



# NEBRASKA CAPITOL ENVIRONS COMMISSION

The Nebraska Capitol Environs Commission will hold a meeting on **Friday, April 28, 2023 at 8:30 a.m.** in the County-City Building, 555 S. 10th Street, Lincoln, Nebraska, in **City Council Chambers** on the 1<sup>st</sup> Floor. For more information, please contact the Lincoln City/Lancaster County Planning Department at 402-441-7491.

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## AGENDA

April 28, 2023

1. Approval of meeting record of [March 24, 2023](#)

### Public Hearing & Action

2. New construction at [440 S 13<sup>th</sup> Street](#) (*Architectural Design Associates; UDR23050*)

### Discuss & Advise

3. Staff report, Certificate of NME for [710 J Street](#) ([UDR23048](#)), & miscellaneous

**ACCOMMODATION NOTICE:** *The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln, please contact the Lincoln Commission on Human Rights at 402-441-7624, or the City Ombudsman at 402-441-7511, as soon as possible before the scheduled meeting date in order to make your request.*

## 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 15, 2023.*

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

**DATE, TIME AND PLACE OF MEETING:** Friday, March 24, 2023, 8:30 a.m., City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska.

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

**OTHERS IN ATTENDANCE:** Collin Christopher and Teresa McKinstry of the Planning Department; Michelle Potts with the Nebraska State Building Division; James Wallbridge with Studio 951; Bob Ripley; 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 a motion approving the minutes of the regular meeting held February 24, 2023. Motion for approval made by Quade, seconded by Gebhart and carried 4-0: Gebhart, K. Johnson, Nalow and Quade voting 'yes'; Cuca, D. Johnson and Post absent.

### **SMOKING SHELTER AT 1501-1599 'M' STREET**

**AND**

### **SMOKING SHELTER AT 1526 'K' STREET**

**PUBLIC HEARING:**

**March 24, 2023**

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

Michelle Potts stated that they have already received a Certificate of Appropriateness for the smoking shelters. They have come back before the Commission to go over the final design of the screen panels. The construction timeline has been pushed a little due to funding. They now anticipate the project to be bid out by late summer or early fall.

James Walbridge stated that the Commissioners wanted to see what type of pattern would be on the screens. There are a couple of design considerations. He showed the layout for each of the panels. Each

panel has a specific type of native grass depicted. The design will be seven to eight feet tall. Each panel is perforated. They will be laser cut in 1/8 inch thick steel and powder coated in bronze, similar to the color of the benches that are already there. The degree of opacity is different depending on the species of grass being portrayed. He believes that you won't see light between the panels. There are a number of different types of grasses being shown. The design is the same as has been previously shown. The Commissioners asked them to explore the opportunity for the end panels to be more congruent with the leaning and rake of the main structure. They have followed this direction, and so the panels will now be tied into the structure as opposed to standing freely.

Gebhart stated that when this item appeared before the commission in January 2023, there were two or three variations of the panels. Today, she sees seven different panels. She wants to make sure this feels cohesive and not cluttered. Walbridge believes the degree of opacity is good. From 100 feet away, you see just an outline. Up close, you will realize the perforations. Potts added that with the bronze color, she believes it will blend in better. Wallbridge noted that there will be native grasses planted in front as well. Natural landscaping will help soften the look.

Gebhart inquired if the graphics are in scale in relation to each other, or the native grasses. Wallbridge stated they are in relation to each other, somewhat. Not all these grasses are the same height in nature.

Nalow appreciates the applicant looking at the end panels and angling them. She questioned the pattern itself. In looking at the bottom of the structure, it appears to be angled slightly. She wondered how this would affect the pattern. Will the pattern still be upright, or will it end up tilting with the panel itself? Walbridge stated it will be tilting with the panel itself. Nalow added that some of the grasses shown have a sort of movement to them. It might be good to look at the ones on the right hand side so they tilt a little. Wallbridge pondered if the grasses tilted to the left. They will take all of this into consideration.

Johnson thinks this project is unique and fun.

