

FACTSHEET

TITLE: CHANGE OF ZONE NO. 3401, from R-6 Residential District to B-3 Commercial District, requested by the Director of the Urban Development Department, on property generally located at North 27th and P Streets.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 04/30/03
Administrative Action: 04/30/03

STAFF RECOMMENDATION: Approval.

RECOMMENDATION: Approval (9-0: Krieser, Taylor, Larson, Carlson, Bills-Strand, Duvall, Newman, Steward and Schwinn voting 'yes').

FINDINGS OF FACT:

1. This change of zone request and an amendment to the **North 27th Street Corridor and Environs Redevelopment Plan** were heard at the same time before the Planning Commission on April 30, 2003. The associated amendment to the **North 27th Street Corridor and Environs Redevelopment Plan** was adopted by the City Council on June 2, 2003, Resolution No. A-82119 (p.20-25).
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.4-5, concluding that this change of zone request to B-3 is generally consistent with the Comprehensive Plan and the adopted amendment to the redevelopment plan (Resolution No. A-82119).
3. The applicant's testimony is found on p.7-8.
4. Testimony in opposition on behalf of the Malone Neighborhood Association is found on p.8-9, and the record consists of one letter from the Malone Neighborhood Association in opposition (p.13-19).
5. The applicant's response to the testimony in opposition is found on p.9-10, assuring that the acquisition and sale of the property would go through a full RFP (request for proposal) process.
6. On April 30, 2003, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval.
7. Since the April 30, 2003, Planning Commission action, the Urban Development Department issued an RFP for a redevelopment plan for this site. The only response received was from CenterPointe. The City is currently negotiating a redevelopment agreement with CenterPointe. CenterPointe, Inc. purchased this property in June, 2003.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: November 10, 2003

REVIEWED BY: _____

DATE: November 10, 2003

REFERENCE NUMBER: FS\CC\2003\CZ.3401

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Change of Zone 3401

DATE: April 18, 2003

SCHEDULED PLANNING COMMISSION MEETING:

DATE: April 30, 2003

PROPOSAL: A change of zone from R-6 Residential to B-3 Commercial.

LAND AREA: 42,576 sq. ft., more or less (approximately one half block)

CONCLUSION: This change of zone request to B-3 is generally consistent with the Comprehensive Plan and the proposed amendment to the subarea plan.

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

LEGAL DESCRIPTION: Lots 1 - 6, Block 21, Kinney's O Street Addition, located in the SE 1/4 of Section 24-10-6, Lancaster County, Nebraska.

LOCATION: 27th and 'P' Streets

EXISTING ZONING: R-6 Residential

EXISTING LAND USE: Vacant church building and parking lot

SURROUNDING LAND USE AND ZONING:

North:	Single family residential and parking lot for commercial use	R-6 Residential
South:	Retail	B-3 Commercial
East:	Single family residential	R-6 Residential
West:	Single family residential	B-3 Commercial

ASSOCIATED APPLICATIONS: Comprehensive Plan Conformity #03002

HISTORY:

Current An architectural and historic preservation review for the church building has been conducted. See attached survey form.

Oct 2002 *North 27th Street Corridor and Environs Redevelopment Plan* adopted.

May 2001 City of Lincoln purchased two residential structures located on Lot 1 of Kinney's O Street Addition. These acquisitions were identified redevelopment activities in the *North 27th Street Redevelopment Plan*. These structures were demolished in March, 2003.

- Mar 1998 *North 27th Street Redevelopment Plan* adopted.
- Jun 1997 *The North 27th Street Corridor Plan* was incorporated as an approved subarea plan of the Comprehensive Plan.
- May 1979 The zoning update changed this area from D Multiple Family Dwelling to R-6 Residential.

COMPREHENSIVE PLAN SPECIFICATIONS:

This property is designated as Urban residential in the Land Use Plan. (F 25)

Maximize the community’s present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods. (F 17)

Encourage mixed-use redevelopment, adaptive reuse, and in-fill development including residential, commercial and retail uses. These uses may develop along transit routes and provide residential opportunities for persons who do not want to or cannot drive an automobile. (F 18)

Commercial uses may vary widely in their intensity of use and impact, varying from low intensity offices, to warehouses, to more intensive uses such as gas stations, restaurants, grocery stores or automobile repair. Each area designated as commercial in the land use plan may not be appropriate for every commercial zoning district. The appropriateness of a commercial district for a particular piece of property will depend on a review of all elements of the Comprehensive Plan. (F 22)

The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use is often gradual. The Comprehensive Plan also encourages the integration of compatible land uses, rather than a strict segregation of different land uses. (F 27)

Buildings and land uses at the edge of the [commerce] center should be compatible with adjacent residential uses. Examples of compatible land uses include offices or child care centers. Buildings should be compatible in terms of height, building materials and setback. Small compatible commercial buildings at the edge could include retail or service uses. Buildings with more intrusive uses should have greater setbacks, screening requirements and be built of more compatible materials. (F 42)

Encourage renovation and reuse of existing commercial centers. Infill commercial development should be compatible with the character of the area and pedestrian oriented. (F 49)

Maintain and encourage retail establishments and businesses that are convenient to, and serve, neighborhood residents, yet are compatible with, but not intrusive upon residential neighborhoods. (F 49)

Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face. Similar housing types face each other: single family faces single family, change to different use at rear of lot. (F 69)

Expansion in existing [commercial] centers should not encroach, or expand to encroach, on existing neighborhoods, and commercial areas must be screened from residential areas. (F 69)

Subarea Planning – The Comprehensive Plan provides broad guidance for achieving the community’s stated Vision. Putting details to the Plan takes additional effort. One means of doing this is through the preparation of subarea plans. Subarea plans offer greater details about the intended future of an area of the community — including land uses, infrastructure requirements, and development policies and standards. Many of these subarea plans are prepared by the City-County Planning Department, while some are prepared by other agencies and departments. Subarea plans from the previous (1994) Comprehensive Plan carried over as part of this

Comprehensive Plan include:

- North 27th Street Corridor Plan, RDG Crose Gardner Shukert, April 1997. (F 156)

THE NORTH 27th STREET CORRIDOR PLAN SPECIFICATIONS:

The 27th Street Concept Plan proposes a mixed use framework, using the street as an environment for both business and living. (page 36)

Areas that require redevelopment are proposed for redevelopment in ways designed to strengthen existing commercial and residential investment. (page 36)

A principle of the concept plan is the separation, to the degree possible, of local and through traffic movements. (page 37)

The concept plan is based on the establishment of defensible edges between residential and non-residential uses. The concept of defensible edges, using streets or greenways to provide boundaries, realizes the benefits of mixed use while screening the negative effects of commercial growth on residential environments. (page 37)

Requiring new projects to provide direct connection from front door of business to 27th Street sidewalks. Design which requires pedestrian to cross parking lots in order to get businesses should be discouraged. (page 38)

Whenever possible, encourage project designs which place commercial buildings rather than parking lots along the street. Setbacks should be adequate to provide for separation from traffic and adequate landscaping; however, the pedestrian should be engaged with the building, rather than parking lots. Parking should generally be developed to the side or rear of commercial buildings. (page 38)

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

TRAFFIC ANALYSIS:

Both North 27th and "P" Streets are classified as Minor Arterials adjacent to this site, now and in the future. (E 49, F 103). The Comprehensive Plan defines this classification as one that "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." (F 103).

