

FACTSHEET

TITLE: SPECIAL PERMIT NO. 05051,
requested by Schoenleber, Shriner & Hittle on
behalf of Forum LEX, Ltd., to use a Landmark
property for office uses, on property generally
located at the southwest corner of South 12th
Street and H Street (1141 H Street).

STAFF RECOMMENDATION: Conditional
Approval.

ASSOCIATED REQUESTS: Change of Zone
No. 05076HP (05-182)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 11/09/05
Administrative Action: 11/09/05

RECOMMENDATION: Conditional Approval
(8-0: Carlson, Carroll, Esseks, Krieser, Larson,
Pearson, Sunderman and Strand voting 'yes';
Taylor absent).

FINDINGS OF FACT:

1. This proposed special permit for office use was heard in conjunction with the associated Landmark designation before the Planning Commission.
2. 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.
3. The record consists of a letter in support from the Everett Neighborhood Association (p.24).
4. On November 9, 2005, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
5. On November 9, 2005, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval, as set forth in the staff report dated October 27, 2005 (Taylor absent).
6. On November 9, 2005, the Planning Commission also voted 8-0 to recommend approval of the associated Change of Zone No. 05076HP designating the property as a Landmark (05-182).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: November 21, 2005

REVIEWED BY: _____

DATE: November 21, 2005

REFERENCE NUMBER: FS\CC\2005\CZ.05076HP

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for November 9, 2005 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #05051 - Historic Preservation - to occupy entire structure with law offices

PROPOSAL: To expand the existing permitted use of the former Kappa Sigma Fraternity House for law offices in the basement and first floor, to occupy the whole building with law offices

LOCATION: Generally located at the southwest corner of S. 12th and H Streets (1141 H Street)

LAND AREA: .25 acre, 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: The east half of Lot 2 and all of Lot 1, Block 148, Original Plat, Lincoln, Lincoln, Lancaster County, Nebraska, (SE 1/4 Sect 26-T10N-R6E).

EXISTING ZONING: R-8, Residential District.

EXISTING LAND USE: Law offices.

SURROUNDING LAND USE AND ZONING:

North:	Residential	R-8 Residential
South:	Residential	R-7, Residential
East:	Institutional (Church)	R-8, Residential
West:	Office, residential	R-8, Residential

HISTORY: Pre-existing Special Permit #677 (1973) allows use of lower two floors of building for law offices; does not permit use of second and attic stories for offices.

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: H and S. 12th Streets are local streets.

ALTERNATIVE USES: Multiple family residences, duplexes, single family residences, and other permitted uses in the R-8 district.

ANALYSIS:

1. This is a request for a special permit to use a landmark property as law offices. This building has been used as law offices since 1973 under a special permit that allows that use in the basement and first floor only. A single staircase to the upper floors did not provide adequate exiting and those floor were not included for office use in the original permit. The current proposal would add an additional stair at the south (rear) side of the building, provide a ramp to the main level for improved accessibility, and make other improvements.
2. This property is a contributing property within the Everett Landmark District. Individual landmark designation is necessary to be eligible to apply for a special permit for historic preservation under LMC 27.63.400.
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 20, 2005 to find that 1141 H Street met the “Standards for Designation” of a Lincoln Landmark for architectural significance. The first consideration of Special Permits–Historic Preservation, the significance of the structure, is met if the City Council concurs with the Preservation Commission and designates the property as a landmark.
5. Permitting the use of 1141 H Street for law offices requires a change of zone or a special permit. The existing special permit allows partial use of the building but does not offer any protection for its architectural character. The requested, substitute permit is based on preservation of the historic character.

Regarding the second issue raised by LMC 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. Offices are permitted to occupy portions of residential buildings in the R-8 district. The present special permit has allowed law offices in this building for more than three decades.

6. The degree to which economic factors necessitate the change in use is subjective, but the owners plan substantial investments to bring the building into full utilization.
7. The proposed exterior changes consist of new windows on the upper floors, a rear fire stair, and an access ramp to the west entrance. The Historic Preservation Commission approved these modifications as appropriate to the landmark.
8. Key issues in the review of landmark special permits by Planning Commission are the interrelated items 4, 5, and 6 in LMC 27.63.400—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 impact of permitting law offices to operate in this area has been tested for three decades and apparently has not been adverse.

The public will benefit by the requested use through enhanced maintenance of a neighborhood landmark.

9. The law offices in the building and the church to the east have a long-standing agreement to share parking areas. Their peak use times are non-concurrent and this arrangement appears to benefit both parties.

CONDITIONS:

Site Specific:

1. This approval permits the use of 1141 H Street for law offices.
2. Before receiving building permits:
 - 2.1 The permittee shall have submitted a revised **final** plan demonstrating that the parking lot meets design standards including 7 copies and the plans are acceptable.
 - 2.2 The construction plans shall comply with the approved plans.
 - 2.3 The landmark designation of 1141 H Street is approved.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the building all development and construction shall have been completed in compliance with the approved plans.
 - 3.2 All privately-owned improvements shall be permanently maintained by the owner.

- 3.3 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.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.5 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, filling fees therefor to be paid in advance by the applicant.
4. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

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

DATE: October 27, 2005

APPLICANT: Schoenleber Shriner & Hittle, architects
123 S. 84th Street, Ste A
Lincoln, NE 68510
(402)483-2893

OWNER: Forum LEX Ltd.
1141 H Street
Lincoln, NE 68508
(402)476-2487

CONTACT: Pat Birch, AIA
123 S. 84th Street, Ste A
Lincoln, NE 68510
(402)483-2893

