MEETING RECORD

NAME OF GROUP: HISTORIC PRESERVATION COMMISSION

DATE, TIME AND PLACE OF MEETING: Thursday, November 19 2015, 1:30 p.m., Conference Room 214, 2nd Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Tim Francis, Melissa Dirr Gengler, Jim Hewitt, Jim Johnson, Liz Kuhlman, Jim McKee, and Greg Munn; Ed Zimmer and Amy Hana Huffman of the Planning Department.

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 the Joint meeting with Urban Design Committee and the regular HPC meeting held October 15, 2015. Motion for approval of both made by Hewitt, seconded by Johnson and carried 6-0: Francis, Hewitt, Johnson, Kuhlman, McKee and Munn voting ‘yes’.

Munn introduced the newest Commission member, Melissa Dirr Gengler. She is the president of Historic Resources Group, Inc. Commissioners welcomed and thanked Ms. Gengler. Zimmer said Gengler is an architectural historian with extensive experience in both Nebraska and South Dakota. She helps to maintain the quorum of this body and meets the professional requirements for members recognized by Federal standards as preservation professionals. She brings lots of experience to this Commission.

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

APPLICATION BY EUGENA FOSTER FOR LANDMARK DESIGNATION AND A SPECIAL PERMIT FOR HISTORIC PRESERVATION FOR THE REES HOUSE, 4701 BANCROFT STREET.
PUBLIC HEARING: November 19, 2015

Members present: Francis, Gengler, Hewitt, Johnson, Kuhlman, McKee and Munn.

Zimmer said this is a dual application is for a Landmark designation and a Special Permit because the Special Permit can be requested only with the Landmark designation. An Art Moderne house such as Rees House is not completely unique in Lincoln but is quite rare. There are others of the same form are not in brick and are not located at such a prominent corner. It also has a strong association with the Rees family, who were significant
educators in College View. Mr. Rees, in his later career, was manager and editor of the Christian Record, the braille publisher just down the block immediately to the east. The Staff recommendation is that the application be forward on to Planning Commission and then to City Council with approval. Ms. Foster can best answer question relating to the special permit request.

Foster said the building is lovely and has a great healing energy, with high ceilings and great air flow, which is why as a nurse practitioner she is interested in the building as a healing space for people to be restored and to connect. She introduced her secretary, Leah Dank, and the current owner, Ed Sharon.

McKee noted that the Commission had first heard about this project at the October meeting and he was favorably impressed at that time. He asked if two motions are needed. Zimmer said it would be appropriated to make two motions. The Landmark designation should be made first because the Special Permit becomes irrelevant without that approval.

**ACTION:**

McKee moved approval of the Landmark Designation for historic preservation for the Rees House, 4701 Bancroft Street, seconded by Hewitt. Motion for approval carried 7-0: Francis, Gengler, Hewitt, Johnson, Kuhlman, McKee and Munn voting ‘yes’.

Munn called for discussion and a motion on the Special Permit.

Zimmer said these items will go to Planning Commission together. If this Commission completes work on them today, they will appear before Planning Commission on December 2, 2015. They vote on the same day as the hearing. The Special Permit will be listed as “Final Action”, but that is “final” with a big asterisk because it will have a Condition that the Landmark must be approved first, and that can only be done by City Council. There is just enough time in this calendar year to get to get to City Council for two meetings in December.

The special permit request is to operate Ms. Foster’s medical practice in the building, as was described in the application and report. Not all, but many of her patients are from Union College with whom she has a contract. So proximity to campus if favorable both to her practice and to her clients. And also helps meet the lack of onsite parking at this site. It is a large corner property. There is shared on-street parking and a driveway which may sometimes be used for parking but isn’t deep enough to provide required stalls. If the Commission supports the application, my report to Planning Commission will opine that there will not be adverse impact on the neighborhood given the moderate level of activity, the proximity to clients, and the big frontages of this corner lot.

