CERTIFICATION OF PUBLICATION:

The Omaha Preservation Administrator certifies publication in the Daily Record, the official newspaper of the City of Omaha, on Monday, February 3, 2014, notice re: Landmarks Heritage Preservation Commission meeting Wednesday, February 12, 2014.

MEMBERS PRESENT: Nancy Novak, Chair
Eduardo Santamaria, Vice-Chair
Jose Garcia
Kristine Gerber
John Hargiss
George Killian
Regan Pence

MEMBER(S) NOT PRESENT: Peggy Jones

OTHERS PRESENT: James Thele, Planning Director
Jed Moulton, Urban Design Manager
Mike Leonard, LHPC Administrator
Rosemarie Lee, City Law
Clinette Warren, Recording Secretary

ELECTION OF OFFICERS:

Mr. Santamaria moved to ELECT Ms. Novak as Chair. Mr. Killian seconded the motion.

AYES: Santamaria, Hargiss, Garcia, Gerber, Pence, Killian, Novak

MOTION CARRIED: 7-0

Mr. Garcia moved to ELECT Mr. Santamaria as Vice-Chair. Mr. Killian seconded the motion.

AYES: Santamaria, Hargiss, Garcia, Gerber, Pence, Killian, Novak

MOTION CARRIED: 7-0

Nancy Novak, Chair, called the meeting to order at 1:35 pm, introduced the Commission members, as well as the staff. Ms. Novak explained the procedures for hearing the cases. Roll was taken with seven members present.
NATIONAL REGISTER DISTRICT NOMINATION:

Case #H5-14-1
Patrick Haynes
Nebraska State Historic Preservation Office (NeSHPO)

REQUEST: Request for National Register Nomination for the John E. Reagan House

LOCATION: 2102 Pinkney Street

At the Landmarks Heritage Preservation Commission (LHPC) meeting held on Wednesday, February 12, 2014, Patrick Haynes appeared before the Board.

Mr. Haynes stated that this property is part of the Kountze Park neighborhood. He discussed historical details of the neighborhood. The home, which was built in the Neo-Classical Revival style, was designed by the architect James Mason. John E. Reagan was a state senator in 1911 and spent most of his career as a lawyer and real estate developer in the Omaha area. The nomination for this property is under Criterion C for architecture. Mr. Reagan explained that, although there are some maintenance and repair issues, the integrity of the architectural details and the historic elements are still in place. He added that there are some early additions to the rear of the home that are historically related. The exterior doors are recent, however, the interior doors, hardware and trim are all intact. He noted that the property had unintentionally been approved on the State level before approval from the City of Omaha was obtained.

In response to Mr. Santamaria, Mr. Reagan stated that the home is not currently occupied but that the owner plans to move into the home and make the first level of the home a type of museum. Mr. Santamaria inquired as to whether there was currently any demolition orders issued for the property and what type of definite plans the owner has for the home. He was concerned about nominating a property that would continue to deteriorate. Mr. Reagan responded that he could provide a letter from the property owner which would state her intent.

Mr. Killian felt that similar nearby structures in a more preserved condition should be shared with the Board in support of the case. Mr. Haynes responded that there are three more homes that reflect the revival style; however, they are all in a deteriorated condition. Ms. Novak stated that a timeline should be included along with the proposed plans for the property.

Mr. Santamaria moved to LAYOVER subject to the applicant submitting the proposed plans for the structure. Mr. Killian seconded the motion.

AYES: Santamaria, Hargiss, Garcia, Gerber, Pence, Killian, Novak

MOTION CARRIED: 7-0
RESCISSION OF LOCAL LANDMARK STATUS

Case #H6-14-2  
REQUEST: Request for Rescission of the Local Landmark Status for the Clarinda-Page Apartments

LOCATION: 3027 Farnam Street & 3305-3311 Turner Boulevard

At the Landmarks Heritage Preservation Commission (LHPC) meeting held on Wednesday, February 12, 2014, Larry Jobeun appeared before the Board on behalf of the applicant, Turner Park North, LLC. Ken Cook (Turner Park North, LLC), Tim Holland (Architect), Scott Semrad (Urban Village), and Jack Henry also appeared.