#### **1501-1599 'M' STREET**

##### **ACTION:**

Gebhart moved approval of a Certificate of Appropriateness for the site work as proposed, with the finding that the plans are in conformance with the Capitol Environs Design Standards,, seconded by Nalow and carried 4-0: Gebhart, K. Johnson, Nalow and Quade voting 'yes'; Cuca, D. Johnson and Post absent.

#### **1526 'K' STREET**

##### **ACTION:**

Quade moved approval of a Certificate of Appropriateness for the site work as proposed, with the finding that the plans are in conformance with the Capitol Environs Design Standards, seconded by Gebhart and carried 4-0: Gebhart, K. Johnson, Nalow and Quade voting 'yes'; Cuca, D. Johnson and Post absent.

**STAFF REPORT:**

Collin Christopher wanted to take the opportunity to note that Bob Ripley has retired from the State of Nebraska. He expressed his thanks for all of Ripley's years of service. Mr. Ripley has been around since the conception of this Commission, and he has been a valuable resource. He believes and hopes we will continue to see him in the future.

Bob Ripley thanked Christopher for the kind acknowledgement. It has all been great fun. He remembers when the first discussion occurred after he started working at the State Capitol about instituting a permanent body. This has been around officially since 1988. In the beginning, the commission was heavily involved with the University of Nebraska Lincoln (UNL) College of Architecture and Tom Laging. He is grateful for the acknowledgement. He is more grateful for the incredible broad base of support that the issues have taken on in the community. All of the Mayors he has worked with have all been involved deeply. He expressed his greatest appreciation for them and for this community, which he was born and raised in. He has always been engaged and will continue to remain intellectually and emotionally engaged. This is a small example of what can happen with design guidelines. There were a lot of skeptics when the guidelines came into place. He hopes to develop a slide show at some point that might cover the spans of time that the Nebraska Capitol Environs Commission has been involved in. He will bring any additional information he can to help educate the community. He thanked everyone for the support and continued engagement in what he considers a very important asset to the community.

K. Johnson expressed his gratitude for all the service that Ripley has given over the years. He expressed a concern about his property many years ago. It was taken care of. It has been great fun to watch the Commission over the years. Ripley has a tenacity and his great attention to detail is appreciated.

Ripley stated that the State Capitol, like the Capitol Environs Commission, takes a team. There is a fantastic team of people that take care of the Capitol building. He had the good fortune to be associated with them for years.

Nalow moved to adjourn, seconded by Gebhart and carried 4-0: Gebhart, K. Johnson, Nalow and Quade voting 'yes'; Cuca, D. Johnson and Post absent.

There being no further business, the meeting was adjourned 8:50 a.m.

## NEBRASKA CAPITOL ENVIRONS COMMISSION STAFF REPORT

|                     |  |
|---------------------|--|
| APPLICATION NUMBER  | Urban Design Record #23050   |
| APPLICATION TYPE    | Certificate of Appropriateness   |
| ADDRESS/LOCATION    | 440 S 13 <sup>th</sup> Street  |
| HEARING DATE        | April 28, 2023   |
| ADDITIONAL MEETINGS | -  |
| APPLICANT           | David Wiebe, Architectural Design Associates, <a href="mailto:davidw@adalincoln.com">davidw@adalincoln.com</a> |
| STAFF CONTACT       | Collin Christopher, 402-441-6370, <a href="mailto:cchristopher@lincoln.ne.gov">cchristopher@lincoln.ne.gov</a> |

### RECOMMENDATION: APPROVAL

#### Summary of Request

The Nebraska Council of School Administrators is planning to relocate their headquarters to 440 S 13<sup>th</sup> Street. The site is a vacant lot currently owned by NEBCO. Back in March of 2020, the Planning Department coordinated with NCEC Chair Kile Johnson to allow NEBCO to demolish the building located on the site via a Certificate of No Material Effect (NME), with the expectation that they would come back to the Commission when plans for future development had been ironed out. At the time, their intent was to leave the demolished portion of the site as turf in the short-term, and to possibly develop it as a parking lot in the mid-term. Since the Certificate of NME was granted and the demolition was completed, the demolished portion of the site has remained as turf.

