

FACTSHEET

TITLE: TEXT AMENDMENT NO. 14015
(Parking in the Capitol Environs Overlay District)

BOARD/COMMITTEE: Planning Commission

APPLICANT: Peace Studio Architects

RECOMMENDATION: Approval (8-0: Sunderman, Harris, Beecham, Cornelius, Hove, Scheer, Corr and Lust voting 'yes'; Weber absent).

STAFF RECOMMENDATION: Approval

OTHER DEPARTMENTS AFFECTED: N/A

SPONSOR: Planning Department

OPPONENTS: None

REASON FOR LEGISLATION:

To repeal Section 27.67.075 of the Lincoln Municipal Code relating to Parking in the Capitol Environs District to allow the parking in the Capitol Environs District to be determined by the underlying zoning district.

DISCUSSION / FINDINGS OF FACT:

1. Section 27.67.075 of the Lincoln Municipal Code requires two parking spaces per dwelling unit in the Capitol Environs District regardless of the underlying zoning district. This amendment would allow the underlying zoning district to regulate the residential parking requirement.
2. The staff recommendation to approve this text amendment is based upon the "Analysis" as set forth on p.3-4, concluding that two parking stalls per dwelling unit is a higher requirement than any of the underlying zoning districts. Reverting to the requirements of the underlying zoning district would simplify the code and remove a potential barrier to residential development. The staff presentation is found on p.5.
3. There was no testimony in opposition.
4. On November 12, 2014, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval.

FACTSHEET PREPARED BY: Jean Preister, Administrative Officer

DATE: November 17, 2014

REVIEWED BY: David R. Cary, Acting Director of Planning



DATE: November 17, 2014

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT
for NOVEMBER 12, 2014 PLANNING COMMISSION MEETING

PROJECT #: Text No. 14015

PROPOSAL: An amendment to the text of Section 27.67.075 of Lincoln Municipal Code, Special Conditions, Capitol Environs District, deleting that section which requires two parking spaces per dwelling unit in the Capitol Environs District regardless of the underlying district. This deletion would allow the underlying zoning district to regulate the residential parking requirement.

CONCLUSION: Two parking stalls per dwelling unit is a higher requirement than any of the underlying zoning districts. Reverting to the underlying requirements would simplify the code and remove a potential barrier to residential development.

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

HISTORY:

- 1966 Century House built at 1201 J Street with offices on first floor and 7 stories of apartments.
- 1976 Capitol Environs District Height Regulations were adopted by City of Lincoln (ordinance 11769).
- 1977 LB172 enacted by Legislature, *Nebraska State Capitol Environs Protection and Improvement Act*, incorporating Environs height limits into state statute.
- 1980s Second story of Century House converted to offices from apartments.
- 1988 Capitol Environs Commission and design review process added to Chapter 27.56 of Lincoln Municipal Code, "Capitol Environs District."
- 1996 Changes enacted to residential parking requirements throughout zoning code, "Special Conditions: Capitol Environs District" added increasing requirement to two stalls per dwelling unit.
- 2014 Owner of Century House seeks to return second floor to residential use for 14 apartments similar to original layout.

ANALYSIS:

1. The Capitol Environs District is an overlay district added to the zoning ordinance in 1988, which establishes a special review commission and special standards for height, signs, and design of buildings, streetscape, and landscape features in the vicinity of the State Capitol to maintain and enhance this unique historic and architectural landmark. Underlying zoning districts within the Environs include B-4 (Central Business District) to the north along Centennial Mall; O-1 (Office District), B-4 and R-8 (Residential District) along Lincoln Mall to the west; R-7 and R-6 (Residential Districts) to the south along Goodhue Blvd.; and R-6, R-7, O-1 and B-3 (Commercial District) to the east along J Street.
2. This amendment would delete the Special Condition enacted in 1996 requiring 2 parking stalls per dwelling unit in the Capitol Environs District.
3. Each of these zoning districts have different parking requirements, ranging from no required parking for residential and other land uses in the B-4 district surrounding Centennial Mall, .5 stalls per dwelling unit in the O-1 district, 1 stall per dwelling unit in the R-7 and R-8 districts (and in the B-3, within 300 feet of the residence), and 1.75 stalls per dwelling unit in the R-6 district.
4. All of these underlying districts require less parking than the 2 stalls stipulated in 27.67.075; however that section does include a reduction procedure under which "...upon application, the City Council may reduce the parking requirement to no less than one parking space per dwelling unit when the application includes information justifying the reduction."
5. The parking changes enacted in 1996 included discussion of this waiver, noting the Environs District is a special area, but the record does not include discussion of rationale for substantially increasing the parking requirement in the B-4 and O-1 districts.
6. The applicant points out that returning the second floor of Century House to its original use for 14 studio apartments would require 28 additional parking stalls under the current requirement of 27.67.075, compared to 7 stalls (which are currently available) under the O-1 requirement of one stall per 1200 square feet of office floor area.
7. The O-1 and B-4 districts have lesser parking requirements based on their proximity to employment, services, and the University of Nebraska. There seems little or no basis for requiring more parking stalls in the Environs portion of these districts compared to the O-1 and B-4 areas outside the Environs District. Encouraging residential use in the Capitol Environs is consistent with the mixed-use character of both districts as described in the Zoning Code. It is also consistent with the 2040 Comprehensive Plan's goal of encouraging residential uses within the core city, as well as in new "edge" developments.
8. Similarly, there seems little or no justification for requiring more parking in the other underlying districts within the Environs, than in nearby and otherwise similarly situated areas in the same zoning district. It is also confusing to enforce different parking requirements in the same underlying zoning district.

9. The Nebraska Capitol Environs Commission reviewed and discussed this proposed amendment on October 23, 2014. The Commission unanimously recommended approval of this amendment. (See attached excerpt from the Meeting Record.)

Prepared by:
Ed Zimmer, Planner

DATE: October 31, 2014

APPLICANT: Gill Peace
Peace Studio Architects
1835 Kings Hwy Suite B
Lincoln, NE 68502
(402)217.1830
gill@peacestudioarch.com

TEXT AMENDMENT NO. 14015

PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 12, 2014

Members present: Sunderman, Scheer, Cornelius, Corr, Harris, Beecham, Hove and Lust; Weber absent.

Staff recommendation: Approval.

There were no ex parte communications disclosed.

Staff presentation: **Ed Zimmer of Planning staff** explained that this text amendment would simply strike a section of the zoning code that creates a special permit condition overlaying the Capitol Environs District which requires two parking stalls per dwelling unit. This amendment came forward in relation to a specific project where the second floor of the Century House is being reverted to its original use for 14 studio apartments, requiring an additional 28 parking stalls under the current standards. The applicant can provide the parking required by their O-1 parking district, but it would be very hard for them to provide the additional 2 stalls per dwelling unit that would be required under the Capitol Environs District provision.

Zimmer pointed out that there was not discussion in 1996 about the Capitol Environs District requirement being a quadrupling of the requirement in O-1. There was discussion about a waiver by the City Council to 1 parking stall, but that would still be doubling the O-1 requirement.

Zimmer went on to state that O-1 and B-4 are a large part of the Capitol Environs District. Because of the location close to employment, entertainment and education centers, it seems like removing this provision and using the requirements of the underlying zoning district to determine the parking meets the different conditions found in the Capitol Environs more accurately.

Harris asked Zimmer whether he foresees that this change would do anything to decrease the availability of staff or visitor parking at the Capitol in the long term. Zimmer's response was that that is a matter that the state needs to address for its own purpose. The Nebraska Capitol Environs Commission (NCEC) would love to hear a long term parking plan from the state. It is hard to anticipate someone building a large residential complex without taking into account the parking that their tenants would wish for. He does not believe it would compete with the surface parking around the Capitol.