Mr. Jobeun explained the standards that apply to the Clarinda-Page, which includes its value in the following areas: historical and cultural, architectural and engineering, geographical, and archaeological. He referred to the City’s analysis of the case (Memorandum to the Landmarks Commission Administrator dated February 4, 2014), which stated in part: “The determination of value is central to the review for the preservation of historic structures, value in terms of cultural history, value in terms of physical integrity, near term and long term…This analysis is intended to provide an objective framework and means to evaluate a complex situation and provide for reasonable and prudent judgment.” He cautioned against emotion being the determining factor in deciding this case.

Mr. Jobeun felt that the Local Landmark status for this property should be rescinded for the following reasons: 1) the Clarinda-Page is not architecturally significant; 2) the current designation causes exceptional economic hardship to the unit owners within the property; and 3) the building has outlasted its useful life and it is not economically feasible to rehabilitate the structures. He submitted the following: Assessment records for the 21 condominiums (Exhibit 2) showing the current value information for each property, and a copy of the Finance/Tax Increment Financing note for the project (Exhibit 3). He noted that the Page is completely vacant and has been deemed unfit for human habitation by the City. The Clarinda currently has 6 unoccupied units and a bank has taken over a number of them. It also has no active condominium association and no routine maintenance is being performed. He concluded that the property is incapable of earning a reasonable return under any circumstances. He felt that it could not be adapted for any other use by the current owners or another purchaser. He noted that the building is not located in a Local Landmark District or a federally registered historic district. He indicated that rescission of the Local Landmark status would allow for better use of the property and would encourage further growth and development in that area.

Tim Holland, 119 South 49th Avenue, mentioned his background with regards to historical buildings. He pointed out several details of the Clarinda which showed that it is a poor example of the neo-classical style. Those details included: the slenderness of the columns that are not proportionately correct; the balconies that are not neo-classical in style; and the entry way that is not independently supported. He described the structure as an eclectic mix of architectural styles which in no way reflects the harmony and balance of the neo-classical style. He believed that the Clarinda is not part of the historic fabric of the surrounding area as a whole. He discussed the positive economic impact created by Midtown Crossing. He submitted a letter from a developer (Exhibit 4) who decided to pass on the project near Midtown Crossing due to the issues facing the Clarinda-Page.
Scott Semrad, 1750 South 85th Avenue, discussed his role in revitalizing the midtown area. He stated that the Clarinda-Page page project is not economically feasible due to its ownership structure, the inability for a future property owner to utilize Tax Increment Financing since it has already been used for this particular property, and the amount of capital it would take to make a return on any investment. He acknowledged Mutual of Omaha’s investment in the area which opened opportunities to renovate several properties nearby. He felt that rescission of the landmark status of the Clarinda-Page would create even more of an opportunity for Mutual of Omaha and others to invest in the community.

Jack Henry, 3027 Farnam Street, appeared in support of the request. He shared his experience as a resident of the Clarinda building. He stated that he bought one of the condominiums in 2007 for $97,500; the property is currently worth $42,000. He explained that there is no board or association, and no funds available for repairs. He was concerned about what the consequences would be if the landmark status was not rescinded. He felt that Mutual of Omaha’s offer to purchase the property would allow him and others to move forward from their current situation that would prove to be a benefit to the City as a whole.

John Heine, 110 South 37th Street, appeared in support of the request. He represented the bank that is in the process of taking back the 13 units that were not sold at the Clarinda. He felt that, aside from possible interest from an overseas investor, Mutual of Omaha was the only developer who would be able to make the property work.

Larry Jacobson, 5149 South 77th Avenue, appeared in opposition to the request. He represented Restoration Exchange Omaha. He addressed the historical status and context of the Clarinda-Page. He explained how the buildings were associated with the Parks and Boulevards system which was established around 1914 by H.W.S. Cleveland, and noted its close proximity to Turner Park. He mentioned several notable people who had resided in the building during its early years. He noted that in 1977, the Clarinda-Page was selected as the Omaha Symphony designer show house. During his presentation he displayed several pictures of the Clarinda-Page which highlighted its prominent place in the neighborhood.

