

## 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.*

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

**DATE, TIME AND PLACE OF MEETING:** Friday, October 24, 2025, 8:30 a.m., City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska.

**MEMBERS IN ATTENDANCE:** Eileen Bergt, Kile Johnson, David Quade, Ann Post and Heidi Cuca. David Landis arrived at 8:37 a.m. Andrea Gebhart absent.

**OTHERS IN ATTENDANCE:** Collin Christopher, Paul Barnes, David Cary and Kristi Merfeld of the Planning and Development Services Department; Kerin Peterson, Public Building Commission; Caleb Swanson Project Control; Brent Flachsbart and Greg Hood of the State Building Division; Bob Ripley and other interested citizens were present.

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

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

Johnson noted that the action today is final on the proposed certificate.

Johnson then called for the approval of the minutes of the regular meeting held September 26, 2025.

Motion for approval made by Quade; seconded by Bergt

Minutes were approved 4-0: Bergt, Cuca, Johnson, Quade, voting "yes"; Post abstained; Landis and Gebhart absent.

**PUBLIC HEARING AND ACTION****UDR 25103 Temporary Parking Lot at 555 South 9th Street (Public Building Commission)****Public Hearing****October 24, 2025**

Members Present: Bergt, Cuca, Johnson, Quade, Landis and Post. Gebhart absent.

**Collin Christopher, Planning and Development Services Department, 555 S 10<sup>th</sup> Street, Lincoln NE** came forward and stated that this is a revised application from last month. The application is to replace the existing Aging Partners building located at 555 South 9<sup>th</sup> Street with a surface parking lot. This lot would be used to support City and County uses as they undergo some significant changes around this complex. The Multimodal Transportation Center at 10<sup>th</sup> and H Street will hopefully start construction in the next year and will replace the current City and County surface parking lot. To account for this loss of parking, the Public Building Commission is adding to the existing garage parking deck to the north and going from two levels to five levels. All of this will occur at the same time, meaning every stall they can find during the interim is really important. This property was identified as a potential way to help solve the problem. So, they came forward recently with a permanent parking lot with landscaping around the perimeter.

Christopher proceeded to say that the proposed plan met the requirements of the downtown design standards, but did not quite meet the high expectations that come with being in the Capitol Environs area. The design standards in this area really call for more than just landscaping. Retaining walls or decorative fencing like those that can be found around the Landmark parking lots behind Lincoln Mall were used as an example. On the 10<sup>th</sup> and K Street sides there is a parking lot that is screened to a pretty high level, and the newer Landmark building on 11<sup>th</sup> Street takes a similar approach. The building on 11<sup>th</sup> Street has a combination of landscaping and retaining walls. The Commission asked the applicant to go back and look at an enhanced solution that may include some of that additional level of design.

As the team regrouped and discussed their options, they realized it didn't make sense to put a permanent parking lot here, especially if it is something the Capitol Environs design standards does not want to see in this location. The standards really discourage surface parking lots and when looking at the South Haymarket neighborhood plan, it imagines this corridor as being lined with residential and office. This permanent parking lot could potentially delay redevelopment to the desired uses. As discussions evolved, staff and the design team coalesced around the idea of building a temporary parking lot that serves City and County needs for the next 2-3 years as construction is

happening. At the point it is no longer needed, then the gravel parking lot could be scraped in favor of grass to be maintained until a redevelopment project comes forward. When looking at the design standards for Capitol Environs, there is really not much that talks about temporary parking lot uses like this. However, having a temporary lot paved with gravel saves taxpayer dollars for the County and sets the site up better to accommodate a quick turnover in the future.

The revised application that is in front of you does not have any landscaping in the proposal and the layout would be very similar to what was proposed last month with a similar parking count. Caleb and Kerin can speak about this in more detail. One of the issues that has been discussed is enforcement; thankfully, there is already a process in place for enforcement of temporary parking lots. Building and Safety does have allowances for temporary parking lots, but it includes a two-year expiration on the building permit. When this would get approved and have its final inspection, there would be a two-year time clock on that parking lot. If at the end of the two years they are not quite ready to give it up, they will have to reapply for another building permit and come back to the Commission for approval to extend the two years. The expectation is that it will be needed for 24-30 months. There are factors like the progress of the Multimodal Transportation Center that we can't quite predict right now because of the federal review process. We hope two years will be enough time, but if not, they will have to come back and do it all over again. Christopher asked for questions or said he would invite Kerin and Caleb to come and provide additional details.

Quade asked what the timeline for the parking garage is. Is that also in the 24-36 months range?

Christopher replied yes, but he would let Caleb speak about that.