AESTHETIC CONSIDERATIONS:

Pursuant to *The North 27th Street Corridor Plan* specifications presented above, development in this area should present a pedestrian friendly character.

ANALYSIS:

8. The Director of Urban Development is seeking a change of zone from R-6 Residential to B-3 Commercial. The purpose of the change of zone is to facilitate redevelopment activities as identified in the proposed amendments to the Redevelopment Plan. The three properties are part of a redevelopment project initiated by the Urban Development Department. The City of Lincoln, Catholic Bishop of Lincoln and B & J Partnership Ltd. are the owners of record of the affected property.
9. The City Council adopted the *Lincoln-Lancaster County 2025 Comprehensive Plan* which incorporated *The North 27th Street Corridor Plan* as a subarea plan on May 28, 2002. Future redevelopment of this area must be consistent with the Comprehensive Plan, as well as, the guidelines identified in *The North 27th Street Corridor Plan*.

10. The existing building on this property is a vacant, early twentieth century church.
11. The proposed change of zone and redevelopment activities have been initiated to allow CenterPointe to redevelop the property with a facility that would house an adult residential treatment program and administration offices. Representatives from CenterPointe indicated they have contacted interested neighborhood, business and community associations. CenterPointe has been the only party to show interest in redevelopment of this site.
12. The change of zone will require CenterPointe to obtain a special permit for a health care facility in order to locate their proposed use at this site. However, if the change of zone is approved, any use allowed in the B-3 Commercial district could be located on this property.
13. The Comprehensive Plan encourages commercial uses that act as a transition from more intense uses to less intense uses. In this case, vehicular movement along 27th and P Streets are intense uses that impact adjacent residential property. Traffic and vehicle stacking at the intersections of 27th and 'O', and 27th and 'P' Streets provide a visual and noise impact to adjacent property. These arterial streets are likely to experience sustained, heavy volumes of traffic in the future. The proposed use of this property, although commercial, would likely have little affect on the current level of overall impact.
14. There are no residential structures currently on this site. This property sits at the boundary between B-3 Commercial and R-6 Residential districts. The intersection of two arterial streets and the existing pattern of land uses adjacent to this site indicate that a transitional use would be more appropriate than what would be permitted under the existing R-6 Residential district regulations.
15. *The North 27th Street Corridor Plan* is concerned with the aesthetics and character of development within this area. There is also concern that commercial uses fit well within the context of the existing neighborhood, and act as a transition to residential uses.
16. The B-3 Commercial district provides "for local commercial uses in a redeveloping neighborhood generally located in established retail centers of those neighborhoods. The uses permitted generally are those for neighborhood uses, plus limited manufacturing uses that reflect the character of that commercial area." The B-3 Commercial zoning designation allows types of commercial uses that can be used to provide a transition to residential uses.
17. Upon approval of Comprehensive Plan Conformity #03002, this proposed change of zone would be consistent with the redevelopment activities in *The North 27th Street Corridor and Environs Redevelopment Plan*.

Prepared by:

Greg Czaplewski
Planner

Applicant: Marc Wullschleger, Director
Urban Development Department
808 P Street, Suite 400
Lincoln, NE 68508
441.7606

Owners: City of Lincoln, A municipal corporation
Catholic Bishop of Lincoln
B & J Partnership, Ltd.

Contact: Wynn Hjermstad
Urban Development Department
808 P Street, Suite 400
Lincoln, NE 68508
441.7606

**COMPREHENSIVE PLAN CONFORMANCE NO. 03002,
and
CHANGE OF ZONE NO. 3401**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

April 30, 2003

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

Staff recommendation: A finding of conformance with the Comprehensive Plan on the amendment to the Redevelopment Plan and approval of the Change of Zone.

Ex Parte Communications Disclosed: None

Proponents

1. Wynn Hjermsstad of the City Urban Development Department, presented the proposal to amend the No. 27th Redevelopment Plan and related rezoning request. The No. 27th Street Corridor and Environs Redevelopment Plan was previously before the Commission and adopted by the City Council in September of this past year. When we talk about the No. 27th Street Redevelopment Plan, we are talking about the general boundaries of “N” Street on the south to Leighton on the north. The proposed amendment is for a project already identified in the Plan, but it is now identified as a much smaller area and there have been changes in this area. The proposal is for what was identified as a small transitional commercial use retail center to be amended to redevelopment of a commercial use and a transitional area between the residential portion of the neighborhood and the No. 27th Street Corridor. This amendment identifies the acquisition of the church. The city already owns the parcel on the corner of 27th & “P” and the two houses have been torn down. That church has been vacated and has been offered for sale so it opens up an area for redevelopment that wasn’t there previously. This is a tough location for redevelopment. It is right along 27th, very close to “O” Street and not a desirable place for residential. Urban Development believes that acquisition of the church and redevelopment of the site provides the city with an opportunity to protect and enhance the residential part of the neighborhood and continue to revitalize North 27th Street. With the city ownership it gives the opportunity to provide a buffer and the city gets final design review.

Hjermsstad also purported that the change of zone to B-3 is the most logical. The staff is recommending that there be deed restrictions on the use and the Urban Development Department agrees.

Hjermsstad also acknowledged that there are definitely some historic issues that need to be addressed with the church. It is eligible for the National Register; however, what the city has heard is that structurally, it is in pretty bad shape. That structural analysis is now in process.

Hjermsstad acknowledged that the Urban Development Department has been approached by a potential user for this site. #4 of the Analysis on the change of zone staff report does mention CenterPointe; however, Hjermsstad emphasized that this is not a done deal. They will be going through a RFP process.

Schwinn assumed that a church is a permitted use in the B-3 district. Hjernstad replied that the church is owned by the Catholic Diocese and a condition of the sale is that it not be used as a church.

Opposition

1. Ed Patterson, 2108 Q Street, read a letter from the President of **Malone Neighborhood Association** in opposition to the change of zone. It is in the best interest of the neighborhood if the zoning remains residential. There is an interest and need for residential development in this location. It is not that tough to do residential here if you do a mixed-use concept with residential on the upper level. It is well suited for an attractive residential development as a buffer between the business and single family dwellings along P Street, with good access to businesses and public transportation. No entity except CenterPointe has shown an interest in the property. He believes this is a deal cut behind the scenes. Patterson purported that the project is contrary to the Comprehensive Plan, e.g. in order to judge compatibility it is necessary not just to consider what the building might look like, but what activities will take place in the building and what impact they will have in the neighborhood. The activities of a dual-diagnosis (mentally ill/inpatient/out-patient) residential treatment center will ripple through the neighborhoods. Adjacent residential properties will deteriorate and families will move out. People are far more concerned about the actions that take place in the neighborhood and safety of their children than whether the building is new or old. The Comprehensive Plan also provides for consideration that the activities will encroach upon existing neighborhoods. There is no way to screen that encroachment. This does not support the goals of the Antelope Valley project, i.e. activities that would draw middle to upper class individuals to the area to live and play. There is appropriate zoning for this type of function. The residents of Malone Neighborhood do not have the financial resources to resist the temptations of more affluent neighborhoods to push every difficult social problem within Malone's boundaries. The Catholic church existing on this site is eligible for the Historic Registry and any impact must be completely justified. It is hard to believe anyone could justify modifying or tearing down this site for this treatment center.

