

City Council Introduction: **Monday**, February 9, 2009
Public Hearing: **Monday**, February 23, 2009, at **5:30** p.m.

Bill No. 09R-21

FACTSHEET

TITLE: SPECIAL PERMIT NO. 310D, requested by The Ambassador Lincoln, to adjust the height and side setback requirements to allow for the renovation and expansion of the existing health care facility, on property generally located south of the intersection of South Cotner Boulevard and Normal Boulevard.

STAFF RECOMMENDATION: Conditional Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 01/28/09
Administrative Action: 01/28/09

RECOMMENDATION: Conditional Approval (7-0: Carroll, Cornelius, Esseks, Francis, Larson, Sunderman and Taylor voting 'yes'; Gaylor Baird and Partington absent).

FINDINGS OF FACT:

1. This is a request by The Ambassador Lincoln to renovate and expand the existing health care facility, including waivers to adjust the allowed height from 35' to 45', and to adjust the side setback from 35' to 10' to the east, on property generally located south of the intersection of South Cotner Boulevard and Normal Boulevard.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-4, concluding that the surrounding property most affected by this development is adjacent to the east and is zoned B-1. Given the zero foot side yard setback and 40' height limit in the B-1, the requested adjustments for this development still maintain adequate separation and scale among surrounding uses. This request allows for an increased number of rooms and makes more efficient use of this site in a manner that complies with the Zoning Ordinance and is consistent with the intent of the Comprehensive Plan. The staff presentation is found on p.8.
3. The testimony by the applicant is found on p.8.
4. Testimony in opposition is found on p.8, with concerns about parking during construction, access for emergency vehicles and truck deliveries to the Ambassador.
5. The applicant indicated a willingness to work with the delivery trucks and construction vehicles to alleviate the concerns of the opposition.
6. On January 28, 2009, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend conditional approval, as set forth in the staff report dated January 14, 2009 (Gaylor Baird and Partington absent).

FACTSHEET PREPARED BY: Jean L. Preister

DATE: February 3, 2009

REVIEWED BY: _____

DATE: February 3, 2009

REFERENCE NUMBER: FS\CC\2009\SP.310D

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for January 28, 2009 PLANNING COMMISSION MEETING

PROJECT #: Special Permit #310D - The Ambassador Lincoln
PROPOSAL: To renovate and expand the existing health care facility.
LOCATION: South of the intersection of South Cotner and Normal Blvds.
LAND AREA: Approximately 4.87 acres.
EXISTING ZONING: R-2 Residential

WAIVER /MODIFICATION REQUESTS:

1. Adjust the allowed height from 35' to 45'.
2. Adjust the side setback from 35' to 10' to the east.

CONCLUSION: The surrounding property most affected by this development is adjacent to the east and is zoned B-1. Given the 0' side yard setback and 40' height limit in the B-1, the requested adjustments for this development still maintains adequate separation and scale among surrounding uses. This request allows for an increased number of rooms and makes more efficient use of this site in a manner that complies with the Zoning Ordinance and is consistent with the intent of the Comprehensive Plan.

RECOMMENDATION:

SP#310D:	Conditional Approval
Adjustments:	
Allowed height from 35' to 45'	Approval
Front setback from 35' to 10'	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 188 I.T., located in the SW 1/4 of Section 32-10-7, Lancaster County, Nebraska, generally located at Normal Boulevard and Cotner Blvd.

EXISTING LAND USE: Health Care Facility.

SURROUNDING LAND USE AND ZONING:

North:	Residential	R-2
South:	Antelope Creek, Eden Park	P
East:	Office	B-1
West:	Residential	R-2

HISTORY:

2008 - SP#310C is not used and closed.

1987 - SP#310B was approved allowing expansion of the facility from 120 to 185 beds.

1985 - SP#310A was approved allowing the addition of a garage and storage area.

1965 - SP#310 was approved for a 120-bed health care facility (nursing home).

