

MEETING RECORD

NAME OF GROUP: HISTORIC PRESERVATION COMMISSION

DATE, TIME AND PLACE OF MEETING: Thursday, March 21, 2013, 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 Hagemen and Teresa McKinstry of the Planning Department; 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.

Munn then requested a motion approving the minutes for the regular meeting held February 21, 2013. Motion for approval made by Kuhlman, seconded by Johnson and carried 5-0: Johnson, Jones, Kuhlman, McKee and Munn voting 'yes'; Beecham absent at time of vote; Francis absent.

The opportunity was then given for persons with limited time or with an item not appearing on the agenda to address the Commission. No one appeared.

APPLICATION BY MICHAEL SINCLAIR FOR A CERTIFICATE OF APPROPRIATENESS FOR WORK AT 301 N. 8TH STREET IN THE HAYMARKET LANDMARK DISTRICT
PUBLIC HEARING: **March 21, 2013**

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

Ed Zimmer stated that there was no new information to present.

APPLICATION BY WRK FOR A CERTIFICATE OF APPROPRIATENESS FOR WORK AT THE SOUTHWEST CORNER OF HOLDREGE STREET AND IDYLVILD DRIVE IN THE EAST CAMPUS NEIGHBORHOOD LANDMARK DISTRICT, INCLUDING 1417 AND 1423 IDYLVILD
PUBLIC HEARING: **March 21, 2013**

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

Brett West appeared. He stated that the two existing smaller structures would be demolished. These are multi-family houses that have been vacant for a few months. Phase two would be removal of Valentino's and the associated parking. That makes way for this project which ties into Idylwild St. There are two houses that will remain. They have been talking with the owners of those properties. He presented images of what the property will look like when done. Vals will take about 3,700 square feet. The upper level will be housing. The grade on this property drops a little, so the restaurant will appear a little shorter than the building next door. He presented a drawing with proportionate scales.

Zimmer noted that this commission wanted the sign retained. That is part of the applicant's plans.

West stated they are also planning on outdoor dining. There is a drive-thru component on the first floor. 35th Street would be terminated and become part of the parking. Brick will be used as much as possible. They are planning on aluminum doors and windows and overlapping canopies. The housing will be loft style. They are trying to keep it simple and use subtle materials.

Beecham questioned the white capstone. West stated that it will be a metal panel that will be uplit from behind.

McKee inquired what kind of lighting. West replied they won't need a lot, perhaps LED. Just enough for a little glow.

Kuhlman thinks it will give a nice edge to the street.

ACTION:

McKee moved approval of a Certificate of Appropriateness, seconded by Johnson.

Beecham inquired if there will be access from Holdrege into the parking lot. West replied that it will be a direct access from what will be the vacated 35th Street.

The Commissioners indicated their satisfaction with the mirroring of Phase 2 of the project.

Motion for approval carried 6-0: Beecham, Johnson, Jones, Kuhlman, McKee and Munn voting 'yes'; Francis absent.

APPLICATION BY GREG MUNN ON BEHALF OF NEIGHBORWORKS LINCOLN FOR A CERTIFICATE OF APPROPRIATENESS FOR WORK AT O.C. REYNOLDS HOUSE, A DESIGNATED LANDMARK AT 2530 Q STREET

PUBLIC HEARING:

March 21, 2013

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

Zimmer stated that the Commission had an update on this last month. Much of what is proposed could be no material effect. In addition, this is a special permit and will take an amendment to the site plan. A Certificate of Appropriateness is needed for the change to the garage. It was going to be demolished, but is now going to be moved. The rest is all improvement by reduction.

Munn stated that several months ago, a site plan was presented before he was involved in the project. The property has three lots all together. They are required to have eleven parking spots. They discovered that the door on the west side of the house is wide enough to make it an accessible entry. The idea of a chairlift has been approved by the City. A ramp is not needed. The porch will not be damaged. Pervious pavers will be used for all the pathways. The eleven parking spaces will also be pervious pavers. Rain gardens will be installed and will supply water for native plantings and trees. One garage is not that old. The other small garage could be original to the house. It is more of a carriage house than a garage. The lawn will be kept quite open. The roof for the smaller garage will be kept and the walls will be turned into columns with pervious pavers.

Jones loves the changes.

ACTION:

Jones moved approval of a Certificate of Appropriateness, seconded by Beecham and carried 5-0: Beecham, Johnson, Jones, Kuhlman and McKee voting 'yes'; Munn declaring a conflict of interest; Francis absent.

