



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 1st Floor. For more information, please contact the Lincoln City/Lancaster County Planning Department at 402-441-7491.

AGENDA

April 28, 2023

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

Public Hearing & Action

2. New construction at [440 S 13th 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.*

NEBRASKA CAPITOL ENVIRONS COMMISSION STAFF REPORT

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

RECOMMENDATION: APPROVAL

Summary of Request

The Nebraska Council of School Administrators is planning to relocate their headquarters to 440 S 13th 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 13th 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

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 13th 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

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

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.

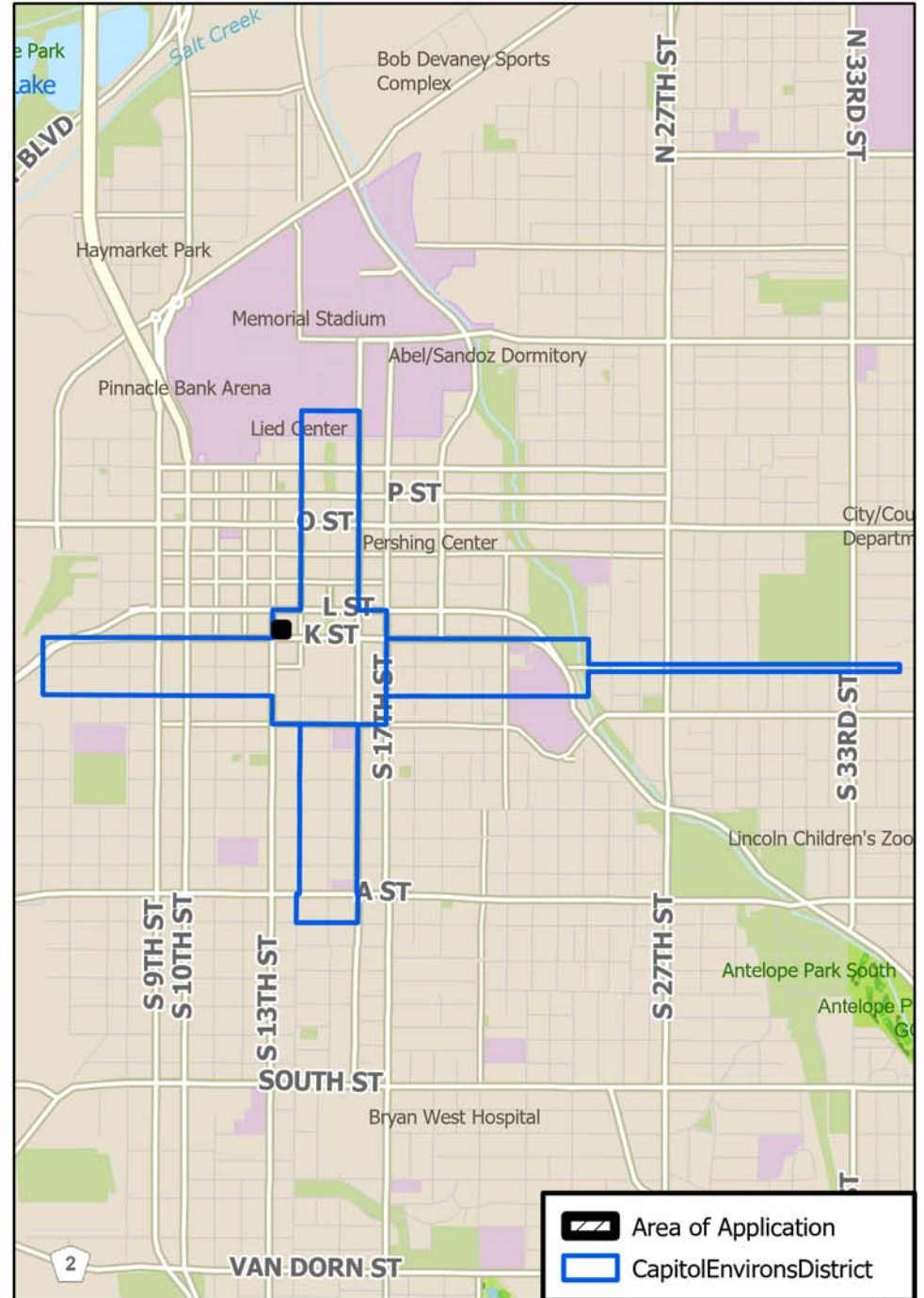
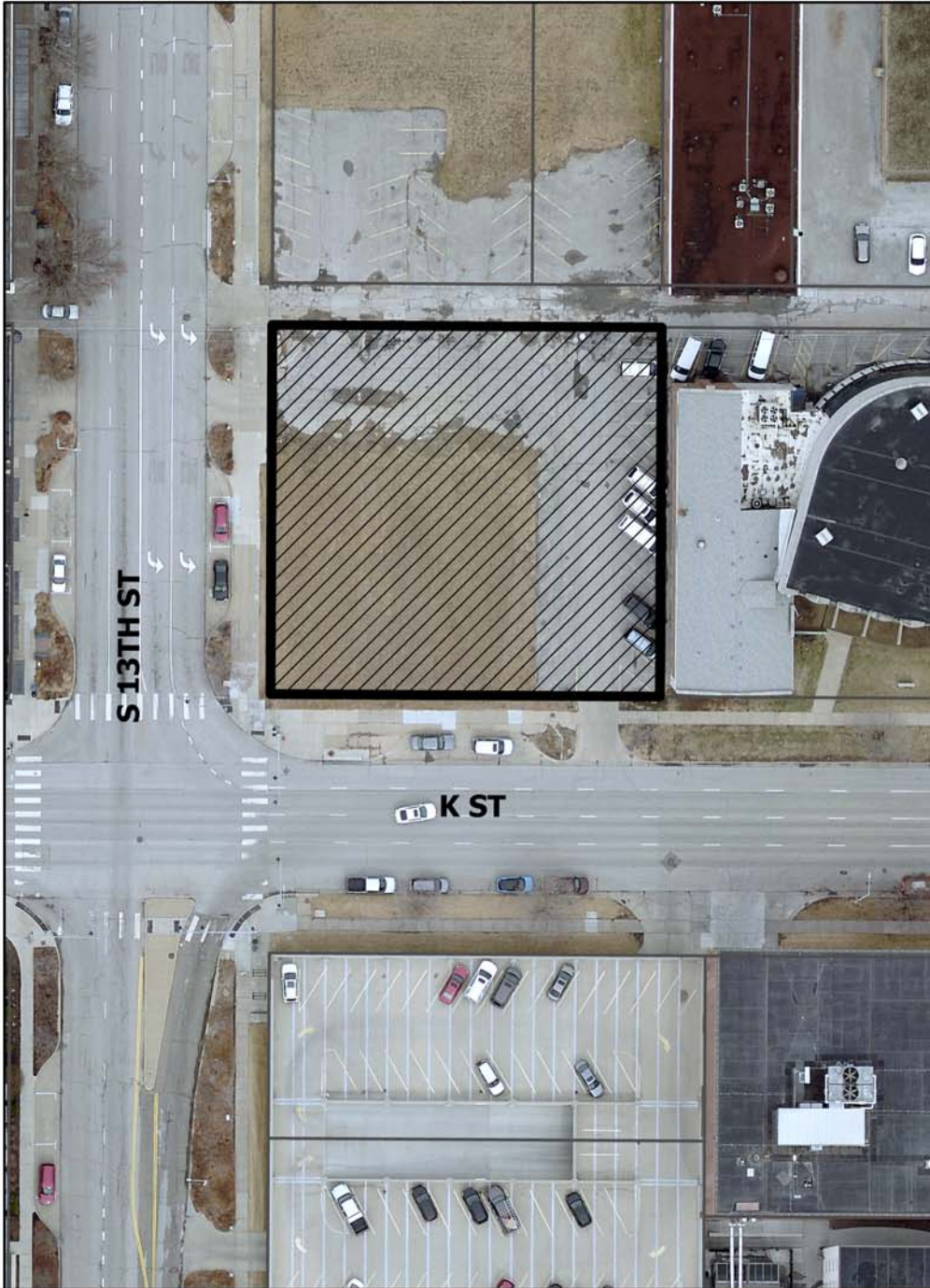
Recommendations

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.