Munn asked if the house was located in the R-2 residential zone. Zimmer clarified that it is an R-6. Much of the area around Union College has apartment type zoning. There is also commercial zoning immediately north across the street and one lot away to the east. He
said believe the department would oppose commercial rezoning of this property because that would leave too broad a range of uses open. Here she can only do what she is asking to do. It is analogous to some of the Landmark Special Permits we have in Woods Park along N Street, from 24th to 25th where there is a law office and Voices of Hope operating in Landmarks along that dividing line between commercial property and a residential area. The building stays in place and the activity is broadened. It has worked well. Munn added that it is then not left wide open for future operations that would be less appropriate in the area. Zimmer noted that the special permit would only allow the use Ms. Foster has requested.

Foster said she spoke with the College View Neighborhood Association last Wednesday and they were in support and did not express any concerns. There were several people from the college there and they seemed eager to be supportive. She also visited with neighbors and they asked about long-term plans. She indicated those conversations have also gone well.

Zimmer added that a sign is posted and all property owners within 200 feet are notified and staff has not received any responses. If any are received, they will be passed on to Planning Commission and City Council.

Zimmer said the application includes a mid or longer range plan which shows a modification to the porch. Foster said the back porch windows need to be replaced. The light from that south view warms the entire interior wall which is at the back of the interior fireplace wall. The entire area is a sun room. She plans to utilize it as an office for now because it is not handicapped-accessible. She would like to make an addition when the windows are replaced in order to have a complete sunroom that has glass all the way around. It could be used as a meditation and yoga room to utilize the sunlight.

Zimmer said the packet shows drawings of the proposed modification. If it is approved here and by City Council, it would be deemed approved. If you feel it is necessary, a condition could be added that it be brought back before this commission, but her request is to approve it at this time.

Munn asked if part of this process is approving that change to the structure? Kuhlman asked if it requires a third motion? Zimmer said it is covered within the Special Permit application. Adding a condition to see final plans could be added in the motion.

Zimmer also stated that no specific design of a requested sign has been presented yet, so he has suggested that when available, it come back before Commissioners for review. It is indicated on the site plan that we are anticipating seeing the sign. He has also suggested it not be placed on the building since this is purely a residential building. It would also serve the business better if it were located out in the yard. A location would be shown on the site plan near the northwest corner of the lot. Foster said the artists who will design the sign are two gentlemen she went to school with who started their own company and do amazing metal artwork. They will design the sign and it will be placed in approximately the same
area as the zoning sign. Zimmer said the zoning sign is placed within what is probably public property, so the permanent sign will be farther in.

Kuhlman asked if there is stucco anywhere on the existing building, because the drawing looks like it is introducing that material? Foster said it would not be stucco, but would stay the same elements as the house. The proposed addition is all windows. Zimmer said that the architect has shown stucco above the windows. Foster said she would like it to be as much glass as possible. Munn clarified that there is stucco above a parapet wall that is above the windows. Kuhlman said that would need to be some sort of solid material, whether it's brick or stucco. Munn agreed. Foster said her preference is for the material to be brick. Zimmer indicated he would note that in his report and in the conditions of approval. Kuhlman and Munn agreed. Foster said she was unaware of that detail, but she wants the existing elements and straight lines to remain in the design. Munn added the addition is at the back, so it is not adversely affecting the street view. Zimmer said that it will be visible, but agreed that is properly located and that it remains in the spirit of the design. Munn said the windows are larger since it is a sunroom, but it does retain the original character.

Johnson moved approval of the Special Permit for historic preservation for the Rees House, 4701 Bancroft Street, seconded by Hewitt. Motion for approval carried 7-0: Francis, Gengler, Hewitt, Johnson, Kuhlman, McKee and Munn voting ‘yes’.

APPLICATION BY NEBRASKA NEON SIGN COMPANY FOR A CERTIFICATE OF APPROPRIATENESS FOR “CIGARZ” IN THE TOOLHOUSE COMPLEX, 800 Q STREET IN THE HAYMARKET LANDMARK DISTRICT.
PUBLIC HEARING: November 19, 2015

Members present: Francis, Gengler, Hewitt, Johnson, Kuhlman, McKee and Munn.

Ryan Haffey, Nebraska Neon Sign Company, said this is a simple hanging neon sign with two sides that can be seen from both ends of the alleyway. It will not be visible from the street because it so far back in the complex with the entryway approximately fifteen to twenty feet from the back of the building. Zimmer said it has a speakeasy feel in that location.

