

City Council Introduction: **Monday**, November 17, 2008  
Public Hearing: **Monday**, December 1, 2008, at **1:30 p.m.**

Bill No. 08-160

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 08053 HP**, requested by Engineering Design Consultants, to designate the Foster House located at 1021 D Street as a Historic Landmark.

**STAFF RECOMMENDATION:** Approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 11/05/08  
Administrative Action: 11/05/08

**RECOMMENDATION:** Approval (8-0: Larson, Partington, Sunderman, Esseks, Gaylor Baird, Cornelius, Francis and Carroll voting 'yes'; Taylor absent).

### **FINDINGS OF FACT:**

1. This is a request to designate the Foster House at 1021 D Street as a Historic Landmark, being of Queen Anne style, built in 1884. An associated Special Permit No. 08044 requests to use the property for the professional offices of Engineering Design Consultants, a civil engineering, surveying and planning firm specializing in commercial and residential land development.
2. The staff recommendation to approve the Landmark designation is based upon the "Analysis" as set forth on p.3, concluding that designation of the Foster House as a Landmark appears to be consistent with the Comprehensive Plan and with Chapter 27.57 of the Zoning Code (Historic Preservation District). The staff presentation is found on p.5-6.
3. The applicant's testimony is found on p.6, and the record consists of a letter in support from the Everett Neighborhood Association Board of Directors (p.13).
4. There was no testimony in opposition.
5. The Historic Preservation Commission held public hearing on this request on October 30, 2008, and unanimously recommended that the Foster House be recognized as a Lincoln Landmark for its architectural character. The Preservation Guidelines are attached to the Council resolution and marked Exhibit "A".
6. On November 5, 2008, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval of the Historic Landmark designation.
7. On November 5, 2008, the Planning Commission also voted 8-0 to adopt Resolution No. PC-01148, approving Special Permit No. 08044, which allows the use of the Foster House by an owner-occupied professional office. The Council has previously been provided with a copy of this Planning Commission resolution.

**FACTSHEET PREPARED BY:** Jean L. Preister

**DATE:** November 7, 2008

**REVIEWED BY:** \_\_\_\_\_

**DATE:** November 7, 2008

**REFERENCE NUMBER:** FS\CC\2008\CZ.08053 HP

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

**for November 5, 2008 PLANNING COMMISSION MEETING**

**P.A.S.:** Change of Zone #08053HP **DATE:** October 24, 2008  
Landmark Designation

**SCHEDULED PLANNING COMMISSION MEETING:** November 5, 2008

**PROPOSAL:** Engineering Design Consultants requests landmark designation for the Foster House at 1021 D Street.

**CONCLUSION:** Designation of the Foster House as a Landmark appears to be consistent with the Comprehensive Plan and with Chapter 27.57 of the Zoning Code (Historic Preservation District).

<b>RECOMMENDATION:</b>	Approval
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**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 4, Block 207, Original Plat of Lincoln, located in the southeast quarter of Section 26-10-6, in Lincoln, Lancaster County, Nebraska.

**LOCATION:** South side of D Street, between So. 10<sup>th</sup> and So. 11<sup>th</sup> Streets.

**EXISTING ZONING:** R-7 Residential District.

**SIZE:** 7100 square feet (more or less).

**EXISTING LAND USE:** Single family residence.

**SURROUNDING LAND USE AND ZONING:** R-7 Residential District adjacent east, north, and west, with single-family and multi-family residential uses except for Hall House to the north across D Street, which has Landmark designation and a special permit to operate as a Bed & Breakfast; R-6 Residential District across the alley to the south, developed with mixed density residential uses; Everett Elementary School one block away to southeast.

**HISTORY:** John Foster had this Queen Anne style house built in 1884.

The area of this house and its surroundings was designated as the Everett Landmark District in 1999.

**UTILITIES:** This area is served by all City utilities.

**PUBLIC SERVICE:** This area is served by all City public services.

**AESTHETIC CONSIDERATIONS:** 1021 D Street is nicely renovated and well-maintained historic property.

**ALTERATIVE USES:** Landmark designation does not by itself change the permitted uses in the R-7 District. The associated requested Special Permit 08044 would allow use by a professional office of up to ten employees, if approved by Planning Commission.

