

Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

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Cindy Ryman Yost: Vice Chair
Lorenzo Ball
Dick Campbell
Tracy Corr
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PLANNING STAFF

David R. Cary: Director
Geri Rorabaugh: Administrative Officer
Teresa McKinstry: Office Specialist

December 1, 2021

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, December 1, 2021, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

Masks are strongly encouraged for our public meetings in this building.

****PLEASE NOTE:** The Planning Commission action is final action on any item with a notation of *FINAL ACTION*. Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission.

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

The Planning Commission will be allowing testimony on agenda items by videoconferencing. For those who wish to testify by video, you must register with the Planning Department Office to participate by calling 402-441-7491 or emailing Plan@lincoln.ne.gov by 10:00 a.m. the day of the meeting. You will be asked to provide your name, address, phone number and the agenda item(s) you wish to speak on, and your position on this item. On the day of the hearing, you will receive a link via email, which will be needed to join the hearing to provide your testimony.

AGENDA

WEDNESDAY, DECEMBER 1, 2021

Approval of minutes of the regular meeting held November 17, 2021.

Resolution of Appreciation presented to Dennis Scheer.

1. CONSENT AGENDA: (Public Hearing and Administrative Action);

COMPREHENSIVE PLAN CONFORMANCE AND RELATED ITEM:

- Page 01*
- 1.1a COMPREHENSIVE PLAN CONFORMANCE 21025, to review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to the Lincoln Center Redevelopment Plan to create a new project area for the "Cotswold Building Redevelopment Project" on generally located at 311 South 7th Street.

**Staff recommendation: In Conformance with the Comprehensive Plan
Staff Planner: Stephanie Rouse, 402-441-6373, srouse@lincoln.ne.gov**

- 1.1b CHANGE OF ZONE 21046, from I-1 (Industrial District) and B-4 (Lincoln Center Business District) to B-4 with a landmark designation, on property legally described

Page 15 as Lot 1, West Haymarket 4th Addition, and change of zone on those portions of Lot 2 and Outlots A and B, West Haymarket 4th Addition, currently zoned I-1 to change to B-4, generally located at 311 South 7th Street.
Staff recommendation: Approval
Staff Planner: Stephanie Rouse, 402-441-6373, srouse@lincoln.ne.gov

CHANGE OF ZONE:

Page 31 1.2 CHANGE OF ZONE 21049, from B-1 (Local Business District) to R-4 (Residential District), on property generally located at 6537, 6541, 6601, and 6607 Burlington Avenue.
Staff recommendation: Approval
Staff Planner: Rachel Christopher, 402-441-7603, rchristopher@lincoln.ne.gov

SPECIAL PERMIT:

Page 37 1.3 SPECIAL PERMIT 1791B, to allow for the expansion of an existing residential healthcare facility to the second floor with up to 32 residents, on property generally located at 1430 South Street. *** FINAL ACTION ***
Staff recommendation: Conditional Approval
Staff Planner: Rachel Christopher, 402-441-7603, rchristopher@lincoln.ne.gov

TEXT AMENDMENT:

Page 49 1.4 TEXT AMENDMENT 21010, amending the Lincoln Municipal Code Sections 27.02.260, 27.72.020, 27.72.070, and Figure 27.67.020 to clarify changes from the Affordable Housing Text Amendment package related to corner front yard and parking requirements in O-3 and B-3 and repealing same sections of the Lincoln Municipal Code as hitherto existing.
Staff recommendation: Approval
Staff Planner: Stephanie Rouse, 402-441-6373, srouse@lincoln.ne.gov

2. **REQUESTS FOR DEFERRAL:**

3. **ITEMS REMOVED FROM CONSENT AGENDA:**

4. **PUBLIC HEARING AND ADMINISTRATIVE ACTION:**

**AT THIS TIME, ANYONE WISHING TO SPEAK ON AN ITEM
NOT ON THE AGENDA, MAY DO SO.**

Adjournment

PENDING LIST:

CHANGE OF ZONE 04075I, to amend the existing Village Gardens PUD (Planned Unit Development) for the construction of multiple-family dwelling units with waivers to adjust height and parking, on property generally located at 56th Street and Pine Lake Road.

COMPREHENSIVE PLAN CONFORMANCE 21004, to review as to conformance with the Lincoln Lancaster County Comprehensive Plan, a request to declare approximately 1.59 acres of City of Lincoln-owned land as surplus, on property generally located at F Street between 6th and 8th Streets.

CHANGE OF ZONE 21024, from B-1 (Local Business District) to H-2 (Highway Business District), on property generally located at 4615 Vine Street.

Planning Department Staff Contacts:

David Cary, <i>Director</i>	402-441-6364	dcary@lincoln.ne.gov
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Collin Christopher, <i>Planner</i>	402-441-6370	cchristopher@lincoln.ne.gov
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Brian Will, <i>Planner</i>	402-441-6362	bwill@lincoln.ne.gov
Allan Zafft, <i>Transportation Planner</i>	402-441-6369	azafft@lincoln.ne.gov

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**The Planning Commission meeting
which is broadcast live at 1:00 p.m. every other Wednesday
will be rebroadcast on Wednesdays at 7:00 p.m., Thursdays at 12:00 a.m. and Sundays
at 12:30 p.m. on 5 City TV, Cable Channel 5.**

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**The Planning Commission agenda may be accessed on the Internet at
<https://app.lincoln.ne.gov/city/plan/boards/pc/pc.htm>**

ACCOMMODATION NOTICE

The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln, please contact the Director of Equity and Diversity, Lincoln Commission on Human Rights, at 402 441-7624 as soon as possible before the scheduled meeting date in order to make your request.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER
Comprehensive Plan Conformance 21025

FINAL ACTION?
No

DEVELOPER/OWNER
Cotswold Management LLC

PLANNING COMMISSION HEARING DATE
December 1, 2021

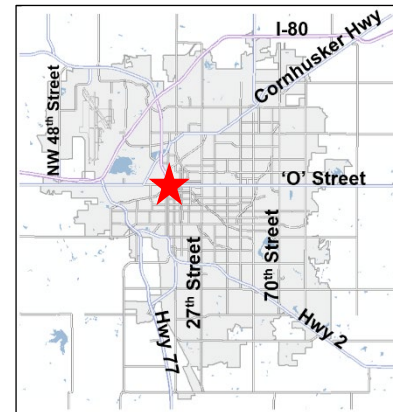
RELATED APPLICATIONS
CZ21046

PROPERTY ADDRESS/LOCATION
311 S 7th St/645 M St

RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

Review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to the Lincoln Center Redevelopment Plan that identifies the Cotswold Building Redevelopment Project. The Project includes the redevelopment and rehabilitation of the existing 40,482 square foot, two-story Cotswold Building and an approximately 57,000 square foot, three-story addition to the west of the existing building. The project will include approximately 98,000 square feet of light industrial and supportive office uses upon completion.



JUSTIFICATION FOR RECOMMENDATION

The project is consistent with the Comprehensive Plan, Downtown Master Plan, and the Lincoln Center Redevelopment Plan through the maintenance and expansion of an existing historic building which will enhance historic features of the façade and make the building and business more resilient within the 100-year flood plain area.

APPLICATION CONTACT

Hallie Salem, Urban Development Dept
(402) 441-7866 or hsalem@lincoln.ne.gov

STAFF CONTACT

Stephanie Rouse, (402) 441-6373 or
srouse@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The project is consistent with the goals in the Comprehensive Plan; specifically, the reuse of an existing historic building that uses existing city infrastructure and supports job growth and retention as well as support implementation of the Lincoln Center Redevelopment Plan.

COMPREHENSIVE PLAN SPECIFICATIONS:

p. 1.2 The community continues its commitment to a strong Downtown. A strong, vital Downtown provides a common center for all of Lincoln and Lancaster County and will be a catalyst for future growth. Lplan 2040 acknowledges Downtown's unique role and will guide decisions that will maintain Downtown's vitality and enhance its contribution to the quality of life of all Lincoln and Lancaster County.

p. 1.3 Downtown Lincoln continues to serve as the heart of our community and is an asset for all Nebraska residents.

p. 1.3 Downtown Lincoln continues to serve its role as the central location for commerce, government, entertainment and the arts.

p. 1.9 The area is shown as Commercial and Public/Semi-Public on the Future Land Use map.

p. 2.8 Mixed use redevelopment, adaptive reuse, and well-designed and approximately-placed infill development, including residential, commercial and retail uses, are encouraged.

P. 6.3 Support development and implementation of the Downtown Master Plan, South Haymarket Neighborhood Plan and the Antelope Valley Redevelopment Plan.

SOUTH HAYMARKET NEIGHBORHOOD PLAN

P. 1.12 - Preserve Historic Resources. Historic buildings are important to the character of South Haymarket and should be preserved and renovated when possible. The historic assets of South Haymarket enrich the area and provide some of the sense of place which this plan seeks to strengthen through revitalization and redevelopment.

P. 2.37 - This property is located within the Tech and Office Hub of the South Haymarket Neighborhood Plan.

P. 2.49 - Tech & Office Hub Recommendations include:

- Support continued expansion of office/light industrial/mixed-use properties
- Encourage office and light industrial uses in the Tech & Office Hub that:
 - Do not contain outdoor storage;
 - Have minimal noise and odor;
 - Operate indoors.

P. 3.4 - The Cotswold Building is shown as Office/Light Industrial.

P. 3.8 - Rezone identified South Haymarket Properties to B-4, as shown on the future zoning map and as opportunities present themselves through willing property owners and redevelopment projects.

LINCOLN CENTER REDEVELOPMENT PLAN SPECIFICATIONS:

P III-8 Intensify and strengthen Lincoln's central business district as a focal point for regional development;

P III-8 Provide for compact and interrelated development in order to increase the amount and variety of activity in the core while increasing pedestrian convenience and visual interest;

P III-8 Encourage rehabilitation/renovation of existing structures throughout the Community Redevelopment Area;

P III-9 Encourage development that is consistent and complementary to existing land uses, architectural systems, and building materials found Downtown and in the Haymarket;

ANALYSIS

1. This is an amendment to the Lincoln Center Redevelopment Plan that identifies the Cotswold Building Redevelopment Project.
2. The Project includes the redevelopment and rehabilitation of the exiting 40,482 square foot, two-story Cotswold Building and an approximately 57,000 square foot, three-story addition to the west of the existing building. The project will include approximately 98,000 square feet of light industrial and supportive office uses upon completion.
3. The goal of the project is to revitalize and strengthen the business community in the South Haymarket through renovation and expansion of an existing historic building as part of the redevelopment plan. The project will make positive contributions to the continued removal of blight and substandard conditions in the redevelopment area.
4. The public investment may range from \$3 to \$4 million. These public investments will leverage the private investments \$19 to \$20 million. Upon completion of the project, the assessed value of the property will increase by an estimated \$15 million. This will result in an estimated range of \$3 to \$4 million in Tax Increment Financing (TIF) over 20 years to help fund public improvements. Thus, for every City TIF dollar invested, there will be \$6.33 of private investment.
5. The project is consistent with the goals of the Lincoln Center Redevelopment Plan. Specifically, by encouraging the rehabilitation/renovation of an existing structure that is consistent and complementary to existing land uses, architectural styles, and building materials found Downtown and in the Haymarket.
6. The project is consistent with goals in the Comprehensive Plan through the reuse of an existing historic building that uses existing city infrastructure and supports job growth and retention.

EXISTING ZONING: B-4, Lincoln Center Business District, and I-1, Industrial District

EXISTING LAND USES: Light Industrial/Office

SURROUNDING LAND USE AND ZONING:

North: Future Park/B-4 Lincoln Center Business
South: Light Industrial & Commercial/I-1 Industrial
East: Commercial/I-1 Industrial and B-4 Lincoln Center Business
West: Future Park/B-4 Lincoln Center Business

APPROXIMATE LAND AREA: 2.03 acres

Prepared by

Stephanie Rouse, Planner
(402) 441-6373 or srouse@lincoln.ne.gov

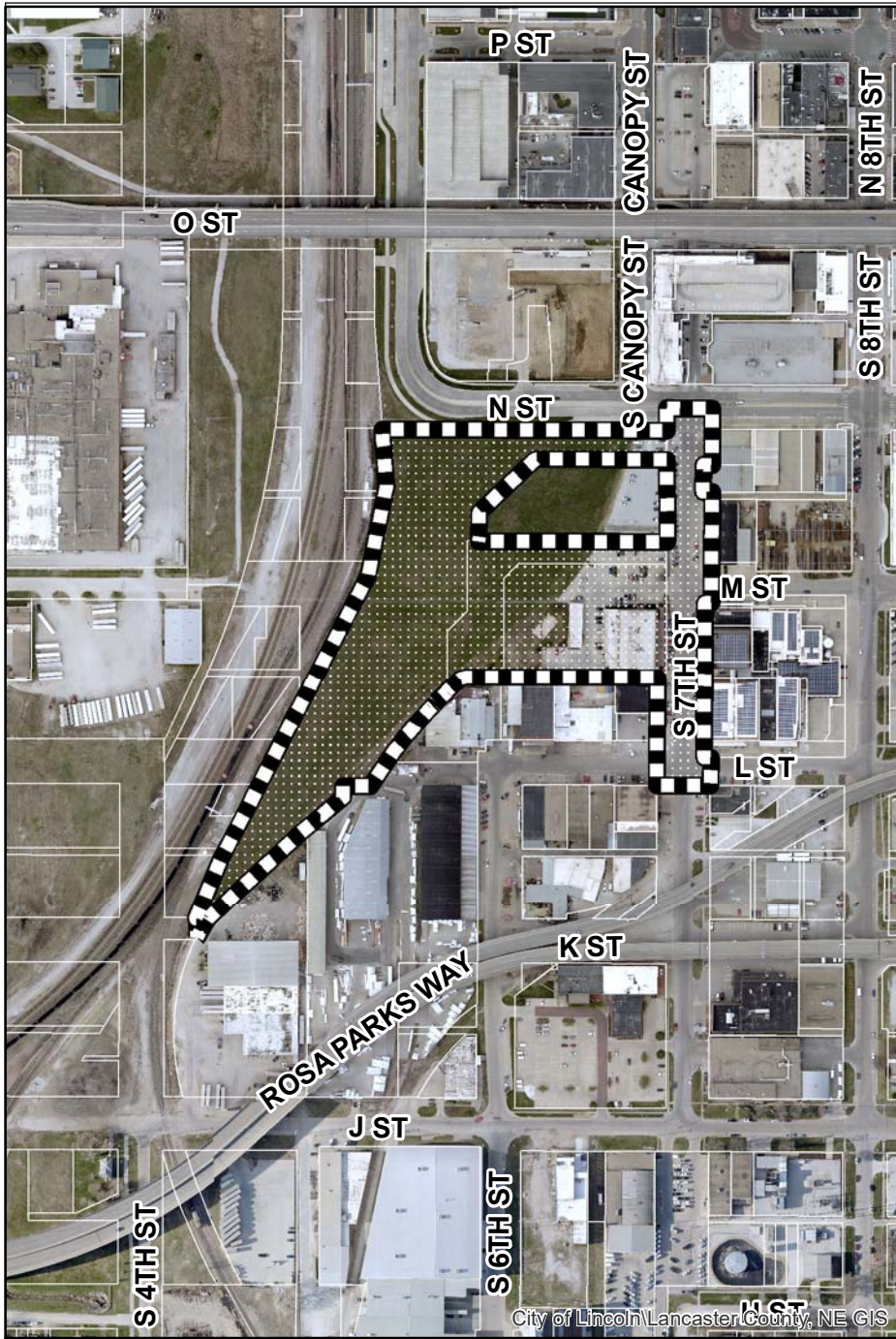
Date: November 19, 2021

Applicant: Urban Development Department
City of Lincoln

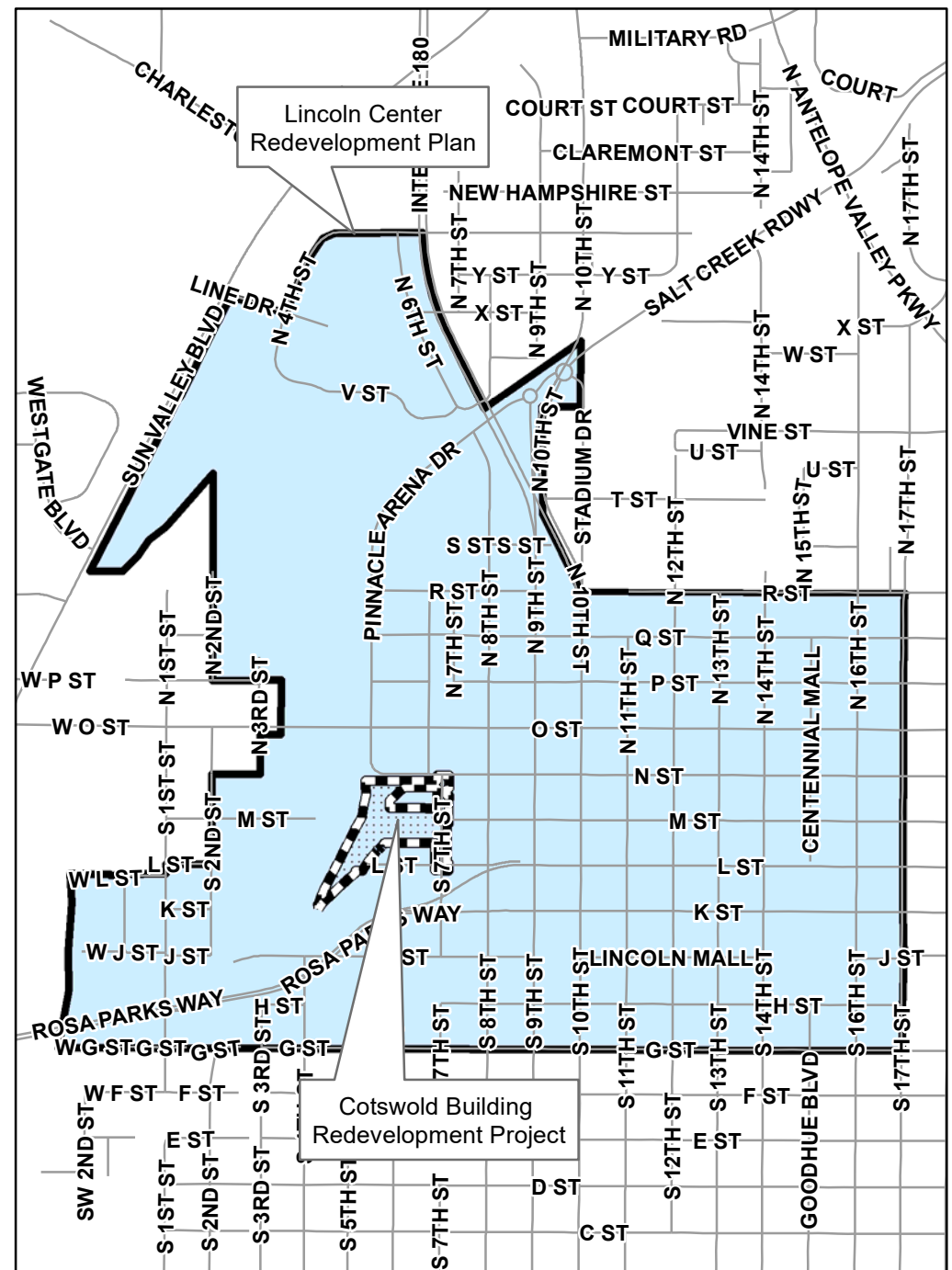
555 S. 10th Street, Suite 205
Lincoln, NE 68508

