

City Council Introduction: **Monday**, November 18, 2002
Public Hearing: **Monday**, November 25, 2002, at **5:30 p.m.**

Bill No. 02-179

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3377**, from P Public Use to B-4 Lincoln Center Business District, requested by the Director of the Urban Development Department, on property generally located at 9th and "O" Streets (Old Federal Place).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 10/30/02
Administrative Action: 10/30/02

STAFF RECOMMENDATION: Approval.

RECOMMENDATION: Approval (7-0: Krieser, Larson, Carlson, Newman, Bills-Strand, Taylor and Schwinn voting 'yes'; Duvall and Steward absent).

ASSOCIATED REQUESTS: Declaration of Surplus Property (02R-285) and Change of Zone No. 77HP (02-178).

FINDINGS OF FACT:

1. This proposed change of zone request and the associated proposal to declare surplus property (Comprehensive Plan Conformance No. 02009) and landmark designation (Change of Zone No. 77HP) were heard at the same time before the Planning Commission.
2. The staff recommendation to approve this change of zone to B-4 Lincoln Center Business District is based upon the "Analysis" as set forth on p.4-5, concluding that this change of zone request generally conforms with the Comprehensive Plan.
3. The applicant's testimony is found on p.6-7.
4. There was no testimony in opposition.
5. On October 30, 2002, a motion to remove the "Comfort Station" from this change of zone request failed 3-4 (Carlson, Newman and Taylor voting 'yes'; Krieser, Larson, Bills-Strand and Schwinn voting 'no'; Steward and Duvall absent). See Minutes, p.8.
6. On October 30, 2002, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval of this change of zone request. (See Minutes, p.8).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: November 12, 2002

REVIEWED BY: _____

DATE: November 12, 2002

REFERENCE NUMBER: FS\CC\2002\CZ.3377

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Change of Zone #3377

DATE: October 14, 2002

SCHEDULED PLANNING COMMISSION

October 30, 2002

PROPOSAL: The Director of the Urban Development Department has requested a change of zone from P Public Use District to B-4 Lincoln Center Business District for Old Federal Place as in conformance with the Comprehensive Plan.

LAND AREA: Approximately 1.471 acres.

CONCLUSION: This change of zone request generally conforms with the Comprehensive Plan.

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

LEGAL DESCRIPTION: A portion of land composed of Block 43, Original Plat, located in the Southeast Quarter of Section 23, Township 10 North, Range 6 East of the 6th Principal Meridian, Lancaster County, Nebraska, description attached (Exhibit A).

LOCATION: 9th and "O" Streets

APPLICANT: Marc Wullschleger
Director of Urban Development
129 N. 10th Street, Rm 110
Lincoln, NE 68508
(402) 441-7611

OWNER: City of Lincoln, Nebraska, A Municipal Corporation

CONTACT: Marc Wullschleger
Director of Urban Development
129 N. 10th Street, Rm 110
Lincoln, NE 68508
(402) 441-7611

PURPOSE: To reflect the change from public to private ownership.

EXISTING ZONING: P Public Use District

EXISTING LAND USE: Public - government offices, storage and maintenance space.

SURROUNDING LAND USE AND ZONING:

North:	Commercial	B-4
South:	Public -- Old City Hall/Commercial P/	B-4
East:	Commercial	B-4
West:	Commercial	B-4

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Lincoln/Lancaster County Comprehensive Plan designates this area as “Public and Semi-Public.”

“Downtown Lincoln - The Heart of our Community

Downtown Lincoln belongs to all residents of Nebraska because downtown is synonymous with the University of Nebraska, state government, and the State Capitol building. This state-wide ownership has strong economic implications, and for that reason, as well as the desire to maintain downtown as the ‘heartbeat’ of the community, the Comprehensive Plan will ensure that downtown remains a special place. The plan will seek to preserve vistas and institutions of cultural importance, to reinforce the district as a center of entertainment, and to promote a rich diversity of activities and uses, including housing, education, government, offices and commerce.” (page V 2)

“During the time period covered by this Plan, there will likely be a need to construct, renovate, or abandon certain public buildings and facilities not already discussed in this document. At such time as these events may occur, care should be taken by those public officials making these decisions that the Vision of this Plan is recognized and respected. This may include the siting of a new facility, the abandonment of an existing one, the way renovations are undertaken, the manner of financing used to complete the work, the arrangements made for the facility’s operation, the process followed in making the decision, and the timing of the action.” (page F 131)

“Public property, especially publicly owned historic property, is a community trust and should be maintained, preserved, and utilized in an exemplary fashion. Most historic property is and should be privately owned and maintained.” (page F 141)

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

HISTORY:

- 1987 - The City Council declared the Old Federal Building as surplus property.
- 2000 - The Planning Commission and City Council amended the Lincoln Center Redevelopment Plan to include Old Federal Place as a redevelopment project.

