

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 12004**, requested by the Director of Planning, amending Title 27 of the Lincoln Municipal Code to reflect the revised height limits in the B-4 Lincoln Center Business District; adding a new section titled "Scope of Regulations" to clarify that airport zoning regulations are applicable in all underlying zoning districts and apply to both public and private entities; amending the airport zoning height restrictions to replace the metes and bounds description with a reference to the Airport Zoning Map; prohibiting the location of off premises signs in the Haymarket and Downtown areas of the B-4 Lincoln Center Business District west of 9th Street; amending the Lincoln Airport Zoning Map for consistency; and amending the Lincoln Capitol Environs District Height Regulation Map to reflect a 57-foot height requirement west of the Capitol.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 04/18/12  
Administrative Action: 04/18/12

**RECOMMENDATION:** Approval (8-0: Gaylor Baird, Butcher, Cornelius, Esseks, Francis, Weber, Hove and Sunderman voting 'yes'; Lust absent).

**STAFF RECOMMENDATION:** Approval.

**ASSOCIATED REQUESTS:** Change of Zone No. 12003 (12-43) and Miscellaneous No. 12001 (12R-81)

### **FINDINGS OF FACT:**

1. This change of zone request is associated with the proposed map amendment in the West Haymarket area (Change of Zone No. 12003, #12-43) and an associated amendment to the City of Lincoln Design Standards (Miscellaneous No. 12001, #12R-81).
2. The purpose of this change of zone request is to: A) amend Figure 27.35.070(a) within Section 27.35.070 to reflect the revised height limits in the B-4 Lincoln Center Business District; B) add a new section numbered 27.59.015 titled "Scope of Regulations" to clarify that airport zoning regulations are applicable in all underlying zoning districts and apply to both public and private entities; C) amend Section 27.59.040 relating to airport zoning height restrictions to replace the metes and bounds description of the 275 foot height limit with a reference to the Airport Zoning Map; D) amend Section 27.69.035 and Table 1, Off Premises Signs, within Section 27.69.040 to prohibit the location of off premises signs in the Haymarket and Downtown areas of the B-4 Lincoln Center Business District west of 9th Street; E) amend the Lincoln Airport Zoning Map dated February 25, 2002, to be consistent with Figure 27.35.070(a); F) and amend the Lincoln Capitol Environs District Height Regulation Map to reflect an additional 57-foot height requirement west of 9th Street.
3. The staff recommendation of approval is based upon the "Analysis" as set forth on p.4-5, concluding that this text amendment is in conformance with the Lincoln Center Redevelopment Plan and the 2040 Comprehensive Plan. This text amendment is an important step in the redevelopment of West Haymarket. It also corrects inconsistencies in height regulations regarding the Airport Environs District, the Capitol Environs District and the B-4 Lincoln Center Business Zoning District. The staff presentation is found on p.6.
4. There was no testimony in opposition.
5. On April 18, 2012, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval.

**FACTSHEET PREPARED BY:** Jean L. Preister  
**REVIEWED BY:** \_\_\_\_\_  
**REFERENCE NUMBER:** FS\CC\2012\CZ12004+

**DATE:** April 30, 2012

**DATE:** April 30, 2012

# LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

## for April 18, 2012 PLANNING COMMISSION MEETING

**PROJECT #:** Change of Zone No. 12004

**PROPOSAL:**

Amend Title 27 of the Lincoln Municipal Code relating to the Zoning Code by:

amending Figure 27.35.070(a) within Section 27.35.070 to reflect the revised height limits in the B-4 Lincoln Center Business District;

adding a new section numbered 27.59.015 titled Scope of Regulations to clarify that airport zoning regulations are applicable in all underlying zoning districts and apply to both public and private entities;

amending Section 27.59.040 relating to airport zoning height restrictions to replace the metes and bounds description of the 275 foot height limit with a reference to the Airport Zoning Map;

amending Section 27.69.035 and Table 1, Off Premises Signs, within Section 27.69.040 to prohibit the location of off premises signs in the Haymarket and Downtown areas of the B-4 Lincoln Center Business District west of 9th Street;

repealing Sections 27.35.070, 27.59.040, and 27.69.035 and Table 1 within Section 27.69.040 (Off-Premises Signs) of the Lincoln Municipal Code as hitherto existing;

amending the Lincoln Airport Zoning Map dated February 25, 2002 to be consistent with Figure 27.35.070(a);

and amending the Lincoln Capitol Environs District Height Regulation Map to reflect an additional 57-foot height requirement west of 9th Street.

