

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 07022**, from R-6 Residential District to B-4 Lincoln Center Business District, requested by Hoppe Partners, Ltd., on property generally located at the southeast corner of South 19th Street and L Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/09/07
Administrative Action: 05/09/07

STAFF RECOMMENDATION: Approval, subject to a zoning agreement.

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

FINDINGS OF FACT:

1. This is a request to change the zoning on 1.5 acres, more or less, at the southeast corner of S. 19th & L Streets. The purpose is to develop the property into office, retail and banquet hall space. The applicant owns all of the lots facing "L" Street and three of the lots facing "K" Street. This applicant is not the owner of the two remaining properties and thus is not requesting a change of zone on those properties.
2. The staff recommendation of approval, subject to a zoning and development agreement, is based upon the "Analysis" as set forth on p.3-5, concluding that the proposed change of zone is generally in conformance with the 2030 Comprehensive Plan, the Antelope Valley Redevelopment Plan and the Lincoln Downtown Master Plan. However, staff has concerns with the character of development and access at this key location. Therefore, the staff is recommending approval, conditional upon the execution of a zoning agreement as follows:
 - 1) The majority of the frontage along 19th Street between K and L, and along the west ½ of L Street between 19th and 20th Street, shall be occupied by building construction that is at least 24 feet in height and a front yard setback of no more than 10 feet.
 - 2) Surface parking must be concealed by the building construction or provided with a landscaped setback of at least ~~20 feet 6' along all 19th Street and the west ½ of L Street, and at least 6 feet along the remainder of the street frontages.~~ **(**Per Planning Commission and agreed upon by the Director of Planning, 05/09/07**)**
 - 3) No vehicular access to the site will be permitted along 19th Street (this will require the vacation of at least the western portion of the midblock east-west alley in this block) ~~or the west ½ of L Street.~~ One mid-block access point shall be allowed along "K" Street and along "L" Street. **(**Per Planning Commission and agreed upon by the Director of Planning, 05/09/07**)**
3. The staff presentation is found on p.11-12.
4. The applicant's testimony is found on p.12-13. The site plan submitted by the applicant at the public hearing is found on p.21. The applicant requested that this change of zone be approved without the requirement of a zoning agreement.
5. The record consists of a letter in support from Fernando Pages of Brighton Construction, the owner of property at 1941 and 1943 K Street and 505 South 20th Street (p.22).
6. There was no testimony in opposition.
7. The staff response is found on p.14-15, and the Director of Planning agreed to make the changes to the conditions for the zoning agreement as set forth above.
8. On May 9, 2007, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval, subject to a zoning agreement, with the amendments set forth above (Krieser absent). See Minutes, p.15.

9. The applicant will not agree to a zoning agreement, and so there is no such associated item on the agenda. The latest draft of a proposed agreement is found on p.23-25; the condition on screening of surface parking was removed because it is already specified in the City of Lincoln Design Standards.

10. After the Planning Commission hearing, staff realized that the zoning ordinance specifies a 20 foot front yard setback in the northeast and northwest corners of the B-4 district, which would include this property. Since that setback is contrary to the goals in the adopted plans for this area, staff has initiated an application to amend the text and eliminate this requirement. Planning Commission is scheduled to hear this amendment on June 20, 2007.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: June 11, 2007

REVIEWED BY: _____

DATE: June 11, 2007

REFERENCE NUMBER: FS\CC\2007\CZ.07022

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for May 9, 2007 PLANNING COMMISSION MEETING

****As Revised and Recommended for Conditional Approval****

By Planning Commission: 05/09/07**

- PROJECT #:** Change of Zone No.07022
- PROPOSAL:** From R-6 Residential to B-4 Lincoln Center Business District.
- LOCATION:** Southeast corner of S. 19th St. and “L” St.
- LAND AREA:** 1.5 acres more or less
- EXISTING ZONING:** R-6 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, staff has concerns with the character of development and access at this key location. The applicant wants assurance of zoning before investing in detailed design work. Therefore, re-zoning of any property fronting on “L”, “K” or 19th Streets is recommended, but conditional on signing a zoning agreement with conditions in response to staff concerns.

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

LEGAL DESCRIPTION: See attached legal description.

EXISTING LAND USE: Residential

SURROUNDING LAND USE AND ZONING:

North:	B-4	Single Family Residential Service Repair Garage Storage Buildings
South:	R-6	Multi-family Residential
East:	R-6	Multi-family Residential, Single Family Residential, Alltel Communications Building
West:	R-6 and R-7	Parking Lot

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. 19th and 20th Streets are currently local streets. “K” and “L” Streets are urban minor arterials. The 2030 Comprehensive Plan shows 19th Street to become 6 lanes plus a turn lane.

AESTHETIC CONSIDERATIONS: See Analysis

ALTERNATIVE USES:

1. Remain a high density residential zoning district.
2. Re-zone as an O-1 Office district. This would allow for 20% retail and a 75 foot height limit with 0 front yard, but it would not allow a banquet hall. The O-1 zoning district also requires only 1 parking space per 1,200 square feet for non residential uses. This parking requirement at this location increases the potential for insufficient on site-parking. The O-1 zoning district is the zoning district recommended for this area in the draft Central Antelope Valley Design Standards.

