

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 13004B**, an amendment to the "The Railyard Special Sign District" reflecting that The Cube has been installed; allow two sponsorship signs for the Railyard and one for The Cube, and limited advertising on The Cube, on property generally bounded by North 7th Street on the east, R Street on the north, Canopy Street on the west and Q Street on the south.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/27/15

RECOMMENDATION: Conditional Approval (8-0: Lust, Scheer, Hove, Sunderman, Harris, Corr, and Cornelius voting 'yes'; Weber absent).

STAFF RECOMMENDATION: Conditional Approval.

FINDINGS OF FACT:

1. The purpose of this amendment to the original change of zone approved by City Council in April 2013, which created "The Railyard Special Sign District", is to allow sponsorship signage on the two existing Railyard Center signs, a sponsorship sign on The Cube, as well as some flexibility to the advertising component on The Cube.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.4-5, concluding that The Railyard Special Sign District supports this unique area's role as an entertainment district which serves as a transition between Historic Haymarket and the Arena and its associated new development area. The sign requirements of the B-4 Lincoln Center Business District will generally apply to The Railyard Special Sign District, except for a video screen/digital display oriented towards the north and the west, referred to as "The Cube," and a "Railyard" identification sign that will span between two buildings. This special sign district is intended to permit and regulate the use of The Cube along with guiding the signs of the Railyard for general compatibility with Historic Haymarket. This proposal is in conformance with the Comprehensive Plan and the Downtown Master Plan. The staff presentation is found on p.6.
3. The applicant's testimony is found on p.7.
4. There was no testimony in opposition.
5. On May 27, 2015, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval.
6. This change of zone is associated with the resolution (Bill No. 15R-162) for an Amendment No. 1 to redevelopment plan for the TDP Phase One project.

FACTSHEET PREPARED BY: Geri Rorabaugh, Admin. Officer

DATE: July 29, 2015

REVIEWED BY: David R. Cary, Acting Director of Planning

DATE: July 29, 2015

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for May 27, 2015 PLANNING COMMISSION MEETING

- PROJECT #:** Change of Zone #13004B
- PROPOSAL:** To approve a change of zone for a Special Sign District.
- LOCATION:** Generally located at N. 7th Street and Q Street
- LAND AREA:** .91 acres more or less
- EXISTING ZONING:** B-4 Lincoln Center Business District

CONCLUSION: The Railyard Special Sign District supports this unique area’s role as an entertainment district which serves as a transition between Historic Haymarket and the Arena and its associated new development area. The sign requirements of the B-4 Central Business District generally apply to the Railyard Special Sign District, except for a video screen/digital display referred to as "The Cube," and two “Railyard” identification signs. In addition to the “The Cube” and two “Railyard” signs, this amendment allows sponsorship signs for the Railyard, a title sponsorship sign for the Cube and will allow limited advertising on the Cube. This special sign district is intended to permit and regulate the use of The Cube along with guiding the signs of the Railyard for general compatibility with Historic Haymarket. The proposed changes are in conformance with the Comprehensive Plan and the Downtown Master Plan.

RECOMMENDATION:	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 1, Block 5, West Haymarket Addition, located in the SW 1/4 of Section 23-10-6, Lincoln, Lancaster County, Nebraska

EXISTING LAND USE: A multistory, two-building mixed-use development.

SURROUNDING LAND USE AND ZONING:

- North: P Public
Post Office
- West: B-4 Lincoln Center Business District
Mix of commercial and residential

East: B-4 Lincoln Center Business District
Residential and Commercial
South: B-4 Lincoln Center Business District
Lincoln Station/ Iron Horse Park

HISTORY:

The Lincoln Center Redevelopment Plan was first adopted in 1975 and has added 24 major project areas and multiple sub-projects since its major update in 1985. Projects implemented include a wide variety of retail, residential, parking, and public uses such as University Square, Cornhusker Square, Entertainment Center (theater), Old Federal Building (Grand Manse), Lincoln Mall, various projects in the Haymarket, Catalyst One/Civic Plaza, and West Haymarket (includes arena).

