

FACTSHEET

TITLE: CHANGE OF ZONE NO. 04066, requested by the Director of Planning, amending Title 27 of the Lincoln Municipal Code to amend various screening and landscape requirements; to adopt pedestrian standards for commercial and industrial areas; and to amend the process for approving waivers of the design standards.

STAFF RECOMMENDATION: Approval.

ASSOCIATED REQUESTS: Miscellaneous No. 04015 (06R-9) and Miscellaneous No. 05007 (06-6).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 12/07/05 and 12/21/05
Administrative Action: 12/21/05

RECOMMENDATION: Approval (7-0: Carroll, Esseks, Larson, Sunderman, Strand, Taylor and Carlson voting 'yes'; Pearson and Krieser absent).

FINDINGS:

1. These proposed text amendments to the Zoning Ordinance were heard at the same time as associated proposed text amendments to the Land Subdivision Ordinance (Miscellaneous No. 05007, Bill #06-6) and the City of Lincoln Design Standards (Miscellaneous No. 04015, Bill #06R-9), seeking to adopt various screening and landscape amendments and pedestrian standards for commercial and industrial areas; to reduce the front yard setback; and to allow the Planning Director to administratively approve waivers to the Design Standards.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.7-12, concluding that the proposed amendments are in conformance with the Comprehensive Plan. The proposed changes to the screening and landscape standards will substantially improve the visual appearance of the City streets. In many cases, the developers would be compensated by reduced front yard setbacks which provide more developable land. The proposed text for pedestrian circulation standards in commercial and industrial areas will substantially improve opportunities for pedestrian movement, which is an identified goal of the Comprehensive Plan. The proposed amendments will also allow staff to determine "substantial" conformance with design standards and to administratively approve requests to waive the design standards.
3. The staff presentation and testimony in support is found on p.14-17. Additional information submitted by the staff is found on p.37-43. Pages 40-43 set forth research indicating the economic and environmental benefits of trees and landscaping. The record also consists of three letters in support, including the Pedestrian/Bicycle Advisory Committee, the Lincoln-Lancaster County Board of Health and the Near South Neighborhood Association (p.44-46).
4. Testimony in opposition occurred at the continued public hearing and is found on p.19-20, and the record consists of two letters in opposition, including the position statement by the Lincoln Independent Business Association (p.52-55) and a letter in opposition from the Realtors Association of Lincoln (p.56).
5. The Director of Planning met with the Realtors Association representatives, which resulted in the staff-proposed amendments to the proposed Design Standards (Miscellaneous No. 04015), which were submitted at the continued public hearing and as set forth on p.60. Although Mark Hunzeker testified in opposition on behalf of the Realtors Association of Lincoln at the continued public hearing, a letter from Douglas Rotthaus, Executive Vice-President of the Realtors Association, recanted Mr. Hunzeker's negative testimony and expressed support for the proposal with the amendments being recommended by the staff (p.61).
6. There was testimony in opposition by Attorney Larry Albers on behalf of Enterprise Company, suggesting that areas of condemnation be exempted from the proposed design standard amendments (p.22).
7. On December 21, 2005, the Planning Commission agreed with the staff recommendation and voted 7-0 (Krieser and Pearson absent) to recommend approval of the proposed amendments to Title 27 (Change of Zone No. 04066). The Planning Commission also voted 5-2 (Larson and Strand dissenting; Krieser and Pearson absent) to recommend approval of the amendments to the Design Standards, as amended by staff and with amendment to exempt areas under condemnation from the new requirements (Miscellaneous No. 04015), and voted 7-0 to recommend approval of the amendments to Title 26 (Miscellaneous No. 05007).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: January 3, 2006

REVIEWED BY: _____

DATE: January 3, 2006

REFERENCE NUMBER: FS\CC\2006\CZ.04066+

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for December 7, 2005 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone #04066, Miscellaneous #04015, Miscellaneous #05007

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items.

PROPOSAL: To amend Title 27, Zoning Ordinance, Title 26, Land Subdivision and the City of Lincoln Design Standards to adopt various screening and landscape amendments and pedestrian standards for commercial and industrial areas amendments. To reduce the front yard setback. To allow the Planning Director to approve waivers to the City of Lincoln Design Standards.

CONCLUSION: In conformance with the Comprehensive Plan. The proposed text changes for screening and landscape standards will substantially improve the visual appearance of City streets as intended in the previous applications. However, the new proposals are less extensive, and in many cases developers would be compensated by reduced front yard setbacks which provides more developable land. The proposed text for pedestrian circulation standards in commercial and industrial areas will substantially improve opportunities for pedestrian movement which is an identified goal of the Comprehensive Plan. Proposed new language will allow staff to determine "substantial" conformance with design standards and to approve waiver requests.

RECOMMENDATION:

Change of Zone #04066

Miscellaneous #04015

Miscellaneous #05007

Approval

Approval

Approval

GENERAL INFORMATION:

HISTORY:

- Nov. 10, 2005 Landscape screening amendments and pedestrian standards presented to the Mayor's Neighborhood Roundtable.
- November 9, 2005 Briefing with Planning Commission on the proposals.
- November 8, 2005 Pedestrian standards presented to the Lincoln-Lancaster County Board of Health and are given vote of support.
- October 11, 2005 Pedestrian standards presented to the Mayor's Pedestrian and Bicycle Advisory Committee and are given vote of support.

