

FACTSHEET

TITLE: CHANGE OF ZONE NO. 14025 HP
(Historic Landmark Designation)

BOARD/COMMITTEE: Planning Commission

APPLICANT: Anthony Mitchell

RECOMMENDATION: Approval (7-0: Beecham, Weber, Sunderman, Harris, Scheer, Corr and Cornelius voting 'yes'; Hove and Lust absent).

STAFF RECOMMENDATION: Approval

OTHER DEPARTMENTS AFFECTED: N/A

SPONSOR: Planning Department

OPPONENTS: None

REASON FOR LEGISLATION:

To designate the O'Connell/Galbraith House at 727 South 9th Street as a Historic Landmark.

DISCUSSION / FINDINGS OF FACT:

1. This change of zone request and an associated Special Permit No. 14028 to use the landmark property as a restaurant were heard at the same time before the Planning Commission.
2. The staff recommendation to approve this Landmark designation is based upon the "Analysis" as set forth on p.3, concluding that the landmark designation protects a very early and unusual small house with historic significance, and provides the opportunity to request a special permit which fosters maintenance and reuse of the proposed landmark. This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan. The staff presentation is found on p.7.
3. The applicant's testimony is found on p.7-8.
4. There was no testimony in opposition.
5. The Historic Preservation Commission held public hearing on this application on August 21, 2014, and recommended approval (See, p.5-6).
6. The Preservation Guidelines will be attached to the Council ordinance.
7. On September 17, 2014, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval of the landmark designation.
8. On September 17, 2014, the Planning Commission also adopted Resolution No. PC-01414 approving the associated Special Permit No. 14028, with conditions, to allow the landmark property to be used as a restaurant. As of the date of this Factsheet, said special permit has not been appealed.

FACTSHEET PREPARED BY: Jean Preister, Administrative Officer

DATE: September 22, 2014

REVIEWED BY: Marvin Krout, Director of Planning

DATE: September 22, 2014

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

Sept. 17, 2014 Planning Commission Meeting

PROJECT #: Change of Zone #14025--Landmark Designation--O'Connell-Galbraith House

PROPOSAL: Designation of the property at 727 S. 9th St. as a Landmark (from O-1 Office to O-1 Office with Landmark Overlay).

LOCATION: 727 S. 9th Street, Lincoln

LAND AREA: Less than one acre (3200 sq. ft.)

EXISTING ZONING: O-1 Office

WAIVER/MODIFICATION REQUEST: None

CONCLUSION: The landmark designation protects a very early and unusual small house with historic significance, and provides the opportunity to request a special permit which fosters maintenance and reuse of the proposed landmark. This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

RECOMMENDATION FOR CHANGE OF ZONE 14025:	Approval of Landmark designation
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GENERAL INFORMATION:

LEGAL DESCRIPTION: North 32 feet of Lots 11 and 12, Block 145, Original Plat, NW 1/4 of Sec. 02-09-06, Lincoln, Lancaster County, Nebraska.

EXISTING LAND USE: Vacant.

SURROUNDING LAND USE AND ZONING:

East:	Public offices and parking	P	
West:	Residential		R-6
North & South	Residential and Office		O-1

ASSOCIATED APPLICATION: Special Permit #14028.

HISTORY:

ca. 1881 House constructed for (and probably by) John O'Connell.

1903 Sold by O'Connell.

1911-12 Residence of John and Mabel Galbraith.

1940-94 Property and residence of Schmidt family.

UTILITIES: Served by all Lincoln utilities.

PUBLIC SERVICE:. All Lincoln services, Lincoln Public School district.

ALTERATIVE USES: Landmark designation does not by itself change the permitted uses in the O-1 District. Permitted uses in O-1 district include offices, schools, single and multi-family residences (including apartment hotels), retail sales, and restaurants (in no more than 20% of a residential or office building).

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 1.9 - The Future Land Use Map of the Comprehensive Plan designates this area as Public and Semi-Public.

Pg 4.6, 4.9- "Placemaking" chapter encourages identification and protection of broad range of historic resources, and incentives for maintenance and continued use.

