

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 12019**, requested by Archi + Etc. LLC and Kinder Porter Scott Family Foundation, to preserve a landmark (the Lewis-Syford House) by permitting the utilization of the property for office and educational uses, on property located at 700 North 16th Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/30/12
Administrative Action: 05/30/12

RECOMMENDATION: Conditional Approval, as amended (5-3: Butcher, Gaylor Baird, Sunderman, Hove and Esseks voting 'yes'; Francis, Lust and Cornelius voting 'no'; Weber absent).

STAFF RECOMMENDATION: Conditional Approval.

ASSOCIATED REQUEST: Amendment to Preservation Easement (12R-123)

1. This is a request for a special permit for Historic Preservation of a Landmark (the Lewis-Syford House) to permit use of the property for a private school for autistic children, with waivers to the rear yard setback (from 30' to 15'5") and the on-site parking requirement (from 12 stalls to one stall).
2. The proposed alterations to the site include: repair and restoration of the main building and potting shed, reconstruction of the carriage house, and a new two-story classroom building at the rear of the lot. The conditions of approval include: more detailed review of structures and landscape plans by the Historic Preservation Commission, architectural recording of the carriage house, and archeological investigation of site areas proposed to be altered.
3. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-7, concluding that approving the special permit and adjusting the preservation easement provision will allow for a productive re-use of the historic site and preserve the existing buildings which are deteriorating. The staff presentation is found on p.10-13.
4. The applicant's testimony is found on p.13-15 and p.20, and the record consists of a letter in support from the Chancellor of the University of Nebraska-Lincoln (p.54). An earlier letter from the Vice Chancellor states that UNL will make up to 15 parking spaces available for employees of the private school in their garage at 14th and Vine Streets (p.29).
5. Testimony in opposition is found on p.15-18, and the record consists of two letters in opposition (p.55-56).
6. The minutes of the Historic Preservation Commission held April 19, 2012, are found on p.40-44, where a motion to approve the initial submittal of the special permit was passed 4-1.
7. The minutes of the Historic Preservation Commission held May 17, 2012, are found on p.45-53, where the Historic Preservation Commission reconsidered their vote of April 19th, and voted 4-3 to **deny** the Certificate of Appropriateness, special permit and amendment to the preservation easement, finding that the proposed alterations are too extensive and the proposed use is too intensive for the site.
8. On May 30, 2012, the majority of the Planning Commission agreed with the staff recommendation and voted 5-3 to recommend conditional approval, with clarifying amendments suggested by the City Law Department (Commissioners Francis, Lust and Cornelius dissenting). See Minutes, p.20-22. The majority of the Commission found that the property needs to be occupied and maintained, and that there appears to be no other alternative use for the site to accomplish that. The dissenting Commissioners believed that this redevelopment would severely impact the historic significance of the landmark property and that another less intense use should be found.
9. The applicants propose to widen the existing driveway along the north side of the lot, which will be used to drop off some of the students and park one vehicle, but leave the driveway entrance onto North 16th Street at one lane to maintain the historical residential street appearance. A representative of Public Works expressed concerns about not widening the driveway entrance (discussion is found on p.18-19), but the Planning Commission voted to approve the site plan as submitted.
10. If the Council votes to approve this special permit, an associated set of amendments to the preservation easement must also be approved. This easement was dedicated to the City in 2008 by the previous owner, at the same time that the property was designated as a local landmark, to strengthen the City's ability to protect the site features. The current language in the easement does not allow for the erection of the new structure being proposed for this property through the special permit.

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for May 30, 2012 PLANNING COMMISSION MEETING

****As Amended and Recommended for Conditional Approval****
By Planning Commission: May 30, 2012

- PROJECT:** Special Permit #12019 for Historic Preservation for a school for autistic children at the Lewis-Syford House, requiring adjustments to yard and parking requirements.
- PROPOSAL:** A Special Permit for Historic Preservation (§27.63.400) to adjust the rear yard from 30' to 15'-5" and adjust the on-site parking requirement from 12 stalls to one stall.
- LOCATION:** 700 North 16th Street (near Vine Street)
- LAND AREA:** 18,150 square feet, more or less
- EXISTING ZONING:** R-7 Residential District with Landmark designation
- WAIVER/MODIFICATION REQUEST:** To accept the site plan showing a reduced rear yard and to modify parking requirements.
- CONCLUSION:** Approving the Special Permit and adjusting the preservation easement provision will allow for a productive re-use of the historic site and preserve the existing buildings which are deteriorating.

RECOMMENDATION FOR SPECIAL PERMIT #12019:	Conditional Approval of Special Permit
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GENERAL INFORMATION:

LEGAL DESCRIPTION: The western 175 feet of Lots J and K of Tuttle's Subdivision of Lot 1 of SW Little's Subdivision of the west half of the SW 1/4 of Section 24, Township 10 North, Range 6 East, Lincoln, Lancaster County, Nebraska.

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING:

North, West:	Residential (fraternities & sororities)	R-7
East:	University housing	P (public)
South:	Church	R-7

HISTORY:

- 2009 Purchased by current owner.
- 2008 Designated as a Lincoln Landmark; preservation easement accepted by the City.
- 2007 Updated National Register nomination.
- 1997 Included as a contributing property in the “Greek Row Historic District” on the National Register of Historic Places.
- 1971 House individually listed on the National Register of Historic Places.
- 1965 Bequeathed to the Nebraska State Historical Society Foundation, used as residence then as offices.
- 1904-1965 Occupied by the Syford family with use as a residence.
- ca. 1878 Construction of property for Reverend Elisha Lewis.

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)

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: The Lewis-Syford House is a rare example of the French Second Empire Style in Lincoln and is a unique remnant of a residential neighborhood on the north edge of early Lincoln, preceding the growth of the University.

ALTERATIVE USES: The requested use (school) is permitted in the R-7 district.

ASSOCIATED REQUESTS: Amendment of preservation easement provision 7.

ANALYSIS:

1. The property consists of three buildings; the house, shed, and carriage house. The applicants propose to rehabilitate the landmark house, including new foundation, mechanical systems, roof, and sprinkler system, to use as administrative and counseling offices associated with the proposed school. The applicants also propose to reconstruct the carriage house, including new foundation and structural elements. The proposal includes a new educational building at the rear of the property designed to meet contemporary code requirements and the educational program intentions of the proposed school. A small ground sign is proposed to be located north of the front facade of the house.

2. In addition to being listing on the National Register of Historic Places, the site was designated as a local landmark under the City's preservation provisions which provides the protection of Historic Preservation Commission review of proposed alterations, as well as eligibility to request a Special Permit to relax zoning standards that normally would apply. The preservation guidelines for the Landmark are adapted from the Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*. Under "New Construction", the preservation guidelines recommend "keeping new additions and adjacent new construction to a minimum, making them compatible in scale, building materials, and texture."
3. In addition to the landmark designation, the City of Lincoln holds a preservation easement on this property that was accepted shortly after the designation. The easement was initially created as an agreement between the Nebraska State Historical Society Foundation ("Grantor") and the City of Lincoln ("Grantee"). When the property was sold to the applicant, the applicant became the Grantor of the easement. The preservation easement provides, under provision 7, the authority to deny any new structures, stating "No erection of new structures shall be permitted..." However, the easement specifically states in provision 20©): "...to meet changing conditions, Grantor and Grantee are free to amend the terms of this instrument by mutual consent in writing..." Alternative language for provision 7 that might be more consistent with the landmark's preservation guidelines and with the appeal process contained in Zoning Chapter 27.57, could be:

"No erection of new structures shall be permitted, except upon review by the Historic Preservation Commission as to compliance with the Secretary of Interior's Standards and Guidelines, and approval of the City Council."

The advice of the Planning Commission is sought as to whether, in balance, the benefits of this proposal outweigh the liabilities and warrant an amendment to preservation easement provision 7.

4. The R-7 zoning district requires a rear yard of 30 feet, except for accessory buildings. The carriage house was built 15 feet 5 inches from the rear lot line and is proposed to be used by the school for a "group room" where children and staff will occasionally occupy the building. The education building is proposed to be built 20 feet 5 inches from the rear lot line, as far to the rear as allowed by an LES utility easement in order to preserve as much of the open back yard as possible. These both would be considered main buildings, not accessory buildings, and so a waiver of the normal 30 foot rear yard requirement is being requested.
5. One parking stall per 50 square feet in the largest assembly hall is required for schools in the R-7 district, and the parking is to be provided on the site of the proposed use. The largest assembly hall shown on the proposed floor plan is approximately 600 square feet, requiring 12 on-site parking stalls. LMC §27.63.400 allows adjustment of parking requirements for landmarks. In some circumstances, no off-street parking is possible, when landmarks fill or nearly fill their sites, such as Tifereth Synagogue at 18th & L Streets and German Evangelical Lutheran Church and School at 8th and D Streets. In other circumstances, such as the A. C. Lau House (formerly "Dutch Pillow B & B") at 1818 South 24th, a Special Permit for Historic Preservation included a parking reduction for aesthetic reasons, where use of shared on-

street parking was found to be preferable to changing the historic character of the site. The applicants have negotiated up to 15 off-site parking stalls with the University that “will continue to be available as long as the FEAT Academy is a tenant of the Lewis-Syford House” according to a letter dated May 15, 2012 from the University’s Vice Chancellor for Business and Finance.

6. A Special Permit for Historic Preservation under LMC §27.63.400 is to be evaluated under the following six criteria:

- **The significance of the historic structure or site and the degree of variation sought from the permitted uses of the district:**

The Lewis-Syford House was designated a Landmark in 2008 based on its architectural and historic significance. The landmark house is also listed on the National Register of Historic Places, and is a contributing property in the “Greek Row Historic District” on the National Register of Historic Places. No variation from the uses permitted in the R-7 district is requested. The degree of yard variation requested is 14 feet 7 inches, reflecting the original placement of the carriage house and the conversion of this accessory building to a main use. The on-site parking is requested to be reduced from 12 stalls to one stall.

- **The extent to which economic factors necessitate the change in use:**

The Lewis-Syford House has been vacant for several years and has deteriorated due to a lack of regular maintenance. The applicant estimates that restoration of the house alone will cost \$450,000 and that the rent per square foot necessary to cover this cost is likely to discourage future tenants. The proposed new building will add useable square footage on the site and will secure a long-term tenant, the FEAT Academy.

- **The extent of proposed exterior change to the structure or site:**

The proposal includes significant exterior and interior repair to the house. The proposal has not offered a detailed description of the preservation measures to be undertaken at the historic house, aside from general and encouraging statements of correcting the deferred maintenance. The applicant proposes to deconstruct the carriage house, add structural elements, then reapply the historic facing of the building. If the project is approved, it should be conditioned on continued oversight by Historic Preservation Commission of the work on the house and carriage house.

The site would incur significant changes under this proposal. A church is currently located on the property to the south, but there are plans to demolish the church and begin construction of a sorority on the site in 2014. The applicant has proposed a one-way driveway connecting to the neighboring property to the south. The applicant has verbally described that the south property owner is accepting of a shared access plan, but the timing of when a connection can be made is uncertain. If a driveway connection can be made by the time the school opens, Public Works will approve the proposed site plan. However, if a driveway connection cannot be made by this time, the driveway will have to serve two-way traffic. In this case, Public Works has recommended that the narrow (10 foot wide) “throat”

of the driveway be widened to 18 feet to allow east- and west-bound vehicles to pass, lessening the risk of drivers attempting to back onto 16th Street and stopping on 16th Street when waiting for other vehicles to exit the site. An 18 foot wide driveway would shorten the stone retaining wall, which is a defining feature of the landmark, at the northwest corner of the lot.

The proposal also would add stairs and a ramp at the north (side) entrance to the house. The proposal would add a substantial building in the rear (east end) of the site for the school use, necessitating the removal of existing trees. Finally, the applicant proposes a fence enclosure between the house and the new building, part of which would be visible at mid-lot depth running north and south. The fence has been described verbally by the applicant as wrought iron, and shown on the site plan to have large plantings on the street side, to help screen the proposed new building in the rear.

The National Register nomination for the property in 2007 (updating and strengthening the nomination of the 1970s) noted surface scatter of archeological material from residential use, but stated the existence of subsurface resources had not been sufficiently established to justify significance of the site under "Criterion D" for archeology. If the project is approved, exploration and potential mitigation of the effects of the school addition on archeological resources of the site should be considered.

- **The impact on the surrounding area:**

The applicant has indicated that the FEAT Academy would serve 10-15 students supported by a matching number of staff. Provision needs to be made for parents to safely drop off and pick up their children. Public Works has agreed that two or three metered parking spaces along 16th Street could be eliminated to provide a drop-off zone. The applicant indicated that the needs of some children will require they be dropped off in a more secure area closer to the school entrance. Therefore, the proposal includes a drop-off zone along the driveway directly north of the house.

- **The compatibility of the proposed use to the structure or site and the surrounding area:**

The use as proposed cannot be accommodated in the existing house and instead requires an added building. The Commission is asked to weigh and advise on the benefits of the proposed use, and the benefits of needed repairs to the historic house and carriage house, against impacts on the overall site and on the Greek Row Historic District. The City Council will receive this advice and also weigh compatibility with the surrounding area while considering the overall public benefit of the request.

Office/counseling use of the historic house is relatively low-intensity and similar to past uses. From a preservation perspective, the major attraction of the proposal would be investment in needed restoration of the Lewis-Syford House and the prospect of continued upkeep. The major preservation liability is the overall intensity of the use and accompanying changes to the historic residential character of the whole site. If the driveway must be widened at the front lot line, the reduction of the width of the retaining wall and yard area would be a conspicuous, major change to the "sidewalk" appearance of the house. A key question for

the Commission/Council is whether or not the driveway should be widened at the front lot line or can remain as existing to serve the limited drop-off and parking use.