APPLICATION BY SINCLAIR HILLE ASSOCIATES ON BEHALF OF DELRAY BALLROOM FOR A CERTIFICATE OF APPROPRIATENESS FOR WORK AT 817 R STREET IN THE HAYMARKET LANDMARK DISTRICT

PUBLIC HEARING:

March 21, 2013

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

Zimmer stated that updated drawings were placed on the City website this morning. This has been in many different uses over the years. The request received includes an application for vacation of six feet of the R Street right-of-way. This structure uses that. This could be accomplished by a use of right-of-way permit. This will be a question for Planning Commission, but staff would like a recommendation for Planning Commission.

What looks like alley is a public access easement on an old rail spur.

McKee questioned if there was a stone foundation wall that was exposed in the first drawing. Michael Sinclair replied that it will still be visible, it just is not shown on the drawings.

Zimmer stated that more accurate depictions/drawings were submitted this morning.

Sinclair stated that the tenant operates primarily a ballroom. She is starting to undergo some planning for the interior renovation. She is going to isolate the ballroom towards the back and create a more distinct identity for the lounge toward the front. There is a large garage on one side and a large hotel on two sides. She would like to capitalize on the activity going on in the area. On the interior, she is looking at introducing a mezzanine to the lounge. She would like to add some intrigue to the facade. She would like to add a vestibule to the building.

Beecham questioned how big the front posts will be. Sinclair replied they would come out about three feet. The door is recessed.

Jones questioned how much is recessed into the wall now. Sinclair stated the opening is already there. One window on the 2nd floor will be cut into a door way, but everything else will remain intact.

Beecham would like Zimmer to explain the long term implication for a street vacation.

Zimmer stated that this is a more permanent step than a permit to use the right-of-way, which can be revoked. The docks on 8th Street have typically had a permit to use. Now many of the docks have been vacated. Portions of Q Street are vacated. The property immediately west of this has been vacated. This would be similar to that property.

Beecham asked what criteria or guidelines are used for vacations. Zimmer stated that decisions on vacations in Haymarket have not been consistent over the years. From an owners point of view, there is the annual rent versus owning the property. From the City's perspective, vacations of right-of-way removed future options to meet public needs.

Jones questioned if there is a purchase after the vacation. Zimmer stated that vacation is an agreement to allow the adjacent owner to purchase part of the public right-of-way. In this instance, the request is for the eight feet in front of the DelRay. Urban Development calculates the value of the land and sets the price for purchase.

Beecham wondered if this area or building been blighted. She questioned if TIF funds have ever been used. Zimmer does not believe this building in particular has ever requested redevelopment assistance or received TIF but the whole downtown area has been

designated as blighted.

Beecham stated that it feels like there is a bit of a void in guidance from the City in terms of being consistent of when something is vacated or not. There is a vision for this historic area. She does feel like this is a place where the City should have more criteria in place. This area is the gem of the City. A lot of money is being put into this area. She hesitates only on the vacation, because she is not sure there has ever been a consistency in this area. She asked for Jon Camp's opinion.

Jon Camp concurs with Beecham. There is a challenge from a property owner's point of view. The annual right-of-way payment that an owner pays is atrocious. The Haymarket is the only place in the City where \$25.00 a square foot is assessed. A couple of years ago, he tried to get Urban Development and the Mayor's office to propose a change. Chances are nothing is going to happen. He believes the lease is right, but the cost is a little high.

Beecham is not opposed to this project. She would like to see the topic of public right-of-way vacation explored.

Jones stated that in the mean time, the less permanent solution seems appropriate to him.

Zimmer noted that there is also a construction proposal for this property.

Beecham wondered about the impact to the building to add a balcony on the 2nd floor. Sinclair replied it will be attached, but the building would not bear the load of the added balcony.

Zimmer is working on this area for a National Register District. Boundaries are always a challenge. He is wrestling with the idea whether the historic Burr & Muir building on 9th St. should be part of the district or not as the eastern boundary. It could be eligible individually. There is a gas station on one side and Barry's on the other side. It is a retail building that is very different from the Haymarket character. On the north, this is the only building that reaches that far north. The landmark boundaries have served us very well. This application is a substantial change to the front of the building. He will bring back the boundary question.

Beecham asked if there has there been any discussion to this design without the upper level. Sinclair replied that various designs have been discussed.

Jones wondered if the deck of the balcony will be below the window ledge. Sinclair replied yes.

ACTION:

McKee moved approval of the design for the east elevation as presented, with the condition that the stone foundation be preserved and conceptual approval of the railing with construction details on the railing to be submitted at a later date, seconded by Johnson.

Jones questioned if any openings would be cut into the east side. Sinclair replied no.