ANALYSIS:

1. This application is for a change of zone from R-6 to B-4. The applicant indicates the change of zone is necessary to develop the property into office, retail and banquet hall space. The applicant owns all of the lots facing “L” Street and 3 of the lots facing “K” Street. The applicant does not own the two remaining properties on this block, and therefore is not requesting a change of zone on those two properties.
2. The Lincoln Downtown Master Plan shows this area as Low Rise Office surrounded by Low Rise Office with some High Density Residential to the north and an educational facility to the south. The Downtown Master Plan encourages mixed use development wherever feasible. The Plan includes special urban design standards for downtown development, but these have not yet been adopted. These guidelines “ensure a degree of order, harmony and quality within the built environment, so that individual buildings and projects succeed on their own yet also contribute to a unified and distinct downtown Lincoln district.” (See examples in attachment A)
3. The Antelope Valley Redevelopment Plan shows this area as Mixed Use. Specifically “The applicable East Downtown future land use designations would encourage mixes of uses - residential/office/retail/services-next to each other as well as a commercial use on the first floor and another land use on the upper floors.” The Joint Antelope Valley Authority intends 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 proposes special zoning and urban design standards for Antelope Valley, but these have not yet been adopted. (See Attachment B)
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 district is primarily a multiple-family residential district also allowing private clubs, fraternities, sororities and lodges. The R-6 District requires 1 parking stall 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 north of this block.
7. Urban Development supports the change of zone to B-4 if it is a part of a total redevelopment package which includes the creation of TIF district and the preparation of a redevelopment agreement that would detail uses of the site and the amount and kinds of public assistance that would be provided.
8. The Lincoln Police Department wants to be certain that there is adequate parking associated with this new development. In addition, traffic congestion around the new facility is potentially an issue. The Lincoln Police Department wants to be certain that traffic does not back up on either 'K' or 'L' Streets, when an event is taking place at this location. The addition of turning lanes which would allow vehicles to pull into a parking lot, or another similar plan, is requested.
9. "K" and "L" Streets are designated arterials. 19th Street at this location is on the south end of the Antelope Valley Roadway with expected high turning volumes since 19th does not continue south of K Street. Engineering Services is therefore concerned about access and turning movements into and around this site. No site plan for potential redevelopment of the requested rezoning has been provided. Engineering Services will likely require access to be limited to single points on K and L Streets toward the east side of the site and no access to 19th. The ability to provide on-street parking adjacent to the site on K and L may be limited, and Engineering Services does not support any on-street parking on 19th Street. Engineering Services does not object to the change of zone but has concerns about how the site develops.
10. 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.

11. This is a key block at the juncture of Downtown, the Antelope Valley, and the intersection of a major entry street from the east with the future south terminus of the future six-lane Antelope Valley Parkway. This site should be developed with pedestrian-oriented mixed use buildings, as recommended in the draft design standards which are a part of the recently adopted plans for Downtown and Antelope Valley. Access and parking at this location is also a concern for other departments, leading to their recommendation that any rezoning should be accompanied by a detailed plan for the site.

The applicants have responded that in order for them to move forward and spend additional funds on detailed plans, they first need the assurance that the City is supportive of their efforts by rezoning the land to permit the intended uses which are office, retail and banquet hall space. Planning staff is recommending that the rezoning be approved at this time, but that approval should be conditioned on the applicants entering into an associated zoning agreement with a few minimum parameters for development of this block:

- 1) The majority of the frontage along 19th Street between K and L, and along the west 1/2 of L Street between 19th and 20th Street, shall be occupied by building construction that is at least 24 feet in height and a front yard setback of no more than 10 feet.
- 2) Surface parking must be concealed by the building construction or provided with a landscaped setback of at least ~~20 feet~~ 6' along all 19th Street and the west 1/2 of L Street, and at least 6 feet along the remainder of the street frontages. **(**Per Planning Commission and agreed upon by the Director of Planning, 05/09/07**)**
- 3) No vehicular access to the site will be permitted along 19th Street (this will require the vacation of at least the western portion of the midblock east-west alley in this block) ~~or the west 1/2 of L Street.~~ One mid-block access point shall be allowed along "K" Street and along "L" Street. **(**Per Planning Commission and agreed upon by the Director of Planning, 05/09/07**)**

CONDITIONS OF APPROVAL

1. That the owner sign a Zoning Agreement with the City providing assurance that redevelopment of this block will meet the parameters listed above.

