FACTSHEET

TITLE: Special Permit No. 687A - Allow a daycare center for up to 90 children (4005 North 70th Street)

APPLICANT: Don Farrall

STAFF RECOMMENDATION: Conditional Approval.

RECOMMENDATION: Conditional Approval (9-0: Beckius, Edgerton, Harris, Hove, Joy, Finnegan, Washington, Corr and Scheer voting 'yes').

OTHER DEPARTMENTS AFFECTED: N/A

SPONSOR: Planning Department

OPPONENTS: 1 present at hearing; 2 letters of opposition were submitted. (See pp.18-19)

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

DISCUSSION / FINDINGS OF FACT:
1. On January 17, 2018, this proposed special permit was removed from the Consent Agenda of the Planning Commission and opened for public hearing.
2. The staff recommendation of approval of this special permit request is based upon the "Analysis" as set forth on pp.2-3, concluding that the proposed facility would provide a valued service for the surrounding neighborhood. Its location on N. 70th Street facilitates access to and from the site via Kearney Avenue. The child care facility is compatible with the adjoining residential uses. The staff presentation is found on p.13.
3. There was no testimony in support of this application.
4. Testimony in opposition is found on p.15.
5. The Planning Commission discussion with staff is found on pp.15-16.
6. On January 18, 2018, the Planning Commission voted 9-0 to recommend conditional approval of this special permit, as set forth in the staff report dated January 9, 2018.
COMPATIBILITY WITH THE COMPREHENSIVE PLAN
The Comprehensive Plan supports locating child care centers within neighborhoods. This facility would be located within a neighborhood and adjacent to an arterial street.

WAIVERS
1. Section 1.3, Chapter 3.90 of the Design Standards for Early Childhood Care Facilities requiring that facilities with 31 or more children take access from a collector street if the applicant’s lot is a corner lot with frontage on the collector and arterial street. (Recommend Approval)
KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

P. 8.2 - Child care centers should be located within neighborhoods and near schools and parks when possible.

ANALYSIS

1. LINCOLN MUNICIPAL CODE (LMC) 27.63.070 provides that early childhood care facilities with sixteen or more children may be allowed upon approval of a special permit. This application is for a licensed early childhood care facility at 4005 N. 70th Street at the intersection of N. 70th Street and Kearney Avenue. The facility would have a maximum of 90 children and up to 11 staff members on the largest shift. This is an amendment to the special permit that was approved for this site in 1974 for up to 40 children accessory to the church.

2. The Special Permit criteria pursuant to 27.63.070 include the following:

(a) The application shall be accompanied by the following information:

   (1) The number of children and number of staff members on the largest shift.

   The planned maximum occupancy for the facility is to provide for 90 children. There is proposed to be 11 employees on the largest shift.

   (2) A physical description of the facility and a site plan drawn to scale that includes, but is not limited to, the location and arrangement of parking spaces, the traffic circulation pattern, loading and unloading areas, fencing, play areas, and entrances/exits to such facility.

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

(b) Prior to occupancy, such facilities shall comply with all applicable state and local early childhood care and building requirements.

   The facility will meet applicable early childhood care and building requirements prior to occupancy.

(c) Facilities with twenty-one to thirty children shall be located on collector or arterial streets. Facilities with thirty-one or more children shall be located on an arterial street. The location of such facilities on such streets shall comply with the design standards for early childhood care facilities.

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

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

(e) The parking and loading/unloading area for such facilities shall comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code. In residential districts, such parking and loading/unloading area shall comply with the design standards for early childhood care facilities.

The required parking for an early childhood care facility is one space/employee on the largest shift, plus off-street loading/unloading area for one automobile per ten care receivers. 11 parking stalls are proposed for the 11 employees, and 9 loading/unloading stalls are proposed for the 90 childcare receivers.

3. There is an existing freestanding sign for the church at the northwest corner of N. 70th Street and Kearney Avenue. The sign does not meet the signage regulations for a daycare special permit per Section 27.69.160 and cannot be re-used by the daycare in its current location.

4. The Comprehensive Plan supports locating early childhood care facilities within neighborhoods. This facility should have a minimal impact on traffic within the neighborhood because its entrance is a short distance from 70th Street.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Church; R-2

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

APPLICATION HISTORY

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

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

APPROXIMATE LAND AREA: 0.8 acres, more or less

LEGAL DESCRIPTION: See attached.