**Caleb Swanson, Project Control, 728 Q Street, Lincoln, NE** came forward and thanked everyone for taking the time to consider this revised proposal today. The parking garage project itself at 10<sup>th</sup> and K Street is currently finishing up design. They will go out for bids soon with anticipated construction wrapping up in stages in 2027. There will still be some work around the perimeter that will be weather-dependent like the final landscaping and things of that nature. Landscaping around the block probably won't be completed until the late Spring or early Summer of 2027. Parkers will be able start using the facility in the first quarter of 2027.

Quade commented that it should fall in line with the two-year deadline.

Swanson responded, yes, it should fall in line with the two-year window. The original pavement design is essentially the layout that the temporary lot would take on. It would not be expanding or taking up any additional space.

Quade asked if the temporary lot would have any lighting or just gravel?

Swanson replied it would be whatever is required for a temporary parking lot under the existing building codes. Swanson stated that he could speak for the Public Building Commission in saying that there is a high degree of comfort with this proposal, even with restrictions on the temporary lot. The intent of this lot is not to have a long-term parking lot at this location. He agreed with staff that a grass lot would make it much more available for development in whatever shape or form that may be years down the road. Whether that is public or private development, that all remains to be seen. This gives it that ease and flexibility to adapt to whatever the use is proposed at that time.

Johnson asked what determines when the two-year clock starts?

Swanson stated that the clock starts at the point at which inspectors give the lot its final inspection and occupancy. Weather permitting, if they have occupancy of the lot in January, February or March of 2026, then they would be looking at expiration in early 2028.

Post replied she wanted to clarify that at the last meeting there was a proposal for a permanent parking lot with significant screening and now this proposal is a temporary lot with gravel and no screening.

Christopher confirmed that was correct.

Post questioned what happens if this doesn't make someone's calendar and it is forgotten. What is the enforcement mechanism if this is slow to come back to the Commission or if this Commission decides not to reapprove the permit again in two years?

Christopher responded that if for whatever reason the Commission did not approve an extension of the permit, that at that point they would be required to scrape and turf that area. He did not think this would be an issue, but in theory the City Attorney's Office would get involved and that would be the next step.

Post asked if the Public Building Commission is a City and County joint entity.

**Kerin Peterson, Administrator, Public Building Commission 920 O Street** came forward and stated that the Public Building Commission is its own political subdivision, but they do serve both sides. When it comes to this project, they are working with partners from both the City and the County. They would also like to use this lot for some public parking access. The pedestrian crossing is right across 9<sup>th</sup> Street, making this lot ideal for access to the services in the City County building or Hall of Justice at 605 S 10<sup>th</sup> Street during the construction process.

Post questioned what the cost would be to scrape out the gravel and return it to grass. Is there going to be funding available or how do we make sure that there is funding for this?

Peterson replied that is a great question. The opportunity is now here with two years to plan for capital improvements. That is the majority of her job and yes there would be revenue held aside for a capital project to do that.

Johnson commented that at the end of two years, the Public Building Commission would come back to get a Certificate of Appropriateness from this body. The condition would be going forward either with another temporary lot or for scraping it and putting in grass.

Peterson responded that yes that is the understanding of the process.

Quade stated it may depend on the recommended action that we have here. The condition would be that the gravel would be removed and the lot returned to grass upon expiration of the certificate. The approval would be of that sort, if that is the language within the recommendation. The only way Kerin would come back to the Commission is if it was desired to extend the permit for another year or two.

Peterson answered, yes.

Bergt commented that this is a great solution and she is glad that they decided not to have a big fancy parking lot when it will not be needed in two years. She did not realize the new parking garage is going to be five levels. Bergt also liked the idea of turning it into a turf area while waiting for someone to develop the lot.

Quade agreed with Bergt on liking the temporary lot and turning it into a grass space. There was a lot of discussion last month on how to guarantee that it is just temporary, since it was going to be paved with concrete. This is great.

Johnson stated that this was his concern. It would be a permanent expensive project and be impossible to get rid of. This solution can more easily be gotten rid of at the end of two years.

Peterson replied that the surface parking lot will not be needed. The goal is to reduce surface parking and it is not the intent to spend a lot of funds to create a parking lot once the garage is built.

Johnson asked if there were any other questions or anyone else to speak?

**Bob Ripley, 3022 Williams Steet, Lincoln NE** came forward and stated that he is the person who raised the issue to the City, asking for an exception to the rules. The proposal today is a great solution. It is good that they will be required to come back after two years if the parking lot is still needed. Temporary can mean one thing and ends up being something completely different later. It could end up being permanent, so this solution is great. His concern would be that the conditions are followed according to what has been discussed today.