Sept. 20, 2005	Public meeting held to discuss landscape screening amendments and pedestrian standards with public and representatives of the development community.
Sept. 8, 2005	Pedestrian standards presented to the Mayor's Neighborhood Roundtable.
April 28, 2005	Public meeting held to discuss landscape screening amendments with public and representatives of the development community.
April 13, 2005	Landscape screening amendments; CZ #04066, Misc. #04015 and Misc. #05007; were placed on pending by Planning Commission to allow for additional dialogue with representatives of the development community.
October 19, 2004	Public meeting held to discuss landscape screening amendments and pedestrian standards with public and representatives of the development community.
October 14, 2004	Landscape screening amendments and pedestrian standards presented to the Mayor's Neighborhood Roundtable.
September 2004	Planning Director withdrew CZ #3292, Misc #00011, Misc. #02002 and Misc. #02003
September 2004	Multi-Modal Transportation Study Final Report completed; calls for development and implementation of pedestrian standards.
May 2002	Misc. #02002 and Misc. #02003 to amend Title 26 were placed on pending by Planning Commission, due to opposition to wider (120'-130') rights of way for arterials in new development areas.
2002	Comprehensive Plan adopted, including the wider right of way requirements and strategy to develop pedestrian standards.
February 2001	CZ #3292 and Misc. #00011 for Entryway Corridors was placed on pending by Planning Commission due, to opposition of owners along I-80 to extensive new design standards for interstates.

History of Screening and Landscape Standards:

Four years ago, the proposed "Entryway Corridors District" ordinance was heard by the Planning Commission and placed on the pending list. A little over three years ago, a package of proposed ordinance amendments referred to as "Public Way Corridors" was heard by the Planning Commission and placed on the pending list. Since that time, many circumstances have changed: the 2025 Comprehensive Plan was adopted, other studies have been completed, and several new Planning Commissioners were appointed.

The Planning Department reconsidered these proposals in light of the changed circumstances, evaluated the likelihood of specific recommendations being approved, weighed the impact of specific proposals on the appearance of the community as well as the impact on the property

owners who will develop and acquire property, and put these proposals into the context of other issues and initiatives. As a result of this review, the Planning Department withdrew the applications on pending, and submitted a new set of applications to the Planning Commission and City Council for public discussion and hearings in April of this year. Those amendments were placed on pending by the Planning Commission to allow for more dialogue, which occurred and resulted in the attached reformatted amendments.

The "**Entryway Corridors District**" amendments contained a set of special design standards that were intended for the development of properties abutting the I-80 and I-180 corridors. The standards were based on a consultant report completed in 2000 that analyzed these corridors. The report and ordinance amendments were prepared as a result of the general interest expressed by City Council members in improving the appearance of the city's major entryways. A companion report looked at the prospects for enhancing the West Cornhusker corridor between the airport and I-180, and that study did result in some landscape improvements near the airport. Continuing Council interest in the visual appearance of the city also has been demonstrated by:

Neighborhood Design Standards to ensure that new residential construction in the pre-1950 city limits is compatible with the character of the surrounding neighborhoods.

Special state and local restrictions for development in the environs of the State Capitol.

A more restrictive sign code regarding billboards, adopted in 2000, which included special limitations at the intersection of key roads with the city boundaries.

Close review of development proposals like cellular towers that might have adverse visual impacts.

Revitalization plans for public and private land in the Antelope Valley area east of the downtown.

The focus on the interstates was well intended. Interstate 80 and Interstate 180 carry more traffic and are on view to more passers-by and visitors to Lincoln than any other roads. Much of the bordering land is undeveloped, providing the opportunity to avoid mistakes of the past allowed along the city's older entryways.

The "entryway" special design standards for buildings and landscaping of properties abutting the freeway rights of way included:

Special 50 foot landscape buffers and 100 foot building/sign setbacks

Service/loading areas restricted from facing the freeways

Masonry comprising at least 65% of the walls facing the freeways

Berms or solid planting along the freeway frontage that is 15-20 feet in height

Landscaping from a special palette of native materials

Lighting shielded and limited in brightness like the parking lots in newer zoning districts

Screening of rooftop mechanical equipment

Special sign controls (withdrawn from the package after the original submittal)

"**Public Way Corridors**" was the term used in the 1994 Comprehensive Plan for wider, multiple-use arterial corridors proposed in the city's future growth areas to better accommodate the

demands of vehicular and pedestrian circulation, utilities, lighting and landscaping. The concept was carried into the 2025 Comprehensive Plan adopted in 2002, and the new right-of-way width for arterial streets as stated in the Plan since has been the basis for required street dedications in the developing areas. The original term was dropped in later communications, but is used in this memo for convenience. After a consultant study and adoption of a Comprehensive Plan amendment in 1999-2000 referencing this concept, City staff developed a proposed set of ordinance amendments in 2000-2001. Those proposed amendments went through public review and to the Planning Commission for public hearing in April 2002. Numerous objections were raised by speakers at the hearing, and the Planning Commission put the proposal on pending.

The “Public Way Corridor” amendments were intended to address a variety of issues, with some provisions only applicable to the new, wider arterials and others applicable to the older arterials as well. Some of the amendments addressed issues of visual appearance, but there were other objectives as well.

The proposals included:

- Revise the standard in the Subdivision Ordinance for arterial street right-of-way width in developing areas from 100 feet to 120-130 feet.

- Provide compensating development flexibility in exchange for dedicating this additional right of way: treating the additional land as easement so that it can be included in front yard requirement, reducing the front yard requirement in certain districts, and reducing the minimum lot depth requirement for residential lots.

- Allow street trees to be planted in the wider rights of way of these new arterials.