The proposed project includes a new two-story, 30' tall building clad with brick. The building will sit at the corner of the S 13<sup>th</sup> Street and K Street intersection, fronting both streets with no setbacks. The footprint for the building is estimated to be 72' x 72' in size. The existing parking lot will be resurfaced and restriped, bending around the building in an "L" shape. The submitted site plan shows 42 stalls being proposed.

#### Compatibility with the Design Standards

Given the fact that the project faces neither Capitol Square nor one of the four "malls," the requirements for conformance to the design standards are fairly straightforward. In addition to the Capitol Environs Design Standards, the landscape standards for sites and parking lots will also apply. What follows is a summary of the relevant design standards and staff's analysis of the project's compatibility with said standards.

#### **Chapter 3.85, Design Standard 9: Facades**

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New buildings in the District should be designed to enhance the setting of the Capitol and their immediate surroundings. When those surroundings have a high degree of cohesiveness, new designs should be compatible with their setting, strengthening the visual relationships found among existing buildings and landscape features. In areas that lack cohesion, designs should be proposed that offer themes and patterns that can be further expanded in future development.

Brick, stone, or other richly textured, highly durable masonry is desirable for building exteriors on Capitol Square, Centennial Mall, and Lincoln Mall. Permanence should be an overriding characteristic in the

choice of exterior materials. Colors should be drawn from a muted palette of warm, earth tones or shades of white, with the context of surrounding buildings as a guide.

In the rehabilitation of existing buildings, retention of high-quality materials and use of new, durable, and high-quality materials is also desirable.

#### **Guideline 9.1:**

Proposals for new buildings should strengthen interrelationships among buildings within a specific setting, while encouraging variations. Features that contribute to compatibility among buildings include similarities in:

- alignment and setback;
- spaces between buildings;
- silhouette, including height and roof pitch;
- building base–relationship of building to ground or site;
- materials and material scale;
- mass and scale;
- building shade and shadow pattern from massing;
- permanence and durability, with 100 year "life cycle" expected facing Capitol Square and 75 year "life cycle" expected on Centennial and Lincoln Malls;
- entrance position, scale, and features;
- color, finish, and texture;
- size, type, and proportion of openings;
- ornamentation and detail, particularly at street level and in the residential areas;
- landscape design and features;
- cornice heights.

**Compatibility per Staff Analysis:** The proposed building appears to meet the façade requirements for this part of the district. The brick cladding and punched windows fit very well with the surrounding context of the area. From a site development perspective, the primary concern would simply be that parking fronts much of S 13<sup>th</sup> and K Streets. While this is not ideal, especially along K Street, the impact of the parking fronting the street could be greatly minimized with a well-designed landscape/screening plan. This may require the applicant to make minor modifications to their parking lot layout to provide adequate room for such a screen.

### **Chapter 3.50, 7.13 Screening for Downtown Lincoln**

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#### **A. Screen Location, Coverage, and Layout**

1. Those properties located within the B-4 and O-1 Districts are subject to the following screening requirements:
  - a. Any on-site surface parking shall be paved and must be screened with plant materials, masonry walls, or masonry and metal (not chain-link) fences, or some combination thereof, to provide at least a 90% screen from grade to three feet above the grade.
  - b. Parking shall be set back six feet from the property line if only plant materials are used for screening or set back three feet if fence or wall are used.

## Chapter 3.50, 7.14 Street Trees

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### A. Screen Location, Coverage, and Layout

1. As a requirement of the commercial building permitting process for new construction, street trees shall be required per the standards set forth in CHAPTER 2.35 DESIGN STANDARDS FOR STREET TREES.
2. CHAPTER 2.35 DESIGN STANDARDS FOR STREET TREES | Section 1. GENERAL REQUIREMENTS provides direction on where street trees may be located within the City right-of-way. If the required street trees cannot be located in the right-of-way because of these requirements, or due to other unavoidable circumstances of the built environment, a portion or all of the required street trees may be exempted from being planted. This determination shall be made by the Parks and Recreation Department during the building permit review process.

**Compatibility per Staff Analysis:** A full analysis of the landscape and screening standards cannot be completed at this time, because a landscape plan has not been submitted. As previously mentioned, staff have some concerns about the limited room being shown for landscape screening around the perimeter of the parking lot and would advise the applicant to consider how they might meet the requirements of the screening standards and the intent of the Capitol Environs standards as they further develop the site plan.

