City Council Introduction: **Monday**, January 8, 2007
Public Hearing: **Monday**, January 22, 2007, at **1:30** p.m. Bill No. 07-4

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 06081,** from R-6 and R-7 Residential District to B-4 Lincoln Center Business District, requested by B & J Partnership, LTD, on property generally located at the northeast corner of South 18th Street and L Street.

STAFF RECOMMENDATION: Approval, subject to a Development Agreement.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 12/20/06
Administrative Action: 12/20/06

RECOMMENDATION: Conditional Approval, subject to a Development Agreement (8-0: Cornelius, Taylor, Esseks, Carroll, Strand, Larson, Krieser and Carlson voting 'yes'; Sunderman absent).

FINDINGS OF FACT:

1. This is a request to rezone approximately 1.4 acres, more or less, from R-6 Residential and R-7 Residential to B-4 Lincoln Center Business District, located at the northeast corner of 18th & L Streets, to facilitate development of the property in accordance with B-4 zoning. The applicant owns one lot facing L Street, but is requesting that the entire block be rezoned.

2. The staff recommendation to approve this change of zone request, subject to a Development Agreement, is based upon the *"Analysis",* as set forth on p.3-5, concluding that the change of zone is generally in conformance with the Comprehensive Plan, the Antelope Valley Redevelopment Plan and the Lincoln Downtown Master Plan. However, this corner is an important gateway for both Downtown and Antelope Valley, so rezoning of any property fronting L Street or 19th Street should be conditioned upon the signing of a development agreement with minimum development specifications. The staff report suggests that redevelopment along these frontages be at least two stories and that any surface parking be concealed by the building construction.

3. The staff presentation is found on p.7-8.

4. The testimony of Mark Hunzeker, on behalf of B & J Partnership and Awards Unlimited, is found on p.8-10. He was not in favor of the change of zone being conditioned on any kind of development agreement. The approval of this change of zone will allow the owners to go forward with confidence to design a mixed use project knowing the uses and parameters that are available. Mr. Hunzeker submitted that none of the other B-4 zoning in this area has been imposed with these conditions of approval. He also suggested that the applicant will most likely bring forward a redevelopment plan using TIF funds and/or requiring vacation of the mid-block alley, which will then permit the City to impose conditions.

5. There was no testimony in opposition.

6. On December 20, 2006, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval, subject to a development agreement with minimum development specifications as recommended by staff (Sunderman absent). The conditions of approval were added by a motion to amend, to which Commissioner Strand had dissented based upon there being no conditions imposed upon the other B-4 zoning in the area.

7. The applicant requested to be heard by the Council without a development agreement having been negotiated.

FACTSHEET PREPARED BY: Jean L. Walker **DATE**: January 2, 2007

REVIEWED BY:_____ **DATE**: January 2, 2007

REFERENCE NUMBER: FS\CC\2007\CZ.06081

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for December 20, 2006 PLANNING COMMISSION MEETING

****As Recommended for Conditional Approval by Planning Commission ****
December 20, 2006

PROJECT #: Change of Zone No.06081

PROPOSAL: From R-6 and R-7 Residential to B-4 Lincoln Center Business District.
LOCATION: Northeast corner of S. 18th St. and "L" St.

LAND AREA: 1.4 acres more or less

EXISTING ZONING: R-6 and R-7 Residential District

CONCLUSION: This change of zone is generally in conformance with the Comprehensive Plan, the Antelope Valley Redevelopment Plan and the Lincoln Downtown Master Plan. However, re-zoning of any property fronting on "L" Street or 19th Street should be conditional on signing a development agreement with minimum development specifications.

RECOMMENDATION:	Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached legal description.

EXISTING LAND USE: Residential and Parking

SURROUNDING LAND USE AND ZONING:

North:	R-8	Multiple-Family Residential
South:	R-7 and R-6	Parking Lot
East:	B-4	Single Family Residential Service Repair Garage Storage Buildings
West:	R-7	Multiple-Family Residential

HISTORY:

January 1985 Application for a special permit to reuse the historic structure of the Tifereth Israel Synagogue as an 11 unit multi-family structure was approved by the City Council.

1984 Application for a special permit for Bethal Apostolic Church to operate a Church, in the Tifereth Israel Synagogue, was withdrawn after recommendation for approval by the Historic Preservation Commission.

June 1983 — The Tifereth Israel Synagogue was designated a local landmark by Ordinance number 13635.

April 1983 — Application for a special permit to operate an organ factory in the Tifereth Israel Synagogue was withdrawn after Planning Commission recommended denial.

