

## MEETING RECORD

*Advanced public notice of the Nebraska Capitol Environs Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Wednesday, March 13, 2024.*

**NAME OF GROUP:** NEBRASKA CAPITOL ENVIRONS COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Friday, March 22, 2024, 8:30 a.m., City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska.

**MEMBERS IN ATTENDANCE:** Eileen Bergt, Heidi Cuca, Andrea Gebhart, Kile Johnson and David Quade; (Delonte Johnson and Ann Post absent).

**OTHERS IN ATTENDANCE:** Collin Christopher, Paul Barnes and Teresa McKinstry of the Planning Department; Matt Hansen with the Nebraska Capitol Commission; Brett Daugherty, Acting Capitol Administrator; Travis Barrett and Tim Gergen with Clark & Enersen; Kelsey Moline with Clark & Enersen appeared remotely; and other interested citizens.

**STATED PURPOSE OF MEETING:** Nebraska Capitol Environs Commission Meeting

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

K. Johnson then called for the approval of the minutes of the regular meeting held February 23, 2024. Motion for approval made by Cuca, seconded by Bergt. Bergt proposed an amendment to page 3, paragraph 3 of the minutes adding 'he didn't want any trees on the Capitol grounds outside the streets'. Gebhart noted that the last page of the minutes stated the meeting was adjourned at 9:30 p.m. and it should state 9:30 a.m. Cuca and Bergt accepted the amendments to the motion. Motion for approval as amended carried 5-0: Bergt, Cuca, Gebhart, K. Johnson and Quade voting 'yes'; D. Johnson and Post absent.

### **NEW BUILDING CONSTRUCTION AND ADJACENT SITE AND STREETScape WORK AT 401 SOUTH 14<sup>TH</sup> STREET AND 1335 'L' STREET**

#### **PUBLIC HEARING:**

**March 22, 2024**

Members present: Bergt, Cuca, Gebhart, K. Johnson and Quade; D. Johnson and Post absent.

Collin Christopher stated that this is an update of a previously approved Certificate. As the applicant has gone through the design process, they have made a couple of changes to the building and

streetscape. They are proposing a new sign, window modifications at the northwest and southwest corners of the building, a consolidation of planting beds along L Street, and refinement of the bumpout at the S. 14<sup>th</sup> and 'L' Street intersection. Ideally, the bumpout would extend into both streets, but because of the limited amount of TIF available for the improvements, staff decided 'L' Street was more important.

Travis Barrett stated as they get closer to building renderings, he will highlight the changes.

Kelsey Moline showed the demolition plan, which is the same as previously shown. The hardscape is where there are some differences. The streetscape has been modified to include a three-foot wide concrete apron to support the parking along 'L' Street. This allows them to consolidate the number of landscape beds. They are also bumping out along 'L' Street, but not 14<sup>th</sup> Street. She showed the planting design. Along S. 14<sup>th</sup> Street, they are trying to mimic the existing three smaller trees. She showed the trees and plants that they are proposing for landscaping and screening. They are also looking to screen the transformer. There will be plantings on the south entrance and east façade. For the larger planters along 'L' Street, they looked at Centennial Mall for inspiration, as well as looking at species that would tolerate some shade. She showed the integral planting bed curb detail, as well as the proposed planters.

Barrett noted that the floor plans haven't changed at all. One material change they have looked at is changing to renaissance stone GFRC panels for the bottom. These are made on 27<sup>th</sup> Street here in Lincoln. Most of what they make is shipped to Chicago. It is a durable product. The glass is staying the same as previously proposed. They are keeping the high parapets and sight lines. On the exterior of the building, the biggest change is reinforcing the corners with brick. Additionally, the black band on the bottom has been raised to 32 inches. The signage will be visible as well. They are looking at a simple die cut signage on the north and south façade above the entry. They are considering aluminum die cut or brass, approximately 12 inches high.

Bergt stated that she walked around this area and it was mentioned that adding these plants in the front is similar to what is happening downtown, but not this vicinity. When you stand on this site and look down the block, you don't see the grasses in the area. She believes the key to this planting plan is maintenance. She knows the Downtown Lincoln Association (DLA) is planning to maintain the front. She knows they are stretched thin. She kind of questioned whether we should go this extensive with all the plants in the front and not do some turf. She inquired if the owner would take care of the parking lot. She noted that with the variety of plants, it's going to be tricky. She asked if irrigation was planned. Moline replied yes. Bergt asked if that would be for the street plantings or just the parking lot. Moline believes the plan was to irrigate the entire streetscape. Bergt believes that will help. She wondered about maintenance. Tim Gergen stated that the DLA will maintain the streetside. The client would hire or do the maintenance in the parking lot. Moline added if desired, they could add a more simplified palette in the parking lot. They could take out some of the grasses and do more shrubs. On the 'L' Street side, they were looking to start a little bit of a precedent, a more softened approach for pedestrians. She noted that they could add turf grass.