Prepared by:

Christy Eichorn
Planner
(441-7603) or ceichorn@lincoln.ne.gov

DATE: April 20, 2007

APPLICANT: Hoppe Partners, Ltd
5631 S. 48th ST Ste. 220
Lincoln, NE 68516

CONTACT: Ward F. Hoppe (402) 328-8100

ATTACHMENT A

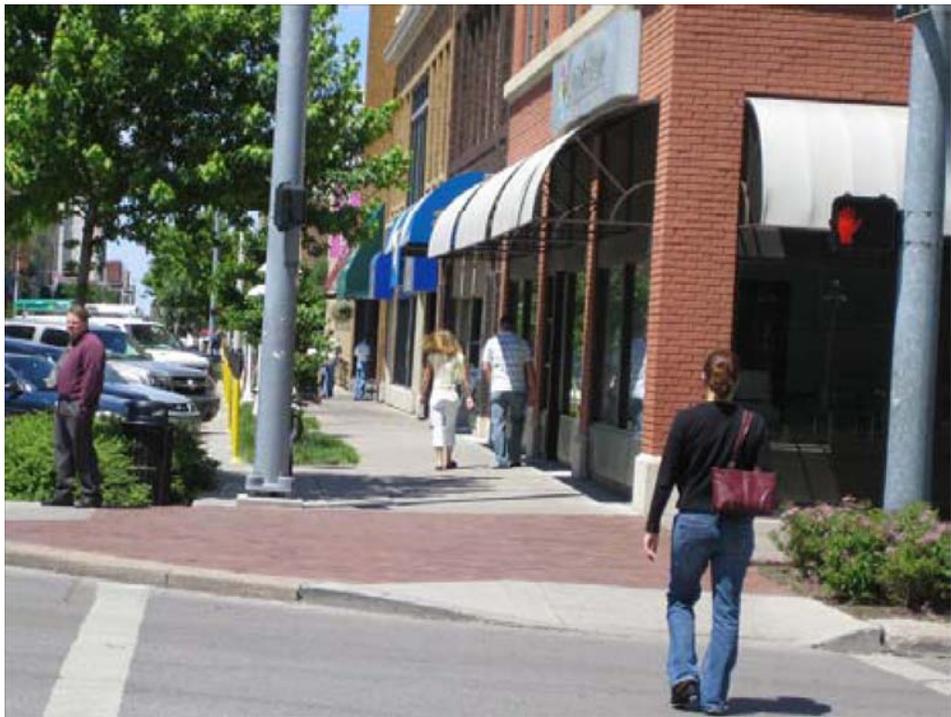
Proposed Downtown Master Plan Design Guidelines

“The Design Guidelines help bring to life the land use and public realm frameworks of that plan, which was developed according to the goals and objectives of Lincoln citizens and city staff. Thus the Design Guidelines reflect the values and desires of the Lincoln community.”

Below is a sample of the recommended Design Guidelines:

- Strengthen the qualities and characteristics that reflect downtown Lincoln’s history, geography, climate and people.
- Use architectural and landscape elements to gracefully mark transitions and entrances.
- New buildings should be “good neighbors” and contribute to the quality and character of their architectural context.
- Maintain the pedestrian as the priority in downtown, eliminating pedestrian barriers and ensuring that walking routes are safe, direct and pleasant.
- A building should provide a continuous, visually rich pedestrian experience along its ground floor street front.
- Provide safe, comfortable places where people can stop to sit, rest and visit.
- Locate entry doors on corners of retail buildings wherever possible.
- Create interesting and detailed roof lines and silhouettes.
- Use scale-defining devices to break up the longitudinal dimensions of buildings, creating a comfortable sense of enclosure by establishing an uninterrupted street edge.
- Use sustainable design practices whenever possible as long as they do not detract from the pedestrian activity and economic viability of downtown.

**EXAMPLES OF APPROPRIATE DESIGN FROM THE PROPOSED
DOWNTOWN MASTER PLAN DESIGN GUIDELINES**



ATTACHMENT B

Central Antelope Valley Design Standards

Below are some of the recommendations for design standards from the Draft Central Antelope Valley Design Standards (8/16/2004)

Urban Design - Suburban elements to avoid include deep setbacks, and overall design oriented toward the scale of the automobile. Building should be encouraged to be located next to the sidewalks along the front yard line, with parking in the back of buildings.

Diminish Visual Prominence of Parking - Concentrations of parking should be concealed within interior parking courts (buildings on the street, parking behind) or in garages wrapped with buildings.

Quality of Place - Buildings should include a richness of architectural detail to help define their scale and extend to the back of the sidewalk for pedestrian access and visual rhythm and interest.

Mix of Uses - Include a variety of uses in places that receive the most foot and car traffic to strengthen the most interesting and vital parts of town.

Mixed uses along "K" and "L" between S. 17th St and S. 22nd ST is intended to provide additional diversity in office and residential products to Traditional Downtown. The proximity of these blocks with the State Capitol provides the impetus for government and statewide association facilities.

Mixed Use Land Restrictions - Buildings within this zone may have their first floor space devoted to retail sales or service space with appropriate windows and entrances for this type of development. First floor retail is encouraged, but not required.

Overall Design Standards - Establishing both a minimum and maximum height is necessary to provide harmony of building sizes within the area. The maximum building height is 75 feet and the minimum building height is 24 feet. The minimum front yard setback is 0 feet and the maximum is 10 feet with 0 front and rear yard setback.

