

City Council Introduction: **Monday**, April 1, 2013
Public Hearing: **Monday**, April 8, 2013, at **5:30 p.m.**

Bill No. 13-50

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 13004**, for a Special Sign District designation in the B-4 Lincoln Center Business District known as "The Railyard Special Sign District", on property generally bounded by North 7th Street on the east, R Street on the north, Canopy Street on the west and Q Street on the south.

STAFF RECOMMENDATION: Conditional Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 03/20/13
Administrative Action: 03/20/13

RECOMMENDATION: Conditional Approval (6-0: Lust, Scheer, Francis, Hove, Gaylor Baird, and Cornelius voting 'yes'; Corr, Sunderman and Weber absent).

FINDINGS OF FACT:

1. This is a request to approve a change of zone for a Special Sign District pursuant to Section 27.69.300 of the Lincoln Municipal Code known as "The Railyard Special Sign District" located on the block in West Haymarket bounded by North 7th Street, R Street, Canopy Street and Q Street.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-4, concluding that The Railyard Special Sign District supports this unique area's role as an entertainment district which serves as a transition between Historic Haymarket and the Arena and its associated new development area. The sign requirements of the B-4 Lincoln Center Business District will generally apply to The Railyard Special Sign District, except for a video screen/digital display oriented towards the north and the west, referred to as "The Cube," and a "Railyard" identification sign that will span between two buildings. This special sign district is intended to permit and regulate the use of The Cube along with guiding the signs of the Railyard for general compatibility with Historic Haymarket. This proposal is conformance with the Comprehensive Plan and the Downtown Master Plan. The staff presentation is found on p.5.
3. The applicant's testimony is found on p.5-6.
4. There was no testimony in opposition.
5. On March 20, 2013, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: March 25, 2013

REVIEWED BY: Marvin Krout, Director of Planning

DATE: March 25, 2013

REFERENCE NUMBER: FS\CC\2013\CZ13004

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for April 6, 2011 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone #13004

PROPOSAL: To approve a change of zone for a Special Sign District.

LOCATION: Generally located at N. 7th Street and Q Street

LAND AREA: .91 acres more or less

EXISTING ZONING: B-4 Lincoln Center Business District

CONCLUSION: The Railyard Special Sign District supports this unique area's role as an entertainment district which serves as a transition between Historic Haymarket and the Arena and its associated new development area. The sign requirements of the B-4 Central Business District will generally apply to the Railyard Special Sign District, except for a video screen/digital display oriented towards the north and the west, referred to as "The Cube," and a "Railyard" identification sign that will span between two buildings. This special sign district is intended to permit and regulate the use of The Cube along with guiding the signs of the Railyard for general compatibility with Historic Haymarket. This proposal is conformance with the Comprehensive Plan and the Downtown Master Plan.

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

LEGAL DESCRIPTION: Lot 1, Block 5, West Haymarket Addition, located in the SW 1/4 of Section 23-10-6, Lincoln, Lancaster County, Nebraska

EXISTING LAND USE: Under construction into a multistory, two-building mixed-use development.

SURROUNDING LAND USE AND ZONING:

North: P Public
Post Office

West: B-4 Lincoln Center Business District
Lofts (mix of commercial and residential)

East: B-4 Lincoln Center Business District
Residential and Commercial

South: B-4 Lincoln Center Business District
Lincoln Station/ Iron Horse Park

HISTORY:

The Lincoln Center Redevelopment Plan was first adopted in 1975 and has added 24 major project areas and multiple sub-projects since its major update in 1985. Projects implemented include a wide variety of retail, residential, parking, and public uses such as University Square, Cornhusker Square, Entertainment Center (theater)/Old Federal Building (Grand Manse), Lincoln Mall, various projects in the Haymarket, Catalyst One/Civic Plaza, and West Haymarket (includes arena).