The school building would cover much of the open back yard, although this would not be conspicuous from 16th Street. The proposed building is in scale with the existing house and its design references the materials and character of the house. The surrounding area has developed with university-related buildings that are larger and taller than the proposed new building on this site.

- **The manner in which the public will be benefitted by such proposed use:**

The proposed use would provide needed educational services, as well as providing needed restoration and maintenance to the historic buildings.

7. The Historic Preservation Commission, in their May 17, 2012 meeting, voted 4-3 to recommend denial of the Special Permit for Historic Preservation and Certificate of Appropriateness. This decision came after reconsidering their 4-1 vote with 1 abstention for approval at the April 19, 2012 meeting where only conceptual information was provided by the applicant. Any approval of this project should be carefully conditioned to ensure safety in accessing the site, careful preservation of the historic house, and mitigation of adverse impact. Because the project is still being developed, some key aspects should be earmarked for additional review before Building Permits are approved. These would include:

- HPC review of details of the proposed work on the landmarked house, carriage house, new buildings, and signage measured against adopted standards (Secretary of Interior's Standards);
- More detailed landscape plan, identifying historic features to be maintained and new screening elements to be added;

CONDITIONS OF APPROVAL (Special Permit #12019):

This special permit approves the historic preservation use of the Lewis-Syford House and premises for a private school with a maximum of 15 students and approves waivers to the rear yard and off-street parking requirements for a private school, subject to general conformance with the approved site plan and the following conditions: (**Per Planning Commission, as amended by City Law Department**)

Site Specific Conditions:

1. The rear yard is reduced from 30 feet to 15 feet 5 inches and the on-site parking requirement is reduced from 12 stalls to one stall. The applicant shall provide evidence at the time of Building Permit of the availability to provide 15 off-site parking stalls in a lot or garage within 1200 feet of the property.

2. Architectural details for all proposed repairs to and reconstruction of existing buildings, proposed new construction including signage, and proposed alterations to landscaping or to the proposed site plan must be submitted and approved ~~for a Certificate of Appropriateness~~ by the Historic Preservation Commission as being consistent with the Certificate of Appropriateness deemed to have been granted by approval of this special permit. (**Per Planning Commission, as amended by City Law Department**)
3. Provide a survey to verify the site plan and its dimensions.
4. Architectural recording of carriage house construction shall be performed prior to and during its deconstruction at the expense of the owner.
5. Contract to provide for archeological investigation/documentation of portion of site proposed for alteration at the expense of the owner.
6. Approval by City Council of the associated request for amendment of preservation easement provision 7.

Standard Conditions:

5. The following conditions are applicable to all requests:
 - 5.1 Before occupying the improvement all development and construction shall substantially comply with the approved plans.
 - 5.2 All privately-owned improvements shall be permanently maintained by the owner.
 - 5.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, and similar matters.
 - 5.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 5.5 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:

Stacey Groshong Hageman, 441-6361, slhageman@lincoln.ne.gov
Planner

DATE: May 22, 2012

APPLICANT: Archi+Etc LLC
2436 North 48th Street
Lincoln, NE 68504

OWNER: Kinder Porter Scott Family Foundation
128 North 13th Street, Suite 1101
Lincoln, NE 68504

CONTACT: John Huffer
2436 North 48th Street
Lincoln, NE 68504

SPECIAL PERMIT NO. 12019

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 30, 2012

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

Staff recommendation: Conditional approval.

Ex Parte Communications: Gaylor Baird disclosed that she made a charitable donation to the people involved in this organization. Her donation does not constitute a personal financial interest. She has overheard discussions on this application but no one was seeking her input or vote – just general discussions about what transpired before the Historic Preservation Commission meeting. She does not believe this information will interfere with her ability to participate in this discussion. She believes those involved understand her independence in her role as a commissioner.

Marvin Krout, Director of Planning, explained that the historic preservation planner, Ed Zimmer, has declared a conflict of interest on this case. He introduced Stacey Groshong Hageman, who is a relatively new staff planner in the Planning Department who was hired specifically to deal with design and preservation issues. She has learned the ropes very quickly and is processing this case.

Staff presentation: **Stacey Groshong Hageman of Planning staff** stated that this special permit application concerns a lot known as the Lewis-Syford House, which is less than .5 acre on the east side of North 16th Street just south of Vine, in an area surrounded by fraternities and sororities that adjoin the UNL city campus. The Lewis-Syford house was built in 1878, and remains with its initial features – the house, carriage house and small shed in the back yard – which have all remained as original structures. This is considered a rare example of the French Second Empire Style in Lincoln and is a unique remnant of the residential neighborhood on the north edge of Lincoln.

The property was individually listed on the National Register of Historic Places in 1971, and then listed as a contributing structure in the Greek Row Historic District in 1997. In 2008, when the property was owned by the Nebraska State Historical Society Foundation, it was designated as a landmark, which designation makes any alterations to the property subject to review by the Historic Preservation Commission and qualifies the site to be approved for a special permit which can modify the zoning standards.

In addition to the local landmark designation, there is a preservation easement which gives the City Council even more authority to govern the future of this property. In 2009, the property was sold to the Kinder Porter Scott Family Foundation, which is the nonprofit submitting this application. The owner has a prospective tenant – another nonprofit – that would like to reuse the property as a private school for children with autism, serving up to 15 children in grades K-12. The proposed use is consistent with the R-7 zoning district. The applicant has requested to modify the rear yard and off-street parking requirements.

Hageman displayed the proposed site plan, which shows a new building in the rear yard. The carriage house is proposed to be a main building in conjunction with the school use and will remain

in its current location. This special permit requests to reduce the required rear yard setback from 30' to 15'5". The applicant is also proposing to locate only one (1) parking stall on the site. The requirement is 12. The applicant has provided a letter from the University of Nebraska-Lincoln which documents the applicant's potential to secure 15 stalls in the University parking garage to the east. The site plan involves restoration of the existing main home/structure which is in need of major repair. It is proposed to be used for administrative offices and small group classes. The carriage house will be used with the new two-story building in the rear yard for classroom space. The driveway on the north side of the site near 16th Street would remain. There is a historic retaining wall around the site along the front edge and north side.

Hageman further explained that once the driveway reaches past the retaining wall, it would widen to allow for two-way traffic and a drop-off zone. Hageman pointed out that Public Works is recommending that the driveway be widened at 16th Street, avoiding potential for cars to back onto 16th Street or stop on 16th Street for drop-off. This would require shortening the foundation wall and would have a significant impact on the appearance from the street. To preserve the character of the site, the Planning staff is hoping that the limited use of the driveway would allow for it not to be widened. The site plan also shows the potential for one lane to extend behind the carriage house and around the rear of the property with connection to the church on the lot to the south, which may become a new sorority house.

Hageman suggested that the issue with this application is balancing the change in the character of the lot against the potential for productive reuse. The Historic Preservation Commission (HPC) was asked to review this special permit and by a 4-3 vote recommended that it be denied because the proposed alterations are too extensive and the proposed use is too intensive for the site. The HPC denial of the certificate of appropriateness is appealed to the Planning Commission.

Also related to this special permit, Hageman advised that the City Council will be asked whether to amend the 2008 preservation easement because the current language in that easement does not permit construction of any new structures on the site.

Hageman advised that the Planning staff supports the proposed permit subject to conditions, which include locating the proposed new building as far to the back of the lot as allowed, obscured by the existing house and landscaping; that the new building be no taller than the existing house; that transition and scale from the 5-story new dormitory behind the lot to the east be provided; and an appropriate design in terms of materials and detailing. The conditions preclude the reduced rear yard setback until the applicant is able to provide evidence of the availability to provide 15 off-site parking stalls in a lot or garage within 1200 feet of the property. The architectural details, landscaping and site plan must be re-submitted to the HPC for Certificate of Appropriateness. The architectural recording of the carriage house construction is to be performed prior to and during its deconstruction at the expense of the owner. The applicant should contract to provide an archeological investigation. Approval by the City Council of an associated request for an amendment to the preservation easement will also be required.

Lust sought clarification as to what the Planning Commission is being asked to approve or deny. Is it just the waiver of the rear yard setback and the parking requirements? HPC voted to deny the plan as submitted, but one of the conditions of approval on the special permit is that the applicant get HPC approval. This is confusing. **Marvin Krout, Director of Planning**, advised that the

purpose of the special permit is to modify the rear yard and parking requirements. The Planning Commission is also basically acting on the recommendation about the certificate of appropriateness that was denied last month by HPC. By approving this special permit, the Planning Commission would be overriding the recommendation of the HPC on the Certificate of Appropriateness that would allow for the new structure on the site and the other alterations. These kinds of modifications to the zoning standards also have to go to the City Council. It is typical for HPC to approve something conceptually, subject to a later, more detailed submission and review of plans prior to a building permit. That condition is basically saying that if the City Council approves the special permit which approves the modifications to this site with the new building over the objections of the HPC, the details of the new building, the reconstruction of the existing building, and any alterations to the landscaping would still go back to HPC so that they can verify that the work is in keeping with the basic commitment that is being made to restore the existing house before building permits are granted.

Lust noted that the report indicates that HPC did approve it on April 19th. Did they then rescind that approval? Krout advised that in April, a plan came forward to HPC. The applicants wanted to know if they were headed in the right direction. Four weeks later they came back and responded to questions from HPC and provided more detail, but the HPC voted 4-3 at that time to rescind that original action and decided that all in all the proposed alterations were not consistent with the intent of the landmark designation. The action by the Planning Commission is a determination and recommendation as to whether the work is appropriate and, if so, it waives the rear lot and parking standards.

Gaylor Baird asked staff to clarify for everyone how the role of HPC is different than the role of the Planning Commission in terms of how the Planning Commission evaluates these applications. **Rick Peo, City Law Department**, explained that this is a property that has already been reviewed by HPC for finding of historic landmark status. What is before the Planning Commission today is the question as to whether it should be allowed for a particular use in order to allow it to be preserved. That process of determining whether this use is appropriate goes back to HPC for initial recommendation as to whether the proposed construction activities are appropriate or inappropriate for preservation. The HPC has recommended, "no" – it's too much. But if the special permit is approved by the Planning Commission and/or the City Council, a finding of certificate of appropriateness will be deemed to have been approved or issued. The HPC would be given the opportunity to review the plan to determine if it is consistent with what is approved by this special permit. This process also requires a determination as to whether there needs to be an amendment to the preservation easement, which is outside the scope of the special permit. If this special permit goes forward to the City Council, a proposed amendment to the preservation easement would be drafted and submitted to City Council at the same time.

Peo went on to state that the HPC action is advisory to the Planning Commission, and the Planning Commission action is advisory to the City Council. If this didn't have some waivers, the Planning Commission would be making the final decision. It is critical to remember that the approval of the special permit is actually approving the finding of certificate of appropriateness for the proposed work.

Esseks inquired about a written report from HPC. It does not appear to be attached to the staff report. Why did they vote 4-3 to deny? Hageman stated that HPC voted 4-3 to recommend that

it be denied because they felt the proposed alterations were too extensive to the site and because they thought the use was too intensive. The additional paving in the yard and the addition of the new building were the issue. Krout added that the important thing for those voting against the application was that the landmark designation was related to the entire site, not just the house or buildings, but the idea that this is a very rare remaining remnant of what a single-family neighborhood looked like in this part of town before UNL and related facilities occurred. It was the aspect of the relatively low intensity of the use of this lot and the openness of this lot that was a part of the consideration for the landmark designation. It is important to note that the preservation easement reinforces that language by stating that no new structures are permitted and that preservation easement was dedicated to the City by the Historical Society Foundation. That preservation easement would need to be amended by the City Council to remove that limitation to allow this additional structure in the rear of the property. The question for the Planning Commission and City Council is whether or not there is another user out there who can put this property to a lighter use that does not require additional structures on the property, which was the original hope and intent that came with the landmark designation of the property, or is this a good opportunity to restore the house and related structures which are in deteriorating condition?

Proponents

1. **Jordan Berger**, appeared on behalf of the applicant/owners who have owned the Lewis-Syford house since 2009. They have been working diligently to find a tenant to occupy the house. It is challenging because it is a 1500 sq. ft. historic house, with the second floor not being inhabitable for residential use and with a basement where foundation walls are crumbling and falling apart. The owner knew that renovation would be necessary and to make that financially feasible, they would have to find a user that could pay the estimated cost to renovate the house to make it safe, i.e. \$350,000 to \$400,000, not including the carriage house. It would mean \$20/sq. ft. lease rate, which is very expensive.

Berger submitted that the house has deteriorated for lack of being occupied. The FEAT Academy (Families for Effective Autism Treatment) would be a great user for the property. A previous user with grant funding did not materialize. Another structure on the property is necessary to make it functional for FEAT. Without a user like this, the house will continue to sit there and deteriorate. The owners feel strongly that having this special permit approved is the right action with a \$450,000 investment into the house and additional investment in the aggregate nearing \$1 million. The applicant/owner is open to the archeological dig. The carriage house is unfit as a structure as it is today.

Francis inquired about the size of the new building proposed to be constructed. Berger believes it will be a 1800 sq. ft. footprint, two stories, which will be the classroom setting. The house will provide one-on-one environment.

2. **Chrissy McNair**, the founder of the FEAT Academy, explained that it is a nonprofit which exists to provide financial assistance to families with children with autism seeking intensive treatment. FEAT is now going to be the nonprofit for the center-based program. Primarily, FEAT is addressing a huge need. Many people are aware of the increased incidents in autism – 1 in 88 children are affected with autism. The number for boys is 1 in 54. The program exists to provide a need for the families, many of which are struggling. Autistic children are integrated in the public school setting,

and there is a population of children for which this does not work well. The goal of the FEAT Academy is to give the child and the family those skills. The need is also great within the community. As the numbers increase, these children are becoming adults and integrating into the population. The FEAT Academy will advocate on behalf of families with autism so that our community can better understand their needs and grow to understand the talents and strengths and positive things they bring to our community.

