

**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**

**for January 26, 2006 CAPITOL ENVIRONS COMMISSION MEETING**

**PROJECT #:** Change of Zone #05082

**PROPOSAL:** Change from R-6 Residential District to B-3 Commercial District

**LOCATION:** 21<sup>st</sup> and “K” Street, southwest corner

**LAND AREA:** 63,980 square feet, or 1.47 acres, more or less.

**CONCLUSION:** The proposed use of this property does not conform to the land use designations contained in either the Downtown Master Plan or the Antelope Valley Redevelopment Plan. Moreover, the Public Works Department will limit access to this development to the alley off of 21<sup>st</sup> Street, further limiting the potential for commercial use of this property.

<b>RECOMMENDATION:</b>	Denial
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**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lots 1-9, Block 3, McMurtry’s Addition, located in the N1/2 of Section 25 T10N R6E, Lancaster County, Nebraska.

**EXISTING LAND USE AND ZONING:**

Single-family dwelling, vacant R-6 Residential

**SURROUNDING LAND USE AND ZONING:**

North:	Commercial	R-6 Residential
South:	Multiple-family residential	R-6 Residential
	Commercial	B-3 Commercial
East:	LPS parking lot	R-6 Residential
West:	Multiple-family residential	R-6 Residential

**HISTORY:**

Sep 2005 Downtown Master Plan adopted.

Nov 2004 Antelope Valley Redevelopment Plan adopted.

May 1979 This property was changed from D Multiple Dwelling to R-6 Residential.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Land Use Plan Identifies this property as Urban Residential. (F 25)

Downtown Lincoln continues to serve its role as the central location for commerce, government, entertainment and the arts. Views to the State Capitol have been preserved, as they have in the past, as part of our community form. (F 16)

Preserve and enhance entryway corridors into Lincoln and Capitol View Corridors. (F 19)

**Commercial:** Areas of retail, office and service uses. Commercial uses may vary widely in their intensity of use and impact, varying from low intensity offices, to warehouses, to more intensive uses such as gas stations, restaurants, grocery stores or automobile repair. Each area designated as commercial in the land use plan may not be appropriate for every commercial zoning district. The appropriateness of a commercial district for a particular piece of property will depend on a review of all the elements of the Comprehensive Plan. (F 25)

The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use is often gradual. The Comprehensive Plan also encourages the integration of compatible land uses, rather than a strict segregation of different land uses. (F 27)

Commercial and industrial districts in Lancaster County shall be located so that they enhance entryways or public way corridors, when developing adjacent to these corridors. (F 38)

Support development and implementation of the Antelope Valley project which is to provide neighborhood revitalization, transportation and transit opportunities and stormwater improvements on the east side of Downtown, the UNL campus and surrounding neighborhoods. As the Antelope Valley project progresses, ensure that new development is compatible with the existing Downtown and is pedestrian oriented. Development in the existing and expanded Downtown will maintain the urban environment, including a mix of land uses and residential types. Higher density development with parking areas at the rear of buildings or on upper floors of multi-use parking structures is encouraged. (F 48, 49)

**DOWNTOWN MASTER PLAN SPECIFICATIONS:** The Downtown Master Plan shows the requested area as Low Rise Office. (20)

**Employment Framework:** The Employment Framework provides new office development sites with floor plate sizes and configurations to attract “Class A” tenants. (35, 36)

**Expands Capitol Environs:** Strengthens and adds to existing government-related employment uses near the Lincoln Mall and Centennial Mall corridors.

**K and L Streets:** Provides for expansion of financial and other office uses along this corridor.

**Downtown/Antelope Valley Framework:**

A healthy downtown supports and is supported by its surrounding neighborhoods. At its eastern edge, Downtown Lincoln abuts the Antelope Valley area, and this junction is of crucial importance to both of these essential parts of Lincoln. (37)

## **DOWNTOWN MASTER PLAN DESIGN GUIDELINES (*DRAFT*) SPECIFICATIONS:**

Guidelines give developers and citizens an understanding of the city’s expectations and provide consistent criteria by which to review proposed projects. They 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. (2)

### ***Character Guidelines:***

**Intent:** The Character Guidelines address the qualities that give Lincoln its uniqueness and personality. They consider what makes downtown a special, distinct “place,” not simply a group of individual buildings and streets. (4)

**Architectural Compatibility Guideline:** New buildings should be “good neighbors” and contribute to the quality and character of their architectural context. (8)

**Description:** Buildings should “fit” with their architectural surroundings – relating to nearby buildings rather than calling attention to themselves through disruptive design excesses or novel variations. Material, color, texture, scale, form, silhouette, height, rhythm and proportion all influence a structure’s compatibility with its surroundings. Architectural elements should enhance not detract from the area’s overall character.

**Appropriate:** Traditional architectural elements (for example, classical cornice) used at a scale and level of detailing proportionate to the size of the building. Forms, proportions, rhythms, materials, colors and architectural motifs that are suggested by and complement adjacent buildings.

**Inappropriate:** Out-of-scale, over-simplified, cartoon-like cornices or other traditional architectural elements applied without regard to size or use of the element. Building elements that do not respect the scale, materials, proportions and heights of adjacent historic or significantly high-quality buildings.

### ***Architecture Guidelines:***

**Intent:** The Architectural Guidelines promote quality development while reinforcing the individuality, spirit and values of Lincoln. They foster design of buildings and sites that is representative of Lincoln’s heritage and character, and suits its climate, landscape and downtown street grid. (18)

**Use Quality Wall Material Guideline:** Use materials that create a sense of permanence. (24)

**Description:** Quality wall materials can provide a sense of permanence and bring life and warmth to downtown. Articulation of wall materials should be bold, using materials that show depth, quality and durability. It should be apparent that the materials have substance and mass, and are not artificial, thin “stage sets” applied only to the building’s surface.