Parking Lots - All parking lots or enclosed parking areas, shall be either screened from view by building space or by landscaping. Entrances and exits to parking areas from the rear and alleys are encouraged, but not required, except along primary streets. Along primary streets and primary corridors, screening with building space rather than landscaping is required in order to maintain street level activity.

EXAMPLES OF APPROPRIATE DESIGN FROM THE DRAFT CENTRAL ANTELOPE VALLEY DESIGN STANDARDS



Figure 19 - MU (Mixed Use)



**Example: Building/Streetscape Relationship
Legacy Town Center - Plano, TX**

CHANGE OF ZONE NO. 07022

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 9, 2007

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

Staff recommendation: Approval, subject to a zoning agreement.

Ex Parte Communications: None.

Staff presentation: Christy Eichorn of Planning staff advised that the city staff does not object to a change of zone from R-6 to B-4 as it generally conforms with the Comprehensive Plan, the Antelope Valley Redevelopment Plan and the Downtown Master Plan; however, the staff does have some concerns.

Eichorn pointed out that the B-4 District is pretty open. The zoning ordinance states that it is "...intended that relationships between permitted functions will be carefully developed, and the need for access, circulation and amenities will be given special attention." It is important to understand the B-4 possibilities.

Eichorn also pointed out that there are four purposes of the Antelope Valley Redevelopment Plan and Design Standards, i.e. to support the development and conservation of livable neighborhoods; to strengthen Downtown Lincoln and UNL; to provide direction for shaping infill development in east Downtown and surrounding residential neighborhoods; and to leverage the public's large investment in flood control. Eichorn reminded the Commission that there is a purpose and design for this area. It is important to understand that the City has spent so much time and energy into getting this vision and that we cannot ignore the design standards and Redevelopment Plan of this area when other changes are requested.

Eichorn pointed out that on December 20, 2006, the Planning Commission heard an application for change of zone from R-6 and R-7 to B-4 on property located northwest of this requested change to B-4. In that situation, we talked about how it was a key block in the Antelope Valley plan; that 19th Street is to become the terminus of the north/south boulevard for Antelope Valley; and that the corner of this block should be developed to reflect the goals of the Downtown Master Plan. That applicant was asked to bring a zoning agreement forward, and the application was withdrawn by the applicant after that hearing.

Eichorn also advised that another development is occurring in this area, i.e. Hamilton College is looking to expand, and the City anticipates receiving a site plan from them in the near future and hopes to work together to come up with a common vision for this block that is in conformance with the Antelope Valley Redevelopment Plan.

Eichorn noted that the applicant on this change of zone wants assurances of zoning before investing in detailed design work. Therefore, the staff is recommending approval of the change of zone conditioned upon a zoning agreement as set forth in the staff report.

Additional information for the record: Eichorn submitted a letter in support from Fernando Pages, who owns the property at 1941 and 1943 K Street and 505 So. 20th Street, directly across the street from this change of zone requests. Mr. Pages suggests that the entire block be changed from R-6 to B-4. Eichorn clarified that the multiple family dwelling on the southeast corner is the only property not included in this change of zone.

Strand referred to the auto body shop in this area that was approved by the City Council and it was confirmed that a development agreement accompanied that change of zone.

Upon further discussion, Eichorn acknowledged that the Antelope Valley design standards are still in draft form and have not yet been adopted. The Redevelopment Plan does address these standards, but they have not been adopted.

Carroll inquired about the property that is not included in the change of zone. Eichorn explained that it was left out because the applicant did not include it in the change of zone request and this applicant does not own that property. Fernando Pages does not own that property either. The Planning Department did not contact the owner of the multiple family dwelling.

Proponents

1. Fred Hoppe explained that he and his brother are proposing to redevelop the majority of the block between 19th, 20th, K and L into a signature office building over street level commercial, together with a banquet hall and meeting space. They do have a letter of intent from one tenant and the uses of the building are intended to be complementary to the Capitol and associations that would use the banquet hall in conjunction with their office uses and their association headquarter type uses in that building. The first floor will be commercial uses, but the two main uses are banquet hall and office space to complement each other.

Hoppe submitted that the proposed uses will very much complement the Antelope Valley Redevelopment Plan, particularly the initiation of the south end of 19th Street. The banquet hall use requires the B-4 zoning. As a matter of fact, Hoppe advised that the B-4 zoning was recommended to the applicant by the Director of Planning.

In regard to Antelope Valley and dealing with the future land uses for east Downtown, Hoppe pointed out that this is intended to be a mixed use streetscape oriented infill development. The future land use designations would encourage mixes of uses, i.e. offices, retail and services. And that is exactly what is being proposed here. Under the future land use patterns for mixed use, the proximity of these blocks (K and L) with the State Capitol provides for government or statewide association facilities. This will be a mixed use facility with a service hall for banquets, as well as office, and commercial on the first level. This will be a complement to Antelope Valley and will be an extreme enhancement, both aesthetically and practically, to that area.

