

MEETING RECORD

NAME OF GROUP: HISTORIC PRESERVATION COMMISSION

DATE, TIME AND PLACE OF MEETING: Thursday, November 20, 2014, 1:30 p.m., Conference Room 214, 2nd Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE Greg Munn, Jim Hewitt, Jim Johnson, Berwyn Jones, Liz Kuhlman, Jim McKee; (Tim Francis absent). Ed Zimmer, Stacey Groshong Hageman and Amy Huffman of the Planning Department; Kevin Abourezk from the *Lincoln Journal Star*.

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 requested a motion approving the minutes for regular meeting held October 16, 2014. Motion for approval made by Johnson, seconded by Jones and carried 6-0: Hewitt, Johnson, Jones, Kuhlman, McKee and Munn voting 'yes'; Francis absent.

The opportunity was given for persons with limited time or with an item not appearing on the agenda to address the Commission.

APPLICATION BY KEVIN RHINEHART FOR A CERTIFICATE OF APPROPRIATENESS FOR WORK AT 1717 D STREET, THE MYRON WHEELER HOUSE, A DESIGNATED LANDMARK

PUBLIC HEARING: **NOVEMBER 20, 2014**

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

Kevin Rhinehart, applicant, stated that since he appeared before the Commission last month, he has worked with the Building and Safety Department and Arrow Architecture to come up with solutions for the second floor egress window. He gave a brief presentation of the Myron Wheeler house, showing where the project started out and how far it has come in the past three and a half years since the time of its purchase from foreclosure. He stated the same presentation was given to the Near South Neighborhood Association (NSNA) two years ago. A letter of support from the NSNA President was included in the report for the Special Permit at that time. The upstairs apartments were complete, and since then, 95% of the main floor has also been completed.

Mr. Rhinehart went on to address concerns and suggestions made by the Commissioners at the October 16, 2014 meeting. It was suggested that the grand staircase could be renovated and used. That grand staircase is directly underneath the kitchen of the third apartment. Sixty square feet of the kitchen would be lost and the bedroom would need to be modified in order to open that stair back up. Those changes would not leave enough square footage for the apartment space to still be viable. The financial loss of eliminating the third apartment would be substantial. There would also be immediate costs due to construction. There were also concerns about the design of the exterior staircase. The new idea is to use what the building already has by extending the current balcony forward seven feet and out to the side ten feet without disrupting the front corner. The metal staircase will duck down behind the lower roof toward the back of the house to conceal it.

Jones asked for clarification on differences in two illustrations showing the new design that were provided to Commissioners. Rhinehart explained that the balcony is extended. Munn clarified that in the drawing, there is an extension of the shingle wall, but that is not the same as the metal railing.

Rhinehart went on to address the concern over how visible the exterior stair might be from the street view. With the new design, it is concealed on the west side, and there is only approximately thirty feet of sidewalk from which it is visible. Johnson confirmed this, stating he walked past the property.

A final concern was how this change would affect the neighborhood. He went out and spoke to all available neighbors, especially those nearest on the east and west. Ricke Fahrenbruch, owner of the adjacent six-plex, wrote a letter in support. Urban Development had also invested approximately \$50,000 in the home under the previous owner. Thirty letters of support were received from owners within a three block radius. This is a life saving device, otherwise these changes would not be made. It is challenging to meet today's building codes with a house built in 1891.

Jones asked if the second story apartment kitchen was completed? Rhinehart confirmed that most of the renovation on the upper two apartments was completed in 2012.

Zimmer asked if Rhinehart intended to apply for the Special Permit that would allow the stair to be placed in the side yard? Rhinehart stated he will do whatever is necessary to move forward. Zimmer went on to ask about the sprinkler installation that might be required by Fire Prevention. Rhinehart stated that with the current codes, he is required to have either sprinklers, or wired in smoke detectors with two separate exits. Zimmer advised that he follow up on that because it is possible that he will still be required to install sprinklers, according to the building officials. Rhinehart agreed, stating that he received a different answer.

Jones asked whether the applicant will be required to install sprinklers once the new code goes into effect? Zimmer stated based on the information he got today, he will need the sprinklers at this time, but he will have to confirm with Fire Prevention on that.

McKee asked if it is confirmed that the proposed exterior stairs will meet the code? Rhinehart answered that he met with an engineer and the design meets code structurally. Zimmer stated he does not believe Building and Safety has had a chance to review the new plans.

Hewitt asked what type of motion is necessary to give Mr. Rhinehart what he needs to proceed? Zimmer replied that the applicant is asking for the certificate of appropriateness. This proposal anchors the stair in the 5 foot side yard area, which will require an amendment to his special permit, which he has not yet applied for. That application would be reviewed by HPC, Planning Commission, and City Council, to adjust his site plan to show that he can use that side yard in that manner, similar to the action approved for the Griswold House guest house.

