



# NEBRASKA CAPITOL ENVIRONS COMMISSION

The Nebraska Capitol Environs Commission will hold a meeting on **Friday, April 26, 2024 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 26, 2024

1. Approval of meeting record from March 22, 2024

### **Public Hearing & Action**

2. Phase I modifications for Pershing block redevelopment (*White Lotus, UDR24058*)

### **Discuss & Advise**

3. Staff report & 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.*

<https://linclanc.sharepoint.com/sites/PlanningDept-Boards/Shared Documents/Boards/NCEC/Agendas/2024/042624.docx>

## 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.



## NEBRASKA CAPITOL ENVIRONS COMMISSION STAFF REPORT

APPLICATION NUMBER Urban Design Record #24058  
APPLICATION TYPE Certificate of Appropriateness (update)  
ADDRESS/LOCATION 225 S 16<sup>th</sup> Street  
HEARING DATE April 26, 2024  
ADDITIONAL MEETINGS February 25, 2022, July 28, 2023 and January 26, 2024  
APPLICANT Drew Sova, 402-408-0005, [dsova@whitelotusgroup.com](mailto:dsova@whitelotusgroup.com)  
STAFF CONTACT Collin Christopher, 402-441-6370, [cchristopher@lincoln.ne.gov](mailto:cchristopher@lincoln.ne.gov)

### RECOMMENDATION: APPROVAL

#### Summary of Request

Back in February of 2022, the Commission reviewed and approved plans for the first phase of the redevelopment of the Pershing block. Then in July of 2023, they came back with some minor modifications to the site plan and building materials for the project. Those modifications were also approved. In January of 2024, the applicant presented their streetscape plans for the project, as well as plans to screen rooftop equipment. Both were approved.

As the applicant moves closer to construction, they are now requesting to remove the previously approved rooftop screening from the project for budgetary reasons. There are no other changes being requested at this time.

#### Compatibility with the Design Standards

While screening of rooftop equipment is a topic of the design standards and the associated Capitol Environs section of the Lincoln Municipal Code, neither requires screening of a building on this particular block. For added clarity, all references to rooftop equipment have been included below:

#### **Design Standard 11: Buildings on Capitol Square**

The portion of the District facing the Capitol shall be maintained and improved as an area of top-quality but generally unobtrusive office, residential, and church buildings, with very well-designed and maintained landscape and streetscape elements. The area shall combine construction of first-class new buildings with the preservation of historic landmarks and scrupulous maintenance of all improvements.

#### **Guideline 11.5:**

Mechanical units, cooling towers, chimneys, fire towers, stage towers or scenery lofts, noncommercial radio towers or satellite "dishes," or water towers may be permitted atop buildings in the District (in excess of the 57 foot limit) provided they are set back at least fifteen feet from any face of the building, and are screened with permanent materials compatible with the materials of the principal facades of the building. Addition of such screening on the State's building at 501 S. 14<sup>th</sup> St. is a goal of the Commission.



**Compatibility per Staff Analysis:** Guideline 11.5 only addresses properties directly facing Capitol Square, making it irrelevant to this project.

### **27.56.030 Height of Buildings in Capitol Environs Area.**

Notwithstanding the zoning on the property or the other rules and regulations of this title, there shall be established the following maximum heights for buildings and structures located in the shaded area on the Capitol Environs District Height Regulations Map.

- a. No building located within this district shall exceed the building height limit as shown on the Capitol Environs District Height Regulations Map, or the maximum building height permitted in the underlying zoning district, whichever is less.
- b. Any of the appurtenances listed in Section 27.72.110(b) of this title may not exceed twenty feet in height above the maximum permitted in subsection (a) hereof. In addition, all of said appurtenances must be set back a minimum of fifteen feet from all faces of a building when said faces are adjacent to a street. (Ord. 20416 §2; December 19, 2016; prior Ord. 12935 §3; June 9, 1980; Ord. 12571 §279; May 8, 1979).