- 2002 - The Redevelopment Agreement between the City of Lincoln and NuStyle Development Corporation of Omaha for Old Federal Place was approved by the City Council in June, 2002.
- 2002 - The City of Lincoln has requested a Landmark designation for Old Federal Building.

UTILITIES: This area is within the Future Service Limit of the Comprehensive Plan. All utilities are available or planned for this area.

TOPOGRAPHY: The topography is flat across the site.

TRAFFIC ANALYSIS: P Street adjacent to the north property boundary is classified as a Minor Arterial. The Comprehensive Plan states that “This class interconnects with, and augments principal arterials, distributes traffic to smaller areas, and contains streets that place some emphasis, on land access. These are characterized by moderate to heavy traffic volumes (page F 103 - Minor Arterials).

‘O’, 9th and 10th Streets are adjacent the site on the south, west and east respectively, and these roadways are classified as an Urban Principle Arterial. The Comprehensive Plan states that “This functional class of street serves the major portion of intercommunity and intracommunity traffic within the urban area and is designed to carry high traffic volumes.

PUBLIC SERVICE: This area is served by City of Lincoln public safety services and utilities, and by Lincoln Public Schools.

AESTHETIC CONSIDERATIONS: The buildings are currently used for government leasing space, storage and maintenance functions. The Old Federal Building is eligible for designation as a local Landmark and listing on the National Register of Historic Places.

ALTERNATIVE USES: The buildings could continue their use as government leasing space, storage and maintenance functions or other uses consistent with P Public Use Zoning District.

ANALYSIS:

1. This request is for a change of zone from P Public Use to B-4 Lincoln Center Business District.
2. The request is associated with “Change of Zone #77HP” a Landmark designation application which is a requirement of the Redevelopment Agreement between the City of Lincoln and NuStyle Development Corporation.
3. The request is associated with “Comprehensive Plan Conformity #02009” to declare the building commonly known as the Comfort Station as surplus and finding of conformity with the Comprehensive Plan.
4. The change of zone request for Old Federal Place is related to the Redevelopment Agreement between the City of Lincoln and NuStyle Development Corporation of Omaha that was approved by the City Council in June, 2002. The Redevelopment Agreement reflects the

development goals for this building that were identified in revisions to the Lincoln Center Redevelopment Plan that was approved by the Planning Commission and City Council in December 2000.

5. The redevelopment of Old Federal Place will create a private redevelopment and adaptive reuse for apartments and mixed use retail or professional space including parking and related uses.
6. The City of Lincoln is the current owner of the property. The change of zone request by the Urban Development Department is consistent with the future use and proposed Zoning District needed prior to transferring ownership to NuStyle.
7. The B-4, Lincoln Center Business District is appropriate for this location.
8. P Public Use land is a District for land owned and operated by a public entity. A change of zone to a district that recognizes private ownership is appropriate if the land is declared surplus and sold.

Prepared by:

Duncan Ross, AICP
Planner

**COMPREHENSIVE PLAN CONFORMANCE NO. 02009,
TO DECLARE SURPLUS PROPERTY;
CHANGE OF ZONE NO. 77HP
FOR A LANDMARK DESIGNATION;
and
CHANGE OF ZONE NO. 3377
FROM P PUBLIC USE TO B-4 LINCOLN CENTER**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 30, 2002

Members present: Krieser, Larson, Carlson, Newman, Bills-Strand, Taylor and Schwinn; Duvall and Steward absent.

Staff recommendation: A finding of conformance with the Comprehensive Plan on the proposed declaration of surplus property; and approval of the landmark designation and Change of Zone No. 3377.

Proponents

1. Dallas McGee appeared on behalf of the **Urban Development Department**. This past June, the City Council approved a Redevelopment Agreement for the Old Federal Building between the City and NuStyle Development Corporation, which agreement identified in detail the responsibilities that each of the parties will have in carrying out this redevelopment. In general, NuStyle has agreed to redevelop the building as a mixed use project with residential on the upper floors and commercial on the first floor. The City would sell the building to NuStyle, along with the Comfort Station, and would participate with TIF money generated from the project as well as land sale proceeds. The three items before the Commission today were identified as the city's responsibility in terms of the Redevelopment Agreement.