**Appropriate:** Boldly articulated window and storefront trim. Natural or subdued building colors. Limited use of bright accent trim colors. Varied yet compatible cladding materials. Masonry materials – brick and stone or terra cotta.

**Create Attractive Building Silhouettes and Roof Lines Guideline:** Create interesting and detailed roof lines and silhouettes. (25)

**Description:** Building roof lines should enliven the pedestrian experience and provide visual interest with details that create forms and shadows. A building’s silhouette should be compatible with those

of other buildings along the existing streetscape. In some cases, it may be appropriate to mark an entryway with a distinct form, such as a tower, to emphasize the significance of the building entry.

**Appropriate:** Dormer windows. Towers or similar vertical architectural expressions of important building functions such as entries. Varied roof line heights. If cornices are used they should be well detailed. They should have significant proportions (height and depth) that create visual interest and shadow lines.

**Inappropriate:** Unarticulated roof lines. Poorly detailed decorative roof forms.

**Lighting Guidelines:**

**Intent:** The lighting of buildings and open spaces should not only provide security, but also contribute to the overall sense that the downtown is active and vital all hours of the day. Lighting should be designed not simply to be utilitarian but to create a pleasant, welcoming atmosphere that does not contribute to “light pollution.” Use of glaring, offensively colored lights should be discouraged. Fixtures should be visually “quiet” – they should not overpower or dominate the streetscape. (32)

**Orient Lighting to the Pedestrian Guideline:** Lighting should be used to highlight sidewalks, street trees and other features, and harmonize with other visual elements in the greater downtown. (33)

**Description:** Street lighting should be provided on all public streets, sidewalks, pedestrian walkways and public open spaces. Lights may also be used to highlight trees and similar features within public and private plazas, courtyards, walkways and other similar outdoor areas at night to create an inviting and safe ambiance.

**Appropriate:** Street lights of historical design. Pole standards black or dark green in color. Standards accommodating banners and hanging flower pots (potentially including automatic drip irrigation for pots). Footlighting that illuminates walkways and stairs. Fixtures concealed and integrated into the design of buildings or landscape walls and stairways. Bollard lighting that is directed downward toward walking surfaces. Seasonal string lights on buildings and trees.

**Inappropriate:** Flashing or colored lights. Exposed cords, outlets or other electrical devices that may provide safety hazards and are unsightly. Contemporary fixtures or over scaled, utilitarian fixtures such as “cobrahead” lights. Concrete light fixture bases taller than eight inches. Ornamental or contemporary light fixtures. Low pressure sodium lamps.

**Integrate Building Lighting Guideline:** Exterior lighting of buildings should be an integral component of the facade composition. (34)

**Description:** Architectural lighting may be used to articulate the particular building design. Lighting of cornices, uplighting and other effects may be used. Lighting should not cast glare into residential units or onto adjacent lots or streets in any way that decreases the safety of pedestrians and vehicles. Lights may, however, be used to create effects of shadow, relief and outline that add visual interest and highlight aspects of the building.

**Appropriate:** Wall-washing lighting fixtures. Decorative wall sconce and similar architectural lighting fixtures. Screened uplight fixtures on buildings or integrated with landscape. Lighting that provides natural color.

**Inappropriate:** Neon silhouette accent lighting. Bulb or flashing lighting. Fluorescent tube lighting. Security spotlight. Low pressure sodium lamps.

**Sign Guidelines:**

**Intent:** Signs may provide an address, identify a place of business, locate residential buildings or generally offer directions and information. Regardless of their function, signs should be architecturally compatible with and contribute to the character of the downtown. Signs should be good neighbors – they should not compete with each other or dominate the setting due to inconsistent height, size, shape, number, color, lighting or movement. (35)

**Consider Size and Placement of Wall Signs Guideline:** Signs should be sized and placed so that they are compatible with the building's architectural design. (36)

**Description:** Signs should not overwhelm the building or its special architectural features. Signs should not render the building a mere backdrop for advertising or building identification.

**Appropriate:** Signs should be incorporated into the building architecture as embossing, low relief casting or application to wall surfaces. Signs should be constructed of individual, three-dimensional letters, as opposed to one single box with cutout flat letters. Signs may be painted or made with applied metal lettering and graphics. Signs should be durable and long lasting. Signs may incorporate lighting as part of their design. Signs should be located above storefronts, on columns or on walls flanking doorways.

**Inappropriate:** The material, size and shape of signs that overwhelm, contrast greatly or adversely impact the architectural quality of the building. Roof-mounted signs. Backlit signs. LED animated signs. Video signs. Painted window signs.

**ANTELOPE VALLEY REDEVELOPMENT PLAN SPECIFICATIONS:** The Antelope Valley Redevelopment Plan identifies this property with a Mixed Use designation. (55)

**Future Land Uses:**

**East Downtown** is defined by the waterway, the one-way pairs of "K" and "L" Streets, 17th Street and the UNL Campus edge. The area has a variety of architecture, building usage, streetscape definitions and site density. It is intended to be marked by mixed-use, streetscape oriented infill development revitalizing underdeveloped land, renovating key existing structures, and capitalizing on parking and open space. 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. (53)

**MU - Mixed-Use:** The Mixed Use (MU) area east of traditional downtown is intended to accommodate a wide variety of land uses compatible with adjacent residential areas and supportive of downtown as the community's center. (58)

The area along "K" and "L" Streets between S. 17<sup>th</sup> and S. 22nd Streets is a key entry corridor to and from downtown. In this area the mix of uses 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. (58, 59)

**Zoning Concepts:**

The B-4 zone is the zone of Traditional Downtown. It allows virtually any land use, at high intensity and density. East Downtown should not have regulations that are the same for Traditional Downtown. (68)

**Urban Design Principles:**

**Urban Design** - Development should avoid a suburban style and instead be pedestrian oriented and varied with strong streetscapes reinforced by quality buildings. 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. (69)

**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. (69)

**Character of Place** - Buildings should be designed to be compatible, in form and proportion, with the neighboring buildings and should include a variety of forms, materials and colors, yet these elements should be composed to maintain a complementary appearance. (69)

**Quality of Place** - Buildings should include a richness of architectural detail to help define their scale and extend to the sidewalk in front of the property for pedestrian access and visual rhythm and interest. (69)

**Physical Connectivity** - Physical integration and connectivity should be a prominent force guiding all transportation decisions to promote development that is integrated and connected with its surrounding environment and community. This facilitates ease of access, economy of movement and improved social interaction. (69)

**TRAFFIC ANALYSIS:** The Comprehensive Plan identifies “K” Street as a minor arterial and 21<sup>st</sup> Street as a collector, both now and in the future. (49, 103) Access to the site is a concern, and Public Works will limit access to the alley off of 21<sup>st</sup> Street.