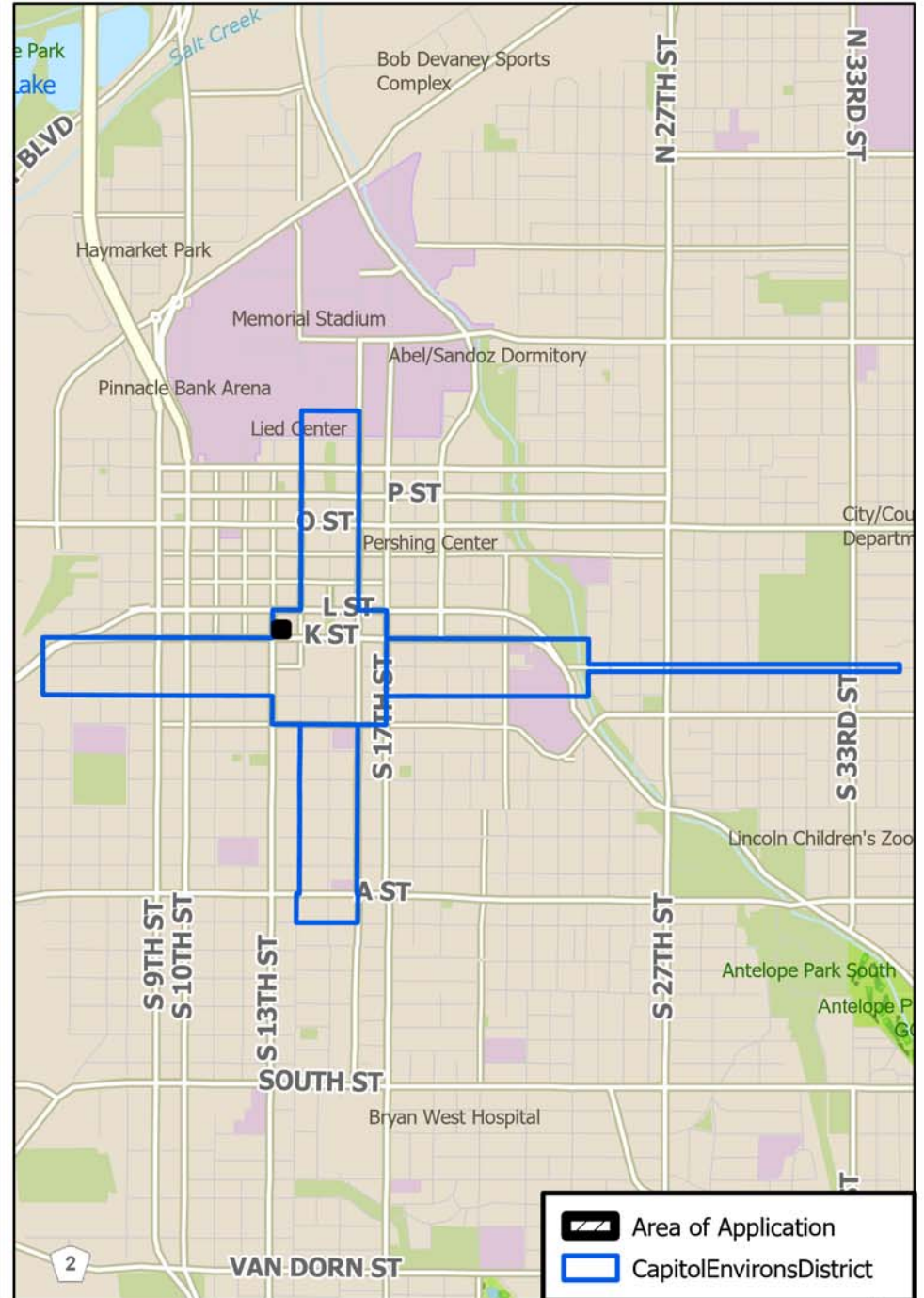