COMPREHENSIVE PLAN SPECIFICATIONS:
This area is shown as commercial in the 2030 Comprehensive Plan. The Downtown Master Plan and the Antelope Valley Master Plan which are adopted by reference provide more specific guidelines (see Analysis).

UTILITIES: Available

TRAFFIC ANALYSIS: S. 18th St. and "M" St. are local streets. "L" Street is an urban minor arterial.

AESTHETIC CONSIDERATIONS: See Analysis

ALTERNATIVE USES: Remain a high density residential zoning district.

ANALYSIS:

1. This application is for a change of zone from R-6 and R-7 to B-4. The applicant indicates the change of zone is necessary "to facilitate development of the property in accordance with B-4 Zoning." The applicant owns 1 lot facing "L" Street, but is requesting that the entire block be re-zoned.

2. The Lincoln Downtown Master Plan shows this area as high density residential with office and park or open space to the north of "M" Street, high density residential on both sides of 18th Street and low rise office along the south side of "L" Street. The east side of 19th Street is designated for high density residential and low rise office. The Downtown Master Plan encourages mixed use development wherever feasible.

3. The Antelope Valley Redevelopment Plan shows this area as Mixed Use. The east side of this block is owned by the Joint Antelope Valley Authority and they intend to use the property to widen 19th Street as part of the new north/south arterial roadway which will connect "K"/"L" Streets and N. 14th Street.

4. The Antelope Valley Redevelopment Plan states "Residential uses are encouraged throughout the MU (Mixed Use) area to capitalize on public investment and to provide a variety of housing options near the downtown core. In particular, high-density, high-amenity urban residential uses are very desirable between 17th St. and the new Antelope Creek and park. Improvements in the "triangle" bounded by 19th St., the Creek, and O Street should be strongly encouraged to foster development of an "urban village." The Redevelopment Plan also proposes special zoning and urban design standards for Antelope Valley, but these have not yet been implemented.

5. The Zoning Ordinance states the B-4 district is a district for a redeveloping area applicable to the business and retail uses located in the area of the Lincoln Center Business District. The B-4 district allows almost all uses within the zoning ordinance. The R-6 and R-7 districts are primarily multiple-family residential districts with R-7 also allowing private clubs, fraternities, sororities and lodges. The R-7 District requires 1 parking stall per dwelling unit and R-6 requires 1.75 parking stalls per dwelling unit. Requirements for parking per Title 27 Section 27.67.050, in the B-4 zoning district, 150 feet east of 17th Street, are listed below:

   1) Industrial and manufacturing uses: Two spaces per three employees on the largest shift, or one space per 1,000 square feet of floor area; provided, however, that if the number of spaces required by the building ratio is greater than that required by the employee ratio, the additional parking spaces need not be provided physically, but sufficient space shall be reserved for future physical development.

   (2) Restaurants: One parking space per 300 square feet of floor area;

   (3) Other business and office uses: One parking space per 600 square feet;

   (4) Residential uses: One parking space per dwelling unit.

6. The B-4 district already exists to the east and north west of this block.

7. The Urban Development Department is in favor of re-zoning the block situated at 18th to 19th, L to M Streets from R-6 and R-7 to B-4, to be compatible with the Mixed Use Residential identified in the Antelope Valley Redevelopment Plan and Downtown Master Plan for this block , "but only after a project compatible with the Plans is proposed."

8. Members of the Historic Preservation Commission expressed concern about a change of zone that would open the property adjacent to this landmark to a wide variety of land uses, some of which might be less compatible with the residential investment that has sustained this landmark for the last twenty years. Redevelopment that either locates much larger structures very near to the landmark, or leaves the landmark isolated adjacent to large parking areas, would significantly diminish the integrity of its setting. Of equal or greater concern would be introduction of adjacent land uses that by hours of operation, night-time lighting, or night-time activity diminished the viability of the residential uses in the landmark. Members suggested that considering any change of zone in this area as part of a redevelopment agreement with the City could achieve redevelopment while safeguarding the landmark.

9. Public Works Development Services find the change of zone to be satisfactory but have concerns and questions about the potential redevelopment of this block. The property in the change of zone abuts 19th Street which is a major component of the Antelope Valley Roadway System and access to the 19th Street frontage may not be allowed along with no on-street parking.

10. The Lincoln Lancaster County Health Department (LLCHD) advises that noise pollution can be an issue when locating commercial uses adjacently to residential zoning. Specifically, recycling center is a permitted conditional use in the B-4 zoning district. In addition, vehicle body repair shop is a permitted conditional use in the B-4 zoning district. The nature of this type of business

could potentially create conflicts with adjacent residential populations relative to the release of odorous chemicals.