Patterson strongly urged that there is no business that would have a more negative impact on this neighborhood than a dual-diagnosis residential treatment center. He has lived in Malone since 1967 and he has seen the impact of Daywatch and Matt Talbott Kitchen moving further and further into the neighborhood. 95% of the clients of these services are people drawn into the neighborhood by the services. Patterson suggested that the assurances by the proponents of this project that the clientele will not be increased is not reality. We deal with life as it exists on the ground.

2. Mike Morosin, past president of **Malone Neighborhood Association**, testified in opposition. He deals with many of these clients that go to CenterPointe. The biggest police calls in Lincoln are Daywatch, Matt Talbott and CenterPointe. He has observed drug sales out of the CenterPointe parking lot. Where this is proposed to be located is a walkway to the elementary school. Morosin expressed concerns that the Malone Neighborhood was not brought into the picture before the city began negotiating with CenterPointe. Urban Development did not contact the neighborhood. If you are going to do something like this, isn't it right to come to the neighborhood? Why didn't Urban Development come? Morosin suggested that nobody came because they wanted to do it behind the scenes. The Malone neighborhood is very concerned about the clientele that comes to CenterPointe. They are already on medical prescription drugs and they are self-medicating. Why dump all of this into one neighborhood? Malone has become the collection point for everything else people don't want. We've had enough. Where's the fair share? Why not the old VA hospital?

Sure these people need help, but don't bring these type of people into the neighborhood without the resources.

Schwinn reminded Morosin that this hearing is not about CenterPointe, but a change of zone.

3. Cynthia Blodgett-McDeavitt, who lives across the street from the building in question, testified in opposition. A business district attracts pedestrian traffic that is not necessarily compatible with a residential area. She needs to know what plans there are to address an increase in transient traffic in an area that already has an increase in transient traffic because of the empty building. Children walk south across P Street at 25th and 26th Streets, to go to Elliott School. What provisions will there be for these children to walk safely past a new business district? Things were fine when it was a church with a pastor living there, but now it's empty. What impact will this have on her property value and the homes of her neighbors? What about the security of the neighborhood? There have already been two police stakeouts and chases through her property in the last two months. What impact will this rezoning have on increase in crime that is already happening since the church was condemned? She would prefer to have the building remodeled to house offices or maybe an O Street rec center or some kind of child care. Her husband works in a lockdown unit for teens and she appreciates the need for a place for the people of this project to be, but she would personally prefer that it be located close to Lincoln Action Program. She does not believe a condemned building will ever be sufficiently remodeled to house people who have to live there. Remodeling that building to house a rec center or lawyers offices or consultants offices would be preferable.

With regard to traffic, the corner of 27th and P is very difficult. She cannot back out of her driveway on P Street when there is a Husker game or event at Devaney. That corner cannot handle any more traffic. As you consider turning this particular parcel into a business district, please also consider how you will handle the traffic.

Response by the Applicant

Carlson asked the applicant to explain the RFP process. Hjermstad stated that Urban Development does a RFP on every single project. And they have done a RFP on every single project on No. 27th. In the past, Hjermstad has been to at least one, if not two or three neighborhood associations as well as the business and civic association in that neighborhood before anything is done. A RFP is issued and sent to developers or anyone who has shown an interest. It is also published in the newspaper. The RFP allows about one month for people to submit proposals. There is a selection committee comprised of people that live in the area, businesses in the area and city staff. The committee goes through an interview process and makes a recommendation to the Urban Development director (Urban Development is the city's redevelopment authority). The Urban Development director then makes a recommendation to the Mayor and it is the Mayor that makes the selection. Hjermstad believes that the committee's recommendation has always been followed. Once the developer is selected, there is a development agreement that must be adopted by the City Council.

Newman inquired whether Urban Development has any information as to where the Hartley, Hawley and Woods Park neighborhoods stand on this. Hjermstad's response was that one of the first things Urban Development says to the developer is to go talk to the neighborhood. She believes that Topher Hansen (CenterPointe) did go around and talk to neighborhoods. She understands that Hawley, Hartley, and the No. 27th Business and Civic Association support this proposal.

Steward stated that one of the key decision points for him is the historic nature of the building. Are there any funding or other tangential reasons why Urban Development has not delved more deeply into the historic nature and structure nature of the building before proceeding with this proposal. Hjermstad stated that she has been talking with Ed Zimmer. They are doing a structural survey now. The reason they are proceeding with this step in the process is that government is slow. Urban Development does see this as a key location in the neighborhood, whether it remains the structure that it is and rehabbed and reused or whether it has to be torn down. We see this as a key location to help enhance the residential character. Redevelopment plans are done for the public good. This location is key for a redevelopment or reuse project that is in the public good. It is going to take some time to get through the process. This action does not mean that this is what will be done, but it gives Urban Development the authority to move forward.

Hjermstad clarified that the church building has not been condemned. This Redevelopment Plan is actually the second one. The prior Redevelopment Plan showed those houses for acquisition in 1998, long before the church was for sale. The reason we waited to tear the houses down was because the owner was still living there. Then the reason we wanted to tear them down when we did was because they did not want transients in the houses. Hjermstad indicated that she did talk with the neighborhood before the houses were torn down. Hjermstad also stressed that this is not a “done deal”. In every single case she has gone to the neighborhood. The point today is to amend the Redevelopment Plan and do the rezoning.

Schwinn recalled that the houses were identified as substandard in the blight study.

Greg Czaplewski of Planning staff advised that if the change of zone is approved and CenterPointe is selected as the developer, they would be required to get a special permit for their use.

Carlson clarified that this action does not speak to demolishing the church. We are only talking about acquisition of the property and changing the zone.

COMPREHENSIVE PLAN CONFORMANCE NO. 03002

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

April 30, 2003

Duvall moved a finding of conformance, seconded by Bills-Strand and carried 9-0: Krieser, Taylor, Larson, Carlson, Bills-Strand, Duvall, Newman, Steward and Schwinn voting ‘yes’.

CHANGE OF ZONE NO. 3401

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

April 30, 2003

Duvall moved approval, seconded by Bills-Strand.

Duvall believes this is really business expanding to the north in a way. He looks at it as an evolutionary view.

Ray Hill of Planning staff explained that the deed restrictions that were discussed have to do with the Comprehensive Plan Conformance item. If the City does sell the land to the developer, the uses should be restricted. The staff recommends that changing the zone conforms with the Comprehensive Plan, and part of that finding is to restrict the uses in the B-3 district.