**CONCLUSION:** This application is in conformance with the Lincoln Center Redevelopment Plan and the 2040 Comprehensive Plan. This change of zone is an important step in the redevelopment of West Haymarket. It also corrects inconsistencies in height regulations regarding the Airport Environs district, the Capitol Environs District and the B-4 Zoning District.

**RECOMMENDATION:**

Approval

## **GENERAL INFORMATION:**

### **ASSOCIATED APPLICATIONS:**

Change of Zone #12003- Map Change to B-4 (Hearing at Planning Commission on April 18, 2012)  
Miscellaneous #12001 - Change to Design Standards

### **HISTORY:**

- September 24, 2007                      Miscellaneous #07007 to declare the West Haymarket area as blighted was approved by the City Council.
- October 29, 2007                      Comprehensive Plan Conformance #07019 for an amendment to the Lincoln Center Redevelopment Plan to establish the West Haymarket Redevelopment Plan was approved by the City Council.
- November 3, 2008                      City Council approved ordinance #19171 amending Chapter 27.35 of the Lincoln Municipal Code by adding a new figure 27.35.070(a) to reflect maximum heights within the B-4 district.

**COMPREHENSIVE PLAN SPECIFICATIONS:** Enhance Downtown's role as the heart of the City. A strong downtown is important to the economic future of the community. (p.5.1)

The City should preserve and enhance Downtown's role as the principal cultural, entertainment and tourism center. The center for hotels and conventions. (p.5.4)

### **From the Lincoln Center Redevelopment Plan/West Haymarket Redevelopment Project**

The future of the area will depend on a number of key factors including:

the vision of a revitalized Downtown and the Historic Haymarket District which is a specialty retail, cultural, and entertainment core/destination together with office, housing and parking, and is rich with pedestrian activity;

the reuse of the West Haymarket railyard into an entertainment and activities center, with an arena, convention center, and hotel

When necessary and appropriate, changes in the zoning ordinance may be necessary. (p. III-5)

Encourage development of mixed use projects that attract and maintain commercial activity and residential developments in the Downtown and Haymarket areas. (p. iii-9)

The goals of this project are to strengthen the long term economic and physical viability of the Haymarket district and Downtown Lincoln by removing existing blighting and substandard conditions; complement the current mixed use character of the area through the introduction of additional entertainment, recreational, lodging, convention space, services, office, and retail activities. (p. iv-266)

The West Haymarket Redevelopment Plan will support the continued revitalization of Downtown Lincoln (including the Haymarket District) as called for in the recently adopted Downtown Master Plan and as reflected in the Lincoln Center Redevelopment Plan. (p. iv-266)