Contact: Hallie Salem
(402) 441-7866 or hsalem@lincoln.ne.gov

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City of Lincoln/Lancaster County, NE GIS



Comprehensive Plan Conformance #21025

Lincoln Center Redevelopment Plan
Cotswold Building Redevelopment Project

2020 aerial

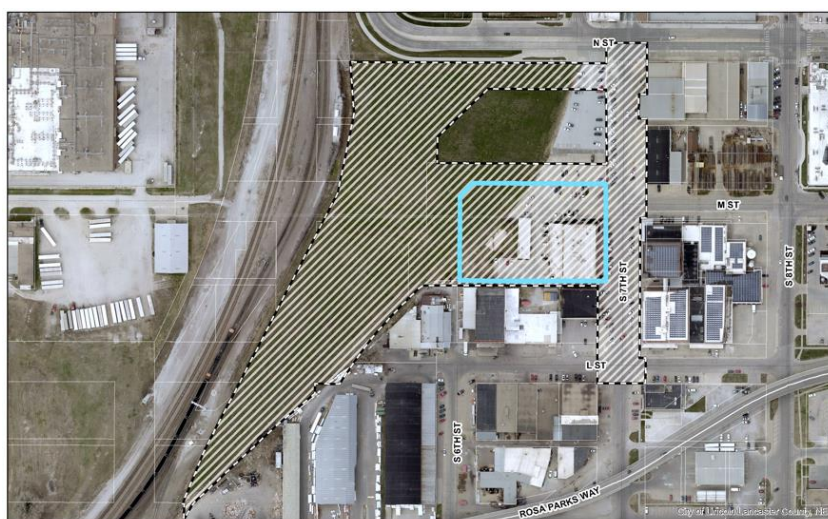


AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN

Cotswold Building Redevelopment Project

Project Description

The Cotswold Building Redevelopment Project (the “Project”) includes the redevelopment of the Cotswold Building generally located at 311 South 7th Street (also known as 645 “M” Street), and more particularly described as Lot 1, West Haymarket 4th Addition, City of Lincoln, Lancaster County, Nebraska (the “Project Site”). The Site has a complex history of uses and reconstruction due to fires and flooding, with the latest alterations including a 1946 renovation into a one-story structure and a later second-floor addition. The Project Area will include the Project Site, adjacent rights of way, including portions of 7th Street and the east west alley to the south, and the future South Haymarket Park. The Project Area is depicted on the Project Area & Site Exhibit below. The Project Site and Project Area are located in a blighted and substandard area and in a region that has been declared to be extremely blighted by Resolution No. A-91961.



Cotswold Building Redevelopment Project: Project Area & Site

--- Cotswold Building Redevelopment Project Area Project Site



The Project involves the redevelopment and rehabilitation of the existing 40,482 square foot, two-story Cotswold Building and the completion of a 57,000 plus square foot, three-story addition west of the existing building. Improvements to the existing building may include tuckpointing and replacement of deteriorated brick, removal and reconstruction of the 7th Street dock, flood proofing enhancements to preserve the historic building, and other enhancements. Upon completion of improvements, the building is expected to include approximately 98,000 square feet

of light industrial and supportive office uses. In addition, the Project will reconfigure the existing parking lot within its own parcel, enhanced by a masonry and iron wall, and construct additional parking to be shared between the business and the future South Haymarket Park.

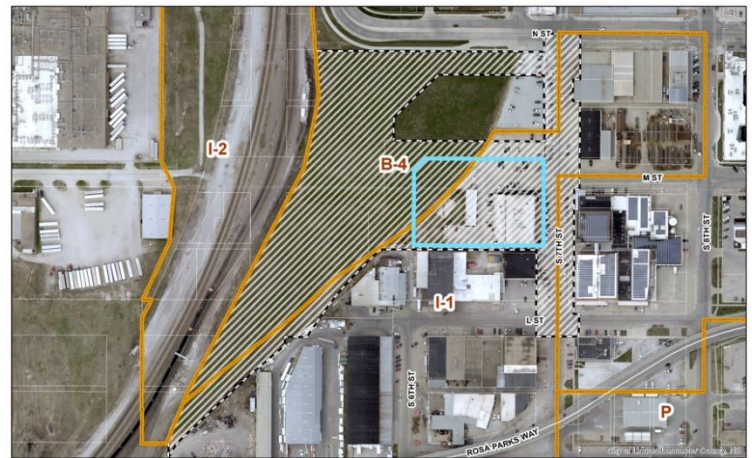
The goals of the Project are to enhance Downtown Lincoln as a mixed-use neighborhood and employment center of the City of Lincoln, support the development of the future park, as well as preserve the valuable historic character of the area. The Project will accomplish these goals

through redevelopment and expansion of an existing historic building. The Project proposes to restore or enhance many of the favorable historic façade features of the existing building, as well as make the building and business more resilient within the 100-year flood plain area. The expansion of the building and reconstruction of existing dock will be consistent with the existing historic façade. The Project will improve the east west alley and 7th Street, by helping lay out the curb and sidewalk in an area that lacks consistent pedestrian access and construct streetscape consistent with the Haymarket South Streetscape Plan. The Project will also enhance access to the future park and park parking by assisting in the reconfiguration of the existing private parking lot and paving of shared park parking stalls.

The Project Site is currently located in the I-1 and B-4 zoning districts. However, the uses of the Project Site are consistent with the adjacent B-4 Lincoln Center Business zoning district and an application has been made to rezone the balance of the site to B-4. The B-4 District allows for the proposed uses and is designed to encourage Downtown to remain the dominant multi-use center and key focal point of business, social, and cultural activity in the City of Lincoln. Other nearby zoning includes “P” Public and I-1 zoning adjacent to the Project Site and I-2 zoning across the railroad tracks. Existing and Future Zoning maps are shown to the right.

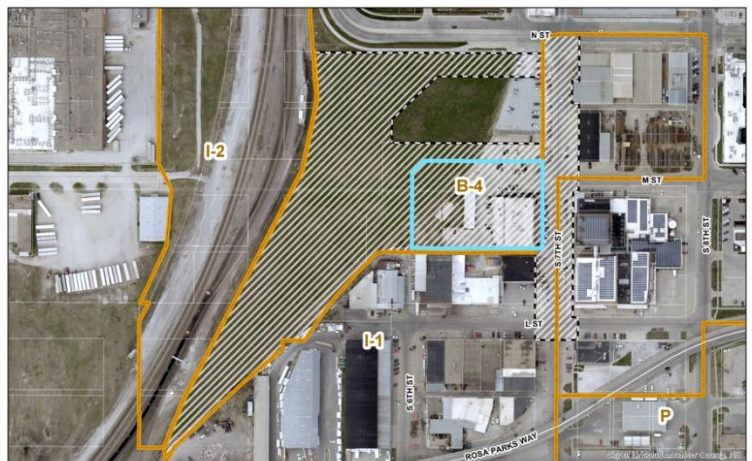
The light industrial/office use fits well with surrounding land uses, which are a mix of industrial, commercial, and residential, as well as public and private parking. The light industrial/office uses also fit well within the South Haymarket Neighborhood Plan which proposes of mix of the existing light industrial, commercial, residential, and public uses. The Current Land Use map and Future Land Use maps are provided below.

Section 18-2113, of the Nebraska Community Development Law requires the City to review the Project and find that the proposed land uses and building requirements in the Project Area are designed with the general purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted, and harmonious development of the City and its environs, which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development. The Project is consistent with the LPlan 2040, the Lincoln-Lancaster County 2040 Comprehensive Plan. One of the overarching goals of LPlan 2040 is to promote downtown Lincoln as a vibrant mixed-use neighborhood. As discussed in the plan, the Project supports “compatible and pedestrian-oriented development and implementation... of the South Haymarket



Cotswold Building Redevelopment Project: Current Zone

Cotswold Building Redevelopment Project Area Project Site Current Zoning



Cotswold Building Redevelopment Project: Future Zone

Cotswold Building Redevelopment Project Area Project Site Future Zoning



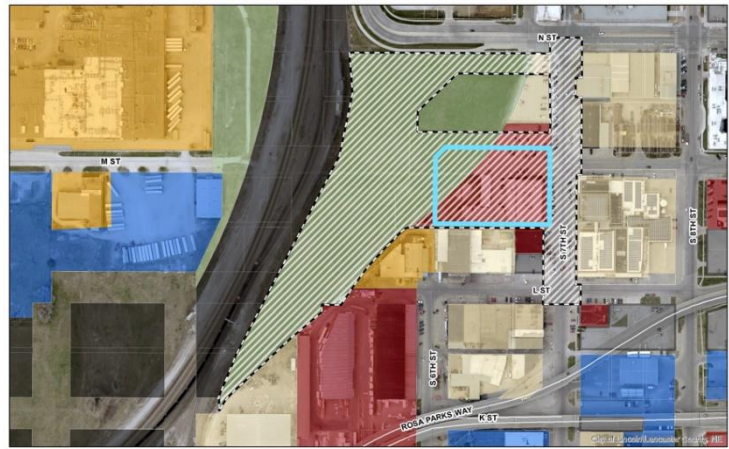
Neighborhood Plan,” by maintaining existing doors along the 7th Street dock and building further pedestrian connections along the frontage. The Comprehensive Plan policy is that light industrial expansion take place in existing industrial areas and in a manner that supports public corridors and creation of green spaces.

The Project is consistent with the South Haymarket Neighborhood Plan, a sub-area plan to LPlan 2040, including the preservation of historic buildings important to the character of South Haymarket, expansion of light industrial businesses, and implementation of streetscape improvements on 7th Street. A goal of the Project is to encourage street-level active spaces to enhance security and safety along a major corridor between South Haymarket and West Haymarket.

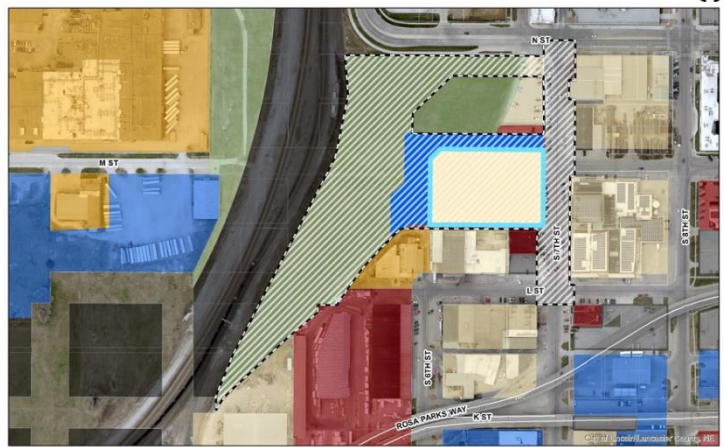
The Project is also consistent with the Lincoln Center Redevelopment Plan by strengthening Downtown as the employment hub of the community. The Project will further preserve the historic character of the area with the preservation of an existing building and an expansion designed to fit the context of South Haymarket. The Project will further remediate environmental hazards and allow for the utilization of land for a higher and better use. Additionally, the Project will support vibrant streets in the Lincoln Center Redevelopment Area by enhancing pedestrian connections and amenities.

The Project is consistent with the 2018 Lincoln Downtown Master Plan, as well, which supports the expansion of high-tech employment and the “Talent Pipeline” that provides employment for UNL students and nurtures high school students. Furthermore, this project supports the Downtown Catalyst Project of Creating a Signature Park in South Haymarket.

The Project represents a significant private investment in the Lincoln Center Redevelopment Area. Publicly funded redevelopment activities may include: site acquisition, demolition, grading and site preparation, environmental remediation, flood protection, streetscape and street improvements, alley improvements, utility improvements, energy efficiency enhancement, façade enhancements, historic building enhancements, park and boundary improvements, and other public improvements and enhancements permitted under the Community Development Law in the Lincoln Center Redevelopment Area.



Cotswold Building Redevelopment Project: Current Land Use



Cotswold Building Redevelopment Project: Future Land Use



Statutory Elements

Property Acquisition, Demolition, and Disposal: The City does not intend to acquire property, nor would the City use eminent domain if the City did acquire property for this Project. The proposed redeveloper currently controls the Project Site. The sole business within the building is the property owner's business; therefore, there are no tenants on site needing relocation.

Population Density: There are no residents within the Project Area, nor will there be as a result of the Project. However, the Project will help support the construction of the future park infrastructure and streetscape, which will help support residential uses in the surrounding area.

Land Coverage: The Project will change land coverage on the Project Site, with the construction of the building expansion of a footprint just under 21,000 square feet to the west. The Project will comply with the applicable land-coverage ratios and zoning requirements of the City of Lincoln.

Traffic Flow, Street Layouts, and Street Grades: The Project is likely to increase traffic flow resulting from an increase in employees, traveling to and from the Project Site, as well as an increase in deliveries. The redeveloper previously arranged a land exchange with the City to accommodate changes to the parking lot, truck access, and park parking and access. The Project does not include vacating any streets or alleys.

Parking: The redeveloper desires to reconstruct its existing parking lot to improve efficiency, as well as approximately 35 parking stalls for daytime, weekday use along the park drive and will make the parking available for the future park on evenings and weekends. The on-street parking will be modified with the street and streetscape improvements.

Zoning, Building Code, and Ordinances: The property owner has applied to change the Project site zoning from I-1 to B-4. The Project is a permitted use in the B-4 District. The Development Services Center will work with the development to ensure that applicable building code requirements and ordinances will be satisfied.

Proposed Cost and Financing

The estimated total cost to implement the Project is approximately \$19 to \$20 million, which includes approximately \$3 to \$4 million in public financing. The Project cost will be finalized as construction costs are determined. The source of the public funds for these improvements will be the tax increment generated from the private developments on the Project Site.

Cost Benefit Analysis

As required by Nebraska Community Development Law (Neb.Rev.Stat. §18 2113), the City has analyzed the costs and benefits of the proposed Project including:

Tax Revenues

At current estimates of a final Project Site assessed value of approximately \$17 to \$18 million, the Project is expected to generate approximately \$3 to \$4 million or more in TIF revenue for the construction of public improvements and enhancements related to the Project and within the Project Area.

Upon completion of the Project, the assessed value of the Project Site will increase by an estimated \$15 million as a result of the private investment for the Project. This will result in an increase in

estimated annual property tax collections during the 20-year TIF period of approximately \$300,000 or more which will be available to finance the costs of construction of the public improvements and enhancements related to the Project. The public investment will leverage approximately \$14 million in private sector financing. The TIF funds shall be subject to further adjustment as Project costs are defined.

The City will forgo approximately 15.89 percent of these annual collections (estimated at over \$47,000 per year), up to 20 years to support the Project. The tax increment gained from this Project Area would not be available for use as City general fund tax revenues over that time, but be used toward bond repayment. After the 20-year period or the debt has been retired, the increase in annual taxes paid will be split among the taxing jurisdictions according to the tax levy shown below.

