FACTSHEET

TITLE: WAIVER NO. 17005 - waive the parking surface requirements at the Berean Church. (6410 South 70th Street)

APPLICANT: The Berean Fundamental Church

RECOMMENDATION: N/A

STAFF RECOMMENDATION: Approval with conditions

OTHER DEPARTMENTS AFFECTED: None.

SPONSOR: Planning Department

OPPONENTS: None received.

REASON FOR LEGISLATION:

This is a request to waive the paving requirement for some of the parking lots surrounding the church. Currently, the church has a mix of paved and gravel parking lots. The number of paved and unpaved parking spaces provided exceeds the number required by the Zoning Ordinance, but is needed to accommodate peak demand during large events held at various times throughout the year.

DISCUSSION/FINDINGS OF FACT:

1. This is a request by The Berean Fundamental Church to waive the parking surface requirements.

2. The staff recommendation to approve the parking surface waiver is based upon the “Analysis” as set forth on pp. 2-4, concluding that it is not uncommon to grant paving waivers to churches due to their unique character and operating characteristics. Similar waivers to paving have been granted for other churches, but they typically include time limits. That is, the waivers are granted for a definite period time, usually ranging from 2-4 years. This request is similar to others that have been granted previously.

3. There have been no letters submitted in support or in opposition to this waiver request.

4. This application does not require review and action by the Planning Commission.

5. The Planning Department has provided notice of this public hearing to property owners the same manner as is required by the Lincoln Municipal Code for zoning and subdivision applications.

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer

DATE: January 12, 2018

REVIEWED BY: David R. Cary, Director of Planning

DATE: January 12, 2018
COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan does not speak specifically to paving parking lots. However, it does speak to improving roadways to help provide residents with a safe and efficient transportation network upon which to travel. So while parking lots may not be specifically mentioned, the rationale of providing safe, improved surfaces for both pedestrians and all types of vehicles to travel on also applies to parking lots.

Limiting airborne particulates also contributes to a healthier community. Paved parking lots produce less airborne particulate matter than gravel parking lots, and contributing to the overall health of Lincoln and Lancaster County is consistent with the intent of the Comprehensive Plan.

BRIEF SUMMARY OF REQUEST

This is a request to waive the paving requirement for some of the parking lots surrounding the church. Currently, the church has a mix of paved and gravel parking lots. The number of paved and unpaved parking spaces provided exceeds the number required by the Zoning Ordinance, but is needed to accommodate peak demand during large events held at various times throughout the year.

JUSTIFICATION FOR RECOMMENDATION

It is not uncommon to grant paving waivers to churches due to their unique character and operating characteristics. Similar waivers to paving have been granted for other churches, but they typically include time limits. That is, the waivers are granted for a definite period time, usually ranging from 2-4 years. This request is similar to others that have been granted previously.

APPLICATION CONTACT

Matt Gimple, REGA Engineering Group
mgimple@regaeng.com
402-484-7342

STAFF CONTACT

Brian Will, bwill@lincoln.ne.gov
402-442-6362
KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

Page 10.10 - The Rehabilitation program includes the repair of arterial and residential roads when the pavement conditions deteriorate to an unacceptable level. A pavement condition rating system is used to determine which road surfaces are in most need of repair. It is important to note that money invested today in the ongoing maintenance and repair of the street system saves a significant amount of money in the future by avoiding the costs associated with full reconstruction of roadways. As described in the Maintenance Goals (Technical Report, page 59), the City’s target is to rehabilitate five percent of the arterial street system each year and three percent of the residential street system. That is, each arterial street would be rehabilitated once every 20 years, and each residential street would be rehabilitated every 33 years.

Page 10.31 - The result of this approach in planning for future roads is a system that attempts to provide paved roadways to all areas of the future service limit and minimizes the level of congestion in the road system while keeping costs as low as possible.

ANALYSIS

1. This is a request to waive the paving requirement for parking lots surrounding the Berean Church. The church was originally built in 1980 and has expanded several times. It currently has a combination of paved and gravel lots. During the review of a recent building permit application to pave one of the lots which is located south of the church, it was noted that several gravel parking areas had been created without a waiver to the parking lot paving requirement.

2. The parking areas for the church are delineated on the attached site plan, where three different areas are shown.
   A. Areas A - C, existing paved parking areas
   B. Areas 1 - 4, existing gravel parking lots.
   C. Area south of the church, currently under review with Building Permit #B1703618 to be paved. It was during the review of this building permit application that it was noted there were several gravel parking areas, but that no paving waiver had previously been granted.

