

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

August 21, 2014 Historic Preservation Commission Meeting

PROJECT #: Change of Zone #14025--Landmark Designation--O'Connell-Galbraith House

PROPOSAL: Designation of the property at 727 S. 9th St. as a Landmark (from O-1 Office to O-1 Office with Landmark Overlay).

LOCATION: 727 S. 9th Street

LAND AREA: Less than one acre, more or less.

EXISTING ZONING: O-1 Office

WAIVER/MODIFICATION REQUEST:
See SP #14028

CONCLUSION: The landmark designation protects a very early and unusual small house with historic significance, and provides the opportunity to request the special permit which encourages maintenance and reuse of the proposed landmark. This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

RECOMMENDATION FOR CHANGE OF ZONE 13005HP:	Approval of Landmark designation
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GENERAL INFORMATION:

LEGAL DESCRIPTION: North 32 feet of Lots 11 and 12, Block 145, Original Plat, NW 1/4 of Sec. 02-09-06, Lincoln, Lancaster County, Nebraska.

EXISTING LAND USE: Vacant.

SURROUNDING LAND USE AND ZONING:

East:	Public offices and parking	P
West:	Residential	R-6
North & South	Residential and Office	O-1

HISTORY:
ca. 1881 House constructed for (and probably by) John O'Connell

- 1903** Sold by O'Connell
- 1911-12** Residence of John and Mabel Galbraith
- 1940-94** Property and residence of Schmidt family

UTILITIES: All public utilities.

PUBLIC SERVICE:. All urban services

ALTERATIVE USES: Landmark designation does not by itself change the permitted uses in the O-1 District. Permitted uses in O-1 district include offices, residences, and restaurants (in a portion of a building)..

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 1.9 - The Future Land Use Map of the Comprehensive Plan designates this area as Public and Semi-Public..

Pg 4.6, 4.9- "Placemaking" chapter encourages identification and protection of broad range of historic resources, and incentives for maintenance and continued use.

ASSOCIATED APPLICATION: Special Permit #14028.

ANALYSIS:

Lincoln Municipal Code, section 27.57.120 provides for designation of landmarks that are *"Associated with events, person, or persons who have made a significant contribution to the history, heritage, or culture of the City of Lincoln, the County of Lancaster, the State of Nebraska, or the United States."*

1. The small house at 727 S. 9th St. has multiple associations with significant historic patterns of Lincoln, as well as with the masterful photographs of John Johnson. While altered, the house is also recognizable as one of the earliest brick homes extant in Lincoln.
2. The proposed preservation guidelines for 727 S. 9th St. are based on typical guidelines for Lincoln Landmarks.

Prepared by:

Ed Zimmer, 441-6360, ezimmer@lincoln.ne.gov

Change of Zone #14025
O'Connell-Galbraith House

Page 3

Historic Preservation Planner
August 15, 2014

APPLICANT: Anthony Mitchell
2245 S. 14th St.
Lincoln, NE 68502
(402)323-3124
Amitchell68137@gmail.com

OWNER: B&J Partnership Ltd.
Attn: Michael Tavlin
340 Victory Lane
Lincoln, NE 68528

CONTACT: Same as applicant.

APPLICATION FOR LANDMARK OR LANDMARK DISTRICT DESIGNATION
ADDENDUM TO PETITION TO AMEND THE ZONING ORDINANCE
LINCOLN, NEBRASKA

1. NAME

Historic
and/or Common
NeHBS Site

O'Connell-Galbraith House

LC13:C08-337

2. LOCATION

Address 727 South 9th Street, Lincoln, NE 68508

3. CLASSIFICATION

Proposed Designation

Category

Landmark District
 Landmark

district
 building(s)
 structure

site
 object

Present Use

agriculture
 commercial
 educational

 government

industrial
 military
 museum
 entertainment
 private residences

religious
 scientific
 transportat'n
 park
 other
(undergoing rehab)

4. OWNER OF PROPERTY

Name
Address

B & J Partnership Ltd.
340 Victory Lane, Lincoln, NE 68528

5. GEOGRAPHICAL DATA

Legal Description:

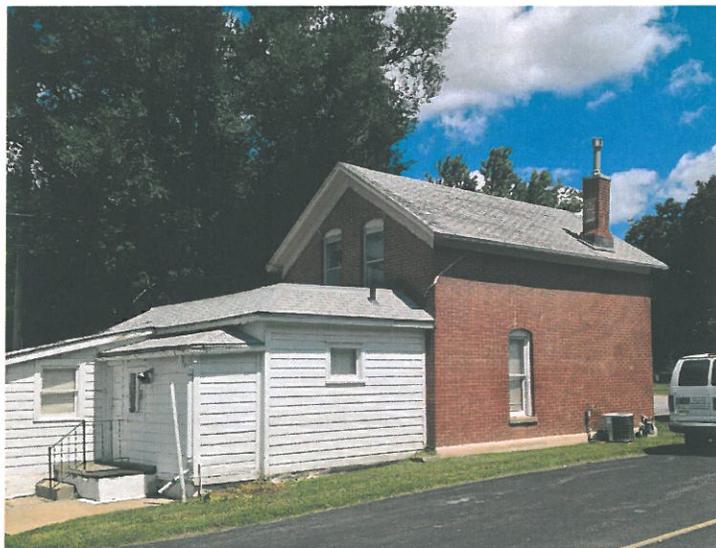
North 32 feet of Lots 11 & 12, Block 145, Original Plat,
in NW 1/4 Section 02-09-06, Lincoln, Lancaster County,
NE

Property ID: 10-26-236-022-000

Number of Acres or Square Feet: **(more or less)** 3,200 sq. feet

DESCRIPTION:

The O'Connell-Galbraith House is a small, 1½ story brick structure on a narrow, 32'x100' lot adjacent to the 120' right-of-way of S. 9th Street. The east entrance is off-center to the north on the three-bay first story, with two windows to the south. The second story has two closely spaced windows close against the steep façade-gable roof. All of the east openings have arched tops outlined with projecting rowlock arches. The narrow windows are 1-over-1, double-hung sash. There is a single window on the first floor of the south façade of the main body of the house, and small windows in frame additions at the west, rear of the premises. The north façade adjacent to a mid-block alley is windowless.



The entire brick portion of the house has been covered with a cementitious coating treated with the appearance of red brick laid in running bond. Early photos and Sanborn atlases confirm that the structure is brick and the window arches of the main façade echo original treatments. Oral history indicates the stucco-like covering was applied in the second half of the 20th century.^a

^a Personal interview with Shirley (Schmidt) Jacobs by Ed Zimmer, 8/8/2014. The Schmidt family occupied the house from 1940-1994.

HISTORY

John O'Connell purchased this property in 1880 and by the time of the 1882-3 Lincoln City Directory, John, John Jr., and Miss Mary O'Connell, all from Wisconsin, were listed as residing at 727 S. 9th Street. One of the John's had previously been listed as a machinist and the other as a gas fitter. The 1883-4 and subsequent directories listed only one John O'Connell, identifying him as a bricklayer in 1883-4 and later as watchman at the B. & M. Railroad depot.

O'Connell sold the property in 1903. In 1911 and 1912, the directories listed John Galbraith, waiter, as residing at 727 S. 9th and presumably in that period John Johnson photographed John and Mabel Galbraith on the front stoop of their rented house, as well as in front of a neighboring 9th St. house.



Galbraith was a long-time waiter at downtown Lincoln hotels. Frances Hill, his step-daughter (and probably Mabel Galbraith's daughter) lived with them and was another frequent subject of Johnson's photographs.

Subsequent owners and occupants of the house have German surnames. In 1940 the Schmidt family acquired the house and relatives occupied another nearby. Mrs. Jacobs' grandparents operated a grocery store (Hodges & Son) at 235 S. 9th.

This sequence of an early occupancy of a South Bottoms area house by new arrivals in Lincoln with an Irish surname and railroad employment, followed by an African-American family, followed by German-Americans, is highly characteristic of the neighborhood and of Lincoln's ethnic residential patterns.

8. SIGNIFICANCE

<u>Period</u>	<u>Areas of Significance-Check and justify</u>	
<input type="checkbox"/> _prehistoric	<input type="checkbox"/> _archeology-prehistoric	<input type="checkbox"/> _landscape architecture
<input type="checkbox"/> _1400-1499	<input type="checkbox"/> _archeology-historic	<input type="checkbox"/> _law
<input type="checkbox"/> _1500-1599	<input type="checkbox"/> _agriculture	<input type="checkbox"/> _literature
<input type="checkbox"/> _1600-1699	<input checked="" type="checkbox"/> _architecture	<input type="checkbox"/> _military
<input type="checkbox"/> _1700-1799	<input checked="" type="checkbox"/> _art	<input type="checkbox"/> _music
<input checked="" type="checkbox"/> _1800-1899	<input type="checkbox"/> _commerce	<input type="checkbox"/> _philosophy
<input checked="" type="checkbox"/> _1900-	<input type="checkbox"/> _communications	<input type="checkbox"/> _politics/government
	<input type="checkbox"/> _community development	<input type="checkbox"/> _religion
	<input type="checkbox"/> _conservation	<input type="checkbox"/> _science
	<input type="checkbox"/> _economics	<input type="checkbox"/> _sculpture
	<input type="checkbox"/> _education	<input type="checkbox"/> _social/humanitarian
	<input type="checkbox"/> _engineering	<input type="checkbox"/> _theater
	<input checked="" type="checkbox"/> _exploration/settlement	<input type="checkbox"/> _transportation
	<input type="checkbox"/> _industry	<input type="checkbox"/> _other (specify)
	<input type="checkbox"/> _invention	