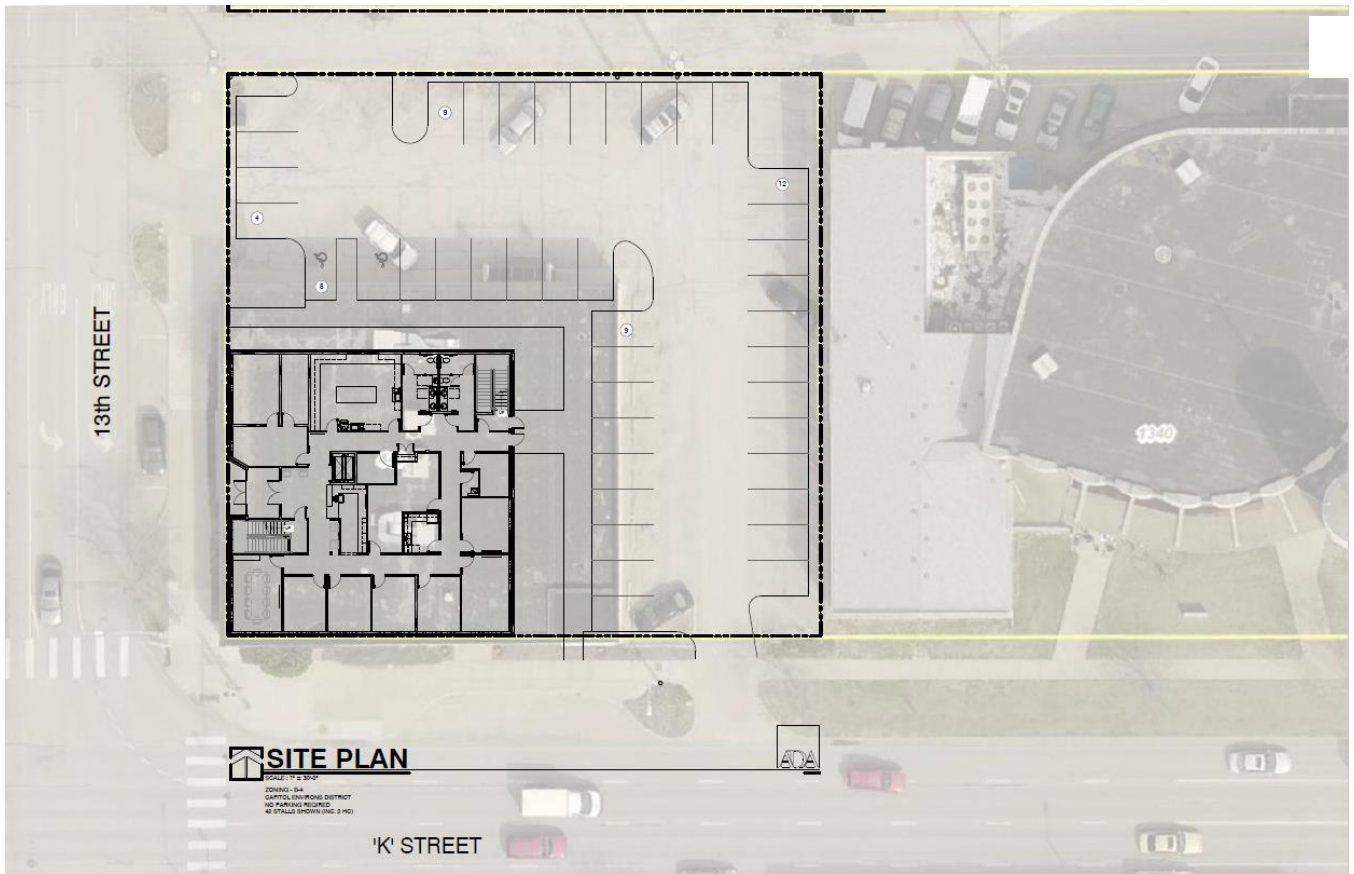
Recommended finding: The proposed building and site plan generally comply with the Capitol Environs Design Standards.

Recommended action: Approval of a Certificate of Appropriateness for new construction at 440 S 13th 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



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. 13th St.**

Sampson Construction Co. and NEBCO (property owner) have applied to demolish the building at 440 S. 13th 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. 13th 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**

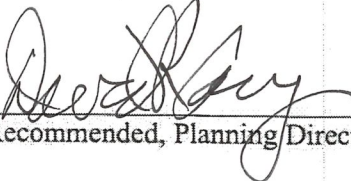
TO: David Cary, Planning Director DATE: April 13, 2023
Kile Johnson, Chair, NCEC

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)

https://linclanc.sharepoint.com/sites/PlanningDept-Boards/Shared Documents/Boards/NCEC/CRT/NoME/NME_710 J Street.doc