### **27.72.110 Exceptions to the Height Requirements.**

- b. **Necessary Mechanical Appurtenances.** All necessary mechanical appurtenances located on top of a building, and Solar Energy Conversion Systems and Wind Energy Conversion Systems located on top of a building, are exempt from the height regulations contained in this title as follows:
  1. No such appurtenances, nor any Solar Energy Conversion System or Wind Energy Conversion System located on top of a building, may exceed twenty feet in height above the maximum permitted in the district in which they are located;
  2. All of said appurtenances, and any Solar Energy Conversion System or Wind Energy Conversion System located on top of a building, must be set back a minimum of fifteen feet from all faces of a building when said faces are adjacent to a street.

**Compatibility per Staff Analysis:** The above sections of the zoning code allow rooftop equipment to exceed the 57' height limit if they have proper setbacks, but there is no mention of an associated screening requirement.

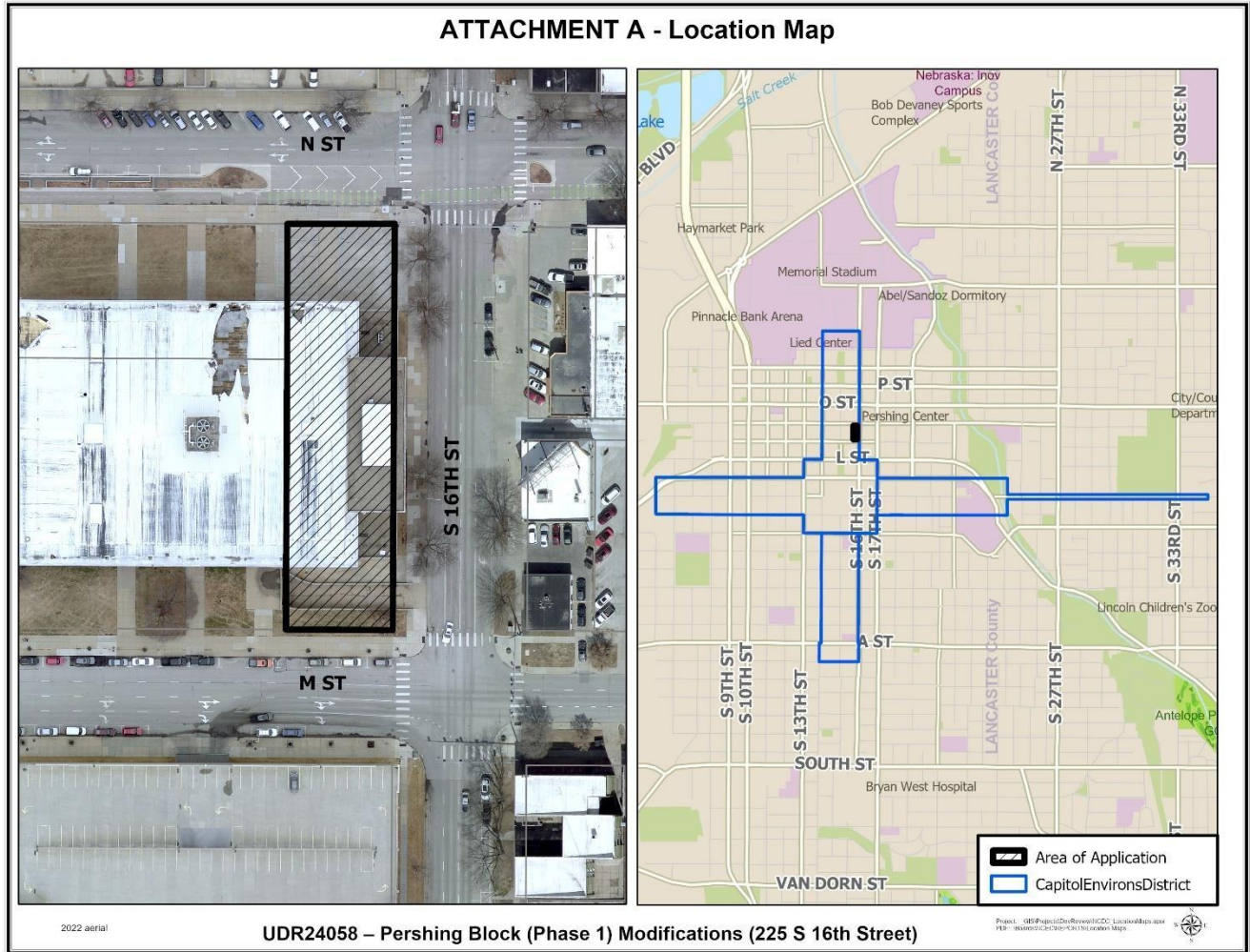
### **Recommendations**

While the previously approved rooftop screening was a nice addition to the project, it is not a requirement of the Lincoln Municipal Code or the Capitol Environs Design Standards. Staff is of the opinion that this modification is much less impactful on the district than a significant modification to the building façade or the streetscape. The