Hoppe reiterated that they do have one letter of intent that is an association for this space. Hoppe expressed concern about the conditions being required in a zoning agreement. He believes the design will greatly enhance the area. Two of the conditions suggested in the staff report restrict or lessen the on-site parking, and parking on-site could be an issue. Hoppe believes that the parking issues could be met in different ways, such as the screening that is being proposed.

Hoppe is also opposed to the condition that does not allow an entrance to the property half-way down the block on L Street, which is the logical location for an entrance.

Hoppe requested that the change of zone be approved, without the conditions and zoning agreement.

He also advised that the intent for the visual impact along L Street will be the banquet hall as a signature area for the associations. The building will be aesthetically pleasing with the streetscape along 19th, but the setbacks being required by the staff are too limited.

Larson inquired as to the entrances and exits besides L Street. Hoppe explained that the principal entrance will be on 19th Street into the lobby. They are proposing a vehicle entrance off of L Street at the half-way point, and an entrance off of K Street at the half-way point. They will undoubtedly have to vacate the alley to provide an entrance as well.

Esseks inquired how the proposed plan conflicts with the conditions being recommended by staff. Hoppe reiterated that the setback requirements are a problem. He believes there is ample setback to the property lines. The staff is requiring an additional setback of 20' for most of the parking, which removes a substantial number of parking spaces. The entry off of L Street comes in at the half-way point. The staff recommendation would require them to shift the entrance off of L Street back so that it would be in the east half as opposed to the midway point. Hoppe believes that Condition #1 is substantially met by their designs.

Esseks inquired as to the normal setback for parking in this part of the city. Hoppe suggested that there is no setback for parking in the B-4 requirements. The property line goes to the front of the building lines. The building lines would be set right on the property. The sidewalks would be in the right-of-way, and that is part of the streetscape proposals that are part of the Antelope Valley Plan. The sidewalk would be in addition to the 20' setback being requested. The applicant would prefer to keep the parking at the edge of their property line and provide some sort of screening.

Esseks inquired what difference moving the entrance to the east on L Street would make to the viability of the project. Hoppe's response was that, "it just works where it is now as designed. It would require moving the parking lane over."

There was no testimony in opposition.

Staff response

Eichorn advised that this is the first time she has had the opportunity to see the site plan, but it appears that the staff would not have a whole lot of objections, and the zoning agreement would allow more understanding and a guarantee of what will be developed. The zoning agreement would also give staff and the applicant an opportunity to work through some of the concerns the staff is seeing. There are some details that should and could be handled in the zoning agreement.

Marvin Krout, Director of Planning, acknowledged that various departments did see conceptual plans for this property earlier, but he had not seen this specific site plan until today. He advised that the intent of the proposed condition for the access on L Street was to locate it to the half block and have substantial part of the west half of the block not interrupted by a driveway. However, he stated that placing it in the centerline of that block is acceptable.

Krout also agreed to make the adjustment that the minimum buffer width for the parking be 6' instead of 20'. He is not sure whether they intend to not have a 6' setback for parking. If the alley is going to be vacated, and if the lot is more than 150' in depth (which it will be), the City's design standards require a 6' setback for parking for any combination of berms or low walls or screening.

There was some discussion about how to change the staff recommendation. Carroll does not believe it is fair to require staff to be specific at this point and he suggested that it could be resolved between now and City Council.

Larson began asking questions about the traffic movements and parking at the intersection of K Street and 19th Street. Krout advised that this change of zone does not include a review of how we treat the right-of-way. In earlier meetings, the applicant has requested to do diagonal parking along that block face in order to attract tenants for the retail on the ground floor. Public Works did have problems with it because this is a major north/south boulevard that is being constructed with six lanes. But that is not an issue before the Planning Commission because it is in the right-of-way, which is a separate issue from the zoning.

Dennis Bartels of Public Works offered that Public Works is concerned about the diagonal parking on 19th Street because it is a major intersection. The initial design would have dual left turns off of K Street onto 19th Street, and the design is set up to accommodate triple turns for future traffic. Public Works did not believe that any parking maneuvering that close to turning movements would be safe.

Esseks suggested that in lieu of the design standards for Antelope Valley, there is a need to maintain the practice of requiring zoning agreements which impose some minimum standards until those overall design standards are legislated. Eichorn suggested that the condition of approval requiring a zoning agreement would address the three important and major standards set forth in the staff report.

Response by the Applicant

Hoppe suggested that if the design standards of the B-4 District require a 6' setback, there is no need for a zoning agreement. They would be required to meet the requirements of the zoning district. He also acknowledged that there will be a need to address the issue of on-street parking, but that is outside the boundaries of this B-4 request. Anything on the first level will require on-street parking.

As to the issue of a zoning agreement, Hoppe suggested that it circumvents the public processes of developing the design standards for Antelope Valley and pushes this applicant to reach an agreement with staff. B-4 has its own standards and Hoppe believes that he has

presented a project that conforms to those standards. He reiterated his request that there be no requirement for a zoning agreement.