**AESTHETIC CONSIDERATIONS:** This project falls within the boundaries of the Downtown Master Plan and Antelope Valley Redevelopment Plan, both of which address aesthetic. This location is part of an important gateway corridor for Downtown and the State Capitol building, and is included in the Capitol Environs District.

**ALTERNATIVE USES:** This site is anticipated for low-rise office or mixed use development. This site would be appropriate for statewide agency or local government offices, or mixed-use including residential over office.

**ANALYSIS:**

1. This is a request for a change of zoning designation from R-6 Residential to B-3 Commercial. The proposed use of the property is auto body repair.
2. The R-6 district allows residential uses, but not commercial uses. The B-3 district allows many general commercial uses, ranging from office to retail. An auto body repair shop is allowed by conditional use permit in the B-3 district. However, changing the zoning does not necessarily mean the proposed use will materialize;

once the zoning designation is changed, the property can be put to any use allowed in the new district.

3. The proposed uses do not conform to either land use plan contained in the Downtown Master Plan or the Antelope Valley Redevelopment Plan. This property is located in an important entry gateway for Downtown as well as the State Capitol building. The future vision for property in this general area is low-rise office and mixed office/residential use.
4. The Capitol Environs District was created to maintain and enhance the aesthetic quality, historic value, spiritual dignity, and physical dominance of the capitol and its environs by encouraging appropriate private development within the district.
5. When taken together, the adopted plans for the area and the Capitol Environs District regulations strongly favor office/mixed use projects that compliment the importance of this gateway to Downtown and the capitol. A modern, state-of-the-art auto body repair shop does not blend well into an area such as this, which is planned to have a specific type of use.
6. The applicant suggests a conditional zoning agreement could be used to bind the developer to specific design considerations to ensure the development will meet the policy guidelines stated in the Downtown Master Plan and Antelope Valley Redevelopment Plan. However, the City Council has not formalized a process for using this as a development tool, and it would be premature to recommend one without further public discussions and a formalized process.
7. Public Works - Development Services comments:
  - 7.1 The site plan that is attached to this request for a change of zone from R-6 to B-3 raises several questions and Public Works has concerns with the location of the zone change abutting a quite populated residential area to the south of this proposed business zoning.
  - 7.2 The access to this property if approved will have to be from the alley south off of 21st Street. No access from "K" Street will be considered. Public Works assumes that this will be an important issue regarding this proposed change of zone request.
8. Health Department comments:
  - 8.1 The LLCHD has concerns relative to paint odor emissions associated with auto body facilities. Therefore, as a condition of approval, the LLCHD requests the applicant meet with the LLCHD prior to construction of an auto body facility to discuss configuration of the paint booth exhaust system to

ensure that concerns are met relative to Lincoln Municipal Code 8.06 Air Pollution.

- 8.2 In addition, as a condition of approval, the LLCHD request that early childhood care facilities are listed as a restricted use on this parcel of land.

Prepared by:

Greg Czaplewski, 441.7620, gczaplewski@lincoln.ne.gov

**Date:** January 11, 2006

**Applicant:** Sierra Investments LLC  
**and** 2121 "P" Street  
**Owner:** Lincoln, NE 68503

**Contact:** Mark Hunzeker  
Pierson, Fitchett, Hunzeker, Blake, and Katt  
1045 Lincoln Mall, Suite 200  
Lincoln, NE 68508  
476.7621



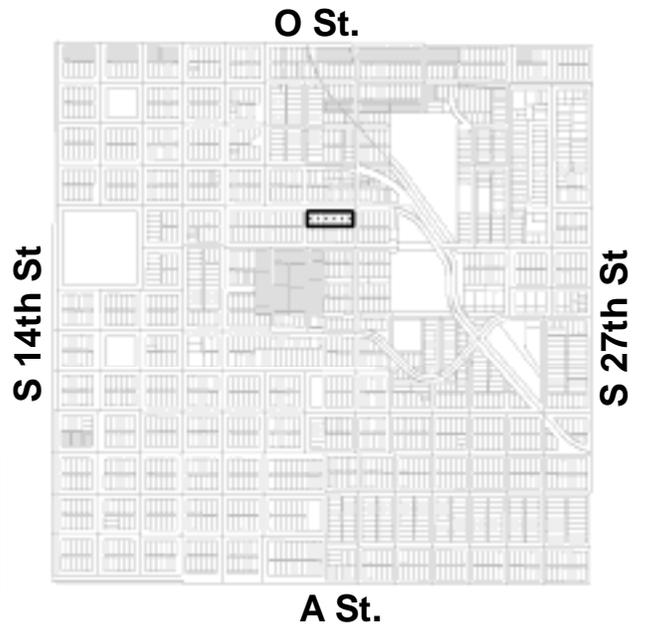
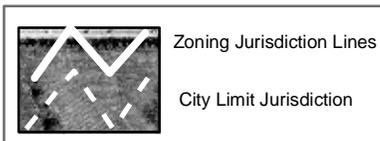
2005 aerial

# Change of Zone #05082 S 21st & K 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





2. *MU - Mixed-Use:* The Mixed Use (MU) area east of traditional downtown is intended to accommodate a wide variety of land uses compatible with adjacent residential areas and supportive of downtown as the community's center. Within this wider area, certain subdistricts should be encouraged through incentives and regulations. Residential uses are encouraged throughout the MU 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"-Haymarket without the history. South of O St. and east of 17th St. there is an opportunity to strengthen housing in proximity to the Capitol and other employment centers.