   This waiver request applies to Areas 1 - 4, areas which the applicant does not wish to pave at this time.

3. Section 27.67.100 (c) authorizes the City Council to grant a waiver to surfacing requirement if the following apply:
   c) Waiver of surfacing requirement: Upon application to the City Council, the owner of a parking lot may be relieved of the surfacing requirement of this section if the Council finds that:

      (1) The parking lot is (i) to be used in conjunction with a nonprofit, religious, educational, or philanthropic institution; (ii) in excess of the parking required by the provisions of this title and not pay parking; or (iii) used for employee parking and located wholly within an industrial district.

      In this case, the parking lot is to be used in conjunction with a church, so it qualifies for a waiver to the surfacing requirement.

      (2) Alternate materials or techniques shall be utilized which provide reasonable control of dust, runoff, and safe circulation.

      The site plan shows gravel being used for the parking lots intended to remain that way. Of the three items mentioned, dust appears to be the only one that may be an issue. The City has the authority to require dust control under Title 8. Additionally, the last paragraph of Section 27.67.100 (c) which authorizes this waiver states that even if this waiver is granted, the City Council can revoke it if is found that dust or noise generated exceeds the levels established in Lincoln Municipal Code (LMC).

      (3) (i) The location of the parking lot is a sufficient distance from surrounding uses that it will not adversely affect the surrounding uses.

      One of the gravel parking areas, Parking Area 2, is approximately 200’ away from a dwelling located to the north in the Stevens Ridge Estates development. Parking Area 3 is approximately 400’ away from dwellings to the east in the Edenton Woods development. It is noted that the Health Department has received no dust complaints from the neighbors in this area.
(ii) The frequency of use of the parking lot is so low that compliance with the surfacing requirement of this section would cause undue economic hardship on the owner as compared with minimal impact upon surrounding land uses.

Peak events would be Saturday and Sunday services, and ‘occasional large events’ as described by the applicant which occur throughout the year. Peak events likely occupy the existing paved parking areas, including the area to the south of the church now under building permit for paving, and spill over into the gravel lots. While all the parking areas may not get weekly use, they are used enough throughout the course of the year to warrant having them.

The paving waiver has been used in cases like this to grant temporary relief to churches which typically need large parking lots, but struggle financially to pave them. However, given most of these uses are located within the city and the ‘improved’ environment, the waivers have been granted for a finite period of time. The rationale being that it provides a delay for the improvement and allows time for capital planning, but that eventually the facilities will be improved consistent with the surrounding urban environment.

4. The Zoning Ordinance requires 534 parking spaces for the church as it exists today. Counting the existing paved areas and the area to the south of the church now in for building permit, 601 paved spaced will be provided. The paved areas will meet code requirements, but not the requirements of peak demand.

5. The typical waiver delay is four years, as noted in the recent waiver history listed further in this report. Lot Areas 1, 2 and 4 are nearest the building and most likely to be used frequently. Lot Area 3 is farthest away from the building and most likely to be used during the highest parking demand events. Waiving the paving requirement for two years for Lot Areas 1, 2 and 4 for five years for Lot Area 3 is appropriate. A staggered delay to paving the parking areas will allow time for planning, but provide for eventual improvement in a reasonable amount of time.

EXISTING LAND USE & ZONING: Church AGR Agricultural Residential

SURROUNDING LAND USE & ZONING

| North       | Single-family Residential | AGR, R-1 |
| South      | Nebraska Highway 2, Commercial, Vacant | O-3, B-2 |
| East       | Single-family Residential, Vacant | R-3, R-4 |
| West       | South 70th Street, Vacant | AGR |

RECENT SIMILAR APPLICATION HISTORY

WVR #16007 - Waived the paving requirement for a portion of the parking area for the Lincoln Children’s Zoo for two years.

WVR #14002 - Waived the paving requirement for the Word of Life Lutheran Church at North 1st Street and Fletcher Avenue for four years.

WVR #13006 - Waived the paving requirement for Pius X High School at South 60th and A Streets for two years, with potential for a one year extension due to the construction project.

WVR #12019 - Waived the parking requirement for the Life Tabernacle Church at North 1st and Adams Streets for four years.

WVR #12001 - Waived the parking requirement for Christ’s Place Church at Warlick Blvd and Old Cheney Road for four years due to uncertainty of impact of the road project impact on the parking lot.