Munn asked if the edge of the roof is allowed extend into that five foot side yard area? Zimmer stated that he believes there is an allowance for eaves or balconies to extend into the side yard, but not “habitable” items such as staircases.

Jones noted that the new balcony is wider than the existing porch. He asked if it could be moved back so that it lines up with the existing porch to allow the egress to come out onto the existing porch area? Mr. Rhinehart stated that is possible. The reason it was drawn out farther was to conceal the staircase as much as possible. But it could be moved back to be in line.

Kuhlman pointed out that the front elevation of the house needs to be considered. McKee said it would stay in line with the existing porch and be roughly parallel to the west wall. Munn asked for more detail about the interior arrangement near the proposed egress window. Various designs options were discussed.

ACTION:

November 20, 2014

Hewitt moved approval of the Certificate of Appropriateness for work at 1717 D Street, the Myron Wheeler House, a designated landmark; seconded by Johnson. Munn stated it would be better to get more direction on the design. It is understandable to pull the wall out to cover the stairs, but that would be a noticeable change. Johnson agreed. Jones said more options should be considered. Rhinehart stated he has no issue with the final width of the balcony. He had placed more emphasis on concealing the stair

Jones stated that he does not want to see this house die. Johnson agreed that it is a good idea to continue to talk to architects if this is approved. Rhinehart agreed that it does need refinement.

Clark DeVries, Near South Neighborhood Association, stated that Near South did support the initial conversion to the three-plex. They supported an interior change that would save that interior stairway and make it into a more traditional conversion. The upper floor could become a deluxe apartment and then the building is just a duplex and many of these requirements are no longer necessary. It would also generate higher rent to make up for the loss of the third apartment. There is no major justification for this remaining a three-plex. The changes to the exterior will ruin the character of that balcony which was part of the original design of the house. If sprinklers are required, then it could make sense to go to a duplex.

Rhinehart replied that the difficulty in going backwards is that, for example, six and a half tons of central air were installed for three separate units, and all utilities have been separated. It would have to be completely redone.

DeVries stated he does not believe it would be that difficult to convert it back.

Munn asked if sprinklers are required, what does that do? Rhinehart replied that he hadn't even looked into that option because everything he'd been told by Building and Safety is that he didn't have to have them, when he specifically asked that question. He understands that Lincoln is utilizing the 2007 building code right now and it stays in effect until the more recent code is implemented. Jones asked if a duplex would require sprinklers? Rhinehart stated that a duplex would not require any of this.

Munn asked if he looked at the difference between the rent with a large two bedroom unit compared to two one-bedroom units? Rhinehart indicated that he had, that each unit is about \$575 currently, while a two-bedroom would be \$750, so it would be a \$250-300 dollar loss per month over the live of the building that is significant.

Jones stated HPC needs a definitive answer on the sprinkler questionsm that he wasn't ready to vote. Munn noted that HPC's issue is change to the character to save the house. This is where we are now. He agreed that it would be best not to change, but we've seen houses like this fall into the ground. And these changes are reversable. Jones stated that that is a comfort.

Zimmer indicated that Kevin will have to work out the sprinkler issue with Building and Safety. He suggested that what HPC had before it today is sufficient information to decided on the certificate of appropriateness. Johnson agreed that HPC can't determine how the inside changes will go. HPC wants the sprinkler issue to be resolved, but that is not before our board now.

Kuhlman asked about adding conditions for the approval of the Certificate of Appropriateness. Can we add that a historical architect should be consulted? Kevin said his whole idea was that he didn't want it to be unattractive. Munn the plan does need refinement. Whether this is approved or not, it can be better than what is shown here.

Motion carried, 6-0. Hewitt, Johnson, Jones, Kuhlman, McKee and Munn voting 'yes'; Francis absent.

DISCUSSION AND RECOMMENDATION

• Review and recommendation on redevelopment proposal by Argent/Speedway for “Journey Senior Living” at Lumberworks Garage.

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

Zimmer introduced the item, reminding Commissioners they previously saw this project at the October 23rd meeting. When this project was selected by the City in response to a redevelopment invitation, the proposal suggested a height waiver would be requested. In October, the design was still in development but it was suggested 95-100 feet might be the request. The underlying height limit is 75 feet and anything additional must be requested and reviewed for a special permit. The special permit application has been received, requesting 105 feet to accommodate a limited 8th floor, providing access to a deck on top of the 7th floor, plus an 8th floor dining room/community room. This application will have to go on to Planning Commission, so HPC is advisory instead of Urban Design Committee due to adjacency to Haymarket.