**ASSOCIATED REQUESTS:** Special Permit 08044.

**ANALYSIS:**

1. Lincoln Municipal Code, section 27.57.120 provides for designation of landmarks that are *“Associated with events, person, or persons who have made a significant contribution to the history, heritage, or culture of the City of Lincoln, the County of Lancaster, the State of Nebraska, or the United States”* or that *“Represent a distinctive architectural style or innovation...”* The Historic Preservation Commission will hold a public hearing on this matter October 30, 2008. Staff recommends that the Foster House be recognized as a Lincoln Landmark for its architectural character.
2. Preservation guidelines for the proposed landmark are attached as Exhibit A. They are based on the typical landmark guidelines.
3. The descriptive application for the property is enclosed.
4. The 2030 Comprehensive Plan includes a strategy to “Continue efforts to inventory, research, evaluate and celebrate the full range of historic resources throughout Lancaster County, collaborating with individuals, associations, and institutions, and designating landmarks and districts through the local preservation ordinance and the National Register of Historic Places.”
5. This application is associated with Special Permit #08044 which would allow use of the house by an owner-occupied professional office.

Prepared by:

Edward F. Zimmer, Ph. D.  
Historic Preservation Planner  
441-6360, [ezimmer@lincoln.ne.gov](mailto:ezimmer@lincoln.ne.gov)

**APPLICANT:** Engineering Design Consultants  
2200 Fletcher Avenue, Suite 102  
Lincoln, NE 68521  
(402)435-2159

**CONTACT:** Pam Dingman, CEO  
same  
[pdingman@edc-civil.com](mailto:pdingman@edc-civil.com)

**OWNER:** Kevin D. & Carla J. Pinneo  
292 F Road  
Palmyra, NE 68418  
(402)435-2159

**CHANGE OF ZONE NO. 08053  
and  
SPECIAL PERMIT NO. 08044**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

November 5, 2008

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

Ex Parte Communications: None.

Staff recommendation: Approval of the change of zone and conditional approval of the special permit.

Staff presentation: **Ed Zimmer of Planning staff** submitted photographs to the Planning Commission in lieu of a power point presentation due to technical difficulties in Council Chambers.

The Foster House located at 1021 D Street is a large, very well-preserved and maintained Queen Anne style, built in the 1880's. A porch was added in the early 20<sup>th</sup> century, which was very common. The house stands just west of three houses that were a family compound. The rear of the house is nicely landscaped. The garage in question has principal access from the north but has a garage door facing west. That is the area designated to be paved. There is a large apartment property just across the alley and an apartment to the west of the Foster House as well.

The Historic Preservation Commission held public hearing and recommends both the landmark and the special permit for approval. In that discussion, an item arose that is addressed in the revised condition which simply inserts into Condition #3 a time period in which the parking area north of the alley and west of the existing garage will be paved, i.e. July 1, 2009. This does not intend to say that they cannot occupy the house until the paving is done. This is just not a good season for paving.

Zimmer also submitted a letter in support from Bill Woods on behalf of the Everett Neighborhood Association.

Esseks inquired as to the advantage to the broader community of this property being designated as a historic landmark. Zimmer indicated that one of the conditions dictated by the zoning code is that area of public benefit. This provision exists in the code so that historic properties have some flexibility in achieving the ability of the owner to maintain them. This property, unlike some we see, is in very good condition. It has been maintained as a single-family home, but this applicant proposes a business on this property with the condition that it could revert back to residential use in the future. This is a stabilizing offering where we have a good, capable interested party and a landmark designation to protect its character and preserve the opportunity that it might go back to being a residential property. This does not change the underlying zoning. This special permit would run with the property, but the conditions require it to be owner-occupied. Sometimes the landmark

special permit properties are clearly worth more in a valuation sense than they were in a residential condition. However, he did not know how this property might appraise as a business property versus single-family residential.