COMPREHENSIVE PLAN SPECIFICATIONS:

Historic areas and quality new development share underlying aspects of good design: durable materials, thoughtful attention to maintaining or creating a desirable overall setting, accessibility by multiple modes and all people, well-designed and effective signs that communicate without dominating, and sustainable, maintainable landscaping.(4.7)

Prepare subarea plans for the redevelopment of mixed use corridors and nodes to facilitate predictable, expeditious, well-designed improvements and investments.(4.7)

Enhance Downtown's role as the heart of the City. A strong downtown is important to the economic future of the community. Lincoln's Downtown is unique in the community as the home of State government, the State Capitol Building, and the flagship campus of the University of Nebraska. Together with Antelope Valley and the surrounding neighborhoods, it forms a vital core for the City. (5.1)

ANALYSIS:

1. Per Chapter 27.69.300, in any nonresidential district, occupants of 60 percent or more of the street frontage of any block face may petition the City Council for the formation of a special sign with the boundaries of an approved Redevelopment Plan. The subject property is covered by the approved Lincoln Center Redevelopment Plan.
2. Special sign districts can be characterized as an overlay district. All applicable zoning requirements still apply to the land within the district, only the applicable sign regulations are modified by the district. The applicable sign regulations can be made either more or less restrictive by the district.
3. The Railyard is a mixed-use development bounded by R-Q Streets, Canopy Street and N,7th Street. It is adjacent to Historic Haymarket on the east and south, to the Downtown Post Office and Pinnacle Bank Arena to the north and northwest, and to the West Haymarket redevelopment area to the west. The Railyard Special Sign District supports this unique area's role as an entertainment district which serves as a transition between Historic Haymarket and the Arena and its associated new development area.
4. The sign provisions as discussed in this special sign district were generally approved as part of the redevelopment agreement for the Railyard. This special sign district is a mechanism for implementing those provisions.
5. One of the draws to the Railyard development will be a large box structure called "The Cube". The primary purpose of The Cube is to serve as a digital display for motion and still graphic art installations and therefore is deemed not to be a sign by this Special Sign District. The Cube is not and cannot be used as a typical off-premise sign, although as described below sponsors may be identified on a limited basis and commercials may be shown incidental to occasional use of The Cube for displaying broadcast or television programming. The following terms and conditions shall apply to The Cube on a permanent and continuous basis:

- The projection screens/faces of The Cube shall have northerly and westerly orientations in order to limit visibility to persons walking in the Haymarket Landmark District.
 - Displaying of advertising on The Cube is prohibited except that distinguishable trademarks, logos, and insignias are allowed on The Cube identifying special events. No more than five (5) minutes of each hour of operational time of The Cube shall be allocated for recognition of sponsors of special events.
 - Programming on The Cube may occasionally include entertainment or public service broadcasts such as movies, television broadcasts, and sporting events, including advertising ordinarily part thereof.
6. In addition to defining what “The Cube” is, the proposed sign district modifies the B-4 sign requirements to allow for a center sign known as the “Railyard” identification sign. This sign will span between two separate buildings, which would not be allowed by the Zoning Ordinance. This proposed sign can be no larger than 300 square feet.
7. The proposed district also provides for prohibitions of certain types of signs. These prohibitions mimic the sign prohibitions in the adjacent Historic Haymarket Special Sign District. Such prohibitions include:
- plastic-faced, interior-illuminated signs, except that individual dimensional channel letters may be illuminated with neon tubing or similar-appearing light sources protected with transparent, colorless covers;
 - translucent awnings of plastic or vinylized materials with interior illumination;
 - horizontal banners or pennants parallel to the building;
 - electronic changeable copy signs;
 - mobile signs;
 - animated, moving, rotating, flashing, or noise-making signs.
8. In addition to the standards above, the required spacing between projecting signs is reduced from 50 feet to 25 feet. This allows for more individual store fronts to have their own signage.
9. Except as listed above, all signs in the special sign district must otherwise comply with all other applicable requirements of LMC and the Uniform Sign Code.

Prepared by:

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March 07, 2013

CONTACT/ APPLICANT/ OWNER: TDP Phase One, LLC
Brett West
440 N 8th Street
Lincoln, NE 68502

CHANGE OF ZONE NO. 13004

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 20, 2013

Members present: Lust, Scheer, Francis, Hove, Gaylor Baird and Cornelius; Corr, Sunderman and Weber absent.