In the area west of the Antelope Valley Parkway, north of "O" Street and adjacent to the University, office, research, and residential uses are all appropriate in separate structures or Mixed-Use buildings. This land use pattern would allow for the new research and development office opportunities, while providing for unique residential infill to screen parking. This area north of "O" Street is currently out of the floodplain.

The area along "K" and "L" Streets between S. 17th and S. 22nd Streets is a key entry corridor to and from downtown. In this area the mix of uses is

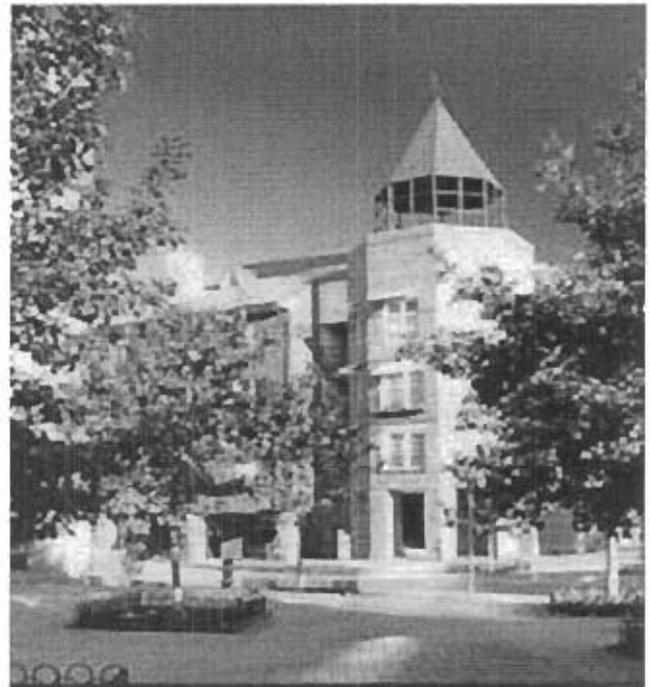


Figure 19 - MUR (Mixed Use Residential)

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.

Another noteworthy Mixed-Use area is along the west side of the waterway south of "O" Street. This land benefits by proximity to open space and the Creek and from the possibility of assembling some larger tracts than in traditional downtown. This area offers opportunities for high-quality office, residential, or mixed-use development.

The Mixed-Use designation along "O" Street is intended to provide an attractive entry corridor to and from downtown as well as a central neighborhood amenity within the Antelope Valley Area. Due to the amount of traffic within the corridor, auto oriented land uses are predominant and will likely continue. Public streetscape improvements can upgrade the appearance of the area and should be matched by higher design standards for private improvements, including building materials, locations, and landscaping. Emphasis should be given to maintain an attractive "edge" to the corridor of building and/or landscaping. Residential projects that front on P, N, or the north-south streets should be encouraged. Non-auto-oriented retailing more appropriate to the heart of downtown should not be encouraged.

Along P and N Streets there should be a greater emphasis on public and private improvements to foster a lively pedestrian environment and to provide an appropriate transition to the adjacent residential neighborhoods.



Figure 19 - MU (Mixed Use)

## Land Use Framework

The Land Use Framework designates recommended land uses for downtown Lincoln parcels, identifying a total of some 15 different uses in downtown.

### A Mix of Uses

The framework encourages mixed use development wherever feasible. Mixed use buildings with housing on upper floors support the retail uses on their ground floors, and benefit from nearby transit services.

When parcels contain a vertical mix of uses, the color shown on the Land Use Framework typically indicates the predominant or most important ground floor use, or in some cases, as with parking structures or housing, the predominant use can be the upper