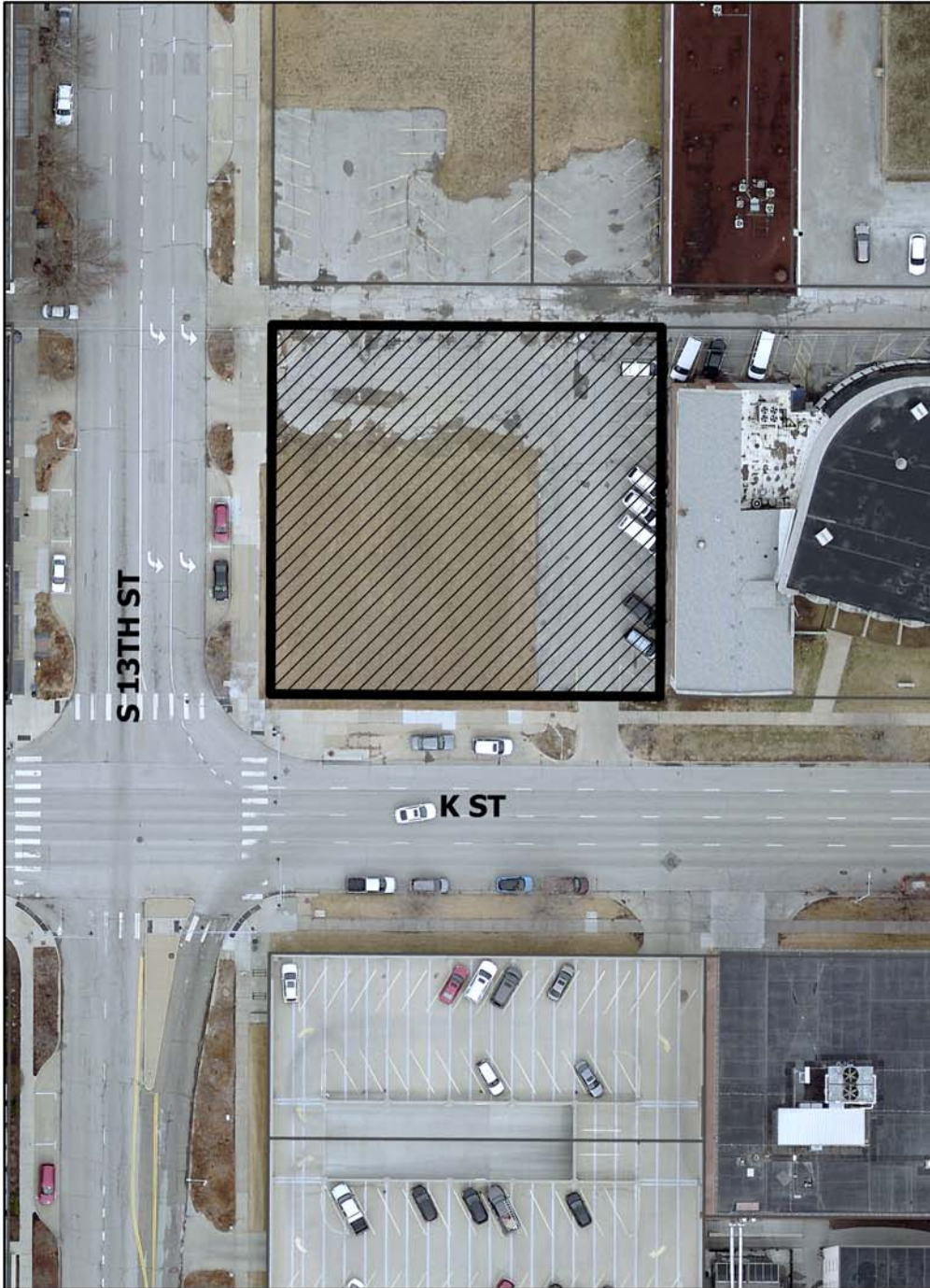
### Recommendations