The first item is to declare the Comfort Station as surplus property. In 1987, the City Council declared the Old Federal Building as surplus. The Comfort Station sits on the southwest corner and was not included in that declaration.

Secondly, the city was identified as the responsible party to pursue a local landmark designation for the Old Federal Building. Preservation of the building was one of the key elements discussed during the redevelopment process. The City identified easements on the exterior of the Old Federal Building and the Comfort Station and easements on key portions of the interior of the Old Federal Building.

Finally, the third action is a change of zone from P Public Use to B-4 Lincoln Center Business District. The P district is typical of city owned property. With redevelopment, Urban Development is requesting a rezoning to B-4 Lincoln Center Business District to be consistent with the surrounding properties as well as the recommended uses for the building.

Larson confirmed that all of these actions are basically to bring the property into conformance with the contract. McGee concurred. These were responsibilities that were identified that the city would need to pursue before selling the property.

Newman asked about the proposed use of the Comfort Station. McGee stated that NuStyle has looked at three possible uses, including a small retail facility, a small office facility and some sort of meeting facility to rent out to groups, but no decision has been made. However, he assured that the Comfort Station will not be removed. There are preservation easements on the exterior of the Comfort Station. The exterior of the building must be maintained.

2. Ed Zimmer of Planning staff presented the application for landmark designation. He emphasized that the Old Federal Building is a building that we know well but there is a lot that we can learn about it. The National Register designation will follow this landmark designation. This building has had an evolution. It was built as the United States Post Office and Courthouse. Moving west of the original building, is a c-shaped building which set the pattern for the whole building that grew over a 4-decade period and was not completed until 1939. The second portion was added over a decade after the first, reconfiguring the interior, yet salvaging the woodwork and marble from the 1905 building to put in the 1915 building. One area that continues to be protected that was constructed in 1905 is the courtroom. The building was completed to its present configuration stretching the full length of P street in 1939, completing the original concept on the interior with a different finish work at each successive construction period. The guidelines being followed are those of the Secretary of Interior standards for historic buildings. We will have the landmark designation as well as preservation easements on the building and the Comfort Station by the time of the closing on the sale.

There was no testimony in opposition.

Public hearing was closed.

COMPREHENSIVE PLAN CONFORMANCE NO. 02009

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

October 30, 2002

Larson moved to find the declaration of surplus property to be in conformance with the Comprehensive Plan, seconded by Krieser.

Carlson stated that he will vote against the motion because he is disagrees with surplusing the Comfort Station.

Motion carried 5-2: Krieser, Larson, Bills-Strand, Taylor and Schwinn voting 'yes'; Carlson and Newman voting 'no'; Steward and Duvall absent.

CHANGE OF ZONE NO. 77HP

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

October 30, 2002

Larson moved approval, seconded by Krieser and carried 7-0: Krieser, Larson, Carlson, Newman, Bills-Strand, Taylor and Schwinn voting 'yes'; Duvall and Steward absent.