**CHANGE OF ZONE NO. 05076HP
and
SPECIAL PERMIT NO. 05051**

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

November 9, 2005

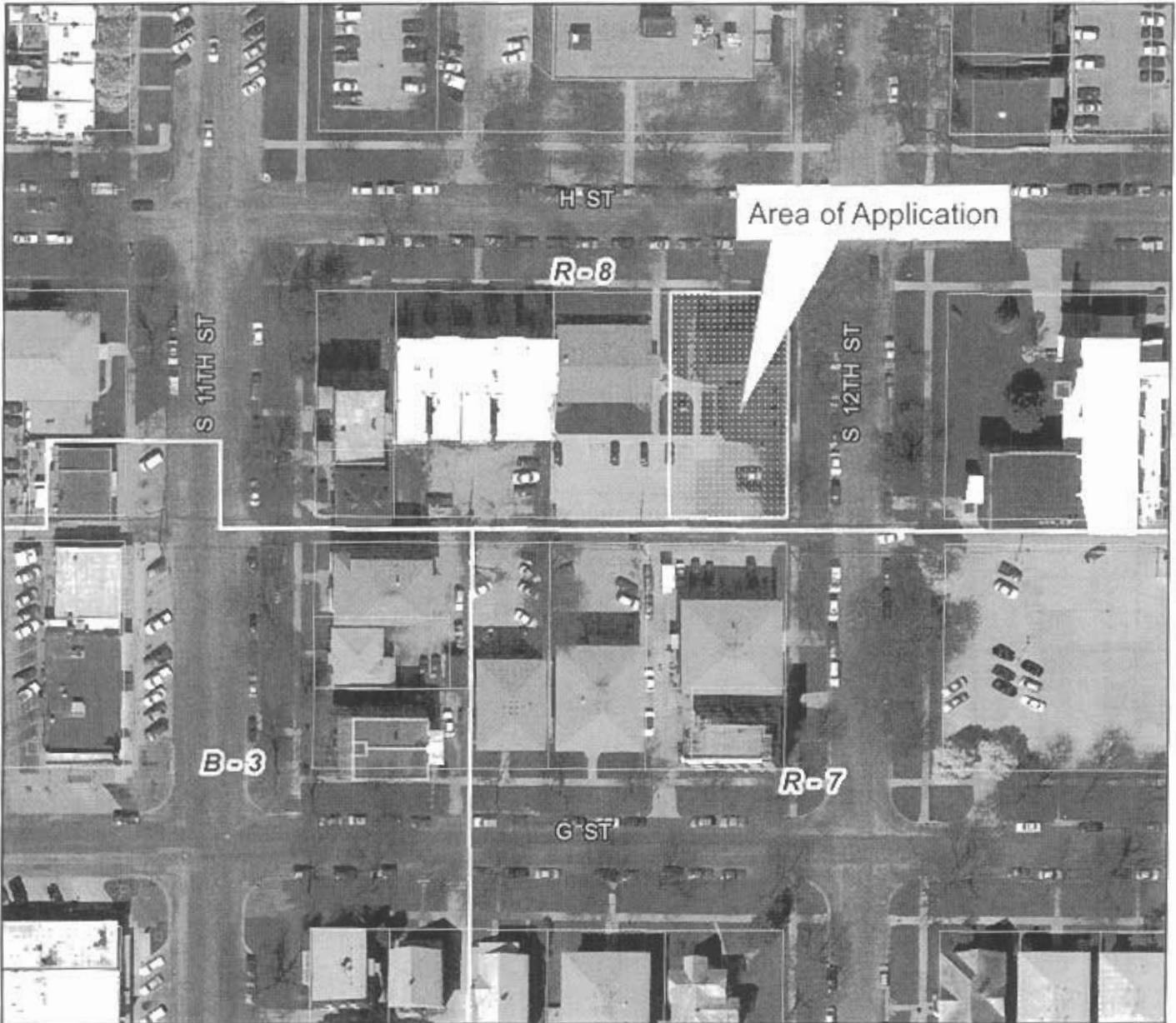
Members present: Carlson, Carroll, Esseks, Krieser, Larson, Pearson, Sunderman and Strand; Taylor absent.

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 05052; CHANGE OF ZONE NO. 05076HP; SPECIAL PERMIT NO. 05051; USE PERMIT NO. 33D; COUNTY FINAL PLAT NO. 05106, THE PRESERVE AT CROSS CREEK 2ND ADDITION; COUNTY FINAL PLAT NO. 05107, WENDELIN ESTATES; and STREET AND ALLEY VACATION NO. 05009.**

Ex Parte Communications: None.

Strand moved to approve the Consent Agenda, seconded by Krieser and carried 8-0: Carlson, Carroll, Esseks, Krieser, Larson, Pearson, Sunderman and Strand voting 'yes'; Taylor absent.

Note: This is final action on Special Permit No. 05052, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



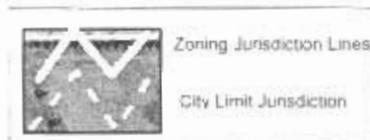
**Change of Zone #05076HP
& Special Permit #05051
1141 H St.**

2005 aerial

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-7 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. 26 T10N R6E



007

Historic Preservation Special Permit Application for:

1141 H STREET
Kappa Sigma Fraternity House



Prepared by: **SCHOENLEBER SHRINER & HITTLE**

123 S. 84th Street, Suite A, Lincoln, Nebraska 68510
402.483.2893 . pat@ssh-arch.com

008

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1: HISTORIC SIGNIFICANCE & VARIATION SOUGHT

1. *The significance of the historic structure or site and the degree of variation sought from the permitted uses of the district.*

The Kappa Sigma Fraternity House at 1141 H Street was built in 1924-25 and designed by the architects, John and Alan McDonald. This father and son team made significant architectural contributions to state of Nebraska over the course of their fifty years of practice. John McDonald's outstanding works include the Joslyn Art Museum, the George Joslyn Castle, the First Unitarian Church and the Hill Hotel, all located in Omaha.

The site is currently under Special Permit #677, which was approved in 1974 to allow the renovation of the building for office use. It stipulates that only the first level and basement are to be used. The underlying zoning is R-8, which allows office use under a special permit.

This application requests an expansion of the office use to second and third levels of the building.

