

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

### for JANUARY 25, 2012 PLANNING COMMISSION MEETING

**PROJECT #:** Special Permit No.11033

**PROPOSAL:** A request per Section 27.63.610 for Neighborhood Support Services

**LOCATION:** N. 33<sup>rd</sup> Street and Overland Trail.

**LAND AREA:** 0.74 acres, more or less

**EXISTING ZONING:** R-4, Residential

**CONCLUSION:** The proposed Neighborhood Support Services will provide community services to the neighborhood. This use is in conformance with the Comprehensive Plan.

<b>RECOMMENDATION:</b>	Conditional Approval
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#### GENERAL INFORMATION:

**LEGAL DESCRIPTION:** See attached

**EXISTING LAND USE:** Vacant factory building

#### **SURROUNDING LAND USE AND ZONING:**

North:	I-1, Industrial	Outside storage
South:	P-Public	Peter Pan Park
East:	I-1, Industrial	Millwork shop
West:	R-4, Residential	Attached single-family and row house

#### **ASSOCIATED APPLICATIONS:**

Special Permit #040223A Flat Iron Crossing Community Unit Plan  
Change of Zone #11047

#### **HISTORY:**

July 26, 2004 Change of Zone #04031 and Special Permit #04023 for Flat Iron Crossing Community Unit Plan was approved by the City Council.

May 17, 2005 Flat Iron Crossing final plat was approved by the Planning Director

**COMPREHENSIVE PLAN SPECIFICATIONS:**

Target existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and more efficiently utilize existing infrastructure. (p.6.2)

Guiding Principles for Community Facilities include:

Encourage adequate facilities and services which provide diverse educational, cultural, and social opportunities.

Promote adequate facilities and services to assure the health, safety and welfare of all citizens.  
(p. 8.1 & 8.2)

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 to another is often gradual. (p.12.1)

The Future Land Use Plan in the 2040 Comprehensive Plan identifies this area as industrial. (p.12.3)

Individual proposals for land use changes should be evaluated using best available information. (p.12.4)

**ANALYSIS:**

1. This application is to allow Neighborhood Support Services operated by City Impact in the Kamterter Products building. City Impact is proposing to remodel and expand the existing building to provide the neighborhood with needed community services.
2. The applicant proposes adding 19,300 sq. ft. to the existing building. The west expansion is for a gymnasium and the east side is for administrative offices. The area of the existing building will be used for classrooms and offices.
3. City Impact is a non-profit organization that “invests in under resourced youth and families in Lincoln’s urban neighborhoods by providing one on one mentoring, reading programs, bible clubs, and leadership skills.”
4. The proposed Neighborhood Support Services will be utilized for:
  - a. Relational and leadership development classes
  - b. Development and training of volunteers to be part of Impact Reading Center.
  - c. Rent Wise tenant education and financial counseling.
  - d. Family events and youth performances.
  - e. administrative offices
  - f. church services
5. Section 27.63.610 allows "Neighborhood Support Services" in R-1 through R-5 zoning by Special Permit. Neighborhood support services are defined as "those human, social, educational, counseling, health, and other support

services provided primarily for the support of persons residing in adjacent residential areas..." They are to be operated by nonprofit, religious, or philanthropic institutions. They must also be sited adjacent to across the street from "a park, school, church or neighborhood center." (Section 27.63.610 (LMC) This application meets those criteria.

6. Parking shall be located on the lot unless otherwise specifically approved by the City Council, but in no event shall required parking be located more than 300 feet from the lot upon which the use is located. The parking is located on the north side of Overland Trail. This is off the lot but within 300 feet. The Planning Department does not object to the location of the parking.
7. The special permit states, "The amount of parking required shall be equal to the amount which would otherwise be required for the use as set forth in Chapter 27.67 which is most analogous to the use proposed in connection with such neighborhood support services as determined b the Planning Director." The proposed use will have a 3,000 sq. ft. multi-purpose room. Chapter 27.67 requires one parking stall per 50 sq. ft. for assembly areas. This calculates to 60 stalls. Since this would be the most intensive use of all uses within the building, Planning and Building & Safety concur that 60 parking stalls is sufficient for this use.