ANALYSIS:

Lincoln Municipal Code, section 27.57.120 provides for designation of landmarks that are "*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.*"

1. The small house at 727 S. 9th St. has multiple associations with significant historic patterns of Lincoln, as well as with the masterful early 20th century photographs of John Johnson. While altered, the house is still recognizable as one of the earliest brick homes extant in Lincoln.
2. The Historic Preservation Commission unanimously recommended the designation of 727 S. 9th Street as a landmark on August 21, 2014. Excerpts from the meeting record are attached.
3. The proposed preservation guidelines for 727 S. 9th St. (also attached) are based on typical guidelines for Lincoln Landmarks.
4. Designation of the O'Connell-Galbraith House as a landmark provides the protection of preservation guidelines and review by Historic Preservation Commission of any future changes to the historic property. Designation also provides eligibility for a special permit for historic preservation, permitting consideration of creative re-use of the building to foster its continued maintenance.

Prepared by:
Ed Zimmer, 441-6360, ezimmer@lincoln.ne.gov
Historic Preservation Planner
September 5, 2014

APPLICANT: Anthony Mitchell
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(402)323-3124
Amitchell68137@gmail.com

OWNER: B&J Partnership Ltd.
Attn: Michael Tavlin
340 Victory Lane
Lincoln, NE 68528

CONTACT: Same as applicant.

Excerpt from
MEETING RECORD

NAME OF GROUP: HISTORIC PRESERVATION COMMISSION

DATE, TIME AND PLACE OF MEETING: Thursday, August 21, 2014, 1:30 p.m., Conference Room 214, 2nd Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Tim Francis, Jim Hewitt, Jim Johnson, Berwyn Jones, Liz Kuhlman and Jim McKee. (Greg Munn absent). Ed Zimmer, Stacey Groshong Hageman and Amy Huffman of the Planning Department; Kevin Abourezk from the *Lincoln Journal Star*.

STATED PURPOSE OF MEETING: Regular Historic Preservation Commission Meeting

APPLICATIONS BY ANTHONY MITCHELL FOR LANDMARK DESIGNATION OF THE O'CONNELL-GALBRAITH HOUSE AT 727 S. 9TH STREET, AND A SPECIAL PERMIT FOR HISTORIC PRESERVATION

PUBLIC HEARING: **AUGUST 21, 2014**

Members present: Francis, Hewitt, Johnson, Jones, Kuhlman and McKee. Munn absent.

Zimmer stated that these applications concern a very small house on a narrow, 32'x100' lot on South 9th Street. His research indicates the house date from the early 1880s and is one of the oldest brick houses in Lincoln. It was built for and probably by the O'Connell family. Mr. O'Connell was listed in several occupations, including bricklayer, but for most of his residency was a watchman at the Burlington depot. In the early 20th century the house was rented by John and Mabel Galbraith, an African-American family. John Johnson took photos of the Galbraiths in front of the house, around 1911-12. Zimmer showed those photos and said that only a few of the residential settings in Johnson photos are still extant. In the later 20th century the house was occupied by Germans from Russia. Zimmer stated that this sequence from families of Irish ancestry, to African-American, to Germans from Russia, is highly characteristic of the South Bottoms neighborhood.

The special permit request is to use the building as a take-out restaurant. Jones inquired and Zimmer answered that the applicant intends to open a "soul food"/barbeque restaurant. It would not have indoor seating as the floor plan is very small and allows just for a small ordering/waiting area, a counter, and the kitchen. Zimmer advised against specifying "soul food" in the special permit as that should not be part of the planning and zoning consideration. Jones concurred, but said he would welcome a good barbeque place.

Zimmer said that the property has some parking to the rear, accessible from the alley. The adjacent property to the south is under the same ownership as 727 S. 9th and is a parking lot. At the corner of 9th and G is a former grocery store, used by Lincoln Literacy Center.