Prepared by

Rachel Jones, Planner

Date: January 9, 2018

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

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

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CONDITIONS OF APPROVAL – SPECIAL PERMIT #687A

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

Site Specific Conditions:

1. Before receiving building permits or before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including copies with all required revisions and documents as listed below:

   1.1 On the sheet titled “Site Plan”, this special permit is only concerned with the area noted as Parcel 2. Clarify the special permit boundary as shown on the attached markup.

   1.2 Dimension the setback to the playground on the south side.

   1.3 Dimension the parking stalls.

   1.4 Confirm whether the regular parking and ADA parking stalls meet the Design Standards for Parking Lots and ADA standards and revise the parking layout accordingly as needed.

   1.5 Show parking lot screening per the Design Standards for Screening and Landscaping.

   1.6 Add the following note: “The existing freestanding sign for the church on the northwest corner of N. 70th Street and Kearney Avenue does not meet the provisions of Section 27.69.160 and cannot be used by the daycare in the current location.”

   1.7 Add the following note: “Signs need not be shown on this site plan, but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation.”

   1.8 Revise the Conversion Plan (Alternative Use Plan) to remove mention of uses not allowed by right in the R-3 zoning district (triplex and quadplex) to the satisfaction of the Planning Director.

2. Before receiving building permits or before a final plat is approved provide the following documents to the Planning Department:

   2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

Standard Conditions:

3. The following conditions are applicable to all requests:

   3.1 Before occupying the buildings all development and construction shall substantially comply with the approved plans.

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

   3.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
3.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.

3.5 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.
Lots 11 thru 16, Block 1, Ackerman Addition to Havelock, EXCEPT the North Half of Lots 15 and 16, and the East 1.0 foot of the North Half of Lot 14, Block 1, Ackerman Addition to Havelock, located in the Northeast Quarter of Section 9, Township 10 North, Range 7 East of the 6th Principal Meridian, City of Lincoln, Lancaster County, Nebraska and being more particularly described as follows:

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

Containing a total calculated area of 34,859 square feet, or 0.800 acres, more or less.
Special Permit #: SP687A
Kelly’s Kids
N 70th St & Kearney Ave

Zoning:

R-1 to R-8 Residential District
AG Agricultural District
AGR Agricultural Residential District
O-1 Office District
O-2 Suburban Office District
O-3 Office Park District
R-T Residential Transition District
B-1 Local Business District
B-2 Planned Neighborhood Business District
B-3 Commercial District
B-4 Lincoln Center Business District
B-5 Planned Regional Business District
H-1 Interstate Commercial District
H-2 Highway Business District
H-3 Highway Commercial District
H-4 General Commercial District
I-1 Industrial District
I-2 Industrial Park District
I-3 Employment Center District
P Public Use District

One Square Mile:
Sec. 09 T10N R07E

Area of Application
Zoning Jurisdiction Lines
Lancaster County Jurisdiction
Child Care Facility, Alternate Use Plan.

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

The property includes a 5300 square foot building and an adjacent parking lot of approximately the same size. The property also includes another (approximately) 10,000 square feet of lot space. Some of the undeveloped lot could be easily returned to residential use, especially the South half of lots 15 and 16, or all of Lot 14. This would leave the 5300 square foot building and parking lot. These could be converted into residential apartments, a duplex, triplex, or quadplex.
Property Address 4005 N. 70th St, Lincoln, NE.

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

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

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

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

We intend to make the house a rental.

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

We have a design that includes using all of the classrooms and the "fellowship hall" the existing sanctuary and the south foyer as childcare space, and will be requesting to license the property for a maximum of 90 children, based on the final determination of DHHS. In practical terms the number of children will be closer to 80, but the final determination as a function of square feet per child will be determined by DHHS upon their inspection of the finished facility.
We do not intend to build on to the church building, but an outside play area will be fenced in on the east side of the building, sufficient to meet the requirements.

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

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

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

Thank You,  Don Farrall

[Signature]
SPECIAL PERMIT NO. 687A

SPECIAL PERMIT NO. 687A, TO ALLOW A DAYCARE CENTER FOR UP TO 90 CHILDREN, ON PROPERTY GENERALLY LOCATED AT 4005 N. 70TH STREET: January 17, 2018


Staff recommendation: Conditional Approval.

There were no ex parte communications disclosed on this item.