Per Section 27.63.610 this approval permits Neighborhood Support Services on Lot 24 as shown in the Flat Iron Crossing Community Unit Plan.

**CONDITIONS OF APPROVAL:**

**Site Specific Conditions:**

1. Before a final plat is approved provide the following documents to the Planning Department:
  - 1.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
2. Prior to the issuance of a building permit:
  2. The construction plans must substantially comply with the approved plans.

**Standard Conditions:**

3. The following conditions are applicable to all requests:
  - 3.1. Before occupying the building all development and construction shall substantially comply with the approved plans.
  - 3.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City.
  - 3.3 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.
  - 3.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
  - 3.5 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, filling fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

Prepared by

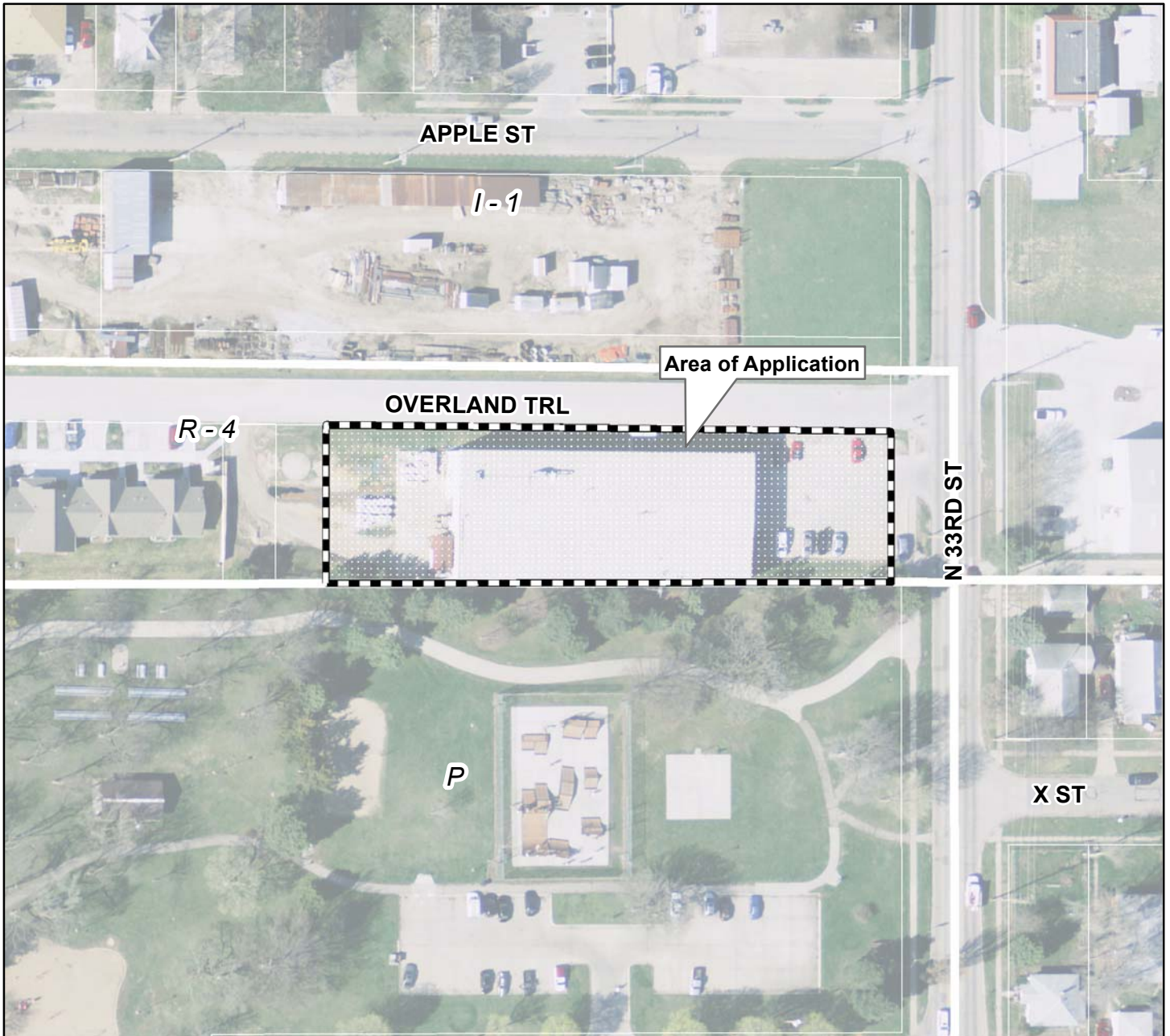
Tom Cajka  
Planner

**DATE:** January 9, 2012

**APPLICANT:** Brad Bryan  
City Impact  
400 N. 27<sup>th</sup> St.  
Lincoln, NE 68503  
402-477-8080

**OWNER:** Same as applicant

**CONTACT:** Same as applicant



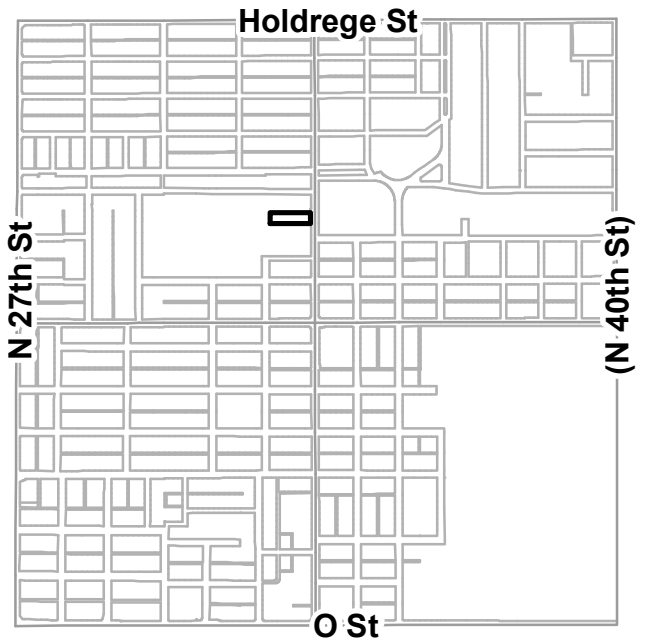
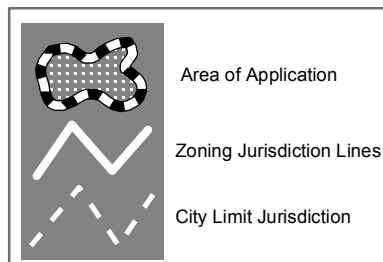
2010 aerial

## Special Permit #11033 N 33rd St & Overland Trl

### Zoning:

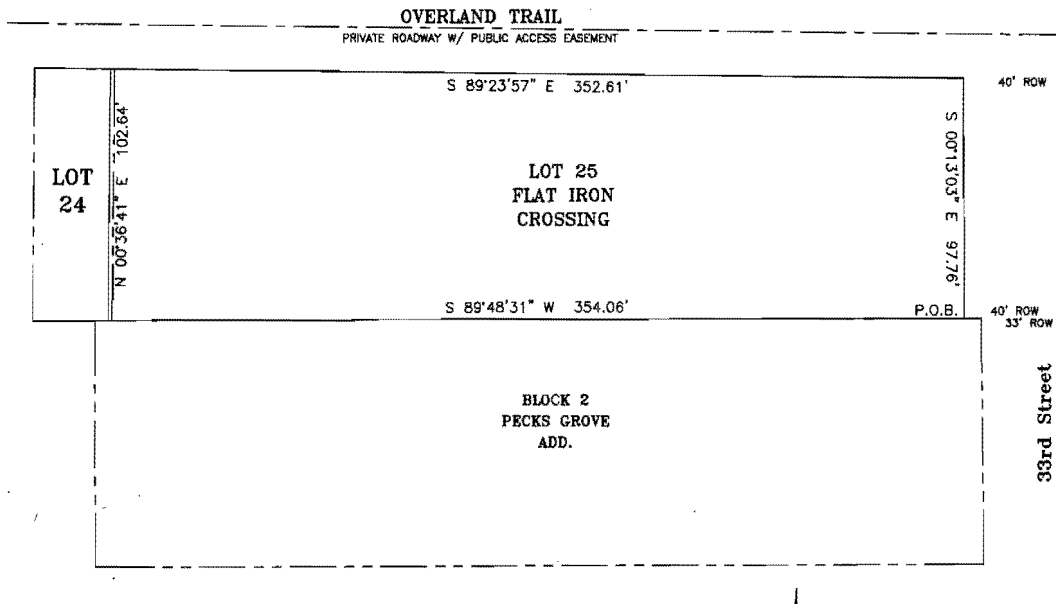
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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. 19 T10N R07E