Joe Saniuk, The Architectural Offices - 4610 Dodge Street, appeared in opposition to the request. He stated that the Clarinda-Page is an architecturally significant structure that deserves to keep its landmark status. He believed that it was possible for both structures to be put back into service. He admitted that, although the façade of the building could be considered as “eclectic”, he noted that it has not changed since it was granted it landmark status and that the structure should be considered as a whole. Mr. Saniuk submitted the Reconnaissance Survey of Selected Neighborhoods in Central Omaha (Exhibit 5 – page 21), which lists the Clarinda-Page as a potential nominee for the National Register of Historic Places. In addition, the book “Destination Midtown” (Exhibit 6, page 141-142) was submitted which lists the Clarinda-Page as a structure that should be maintained as a part of the historic fabric of Midtown. He presented several slides which showed many views and details of the buildings.

Brian Hansen, 924 South 36th Street, appeared in opposition to the request. He is a member of Restoration Exchange. He stated that the Clarinda-Page buildings are part of the reason he chose to live in Midtown. Referring to the book, “Destination Midtown”, he stated that the number one strength of Midtown is its historic properties; its primary opportunity is the renovation of rundown properties; and its vision is to maintain and strengthen the existing character and diversity of its architecture and protecting historic structures. He was concerned about the standard of protection that would be established if rescission of a landmark was allowed.
Paul Nelson, Restoration Exchange, appeared in opposition to the request. He stated that the condition of the building is no reason for it to have its landmark status removed, and subsequently demolished. He appealed to the Commission to uphold the landmark status of the Clarinda-Page.

George D. Richardson, 118 South 51st Avenue, appeared in opposition to the request. He is an archivist and historian for the First Unitarian Church (3114 Harney Street). He stated that he has spoken with a number of members with the church who were in opposition to the rescission. He felt that the Clarinda-Page brings harmony to the neighborhood and has great historical value.

Maureen Fitzgerald, 2315 South 34th Street, read a letter in opposition in behalf of Catherine Estes who was not able to appear. Ms. Estes is a residence of the Clarinda. She admitted that errors were made during the renovation and that repairs have been insufficient, and at times have caused more damage. However, she insisted that it can be rehabilitated and that it should be allowed to stand for the enjoyment of future generations. Ms. Fitzgerald expressed her support of Ms. Estes' statements.

Thomas Jizba (Civil Structural Engineer), 14445 North 192nd Street, appeared in opposition to the request. He attested to the exterior condition of the Clarinda-Page, noting that there is no major foundation instability or subsidence. He believes that the Clarinda-Page is structurally sound and would benefit from someone who would take care of them. He submitted a copy of his assessment of the property (Exhibit 7).

Arnold Breslow, 5528 Emile Street, appeared in opposition to the request. He felt that the Clarinda-Page should have the opportunity to be restored and inhabited. He noted that Mutual of Omaha has chosen to save certain properties and could chose to do the same with the Clarinda-Page. He felt that too many historical buildings have been demolished to the detriment of the city, and that it was the Commissions responsibility to uphold the landmark status of the Clarinda-Page.

Rhonda Stuberg, 3708 Farnam Street, appeared in opposition to the request. Ms. Stuberg is a member of the Blackstone Neighborhood Association. She stated that Omaha needs to improve in its appreciation for its history. She felt that the issue is an emotional one that has nothing to do with financial investments, but an investment in the history of the City for the benefit of generations to come.

Bob Perrin, 1101 South 36th Street, appeared on behalf of the Midtown Business Association. He stated that the Midtown Business Association’s position was that Commission should deny the request to rescind the landmark status of the Clarinda-Page. He also noted other historic sites that were saved and others that were lost.

Martin Janousek, 4602 Center Street, appeared in opposition to the request. He spoke about his experiences with participating in the Destination Midtown study in 2004. He stated that what was happening at that time brought people together who shared an appreciation for the area. He expressed the hope the same would happen in this case.

Clarinda Karpov, 3030 Cass Street, appeared in opposition to the request. Ms. Karpov strongly urged the Commission to preserve, defend, and protect the landmark status of the Clarinda-Page. She read from a letter that supported her request and expressed her appreciation of the historical aspects of the buildings. She felt that the destruction of the buildings would be
devastating to the community and would possibly create ill feelings between the neighbors and Mutual of Omaha. However, she felt that working with larger institutions to protect historical structures would bring about better solutions for everyone involved.