Staff Presentation: Rachel Jones of the Planning Department stated the applicant is proposing to use the church building for a daycare for up to 90 children and up to 11 staff. The daycare would take access from the local street rather than a collector; 70th Street is an arterial so direct access is not permitted per the Access Management Policy. The green space directly to the east will be used as the play area. Comments in opposition were related to traffic issues. The staff report notes that the Comprehensive Plan supports daycares as providers of a valuable service, especially when located close to neighborhoods. No access will be taken to the alley to the north and the parking lot meets the minimum parking requirements for the use they are proposing.

Beckius asked if there was any proposal to change the access points at any time. Jones said no.

Corr asked for more information about the parking lot that abuts the alley. Jones said there is a drop and curb that prevents people from accessing the alley via the parking lot.

Edgerton asked why the waiver was being requested. Jones said that the standard for bigger daycares is that they be located on an arterial and take access off of a collector street. This one is on the arterial, 70th Street, but Kearney is a local street. Despite that, the location is suitable for this use since it is next to the arterial and we do not anticipate traffic heading west into the neighborhood. Those are the reasons Staff supports the waiver.

Proponents:

1. Don Farrall, 1600 Otoe Street, came forward as applicant. His daughter Kelly, owner of Kelly’s Kids, is also on hand to answer questions. He confirmed that the parking lot is around three feet higher than the alley, so the curb at the edge and the sharp drop-off prevent people from using the alley as access. Kelly started her original business in the Highlands in a building that was constructed by the applicant for that purpose. For the last two years, Kelly has been looking for an appropriate second location. That can be difficult since it is uncommon to find commercial properties with enough space for the outdoor play area. This church, with its own green space and parking lot, looks suitable.
Farrall noted that Commissioners received two letters in opposition. He also received a letter in the form of an email. The concerns were generally the same: parking and traffic. The daycare serves an age range from 6 weeks to 13 years of age. Kelly has informed him that her cutoff is 11 years of age. Older kids are in the minority. Capacity is determined by Department of Health and Human Services and is based on the square footage of classrooms. The application asks for a capacity of up to 90, but the number will most likely be around 79, based on the facility and number of staff. There is an infant room that has a door that leads out to Kearney Avenue; however, that exit is for emergency use only. It is not anticipated that parents will park along Kearney Avenue because they have to enter through the main entrance and check-in each child on an electric keypad, requiring them to park. The sanctuary area will have a folding wall. A maximum of 24 preschool-aged kids will use that class room, and an additional area is proposed for school-agers, but that is more experimental. He acknowledged that 90 kids sounds like a lot, but it does not generally cause problems due to the timing of drop-off and pick-up times. Kelly will tell people to utilize the lot but, of course, there may be times that people park on Kearney. That will be discouraged and hopefully will not happen often.

Edgerton asked if the property is divided between another lot with a single-family home. Farrall said there is a single-family home that was a parsonage—that is also under contract to purchase. They were told the only way the special permit could be done would be to separate that piece of property off in order to have a big enough property for the lot to be used. He noted that in 1974, there was a daycare for 40 children when the building was a church. That may seem like a nicer number, but it is not practical in terms of cost and a building of this size.

Hove asked the capacity of the first Kelly’s Kids location. Farrall said the capacity is 76, but that building also includes a cafeteria, which does not count towards the square footage used for classroom space. Hove asked if there have been any traffic issues at that location. Farrell replied there have been no complaints. The area is more commercial in character. There are residential properties behind it, but adjacent are other commercial lots. There have been more issues when there are events held at neighboring properties.

Edgerton commented that she lives on the northwest side of town and knows others who have used Kelly’s Kids and have indicated that they have received excellent care.

Scheer asked if the drop-off activity will occur from the parking lot to the entrance and not from Kearney Avenue. Farrall said that is correct. Parents have to park and enter the building in order to “check in” and enter their numbers into the security pad. It is not a situation where cars are lined up. It is the same for pick-up.

Harris asked the peak hours of the daycare.

2. Kelly Kiihne, 3308 W. Rose Street, came forward as Director of Kelly’s Kids. Most parents drop kids off between 7:00 and 8:15, with a few trailing in after that. The pick-up at the end of the day is heaviest between 4:30 and 5:30. In a different area of town, that dynamic could change based on parents working in different fields.

Washington expressed concern about the parking during times of heavy snow, when there might be piles of snow covering available parking spots. Kiihne said winter can be a challenge. The
parent of a former student currently clears the lot in the Highland’s and she intends to make an arrangement to have that person scoop this new location. It has never been an issue at the current location. Washington noted the importance of finding a solution so that no spots are taken away from the parking.