11. The LLCHD strongly advises the applicant to become familiar with LMC 8.24. The LLCHD advises against locating loading docks, trash compactors, etc. adjacent to residential uses. Therefore, creative site design should be utilized to locate potential sources of noise pollution as far as possible from residential uses.

12. Even without design standards in place, the City may be able to review redevelopment plans if the applicant asks for TIF assistance or to vacate the alley in this block.

13. The applicant is not willing to invest funds on a redevelopment plan before being assured that the uses in the B-4 district are available, and at this time the ownership of the block is divided into several pieces.

14. This is a key block in the core area, with "L" Street a major entry street from the east and 19th Street at this location to become the terminus of a new north-south boulevard. The corner of these two streets should be developed with a substantial building that reflects the goals for Downtown and Antelope Valley. Staff recommends approval of the B-4 zoning, to encourage redevelopment planning and consolidation of the ownership on this block, but the property fronting "L" Street and the future boulevard should only be re-zoned if their owners sign a development agreement with the City, to provide some assurance that redevelopment of this block will meet the goals of the two applicable adopted plans for this area. We suggest the following conditions as a minimum:

    1. More than half of the frontage of each applicable street must be occupied by building construction of at least two stories within 20 feet of the street right of way.

    2. Surface level parking along the frontage of each applicable street must be concealed by the building construction.

Note: These conditions are intended to protect key frontage. Not all the properties need to have a development agreement (See drawing below). The Synagogue should not need to file a development agreement because it is a designated landmark.

CONDITIONS OF APPROVAL
As Recommended by Planning Commission: 12/20/06:

1. That the owner sign a Development Agreement with the City providing assurance that redevelopment of this block will meet the goals of the adopted Downtown Master Plan and the Antelope Valley Redevelopment Plan for this area, including the following conditions:

    1. More than half of the frontage of each applicable street must be occupied by building construction of at least two stories within 20 feet of the street right of way.

    2. Surface level parking along the frontage of each applicable street must be concealed by the building construction.

Prepared by:
Christy Eichorn
Planner

DATE: December 7, 2006

APPLICANT: B&J Partnership, LTD
P.O. Box 81906
Lincoln, NE 68501

CONTACT: Mark Hunzeker
1045 Lincoln Mall Ste 200
Lincoln NE 68508

CHANGE OF ZONE NO. 06081

PUBLIC HEARING BEFORE PLANNING COMMISSION: December 20, 2006

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

Staff recommendation: Approval, subject to a Development Agreement.

Ex Parte Communications: None.

Staff presentation: **Christy Eichorn of Planning staff** explained that this application changes the zone from high density residential to B-4 Lincoln Center Business District, and is located on the block from L Street to M Street and 18th to 19th Street. It is also part of the Antelope Valley Redevelopment Plan area and in the area of the Downtown Master Plan.

Staff recommends conditional approval with a development plan, which will be provided by the applicant. It is very important, with 19th Street and L Street being major corridors, to make sure there is some sort of programmed development agreement to provide some assurance that the redevelopment of this block will meet the goals of the Antelope Valley Redevelopment Plan and the Downtown Master Plan as well as the Comprehensive Plan.

Carlson inquired whether paragraphs 1 and 2 on page 5 of the staff report are intended to be conditions of approval to set the direction of the development agreement. Do we need a condition that says the developer will agree to a development plan? Marvin Krout, Director of Planning, noted that there were parties such as the Urban Development Department and the Historic Preservation Commission that suggested that no zoning be approved until there is a redevelopment plan. Krout believes that these two conditions, or something similar, would allow the zoning change to be approved. We do not have guidelines or standards in place for exactly what the City wants. There is an intent to establish guidelines which will cover this area in the future. The idea is that these two conditions should cover the key issues about how that block might develop along those frontages, and probably by the time someone would have a redevelopment plan, there might be some design standards and a process in place to cover such plan approval. If that never happens, the staff believes that something like these two conditions would be adequate.

Carlson thought there would need to be a condition of approval that the developer will engage in some sort of development agreement as part of this zoning change. Krout believes what is in the staff report is adequate and that it is incumbent on the city to deal with these blocks. If there is no subsequent agreement with other property owners, it should not be made a requirement on this applicant.

Cornelius wondered whether it would be correct to say that the staff recommendation on the change of zone is approval. Krout suggested that the Planning Commission could make a recommendation as part of the motion that the City Council not rezone those lots without an agreement.

Carroll noted that the applicant only owns two of the lots on the block. Why are we approving something without the other owners? Krout believes the applicant may have had discussions with the other parties and he believes they may be in agreement with this zoning.