rooftop equipment has very limited visibility from the pedestrian level, which has always been the focus of screening requirements in the city's design standards. As such, staff is still supportive of the project as it is presented in this revised submittal.

**Recommended finding:** The revised submittal that proposes the removal of rooftop equipment screening generally complies with the Capitol Environs Design Standards.

**Recommended action:** Approval of an updated Certificate of Appropriateness for the proposed development at 225 S 16<sup>th</sup> Street.

# ATTACHMENT A - Location Map





## ATTACHMENT B – Renderings



*View from Centennial Mall and M Street of proposed building with rooftop screening*



*View from Centennial Mall and M Street of proposed building without rooftop screening*



## **Mural Mixed-Use Project Rooftop Screening Review**

Nebraska Capitol Environs Commission - Project Review  
April 26th, 2024







04.26.2024

NE Street View Rendering

2





04.26.2024

NW Street View Rendering

3





04.26.2024

SW Street View Rendering





04.26.2024

Centennial Mall and N Street - 5' Screen

5



04.26.2024

Centennial Mall and N Street - No Screen

6





04.26.2024

Centennial Mall - 5' Screen

7



04.26.2024

Centennial Mall - No Screen

8





04.26.2024

Centennial Mall and M Street- 5' Screen

9





04.26.2024

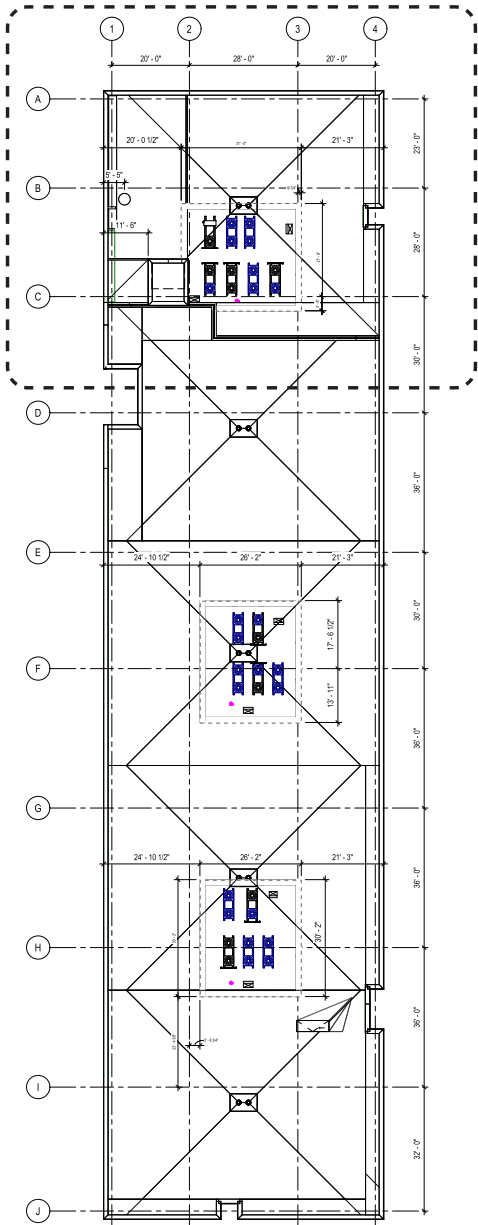
Centennial Mall and M Street - No Screen