TRAFFIC ANALYSIS: Normal Blvd is designated as an arterial street. A driveway onto Normal Blvd is being eliminated with this expansion, with access to it provided via a shared driveway with the residential development adjacent to the west.

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 65 - Residential - Guiding Principles

-A safe residential dwelling should be available for each citizen: the efficiency apartment and the country estate, the small single family “starter” home and the large downtown apartment suite, the most affordable and the most expensive dwelling unit, completely independent living and living within the care of others. Provision of the broadest range of housing options throughout the community improves the quality of life in the whole community.

-Provide different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population.

Create housing opportunities for residents with special needs throughout the city that are compatible with residential neighborhoods.

Transit, pedestrian, and bicycle networks should maximize access and mobility to provide alternatives and reduce dependence upon the automobile. Sidewalks should be provided on both sides of all streets, or in alternative locations as allowed through design standards or review process.

ANALYSIS:

1. This is a request to both renovate and expand the existing facility. The expansion includes construction of a three-story wing at the south end of the facility (Phase I), and a two-story addition on the north (Phase II). The attached conceptual building elevation shows the three-story addition.
2. The facility currently has 130 beds, less than the 185 authorized by SP#310B. This renovation will increase the number of beds to 151 in 151 rooms.
3. Lincoln Municipal Code (LMC) §27.63.080 Permitted Special Use: Health Care Facility, requires the following (in summary):

(a) **Parking** - 51 spaces are required by LMC, 93 are provided.

(b)(1): **Buildings will not occupy more than 35% of the total land area.** After the expansion the lot coverage will be 33.7%.

(b)(2): **Yards abutting a nonresidential district will be the same as those required in said abutting district.** The only abutting, nonresidential zoning district is the B-1 to the east. The side yard setback in the B-1 when abutting a residential district is 10'. The proposed side yard setback along the east lot line is 10'.

(b)(3): **Yards abutting or located partially or wholly within a residential district will be the greater of 10' or the required setback in the abutting district plus on additional foot for each foot of building height over 20'.** When applied to the new building, the east side yard setback is 35'. The applicant is requesting an adjustment to the required setback from 35' to 10' to accommodate the expanded facility (assuming the proposed height of 45'). The applicant notes that property adjacent to the east is zoned B-1 and developed with a two-story office building. Given the existing zoning and land use, this adjustment is appropriate.

(b)(4) **Required front yards and side yards shall be landscaped.** A note on the site plan indicates that the landscaping shown represents existing conditions, and that it will be provided per City standards. It is appropriate that a renovation this significant requires updated landscaping per current standards, but the note should be revised to clearly indicate that all required screening and landscaping will be provided at the time of building permit

(d) **The location of such facilities should be on major streets near the center of the area served.** The Ambassador fronts onto and takes access to Normal Blvd, an arterial street, and is generally surrounded by residential neighborhoods in all directions.

(e) **On-site pedestrian circulation sidewalk systems in conformance with 27.81.010.** An adequate sidewalk system is shown on the site plan.

4. In addition to the requested adjustment to the side yard setback, an adjustment to the maximum allowed height from 35' to 45' is also requested. The site conditions that support this adjustment are: 1-Facility fronts onto Normal Blvd, an arterial street; 2-The facility provides the required setback to the residential use adjacent to the west; 3-The adjacent property closest to the three-story addition is zoned B-1 and is developed with a two-story office building; 4-The land use to the south is Antelope Creek and Eden Park. The impact upon surrounding properties will not be significant, and will allow more efficient use of the land.
5. The facility is zoned R-2 and located in a part of the city subject to the neighborhood design standards. The review for compliance with those standards occurs at the time of building permit, and this project may be affected by them. The applicant should contact the Planning Department for more information in this regard.
6. A portion of this site is located within the 100-year floodplain, but it is not shown on the site plan. The site plan should be revised to show it. It should be noted that the review for

compliance with the applicable provisions of LMC Chapter 27.52 Floodplain Regulations for Existing Urban Area will be conducted at the time of building permits.