Steward commented that if they choose not to sell or to sell to another religious organization, it doesn't matter what the Planning Commission has done.

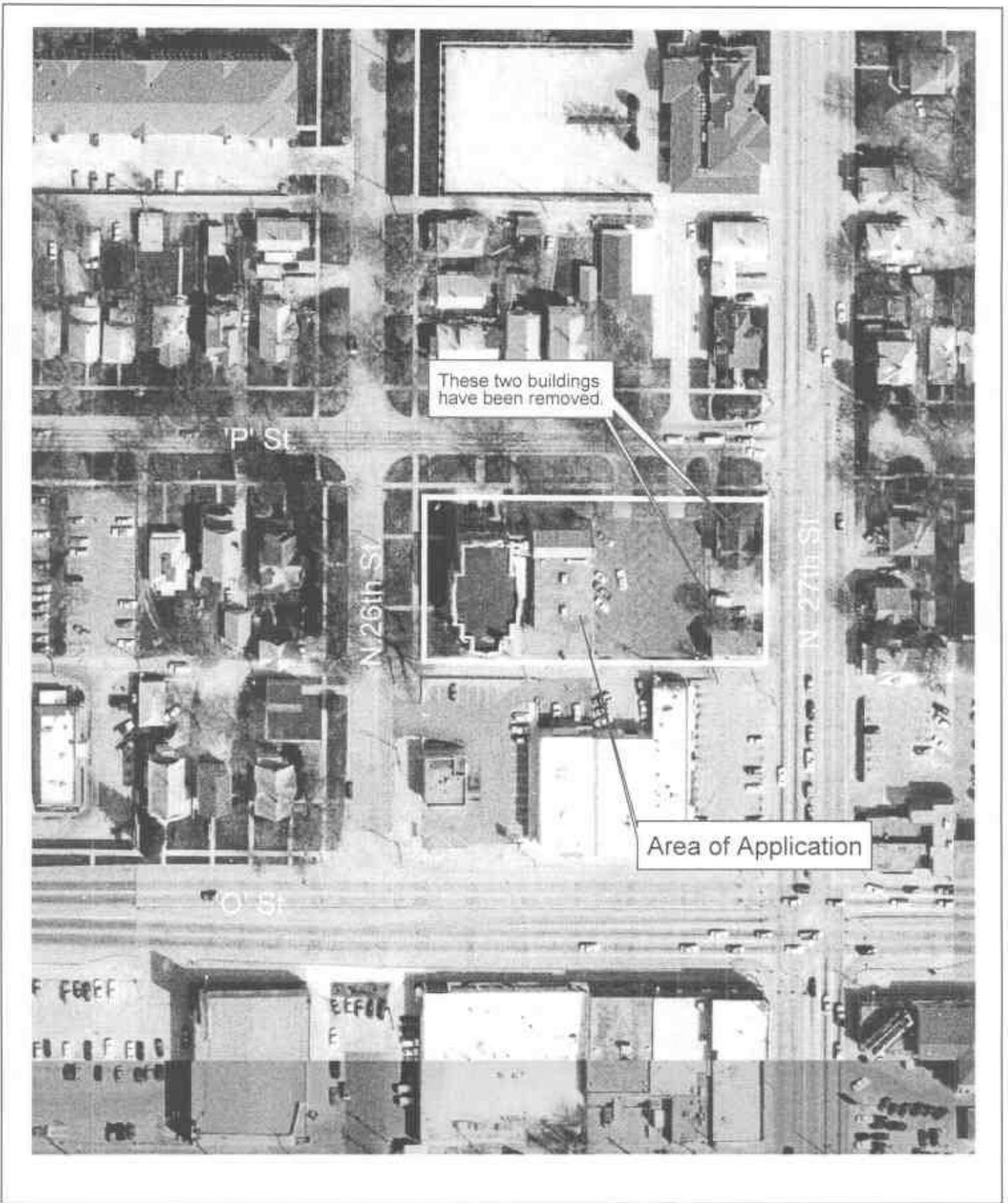
Rick Peo of the City Law Department cautioned that the change of zone is separate and distinct from the Comprehensive Plan conformance. Deed restrictions would only apply if the city acquired ownership of the property with the intent to restrict the use.

Steward is going to vote in favor of the motion, but once again, we have the difficult and sticky situation of a zone condition at the edge of other zone conditions. It's the transition that is most difficult in changing zones within already built and previously used areas. He is troubled by the fact that this comes without all of the answers in regard to the other circumstance which the public has great interest in – historic value. He is also troubled by the opponents' use of the term "social engineering" on one hand and suggesting "social engineering" by not wanting this in their neighborhood. It's all part and parcel of the same issue. This community is responsible not only for the property but for how it gets used and he is prepared to do his best to deal with that to the broadest interest of the community.

Carlson stated that he understands the intention of the two proposals and how they are connected, but he is uncomfortable with the legal reality that the two are not connected. Peo pointed out that the change of zone is being requested by the Urban Development Department. Therefore, once it gets to City Council, it would obviously be placed on pending or deferral until such time as they might acquire ownership. This is not the Catholic Bishop's application.

Schwinn believes B-3 is appropriate on 27th and on P Street because of the amount of traffic that goes by there and the intensity of that corner. He has spent some time in this neighborhood because of his vote on Kabredlo's at 23rd & R and the depiction of the neighborhood as being a war zone. He has had the pleasure of doing business with two owners on P Street within the last six months and they would not move their businesses if the city wanted to pay them. They are proud of the neighborhood. They have no issues about security. He spent time with his family at Kabredlo's on 23rd and R and at 27th and he didn't find it any different than any other Kwik Shop in any other part of town. He takes issue with this neighborhood complaining about being dumped on. We are not talking about a major issue in a major problem neighborhood.