Specific dates: ca. 1881, 1911-12

Builder/Architect: probably John O'Connell

Statement of Significance: The O'Connell/Galbraith House is among the oldest surviving brick house in Lincoln and while altered, still retains its essential early form. The pattern of successive occupancy by people of Irish, African, and German ancestry is highly characteristic of the neighborhood pattern. Finally, the rare survival of the residential setting of several of John Johnson's photographs lends special interest and significance to this small house.

9. STANDARDS FOR DESIGNATION

(Check one(s) that apply)

Associated with events, person, or persons who have made a significant contribution to the history, heritage, or culture of the City of Lincoln, the County of Lancaster, the State of Nebraska, or the United States;

Represents a distinctive architectural style or innovation, or is the work of a craftsman whose individual work is significant in the development of the City of Lincoln, the County of Lancaster, the State of Nebraska, or the United States; or

10. MAJOR BIBLIOGRAPHICAL REFERENCES

Building permits

City Directories

Lancaster County Deeds

Shirley Jacobs Interview

11. FORM PREPARED BY:

Name/Title: Ed Zimmer, Historic Preservation Planner
Lincoln/Lancaster County Planning Dept.
Telephone (402)441-6360

City or Town Lincoln,
Date Submitted August 15, 2014

State NE 68508

Signature

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LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for August 21, 2014 HISTORIC PRESERVATION COMMISSION MEETING

PROJECT: Special Permit #14028 for Historic Preservation for use of 727 S. 9th Street as a take-out restaurant.

PROPOSAL: A Special Permit for Historic Preservation (§27.63.400) to permit the premises to be used as a restaurant in excess of the 20% ordinarily allowed in the O-1 district.

LOCATION: 727 South 9th Street (near G St.)

LAND AREA: 3200 square feet, more or less

EXISTING ZONING: O-1 Office District, with application for Landmark designation

WAIVER/MODIFICATION REQUEST: none.

CONCLUSION: Approving the Special Permit will allow for a restaurant re-use of the historic site and support preservation of the existing buildings.

RECOMMENDATION FOR SPECIAL PERMIT:	Conditional Approval of Special Permit
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GENERAL INFORMATION:

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SURROUNDING LAND USE AND ZONING:

East:	Public offices and parking	P
West:	Residential	R-6
North & South	Residential and Office	O-1

HISTORY:

- ca. 1881** House constructed for (and probably by) John O'Connell
- 1903** Sold by O'Connell
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- 1940-94** Property and residence of Schmidt family

COMPREHENSIVE PLAN SPECIFICATIONS:

- The community's distinctive character and desirable quality of life for current residents and for future generations should be supported by exercising stewardship of historic resources throughout the county, while maximizing benefits of past investments in public infrastructure and private property. The Plan encourages the continued use and maintenance of historic resources, including properties not formally designated as landmarks. (p. 4.6)
- City and County governmental policies should provide for the protection and enhancement of historic resources. (p. 4.9)
- Seek incentives and regulatory support to maintain, rehabilitate, and minimize energy utilization of existing buildings in order to make it more feasible to rehabilitate and continue to use older buildings. (p. 4.9)

UTILITIES: The site is served by all public utilities.

PUBLIC SERVICE: The property is in the Lincoln Public School District (Lancaster District 001) and has all City of Lincoln services.

AESTHETIC CONSIDERATIONS: The O'Connell-Galbraith House is a rare early example of a brick residence in Lincoln and is represents the evolution of an important immigrant neighborhood of early Lincoln.

ALTERATIVE USES: Single family residences and offices are among permitted uses in the O-1 district.

ASSOCIATED REQUESTS: CZ14025.

ANALYSIS:

1. The property consists of one small building on a narrow lot.
2. The applicant requests to be allowed to use the existing building for a take-out restaurant.
3. The O-1 district allows restaurants, but to a maximum of 20% of a building. This small house would not be feasible to use as desired under this provision, but the house is also an atypical structure in the O-1.
4. A Special Permit for Historic Preservation under LMC §27.63.400 is to be evaluated under the following six criteria:

- **The significance of the historic structure or site and the degree of variation sought from the permitted uses of the district:**

The significance of the structure is presented in the associated CZ14025 application.

The requested restaurant use is allowed in the district, but not occupying a whole premise. However, the small size of the building will only permit a very small operation, smaller than 20% of many of the existing buildings elsewhere in the district.