Haffey said the sign is a round cabinet and will have a return on it so the neon will be inset. It will not have separate metal around each letter, just that single cabinet element. Zimmer noted that even if it were more prominent, it would still be a typical Haymarket sign.

McKee said he wondered if it is high enough off the ground. Haffey confirmed that the sign fits just under the minimum clearance. He would like for it to be higher, but it is pushed all the way up as it is.

Munn stated that well designed neon signs are allowed on a case-by-case basis. He called for a motion and discussion.
McKee said that because it is tucked so far back, it almost has no material effect. Zimmer stated that he would never regard a sign as no material effect, but agreed this is minimal. Munn said that it probably has to be neon to even be seen.

**ACTION:**

Kuhlman moved approval of the Certificate of Appropriateness for “Cigarz” in the Toolhouse complex, 800 Q Street, seconded by Johnson. Motion for approval carried 7-0: Francis, Gengler, Hewitt, Johnson, Kuhlman, McKee and Munn voting ‘yes’.

**APPLICATION FOR A LANDMARK DESIGNATION AND A SPECIAL PERMIT FOR HISTORIC PRESERVATION FOR THE BETZ-VANANDEL HOUSES, 1037 - 1039 AND 1045 SOUTH 13TH STREET.**

**PUBLIC HEARING:** November 19, 2015

Members present: Francis, Gengler, Hewitt, Johnson, Kuhlman, McKee and Munn.

Zimmer introduced the homeowner, Jeff Heerspink. Mr. Heerspink has additional stakes in the neighborhood in that he is the pastor at the F Street Neighborhood Church, formerly known as St. Paul Evangelical Church. He is the owner/occupant of the corner property and the landlord of the duplex next door. There was a third house on the north part of the lot beside what is now the alley and gas station. It was originally closer to the corner and was picked up, moved north, and rotated to face east in 1909. It left open the more desirable corner area which was sold to real estate developer, John Betz, who built his own house and the investment property beside it. Both structures are built in the foursquare style. The north house remained until just a couple decades ago. Now it is just the two foursquares, both in brick, closely related in appearance.

Zimmer said the corner home is more finely finished with a bay window to the south. The duplex has a molded concrete block porch, instead of the brick. It has two stairs up onto the porch, one to the first floor unit, which has a similar polygonal vestibule like the corner house, and a second stair to the second floor flat, which also has the attic and is the larger of the two units. The suggestion for possible landmark status is based on the architecture and the double use of the foursquare with the single family home side-by-side with the duplex. They are built with particularly fine materials, the corner house more than the duplex. The porch posts are cast concrete, not wooden. They both use early 1910s pressed brick with molded corners on the basement level. There is stringcourse, which is glazed terra cotta, and a more common brick above that. The corner house has a higher belt of the very fine brick. The finer pressed brick on the duplex only goes to the basement window lintels. The story of the development of the site and the architecture of the foursquares creates the possibility for consideration of the landmark designation for these homes. The Special Permit is a separate piece, but it is the reason we make this request for the landmark designation.
APPLICATION FOR A LANDMARK DESIGNATION FOR THE BETZ-VANANDEL HOUSES, 1037 - 1039 AND 1045 SOUTH 13TH STREET.

ACTION:

Francis moved approval of the Landmark designation; seconded by Johnson.

Hewitt stated that this is not the “Architecture Preservation Commission”, but the “historic”. It seems there should be an element of historicity about any structure that is approved for a Landmark designation. We had the opportunity to look at these houses. There is no problem with the significance of the houses architecturally at all. It just seems that there is no tangible historic basis for giving these houses, as opposed to any other houses in Lincoln, a historical designation. Hewitt said he is not trying to stop these applications from moving forward, but it just seems there should be more of a historic element showing that the use was special or they were people of some consequence in Lincoln. Otherwise, one could go up and down most streets of Lincoln and say many houses offer something different. If there is no historic background, it doesn’t seem that it qualifies for that standard. He intends to vote against the Landmark designation and will state this opinion again, should a similar situation arise.

Gengler asked if the City, by default, follows the National Register guidelines for listing? Zimmer said the designation Chapter 27.57 resembles the National Register language, but does not follow it completely. It does not cite a fifty year requirement, and it does not have the four categories which are association with a significant person, association with a significant event, architectural or engineering significance, and the ability to produce future information. Chapter 27.57 lists three categories—architectural significance, historical association (with a significant event or person), and archeological significance.

