

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for September 20, 2012 HISTORIC PRESERVATION COMMISSION MEETING

PROJECT: Special Permit #1118A for Historic Preservation to amend Tifereth House special permit, eliminating parking requirement.

PROPOSAL: A Special Permit for Historic Preservation (§27.63.400) was granted in 1985, allowing 11 dwelling units in the landmark former synagogue, requiring a parking lot be secured prior to occupancy. The proposal is to remove the required parking lot.

LOCATION: 344 S. 18th Street (northeast corner of S. 18th and L Sts.)

LAND AREA: 3,703 square feet, more or less

EXISTING ZONING: B-4 Central Business District

WAIVER/MODIFICATION REQUEST: None

CONCLUSION: Approving amendment to the Special Permit recognizes 25 years of experience successfully maintaining this landmark in residential use, and the changing character of the eastern part of the Central Business District/Antelope Valley area.

RECOMMENDATION FOR SPECIAL

PERMIT #1118 amendment: Conditional Approval of amendment

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 1, Cariotto Estates, located in the northwest quarter of Section 25-10-06, Lincoln, Lancaster County, Nebraska.

EXISTING LAND USE: Multi-family residence.

SURROUNDING LAND USE AND ZONING:

North:	Vacant and Residential (multi-family)	B-4
South:	Parking (multi-family)	B-4
East:	Vacant and Commercial	B-4
West:	Residential (multi-family) and Gas Station	B-4

HISTORY: Built as synagogue in 1912, converted to Community Playhouse in 1950s, subsequently a church organ factory; listed on National Register of Historic Places and designated Landmark in 1985; rehabilitated to 11 dwelling units

by SP1118 with parking provided under SP1126 on south side of Capitol Parkway; zoning changed from R-7 Residential District to B-4 Central Business District in 2008.

COMPREHENSIVE PLAN SPECIFICATIONS:

- The community's distinctive character and desirable quality of life for current residents and for future generations should be supported by exercising stewardship of historic resources throughout the county, while maximizing benefits of past investments in public infrastructure and private property. The Plan encourages the continued use and maintenance of historic resources, including properties not formally designated as landmarks. (p. 4.6)
- City and County governmental policies should provide for the protection and enhancement of historic resources. (p. 4.9)
- Seek incentives and regulatory support to maintain, rehabilitate, and minimize energy utilization of existing buildings in order to make it more feasible to rehabilitate and continue to use older buildings. (p. 4.9)
- Maintain the urban environment, including a mix of land uses with a major focus on residential uses. (In "Strategies for Greater Downtown," p. 6.3)

UTILITIES: The site is served by all public utilities.

PUBLIC SERVICE: The property is in the Lincoln Public School District (Lancaster District 001) and has all City of Lincoln services.

AESTHETIC CONSIDERATIONS: Tifereth House has been well-maintained as a Landmark property since 1985. The rest of the block has been cleared of structures, awaiting redevelopment.

ALTERATIVE USES: B-4 Central Business District permits a wide mix of uses.

ASSOCIATED APPLICATION: None.

ANALYSIS:

1. This application is to amend an existing special permit which allows use of the property for 11 dwelling units. When the permit was granted in 1985, the property was zoned R-7, which could have allowed five dwelling units on the site. However, the building nearly covers the parcel and on-site parking could not have been provided without removing or somehow altering the structure significantly. Special permits for historic preservation address this type of circumstance by allowing an owner to request an alternative use and parking arrangement to that ordinarily permitted, based on evidence that the use will maintain the landmark and provide benefit to the general public, without harming neighboring property.

SP1118 allowed the 11 units, with a requirement that 11 off-site parking stalls be secured by purchase or lease.

2. The rezoning of this property from R-7 to B-4 in 2008 removed the lot area requirements per dwelling unit, permitting the 11 existing dwelling units "by right." In most of the B-4 Central Business District, there is no parking requirement for residences; however in this portion of the B-4 district, east of a north-south line 150 feet east of 17th Street, one stall per dwelling unit is required.
3. The applicant argues that with many years of experience renting this property, with very low vacancy, he has found that many of his tenants do not own a vehicle, walking or cycling to work and/or classes downtown. Yet the requirement he maintain eleven parking stalls means his rents reflect that cost, whether tenants utilize the parking or not.
4. The applicant further argues that the requirement he lease or own 11 parking stalls puts him at a disadvantage in securing parking for tenants at market rates, because failure to secure a lease threatens his special permit.
5. With all the other residences that occupied this block in 1985 now demolished, the setting likely will redevelop as a mixed use area more similar to the core downtown area, than as an area built with single-family homes.
6. The applicant suggests he can secure parking for his tenants on an as-needed basis from more than one nearby lot at more competitive market rates than he can secure parking by long-term lease. Further, he argues that he is at risk if he fails to do so, not the public at large.
7. It seems likely that uses in this area will intensify as the area redevelops, and that already limited supply of on-street parking is neither reliable nor desirable for residents. However, this is no different than most of downtown, where parking-per-dwelling-unit is not required. Securing parking on an as-needed basis appears to offer advantages to tenants and the property owner, encouraging continuation of a desirable use and laudable maintenance for this landmark.