CHANGE OF ZONE NO. 3377

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

October 30, 2002

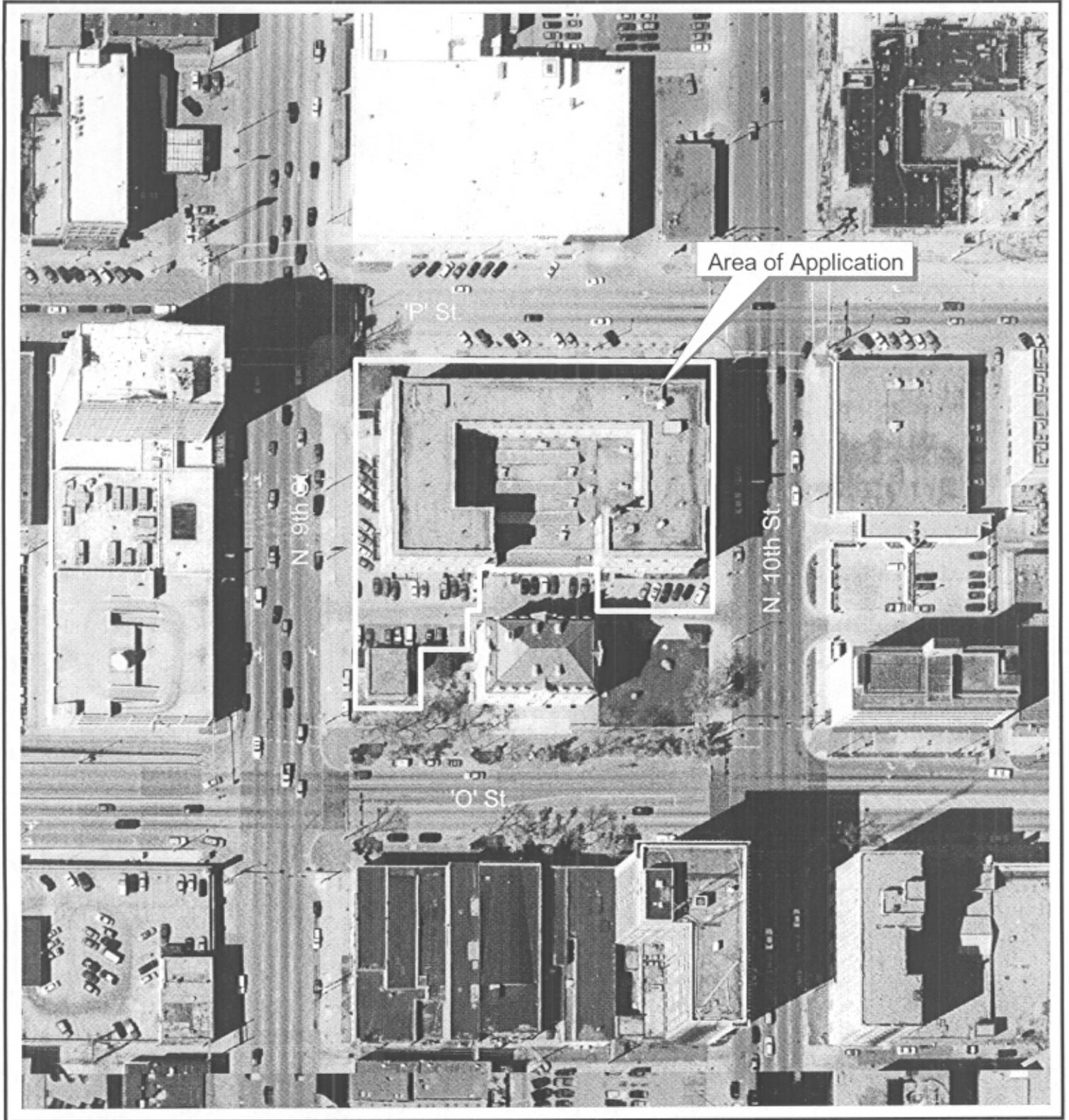
Larson moved approval, seconded by Krieser.

Carlson moved to amend to remove the Comfort Station from the change of zone request, seconded by Newman.

Motion to amend failed 3-4: Carlson, Newman and Taylor voting 'yes'; Krieser, Larson, Bills-Strand and Schwinn voting 'no'; Steward and Duvall absent.

Carlson understands the decisions that have been made on the Old Federal Building, and while he disagreed with those decisions, he acknowledges that the community has spoken on the issue. He is in favor of doing what is best for the building and he intends to support the redevelopment and do whatever it takes to make sure the building is taken care of and that the project is a success.