Munn inquired about the panels in the center of the railing. Sinclair replied they would be mainly decorative.

McKee wondered if the east railing would be no material effect. Zimmer believes it would be a close call. It is certainly a secondary facade. He would like the Commission's guidance.

McKee would like to see more detail. The other Commissioners agreed.

Motion for conditional approval carried 5-0; Beecham, Johnson, Jones, McKee and Munn voting 'yes'; Kuhlman abstaining; Francis absent.

McKee is uncomfortable with the north end of the project. Jones agreed.

Munn stated that it is nice, but if this were a three-story building and you could see more of a facade above, it would be a different story.

Zimmer stated that the center of the Historic Preservation Commission jurisdiction is the Certificate of Appropriateness. The applicant would like advice on the vacation question; should the right-of-way be used privately? If a Certificate of Appropriateness is not what the Commission wishes to vote on, the applicant would appreciate guidance on what features they like and dislike.

Jones stated that the vestibule and the balcony significantly detract from the building.

McKee agrees, but if they don't make a motion and vote, the time clock does not start.

Zimmer believes there is enough information to make a judgement.

McKee is not opposed to the vestibule feature, the opening or the expansion onto the sidewalk area.

McKee moved approval of the north design as presented, seconded by Beecham. Motion failed 1-4; Munn voting 'yes'; Beecham, Jones, Johnson and McKee voting 'no'; Kuhlman abstaining; Francis absent.

Zimmer wondered if the Commissioners had any suggestions or preferences regarding the proposed vacation of the six feet of right-of-way; how it would be used, a vestibule,

balcony, sidewalk café, etc.

Beecham doesn't have a problem with the use. She believes it is a big step to approve a vacation in a historic district without some clear criteria. She strongly believes the City should have a policy.

Zimmer hears support for some elements of the application. He would like the Commission to identify what they are most comfortable with, the features they like and if the vacation is supported.

McKee likes the concept in general for the vestibule. He is not opposed to the sidewalk café.

Munn stated that it seems to him this could be approved if the design of the balcony was less of an impact. McKee agreed.

McKee inquired if there would be tables on the 2nd floor balcony. Sinclair replied yes.

Beecham sees more of an art deco influence in the proposed plans that were presented. The business is more art deco, but not the building. She would like to see something in keeping more with the building. She would oppose vacating this until the City has developed clearer guidelines.

McKee noted that outdoor seating can still occur on property rented from the city.

Zimmer stated that sidewalk dining can operate under a sidewalk permit. The vestibule would need use of the vacation or right-of-way permit.

Jones would like to see the balcony disappear more. He prefers leasing instead of a vacation.

Beecham reiterated that she strongly believes some consistent guidelines to vacations are badly needed, particularly in a historic district, and in an area that has been deemed for redevelopment.

Munn would rather make these decisions on a case by case basis. Beecham doesn't necessarily want regulations, just guidelines for vacating.

Beecham is not trying to create roadblocks for business.

Zimmer thinks we generally look at if there is a public use, a likelihood we will need this for the complete use of streets. These are looked at on a case by case basis. Part of what will be applied to this one is the vacation immediately to the west.

Beecham is particularly concerned with an area that has been designated blighted. TIF money could be used down the road. Property could be given away at some point. A Redevelopment Agreement should craft a vision. She is hesitant about giving away a piece of property and feels this is a very sticky subject that is not being dealt with. We are crafting decisions that 15 years from now, this could be down the street from the arena.

Marvin Krout stated there has been a case with the UNL garage. The vacation request to Public Works was withdrawn and they are working out a lease agreement with them. They are looking at what is there in the future. There was another vacation on 8th St. that raised questions about loading docks.

Beecham thinks the addition of the historic district and the redevelopment area is a whole other layer.

Krout stated that leasing the right-of-way keeps more control of what happens.

Beecham feels like this is a discussion that needs to occur, perhaps with a different body.

Jones made a motion that leasing is preferred, rather than vacation of the six feet, seconded by Beecham. Jones and Beecham both believe that there should be a use of right-of-way permit on this particular project.

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

McKee moved approval of the DelRay wall sign as presented, seconded by Johnson and carried 5-0; Beecham, Johnson, Jones, McKee and Munn voting 'yes'; Kuhlman abstaining; Francis absent.

**APPLICATION BY NEBRASKA NEON SIGN COMPANY ON BEHALF OF
MACPRACTICE FOR A CERTIFICATE OF APPROPRIATENESS FOR WORK AT 817
R STREET IN THE HAYMARKET LANDMARK DISTRICT**

PUBLIC HEARING:

March 21, 2013

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

Ryan Huffey appeared, They are proposing a sign. He has revised the design to 24 inches tall.