Post responded that she liked that it is designed to be temporary. This location is not the best use for a surface parking lot. There is still concern about it truly being temporary. Two years can come and go and temporary can be a little longer. Two years in government is a long time with turnover and there is always the chance that someone drops the ball. Post wants to make sure this gravel lot is not being traded for a better parking lot that is staying for a long time. The Commission just wants to make sure two years is two years and not longer.

Johnson liked the proposal. At the end of the two years there should be a request for proposals to speed up the development. It would be nice to see a good proposal that is a doorway into J Street and Lincoln Mall.

Johnson called for a motion that the proposed construction for a temporary parking lot at 555 South 9<sup>th</sup> Street offers a cost-effective solution to the Public Building Commission's immediate parking needs, without sacrificing the ability to positively contribute to the J Street and the South Haymarket District in the near future. Also, that the Capitol Environs Commission approves a Certificate of Appropriateness for a temporary parking lot at 555 South 9<sup>th</sup> Street for a period of two years from the time at which they receive a final inspection approval from Building and Safety staff with the condition that the gravel will be removed. The lot will be returned to grass upon expiration of the certificate.

Quade motioned for approval and Cuca seconded the motion. Motion approved 6-0; Bergt, Cuca, Johnson, Landis, Quade, and Post voting “yes”; Gebhart absent.

**DISCUSS AND ADVISE:**

Christopher stated that Johnson had requested a discussion on 1717 J Street. The topic was passed to Johnson to speak and it was mentioned that Brent Flachsbart from the State Building Division was also in attendance.

Johnson responded that the State ownership of this lot at 1717 J Street is of concern, as it is a cornerstone of the path down to J Street going east to Lincoln High in the future.

**Brent Flachsbart, State Building Division Administrator, Task Force for Building Renewal, 1526 K Street** came forward and introduced himself.

Johnson asked if they were familiar with the lot?

Flachsbart replied yes

Johnson questioned if there are any immediate plans for this lot?

Flachsbart responded that there are no immediate plans for the lot. The State declared it vacant, which would allow it to be sold or redeveloped. There are no current plans for it though.

Johnson wondered if it could be involved in some land swap if necessary. There is concern that this lot is one of the only things preventing a developer from building something that negatively impact the J Street corridor and its view to the Capitol. What can be done to protect the corridor with regards to that lot? The Commission would like the State to retain the lot in perpetuity or transfer the lot to the City of Lincoln, with the condition that it cannot be transferred except to be used for a corridor project down J Street. Have you considered these issues?

Flachsbart replied that he has not. They have not been brought to the Director of Administrative Services. The other two lots that are west of the State-owned lot are believed to be for sale. So technically all three lots are available if the City is interested in purchasing them.

Johnson commented that he believed that was correct. He asked if the State had a price for the lot.

Flachsbart stated that there is not a current appraisal, but the price would be whatever it appraises for.

Johnson requested that there is an appraisal done on the lot. Once there is an appraised price, can it be immediately sold to an applicant that wants to purchase it?

Flachsbart agreed to getting an appraisal. If the City or State was interested, then it would be taken to the Director and to the Governor. The Governor would make the decision at that time, but he would most likely entertain that idea.

Johnson responded if they could proceed ahead with that, it would be helpful in the protecting that lot. Johnson asked if there were any other questions from the members?

Post questioned if there would be an open bidding process. If there are multiple lots for sale, it is possible a developer would be coming in and wanting to buy all 3 of them.

Flachsbart commented that the statutes give them some latitude to who and how they sell it. There would not be an auction, because the City is interested. This has been done several times before. Recently in Hastings NE, property was sold to the City of Hastings because they were interested in the land. No one else was too interested so the best option was to transfer it to the City and that is something they could do in this situation.

Bergt stated she didn't know if other people were aware of how this lot is laid out. It is along the alley and faces J Street. It is a narrow strip and the other two lots that are for sale are directly to the west. There is then an apartment building on the other side of the alley. Wouldn't we need more than the other 2 properties?

Johnson replied that he sees it as one step at a time.

Christopher stated that staff would need to determine the City's perspective on the value of this lot.

Post responded that this was going to be her question – whether the City has the budget or funding or interest to make this happen.

Christopher stated that it is probably not on the City's radar at this point, though that is not to say it couldn't be important. Staff has received some calls in the last two months on this property from real estate agents, looking at the two residential lots.

They have been on the market for a few years and if the price keeps coming down, it might get to a point where someone takes a serious look at those lots. This is similar to the Goodhue sidewalk relocation issue. It wasn't something that anybody at the City had been thinking about. Staff can raise the question and determine whether there is an interest in being proactive.

Post mentioned she was absent last meeting – what is meant by preserving the lot?