WVR #10008 - Waived the parking requirement for Camp Sonshine near South 25th Street and Bennet Road. Waiver was approved without a time limit on paving as it is completely surrounded undeveloped rural lands and unpaved county roads.

WVR #10022 - Waived the parking requirement for Centerpointe Inc., located at 630 West C Street indefinitely or until a change in use.
WVR #09006 - Waived the parking requirement for the New Creation Church located at South Coddington Avenue and Old Cheney Road for four years.

WVR #09002 - Waived the parking requirement for Lincoln Family Church located near South 70th Street and Highway #2 for four years.

LEGAL DESCRIPTION:
Lots 59, 73, 74, 87 and a portion of Lot 91, located in the SW 1/4 of Section 15-9-7, Lancaster County, Nebraska, generally located at 6410 South 84th Street.

CONDITIONS OF APPROVAL:

Site Specific:

1. This approval waives the requirement to pave Parking Lot Areas 1, 2 and 4 for two years, and waives the requirement to pave Parking Lot Area 3 for five years from time of approval.

Standard:

2. The following conditions are applicable to all requests:

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

   2.2 The City Clerk shall file a copy of the resolution approving the waiver with the Register of Deeds, filing fees therefore to be paid in advance by the applicant.

Prepared by

Brian Will, Planner
December 4, 2018

Applicant/
Owner: Berean Fundamental Church of Lincoln
6400 South 70th Street
Lincoln, NE 68516

Contact: Matt Gimple
REGA Engineering Group
601 Old Cheney Road
Lincoln, NE 68512
402-484-7342
File No. 171006  
November 3, 2017

Mr. David Cary  
Director of Planning  
Brian Will, Planner  
City of Lincoln/ Lancaster County  
555 South 10th Street  
Lincoln, NE 68508  

RE: WAIVER TO PARKING LOT PAVING  
LINCOLN BEREAN CHURCH  
S. 70TH STREET AND HIGHWAY 2

Dear David,

On behalf of Berean Fundamental Church of Lincoln, we are requesting a waiver to the Zoning Ordinance as it relates to Chapter 27.67. As stated in Section 27.67.100 (c)(2)(i)(ii)(iii) the parking lot surface requirement can be relieved when associated with a nonprofit religious institution.

The Berean Fundamental Church of Lincoln has a mixture of paved and gravel parking areas currently surrounding the existing building within the property. There are four areas of gravel parking that are being included within this waiver. These areas are shown on the attached Waiver Request Site Plan sheet 1 of 1 and as follows:

- Parking lot area 1 located in the northwest corner of the property and parking lot area 2 located east of the largest assembly hall are both existing gravel parking areas approved under a previous building permit.
- Parking lot area 3 located south of the existing maintenance building for the church on the east side of the property and parking lot area 4 located on the southwest corner of the largest assembly hall are parking areas which have not been established under a previous building permit.

Parking lot area 1, parking lot area 3, and a paved parking area that is located south of the largest assembly hall are all under review with Building Permit #B1703618.

With the mixture of gravel and paved surfaces, the projected dust from the graveled areas are limited to the east side of the building. The closest gravel parking area to the nearest residence on the west side of the property is approximately 200 feet with South 70th Street as a separation. To the north, the distance between the closest gravel parking area and the nearest residence is also approximately 200 feet with an asphalt drive as a separation. The asphalt drive serves as access to the parking area. Located on the east portion of the property the gravel parking area will be over 300 feet in distance to the nearest residence with an open vegetated area between.
With the added paved parking area, which is in accordance with Chapter 27.67 and currently under review with Building Permit #B1703618, the four gravel parking areas will be utilized occasionally for large events which do not frequently occur. However, the additional parking that it does provide is needed to facilitate these events when they do occur.

We appreciate your assistance and your communication with the City Council with this waiver request. Please feel free to contact me if you have any questions or comments.

Sincerely,

Matt Gimple

Cc: Berean Fundamental Church of Lincoln
Chris Brester

Enclosures:  Waiver Application
Application Fee of $412.00
Waiver Request Site Plan
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

Waiver #: WVR17005
Berean Church
S 84th St & Hwy 2

One Square Mile:
Sec.15 T09N R07E

Area of Application
Zoning Jurisdiction Lines
Lancaster County Jurisdiction

Lincoln/Lancaster, NE GIS

PDF: F:\Boards\PC\Internet\out.

Old Cheney Rd
S 70th St
S 84th St
Pine Lake Rd

File: F:\DevReview\PlannerPacket\MXD\Agendadrawings.mxd (WVR17005)