In reviewing the minutes of the NCEC meeting, Beecham commented that it appears that there was hope that this might in fact spur some redevelopment in the area. Zimmer stated that we are seeing restoration of apartments in the Century House. There would be a parking requirement the same as there would be for the surrounding equivalent zoning. Zimmer clarified that this amendment removes only the special condition and not the underlying zoning requirements.

There was no testimony in opposition .

ACTION BY PLANNING COMMISSION:

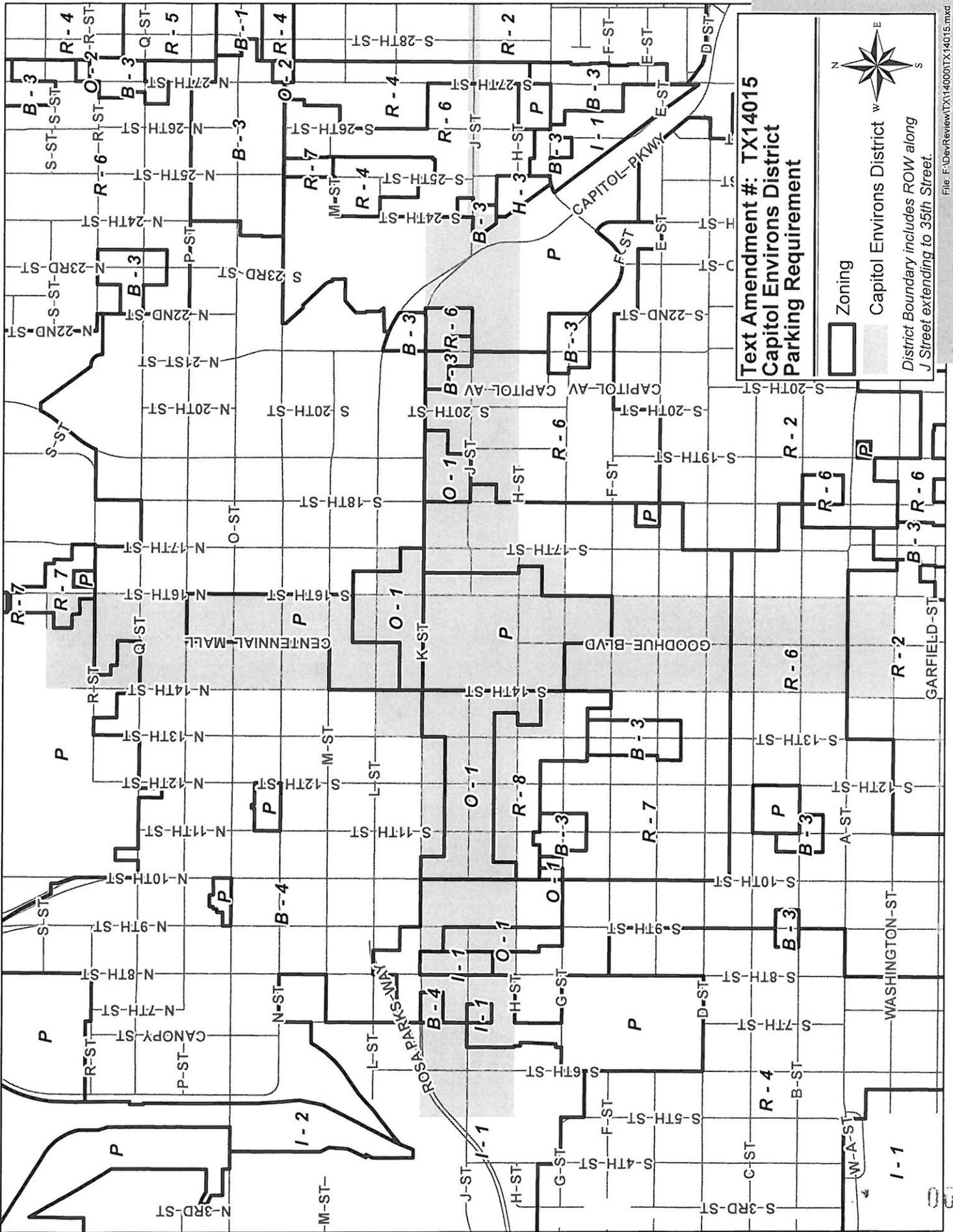
November 12, 2014

Beecham moved approval, seconded by Corr.