Christopher replied that it is assumed that the State-owned lot is preventing someone from doing something bigger that would make these three properties worth combining. The two vacant residential lots would not be able to be developed beyond a couple of residential units. The price they are wanting to sell them for is not that viable. They are currently for sale for around \$125,000 each. That doesn't make much sense, unless you can get the third lot and the added depth that it allows. Consolidating those three lots could allow for a more viable project. That could be Bob and Kyle's concern. If the back lot is not preserved, then it opens the area up for an undesirable redevelopment project that would limit the impact of all the things that the J Street master plan intended.

Post questioned what we intend to do with the J Street master plan? The roads are not quite aligned.

Christopher responded that the plan has been reviewed by staff, but Mr. Ripley is more of an expert on what the vision was for J Street. Christopher invited Ripley to come forward and speak on the subject.

Post stated that she is hearing that something needs to be done. These residential lots are not viable on their own, but consolidation of all three lots could result in development that would be less than ideal for the Capitol Environs.

Christopher agreed. Undesirable development probably limits views to the Capitol, so having the green space preserved is valuable there. There may be potential to realign J Street at some point as well. He pointed out the misaligned portion of J Street on a map.

Ripley came forward and showed sketches of how the properties are arranged. The owner of the vacant lot had approached him when there were buildings on this lot. It was asked if the State was interested in buying it. It was an opportunity for the State with the Capitol Environs Commission to acquire a portion of the land that would be required to straighten the east axis of the Capitol from 17<sup>th</sup> Street as far as Capital Parkway at Lincoln High so it was bought. The two residential lots that were next to

the lot that the State purchased were owned by a single owner. It is thought that they still are owned by a single owner named Don Nielsen. These lots were continuous lots from 17<sup>th</sup> Street all the way to the alley 140-feet deep and the backyards were sold for a 3<sup>d</sup> property. This was common at the time in this part of the City.

The owner paid a high price for these lots so he could have a corner lot near the Capitol. There was a proposal made to him to trade the east portion of the lot to go with lot five, to make two separate lots the City could own. They needed 60 feet to widen the right of way on the axis of the Capitol. The owner was agreeable on the idea except the price. The DAS Director was in close negotiations with him, but he was immovable on the subject of the money.

Ripley continued to lay out the various option the City might have to restore and align the right-of-way in the future while protecting views to the Capitol. He stated that this lot ends up being the tripwire that makes widening this right of way possible. Ripley thanked Johnson for putting this on the agenda to have this discussion.

There have been other transfers of land from the State to the City for the benefit of the Capitol Environs, and he believes this is the kind of scenario that would make such a transfer ideal for everyone. The City has done a great job advocating for and implementing these axial development patterns. They may be taken for granted today, because that is how they have seemingly always been. The City has been a great ally and have done a great deal of work and the State as well. Ripley encouraged the Commission to talk to the State and the City to see if something could be arranged. It would be of mutual benefit.

Bergt responded that it was mentioned to extend the mall to Lincoln High. That is a significant distance but it's really just this block that is of most concern because the misalignment is not nearly as bad to the east.

Ripley replied it is much closer to being aligned to the east.

Bergt commented that when it is said to acquire property so the mall to Lincoln High can be extended, we are only talking about this one block to make it on axis, not the whole thing all the way to Lincoln High.

Ripley agreed. This block is the big offender.

Bergt replied yes, because the right-of-way line shifts in and then immediately shift back out after this block.

Ripley provided some history on why this block is organized the way it is, stating that it is now on us all to work together to clean up this mistake of the past.

Bergt asked for confirmation that the other side of the alley on the East side looks to be an apartment building all owned by one person, right? She believed the apartment would have to be demolished to be able to truly correct this block.

Ripley responded that in Europe they just simply take off a portion of the building and build a new end wall and they are back in business. So, there are all kinds of options. The owner of the apartment building on the east side of the block east of the alley has been approached before. Those who own it today are aware that there is an interest in the acquiring the land, but there just has not been any action taken. This is our opportunity to get the process started by getting this lot into the hands of the City and then splitting it into 2 lots and gaining half of the right of way for that one block that we require for the eastward development.

Johnson thanked Collin for arranging this opportunity.

### **Staff Updates and Miscellaneous**

Christopher mentioned the next meeting would be the joint meeting at the State Capitol at 10 am on November 13, 2025. The regular Capitol Environs meeting would follow at 11 am. It was confirmed with Mr. Landis that he would not be attending the joint meeting on November 13, 2025.

The Meeting for December may get bumped up a week to accommodate Christmas.

Christopher also wanted to meet with Eileen and David after the meeting to talk about the next steps for Goodhue.

Christopher notified Eileen Bergt that her term expires in January 2026 and asked her to let him know if she is interested in being reappointed to a full three-year term.

With no further business the meeting adjourned at 9:23 a.m.