While this is not a business that has a lot of foot traffic, Zimmer suggests that the landmark designation does make this property somewhat more visible and public.

Francis inquired about parking wherein the report indicates that there will be five employees with possibility to expand. Zimmer pointed out that there is some residential-type parking on-site – two stalls plus garage and small pad off the alley on a long driveway. We have chosen not to call this commercial parking. They would park some of their vehicles on-site but it would not meet design standards. We want to conserve it in this state in case it goes back to residential use. It is assumed that they will use some on-street parking during the day in addition to what they are using on-site. Section 27.63.400 of the zoning ordinance does allow the Planning Commission to waive strict application of the parking standards and that is what is being requested in this application.

### Proponents

**1. Pam Dingman of Engineering Design Consultants**, 2200 Fletcher Avenue, appeared as the applicant. This project is for the offices of EDC, a civil engineering company founded in 1998, with offices in Omaha and Lincoln, headquartered in Lincoln. She acquired the company over a period of about 5 years and will continue to manage EDC headquartered in Lincoln. EDC is a civil engineering, surveying and planning firm specializing in commercial and residential land development. They have also done some municipal development in the Omaha area.

Dingman is the co-owner of a separate LLC called Historical Passions. She believes it is important to do something to give back to the community. This particular property is of interest because it does have enough parking for their company. The second floor on this property is a open floor plan with only two smaller bedrooms on the second floor. They have no intention to change the property in any way. The local housing inspector has held that it is the most intact well-maintained historic property that he has seen. There is a large hot tub in the back yard with a big red cedar cover that they intend to remove from the property.

With regard to parking, a number of the back yards in this area have been graveled and are used for parking and storage. This back yard is highly maintained with a lily pond and fish. It also has a trellis system. The entire property has an ornate Victorian garden which they intend to keep.

Dingman stated that there is only one concern in regard to the staff recommendation. EDC intends to occupy the property; they intend to stay in the area; and this property will give them room to grow as a business. They have no desire to convert this property into apartments but would like to have ability to rent the property to other small companies in the future as opposed to the limitation of owner-occupied.

There was no testimony in opposition.

**CHANGE OF ZONE NO. 08053**

**ACTION BY PLANNING COMMISSION:**

November 5, 2008

Larson moved approval, seconded by Francis.

Francis believes this is a great use for the building and for the neighborhood.

Motion for approval carried 8-0: Cornelius, Sunderman, Gaylor Baird, Partington, Esseks, Larson, Francis and Carroll voting 'yes'; Taylor absent. This is a recommendation to the City Council.

**SPECIAL PERMIT NO. 08044**

**ACTION BY PLANNING COMMISSION:**

November 5, 2008

Larson moved approval of the staff recommendation of conditional approval, as amended, seconded by Francis.

Cornelius pointed out that the neighborhood association has expressed its support.

Gaylor Baird commended the staff and the Historic Preservation Commission for assuring the possibility that this property may convert back to single family residential in the future.

Motion for conditional approval, as amended, carried 8-0: Cornelius, Sunderman, Gaylor Baird, Partington, Esseks, Larson, Francis and Carroll voting 'yes'; Taylor absent. This is final action unless appealed to the City Council within 14 days.



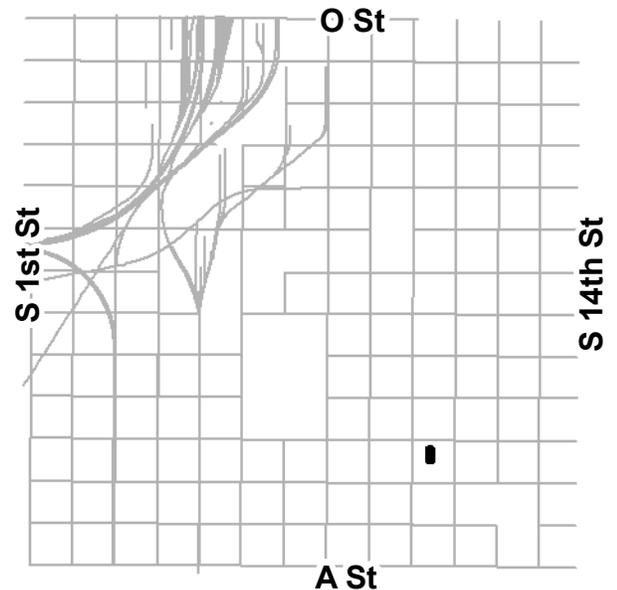
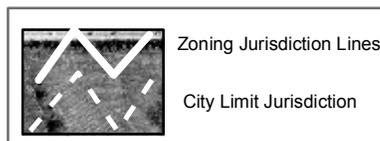
2007 aerial