**Tax District 1, Property Tax Allocations
as a Percentage of All Allocations, 2020**

Description	Percentage
Lancaster County	13.99
Public Building Commission	.84
City of Lincoln	15.89
Lincoln Public Schools	60.70
Educational Service Unit 18	.75
Lower Platte South NRD	1.49
Railroad Trans. Safety District	.73
Southeast Community College	4.65
LC Agricultural Society	.07
LC Agricultural Society JPA	.12
Lanc Co Correctional Facility JPA-Co	.34
Lanc Co Correctional Facility JPA-Linc	.43

Public Infrastructure and Community Public Service Needs Impacts

The Project will have a positive impact on existing public infrastructure. TIF increment will be used to make improvements to rights-of-way, including street and streetscape improvements, among other potential public infrastructure improvements in the Lincoln Center Redevelopment Area. It is not anticipated that the Project will have an adverse impact on City services, but instead will generate additional revenue providing support for those services.

Employment within the Project Area

It is anticipated that the Project after five years will generate additional employment within the Project Area boundaries, with the business growing by approximately 15 FTEs.

Employment in the City outside the Project Area

Approximately 145,299 persons were employed in 8,684 total establishments in Lancaster County, according to the 2019 Census. The 2019 median household income for Lancaster County was \$60,527, according to the 2015 – 2019 American Community Survey 5-Year estimates.

The Project is not expected to adversely affect employment in the City outside the Lincoln Center Redevelopment Area. Instead, the preservation of a historic property and expansion of a business will help prevent blight and substandard conditions at the Project Site and help encourage further

redevelopment of property within the Lincoln Center Redevelopment Area. As a result, it is anticipated that the Project will support current retail and services in the area, which will support jobs in the Lincoln Center Redevelopment Area and the City of Lincoln as a whole.

Impacts on the Student Populations of School Districts within the City

The Project is not expected to adversely affect the student populations of Lincoln Public Schools. There is not expected to be a direct increase in the student population for the immediate schools, nor the school district. To the extent that job opportunities may encourage the relocation of families with school-age students to the City, these students would likely be located across attendance areas and would have the benefit of the property taxes paid toward residential units in the district. Additionally, Lincoln Public Schools would have the additional benefit of property taxes paid after the TIF period.

Other Impacts

While the use of tax increment financing will defer the majority of the incremental ad valorem real property taxes generated by the Project for up to 20 years, there will be additional revenue generated by the Project from, for example, income taxes paid by those working in the Project Area, as well as sales tax paid by employees dining and shopping in the Haymarket and City as a whole. Upon completion of the 20-year TIF period, the Project will benefit the community through higher property tax revenue.

Finding of Need for TIF

Section 18-2116 of the Nebraska Community Development Law requires the City Council to make the following findings before authorizing the use of Community Development Financing:

- the redevelopment project and plan as proposed would not be economically feasible without the use of Tax Increment Financing; and,
- the redevelopment project as proposed would not occur in the Community Development area without the use of Tax Increment Financing.

The Urban Development Department believes that the private and public improvements proposed in this plan amendment would not occur “but for” the utilization of tax increment financing in the Lincoln Center Redevelopment Area. It would not be economically feasible for the redeveloper to construct the Project improvements without tax increment financing because the existing site conditions constitute a barrier to development that cannot be adequately remedied without the use of tax increment financing.

Project Schedule and Implementation

Following the approval of the Plan Amendment, the following steps will occur in the implementation of the Project:

- The City will negotiate redevelopment agreement with the redeveloper and submit to City Council for approval.
- Following agreement approval, the City may issue and sell Community Improvement Financing bonds or notes to fund the public improvements related to the Project.
- Construction drawings of public and private improvements will be reviewed.
- TIF-funded public improvements will be competitively bid, as needed and required by the Purchasing Department.
- The private and public improvements and enhancements will be constructed.

- Reimbursement for eligible public improvements and enhancements will occur when invoices have been approved and increment is received.



Urban Development Department
555 South 10th Street Suite 205 Lincoln NE 68508
402-441-7806 lincoln.ne.gov

November 2, 2021

Andrew Thierolf, AICP
Lincoln Lancaster County Planning Department
City / County Building
555 S 10th Street
Lincoln, NE 68508

Dear Andrew:

Please find the Cotswold Building Redevelopment Project amendment application attached, which proposes to amend the Lincoln Center Redevelopment Plan to create a new project area.

Once submitted through Project Dox, please forward the proposed amendment to the Planning Commission for their consideration of its consistency with the Comprehensive Plan at the December 1, 2021 public hearing. We request that the amendment also be scheduled at City Council for introduction on December 20, 2021 and public hearing on January 10, 2021.

If you have any questions about the plan amendment or schedule, please contact me at 402.441.7866 or hsalem@lincoln.ne.gov.

Best Regards,

A handwritten signature in black ink, appearing to read "Hallie Salem", written in a cursive style.

Hallie Salem
Downtown Redevelopment Manager

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER
Change of Zone #21046

FINAL ACTION?
No

DEVELOPER/OWNER
Cotswold Management LLC

PLANNING COMMISSION HEARING DATE
December 1, 2021

RELATED APPLICATIONS
CPC21025

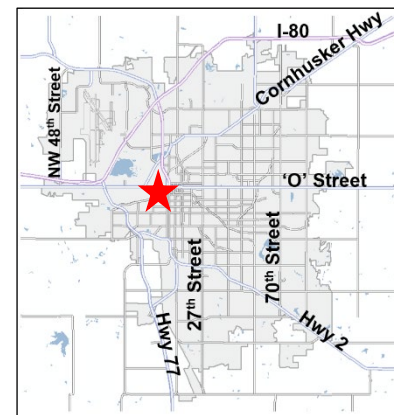
PROPERTY ADDRESS/
LOCATION 311 S 7th Street

RECOMMENDATION: APPROVE

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from B-4 Lincoln Center Business District and I-1 Industrial District to B-4 Landmark (Historic Overlay). The Project includes the redevelopment and rehabilitation of the exiting 40,482 square foot, two-story Cotswold Building and an approximately 57,000 square foot, three-story addition to the west of the existing building. The project will include approximately 98,000 square feet of light industrial and supportive office uses upon completion.

In addition to the landmark designation for the Cotswold Building project, portions of I-1 Industrial District zoning adjacent to the site and owned by the City of Lincoln are also included in the change of zone. These parcels would change from I-1 Industrial District to B-4 Lincoln Center Business District, without the historic overlay.



JUSTIFICATION FOR RECOMMENDATION

The Landmark designation provides both protection and incentives for preserving the historic character of the property, consistent with the purposes of LMC27.57 (Historic Preservation District). The Historic Preservation Commission unanimously recommended approval of this landmark designation.

The straight zoning changes from Industrial to Business will clean up remnant zoning in the area that no longer has industrial uses and will become a park and park access in the future.

APPLICATION CONTACT

Kent Seacrest, (402) 435-6000 or
kent@sk-law.com

STAFF CONTACT

Stephanie Rouse, (402) 441-6373 or
srouse@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan recommends designation of a wide variety of the community's historic places and utilization of incentive to encourage their preservation.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future commercial and public/semi-public on the 2040 Lincoln Area Future Land Use Plan. The portions of publicly owned land are designated mining/extraction which do not reflect their current use.

P. 3.11 - Strategies for Cultural and Historic Landscapes: Document of promote historic, cultural and archeological sites throughout the City and County.

P. 4.6 - The community's distinctive character and desirable quality of life for current residents and for future generations should be supported by exercising stewardship of historic resources throughout the county, while maximizing benefits of past investments in public infrastructure and private property. The Plan encourages the continued use and maintenance of historic resources, including properties not formally designated as landmarks.

P. 4.9 - Designate landmarks and districts through the local preservation ordinance and the National Register of Historic Places.

P. 7.9 - Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.

KEY QUOTES FROM THE SOUTH HAYMARKET NEIGHBORHOOD PLAN

P. 1.12 - Preserve Historic Resources. Historic buildings are important to the character of South Haymarket and should be preserved and renovated when possible. The historic assets of South Haymarket enrich the area and provide some of the sense of place which this plan seeks to strengthen through revitalization and redevelopment.

P. 2.37 - This property is located within the Tech and Office Hub of the South Haymarket Neighborhood Plan.

P. 2.49 - Tech & Office Hub Recommendations include:

- Support continued expansion of office/light industrial/mixed-use properties
- Encourage office and light industrial uses in the Tech & Office Hub that:
 - Do not contain outdoor storage;
 - Have minimal noise and odor;
 - Operate indoors.

P. 3.4 - The Cotswold Building is shown as Office/Light Industrial.

P. 3.8 - Rezone identified South Haymarket Properties to B-4, as shown on the future zoning map and as opportunities present themselves through willing property owners and redevelopment projects.

ANALYSIS

1. This is a request for designating the property as a local landmark, while retaining the underlying B-4 Lincoln Center Business District and changing the I-1 Industrial District to B-4 as well.
2. The Cotswold Building is located at the southwest corner of S 7th Street and M Street. The historic designation would cover all of Lot 1 which the building sits on. The straight zone change from I-1 to B-4 would be on portions of Outlots A and B that are not B-4 today.
3. The Project includes the redevelopment and rehabilitation of the existing 40,482 square foot, two-story Cotswold Building and an approximately 57,000 square foot, three-story addition to the west of the existing building. The project will include approximately 98,000 square feet of light industrial and supportive office uses upon completion.
4. The entire area generally between K Street and O Street west of S 8th Street is within the FEMA designated Floodplain. As such, any substantial modifications or additions to an existing building are subject to the Flood Regulations for Existing Urban Areas.
5. The Flood Regulations for Existing Urban Area, in Section 27.52.020, define substantial improvement.

Substantial improvement shall mean any reconstruction, rehabilitation, addition, or other improvement of a

structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the start of construction of the improvement. Substantial improvement shall include structures which have incurred substantial damage, regardless of the actual repair work performed. The term shall not, however, include either (i) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (ii) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation of a historic structure.

6. Section 27.52.020 also defines historic structure:

Historic structure shall mean any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the City of Lincoln, a Certified Local Government (CLG), in consultation with the Nebraska State Historic Preservation Officer (SHPO), as contributing to the historical significance of a locally or nationally designated historic district; (c) individually designated as a Landmark by the City of Lincoln, a CLG, under the provisions of Chapter 27.57 of the Lincoln Municipal Code.

7. The above definitions for substantial improvement and historic structure allow for the renovation of historic buildings in the floodplain without strict adherence to the Flood Regulations. It should be noted that the underlined text above says "any alteration of a historic structure..." Alteration, by definition, does not include building additions. Therefore, any building addition would have to comply with the Flood Regulations.
8. By 1894 the G.M Curtis & Brother Co. was housed in three buildings at 6th and M Streets. Before Curtis & Bartlett erected a new building at 7th and M Streets for \$8,000, they asked the city to improve 7th Street and drain the vicinity. By 1902 the Lincoln plant, which covered an entire half block, had a capacity of manufacturing 1,500 glazed windows per day and served Nebraska, South Dakota, Wyoming, Montana, and Kansas.
9. The Cotswold Building survived a 1903 fire that devastated neighboring buildings. In 1935, under new ownership of the Archie Furr & Co. the building flooded. Furr sued the railroad for damages, claiming the berms and other land features constructed by the railroad caused the problem. A 1944 fire nearly destroyed the building, at which time it was renovated into a one-story structure. In 1991 the building was renovated and a second floor added.
10. Additional details regarding the historic significance are found in the attached application for Landmark designation.
11. The proposed preservation guidelines for the Cotswold Building, attached, are based on the Secretary of the Interior's Standards and Guidelines for Historic Rehabilitation and are typical of the guidelines for other Lincoln area landmarks.
12. The Historic Preservation Commission unanimously recommended approval of this application for landmark designation on November 18, 2021 (excerpt from meeting record attached).

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: B-4, Lincoln Center Business District, and I-1, Industrial District

SURROUNDING LAND USE & ZONING

North: Future Park/B-4 Lincoln Center Business
South: Light Industrial & Commercial/I-1 Industrial
East: Commercial/I-1 Industrial and B-4 Lincoln Center Business
West: Future Park/B-4 Lincoln Center Business

APPROXIMATE LAND AREA: 2.03 Acres

LEGAL DESCRIPTION: WEST HAYMARKET 4TH ADDITION, Lot 1 and portions of Outlot A and B (see attached map)

Prepared by

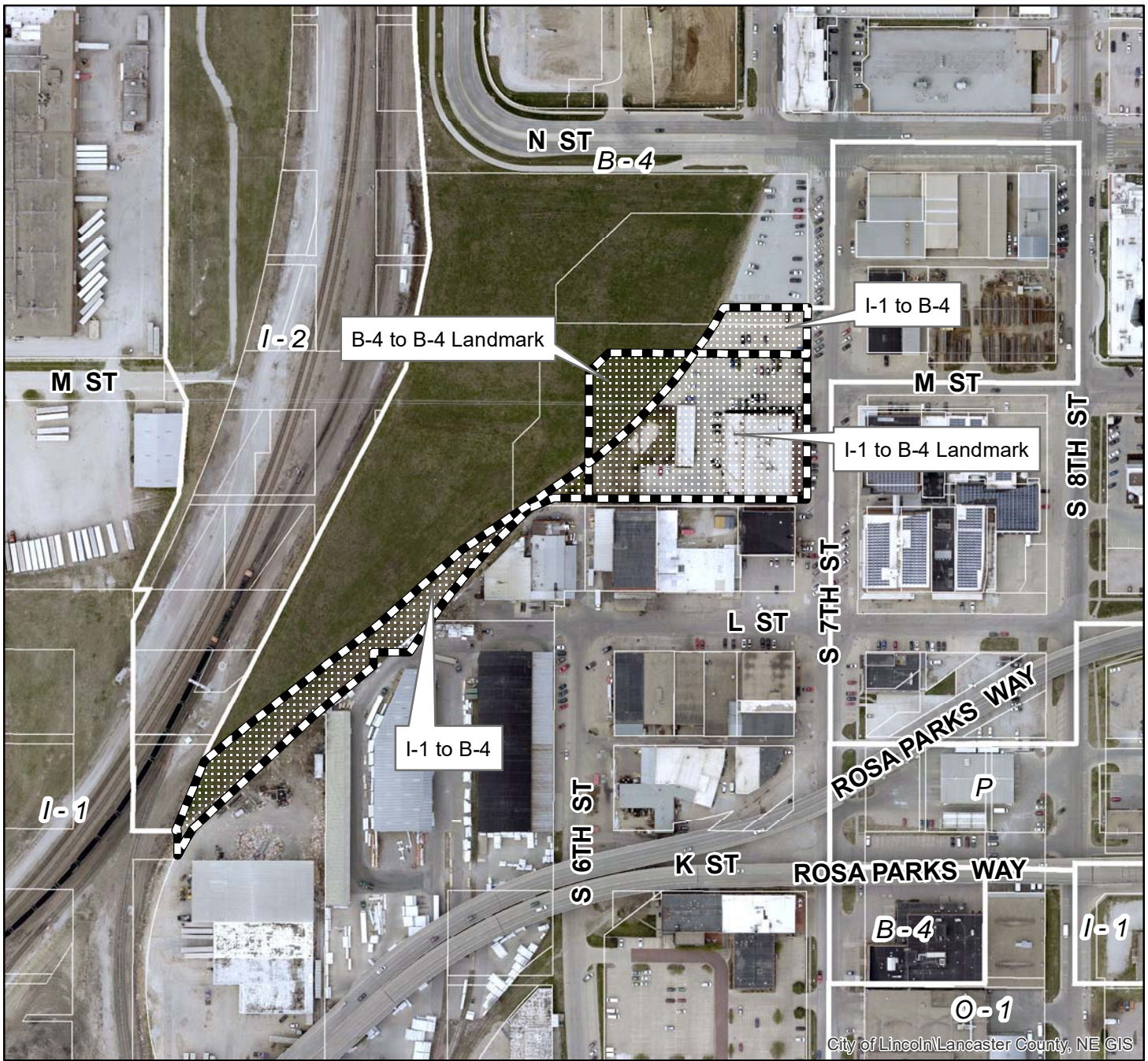
Stephanie Rouse, Planner

Date: November 19, 2021

Applicant/Owner: Cotswold Management, LLC
(402) 580-0792
crustermier@jawoollam.com

Contact: Seacrest & Kalkowski, PC, LLO
(402) 435-6000
kent@sk-law.com

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CZ/21000/CZ21046 Cotswold.slr.docx>



2020 aerial

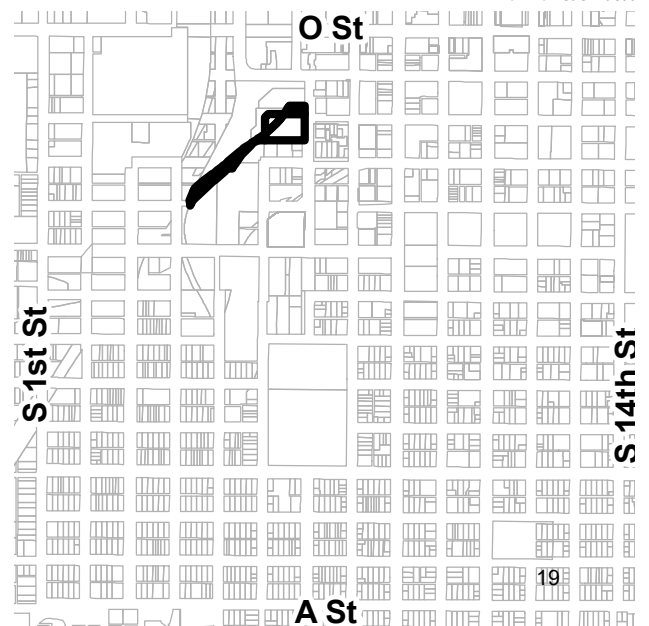
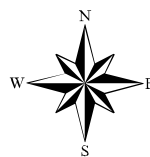
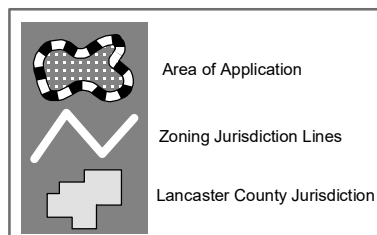
Change of Zone #: CZ21046 S 7th St & M St

