Landmarks Heritage Preservation Commission

MINUTES

Wednesday, January 10, 2018

Public Meeting:
1:30 PM, Legislative Chamber
Omaha/Douglas Civic Center
1819 Farnam Street

Landmarks Heritage Preservation Commission Members: Joan Fogarty – Chair, George Killian – Vice Chair, Carrie Meyer, Regan Pence, Scott Dobbe, Kathryn Aultz, Jaime Suarez, Brian Magee and Curt Witzenburg.

Certification of Publication: Omaha Preservation Administrator certifies publication in the Daily Record, the official newspaper of the City of Omaha, on Thursday, December 28, 2017 notice re: Landmarks Heritage Preservation Commission meeting on Wednesday, January 10, 2018.

Members Present:  
Joan Fogarty, Chair
George Killian, Vice-Chair
Kathryn Aultz
Scott Dobbe
Regan Pence
Jaime Suarez
Curt Witzenburg

Members Not Present:  
Brian Magee
Carrie Meyer

Others Present:  
Jed Moulton, Urban Design Planning Manager
Trina Westman, LHPC Administrator
Jennifer Taylor, City Law Department
Clinette Ingram, Recording Secretary

Ms. Fogarty, called the meeting to order at 1:35 pm and introduced the Commission members and staff. She explained the procedures for hearing the cases. There were six members present. Mr. Suarez appeared after the roll was called.

APPROVAL OF MINUTES:

Mr. Witzenburg moved to APPROVE the November 8, 2017 minutes. Mr. Dobbe seconded the motion.

AYES: Aultz, Dobbe, Pence, Witzenburg, Fogarty

ABSTAIN: Killian

MOTION CARRIED: 5-0-1
**LOCAL LANDMARK DESIGNATION:**

CASE NUMBER: 17-34-H1 (from 11/8/17)  
NAME: Grand Theater Building  
PRESENTED BY: Lawrence Butler_Owner of 2922 N 16 Street  
LOCATION: 2920-22 N 16 Street  
REQUEST: Recommendation of Approval for Local Landmark Designation – Laid Over from November 8, 2017 Meeting

At the Landmarks Heritage Preservation Commission meeting held on January 10, 2018, Lawrence Butler appeared before the Commission. Jed Moulton and Trina Westman appeared on behalf of the Planning Department.

Mr. Butler reiterated many of the statements that were made when the case was presented at the November 8, 2017 meeting. New details about the building were provided. He stated that the northern portion of the storefront building has limited brick and stone detailing, low-pitched roofs and a continuous 4’ brick parapet that wraps around the east and north sides of the building. The tapestry windows and many of the storefront windows are still intact. He showed interior pictures of the storefront. The southern portion of the building that houses the theater was built in the Classical Revival style and is taller than the storefront. There were pictures of the auditorium, stairs leading to the office area, the original changing area which is currently used for the HVAC system and the small basement area that sits behind the stage. The floor of the auditorium slopes approximately 4’ to the podium area.

Mr. Butler stated that the building is significant under Criterion A for its cultural and historical importance. It is one of the few remaining examples of a motion picture house in a near north-side neighborhood. It is also associated with the 16th Street streetcar. The north-side theaters catered to the Jewish and African-American population through the early decades of the 20th Century. William McFarland, a real estate entrepreneur, built the building in 1914. He owned 6 motion picture houses at different times. The Grand Theater is the only remaining structure owned by Mr. McFarland. It was designed by architect Lloyd D. Willis who partnered with Charles Nye. Mr. Willis is credited with 25 projects in Iowa and Nebraska. The theater ceased operation in 1931 likely as a result of the great depression. The only other remaining theater in North Omaha is the Corby Theater located on 16th and Corby. He indicated that the Grand Theater’s association with the North 16th Street movement solidifies its historic and cultural importance in the city. One or both storefronts have constantly remained active until the present.

In response to Ms. Fogarty, Mr. Butler stated that he was not sure whether the site had been impacted by the race riots of the 1960’s. In response to Mr. Witzenburg, Kristine Gerber (Restoration Exchange) stated that some newspaper ads had been found that advertised movies that played at the theater.

Mr. Dobbe moved to APPROVE the request. Ms. Aultz seconded the motion.

**AYES:** Killian, Aultz, Dobbe, Pence, Suarez, Witzenburg, Fogarty

**MOTION CARRIED:** 7-0
At the Landmarks Heritage Preservation Commission meeting held on January 10, 2018, Blake Uthing appeared before the Commission. Jed Moulton and Trina Westman appeared on behalf of the Planning Department.