# Change of Zone #08053 1021 D Street

## Zoning:

One Square Mile  
Sec. 26 T10N R06E

- 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

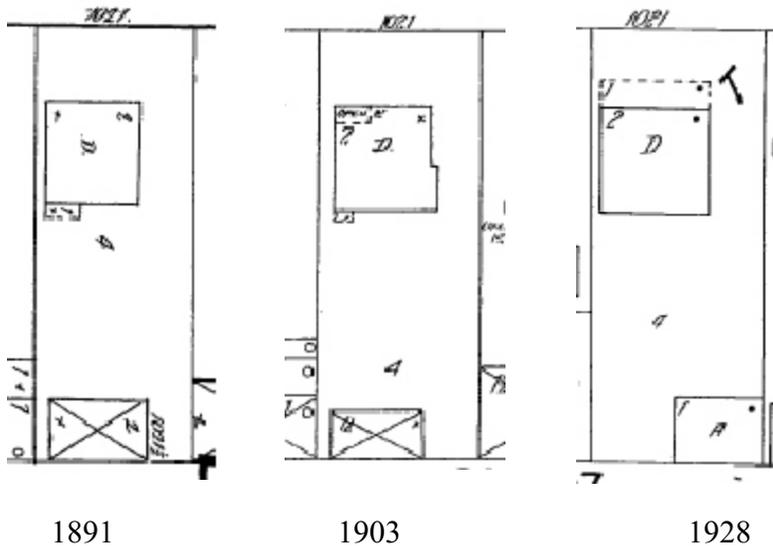




## DESCRIPTION:

The Foster House is a large, very well-preserved and maintained example of a frame Queen Anne style house, built near the beginning of use of that style in Lincoln around 1881. Characteristic of the style is the varied roofline of intersecting gables, varied decorative windows, and richly textured cladding of clapboards and cut shingles.

The main, north facade has a full-length porch (added or altered in the early 20<sup>th</sup> century, as it does not show on the 1891 Sanborn atlas.) The main feature of the facade is a projecting bay to the left (east), with a tripartite window on the first floor,



four tall, narrow, closely spaced windows on the second floor, and two windows at the attic level in the gable end, flanked by decorative quarter-round windows. Many of the windows in the house display small square panes in a variety of patterns, another characteristic Queen Anne feature.

On the east (side) facade features include an exterior chimney with decorative brickwork (below the eaves) and a large second-story oriel projection at the south end, topped with a gable roof.

## HISTORY:

The early ownership and construction history of this house is complicated, as was often the case in Lincoln's boom-years of the 1880s. John L. Foster bought Lots 4, 5, and 6 of Block 207 of the Original Plat of Lincoln in May of 1881. A mechanic's lien filed the next year indicates construction began almost at once on Lot 4, and continued through November of 1881. Chicago Lumber Company supplied over \$450 worth of materials.

Foster entered into numerous mortgages on the property, then sold the house in May of 1883 for \$1000 (plus assumption of a \$500 mortgage). Upon the sale the lien and mortgages were satisfied and released. The purchaser, Rachael Damrow, resold the property in 1886 for a value of \$2800 to Anna Gibson of Omaha; who sold the property the next year for \$3800. In 1889 the house again sold to widow Catharine Funke, for \$5500, demonstrating the rising property values in the burgeoning city. She remained in residence at least through 1897.

