

City Council Introduction: **Monday**, January 10, 2005
Public Hearing: **Monday**, January 24, 2005, at **1:30 p.m.**

Bill No. 05R-6

FACTSHEET

TITLE: SPECIAL PERMIT NO. 04063, requested by Pages, L.L.C., for authority to operate an office and a residence in a landmark located at 1941-1943 K Street.

STAFF RECOMMENDATION: Conditional Approval

ASSOCIATED REQUESTS: Change of Zone No. 04076 (05-3).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 12/08/04
Administrative Action: 12/08/04

RECOMMENDATION: Conditional Approval (9-0: Carlson, Carroll, Krieser, Sunderman, Pearson, Marvin, Taylor, Larson and Bills-Strand voting 'yes').

FINDINGS OF FACT:

1. This special permit request and the associated Change of Zone No. 04076 were heard at the same time before the Planning Commission.
2. The purpose of this request is to rehabilitate the proposed landmark at 1941-1943 K Street, which originally was a single family residence with an attached grocery store, into a single family residence with an attached office.
3. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-4, concluding that the proposed special permit is in conformance with the Comprehensive Plan and the Zoning Ordinance.
4. The presentation by Ed Zimmer as the historic preservation planner is found on p.7.
5. The applicant's testimony and the testimony of the architect are found on p.7-8.
6. It was confirmed that this proposal would comply with the Antelope Valley plan.
7. There was no testimony in opposition.
8. On December 8, 2004, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend conditional approval, as set forth in the staff report dated November 24, 2004. The conditions of approval are found on p.4-5.
9. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: January 3, 2005

REVIEWED BY: _____

DATE: January 3, 2005

REFERENCE NUMBER: FS\CC\2005\SP.04063

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for December 8, 2004 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #04063 - Historic Preservation - to operate an office and a residence in a landmark

PROPOSAL: To rehabilitate this proposed landmark, which originally was a single family residence with an attached grocery store, into a single family residence with an attached office.

LOCATION: Generally located west of S. 20th Street, on the south side of K Street (1941-3 K Street)

LAND AREA: .16 acres, more or less.

CONCLUSION: In conformance with the Comprehensive Plan and Zoning Ordinance.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: McMurty's Addition, Block 2, Lot 3, in the NE quarter of Section 25, Township 10 North, Range 6 East, Lancaster County, NE

EXISTING ZONING: R-6, Residential District.

EXISTING LAND USE: Two family residence.

SURROUNDING LAND USE AND ZONING:

North:	Multi-family residences	R-6 Residential
South:	Multi-family residences	R-6 Residential
East:	Multi-family residences	R-6 Residential
West:	Multi-family residence and Hamilton Business College	R-6 Residential

HISTORY: House built around 1900, grocery store added in 1906, operated as "Lincoln Home Bakery" in 1920s & '30s, in residential use since mid-20th century.

COMPREHENSIVE PLAN SPECIFICATIONS: This area is shown as residential (F-25).

Seek incentives and regulatory support for the rehabilitation of existing buildings in order to make it more feasible to rehabilitate and continue to use older buildings. (F 142)

TRAFFIC ANALYSIS: K Street is an arterial street. S. 20th Street is a local street.

ALTERNATIVE USES: Multiple family residences, duplexes, single family residences, and other permitted uses in the R-6 district.

ASSOCIATED REQUESTS: Landmark designation HP04076.

ANALYSIS:

1. This is a request for a special permit to use a landmark property as a residence and office. The property originally was a residence and grocery store, then later residence and bakery.
2. The Antelope Valley Redevelopment Plan, under consideration by City Council, proposes mixed office and residential use for this area.
3. Lincoln Municipal Code Section 27.63.400 states, in part:

In any zoning district a special permit may be granted to allow the preservation of a historic structure or site and the reuse thereof. This permit shall be limited to structures or sites designated as landmarks under Chapter 27.57.