# SURVEY EXHIBIT FOR CITY IMPACT NEIGHBORHOOD SUPPORT SERVICES LOTS 24-25 FLAT IRON CROSSING CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA



**LEGAL DESCRIPTION**

A LEGAL DESCRIPTION TO INCLUDE LOT 25 AND A PORTION OF LOT 24 OF FLAT IRON CROSSING, SAID TRACT OF LAND LOCATED IN THE NW 1/4 OF SECTION 19, T10N, R7E OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 25, FLAT IRON CROSSING THENCE S89°48'31"W ON THE SOUTH LINE OF FLAT IRON CROSSING A DISTANCE OF 354.06 FEET; THENCE N00°36'41"E A DISTANCE OF 102.64 FEET; THENCE S89°23'57"E ON THE NORTH LINE OF FLAT IRON CROSSING A DISTANCE OF 352.61 FEET; THENCE S00°13'03"E ON THE EAST LINE OF FLAT IRON CROSSING A DISTANCE OF 97.76 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 0.81 ACRES, OR 35,402.22 SQUARE FEET, SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

**LAND SURVEYORS CERTIFICATE**

THIS IS TO CERTIFY THAT THIS SURVEY WAS DONE BY THE UNDERSIGNED, THAT THE SURVEY WAS DONE ON THE GROUND IN ACCORDANCE WITH THE MOST RECENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS, AS SET FORTH BY THE NEBRASKA STATE BOARD OF EXAMINERS FOR REGISTERED LAND SURVEYORS AND THAT THE ACCURACY SPECIFICATION AND POSITION TOLERANCE ARE IN ACCORDANCE WITH RURAL AREA SURVEYS.

DATE: \_\_\_\_\_ THOMAS B. CATLETT \_\_\_\_\_



**LEGEND**

- - SET 5/8"x24" CAPPED REBAR UNLESS OTHERWISE NOTED
- - FOUND SURVEY POINT AS INDICATED
- △ - CALCULATED SURVEY POINT
- CTP - CRIMPED TOP PIPE
- OTP - OPEN TOP PIPE
- M - MEASURED DISTANCE
- C - CALCULATED DISTANCE
- P - PLAT DISTANCE
- R - RECORDED DISTANCE
- BOUNDARY LINE

Survey Exhibit  
Drawing

**CATLETT LAND SURVEYING**  
Thomas B. Catlett LS 502  
Lincoln, Nebraska  
Cell: 402.217.5816 Fax: 402.261.4732  
t.catlett@hotmail.com



Drawn By: CS  
Checked By: TC  
Filed By:  
Date: 1/12/2011  
Job Number: 2011-079  
Scale: 1" = 60'  
Sheet 1 of 1



December 23, 2011

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

Dear Marvin,

On behalf of City Impact, we are submitting an amendment to the existing Community Unit Plan(CUP), we are also applying for a Special Permit and we are requesting a Change of Zone. I will briefly outline our requests below.

**Amendment the existing CUP:** We are requesting an amendment the existing CUP to add 9 new residential lots and a 45 stall parking lot on land north of Overland Trail and south of Apple Street, also to modify the existing lots 9-14 and 23-34 on the south side of Overland Trail to reflect the dimensions of 2 new duplexes and a single family and keep the existing Kamrterer building and allow for expansion to that building to the east and the west, and finally reducing several setbacks. (See 'Setbacks' below and also see Exhibit A for the legal description.)

**Special Permit:** We are requesting the City to allow a "Neighborhood Support Services" building within the existing CUP. City Impact intends to use the existing Kamrterer industrial building as a location for social, educational, health and other related support services for persons residing in nearby neighborhoods. City Impact intends to transfer their existing services from their current location to the building on Overland Trail. The building is approximately the same size as their current facility. They currently rent space at a nearby church, but by purchasing this facility it would allow them to expand the number of nights they serve the community. They don't anticipate in an increase in the number of guests per night, but they do expect an increase in the total number of guests served by increasing the number of nights they are open.

