MEETING RECORD

NAME OF GROUP: HISTORIC PRESERVATION COMMISSION

DATE, TIME AND PLACE OF MEETING: Thursday, May 17, 2012, 1:30 p.m., Conference Room 214, 2nd Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska


STATED PURPOSE OF MEETING: Regular Historic Preservation Commission Meeting

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

Munn then requested a motion approving the minutes for the regular meeting held April 19, 2012.

Kuhlman noted a correction needed to be made to the minutes with regard to the listing of Members in Attendance on page 1; Berwyn Jones needs to be added as in attendance and Liz Johnson deleted as an error. Jones also stated that the vote of the Lewis-Syford House needed to be added to page 6 - Motion for approval carried 4-1: Beecham, Johnson, Kuhlman and Munn voting ‘yes’; Jones abstaining; McKee voting ‘no’; Francis absent.

Jones moved for the approval of the minutes as corrected, seconded by Johnson and carried 7-0: Beecham, Francis, Johnson, Jones, Kuhlman, McKee and Munn voting ‘yes’.

Ed Zimmer introduced Audrey Mohr who is a new staff member at the Nebraska State Historical Society.

Munn noted that Zimmer will be leaving the room for the next public hearing, due to a conflict of interest, as he is a member of the Lincoln Public Schools Board.
APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS AND FOR A SPECIAL PERMIT FOR HISTORIC PRESERVATION UNDER LMC 27.63.400 FOR THE LEWIS- SYFORD HOUSE, A DESIGNATED LANDMARK AT 700 N. 16TH STREET
PUBLIC HEARING:

May 17, 2012

Members present: Beecham, Francis, Johnson, Jones, Kuhlman, McKee and Munn.

Ed Zimmer excused himself from the meeting due to a conflict of interest.

Marvin Krout stated that the applicant is asking for three items; the special permit which was voted on at the last meeting to waive the normal rear yard requirement and to allow this development to have less than fifteen parking spaces. The second item is the preservation easement. When this area was approved as a local historic landmark, it came with an easement dedication which had certain restrictions. These overlap with the preservation guidelines. Third is the normal requirement to consider a Certificate of Appropriateness. This could be appealed to the City Council. At the meeting last month, the Historic Preservation Commission voted on the special permit. In his opinion, the members seemed to believe there were missing pieces that needed to be addressed. The applicant has been working diligently over the last month. A question was posed if this commission can reconsider its vote from last month. It is not in the bylaws of the Historic Preservation Commission specifically, but under Roberts Rules of Order, someone on the prevailing side can make a motion to reconsider. In the end, staff is looking for a recommendation from this Commission. There were a number of issues last month. One of the questions was the driveway. Dennis Bartels from Public Works-Engineering Services is in attendance to answer questions. There is a sort of shoehorning of this use onto this site. Public Works will say they want a two way drive. He believes the applicant’s latest proposal is a sort of compromise. There is also a question about the ownership of the driveway. We believe there has been some follow up with the owner to the north. Another issue was the parking issue. The City attorney believes the City Council needs to address this and amend the Preservation Easement document. The City ordinance states that if the existing building goes away, then the replacement structure should be of comparable size and character. This is an unusual restriction. When the historic structure is gone, all that is left is the vacant lot. The document also says structures shall be permitted. The recommendation to the City Council should address if the document should be changed. A memo from Stacey Groshong Hageman of Planning addresses the items to be considered. The preservation guidelines anticipate the possibility of new construction. This is addressed in the guidelines.

Robert Scott appeared on behalf of the Kinder Porter Scott Family Foundation. He clarified that the governance of the easement lies with City Council.

Krount stated he believes the Historic Preservation Commission can give advice to the City Council, but he concurred that the final judgement lies with City Council.
Scott stated that this property was purchased in 2008 from the State Historical Society Foundation. The tenant had terminated their lease. There were holes in the roof and the building was in major disrepair. They have made some improvements. There has been vandalism. Two other significant users have looked at the building. Those didn’t work out. Their mission as a foundation is to help with children’s literacy education. They want to help preserve an old house and bring some value to the site and to the campus. Chrissy McNair approached them about an autism academy. The spectrum disorder is underserved in this community.

Cristy Joy appeared. She is the principal architect of this project.