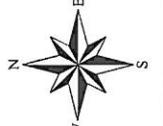
Harris commented that having lived downtown, she is very familiar with the parking situation. To some extent she can understand why this was put into place, and at the time, it was probably as an incentive for downtown living. Now there is a different kind of urban living situation with walkability, high density, and high number of services nearby. She believes this is appropriate but she also supports the discussion in the minutes from the NCEC. There is a need to look at a parking lot or some increased parking at the Capitol.

Beecham agreed about the need for more parking around the Capitol. She likes this idea because it could encourage some more housing stock in this area. This area could really be “a jewel in Lincoln’s crown” and she will support this application.

Motion for approval carried 8-0: Sunderman, Scheer, Cornelius, Corr, Harris, Beecham, Hove and Lust voting ‘yes’; Weber absent. This is a recommendation to the City Council.



Text Amendment #: TX14015
Capitol Environs District
Parking Requirement



Zoning

Capitol Environs District

District Boundary includes ROW along J Street extending to 35th Street.



29 September 2014

Mr. Marvin Krout
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

Re: **Proposed Text Amendment: 27.67.075 Special Conditions; Capitol Environs District.**

Dear Marvin:

Our office is currently working with the property owners of the Century House building, located at 1201 Lincoln Mall, Lincoln, NE. The Century House was built in 1965 and included apartments on floors 2 through 8 with office space on the first floor. The 2nd floor was converted from apartments into office space in the early 1980's. Our current renovation/ design project intends to convert the 2nd floor back into apartments similar to the original plan. Our goal is to submit for building permit in early December or this year.

The building is located in the O-1 district and falls within the capitol environs. The current ordinance language in chapter 27 will likely not allow our project to achieve a building permit. The ordinance language is included below for reference.

27.67.075 Special Conditions; Capitol Environs District.

In the Capitol Environs District, two parking spaces per dwelling unit are required; however, upon application, the City Council may reduce the parking requirement to no less than one parking space per dwelling unit when the application includes information justifying the reduction. (Ord. 16958 4; March 25, 1996).

Our analysis shows that converting 2nd floor from office space (7,500 gross square feet @ 1,200 sf/ stall= 6.25 stalls rounded up to 7) to 14 apartments (requires 28 added parking stalls per 27.67.075) could require the owner to "add" 21 parking stalls to the existing site. The difficult task lies in determining how to define adding parking stalls. Note: the current building has 77 apartments on floors 3 through 8 with 50 parking stalls located on the property and 46 stalls leased on adjacent property.

On behalf of Century Building, LLC I am submitting a proposed text amendment to chapter 27 that could assist our project as well as anticipated future residential projects located in the south Haymarket district that also fall within the capitol environs.

Proposed Text Amendment

~~27.67.075 Special Conditions; Capitol Environs District.~~

~~In the Capitol Environs District, two parking spaces per dwelling unit are required; however, upon application, the City Council may reduce the parking requirement to no less than one parking space per dwelling unit when the application includes information justifying the reduction. (Ord. 16958 4; March 25, 1996).~~

Text Amendment Description: Strike 27.67.075 Special Conditions and allow the parking to be determined by the underlying zoning district. In this case, the current parking matrix for the O-1 district requires 0.5 parking spaces per dwelling unit (the 14 converted apartments would require 7 stalls to balance with the 7 stalls required for office space, our project would require a net gain of 0 new parking stalls).

