

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for November 23, 2005 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #05053 – to permit windows on a side lot line of an existing building in a commercial historic district

PROPOSAL: To create windows and vents in the existing Sullivan Building, 311 N. 8th Street, on a side lot line in the Haymarket Landmark District

LOCATION: Generally located on the west side of North 8th Street near Q Street (311 N. 8th Street)

LAND AREA: 4800 square feet, more or less.

CONCLUSION: In conformance with the Comprehensive Plan and Zoning Ordinance.

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

LEGAL DESCRIPTION: Lot 2 of Buck’s Subdivision, Lincoln, Lincoln, Lancaster County, Nebraska, (SE 1/4 Sect 23-T10N-R6E).

EXISTING ZONING: B-4, Lincoln Center Business District.

EXISTING LAND USE: Mixed use—retail and residential.

SURROUNDING LAND USE AND ZONING:

North:	Service, retail and residential	B-4, Lincoln Center Business District
South:	Retail, manufacturing, and office	B-4, Lincoln Center Business District
East:	Retail	B-4, Lincoln Center Business District
West:	Retail and office	B-4, Lincoln Center Business District

HISTORY: Special Permit #1858 (2000) allows apartments to use residential windows on the west side of this building, without the yard otherwise required.

COMPREHENSIVE PLAN SPECIFICATIONS: The downtown area is shown in the Plan as commercial(F-25).

Seek incentives and regulatory support for the rehabilitation of existing buildings in order to make it more feasible to rehabilitate and continue to use older buildings. (F-142)

TRAFFIC ANALYSIS: N. 8th and Q Streets are local streets.

ALTERNATIVE USES: The B-4 Lincoln Center Business District allows a wide range of uses. This building was constructed as a moving and storage warehouse.

ANALYSIS:

1. This is a request for a special permit to permit opening on a side lot line to serve residential units in the upper floors of this building. The building already provides several dwelling units with windows on the east (main facade) and west (rear) sides.

2. This property is a contributing property within the Haymarket Landmark District.

3. Lincoln Municipal Code Section 27.63.405 states, in part:

The Historic Preservation Commission shall have approved a Certificate of Appropriateness before Planning Commission approval.

The Commission has previously discussed the concept of opening windows on the west half of the upper floors of the south elevation of this building and indicated such work would have “no material effect” on the building or the historic district. In accord with LMC 27.63.405, the Commission is scheduled to act on a Certificate of Appropriateness on November 17, 2005, prior to the Planning Commission meeting of November 23, 2005.

4. A letter accompanying the application acknowledges the requirement that construction on the adjacent property that encroaches on the windows allowed by this special permit requires additional protection for the windows if the encroachment is within ten feet and removal of the openings if the encroachment is within five feet.

CONDITIONS:

Site Specific:

1. This approval permits two windows and vent openings in the south wall of the Sullivan Building.

2. Before receiving building permits:

2.1 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the building all development and construction shall have been completed in compliance with the approved plans.
 - 3.2 All privately-owned improvements shall be permanently maintained by the owner.
 - 3.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
4. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Ed Zimmer, ezimmer@lincoln.ne.gov
Historic Preservation Planner

DATE: November 12, 2005

APPLICANT: Research and Development Corporation
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Lincoln, NE 68522
(402)474-2858

OWNER: Research and Development Corporation
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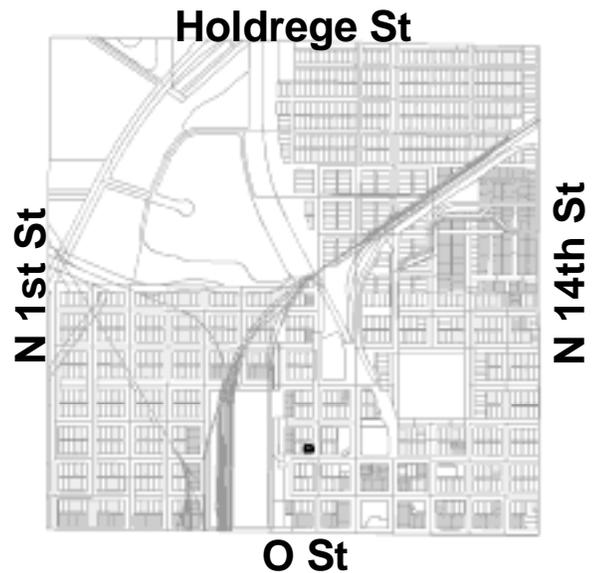
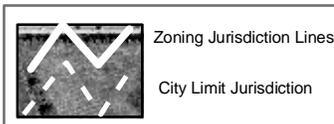
2005 aerial

Special Permit #05053
311 N. 8th St.

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricutural Residential District
- R-C Residential Convension 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. 23 T10N R06E





Research & Development Corp.