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential 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

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One Square Mile:
Sec.26 T10N R06E



APPLICATION FOR LANDMARK OR LANDMARK DISTRICT DESIGNATION
ADDENDUM TO PETITION TO AMEND THE ZONING ORDINANCE
LINCOLN, NEBRASKA

1. NAME

Historic: **Curtis & Bartlett Building**
(and/or) Common: **Cotswold Building**
NeHBS Site: **LC13:C08-132**

2. LOCATION

Address: **311 South 7th Street, Lincoln, NE 68508**

3. CLASSIFICATION

<u>Proposed Designation</u>	<u>Category</u>	<u>Present Use</u>		
<input type="checkbox"/> Landmark District	<input type="checkbox"/> District	<input type="checkbox"/> Agriculture	<input checked="" type="checkbox"/> Industrial	<input type="checkbox"/> Religious
<input checked="" type="checkbox"/> Landmark	<input checked="" type="checkbox"/> Building(s)	<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Military	<input type="checkbox"/> Scientific
	<input type="checkbox"/> Structure	<input type="checkbox"/> Educational	<input type="checkbox"/> Museum	<input type="checkbox"/> Transportation
	<input type="checkbox"/> Site	<input type="checkbox"/> Entertainment	<input type="checkbox"/> Park	<input type="checkbox"/> Other (vacant)
	<input type="checkbox"/> Object	<input type="checkbox"/> Government	<input type="checkbox"/> Private Residence	

4. OWNER OF PROPERTY

Name: **Cotswold Management, LLC**
Address: **645 M Street, Lincoln, NE 68508**

5. GEOGRAPHICAL DATA

Legal Description: **Lot 1, West Haymarket 4th Addition, Lincoln, Lancaster County, Nebraska**
Property ID Number: **1026157001000**
Number of Acres or Square Feet: **2 acres (more or less)**

6. REPRESENTATION IN EXISTING SURVEYS

Title: **Historic & Architectural Survey of Lincoln, NE**
Date: **on-going** ☐ State ☐ County ☒ Local
Depository for Survey Records: **Lincoln/Lancaster County Planning Dept.**
City: **Lincoln**
State: **Nebraska**

Is the proposed Landmark or Landmark District listed in the National Register?

☐ Yes, Date Listed:
☒ No

7. DESCRIPTION AND HISTORY

Condition
☒ Excellent ☐ Deteriorated ☐ Unaltered ☐ Original Site
☐ Good ☐ Ruins ☒ Altered ☐ Moved, Date:
☐ Fair ☐ Unexposed

7. DESCRIPTION AND HISTORY, CONT.

DESCRIPTION:

The Cotswold Building sits at the southwest corner of 7th and M Streets in an industrial area south of the Haymarket Historic District. The only greenery in this area is located to the west where a future park is planned. Surfaces in all other directions are fully paved or built upon with similar brick warehouse buildings.

The character defining features of the Cotswold Building date to its original 1894 construction. The building, designed loosely with the Romanesque Revival style in mind, features arched entrances, brick detailing, and an asymmetrical design. The building measures approximately 110 feet by 142 feet and was constructed with Milwaukee pressed brick in a common bond pattern on the primary facades.

The east façade, originally used as the warehouse entrance, is almost symmetrical with three projecting arched entrances framed from the first to the second floor. The break in symmetry occurs at the ends of the façade where on the north end there are two double-hung windows per floor, the southern end is slightly shorter with no fenestration. A pair of double-hung windows with four rows of radial header course brick with a protruding brick sill separates each arched entrance on the first and second floor as well. The entrances are highly decorated and framed with corbelled brick pilasters and a relieving brick arch that frames four rows of radial brick. The recessed glass doors, sidelights and transom windows are all modern replacements. Above the entrances are corbelled brick bands between the first and second floors. Two double-hung windows directly above the entrances are framed by brick pilasters terminating in brick dentils. The entrance bays give the building a vertical, rather than horizontal appearance which is a divergence from the strict Romanesque style. Horizontality is seen in the stone belt course separating the first and second floors outside the entrance bays.

The original loading dock on the east façade was widened to stretch the length of the east façade to a depth of approximately 16 feet. At a height of about 6 feet, a modern metal railing runs the length of the concrete dock with brick face that has a central entrance with two sets of stairs. Evidence of the original basement window locations can be seen in the arched brick work that is obscured by the dock.

The design from the east façade was carried through to the north façade, however reduced to just one arched entrance bay located slightly off-center with four double-hung windows to the east and six to the west. The first and second floors are nearly identical with the entrance details mirrored on the second floor but filled with brick instead of fenestration. A one-story addition on the west end of the façade is void of all fenestration or detail. The stone belt course separating the first and second floors is carried through as a cap to the one-story addition.

The west façade is asymmetrical as well, with an irregular pattern of single and paired double-hung windows on both the first and second floors. There are two modern overhead doors on the south end of the first floor.

The south façade, adjacent to the alley, is void of all fenestration.

HISTORY:

The Cotswold Building tells a rich story of industry in the South Haymarket neighborhood. With many obstacles, this was one of the few buildings that remain extant in the area.

Charles F. Curtis graduated from Eastman Commercial College in 1866 and returned to his home in Clinton, Iowa. After only a few months in the grocery business, Mr. Curtis and his partner purchased a small planing mill. A year later, G. M. Curtis joined as the third employee, making the new firm name G. M. Curtis & Brother Co. and later simply Curtis Brothers & Co. in 1869.¹

The first branch was in Wausau, Wisconsin in 1881. The second, Curtis & VanDenberg, opened in Lincoln in 1893 at 6th and M Streets. John A. VanDenberg died in 1894 and Paul Bartlett joined the firm in the 1890s as secretary and general manager. The name was then changed to Curtis & Bartlett.

By 1894 the firm was housed in three iron-clad buildings at 6th and M Streets. Before Curtis & Bartlett erected a new building at 7th and M Streets for \$8,000, they asked the city to improve 7th Street and drain the vicinity.² The front of the 1894 building was “composed of Milwaukee pressed brick which is unique and handsome and arranged in a way originated by Manager Bartlett. It has three arched windows and there are to be two entrances, one to the office of the shipping clerk and the other to a hallway leading to the wareroom.”³

In 1895, Curtis & Bartlett faced another challenge. With other South Haymarket business owners, Curtis & Bartlett protested the rumored movement to locate houses of ill repute in that vicinity. They argued that “women are employed in some of the business houses, who would be required to pass and repass these places. Also that there are many respectable people resident in that vicinity.” They alleged that the brothels would negatively impact their property value.⁴

The Curtis companies continued to grow with another branch in Chicago, and by 1902 they claimed to have “the largest factory of its kind in the United States” with 1,200 employees. The Lincoln plant, which covered an entire half block, had a capacity of manufacturing 1,500 glazed windows per day and served Nebraska, South Dakota, Wyoming, Montana, and Kansas. Many of Lincoln’s finest homes and buildings, including the Burr Block at 12th and O Street, used millwork from their facility, which claimed “the largest stock of plain and fancy glass in the West.”⁵

By 1903, the Lincoln firm occupied three large buildings which were noted as being on the Burlington & Missouri River Railroad siding. These buildings, two iron-clad and one brick, were devastated by fire in 1903. The westernmost iron-clad building was a complete loss and all that was left of the second iron-clad building was the north wall in its entirety, and the first story of the east and south walls.⁶

¹ Lincoln Journal Star, 27 Jan 2013, P. D7

² Lincoln Journal Star, 12 Mar 1894, P. 5

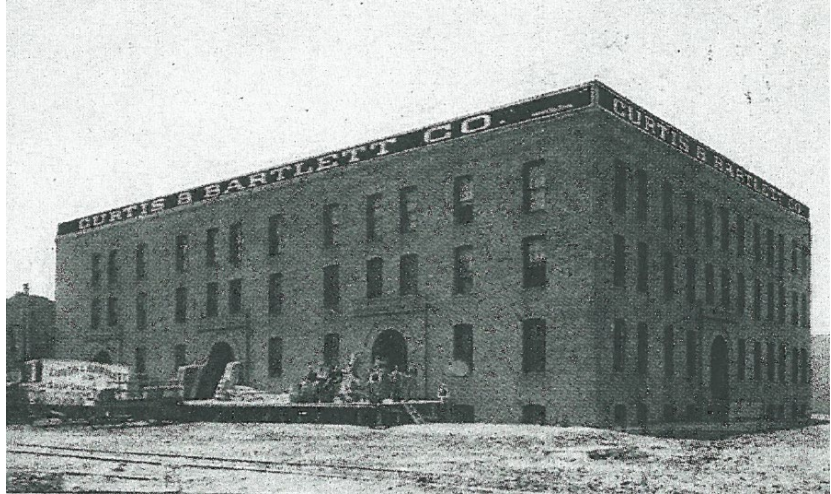
³ The Nebraska State Journal, 24 Jun 1894, P. 6

⁴ Lincoln Journal Star, 16 Apr 1895, P. 5

⁵ Lincoln Daily Post, 01 Apr 1902, P. 5

⁶ The Lincoln Star, 16 Dec 1903, P. 5

The brick building to the east, the Cotswold Building, remained. "The shifting winds seemed to favor the neighboring buildings. The third large structure owned by the Curtis & Bartlett company appeared to be positively in the path of destruction and the firemen expected to have a hard fight to save it when the east wall of the adjoining building should fall. But when the utmost fierceness of the fire reached that half of the



1. Curtis & Bartlett postcard, 1909

building which had been black while the other half and another structure were being licked up, the wind, coming in gently from the west, began to blow out of the southwest and the tall brick building was called safe."⁷ The Case building (6th & L) was also spared by the fire, and the Wisconsin Coffin & Furniture Co. (7th & L) was so appreciative that they sent the fire department three barrels of apples.⁸

In 1904, Curtis & Bartlett were outgrowing their warehouse space at 7th & M and were searching for better, higher ground on which to build a new facility to replace the one burned in the fire. At the same time, Burlington was looking to obtain possession of the land directly west of the Cotswold Building to prevent the erection of buildings there. Curtis & Bartlett traded their land with Burlington for Block 115 of the Original Plat of Lincoln and built Mill Towne at 650 J Street. The new building expanded their workforce from 40 men to more than 100. The company continued to use their 7th & M site for storage.⁹

After Curtis' son-in-law, Charles Brother Towle, joined the firm the name changed again in 1906 to the more familiar Curtis, Towle & Paine. The 1910 officers were listed in Lincoln directories as G. M. Curtis, president; C. F. Curtis, vice president; L. O. Paine, secretary; and Charles B. Towle, treasurer. By this time, they added the manufacturing of "building paper" to their traditional sash, doors, blinds, and molding products.

The Curtis companies had grown to include branches in Sioux City, Minneapolis, and Oklahoma City by 1915. During WWI, the corporation produced woodwork for "many large war housing projects." A 1923 promotional ad for the Lincoln branch noted that from its square-block factory, its 175 employees and five field salesmen covered a five-state trading area; its main building featured a four-room display apartment showcasing manufactured built-in features, including glass-fronted display cases, windows, tables, millwork, and staircases. The building also offered an "employees clubroom, library, lockers, and shower baths." It also claimed to be "one of Lincoln's oldest and largest manufacturing institutions."

⁷ The Lincoln Star, 16 Dec 1903, P. 5

⁸ The Nebraska State Journal, 20 Dec 1903, P 8

⁹ The Lincoln Star, 18 Jun 1904, P. 12

During the Great Depression, as building slowed, the firm's research division developed a double-hung, factory-glazed window patented as the Silentite. This made it the first firm to produce factory-glazed windows and helped it weather the Depression.¹⁰ The trademark of the company—1866 Curtis Woodwork—appeared on every item manufactured and was of established standing over several middle western states. Every article was absolutely guaranteed by its makers, a business policy which had much to do with the consistent growth of Curtis, Towle & Paine.¹¹

Curtis, Towle & Paine sold the Cotswold Building to Archie Furr for his grocery business in 1935. Archie Furr & Co. remained in the building through the 1942 flood when Furr had to put to rest a rumor that the basement of his warehouse was filled with dried fruit. When the floods came the rumor "kept the curious waiting to see the building rise from its foundations as the fruit swelled."¹²

Furr ended up suing the railroad for flood damages, claiming the berms and other land features constructed by the railroad made the flooding significantly worse than it would have been. Furr received a settlement from Burlington.¹³ Then, in 1944 a large fire destroyed the Cotswold Building again. The north, east, and south walls remained standing,¹⁴ and the building was subsequently renovated into a one-story structure (as confirmed on the 1949 Sanborn).



2. View from west of 1944 fire

Although additional Curtis plants had been added by the 1940s in Topeka, Detroit, New York, and Baltimore, building trends changed, and the firm eventually contracted. The Lincoln facility closed in 1965, and Curtis' Iowa plant closed the following year in 1966--its 100th birthday. The remaining Curtis buildings in Lincoln include the Mill Towne building complex adjacent to the elevated Rosa Parks Way at 6th & K and the Cotswold "ware room." The Cotswold Building was renovated in 1991, with a second floor added at that time.¹⁵

¹⁰ Lincoln Journal Star, 27 Jan 2013, P. D7

¹¹ The Lincoln Star, 26 Aug 1923, P. 45

¹² The Nebraska State Journal, 15 May 1942, P. 10

¹³ Lincoln Journal Star, 08 Nov 1946, P. 2

¹⁴ Lincoln Journal Star, 15 Nov 1944, P. 1

¹⁵ Lincoln Journal Star, 27 Jan 2013, P. D7

8. SIGNIFICANCE

<u>Period</u>	<u>Areas of Significance (check and justify)</u>	
<input type="checkbox"/> Prehistoric	<input type="checkbox"/> Archeology (Prehistoric)	<input type="checkbox"/> Landscape Architecture
<input type="checkbox"/> 1400-1499	<input type="checkbox"/> Archeology (Historic)	<input type="checkbox"/> Law
<input type="checkbox"/> 1500-1599	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Literature
<input type="checkbox"/> 1600-1699	<input type="checkbox"/> Architecture	<input type="checkbox"/> Military
<input type="checkbox"/> 1700-1799	<input type="checkbox"/> Art	<input type="checkbox"/> Music
<input type="checkbox"/> 1800-1899	<input checked="" type="checkbox"/> Commerce	<input type="checkbox"/> Philosophy
<input checked="" type="checkbox"/> 1900-	<input type="checkbox"/> Communications	<input type="checkbox"/> Politics/Government
	<input type="checkbox"/> Community Planning	<input type="checkbox"/> Religion
	<input type="checkbox"/> Conservation	<input type="checkbox"/> Science
	<input type="checkbox"/> Economics	<input type="checkbox"/> Sculpture
	<input type="checkbox"/> Education	<input type="checkbox"/> Social/Humanitarian
	<input type="checkbox"/> Engineering	<input type="checkbox"/> Theater
	<input type="checkbox"/> Exploration/Settlement	<input type="checkbox"/> Transportation
	<input checked="" type="checkbox"/> Industry	<input type="checkbox"/> Other (specify)
	<input type="checkbox"/> Invention	

Specific dates: **1894**

Builder/Architect: **unknown**

Statement of Significance:

The Cotswold Building tells the early story of Curtis, Towle & Paine, and it highlights the hardships faced by buildings in the South Haymarket district.

9. STANDARDS FOR DESIGNATION (check one(s) that apply)

- ☒ Associated with events, person, or persons who have made a significant contribution to the history, heritage, or culture of the City of Lincoln, the County of Lancaster, the State of Nebraska, or the United States;
- ☐ Represents a distinctive architectural style or innovation, or is the work of a craftsman whose individual work is significant in the development of the City of Lincoln, the County of Lancaster, the State of Nebraska, or the United States; or
- ☐ Represents archeological values in that it yields or may be likely to yield information pertaining to pre-history or history.