Please don't hesitate to contact me if you have any questions or comments about the proposed text amendment.

Sincerely,

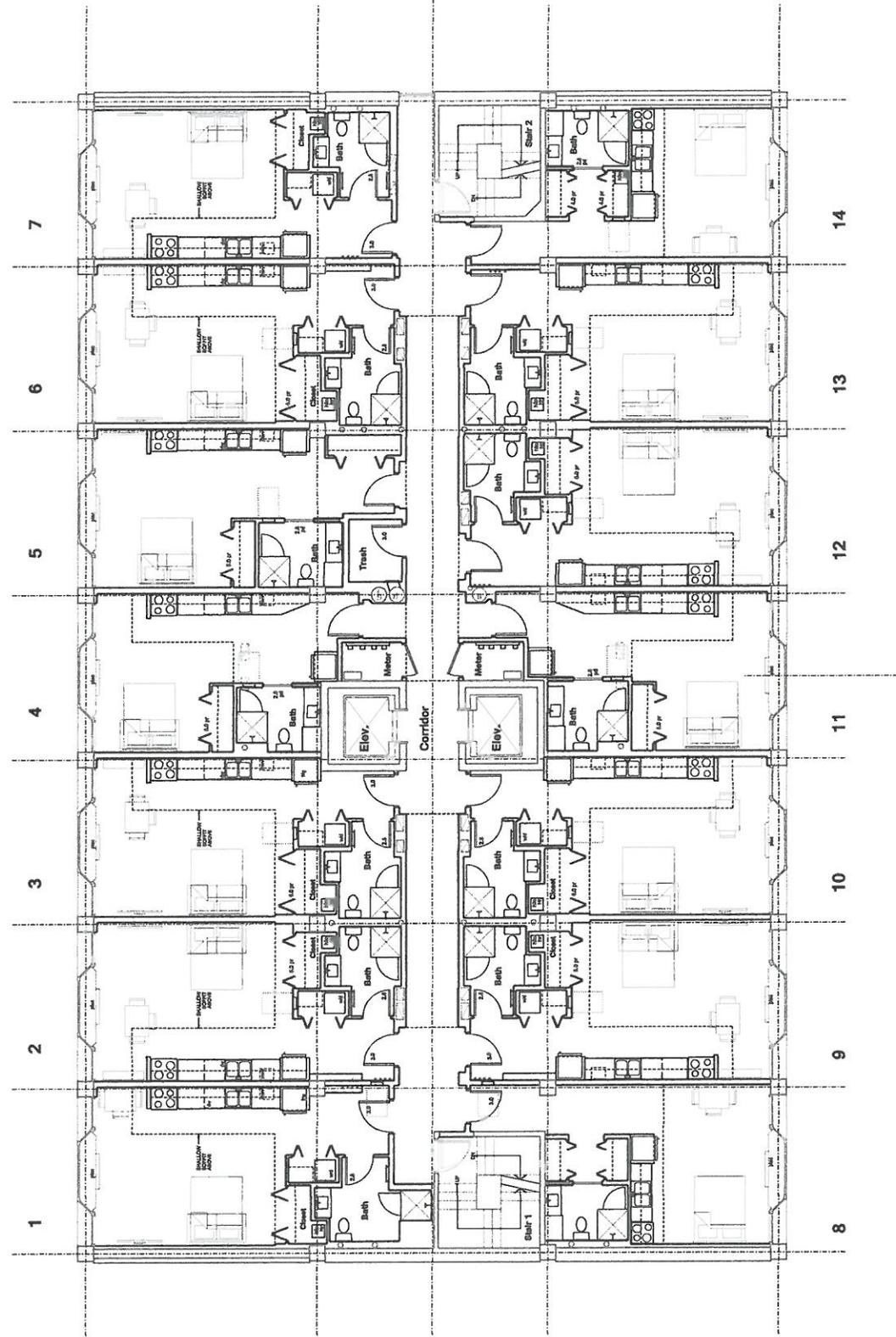
PEACE STUDIO ARCHITECTS



Gill Peace, NCARB
Architect, Owner

PSA Project #: 14019.chr

Enclosures: City App Form
Application Fee of \$330.00



Second Floor Plan
1/8" = 1'-0"
0 1 2 3 4 5 6

**Excerpt from
MEETING RECORD**

NAME OF GROUP: NEBRASKA CAPITOL ENVIRONS COMMISSION

DATE, TIME AND PLACE OF MEETING: Thursday, October 23, 2014, 8:00 a.m.
Conference Room 214, 2nd Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Christie Dionisopoulos, John Kay, Tom Laging, Karen Nalow, Jeff Searcy, Cecil Steward and Jon Weinberg. Ed Zimmer, Stacey Groshong-Hageman and Teresa McKinstry of the Planning Department; J.J. Yost of Parks and Recreation; Robert Ripley and Matt Hansen from the Office of the Capitol Commission.

STATED PURPOSE OF MEETING: Regular Nebraska Capitol Environs Commission Meeting

TEXT AMENDMENT TO ZONING CODE, DELETING SECTIONS 27.67.075 REGARDING RESIDENTIAL PARKING IN CAPITOL ENVIRONS DISTRICT
PUBLIC HEARING: **October 23, 2014**

Members present: Dionisopoulos, Kay, Laging, Nalow, Searcy, Steward and Weinberg.

Ed Zimmer stated that this application originated from Gill Peace on behalf of the owners of Century House on Lincoln Mall. The 2nd floor was originally apartments. They are converting it back from office space to apartments. Changes in the parking standards in 1996 have increased required parking for all residences in the Capitol Environs to two stalls per dwelling unit, regardless of the underlying zoning. This is higher than the standards of the underlying zoning districts. The code also says that the City Council can reduce parking to one per resident. There were originally 14 studio apartments on the second floor of Century House. The standards today would require 28 additional stalls in the Capitol Environs District, regardless of the underlying O-1 zoning which would require .5 stalls per dwelling unit. Those seven stalls are currently available. They cannot obtain an additional 28 parking stalls.

