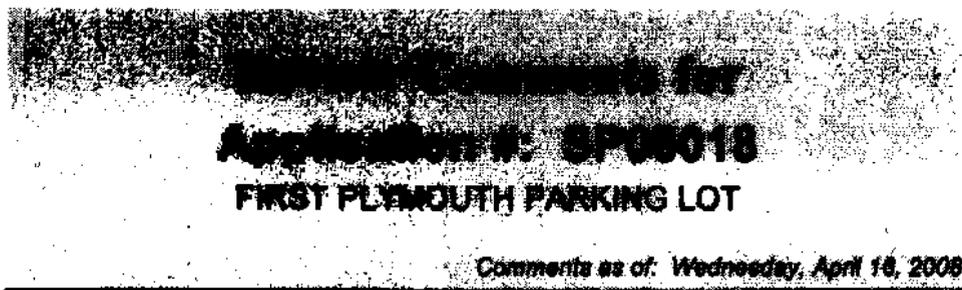
The only criteria we fail to meet is the 4:1 average to minimum. We are able to obtain an average to minimum ration of 7.85:1. Please review the enclosed information and consider allowing a waiver for this installation.

Sincerely,

DAVIS DESIGN, INC.

Jon P. Dalton

Enclosures



Status of Review: FYI

03/28/2008 9:37:10 AM

Reviewed By Building & Safety

Terry Kathe

Comments: setbacks shown are not yet approved. It should be noted that the setbacks could be denied and this site plan not possible.

Status of Review: Active

Reviewed By Lincoln Electric System

ANY

Comments:

Status of Review: Approved

Reviewed By Parks & Recreation

ANY

Comments:

Status of Review: Routed

Reviewed By Planning Department

COUNTER

Comments:

Status of Review: Active

Reviewed By Planning Department

CHRISTY EICHORN

Comments:

Status of Review: FYI

03/27/2008 11:48:51 AM

Reviewed By Planning Department

RAY HILL

Comments: The following are provisions from the special permit for parking lots section of the Zoning Ord.

(i) The parking lot shall not use a local residential street for access, unless access cannot be gained to the proposed parking lot from a non-residential street. If access is proposed from a local residential street, such access must be gained at a location that does not negatively impact adjacent residential zoned property.

Response:

This parking lot can gain access via the alley to the south and deleting the drive to F Street will allow more on street parking for the neighborhood.

(ii) The parking lot shall not disrupt the continuity of the block face, and the character of the existing residential neighborhood shall be preserved.

Response:

Reducing the front yard along F Street disrupts the continuity of the block face. The plan should at least provide the required setback from F St. The block face along 21st St. is vacant and parking.

(iii) The parking lot shall be allowed only if it can function as a transitional use while protecting the adjacent residential use.

Response:

This parking lot appears to be more of an intrusion than a transitional use. The parking lot to the south at least fronted the same street as the church.

Status of Review: Complete

04/03/2008 9:38:30 AM

Reviewed By Public Works - Development Services

SIETDQ

Comments: Memorandum

To: Christy Eichorn, Planning Department
From: Charles W. Baker, Public Works and Utilities
Subject: First Plymouth Parking Lot Special Permit #08018
Date: April 3, 2008
cc: Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the First Plymouth Parking Lot Special Permit #08018 at 21st and F Streets. Public Works has the following comments regarding the requested waivers.

• Ref 1. - Public Works cannot recommend that the waiver to request that landscape screening material be allowed to be placed in the right-of-way be approved.

• Ref 2. - The requested waiver of the 15' sight penetration distance does not apply to the "F" Street driveway because of the parking lot layout design. However it would apply to the 1st stall off the alley access from 21st Street. This waiver was not requested, and Public Works would not support the waiver and would require the adequate turning maneuver distance apply in the building permit review process.

• Ref 3. - Public Works has no comment on the parking lot lighting requirement.

024

Status of Review: **Approved**

Reviewed By **Urban Development**

ANY

Comments:

Status of Review: **Approved**

Reviewed By **Urban Development**

ANY

Comments:

025

INTER-DEPARTMENT COMMUNICATION



DATE April 2, 2008

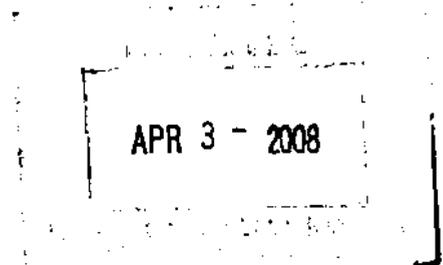
TO: Christy Eichorn, City Planning

FROM: Sharon Theobald (Ext. 7640) *Sh*

SUBJECT: First Plymouth Parking Lot
DN #9S-20E

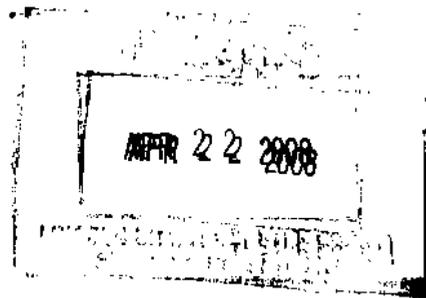
SP #08018

Windstream, Time Warner Cable, and the Lincoln Electric System will offer no objections to the Special Permit Application being submitted by First Plymouth Congregational Church for a parking lot at 21st & F Street which is adjacent to the existing parking lot.



ST/nh
Attachment
c: Terry Wiebke
Easement File

Windstream Communications
401 South 21st Street
Lincoln, NE 68510
P.O. Box 81309-1309



April 21, 2008

Ms. Christy Eichorn
Project Planner
Lincoln / Lancaster County Planning Department
555 S. 10th Street, Rm. 213
Lincoln, Nebraska 68508

RE: Ch. 27.63.170 Adjust yards for parking lots. Change of Zoning (PUD) CZ08016

Dear Ms. Eichorn

Windstream has aerial facilities located along the "E"- "F" alley between 20th & 21st Street on the pole line running east to west on the north edge of said alley.

If Windstream Aerial Facilities would need to be relocated for the proposed work the property owner will be responsible for cost of relocation.

For the location of Windstream facilities please call Nebraska One Call at 1-800-331-5666. This will allow your firm to have underground facilities directly surveyed into the plans.

If you have any further questions or concerns please contact Ken Adams
Phone(436-5794).

Sincerely,
Ken Adams

A handwritten signature in black ink, appearing to read "Ken Adams". The signature is fluid and cursive.

For Manager – OSP Engineering

CKA

Att.

Cc;