## **ANALYSIS:**

1. The height map that displays the maximum height requirements for the B-4 zoning district needs to be revised due to the extension of B-4 zoning to the west and the accompanying new development in the West Haymarket area. As part of this revision to add a 100 foot height limit in a part of the West Haymarket, the Planning Department noted some inconsistencies between the B-4 Height Map, the Lincoln Airport Zoning Map and the Capitol Environs District Height Regulation Map.
2. In 2008 the Planning Department introduced a new map that showed the multiple height requirements of the B-4 zoning district. Although that map was helpful in generally showing height requirements downtown, it was not consistent with an existing Airport Environs Map. The B-4 Map incorrectly displayed several properties as having a 275 foot height limit when in fact the Airport Zoning height limit map would not have allowed a height very much above 150 feet. So, these properties are being assigned a more appropriate 150 foot height limit with this text change.
3. The following general areas will have the 150 foot height limit instead of the previous incorrectly displayed 275 foot height limit:
  - block bounded by L and K and S. 12<sup>th</sup> and S. 13<sup>th</sup> Streets
  - block bounded by M and L and S. 13<sup>th</sup> and S. 14<sup>th</sup> Street
  - half block from 9<sup>th</sup> Street to 150 feet east, from K to 150 feet north of N Street
  - half block from 9<sup>th</sup> Street to 150 feet east, from 150 feet north of P Street to the northern boundary of the B-4 zoning
  - from R Street south 150 feet, from 12<sup>th</sup> to 14<sup>th</sup> Street
4. One area was also incorrectly shown as having a 75 foot height limit, when it was actually in the 275 foot height limit. This is the area ½ block south of Q Street to the half block south of O Street to ½ block west of S. 9<sup>th</sup> Street (the area that includes the Holiday Inn, parking garages and a gas station) this area has a maximum height of 275 feet per the existing airport map.
5. In 2009, the State of Nebraska extended the Capitol Environs District Height Restrictions to the west reflecting a 57 foot height restriction south of K Street, north of H Street from S. 5<sup>th</sup> Street to the prior west limit of the District, which was S. 9<sup>th</sup> Street. The change was enacted to protect views to the Capitol on a major entryway to Lincoln, Rosa Parks Way. At the time the State made these changes, our local maps were not updated. The new map will reflect this change.
6. The new B-4 zoning height map will also remove large areas from the map that are not zoned B-4 in order to avoid confusion. The height map will show a height limit on some property that is zoned 'P' Public for public use. The P Public zoning district does not have a height restriction per the City Zoning Ordinance. However, while these government entities do not have to abide by City zoning regulations, they must abide by the airport zoning and airport height restrictions. No public or private agency is exempt from this regulation. Thus, the Airport Zoning regulations are being updated to reflect this as well.

7. This amendment also sets a 100 foot height limit for the new development between Arena Drive and Canopy Drive, from R Street to ½ block south of Q Street. This will permit allow taller structures near the Arena, without negatively impacting the Historic Haymarket district which has a 75 foot height limit.
8. The Arena building will not have a height limit. It will be zoned 'P' Public zoning per change of zone# 12003 because it will be developed by a public agency. The Arena's height is approximately 130 feet. This height complies with the Airport Zoning height restrictions which all public and private entities must comply with.
9. The remainder of the West Haymarket and Downtown west of 9th Street will have a 75 foot height limit which is the current regulation, and also protecting the character of the P Street view within Haymarket.
10. In addition to the above changes off-premises signs (billboards) will be prohibited in the Haymarket and new West Haymarket area. The sign chapter of the zoning ordinance will be amended to prohibit off-premises signs west of S. 9<sup>th</sup> Street in the B-4 zoning district. However, this is not a significant change, because in reality very few areas west of 9<sup>th</sup> Street allow off-premise signs due to a different restriction in the sign ordinance. The sign ordinance prohibits billboards within 600 feet of a historic district or landmark. Because of the Haymarket Historic District and other historic landmarks most of the area west of 9<sup>th</sup> Street is prohibited from having an off premise sign. In fact, the two billboards on O Street, west of 9<sup>th</sup> Street are both nonconforming signs.

Prepared by:

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**DATE:** April 5, 2012

**APPLICANT:** Planning Director

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Lincoln, NE 68508

# CHANGE OF ZONE NO. 12004 and MISCELLANEOUS NO. 12001

## PUBLIC HEARING BEFORE PLANNING COMMISSION:

April 18, 2012

Members present: Esseks, Lust, Sunderman, Francis, Hove, Gaylor Baird, Butcher, Weber and Cornelius.

There were no ex parte communications.

Staff recommendation: Approval.