McNair advised that the vision of the program is to take the science of applied behavior analysis and combine it with an academic setting. The Academy works on academics as well as life, social, community and behavior skills and talent. The Lewis-Syford house will serve as a hub for the early childhood program, and then satellite locations will be used for the rest of the program population. The Lewis-Syford site will then be used as administrative offices and for one specific population with no more than 15 students.

McNair stated that this site was chosen by FEAT because they will have owner support and that is something that is very rare and very needed in a nonprofit. That partnership formed with the family foundation is incredibly valuable to success. The proximity to the University allows FEAT to utilize university students and expose the college community to FEAT's population. The proximity to the interstate is also important.

McNair further suggested that this site provides a natural setting. The primary classroom experience will take place in a separate building and the house will be used for a more natural setting, working on social skills, cooking skills and self-care skills. McNair referred to a treatment center in Denver, Colorado – the Joshua School – as an example of where a historic home is used and has proven to be a welcome and effective place for this type of curriculum.

Francis inquired about the age group of the 15 children at this location. McNair stated that the first year it will be K-8. In the second year, they will start to look at early childhood, then 9-12. Eventually, but not necessarily at this site, they want to serve all ages.

Esseks was interested in the concept of interaction with students of UNL. McNair indicated that it would be very controlled. They are currently working with one of the professors in the College of Special Education on how to work with students and teach them how to do applied behavior analysis. They will also be working to develop a volunteer program – a buddy program with mentors and volunteers.

Hove inquired as to the capacity at this site. McNair confirmed that they could have no more than 15 students in terms of traffic flow and staff. The staffing is a 1:1 staff/student ratio.

McNair stated that the organization is funded through private donations and in-kind.

3. Christy Joy, the project architect and representative of Ayars and Ayars, confirmed that it is an 1800 sq. ft. footprint building being added to the site; they will rebuild the carriage house; there will be 15 parking spaces in the parking garage to the east. She showed the proposed exterior modifications. As many trees will remain as possible. The materials will complement the existing design and structure. The main level of house will be used for offices as well as the upper level.

The 1800 sq. ft. building will have classroom and group room activities with windows between all rooms for observation.

Opposition

1. **Bob Puschendorf**, Deputy State Historic Preservation Officer with the Nebraska State Historical Society, testified in opposition. He respects the goals and objectives for the school and the owner, but he is opposed to this special permit.

Puschendorf does not believe the staff report has adequately addressed the deliberation by the Preservation Commission and the parameters that body was required to set forth in its note to deny the permit. This house was designated as a local landmark in 2008. Accompanying the landmark designation were preservation standards and guidelines applying to future actions and activities regarding the property. These are the guiding standards required to be reviewed by the HPC, which is comprised of professionals and lay members with an interest in the preservation of Lincoln's historic places. Puschendorf urged that the Planning Commission consider the action by HPC.

Puschendorf went on to state that the preservation guidelines adopted were the formidable Secretary of the Interior Standards for Rehabilitation. These are the standards that are generally accepted by local, state and federal preservation organizations and programs. This proposal does not meet three of those ten standards: 1) every reasonable effort shall be made to provide a compatible use for the property which requires minimum alteration to the building, site and structures and its environs; 2) the original distinguishing qualities and character shall not be destroyed; and 3) every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any project. In this case, the original surface of the site will be destroyed by the land leveling and construction of a new addition or new school.

In summary, the action to approve the special permit will degrade the qualities that made the house eligible for landmark designation. Furthermore, such action is not consistent with the recommendation which the HPC made under the preservation ordinance.

With regard to the preservation easement, Puschendorf assumes that the Planning Commission action on the special permit will constitute a recommendation to remove provision 7 of the easement pertaining to new construction. The easement includes a provision that could allow this action based on changing conditions. Puschendorf does not believe the existing property has changed in character or potential.

Lust asked Puschendorf whether the primary objection is the additional building. Puschendorf agreed that to be the primary issue, and the Historical Society does support the other conditions in the staff report that the alterations be reviewed by the HPC.

Lust inquired then about the carriage house. Puschendorf acknowledged that the structure is not in good condition, but he does not know whether a structural engineer has looked at it. It's a catch 22 – once you destroy a historic building you can't put it back up again, so it would not be historic to the site.

Hove wondered whether Puschendorf believes it is better to keep the building in the condition it is in. Puschendorf acknowledged that it is declining in condition. However, the preservation easement requires it to be maintained. He is not certain to what extent that has been done.

Hove wondered why the State Historical Society Foundation sold the property. Puschendorf explained that the Foundation is a fund-raising branch for the Nebraska State Historical Society and they do not manage properties. It was in their ownership since the 1960's. The easement is held by the City. It is required that the City monitor that easement to be certain that the conditions are being upheld. The Historical Society did send a letter to the Planning Department expressing concern that it is not being maintained.

Hove believes there would need to be some type of revenue generated to keep up the building. If it is uninhabitable, what are you going to do with it? Puschendorf suggested that the house was purchased with that condition and the landmark status. He does not know what the changing conditions are. What has happened since 2009? The owner does contend that they have looked at other options. The State Historical Society Foundation did have a human resource office in the building for a number of years and continued to occupy it until shortly before it was sold.

Gaylor Baird observed that the Planning Commission has been told that the main question is to determine whether there is the likelihood of another user out there with a lighter intensity use with more minimal alterations to the site. She inquired of Puschendorf whether he knows of any examples of possible other users or what kind of use might represent a lower intensity use or less alterations to the site. Puschendorf acknowledged that it is not easy with the size of the house, but the previous use is a good example of a function that existed in the house that worked for the University.

Francis inquired as to the size of the house and number of rooms. Puschendorf did not know. It was stated that the upper floors could not be used.

2. Becky Martin, President of the Preservation Association of Lincoln (PAL), testified in opposition. The house is one of the five oldest known remaining houses in the City. The Second Empire Style is very rare to be seen in Lincoln. The site is complete because it has the carriage house and the old outhouse/shed. Lincoln is fortunate to have this gem all intact. The easements were attached to the house and the property as a whole, and that was the way it was when it was purchased by this applicant. It is to be kept intact. Easements are a part of the Comprehensive Plan and are used on properties to preserve their public interest. The staff report states "...and preserve the existing buildings which are deteriorating."; also that the property "...has deteriorated due to a lack of regular maintenance." This should not be a reason for removing easements. This easement was there to prevent such deterioration. The carriage house will lose its historic significance if rebuilt. The building plans do not show the widow's walk iron work or the front yard fencing. The HPC was advised that that detail was left off the site plan for streamlining the drawings, but the widow's walk iron work and the front yard fencing are historic factors to its historic designation. Adding a new structure destroys the uniqueness of the whole property. The easement was attached to make the entire site significant. On May 17th, the HPC voted to deny this special permit request, and PAL urges the Planning Commission to also deny the special permit and request for change in easements.

Butcher inquired about the uses taking place in the other known old houses. Martin replied that the Brown house in her neighborhood on 27th near M Street is used as a duplex. She did not have any more information, except that she knows one is used as a museum.

3. Peter Bleed, citizen of Lincoln, who also served on the Nebraska State Historical Society Preservation Board for a number of years, testified in opposition, stating that he is a preservationist. This is a town that works well together and discusses issues like this. He loves living in a community which is history-comfortable and recognizes some diversity and variety of time. The Lewis-Syford house is an interesting place. It shows what early suburban Lincoln looked like. This was a wonderful vista that this house sat upon. It also happens to be in relative good condition. It wears its history, but comfortably.

Bleed suggested that this is not a complicated issue. The basic issue is that the owners of the property want to change the house, change the land and how it is treated, and put something more there. They also want to change the way this town is treating this piece of property. None of this needs to happen. Everything being considered today does not require a change. He does not believe the proposed modifications are a good use of this piece of property.

Bleed reiterated that today's actions are unnecessary at best. The State Historical Society Foundation acquired this property at some point and there was a plan for a museum. The Historical Society used it in a variety of ways and then transferred it to the Foundation. In the 1980's, UNL maintained the property as an office through 2008 or 2009, but they announced that they wished to change that function. The Historical Society Foundation decided that it was improper to have three museums within four blocks of 17th and O so they could not maintain it and UNL was uncertain what they would do. A variety of options were considered and some were rejected. Bleed was president of the Historical Society Board at that point in time, and with the guidance of the Board, the Historical Society staff, the Planning Department, the National Park Service, and the Planning Commission, an easement was crafted by a board member of the Society Foundation, a local lawyer. It was widely developed and discussed in the newspaper. The Society then said they would try to find a buyer with the easement in place. The buyer was well aware of the easement and accepted the ownership of the building with the easement. It was to be used as some sort of a residence.

Since that time, very little has happened. The building has been allowed to deteriorate. Before the title was transferred, the building was occupied and in relatively good condition. Since that time, no attempt has been made to use the space on a regular basis except tailgating facilities behind the house during the 2011 football season. If the Planning Commission grants this special permit, there will be negative impacts – the easement will be gutted; trust in Lincoln will go away; it will set a precedent that suggests that you cannot bargain with the city; and the historic qualities of the building will be significantly modified.

Bleed asked the question, who enforces easements? The building is in the condition it is now because the easement has not been enforced.

Rick Peo, City Law Department, appeared to clarify the conditions of approval set forth in the staff report. He believes that it is unclear what is being approved and suggested the following amendments:

This special permit approves the historic preservation use of the Lewis-Syford House and premises for a private school with a maximum of 15 students and approves waivers to the rear yard and off-street parking requirements for a private school, subject to general conformance with the approved site plan and the following conditions:

.....

2. Architectural details for all proposed repairs to and reconstruction of existing buildings, proposed new construction including signage, and proposed alterations to landscaping or to the proposed site plan must be submitted and approved ~~for a Certificate of Appropriateness~~ by the Historic Preservation Commission as being consistent with the Certificate of Appropriateness deemed to have been granted by approval of this special permit.

He also advised that enforcement of the easement is the responsibility of the city of Lincoln. The Law Department would be the entity to enforce if the terms of the easement have been violated for lack of maintenance and repairs. The preservation easement is not an issue before the Planning Commission. It is an easement with a lot of flexibility. There have been changes to the existing building with the consent of the city. The only change that does not have the consent of the city is adding new structures. In order to accommodate that change, the City Council would have to amend that easement.

Gaylor Baird asked whether the Planning Commission should be considering the issue of the existing deterioration of the house. Peo advised that the easement talks about normal maintenance and repair and maintaining structural integrity. He stated that he could not speak to whether or not the easement has been violated. He does not have enough information to make a decision on that today.

Gaylor Baird inquired about the Planning Department preferring an option that did not widen the entrance to the driveway. How safe is it in terms of dropping off children, etc.? Hageman explained that Public Works has recommended that it be widened for the reasons mentioned earlier – the possibility of cars stopping on 16th to let other cars out of the driveway since it is only one-way, and the potential for cars to back out onto 16th Street. There is a drop-off zone by the house on the lot but that would be a very limited use because they will also have a drop-off on 16th where there is metered parking. It limits the use of the driveway. The Academy will have staff that stands outside with the children and they have offered to stagger the arrival and departure times of the students.

Dennis Bartels of Public Works & Utilities, advised that Public Works had recommended that the driveway be widened to a two-way width of 18 feet. 16th Street is designated as an arterial and there are high traffic volumes and pedestrian traffic. His concern is that while someone is dropping off or waiting at the sidewalk, another car that wants to get in is going to have to wait for the driveway to clear. If this is to be approved, he suggested that the City Council will have to also approve an amendment to driveway standards because 10' does not meet the standard for a two-way driveway. That is a design standard that would not be reviewed by the Planning Commission. The City Council will need to act on the Public Works recommendation for an 18' driveway. Gaylor Baird inquired whether that recommendation goes away with the parking agreement with the neighbors to the south. Bartels acknowledged that there is a parking stall back there and one or

two cars can park on 16th Street. Gaylor Baird noted that it appears that the intent of the driveway is to be one-way. Bartels believes it will function fine if they can accomplish the two-way, but they will have to understand that that is not guaranteed.

Lust understood that the 15 parking stalls from UNL would be primarily for the staff and not for drop-off. That is also Bartels' understanding.

Gaylor Baird asked staff to address the safety concerns relating to the potential for dispersing drop-off between designated parking spots in front of the house and the driveway, and potentially the way the drop-off is organized. Hageman suggested that this is also a preservation issue with the historic retaining wall that would have to be moved or shortened in order to provide the wider width of the driveway.

Gaylor Baird asked whether there are any other concerns about traffic. Krout stated that the staff will need to determine for sure whether or not there is a separate standard that the City Council must waive or whether it can be done as a part of the special permit. Krout also suggested that the opening of the Antelope Valley Parkway as a complete through way will take a fair amount of traffic off of 16th and 17th Street today, so 16th and 17th will not act quite the same as they do today. The staff has been having discussions with UNL about the possibility of converting 16th and 17th, north of O Street, to two-way streets to have more local function and to have slower traffic. That has been in the discussion stages. Public Works is intending to do a survey after the Antelope Valley Parkway is up and running to see how much traffic it is carrying and what it does to 16th and 17th Street.

Cornelius asked Peo to lead him through how the enforcement mechanism for the preservation easement might be triggered. Peo stated that the enforcement is basically going to be by restraining order or injunction where you get a court to order cease and desist based on what is not being accomplished, i.e. maintenance not being conducted or a building being removed. You are always going to face the issue of who is going to pay for the cost of maintenance repair if you get a judgment. In other words, cost will be an issue. There is a means and mechanism and more likely a court proceeding of injunction. The easement does provide the ability to do repair work and build the property back but the City does not have the funds to advance to accomplish that.

Cornelius asked whether there is an agency for detecting violations of easements. Peo stated that the City has the right to observe the property and reasonable rights of ingress to review the premises. The City has the ability to do inspections upon reasonable notice.