- Require that some landscaping be planted along with fences that are installed to meet the City’s screening requirements along arterial streets

- Require that any new fences along the rear of double frontage lots abutting arterial streets be constructed with openings, so that the property owners can access the right-of-way for maintenance

- Require a minimum 12 foot front yard landscape area for auto sales lots in the City’s older business districts, which currently can be paved right up to the front property line.

- Increase the density of parking lot screening, eliminate the provision that allows a reduction in screening with increased setbacks, and require additional parking lot trees.

- Provide standards for property owners who want to enhance landscaping in street rights-of-way.

- Amend the phasing and bonding requirements for street trees and sidewalks to make them less cumbersome for developers.

- Require that landscaping be installed by certified and approved nurserymen or contractors.

History of Pedestrian Standards:

Draft pedestrian standards for commercial and industrial areas have been developed for review and discussion over the past year. These proposed design standards for pedestrian circulation have now been combined with the draft screening and landscape standards into this one submittal. The pedestrian standards as proposed are an outgrowth of the call for the implementation of pedestrian standards in the Comprehensive Plan that was adopted in 2002, as well from a more detailed discussion and call for pedestrian standards in the Multi-Modal Transportation Study Final Report which was completed in 2004.

COMPREHENSIVE PLAN SPECIFICATIONS:

- F-40 Due to lesser potential impacts, the centers can be located closer to residential, though residential uses should be buffered through landscaping, large setbacks and transitional uses, such as office or open space.
- F-41 Physical linkages (i.e., sidewalks, trails, roads) should be utilized to directly connect Commerce Centers with adjacent development, although undesirable traffic impacts on adjacent residential areas should be avoided or minimized.
- F-42 Commercial locations should be easily accessible by all modes of transportation including pedestrian, bicycle, transit and automobiles. Center should be especially accessible to pedestrians and bicycles with multiple safe and convenient access points.
- F-42 Buildings with more intrusive uses should have greater setbacks, screening requirements and be built of more compatible materials.
- F-51 Lancaster county boasts a diverse set of environmental resources and landscape types that should be respected and maintained.
- F-51 Environmental Stewardship
“Clean air, clean water, parks and open space, mature trees, signature habitats, and prime and productive farmlands are valuable assets. Conservation areas, floodplains, green spaces, and parks define, and help to create linkages between, neighborhoods and surrounding population centers. The Comprehensive Plan takes into consideration the effects of natural phenomena not only upon localized development, but also upon the community as a whole, upon private ownership issues, and upon recreational opportunities. The Plan thus commits Lincoln and Lancaster County to preserve unique and sensitive habitats and endorses creative integration of natural systems *into* developments.”
- F-52 Signature landscapes provide visual images of the community’s natural and cultural history and serve as a reminder of the ecosystem that forms the community’s urban and rural economic base.
- F-54 Urban Forest— This feature refers to the trees and other woody plants that have been planted or grow naturally within the limits of the communities in Lancaster County. Though many may not consider the urban forest to be part of the “natural environment” it represents a significant community investment —exemplifies in Lincoln being a “Tree City”— with its elimination or neglect having substantially detrimental consequences.
- F-57 Make “green space” an integral part of all environment—“Green space” can come in a wide variety of forms. The policies of the Comprehensive Plan should strive to incorporate such uses in the full range of urban and rural landscapes.
- F-60 Buffer areas should be sought, as ecologically appropriate, along Greenway stream corridors with significant natural values worthy of continued preservation and/or to decrease impacts from adjacent future land uses; such impacts may include natural areas protection strategies and/or stormwater management considerations. Further the continued development of the urban forest through design standards and other current planning mechanisms. Preserve the existing tree masses as much as possible by integrating them into future development plans.
- F-87 The overall objectives of the transportation plan include:

Developing a balanced transportation system that meets the mobility needs of the community and supports Lincoln and Lancaster County's land use projections and plan.

Using the existing transportation system to its best advantage.

Creating a sustainable transportation network that minimizes energy consumption and environmental pollution.

Increasing the use of alternate means of transportation, including public transportation, bicycle transit, and pedestrian movement, by improving and expanding facilities and services and encouraging compact, walkable land use patterns and project designs.

Continuing Lincoln's street and trails network into newly developing areas.

Designing a street and road improvement program that is both physically attractive and sensitive to the environments of urban neighborhoods.

Maximizing the safe and efficient movement of railroad traffic, while minimizing street conflicts and reducing the creation of barriers created by rail corridors.

Enhancing aviation facilities, while minimizing their effect on surrounding land uses.

- F-90 Pedestrians should be visible to motorists and other pedestrians. Pedestrians should be separated from motorists and bicyclists.
- F-90 Pedestrian amenities should include landscaped parkways with street trees between the street and sidewalk.
- F-92 Pedestrian standards should be prepared for public and private developments. These standards should consider existing and future pedestrian activity centers. The standards should be realistic and easy to understand. Checklists maybe used to implement the standards.
- F-140 The community should continue its commitment to establishing and managing an urban forest. Strategies include, continue planting public trees along streets and in parks; and develop programs to encourage public participation in planting and management of public trees.

ANALYSIS:

Purpose

Parking lot landscaping and landscaping in general needs to be encouraged because it brings many benefits to the community. Landscaping contributes to the beauty and attractiveness of our communities. Trees and plants bring aesthetic, environmental and economic benefits to a community. They provide shade and seasonal color, mitigate visual blight associated with parking lots and screen incompatible land uses. Landscaping ensures public safety by providing protection for the pedestrian from vehicular traffic. It enhances the safety of parking lots by guiding the circulation of cars and people. Landscaping can be used to control access to parking lots and provide reference points for entrances and exits.