CONDITIONS OF APPROVAL (Special Permit #1118A):

This amendment removes the parking requirement from SP1118. The other requirements, to maintain this landmark property and its landscaping, in order to continue to benefit by SP1118A, remain.

Standard Conditions:

1. The following conditions are applicable to all requests:

- 1.1 All privately-owned improvements shall be permanently maintained by the owner.
- 1.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, and similar matters.
- 1.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
- 1.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

Prepared by:

Ed Zimmer, 441-6360, ezimmer@lincoln.ne.gov
Historic Preservation Planner

DATE: September 13, 2012

APPLICANT: Vindonale, Inc.
940 Eldon Dr.
Lincoln, NE 68510

OWNER: Same as applicant

CONTACT: J. Michael Rierden
645 M Street
Lincoln, NE 68508
(402)476-2413
jjrierden@aol.com

CITY OF LINCOLN ZONING APPLICATION

Note: This application will be returned as insufficient if all required information is not provided.

Date _____
Project No. _____
(to be filled in by Planning Dept.)

Under the provisions of Title 27 of the Lincoln Municipal Code, the undersigned hereby applies for a:

- Change of Zone: (indicate type) map - From _____ To _____ PUD text - 27. _____
- Special Permit, 27.63. _____ List Special Permit Type _____
- Use Permit Miscellaneous Comprehensive Plan Conformance Administrative Permit (Wireless Facilities)
- Pre-Existing Special Permit # 1118 Pre-Existing Use Permit # _____
- Administrative Amendment to: SP # _____ UP # _____ PUD # _____ Other # _____
- Waiver to (List): _____ SP # _____ UP # _____ PP # _____
- Annexation

Project Address/General Location 344 S 18th Street # of acres to be included in the application _____

THE FOLLOWING DOCUMENTS MUST BE SUBMITTED WITH THIS APPLICATION FORM:

1. LETTER indicating purpose of application. This statement should include information concerning the reason for the request, any associated applications, projects or other information related to the application. WAIVERS: List waiver requests and provide justification for each waiver request as per Title 27 or Section 26.31.010 of the Land Subdivision Ordinance of the Lincoln Municipal Code or Chapter 1, Section 2 of the Design Standards OR state no waivers are requested.
2. LEGAL DESCRIPTION including section, township and range, irregular tract number and/or final platted lots.
3. FEE (see fee schedule)
4. SITE PLAN - The site plan shall be submitted electronically using ePlan. (text amendments do not require a site plan)

* see checklists for each type of project for more specific requirements

Property Owner Name Vindondale, Inc Phone Number _____

Address 940 Eldon Dr, Lincoln, Nebraska 68510 Email _____
Street City State ZIP

Applicant/Permittee Name same as owner Phone Number _____

Address _____ Email _____
Street City State ZIP

Contact Name J Michael Rierden Phone Number (402) 476-2413

Address 645 M Street Lincoln, Nebraska 68508 Email jjrierden@aol.com
Street City State ZIP

X Applicant's (Permittee's) Signature J. Michael Rierden, President of VINDONDALÉ INC.
X Property Owner's Signature J. Michael Rierden, PRESIDENT OF VINDONDALÉ INC.
(Property Owner signature not required on Change of Zone applications.)