In general, the plans are in conformance with the design standards. However, the landscaping and screening requirements for the site will need to be reviewed and approved before building permits can be issued.

**Recommended finding:** The proposed building and site plan generally comply with the Capitol Environs Design Standards.

**Recommended action:** Approval of a Certificate of Appropriateness for new construction at 440 S 13<sup>th</sup> Street, with the condition that the applicant come back to the Commission for final approval of the landscape plan prior to submittal of a building permit.

# ATTACHMENT A - Location Map

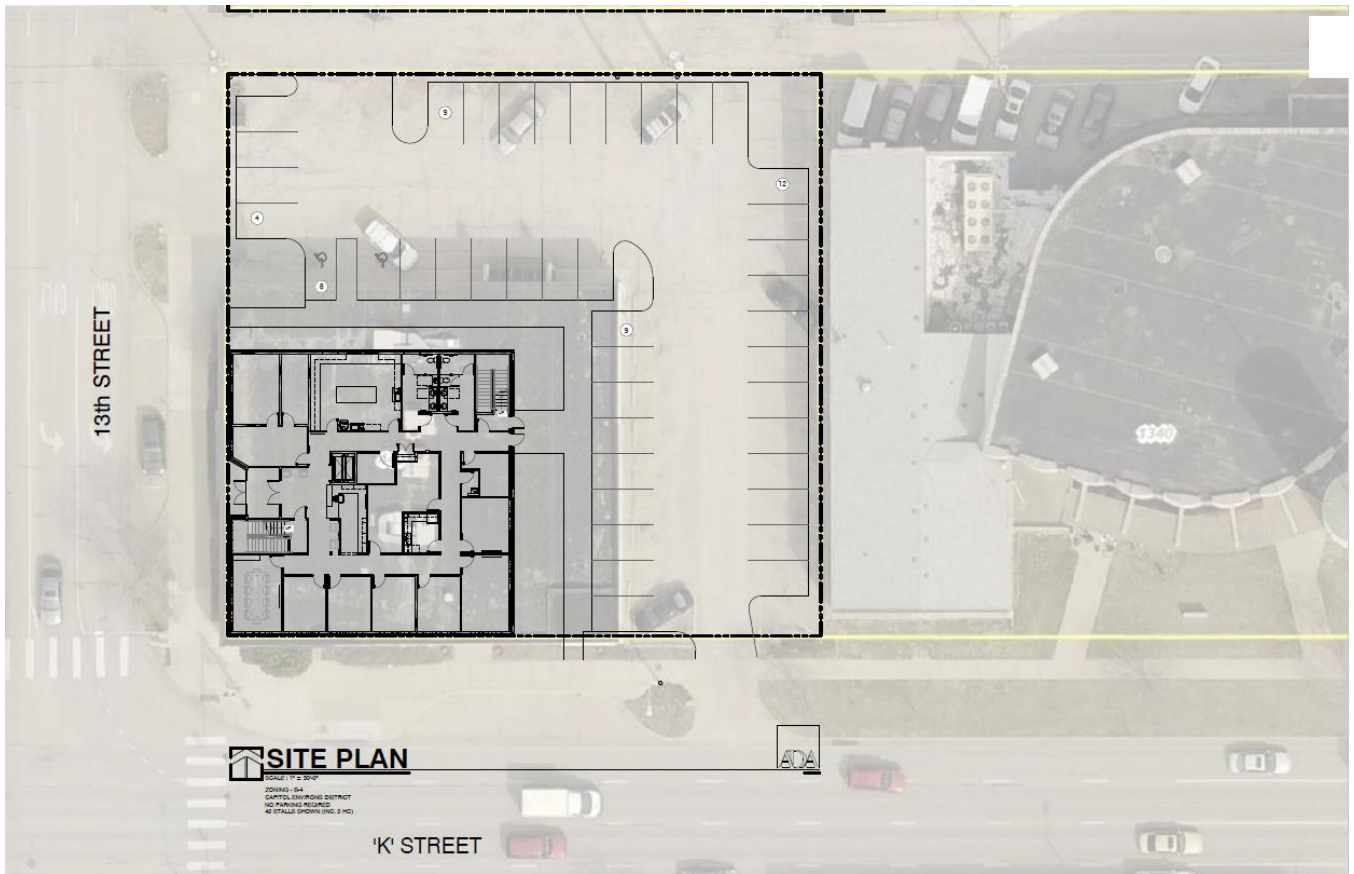


 Area of Application  
 Capitol Environs District





# ATTACHMENT B – Site Plan



ATTACHMENT C – Renderings











**NEBRASKA CAPITOL ENVIRONS DISTRICT  
CERTIFICATE OF NO MATERIAL EFFECT**

TO: Kile Johnson, Chair, NCEC                      DATE: March 24, 2020  
DEPT:    FROM: David Cary, Planning Director  
CC: NCEC agenda packet                              DEPT: Planning  
RE: **Certificate of No Material Effect for  
demolition, 440 S. 13<sup>th</sup> St.**