Chrissy McNair is the founder and director of The FEAT Academy, Families for Effective Autism Treatment. This has been around since 1997 as a group that organizes autism programs. There is a need for this. The number of children with autism continues to rise. There is a great need in Nebraska. We are one in four states that does not have a school specifically for autism. They deal with numerous issues, things that don’t get regularly addressed in a school setting. They look at the whole family. The goal is to get the kids to talk. They also plan on bringing in life skills amongst other topics. They would like to eventually become a hub in the region for combining academics and children with special needs. They are looking at a long term vision and strategy. Their fiscal impact, children that get early education the state saves 1.6 to 2.2 million dollars. The economic impact is quite large. The big part of this location is the owners. It is invaluable when you can find a partner like this. The proximity to the University of Nebraska is huge. They are already talking about how to work with UNL students so they can understand how to work with these children at an earlier age. The proximity to the City and the Legislature is advantageous. They are lobbying for autism issues. Being close to the Interstate, they are hoping to pull in kids from York to Omaha, many of the surrounding communities. Being affiliated with UNL would be incredible. The affiliation with UNL is informal at this point. A natural setting for home and classroom is very important. This would be a comfortable family style environment. They are modeling themselves after the Joshua School in Englewood, Colorado. It is in a home on the National Register. It was acquired by the school in 2008.

McKee sees great things with the need for the program. It seems to him the number of students will increase and this property would self limit the number of children to be served at this site. If the applicant went to a larger house, they could have more parking and be closer to the Legislature, nearer to the Interstate without affecting a house that would be destroyed. He inquired as to the proposed numbers of students. McNair replied that they are looking to serve 15 students.

McKee questioned why pick a small historic building and destroy it. Why not a great huge house in the Near South or something along University row? He understands the Scott’s interest and involvement. McNair replied that one of the issues is owner support. She takes issue with the word destroy. She believes this will greatly utilize this space. She said
before this would be a hub. This could be an early childhood location and another location could house other students. They don’t want to burst at the seams.

Scott doesn’t believe they are destroying the house. They believe the academy will be rehabilitating it.

Beecham would love to see these kids served. It would be great to partner with the University. McNair clarified they have an informal, developing relationship with UNL. They are working with a professor how her students could work with the students at the academy.

Beecham inquired if there is an autistic speciality at the University. McNair replied they have a behavioral analysis expertise, but nothing specifically for autism.

Munn believes this is a rehabilitation, but the house isn’t just what is designated. This involves the house, the carriage house, the potting shed and the stone wall.

Jones questioned if this is a new effort by the applicant. McNair responded that they are not presently serving children. FEAT has been in existence since 1997. They have been providing scholarship money for home based therapy.

Jones stated that one concern of his is that the applicant will immediately outgrow the house and leave an altered site. He questioned if FEAT is fiscally sound enough to operate this. This is a tremendous responsibility. McNair replied that Nebraska is one of four states that does not have a program like this. They are modeling themselves after successful programs. They have no intention of abandoning this house.

Jones heard someone mention that autism work is held on UNL east campus. McNair replied the special education chair is on the east campus, the classes are on city campus.

Peter Bleed questioned who will hold title to this land. Scott replied that the Kinder Porter Scott Family Foundation owns the property. FEAT Academy will be a tenant.

Joy presented the site plan. The carriage house would be taken down and rebuilt. The improvements start at the edge of the house with a ramp and a sign. A driveway would be shared with the adjacent site. The program start times would be staggered to alleviate traffic.

Beecham wondered about traffic and drop off sites. Joy replied that there will be drop offs on the street out front. You will also be able to drive into the site, drop off and leave. There is the potential for parking conflicts. McNair noted that all children will have a staff person to meet them and walk them in. It will be a one on one for the drop off site. Each child will have a staff member walk them in.
Kuhlman wondered if staff would be on 16th Street directing. Joy stated that they anticipate the church tenants next door to be in place when they would be occupying this building. That makes for potentially another driveway, depending on curb cuts. The neighbor is not ready to release their plans yet.

Dennis Bartels stated that staff could live with the ten foot driveway for a one way driveway. The interim drive would be their concern. If the one way driveway didn’t develop, you could have conflicts with crosswalk or a car wanting to enter. They don’t want to stop cars in 16th Street waiting for the driveway to clear. There is a crosswalk in the street and it gets a lot of use in this area.