10



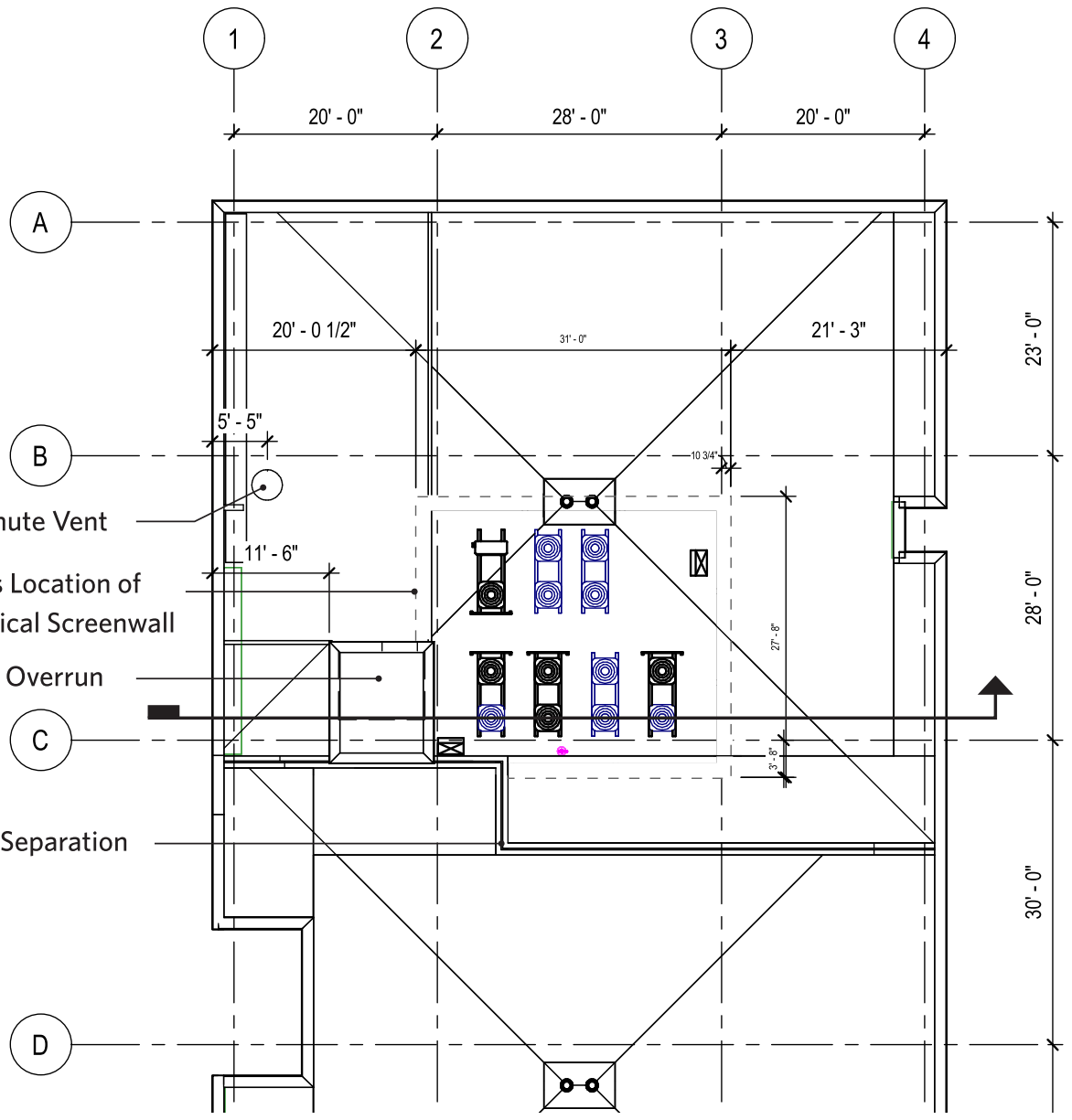






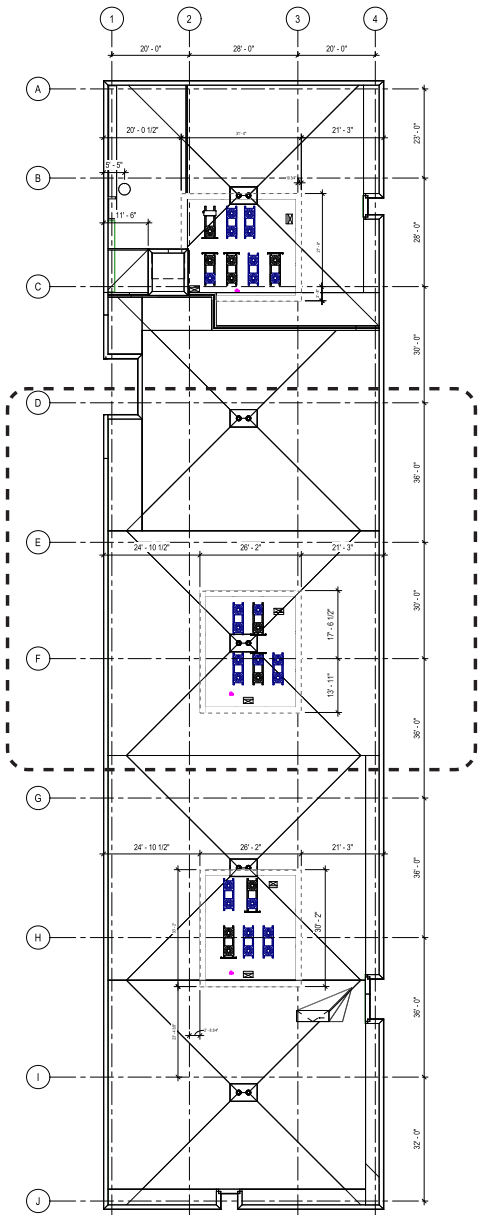
Area A

04.26.2024