Proponents

1. Mark Hunzeker appeared on behalf of **B&J Partnership and Awards Unlimited,** the owners of most of the block in question. He showed the ownership of the properties at the map, and he stated that all of the property owners have been involved in the discussion. This change of zone request is in conformance with the Comprehensive Plan. The Downtown Master Plan and the Antelope Valley Redevelopment Plan all contemplate mixed use. The problem is that we have a recommendation that this application be approved only upon presentation of a project which is in compliance with someone's view of what those plans mean. That places a great deal of uncertainty on this property, which they are trying to eliminate by the rezoning. This change of zone will allow the owners to go forward with confidence to design a mixed use project knowing that the uses are available and the parameters. The applicants are not terribly interested in investing a great deal of money in design contingent upon the future approval of a particular design. If the Antelope Valley Redevelopment area is to become a city project, then the city should buy it all and develop it. When you have two long-standing good corporate citizens of this community (Awards Unlimited has been in business for 30 years and in this neighborhood for over 20 years, and B&J Partnership has been in business for 50 years and has a very good record of having developed and redeveloped property within the community for a long, long time), they should be given a little bit of a benefit of the doubt, particularly when the change of zone is in conformance with the Antelope Valley Redevelopment Plan and the Downtown Master Plan.

Hunzeker acknowledged that the conditions proposed are not horribly or terribly onerous, but they do limit the flexibility of design for this site. There are going to be multiple opportunities for the city to have input into the project ultimately done on this block. It is very likely, almost a requirement, that the applicants come back and request a vacation of the alley. It will also definitely be required that they come to the city for approval of a Redevelopment Plan if they seek to take advantage of TIF, which will be available on this site. But, they need to know what the uses are going to be. Hunzeker suggested that the uses could be limited if there are particular uses that the city does not want on this block. "But, don't give us directions that are vague and limit the design of the project on the site."

Carroll clarified that the applicants are agreeing to stay with a mixed use development and comply with what Antelope Valley is wanting to do, and not go out to the extreme uses that are allowed in B-4. Hunzeker responded, stating that the applicants do not have a project designed. It does not make sense to design a project until they know what the likely use parameters and setbacks and parking requirements are going to be. Under the current R-6 on the east side of the block, it would be very difficult to put together a project that is likely to meet what anybody thinks is acceptable, even under the proposed criteria. We want to go forward with a project that everyone is going to like. The Antelope Valley Plan itself talks in terms of low rise office buildings in this immediate area. He does know what that means. There needs to be some ability to come back with a fairly creative design. There is some conflict between the conditions that are proposed and some of the remarks by the Historic Preservation Commission. These applicants would like the opportunity to design a project and come back with a proposal most likely in the form of a Redevelopment Plan to use some TIF, but not necessarily have someone designing criteria to which they must comply without having any real stake or understanding of where they want to go with the project.

Carlson sought a characterization of how the process works. It seems par for the course that the Planning Commission see a change of zone accompanied by a special permit, use permit, or PUD, via site plan. His concern is an opportunity to review the design. Hunzeker does not think this block is likely to be developed without the vacation of the alley and a Redevelopment Plan proposing to use TIF funds. There will be ample opportunity for the city to have some input in the design. There is multiple ownership. Hunzeker suggested that the arbitrarily set parameters in the staff report do not give the owners much incentive to be creative.

There was no testimony in opposition.

Response by staff

Krout suggested that if the owners do not vacate the alley or ask for TIF financing, there needs to be something in place to guarantee that there is something substantial on this block. This is really a compromise - we shouldn't approve zoning without a redevelopment plan. The staff report proposes some minimum guidelines that the project should meet.

Esseks wondered whether the applicants could build something incompatible with the community's plans for this corridor if they do not ask for TIF funds. Krout responded, stating that the two suggested guidelines would be sufficient at this time to assure that there would be a substantial investment in a good project in this area. If the applicants do not need any other assistance and think they have a good plan, then they can ask to amend or terminate that agreement.

Esseks wondered whether the B-4 zoning would allow certain buildings and certain uses. Krout agreed that to be true without some sort of development agreement in place. The staff is suggesting that a development agreement is a way to not necessarily limit the uses, except indirectly. Another possibility is to look at what uses we do not want to have, and some of them are probably obvious but some of them are not, e.g. auto body shop, used car sales. The staff is suggesting that what is more important with the redevelopment of this property is how the project is designed and what it looks like than the specific uses.

Esseks observed that a vote for B-4 zoning, without any conditions, gives the owners a tremendous amount of freedom. A lot of what we do here is not just for a specific property but it is setting a precedent. It seems that we have to be concerned about this precedent. He likes paragraph #14 of the staff report analysis. He would like to make that a condition. Krout suggested that it could be included in a motion that goes forward to the City Council.