(a) The City Council may approve, by special permit, any use of a historic structure or site in any zoning district after review and consideration of the following:

 - (1) The significance of the historic structure or site and the degree of variation sought from the permitted uses of the district;*
 - (2) The extent to which economic factors necessitate the change in use;*
 - (3) The extent of proposed exterior change to the structure or site;*
 - (4) The impact on the surrounding area;*
 - (5) The compatibility of the proposed use to the structure or site and the surrounding area; and*
 - (6) The manner in which the public will be benefitted by such proposed use.*
4. The Historic Preservation Commission voted unanimously on October 21, 2004 to find that the former Zimmer Grocery Store met the "Standards for Designation" of a Lincoln Landmark for architectural significance. The first consideration of 27.63.400--the significance of the structure, will be met if the City Council concurs with the Preservation Commission and designates the property as a landmark.
5. Permitting the use of 1941-3 K Street by the owner as office for his construction company requires a change of zone or a special permit. The R-6 district is described as "a generally redeveloping area of moderately high residential density" which in addition to houses, duplexes, and apartments, accommodates lodging and boarding houses, fraternities and sororities,

private clubs, and support facilities, such as schools, parks, community buildings, and churches.” Uses within a block include Hamilton College (formerly Lincoln School of Commerce) and the operations building of Alltel.

Regarding the second issue raised by 27.63.400--the degree of variation between the requested use and residential uses allowed in the district--the degree might be described as moderate. The degree of variation between the requested uses and uses in the surrounding area might better be described as slight or none, considering the non-residential uses listed above.

6. The degree to which economic factors necessitate the change in use is subjective, but the owner proposes this use as an alternative to removing the property and replacing it with a new duplex.
7. The proposed exterior changes consist of re-establishing the appearance of a storefront for the grocery story wing, and general rehabilitation of the building’s exteriors. The Historic Preservation Commission approved these modifications as appropriate to the landmark, with the condition that the final designs be submitted to the Commission for review and approval under the Certificate of Appropriateness process.
8. Key issues in the review of landmark special permits by Planning Commission are the interrelated items 4, 5, and 6 in LMC27.63.400--the impact on the surrounding area, the compatibility of the proposed use with the structure and the area, and the public benefit of the proposed use. The proposal appears to offer adequate on-site parking, with 4 stalls accessed by the rear alley. The plan has not yet been reviewed by Public Works and Utilities.

The public will benefit by the improved maintenance of a neighborhood landmark.

9. The City-County Health Department reviewed the proposal and had no objections.
10. Review for Fire Prevention/Life Safety Code offered no objection to the special permit but noted that sprinkler would be necessary for a two story office space. The intended use would confine office to the single story portion.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 Revise the site plan if required by Public Works and Utilities, based on their review.
2. This approval permits use of 1941-3 K Street as owner occupied office space and one residential unit.

3. Exterior modifications to the structure must receive a Certificate of Appropriateness from the Historic Preservation Commission.

General:

4. Before receiving building permits:
 - 4.1 The permittee shall have submitted a revised final plan including 7 copies and the plans are acceptable.
 - 4.2 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

5. The following conditions are applicable to all requests:
 - 5.1 Before occupying the building all development and construction shall have been completed in compliance with the approved plans.
 - 5.2 All privately-owned improvements shall be permanently maintained by the owner.
 - 5.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 5.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 5.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The 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.

Prepared by:

Ed Zimmer, ezimmer@lincoln.ne.gov
Historic Preservation Planner

DATE: November 24, 2004

APPLICANT: Pages LLC
938 N. 70th St.
Lincoln, NE 68505
(402)610-0589

OWNER: same

CONTACT: Fernando Pages,
938 N. 70th St.
Lincoln, NE 68505
(402)610-0589

**CHANGE OF ZONE NO. 04076
and
SPECIAL PERMIT NO. 04063**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 8, 2004

Members present: Carlson, Carroll, Krieser, Sunderman, Pearson, Marvin, Taylor, Larson and Bills-Strand.

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

Ex Parte Communications: None.

Proponents

1. Ed Zimmer of Planning staff presented the application. This is a combination house (built in about 1900) and grocery store (added in 1906). The Historic Preservation Commission has recommended approval of the landmark application under the criteria of signifying important events. This is a category of broad events in the history of Lincoln. A number of small neighborhood grocery stores have been studied. There are over 100 listed in the city directories in the early 1900's. About 15 still stand in the various neighborhoods. This is the best example of the particular class of house with added store. There is one on Randolph and one on North 33rd. The Historic Preservation Commission endorsed this as a good demonstration of this particular kind of small neighborhood grocery store. This stands in the area covered by the Antelope Valley Redevelopment Plan where staff is recommending long term mix use of residence and office, thus the special permit for the office in the grocery store portion and a residence on the house. This building will be refurbished to a higher quality appearance. It was known as Lincoln Home Bakery.