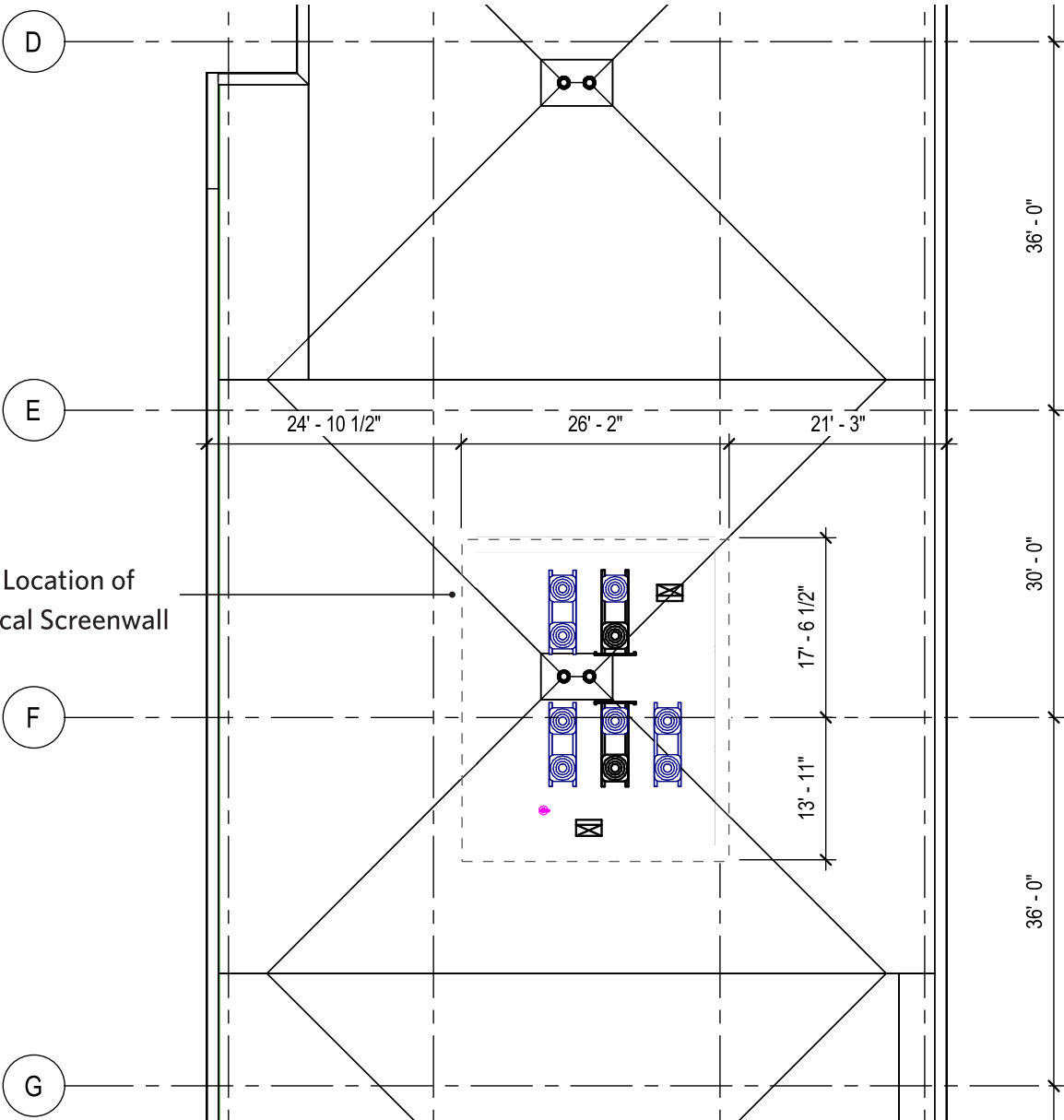
- Trash Chute Vent
- Previous Location of Mechanical Screenwall
- Elevator Overrun
- Firewall Separation