As staff looked at this, it seemed proper to encourage residences in the built part of the City. It seemed logical rather than adjusting something in the 0-1 standards, to let the underlying zoning govern the parking as it does in other districts. As he looked back at the 1996 discussion, mention was made that Capitol Environs was special as a justification for the waiver from two stalls to one stall. There was no discussion of why this was taken to two stalls per dwelling. It didn't seem to be logical. Striking it seems not only the simplest, but the fairest to the underlying property.

Ripley questioned that Zimmer found no serious justification to quadruple the parking for this district? Zimmer did not find any discussion of why it was increased to the level that it was.

Steward was wondering if it would be fair to assume the Capitol District was called out to try and protect and limit the on-street parking. Zimmer believes that was the overall purpose of the 1996 changes. What it did was decrease permitted residential density by increasing parking requirements. In B-4 (Lincoln Center Business District) particularly, it is harder to justify and not explained at all in the record of the 1996 actions. He is not sure it has been applied anywhere.

Searcy wondered what impact this would have for future development in the South Haymarket. Zimmer responded this would be a steep hill to climb with two stalls per unit, particularly for the row house concept on J Street.

Dionisopoulos stated that the reality is that everyone seems to have a vehicle. She questioned that the other options would be. Zimmer replied that we face something similar with Tifereth House. There are 11 stalls in the old synagogue. Many of their residents had bicycles and no cars. They were in a part of the B-4 which required parking. The owner asked if parking could be adjusted with the special permit. His argument was if he needed to get a parking stall to get a tenant, he could obtain one. In these settings if the tenant is not satisfied with the parking arrangement, they won't rent there. He thinks it is the location as much as the requirement.

