

City Council Introduction: **Monday**, August 21, 2000  
Public Hearing: **Monday**, August 28, 2000, at **1:30 p.m.**

Bill No. 00R-231

## **FACTSHEET**

**TITLE: SPECIAL PERMIT NO. 1732A**, an amendment to Special Permit No. 1732, to allow three bed and breakfast suites and one dwelling unit (as opposed to two bed and breakfast suites and two dwelling units), at the landmark F.M. Hall House located on the northwest corner of 11<sup>th</sup> & "D" Streets (1039 South 11<sup>th</sup> Street).

**STAFF RECOMMENDATION:** Conditional approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda, 08/09/00  
Administrative Action: 08/09/00

**RECOMMENDATION:** Conditional approval (9-0: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Taylor, Schwinn and Steward voting 'yes').

### **FINDINGS OF FACT:**

1. The Planning staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-4, concluding that the Hall House is a fine historic house in the near-Downtown area, on a prominent and well-maintained corner lot. Impact of the requested use on the house and its surroundings seems likely to be minimal. Public benefits include greater public access to the interior and assistance to the owners in maintaining a landmark.
2. This item was placed on the Consent Agenda of the Planning Commission on August 9, 2000, and opened for public hearing. No one came forward to speak..
3. The Planning Commission agreed with the staff recommendation of conditional approval, as set forth on p.4-5.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** August 14, 2000

**REVIEWED BY:** \_\_\_\_\_

**DATE:** August 14, 2000

**REFERENCE NUMBER:** FS\CC\FSSP1732A



## ANALYSIS:

1. The underlying R-7 zoning would permit a density of 24 dwelling units on a parcel of this size.
2. In 1998 the owners requested and received special permit 1732, allowing two B&B suites and one dwelling unit in the main house, and one dwelling unit in the historic carriage house. They have resided in the home and operated the B&B suites since that time.
3. The requested change does not increase the number of combined B&B suites and dwelling units on the property (4), but allows the carriage house unit to be used as a B&B suite, rather than rental dwelling unit. The impact of this change should be minimal on the historic property or on the surrounding area.
4. This request could not be granted administratively, because it increases the density of a use not ordinarily permitted in this zoning district (B&B suites). Administrative amendments to special permits cannot increase the density of special use, only the legislative process (Planning Commission/City Council) has that authority.
5. Lincoln Municipal Code Section 27.63.400 lists six considerations for landmark special permits, which to be granted to support preservation and reuse of historic structures:
  - (1) *The significance of the historic structure or site and the degree of variation sought from the permitted uses of the district;*
  - (2) *The extent to which economic factors necessitate the change in use;*
  - (3) *The extent of proposed exterior change to the structure or site;*
  - (4) *The impact on the surrounding area;*
  - (5) *The compatibility of the proposed use to the structure or site and the surrounding area; and*
  - (6) *The manner in which the public will be benefitted by such proposed use.*
6. The first issues, significance and degree of variation, were essentially answered in the prior designation of the house as a landmark and approval of SP1732 in 1998. At that time the F. M. Hall House met the "Standards for Designation" of a Lincoln Landmark for association with significant persons and for architectural significance, with a specific finding that

***The Hall House is a fine and large example of a Queen Anne style house, sensitively altered in the early 20<sup>th</sup> century. Frank Hall was a prominent attorney in Lincoln and with his wife Anna was a major benefactor of the arts in Lincoln.***

The degree of variation between the underlying uses of the R-7 district and the requested uses is modest. The R-7 district is a residential area of mixed density. This proposal would slightly increase a more transient type of residential use—B&B suites—than allowed in SP1732 or the underlying district, but the property would remain in residential use as well.

The Historic Preservation Commission voted 5-0 on March 3, 2000 to recommend this amendment to Special Permit 1732.

7. The degree to which economic factors necessitate the requested change in use is subjective. The owners have invested substantially, over a long period, in the exterior and interior rehabilitation of the house, and have systematically “deconverted” the house from apartment use back to single-family usage. They feel the additional guest suite will better support the property than maintaining it as an apartment.
8. No exterior change to the landmark property is expected under the proposal.
9. Key issues in the review of landmark special permits by Planning Commission are the interrelated items 4, 5, and 6 in LMC27.63.400--the impact on the surrounding area, the compatibility of the proposed use with the structure and the area, and the public benefit of the proposed use. It seems likely that there will be little impact on the surrounding area of one more B&B guest suite on the property.

The public will benefit by the requested use if it helps support the continued maintenance of this landmark-quality house and lot. The B&B use also allows greater public access to the interiors of these private buildings that would be likely under strictly residential uses. Maintaining the property should also maintain its contribution to the community's property tax base.

**CONCLUSION:** The Hall House is a fine historic house in the near-Downtown area, on a prominent and well-maintained corner lot. Impact of the requested use on the house and its surroundings seems likely to be minimal. Public benefits include greater public access to the interior and assistance to the owners in maintaining a landmark.

**STAFF RECOMMENDATION:** Conditional approval

**CONDITIONS:**

Site Specific:

1. This approval permits the use of the Hall House property for three bed & breakfast guest suites and one dwelling unit.
2. Signs for the landmark must receive a Certificate of Appropriateness from the Historic Preservation Commission prior to installation.

General:

3. The construction plans shall comply with the approved plans.

**STANDARD CONDITIONS:**

4. The following conditions are applicable to all requests:
  - 4.1 Before occupying the bed & breakfast guest suites, all development and construction shall have been completed in compliance with the approved plans.

- 4.2 All privately-owned improvements shall be permanently maintained by the owner.
- 4.3 The site plan which accompanied SP1732, approved by the City Council, remains the official approved permit, and shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, etc.
- 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 4.5 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

Edward F. Zimmer, Ph.D.  
Planner II

## **SPECIAL PERMIT NO. 1732A**

**CONSENT AGENDA**  
**PUBLIC HEARING & ADMINISTRATIVE ACTION**  
**BEFORE PLANNING COMMISSION:**

August 9, 2000

Members present: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Taylor, Schwinn and Steward.

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 1271F; SPECIAL PERMIT NO. 1732A; FINAL PLAT NO. 00017, VAVRINA MEADOWS 6<sup>TH</sup> ADDITION; AND COUNTY FINAL PLAT NO. 00019, COUNTRYSIDE ESTATES.**

**Item No. 1.1, Special Permit No. 1271F**, was removed from the Consent Agenda and scheduled for separate public hearing.

Steward moved to approve the remaining Consent Agenda, seconded by Krieser and carried 9-0: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Taylor, Schwinn and Steward voting 'yes'.