Carl Groesbeck, representing the Argent Group, indicated they have submitted their height request. Two things happened. They extended a prominent 8th floor. The street side of canopy will only see a portion, the dining terrace room. We are working on moving the elevator core with its height into the center of the building. And there are some issues with the length of travel for senior citizen residents. Because we are working with the existing garage, there is some congestion there.

As they studied the structural system, the one they chose will have a 20 inch floor plate instead of 8 inches. That starts to build up the height. So the 75 foot “by-right” height would provide six floors. They initially asked for a 7th floor and the projection for the center portion in order to really use the roof deck, and make it more prominent feature. As now proposed they would have a nice large deck with railings setback, with some greenery. They hope to move the elevator closer to the center. The added 8th floor room helps to signify a much more marketable housing product.

Another issue is that at this point on Canopy street we are considerably lower than 9th Street to the east. If you think of heights in reference to rest of Haymarket and downtown, they are going up, but starting lower.

McKee asked if this request affects Capitol Environs.

Zimmer explained that the Capitol Environs District the height restrictions apply only around Capitol Square and along the four axial malls. The Capitol View Corridors, on the other hand, cover most of downtown. He said the corridors are intended to cause analysis of

whether a proposal affects a prime public viewing opportunity. And this area, the prime views, such as from West O Street, sweep well south of this parcel.

Mckee explained that he was thinking of it from an Urban Design viewpoint.

Groesbeck indicated that they did actually look at that extensively. They think the centerpiece room will primarily be for independent living residents. But for all the residential units it makes a very good statement. A slight projection comes out near the center of the west elevation, where there will be a gap in the railroad canopy, which will extend on both sides. Other changes to the actual facade would come back to HPC. They are adding a third floor along the O street side. It will now hide the garage and it is well below the 75'.

McKee asked if the building connects to the garage? Groesbeck indicated it would at the third floor. They want to make sure where they connect they have a controlled point and they are working with management parking to arrange for spaces that will be right in on the floor adjacent.

Zimmer noted that the elevations, in presenting the building in just two dimensions, may make it appear the top floor would be unbalanced, with the central dining room and south corridor to the elevator. However, the circulation elements are set well back from the west edge and would not be visible. He also noted that the top of the elevator mechanicals would be above 105 feet but the zoning code provides for mechanical equipment in addition to the permitted height, if screened and set back. So that is ordinary, not a problem or mistake.

Munn noted they are proposing to have some areas of green roof. Groesbeck indicated they're focusing on the south half of the roof as it will be more sheltered from the elements, and the north area will have low mechanical equipment as they don't have a basement. Munn noted that the height of the building should help make rooftop equipment inconspicuous.

Jones asked why the zoning district height is 75 feet.

Zimmer indicated that to the best of his knowledge, the 75 feet was put in place after the Lincoln Hilton Hotel (now Downtown Holiday Inn) was built in the 1970s, well above 75 feet. Apparently there was recognition that seemed very tall in relation to its surroundings. More recently, when the rail yard was rezoned for West Haymarket redevelopment, there was discussion of protecting key views within Haymarket, especially on P Street to the west. The new area was zoned with 100 feet as the limit near the Arena and 75 feet further south, down the P Street view shed. Zimmer suggested the Lumberworks parcel did not seem to have that kind of critical position. He suggested there can be more flexibility to the southern edge of the district. This also is a spot where they are trying to achieve a liner building for the garage, on the space leftover. The dimensions of the remaining parcel tends to push redevelopment up to a taller height. The garage is about 55 feet tall.

McKee asked about the height of the deck of the overpass? It is about two to three stories.

Groesbeck noted that most of the building would be under 80 feet tall, with only the center room and its corridors reaching 105 feet. The request is just for the senior housing, not for the lower 3 story liner building along) Street. Kuhlman asked if that liner building will come back before the Commission. Groesbeck and Craig Smith indicated it would. Hallie Salem of Urban Development Dept. indicated it will come back in Decmeber.

ACTION:

November 20, 2014

Kuhlman moved to recommend approval of the special permit, Johnson second.

Jones noted this is a big exception for height.

Johnson suggested it is so close to the viaduct that we aren't setting much of a precedent.

Zimmer noted that he provides the minutes of HPC discussions to Planning Commission and they do read the report and take into account the discussion. Because this is a Special Permit request, the process provides for a close look at the specific parcel, rather than a broad look at the overall zoning district.

Groesbeck noted they would not be asking for this if the building site were wider because they could double the corridors. There is a financial issue of needing a certain mass of residents.

Kuhlman noted that in a future case if another building came in and wanted height, it would still come in, and we would get input. Hewitt: you can distinguish one from another so we are not tying our hands.

Motion carried 5-0: Munn, Hewitt, Johnson, Kuhlman, McKee voting 'yes'; Jones abstaining, Francis absent.