

MEETING RECORD

NAME OF GROUP: URBAN DESIGN COMMITTEE

DATE, TIME AND PLACE OF MEETING: July 7, 2015, 3:00 p.m., Conference Room 210, County-City Building, 555 S. 10th Street, Lincoln, NE

MEMBERS IN ATTENDANCE: Emily Casper, Tammy Eagle Bull, Tom Huston, JoAnne Kissel, Gill Peace, Michelle Penn and Michele Tilley

OTHERS IN ATTENDANCE: Ed Zimmer, Stacey Groshong-Hageman and Teresa McKinstry of the Planning Department;

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

Kissel then requested a motion approving the minutes of the regular meeting held June 2, 2015, and the minutes for the special meeting held June 18, 2015. Motion for approval made by Huston, Eagle Bull

APPEAL OF DOWNTOWN DESIGN STANDARD REVIEW OF REMODELING PROJECT, 201 N. 13TH STREET (BROWN LAW OFFICE & FLY FITNESS)

Peace declared a conflict of interest. He is presenting this item to the committee. He introduced Samantha Peace with Peace Architects and Cheryl Anderson with Brown Law Office. David and Jenny Brown are opening a new business in the former Cinema Twin movie theater location. They both wanted to attend the meeting today, but had a long planned family reunion. There has been a lot of activity on P Street. That is part of what attracted the Brown Law Firm and Fly Fitness to this building. This building was renovated in 2005. It was converted to an office use. He presented drawings of the interior. The south half of the building will be a new fitness center. This is a new concept. It is made up of different training rooms. The 13th Street existing doors will be maintained. That will become the lobby to the fitness center. Brown Law Firm is based in Lincoln and deals with a lot of immigration law. They are excited that the firm can expand and grow, and stay in Lincoln.

The building is a double height volume. They are going to put in a couple of mezzanine levels. The project as it is designed right now, they want to get this open as soon as possible. The law firm is overflowing its current space. This is a self funded project. It is rare to see a tenant finished project. They are investing so much, it is greater than half the current assessed value. That is what initiates the process to come before this committee for review. We had to scale back some exterior renovations. The one piece that is new is the entrance for the law firm. They are going to match the metal panels to create a signage backdrop. The sign package is in design right now. When this was submitted for a building permit, it came to the attention of Planning for review of

Downtown Design Standards. He believes the 13th Street side meets the standards for percentage of openness. It is the P Street side, the south elevation that does not meet the standards.

Ed Zimmer stated that in the downtown design standards there is a differentiation between a major and a minor remodel. This is well above the 50 percent threshold for a major remodel. Major remodels require a judgment call on what is feasible given existing conditions.

Kissel inquired if the building is still owned by same owner of the theatre. Peace replied that the theatre company sold the building to a property investment group. Brown Law is a tenant that is paying for these improvements to a building that someone else owns. They have a vested interest in making this more vibrant. They would like to move forward with locking in the financing, getting building permits and get construction started. There are some things they would like to do, but it depends on what their funding is. The decision was made to invest on the interior and then see if any funds remain. The Browns have expressed an interest in expanding the windows to make them larger, changing the color of the existing canopy and changing the window trim color, if they have the money to do it. The project is already above their budget.

Kissel questioned if TIF (Tax Increment Financing) was available for this project. Peace replied that they talked about it. The cost of pursuing the TIF agreement is prohibitive on a project of smaller scale. Huston stated that you would need commitments from the building owner for TIF to work. Zimmer added that the process can take many months and is not likely suitable for this relatively small scale project.

Penn wondered who HSSW, LLC is. Peace replied that is the company of the property owners Harris and Stuart, who have an investment company.

Penn is struggling a little. The property owner gets the benefit of what happens on the outside, the tenant is looking at the inside. Part of her is torn. This is a corner that we probably won't get another opportunity for quite some time to make an impact.

Huston likes the changes to the 13th Street façade. He focused on what is feasible. Given the existing site conditions, he would support this.

Zimmer had a discussion with David Cary, the Acting Planning Director. The Director can interpret the standards and make a ruling on the project administratively. The financial constraints are part of what is feasible. The Urban Design Committee has broader authority to interpret the standards. It was determined this was the best place for a decision on this project.

Kissel believes it is more difficult to determine what is not feasible. Peace noted the applicant is already quite a bit over budget with what they had planned on. They are investing a lot of their own money. He can't promise that all the things they want to do to the outside will be done. There are some things they are pursuing. There might be a fund available for windows.

Zimmer stated there has been discussion for potential means of reviving some of the façade programs. In this instance, the tenants are motivated to make these improvements. They are hopefully a growing business and want to stay in this building.

Huston agrees with Penn. The owner would benefit from any improvements done to the exterior of this building. He wishes the Downtown Design Standards had been in place when this building was remodeled ten years ago. From what he sees being proposed today, this is an improvement to what is currently there.