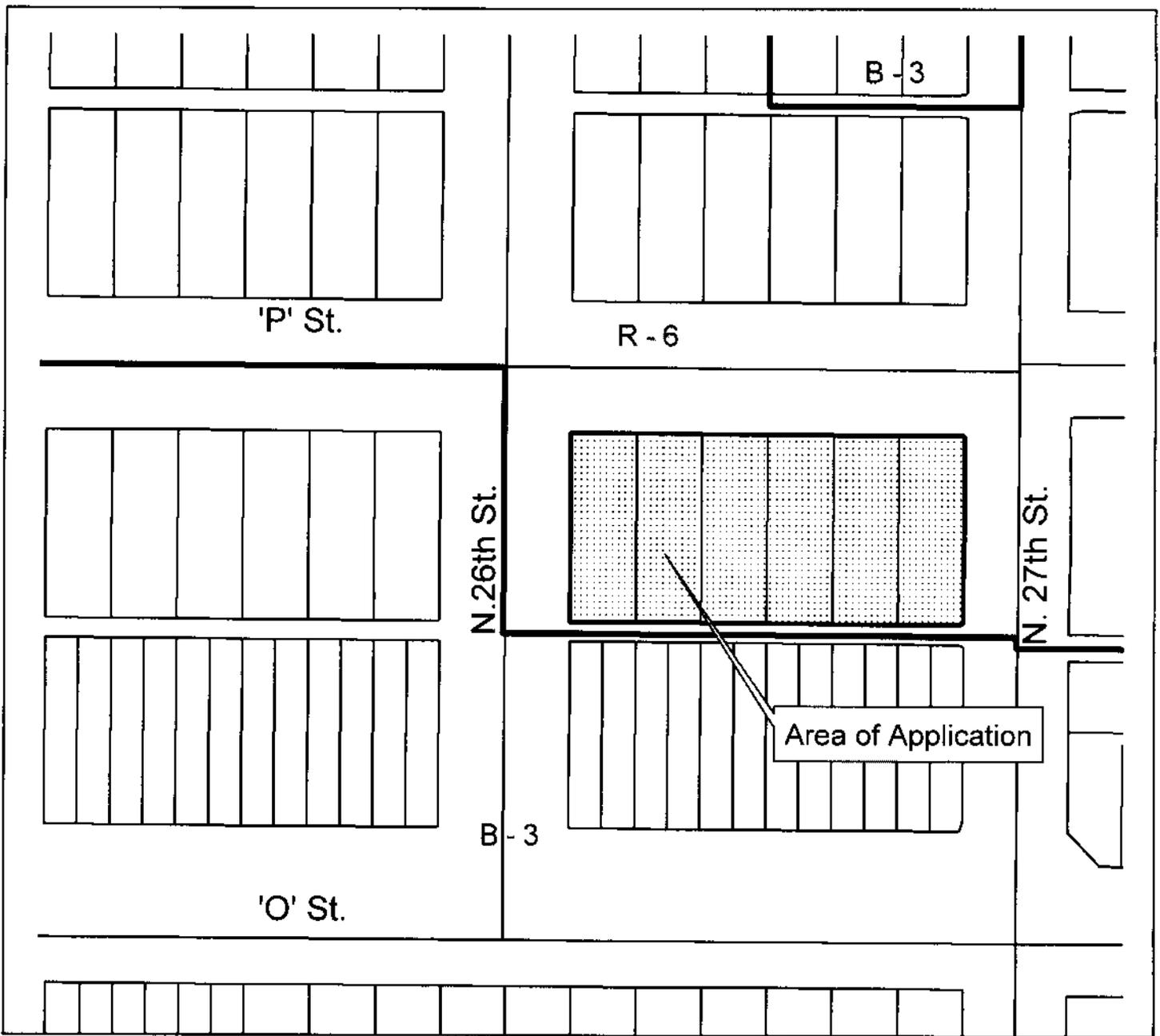
Motion for approval carried 9-0: Krieser, Taylor, Larson, Carlson, Bills-Strand, Duvall, Newman, Steward and Schwinn voting 'yes'.



**Change of Zone #3401
N. 27th & P St.**



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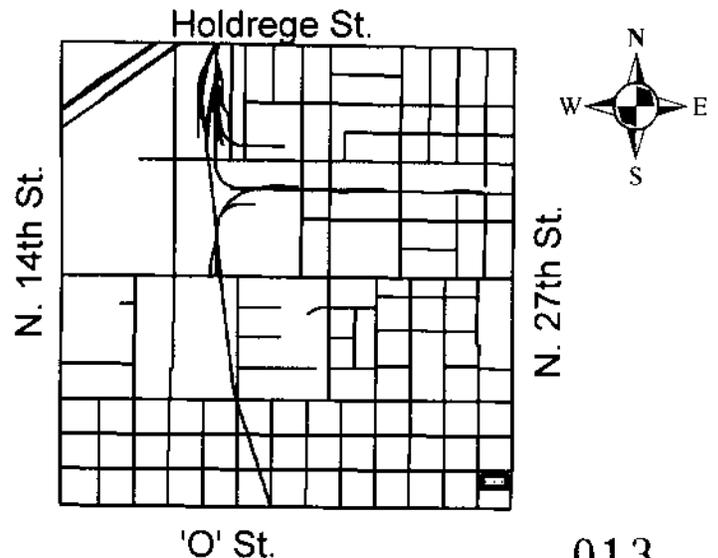
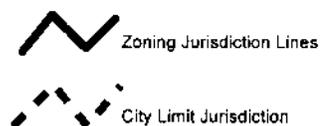
Change of Zone #3401

N. 27th & P St.

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation 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. 24 T10N R6E



013



March 6, 2003

Marvin Krout, AICP
Planning Director
Lincoln Lancaster County Planning Department
555 S. 10th Street
Lincoln, NE 68508

Dear Marvin:

Please find enclosed an amendment request to the *North 27th Street Corridor and Environs Redevelopment Plan*. This amendment is to the project identified as **27th & P Street: Commercial Development**, under the section entitled *Redevelopment Activities: Commercial*, page 27 of the document. The current activity is described as redevelopment of a small transitional commercial retail center.

This amendment will add the acquisition and demolition of the remaining north half of the block described as Block 21, Kinney's O Street Addition, lots 2 through 6. We are also requesting a change of zone from R-6 to B-3. The redevelopment will still act as a transitional area between the busy N. 27th Street corridor and the residential section of the neighborhood.

CenterPointe will be constructing a facility, approximately 16,000 sf, and necessary parking to house an adult residential treatment program and administrative offices. Representatives from CenterPointe have contacted the Malone, Hartley, and Hawley neighborhood associations, the North 27th Street Business and Civic Association and the Preservation Association of Lincoln (PAL) to explain the project.

Please forward the amendment to the Planning Commission for their consideration at their April 2, 2003 meeting. If you have any questions please call Wynn Hjermstad at 441-8211.

Sincerely,

Marc Wullschleger
Director

cc: Wynn Hjermstad

LINCOLN, NEBRASKA
HISTORIC AND ARCHITECTURAL SITES SURVEY

LC13:D09-224

IDENTIFICATION

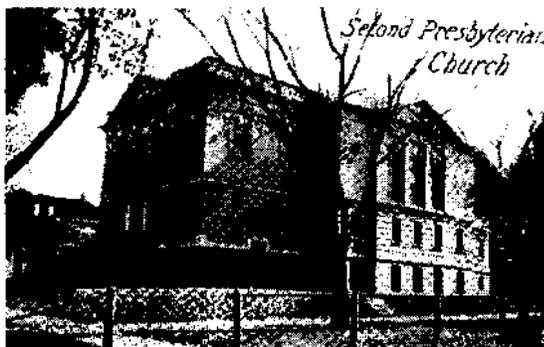
- 1) Address: 2601 P Street
- 2) Historic Name: Second Presbyterian Church
- 3) Current Name: (Former) Immaculate Heart of Mary (Vietnamese Catholic) Church
- 4) Property Type: Religious
- 5) Current Owner: Catholic Bishop of Lincoln
- 6) Legal Description: KINNEY'S O STREET ADD BLOCK 21 LOTS 2 & 3 & N110' LOT 4 & ALL LOTS 5 & 6
- 7) Zoning District: R-6