- **The extent to which economic factors necessitate the change in use:**

The house is vacant and offered for lease. The applicant's only desired use of the building is as a take out restaurant, which he intends to operate as a sole proprietor. He has prepared a detailed business plan with the assistance of Voc. Rehab.

- **The extent of proposed exterior change to the structure or site:**

Except for a sign, approval of which will be required through Historic Preservation Commission, and a possible short ramp to provide accessibility to the entrance, no exterior changes are proposed.

- **The impact on the surrounding area:**

The property has parking to the rear (west) as part of a larger combined parking lots with the office use to the south. S. 9th Street is a high-traffic arterial and it is unlikely the operation will increase utilization of that corridor, although the applicant certainly hopes some of that traffic will notice and frequent his establishment. There is also considerable daytime employment in walking distance of the premises.

- **The compatibility of the proposed use to the structure or site and the surrounding area:**

The district allows the requested use, just not as the sole use of a premises.

- **The manner in which the public will be benefitted by such proposed use:**

The proposed use would provide a food service option not currently available in the vicinity as well as occupancy and maintenance of the historic building.

CONDITIONS OF APPROVAL:

This special permit approves the historic preservation use of the house for a take-out restaurant, subject to the approved site plan and the following conditions:

Site Specific Conditions:

1. Architectural details for alterations to existing building, including any signs, and any future new alterations to the proposed site plan must be submitted and approved by the Historic Preservation Commission.

Standard Conditions:

2. The following conditions are applicable to all requests:
 - 2.1 Before occupying the improvement all development and construction shall substantially comply with the approved plans.
 - 2.2 All privately-owned improvements shall be permanently maintained by the owner.
 - 2.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, and similar matters.
 - 2.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 2.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Ed Zimmer, 441-6360, ezimmer@lincoln.ne.gov
Historic Preservation Planner

DATE: August 15, 2014

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Amitchell68137@gmail.com

OWNER: B&J Partnership Ltd.
Attn: Michael Tavlin
340 Victory Lane
Lincoln, NE 68528

CONTACT: Same as applicant.



NOTES:
All drawings and dimensions are subject to change due to actual site measurements.

Mitchell Property

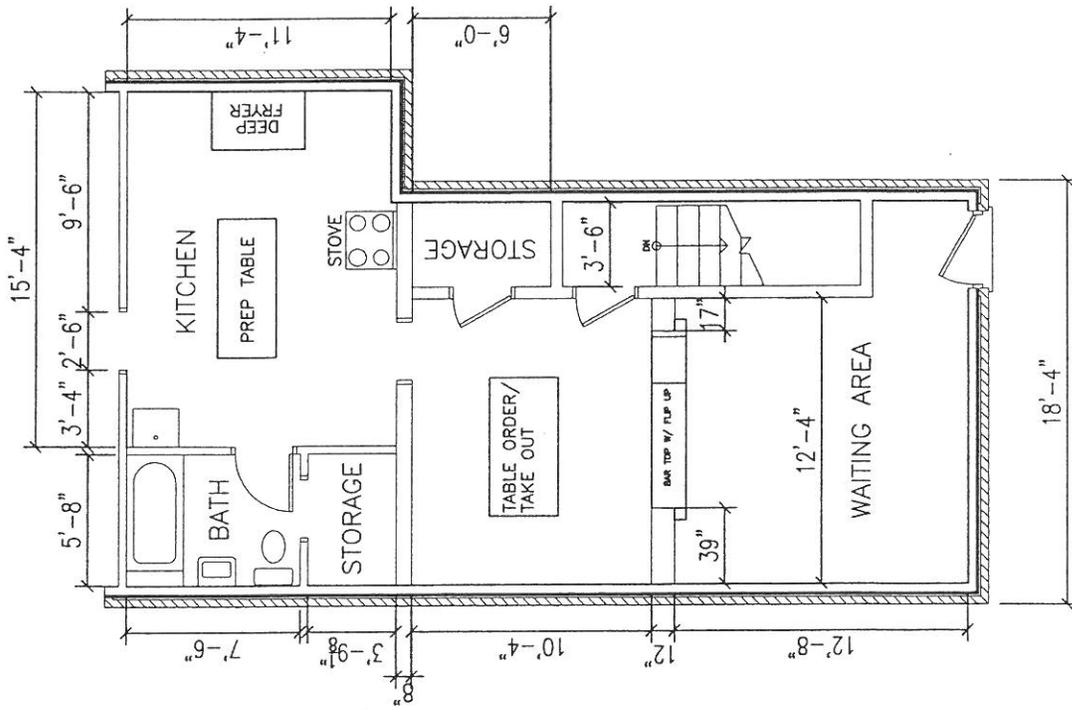
727 9th St.

May 20, 2014

Restaurant Conversion

SCALE: 1/4" = 1'0"

A-1



NOT FOR CONSTRUCTION