Penn noted that the gentleman's club was required to put in windows, due to the Downtown Design Standards. The building owner should be the one putting the windows in. They will reap the benefits of it. Huston is not sure it is the role of the committee to make that decision. Peace would hate to see something happen that would give the owner the opportunity to have a different tenant come in the building and not make the improvements being proposed today. This is an underutilized building at a very important corner.

Tilley stated that in her opinion, the difference is, this applicant is approaching and asking permission. The gentleman's club just did what they want and paid for it later. The struggle becomes, it is the tenant doing this. How far do we hold the tenant responsible for the exterior of the building? Eagle Bull agreed. The fact that the tenants are going so far as to add another entry, is an improvement.

Tilley is inclined to approve this appeal. This is a tenant. If the owner was asking for this, she would make them stick to the design standards. She does think the owner should partner in this.

Huston stated this is a tough issue. Kissel added that if this was a TIF issue, she would have a hard time approving this.

Peace hopes to get some bigger windows at some point, but it depends on better numbers than what there is today. There was some give and take on the budget. If they can find some ways to do more, they will.

Huston looked at the staff report. He noted there are four paths for approval; the Planning Director could approve this after a review by a project planner, the Planning Director could approve this after notifying neighboring owners within 200 feet, Urban Design Committee can approve this and ultimately there is an appeal process to the City Council. It seems odd to him that we would force this issue on the City Council.

ACTION:

Huston moved approval of the appeal of the Downtown Design Standards, seconded by Casper.

Penn stated this is discouraging to her. It is an opportunity missed. She hopes the owner is conveyed her expression of disappointment that they aren't doing more. Tilley agreed.

Motion for approval carried 6-0: Casper, Eagle Bull, Kissel, Huston, Penn and Tilley voting 'yes'; Peace abstaining.

Penn expressed her frustration. She understands that Peace probably did an amazing design, but the funding is not there to fully realize it. Peace is excited about the project. There have been many discussions with the owner. They have been pushing that rock uphill since the start. The owner is not interested in putting money in the building. Huston added that from a landlord perspective, the owner can always rent to someone else who does not care to put any money into the building. Everyone loses in that scenario.

Tilly believes in an ideal world, the owner would follow the standards. Taking into account the conditions of the building, she doesn't think it is feasible in this case. Penn noted it would have been nice to have the owners appear today. Peace added they were made aware and he does not believe they were interested in attending.

Zimmer stated this is a building that the tenants are taking over completely. They are totally filling the building. The assessed value is modest. They reached the threshold for review quite quickly.

ELECTION OF CHAIR AND VICE-CHAIR

Kissel called for nominations of Chair and Vice-Chair.

Tilley nominated Penn for Chair and Peace for Vice-Chair, seconded by Eagle Bull. Motion carried 7-0: Casper, Eagle Bull, Huston, Kissel, Peace, Penn and Tilley voting 'yes'.

Everyone congratulated Kissel on a job well done for many years.

Miscellaneous:

- Zimmer stated that a miscellaneous item came in last week on S. 14th St. called the Falafel King. This is located on the alley by the library. This has an old basement stairwell with a railing. They are proposing a small outdoor space to the edge of the awning. This brings the outdoor space to the edge of the bus stop. Six feet clearance is the minimum allowed. This is probably as busy a pedestrian environment as we have. They are not proposing a lot of tables.

Kissel questioned if alcohol is involved. Zimmer does not know. That is a separate licensing process. Kissel wondered if they wanted to be out to the curb, could that be done. Zimmer believes so. Kissel thinks it could feel like overflow to the bus stop, if it was extended to the curb. Tilley agreed. Eagle Bull feels like there are a lot of unanswered questions. A better drawing is needed. Zimmer sees that a more in depth review is warranted. He will request more information.

Huston thinks we need a lot more information on this. Casper thinks this could be difficult. There is a light pole and a bus stop. Huston noted there appears to be grates in the sidewalk for venting.

Tilley agreed that the committee needs to review better drawings with more detail. The distance between the outdoor area and the bus stop should be addressed, as well as the sidewalk grates, the light pole and the curb cut.

Casper has concerns regarding the furniture being proposed. It looks like indoor furniture. She believes that exterior grade tables and chairs need to be used. Zimmer will have a discussion with the applicant and express all the concerns of committee members.

- Tilley wondered about the letter regarding the bus stop that was included in the agenda. Zimmer replied that he forwarded the letter on to StarTran. They said they would review it and place it on file. Tilley understands the letter is a little out of the scope of the Urban Design Committee, but she believes it is so important to have interaction with someone who took the time to express their ideas. She would appreciate it if Zimmer could respond to the letter and pass on the committee's appreciation. Zimmer agreed.

There being no further business, the meeting was adjourned at 4:15 p.m.