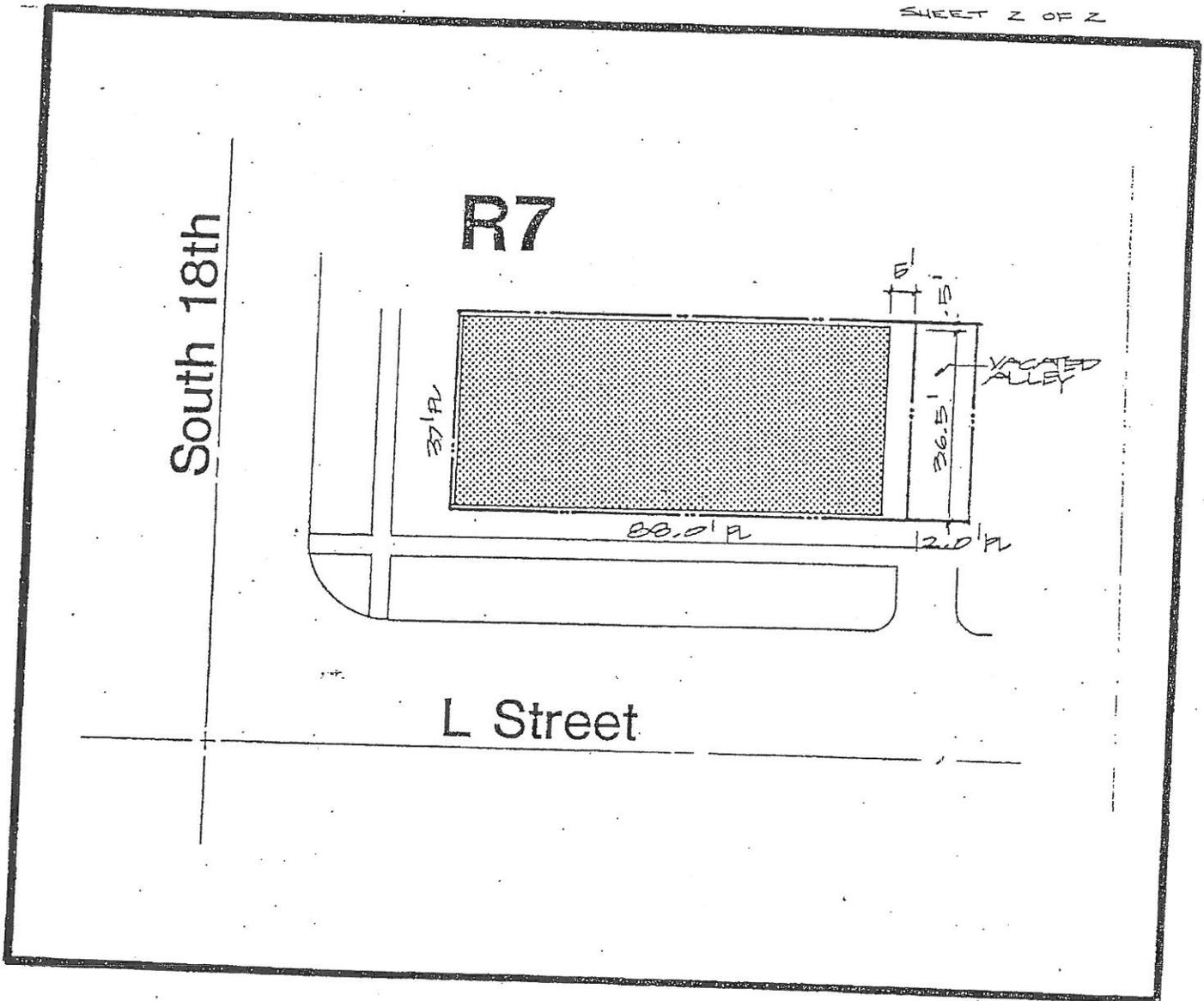
* NOTE: If applicant is not owner of the premises, the owner's signature (or written permission of the owner authorizing the applicant to sign on behalf of the owner) must be submitted with this application. The applicant and owner's signatures (or owner's written permission) certifies that permission is granted by the owner to all authorized city/county personnel to enter the premises for the purpose of review of this application.

The City Reserves the right to ask for additional information if required to process this application.

SPECIAL PERMIT #1118

APPLICATION BY JAMES C. HILLE FOR A SPECIAL PERMIT TO ALTER AN EXISTING HISTORICAL LANDMARK TO AN II-PLEX ON PROPERTY DESCRIBED AS LOT A, HAMMOND'S SUBDIVISION OF LOTS 7 & 8, BLOCK 12, LAVENDER ADDITION & VACATED ALLEY ADJACENT, LINCOLN, LANCASTER COUNTY, NEBRASKA.
CONTAINING 11 ACRES, MORE OR LESS.