Jack Rinke stated that the business has an international presence. We have people who fly in from all around the world. The upper floors are addressed different from the bottom floor. It can be a very difficult building to find.

Beecham inquired where the entrance to this business is. Rinke replied it is around the corner. There is nowhere to place a sign by their entrance.

Jones is curious why the sign wouldn't be proposed at the other end of the building, closer to the entrance to the business.

Beecham remembers a sign for Dozo Sushi. McKee stated it seems that the sign hung from the canopy. Beecham questioned if this canopy is strong enough to support a sign of that nature.

Beecham wondered if any consideration was given to a sign on top of the canopy.

The Commissioners discussed various possible alternatives and suggested perhaps a vertical sign attached to the end of the building.

Rinke would prefer a horizontal sign.

Zimmer suggested a sign on the penthouse. Huffey believes the letters would be too large.

Beecham believes there would be some value for the applicant to sit down with Zimmer and work on the design a little more.

Kuhlman stated that it sounds like everyone seems a little uncomfortable with the sign at the north end.

Munn isn't sure why we are concerned with which end of the building this goes on.

Beecham would like Zimmer's opinion about the sign on the building versus on top. Zimmer replied that many of these buildings have sign locations built into the architecture. This building has a beautiful corbeled cornice. It makes it hard to sign. 24 inches looks much better than the 36 originally proposed.

Kuhlman believes the sign is in coordination with respect to their branding that they have already established. She would support the same configuration in the 24 inch. That sets them apart from the restaurants.

McKee doesn't like the whole thing. He doesn't like the sign. He doesn't like something other than a blade sign, and the lighting hasn't been discussed.

Huffey stated it will be gold reverse channel letters with a blue ghost light from behind. It is a very subtle illumination.

Beecham is worried that if the sign is on the north end of the building, people will still be confused about where to go.

McKee believes moving it to the other side of the building is better. Smaller would be better. He would prefer a vertical blade sign. He is ambivalent on the lighting.

Beecham left the meeting.

McKee questioned if approval of this application would grandfather in a sign for another business that down the road, took the whole upper floor.

Zimmer stated that in the Haymarket, standing signs above the cornice are allowed as a specific type. This is not allowed anywhere else.

Huffey expressed concerns with how a rooftop sign could be lit.

ACTION:

Johnson moved approval of the 24 inch sign as presented, seconded by Kuhlman.

Motion failed 1-3: Johnson voting 'yes'; Kuhlman, McKee and Munn voting 'no'; Jones absent at time of vote; Beecham and Francis absent.

APPLICATION BY GLASER SIGN GROUP FOR A CERTIFICATE OF APPROPRIATENESS FOR WORK AT 235 N. 9TH STREET IN THE HAYMARKET LANDMARK DISTRICT

PUBLIC HEARING:

March 21, 2013

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

Kevin Duff appeared as applicant. They are asking for a sign on the Q St. side of the building. They are branding another part of their bar as "10 Below". Originally, they proposed an internally back lit sign.

Zimmer recommended approval of the internally lit blue field sign. There is a prohibition in the Haymarket on internally lit plastic faced sign. This is lit from behind with LED. It is close to the same effect. He recommends approval of the proposal.

Duff stated that his business partner likes the arrow sign. The two signs presented are an either/or.

Jones believes that moving lighted signs are very 1930's-1940's.

ACTION:

Jones moved approval of the black and blue sign, seconded by Johnson.

Motion carried 5-0: Johnson, Jones, Kuhlman, McKee and Munn voting 'yes'; Beecham and Francis absent.

APPLICATION BY JONATHAN CAMP FOR A CERTIFICATE OF APPROPRIATENESS FOR WORK AT THE ARMOUR BUILDING, 100 N. 8TH STREET IN THE HAYMARKET LANDMARK DISTRICT

PUBLIC HEARING:

March 21, 2013

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

Jonathan Camp appeared and stated that this is regarding the Armour Building. The current state of the beer garden, the fence is in a state of disrepair. It is wooden. There are not a lot of attractive qualities about it. It has a railroad tie base. The proposal is to replace it with aluminum picket and post, and a concrete base/retaining wall to support the fence. This would create some separate between the outdoor area and the parking lot.

Kuhlman wondered if there is a possibility this could include some brick. Camp replied this has already been given consideration. With the cars, they see repairs being needed all the time. He believes this gives more of an industrial feel and a separation to the area.

McKee thinks if the concrete could be darker so it blends better with the brick, it would look better.

Krout thinks perhaps the concrete would age a little over the years and look more like the docks on 8th St.