Strand believes the staff recommendation is the same as conditional approval subject to a development agreement. The applicants could then appeal that to the City Council and bring forward a different plan. Krout stated that if the applicants do not agree with the wording suggested in #1 and #2, or something like it, then the staff would not recommend that the City Council approve the B-4 zoning.

Response by the Applicant

Hunzeker submitted that imposing this condition on this block that does not exist on any other B-4 zoning in the area is arbitrary. At least this applicant should have the opportunity to put together a plan that meets the requirements of the ordinance. Half of this block is already a parking lot. What if they

wanted to utilize what is already a suitable parking lot? These applicants have a track record of investing in this neighborhood and in other older neighborhoods in this community for a very long time. There should at least be a certain amount of leeway granted when talking about a rezoning request that is in conformance with all plans that exist.

Esseks believes this is an area of the city that has very high volume for the community and there have been at least two applications, including the U-Stop and the body shop which is now being built off of K Street. Given the importance of this corridor, he believes the Planning Commission has an obligation to look at the type of design coming in there.

Hunzeker pointed out that the approval of that building design and materials was mandatory on one part because it fell under the Capitol Environs District. The other was done voluntarily by the applicant. This is one where we have multiple ownership but do not yet have a plan. The applicants would like to have the zoning in place to put together a plan to bring back for review by the Planning Commission and/or the City Council, if necessary, which is in accordance with the redevelopment process in conjunction with the vacation of the alley. The applicants would prefer to go forward with the zoning and move ahead with a redevelopment plan.

ACTION BY PLANNING COMMISSION: December 20, 2006

Strand moved approval of B-4 zoning, seconded by Taylor.

Strand pointed out that the other side of 19th Street is also B-4 and is not subject to any other agreements.

Carroll moved to amend to add staff conditions #1 and #2 on page 5 of the staff report, and the condition to sign a development agreement with minimum development specifications, as set forth in Analysis #14 of the staff report, seconded by Esseks.

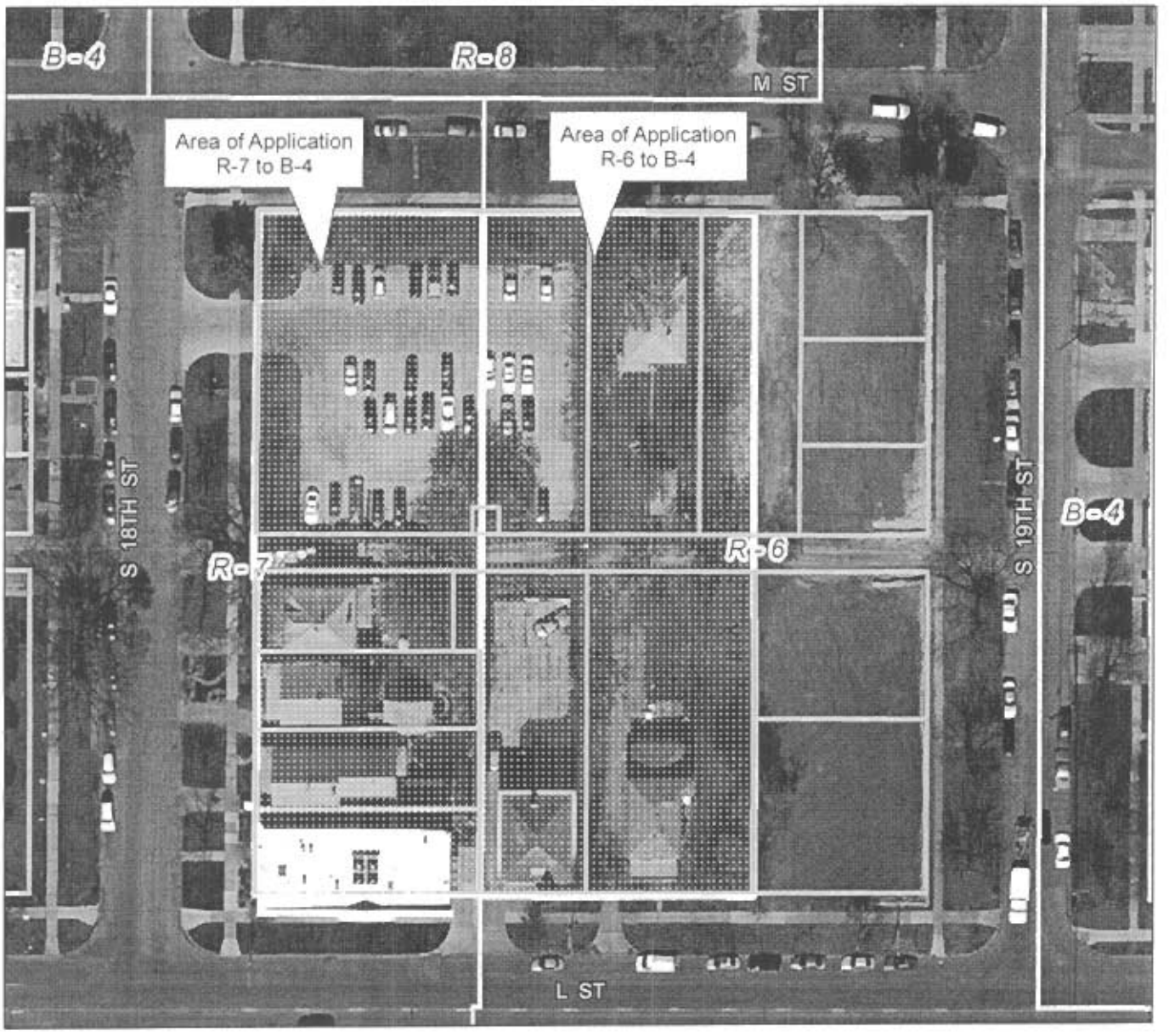
Carroll commented that if the applicants receive the change of zone, he is concerned because the property could change hands and they could build industrial, manufacturing, etc. This is a very important area for Antelope Valley, the entrance to the City and the boulevard on 19th Street. It is important to realize what plan is going to be there. He supports development but he would like to know what it is going to look like. The conditions of approval will help the City know what is going to be developed. If they want to move forward with a good plan, then it will be fine. Without the conditions of approval, the City would have no control if the land changes hands.