**Opponents:**

1. **Angela Kildare, 6900 Kearney Avenue**, stated she is appearing on behalf of herself and other homeowners. They do not disagree with the use but there are a few issues that do not make sense. There are many small kids in the area, some with special needs. As it is now, Mayflower trucks go up and down the street. One morning, they counted five. Ballard Park also requires some on-street parking and there is a lot of speeding in the area. The parking spots in the church lot are very small. Cars will enter and exit the lot onto Kearney and neighbors are nervous about how that will play out. They are not saying no on-street parking should ever be allowed, but there is concern about a buildup of traffic, especially with the Mayflower trucks coming and going. It feels less like a neighborhood and they worry about safety and how traffic will flow.

Corr asked for the location of Mayflower. Kildare said it is by Ballard. The semis come up Kearney and then access 66th to park at the facility.

Hove asked if the parking spots in the lot are tighter than normal. Kildare said church-goers have always parked in the center and diagonally and the parking has typically overflowed into the street.

**Staff Questions:**

Hove asked if there are any plans to change the parking lot. Jones said that one condition of approval is that the applicant will need to verify that the stalls meet parking standards. If they do not, they would revise the site plan accordingly to show restriping. Hove asked if the area, overall, is sufficient. Jones said yes, the number of stalls does meet the minimum.

Washington wondered why there are trucks running through the neighborhood and if there is a signed truck route that they should be using instead. Jones said she is unsure if there is a signed route. It appears there is a drainage way that does not have a crossing so the trucks are going around to get to 70th Street, which would be the most direct route. Washington wondered if there is a way to exit on Seward. Jones said no.

Harris asked for more information about Site Specific Condition 1.8, which mentions a revision to the conversion plan. Jones said any daycare special permit in a residential district is required to submit a conversion plan to show how the site could be converted back to permitted uses if the daycare went away. Their plan mentioned multi-family dwellings and staff asked for removal of that since single- and two-family would be more appropriate for this area.

Scheer said that building permits will need to be issued since a renovation will occur. He asked if the parking lot would be reviewed as part of that process. Jones confirmed that will be part of the process.
Corr asked if anything can be done about the trucks using Kearney. Jones said that since it is a public street, there is no way to prohibit them. Washington asked if a signed truck route could be established. Jones said that is a question for Public Works staff. Edgerton commented that it would be remiss to connect anything like that to this specific application. **Robert Simmering, Public Works and Utilities Department**, pointed out that if the traffic were rerouted, they would end up driving on another residential street. There could be a weight limit established, but that is a complicated process due to the rerouting. There may not be a solution that could be enforceable. Edgerton suggested that a conversation might occur with the company to discuss routes. Beckius noted that not much is gained by changing routes due to the residential character of the surrounding streets. **Steve Henrichsen, Planning Department**, agreed that there is no alternative route that does not go past other houses. If, say, Kearney were blocked at the end, the trucks would still have to go to other residential streets.

**Applicant Rebuttal:**

Farrall said they are also concerned about the trucks. He has visited the site 15 times and has not seen one, but he completely believes they are using the street. He does not know what the solution for that is. The parking lot has two drives; the eastern will be the entrance and the western the exit. The intention is to keep the parking close to what it is now, and as efficient as it can be. The stalls are nine feet and the ADA stalls are larger. They will work with people who know what the standards need to be.

Finnegan asked how many of the families have multiple kids. Kiihne said her other location is licensed for 76 and they enroll between 65 and 70 kids. Many families have two or three kids, so there are fewer cars. That location has the same amount of stalls as this new location and there have been no complaints about parking.

**SPECIAL PERMIT NO. 687A**  
**ACTION BY PLANNING COMMISSION:** January 17, 2018

Hove moved for Conditional Approval, seconded by Corr.

Washington said she likes this business and likes to see daycares in neighborhoods, close to the families who use them. She also recognizes there can be concerns, especially when it comes to parking. Much of the concern in this specific case is related to truck traffic, so she hopes there is some way for the neighbors and Mayflower to work something out so they are at least aware of the increase in traffic.

Hove said this is a good project and the folks running the daycare have a proven track record.

Edgerton agreed that quality childcare is needed. It is a quality small business. Childcare centers and neighbors can often be great collaborators and can find ways together to make the whole neighborhood stronger.