10. MAJOR BIBLIOGRAPHICAL REFERENCES

Lincoln Journal Star, 12 Mar 1894, P. 5
The Nebraska State Journal, 24 Jun 1894, P. 6
Lincoln Journal Star, 16 Apr 1895, P. 5
Lincoln Daily Post, 01 Apr 1902, P. 5
The Lincoln Star, 16 Dec 1903, P. 5
The Nebraska State Journal, 20 Dec 1903, P. 8
The Lincoln Star, 18 Jun 1904, P. 12
The Lincoln Star, 26 Aug 1923, P. 45
The Nebraska State Journal, 15 May 1942, P. 10
Lincoln Journal Star, 15 Nov 1944, P. 1
Lincoln Journal Star, 08 Nov 1946, P. 2
Lincoln Journal Star, 27 Jan 2013, P. D7

11. FORM PREPARED BY:

Name/Title: **Stacey Hageman, Planner**

Organization: **Lincoln-Lancaster County Planning Dept.**

Street & Number: **555 South 10th Street, Ste 213**

City or Town: **Lincoln**

Date Submitted: **11/12/2021**

Telephone: **402-441-6361**

State: **Nebraska**

Signature:

Property Owner:

FOR HISTORIC PRESERVATION COMMISSION USE ONLY

DATE LANDMARK/LANDMARK DISTRICT DESIGNATED:

LANDMARK/LANDMARK DISTRICT NUMBER:

<https://linclanc.sharepoint.com/sites/PlanningDept-LongRange/Shared>

Documents/LongRange/Historic/Landmarks/LMARKS/Curtis & Bartlett Building/LDAPP_Curtis & Bartlett.docx



SEACREST & KALKOWSKI, PC, LLO

KENT@SK-LAW.COM | DANAY@SK-LAW.COM

October 12, 2021

Mr. David Cary
Planning Director
Planning Department
555 South 10th Street
Lincoln, NE 68508

RE: Change of Zone and Landmark Designation

Dear David:

Our office represents Cotswold Management, L.L.C. ("Cotswold") who is the owner of the property located at 311 S. 7th Street, Lincoln, Nebraska (Parcel ID: 1026157001000) ("Property"). The Property is legally described as Lot 1, West Haymarket 4th Addition, Lincoln, Lancaster County, Nebraska. Enclosed please find an Application for (i) rezoning the Property from I-1 to B-4 and (ii) seeking a "Landmark" designation for the Property.

If you have any questions, we have been working with Stacey Hageman regarding the proposed B-4 rezoning and Landmark designation and Hallie Salem regarding the redevelopment project known as Woollam Redevelopment Project. Our joint B-4 Change of Zone and Landmark designation application is enclosed herein along with the application fee in the amount of \$988.

We appreciate your consideration of the above requests. If you require further information or have any questions, please do not hesitate to contact Cathy Rustermier or the undersigned.

Very truly yours,

KENT SEACREST
For the Firm

Enclosures

cc: Hallie Salem
Stacey Hageman
Cathy Rustermier
Gerry Cooney
Kate Heir
Tim Gergen

MEETING RECORD EXCERPT

Advanced public notice of the Historic Preservation Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Wednesday, November 10, 2021.

NAME OF GROUP: HISTORIC PRESERVATION COMMISSION

DATE, TIME AND PLACE OF MEETING: Thursday, November 18, 2021, 1:30 p.m., County-City Building, Conference Room 113, 555 S. 10th Street, Lincoln, NE.

MEMBERS IN ATTENDANCE: Melissa Dirr Gengler, Jim Johnson, Greg McCown, Jim McKee and Dan Worth; Nancy Hove Gaul and Gregory Newport absent.

OTHERS IN ATTENDANCE: Stacey Hageman, Paul Barnes and Teresa McKinstry of the Planning Department; Hallie Salem of Urban Development; Andrew Meyers; Cathy Rustermier and Gerry Cooney from J.A. Woollam Co.; Tim Gergen from Clark Enersen; Jennifer Seacrest from The Olsson Studio; Matt Olberding from the Lincoln Journal Star and other interested parties.

Chair McCown called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

APPLICATION FOR LANDMARK DESIGNATION OF 311 S. 7TH STREET IN THE CURTIS & BARTLETT/COTSWOLD BUILDING, INCLUDING B-4 CHANGE OF ZONE

PUBLIC HEARING:

November 18, 2021

Members present: Gengler, Johnson, McCown, McKee and Worth; Hove Gaul and Newport absent.

Hageman stated there are a series of applications for this property. Today the property is zoned I-1 Industrial. The applicant is requesting rezoning to B-4 Lincoln Center Business District. The Certificate of Appropriateness is before the commission for a redevelopment project. The building at 7th St. and 'M' St. was originally built in 1894. On the 1903 Sanborn maps, there was a large brick building and two buildings to the west. Those buildings were destroyed in a fire in 1903. That fire spared the brick building. Having devastated the building, they built at 7th St. and 'K' St. and kept the building at 7th St. and 'M' St. for a warehouse. In 1942, there was a flood. In 1944, a fire mostly destroyed the building. This was renovated into a one story building. Later, the upper story was added.

ACTION:

Gengler moved approval of the rezoning to B-4 and the landmark designation for 311 S. 7th Street, seconded by Johnson and carried 5-0: Gengler, Johnson, McCown, McKee and Worth voting 'yes'; Hove Gaul and Newport absent.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

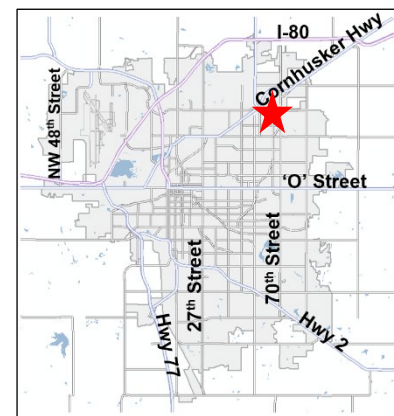
APPLICATION NUMBER Change of Zone #21049	FINAL ACTION? No	OWNERS Multiple (refer to page 3)
PLANNING COMMISSION HEARING DATE December 1, 2021	RELATED APPLICATIONS None	PROPERTY LOCATION 6537, 6541, 6601, and 6607 Burlington Avenue

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from B-1 Local Business District to R-4 Residential District over four parcels comprised of three lots located south of Burlington Avenue on either side of N. 66th Street. The area was originally zoned to allow for commercial use many years ago but is now residential in character.

The change of zone is being requested by the applicant for the parcels west of N. 66th Street in order to redevelop them with new residential uses. The Planning Department proposes to re-zone the remaining parcels zoned B-1 on the east side of the street at the same time.



JUSTIFICATION FOR RECOMMENDATION

There is I-1 Industrial zoning immediately to the north. Residential uses are normally discouraged near industrial uses. The reason for support of residential zoning in this location is that the potential number of dwelling units allowed by the zoning ordinance is reduced in the R-4 district as compared to the B-1 district.

APPLICATION CONTACT

Dan LeGrande
(402) 499-8567
ledirthauler@aol.com

STAFF CONTACT

Rachel Christopher
(402) 441-7603
rchristopher@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The future land use map identifies this site as residential. The proposed R-4 zoning is reflective of the intended uses and reduces the potential residential density adjacent to industrial uses, which is supported by the Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - This site is shown as future urban density residential on the 2040 Lincoln Area Future Land Use Plan.

P. 5.18 - Public Health & Safety Measures: Industrial zoning districts should be primarily for industrial uses. Risk Reduction: In areas where industrial and residential uses are already close, efforts should focus on changes in the quantity and type of hazardous materials used and on increasing the distance between where hazardous materials are stored and residential districts. Notification: Persons living in close proximity to businesses with hazardous materials should be notified of the hazards.

P. 7.2 - Neighborhoods & Housing Guiding Principles

- Make available a safe residential dwelling for all citizens.
- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.
- Provide safe and decent affordable and special needs housing for low- and moderate-income households.

ANALYSIS

1. This request is for a change of zone from B-1 Local Business District to R-4 Residential District over approximately 0.5 acres. The change of zone would include three parcels and a portion of a fourth parcel made up of three platted lots.
2. There is no known commercial use operating on any of the properties today. The zoning has been commercial for many years and may have had commercial uses in the past. Prior to May 1979 the zoning was "G" Local Business District. With the 1979 zoning update the district was changed to B-1 Local Business District. The properties are currently comprised of single family and apartment conversion dwellings and vacant land.
3. The original change of zone is being requested by the applicant for the parcels west of N. 66th Street in order to redevelop them with residential uses. The Planning Department proposes to re-zone the remaining area zoned B-1 east of N. 66th Street at the same time.
 - a. Change of zone requested by the applicant: Lots 1 and 2, Block 5, replat of blocks 5-7, 17-19, 28-30 Havelock.
 - b. Change of zone requested by the City: The west 40 feet of Lot 6, Block 4 and that portion of the west 20 feet of Lot 5 and the east 10 feet of Lot 6, Block 4 zoned B-1, Havelock. A notice to these property owners was sent on November 2, 2021. As of this staff report writing, they have not reached out to the Planning Department.
4. There is I-1 industrial zoning and an active railyard on the north side of Burlington Avenue. Industrial zoning is considered a hazard for nearby residential dwellings and discouraged by the Comprehensive Plan near residential zoning. The reason for support of this change of zone is that it will result in an overall reduction in the potential number of dwelling units in the R-4 zoning over the current B-1 zoning.

The B-1 district allows residential dwellings by right above or below the first story with a minimum 2,000 square feet of lot area required per dwelling unit. First floor dwellings originally constructed for a residential use prior to November 1, 1997 are permitted. The square footage of these parcels under the B-1 zoning would allow up to about 10 total dwellings, whereas R-4 would only allow up to about 6 dwellings.

The block east of 66th Street is otherwise zoned R-4. The block west of 66th Street is otherwise zoned R-5. R-4 zoning is proposed for all of the parcels because R-5 zoning allows residential densities at or above what B-1 allows and would therefore not be appropriate.

Elimination of the B-1 zoning here is appropriate because the rest of this block face does not have commercial uses or zoning. Burlington Avenue is a local street, not an arterial or collector street and will not have significant through traffic. The B-1 district is a mixed-use district allowing both commercial and residential uses. B-1 zoning is typically found in older areas. While mixed uses are supported, this location is not commercial in nature and is

within two blocks that are otherwise residential in character.

5. The future land use map designates the property for future urban density residential uses. The proposed zoning fits the future land use designation while reducing the potential residential density near this industrial area.

EXISTING LAND USE & ZONING: Single family and residential conversion dwellings and vacant; B-1

SURROUNDING LAND USE & ZONING:

North: Industrial (railyards); I-1

South: Single family and two-family dwellings; R-4 and R-5

East: Single family dwellings; R-4

West: Single family dwelling; R-5

APPROXIMATE LAND AREA: 0.5 acres

LEGAL DESCRIPTION: Lots 1 and 2, Block 5, replat of blocks 5-7, 17-19, 28-30 Havelock; the west 40 feet of Lot 6, Block 4, Havelock; and that portion of the west 20 feet of Lot 5 and the east 10 feet of Lot 6, Block 4, Havelock zoned B-1, Lincoln, Lancaster County, Nebraska.

Prepared by

Rachel Christopher, AICP

Date: November 19, 2021

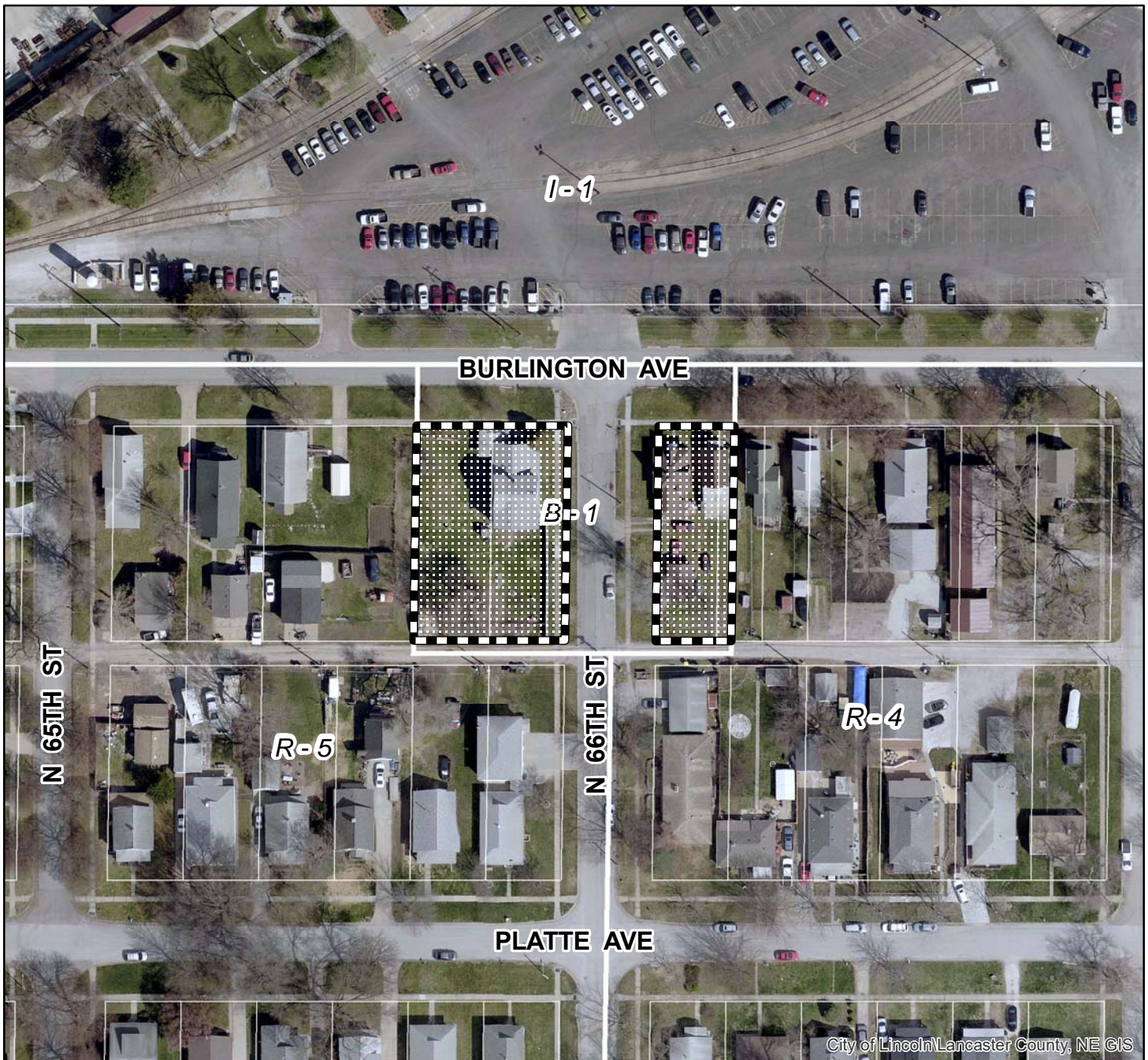
Owners: PENISKA, LINDA T
4100 W A ST
LINCOLN, NE 68522

PENISKA, MARK L & LINDA T & PRESTON L
4100 W A ST
LINCOLN, NE 68522

SAMUELS, RACHEL M
6541 BURLINGTON AVE
LINCOLN, NE 68507

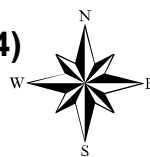
Applicant: Dan LeGrande
7845 W. Denton Road
Denton, NE 68339
(402) 499-8567
ledirthauler@aol.com

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CZ/21000/CZ21049 6537 and 6541 Burlington Ave.rkc.docx>



2020 aerial

Change of Zone #: CZ21049 (B-1 to R-4) N 66th St & Burlington Ave

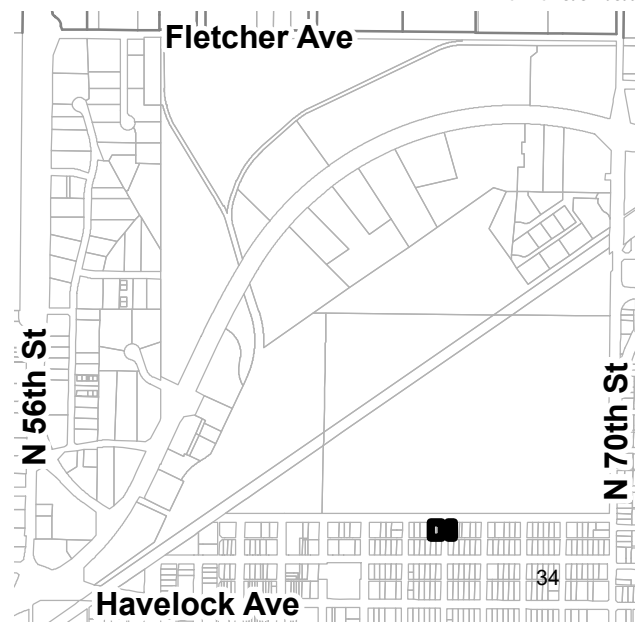
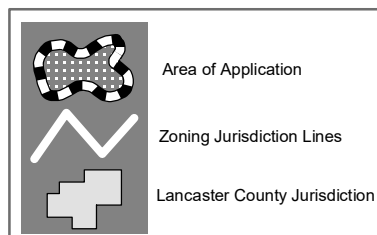


Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential 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

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One Square Mile:
Sec.04 T10N R07E



Legal Discription for Havelock, B/K 5, Lot 1 Replat. of Blocks
an Lot 2

I would like to change zoning for these 2 lots
from B-1 to R-4 to build 2 duplexs. 1
on each Lot.