Zimmer noted that thinking back to the Rees House, when the Christian Record Building was nominated to the National Register, it was tabled at the State Board meeting on an argument similar to the one made by Hewitt, but on the basis that it lacked sufficient architectural design quality, even though that nomination cited historical significance instead. Hewitt said that the fact that the Christian Record operated out of that building made a clear historical case for that building. He does not mean to disparage this one at all, he just doesn’t think there is any historic connection. If this body is a “historic” commission, there should be some element of that in the designation.

Francis said that he thinks one role of this body is to advocate for tools for neighborhood transformation.

Munn said this is an ongoing debate. Architectural significance, some could argue, just means that a structure is a good, solid example of its period or style, even if it appears very normal. A good question to keep in mind is what designation means to buildings in the future, or in case someone wants to sell or tear down or change the structure.

Zimmer added that this house type is well represented in Lincoln. There does need to be
something that sets these structures apart. If this were only the corner house, it would be more difficult to say it stood out, but the pair of them together, the differences and similarities between them, and the cramming of three houses onto one lot has as much to do with the development of Lincoln at the time, and the flexibility of that style to serve different purposes. The landmark designation alone gives the opportunity for this body to comment on any changes to the building. It gives the owner the chance to consult with you for external changes. When it is linked to the Special Permit, it makes it more durable since it attaches the Landmark to the granting of the Special Permit. In this case, we are seeking to create a subdivision so that the properties can be maintained better. Even if a tornado took one out, the Landmark would remain so that this body would still have clarification about what can operate on this property, even if it came under separate ownership someday. There has been a lot of discussion about the broader planning in this neighborhood. As a department, we are comfortable saying maintaining these houses fits our vision of what the neighborhood ought to be, and thus fits in with the Comprehensive Plan.

Munn there are many different ways of seeing significance. Zimmer said that though there is already a motion on the landmark, it might be useful to address Special Permit as well, since this item would not be here without it.

Zimmer said that this an unusual situation. The owner is facing a failing water service to the duplex. It is failing under his own family home where it runs through his house to the duplex. It would seem like water coming to the duplex from 13th Street would be a good solution, but because this is one parcel, and Lincoln Water Service delivers only one water service to one parcel, he is stuck. We can’t subdivide it by any normal means. It is not a big enough lot. Today, there would not be two principal buildings on one property. It is legal non-conforming, but it can’t be subdivided, and unless it is subdivided, the water services cannot be divided.

Zimmer went on to say that the Landmark Special Permit typically comes forward to vary the use of a property. In this case, like the Griswald House in Piedmont with the carriage house, the Special Permit can also address and vary heights, yards, and setbacks, with your recommendation and that of Planning Commission. So the one legal route we can identify to separate this into two lots is the Landmark Special Permit simply because it has that flexibility. It was designed with that flexibility to deal with odd situations such as this. The structures are not illegal, but maintaining them is getting more and more difficult. This also provides long term advantage in that they don’t have to be owned both together forever, but they would both be Landmarked and bound by the Special Permit. Under the Heerspinks, the homes are in conspicuously better shape now than they have been for years. Staff was interested in figuring out a way to separate the two, but the conventional tools were not working. That is how we arrived at this approach.

McKee asked if there is a specific requirement for number of square feet before subdivision can occur? Zimmer said in this zoning district, a single family house is to have 4,000 square feet. There is only about 3,000 to the corner property. As they sit, they do not have proper
yards in any direction. There happens to be a small garage in the middle. They will have to work with a land use attorney on easements, shared access and parking. They are legal non-conforming which allows them to be rebuilt under other special permits, but they cannot be split into two separate lots by any other means.

Munn stated that it is ironic because part of the specialness of the property is that it has two houses on a single lot. Zimmer said it will still look the same. The north lot is not buildable. You couldn’t put the third house back because there wouldn’t be an adequate size lot. The most rational choice is to split it down the middle.