Proposed Roof Plan - Area A



Area B

04.26.2024

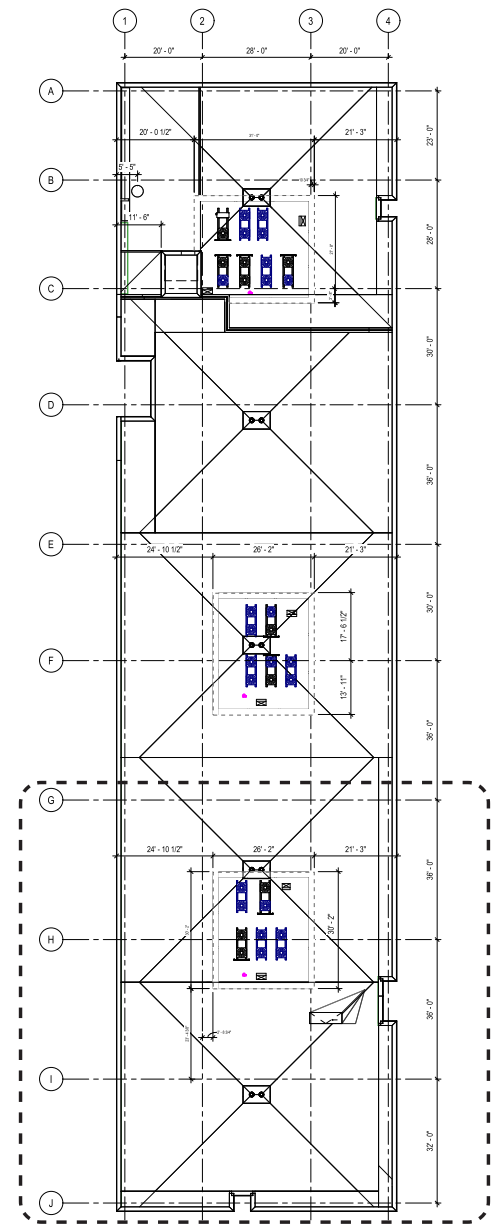


Previous Location of Mechanical Screenwall

Proposed Roof Plan - Area B