Strand again pointed out that the people on the west side of 19th Street do not have the same conditions on their B-4 zoning. They should be treated the same.

Esseks believes this provides the opportunity to promote design standards that are valuable to the community. He does not want to lose that opportunity.

Motion to amend to add the conditions of approval carried 7-1: Cornelius, Taylor, Esseks, Carroll, Larson, Krieser and Carlson voting 'yes'; Strand voting 'no'; Sunderman absent.

Main motion for approval, as amended, carried 8-0: Cornelius, Taylor, Esseks, Carroll, Strand, Larson, Krieser and Carlson voting 'yes'; Sunderman absent. This is a recommendation to the City Council.



2005 aerial

Change of Zone #06081
S 18th & L St

Zoning:

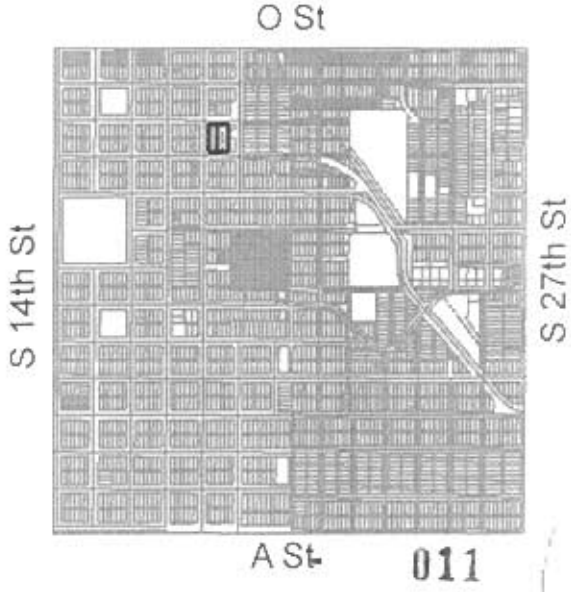
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business 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. 25 T10N R06E

N

Zoning Jurisdiction Lines

City Limit Jurisdiction



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Gary L. Aksamit
of Counsel

November 21, 2006

Marvin Krout
Planning Director
Lincoln Lancaster County Planning Dept.
555 S. 10th Street
Lincoln, NE 68508

Re: Change of Zone from R-6 & R-7 to B-4

Dear Marvin:

Attached is an Application for Change of Zone from R-6 and R-7 to B-4 for the block located between 18th and 19th Streets from "L" to "M" Streets. The purpose of the change of zone is to facilitate development of the property in accordance with B-4 Zoning.

If you have any questions, please contact Mark Hunzeker of this office.