Response by the Applicant

Berger stated that to the best of his knowledge, the house was vacant when purchased in 2009. They do have photos of the house and it is in the same shape now as when they purchased it. To say it is falling apart due to negligence by this owner is not correct. The question was about the overgrowth of the landscaping and not necessarily deterioration. The owner cut the trees and bushes because it was severely overgrown. They assumed that there were some leaks in the roof and those were repaired. The shed in the back and the carriage house were both well on their way to being structurally unsound when purchased by this owner. He is surprised the same standard was not held when UNL was a tenant of the house.

Lust asked the applicant whether he agrees that the house has been vacant for several years and deteriorated as stated in the staff report. Berger agreed that it has been vacant since acquired by the present owner, but with no further deterioration. They fixed the roof. He suggested that "several years" is subjective. It has been vacant for five years.

Cornelius noted that the applicant's testimony suggests that the second floor is unusable, but apparently the floor plans indicate that it is to be used. Berger explained that there are some life safety issues. It could possibly be used from a residence standpoint, but commercially, there are some fire escape challenges which they believe they can overcome with certain uses and some sprinklering. Could it be used today? No. The applicant has met with Building & Safety and their primary concern is the second floor and getting people out. But with some design and improvements, the applicant believes it can become usable space.

With regard to the driveway, Berger indicated that the plan is to stagger the times of the students coming and going. They won't have 15 showing up at the same time. It is not a traditional school. With the 1:1 ratio, the teacher can be out with the student and help direct traffic.

Lust inquired whether the owner will have a structural engineer look at the carriage house. Berger stated that the boards are nailed to a frame and the posts are rotted at the bottom. The most important thing is safety, and the owner is concerned about it as it sits today. If this project were not to move forward, it is not safe, it is not locked, and it is a danger.

Gaylor Baird noted that the staff report mentioned plans for glass connection between the carriage house and new building. Berger indicated that they have decided to eliminate that because of the significance of the carriage house.

ACTION BY PLANNING COMMISSION:

May 30, 2012

Esseks moved to approve the staff recommendation of conditional approval, as amended by Rick Peo on behalf of the City Law Department, seconded by Sunderman.

Esseks believes that the Planning Commission must be pragmatic. This is not a house located in a still residential section of the city. It is located in a very busy university setting. He cannot see a family purchasing this house and putting in the money to maintain it. Older properties require money to maintain. Even Harvey Perlman, Chancellor of UNL, worries that no financial acceptable

use will be found. We are talking about institutional use of the property. Here, an institution has come forward serving a very important clientele of autistic children. The plans look very good. He is appealing to his colleagues that the property needs a user that can maintain it while providing benefits to the community, and he believes this group is very likely to serve a portion of the community that has a real need. With the amendments, Esseks believes this is a very good use of the property.

Lust stated that normally she is highly in favor of redevelopment of older properties and reuse. Redevelopment in the core of the city is a great thing for the city; however, we are not just talking about an older building – we are talking about a historically significant building and property. That is what we need to understand – historic preservation is not just for this particular house but for the property as it is designed with the carriage house, shed, and with the existing land as it has existed over 100 years. She totally supports the FEAT organization. It is a great cause and highly needed, but she is just not sure this is the place for it based on the concerns of the HPC and the fact that they did not vote to approve this development.

Francis stated that she also does support FEAT. It is a great organization and it is great that they want to have a program with 1:1 staff/student ratio for 15 students, but she does not believe this historic site is the right location.

Gaylor Baird commented that this is an incredibly complex site. There are competing values at stake. One of the things we were told to weigh is whether or not there is a better land use for this site that would meet the HPC's preference that it be a lighter, less intense use. And what we have heard from testimony is that there are very few uses that even qualify. She would like to see this property remain the gem that has been described and yet as discussed, we have pretty much heard that it would be a university office use. While that is a compelling alternative use, we have the Chancellor telling us that the University has no plans for any alternative university use. This makes Gaylor Baird lean towards approving the special permit, despite the many competing values the Commission is being asked to evaluate.

Cornelius also believes this is very complicated and he is uncomfortable having to weigh this item in view of deterioration that has occurred over time, and he is not comfortable saying who was responsible for the deterioration. It does not appear that there is a clear cut enforcement mechanism to keep that deterioration from happening, and we are told that we can't consider other uses because it is cost prohibitive. That is disappointing. In listening to the testimony, Cornelius took interest in the standard that the HPC used in judging this application where they found three specific items that it did not meet. The most important one in our discussion now is the question of, has there been reasonable effort made to find a compatible use with not as high impact as the proposed use? The impact of the proposed use seems to come largely from the proposed new construction and that is of greatest concern. Would it be possible then to find a compatible use that does not require that level of new construction? This property is challenged because of its size and age, its current state of condition, and its location in the middle of campus. This particular use seems like a well chosen one, considering the location. It would be an educational facility located within an educational facility. However, given the intensity of the use, he has difficulty supporting the motion. He believes there has to be a less intensive use that can be sensitive to the entire site.

Esseks pointed out that the owner still has to have enough rent per month to maintain it. Properties like this can be maintained if the more intensive uses are supplementary and can be located around it. This is surrounded by university dormitories. He just does not see how they are going to get anyone who can pay for the maintenance of this property without a use such as is proposed with the auxiliary buildings which make the income of the property sufficient to pay for the maintenance. Esseks believes that it is unrealistic to expect someone to come in and retain the property the way it is now.

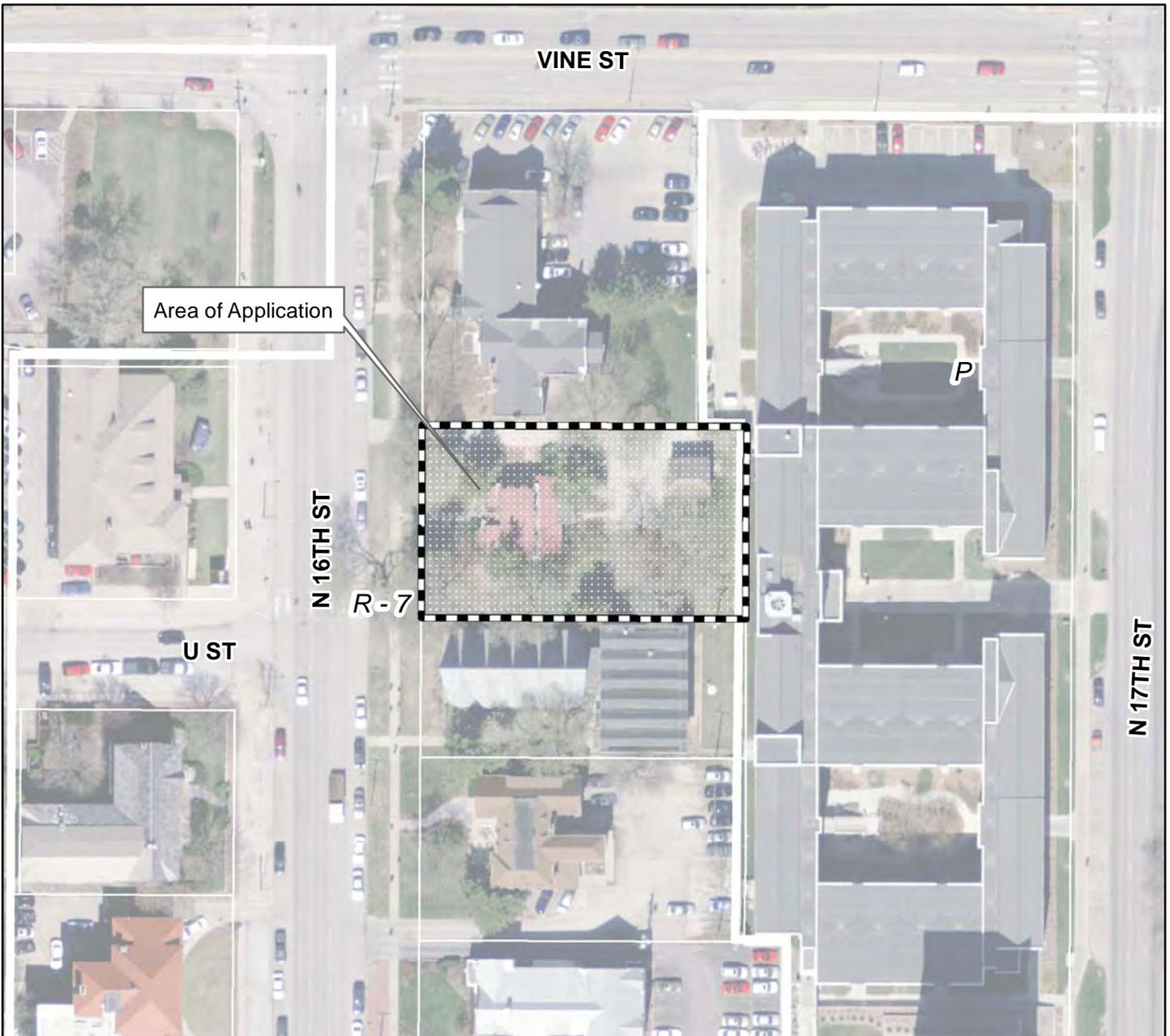
Lust suggested that the Commission must keep in mind that these are not unsophisticated purchasers that bought the property in 2009 with full knowledge of the preservation easement. She stated that part of her is a little unsympathetic to the idea that they cannot maintain the property without a more intensive use when they bought the property knowing of the historic designation and that the City took the additional step to have a preservation easement. They bought it in 2009. They knew about the historic designation.

Francis further commented that she has dealt with people who bought historic properties. Anyone who buys a historic property commits to taking care of it without worrying about making a return on their investment. She suggested that a historic property is a labor of love more so than a business investment.

Hove pointed out that this property has been under-utilized for 30 plus years and he is glad someone is trying to do something with it. It is sad we cannot find another user. The State Historical Society Foundation tried to find someone for many years and they could not. He thinks it is a good use.

Butcher expressed his concern that we keep focusing on no building of new structures but we also know that the two agreeing parties put in a mechanism to meet changing conditions. He has not heard what they meant by "changing conditions". Does that encompass the inability to use this historic landmark – to have any use of it other than sitting there? When they engaged in this easement, they understood that change would come down the line, and maybe this is the time.

Motion for conditional approval, as amended, carried 5-3: Butcher, Gaylor Baird, Sunderman, Hove and Esseks voting 'yes'; Francis, Lust and Cornelius voting 'no'; Weber absent. This is a recommendation to the City Council.



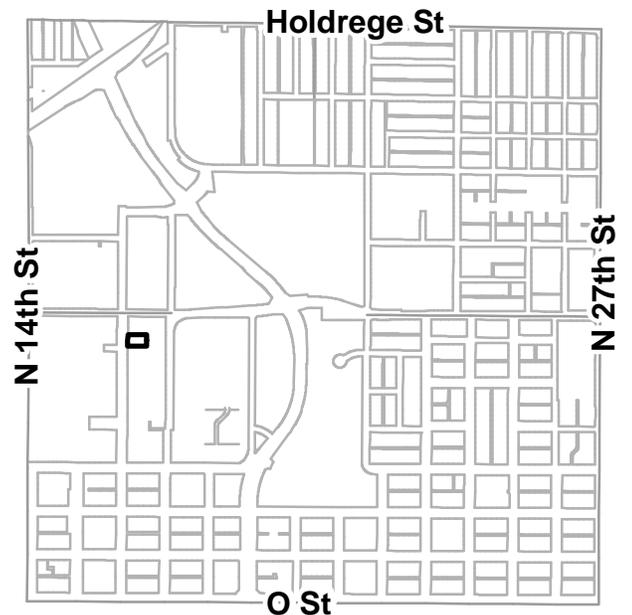
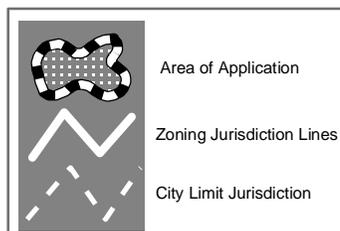
2010 aerial

**Special Permit #12019
N 16th & Vine St**

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
Sec. 24 T10N R06E



Lewis-Syford The Feat Academy
700 N 16th St. Lincoln, Nebraska

ARCHI ETC., LLC



May 17, 2012

Marvin S. Krout
Director
Lincoln City/Lancaster Planning Department
555 South 10th Street, Room 213
Lincoln, NE 68508

RE: The Lewis-Syford House

Dear Mr. Krout:

The purpose of this application is to waive point #7 from the August 20, 2008 easement on the property located at 700 North 16th Street Lincoln, Nebraska. Our intent is to construct a facility that accommodates the needs of the The FEAT Academy for Autism and Developmental Disabilities in the southeast corner of the site. We will do so in a manner that maintains the existing site layout and does not interfere with the historical façade of the House. There will be minimal visibility of the new structure from 16th street and the structure will have an exterior that compliments the existing Carriage House.

Significant repairs need to be performed on the Lewis-Syford House and its carriage house. The foundations of both will be removed and replaced. Structural elements will be installed in the carriage house but the facing will remain the same. Repairs to the roof, siding, windows, and interior components will be performed. This will insure that the house can maintain its existence for years to come.

The FEAT Academy is Nebraska's first non-profit, academy dedicated to the advancement of individuals with Autism. Using all evidence-based practices, The FEAT Academy's approach combines the science of Applied Behavior Analysis (ABA) with academic curriculum, and continues to apply this best practice method across real-life scenarios. ABA is the recommended intervention for people with Autism from the American Academy of Pediatrics, the National Institutes of Health, the Centers for Disease Control and the US Surgeon General. Nebraska is currently one of four states that does not have an ABA-based, non-residential program for school-aged children.