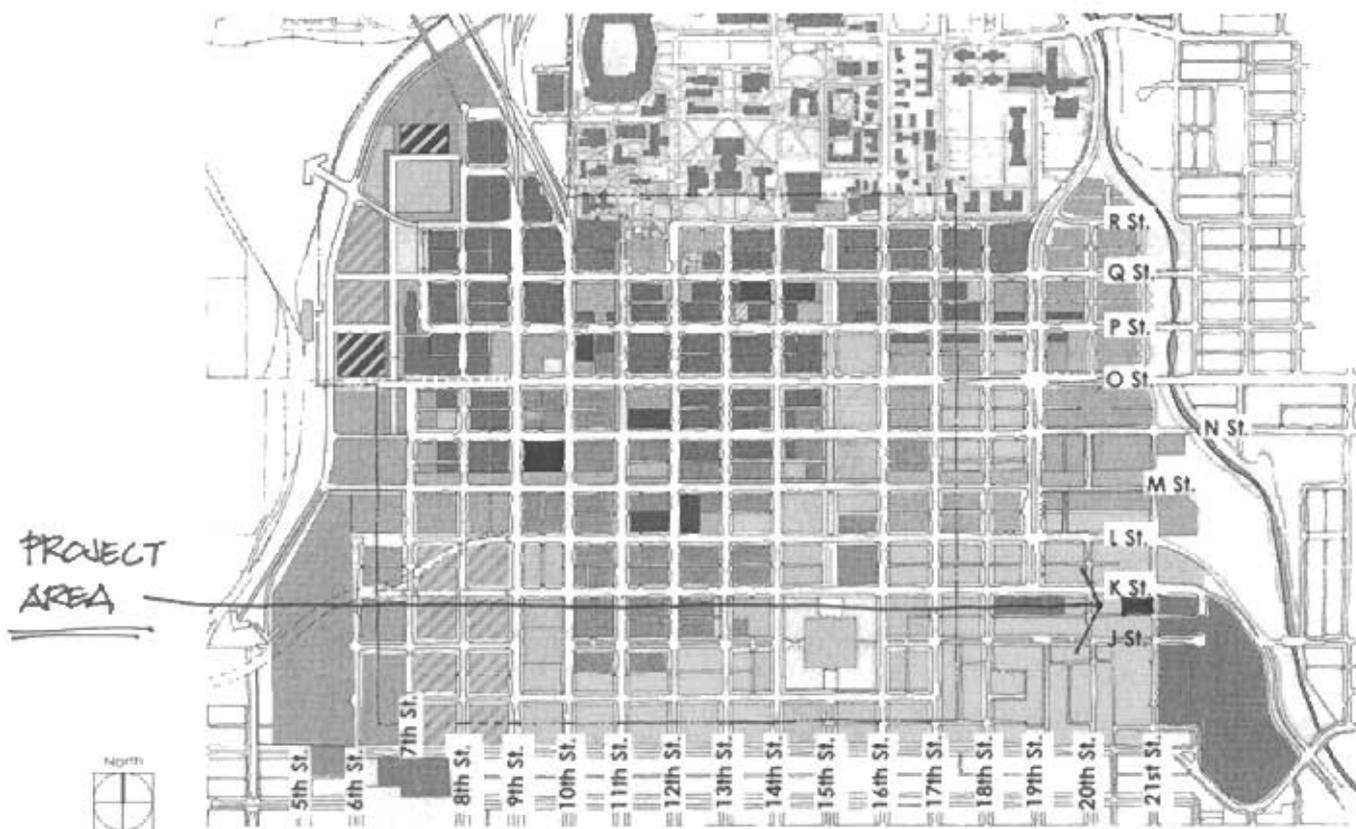
floors which make up the bulk of the building, even when ground floor uses differ.

These land uses are separated into individual frameworks and described in the pages that follow.

### Land Use Framework Key

-  Retail
-  Marketplace
-  Restaurant/Entertainment
-  Office
-  Government
-  Low Rise Office
-  High Density Residential
-  Medium Density Residential
-  Education
-  Arts/Cultural
-  Civic/Convention/Arena/Conference
-  Festival/Event Spaces
-  Civic Square
-  New Parks and Open Space
-  Existing Parks and Open Space
-  Parking Structure

*(Colors indicate predominate land use as described in text above.)*



Land Use Framework

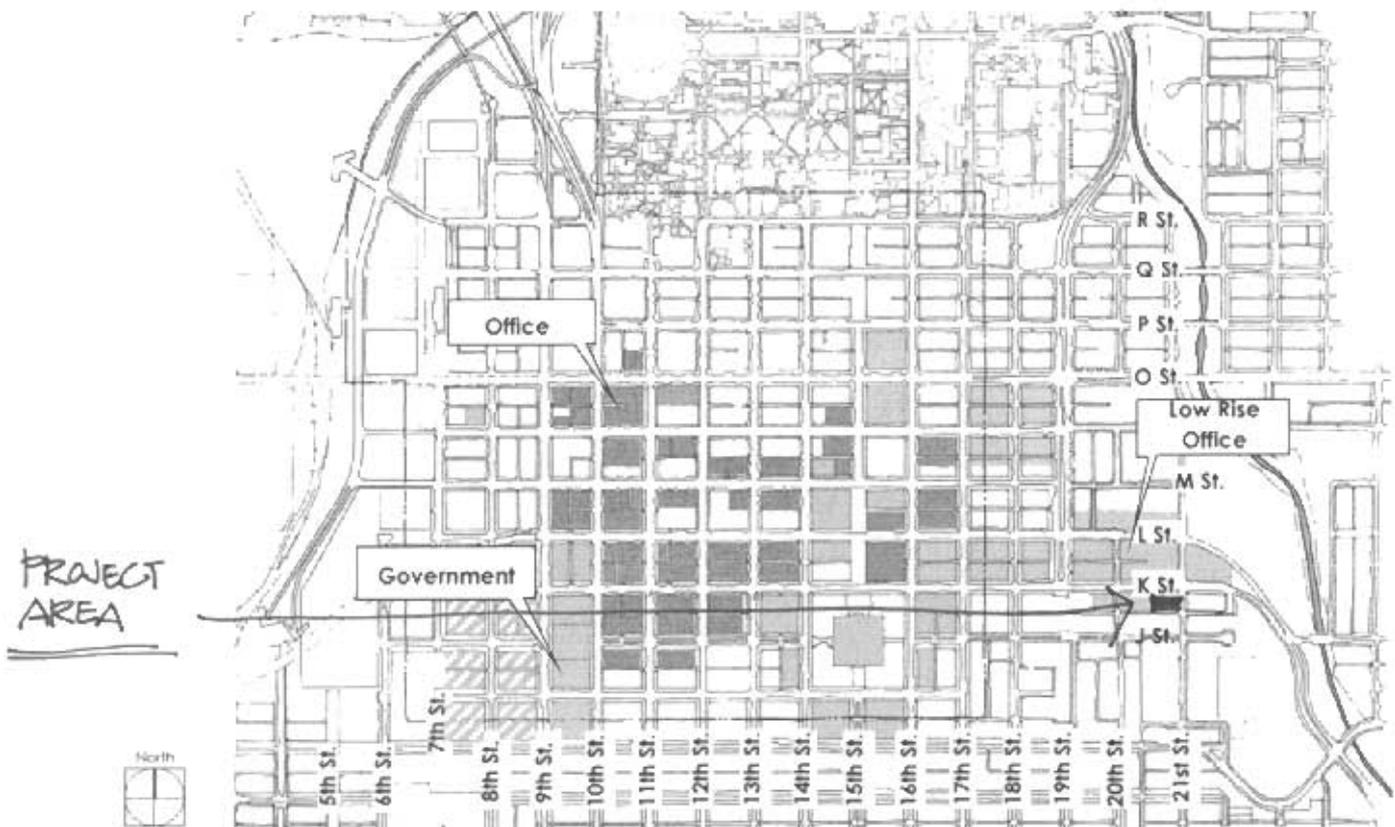
## Employment Framework

The Employment Framework provides new office development sites with floor plate sizes and configurations to attract "Class A" tenants

The framework easily accommodates projected demand for an additional 2.3 million square feet of office space in downtown by 2025, and builds on Lincoln's financial, government, institutional and education-related uses and districts.