**Change of Zone:** Currently the land between Overland Trail and Apple Street is I-1. We request this be change to R-4 to allow the residential lots. A parking lot is also planned for the east end of this land which would serve City Impacts Neighborhood Services Facility. We are also asking to have the setbacks reduced for the Parking lot. (See 'Setbacks' below and also see Exhibit B for the legal description.)

**Administrative Final Plat:** At this time the Final Plat is not included with this submittal, it but should be submitted very soon.

**City Impact Homes, LLC:** The proposed project will consist of six new duplex townhomes and two new single-family homes, for a total of 14 affordable units for households at or below 60% AMI. Seven units will be 4-bedroom, one unit will be 3-bedroom and six units will be 5-bedroom homes. These units will be rent to own.

City Impact Homes is an integral part of achieving the stabilization goals cited in the City of Lincoln Strategic Plan and Clinton Neighborhood Action Plan. Goals for this area within the plan include the empowerment of and self-sufficiency for low income persons to reduce generational poverty in federally assisted housing and public housing. This project will meet that goal by providing these families a safe, decent affordable home to live in and engaging them in credit counseling and finance classes to help them break the poverty cycle.



**City Impact:** This project includes the revitalization of an industrial area of Lincoln. The existing Kamterter Building will be remodeled and expanded to provide the neighborhood with needed community services. The new building is crucial to expanding the number of children and families that City Impact reaches, the number of days they can be reached, and the programs City Impact can offer. It will also help reshape Peter Pan Park, making it safer for adults and children, and finally is vital to City Impact's staff whose current office is very small and cramped.

**ROW:** We are planning to dedicate 7' of ROW along 33rd Street in order to meet the 40' ROW desired by the City of Lincoln from the centerline of 33rd Street. Also, we are dedicating 5' of ROW along Apple Street to meet the 30' ROW desired by the City of Lincoln from the centerline of Apple Street.

**Density:** The existing CUP allows for 48 units, but with the expansion of the CUP to include additional land, the new allowable total is 81 units. We are currently asking for 14 additional units to the existing 14 units already constructed along the south side of Overland Trail.

**Setbacks:** For Lot 24, we are asking for a 0' setback along the south lot line where the existing Kamterter building is, and we are also asking for a 10' setback for along Overland Trail and a 15' Front Yard Setback along 33rd Street.

For Lot 25, we are asking for 15' Front Yard setbacks along 33rd Street, and Overland Trail, and a 10' Front Yard Setback along Apple Street.

**15' Utility Easement:** We are asking the 15' utility easement be vacated along the south side of Lot 24'. This easement was platted with Flat Iron Crossing Final Plat. City Impact has now acquired the building and plans to keep the original structure as well as add on to the east and the west and this easement would interfere with that expansion.

**Sidewalks:** Per the request of the City of Lincoln, the proposed sidewalk along the north side of Overland Trail will be 8' from the back of curb. Because that places the sidewalk on private property, a 5' pedestrian easement will be granted in the plat along the north side of the ROW line.

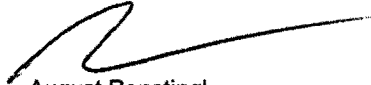
**Parking:** The parking lot along 33rd Street at the front of City Impact building is now removed. That space is now reserved for a future addition to the building. There are 15 on street parallel parking stalls along the south side of Overland Trail, of which 1 is a HC stall. There is an 8' space in the front of the stall for a HC ramp. There are 45 stalls on the north side of Overland Trail. The total parking for the City Impact Building is 60 stalls. City Impact's existing parking use at a similarly sized building is only 55 stalls at peak parking times, and at all other times the max parking is around 40 stalls. The proposed 60 stalls should provide adequate parking for this facility. Most of the guests are from the nearby neighborhood and either will walk to the facility or get dropped off.

**Drainage Study and Grading:** The Public Works Department asked us to evaluate the existing detention cell. Observations of the detention cell confirm that it is working well, and there is no evidence that the pond is overtopping. The updated pond study finds the basins delineated can be routed through the pond safely and the proposed changes also add little additional run off to the detention pond. The proposed development has no negative affect on the 2, 10 or 100 year rainfalls run-off totals.