In the short-term, The FEAT Academy will serve up to 15 individuals with Autism and Developmental Disabilities, ranging from age 5-14 years. Utilizing the expertise of our Board Certified Behavior Analysts and Nebraska State Certified Teachers, our programs combine academics with activities that build on each individual's strengths such as art, music, and theatre. We also place a significant focus on teaching life-skills and social skills needed to live a more independent and higher quality of life, such as safety skills and self-care.

Our goal is to see each participant reach his or her fullest potential and develop skills needed to enjoy fulfilling careers and meaningful relationships with their families,

May 17, 2012

Page 1 of 2

friends, co-workers and neighbors. Our first 2 years in operation will be spent achieving best outcomes for our participants and formalizing our relationships with other community leaders in the field, such as UNL, insurance companies, Medicaid, the Nebraska Department of Education, and local and surrounding public school districts.

Long-term, our vision is that The FEAT Academy will serve as a regional hub for the advancement for people with Autism and Developmental Disabilities. We envision the Lewis-Syford location to serve as our administrative headquarters and Early Childhood center, with another location (or campus) in Lincoln for school-aged and adult individuals, and satellite locations throughout the state of Nebraska. We will conduct important research in the field, work with UNL students and professors to better equip teachers to use best-practices in the field of Autism and DD, and engage and educate the public on the attributes and challenges of living with disabilities. Within 5-7 years of opening, we hope to begin serving people of all ages with Autism and Developmental Disabilities, and we are presently working on partnering with other service agencies in Nebraska to achieve this goal.

The Lewis-Syford House provides opportunities for the children that cannot be found in alternative settings. The home-like atmosphere provides comfort for the children and allows them to learn social skills and life skills in a more generalized setting. Surrounded by tall trees, the tranquility of the grounds presents a peaceful setting which will provide many opportunities for the children and staff to experience nature in a safe learning environment.

Perhaps most importantly, the University of Nebraska – Lincoln campus location is paramount to the long-term success of the Autism Academy. The formation of a relationship with UNL will propel forward research critical to helping the children. UNL students will have teaching and observation opportunities, and the students on the UNL campus will have the unique gift of learning about our amazing children, developing more compassion for their differences, and an understanding of how to engage with the growing population of individuals on the Autism Spectrum.

Sincerely,

Cristy K Joy, AIA LEED AP
Managing Partner
Archi + Etc. LLC



Explain the economics of the project, including total project costs, how they are expected to be paid, and how much would be going to restoring the existing house.

The restoration of the Lewis-Syford House is directly dependent upon finding a user that can pay sufficient rent to justify the project restoration cost. For many years, even with previous ownership, the House has sat vacant and has deteriorated due to lack of maintenance and upkeep from an everyday user. Since 2009, the Kinder Porter Scott Family Foundation has worked diligently to find a tenant that compliments the historic structure, site, and University surroundings. The Foundation Board is very excited to explore the FEAT Academy as the potential tenant and is comfortable with their capability to not only fund the restoration cost but also to use the property in a manner which restores and maintains the integrity of the Lewis Syford House. Without the Feat Academy, the \$350,000 - \$400,000 restoration cost is likely insurmountable and it is likely that we will witness continued deterioration of the House. Given the relatively small size of the House, it is challenging to find a tenant who can pay the per square foot rent necessary to cover the restoration cost. This is also true in the Feat Academy's case. However, we can meet the needs of the Foundation and Feat Academy with a tasteful supplementary building tucked into the back of the property. The sum of the restoration and new structure will breathe a long overdue, new life into the property.

The Feat Academy will fund the project and their mission through both monetary and in-kind donations. When all is said and done, the total project cost of the restoration and new structure will exceed \$1,000,000, a great investment into the Lewis-Syford legacy.

Proforma Analysis

Purchase Price	\$	201,000	
Carrying Cost (Since 2009)	\$	20,000	
Renovation Cost (House Only)	\$	<u>450,000</u>	
Total Investment	\$	671,000	
Useable SF		1549	
Rent Necessary for Foundation to Breakeven	\$	43,560.00	Annual
	\$	3,630.00	Monthly
	\$	28.00	PSF

Design Narrative

Lewis-Syford House

The exterior of the existing house will be restored, within economic means based on availability of materials and skilled labor, to maintain a historically accurate portrayal of the home. The color pallet for the exterior has not been selected at this time, but the colors will be selected based on findings of research that indicate what an appropriate color pallet for a home of this style and era should be. The interior floor plan of the home will remain the same, although finishes will be updated. Finishes have not been selected at this time, but they will be selected appropriately for the style and era of the home.

The major improvements to the house will be to make the home a safe environment for The FEAT Academy and to preserve the longevity of the home so that it can remain an icon in the Lincoln Nebraska and University of Nebraska-Lincoln communities. These improvements will include replacing the foundation, replacing windows, upgrading the mechanical system and installing a fire suppression system. These improvements will also be done in a manner to preserve the historical nature of the house.

Carriage House

The carriage house will be deconstructed and rebuilt in its existing location with a new foundation and structure. The existing cladding of the carriage house will be restored and reused on the new structure. The intent for the completed carriage house will be to have it restored to a condition that meets the standards of modern building code while maintaining a historically accurate exterior. The interior will be designed to be used as a group room by The FEAT Academy.

Link

A glass link will serve as a connection between the carriage house and the new building. The link will serve as a functional connection between the new building and carriage house while minimizing the visual impact on the carriage house.

New Building

The new building will be nearly invisible from 16th street by sinking it into the existing grade and using landscaping for screening. The material pallet of the new building will be selected to compliment that of the house and carriage house. A cement board siding with a masonry base that will match that of the new foundation on the house will be utilized.

Site Improvements

Site fencing will be selected that matches the style and era of the home. Vegetation will be selected based on its ability to screen the presence of the new building. An accessible ramp will be provided to the home that will be visually different, yet complimentary to the building. It will be constructed in a manner that makes it clear that the ramp is not an original feature of the building. It will also be screened with vegetation.

May 15, 2012

Jean Jennings, President
Kinder Porter Scott Family Foundation
128 N. 13th Street, Unit 1101
Lincoln, NE 68508

RE: UNL garage parking for occupants of the Lewis-Syford House

Dear Ms. Jennings,

In an effort to show support of the FEAT Academy, the University of Nebraska-Lincoln is willing to provide up to fifteen (15) Faculty/Staff Garage Parking Permits for the employees of the FEAT Academy for their daily parking needs. FEAT employees can use these parking permits to park in the UNL parking garage at 19th and Vine Streets. Please note that UNL reserves the right to reassign FEAT Academy employees to another UNL parking garage or lot if required.

Please note that the cost of these permits is normally adjusted on July 1 of each year. For your reference, the FY 2013 cost of these Faculty/Staff Garage Permits can be found at the following website. <http://parking.unl.edu/permits/cost.shtml>

Parking for FEAT Academy employees will continue to be available as long as the FEAT Academy is a tenant of the Lewis-Syford House. To make arrangements for employee parking or if you have any questions, please contact Dan Carpenter, Director of Parking Services at (402) 472-1800.

Our best to you and your colleagues as you launch this new initiative.

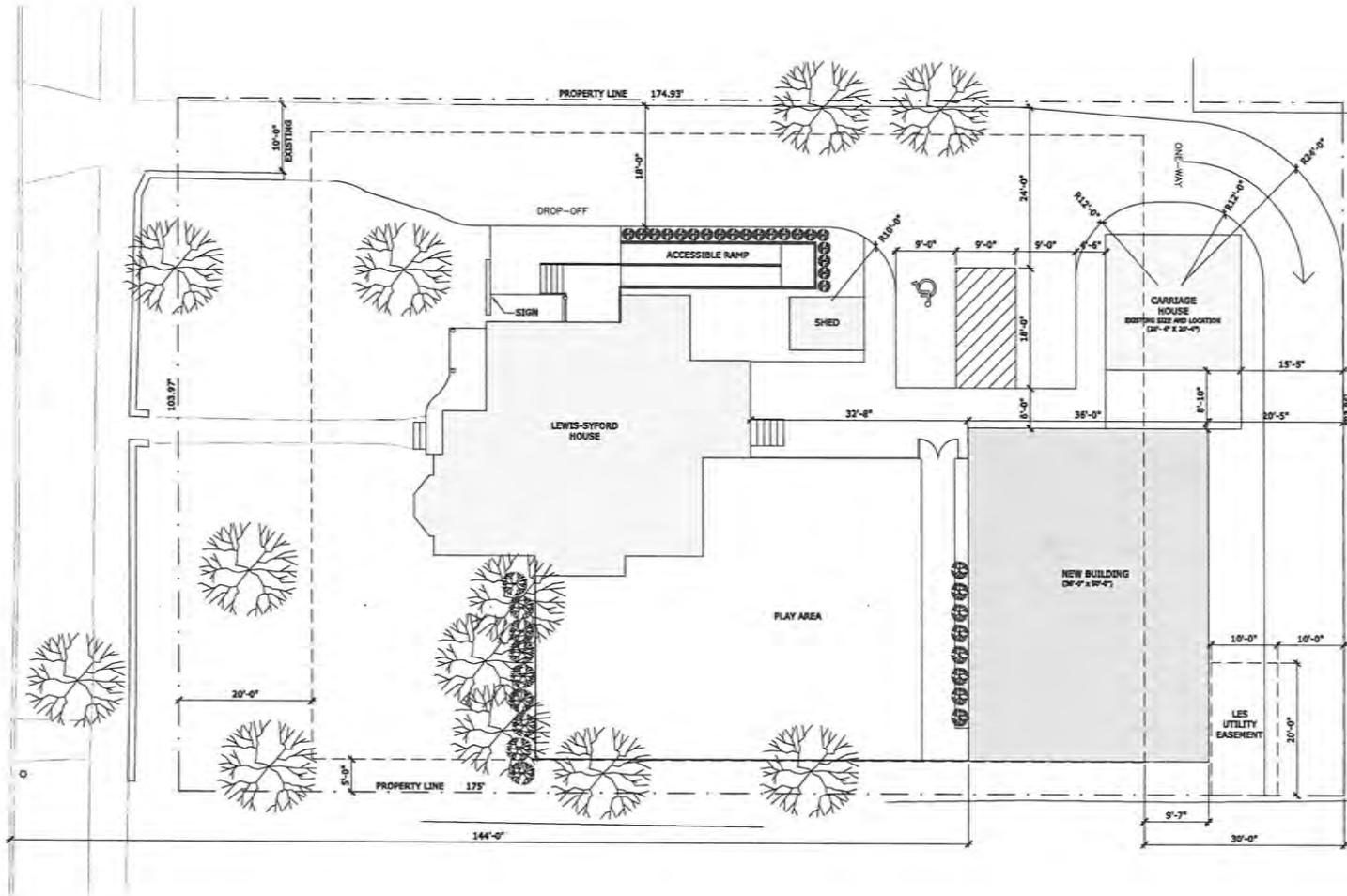
Sincerely,



Christine A. Jackson
Vice Chancellor for Business and Finance

CAJ:c
Cc: Daniel Carpenter
Kim Phelps

16TH STREET



SITE PLAN
SCALE: 1/8" = 1'-0"

ARCHI + ETC., LLC
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1600 N. 16TH STREET
LINCOLN, NE 68502
TEL: 402.441.1111
WWW.ARCHIETC.COM



Ayers & Ayres, Inc.
ARCHITECTS
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LINCOLN, NE 68502
TEL: 402.441.1111
WWW.AYERSAYRES.COM

Lewis-Syford House
700 N. 16th Street
Lincoln, NE
SITE PLAN

Date Started:
March 7, 2012

May 14, 2012

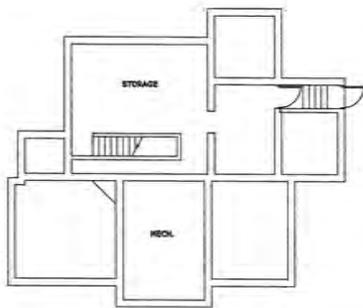
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not for
construction

12-043

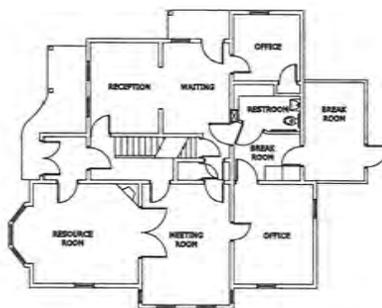
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No warranty or representation is made by the architect for the use of the drawings for any purpose other than that intended by the architect.

A1.01

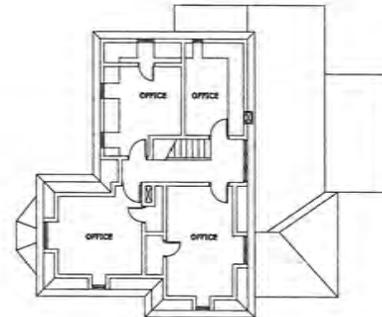
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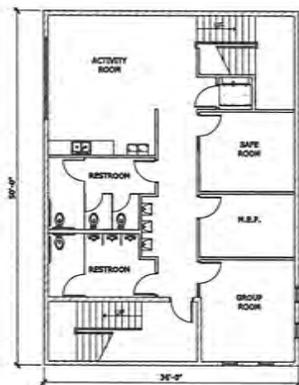
C 1 4 **BASEMENT PLAN**
A2.01 SCALE: 1/8" = 1'-0"



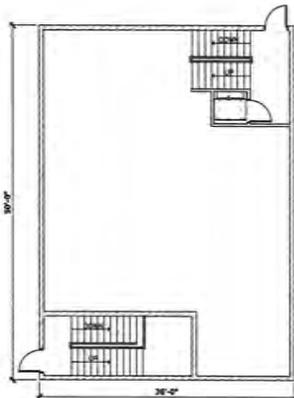
B 1 4 **FIRST FLOOR PLAN**
A2.01 SCALE: 1/8" = 1'-0"



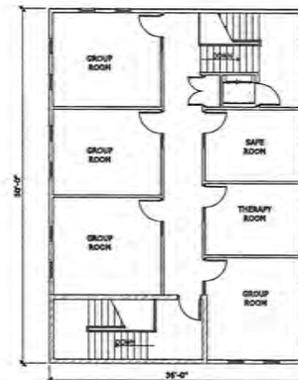
A 1 4 **SECOND FLOOR PLAN**
A2.01 SCALE: 1/8" = 1'-0"



C 1 1 **LOWER LEVEL PLAN**
A2.01 SCALE: 1/8" = 1'-0"



B 1 1 **MIDDLE LEVEL PLAN**
A2.01 SCALE: 1/8" = 1'-0"



A 1 1 **UPPER LEVEL PLAN**
A2.01 SCALE: 1/8" = 1'-0"

ARCHI + ETC., LLC
ARCHITECTURE ETCETERA

ARCHI + ETC.