Staff presentation: **Christy Eichorn of Planning staff** explained that these text amendments are a follow-up to the previous map changes heard by the Commission recently. Because some changes were made where B-4 was going to be allowed with West Haymarket and the Arena, there are changes that need to be made to existing maps in the ordinance or referenced by the ordinance:

1. The height map in B-4 reflecting the multiple different height requirements in the Downtown. When we came to make the changes to this map to reflect the new B-4 zoning, we realized there were some inconsistencies between the zoning map and the Airport Environs and Capitol Environs District maps. This amendment will coincide all three maps. Property owners have been notified and staff met with the Downtown Lincoln Association. There are two blocks where 275' was originally shown by mistake when the map was drafted. Eichorn then explained the height changes on the map. The airport zoning district has a requirement that you cannot build above 150' above the base elevation of the nearest airport runway, so no matter what our zoning ordinance says, that requirement cannot be trumped. That is why the changes went from 275' to 150'. This amendment also reflects the change to the 100' height limit for the West Haymarket area and reflects that height limits for future B-4 would be 75'. The Airport Environs Zoning map was changed to match the B-4 map. Changes were made to the Capitol Environs map in 2009 which used to stop at 9<sup>th</sup> Street. That map is now being updated.

2. Billboards and off-premises signs. The text change does not allow billboards west of 9<sup>th</sup> Street (similar to the language in the Haymarket area) where you must be a certain distance away from a corridor; certain distance away from historic district, etc. Therefore, there will be no billboards west of 9<sup>th</sup> Street.

**Steve Henrichsen** presented the proposed changes to the Downtown Design Standards, explaining that there will be a new street called Canopy Street behind Lincoln Station along the canopy of the former railroad tracks in that area. It is one street that should be treated as a special street in our Downtown Design Standards, like the area between N and Q and in Antelope Valley.

This amendment also adds the limitation on drive-through facilities between N to P from 10<sup>th</sup> to 14<sup>th</sup> Streets. That limitation is already in the B-4 zoning ordinance today. It is not new, but staff believes that provision to be more appropriate in the Downtown Design Standards as opposed to the zoning ordinance.

Henrichsen also explained that the amendment to the two sections on materials is unrelated to West Haymarket, but included here with a finding to allow flexibility in types of materials.

There was no testimony in opposition.

Commissioner Lust left before the vote.

**CHANGE OF ZONE NO. 12004**

**ACTION BY PLANNING COMMISSION:**

April 18, 2012

Francis moved approval, seconded by Gaylor Baird.

Cornelius observed that this is an opportunity to bring several maps into harmony.

Motion for approval carried 8-0: Esseks, Sunderman, Francis, Hove, Gaylor Baird, Butcher, Weber and Cornelius voting 'yes'; Lust absent. This is a recommendation to the City Council.