7. The setback shown for the parking along the west lot line is 5', however 6' has been established as the minimum standard to allow adequate green space to support plants and trees.
8. Other minor revisions are required and are noted in the recommended conditions of approval.

This approval permits a health care facility with a maximum 35% lot coverage with adjustments to the side setback to the east from 35' to 10' and to maximum height from 35' to 45'.

CONDITIONS OF APPROVAL:

Site Specific:

1. The developer shall submit to the Planning Department a revised and reproducible final plot plan including 5 copies with all required revisions and documents as listed below before receiving building permits.
 - 1.1 Provide documentation that an easement has been granted to The Ambassador allowing shared access to the driveway onto Normal Blvd located on the adjacent property to the west.
 - 1.2 Designate the 100-year floodplain and FEMA cross-sections and elevations on the plan.
 - 1.3 Revise the setbacks to define the building envelope as follows: 25' along the north lot line; 10' along the east lot line; 10' north of the north line of the bike trail easement; 35' along the west lot line.
 - 1.4 Revise the setbacks to parking to show 10' from the north line of the bike trail easement, and 6' from the west lot line.
 - 1.5 Revise the landscaping note to state "All landscaping to be provided per LMC and Design Standards at the time of building permit."
 - 1.6 Add a general note that states "All new parking to comply with LMC and Design Standards."
 - 1.7 Re-label "South Cotner Boulevard (Private Roadway)" as "Driveway".
 - 1.8 Re-label "Existing 8' Sidewalk" as "Existing 8' Bike Trail".
 - 1.9 Show finished floor elevation, which must be one foot above existing 100-year floodplain.

1.10 Revise site plan to the satisfaction of Public Works and Utilities.

2. Prior to issuance of a building permit:

2.1 The construction plans substantially comply with the approved plans.

Standard:

3. The following conditions are applicable to all requests:

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

3.2 All privately-owned improvements, including landscaping, are to be permanently maintained by the owner.

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

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

3.5 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, filing fees therefor to be paid in advance by the applicant.

4. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions/ordinances approving previous permits remain in force unless specifically amended by this resolution.

Prepared by

Brian Will, 441-6362, bwill@lincoln.ne.gov

Planner

January 14, 2009

**APPLICANT/
CONTACT:**

Erin Bright
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
402-474-6311

OWNER:

The Ambassador Lincoln
4405 Normal Blvd
Lincoln, NE 68506

SPECIAL PERMIT NO. 310D

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 28, 2009

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

Ex Parte Communications: None.

Staff recommendation: Conditional Approval

Staff presentation: **Brian Will of Planning staff** stated that this is an amendment to the existing special permit to renovate the health care facility. The property is surrounded by public zoning and B-1. There are two waivers associated with this – to adjust the building height from 35 feet to 45 feet and to adjust the side yard along the east from 35 feet to 10 feet. Staff is supportive of both of these waivers.

Proponents

1. **Ann Ferguson**, Executive Director of **Ambassador Health Care**, presented the proposal. The Ambassador is a 131 bed facility. They would like to build a three story facility. The whole objective is health care and moving to single rooms. They will have 141 private suites when this is done. Their existing facility is currently semi-private rooms. These would be changed to medicare suites if the existing facility is built. Their main entrance would be off Eagle Hollow Drive. She has met with the neighbors and has taken their concerns into consideration.

Larson wondered about the total capacity with this amendment. Ferguson replied it is currently 131 and would change to 141.

Opposition

1. **Mary Ann Donoghue** lives in Eagle Hollow, which is a community of condos for people over 50. She has been at Eagle Hollow for ten years. Parking at the Ambassador is inadequate right now. At times, parking is very limited. She has concerns with where construction trucks and workers will park during construction. She thinks getting emergency vehicles in and out of the Ambassador property could be a problem.