Sincerely,

Shanna L. Cole

Shanna L. Cole
For the Firm

MAH:la
Enclosure

(G:\AF\5800-5899\5844.009 B & J Partnership, Awards Unlimited--18th & M\Krout 11-21-6.wpd)

RECEIVED
NOV 21 2006
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

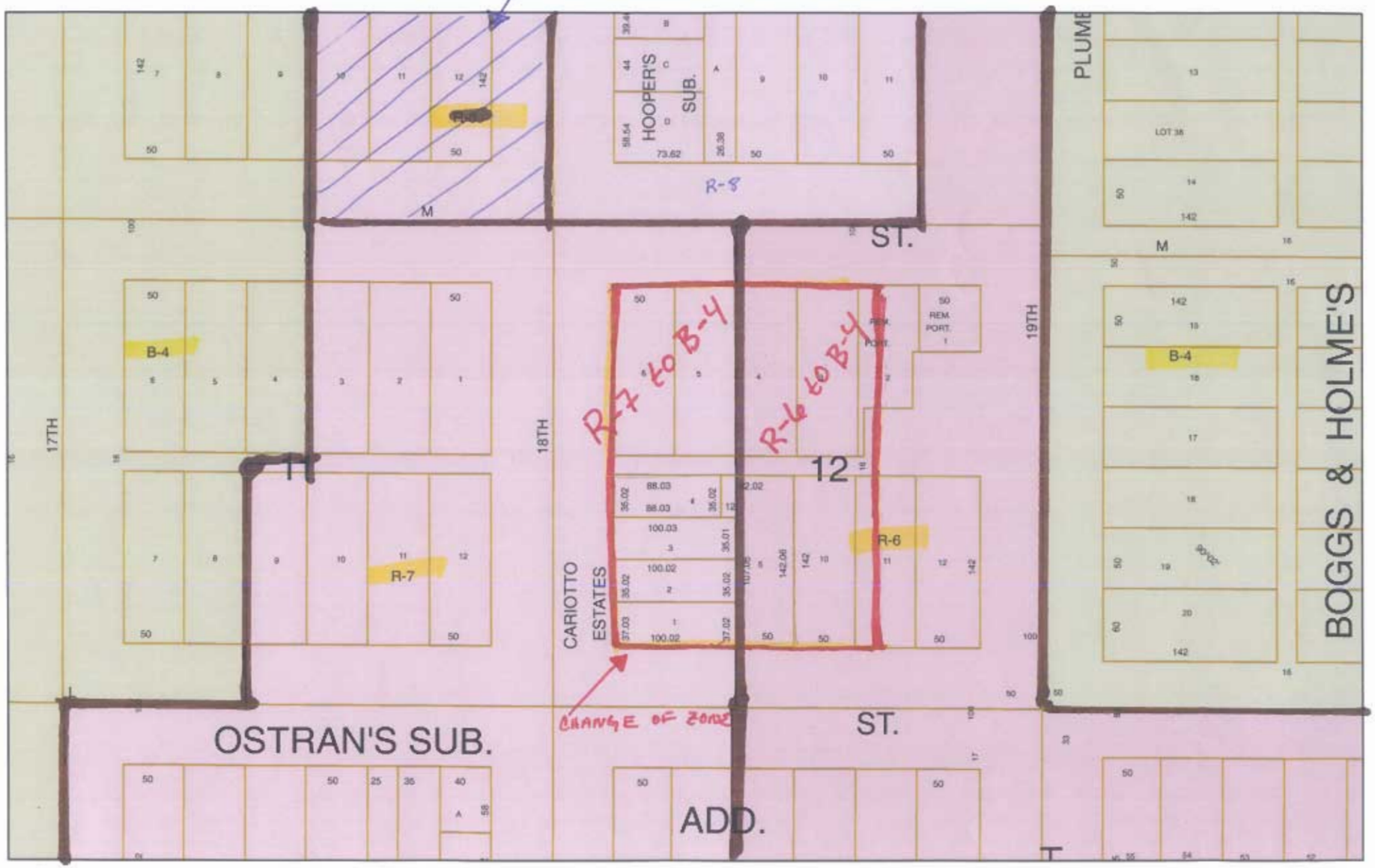
Legal Description

All of Lots 3, 4, 5, 6 and 10 and the West 45 feet of Lot 2, and the West ½ of Lot 11, Block 12, Lavenders Addition, Lincoln, Lancaster County, Nebraska

All of Lots 1, 2, 3, 4 & 5, Cariotto Estates, Lincoln, Lancaster County, Nebraska.

RECEIVED
NOV 22 2006
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

Approved on Nov. 13th
B-4 Zoning



014

Hallie E Salem/Notes
12/04/2006 03:30 PM

To Christy J Eichorn/Notes@Notes
cc
bcc
Subject CZ06081

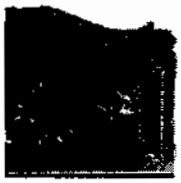
Christy,

The Urban Development Department is in favor of rezoning the block situated at 18th to 19th, L to M Streets from R-6 and R-7 to B-4, to be compatible with the Mixed Use Residential identified in the Antelope Valley Redevelopment Plan and Downtown Master Plan for this block after a project compatible with the Plans is proposed.