There were no ex parte communications disclosed.

Staff recommendation: Conditional Approval.

Staff presentation: **Christy Eichorn of Planning staff** explained that his is an application for a change of zone for a special sign district. A special sign district is a zoning overlay and that is why it is a change of zone application – it is an extra layer that goes on top of the zoning layer that already exists. This special sign district application is for one particular block just north and adjacent to the Haymarket area, and is an important part of the redevelopment of the Arena, downtown and the West Haymarket area. It will mimic the sign district that exists in the Haymarket with two exceptions:

- 1) It will have a special type of display, which is called “the Cube” and it is part of the redevelopment agreement for this area. Specifically, in the sign district it is not identified as a sign and it does not necessarily function as an off-premise sign. It will be a display showing shows, commercials, other activities – the purpose of the large display screen is for entertainment and will be part of the Railyard district. Because this is a very unique area with unique sign requirements, staff felt that the special sign district would be prudent. It would not only help the staff track signs and sign permits in this area but also help make sure of compliance with the redevelopment agreement. The redevelopment agreement did include some specifications dealing with signs.
- 2) The other sign unique to this special sign district is a wall sign that will potentially go across two buildings. There is nothing in the sign code that identifies a sign that arches between two buildings. Therefore, because this is a unique type of sign it had to be specifically identified in the special sign district.

Proponents

1. **Brett West with WRK**, 3042 Sheridan Boulevard, explained that “the Cube” is a digital video board 15 feet high by 45 feet wide facing the interior courtyard, and 15 x 15 facing Canopy Street on the side. As set forth in the redevelopment agreement, the primary purpose of this video board is to enhance the area with the special sign district. There will be different displays, with five minutes every hour devoted to advertisements to promote events. The whole idea is to make it something that has never been seen before.

Francis inquired whether it is mostly to promote events coming to the area. West explained that to be only the five minutes for advertising. One of the concepts we are working on is calling it the “Railyard” with a 15-minute video presentation. It is intended to be like a show in and of

itself. We can show pregame Husker events through Husker Vision or whatever is on Cable TV. It is intended to draw people into the common space. It will enhance the common space and be considered public art.

West also explained that the other sign in the sign district spans two buildings in an alley that connects into the courtyard to draw people into that area.

The rest of the signs will fall under the B-4 zoning district regulations.

There was no testimony in opposition.

Cornelius asked for an explanation of how “the Cube” functions relative to the existing ordinance about animated signs. Eichorn explained that the special sign district does not identify “the Cube” as a sign, so it does not have to meet the same separation requirements of electronic billboards.

Cornelius commented that there is language in the ordinance about duration of still and animated images, the reason being safety driven. Eichorn suggested that those provisions would not apply to “the Cube” because it will be centered on a C-shaped avenue where they do not expect to have a lot of vehicle traffic. And if there is any traffic, it would be relatively slow. It is internal to a courtyard.