April, 2013 City Council approved the a Change of Zone #13004 creating the Railyard Special Sign District overlay which generally followed the sign requirements of the B-4 Central Business District, except for a video screen/digital display referred to as "The Cube," and a "Railyard" identification sign that spans between buildings. This special sign district was intended to permit and regulate the use of The Cube along with guiding the signs of the Railyard for general compatibility with Historic Haymarket.

July, 2013 An Administrative Amendment (AA13049) to the Special Sign district was approved amending language to allow translucent covers with internal light sources to be used with dimensional channel letters and to allow a 4 foot by 4 foot logo to accompany the channel letters.

2014 An application CZ13004A was made to amend the Special Sign District but that application was withdrawn.

COMPREHENSIVE PLAN SPECIFICATIONS:

Historic areas and quality new development share underlying aspects of good design: durable materials, thoughtful attention to maintaining or creating a desirable overall setting, accessibility by multiple modes and all people, well-designed and effective signs that communicate without dominating, and sustainable, maintainable landscaping.(4.7)

Prepare subarea plans for the redevelopment of mixed use corridors and nodes to facilitate predictable, expeditious, well-designed improvements and investments.(4.7)

Enhance Downtown's role as the heart of the City. A strong downtown is important to the economic future of the community. Lincoln's Downtown is unique in the community as the home of State government, the State Capitol Building, and the flagship campus of the University of Nebraska. Together with Antelope Valley and the surrounding neighborhoods, it forms a vital core for the City. (5.1)

ANALYSIS:

1. Per Chapter 27.69.300 “Nonresidential; Special Sign District”, in any nonresidential district, occupants of 60 percent or more of the street frontage of any block face may petition the City Council for the formation of a special sign district within the boundaries of an approved Redevelopment Plan. The subject property is covered by the approved Lincoln Center Redevelopment Plan.
2. Special sign districts can be characterized as an overlay district. All applicable zoning requirements still apply to the land within the district, only the applicable sign regulations are modified by the district. The applicable sign regulations can be made either more or less restrictive by the district.
3. The Railyard is a mixed-use development bounded by R-Q Streets, Canopy Street and N. 7th Street. It is adjacent to Historic Haymarket on the east and south, to the Downtown Post Office and Pinnacle Bank Arena to the north and northwest, and to the West Haymarket redevelopment area to the west. The Railyard Special Sign District supports this unique area’s role as an entertainment district which serves as a transition between Historic Haymarket and the Arena and its associated new development area.
4. One of the draws to the Railyard development is a large box structure called “The Cube”. The primary purpose of The Cube is to serve as a digital display for motion and still graphic art installations and therefore is deemed not to be a sign by this Special Sign District.

The Cube is not and cannot be used as a typical off-premise sign, although as described below sponsors may be identified on a limited basis and commercials may be shown incidental to occasional use of The Cube for displaying broadcast or television programming.

The following terms and conditions apply to The Cube on a permanent and continuous basis:

- The projection screens/faces of The Cube shall have northerly and westerly orientations in order to limit visibility to persons walking in the Haymarket Landmark District.
- Displaying of advertising on The Cube is prohibited except that distinguishable trademarks, logos, and insignias are allowed on The Cube identifying special events. No more than five (5) minutes of each hour of operational time of The Cube shall be allocated for digital messages recognizing sponsors of special events.
- Programming on The Cube may occasionally include entertainment or public service broadcasts such as movies, television broadcasts, and sporting events, including advertising ordinarily part thereof.