Environmental benefits of trees and other landscaping can complement the aesthetic value. Environmentally, plants play a significant role in modifying the climate of the immediate area. Vegetation improves air quality by absorbing pollutants and filtering impurities, moderates daily temperatures by absorbing sunlight and disperses sound energy. Trees can play an important role in deadening unwanted noise. Sound waves are absorbed by a tree's leaves, branches, and twigs and deflected by heavier branches and trunks. Plants also reduce soil erosion and storm water runoff.

Landscaping adds value to property by making commercial property more appealing to shoppers. They provide a pleasing transition from the road to the shopping center. In residential subdivisions, homeowners desire lots with trees even if there is additional cost. Certain arrangements of plants around buildings may help to conserve energy by creating an insulating effect.

A program of studies at the Center for Urban Forest Research confirms that trees in cities reduce storm water quantity and improve surface water quality, reduce urban heat island effects, reduce levels of pollution particulates in the air, and reduce building energy costs. Other investigators have found that trees affect urban economics by increasing desk workers productivity, residential property values, commercial rental rates, and shopper's willingness to pay for goods in business districts. In the transportation context, drivers highly prefer views of trees in the roadside and a view of nature while driving contributes to reduced physiological stress in drivers.

Sources:

"Tree Conservation Ordinances"; American Planning Association, Planning Advisory Service Report #446; 1993

"Preparing a Landscaping Ordinance"; American Planning Association, Planning Advisory Service Report #431; 1990

"The Aesthetics of Parking"; American Planning Association, Planning Advisory Service Report #411, 1988

"Parking Lot Landscaping"; American Planning Association, Planning Advisory Service Report #335; 1978

"Trees and Parking Lots"; The National Arbor Day Foundation, Tree City USA Bulletin #24, 2001.

"Trees and Roadside Safety in U.S. Urban Settings"; Paper presented to the annual meeting of the Transportation Research Board, January 2005.

Landscape Screening Amendments:

1. *Front Yard Setback*

Reduce the front yard setback in the O-2, B-2, B-5, H-1, H-2, H-3, H-4, I-2 and I-3 to 20' for buildings, parking and driving aisles. This will create more "usable" land and the opportunity for better pedestrian connections from the sidewalks in the abutting streets, but move the driving aisle out of the front yard except for drives that are perpendicular to the street.

2. *Arterial Street Cross section*

Adopt typical arterial street cross-sections and location of utilities, sidewalks, and landscaping for 120 foot and 130 foot arterial streets. This merely reflects and describes the standard already adopted in the Comprehensive Plan.

Adopt typical design standard showing adjustments when a trail is included in the street right of way.

Accommodate right turn traffic lanes by dedication of 70 feet from centerline with 60 feet on the opposite side, to ensure an adequate safety zone between the curb and sidewalk.

3. Street trees & landscape screening

Plant street trees in the right of way, between the curb and sidewalks, along major streets with 120' or more of right-of-way (ROW), where they can protect pedestrians and improve the streetscape. Street trees would continue to be planted on private property on major streets with less than 120' of ROW

Street trees may be planted in the right of way of state highways, including Interstate 80 and I-180, but only with permission from Nebraska Department of Roads. If permission is not granted, the trees shall be planted on private property adjacent to the right of way.

The screen along major streets with double frontage lots shall consist of only plants and/or earth berms, or a combination of fence and landscaping. Fences and/or walls may provide a maximum of 70% of the total screening requirement. The current practice is to install a 6' high fence. The proposed text would require some landscaping to be provided along the street side of the fence to relieve the visual monotony of a bare fence. The landscaping could be planted in the right of way with the fence installed along the property line.

Provide a 36 inch wide opening or gate in the fence for each double frontage lot to access the area between the street pavement and the property line for maintenance. Two adjoining lots may share the same opening. Such opening may be waived if a property owners association is created for the maintenance of other common facilities and will assume the maintenance of the area between the curb and the property line including the shrubs and sidewalk.

Require a minimum 6 foot landscaped area along front yards for new development in B1, B-3, H1, H2 and H3 districts. Development in these older business districts currently is permitted with paving areas extending all the way to the street right of way.

Decrease number of trees per building coverage from 4 trees per 10,000 s.f. of building coverage to 3 trees per 10,000 s.f. in the O-3, B-2, B-5, I-2 and I-3 districts. This reduction would compensate for the proposed increase in parking lot trees and leave the total tree planting requirement essentially the same in these newer zoning districts.

Increase tree canopy in parking lots:

- P Increases the minimum ratio of parking lot trees per square foot of parking area from 1 per 10,000 sq ft. to 1 per 6,000 sq ft.

- P Simplifies the method that determines the required number of shade trees. Determining the number of trees has been simplified by eliminating the need to calculate canopy coverage based on the tree's mature spread.

- P Increase minimum planting area from 36 square feet to 50 square feet.

Increase density of screening requirements for parking lots:

- P Eliminate the current reduction in screening when parking lots have additional setbacks
- P Increase density of the four foot screen in front yard from 60% to 90%, the same as required currently along side and rear yards adjacent to residential zones.
- P Add screening requirement for driving aisles, vehicle service and queuing areas.

Adopt new standards for landscaping called “*Design Standards for Landscaping Streetscapes, Medians, Boulevards, Roundabouts, and Arterial Streets.*” These standards were developed by the Parks Department to govern plants desired by and paid for by the private sector in nearby street right of way.

4. Other Screening

Screen refuse areas, waste removal areas, service yards, storage yards, recycling areas, exterior work areas, and ground level mechanical equipment within 150 feet of street ROW and within the public view or abutting a residential district.