**Building Addition:** The existing Kamterter Building will be renovated into a Neighborhood Support Services building. The owners would like to expand the existing building. We are requesting an amendment to the CUP to allow 9,300 total square feet of addition to the existing building. The addition will be at the same setbacks as the existing building, which includes a 0' side yard setback along Peter Pan Park, a 10' Front Yard Setback along Overland Trail and 15' Front Yard Setback along 33rd Street. The Parks and Rec. Department has also agreed to a 10' Building Restriction Easement along the common property line. A copy of that agreement is enclosed with this submittal. This will allow windows along the south facade of the building.

In summary, we believe this is an excellent addition to the City of Lincoln. We appreciate your time and consideration, and if you have any additional questions please don't hesitate to call or contact us.

Sincerely yours,



August Ponstingl

**Included with this submittal:**

**Fees:** Amend the CUP: \$1,144.80  
Special Permit: \$300  
Change of Zone: \$440

**Applications:** Amendment to CUP & Change of Zone  
Special Permit

**Drawings:** Amended CUP Submitted Electronically to City of Lincoln (3 Sheets)

**Exhibits:** Exhibit A: Legal Description for CUP  
Exhibit B: Legal Description for Change of Zone  
Exhibit C: Draft of Building Restriction Easement

The New City Impact Center will be utilized for:

- 1) Relational and leadership development classes such as Strengths for Life Mentoring for youth, Impact Leadership Academy for teens, Bible Club for children, Recreation, Fitness & Health classes for families.
- 2) Development and training of volunteers to be a part of the Impact Reading Center in Elliott Elementary School (daytime volunteers) and for partnership in the CLC after school program. We plan to expand the Impact Reading Center to Hartley and Clinton Elementary Schools in the next two years. Currently we have over 170 volunteers in Elliott Elementary School each week.
- 3) RentWise Tenant Education and Financial Counseling from NeighborWorks Lincoln will be provided to the tenants (in potential adjacent affordable housing project) free of charge.
- 4) Family events and youth performances.
- 5) Potential local church to use on Sundays.
- 6) Administrative offices.

City Impact Parking Notes:

- 1) City Impact rented the facility at 2920 O St. for over 10 years (2000 – 2009) with similar square footage and facility purpose, layout, design, and parking. They had 62 parking stalls and this adequately met our need for the two days we maximized the use of this facility.
- 2) Our strategy for growth is to go from using a rented facility 2 days per week to having a facility available 7 days per week. We will maintain a similar amount of children, youth, and family members per day as we have had for the past 10 years.
- 3) With nearly 40% of the families participating in City Impact's programs not having regular personal transportation, City Impact utilizes 2 vans (15 passenger) – transporting between 15 – 40 children & youth per day depending on the program.
- 4) We have volunteer leaders who assist with transportation for 10 – 20 children per day.
- 5) Full-time and part-time staff also assists with transporting youth and families to the center.
- 6) When we rented space at 2920 O St. 25% of youth walked year round. We anticipate this number to be very similar when we are located at 33<sup>rd</sup> and Overland Trail adjacent to Peter Pan Park.
- 7) Attached parking numbers are based off of past 5 years of history and projected program development at new site.

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1																	
2	<b>City Impact Center Parking (max spaces used)</b>																
3																	
4			<b># Adults in Bldg</b>	<b># Youth in Bldg</b>	<b>Parking Spots Used</b>	<b>Drop off / Parking spot</b>	<b>Total Parking Spots</b>										
5	Monday	a.m.	30	0	25	0	25										
6		p.m.	20	50	15	10	25										
7																	
8	Tuesday	a.m.	20	0	20	0	20										
9		p.m.	45	150	40	15	55										
10																	
11	Wednesday	a.m.	30	0	25	0	25										
12		p.m.	20	50	15	10	25										
13																	
14	Thursday	a.m.	20	0	20	0	20										
15		p.m.	45	150	40	15	55										
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17	Friday	a.m.	30	0	25	0	25										
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20	Saturday	a.m.	30	30	25	10	35										
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