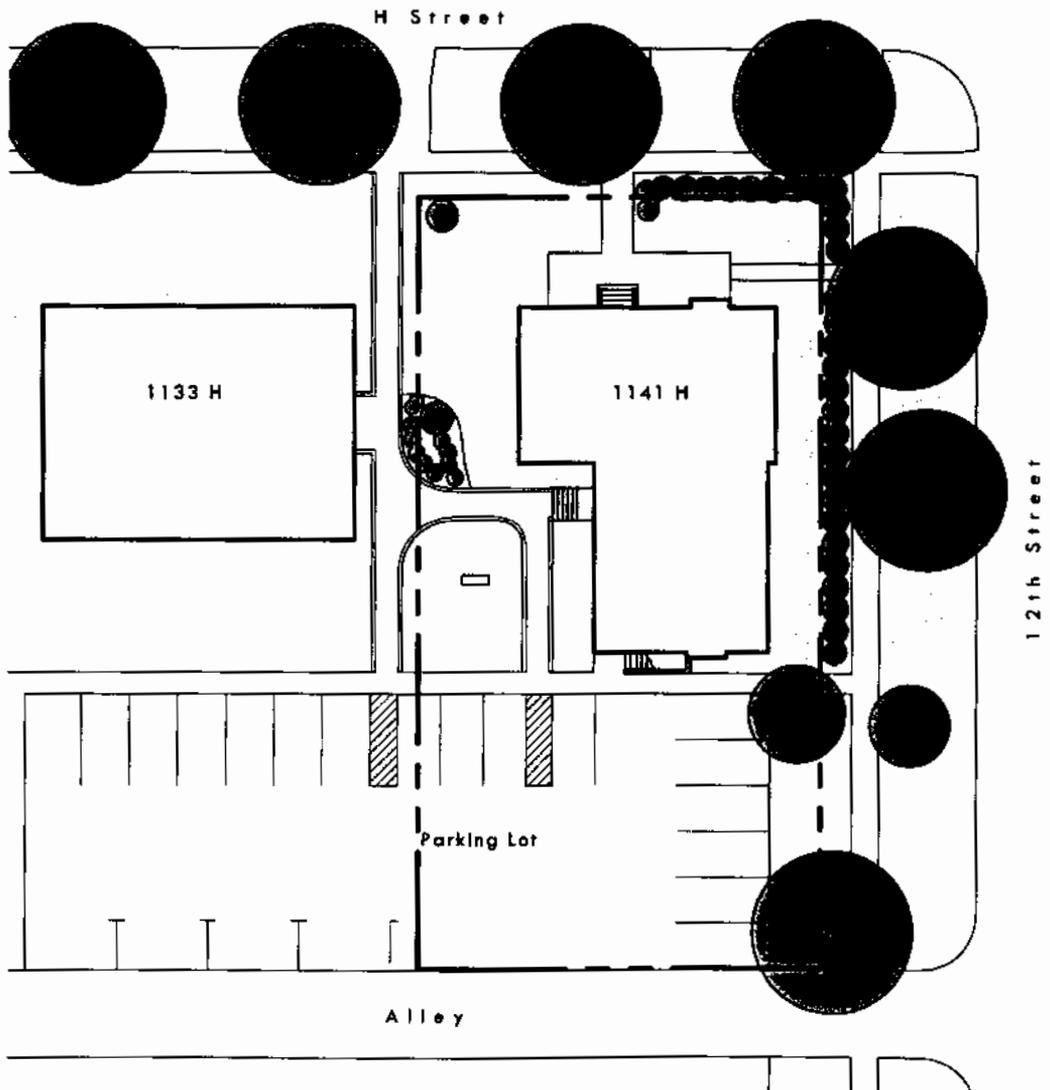


1141 H Street Today: View from H Street

2: ECONOMIC FACTORS

2. *The extent to which economic factors necessitate the change in use.*

The building is currently occupied as an office on the first level and basement, leaving the upper two levels unoccupied, unfinished, and unconditioned. Existing, original windows on second and third levels are in a state of disrepair. The applicant desires to fully utilize the building as an office, thus ensuring the structure will be maintained and protected by generating the required income to do so. This change will enable a more economically productive and viable site than allowed by the underlying zoning or existing special permit.



N Existing Site Plan

3: PROPOSED EXTERIOR CHANGES

3. *The extent of proposed exterior change to the structure or site.*

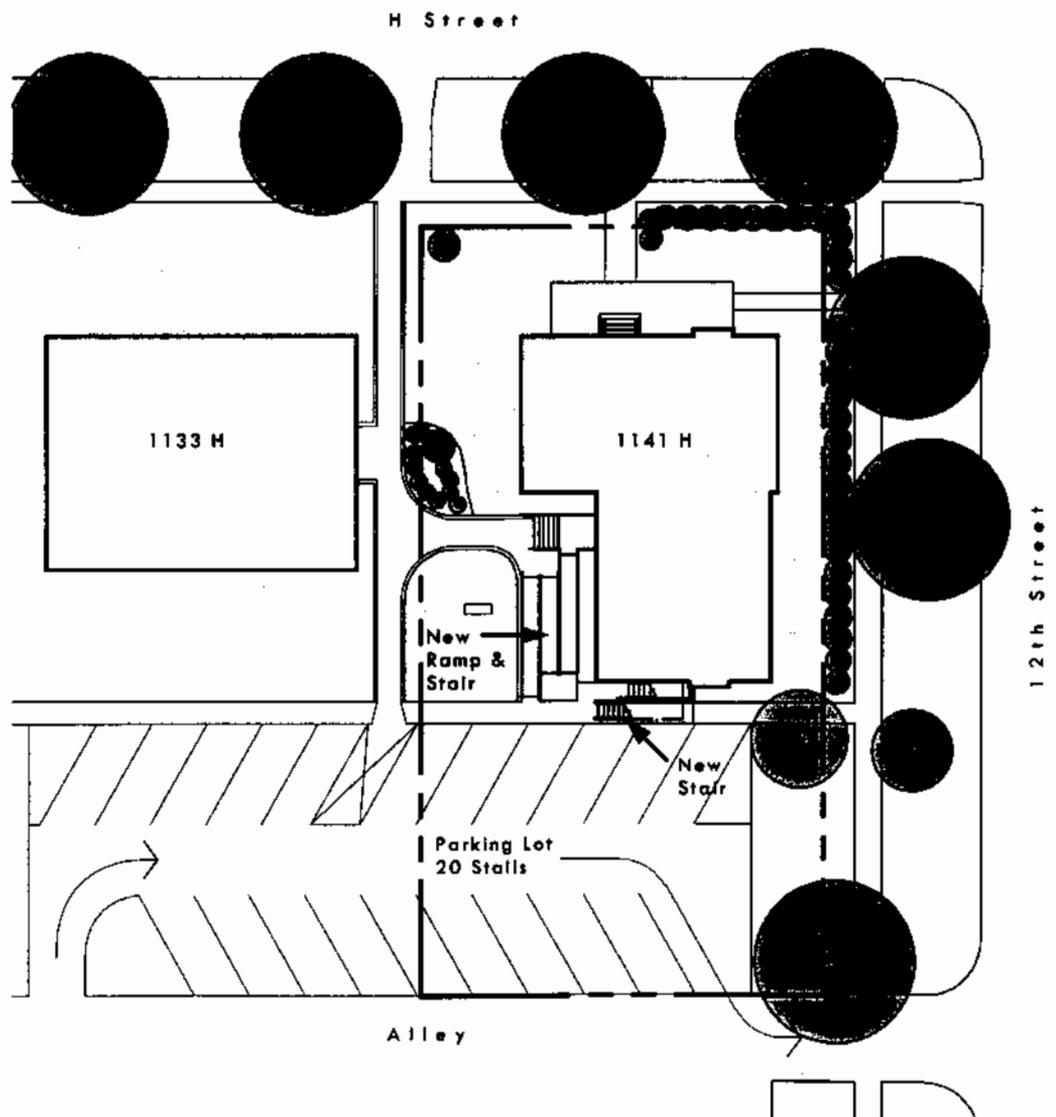
Proposed changes to the exterior include:

2nd & 3rd Level Window Replacement

New Exterior Egress Stair

New Ramp for Building Accessibility

Revised Parking Lot Layout

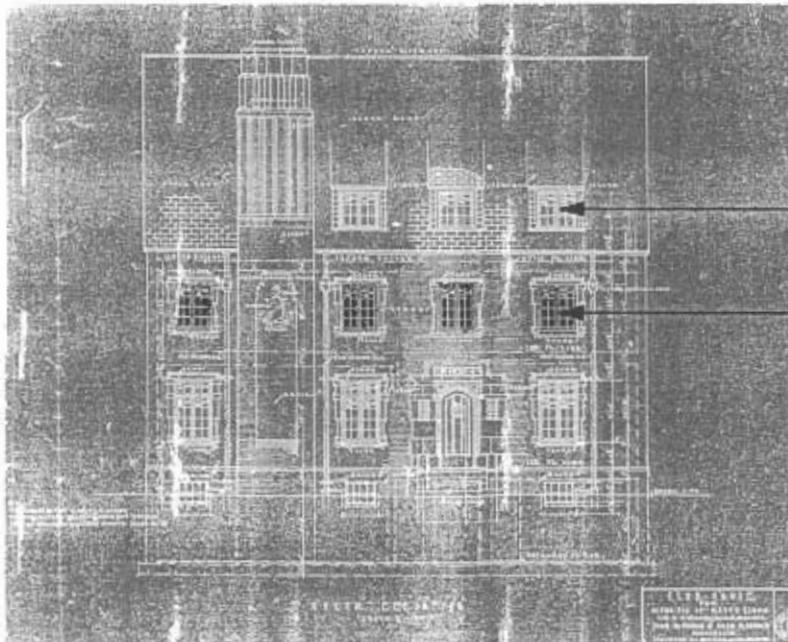


N Proposed Site Plan

3: PROPOSED EXTERIOR CHANGES, cont.

2nd & 3rd Level Window Replacement

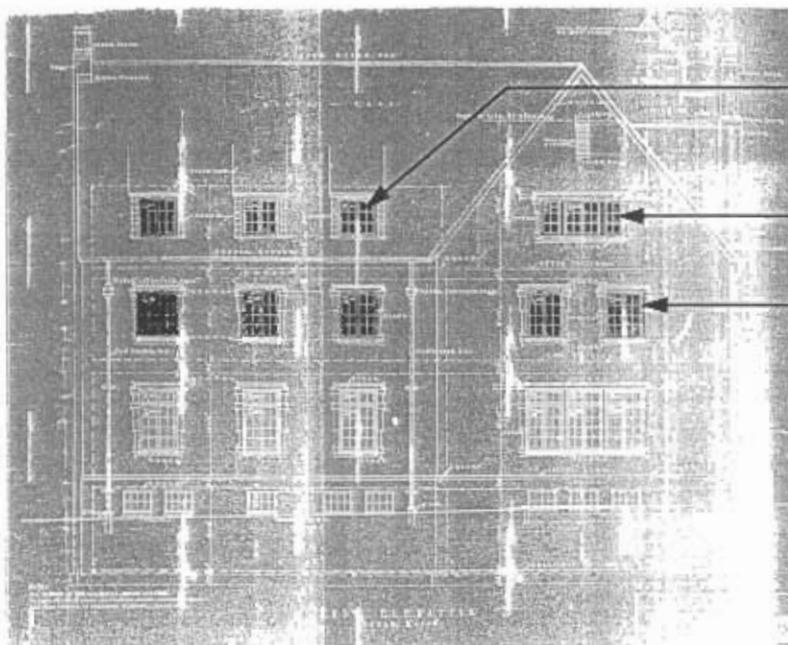
The existing, original windows located on the second and third levels will be replaced with aluminum clad wood casement windows with insulating clear glass. The windows will have a pattern of muntins which replicate the original windows. Exterior frame color will be "Putty."