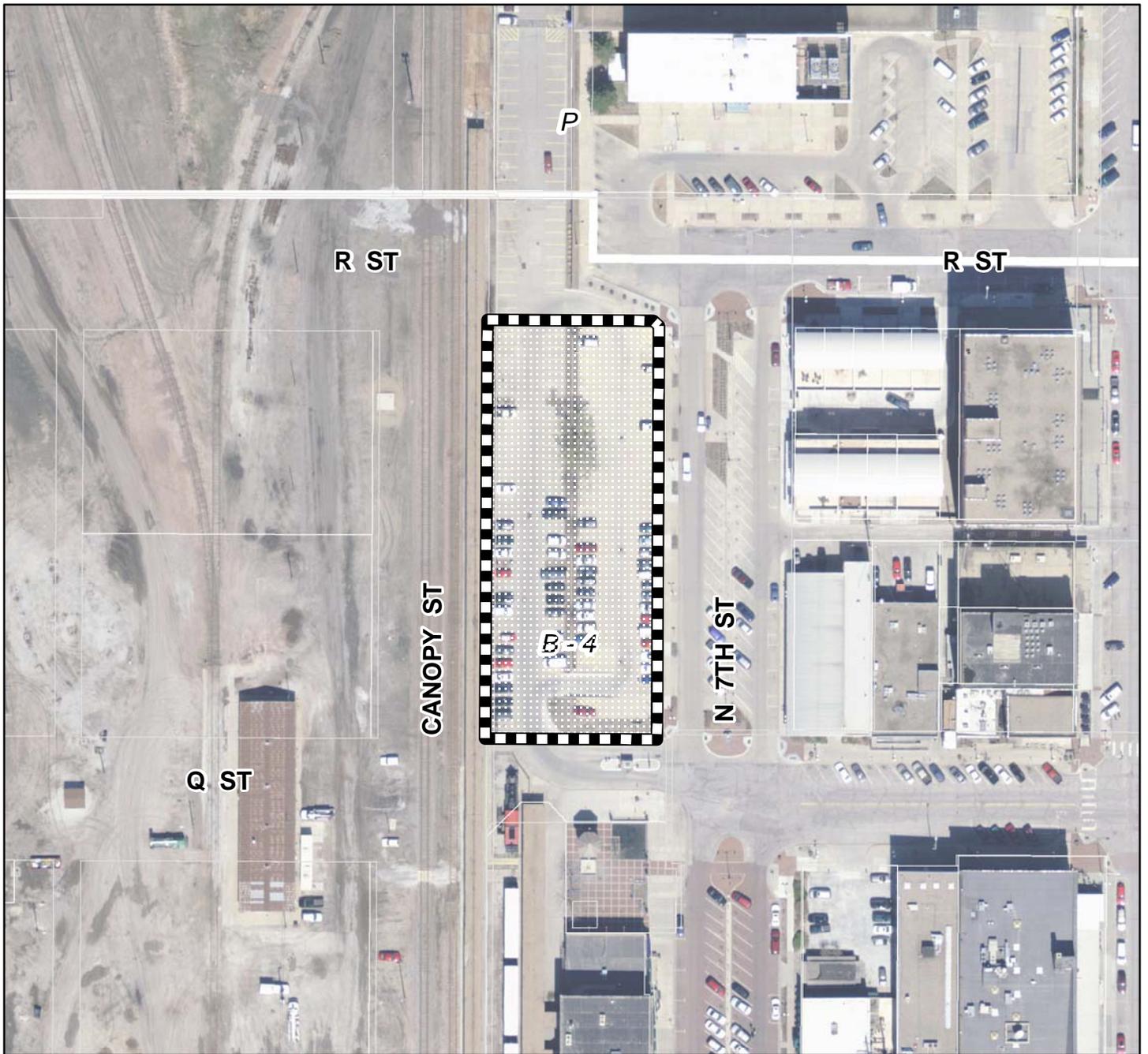
ACTION BY PLANNING COMMISSION:

March 20, 2013

Lust moved to approve the staff recommendation of conditional approval, seconded by Hove.

Gaylor Baird commented that during the Comprehensive Plan update, there was a lot of discussion about “placemaking” and this is an example of an application where there is a concerted effort to create a sense of place – it is a new part of Lincoln and it is historic. An important part of signs and signage is how to achieve that sense of place.

Motion for conditional approval carried 6-0: Lust, Scheer, Francis, Hove, Gaylor Baird and Cornelius voting ‘yes’; Corr, Sunderman and Weber absent. This is a recommendation to the City Council.