2. **Wayne Whitmarsh** lives in Unit 37, Eagle Hollow. He is concerned about the semi-trucks traveling in and out of the Ambassador. There is a storm drain that trucks have been traveling over. In the last year or so when he was president of the neighborhood association, he was successful in getting no parking on one side of the street. He believes there is room for improvement on making the site plan friendlier for truck deliveries. He is concerned that not enough has been done to address the access for large trucks and deliveries.

Taylor inquired if there is a dock for deliveries. Whitmarsh replied that there is no dock for deliveries. They are all carried in.

Response by the Applicant

Ferguson stated that she is prepared to repair the drain and replace the road in question after construction. They will pay for snow removal of Old Cotner Rd. They are in the process of working out the details. Pegler Sysco is aware of the delivery concerns. The deliveries will continue to be delivered to the front of the building.

Taylor questioned the capacity of 141 residents, noting that the staff report refers to 151. Ferguson replied that their plans are for 141 residents.

Ferguson stated that with the addition of a larger food storage area, she will have less deliveries being made.

ACTION BY PLANNING COMMISSION:

January 28, 2009

Larson moved to approve the staff recommendation of conditional approval, seconded by Taylor and carried 7-0: Carroll, Cornelius, Esseks, Francis, Larson, Sunderman and Taylor voting 'yes'; Gaylor Baird absent at time of vote; Partington absent. This is a recommendation to the City Council.



**Special Permit #310 D
Normal Blvd & Cotner Blvd**

2007 aerial

Zoning:

One Square Mile
Sec. 32 T10N R07E

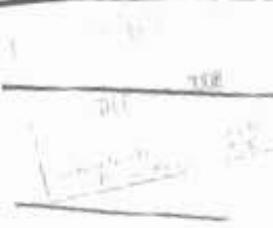
- R-1 to R-4 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-7 Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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



- Confidential -



-Carroll-

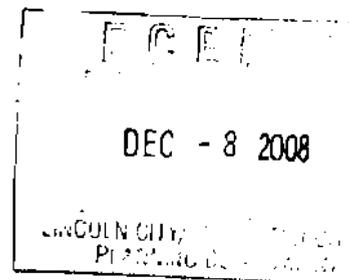


0:3

December 5, 2008

Mr. Marvin Krout
Planning Department
555 South 10th St., Suite 213
Lincoln, NE 68508

Re: The Ambassador Lincoln
Amendment to Special Permit #310B
OA Project No.: 008-1270



Dear Mr. Krout:

On behalf of the owner, The Ambassador Lincoln, Olsson Associates is submitting for an amendment to Special Permit #310B, located at 4405 Normal Boulevard, Lincoln, NE.

The purpose of the amendment will be to update the site plan to allow for the expansion and renovation of the existing nursing home facility. The proposed renovation includes the addition of a new three (3) story wing on the south side of the building as well as a two (2) story addition and renovation on the north side of the building. The proposed expansion will modify the layout of the site and alter the traffic flow entering and leaving the site. There are currently two points of access from Normal Boulevard, but the proposed site plan will eliminate the access point at the east end of the property. The elimination of that access point should have a positive impact to the traffic flow along Normal Boulevard.

The proposed three (3) story addition at the south side of the building will have a maximum height of forty (41) feet measured at the mid-point of the peak. The amendment is requesting a waiver to the maximum height requirement of the R-2 zoning district. We feel that this is a justified request because the proposed building addition would not be out of character with the two (2) story office property to the east which is zoned B-1 and allows for a maximum building height of forty (40) feet.

The amendment is also requesting a waiver to limit the east sideyard setback to a maximum of ten (10) feet. Per the Chapter 27.63.080 of the zoning ordinance, the height of the three (3) story addition would require the east sideyard setback to increase from ten (10) feet to thirty one (31) feet. We feel that a ten (10) foot setback is sufficient because the proposed building addition would be located at the southeast corner of the property and at that location there is sufficient separation between the public right-of-way and buildings located on adjacent properties to the south and east. The office building on the east property is located on the far

side of that property, providing adequate separation between the proposed building addition. The property is buffered to the south by City of Lincoln's Eden Park.