Joshua Biggs, 4170 ½ Cass Street, appeared in opposition to the request. He is a member of the Joslyn Neighborhood Association. He was concerned about what would happen to the property if the buildings were demolished and no one stepped up to develop the site. He felt that, although preserving the Clarinda-Page may not be economically feasible, it is the right thing to do and would speak to how much the City values such properties.

Mr. Jobeun noted that the application to rescind the landmark designation includes the 21 condominium unit owners. He felt that the removal of the Clarinda-Page would not detract from the area but would improve its aesthetics and foster continued growth.

In response to Mr. Killian, Mr. Holland stated that preserving the façade for other uses had been considered; however, the idea had been rejected by a formerly interested party. He explained that there were issues with the floor-to-floor heights, interior load-bearing walls, and the small spaces. There was some discussion about density with regards to the proposed street-car system. He also inquired about the views from the south and east of the Clarinda-Page. In response to Mr. Santamaria, Mr. Holland discussed other projects that are proposed as part of the development of that area and how the Clarinda-Page site fits into that plan.

Mr. Santamaria excused himself from the meeting at 3:39 p.m.

Mr. Garcia stated that it was difficult for him to keep emotion out of the decision of whether or not to keep the historical status of the Clarinda-Page intact. He explained that this case was part of a bigger quality-of-life issue.

James Thele, Planning Director, stated that the City considered five criteria regarding the rescission of the Clarinda-Page. He felt that one of the main elements of those five is the feasibility of the project in terms of redevelopment. He stated that the Clarinda-Page would be an extremely difficult project to make economically feasible, in addition to the parking requirements that would need to be worked out. He felt that a future development would be more appealing to pedestrians as a result of its location in an ACI (Area of Civic Importance) District. He did not foresee a future developer who would be willing to take on the project. He mentioned the positive impact that Midtown Crossing has had on the city and how it was possible, in part, as a result of other structures being removed. He stated that any future development of the property would meet the requirements of the ACI District and would encourage additional development to the east. He also explained that in this case there are compelling reasons to overwrite private rights for the public good. He also stated that the fact that the residents of the Clarinda wish to sell should be taken into consideration. He concluded that the Planning Department does support the request for rescission of the landmark status for the Clarinda-Page.

Ms. Novak noted that there were not enough commission members available for the case to be voted on since six affirmative votes were needed, and one member needed to abstain. She suggested a layover. The applicant did not object to the layover.
Ms. Novak moved to LAYOVER. Mr. Garcia seconded the motion.

AYES: Hargiss, Garcia, Gerber, Pence, Killian, Novak

MOTION CARRIED: 6-0
APPROVAL OF MINUTES:

Mr. Hargis moved to APPROVE the minutes of the September 11, 2013 meeting. Ms. Jones seconded the motion.

AYES: Santamaria, Failla, Jones, Hargiss, Macchietto

ABSTAIN: Gerber

MOTION CARRIED: 5-0-1

Ms. Failla moved to APPROVE the minutes of the October 9, 2013 meeting. Mr. Hargiss seconded the motion.

AYES: Santamaria, Failla, Jones, Hargiss, Macchietto

ABSTAIN: Gerber

MOTION CARRIED: 5-0-1

DISCUSSION ITEMS:

Mr. Leonard provided copies to the Board of the reports that had been submitted to the Nebraska State Historical Society and a copy of the letter from Audrey Mohr which provided several recommendations of areas in which the Board can improve. He encouraged the members to review the documents and decide if they would like to discuss them at a later meeting. An applicant and grant schedule was also provided for the upcoming year.

There was some discussion about term expirations and what type of contact information the members would prefer the City give out upon request. He also informed the Commission members that the City has been working with individuals from the West Central/Cathedral District on design guidelines for that neighborhood. He also mentioned that there may be occasions where a pre-meeting is scheduled before the regular meeting in order to brief the members on some cases. In response to Mr. Santamaria, Mr. Thelen stated that pre-meetings are advertised and are open to the public.

Kristine Gerber, the newest commission member, introduced herself to the other members of the Board.

It was the consensus of the Commission to ADJOURN the meeting at 2:30 p.m.