Krout has heard there might be an interest in making 16th St. and 17th St. into two way streets. This is not an immediate notion.

Bartels noted that the opinion on 16th St. and 17th St. being two way streets has changed many times in the last 30 years he has been with the city. He further stated that possibly, parking stalls in front of the property could be eliminated and it would most likely be designated as a drop off zone.

Jones is concerned that occupants in the drop off zone could disturb the adjacent traffic lane. Bartels noted that parking is allowed there now, but the current parking wouldn’t turnover the way this would. It would not be an ideal situation, but it wouldn’t be unprecedented.

Joy stated that they have received a letter from the University stating their intent to let the FEAT Academy use up to fifteen parking permits for the parking garage at 19th St. and Vine St. and showing their support for the proposed tenant.

Joy presented some drawings of the proposed site and buildings. On the new building, materials would be kept similar. The carriage house would be replaced, but identical.

McKee noted that last month, the applicant was proposing a connection between the carriage house and the new building. Joy replied the connection has been eliminated.

Munn noted that the potting shed is part of the National Register listing. They won’t like taking it down and replacing it either.

Scott believes it is a health and life safety issue.

Munn stated that the accreditation for the building might be pulled. He questioned the ramp and railing going into the house. Joy replied the rail would be a wrought iron look.

Scott believes a ramp might violate the nomination, but it must be done. Munn believes there are exceptions for those types of items.
Beecham is unsure of the flat roof line on the new building. It looks like a portable classroom.

Joy they have talked about mirroring the shutters from the house.

Beecham would like to see a little more pitched roof.

Jones wondered if the interior walls will be used as is. Scott noted that some alterations were already done to the interior.

Joy stated that with the new floor plan, you walk in from grade. There are group rooms and one on one rooms, along with other features. As far as materials, they are looking at replicating the siding on the carriage house and maintaining the feel of the limestone foundation on the house.

Beecham wondered why they elected not to do a roofline. Joy replied the goal was to keep it as neutral of a box as possible.

Jordan Berger of WRK appeared. He stated that to renovate just the Lewis-Syford house would take about $671,000.00. This is a very cost prohibitive property.

Scott stated that would be the cost for rehabilitating just the house, not the other structures. The foundation needs to be lifted and repaired. There are many costs associated with this property.

Beecham questioned what the original vision was for this house when it was purchased. Scott replied their goal is to have a usable building that benefits the community.

Beecham inquired if there were concerns with the easement. Scott replied they were hoping to get a college affiliated use. The economy changed and their initial idea didn’t work out. This is the reality of a building like this.

Francis noted that on 26th St. and “N” St., two houses were combined for the women’s shelter. It won a PAL award.

Beecham would like to know more about the easement.

Bob Puschendorf appeared. The State Historical Society Foundation was the previous owner. Their function is to raise money for the foundation. They realized the property had roof problems, along with other problems. They had expressed concern over the maintenance of the house since ownership was transferred. They knew the condition needed to be stabilized. There is a maintenance provision in the easement agreement. The easement agreement came out of the fact that they were disposing of a State Historical Society Foundation property. The easement agreement was in his opinion, given in good faith.
Beecham wondered if Puschendorf is aware of the intent of the wording, to keep up the maintenance of the building. Puschendorf believes the intent of the easement also deals with the continuing preservation of the building. Maintenance and upkeep are part of the easement. If the buildings no longer exist, there would be no responsibility to rebuild the house.

Jones thinks that is there so a person can’t purposely deteriorate the property and rebuild a skyscraper. Puschendorf believes the easement speaks to acts of God, etc.

Peter Bleed stated that he was on the State Historic Society board when this was transferred. It was a community action. From a design point of view, these were agreements that were over constructed, but sincere. We wanted to assure the preservation of this property. The intent is an important part.

Krout stated new language that was proposed by Planning staff.

Puschendorf noted that the taking down of trees, land alterations, etc. all need to be addressed. Maintenance and basic upkeep were all addressed in the agreement.