## 8. SIGNIFICANCE

Period	Areas of Significance-Check and justify
1880s	architecture

Specific dates: 1881

Builder/Architect: unknown

Statement of Significance:

The Foster House is a large, well-preserved example of Lincoln's residential architecture of the early 1880s, when the ornate Queen Anne style was becoming dominant over the Italianate, French Second Empire, and Gothic Revival styles of Lincoln's earliest years. The complex sales, liens, and mortgages that marked the house's first decade were also characteristic of that fast-changing era, as the city experienced four-fold growth in the 1880s.

## 9. STANDARDS FOR DESIGNATION

(Check one(s) that apply)

Represents a distinctive architectural style or innovation, or is the work of a craftsman whose individual work is significant in the development of the City of Lincoln, the County of Lancaster, the State of Nebraska, or the United States.

10. MAJOR BIBLIOGRAPHICAL REFERENCES

Sanborn Map Company (insurance atlases), 1891, 1903, 1928.

Lancaster County Register of Deeds.

Lincoln City Directories.

11. FORM PREPARED BY:

Name/Title: Ed Zimmer/Historic Preservation Planner

Organization Lincoln/Lancaster County Planning Dept.

Date Submitted: October 10, 2008

Street & Number            555 S. 10<sup>th</sup> St.            Telephone (402)441-6360

City or Town Lincoln            State NE, 68510

Signature

FOR HISTORIC PRESERVATION COMMISSION USE ONLY:

DATE LANDMARK/LANDMARK DISTRICT DESIGNATED

LANDMARK/LANDMARK DISTRICT NUMBER

FosterHouse.wpd

SUPPORT

ITEM NO. 4.1a&b: CHANGE OF ZONE NO. 08053  
SPECIAL PERMIT NO. 08044

Regarding Special Permit 08044 (p.35 & 47 - Public Hearing - 11/05/08)



William Wood  
<ww34243@alltel.net>

10/30/2008 06:51 AM

Please respond to  
<wmwood@alltel.net>

To <ezimmer@lincoln.ne.gov>, Pat Anderson-Sifuentez  
<panderson@nwlincoln.org>

cc

bcc

Subject 1021 "D" Street, The Foster House

History:  This message has been replied to.

Ed:

This message is being written to support the applications made by Engineering Design Consultants in regard to 1021 "D" Street, to designate this property as a local historic landmark, to change the zoning (Change of Zone No. 08053) and to issue a special permit (Special Permit No. 08044).

I am writing on behalf of the Everett Neighborhood Board of Directors, myself and my wife Myrna L. Wood, and Pat Anderson-Sifuentez.

I have lived within three blocks of the subject property since 1957. My wife and I own the historic Tyler house at 808 "D" Street and own other properties close to the subject property (809 "D" Street, 920 "E" Street, 1326 "D" Street, and 901, 912, 926, 930, and 938 "F" Street, as well as 840 So. 10th Street). The 1000 Block of "D" Street is historically an important part of neighborhood and 1021 "D" Street is an outstanding example of how a well-maintained and landscaped property enhances the neighborhood and raises surrounding property values. Unfortunately a buyer could not be found that would maintain this property as a residence. Due to the size of the home, it is costly to maintain. We feel fortunate that Engineering Design Consultants wishes to open an office at this location as we are certain that this business will maintain the property at its current high level of restoration and will fit in well in a residential neighborhood. I have heard nothing but positive comments from area residents about the applications filed by Engineering Design Consultants.

Pat Anderson-Sifuentez, ENA Board member and Community Organizer for NeighborWorks for the Stronger Safer Neighborhoods, says this project fits with redevelopment for Everett. Historically, north Everett has been a mixed use area with businesses merged in with residential. As long as there is sensitivity in preserving the historical character of the structures in the neighborhood and homes are not altered to such a degree that they cannot return to owner occupancy, this project is a win-win for the neighborhood.

Sincerely,

William J. Wood  
Attorney at Law  
808 "D" Street  
Lincoln, NE 68502