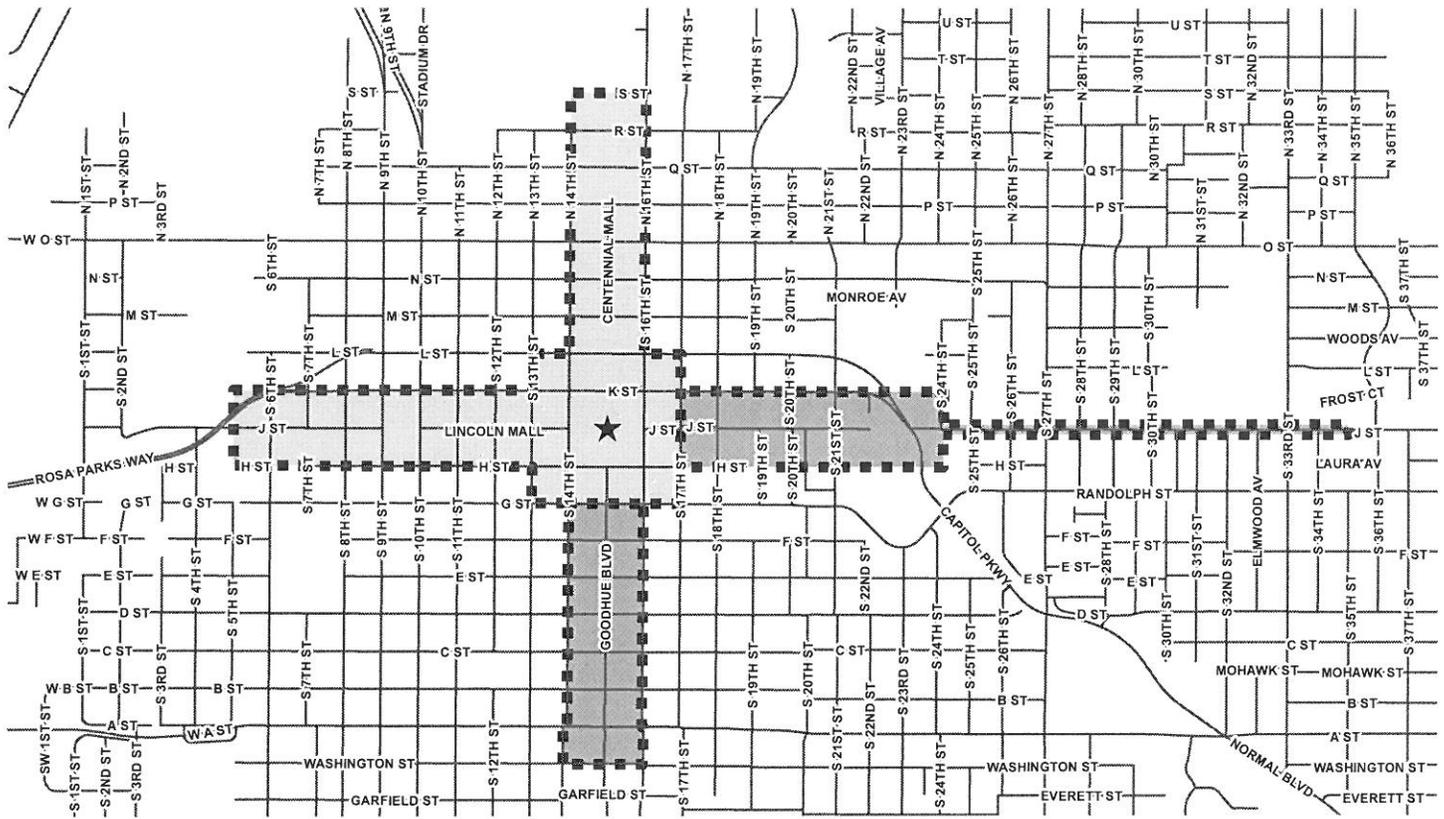
**MISCELLANEOUS NO. 12001**

**ACTION BY PLANNING COMMISSION:**

April 18, 2012

Hove moved approval, seconded by Francis, and carried 8-0: Esseks, Sunderman, Francis, Hove, Gaylor Baird, Butcher, Weber and Cornelius voting 'yes'; Lust absent. This is a recommendation to the City Council.