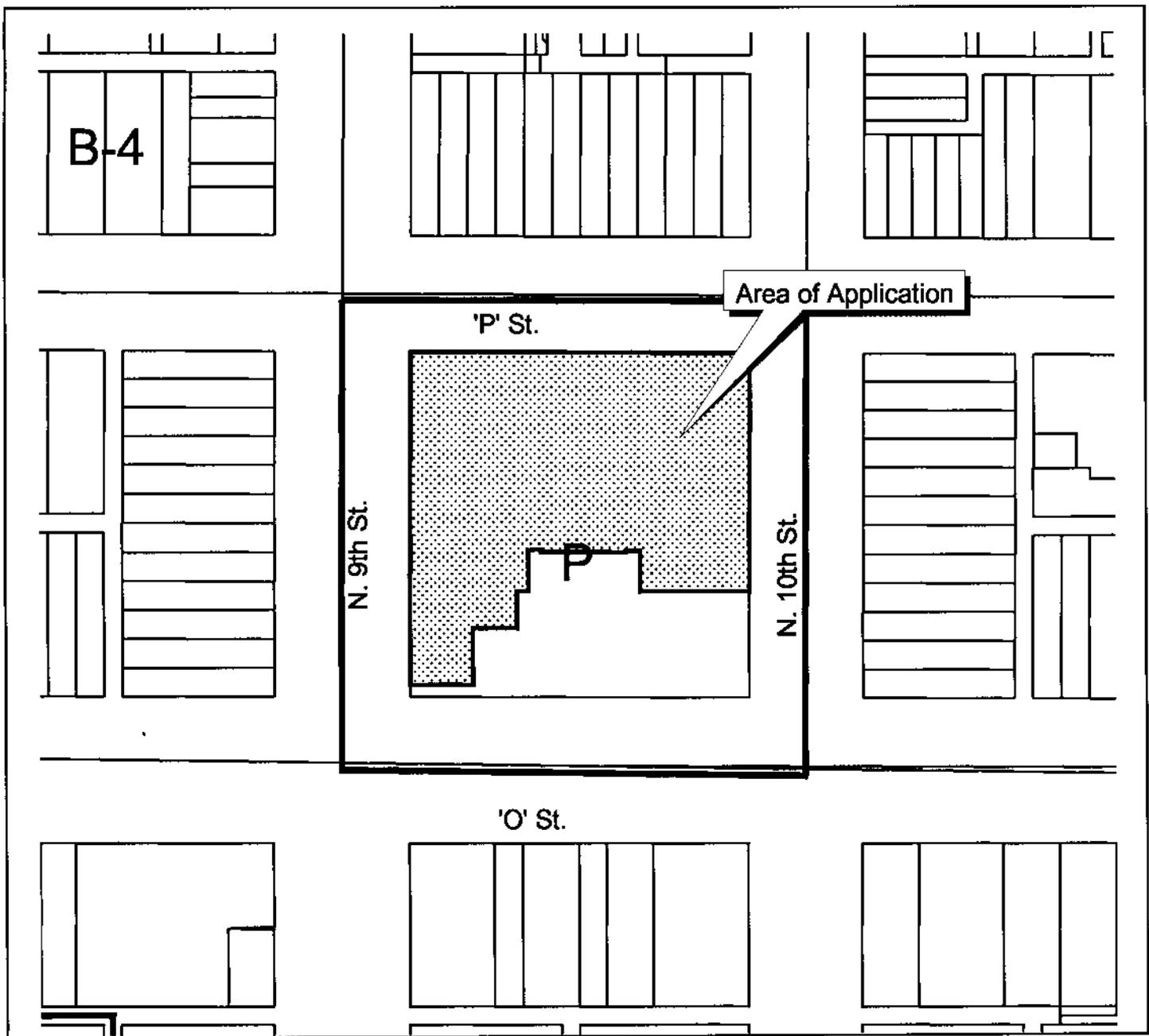
Motion for approval carried 7-0: Krieser, Larson, Carlson, Newman, Bills-Strand, Taylor and Schwinn voting 'yes'; Duvall and Steward absent.



**Change of Zone #3377
9th & 'O' St.**



009



Change of Zone #3377 9th & 'O' St.

Zoning:

- R-1 to R-8 Residential District
- AGR Agricultural District
- R-C Agricultural Residential District
- O-1 Residential Conservation District
- O-2 Office District
- O-3 Suburban Office District
- R-T Office Park District
- B-1 Residential Transition District
- B-2 Local Business District
- B-3 Planned Neighborhood Business District
- B-4 Commercial District
- B-5 Lincoln Center Business District
- H-1 Planned Regional Business District
- H-2 Interstate Commercial District
- H-3 Highway Business District
- H-4 Highway Commercial District
- I-1 General Commercial District
- I-2 Industrial District
- I-3 Industrial Park District
- P Employment Center District
- P Public Use District

One Square Mile
Sec. 23 T10N R6E

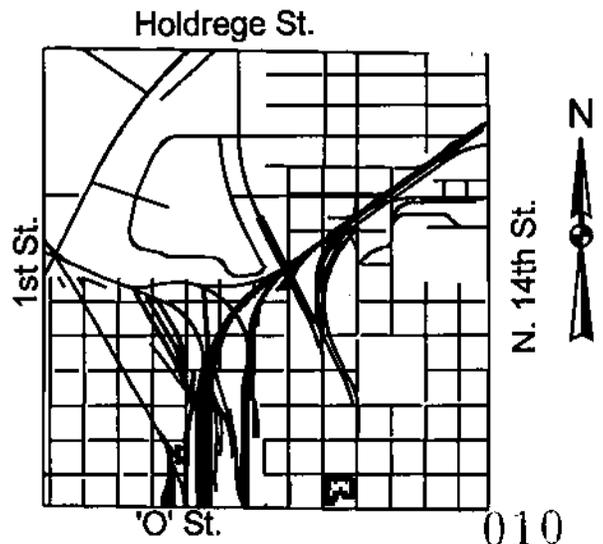
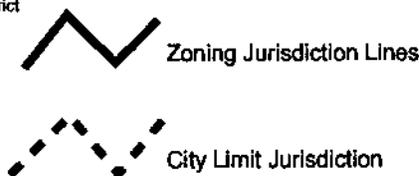