HISTORICAL ABSTRACT

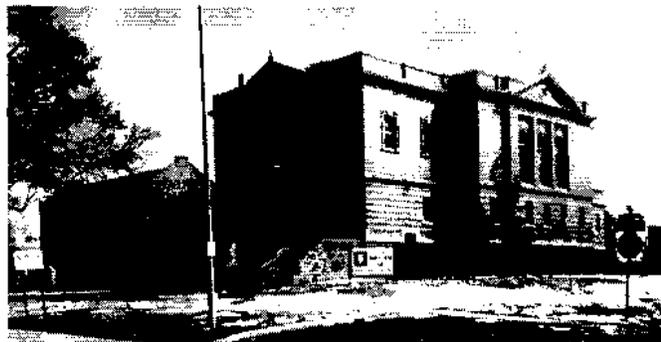
- 8) Construction Date: 1902-4
- 9) Sources: *History of Second Presbyterian Church, 1889-1961*, Elder John M. Jones
- 10) Architect/Builder: Fisher & Lawrie of Omaha
- 11) Historic Owner(s): Second Presbyterian Church
- 12) Original Use: Religious
- 13) Other Sources: *Beautiful Lincoln* (1912); *Historic and Architectural Sites Survey of Lincoln* (UNL, 1976)

DESCRIPTIVE DATA

- 14) Architectural Style: Neo-classical
- 15) Present Use: Vacant church
- 16) No. of Stories: 1 (over tall basement)
- 17) Plan: rectangular, with added east wing
- 18) Roof Type: Flat
- 19) Roof Materials:
- 20) Structural System: load-bearing masonry
- 21) Foundation: Unknown
- 22) Facade: Brick
- 23) Trim: Terra cotta
- 24) Outbuildings: none



View from NW
Photo taken 1990s



VISUAL ASSESSMENT

- 27) Condition of Building Fabric: Good
- 28) Integrity of Historic Building Fabric: moderate changes (exterior), major changes (interior)
- 29) Surrounding Land Uses: residential, commercial
- 30) Integrity of Property's Historic Setting: Moderately disrupted
- 31) Importance of Property to Historic Setting: Focal Point

ADDITIONAL HISTORICAL DATA AND DESCRIPTION:

In 1888, Lincoln's First Presbyterian Church was located at 13th and M Streets (presently site of the Cornhusker Hotel). Around this time, church leaders decided to establish a Sunday school in the 27th and O Street area, to accommodate the large number of Presbyterians who resided there. Due to its success, church members decided to organize a second church in the 27th and O Street neighborhood, and on March 13, 1889, the Second Presbyterian Church was founded.

One of the first acts for the church was to purchase a building site, and it acquired the two lots (5 and 6) at the corner of 26th and P Streets in 1889. A church building, costing around \$7000, was completed there in the fall of 1890. The life of this building was short, as it was destroyed by fire on June 8, 1902.

The Church promptly went about building a new church on the site, dedicated on June 26, 1904. According to *History of Second Presbyterian Church*, the distinguished architects Fisher and Lawrie of Omaha designed the building, and Olson and Laurence of Lincoln constructed the building, which was valued at \$29,000¹.

From dedication articles²: "It is after the classic temple style, the first of its kind built in Lincoln, and is considered one of the most elegant houses of worship in the state." "The beautiful exterior of the church of no means equals the beauty of the interior....The arrangement, the decorations, the furniture, and massive pipe organ which almost fills one end of the auditorium, were pleasing to the eyes of all beholders."

On January 13, 1949, the church fell victim to another fire. Most of the damage was to the interior; unfortunately, the damage was extensive, "the walls stood while the entire church interior was badly damaged. The pipe organ was left a pile of charred wood and bent tin. The loss was about \$70,000." Nevertheless, the building was restored, with dedication services on July 10, 1949. Soon after, the church also expanded. Fellowship Hall was built on the previously acquired lot 4. Craig and Beers designed the addition and Olson Construction built it for a cost of \$47,000. A chapel and a larger kitchen were included in the addition. Later, in 1960, the two lots to the east of the church were purchased for off-street parking. After over 100 years at the 26th and P Streets location, the Second Presbyterian Church merged with another congregation and the church served for several years as home to Lincoln's Vietnamese Catholic congregation.

Fisher and Lawrie

The firm of Mendelssohn, Fisher and Lawrie evolved from one of Omaha's earliest professional partnerships—Dufrene and Mendelssohn.³ Dufrene came to Nebraska in 1867 and, with T. B. Borst, designed all the Union Pacific Railroad stations between Omaha and Ogden, Utah. Dufrene operated his own office until 1881, when he became a partner of Louis Mendelssohn, a German-born architect who

¹History of Second Presbyterian Church, 1889-1961, Elder John M. Jones

²Nebraska State Journal, June 27, 1904 p. 8; Lincoln Saturday Star, June 25, 1904 p. 5.

³City of Omaha's Landmarks Heritage Preservation Commission, Mendelssohn, Fisher and Lawrie, www.ci.omaha.ne.us/landmarks

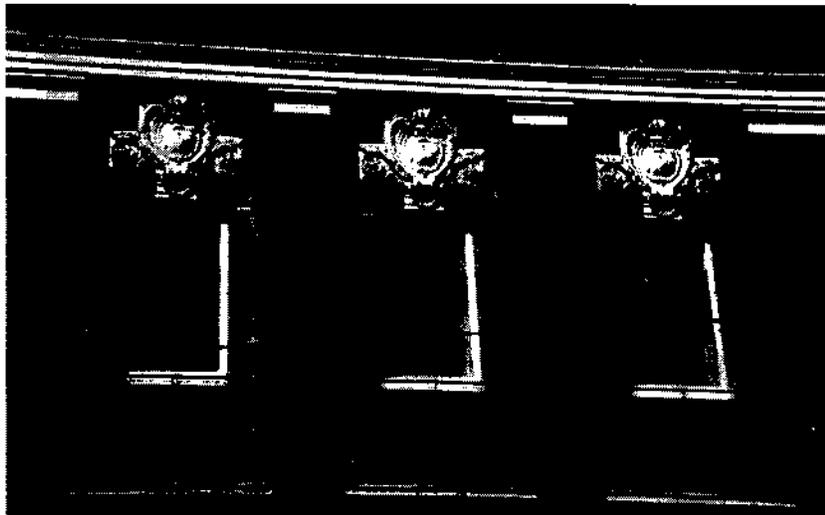
arrived in Omaha in 1880.⁴

Dufrene left the firm in 1885, and Mendelssohn formed a partnership with George L. Fisher, a civil engineer educated at the University of Michigan. In 1887, Fisher left the firm for a year and Mendelssohn was joined by the Scottish-born Harry Lawrie. Lawrie had nine years of professional experience in Glasgow and Edinburgh, Scotland, and four years of experience in the office of Burnham and Root in Chicago, before moving to Omaha in 1887. In 1893, Mendelssohn left the firm, and Fisher and Lawrie continued as a partnership until 1913.