2. Fernando Pages testified in support. He purchased this property and the one next door originally with intention to demolish both and build apartment buildings. He presented the plans and has approval for two buildings, but he was looking for a location to develop his office. He decided that with the right architect and right design, this could be a good location for his office and the house is a really nice structure. Pages stated that he primarily does affordable housing and building in the Antelope Valley area.

2. Jerry Berggren, member of the Historic Preservation Commission and the architect for this project, advised that he abstained from the vote at the Historic Preservation Commission meeting. The site plan attempts to preserve the building as carefully as possible, yet there are not a lot of historic photographs available. The asbestos shingles will be removed from the store front and it will be returned to the original siding appearance. They have done some demolition on the interior to confirm the structural integrity. They will be working with the historic colors of the area. There will be a simple placard sign across the top, illuminated with traditional lighting of the period. It will have a canvas awning. This happens to be immediately adjacent to the bus stop that occurs on K Street, so they will be providing some benches and some community expression.

Pages clarified that the house will remain as a residential rental property and he will use the store front as his office. The house will be totally rehabbed. The historical requirements are primarily on the exterior.

Pearson inquired whether there is off-street parking. Berggren confirmed that there is parking off-street. There will be a structure to the rear for some secure parking, with two parking stalls in the garage and two in the rear of the building. There is parking available to the public on the street, but the amount of traffic coming to Pages' offices is very limited and will park in the rear of the building. There was no testimony in opposition.

Larson confirmed that this will not interfere with the Antelope Valley plan of making 19th the main corridor north and south. Zimmer stated that this is about a block east of that. We would like to see this area in general enhanced. We anticipate the Antelope Valley plan may rezone this area and that rezoning would accommodate this use. The plan in general also encourages preservation of the buildings in the area.

CHANGE OF ZONE NO. 04076

ACTION BY PLANNING COMMISSION:

December 8, 2004

Marvin moved approval, seconded by Larson and carried 9-0: Carlson, Carroll, Krieser, Sunderman, Pearson, Marvin, Taylor, Larson and Bills-Strand voting 'yes'. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 04063

ACTION BY PLANNING COMMISSION:

December 8, 2004

Marvin moved to approve the staff recommendation of conditional approval, seconded by Carroll and carried 9-0: Carlson, Carroll, Krieser, Sunderman, Pearson, Marvin, Taylor, Larson and Bills-Strand voting 'yes'. This is a recommendation to the City Council.



938 North 70th, Suite 108 • Lincoln, Nebraska 68505 • 402•434•2456 FAX: 402•434•2458

October 20, 2004

To: City of Lincoln
Re: Zoning Application No. _____

Restore Jacob Zimmer Grocery and Lincoln Home Bakery

Summary

Property: 1941 & 1943 K Street
Existing use: Duplex
Historical use: Residence and business
Special permit request: Residence and business

Purpose Statement

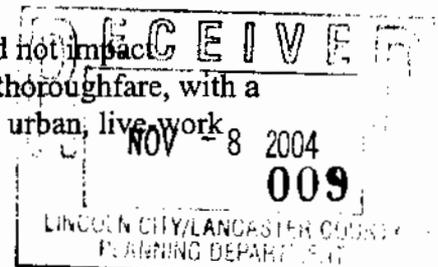
I purchased properties at the corner of 20th and K Street, including 1945, 1941 & 1943 K St. to demolish the existing, rundown structure and redevelop the lots into low-rise apartment buildings. To wit, I have obtained permission to demolish and redevelop the properties under the Neighborhood Standards requirements, and have already removed 1945 K and have substantially completed construction of a three-story apartment building on site.

Although my original intent, financing and plans are set to demolish 1941 & 1943 K for similar improvement, I have had a change of heart. Instead, I would like to rehabilitate and remodel this structure, under historical guidelines, to use as a high-quality, residential rental and office for my construction and property management company.

Since the original structure at 1941 K St. once housed a grocery store and later a bakery, the building already has commercial characteristics easily adapted to my office needs without compromising its historical facade.

I would restore the building under the direction of Jerry Bergen of Bergen Architects and in consultation with Edward Zimmer, Historical Planner. My purpose is to have a trophy property that highlights the quality and originality of my building business.