ACTION BY PLANNING COMMISSION:

May 9, 2007

Carroll moved approval, with conditions, seconded by Taylor. Carroll pointed out that the only condition is the zoning agreement. The staff has not have time to review the site plan. He knows the applicant does not want to invest before getting the zoning, but he wants the security that it will look like it belongs in the Antelope Valley project. The applicant is asking for a “leap of faith” without the zoning agreement. He believes that the staff will make some changes and will work with the applicant on the design. He does not believe it is that much of a burden on the applicant.

Strand suggested a friendly amendment to change #2 from 20' to 6'. Carlson believes that the motion only includes the condition of approval on p.129: “That the owner sign a Zoning Agreement with the City providing assurance that redevelopment of this block will meet the parameters listed above.” He suggested that the specific directions can come from the minutes.

Carroll does not believe #1, #2 and #3 on Page 128 are the conditions. The only condition of approval is a requirement to sign a zoning agreement. This can be negotiated with the staff.

Strand is not comfortable approving it because the language says it will reach the “parameters listed above”.

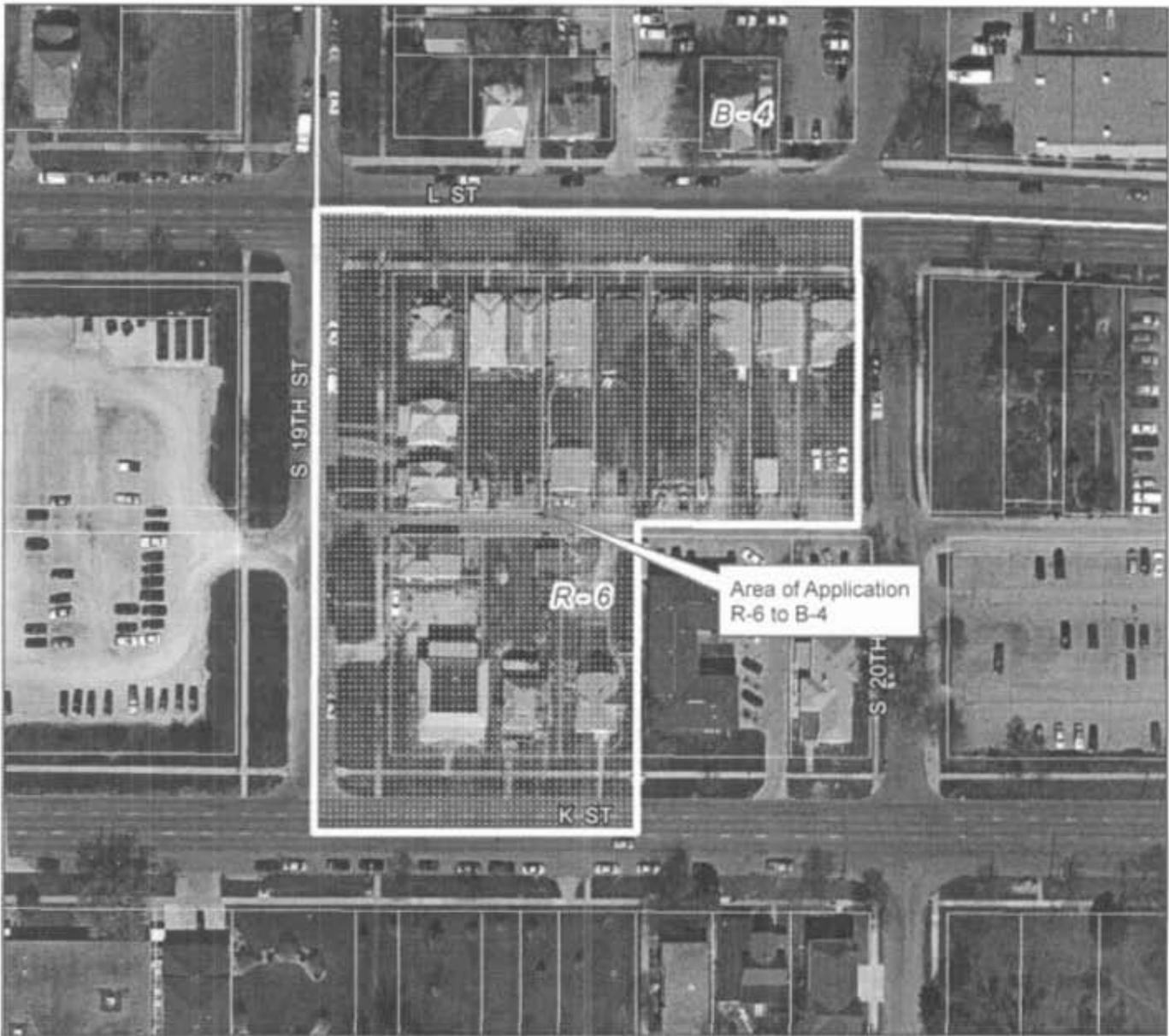
Esseks observed that it looks as though there is agreement between the developer and the Planning Director. The Planning Director has said he can put the access on L Street half way in the block, and the Planning Director says he will accept 6' because that is the normal setback from the sidewalk in B-4. It looks like the conditions can be met. He supports providing some parameters, and then the developer and staff can work within those parameters.