Ripley wanted to hear Zimmer's perspective on what downside there is, other than pushing more parking on the street, if the current parking standards are revised and parking goes back to underlying zoning. It is that way everywhere else. Zimmer struggles on this one a bit. He knows when there is a provision like this that only applies in a limited area, he believes it gets missed. A circumstance unlike the others, it is not surprising that it is accidentally overlooked. The anomalies are the ones that get unevenly applied. Ripley stated that it seems to him to be a real complicating matter. It would be a disservice for someone trying to develop the area with residences. We don't want Capitol Environs to turn into a parking lot either.

Weinberg hardly ever sees two to one parking in an apartment. He believes a one bedroom doesn't need two stalls, and many times, a three bedroom apartment has one car. This standard doesn't seem to make sense. Two to one in South Haymarket will force them to make larger parking decks. Ripley agreed. This is a dis-incentive.

Searcy questioned if this affects Goodhue. Zimmer replied that Goodhue is mostly R-6 and R-7 zoning. There is a bit of R-8 zoning which is the densest district. O-1 is the zoning of most of Lincoln Mall. As you get into the extended west part of the environs, it is mostly Public Building Commission land and I-1 Industrial. Eventually if there was redevelopment there, it would be a private zoning district. To the east over to Lincoln High is a mix of O-1 and R-6 zoning. There is a spot of B-3 at the Laundromat. The

district is a grab bag of zoning districts. But all those districts are much broader and the zoning extends to either side of the Environs.

Laging asked if this commission has the capacity to do incentives in terms of zoning, and adjust the underlying zone. Zimmer replied that the basic Capitol Environs District is an overlay. There are no incentives. For historic landmarks, there is a special permit option. Someone has to come in and make a case that their proposal is not harmful to the landmark or its neighbors. Tifereth House is a landmark special permit. He believes there are buildings that probably couldn't be used otherwise. Conceivably, the Environs District could have the same provision. It would be an interesting one to describe.

Dionisopoulos believes the concern is about excess vehicles that would be parked on the street. What about hourly parking? Sadly, we keep bringing this up. When you visit the Capitol, where do you park? Ripley keeps asking that same question. Zimmer bikes through the area every day. Clearly there is heavy utilization of daytime on-street parking. You don't develop a new project based on on-street parking. It would not work.

Steward is curious what it looks like in the evening. Zimmer has seen that the parking is a little looser, but it is a densely populated neighborhood. There are a lot of bikes and pedestrians, so there is that opportunity. Skypark has interior parking. He doesn't think this proposed amendment creates more problems than it solves.

Dionisopoulos understands that this would adding cars on the street if you make this change. Zimmer does not see that happening in the case of the Century House.

Steward sees both sides. He drives twice a day from Capitol Parkway to D Street. It is a total residential environment. There is parking on both sides of the street. The driver is forced to drive 20-25 miles an hour. That is a good thing. Let's think about the social views.

ACTION:

Weinberg moved approval of amending Section 27.67.075, deleting the two parking spaces per dwelling unit in the Capitol Environs District and going back to underlying zoning, seconded by Nalow.

Dionisopoulos would like to recommend the State build a parking lot or garage.

Ripley has long wanted to see a parking structure operating the same way the garage does for the County-City building. He is frustrated on behalf of the people who try to visit the Capitol and have nowhere to park.

Dionisopoulos sees that some great concerns have come up. She does not want to see lack of parking limit development.

Ripley is considering sending a letter to the Director of Administrative Services.

Steward believes we would be better served if it was more deliberate. If we would work with State and local staff, we would begin to get a broader picture of parking.

Laging believes this could be corrected with action on this application.

Weinberg remembers a parking study that was just completed that he believes includes the south Environs. It recommended two new garages in the downtown area. Zimmer will try to find more information on this study and report back.

Motion for approval carried 7-0: Dionisopoulos, Kay, Laging, Nalow, Searcy, Steward and Weinberg voting 'yes'.

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