Gergen stated that this is a unique location. It is in an urban design area as well. It is a little further off the downtown area. There appears to be some concern about bringing in more extensive landscaping this far south. They reviewed the downtown potential developments. He believes that north of 'L' Street is prime for development. It was talked about in their reviews of this building.

K. Johnson wondered who owns the land to the west, the empty lot. Gergen believes it is owned by Nebco. K. Johnson stated that Nebco has done a very nice job in the past and would hopefully follow the lead being taken here. Hopefully DLA has the financing to take care of the landscaping. He likes all the changes he has seen. He likes the bumpout.

Bergt noted that she has seen some problems with some of the plants that were chosen. Plants such as the gro-low sumacs are dying all along Antelope Valley. The knockout roses identified get rose rosette. She is concerned about planting hydrangea in the sun. She doesn't think the kelsey redosier dogwood is the best choice. Moline would love to get recommendations for the dogwood and hydrangea from Bergt. Bergt will send some recommendations.

**ACTION:**

Gebhart moved approval of a Certificate of Appropriateness for demolition of the building at 1335 'L' Street, as well as the proposed site work, streetscape work and new building construction on the properties currently addressed as 401 S. 14<sup>th</sup> Street and 1335 'L' Street, seconded by Cuca and carried 5-0: Bergt, Cuca, Gebhart, K. Johnson and Quade voting 'yes'; D. Johnson and Post absent.

**STAFF REPORT:**

Christopher stated that there was a Certificate of Allowance recently approved for 826 'H' Street. This property has been neglected for a number of years and was a problem for Building and Safety. It was a property with a lot of history. He believes the owner passed away in 2021 and the property was in rough shape at that point. He also believes there were vagrants living in the structures after her death. Without any relatives or someone to take over the property, it has just been sitting there. Building and Safety finally made the decision to demolish it for public health and safety reasons. Planning staff generally trusted their position that it was in rough condition. He shared some exterior photos.

K. Johnson inquired if the property was demolished by a contractor. Christopher replied yes, it was done with a contractor. K. Johnson wondered if anything was assessed against the land. Paul Barnes believes so. K. Johnson asked if the heirs of the deceased owner, own the property subject to the lien. Christopher doesn't believe there were any obvious heirs. It is still in the deceased owner's name. K. Johnson believes you can apply for a tax deed after three years.

K. Johnson pointed out a big grain elevator and wondered if it was part of the Capitol Environs district. Barnes believes it is outside of the district. K. Johnson asked if this process could be used on that property. Barnes doesn't believe the City has the budget to deal with that large of a structure or that many issues. Perhaps a grant could be pursued for assistance.

Bergt thought that Nebraska Capitol Environs Commission would have to approve the demolition. Christopher stated that the way the ordinance is written, Nebraska Capitol Environs Commission is not required to approve a Certificate of Allowance for demolition if the Director agrees there is imminent health and safety concern. If Building and Safety had come to the Planning Dept. sooner, we would have recommended it come before this commission.

Bergt asked if this house was for sale, and wondered how two houses fit on this little lot. Christopher stated that could be a topic for a future meeting. Perhaps Sean Stewart who is the chief building inspector at Building and Safety could come in and discuss the process for demolition. He doesn't know what tools they have in their bag. The two structures were built prior to current zoning standards.

K. Johnson questioned if a tax certificate was involved in the process. Someone could have been purchasing the taxes and probably wanted it knocked down. Christopher doesn't know the answer to that.

#### **MISCELLANEOUS:**

- Christopher stated that the next meeting is April 26, 2024. There has been some communication from owners of Phase 1 of the Pershing block. They haven't submitted a request yet. He believes they are concerned about the cost of screening the rooftop equipment. They showed screening of the rooftop equipment above and beyond what was required by the design standards. They are now saying they would like to back off that a little. He believes that request might be coming in the future.

K. Johnson asked if the screening was based on a Tax Increment Financing (TIF) discussion. Christopher replied that it was discussed, but was not a requirement of the redevelopment agreement. He believes that screening is shown in the elevations of that agreement, but those elevations can be modified with approval from NCEC. From the perspective of the design standards, it comes down to what can be seen from the pedestrian level. Without screening, the equipment will be noticeable from above – including from the Capitol – but you can see a lot of rooftop equipment from the Capitol. The question is if there is a justification of holding them to a higher standard.

K. Johnson wondered if the applicant is agreeable to minimal screening. Christopher believes they are exploring that. He told them that it would be wise to bring all potential changes forward at once as the project costs get finalized, instead to bringing a series of small changes forward one by one.

- Gebhart asked if there are any updates on the YMCA project. Christopher doesn't have any yet. He doesn't find it surprising that this hasn't moved forward yet. The owner had mentioned they were looking for a certain percentage of units to be sold prior to moving forward. He doesn't remember the exact percentage, but remembers it being a pretty high threshold.

There being no further business, the meeting was adjourned 9:10 a.m.