My business does not have retail operations or high traffic and would not impact neighborhood traffic more than a residence. The location, on a busy thoroughfare, with a bus stop in front and businesses nearby, lends itself to the integrated, urban, live-work

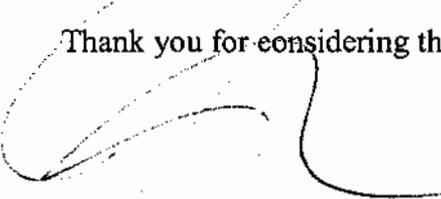


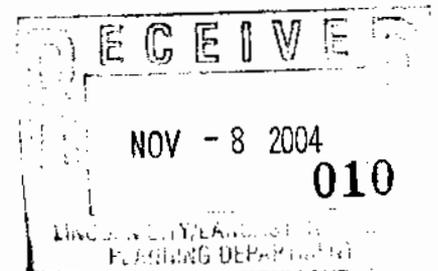
blend envisioned in the Antelope Valley Redevelopment Plan and encouraged by enlightened planners. The site provides room for plenty of paved parking.

If Urban Development can find the means and method, I have proposed using combining this property and my new apartments at 1945 K to create a TIF agreement that would serve to improve the sidewalk and bus stop, providing shelter for riders and enhance the architectural esthetics of this important Capital Environs corridor.

As an inner city developer, this location would provide my company a place in the neighborhoods we seek to improve.

Thank you for considering this request,


Fernando Pagés
Member, Pages L.L.C., Owner
President, Brighton Construction Company, Tenant