5. In addition to the Cube there is currently one other unique sign in the Railyard. It is a 300 square foot Railyard center identification sign facing S. 7th Street. This amendment proposes to add an additional 150 square foot Railyard center sign. The additional Railyard identification sign will be located on the wall of the building addressed as 350 Canopy Street located at the southeast corner of R Street and Canopy Street.
6. This amendment will also allows sponsorship signage on the two Railyard center signs as well as on the Cube. (See attached exhibits)
7. The sponsorship signs for the Railyard will identify a single sponsor of the Railyard and may not exceed 49% of the sign area allocated for each of the "Railyard" signs.
8. A Cube sponsor sign will be permitted on the wall that frames the Cube. The sign will be limited to the name of the title Sponsor and the word "Cube". The sign shall not exceed 75 square feet.
9. The Sponsorship element of the two Railyard identification signs, The Cube sponsorship sign and the digital display of sponsorship messages on The Cube screen will not be considered off-premises signage.
10. Digital messages (including TV ads) distinguishable trademarks, logos, and insignias are allowed on The Cube identifying the sponsor of The Cube, the sponsor of the Railyard and the sponsors of special events in the Railyard (collectively "Sponsorship Advertising").
11. Special event is any organized activity approved by the City that requires additional personnel or barriers to restrict or control access to the Railyard. Special events may include, but are not strictly defined to: concerts, tailgating events, festivals, rides, exhibitions, theater presentations, movies, fairs, celebrations, and sales events or similar gatherings utilizing the Railyard.
12. No more than five (5) minutes of each hour of operational time of The Cube may be used for sponsorship messages.
13. Sponsorship Advertising of special events shall not be displayed earlier than one calendar month before date of commencement of the special event nor after the last day of the special event.
14. Except as listed above, all signs in the special sign district must otherwise comply with all other applicable requirements of LMC and the Uniform Sign Code.

Prepared by: Christy Eichorn, Planner
402-441-7603

Ceichorn@lincoln.ne.gov

DATE: May 14, 2015

CONTACT/ APPLICANT/ OWNER: TDP Phase One, LLC
Will Scott
440 N 8th Street
Lincoln, NE 68502

CHANGE OF ZONE 13004B, AMENDMENT TO ORDINANCE NO. 19870, RELATING TO THE INSTALLATION OF THE CUBE, SPONSORSHIP AND ADVERTISING . PUBLIC HEARING BEFORE THE PLANNING COMMISSION:

May 27, 2015

Members present: Lust, Hove, Beecham, Scheer, Cornelius, Corr, Harris, Sunderman; Weber absent.

Staff Recommendation: Conditional Approval.

There were no ex parte communications disclosed on this item.

Staff presentation: **Christy Eichorn of the Planning staff** provided an overview of this application. Eichorn explained that with the development of the West Haymarket and the Railyard in 2013, The Cube was installed as part of the Railyard Special Sign District to be used to display public art as well as provide limited advertising. The Cube was a new concept with specific regulations through the Special Sign District. This application amends the original Special Sign District to better fit the needs of the developer's as well as the public. The changes will allow some sponsorship signs on the existing Railyard Center Signs as well as providing a sponsorship sign on The Cube. In addition, it would amend the advertising component by providing for more flexibility. Currently, each advertiser is only allowed 30 seconds but this will allow for longer advertisements to fit the needs of the event that is occurring at any given time. Eichorn identified that the staff report references the addition of an additional sign; however she clarified that rather advertising would be permitted on the two existing center signs.

Staff Questions

In response to a question of Commissioner Cornelius regarding the public benefit, Eichorn stated that the developer could better address this.

Harris asked if it is only possible to petition for a Special Sign District within the redevelopment plan. Eichorn explained that there are certain criteria that must be met in order to apply for a special sign district, which may be identified in the staff report.

Corr questioned how often the sponsorship would change. Eichorn stated that this could be better addressed by the developer.

Proponents:

Tessa Warner, representing Railyard Entertainment and the Railyard developers, 601 R Street, Lincoln, NE 68508, explained that a big part of the Railyard endeavor includes implementing The Cube and the public art displays on The Cube. Warner noted that they hope to use half of the sponsorship fees and reinvest it promoting more art and providing art program that includes student art, local art, national art, and international art, to create a vibrant atmosphere for the public's enjoyment. They have tried very hard to be a community space, hosting several fund raisers.

Beecham asked if The Cube was open 24 hours a day. Warner explained that The Cube is operated 10:00 a.m. to midnight in consideration of the residential and hotel across the street. She noted that digital media is up and coming and the pricing has not been established for this type of media at this time. However, as the industry grows, they want to continue to grow the ability to raise revenues for this type of art.