Mendelssohn, Fisher and Lawrie, and later Fisher and Lawrie, was one of the largest and most distinguished architectural firm in the state of Nebraska. They designed many prominent buildings in Omaha's building boom of the 1880's and 1890's. In addition, they worked extensively in cities and towns throughout the state,⁵ including churches in Nebraska City (1st Baptist, in S. Nebr. City Historic District) and Omaha (Sacred Heart Catholic, 1902, listed on NRHP). Currently, at least 10 Fisher and Lawrie buildings are listed on the National Register of Historic Places.⁶

EVALUATION:

Evaluated as eligible for listing on the NRHP in the Antelope Valley EIS, this building has formerly been published as the work of the Lincoln architectural partnership Woods and Roberts, designers of William Jennings Bryan's "Fairview" at this same period. Research for this review corrected this misattribution, identifying the Omaha firm of Fisher and Lawrie, architects of the former Library at UNL (now Architecture Hall). Despite the damage due to a fire in 1949 which destroyed much of the interior, modification to the front stairs, and addition of an east wing in 1949, the building remains a very strong presence in its residential setting and is immediately recognizable from its early photos. Fisher and Lawrie were important Omaha architects who designed regionally. Second Presbyterian Church expands upon their known Lincoln work and is unusual locally for its fine Sullivan-esque terra cotta trim, perhaps reflecting Lawrie's experience in the Chicago office of Burnham and Root. While the building does not have pristine integrity, it retains enough of its early exterior design and materials that it should be regarded as eligible for the National Register under Criterion C in the area of architecture.



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⁴A Comprehensive Program for Historic Preservation in Omaha, Omaha Architects: Dufrene, Mendelssohn, Fisher, and Lawrie, p. 91.

⁵Omaha Daily Bee, January 1, 1906 p. 7

⁶See also Historic Places, The National Register for Nebraska; and the Nebraska State Historical Society website: www.nebraskahistory.org.

	<p>Boundaries: 19th to 27th, "O" to "Y"</p> <p>Meetings: 2nd Thursday of Every Month 7:00 PM At the Malone Community Cntr 2032 "U"</p>
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April 29, 2003

TO: Lancaster County Planning Commission

FROM: Barbara Morley
President, Malone Neighborhood Association

RE: Zoning action on the property at 26th & P from Residential R-6 to Business B-3 for the purpose of Center Pointe Dual Diagnosis Center Project

I am making my comments in writing because I am not sure that I will be able to attend the public hearing on Wednesday regarding the zoning action.

The Malone Neighborhood Association opposes the zoning change. It is in the best interests of the neighborhood if the zoning stays residential. There is both an interest and need for residential development in this location. It is well-suited for an attractive residential development as a buffer between the businesses and single-family dwellings along 'P' St. and good access to local retail establishments and public transportation. The application states that no person or entity except CenterPointe has shown an interest in the property. Prior to us hearing about the CenterPointe project, it was not widely known that the site was available. This smacks of a "done deal" cut behind the scenes without the knowledge of the general public.

We were first approached about the city's interest in tearing down the houses on 27th St. Apparently Urban Development staff was aware at the time that they might give the land to CenterPointe, but never informed us.

The project as proposed is contrary to the Comprehensive Plan, for the following reasons:

1. In order to judge compatibility with the Comprehensive Plan it is necessary *not just to consider what the building might look like* (I make the assumption that they are erecting a new building), but what *activities* will take place in the building and what impact that they will have in the neighborhood. The activities of a dual diagnosis residential treatment center will ripple through the Malone neighborhood and the adjacent

Hartley and Woods Park neighborhoods. Adjacent residential properties will deteriorate and families will move out. People are far more concerned about the activities that take place in their neighborhoods and the safety of their children than in whether or not the building is new or old.

Therefore, when considering compatibility with the Comprehensive Plan, you must consider that the activities will encroach and expand to encroach on the existing neighborhoods. There is no way to prevent or screen that encroachment and you must reject the zoning action.

- 2. The placement of a Dual Diagnosis residential treatment center in this area is completely inconsistent with the stated goals of the Antelope Valley Project, which was strongly supported by the Planning Commission. The Antelope Valley Project envisions social engineering where the neighborhood would be revitalized with attractions that would draw middle-class and upper-class individuals from outlying areas of Lincoln to live and play. "Build it and they will come."**

Yet just a couple of blocks away, you would locate CenterPointe? That would show no understanding whatsoever of successful urban development and successful urban planning. Build it and they will stay away.

- 3. The residents of the Malone Neighborhood do not have the financial resources to resist the temptations of more affluent neighborhoods to push every difficult social problem within Malone's boundaries. But the members of the Planning Commission should have the understanding that no neighborhood can be revitalized when it must bear an undue burden for providing social services. Locate them here and their clients will come.**
- 4. The Catholic Church existing on this site is eligible for the Historic Registry and any impact on it must be completely justified and all alternatives considered. It is hard to believe that anyone could justify either modifying or tearing down a historic site for a dual diagnosis treatment center. There are large numbers of more suitable locations than this one.**

Lastly, I have some understanding of why the Planning Department would want to limit the types of businesses that might be placed in this area under the B-3 zoning. However, there is no business that I can think of that would have a more negative impact on this neighborhood than a Dual Diagnosis residential treatment center.

03R-133

Introduce: 5-19-03

RESOLUTION NO. A- 82119

1 WHEREAS, the City Council, on June 19, 2000, adopted Resolution No.
2 A-80238 finding an area generally bounded by "N" Street on the south; the viaduct over
3 the Burlington Northern Santa Fe right-of-way, parallel to Cornhusker Highway on the
4 north; 23rd Street on the west; and 31st Street on the east to be blighted and
5 substandard as defined in the Nebraska Community Development Law (Neb. Rev. Stat.
6 § 18-2101, et seq. as amended) and in need of redevelopment; and

7 WHEREAS, the City Council has previously adopted the North 27th Street
8 Corridor and Environs Redevelopment Plan (hereinafter the "Plan") including plans for
9 various redevelopment projects within said area in accordance with the requirements
10 and procedures of the Nebraska Community Development Law; and now desires to
11 amend provisions of the Plan related to the 27th and P Street Commercial Development
12 Project to add acquisition of additional property to facilitate the construction of a facility
13 for adult residential treatment and administrative offices in conformance with the Plan;
14 and

15 WHEREAS, the Director of the Urban Development Department has filed
16 with the City Clerk the Amendments to the Plan, which amendments are attached
17 hereto, marked as Exhibit "A", and made a part hereof by reference, and has reviewed
18 said Amendments and has found that they meet the conditions set forth in Neb. Rev.
19 Stat. § 18-2113 (Reissue 1997); and

1 WHEREAS, on April 18, 2003 notice of public hearing was mailed,
2 postage prepaid, to the president or chairperson of the governing body of each county,
3 school district, community college, educational service unit, and natural resource district
4 in which the real property subject to such plan is located and whose property tax
5 receipts would be directly affected and to all registered neighborhood associations
6 located in whole or in part within one mile radius of the area to be redeveloped setting
7 forth the time, date, place, and purpose, of the public hearing to be held on April 30,
8 2003 before the Lincoln City -Lancaster County Planning Commission regarding the
9 Amendments to North 27th Street Redevelopment Plan, a copy of said notice and list of
10 said registered neighborhood associations having been attached hereto as Exhibit "B"
11 and "C" respectively; and