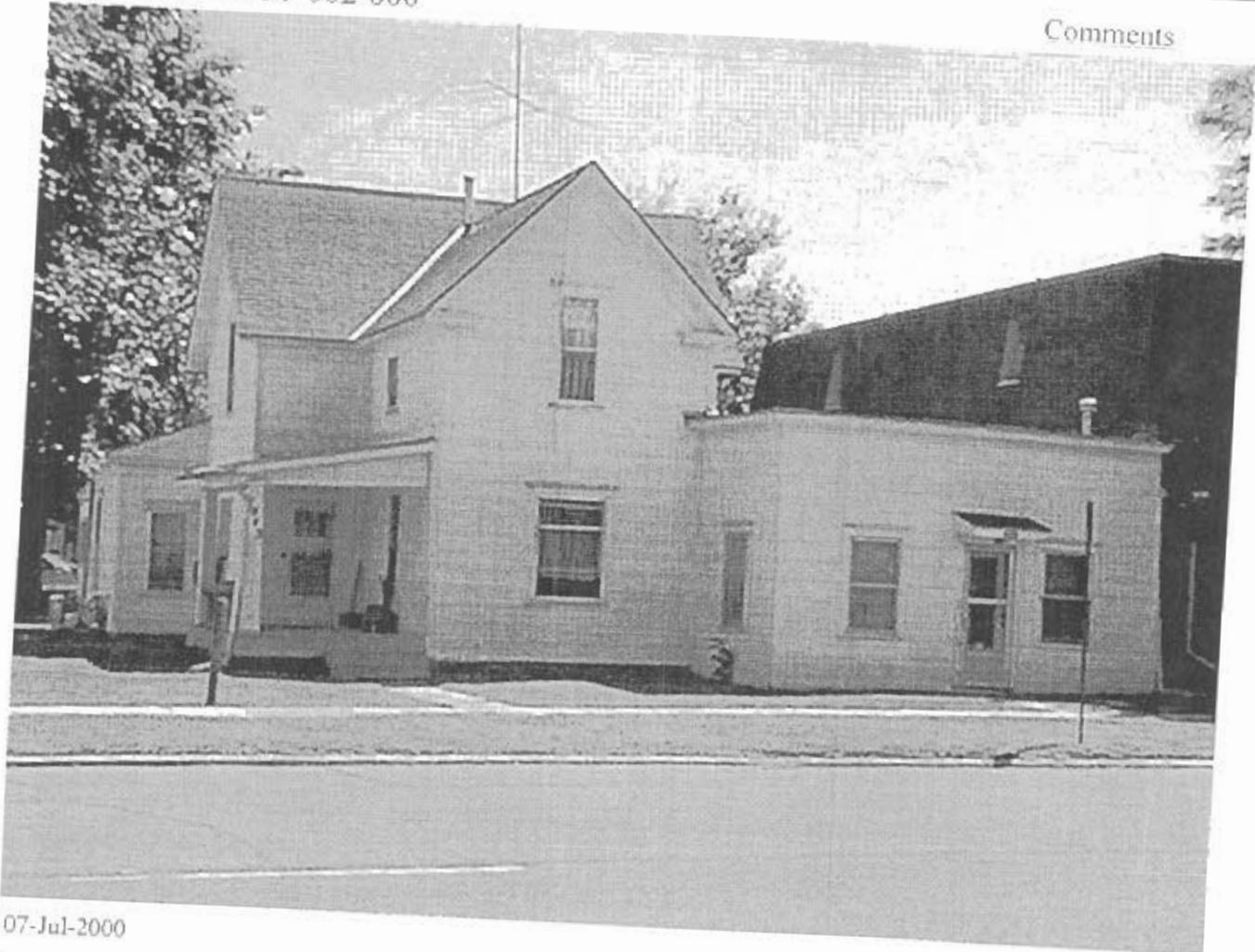
Lancaster County

County Assessor
Parcel Photo

InterLinc

Parcel 10-25-130-002-000

Comments



07-Jul-2000

480x640

[Property Information](#) [Property Mini-Sheet](#)

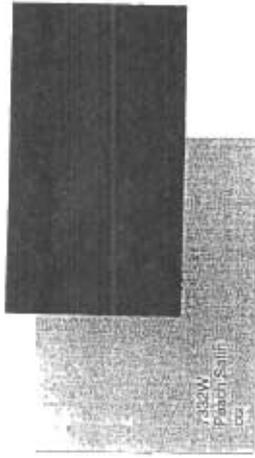
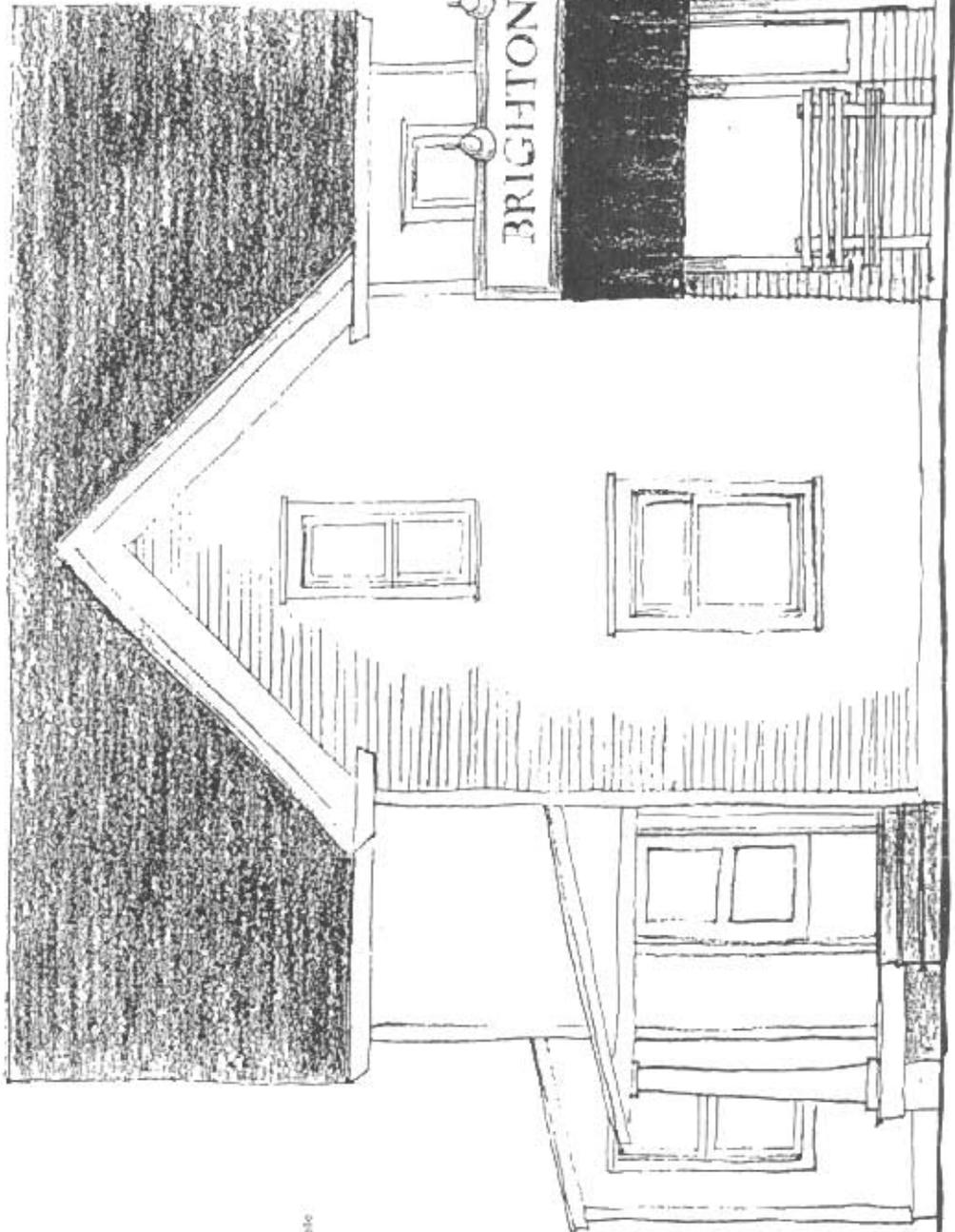
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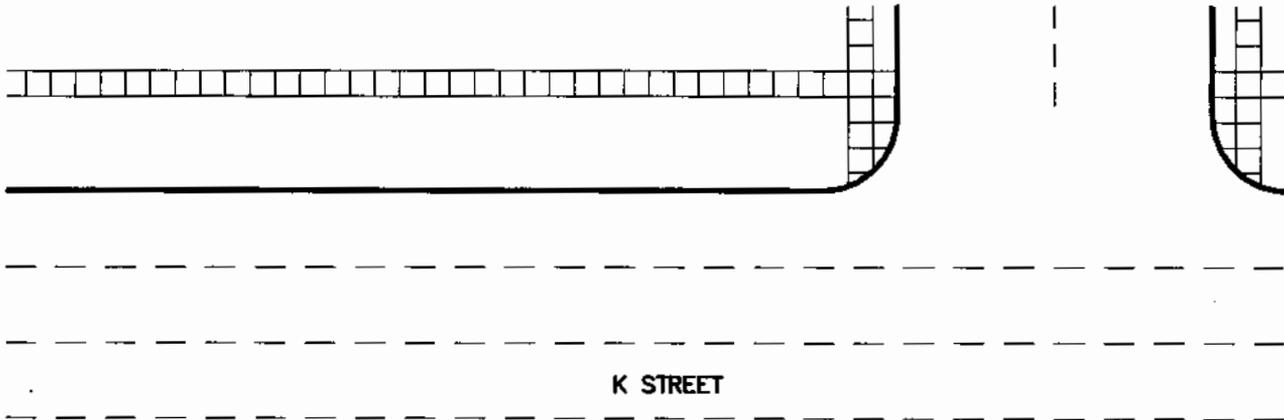
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PLANNING DEPARTMENT