Corr asked how often it is anticipated that the sponsorship will change. Warner stated that they to hope to get someone who is a great partner to the arts and the Railyard, and, therefore, it would not change very frequently – possibly only change every five to ten years.

Opponents: None.

Staff Questions

Harris referenced the placement of text “The Cube” of the on Page 1, Lines 8-11 of the draft ordinance. Harris suggested that the text be amended on Line 9 to make it easier to understand: “. . . large video screen/digital display referred to as The Cube, with the projection screen . . .” Eichorn indicated that she has no objection to that change but would need to visit with the Law Department.

Corr asked if there was a previous application in 2014 which was withdrawn. Eichorn explained that it was similar to this application but the discussion in terms of the changes to be made and the detail that would have been included as part of the redevelopment agreement, which is separate from the special sign district, were not been worked out. It took almost a year to get back to where it is today.

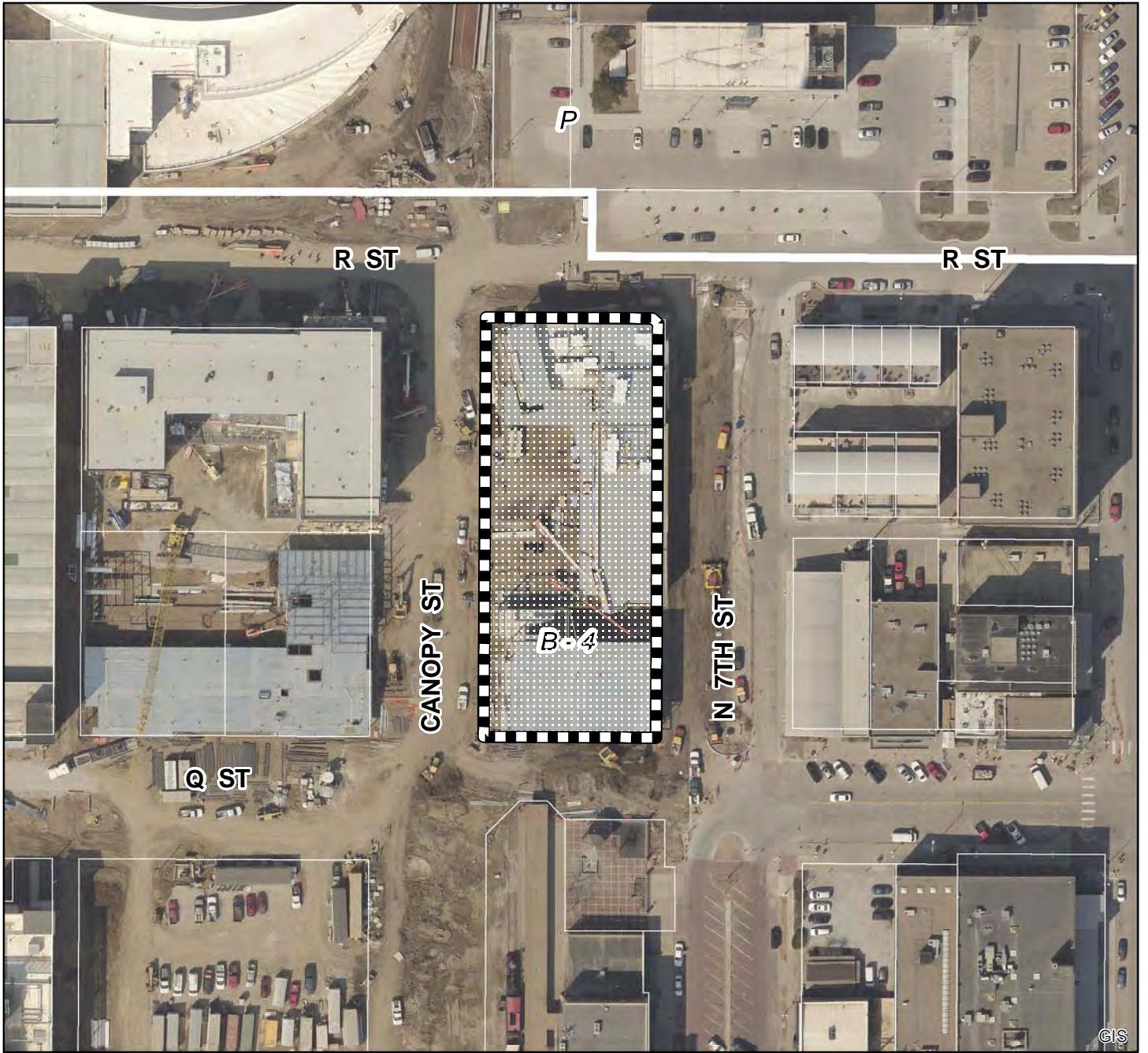
ACTION BY PLANNING COMMISSION:

May 27, 2015

Sunderman moved to recommend conditional approval; seconded by Scheer.

Beecham stated that she served on the Historic Preservation Commission before the West Haymarket was developed and they had a number of meetings on design standards, special sign districts, etc. She believes that the developers are really in sync with wanting to have something that celebrates the historic district without impacting it too much, which is one of the reasons that The Cube faces away from the historic part of the Haymarket. She believes that these changes are still in line with the original intent. They are not lengthening the amount of time that the advertising takes place but this does provide for some flexibility. She intends to support the motion.

Motion carried 8-0; Lust, Hove, Beecham, Scheer, Harris, Cornelius, Corr, and Sunderman; Weber absent.



GIS

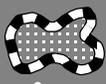
2013 aerial

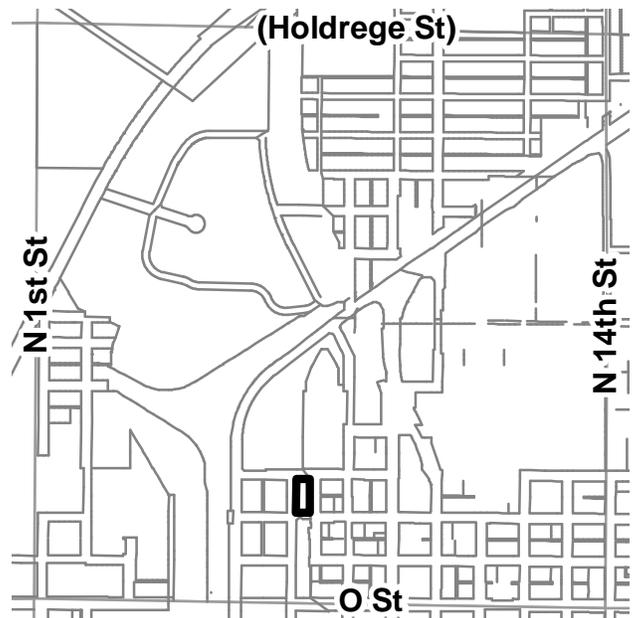
Change of Zone #: CZ13004B
Railyard
N 7th & Q St

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.23 T10N R06E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





REAL ESTATE, LLC

David Carey
Acting Director
City of Lincoln/Lancaster County
555 South 10th Street, Suite 213

Re: Railyard Special Sign District

Dear David:

On behalf of the property owner, we are requesting that ordinance 19870 be amended to allow for on-premise signage for the sponsor of The Cube and motion graphics for commercial sponsor advertising.

The primary purpose of The Cube is to be a digital art canvas for the public to enjoy. In order to have the funds to support this cause, we would like to provide signage above The Cube to recognize our primary sponsor. We would also like to be able to display motion graphics in our advertising in order to deliver more artistic and engaging sponsorship messages. No waivers are requested with this application.

Please contact me if you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'William D. Scott'.

William D. Scott
WRK Real Estate, LLC

Enclosures

RECEIVED

APR 29 2015

Lincoln/Lancaster Co.
Planning Department

Cube & Railyard Sponsorship