The property owner has scheduled a neighborhood meeting on December 14th to inform the neighbors of the proposed improvements.

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

1. 7 copies of the Site Plan
2. 7 copies of the 3-story addition building elevations.
3. 7 copies 3-story addition color renderings.
4. City of Lincoln Zoning Application
5. Administrative Amendment Submittal Fee (\$150)
6. 1 copy of the Legal Description
7. 1 - 8 ½ x 11 site plan

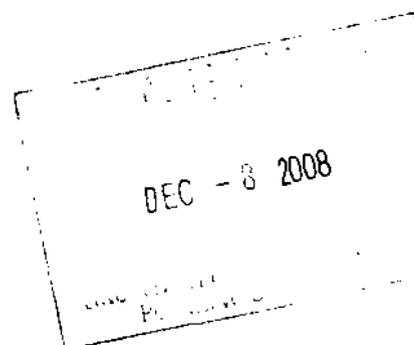
Please contact me with any questions or requests for additional information.

Sincerely,



Erin Bright, PE
Olsson Associates

Cc Tim Juilfs, The Ambassador Health System



Status of Review: Approved

01/12/2009 9:37:40 AM

Reviewed By: Health Department

ANY

Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION

TO: Brian Will DATE: January 12, 2009
DEPARTMENT: Planning FROM: Chris Schroeder
ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: The Ambassador
EH Administration Lincoln SP #310D

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the special permit application with the following noted:

The LLCHD advises that noise pollution can be an issue when commercial uses are adjacent to residential zoning.

Lincoln Municipal Code (LMC) 8.24 Noise Control Ordinance does address noise pollution by regulating source sound levels based upon the receiving land-use category or zoning. However, the LLCHD does have case history involving residential uses and abutting commercial uses in which the commercial source does comply with LMC 8.24, but the residential receptors still perceive the noise pollution as a nuisance. The LLCHD advises the applicant to become familiar with LMC 8.24. The LLCHD advises against locating loading docks, trash compactors, etc. adjacent to residential zoning. Therefore, creative site design should be utilized to locate potential sources of noise pollution as far as possible from residential zoning.

Status of Review: Routed

Reviewed By: Planning Department

COUNTER

Comments:

Status of Review: Complete

Reviewed By: Planning Department

BRIAN WILL

Comments:

Status of Review: Complete

01/05/2009 1:50:14 PM

Reviewed By: Public Works - Development Services

NCSBJW

Comments: Memorandum

□
□

To: □ Brian Will, Planning Department
From: □ Charles W. Baker, Public Works and Utilities
Subject: □ The Ambassador Lincoln, Special Permit #310D
Date: □ January 5, 2009
cc: □ Randy Hoskins
□

The City Engineer's Office of the Department of Public Works and Utilities has reviewed The Ambassador Lincoln nursing home facility, Special Permit #310D to expand and renovate the buildings at 4405 Normal Boulevard. Public Works has no objections.

Final review for the parking lots and utility connections will be completed with the Building Permit applications.

□□□□□

SP310D tdq.wpd

Status of Review: Complete

01/20/2009 12:43:13 PM

Reviewed By: Public Works - Development Services

NCSBJW

Comments: Brian,

I have reviewed the site plan for CUP 310D and have the following comments:
- The new construction is all within the FEMA 100 year floodplain. Permitting requirements per 27.52.04 must be met
- The 100 year flood plain should be shown as well as FEMA cross sections and elevations. 26.15
- Elevation of finished floor should be shown and must be 1 foot above existing 100 year flood elevation per 27.52.
- Because of the additional impervious surfaces being added to the site and because of its proximity to Antelope creek the inclusion of water quality BMPs should be encouraged in the design.
Thanks
Ed Kouma