The framework provides:

- **Easy walking distance to services** – transit as well as retail and business services within quarter-mile of offices
- **Parking** – sufficient, convenient spaces
- **Nontraditional live-work job opportunities** – within renovated or new mixed-use buildings



Employment Framework

## Downtown/Antelope Valley Framework

A healthy downtown supports and is supported by its surrounding neighborhoods. At its eastern edge, Downtown Lincoln abuts the Antelope Valley area, and this junction is of crucial importance to both of these essential parts of Lincoln.

### Compatible Land Uses

The adopted Antelope Valley redevelopment plan maps the area between 17<sup>th</sup> Street and the new Antelope Creek channel/ park as serving a generalized "Mixed Use," but describes more specific concepts in the text. The Downtown Master Plan incorporates these more specific uses with some further detail.

### Residential Mixed Use

The predominant land use emphasis in the area of Antelope Valley on the east side of downtown should be residential. The area provides great

opportunities for a variety of housing types unique in Lincoln and supportive of both their adjacent residential neighborhoods and of downtown.

The downtown master plan suggests that higher residential densities may occur between R and M Streets.

Along O and P Streets, residences might occupy upper floors above commercial uses at street-level.

A mix of residential and office/research uses are encouraged where Antelope Valley abuts the University's research facilities, especially between 17<sup>th</sup> & 19<sup>th</sup> Streets from O to R Streets.

The "entry corridor" of Capitol Parkway along K and L Streets is appropriate for both residential uses and low-rise office buildings.

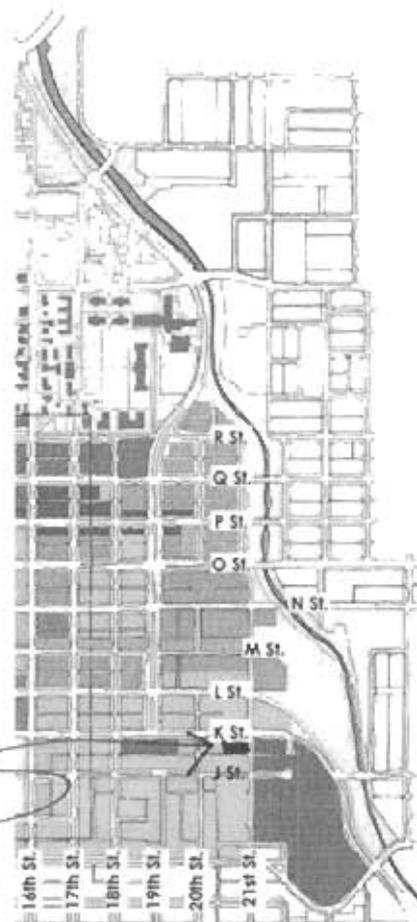
### Parking Opportunities

Both Downtown and Antelope Valley will benefit by continued study and coordinated planning of city, private, and university parking facilities.

#### Legend:

- Retail
- Marketplace
- Restaurant/Entertainment
- Office
- Government
- Low Rise Office
- High Density Residential
- Medium Density Residential
- Education
- Arts/Cultural
- Civic/Convention/Arena/Conference
- Festival/Event Spaces
- Civic Square
- New Parks and Open Space
- Existing Parks and Open Space
- Parking Structure

**PROJECT AREA**



## MEETING RECORD

**NAME OF GROUP:** NEBRASKA CAPITOL ENVIRONS COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Thursday, January 26, 2006, 8:00 a.m., Room 206, County-City Building, 555 South 10<sup>th</sup> Street, Lincoln, Nebraska

**MEMBERS AND OTHERS IN ATTENDANCE:** **Members:** Jim Hewitt, V.J. Nelson, Jeff Searcy and Kim Todd. Karen Kilgarin, Tom Laging and Patrick O'Donnell absent.

**Others:** Mark Hunzeker (Pierson Fitchett Law Firm); Glenn Hillhouse (Glenn's Body Shop); Jon Carlson (Near South Neighborhood Assoc.); Lynn Johnson and Jerry Shorney (Parks and Recreation); Bob Ripley (Capitol Administration); Ed Zimmer and Michele Abendroth (Planning Department).

**STATED PURPOSE OF MEETING:** Regular Meeting of the Nebraska Capitol Environs Commission

Chair Searcy called the meeting to order at 8:02 a.m.

### Approval of meeting notes of November 10, 2005

Hewitt moved approval of the November 10, 2005 meeting notes, seconded by Nelson. Motion carried 4-0. Hewitt, Nelson, Searcy and Todd voting 'yes'; Kilgarin, Laging and O'Donnell absent.

### Recommendation on Change of Zone #05082, 21<sup>st</sup> and K Streets, R-6 to B-3

Mark Hunzeker stated that Glenn Hillhouse has operated an automobile repair facility at 21<sup>st</sup> and P Streets for many years. His business will need to relocate as it is in the path of the Antelope Valley project. The City has purchased the property. Hillhouse has acquired the lots at 21<sup>st</sup> and K Streets from Alltel to relocate his business. They are applying for a change of zone from R-6 to B-3 on this property. The B-3 district provides for a wide range of uses from residential to business. This is a conditional use in the B-3 district. This is a business that has been in downtown for a very long time and would like to stay and re-invest in this area. There are three different plans that show three different uses for this area. They feel the mixed use designation is most sensible for this area. The area surrounding this site is not particularly attractive, and they feel the proposed building will enhance the area. He feels that when the City displaces a business like this, there is some obligation to accommodate its relocation in a manner that is compatible with its surroundings. There is some discussion in the staff report that this is an entryway to downtown. They agree that is true on the L Street side, but they are on the exit side of downtown and on the fringe of the downtown. They feel this use is a good one in downtown, particularly on the edge of downtown.