Dormers Do Not Exist

New Window Type C

Original Drawing of North Elevation



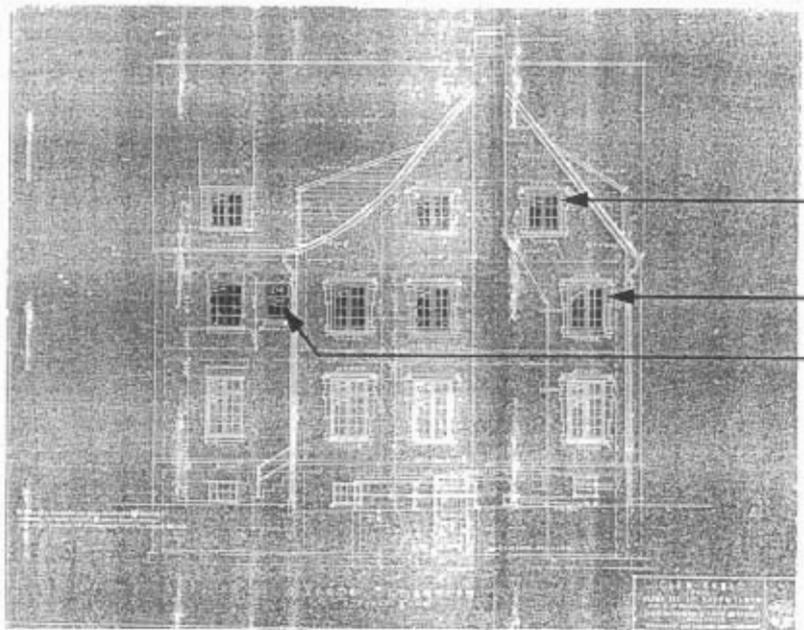
New Window Type A

New Window Type B

New Window Type C

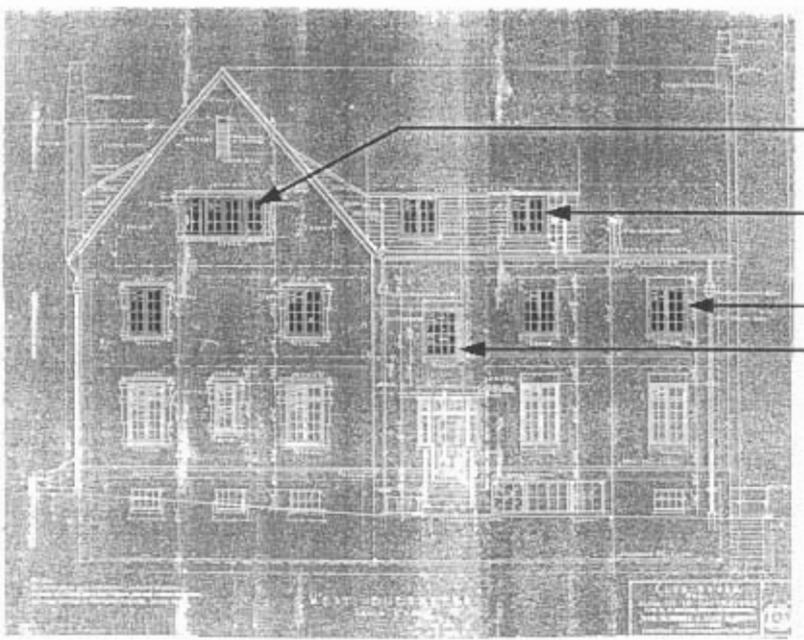
Original Drawing of East Elevation

3: PROPOSED EXTERIOR CHANGES, cont.



- New Window Type A
- New Window Type C
- New Window Type D

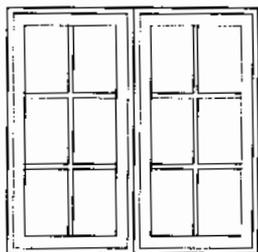
Original Drawing of South Elevation



- New Window Type B
- New Window Type A
- New Window Type C
- New Window Type E

Original Drawing of West Elevation

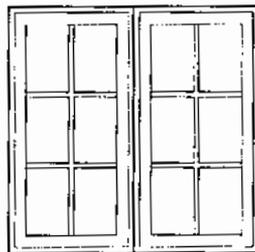
3: PROPOSED EXTERIOR CHANGES, cont.:



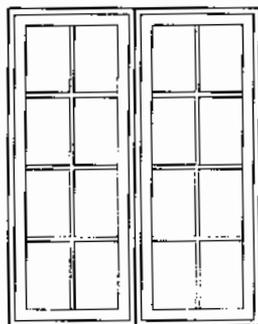
Type A



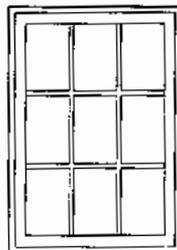
Type B



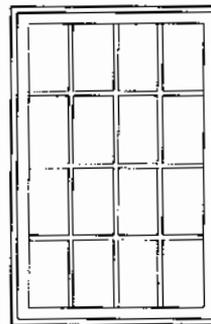
3rd Level Windows



Type C



Type D



Type E

2nd Level Windows

Elevations: New Windows

3: PROPOSED EXTERIOR CHANGES, cont.

New Exterior Egress Stair

In order to fully utilize the building on all levels, a second egress stair is required. This stair is proposed to be located to the west side of the chimney at the south façade of the building. This stair will provide egress from the second and third levels; the first level's existing egress at west and north doors meets egress requirements for that level.

Elements of this exterior change include:

- New exterior doors
- Masonry infill of existing windows
- Painted steel stair with "GreenScreen"

The exterior wall between the new stair and adjacent interior spaces is required to provide a two-hour fire separation. Two existing windows are planned to be removed and replaced with doors for access to the stair. They will be 90-minute fire doors and are proposed to be painted steel, six-panel doors. The basement door will also be replaced with this type of door.