5. Waivers

Allow the Planning Director to administratively approve waivers.

Comparison of Other Cities

A review of other cities was conducted to review the landscaping requirements within each city. Cities reviewed were Austin, TX; Boulder, CO; College Station, TX; Columbia, MO; Des Moines, IA and Lawrence, KS. All of the cities reviewed have landscaping requirements that include parking lot screening, internal landscaping of parking lots, screening of incompatible uses and street trees.

Boulder, College Station and Lawrence all require a 100 % screen of parking lots from 0-3 feet above the ground. Austin does not require perimeter screening, but does require end islands to be landscaped with trees and parking spaces may not be located further than 50 feet from landscaped area or tree.

Boulder, Columbia, and Lawrence require screening of outside storage areas and trash areas. A comparison table is included at the end of the staff report.

Grandfather Clause

These revisions would only apply to new applications made after the proposed amendments are approval by the City.

Proposed Changes to Streetscapes by Zoning District

Following is a table that summarizes the proposed changes by zoning district. There are no changes being proposed for the O-1, O-3 and B-4 districts.

<u>Zoning</u>	<u>6' Landscape Strip</u>	<u>Current Front Yard</u>	<u>Change To 20' Front Yard</u>	<u>Front Yard Landscape</u>
O-1	no	0'	no	no
O-2	no	30' or same as abutting residential district, whichever is lesser	yes	yes
O-3	no	20'	no	no
B-1	yes	20'	no	no
B-2	no	50'	yes	yes
B-3	yes	0' or same as abutting residential district	no	no
B-4	no	20' or 0' depending on location or same as abutting residential district	no	no
B-5	no	50'	yes	yes
H-1	yes	25'	yes	no
H-2	yes	25'	yes	no
H-3	yes	30'	yes	no
H-4	no	50'	yes	yes
I-1	no	15'	no	yes
I-2	no	50'	yes	yes
I-3	no	50'	yes	yes

Pedestrian Standards Amendments:

Purpose of New Standards

The design and installation of sidewalks within existing and new areas in the City of Lincoln affect such matters as pedestrian and vehicular safety, pedestrian convenience, healthy living factors, and the general appearance and livability of the city. The design and installation of sidewalks within all commercial and industrial use areas to provide for a minimum amount of safety and connection is a matter of city-wide concern. The adoption of these design standards will more clearly explain what is both desired and required of developments to best meet the needs of the pedestrian. Also, implementation of these design standards will provide improved pedestrian convenience and connections, improved safety, and a built environment that provides better opportunities for increased physical activity.

The new pedestrian design standards will be applicable in the following sections of the zoning code: O-2, O-3, R-T, B-1, B-2, B-3, B-5, H-1, H-2, H-3, H-4, I-1, I-2, I-3, Permitted Special Use: Health Care Facilities, and Permitted Special Use: Clubs respectively.

Proposed Standards

- ! An on-site sidewalk system shall be constructed along streets and drives (both public and private) and shall connect to the sidewalk system on abutting streets.
- ! Each building and pad-site shall connect to the on-site sidewalk system by way of a sidewalk that serves the main entrance of each building and pad-site.
- ! The sidewalk along the front of each building that includes the main entrance(s) to the building shall be required, with a minimum five (5) foot clear walking space. Where angle or 90 degree parking abuts the sidewalk, a minimum of 2.5 feet of a parked car overhang obstructing the sidewalk shall be taken into account when providing this five foot clear walking space. An eight (8) foot clear walking space is required along the front of a building when the building size is 50,000 square feet in gross floor area or greater and is in retail use.
- ! Sidewalks shall be constructed to serve pedestrian movement on site in as direct a manner as possible with a maximum 300 foot diversion for pedestrians to be used as a standard for identifying directness.
- ! With the exception of where sidewalks cross driveways, sidewalks shall be separated from vehicle parking and vehicle maneuvering areas by grade differences, paving material, and/or landscaping.
- ! The on-site sidewalk system shall connect with existing or planned bicycle trails which abut the site but are not necessarily adjacent to the streets abutting the site.
- ! Installation of on-site sidewalks shall coincide with and complement required street trees and on-site landscaping requirements.
- ! All on-site sidewalks (except for those that abut the fronts of buildings as discussed above) shall provide a minimum of four (4) feet of clear walking space in width and shall be constructed in accordance with sidewalk standards adopted by the City Engineer including all applicable ADA standards.

Optional Floor Area Incentive Standards

Additional pedestrian amenity possibilities are included in the proposed pedestrian circulation standards chapter of the Design Standards for the purpose of further explaining what is needed to obtain the optional Floor Area Incentive bonus offered in the Lincoln-Lancaster Comprehensive Plan. The following design features are needed in site designs to identify which developments are truly pedestrian oriented.

- ! Sidewalks installed on both sides of private drives.
- ! Additional clear walking space, in addition to the required 8 feet, provided along the front of large retail buildings.
- ! Internal parking lot design that provides for the comfort and safety of the pedestrian through the provision of sidewalk facilities within the parking area.
- ! Provide for even greater pedestrian orientation through enhanced site design features.
- ! Bicycle racks provided in convenient and secure areas within a development.
- ! Provisions made for transit opportunities in the design of a development.

Review Procedures

A pedestrian circulation plan shall be required of submittals to include a detailed scaled drawing of the site under review, showing the location, orientation, and dimensions of existing and proposed sidewalks and pedestrian facilities in compliance with these Design Standards for Pedestrian Circulation. The City-County Planning Department shall serve as the coordinating agency for the review and approval process required for developments involving plats, use permits, special-use permits, and Planned Unit Development procedures.