Exhibit A

**OLD FEDERAL ADDITION
ADMINISTRATIVE FINAL PLAT
LOT 1
CHANGE OF ZONE FROM "P" TO "B-4"
LEGAL DESCRIPTION**

A tract of land composed of a portion of Block 43, Original Plat, City of Lincoln, located in the Southeast Quarter of Section 23, Township 10 North, Range 6 East of the 6th Principal Meridian, Lancaster County, Nebraska and being more particularly described as follows:

Beginning at the Northwest corner of Block 43, Original Plat, a found 1" rebar; thence easterly $N89^{\circ}58'07''E$ on the North line of said Block 43, 300.33 feet to the Northeast corner of said Block 43, a found 1" rebar; thence southerly $S00^{\circ}02'30''E$ on the East line of said block, 206.77 feet to a point; thence westerly $N89^{\circ}31'26''W$, 96.61 feet to a point; thence northerly $N00^{\circ}00'00''E$, 35.00 feet to a point; thence westerly $N89^{\circ}31'26''W$, 12.99 feet to a point; thence southerly $S00^{\circ}28'34''W$, 1.10 feet to a point; thence westerly $N89^{\circ}31'26''W$, 75.14 feet to a point; thence northerly $N00^{\circ}28'34''E$, 2.40 feet to a point; thence westerly $N89^{\circ}31'26''W$, 8.00 feet to a point; thence southerly $S00^{\circ}28'34''W$, 1.30 feet to a point; thence westerly $N89^{\circ}31'26''W$, 2.90 feet to a point; thence southerly $S00^{\circ}00'00''E$, 35.00 feet to a point; thence westerly $N89^{\circ}31'26''W$, 10.00 feet to a point; thence southerly $S00^{\circ}00'00''E$, 32.38 feet to a point; thence westerly $S90^{\circ}00'00''W$, 39.47 feet to a point; thence southerly $S00^{\circ}01'58''E$, 49.20 feet to a point; thence westerly $S89^{\circ}58'02''W$, 55.11 feet to a point of intersection with the west line of said Block 43; thence northerly $N00^{\circ}03'33''W$ on the west line of said Block 43, 286.50 feet to the point of beginning.

Containing a total calculated area of 64,113 square feet or 1.471 acres, more or less.

September 3, 2002

From: Jeff Cole

To: Brian Will

RE: Old Federal Building Redevelopment Project Change of Zone Request

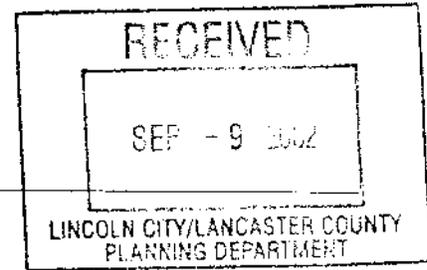
The attached Change of Zone request for the Old Federal Building is an aspect of the Redevelopment Agreement between the City and NuStyle Development Corporation of Omaha that was approved by the Lincoln City Council on June 3rd. This Redevelopment Agreement reflects the development goals for this building that were identified in revisions to the Lincoln Center Redevelopment Plan approved by the Planning Commission and City Council in December 2000.

While the City is the current owner of the property, the change in zone request is driven by our desire to transfer ownership of the property to the NuStyle. We have recently submitted an application to the Planning Department to revise the Administrative Final Plat to divide Block 43 into two lots to facilitate this development. Lot #1, which extends from the northern half of the block to the portion surrounding the Comfort Station on southern half, is the portion of the block that we are seeking to change from P to B 4. We are sending a separate letter requesting that the Comfort Station be declared surplus so it can be included in this redevelopment project.

Please contact me if you have any questions about this request or any general questions about this project.



M e m o r a n d u m



To: Duncan Ross, Planning Dept.

From: ^{BB} Bruce Briney, Public Works and Utilities

Subject: Change of Zone Request #3377, Old Federal Addition

Date: September 9, 2002

cc: Nicole Fleck-Tooze
Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the application for Change of Zone #3377 from P to B-4 for Old Federal Addition, located on Block 43, and has no objection to the application.