Carlson suggested that any controversy or difficulty will be worked out at Council.

Krout indicated that he has no problem with a friendly motion to amend to indicate that the parking setback would be reduced to 6' on all frontages and the access on L Street would be moved to the east to the centerline of the block. That makes the intent clear and the concerns of the applicant clear. We are trying to create the basic building envelope for this development.

Carroll indicated that his motion to approve includes the changes agreed upon by the Director of Planning.

Motion for approval, subject to a zoning agreement, with amendments to reduce the parking setback to 6' on all frontages and to move the access on L Street to the east to the centerline of the block, carried 8-0: Strand, Carroll, Taylor, Esseks, Cornelius, Sunderman, Larson and Carlson voting ‘yes’; Krieser absent. This is a recommendation to the City Council.



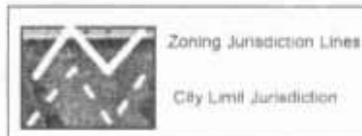
**Change of Zone #07022
S 19th & L St**

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-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-8 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



LEGAL DESCRIPTIONS FOR 19TH K & L STREETS

426 S. 19-- MCMURTRY'S ADDITION, BLOCK 2 LOT 16, N27' & LOT 17 N27' E12'

1931 L ST-- BOGGS AND HOLMES SUB, LOT 52 E33 1/3 EX N7' & EX S7.5'

1925 L ST-- BOGGS AND HOLMES SUB, LOT 52, W16.66 EX N7' & EX S7.5' & E 16.66'
LOT 53 EX N7' & EX S7.5'

1921 L ST- BOGGS AND HOLMES SUB, LOT 53, W33.33' EX N7' & EX S7.5'

1915 L ST-- BOGGS AND HOLMES SUB, LOT 54

1907 L ST-- BOGGS AND HOLMES SUB, LOT 55

1912 K ST-- MCMURTRY'S ADDITION, BLOCK 2, LOT 14

1910 K ST-- MCMURTRY'S ADDITION, BLOCK 2, LOT 15

1900 K ST-- MCMURTRY'S ADDITION, BLOCK 2, LOT 16, S115' & LOT 17 E 12'

1935 L ST-- BOGGS AND HOLMES SUB LOT 51, W33 1/3' EX N7' & EX S7.5'

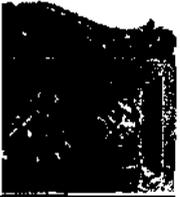
1941 L ST-- BOGGS AND HOLMES SUB, LOT 50, W16 2/3' EX N7' & EX S 7.5' & E16 2/3'
LOT 51 EX N7' & EX S7.5'

1945 L ST-- BOGGS AND HOLMES SUB, LOT 49, W3' EX N7' & EX S7.5' & E33 1/3'
LOT 50 EX N7' & EX S7.5'



Christy J Eichorn /Notes
04/23/2007 08:55 AM

To
cc
bcc
Subject Re: CZ at 19th and LStreets



Edward Zimmer /Notes
04/20/2007 11:17 AM

To Christy J Eichorn/Notes@Notes
cc
Subject Re: CZ at 19th and LStreets 

Thanks for asking.

- The site is just across K Street from the east leg of the Capitol Environs District.
- If it were inside the district, it would be standard to request comments of the Environs Commission.
- Outside the District, I generally recommend the Commission's input if there is a matter of concern regarding one of the designated view corridors to the Capitol. The site is on the north edge of the view corridor from Woods Park to the Capitol, on relatively low ground. The current height limit is 35 feet (R-6) and the B-4 height limit on this location would be 75 feet. A new building on this location, even utilizing that full height, would not likely be visible from Woods Park and in any case would be considerably off-axis with the Capitol tower. The requested change of zone does not appear likely to lessen the value of the designated view corridor (see diagram).

Christy J Eichorn/Notes



Christy J Eichorn /Notes
04/19/2007 04:41 PM

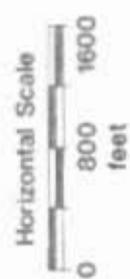
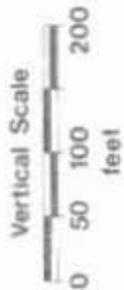
To Edward Zimmer/Notes@Notes
cc
Subject CZ at 19th and LStreets

Ed, attached is my most current draft of the staff report for the change of zone at 19th and L. I would appreciate any questions or comments you may have concerning the Capitol Environs District.

Christy J Eichorn
City / County Planning Department
555 S. 10th St. #213
Lincoln NE 68508

Phone 402-441-7603
Fax 402-441-6377

WOODS PARK CORRIDOR



Hoppe Partners, Ltd
5631 S. 48th Suite 220
Lincoln, Ne 68516

April 3, 2007

City of Lincoln, Planning Commission
555 S. 10th St., Room 213
Lincoln, NE 68508

RE: Change of Zone Application - Letter Indicating Purpose of Application

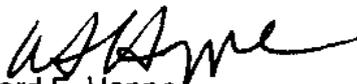
Members of the Planning Commission:

The purpose of the application submitted herewith is to request that the zoning designation of the lots described on the list attached to the application be changed from R6 Residential to B4 Lincoln Center Business District.