AYRES & AYRES, INC.
ARCHITECTS
1000 N. 10TH STREET
LINCOLN, NE 68502
TEL: 402.478.2888
WWW.AYRESANDAYRES.COM

Lewis-Syford House
700 N 14th Street
Lincoln, NE
FLOOR PLAN

Date Started:
March 7, 2012

May 14, 2012

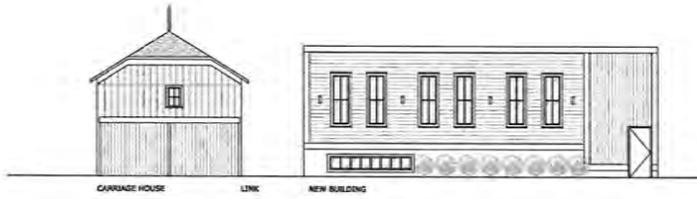
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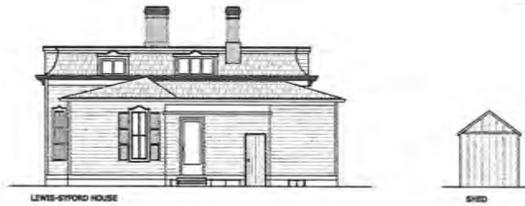
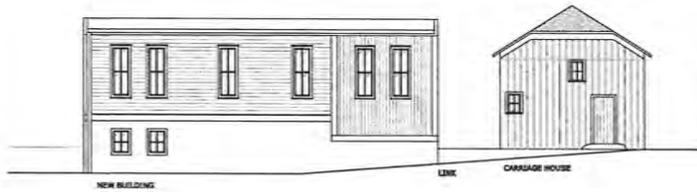
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This drawing is prepared
and issued in accordance
with the provisions of the
Professional Architectural
Practice Act of the State
of Nebraska and the
Architectural Code of
the State of Nebraska.

A2.01

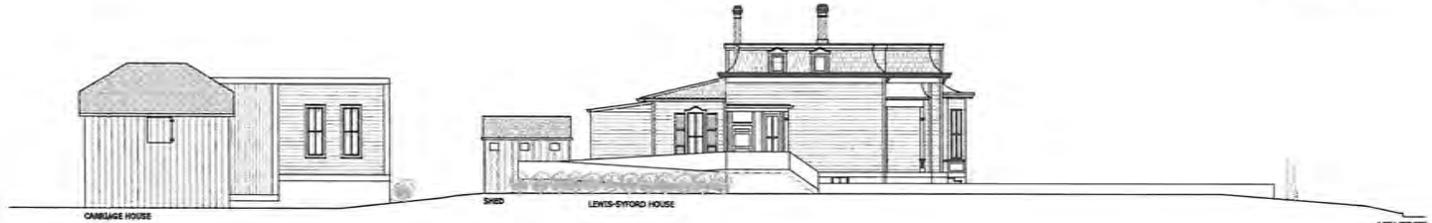
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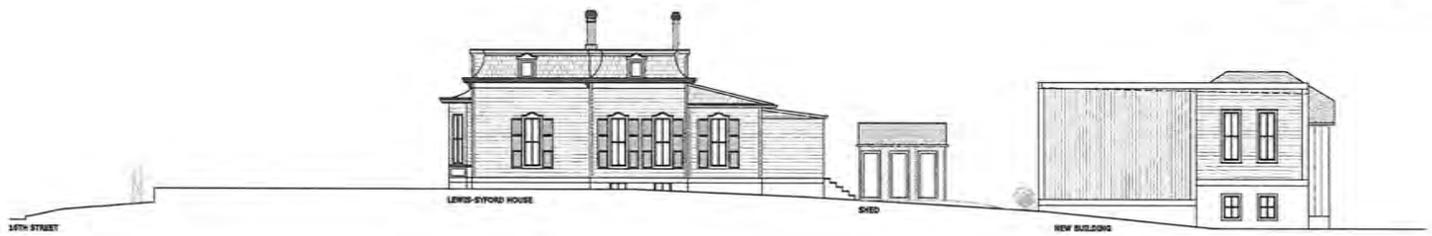
A 4 WEST ELEVATIONS
A3.01 SCALE: 1/8" = 1'-0"



A 3 EAST ELEVATIONS
A3.01 SCALE: 1/8" = 1'-0"



A 2 NORTH ELEVATIONS
A3.01 SCALE: 1/8" = 1'-0"



A 1 WEST ELEVATIONS
A3.01 SCALE: 1/8" = 1'-0"

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Lewis-Syford House
700 N. 16th Street
Lincoln, NE
ELEVATIONS

Date Started:
March 7, 2012

Nov 14, 2012

Preliminary
not for
construction

12-043

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A3.01



NOTE: Rendering shows design intent only. Refer to the construction drawings for actual building exterior information.



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NOTE: Rendering shows design intent only. Refer to the construction drawings for actual building exterior information.



011

NOTE: Rendering shows design intent only. Refer to the construction drawings for actual building element information.





NOTE: Rendering shows design intent only. Refer to the construction drawings for actual building exterior information.



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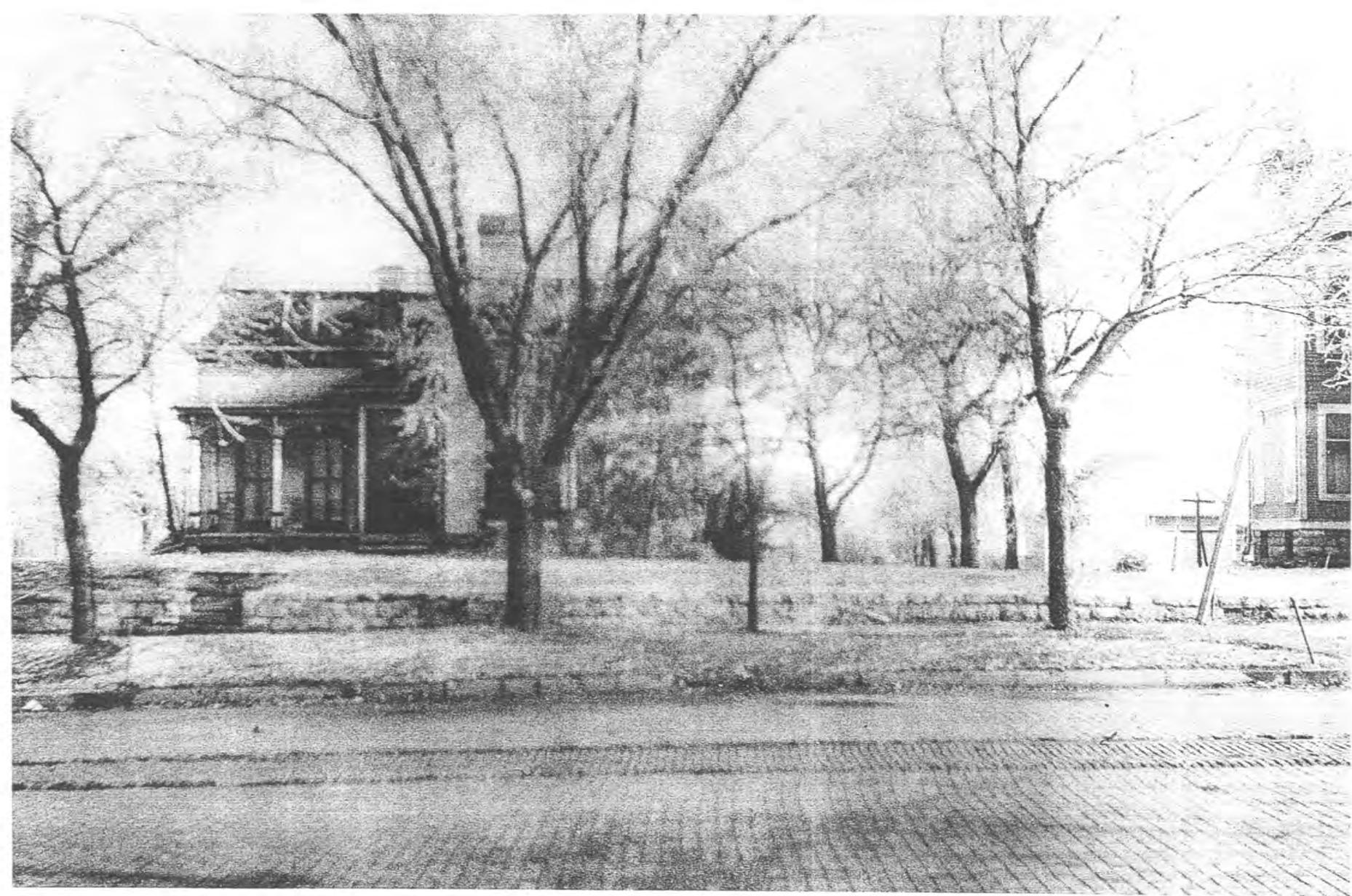


Photo c. 1900

These minutes were approved by Historic Preservation Commission on May 17, 2012

MEETING RECORD

NAME OF GROUP: HISTORIC PRESERVATION COMMISSION

DATE, TIME AND PLACE OF MEETING: Thursday, April 19, 2012, 1:30 p.m., Conference Room 214, 2nd Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Cathy Beecham, Jim Johnson, Berwyn Jones, Liz Kuhlman, Jim McKee and Greg Munn; Tim Francis absent. Marvin Krout, Ed Zimmer, Stacey Groshong Hageman and Teresa McKinstry of the Planning Department; Wynn Hjermstad of Urban Development; Gordon McGill of Building and Safety Dept.; Jordan Pascale of the Lincoln Journal Star and other interested citizens.

STATED PURPOSE OF MEETING: Regular Historic Preservation Commission Meeting

Chair Greg Munn called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

APPLICATION FOR A SPECIAL PERMIT FOR HISTORIC PRESERVATION UNDER LMC 27.63.400 FOR THE LEWIS-SYFORD HOUSE, A DESIGNATED LANDMARK AT 700 N. 16TH STREET
PUBLIC HEARING: **April 19, 2012**

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

Marvin Krout stated that Zimmer felt there might be an appearance that he has a conflict of interest, so Ed left the room.

This property is in the middle of Greek Row Historic District. It was in previous ownership of the State Historical Society Foundation. Now it is in the ownership of a private foundation. The owner is looking at a potential reuse of the property as a private school for autistic children. When the State Historical Society Foundation conveyed the ownership, they asked the City to accept a preservation easement including a clause allowing for "no additional buildings". This application has proposed additional buildings. There are several issues to deal with. Any project is going to require historic preservation review and approval. Secondly, there is the easement situation. He spoke with the City Attorney. There is the ability to waive, either informally by not enforcing the easement or formally by amending the easement. Third, this will require a special permit. The use itself

may need a waiver, but a special permit would definitely be required for the additional building being proposed in the rear yard. The applicant will not be able to meet the usual parking requirements. There are typically parking requirements for this type of use. There is metered parking in front of the building. Earlier discussions showed parking in the front yard. Staff didn't feel that was appropriate. The applicant is not proposing parking in the front yard anymore. There are a number of zoning issues. The applicant has made application for a special permit. This goes to Planning Commission and on to the City Council for a final decision. They are anxious to build. The applicant is optimistic to start construction this year.

McKee inquired if the applicant will be removing the structure to the east. It appears to be a garage. Krout replied that the carriage house will remain. The applicant is proposing a pretty large building adjacent and connected to the carriage house.

McKee asked about the Historic Preservation Commission's role with regard to the easement. Krout replied that the City Council will ultimately deal with the easement. This commission can make a recommendation.

McKee thought the easement was very clear, structures could not be added.

Krout believes the applicant would at least like to get a sense of direction.

McKee is unsure. He doesn't see how this is ready to go forward.

Jones inquired who originally agreed to the easement. Krout replied the State Historical Society Foundation sold the property. They asked the City to accept the preservation easement, including a prohibition on additional buildings on the site.

Jones further asked who bought the property with the easement. Krout replied the foundation.

Robert Scott appeared. His foundation acquired the site. They have been looking for a use to bring attention to the site and the building, so it is significant again. Architect Cristy Joy is representing the design side.

Cristy Joy stated that what was provided is a sensitive approach that maintains the character of the front of the property. As you start to approach the site, there is a major drop to the east. There have been some modifications to the interior. They were looking at adding a building to expand the autistic program. Currently, the students are home schooled. She believes what has been proposed, keeps the flavor and deals with some of the light sensitivity of the students. As you approach the rear of the site, there could possibly be an all glass enclosure. There is a maximum of 2,000 square feet for each level.

Beecham questioned how many changes will be made to the building interior. Joy replied that not very many changes will be made to the interior, except for repair. They will probably have to install sprinklers and repair the foundation, but plan on keeping the exterior as it looks.

Beecham asked about the proposed use for the carriage house. Joy replied they would like to utilize the carriage house for an interior group room. The application would be submitted as a private school with the Department of Education.