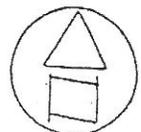
SHEET 2 OF 2



ZONING:

R-7 RESIDENTIAL DISTRICT

SCALE: 1"=30'



RECEIVED

AUG 21 2012

J. Michael Rierden
ATTORNEY AT LAW

THE COTSWOLD Lincoln/Lancaster Co.
645 "M" STREET Planning Department
SUITE 200
LINCOLN, NE 68508

TELEPHONE (402) 476-2413
TELECOPIER (402) 476-2948

August 21, 2012

Lincoln/Lancaster County Planning Department
555 S 10th Street
Lincoln, Nebraska 68508

RE: Amendment to Special Permit 1118

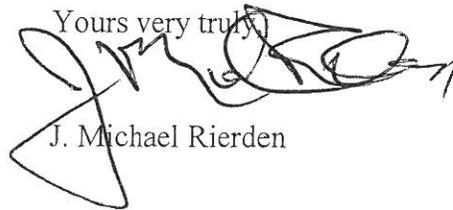
To Whom It May Concern:

Enclosed herein is a Zoning Application concerning Pre-Existing Special Permit #1118 which provides for authority to convert a church into apartments located at 18th and L Streets, Lincoln, Nebraska. The purpose of this Application is to request that said Special Permit 1118 be amended to specifically state that no parking shall be required for said apartments. The reasons for the request are as follows:

1. The tenants in the apartment building are generally students who walk/bike to class
2. The property in the same B-4 District located less than a block away (to the west) has no parking requirements
3. The owner has owned the property for a long period of time and has learned that the 1 stall per unit requirements are more than is needed
4. That requiring the owner to maintain a lease for a number of stalls puts him at a competitive disadvantage in negotiating that lease
5. That the current arrangement forces the owner to charge the tenants for parking stalls whether they need /use them or not
6. That he can and will locate parking on an as-needed basis for his tenants at more competitive rates

Also enclosed with this letter is a site plan showing the layout of the apartments and the legal description. If you should need anything else please contact me.

Yours very truly,



J. Michael Rierden

JMR/jdr
enclosures

RESOLUTION NO. A- 69916

SPECIAL PERMIT NO. 1118

01 WHEREAS, James C. Hille has submitted an application
02 designated as Special Permit No. 1118 for authority to convert the
03 Tifereth Israel Synagogue, designated as a landmark pursuant to
04 Chapter 27.57, into apartments on property located at 344 South
05 18th Street, and legally described to wit:

06 Lot A, Hammond's Subdivision of Lots 7 and 8,
07 Block 12, Lavender Addition, and vacated alley
08 adjacent, Lincoln, Lancaster County, Nebraska.

09 WHEREAS, the real property adjacent to the area included
10 within the plot plan for this apartment building will not be
11 adversely affected; and

12 WHEREAS, said plot plan together with the terms and
13 conditions hereinafter set forth are consistent with the intent and
14 purpose of Title 27 of the Lincoln Municipal Code to promote the
15 public health, safety, morals, and general welfare.

16 NOW, THEREFORE, BE IT RESOLVED by the City Council of the
17 City of Lincoln, Nebraska:

18 That the application of James C. Hille, hereinafter
19 referred to as "Permittee," to convert the Tifereth Israel Synagogue,
20 designated as a landmark pursuant to Chapter 27.57, into apartments
21 on property located at 344 South 18th Street, be and the same is
22 hereby granted under the provisions of Section 27.63.400 of the
23 Lincoln Municipal Code upon condition that construction and operation
24 of said apartment building be in strict compliance with said application,
25 the plot plan, and the following additional express terms, conditions,
26 and requirements:

27 1. The maximum number of dwelling units authorized
28 hereunder is limited to eleven (11).

29 2. Before receiving building permits:

30 a. The permittee shall submit and receive approval
31 of a landscape screen plan approved by the
32 Planning Director.

33 b. The construction plans shall comply with the
34 approved plans and all applicable ordinances
35 and design standards of the City.

4. Before occupying this multi-family residence:

- a. All development and construction shall comply with the approved plans.
- b. Access and parking lot shall comply with all City ordinances and standards.

5. All privately owned improvements, including landscaping, shall be permanently maintained by the permittee.

6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, his successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

7. The Permittee shall sign and return the City's Letter of Acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the Resolution approving the special permit and the Letter of Acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by:

Dona Gayley

Approved as to Form and Legality: AYES: Ahlschwede, Danley, Gayley, Hampton, Johnson, Shackelford;
NAYS: Hoffman.

William F. Austin
City Attorney

Staff Review Completed:

[Signature]
Administrative Assistant

RECEIVED

FEB 22 1985
10:30 a.m.
MAYOR'S OFFICE

ADOPTED

FEB 19 1985

By City Council

APPROVED

FEB 26 1985 9:45 AM

[Signature]
MAYOR