# CITY OF LINCOLN CAPITOL ENVIRONS DISTRICT HEIGHT REGULATIONS MAP



## Legend

- District Boundary
- 45 Feet
- 57 Feet

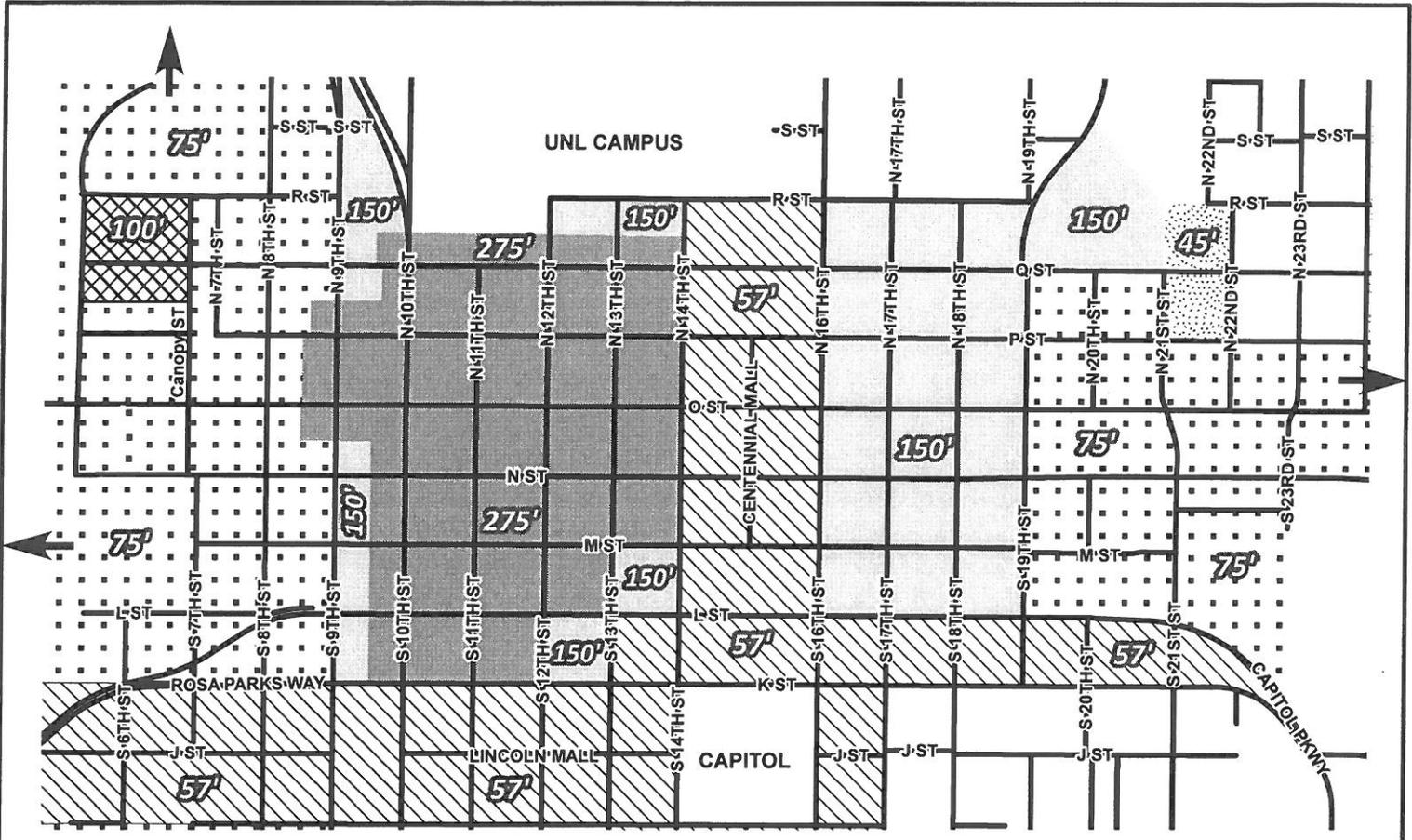


April 4, 2012

# Proposed: Revised

## Figure 27.35.070 (a)

### B-4 LINCOLN CENTER BUSINESS DISTRICT HEIGHT REGULATIONS



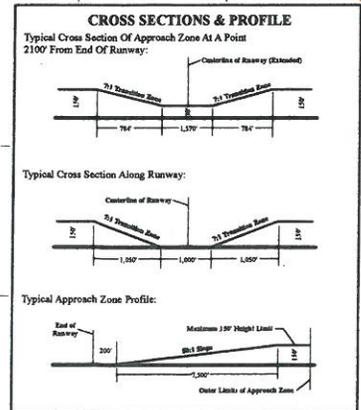
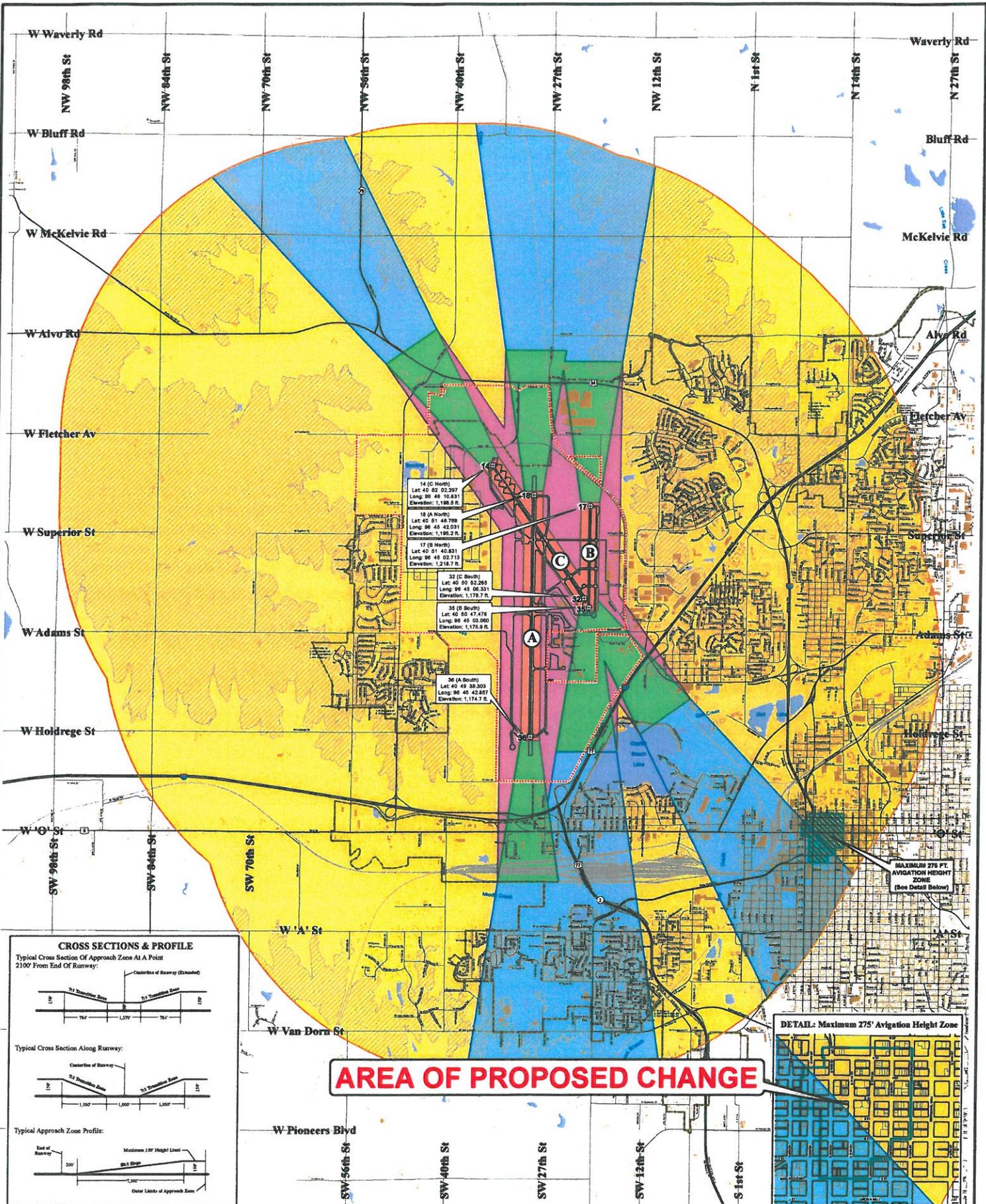
#### Legend

- 45 Feet
- 57 Feet
- 75 Feet
- 100 Feet
- 150 Feet
- 275 Feet

Note: \*Only applies to properties zoned B-4 Lincoln Center Business District



March 28, 2012



# AIRPORT ENVIRONS ZONING DISTRICT

Ordinance #17967; Effective March 5, 2002

- INNER HAZARD ZONE
- TURNING ZONE
- INNER APPROACH ZONE
- OUTER APPROACH ZONE
- TRANSITION ZONE
- AIRPORT BOUNDARY
- RUNWAY CENTERLINE
- LINCOLN CITY LIMITS
- BUILDING FOOTPRINTS (April 2010)
- ELEV. 1,248' OR GREATER
- OUTER HAZARD AREA BOUNDARY
- AVIGATION ZONE BOUNDARY (275' Max Ht.)

NOTE: All elevations are in NAVD (North American Vertical Datum) 1988. Runway elevations are surveyed and provided by the Lincoln Airport Authority. As of March 1, 2000, all project submittals are required to utilize NAVD 1988 vertical datum.

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