Becky Martin appeared. She is President of the Preservation Association of Lincoln. She believes this is one of the five oldest houses in Lincoln that is still standing. She would hate to see anything that takes away from the original site. She believes the proposed new building does that. That is their largest concern. They would like to keep this as a rare gem. She believes it went into private ownership with the understanding that this was a landmark. We are trying to keep it as an intact property.

Puschendorf believes the commission has a good grasp on the easement and special permit. There has been a lot of discussion on traffic. He wants to talk about the Certificate of Appropriateness. It is imperative that as a certified local government, that this commission considers the Secretary of Interior standards. Those are the overriding conditions. They are attached to the local landmark designation. Three of the standards, we have stumbled over. The first one speaks to the reasonable effort to provide a compatible use that involves minimal alteration. He doesn’t think this is the property to squeeze this type of use into. He is somewhat torn. He believes there is a great need for this type of use. He goes back to the standards. The original distinguishing qualities will not be destroyed. He believes this will degrade the site. Archaeological resources are also listed. He knows the applicant has every intent to meet the standards, but he doesn’t think they have been met with this proposal.

Beecham questioned the chances for archaeological resources.

Peter Bleed stated that this house didn’t originally have plumbing. The resources are there. The larger point is the surface. This is all part of the importance of this place. It is a tiny portion of Lincoln that survives. He values it as a preserved piece of Lincoln.
Krout inquired if Bleed is saying the proposed alteration would permanently cover a portion of the archaeological resource. Bleed replied that the new building would do more than sit on top of any archaeology that is there. He is not eager to dig this up. Let’s recognize that there is more than an exterior here.

Beecham stated that this is giving her pause. This is a fabulous project, but she feels that it is overlooking the fact that part of the reason this was designated, is that it is a unique remnant of a residential neighborhood. She is not sure she is giving full discussion to the value of the lot and the position. She feels we need to go back and discuss this further.

Beecham moved to reconsider the vote for the special permit, seconded by Johnson.

Beecham wants to make sure that all the information has been reviewed. She loves the idea that this doesn’t touch the house, but she is not sure that this doesn’t hurt the site.

Motion to reconsider carried 7-0: Beecham, Francis, Johnson, Jones, Kuhlman, McKee and Munn voting ‘yes’.

Munn looked through the nomination documents. It talks about all the features and the setting. He is struggling with this application. He doesn’t want to be responsible for killing the building. City Council will have the final vote on this. It is the job of this commission to discuss if this is an appropriate fit based on the Secretary of Interior standards.

Bleed came to this meeting expecting to add some historical perspective. There are bad ideas and good ideas. He thinks this gets into many things. This is getting too complicated. He believes the commissioners ought to step back and say there are better places, better historic Scott owned properties closer to the University facilities that are more accessible in a variety of ways that will free of us the discussion and problems that this group is trying to solve. In 2007, he was on the executive committee of the State Historical Society Board. He heard the foundation wanted to sell this building. The board said no to selling. As a result of good community discussion, a member of the board wrote what he intended to be a very strident preservation document for this building. It was his understanding the foundation was offered a good deal more money for this property. The document transferred with the property. It was done with the understanding that there was a sincere expectation that said this would be developed as a high quality guest house for the University. That was the understanding. In the years since then, materials were stored on the second floor. It is an old building, but it looks worse now than it did then. It has spiraled downward. The easement has not been maintained. He is concerned. He likes to live in a community that has diverse texture. He believes in agreements. He hopes this body makes the best decision. What does this instance have to say about the way the city is going to maintain this institution of easements that are important to those who feel strongly about historical preservation?

McNair has received many emails. This is a complicated, difficult situation with the property. She is up to the challenge of making this work. We are constantly dealing with
big issues. No one is wanting to tear down anything. They just want to add on to it. She believes there is a way to make this work. They are happy to keep the house, the potting shed and the carriage house looking the way it does.

Scott stated that the reality is that if you renovate this property, the costs involved and rent needed, would not work. They have maintained the house. Water is not coming through the roof anymore. It is in better shape now than when they bought it. The value of creating a school is an opportunity. Everything changes. He thanked everyone for their time. They welcome ideas.

Public hearing was closed.

McKee doesn’t believe this is the place for this school.