Gengler stated that these are lovely buildings. Both are textbook examples of foursquares. The simple fact of architectural retention is significant, especially in this neighborhood. The trend national and regionally is to recognize not only the most historically significant, but also the small pieces that weave together neighborhoods and community character, and these buildings and their presence is important.

Landmark Designation for the Betz-VanAndel Houses carried 6-1: Francis, Gengler, Johnson, Kuhlman, McKee and Munn voting ‘yes’; Hewitt voting ‘no’.

APPLICATION FOR A SPECIAL PERMIT FOR HISTORIC PRESERVATION FOR THE BETZ-VANANDEL HOUSES, 1037 - 1039 AND 1045 SOUTH 13TH STREET.
ACTION:

Johnson moved approval of the Special Permit for historic preservation for the Betz-VanAndel Houses, seconded by Kuhlman. Motion for approval carried 7-0: Francis, Gengler, Hewitt, Johnson, Kuhlman, McKee and Munn voting ‘yes’.

APPLICATION BY LAZLO’S FOR A CERTIFICATE OF APPROPRIATENESS FOR WORK AT 700 P STREET IN THE HAYMARKET LANDMARK DISTRICT.
PUBLIC HEARING: November 19, 2015

Members present: Francis, Gengler, Hewitt, Johnson, Kuhlman, McKee and Munn.

McKee wondered why this application would not be considered “no material effect”? Zimmer replied that there is more to it. Originally, the rooftop features alone were close to no material effect. But there are also storefront changes, and there are now enough changes being made to the rooftop to be noticeable, so it is best that it at least appears before this body.

Eric Schafer, Lazlo’s, stated that they do not want to jeopardize their good relationship with this group by not bringing the item forward.
Zimmer said that Commissioner Gengler, as a new member, asked how conflicts of interest are handled by Preservation Commissioners. Gengler stated that she and Mr. Schafer have a professional relationship on another project at the Meadowgold Dairy where she is consulting on the historic preservation tax credits. Ed offered his opinion that in this case, she does not appear to have a conflict, though it is helpful information to disclose. Zimmer said that members often have involvement in projects. If it is direct, you declare the conflict. If it is simply some other association, informing the other members makes it all clear. Johnson added that in some cases, conflicts cause a one month delay if is not a quorum.

Zimmer stated that more recent information was provided by Lazlo’s architect that gives a clearer sense of the effect of the solar panel on the taller building. The fluid cooler is a new piece.

Schafer said Lazlo’s is remodeling the restaurant, particularly the HVAC system. The preference would be to use geothermal, but they do not own the land around the buildings to install the wells and are therefore doing a boiler and fluid cooler. The boiler goes in the basement and the cooler goes on top of the building. These will be further supplemented with solar panels on top of the building, providing a 22% energy reduction in three buildings, 210 N. 7th Street, and 700 and 710 P Street. Essentially, this will be a mini-district energy system that supports the three buildings.

Gengler asked if the location shown for the rooftop chiller was the best option? Schafer said yes, due to the support systems already in place.

Kuhlman asked what the cooler will look like? Schafer said it is metal. McKee asked about the existing tanks. Schafer said they are stainless steel, spent grain tanks. McKee said he recalled reviewing those when they were originally installed. They were appropriate due to the industrial feel of the setting. Schafer said there was also an old water tower on top of the Lau building at 8th & Q.

Zimmer recalled that the Commission required the grain tanks be white. Schafer confirmed their appearance is white. Zimmer added that the Commission asked for a sign on it to achieve the spirit of an old water tower. Kuhlman said she asked about the appearance of the cooler because it should be made as attractive as possible. Gengler added that even a treatment of paint can be an efficient way to make it disappear more. Munn said that he worked on a project where the appearance of the cooler was also an issue. He knows they are available in different configurations and shapes. He agrees that there is a history of structures on the roofs in the Haymarket.

Schafer said he thinks the fluid cooler will end up more towards the back of the building. McKee said the further back and the closer to the alley, the more out of the sight lines it will be. Schafer said the the reason its location is limited is because there is an existing twelve inch concrete slab to support the grain tanks. With that much structural work, it would be inefficient to install more. Structural analysis was done above the kitchen, so there is a good chance it is farther back, over that area. McKee asked if that would be more to the
south of the spent grain bins. Schafer said yes, almost to the side back even farther. Zimmer said the effect would be better even if it were in association with the tank, rather than in front of it; it would cluster the arrangement. Kuhlman agreed. Schafer said that they would eventually like to move the brewery over to the dairy house, so that is another reason to avoid the investment in additional structural changes.