The City of Lincoln Public Works and Utilities Department shall serve as the coordinating agency for the reviews and approvals required through the building permit process or other such process as approved by the Director of Public Works and Utilities. The Planning Department will assist in the review of the pedestrian circulation plan when submitted during the building permit process. In existing commercial and industrial areas, improvements in the form of building additions or reconstruction of 50% or more of assessed value of the property will trigger the requirement to abide by these pedestrian design standards.

Prepared by:

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DATE: October 10, 2005

APPLICANT: Marvin Krout
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**CHANGE OF ZONE NO. 04066;
MISCELLANEOUS NO. 04015; AND
MISCELLANEOUS NO. 05007**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 7, 2005

Members present: Carroll, Esseks, Larson, Sunderman, Strand, Taylor, Pearson and Carlson; Krieser absent.

Staff recommendation: Approval.

Ex Parte Communications: None.

The Clerk announced that the staff would request a two-week deferral for re-advertising a piece of the legislation in Change of Zone No. 04066; however, that the hearing be held today.

Additional information submitted for the record: Tom Cajka of Planning staff submitted an e-mail in support from the Near South Neighborhood Association.

Proponents

1. Marvin Krout, Director of Planning, presented the proposal, stating that this is one of the many efforts to “fix the standards and streamline the process”.

The primary authors of the proposed legislation are David Cary on pedestrian standards and Tom Cajka on the streetscape and landscape and screening standards.

This has a very long history, going back to before the year 2000 where there was discussion about “public way corridors” (how we are going to design and build the new arterial streets in the new development areas). It also dealt with the attractiveness of the street and the adjacent frontage. That case turned into proposed ordinance amendments and in 2001 or 2002, the Planning Commission put that proposal on pending indefinitely.

The second effort was called “entryway corridors” which had its own history, the objective being to look at the major ways into the community, particularly I-80. There was a proposed I-80 corridor ordinance to maintain the attractiveness of the community, and that, too, was placed on pending by the Planning Commission 2002.

In the meantime, the new Comprehensive Plan was adopted, there have been changes on the Planning Commission and the Director of Planning. The newly adopted Comprehensive Plan makes all kinds of references to improving the attractiveness of the community and how that is related to economic development in the 21st century.

The foregoing amendments have now been consolidated into streetscape, landscape and pedestrian standards. The staff has been working on this proposal for 15 months and there have been two or

three briefings for the Planning Commission. The staff sought input from the development community and significant changes have been made in response to that input. This package came before the Commission in April, when it was again placed on pending and it has now been repackaged and is hereby resubmitted for the Planning Commission review and consideration.

Krout then summarized the proposal:

- allow street trees in right-of-way of major streets -- they make a tremendous difference in the visual quality of the community – where they will shade and protect pedestrians and the street;

- increase the density of low screening that is currently required in front of parking lots;

- soften the appearance of the solid wood fences;

- screen trash receptacles, open storage and loading areas;

- alter the formulas for tree planting requirements—the effect is to increase trees in and around parking lots in older business districts where there is development or a new development. The impact on the new business districts is none. The problem in the newer areas appears to be enforcement, thus the proposal is to show a contract for the landscaping or provide a bond;

- in the older business districts, new development or redevelopment is allowed to pave parking lots up to the street right-of-way, which is usually up to the sidewalk, so the proposal requires at least a 6' landscape strip in front of that parking lot with low shrubs;

- Parks Department has been working on standards and materials when property owners want to do landscaping on nearby public right-of-way – they have asked us to include those new standards as part of the design standards in this package;

- buildings and parking would be allowed to be closer to the street. If we are serious about pedestrian convenience, which is another part of this package, we want to encourage activities to be closer to the street and the sidewalk. It gives back 30' of property that is now front lawn along these streets to the property owner, which is a considerable increase in value to the property.

- the idea of streamlining the process has to do with a strategy that the Planning Department is pursuing, i.e. eliminating use permits. If there are sufficient standards, and if we have dealt adequately with screening, landscaping, and lighting, we should be able to avoid having all site plans for commercial development in newer zoning districts come before the Planning Commission for approval. This does connect to a larger strategy of simplifying that use permit process.

- with regard to pedestrian standards, today we have a requirement that all parking lots have walkway systems, but we do not have standards that clarify those requirements. Public Works and Building & Safety have provided some guidelines on what we mean by a walkway system into or out of a parking lot. The standards have to do with adequate

width, making connections between sidewalks or bike trails on the perimeter, etc. These will not require any type of public review but will be part of the building permit process.

–more guidelines on situations where someone is asking for commercial zoning and they want to qualify for a “floor area bonus” that allows more square footage than the top of the range for a neighborhood business center or commercial community scale business center.

–on the process side, there is a recommendation for two changes relating to the process of approving design standards that should help streamline the process. One is to use “substantial” and allow for an administrator at Planning, Building & Safety or Public Works to make a determination that a proposed development “substantially” meets the design standard. We are asking the Commission to give a little bit of discretion that people who are on staff can use some common sense and identify when the spirit and intent is met.

–another process proposal is to allow staff to administratively approve waivers of design standards (not zoning or subdivision standards). Krout believes that a little more flexibility is permissible and suggested that the Public Works Director knows better whether or not to permit a sewer line to go in the opposite direction of the grade and surface or to be plus or minus 18 feet in depth. Lots of these are technical decisions and this is a request that the staff be trusted to make some decisions. These waivers would be subject to appeal to the Planning Commission and/or the City Council.