Finnegan echoed the thoughts of her fellow commissioners. This is a great project with a proven track record.
Beckius said some of his concerns are alleviated by the fact that this location is close to an arterial and many of the users will prefer using that street, thus creating a smaller impact. He sees no problem with the use.

Scheer commented that he does not like to see “dark” unused buildings within neighborhoods so this is a good use for the building.

Motion carried, 9-0: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, Washington, and Scheer voting ‘yes’.
My name is Angela Kildare I live at 6900 Kearney Ave with my family including 5 small boys. I am 2 houses down from the Church/day care Kelly's kids.

My concerns raise questions as far the effectiveness of drop offs and pick ups for 90 kids. If you could find a way for traffic to not be impeded on Kearney Ave. At this point we have a great deal of traffic with a moving service Mayflower and have had problems with speeding with those large trucks. Also traffic to and from Ballard park, again a lot of speeding. As you could imagine this daycare plan, with drop offs and pick ups coming out on Kearney Ave, including staff parking I have huge concerns. I am looking into parking limitations currently. We have small children that play in the neighborhood and already with the existing problem of traffic it is already tense.

I am questioning the effectiveness of having the parking lot remain as is. I do not see how effective it would be for parents, with the set up as it is now. To me it would be more effective to put play ground in the parking lot and drop off/pick up in front, there for providing more safety for the children and helpful for those parents that are interested in this daycare.

I also want to know the plan for staff parking. Also the access of the alley, let that be noted that alley is not a city owned alley. That is maintained by the homeowners and we pay for the rocking.

I am happy to discuss a compromise however at this point I am not on board.

My number is 402-450-3882 for any questions I will also be attending the hearing with other neighbors as well hopefully to be informed of the plans and to see the effectiveness of this plan.
Lincoln-Lancaster County Planning Commission:

I am writing to oppose the Special Permit SP687A to allow a daycare for up to 90 children (4005 North 70th Street).

As a resident that lives directly across from the proposed site I have concerns regarding parking/street/traffic congestion and safety. In addition to these concerns I am concerned about what would be allowed due to the zoning change if the daycare is allowed and later moves or cease to exist. I already have duplexes behind my home and have to work through the challenges that come with them.

In regards to parking issues I know as a parent who has children that attend a daycare that drop off and pick up are high volume times and often take more time than people realize as it takes time for children need to be put in car seats and taken out, parents/teacher communication, goodbyes, etc. Kelly’s Kids currently operates 7am to 6pm at their location in the Highlands. Which would mean that from around roughly 7-9am and 4:30-6pm would be very busy and congested and the parking lot cannot accommodate the number of parents for a proposed 90 child daycare and staff during these times and will over flow to use the street parking. This creates more congestion on the street that is heavily utilized throughout the day and evening by large trucks and semis i.e. Mayflower, in addition to the traffic by residents leaving and returning home.

From my personal experience I know that it is impossible to go down the street or turn around when the large trucks/semis are coming and going, adding more people and cars to the mix just creates a bigger problem and raises safety concerns. We already have concerns regarding our own children when these trucks are passing as we are a close neighborhood that frequently visit one another. The addition of more cars parked on the street obstructing the view of people crossing, additional traffic from the daycare and additional people crossing with their children to get to their cars is alarming.

In the supporting documents with the special permit it says that utilizing 70th street will help ease congestion. There is no way this can be enforced and given where the parking lot exits and entrances are it is easier to travel down Kearney, especially if there are cars parked on the and it does not elevate the problem of not being to travel down Kearney Ave in either direction when the large truck/semis make it in passable. The traffic and parking also will interfere with my family being able to come and go as we need to. We already have issues with the trucks and have had parking issues when the church was operating. Thankfully, that was only one or two days a week given the activities that were taking place. I can tell that during those times it was difficult for my family to exit our driveway as one of the exits/entrances is slightly behind our drive way and the over flow cars that park in front of our home.

It is also noted in the supporting documents for the permit that a daycare previously received a special permit for a daycare of 40 children. This permit was authorized in 1974, yet seems to be a more reasonable size of daycare to be settled within our neighborhood as the parking lot size, on street parking, street access have remained the same and now come with the additional use of large delivery trucks and semis throughout the day.

I ask that these factors be considered when making your decision. Should the permit for a daycare is to be allowed I ask that you reconsider the size of daycare that would be allowed to operate and what could go in its place should the daycare cease to exist in the future.

Respectfully,

Aubry R. Hoegemeyer