Please let me know if you have follow-up questions.

Hallie

Hallie E. Salem, AICP
Community Development Specialist
Urban Development Department
808 P Street, Suite 400
Lincoln NE 68508
402.441.7866 402.441.8711 (FAX)



Edward Zimmer/Notes
12/06/2006 10:45 AM

To Christy J Eichorn/Notes@Notes
cc shenrichsen@ci.lincoln.ne.us, Ray F Hill/Notes@Notes
bcc
Subject Regarding CZ06081 and the former Tifereth Synagogue

Christy,

The property of this application includes 344 S. 18th Street (Cariotto Estates, Lot 1), the former Tifereth Israel Synagogue which was listed on the National Register of Historic Places in 1983 and designated as a Lincoln Landmark in 1985. It was rehabilitated at that time under a special permit for historic preservation as 11 dwelling units, and it appears to be very well-maintained, continuing in that use today.

The landmark building was constructed in 1912 from designs by Lincoln architect A. W. Woods, who designed churches for many faiths in Lincoln and the region. The former synagogue has significance as the oldest structure in Lincoln associated with the Jewish faith, and a good example of early 20th century Neo-classic Revival architecture applied to a neighborhood-scale religious building.

I mentioned this application to the Historic Preservation Commission last week in my miscellaneous/staff report, since it includes a Landmark building. Members expressed concern about a change of zone that would open the property adjacent to this landmark to a wide variety of land uses, some of which might be less compatible with the residential investment that has sustained this landmark for the last twenty years. Members suggested that considering any change of zone in this area as part of a redevelopment agreement with the city could achieve redevelopment while safeguarding the landmark.

You have asked what conditions attached to a change of zone might support the preservation of the former Tifereth Synagogue, in the event this application is approved. As usual, the two areas of concern are esthetics and land use. While a prominent corner structure, the landmark is relatively modest in scale--fairly comparable with the houses that originally abutted it. Redevelopment that either locates much larger structures very near to the landmark, or leaves the landmark isolated adjacent to large parking areas, would significantly diminish the integrity of its setting. Of equal or greater concern would be introduction of adjacent land uses that by hours of operation, night-time lighting, or night-time activity diminished the viability of the residential uses in the landmark. While the B-4 is not a "use permit" district, impact of redevelopment on the landmark might best be mitigated by conditions that require review of uses and site plan.

Ed Zimmer

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M e m o r a n d u m

To: Christy Eichorn, Planning Department

From: Dennis Bartels, Engineering Services

Subject: Change of Zone #06081 - 18th & L

Date: December 1, 2006

cc: Randy Hoskins
Roger Figard
Wayne Teten

Development Services has reviewed the proposed change of zone from R6 to R7 to B4 for property located between "L" and "M" Streets, 18th to 19th Streets. We find the change of zone to be satisfactory but have concerns and questions about the potential redevelopment of this block. The property in the change of zone abuts 19th Street which is a major component of the Antelope Valley Roadway System & Access to the 19th Street frontage may not be allowed along with no on-street parking.

LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION

TO:	Christy Eichorn	DATE: December 4, 2006	
DEPARTMENT:	Planning	FROM:	Chris Schroeder
ATTENTION:		DEPARTMENT:	Health
CARBONS TO:	EH File EH Administration	SUBJECT:	S 18th ST & L ST CZ R-7 & R-6 to B-4 CZ #06081

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the change of zone application with the following noted:

The LLCHD advises that noise pollution can be an issue when locating commercial uses adjacently to residential zoning. Specifically, recycling center is a permitted conditional use in the B-4 zoning district.

Lincoln Municipal Code (LMC) 8.24 Noise Control Ordinance does address noise pollution by regulating source sound levels based upon the receiving land-use category or zoning. However, the LLCHD does have case history involving residential uses and abutting commercial uses in which the commercial source does comply with LMC 8.24, but the residential receptors still perceive the noise pollution as a nuisance. The LLCHD strongly advises the applicant to become with familiar with LMC 8.24. The LLCHD advises against locating loading docks, trash compactors, etc. adjacent to residential zoning. Therefore, creative site design should be utilized to locate potential sources of noise pollution as far as possible from residential zoning.

In addition, vehicle body repair shop is a permitted conditional use in the B-4 zoning district. The nature of this type of business could potentially create conflicts with adjacent residential populations relative to the release of odorous chemicals. If such a condition would be created, the LLCHD's Air Quality Section would consult with the owner/operator of the facility to reduce the production or affect of the odorous chemicals.