October 19, 2005

Planning Department
Lincoln-Lancaster County
555 South 10th Street, Suite 213
Lincoln, NE 68508

RE: Special Permit Application, 311 N. 8th Street, Lincoln, NE

Honorable Planning Commission:

Research & Development Corporation respectfully requests consideration for the addition of two (2) new windows, two (2) HVAC thru-wall unit vents (under window), and two (2) bathroom exhaust vents (4" round hole) on the South side lot line for the completion of two (2) new Studio apartments at the property described above. See the attached Site Plan and Photo rendering of the new window and vent locations.

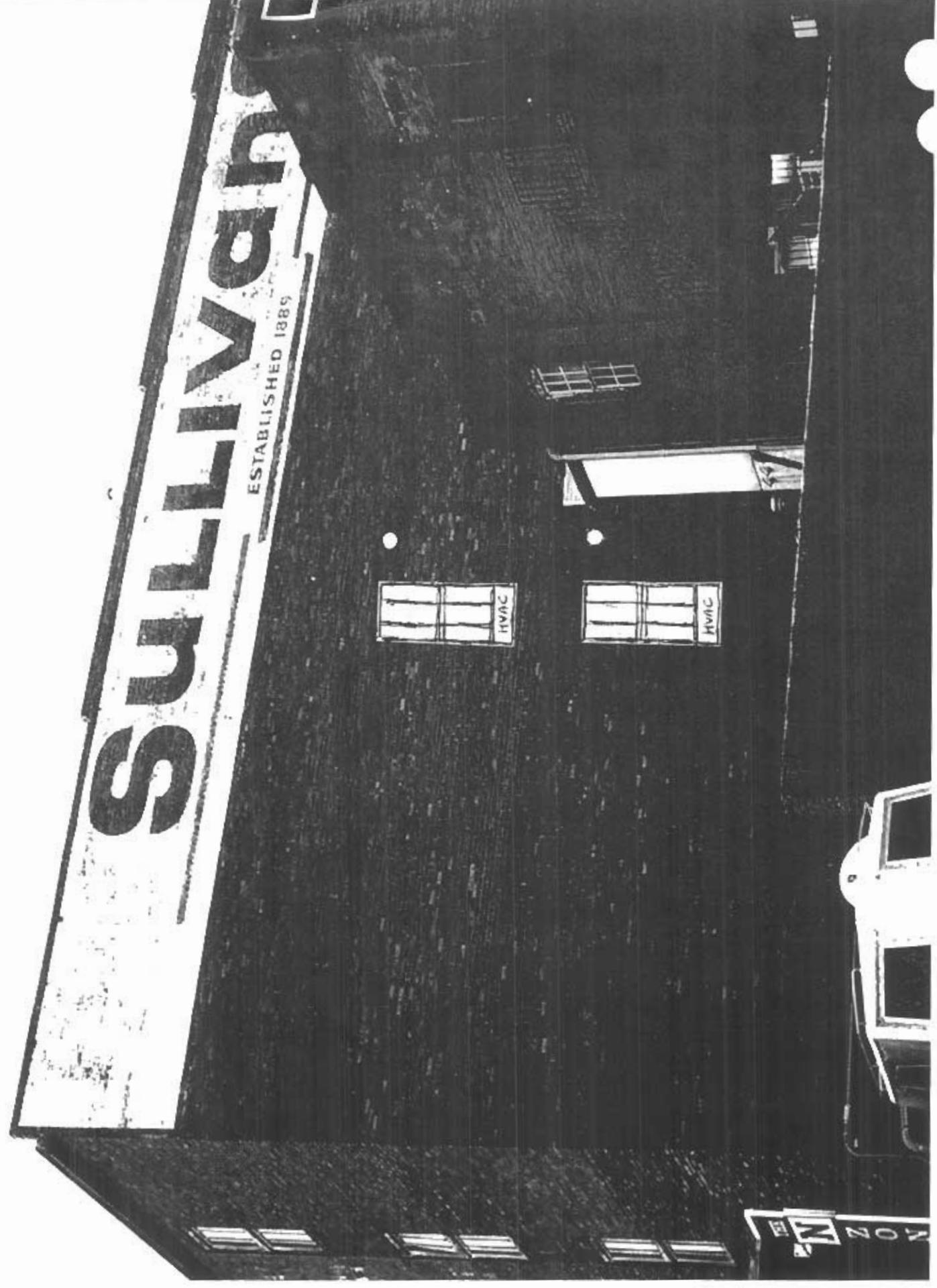
If the adjacent property to the South should ever build a structure that encroaches these items less than five (5) feet, we understand that these units, as dwellings, would have to be vacated within a reasonable period of time. We have received authorization from this Commission for Special Permit #1858 for the West facing apartments in this property in July, 2000. In that instance, Research & Development Corporation owns a fourteen (14) foot parcel to the West of these windows, which would not be built up above the first floor. Hence, we are requesting a separate Special Permit for these two (2) units as it is possible they could be encroached.

If you have any questions or need any additional information, please do not hesitate to contact me at the number below.

Respectfully Submitted,

Jeffrey K. Lewis, President

Photo of New Windows and Vents, 311 N. 8th Street (See Site Plan for Photo Location)



Site Plan Sketch, 311 N. 8th Street