Jones feels exactly the same way. His position is that the easement matters. He feels very strongly. The foundation sold this property under the condition of the easement. He thinks they have a right to expect the easement remains in effect.

Munn noted there is a time when things change.

Kuhlman thinks this is a wonderful reuse of this property. She worries about the numbers. If this project doesn’t move forward, the property could go into disarray. She sees this as an opportunity. It is a wonderful property, but the historic vistas are gone. She would hope as the applicant moves forward with the construction, that there is a partnership. She hopes an archaeological survey could be done and learn from the past. She thinks if this project doesn’t go through, it scares her what could be done.

Beecham believes the property wasn’t bought as a business. This was purchased by a foundation. To her mind, it’s not the same. She wishes that the original use of a University guest house would have happened. She is really struggling with this use. She wonders if buildings are put on the lot, if the designation is changed. The designation talks about the residential feel.

Johnson is conflicted as well. He thinks he has been swayed in favor of the Certificate of Appropriateness. He believes this would be a good use for the property. He knows the standards, but believes without this project, the property could deteriorate.

Beecham is concerned if this is approved and a new building built, if they relocate, a large building is left behind. The current occupants are being considered for the new building.

Francis believes it has been enhanced for the next tenant.

Beecham noted this was originally for a residential use. She wondered if a sorority could use the building?
Munn and Francis don’t believe that would ever work.

Beecham questioned any interior modifications that might be done. Krout replied that prior to submitting building permits, the plans could be reviewed by this commission.

Munn stated that part of the standards note that if a building is added to a historic site, if the use changes, it would need to come down. The Secretary of Interior standards highly recommend that.

**ACTION:**

Beecham moved denial of the Certificate of Appropriateness, special permit and easement change, seconded by McKee.

Beecham believes this is the most difficult vote she has ever had. It represents a neighborhood and she feels it loses that, if a building is placed there.

Motion for denial carried 4-3: Beecham, Jones, McKee and Munn voting ‘yes’; Francis, Johnson and Kuhlman voting ‘no’.

**APPLICATION BY CRAIG SMITH FOR A CERTIFICATE OF APPROPRIATENESS FOR WORK AT 151 NORTH 8TH STREET IN THE HAYMARKET LANDMARK DISTRICT PUBLIC HEARING:**

Members present: Beecham, Francis, Johnson, Jones, Kuhlman, McKee and Munn.

Craig Smith stated that he is addressing a secondary façade. They are proposing to turn the brick around the corner, and then finish the wall with metal siding.

Ed Zimmer felt that there was enough material change that the Commission should see this again.

**ACTION:**

Jones moved approval, seconded by McKee.

Smith noted it became a structural issue to add a full thickness of brick.

Munn wondered if Smith has looked at a face brick product. Smith replied he has not. He believes the metal will match.

Zimmer is a little concerned that the material being proposed will make this look like a false front. There is a lot of metal work on secondary features. This is the sidewall of a building.

McKee wondered if a darker color might make this disappear more.
Zimmer noted perhaps thin brick could be used.

Kuhlman would support a thin brick at least to a point where you turn back to the west. She believes the side of the building should be brick.

Smith isn’t sure he could get the brick made in the same color.

Zimmer believes it doesn’t have to be the exact same. He would suggest thin brick would match and he can sign off on what has been seen before by the Commission as “no material effect.” Mr. Smith indicated he would change the drawings submitted to reflect a ceramic/thin brick material. The Commissioners agreed and the motion was withdrawn as unneeded.

NOMINATION TO THE NATIONAL REGISTER OF HISTORIC PLACES OF “U.S. 2ND GENERATION VETERANS HOSPITALS”, INCLUDING LINCOLN V.A. MEDICAL CENTER, GENERALLY LOCATED AT 600 SOUTH 70TH STREET IN LINCOLN

PUBLIC HEARING:  

Members present: Beecham, Francis, Johnson, Kuhlman, McKee and Munn; Jones absent.

Zimmer stated that there was a nationwide nomination written for VA hospitals of the era between the World Wars. The Veteran’s Administration has been pursing extended lease agreements. Their intention is to finance new clinics by these leases that are supposed to generate the funds to build a new clinic. They are pursuing an agreement with the Lincoln Senior Foundation which would be the developer of this site. Tentative site plans show other work being done to generate income. Work on the site must meet Secretary of Interior standards. An early aerial photo shows some concerns. The nomination was prepared by consultants from Kentucky. They don’t give much discussion to site features. The only site feature they mention as contributing is the original entrance road. Zimmer believes the other pieces are essential. The old concrete-block farm house was sold and moved, but the restriction remains on that land.