The staff did meet with the development community. Krout noted that there is a letter from the Realtors Association in opposition with concerns about cost and safety issues. Krout advised that he has responded and he will attempt to meet with the Realtors Association prior to the next meeting.

Strand expressed concern about the requirement that the landscaping be done by a qualified nurseryman or contractor. What if a neighborhood wants to take over a median and buy the stock? Why can't they do the planting as a donated service? Krout thought that provision had been removed from the proposal. He will ask the Parks Director to respond at the next meeting.

Esseks requested that the issue of whether these enhanced design standards really help promote new investment and the retention of existing businesses be addressed at the next meeting. He believes that they should, but it would be helpful to have some empirical evidence about that. He likes the comparisons to peer communities but maybe the APA service can help on this issue. Either the investors themselves or the consumers expect a certain type and standard of amenity. Krout advised that the staff did compare the standards, but it will be hard to compare the economic development in one community versus another based on the quality of the standards, but we can probably get to survey responses from employers who make relocation decisions.

With regard to the waiver process, Carlson inquired as to how one knows that they may be interested in appealing what has been waived. Krout stated that neighbors are not notified today when the Department approves an administrative amendment today, except in one particular case in the zoning ordinance that has to do with the new neighborhood design standards. For most cases, it is not necessary and he would not suggest it. If you feel that something is needed, then the best approach would be to expand on what we already do with the City Council, where the Planning Department sends them a written summary of the resolutions of Planning Commission and the letter approving final plats. If the Planning Commission needs to be kept informed about administrative decisions, that would

probably be the best way to do it. There was concern about the timeliness of such notice in order to meet a 14-day appeal period.

Strand moved to defer two weeks, with continued public hearing and action scheduled for December 21, 2005, seconded by Sunderman and carried 8-0: Carroll, Esseks, Larson, Sunderman, Strand, Taylor, Pearson and Carlson voting 'yes'; Krieser absent.

Support

1. Neal Thomas, current chair of the **Pedestrian and Bicycle Advisory Committee**, read a letter in support of enhancing pedestrians standards throughout our community. The Pedestrian and Bicycle Advisory Committee has reviewed the proposal which includes requirements for pedestrians circulating in facilities within commercial and industrial areas and the Committee believes these requirements are critical. The members of the Advisory Committee voted unanimously to support these pedestrian design standards, and suggests that continued discussion should occur regarding other areas of our community in need of detailed pedestrian design standards.

Esseks inquired about provisions for bicycle racks. Thomas does not believe that has been addressed in this proposal. He only recalled random discussion about it.

2. Mike Heyl, Public Health Educator with the **Lincoln-Lancaster County Health Dept.**, appeared on behalf of the Director of the Health Department, and expressed support for the design standards for pedestrians circulating in commercial and industrial areas. The Planning Commission has been meeting with the Lancaster County Board of Health in regard to physical activity and how the built environment impacts people's choice of transportation. The Health Department believes that the design standards make physical activity the easy choice. It would make Lincoln a more pedestrian-friendly community through the built environment. He also referred to the letter dated November 8, 2005, from Larry Hudkins on behalf of the Board of Health, expressing unanimous support for these standards as written.

Taylor asked whether non-motorized transportation has been addressed. Heyl indicated that it has not yet been addressed. The Multi-Modal Transportation Task Force did some community information gathering and he believes that report is part of the Comprehensive Plan.

Esseks commented that Lincoln is famous for its bike trails and hiking trails, and it would be a shame not to have some encouragement for the bike racks. Heyl noted that there is a coalition that has been working for about a year, called "Lincoln in Motion", which is taking a look at things that can be done to make that environment more friendly. As part of the Downtown Master Plan, some of the parking garages were approached about taking some of the parking stalls out and putting in bike lockers or bike stalls. That might be more on a seasonal basis. The bike trails are not yet considered a commuter trail system.

There was no testimony in opposition.

Members present: Esseks, Larson, Sunderman, Strand, Carroll, Taylor and Carlson; Pearson and Krieser absent.

Staff recommendation: Approval.

Ex Parte Communications: The Clerk announced an e-mail communication to the Planning Commission from Marvin Krout with the staff's proposed amendments in response to meeting with the Realtors Association, and an e-mail communication from Commissioner Esseks explaining his discussion with Laura Bell expressing concern about the proposed 90% screen.

Taylor stated that he also received a phone call from Laura Bell.

Esseks inquired whether the staff had found any information about how investment decisions made by businesses coming to Lincoln or deciding to stay here might be affected or have been affected by pedestrian standards and also landscape standards. Tom Cajka of Planning staff advised that he did some research on other cities and communities. There are a lot of publications that talk about landscaping and screening and economic development and he submitted some citations of different references. Most of the research shows that landscape and screening enhances commercial and residential property. There have been studies that have shown that nice landscaping increases the resale value of both industrial/commercial properties and residential properties. Street trees also add to the value.

The staff had also looked into some Police Departments in different cities. There is actually a program called "Crime Prevention through Environmental Design" that talks about different ways to incorporate landscaping to have a safe visible area. Most of the cities advocate that if you plant shrubs that they be no higher than 3', and if you have trees, that they be pruned to at least 6' in height.

Cajka submitted proposed amendments to the design standard text:

Add to Section 3, General Requirements: Requirements of this Chapter shall apply to new construction of structures or parking lots, additions to existing buildings and additions to existing parking lots. The screening and landscaping requirements shall only apply to the area of expansion for building additions or parking lot additions.

Section 7.1 (d) - second line: **Strike** "from two feet (2') to four feet (4')" and **Add**, "ground elevation to three feet (3')".