14

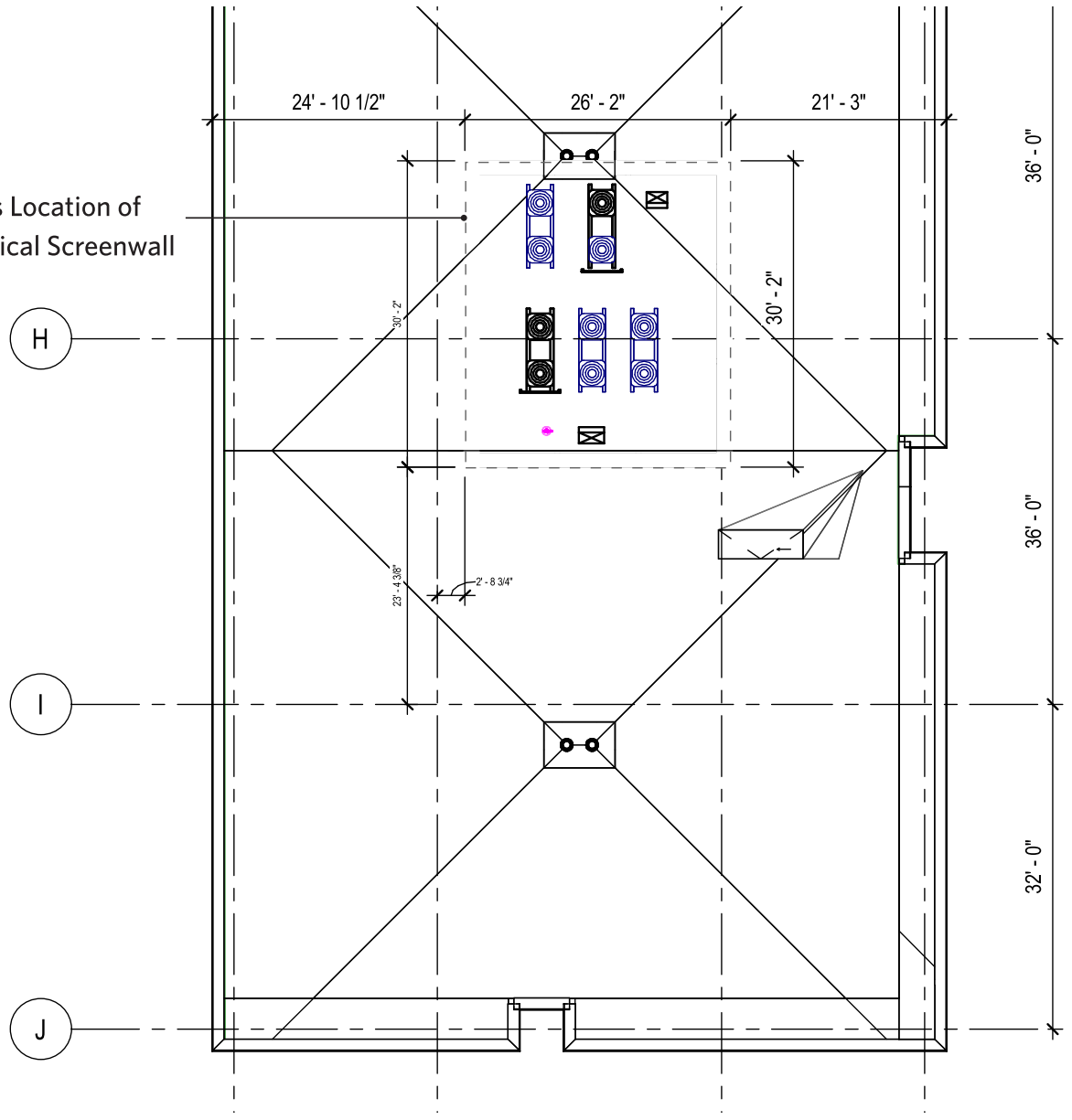




04.26.2024

Area C

Previous Location of Mechanical Screenwall



Proposed Roof Plan - Area C