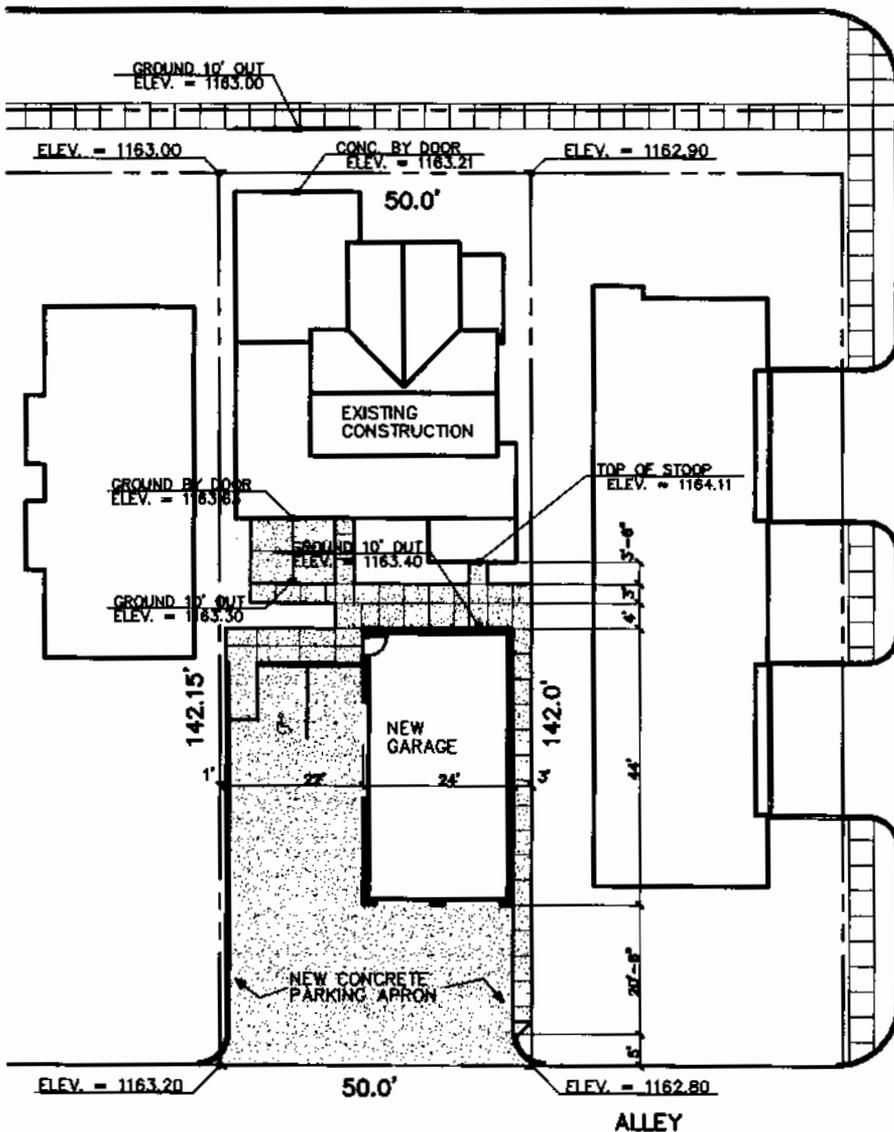
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Silly White