The aerial photo shows some deliberate beginnings of designed landscape. He wishes there was more definition to site features. They identify the main building as neoclassic revival and call the others colonial revival. He would disagree and call it federal revival. They identify all the pale material as terra cotta and he believes it is limestone—he will check whether that needs to be corrected. They have asked local elected officials, the Mayor and chair of the County Board to respond to their nomination. Zimmer wants to get feedback from this commission first.

The commissioners all agreed that this property is definitely National Register eligible.

McKee stated that in the day, this had it’s own water department and fire department. It was self sufficient.
Zimmer stated that the tentative plan he has seen shows a medical office building south of the drive. A new VA clinic is tucked back on the east side and the plan talks about renovating the main hospital for non-profit offices. They show commercial development to the north of the historic drive, to the Leavitt house property. He thinks that is questionable about being open to development.

Danny Walker questioned if the proposal for a historic designation encompasses just the main structure. Zimmer replied that the nomination encompasses the whole site and identifies which buildings are historic and which are not.

Walker is concerned that the other buildings could be destroyed. Zimmer stated that this designation nominates all 57 acres, all the structures, the garages out back, everything. This covers 70th Street all the way to the back fence.

Danny Walker believes that the VA likes to hide a lot of things. He has copies of two articles from the Omaha World Herald. For every two soldiers killed, about twenty Vets are dying by their own hand. Turning over this main structure is the last thing that should be done. The proposed new Omaha facility has been put on the back burner. There are many new Vets every year. A letter in the paper acknowledged about 1,000 suicide attempts every month.

Zimmer acknowledged that this is an important site.

Walker stated there are veterans needing aid, all across the country.

Zimmer noted that Walker can direct any questions to him and he will discuss any plans when he has knowledge of them.

**ACTION:**

McKee recommended approval of the nomination, seconded by Johnson and carried 6-0: Beecham, Francis, Johnson, Kuhlman, McKee and Munn voting ‘yes’; Jones absent.

**MISCELLANEOUS:**

**8th and R Street**

- Craig Smith stated that all the agreements have been signed with the current hotel. Hilton Garden Inn came back with a series of comments. They didn’t want the Haymarket sign in the stone. The hotel will be on site in approximately three weeks. He presented the signage package. The sign will be back lit LED. This is a requirement by Hilton. The project was started and then changed.

Munn noted this is a large sign.
Zimmer believes this is large, but not necessarily out of scale to the building. The commission has approved channel letters with neon stroke. It depends on what it would look like during the day.

Smith believes it would glow.

Zimmer noted that back-lit, plastic faced signs are not a permitted type in the Haymarket. Perhaps a C channel design could be done.

Smith prefer solid letter with halo behind it.

Zimmer noted that an example would be open channel with a plexi face. Some back glow has been done, Fireworks for example.

Smith has had some discussions with parties interested in retail on the first floor. They are working through the details of perhaps having blade signs on the awnings. He will be back with a signage package.

Smith will speak with Hilton about a C channel design sign.

Barry’s

• Kuhlman stated that Sinclair Hille has been approached by the new owner of Barry’s. They want to do a renovation of the building. She would like to get feedback on preliminary ideas for the exterior. Interior renovation is phase one, phase two is the roof garden, and phase three would be the exterior next year. They want to take off the art deco façade and return to the original brick facade.

McKee believes a roof garden was approved and never built.

Kuhlman stated that the roof needs to be replaced. There is a supporting wall that is supporting the parapet. It needs to come down. The roof is ready to fall in.

Zimmer noted this building is pieces of the Nebraska boiler building and vague pieces of an old hotel. It was a very plain building.

Kuhlman noted they are proposing to paint out the north side. They aren’t sure what is under the stucco. She has only been working on this a few weeks.

The commissioners agreed it will be good to clean up this building.

Kuhlman will bring back more information next month.
There being no further business, the meeting was adjourned at 4:30 p.m.