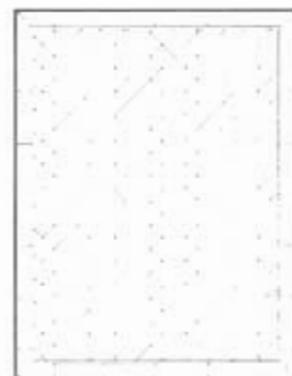
Existing windows within this wall do not meet the two-hour fire separation criterion and are proposed to be infilled with masonry. The existing brick soldier course and brick sill at the head and sill of the windows, respectively, will be retained (contrary to the original drawings for the building, the windows on the south façade do not have limestone surrounds)



View of South at New Stair Location



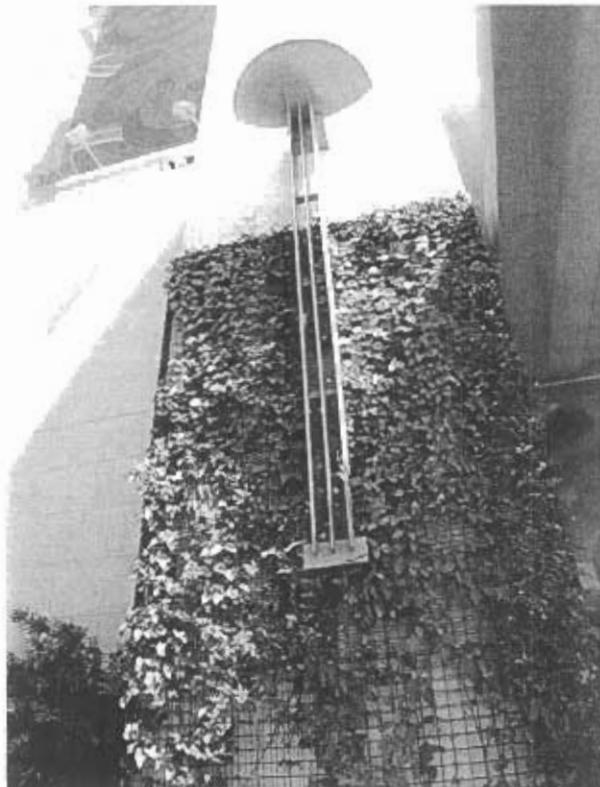
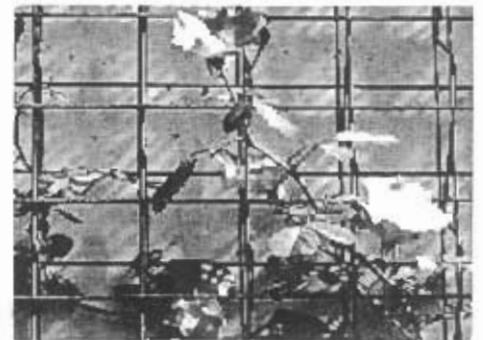
Elevation: Exit Doors at New Stair



Elevation: Brick Infill at Window Openings

3: PROPOSED EXTERIOR CHANGES, cont.

The new stair is designed with a vertical plane of a steel screening material in the center between stair runs, in lieu of guardrails. This product, called "GreenScreen," is a three-dimensional grid that is intended for climbing plants. By introducing this living—literally green—element, the stair will be more compatible with the ivy-covered building. In winter months, the effect of a planar element will be continued by the color of the screen, which is proposed to be a matt silver, contrasting the deep, black-green color of the stair. Treads will be galvanized steel checker plate with open risers, which will allow light to penetrate the stair and encourage plant growth.

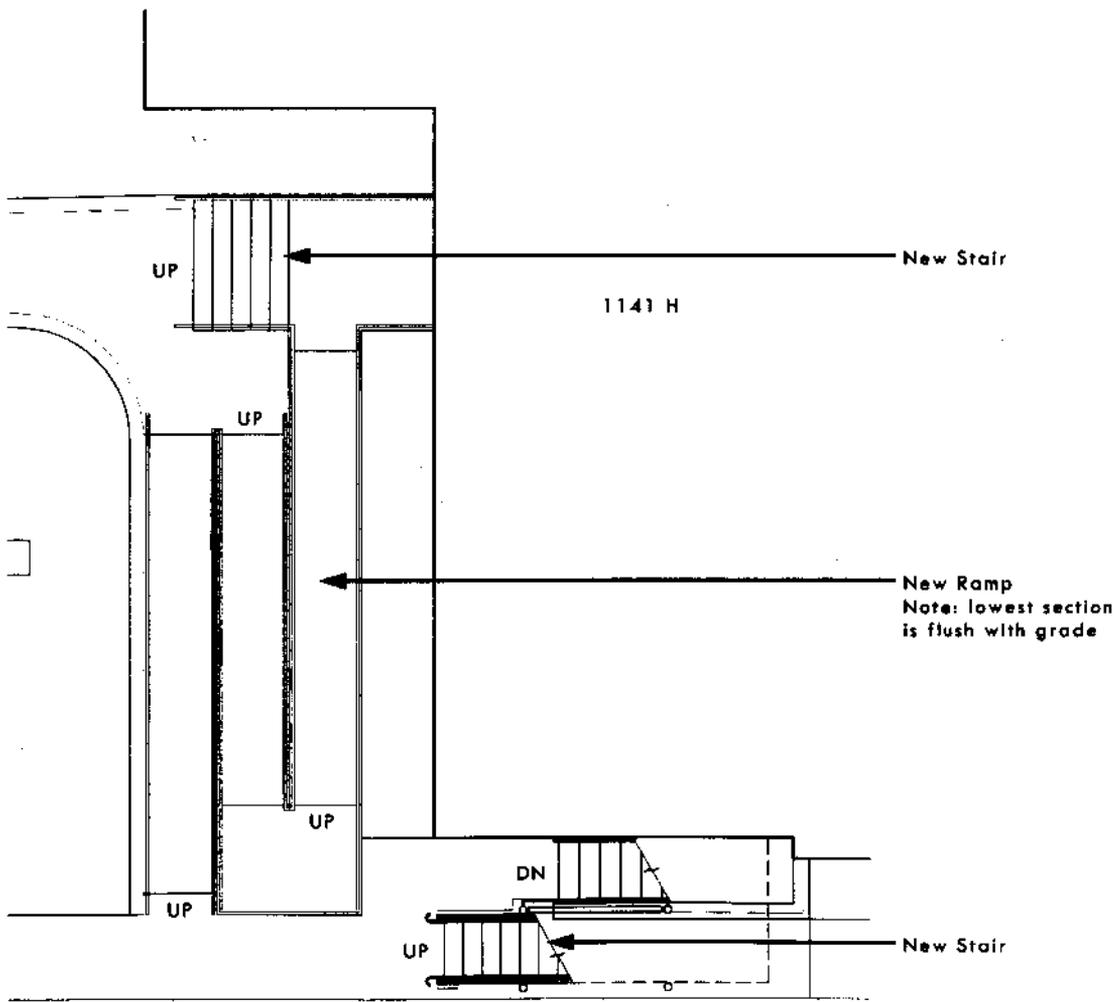
*GreenScreen Example**GreenScreen Detail*

3: PROPOSED EXTERIOR CHANGES, cont......i

New Ramp for Building Accessibility

The existing building is not accessible to those with mobility limitations. The improvements being proposed include an exterior ramp to provide accessibility to the first level of the building. The railings of the ramp will be similarly detailed to those of the new stair. This ramp will improve the long-term viability of the building for office use.