Dan LeGrande

ledirthauler@aol.com

402-499-8567

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER
Special Permit #1791B

FINAL ACTION?
Yes

DEVELOPER/OWNER
Integrated Behavioral Health Services, LLC

PLANNING COMMISSION HEARING DATE
December 1, 2021

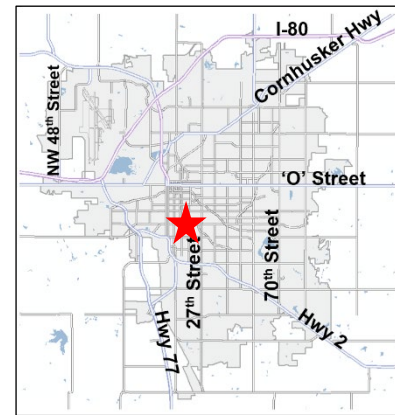
RELATED APPLICATIONS
None

PROPERTY ADDRESS/LOCATION
1430 South Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for an amendment to Special Permit #1791 for a residential healthcare facility at the northwest corner of S. 15th Street and South Street. The facility currently provides psychiatric residential rehabilitation services for up to 16 adults. The applicant proposes to increase the number of residents to 32. The additional residents would be accommodated on the second floor of the existing building. In addition to residential rehabilitation, the applicant also provides outpatient day psychiatric rehabilitation services which is a permitted use on the property, zoned B-3 Commercial.



JUSTIFICATION FOR RECOMMENDATION

The proposed density is consistent with prior Special Permit #1791 approval which authorized up to 34 children as part of a healthcare facility. The location in a commercial zoning district is nearby other commercial uses and a hospital. As the use was previously established and no building expansion is proposed, there will be minimal negative impacts to the neighborhood. Subject to the conditions of approval, this proposal is consistent with the Zoning Ordinance and Comprehensive Plan.

APPLICATION CONTACT

Alison Janecek
(402) 474-6900
ajanecek@clinewilliams.com

STAFF CONTACT

Rachel Christopher
(402) 441-7603
rchristopher@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed Special Permit amendment is in conformance with the 2040 Comprehensive Plan, which includes this property for commercial use and supports medical services, including mental health care services as integral and accessible within the community.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P 1.9 - The Lincoln Area Future Land Use Plan identifies this area for commercial use.

P 5.3 - Expansions of existing health care locations are expected and a wide variety of new facilities will likely come forward over time.

P 8.2 - Develop Lincoln as a major network of quality regional health care services at reasonable costs.

P 8.2 - Medical services, including physical and mental health care services, should be integrated and accessible within the community.

P 8.2 - Many of the existing medical facilities are located near existing residential neighborhoods and are expected to remain the vital core of health care services in the county and region.

P 8.7 - Provide for accessible physical and mental health care services in appropriate areas in and around residential neighborhoods.

ANALYSIS

1. This is a request to amend Special Permit #1791A for an existing residential healthcare facility providing psychiatric residential rehabilitation services. The property is located at the northwest corner of South Street and S. 15th Street and is zoned B-3 Commercial. The proposal would increase the number of residents from 16 to 32 persons.
2. The original Special Permit #1791 approved in October 1999 for Cedars Youth Services authorized a healthcare facility for up to 34 children. The prior special permit approval also included parking on S. 15th Street to the south of the facility within 300 feet as allowed by the B-3 zoning. Special Permit #1791A approved a residential healthcare facility with up to 16 people for the current occupant, Integrated Behavioral Health Services for psychiatric residential rehabilitation.
3. The facility will use an existing building which has two floors and a basement. The facility will encompass the first and second floors including administration, daytime rehabilitation and the residential rehabilitation for which the special permit amendment is requested. The second floor is currently vacant and will accommodate the additional residents. The basement includes storage. The other services provided on the site include outpatient daytime psychiatric rehabilitation services which is an office use otherwise permitted in the B-3 District.
4. 32 parking spaces are required for all of the existing and proposed uses for the property. A minimum of 32 dedicated parking spaces will be provided within 300 feet as allowed under the B-3 zoning. The parking within 300 feet is an existing parking lot on S. 15th Street to the south of the property on the other side of South Street. This is the same parking area that was utilized under the previous approvals.
5. Per Section 27.63.530, a residential healthcare facility may be allowed by special permit in the AG, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, O-1, O-2, R-T, B-1, B-2, B-3, B-4, and B-5 zoning districts under the following conditions:
 - a. *Parking shall be in conformance with Chapter 27.67 unless modified under the condition of the special permit, provided that no parking shall be permitted in the required front or side yards.*

The required parking will be provided through the existing off-street parking area located within 300 feet that was utilized as part of the previous approvals for this property.

- b. *Residential healthcare facilities shall be licensed to comply with all state requirements.*

The facility will comply with applicable State requirements.

- c. *The total number of client or employee residents shall not exceed the lot area ratio below except as provided for in this section, and provided that all facilities may have up to four individuals sixty years of age or older and one family acting as the residential caretaker:*
 - i. *AG zoning district: One person for 5,000 square feet of lot area;*
 - ii. *R-1 zoning district: One person per 3,000 square feet of lot area;*
 - iii. *R-2 and R-3 zoning districts: One person per 2,000 square feet of lot area;*
 - iv. *R-4 zoning district: One person per 1,000 square feet of lot area;*
 - v. *R-5 through R-8 zoning districts: One person per 750 square feet of lot area.*

In this case the zoning is B-3. As such, the total number of clients or employee residents is not limited per above.

- d. *Depending on the character of the development and impacts on adjacent land uses, the Planning Commission may grant an increase in the number of residents allowed in (d) above where the site plan and building plans comply with the barrier-free standards in the design standards as adopted by the City Council. Such increase*

shall not exceed fifty percent.

No increase in the number of residents is necessary.

- e. *The height and lot requirements of the district in which the proposed use is located shall apply provided, however, that if the area of the lot is one acre or more, the height requirement of the district may be adjusted to provide flexibility in the design of buildings and to provide compatibility with surrounding uses except that solar access to adjacent buildings or potential buildings on land under other ownership shall not be reduced by such adjustment. In the AG zoning district, residential healthcare facilities shall be located on a lot having a minimum of five acres.*

No adjustment to the height requirement is necessary.

- f. *The sale of alcohol for consumption on and/or off the premises is allowed as a permitted accessory use as part of a residential health care facility otherwise approved according to this Section.*

No sale of alcohol is proposed as part of the special permit amendment.

6. This special permit amendment for a residential healthcare facility is consistent with the Comprehensive Plan which supports mental health care services as integral and accessible to the community and with minimal negative impact to the neighborhood.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Residential healthcare and office; B-3

SURROUNDING LAND USE & ZONING

North: Single Family and duplex dwellings, vacant; R-2

South: Commercial; B-3

East: Commercial; B-3

West: Commercial; B-3

APPLICATION HISTORY

Oct. 1999 Special Permit #1791 was approved for a healthcare facility for up to 34 children.

May 2020 Special Permit #1791A was approved for a residential healthcare facility with up to 16 people.

Oct. 2020 Administrative Amendment #20058 was approved to increase the internal square footage from 4,990 to 7,200 square feet.

APPROXIMATE LAND AREA: 0.42 acres

LEGAL DESCRIPTION: Lots 5-10, Block 1, Electric Park Addition, Lincoln, Lancaster County, Nebraska.

Prepared by

Rachel Christopher, AICP

Date: November 19, 2021

Applicant: Integrated Behavioral Health Services, LLC
9001 NW 40th Street

Lincoln, NE 68506
jeromie@ibhealthservices.com
(402) 803-0888

Contact: Alison Janecek
2333 South 13th Street, Suite 1900
Lincoln, NE 68508
ajanecek@clinetwilliams.com
(402) 474-6900

Owner: B & J Partnership, Ltd. d/b/a Speedway Properties
340 Victory Lane
Lincoln, NE 68528
tgifford@speedwayproperties.com
(402) 323-3124

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/1000/SP1791B Integrated Behavioral Health Services.rkc.docx>

CONDITIONS OF APPROVAL - SPECIAL PERMIT #1791B

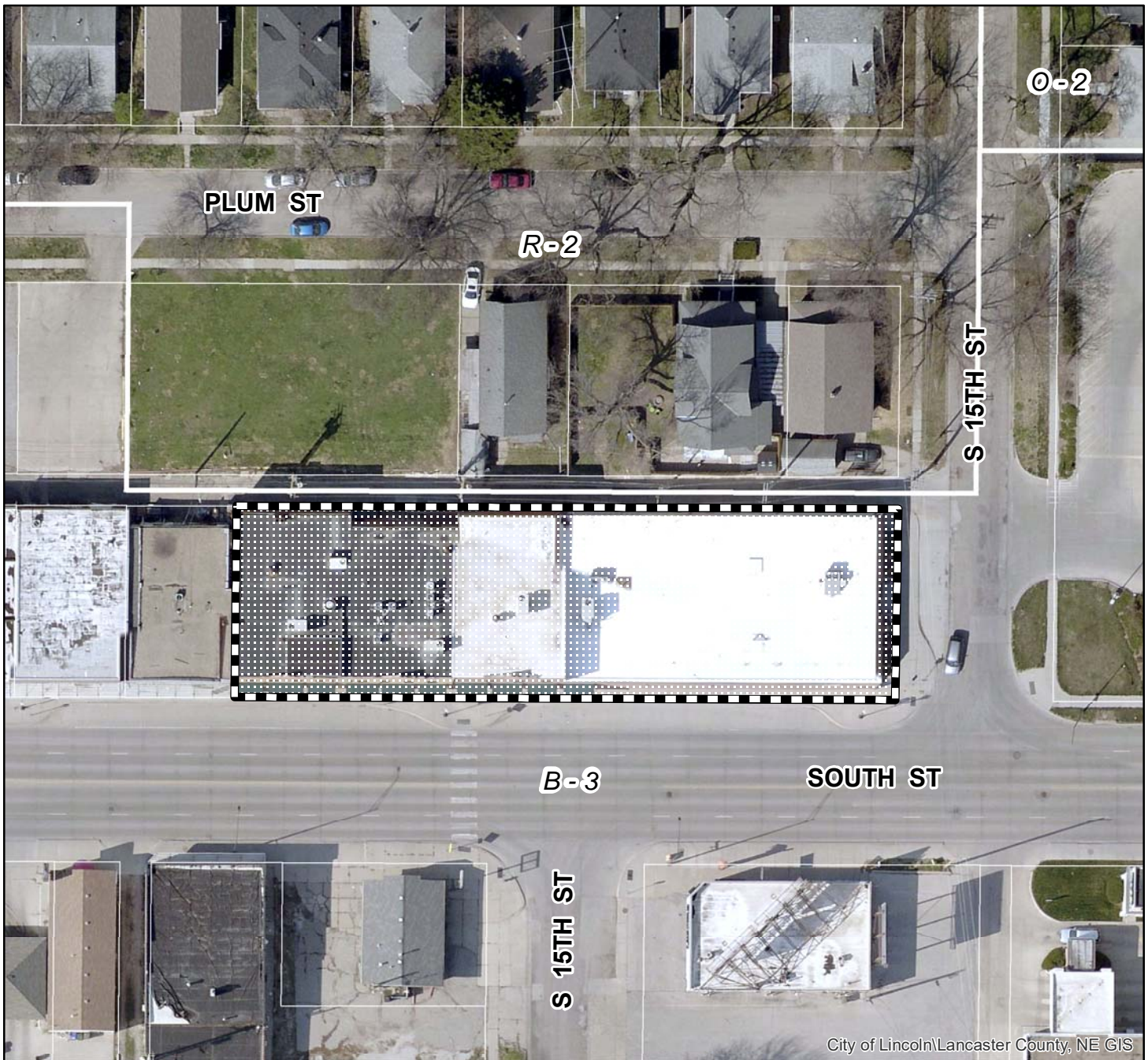
Per Section 27.63.530 this approval permits a Residential Healthcare Facility for up to 32 persons.

Site Specific Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
 - 1.1 On all sheets, change the application number to SP1791B.
 - 1.2 Remove the parking lot layout adjacent to Plum Street. The parking lot is not part of the application and showing a layout has led to confusion.
 - 1.3 Revise the parking lot south of South Street be revised to accurately reflect the number of stalls.

Standard Conditions:

2. The following conditions are applicable to all requests:
 - 2.1 Before occupying the buildings or starting the operation all development and construction shall substantially comply with the approved plans.
 - 2.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
 - 2.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
 - 2.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 2.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
 - 2.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.



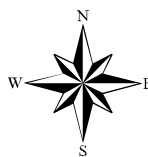
2020 aerial

Special Permit #: SP1791B S 15th St & South St

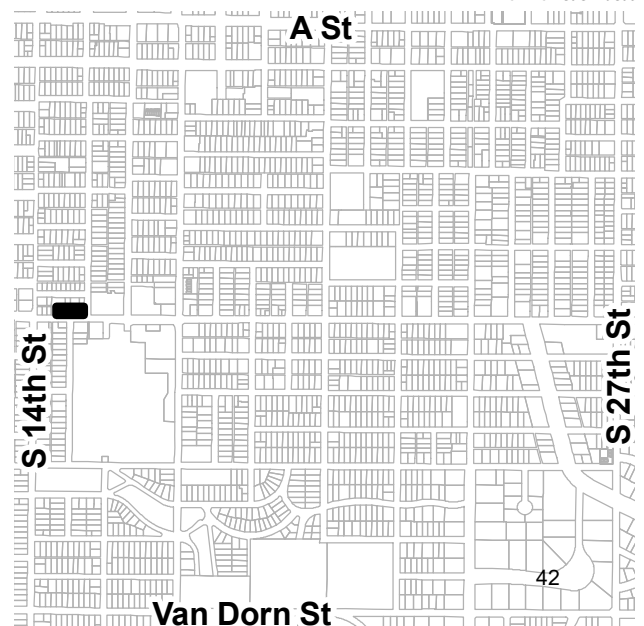
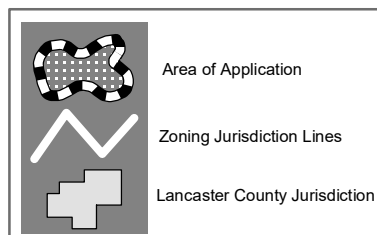
Zoning:

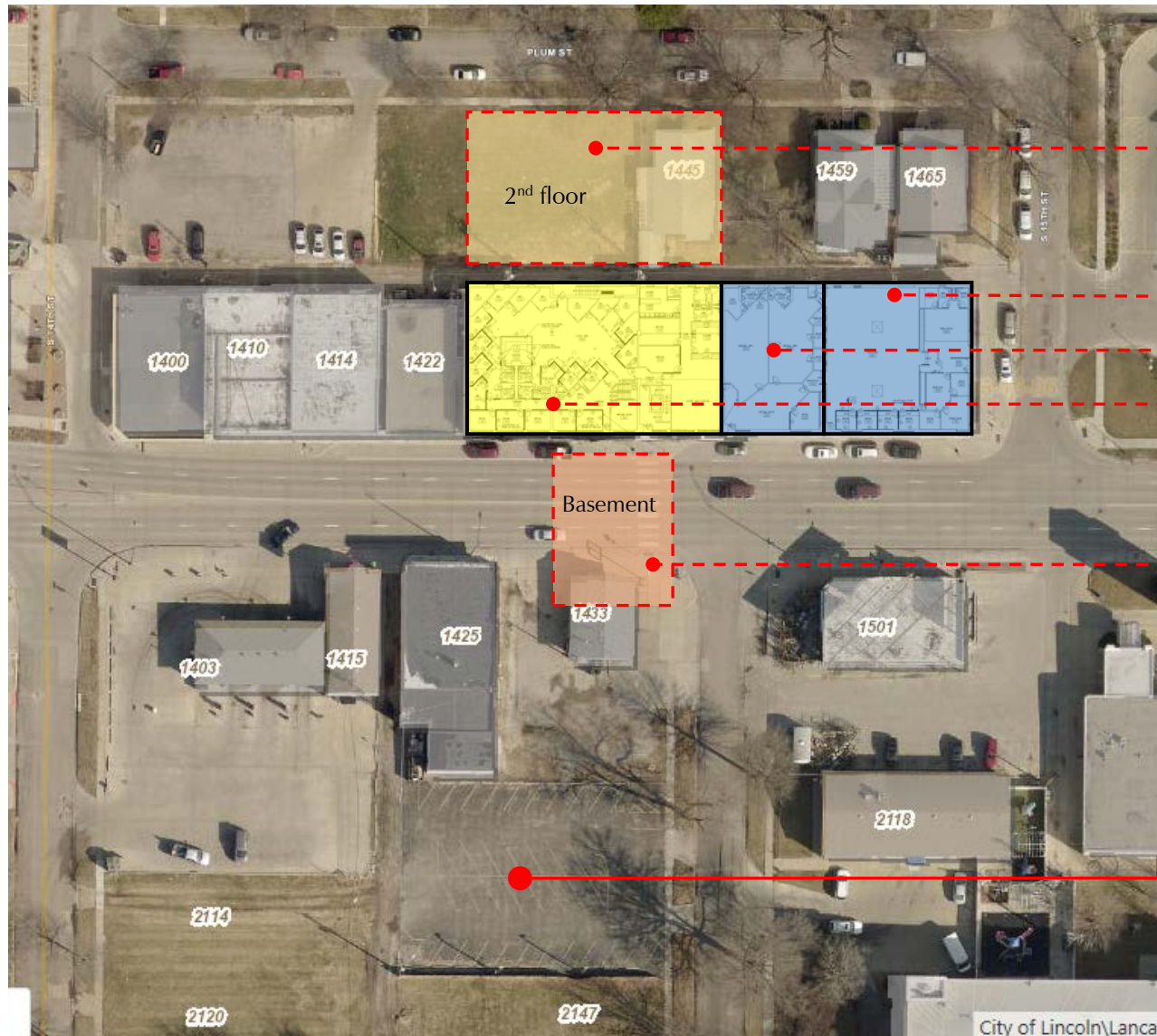
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	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