The historic integrity of the structure is not pristine. What appears to be brick today is stucco over the original brick. The special permit application does not propose to make any exterior changes to the property. Zimmer noted that the O-1 district is an office and residential district in proximity to the Capitol and County/City Building. Lincoln Mall, for instance, is zoned O-1. The district allows restaurants as part of an office or residential building, such as the lunch counter in Landmark Center at 10th & Lincoln Mall. However, O-1 restaurants are restricted to 20% of the office or residential area. 727 S. 9th is somewhat of an anomaly in that district as a very small, single family structure. The landmark designation and special permit would allow the restaurant use without the typical O-1 restrictions.

ACTION:

Jones moved that the Preservation Commission recommend both applications for approval, seconded by Johnson.

Jones commented that the landmark application and historic photos were exciting and the use seemed to fit the building and area.

Motion recommending approval of Landmark designation and a Special Permit for historic preservation carried 6-0: Francis, Hewitt, Johnson, Jones, Kuhlman and McKee voting 'yes'; Munn absent.

**CHANGE OF ZONE NO. 14025
HISTORIC LANDMARK DESIGNATION
and
SPECIAL PERMIT NO. 14028
FOR HISTORIC PRESERVATION**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

September 17, 2014

Members present: Weber, Sunderman, Harris, Beecham, Scheer, Corr and Cornelius; Hove and Lust absent.

There were no ex parte communications disclosed.

Staff recommendation: Approval of the landmark designation and conditional approval of the special permit.

Staff presentation: **Ed Zimmer of Planning staff** made the presentation for landmark designation of the O'Connell/Galbraith house located at 727 South 9th Street. This is a very small house, built in 1880, which appears to be a brick house today, but it has a stucco covering over the brick but still retains very legibly its appearance from earlier views. The appearance is recognizably an early house in its form and window trim. In landmark terms, this house gives us an early structure but also a progression of families and it is the pattern of that neighborhood. It meets the character for landmark designation and is recommended for such by the Historic Preservation Commission.

Zimmer then referred to the accompanying special permit request for use of the landmark as a restaurant. This is a use permitted in this O-1 Office district, with a condition to only occupy 20% of the building. Obviously, the applicant could not operate this permitted use in 20% of this building, but it is a use otherwise allowed in the district. The applicant is seeking relief from the condition of the 20% limitation. He is not changing the building on the exterior. Those pieces not yet planned include a sign which will meet the O-1 character and will be reviewed by the Historic Preservation Commission. Mr. Mitchell's plans are a take-out restaurant but the recommended conditions do not mention "take-out" so that he could put a chair and table in the restaurant, if he so desired.

Proponents

1. Anthony Mitchell, 2245 South 15th Street, the applicant, stated that he was living in Florida and ended up in Nebraska for a kidney transplant. He has committed to a self-employment program through his rehabilitation and received funding from the State for his business; however, he could not find a place he could afford to rent. This house has history; he is a cook; and he wants to bring some southern cooking to Lincoln. He is hopeful that his business will do really good and will grow with Lincoln.

Beecham inquired whether there is anything historic surviving on the inside of the building. Zimmer's response was, "not much".

Harris inquired about the 20% rule. Zimmer explained that the O-1 Office District is a fairly limited zoning district in proximity to the State Capitol and the County-City Building. It is a mixed use district with some large structures including office and residential. What we have in this case is an unusual building, which is also very small, in the O-1 district. It is a remnant from an earlier time.

There was no testimony in opposition.

CHANGE OF ZONE NO. 14025

ACTION BY PLANNING COMMISSION:

September 17, 2014

Corr moved approval, seconded by Beecham.

Beecham thinks this is a win-win – it will help save a unique little building and she believes the neighborhood could be well-served by a restaurant.

Motion for approval carried 7-0: Weber, Sunderman, Harris, Beecham, Scheer, Corr and Cornelius voting 'yes'; Hove and Lust absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 14028

ACTION BY PLANNING COMMISSION:

September 17, 2014

Scheer moved to approve the staff recommendation of conditional approval, seconded by Beecham and carried 7-0: Weber, Sunderman, Harris, Beecham, Scheer, Corr and Cornelius voting 'yes'; Hove and Lust absent. This is final action, unless appealed to the City Council within 14 days.