Remodeling of the west entrance for a new ramp will also require a new exterior door and frame, and modification to the original masonry opening (raised sill height).



N ADA Ramp Site Plan

3: PROPOSED EXTERIOR CHANGES, cont......:

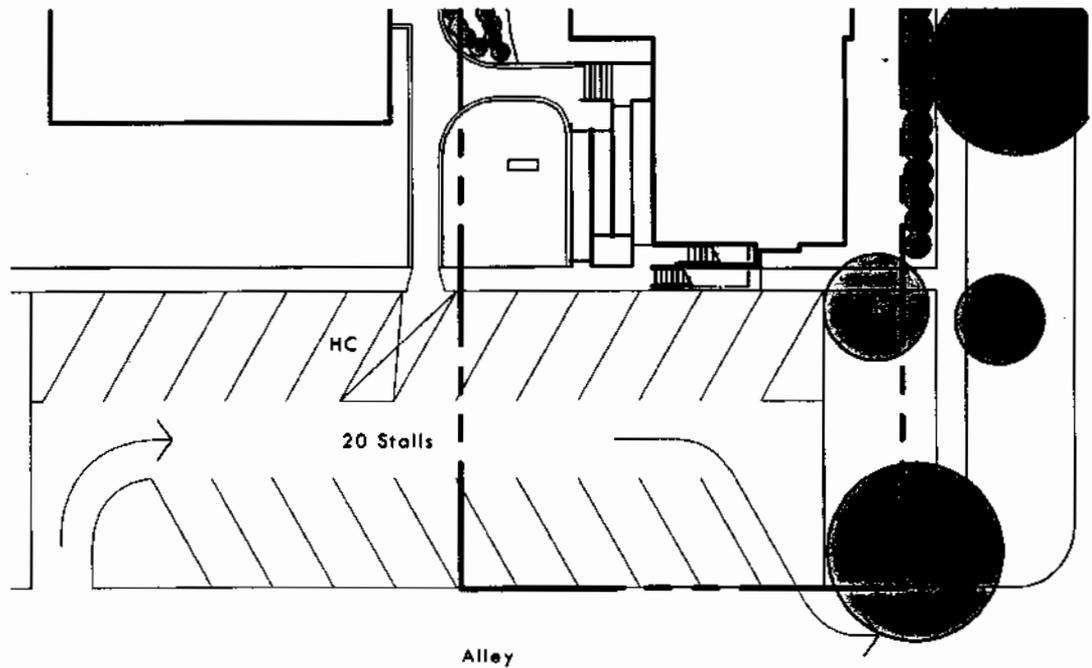
Revised Parking Lot Layout

To utilize the parking lot to the fullest extent, it will be re-striped to provide parking for a total of twenty cars. The parking lot is shared by offices located at both 1141 and 1133 H Street addresses.

A calculation of parking stalls required for the expanded occupied area of 1141 H and the adjacent 1133 H, using 1 stall per 500sf of area, per the Parking Matrix, figure 27.67.020, for office use in the R-8 Residential District is as follows:

- 1141 H Street: 6838 sf / 500 sf per stall = 14 parking stalls
- 1133 H Street: 4200 sf / 500 sf per stall = 8.4 parking stalls

Note: Please see Section 4 for additional information on how parking for the site will be accommodated.