Jed Moulton presented supplemental information to the Planning Department’s recommendation. He stated that in the report the window replacement was referred to as “sash replacement kits”. He stated that the Department was not sure of the applicant’s request. He submitted information that showed what the applicant planned to use. He also provided information about a sash replacement kit that had been previously approved by the commission.

Mr. Uthing stated that he wanted to replace most of the windows in the home and also to pour a driveway for off-street parking. He indicated that the replacement windows would be double-hung, double-paned white vinyl windows that would match the trim that is being preserved on the interior and exterior of the home. He stated that he attempted to have the new windows match the original windows as much as possible. He stated that six original windows that had a significant amount of historical character would be preserved. The new windows would provide functionality since only three windows in the home worked at that time. He explained that many of the cords, weights, sashes and panes in the existing windows were broken. The new windows would provide sustainability since they would increase the value and improve the look of the home. He indicated that the windows had already been purchased, but not installed, since he was not aware of the homes landmark status.

With regards to the proposed driveway, Mr. Uthing stated that 46 of the 50 homes in the Bemis Park neighborhood have some form of off-street parking. He indicated that the only on-street parking available was on the left side of Hawthorne which would require crossing the street. He added that there was no place to park the car in the alley behind the home. He stated that he received feedback from the neighbors and most preferred a parking pad at the rear of the home instead of a single-lane driveway.

In response to Ms. Fogarty, Mr. Uthing stated that his home has a steep drop-off behind it which made it impractical to build a retaining wall and stairs to park in the alley.

Mr. Killian inquired as to whether the existing wood windows could be repaired. Mr. Uthing stated that he had not considered repair of the windows as an option. He added that he wanted all of the windows to match so he made the decision to replace them. He stated that new wood windows were about 3 to 4 times the cost of vinyl. In response to Mr. Killian, Mr. Uthing stated that when he purchased the home he was not informed that he was purchasing a historic property. He added that he was not aware until 2 to 3 weeks later. Mr. Moulton stated that the City does not notify potential homeowners about the historic designation of a property.
Bill Messenger, 3404 Hawthorne Avenue, appeared before the board. Mr. Messenger wanted his neighborhood to remain as it. He also believed that the applicant should have been notified somehow about the historical status of the property. He stated that several years ago he paid someone to repair his windows. He indicated that had suggested to the applicant that the windows could be repaired. He supported the applicant’s request for a driveway.

Joan Garvey, 3509 Hawthorne Avenue, appeared before the commission. Ms. Garvey stated that when she first saw the applicant at the home, she provided information from the Planning Department about the home’s location in a Landmark District. She stated that she also informed the real estate agent of the home’s status. She suggested that any proposed garage have alley access to avoid risk to the existing sycamore trees that line the street. She believed that allowing garage access off the street would set a precedent for others to do so. She indicated that less than ¼ of the properties in the district have driveways from the street and that none had been added since 1983 when the area became a landmark district. She stated that any existing driveways were original to the homes and were for access to carriage houses and garages. Ms. Garvey showed several photos of homes in the district with alley access for parking and some that had parking areas that had been carved out of the terrain. She stated that there was enough room if the applicant wished to build a garage from the alley. She indicated that there were concrete stairs at the rear of the property that are covered in leaves and other debris that could be uses for access to the alley. Photos were provided that reflected changes that had been made to the home and property since it had been purchased by the applicant. Finally, she urged the commission to enforce the standards for the district. (Exhibit – Statement from University of Nebraska Extension Office)(Exhibit – Neighborhood/Driveway/Garage photos)

Mary Minturn, 3416 Hawthorne Avenue, appeared before the commission. She believed that the changes proposed by the applicant were contrary to the goal of preserving the character of the property. She noted that the balustrade had already been removed from the home. She stated that the windows were historically and architecturally significant to the home and should be repaired.

Shane Strong, President – Bemis Park Neighborhood Association, appeared before the commission. He indicated that in October 2017 the association contacted the owners by mail and informed them of the home’s location in a historic district. He stated that the applicants had been present at neighborhood meetings. He clarified that individual neighbors suggested that the driveway be modified, not the neighborhood association as a whole. He advised that the neighborhood association would be voting on the matter at its February meeting and he requested that the commission delay its decision until February also.

Ms. Westman stated that she no applications for new driveways in the district since 1983. She did, however, did find applications for six garages, some were replacements and some were for new or larger garages. She stated that the applicant had submitted a Certificate of Approval for the railings that were removed and that they planned to recreate them using original materials.