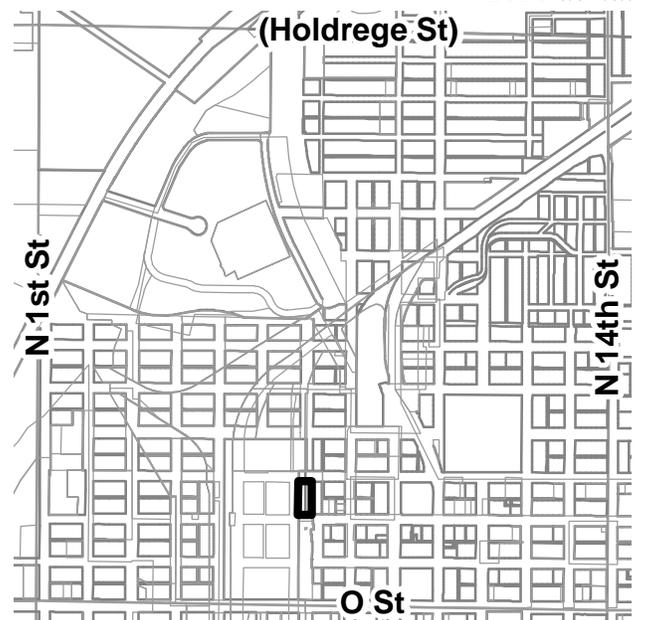
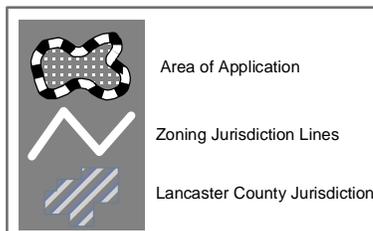
2010 aerial

Change of Zone #: CZ13004
Railyard Sign District
N 7th & Q 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

One Square Mile:
 Sec.23 T10N R06E



**Special Sign District,
“The Railyard” (Q-R-Canopy-North 7th)**

INTRODUCTION

The Railyard is a mixed-use development bounded by North 7th Street on the east, R Street on the north, Canopy Street on the west, and Q Street on the south. It is adjacent to Historic Haymarket on the east and south, to the Downtown Post Office and Pinnacle Bank Arena to the north and northwest, and to the Arena redevelopment area to the west..

The Railyard Special Sign District supports the development’s unique role as an entertainment district which serves as a transition between Historic Haymarket and the Arena and its associated new development area. The sign requirements of the B-4 Central Business District apply to the Railyard Special Sign District, except as specifically modified by this special sign district.

The Railyard is configured as a reverse “C” shape of buildings, with the open space adjacent to the refurbished railroad platform canopy and Canopy Street. A principal feature of the open space will be a large video screen/digital display oriented towards the north and the west, referred to as “The Cube.” These criteria are intended to permit and regulate the use of The Cube along with guiding the signs of the Railyard for general compatibility with Historic Haymarket.

CRITERIA FOR “RAILYARD” SIGNS

Permitted signs throughout the Railyard Special Sign District are those signs permitted in the B-4 district, except the following types are **prohibited**:

- plastic-faced, interior-illuminated signs, except that individual dimensional channel letters may be illuminated with neon tubing or similar-appearing light sources protected with transparent, colorless covers;
- translucent awnings of plastic or vinylized materials with interior illumination;
- horizontal banners or pennants parallel to the building;
- electronic changeable copy signs;
- mobile signs;
- animated, moving, rotating, flashing, or noise-making signs.

In addition, the required spacing between projecting signs (in-lieu of freestanding signs) is reduced from 50 feet to 25 feet.

Furthermore, a “Railyard” identification sign is permitted on a structure spanning between the north and south buildings, facing S. 7th Street. The area of this sign shall not exceed 300 Square feet.

THE CUBE

The primary purpose of The Cube is to serve as a digital display for motion and still graphic art installations and therefore is deemed not to be a sign by this Special Sign District. The Cube is not and cannot be used as an off-premise sign, although as described below sponsors may be identified on a limited basis and commercials may be shown incidental to occasional use of The

Cube for displaying broadcast or television programming. The following terms and conditions shall apply to The Cube on a permanent and continuous basis:

- A. The projection screens/faces of The Cube shall have northerly and westerly orientations in order to limit visibility to persons walking in the Haymarket Landmark District.
- B. Displaying of advertising on The Cube is prohibited except that distinguishable trademarks, logos, and insignias are allowed on The Cube identifying special events. No more than five (5) minutes of each hour of operational time of The Cube shall be allocated for recognition of sponsors of special events.
- C. Programming on The Cube may occasionally include entertainment or public service broadcasts such as movies, television broadcasts, and sporting events, including advertising ordinarily part thereof.

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