Hillhouse then provided a drawing of the proposed building. He stated that the building is quite beautiful. One of the biggest problems with auto repair shops is the appearance of overhead doors. He has limited the amount of doors on the K Street side. The incoming and exiting of the vehicles will be to the rear in the alley. They will not be backing out onto K Street at all. The building is a single-story stucco building with sufficient landscaping. He feels it would enhance the area.

Hunzeker noted that the purpose of today's meeting is for the change of zone, and if they are successful with that, they will come back at a later date for comments on the building design.

Nelson asked about the noise concern. Hillhouse commented that because of the way cars are

manufactured today and the costs of repair versus replacement, noise issues are not a concern. Hunzeker added that there are stringent standards to uphold in the noise ordinance.

Todd asked if the building uses the entire site. Hunzeker stated that the building takes about half the site, and the other half will be developed in the future for uses consistent with the zoning district.

Zimmer stated that the Commission's responsibility on this is making an advisory comment to the Planning Commission and City Council.

Ripley stated he is always concerned when good businesses are displaced, but he has a concern with this particular location. He also has a concern with the proximity to Lincoln High School. His concern for this proposal is not a rejection of keeping businesses in downtown.

Hunzeker reiterated that this proposed use is a definite improvement of the appearance of this area.

Searcy commended Hillhouse on the aesthetic appearance of the building. He then asked about the process. Zimmer stated that the change of zone will go to Planning Commission and then City Council. If this is approved, the design standards and site layout would come to the Capitol Environs Commission for a Certificate of Appropriateness.

Searcy also noted that he would be interested in knowing the plans for the other half of the area.

Ripley cautioned the Commission members to keep in mind that this will set a precedent, and we need to keep a clear focus on what we want ultimately. He feels Planning's recommendation is correct and consistent with past recommendations of the Commission and long-range planning.

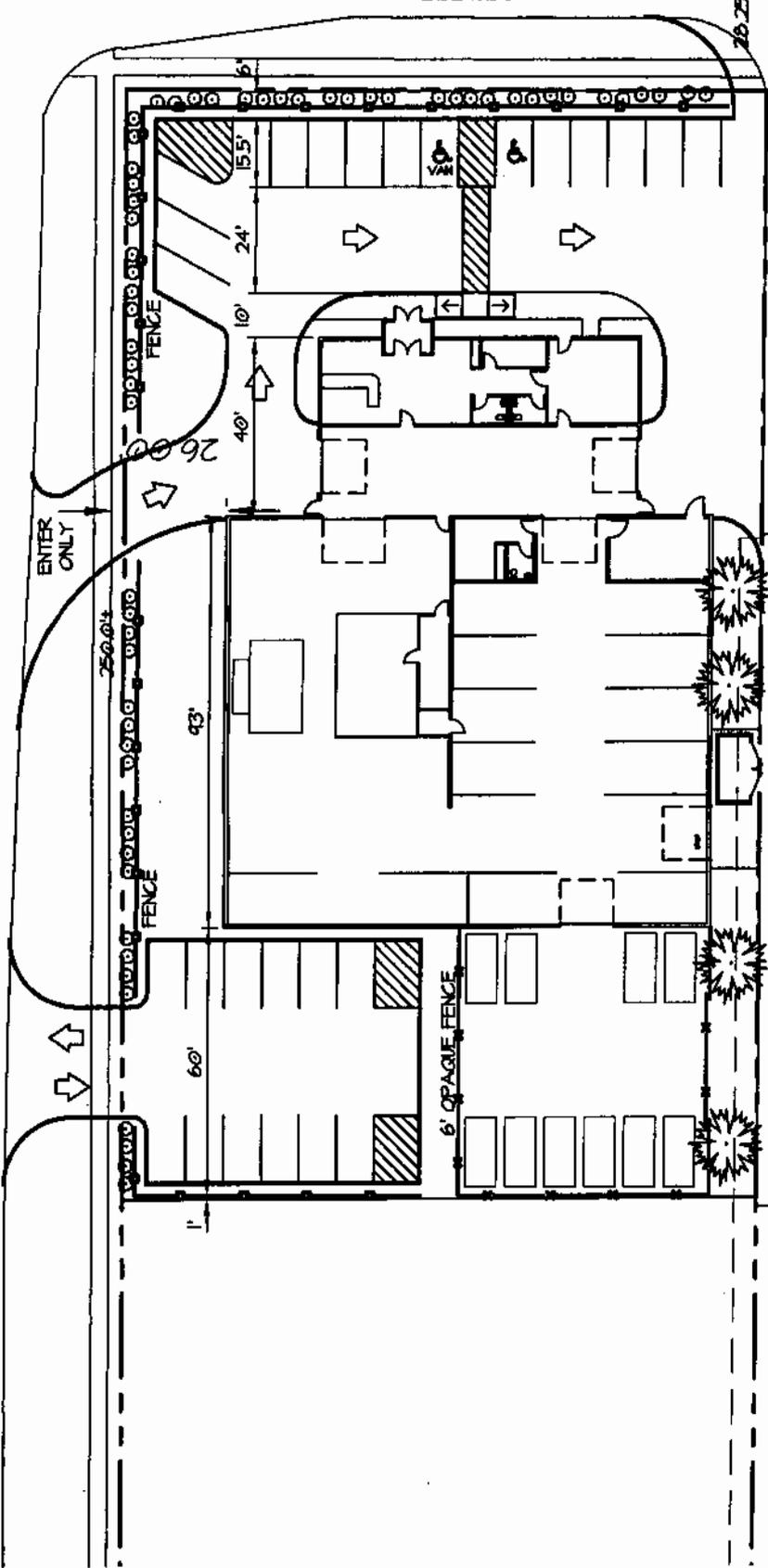
Searcy asked about the timeline of the relocation process. Hillhouse stated that his lease with the City is up April 1<sup>st</sup>. He noted that he has made offers or checked into many other locations, but has been unsuccessful in obtaining another property due to various reasons. So the urgency is past critical.