In response to Mr. Pence, Mr. Uhing stated that only a driveway was being proposed at that time. He believed that parking in the alley would not be practical due to its grade. Mr. Dobbe inquired as to whether the curved driveway that ran parallel to the home was an option. Mr. Uhing stated that it would not be ideal to back out of a curved driveway in icy conditions. The applicant’s preference was to place the garage on the west side of the home to preserve the existing trees.
Mr. Fogarty suggested that the case be laid over to give the commission time evaluate the site and to review all of the information that had been submitted. Mr. Killian stated that clarification about on-street parking along with information about removal and replacement of existing trees would also be helpful. Mr. Witzenburg was concerned about the precedent that would be set for future redevelopment that may not be in the best interest of the district.

Ms. Aultz moved to LAYOVER until the February 14, 2018 meeting. Mr. Suarez seconded the motion.

AYES: Killian, Aultz, Dobbe, Pence, Suarez, Witzenburg, Fogarty

MOTION CARRIED: 7-0
At the Landmarks Heritage Preservation Commission meeting held on January 10, 2018, Samir Patel appeared before the Commission. Jed Moulton and Trina Westman appeared on behalf of the Planning Department.

Mr. Patel stated that a 6-story, 105-room hotel was being proposed at the corner of 12th and Harney Streets. He described the Moxy brand of hotels as a contemporary, upper-scale millennial-friendly brand by Marriott. The hotel would be constructed of red brick with stone trim around the windows and roof. The awning would be made of black metal. The hotel sign would be situated above the canopy at the main entrance. He indicated that, based on the Planning Department’s recommendation, the windows had been modified to make them more uniform, horizontal and vertical mullions were added, the stone picture frames around the windows had been removed and the color of the brick had been changed. He explained that, although the Planning Department recommended that the hotel sign not be lit, it was a requirement by Marriott that the sign be internally lit. In response to Mr. Dobbe, Mr. Patel stated that the storefront and windows would be framed in black aluminum.

Mr. Moulton stated that the applicant had worked with the Planning Department and made reasonable attempts to incorporate staff recommendations into their design. He suggested tentative approval of the conceptual design and subsequent approval of the detailed architectural plans. This would help the applicant to get an approval from Marriott about the general design.

Mr. Dobbe stated that he preferred that the case come back before the commission so that it could ensure that the hotel was of its time and not something that was attempting to be a facsimile of what a historic warehouse should be. He suggested that it would helpful if the hotel was placed in the context of the actual area. He added that the Old Market design guidelines should also prove helpful. Ms. Aultz suggested that the applicant provide more details of the items listed in the recommendation report.

In response to Mr. Moulton, Mr. Patel stated that the condensing unit would be placed on the roof of the building using a two pipe system that would heat and cool the entire building.

Mr. Suarez was concerned about the window details for the main floor. The commission supported the windows being set back 6" to 8" to provide depth. Mr. Witzenburg suggested that the applicant work with city staff to determine what the banding on the building should look like.

Mr. Moulton advised looking for ways to define the building as modern so that it does not mimic a historic property. He stated that staff felt that a simple parapet and a uniform brick color would be appropriate for the hotel. He mentioned that he would research sign options that would be acceptable to both the owner and commission. The applicant also agreed to provide material samples at the next meeting.
Mr. Dobbe moved to LAYOVER. Ms. Aultz seconded the motion.

AYES: Killian, Aultz, Dobbe, Pence, Suarez, Witzenburg, Fogarty

MOTION CARRIED: 7-0

**ELECTION OF OFFICERS:**

Mr. Killian informed the commission that he would be resigning from the board.

Ms. Aultz moved to ELECT Ms. Fogarty as Chair of the commission. Mr. Witzenburg seconded the motion.

AYES: Killian, Aultz, Dobbe, Pence, Suarez, Witzenburg, Fogarty

MOTION CARRIED: 7-0

Mr. Pence moved to ELECT Mr. Dobbe as Vice-Chair of the commission. Ms. Aultz seconded the motion.

AYES: Killian, Aultz, Dobbe, Pence, Suarez, Witzenburg, Fogarty

MOTION CARRIED: 7-0

**DISCUSSION:**

Ms. Fogarty suggested a meeting with the commission to discuss the information that she and Mr. Killian learned while attending the PastForward Preservation Conference. It was decided that that information would be shared during CLG training.

**ADJOURNMENT:**

It was the consensus of the Board to ADJOURN the meeting at 3:52 p.m.