Hoppe Partners, Ltd., the owner of the properties in question, intends to re-create the property into office space with some retail space and a banquet hall. The structure will not exceed four stories and will thus comply with the maximum height and minimum lot requirements.

Please feel free to contact me with questions or if more information is needed. Thank you.

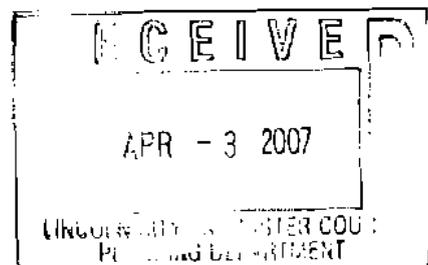
Best Regards,


Ward F. Hoppe

WFH:tms

Enclosures:

Change of Zone Application;
Application Fee;
Plat map of the proposed change area



SUPPORT

ITEM NO. 4.1: CHANGE OF ZONE NO. 07022
(p.125 - Public Hearing - 5/09/07)



1941 K Street • Lincoln, Nebraska 68510 • 402-434-2456 • FAX: 402-434-2458

To: Jean Walker fax 441-6377
Admin. office

Fernando Payer
1941 K St.
Lincoln, NE 68510
402 434-2456

Statement regarding change of zone
07022 S. 19th & L St.

I own property at 1941, 1943 K and
505 South 20th directly across the
street from the application area. I

Support the application and would
suggest expanding it to include the
entire block bounded by K, L, 20
and 19th. The area is fast becoming
a commercial/office district and it
makes no sense to leave a tiny pocket
of R-6 in the corner of 20th & K.
NE

Fernando Payer's

DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT

This Development and Conditional Zoning Agreement is hereby made and entered into this ____ day of _____, 2007, by and between **Hoppe Partners, Ltd.**, a Nebraska limited partnership, hereinafter referred to as "Developer" and the **City of Lincoln, Nebraska**, a municipal corporation, hereinafter referred to as "City."

RECITALS

I.

Developer has petitioned the City for a change of zone (No.07022) from R-6 Residential to B-4 Lincoln Center Business District upon the following described property generally located at South 19th Street and "L" Street ("Property"). The property is legally described as:

Lots 14, 15, 16, Block 2, McMurtry's Addition, Lincoln, Lancaster County, Nebraska; and Lots 49, 50, 51, 52, 53, 54, 55, Boggs and Holmes Subdivision, Lincoln, Lancaster County, Nebraska.

II.

This change of zone from R-6 to B-4 is generally in conformance with the Comprehensive Plan, the Antelope Valley Redevelopment Plan and the Lincoln Downtown Master Plan. However, the City has concerns with the character of development and access at this key location.

III.

The Developer has represented to the City that in consideration of the City re-zoning the Property to B-4 Lincoln Center Business District, the Developer will enter into an agreement with the City that addresses how the property will be developed.

IV.

The City desires an Agreement, to be assured that the Developer will develop the Property as represented should the Property be re-zoned to B-4 Lincoln Center Business District.

NOW THEREFORE, in consideration of the above recitals and the following terms and conditions, the parties agree as follows:

1. The City hereby agrees to grant Developer's petition to change the zoning map from R-6 Residential District to B-4 Lincoln Center Business District on the Property.

2. In consideration for the City re-zoning the Property to B-4 Lincoln Center Business District the Developer agrees that the development of the property shall be subject to the following requirements:
 - A) The majority of the frontage along 19th Street between K and L, and the majority of the frontage along the west 2/5 of L Street between 19th and 20th Street, shall be occupied by building construction that is at least 24 feet in height and a front yard setback of no more than 10 feet.
 - B) No vehicular access to the site will be permitted along 19th Street (this will require the vacation of at least the western portion of the mid-block east-west alley in this block). One mid-block access point shall be allowed along "K" Street and along "L" Street..
3. This Agreement shall run with the land and shall be binding upon the parties hereto and their respective successors and assigns.
4. This Agreement, when executed by the parties hereto, shall be recorded by the City in the office of the Register of Deeds of Lancaster County, Nebraska, filing fees to be paid by Developer.

IN WITNESS WHEREOF, the parties herein have executed this Agreement on the day and year first above written.

HOPPE PARTNERS, LTD.
a Nebraska limited partnership

By: _____
Ward F. Hoppe, General Partner

CITY OF LINCOLN, NEBRASKA
a municipal corporation

By: _____
Chris Beutler, Mayor

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this ____ day of _____, 2007, by Ward F. Hoppe, General Partner of Hoppe Partners. Ltd., a Nebraska limited partnership on behalf of said limited partnership.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this ____ day of _____, 2007, by Chris Beutler, Mayor of the City of Lincoln, on behalf of the City.

Notary Public