Zimmer went on to say there are modest changes to the south storefront and the railing edges, and a new door. Schafer said there are a couple of pinch points in the current configuration that they would like to alleviate. The new doorway is where the door was originally located, and will come out to patio to give the staff more circulation. The canopy would be extended out.

Zimmer said this type of modification of storefronts is very typical. They are fluid and change often, with rare exceptions like the Schwarz Paper Building. These changes are acceptable, but also pretty conspicuous, so it reached a point where this body should rule on its appropriateness.

McKee asked if the intention is to move the fluid cooler it as far east and south as possible due to the existing support structures and if it would be moved right away? Schafer said they would like to do it sooner than later. McKee said it is a benefit that this will serve all three buildings.

Kuhlman asked if the solar panels will be visible? Zimmer suggested they might be visible from taller surrounding buildings. This isn’t necessarily about making sure they are concealed, but more about making sure they are installed in a sensible location.

McKee said that with the industrial character of the district, these changes and additions do not detract at all.

Schafer said this project and the engineering is exciting. Much of the process energy will be put to use. For example, heat from the coolers and solar panels will be used to heat water.

APPLICATION BY LAZLO’S FOR A CERTIFICATE OF APPROPRIATENESS FOR WORK AT 700 P STREET IN HAYMARKET LANDMARK DISTRICT.

ACTION:

McKee moved approval for a certificate of appropriateness. Zimmer added that it would be appropriate to include instruction about the location of the fluid cooler. McKee said that he would like to include that in his motion. Seconded by Johnson.

Munn called for discussion and asked if there were any notes to make regarding the look or location of the fluid cooler.
McKee stated the cooler should be located as far south and east as is practical.  

Motion carried 7-0.  

**APPLICATION BY ANTHONY MITCHELL FOR A CERTIFICATE OF APPROPRIATENESS FOR WORK AT THE O’DONNELL/GALBRAITH HOUSE, 727 S. 9TH STREET.**  
**PUBLIC HEARING:** November 19, 2015  

Zimmer said this is regarding the temporary sign that is in use. Building and Safety has agreed to accept it on a temporary basis. There is no additional new information to show at this time.  

McKee asked if there was any indication of how things are going at the location. Zimmer said the business is still operating.  

**STAFF REPORT AND MISCELLANEOUS:**  

Zimmer said he will call on the services of this Commission for another joint meeting with Urban Design Committee. Round two of the Telegraph District will be presented along with a major redevelopment project at 9th and O that includes everything from the Terminal Building to the corner.  

McKee asked if that will include Knickerbockers? Zimmer said yes, everything on the north half of the 9th and O block is included in the proposal, except Terminal Building. It falls under this body’s jurisdiction because of the Terminal Building, Mission Arts, the Old City Hall and the Haymarket; it is surrounded by historical properties. It is also a part of a major entryway into Lincoln, so it also has major Urban Design impacts. The meeting could be held December 1st.  

McKee asked if HPC would hold its own separate meeting following the joint meeting? Zimmer said no. There would be another joint meeting in January, as well, to follow up. In the Telegraph District, they have separated out the LT & T Garage and the 401 Building as the first phase and are bringing in the redevelopment plan for the first part of the project, which will go to Planning Commission in December. This group will see preliminary designs. There is not a lot of Historic Preservation elements in that first piece, but it makes sense to meet jointly because other areas in that district are historic.  

Gengler asked if action would be taken? Zimmer said not on 9th and O because they will not yet be close to a final design, but they can take suggestions and incorporate your thoughts.  

McKee asked how high the new building will be? Zimmer said it is proposed to be as tall as the Terminal Building.
McKee said Knickerbockers is an old and interesting building, but is not designated. Zimmer said the west side is old, but the north is not as old and is refaced on the O Street side. McKee asked whether the building crosses the alley? Zimmer confirmed that it runs up to the alley but does not cross it.

There being no further business, the meeting was adjourned at 1:50 p.m.