Todd asked if there is another zoning district between R-6 and B-3 that would accommodate this. Zimmer stated that it would be worth exploring this option. However, this change of zone will go to Planning Commission prior to the next Capitol Environ Commission's next meeting. He suggested that the Commission make some type of recommendation to the Planning Commission.

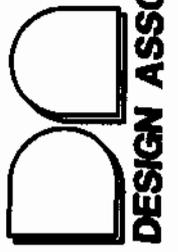
Hewitt commented that the Commission's responsibility is to evaluate this proposal's impact on the Capitol.

Hewitt moved to recommend the change of zone from R-6 to B-3 for the east half of the property and to explore other more restrictive districts that would allow this use, seconded by Nelson. Motion carried 4-0. Hewitt, Nelson, Searcy and Todd voting 'yes'; Kilgarin, Laging and O'Donnell absent.

K STREET



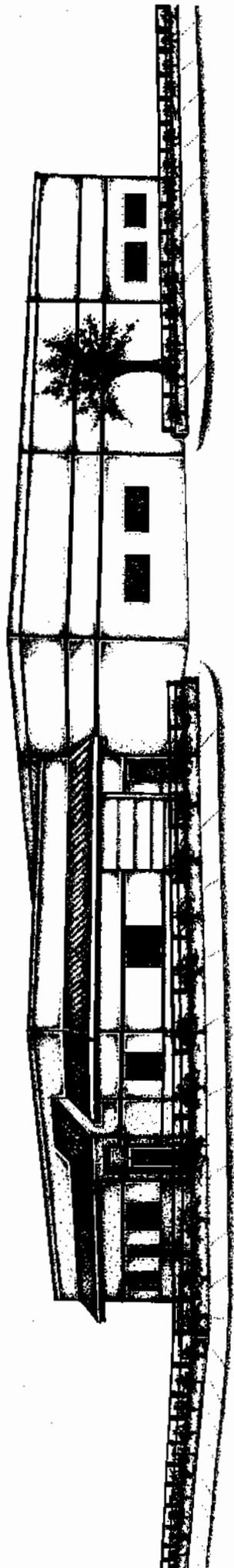
PERSHING SQUARE  
 1609 "N" STREET  
 LINCOLN NEBRASKA 68508  
 voice: 402/474-3000  
 fax: 402/474-4045  
 desasoc@linnebraska.com



**HILLHOUSE**  
 SCALE 1" = 40'

RECEIVE  
 DEC 8 2005  
 RECEIVING DEPARTMENT

8 005  
1966 Ultra



K STREET

2155 ST

**Pierson|Fitchett**  
LAW FIRM

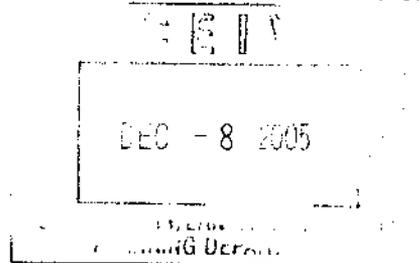
1045 Lincoln Mall  
Suite 200  
P.O. Box 95109  
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(402) 476-7621  
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Thomas J. Fitchett  
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Randy R. Ewing  
Shanna L. Cole  
Jason L. Scott

December 8, 2005

Gary L. Aksamit  
of Counsel

Marvin Krout  
Director of Planning  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68508



Re: Change of Zone from R-6 to B-3  
(South side of K Street, 20<sup>th</sup> to 21<sup>st</sup>)

Dear Marvin:

Enclosed herewith is a Change of Zone application from R-6 to B-3 for property along the south side of "K" Street between 20<sup>th</sup> and 21<sup>st</sup>. The application is made on behalf of Sierra Investments, LLC (Glenn Hillhouse).

As you may know, Mr. Hillhouse has operated an auto body repair business, Glenn's CarStar Body Shop, at 2121 "P" Street for many years. His property has been condemned by the City of Lincoln because it lies within the proposed channel of the Antelope Valley project. He is still operating his business on the property, but has been told that the City would like for him to move as soon as possible.

To that end, Mr. Hillhouse has attempted to purchase two other sites for his business, but was rebuffed by the City due to the City's plans for Antelope Valley redevelopment. Mr. Hillhouse approached the City about the Williamson Oldsmobile building, but was told that rather than permit a business such as his to locate there, the intent was for that building to be torn down and redeveloped as office space. The Williamson Honda building and attached auto body repair facility was refused for similar reasons.

Mr. Hillhouse would like very much to build a first-class facility on the property which is the subject of this change of zone. Enclosed is a rendering of the proposed building he intends to build. It is all stucco. The facility is designed for easy access, for concealment of all vehicles being held for repair, and for state-of-the-art repair and paint services. The B-3 district allows the use as a conditional use. Mr. Hillhouse is willing to comply not only with the conditions of the ordinance, but would be willing to enter into a conditional zoning agreement.. He is willing to be bound to the design of the building, the site plan, landscape plan and some restriction on uses.

Marvin Krout  
December 8, 2005  
Page 2

Please give me a call if you have any questions. Mr. Hillhouse and I would be pleased to meet with you to discuss this application.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Hunzeker". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mark A. Hunzeker  
For the Firm

MAH:la  
Enclosure

(G:\WPData\MH\Hillhouse 5312.002\Krout 12-8-5.wpd)