Camp stated that they have given consideration to the exit gate only and would like to place it closest to the building. For security purposes, the aluminum pickets would be spaced about one inch apart. There would be an "Exit Only" hanging sign on the south side and a sign indicating parking for the bar on the east side.

McKee would say less is better.

Kuhlman is struggling with the starkness of the concrete. McKee concurred. He would like it better if it were a darker color.

Kuhlman is looking at the east elevation and is a little conflicted. The docks that are there now seem to have other life and colors. This will be just a stark concrete wall. She would like to see some treatment to the concrete to break it up a little bit.

Munn agrees. He thinks perhaps some color would help.

Kuhlman would like to see brick on the south end.

Camp stated that thought was given to brick piers at different intervals. From an overall standpoint, he would be more inclined to do some type of treatment on the south side.

Zimmer stated that if the applicant was able to do brick on the south wall, it would more delineate the street side from the parking side.

ACTION:

McKee moved approval of brick on the south side only, with a small wraparound finish detail on the corner, seconded by Kuhlman and carried 5-0: Johnson, Jones, Kuhlman, McKee and Munn voting 'yes'; Beecham and Francis absent.

APPLICATION BY KEVIN CLARK ON BEHALF OF LAZLO'S FOR A CERTIFICATE OF APPROPRIATENESS FOR WORK AT 700 P STREET/210 NORTH 7TH STREET, DBA LAZLO'S IN THE HAYMARKET LANDMARK DISTRICT

PUBLIC HEARING:

March 21, 2013

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

Ed Zimmer stated that there was no new information to present.

APPLICATION FOR A SPECIAL PERMIT FOR HISTORIC PRESERVATION FOR THE ATWOOD HOUSE, A DESIGNATED LANDMARK AT 740 SOUTH 17TH STREET

PUBLIC HEARING:

March 21, 2013

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

Ed Zimmer stated that there was no new information to present.

ENDORSEMENT OF WORK PROGRAM/GRANT APPLICATION TO THE HISTORIC PRESERVATION FUND OF THE U.S. DEPT. OF THE INTERIOR THROUGH THE NEBRASKA STATE HISTORICAL SOCIETY FOR CITY OF LINCOLN AS A CERTIFIED LOCAL GOVERNMENT

PUBLIC HEARING:

March 21, 2013

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

Zimmer needs a Resolution of support from this board. He will be working in areas of education and outreach. There is an opportunity for Commission training occurring in June 2013 in Omaha. He will work on some National Register Nominations, as well as local landmarks in the upcoming year. This is a 60/40 grant program. He will have some students in the coming year in the way of volunteers and student interns. These funds will continue support of PAL presentations and videotaping of the broadcast. He is planning on some survey and evaluation work in the Indian village area. He believes there are at least two National Register districts that he will bring forward this coming year. A major activity will be a subarea plan for the South Haymarket Area. He believes it is time to get ahead of what is there. Stacey Groshong Hagemen from Planning will be involved also. Many efforts are planned for public participation. There will be a lot of outreach. This all aligns with our Comprehensive Plan. In all of our department work, we are doing more social media and outreach.

ACTION:

Jones moved endorsement of the work program and grant application, seconded by Kuhlman and carried 5-0: Johnson, Jones, Kuhlman, McKee and Munn voting 'yes'; Beecham and Francis absent.

Jones this is wonderful

STAFF REPORT

- Zimmer stated there is a historic bungalow on S. 18th St., just above G St. that he wishes the Commission would sponsor. This could be a landmark application for special permit. Occasionally, the Commission has sponsored these. They would pay for the special permit fee. It is probably better to wait until Commissioner Tim Francis is present to explain and present more information.
- Zimmer stated there is a quite unique landmark possibility on W. Adams above Arnold Heights. It is kind of a strange ranch house, built like a fortress. It was formerly owned by the U.S. Air Force. It appears it may have been was a remote command center in case the base was destroyed. It is of associational significance. It was meant to look like just a ranch house, but it has a lot of covered walkways. There is a family living there now. A young man is considering buying it. It is quite unique, but he believes a valid candidate for landmark.
- Marvin Krout stated that the 21st and N Redevelopment Project is tentatively scheduled for Urban Design on April 10, 2013. He thinks that is a good candidate for a joint meeting.

Zimmer noted that the Ordinance is silent on Urban Design reviews. It says that within 300 feet of a historic property, Historic Preservation Commission is responsible. Zimmer

Grocery is within 300 feet of the grocery project on Antelope Valley Parkway and K Street. There being no further business, the meeting was adjourned at 4:30 p.m.

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