12 WHEREAS, said proposed Amendments to North 27th Street
13 Redevelopment Plan have been submitted to the Lincoln-Lancaster County Planning
14 Commission for review and recommendation, and said Planning Commission on April
15 30, 2003 found the proposed Amendments to be in conformance with the
16 Comprehensive Plan and recommended approval thereof; and

17 WHEREAS, on May 16, 2003 a notice of public hearing was mailed,
18 postage prepaid, to the foregoing governing bodies and registered neighborhood
19 associations setting forth the time, date, place, and purpose of the public hearing before
20 the City Council to be held on June 2, 2003 regarding the proposed Amendments to
21 North 27th Street Redevelopment Plan, a copy of said notice having been attached
22 hereto as Exhibit "D"; and

1 WHEREAS, on May 16, 2003 and May 23, 2003 a notice of public hearing
2 was published in the Lincoln Journal Star newspaper, setting forth the time, date, place,
3 and purpose of the public hearing to be held on June 2, 2003 regarding the proposed
4 Amendments to the North 27th Street Redevelopment Plan; and

5 WHEREAS, on June 2, 2003 in the City Council Chambers of the County
6 City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public
7 hearing relating to the proposed Amendments to the North 27th Street Redevelopment
8 Plan and all interested parties were afforded at such public hearing a reasonable
9 opportunity to express their views respecting said proposed plan; and

10 WHEREAS, the City Council after the hearing on June 2, 2003 duly
11 considered all statements made and materials submitted relating to said Amendments
12 and specifically found among other things that the costs and benefits of the proposed
13 Redevelopment Projects, including costs and benefits to other affected political
14 subdivisions, the economy of the community, and the demand for public and private
15 services were in the long-term best interest of the community impacted by the same.

16 WHEREAS, the City Council has duly considered all statements made and
17 materials submitted relating to said proposed plans.

18 NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City
19 Council of the City of Lincoln, Nebraska as follows:

20 1. That the Amendments are described in sufficient detail and are
21 designed with the general purpose of accomplishing a coordinated, adjusted, and
22 harmonious development of the City which will promote general health, safety, and
23 welfare, sound design and arrangement, the wise and efficient expenditure of public

1 funds, and the prevention of the recurrence of unsanitary or unsafe dwelling
2 accommodations or conditions of blight.

3 2. That the proposed Project is feasible and in conformity with the
4 general plan for the development of the City of Lincoln as a whole and said plan is in
5 conformity with the legislative declarations, and the determinations set forth in the
6 Community Development Law.

7 3. That the Director of the Urban Development Department has
8 submitted with said Redevelopment Plan a statement of the proposed method and
9 estimated cost of the acquisition and preparation for redevelopment of the Project areas
10 and the estimated proceeds or revenue from the partial disposal thereof to
11 redevelopers, if any; a statement of the proposed method of financing the
12 Redevelopment Projects; and a statement of the method proposed for the relocation of
13 families and businesses to be displaced from the Redevelopment Project areas.

14 4. That the acquisitions by the City of real property, if any, as set forth
15 in the Amendments are necessary for implementation of said Projects and their
16 purposes under the provisions of the Community Development Law.

17 5. That the Redevelopment Projects in the Amendments would not be
18 economically feasible without the use of tax-increment financing.

19 6. That said Redevelopment Projects would not occur in the Plan
20 Redevelopment Area without the use of tax-increment financing.

21 7. That the costs and benefits of the Redevelopment Projects,
22 including costs and benefits to other affected political subdivisions, the economy of the
23 community, and the demand for public and private services have been analyzed by the

1 City Council and have been found to be in the long-term best interest of the community
2 impacted by the redevelopment projects according to the (a) the community's public
3 service needs impacts and local tax impacts arising from the approval of the project; (b)
4 impacts on employers and employees of firms locating or expanding within the
5 boundaries of the project area; (c) impacts on other employers and employees in the
6 City and immediate area outside the project area; and (d) other impacts the City Council
7 hereby determines to be relevant to the consideration of costs and benefits arising from
8 the redevelopment project.

9 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

10 That, pursuant to the provisions of the Nebraska Community Development
11 Law and in light of the foregoing findings and determinations, the Amendments attached
12 hereto as Exhibit "A" are hereby accepted and approved by the City Council as the
13 governing body for the City of Lincoln.

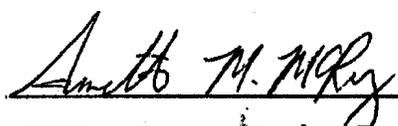
14 BE IT FURTHER RESOLVED that the Urban Development Director or his
15 authorized representative is hereby authorized and directed to take all steps necessary
16 to implement the provisions of said Amendments.

17 BE IT STILL FURTHER RESOLVED that the Urban Development
18 Director, or her authorized representative, is hereby authorized and directed to contact
19 the owners and tenants of those properties listed in said Amendments for the purpose
20 of negotiation of contracts or options for the acquisition of all interests in said real estate
21 in accordance with the land acquisition procedures of the City of Lincoln; and to take all
22 steps necessary for the acquisition of said property by purchase, if possible, or by
23 condemnation if necessary.

1 BE IT STILL FURTHER RESOLVED that the Finance Director is hereby
2 authorized and directed to cause to be drafted and submitted to the City Council any
3 appropriate ordinances and documents for the authorization to provide necessary funds,
4 including Community Improvement Financing in accordance with the provisions of the
5 Community Development Law, to finance necessary and appropriate public acquisitions,
6 improvements, and activities set forth in said Amendments to the Lincoln Center
7 Redevelopment Plan.

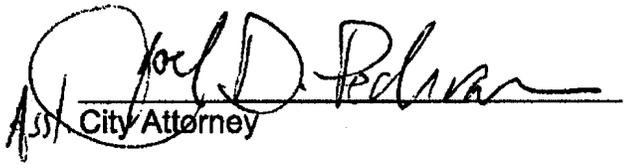
8 BE IT STILL FURTHER RESOLVED that it is intended that this resolution
9 and the modifications adopted herein are supplemental hereto the findings, approvals,
10 and authorizations set forth in Resolution No. A-81780.

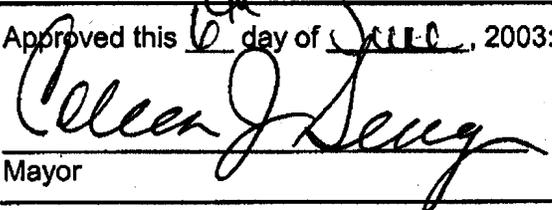
Introduced by:



Approved as to Form & Legality:

AYES: Camp, Cook, Friendt, McRoy,
Svoboda, Werner;
NAYS: None;
ABSTAIN: Newman.


Asst. City Attorney

Approved this 6th day of JULY, 2003:


Mayor

ADOPTED
JUN 02 2003
BY CITY COUNCIL