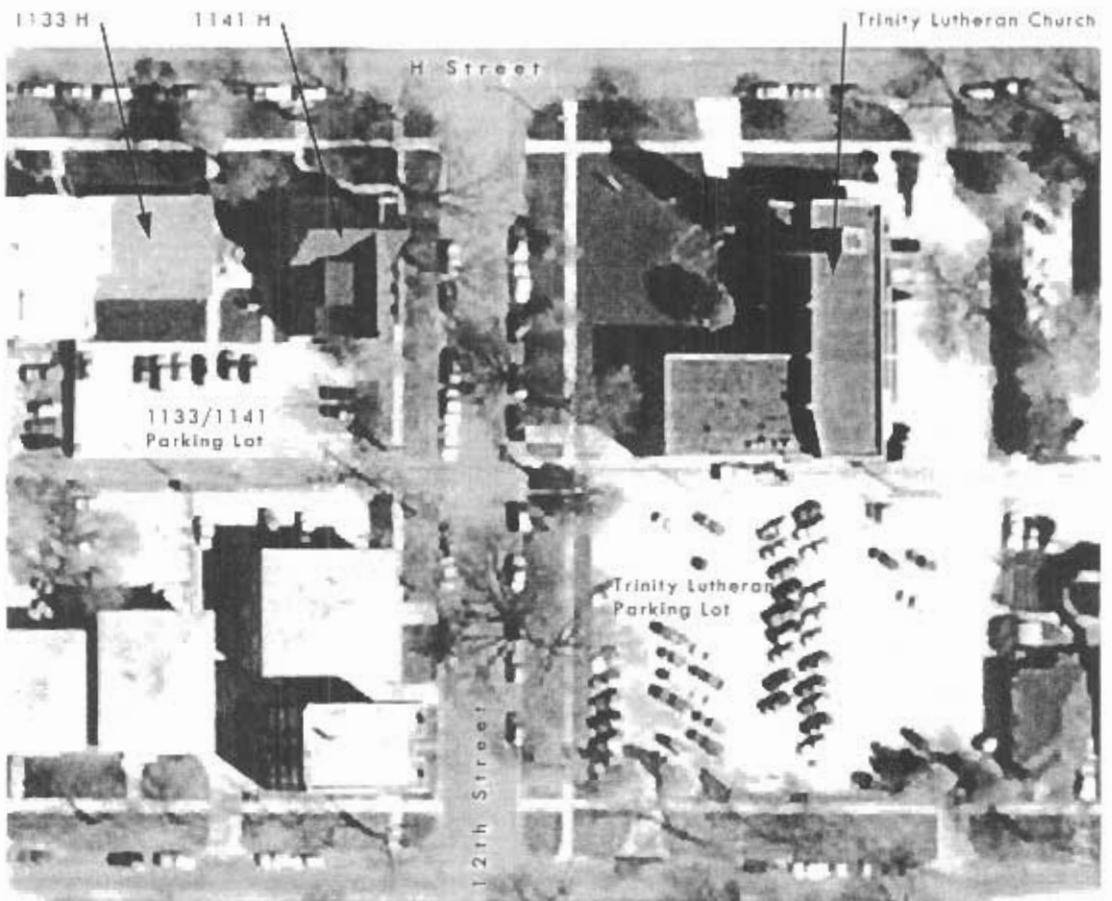
N Parking Lot Plan

4: IMPACT ON SURROUNDING AREA

4. The impact on the surrounding area.

The proposed use is an expansion of a use already in existence on the site. The impact on the surrounding should be improved by the landmark designation of the building and the resulting care that that will afford the structure. Additionally, a fully occupied building will translate to a fully maintained building and this will be an improvement for the neighborhood.

The owner/tenant of the building has a long-standing relationship with the adjacent church, Tnnity Lutheran, for shared off-site parking. Employees of the Bartle & Geier Law Firm are permitted to use the church's parking lot during office hours; church members use the 1141/1133 H Street parking lot during evenings and weekends. The parking lot is located across 12th Street to the east. A copy of the letter which outlines this agreement follows.



Aerial Photograph Showing 1141 H, 1133 H, & Trinity Lutheran Church

Bartle & Geier

September 28, 2005

Trinity Lutheran Church
Board of Properties
Attn: Jolene
724 South 12th Street
Lincoln, NE 68508

RE: Parking Arrangements - Bartle & Geier Law Firm

Dear Jolene:

This letter follows our telephone conference this afternoon, concerning the long-standing parking lot arrangement our firm has with your church, concerning shared parking space in each of our respective lots. As you know, for several years, going back to the 1980s, your church has allotted certain parking spaces during weekday hours between 8 a.m. and 5 p.m. to be used by staff of our office and, in exchange, our firm has allowed members of your church to use our parking facility during evening hours, as well as during Sunday morning services. My architect has asked for a clarification of this arrangement by way of some kind of writing. Consequently, I am forwarding this letter to you for that purpose.

It is my understanding that you have between six to twelve parking stalls, depending upon my law clerk needs at a particular time, which may be used by members of my staff during daytime hours, Monday through Friday, generally between 8 a.m. and 5 p.m. In exchange, my law firm has access to approximately twelve parking stalls in my parking lot, located south of my building, for use by members of your church during evening hours, as well as Sunday mornings, when the need arises because of Sunday morning services.

This arrangement has worked for approximately 20 years, and has worked well. Neither party has assessed any charge to one another; rather, we have a mutual exchange of parking privileges by way of our oral understanding and agreement over the years. Jolene, if I have correctly set forth the terms of our understanding, there is no need to respond. If I have stated anything which is not consistent with your understanding, please let me know right away. Thank you.

Sincerely,



Robert F. Bartle

RFB:tlp

Robert F. Bartle • David M. Geier • Jeffrey D. Patterson
Patrick W. Healey (1931-2000)
1141 H Street, P.O. Box 83104, Lincoln, Nebraska 68501-3104
402-476-2847 • 1-800-755-7733 • FAX 402-476-2853

5: COMPATIBILITY WITH SURROUNDING AREA*5. The compatibility of the proposed use to the structure or site and the surrounding area.*

The proposed use is an ideal fit for the existing structure and architecture of the building. Windows that were originally located in bedrooms provide good natural light for office use. As evidenced by the past thirty years of office occupancy, the building is very desirable as an office and well-suited to this use. The existing window opening sizes of the second and third levels would not be allowed for use as bedroom egress under the current building codes if the use was residential. Under such a situation, an automatic sprinkler system would have to be relied on.

6: PUBLIC BENEFIT*6. The manner in which the public will be benefited by such proposed use.*

The potential result of an unsuccessful special permit application is that the second and third levels may continue to decline, thus compromising the viability of the entire building. A fully occupied and finished building will increase the value of the property. This will, in turn, increase the property taxes paid to the city—certainly a benefit to the public.



The current law office and the new tenant, a lobbyist, provide services in a location of the city that is convenient to clients and state government.

SUPPORT

ITEM NO. 1.2a&b: CHANGE OF ZONE NO. 05076HP
SPECIAL PERMIT NO. 05051
(p.07 - Consent Agenda - 11/09/05)



"jt12313"
<jt12313@ALLTEL.net>
11/05/2005 10:34 AM

To <plan@lincoln.ne.gov>
cc "Pat Anderson" <rsifuentez@neb.rr.com>
bcc
Subject CZ05076HP and SP05051 for 11/9/2005

Dear planning commissioners,

Since these items are on the consent agenda, which I have always determined as a positive sign of approval, I wanted to get the Everett Neighborhood Association's opinion on the record for these items none the less.

I am writing you today to express the Everett Neighborhood Association's strong support for change of zone 05076HP and special permit 05051 for 1141 H street.

This former fraternity house at 12th and H streets is one of the gems of the northern end of the Everett neighborhood. 1141 H sits on a block full of classic apartment houses that could be restored for offices or condo development, and their location so close to the downtown area makes this an attractive area for restoration. While the block is lacking in parking somewhat, this is a problem that could be solved by the removal of the slip-in housing that is totally out of character with the rest of the block.

That being said, I strongly urge passage of change of zone 05076HP and special permit 05051 for 1141 H street.

Sincerely yours

Jeffrey Tangeman
President, Everett Neighborhood Association