0130101 Camels

7771W
Morning Moss



K STREET



20th STREET

PROPOSED PARKING
2 - ENCLOSED
2 - ON SITE

LEGAL DESCRIPTION
CITY OF LINCOLN LOT 3, BLOCK 2
McMURTRY'S ADDITION
LANCASTER COUNTY, NEBRASKA



SITE PLAN
SCALE: 1" = 20'-0"

BRIGHTON CONSTRUCTION

RENOVATION OF 1941 K STREET

Lincoln, Nebraska



BERGREN ARCHITECTS

1000 N. 17th Street
Lincoln, NE 68502
402.441.1111



IMPORTANT



Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.



Permit # **DRF04184**

Address

Job Description: **Development Review - Fire**

Location:

Special Permit: **Y 04063**

Preliminary Plat:

Use Permit:

CUP/PUD:

Requested By **ED ZIMMER**

Status of Review: **Denied**

11/15/2004 7:53:18 PM

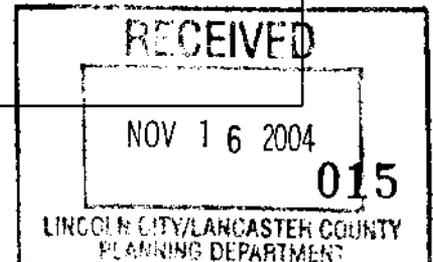
Reviewer: **FIRE PREVENTION/LIFE SAFETY CODE**

BOB FIEDLER

Comments: **need a meeting with applicant , even though I have no objection to the special permit ,the owner needs to be aware that this property may need to be sprinkled to use it as a two storie office space.**

Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 2000 International Building Code and Local Amendments
- 2000 International Residential Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effictive March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 2000 NFPA 101 Life Safety Code
- 2000 Local Amendments International Firecode
- Applicable NFPA National Fire Code Standards



Memorandum

To:	Ed Zimmer, Planning Department
From:	Charles W. Baker, Public Works and Utilities
Subject:	Special Permit #04063 for Historic Preservation 1941 "K" Street
Date:	November 21, 2004
cc:	Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the request for Historic Preservation of the residence and future office located at 1941 "K" Street. Public Works has the following comments:

- The parking for this address must be located at the rear of the residence with access from the public alley. The parking must meet design standards and may also include improvements to the alley. Public Works is willing to work with the applicant and his architect to see if the above requirements can be obtained. A detailed site plan will be required for further evaluation.