Beecham asked if a play area will be addressed. Joy stated that because of the needs of the children, they wanted a fence that matched the historic element of the house, but there will be no play equipment. Krout sees street being utilized in front of the carriage house. This appears to be about five or six spaces. He inquired if any additional parking is being proposed and how parking issues will be dealt with. Joy responded this proposes great challenges. There is the potential for a drop off zone where the current metered parking is. They are in conversation with the property owner to the south and seeing how it could all tie together. They are working with the sorority. They have discussed the possibility of widening the driveway. They could stagger the start times for each of the children, so parents all arrive at a different time.

McKee would like clarification on renovation of the carriage house. Joy believes reconstruction would be a more correct term. It would be replaced.

Munn does not want to see the house changed, or anything added onto it.

Bob Puschendorf of the Nebraska State Historical Society appeared. The society's foundation previously owned the house. They decided the house was not going to be made into a museum, as was originally looked at. He opted to work with the foundation. The house was listed on the National Register in 1972. All the defining features were identified. It was also locally landmarked. This plan has evolved quite a bit. The City of Lincoln holds the easement. The easement went through Historic Preservation Commission and the Planning Commission. The review of this property is under the local landmark designation. The guidelines were adopted. They have been trying to find an appropriate use for the building with minimal alterations. He believes Historic Preservation Commission can comment on the easement. The nomination stated explicitly "no new buildings or structures". He can't advise, only give background.

McKee wondered how the proposed changes and alterations would affect the National Register listing. Puschendorf stated they would look at the nomination again and determine if the alterations were overwhelming enough to remove it from National Register listing.

McKee wonders if the listing would be in jeopardy with this application.

Beecham stated that unfortunately, as much as we would like it to, National Register or local landmark status doesn't give protection to a property.

Puschendorf noted that the easement is different.

Beecham likes the idea of something like this, instead of a coffee shop or a sorority.

McKee questioned changing the easement. He thought it was very clear. Krout stated that the City Council can set aside or amend the easement.

Beecham wondered if there is any way to put in a non-invasive structure.

Munn believes this is a much better solution than adding on to the house.

Beecham sees that a freestanding addition can always be taken down and the house returned to the way it was.

Krout believes it is unlikely that someone will want to tear down a 2,000 square foot structure.

Munn stated that this Commission is constantly faced with changes of historic structures. We need to decide if this is detrimental to the site.

McKee agrees that a use must be found for this building. The autistic school would be a good use. Parking out front would be good. He is unsure about the large addition.

Beecham thinks a drop off zone is a great idea.

Jones disagrees. This area is already under supplied with parking.

Kuhlman wondered if some criteria can be set stating no additional square footage. McKee believes that would be meaningless.

Kuhlman questioned the future of this property, if this school doesn't happen. Scott can't think of another use that would help support a renovation. He is not in the business of sprucing up buildings. This is about improving the community.

Munn believes in a use that supports and maintains the house for the future. He understands the property needs to be viable.

McKee approves of the "no material effect" for the house and the use, but doesn't believe he can go much beyond that.

Krout stated that Planning Commission is the next step. City Council would have final action on the lot waiver and the decision on the easement.

Beecham if the proposed use is an approved use with a special permit. Krout replied that a private school is an approved use.

Krout believes it would be good to come back and visit with Historic Preservation Commission on more building specifics, signs and other detail questions. It would be good to have a vote on the special permit.

ACTION:

Beecham moved approval of the special permit, seconded by Johnson.

Motion for approval carried 4-1: Beecham, Johnson, Kuhlman and Munn voting 'yes'; Jones abstaining; McKee voting 'no'; Francis absent.

The Commissioners all agreed that they will be expecting another visit from the applicant.

Kuhlman stated that it seems that the restriction was placed due to concern for the aesthetic of the site. You can try to blend or do something completely different. She believes this site calls for something that blends and is cohesive. There are ways you can have it look like it was always there.

Jones would be less unhappy if it blended.

McKee would like more details on the carriage house.

Beecham agreed. The signage should be small, and the more neutral the better.

Munn thinks the scale of the building is fine, but doesn't believe you want to copy the details.

Kuhlman doesn't think it should be a stark contrast.

Munn believes the architecture can be reinterpreted. He would like to see it look like a 2012 building, but blend with the property and compliment the original.

These minutes have not yet been approved by Historic Preservation Commission.

MEETING RECORD

NAME OF GROUP: HISTORIC PRESERVATION COMMISSION

DATE, TIME AND PLACE OF MEETING: Thursday, May 17, 2012, 1:30 p.m., Conference Room 214, 2nd Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Cathy Beecham, Tim Francis, Jim Johnson, Berwyn Jones, Liz Kuhlman, Jim McKee and Greg Munn. Marvin Krout, Ed Zimmer, Stacey Groshong Hageman and Teresa McKinstry of the Planning Department; Dallas McGee of Urban Development; Dennis Bartels of Public Works - Engineering, Jordan Pascale of the Lincoln Journal Star and other interested citizens.

STATED PURPOSE OF MEETING: Regular Historic Preservation Commission Meeting

Chair Greg Munn called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS AND FOR A SPECIAL PERMIT FOR HISTORIC PRESERVATION UNDER LMC 27.63.400 FOR THE LEWIS-SYFORD HOUSE, A DESIGNATED LANDMARK AT 700 N. 16TH STREET
PUBLIC HEARING: **May 17, 2012**

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

Marvin Krout stated that the applicant is asking for three items; the special permit which was voted on at the last meeting to waive the normal rear yard requirement and to allow this development to have less than fifteen parking spaces. The second item is the preservation easement. When this area was approved as a local historic landmark, it came with an easement dedication which had certain restrictions. These overlap with the preservation guidelines. Third is the normal requirement to consider a Certificate of Appropriateness. This could be appealed to the City Council. At the meeting last month, the Historic Preservation Commission voted on the special permit. In his opinion, the members seemed to believe there were missing pieces that needed to be addressed. The applicant has been working diligently over the last month. A question was posed if this commission can reconsider its vote from last month. It is not in the bylaws of the Historic Preservation Commission specifically, but under Roberts Rules of Order, someone on the prevailing side can make a motion to reconsider. In the end, staff is looking for a

recommendation from this Commission. There were a number of issues last month. One of the questions was the driveway. Dennis Bartels from Public Works-Engineering Services is in attendance to answer questions. There is a sort of shoehorning of this use onto this site. Public Works will say they want a two way drive. He believes the applicant's latest proposal is a sort of compromise. There is also a question about the ownership of the driveway. We believe there has been some follow up with the owner to the north. Another issue was the parking issue. The City attorney believes the City Council needs to address this and amend the Preservation Easement document. The City ordinance states that if the existing building goes away, then the replacement structure should be of comparable size and character. This is an unusual restriction. When the historic structure is gone, all that is left is the vacant lot. The document also says structures shall be permitted. The recommendation to the City Council should address if the document should be changed. A memo from Stacey Groshong Hageman of Planning addresses the items to be considered. The preservation guidelines anticipate the possibility of new construction. This is addressed in the guidelines.

Robert Scott appeared on behalf of the Kinder Porter Scott Foundation. He clarified that the governance of the easement lies with City Council.

Krout stated he believes the Historic Preservation Commission can give advice to the City Council, but he concurred that the final judgement lies with City Council.

Scott stated that this property was purchased in 2008 from the State Historical Society. The tenant had terminated their lease. There were holes in the roof and the building was in major disrepair. They have made some improvements. There has been vandalism. Two other significant users have looked at the building. Those didn't work out. Their mission as a foundation is to help with children's literacy education. They want to help preserve an old house and bring some value to the site and to the campus. Chrissy McNair approached them about an autism academy. The spectrum disorder is underserved in this community.

Cristy Joy appeared. She is the principal architect of this project.

Chrissy McNair is the founder and director of The FEAT Academy, Families for Effective Autism Treatment. This has been around since 1997 as a group that organizes autism programs. There is a need for this. The number of children with autism continues to rise. There is a great need in Nebraska. We are one in four states that does not have a school specifically for autism. We deal with numerous issues, things that don't get regularly addressed in a school setting. We look at the whole family. The goal is to get the kids to talk. They also to plan on bringing in life skills amongst other topics. They would like to eventually become a hub in the region for combining academics and children with special needs. They are looking at a long term vision and strategy. Their fiscal impact, children that get early education the state saves 1.6 to 2.2 million dollars. The economic impact is quite large. The big part of this location is the owners. It is invaluable when you can find a partner like this. The proximity to the University of Nebraska is huge. They are already

talking about how to work with UNL students so they can understand how to work with these children at an earlier age. The proximity to the City and the Legislature is advantageous. They are lobbying for autism issues. Being close to the Interstate, they are hoping to pull in kids from York to Omaha, many of the surrounding communities. Being affiliated with UNL would be incredible. The affiliation with UNL is informal at this point. A natural setting for home and classroom is very important. This would be a comfortable family style environment. They are modeling themselves after the Joshua School in Englewood, Colorado. It is in a home on the National Register. It was acquired by the school in 2008.

McKee sees great things with the need for the program. It seems to him the number of students will increase and this property would self limit the number of children to be served at this site. If the applicant went to a larger house, they could have more parking and be closer to the Legislature, nearer to the Interstate without affecting a house that would be destroyed. He inquired as to the proposed numbers of students. McNair replied that they are looking to serve 15 students.

McKee questioned why pick a small historic building and destroy it. Why not a great huge house in the Near South or something along University row? He understands the Scott's interest and involvement. McNair replied that one of the issues is owner support. She takes issue with the word destroy. She believes this will greatly utilize this space. She said before this would be a hub. This could be an early childhood location and another location could house other students. They don't want to burst at the seams.

Scott doesn't believe they are destroying the house. They believe the academy will be rehabilitating it.

Beecham would love to see these kids served. It would be great to partner with the University. McNair clarified they have an informal, developing relationship with UNL. They are working with a professor how her students could work with the students at the academy.

Beecham inquired if there is an autistic speciality at the University. McNair replied they have a behavioral analysis expertise, but nothing specifically for autism.

Munn believes this is a rehabilitation, but the house isn't just what is designated. This involves the house, the carriage house, the potting shed and the stone wall.

Jones questioned if this is a new effort by the applicant. McNair responded that they are not presently serving children. FEAT has been in existence since 1997. They have been providing scholarship money for home based therapy.

Jones stated that one concern of his is that the applicant will immediately outgrow the house and leave an altered site. He questioned if FEAT is fiscally sound enough to operate this. This is a tremendous responsibility. McNair replied that Nebraska is one of four

states that does not have a program like this. They are modeling themselves after successful programs. They have no intention of abandoning this house.

Jones heard someone mention that autism work is held on UNL east campus. McNair replied the special education chair is on the east campus, the classes are on city campus.

Peter Bleed questioned who will hold title to this land. Scott replied that the Kinder Porter Scott Foundation owns the property. FEAT Academy will be a tenant.

Joy presented the site plan. The carriage house would be torn down and rebuilt. The improvements start at the edge of the house with a ramp and a sign. A driveway would be shared with the adjacent site. The program start times would be staggered to alleviate traffic.

Beecham wondered about traffic and drop off sites. Joy replied that there will be drop offs on the street out front. You will also be able to drive into the site, drop off and leave. There is the potential for parking conflicts. McNair noted that all children will have a staff person to meet them and walk them in. It will be a one on one for the drop off site. Each child will have a staff member walk them in.

Kuhlman wondered if staff would be on 16th Street directing. Joy stated that they anticipate the church tenants next door to be in place when they would be occupying this building. That makes for potentially another driveway, depending on curb cuts. The neighbor is not ready to release their plans yet.

Dennis Bartels stated that staff could live with the ten foot driveway for a one way driveway. The interim drive would be their concern. If the one way driveway didn't develop, you could have conflicts with crosswalk or a car wanting to enter. They don't want to stop cars in 16th Street waiting for the driveway to clear. There is a crosswalk in the street and it gets a lot of use in this area.

Krout has heard there might be an interest in making 16th St. and 17th St. into two way streets. This is not an immediate notion.

Bartels noted that the opinion on 16th St. and 17th St. being two way streets has changed many times in the last 30 years he has been with the city. He further stated that possibly, parking stalls in front of the property could be eliminated and it would most likely be designated as a drop off zone.

Jones is concerned that occupants in the drop off zone could disturb the adjacent traffic lane. Bartels noted that parking is allowed there now, but the current parking wouldn't turnover the way this would. It would not be an ideal situation, but it wouldn't be unprecedented.

Joy stated that they have received a letter from the University stating their intent to let the FEAT Academy use up to fifteen parking permits for the parking garage at 19th St. and Vine St. and showing their support for the proposed tenant.

Joy presented some drawings of the proposed site and buildings. On the new building, materials would be kept similar. The carriage house would be replaced, but identical.

McKee noted that last month, the applicant was proposing a connection between the carriage house and the new building. Joy replied the connection has been eliminated.

Munn noted that the potting shed is part of the National Register listing. They won't like taking it down and replacing it either.

Scott believes it is a health and life safety issue.

Munn stated that the accreditation for the building might be pulled. He questioned the ramp and railing going into the house. Joy replied the rail would be a wrought iron look.

Scott believes a ramp might violate the nomination, but it must be done. Munn believes there are exceptions for those types of items.

Beecham is unsure of the flat roof line on the new building. It looks like a portable classroom.

Joy they have talked about mirroring the shutters from the house.

Beecham would like to see a little more pitched roof.

Jones wondered if the interior walls will be used as is. Scott noted that some alterations were already done to the interior.

Joy stated that with the new floor plan, you walk in from grade. There are group rooms and one on one rooms, along with other features. As far as materials, they are looking at replicating the siding on the carriage house and maintaining the feel of the limestone foundation on the house.

Beecham wondered why they elected not to do a roofline. Joy replied the goal was to keep it as neutral of a box as possible.

Jordan Berger of WRK appeared. He stated that to renovate just the Lewis-Syford house would take about \$671,000.00. This is a very cost prohibitive property.