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One Square Mile:
Sec.36 T10N R06E





- Existing 2nd Floor
 - 7,550 sf
 - Administration
 - 4,660- sf / 600 = 8 stalls
 - Rehabilitation Area
 - 2,900- sf / 600 = 5 stalls
 - Residential Healthcare Facility
 - 1st floor = 7,200 sf
 - 2nd floor = 7,550 sf
 - 4 stalls per resident = 32/4 = 8 stalls
 - 2 stalls per 3 employees 11 stalls
 - There are 16 employees on the largest shift
 - Basement Storage
 - 2,224 sf / 0 = 0 stalls
-
- TOTAL STALLS REQUIRED = 32 stalls

- Existing off street parking within 300'
- 42 stalls available including 2 HC accessible stalls. See Sheet C-1
 - (32 stalls shall be dedicated for Integrated Behavioral Health Services use)

NORTH
VICINITY MAP
No Scale

SP1791A

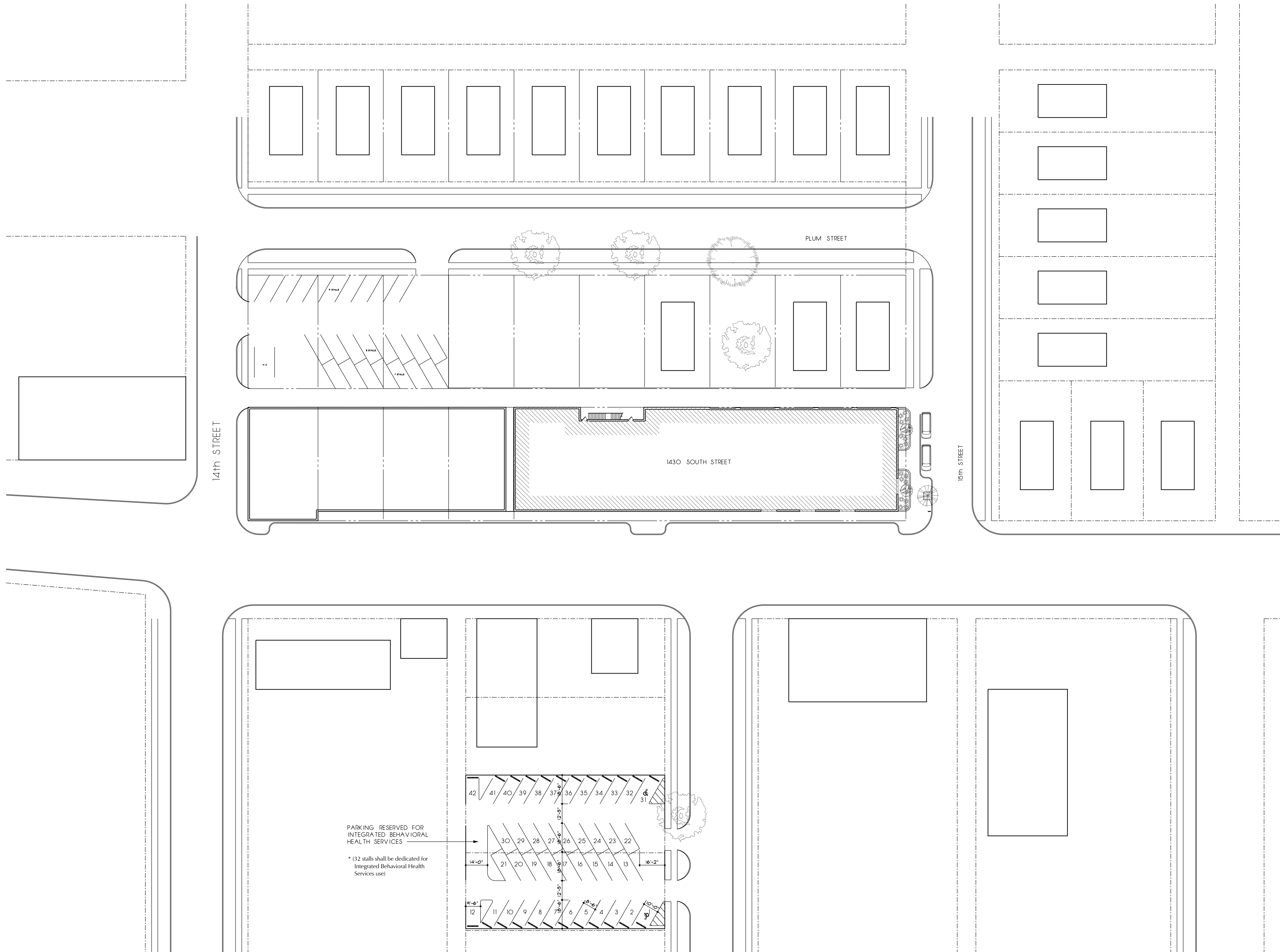
UPDATED 09-14-2021
Project # 2019-00-019

Architecture **1** NE
8030 Thornview Road
Lincoln, NE 68506
402.580.2312 c
402.489.5112 p.f.
ksuhr@neb.rr.com

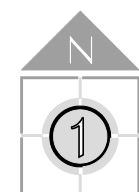
43

Integrated Behavioral Health Services

1430 South Street
Lincoln, NE 68502



A SITE PLAN
SCALE: 1" = 30'-0"



Integrated Behavioral Health Services

SP1791A

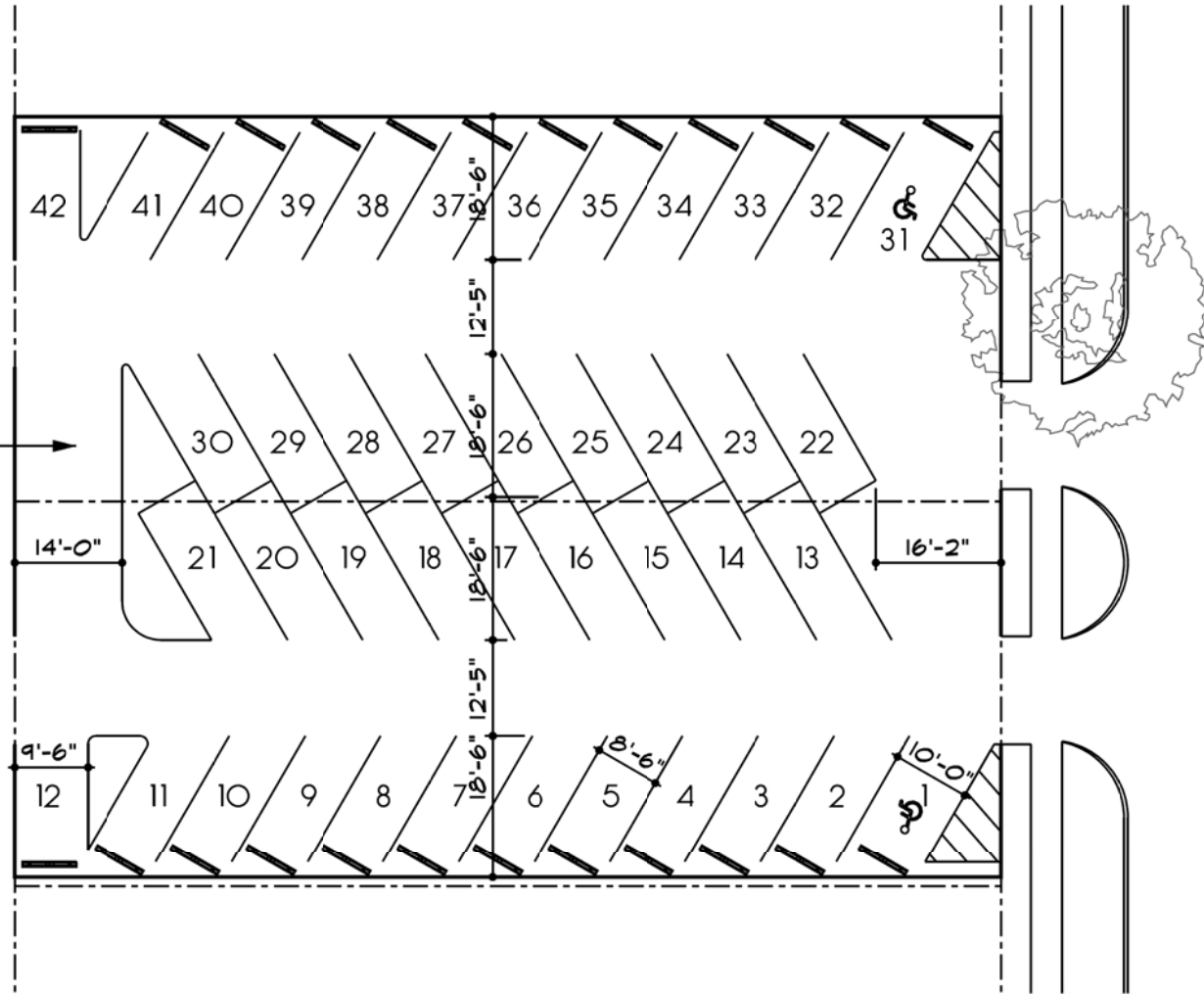
09/14/2021
Project # 2019-00-019

Architecture **1** NE
8030 Thornview Road
Lincoln, NE 68506
402-489-5290

1430 South Street
Lincoln, NE

PARKING RESERVED FOR
INTEGRATED BEHAVIORAL
HEALTH SERVICES

* (32 stalls shall be dedicated for
Integrated Behavioral Health
Services use)



SP1791A

09/14/2021
Project # 2019-00-019

Integrated Behavioral Health Services

1430 South Street
Lincoln, NE

Architecture **1** NE
8025 Thunder Road
Lincoln, NE 68506
402-409-2200

SCOTT D. KELLY
MARK A. CHRISTENSEN
RICHARD P. GARDEN, JR.
JOHN C. MILES
THOMAS C. HUSTON
DON R. JANSSEN
SUSAN K. SAPP
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GARY R. BATENHORST
JILL GOSSIN JENSEN
ROCHELLE A. MULLEN
TRENTEN P. BAUSCH
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RICHARD P. JEFFRIES
TRACY A. OLDEMAYER
TRENT R. SIDDER
ANDRE R. BARRY
DAVID J. ROUTH
JASON R. YUNGTUM
MEGAN S. WRIGHT
THERESA D. KOLLER
AUSTIN L. MCKILLIP
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RENEE A. EVELAND
HENRY L. WIEDRICH
DANIEL W. OLDENBURG

CLINE WILLIAMS
WRIGHT JOHNSON & OLDFATHER, L.L.P.

ATTORNEYS AT LAW

ESTABLISHED 1857

233 SOUTH 13TH STREET
1900 U.S. BANK BUILDING
LINCOLN, NEBRASKA 68508-2095

(402) 474-6900

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October 21, 2021

ADAM W. BARNEY
GREGORY S. FRAYSER
JENNIE A. KUEHNER
TRAVIS W. TETTENBORN
BEAU B. BUMP
SHANNON E. FALLON
JODY N. DUVALL
CRISTIN MCGARRY BERKHAUSEN
KATIE A. JOSEPH
LILY AMARE
JOHN F. ZIMMER, V
NATHAN D. CLARK
PAUL B. DONAHUE
ALISON JANECEK BORER
SYDNEY M. HUSS
BRITTNEY M. HOLLEY
AMANDA C. SWISHER
ELIZABETH A. STEVENSON
ISAIAH J. FROHLING
CHRISTOPHER B. GREENE
JESSICA K. ROBINSON

STEPHEN E. GEHRING
L. BRUCE WRIGHT
ROBERT J. ROUTH
DAVID R. BUNTAIN
TERRY R. WITTLER
RICHARD A. SPELLMAN
DAVID O. COLVER†

DONALD F. BURT (INACTIVE)
STEPHEN H. NELSEN (INACTIVE)

†ATTORNEYS ADMITTED IN COLORADO ONLY

VIA HAND DELIVERY

David Cary
Planning Director
Lincoln/Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: Application Letter – Amendment to SP1791A
Integrated Behavioral Health Services
Our File No. 25534.010

Dear Mr. Cary:

This firm represents Integrated Behavioral Health Services, LLC ("IBHS"), which is a tenant of the building located at 1430 South Street (the "Building") and owned by B & J Partnership, Ltd. d/b/a Speedway Properties.

1. **Request.** This is a request for an Amendment to Special Permit No. 1791A (as amended by Administrative Amendment 20058) to expand the residential healthcare facility to the second floor of the Building.

a. **First Floor.** IBHS currently leases the first floor of the Building and operates a residential healthcare facility that offers psychiatric residential rehabilitation services for up to 16 adults, which is allowed under the existing special permit. Other uses on the first floor include administration and outpatient daytime psychiatric rehabilitation services, which are permitted uses.

b. **Second Floor.** The second floor of the Building is currently vacant. IBHS intends to lease this space for use as a residential healthcare facility that offers psychiatric residential rehabilitation services for up to 16 adults. This amendment is necessary to allow this use.

October 21, 2021

Page 2

c. Residents. The total number of residents would be up to 32 adults—up to 16 adults on each floor. From a density standpoint, this is consistent with the original special permit for Cedars Youth Services, which authorized a residential healthcare facility for up to 34 children.

d. Employees. The total number of employees on the largest shift would be 16.

e. Parking. There is adequate parking for all the existing and proposed uses in the Building. The parking would be provided in the parking lot on S. 15th Street to the south of the property on the other side of South Street. There are 42 stalls available in the lot, and I calculate that 32 stalls would be required.

2. **Submittal**.

a. APPLICATION FORM. Enclosed please find the application form signed by the applicant and the property owner.

b. APPLICATION FEE. Enclosed please find a check made payable to the City of Lincoln in the amount of \$419.00 for the application fee.

c. SITE PLAN. I will upload the Site Plan to ProjectDox upon request of the City.

If there are any questions or if you need any additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Alison Borer". The script is cursive and fluid.

Alison Janecek Borer
For the Firm

Enclosures

cc: Jeromie Luginbill (via email)

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER
Text Amendment #21010FINAL ACTION?
NoPLANNING COMMISSION HEARING DATE
December 1, 2021RELATED APPLICATIONS
None**RECOMMENDATION: APPROVAL****BRIEF SUMMARY OF REQUEST**

This text amendment revises and clarifies recent updates to sections of Title 27 in the City of Lincoln Municipal Code that were part of TX21006 known as the Affordable Housing Text Amendment package. These clarifications include updating the parking table to provide a ratio for multi-family in the B-3 district which was inadvertently missed, remove an extra dot in the table for O-3 dwellings, and clarify the Corner Front Yard regulations.

STAFF CONTACT

Stephanie Rouse, (402) 441-6373 or
srouse@lincoln.ne.gov

JUSTIFICATION FOR RECOMMENDATION

The proposal is clarifying regulations that resulted from recommendations in the Affordable Housing Coordinated Action Plan, following adoption and early attempts to apply the new standards. The original amendment was intended to address the growing strain on the Lincoln housing market and increasing lack of affordable housing options. Clarifying the application of several of these amended code sections support the original text amendment intent.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed amendments meet the goals of the Comprehensive Plan to support a variety of housing types and their appropriate distribution across the City, integration of varied housing types within neighborhoods, encouraging predictable development patterns, and discouraging negative impacts to neighborhood character.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 7.2 - Neighborhoods & Housing Guiding Principles

- Promote sustainability and resource conservation by preserving and improving housing in existing neighborhoods.
- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P. 7.9 - Existing Neighborhoods

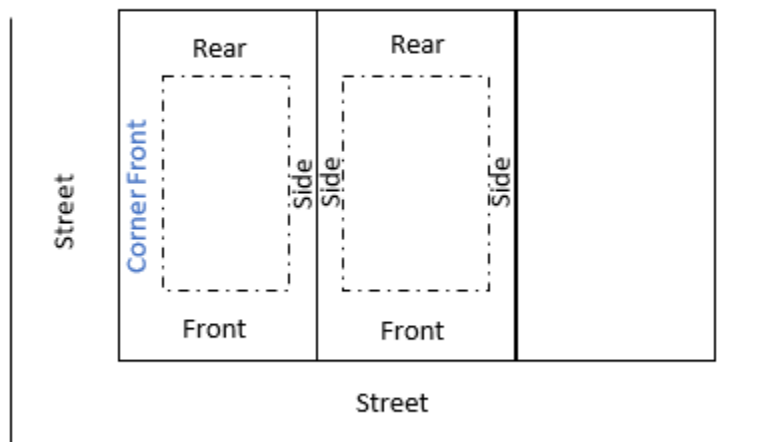
- Promote the preservation, maintenance and renovation of existing housing and neighborhoods throughout the city, with special emphasis on low- and moderate-income neighborhoods.
- Promote the continued use of single-family dwellings and all types of buildings, to maintain the character of neighborhoods and to preserve portions of our past. Building code requirements for the rehabilitation of existing buildings should protect the safety of building occupants, while recognizing the need for flexibility that comes with rehabilitating existing buildings.
- Implement the housing and neighborhood strategies as embodied in the City of Lincoln Consolidated and Annual Action Plans and subsequent housing and neighborhood plans. These plans provide the core for affordable housing and neighborhood preservation actions for public and private agencies.