Sampson Construction Co. and NEBCO (property owner) have applied to demolish the building at 440 S. 13<sup>th</sup> Street (on the southwest quarter of Block 97, Original Plat of Lincoln). The subject property is in the Capitol Environs District but faces neither Capitol Square nor any of the four "malls" extending from Capitol Square.

The enabling ordinance for the Nebraska Capitol Environs District requires that an owner obtain a certificate prior to demolition in the Environs District. The Capitol Environs Design Standards also require that information on future redevelopment accompany requests for demolition. A proposal for a parking lot on the west half of Block 97 (excluding the east-west alley) has been received as an illustration of a possible interim redevelopment.

Bob Caldwell, CEO of NEBCO, has communicated further to Planning staff (phone conversation with Ed Zimmer, 3/18/2020) that his company has not finalized plans for the site and that their short-term intention is to maintain the half-block in turf. Their preference is to develop a building as soon as possible. They will install a parking lot only if current discussions do not result in a project to build. Finally, if they decide to install a parking lot, it will be submitted to the Commission for approval and will be fully compliant with Downtown Lincoln and Capitol Environ design standards, as NEBCO's other parking lots in the Environs District are.

The Environs District chapter of the zoning code (LMC 27.56) provides that the Planning Director may recommend and the Environs Commission chair may issue a "certificate of no material effect" allowing work in the District to proceed when the work is minor, does not affect the architectural or landscape features that contribute to the District, and is on a site that does not face a district mall or Capitol Square.

440 S. 13<sup>th</sup> Street is not a building that contributes to the quality of the Capitol Environs District, nor would it comply with Downtown Design Standards if proposed for construction today. Retention of the subject building does not promote the purposes of the Environs District. NEBCO has an excellent record for maintaining its properties in the Environs.

Therefore the Planning Director recommends that the NCEC Chair approve this communication as a "certificate of no material effect."

 3/24/2020  
Recommended, Planning Director                      (date)

 3-24-20  
Approved, NCEC Chair                                      (date)

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**NEBRASKA CAPITOL ENVIRONS DISTRICT  
CERTIFICATE OF NO MATERIAL EFFECT**

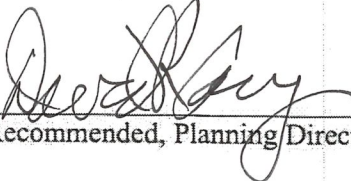
TO: David Cary, Planning Director      DATE: April 13, 2023  
Kile Johnson, Chair, NCEC

CC: NCEC agenda packet                  FROM: Collin Christopher, Planning Department

RE: Certificate of No Material Effect for a  
StarTran garage door replacement project at  
710 J Street

StarTran has submitted a building permit to raise the height of four garage doors by nine inches at their South Haymarket location (710 J Street). This change will also cause them to replace the metal paneling directly above the four garage doors. No changes in materials are being proposed. The Capitol Environs District chapter of the zoning code (LMC 27.56) provides that the Planning Director may recommend and the Environs Commission chair may issue such a certificate when the application is for "minor work which is not restricted by the Standards, which has no material effect on architectural or landscape features of the District, and which is in harmony with the purposes of this ordinance."

Planning staff is of the opinion that this modification is minor in nature and has no material effect on the District. Therefore, I request that the Planning Director recommend and the NCEC Chair approve this communication as a Certificate of No Material Effect.

 4/17/23  
\_\_\_\_\_  
Recommended, Planning Director      (date)

 4-15-23  
\_\_\_\_\_  
Approved, NCEC Chair                      (date)

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