Scott stated that would be the cost for rehabilitating just the house, not the other structures. The foundation needs to be lifted and repaired. There are many costs associated with this property.

Beecham questioned what the original vision was for this house when it was purchased. Scott replied their goal is to have a usable building that benefits the community.

Beecham inquired if there were concerns with the easement. Scott replied they were hoping to get a college affiliated use. The economy changed and their initial idea didn't work out. This is the reality of a building like this.

Francis noted that on 26th St. and "N" St., two houses were combined for the women's shelter. It won a PAL award.

Beecham would like to know more about the easement.

Bob Puschendorf appeared. The State Historical Society Foundation was the previous owner. Their function is to raise money for the foundation. They realized the property had roof problems, along with other problems. They had expressed concern over the maintenance of the house since ownership was transferred. They knew the condition needed to be stabilized. There is a maintenance provision in the easement agreement. The easement agreement came out of the fact that they were disposing of a State Historical Society Foundation property. The easement agreement was in his opinion, given in good faith.

Beecham wondered if Puschendorf is aware of the intent of the wording, to keep up the maintenance of the building. Puschendorf believes the intent of the easement also deals with the continuing preservation of the building. Maintenance and upkeep are part of the easement. If the buildings no longer exist, there would be no responsibility to rebuild the house.

Jones thinks that is there so a person can't purposely deteriorate the property and rebuild a skyscraper. Puschendorf believes the easement speaks to acts of God, etc.

Peter Bleed stated that he was on the State Historic Society board when this was transferred. It was a community action. From a design point of view, these were agreements that were over constructed, but sincere. We wanted to assure the preservation of this property. The intent is an important part.

Krout stated new language that was proposed by Planning staff.

Puschendorf noted that the taking down of trees, land alterations, etc. all need to be addressed. Maintenance and basic upkeep were all addressed in the agreement.

Becky Martin appeared. She is President of the Preservation Association of Lincoln. She believes this is one of the five oldest houses in Lincoln that is still standing. She would hate to see anything that takes away from the original site. She believes the proposed new building does that. That is their largest concern. They would like to keep this as a rare

gem. She believes it went into private ownership with the understanding that this was a landmark. We are trying to keep it as an intact property.

Puschendorf believes the commission has a good grasp on the easement and special permit. There has been a lot of discussion on traffic. He wants to talk about the Certificate of Appropriateness. It is imperative that as a certified local government, that this commission considers the Secretary of Interior standards. Those are the overriding conditions. They are attached to the local landmark designation. Three of the standards, we have stumbled over. The first one speaks to the reasonable effort to provide a compatible use that involves minimal alteration. He doesn't think this is the property to squeeze this type of use into. He is somewhat torn. He believes there is a great need for this type of use. He goes back to the standards. The original distinguishing qualities will not be destroyed. He believes this will degrade the site. Archaeological resources are also listed. He knows the applicant has every intent to meet the standards, but he doesn't think they have been met with this proposal.

Beecham questioned the chances for archaeological resources.

Peter Bleed stated that this house didn't originally have plumbing. The resources are there. The larger point is the surface. This is all part of the importance of this place. It is a tiny portion of Lincoln that survives. He values it as a preserved piece of Lincoln.

Krout inquired if Bleed is saying the proposed alteration would permanently cover a portion of the archaeological resource. Bleed replied that the new building would do more than sit on top of any archaeology that is there. He is not eager to dig this up. Let's recognize that there is more than an exterior here.

Beecham stated that this is giving her pause. This is a fabulous project, but she feels that it is overlooking the fact that part of the reason this was designated, is that it is a unique remnant of a residential neighborhood. She is not sure she is giving full discussion to the value of the lot and the position. She feels we need to go back and discuss this further.

Beecham moved to reconsider the vote for the special permit, seconded by Johnson.

Beecham wants to make sure that all the information has been reviewed. She loves the idea that this doesn't touch the house, but she is not sure that this doesn't hurt the site.

Motion to reconsider carried 7-0: Beecham, Francis, Johnson, Jones, Kuhlman, McKee and Munn voting 'yes'.

Munn looked through the nomination documents. It talks about all the features and the setting. He is struggling with this application. He doesn't want to be responsible for killing the building. City Council will have the final vote on this. It is the job of this commission to discuss if this is an appropriate fit based on the Secretary of Interior standards.

Bleed came to this meeting expecting to add some historical perspective. There are bad ideas and good ideas. He thinks this gets into many things. This is getting too complicated. He believes the commissioners ought to step back and say there are better places, better historic Scott owned properties closer to the University facilities that are more accessible in a variety of ways that will free of us the discussion and problems that this group is trying to solve. In 2007, he was on the executive committee of the State Historical Society Board. He heard the foundation wanted to sell this building. The board said no to selling. As a result of good community discussion, a member of the board wrote what he intended to be a very strident preservation document for this building. It was his understanding the foundation was offered a good deal more money for this property. The document transferred with the property. It was done with the understanding that there was a sincere expectation that said this would be developed as a high quality guest house for the University. That was the understanding. In the years since then, materials were stored on the second floor. It is an old building, but it looks worse now than it did then. It has spiraled downward. The easement has not been maintained. He is concerned. He likes to live in a community that has diverse texture. He believes in agreements. He hopes this body makes the best decision. What does this instance have to say about the way the city is going to maintain this institution of easements that are important to those who feel strongly about historical preservation?

McNair has received many emails. This is a complicated, difficult situation with the property. She is up to the challenge of making this work. We are constantly dealing with big issues. No one is wanting to tear down anything. They just want to add on to it. She believes there is a way to make this work. They are happy to keep the house, the potting shed and the carriage house looking the way it does.

Scott stated that the reality is that if you renovate this property, the costs involved and rent needed, would not work. They have maintained the house. Water is not coming through the roof anymore. It is in better shape now than when they bought it. The value of creating a school is an opportunity. Everything changes. He thanked everyone for their time. They welcome ideas.

Public hearing was closed.

McKee doesn't believe this is the place for this school.

Jones feels exactly the same way. His position is that the easement matters. He feels very strongly. The foundation sold this property under the condition of the easement. He thinks they have a right to expect the easement remains in effect.

Munn noted there is a time when things change.

Kuhlman thinks this is a wonderful reuse of this property. She worries about the numbers. If this project doesn't move forward, the property could go into disarray. She sees this as an opportunity. It is a wonderful property, but the historic vistas are gone. She would hope

as the applicant moves forward with the construction, that there is a partnership. She hopes an archaeological survey could be done and learn from the past. She thinks if this project doesn't go through, it scares her what could be done.

Beecham believes the property wasn't bought as a business. This was purchased by a foundation. To her mind, it's not the same. She wishes that the original use of a University guest house would have happened. She is really struggling with this use. She wonders if buildings are put on the lot, if the designation is changed. The designation talks about the residential feel.

Johnson is conflicted as well. He thinks he has been swayed in favor of the Certificate of Appropriateness. He believes this would be a good use for the property. He knows the standards, but believes without this project, the property could deteriorate.

Beecham is concerned if this is approved and a new building built, if they relocate, a large building is left behind. The current occupants are being considered for the new building.

Francis believes it has been enhanced for the next tenant.

Beecham noted this was originally for a residential use. She wondered if a sorority could use the building?

Munn and Francis don't believe that would ever work.

Beecham questioned any interior modifications that might be done. Krout replied that prior to submitting building permits, the plans could be reviewed by this commission.

Munn stated that part of the standards note that if a building is added to a historic site, if the use changes, it would need to come down. The Secretary of Interior standards highly recommend that.

ACTION:

Beecham moved denial of the Certificate of Appropriateness, special permit and easement change, seconded by McKee.

Beecham believes this is the most difficult vote she has ever had. It represents a neighborhood and she feels it loses that, if a building is placed there.

Motion for denial carried 4-3: Beecham, Jones, McKee and Munn voting 'yes'; Francis, Johnson and Kuhlman voting 'no'.

May 30, 2012

Mr. Robert Scott
WRK Family Foundation
128 North 13th, Suite 1101
Lincoln, NE 68508

Dear Robert:

I am submitting this letter of support for the proposed development of the Syford House into the Families for Effective Autism Treatment (FEAT) Academy.

As you know, the Kinder Porter and Scott Family Foundation acquired this property that at one time was owned by the Historical Society. I am aware of the fact that the Foundation board has been diligent and worked hard to find a viable use for this property given its location within the campus. I am particularly appreciative of the fact that, even though the property is now privately owned, they have kept the University apprised of its potential uses. In fact the project has served as a learning laboratory for several of our architecture and engineering classes who have created proposed reuses for the property.

Development of this property into this use that proposes to serve children with autism and special needs seems highly appropriate given the fact that potential partnerships could be created with our College of Education and Human Sciences as well as the Barkley Center.

I am aware of the concern about the current proposal adding an additional building on the property. However, given the size of the current house, I worry that without additional space, no financially acceptable use will be found. If approved, this historic property could be renovated and improved, maintaining the structure for years to come. Absent approval I am concerned that it will continue to deteriorate to a point where it could become an eyesore or danger to campus community members who walk by, live or work in close proximity. This proposed development appears to accomplish that task, benefitting the historic remodel of the home, children with special needs and the campus community.

For these reasons I am supportive of this proposed development of the Syford House into the FEAT Academy. Vice Chancellor Christine Jackson has also submitted a letter indicating our willingness to partner with the Academy's parking needs. This would not have been possible if we did not consider this new development as a worthy project.

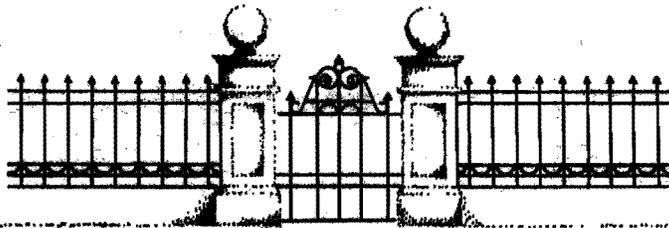
If you have any questions, please don't hesitate to contact me.

Sincerely,



Harvey Perlman
Chancellor

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PRESERVATION ASSOCIATION OF LINCOLN

c/o ROGERS HOUSE 2145 B ST. LINCOLN, NEBRASKA 68502

May 30, 2012

City of Lincoln & Lancaster County Planning Commission

Re: Agenda Item 4.4 Special Permit No. 12019

Dear Commissioners:

The Lewis-Syford House located at 700 North 16th Street is one of the five oldest known remaining houses in the City of Lincoln. The style of the house is Second Empire and is a very rare style to be seen in Lincoln. The site is complete with a carriage house and former out house or shed as it is now used. Lincoln is very fortunate to have this wonderful gem intact.

The easements attached to not only this house, but to the property as a whole, were there when the Kinder Porter Scott Family Foundation purchased it in 2009. Easements on historic property are in place so that a rare gem such as the Lewis-Syford House (and its site) not only is maintained and kept intact but is valued as a special piece of Lincoln's history. Easements are a part of the City of Lincoln/Lancaster County Comprehensive Plan and are used on properties to preserve the public's interest.

The staff report conclusion "...and preserve the existing buildings which are deteriorating." On page 4 it was also noted that "...and has deteriorated due to a lack of regular maintenance." This should not be a reason for removing easements. When the Foundation bought the property the easement was in fact already there to prevent such deterioration.

The carriage house if re-built, loses its historic significance, especially with a new foundation and other structural elements. The widow's walk iron work on the house is not shown in the proposal nor is the front yard fencing. Both are contributing factors to the historic designation.

Adding a new structure to the site destroys the uniqueness of this historic property and its structures. The easement for not allowing any new buildings was attached to this property so the entire site with the buildings maintains its historic significance. The staff report states that the easement contains a clause "... to meet changing conditions" could be a reason to change the requirements. There really has been no change in conditions to warrant such a drastic action.

On May 16th, 2012 the Historic Planning Commission voted to deny the special permit and the request for change in easements. The Preservation Association of Lincoln (PAL) urges the Planning Commission to also oppose any changes in the easements of the Lewis-Syford House, carriage house, shed, and its site.

Sincerely,

Becky Martin (President, Board of Directors)

ITEM NO. 4.4: SPECIAL PERMIT NO. 12019
(p.137 - Public Hearing - 5/30/12)

OPPOSITION

JO GUTSELL
2105 B STREET, LINCOLN, NEBRASKA
402.476.9596 HOME 402.476.9664 FAX
HWLGWOLF@INETNEBR.COM

May 30, 2012

City of Lincoln & Lancaster County Planning Commission

Re: Agenda Item 4.4 Special Permit No. 12019, The Lewis-Syford House

Dear Commissioners:

Please accept this letter as testimony for today's Planning Commission meeting and enter it into the record.

It is admirable that a family is so willing to advocate for their children and other autistic children in our community. However, at the same time, it is necessary to be realistic as to what the community can or should provide to accommodate the children.

The Lewis-Syford House is one of the very few homes left in Lincoln of its age. The City Council saw fit to put in place a preservation easement that would protect the Lewis-Syford House in perpetuity. Some homes/buildings/sites deserve this kind of protection. This is one of those. Would Savannah, Georgia consider such vast changes to an historic site? No. Has anything changed to consider altering the preservation easement? No.

Since a home atmosphere benefits autistic children a school could be located in a home that would need many fewer site changes. It does not have to be in the Lewis-Syford House. It does not even need to be in an historic home.

Once again, the City is considering altering previous legislation to suit a developer's interests. An historic property is purchased out of a love of that which is old and important to a community. It is time that all developers of historic properties understand that when they buy an historic site that it comes with special attributes and responsibilities.

Finally, the Historic Preservation Commission denied this permit. Please follow their expertise and deny this special use permit.

Thank you.

Sincerely,



Jo Gutsell

RECEIVED

MAY 30 2012

Lincoln/Lancaster Co.
Planning Department