ANALYSIS

1. As part of TX21006 a new category for Multiple Family Dwellings was created in Figure 27.67.020 Parking Matrix. In some instances, the ratio was reduced from the original “Dwellings” category from 2.0 to 1.5. In the case of most commercial and office zoning district the same ratio was carried across. In the implementation of this regulation two errors occurred. First, the O-3 District now shows a ratio of both 1 per dwelling unit and 2 per dwelling unit for Single- and Two- Family Dwellings. The 2 per dwelling unit dot will be removed to match the original 1 per dwelling unit ratio. Second, no parking ratio was added for the B-3 District. To correct this, the 1 per dwelling unit within 300 feet ratio for Single- and Two- Family Dwellings is being mirrored for Multiple Family Dwellings.

2. Corner lots, prior to the approval of TX21006, had two front yards (adjacent to each street) which increased the required setbacks. The amendment created a new definition, Corner Front Yard, to apply to one of the street facing yards. The setback for single and two-family dwellings on these Corner Front Yards was reduced to 10 feet. The Corner Front Yard façade was required to have two openings, each a minimum of 6 square feet, to preserve the character of the street frontage and avoid blank facades.

Diagram of the new corner front yard definition



3. Following the adoption of the new regulation and application to proposed projects, some unintended gaps in the code were discovered that made applying the new Corner Front Yard definition a challenge. To resolve any ambiguity in the previously adopted definition and setback, the following changes are proposed:
 - a. Specifying that accessory buildings must use the front yard, not the Corner Front Yard setback. This will keep sheds and detached garages from being located between dwellings and the street where they previously were not allowed under the two front yards ordinance.
 - b. Defining predominant platting orientation and that where no clear street has the predominant pattern, either can be used.
 - c. Defining the types of openings that meet the existing requirement. While this regulation was modeled

on the neighborhood design standards, it was not included in the ordinance that a garage door does not meet the intent of an opening and avoiding blank facades.

- d. Requiring garage doors to meet the front yard setback, not the Corner Front Yard setback, to avoid vehicles overhanging the sidewalk if parked in front of the garage door.
- e. Clarification that if the Corner Front Yard Setback is not used and instead the Front Yard Setback is met, these regulations for Corner Front Yards do not apply.

Prepared by

Stephanie Rouse, Planner

Date: November 19, 2021

Applicant: Lincoln-Lancaster County Planning Department
555 S. 10th Street, Suite 213
Lincoln, NE 68508
(402) 441-7491

Contact: Stephanie Rouse
(402) 441-6373 or srouse@lincoln.ne.gov

"F:\DevReview\TX\21000\TX21010 Affordable Housing.slr.docx"

ORDINANCE NO. _____

1 AN ORDINANCE amending Lincoln Municipal Code Sections 27.02.260, 27.72.020,
2 27.72.070, and Figure 27.67.020 to implement a number of zoning changes recommended by the
3 Lincoln Affordable Housing Coordinated Action Plan adopted by the City of Lincoln, City
4 Council, in December 2020; and repealing Sections 27.02.260, 27.72.020, 27.72.070, and Figure
5 27.67.020 as hitherto existing.

6 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

7 Section 1. That Section 27.02.260 of the Lincoln Municipal Code be amended to
8 read as follows:

9 **27.02.260 Y.**

10 **Yard Line.** The yard line is a line on the lot running parallel to and the required horizontal
11 distance from the nearest lot line.

12 **Yard, Required.** Required yard shall mean the required minimum open space between
13 the property line and the yard line. The required yard shall contain no building or structure other
14 than the projection of the usual steps and landing, unenclosed balconies, or open porches, or as
15 otherwise provided in this title.

16 **Yard, Required Corner Front** On a corner lot there shall be one required front yard
17 abutting the street frontage with the predominant platting orientation. All other street frontages
18 shall be a required corner front yard. For the purposes of interpreting this chapter, any instance
19 where front yard is addressed it is understood that corner front yard also applies unless otherwise
20 stated.

Yard, Required Front. The required front yard shall extend across the front of a lot abutting a street. On a corner lot, there shall be only one required front yard and it shall be adjacent to the lot line that is in line with the predominant platting orientation of most of the structures on the block. If there is not a predominant platting orientation, the required front yard may be on either street frontage. All other street frontages on a corner lot shall be required corner front yards. On a double frontage lot where the street frontages run parallel both lot lines are considered required front yards.

Yard, Required Rear. The required rear yard shall extend across the rear of a lot between the side lot lines. On corner lots, the required rear yard may be to the rear of either street, provided that the minimum required rear yard shall be calculated on the longest average lot dimension. On interior lots, the required rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard, Required Side. The required side yard shall extend between the front yard line and the rear yard line. There shall be only one required side yard on a corner lot.

Section 2. That Figure 27.67.020 of the Lincoln Municipal Code be amended to read as follows:

Figure 27.67.020 PARKING MATRIX												
Parking Spaces Required												
Zoning Districts	Single- and Two-Family Dwellings				Multiple Family Dwellings (c)		Office/Retail/Commercial Uses					Industrial Uses
	0.5 per dwelling unit	1 per dwelling unit	1.75 per dwelling unit	2 per dwelling unit	1 per dwelling unit	1.5 per dwelling unit	2 per 3 persons on max. shift or 1 per 1,000 sq. ft. a	1 per 600 sq. ft.	1 per 500 sq. ft.	1 per 300 sq. ft.	1 per 150 sq. ft.	2 per 3 persons on maximum shift or 1 per 1,000 sq. ft. a
AG	AG District: None except uses with special parking requirements listed under Section 27.67.040 of the Lincoln Municipal Code .											

AGR				•								
R-1				•		•						
R-2				•		•						
R-3				•		•						
R-4				•		•						
R-5			•			•						
R-6			•			•						
R-7		•			•							
R-8		•			•				•			
R-T		•			•					•		
O-1	O-1 District: There is no required parking in the O-1 District.											
O-2		•			•					•		
O-3		•		•	•					•		
B-1		•			•					within 300'		
B-2		•			•					within 300'		
B-3		within 300'			within 300'			within 300'				
B-4	B-4 District: There is no required parking in the B-4 District.											
B-5		•			•					•		
H-1											•	
H-2								within 300'				
H-3										within 300'		
H-4										within 300'		
I-1							within 300'					within 300'
I-2							within 300'					within 300'
I-3										•		•
<p>a. If the number of spaces required by the <u>building</u> ratio is greater than required by the employee ratio, an additional parking area shall be reserved to accommodate the construction of the additional spaces.</p> <p>Refer to Figure 27.67.040 of the Lincoln Municipal Code for a list of uses with special parking requirements.</p> <p>Refer to Section 27.67.040 of the Lincoln Municipal Code for uses with special parking requirements.</p> <p>Refer to Section 27.67.066 of the Lincoln Municipal Code for uses in the H-3 district with special parking requirements.</p> <p>Any parking requirement resulting in a partial parking space shall be rounded up to the next whole number as per Section 27.67.030(e) of the Lincoln Municipal Code.</p> <p>b. In zoning districts that allow parking within a certain separation distance, the separation distance shall be measured from the nearest point of the parking lot that contains the required parking stalls.</p> <p>c. Multiple Family Dwellings does not include any use already addressed in 27.67.040 Parking Requirements; Special Conditions.</p>												

- 1 Section 3. That Section 27.72.020 of the Lincoln Municipal Code be amended to
- 2 read as follows:
- 3 **27.72.020 Height and Lot Regulations R-1 through R-8 Zoning Districts.**

- 1 The maximum height and minimum lot requirements within the R-1 through R-8 Districts
- 2 shall be as follows:
- 3 (a) **R-1, R-2, R-3, and R-4 General Requirements.** See Table 27.72.020(a) below:

Table 27.72.020(a) Maximum Height and Minimum Lot Requirements for the R-1 through R-4 Districts					
		R-1	R-2	R-3	R-4
Single-family Dwelling	Lot Area (sq. ft.)	9,000	6,000	6,000	5,000
	Avg. Lot Width	60'	50'	50'	50'
	Front Yard	30'	25'	20'	25'
	Corner Front Yard (a)	10'	10'	10'	10'
	Side Yard	10'	5'	5'	5'
	Rear Yard	Smaller of 20' or 20% of the lot depth			
	Height	35'	35'	35'	35'
Two-family Dwelling	Lot Area per Family (sq. ft.)	7,200	5,000	5,000	2,500
	Avg. Lot Width per Family	48'	40'	40'	25'
	Front Yard	30'	25'	20'	25'
	Corner Front Yard (a)	10'	10'	10'	10'
	Side Yard (0' if party wall)	20'	10'	5'	5'
	Rear Yard	Smaller of 20' or 20% of the lot depth			
	Height	35'	35'	35'	35'
Other Allowed Uses	Lot Area (sq. ft.)	9,000	6,000	6,000	5,000
	Avg. Lot Width	60'	50'	50'	50'
	Front Yard	30'	25'	20'	25'
	Corner Front Yard (a)	10'	10'	10'	10'
	Side Yard	10'	5'	5'	5'
	Rear Yard	Smaller of 30' or 20% of the lot depth			
	Height	35'	35'	35'	35'
a. See Section 27.72.070 (c)					

1 b) **R-5, R-6, R-7, and R-8 General Requirements.** See Table 27.72.020(b) below:

Table 27.72.020(b) Maximum Height and Minimum Lot Requirements for the R-5 through R-8 Districts					
		R-5	R-6	R-7	R-8
Single-family Dwelling	Lot Area (sq. ft.)	5,000	4,000	4,000	4,000
	Avg. Lot Width	50'	50'	50'	50'
	Front Yard	20'	20'	20'	10'
	Corner Front Yard (a)	10'	10'	10'	10'
	Side Yard	5'	5'	5'	10'
	Rear Yard	Smaller of 30' or 20% of the lot depth			20'
	Height	35'	35'	35'	35'
Two-family Dwelling	Lot Area per Family (sq. ft.)	2,500	2,500	2,000	2,000
	Avg. Lot Width per Family	25'	25'	25'	25'
	Front Yard	20'	20'	20'	10'
	Corner Front Yard (a)	10'	10'	10'	10'
	Side Yard (0' if party wall)	5'	5'	5'	10'
	Rear Yard	Smaller of 30' or 20% of the lot depth			20'
	Height	35'	35'	35'	35'
Townhouses	Lot Area per Family (sq. ft.)	2,500	2,500	2,000	2,000
	Avg. Lot Width per Family	20'	20'	20'	20'
	Front Yard	20'	20'	20'	10'
	Corner Front Yard (a)	10'	10'	10'	10'
	Side Yard (0' if party wall)	10'	5'	5'	10'
	Rear Yard	Smaller of 30' or 20% of the lot depth			20'
	Height	35'	35'	35'	35'
Multiple-Family Dwellings and Apartment Hotels	Lot Area per Unit (sq. ft.)	1,500	1,100	700	550
	Avg. Lot Width	50'	50'	50'	50'
	Front Yard	20'	20'	20'	10'
	Corner Front Yard (a)	20'	20'	20'	10'
	Side Yard (0' if party wall)	7' or 10' if over 20' in ht.		Total 15'; minimum 7' per side	10'
	Rear Yard	Smaller of 30' or 20% of the lot depth			20'
	Height	55'	55'	55'	75'
Other Allowed Uses	Lot Area (sq. ft.)	5,000	4,000	4,000	4,000
	Avg. Lot Width	50'	50'	50'	50'
	Front Yard	20'	20'	20'	10'
	Corner Front Yard (a)	20'	20'	20'	10'
	Side Yard	5'	5'	5'	10'
	Rear Yard	Smaller of 30' or 20% of the lot depth			20'
	Height	35'	35'	35'	35'
a. Facades on a corner front yard must have a minimum of two openings measuring a minimum of 6 square feet each. See Section 27.72.070 (c)					

1 **(c) Exceptions to the Minimum Lot Requirements Residential.**

2 (1) In the R-1 through R-4 zoning districts, if a vacant lot or tract of land has less area or
3 width or both less area and width than herein required but is at least 40 feet wide and
4 was legally created prior to November 2, 1953, such lot or tract of land may be used
5 for a single-family dwelling. For those lots or tracts of land described by the foregoing
6 sentence and located within the R-1 Residential district, a side yard of at least five feet
7 shall be provided.

8 (2) In addition to the provisions of subsection (c)(1) above, if a vacant lot or tract of land
9 has less width than herein required but is at least 40 feet wide, is located in a R-4 zoning
10 district, and was legally created prior to November 2, 1953, such lot or tract of land
11 may be used for a two-family dwelling in the R-4 district.

12 (3) In the R-5 through R-8 zoning districts, where a vacant lot or tract of land has less area
13 or width or both less area and width than herein required but is at least 40 feet wide and
14 was legally created prior to November 2, 1953, the lot or tract of land may be used for
15 a single-family dwelling, two-family dwelling, or for any nondwelling use permitted in
16 this chapter.

17 (4) If an existing lot or tract of land in a residential zoning district lawfully occupied by a
18 single-family or two-family dwelling on the effective date of this title or on the
19 effective date of a change in district boundaries from another zoning district to the
20 existing residential district has less area or width or both less area and width than herein
21 required, such lot or tract of land shall not be considered nonstandard due to this
22 condition.

- 1 (5) In those locations in the R-1 and R-2 zoning districts where, on November 2, 1953, and
2 continuing thereafter, forty percent or more of the frontage on the same side of a street
3 between two street intersections is lawfully occupied by two or more buildings
4 consisting of two-family dwellings or two-family and multiple-family dwellings, two-
5 family dwellings may be erected in conformance with the height, minimum lot
6 requirements, and parking regulations of the R-4 zoning district.
- 7 (6) In those locations in R-4 zoning district where, on November 2, 1953, and continuing
8 thereafter, forty percent or more of the frontage on the same side of a street between
9 two street intersections is lawfully occupied by two or more buildings consisting of
10 multiple-family dwellings, three- and four-family dwellings may be erected in
11 conformance with the height, minimum lot requirements, and parking regulations of
12 the R-5 zoning district.
- 13 (7) If an existing lot or tract of land in the R-1 or R-2 zoning district is lawfully occupied
14 by a two-family dwelling which has a side yard setback of less than twenty feet in the
15 R-1 zoning district or ten feet in the R-2 zoning district and said use becomes
16 nonstandard through a change in district boundaries from another zoning district to this
17 district, the two-family dwelling may be enlarged, extended, or reconstructed as long
18 as the greater of the existing side yard or a ten-foot side yard for the R-1 and five foot
19 side yard for the R-2, is provided.
- 20 (8) If two or more abutting lots in the R-2 zoning district existing on or before November
21 2, 1953, have an aggregate width of at least 75 feet, such lots may be used for a two-
22 family dwelling, notwithstanding the R-2 district average lot width requirements per
23 family in Table 27.72.020(a).

(9) In the R-5 through R-8 zoning districts, if two single-family dwellings are located on one lot, said dwellings are subject to the applicable height and area restrictions for a two-family dwelling.

Section 4. That Section 27.72.070 of the Lincoln Municipal Code be amended to read as follows:

27.72.070 Additional Front Yard Requirements.

(a) In all zoning districts there shall be a required front yard on each street side of a double-frontage lot.

(b) In all zoning districts, there shall be a required front yard, in those lots requiring a front yard, on the street side of a corner lot that is in line with the platting orientation of most of the structures on the block. All remaining street frontages become required corner front yards; provided, however, that the buildable width of a lot of record on November 2, 1953 need not be reduced below:

Thirty-five feet in the AG, AGR, R-1, R-2, R-3, O-2, O-3 zoning districts;

Twenty-eight feet in R-4, R5, R-6, R-7, R-8, O-1, B-1, B-2, B-3, B-4, all H and I-1 and I-2 zoning districts;

except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.

(c) Corner Front yards shall have the following requirements:

(i) Detached accessory buildings may not use the Corner Front Yard setback.

(ii) The predominant platting orientation shall be determined by the street adjacent to the corner lot with the greatest number of lots with front yards on that street. For example, if a corner lot is adjacent to Street A and Street B, the total number of lots

1 with a front yard on Street A and Street B are determined and the street with the
2 greatest number of lots determines the predominate platting orientation. Where the
3 number is equal for the two streets involved, either street on a corner lot may be
4 used for the corner front yard.

5 (iii) Facades facing the corner front yard must have a minimum of two openings, each
6 measuring at least six square feet. The openings may be either a non-vehicular door
7 and a window or two windows.

8 (iv) Garage doors facing a corner front yard must meet the setback of the front yard.

9 (v) If the front yard setback, rather than the corner front yard setback is applied, the
10 provisions of 27.72.070 (c) above do not apply.

11 Section 20. That Sections 27.02.260, 27.72.020, 27.72.070, and Figure 27.67.020
12 of the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

13 Section 21. This ordinance shall be published, within fifteen days after the
14 passage hereof, in one issue of a daily or weekly newspaper of general circulation in the City, or
15 posted on the official bulletin board of the City, located on the wall across from the City Clerk's
16 office at 555 S. 10th Street, in lieu and in place of the foregoing newspaper publication with notice
17 of passage and such posting to be given by publication one time in the official newspaper by the
18 City Clerk. This ordinance shall take effect and be in force from and after its passage and
19 publication or after its posting and notice of such posting given by publication as herein and in the
20 City Charter provided.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2021:

Mayor