Section 7.4 - second paragraph, third line, **replace** "thirty percent (30%)" with "twenty percent (20%)".

Taylor expressed concern about the safety of parking lots with these proposed requirements providing places for people with criminal intent to hide. He is also thinking in terms of water runoff and how to do things to mitigate flood issues, etc. He understands that by doing this it makes our cities look a lot better, but he does not want to produce a problem. Cajka does not believe the increase is going to

make a difference. It is basically to screen the bumpers, headlights and cars. We are not talking about big trees. The three to six feet is a recommendation from several police departments.

Strand inquired about the requirement for installation by a certified landscape contractor as approved by the Parks and Recreation Department. Lynn Johnson, Director of Parks and Recreation, explained that this is a process that verifies they have a license with the state. If someone wants to install plant materials in the public right-of-way, we want them to attend an annual training session. The Parks Department goes over the guidelines for distance from water meters, driveways, etc. Strand inquired whether this standard applies to the screen behind the fence on an arterial street. Johnson indicated that it does. Ray Hill of Planning staff suggested that most likely the screen behind the fence will be planted at the same time that the street is constructed. There will be a bond required for the landscaping and it will probably be done as a big contract for the entire section of the final plat where it abuts a major street. It is part of the subdivision requirement.

Strand believes this proposal adds more cost than intended. She wondered whether a neighborhood association could get together and do plants around their entrance, signs, medians, etc. Johnson advised that this only applies to the landscaping required through the subdivision and design standards. Once that initial landscaping is installed, it is perfectly acceptable for a neighborhood or homeowners association to come back in and add plants, if it is not required landscaping that would be subject to the certified landscape contract condition.

Upon further discussion, it was clarified that these requirements provide for a 6' landscape strip in the front yard. It was also clarified that if you are only doing interior redesign of the building and not reconstructing the parking lot, this would not apply. The only time these standards apply is if you rebuild the parking lot, and any new parking would have to meet these requirements.

Sunderman wondered about replacing a parking lot due to deterioration, etc. Hill suggested that if the parking lot is resurfaced in the same exact location, these regulations would not apply.

Opposition

1. Craig Mason and Coby Mach appeared on behalf of **Lincoln Independent Business Association (LIBA)** in opposition. Coby Mach stated that LIBA would like to honestly applaud the openness of the process and the input that was sought by the Planning Director in establishing the recommendations. He acknowledged that a number of these recommendations are helpful and could lead to simplification of the process and uniformity in the requirements for new development, but there are some proposed changes that are not needed. LIBA is all for the beautification of our city, but they do not like placing additional burdens on the business community that exceed basic needs.

Mach stated that LIBA disagrees with the proposed design standards relating to screening, parking lot trees, pedestrian circulation and some of the setback provisions. LIBA likes trees; however, they disagree with adding more trees in or around parking lots. Trees do not flourish when surrounded by cement. In parking lots, trees take up usable space, require excessive maintenance, etc. They cost the business owner in planting and replacing them. Increasing tree requirements may require builders to create a larger lot. The increased requirement will add an additional drain on our water resources. Lincoln is a beautiful city with a lovely existing tree canopy. Parking lots are already required to include

trees and LIBA takes the position that it is not necessary to add trees. While trees can be moved out of a parking lot, you have to plant two to replace one in a parking lot.

Mach also indicated that LIBA does not like the proposed screening ordinance for parking lots and businesses. Vegetation limits snow removal and shrinks a parking lot during the winter. We also need to focus on security issues. Such ordinances increase the risk of crime in eliminating public sight lines. Mach also pointed out that this proposal is coming on the heels of an October 13, 2005, memo from the Lincoln Police Department which was circulated to local businesses, which, in essence, suggests that we need to keep shrubbery and landscaping trimmed and to a minimum, and to make certain that employees are parking near the building. Violent crimes are more likely to occur in a parking facility than any other commercial location. As a result, the National Institute of Justice recommends designing parking facilities to increase surveillance from every source available. Limiting vision into a parking lot from the street, and providing hiding places for criminals behind the screening shrubbery or trees, increases the risk of crime in these locations. Even camera surveillance systems can be hampered by screening and trees. The Lincoln banking community is concerned about trees that would block the view of cameras in their lots.

LIBA is also concerned by the changes in certain setback and pedestrian circulation provisions. While adjusting the setback makes great sense, the elimination of driveway and turnaround lanes for certain businesses will hamper and increase start-up costs for restaurants and gas stations. They make little sense for health care facilities and clubs.

Mach encouraged the Planning Commission to focus on the needs, not the desires. LIBA believes that by modifying the proposal to adopt the positive provisions, our city would be very well served.

Esseks inquired as to the list of "positive provisions". Mach did not have a written list, but he believes there are many, such as reducing the setback. LIBA agrees to reducing the number of trees required around a business, although this proposal increases the number of trees required in a parking lot.

Tom Cajka of Planning staff clarified that these rules would only apply to new construction or additions to existing buildings, and to new construction of parking lots or additions to parking lots.

Staff questions

Taylor inquired about trees damaging concrete. What are we doing and what kind of trees are we planting so that the investments of the businesses are protected while achieving our goal of increasing screening? Cajka advised that there is no height limit, but it is required to be a shade tree. Some of the problems can be resolved in the growth of the trees. The proposed amendment provides that the unpaved planting area would not be less than 50 sq. ft.

Taylor is also concerned about water. Are the bushes going to require any extra watering? Isn't there a period of time when the trees hit a certain height that they are removed? Marvin Krout pointed out that LES sometimes tops trees and sculpts trees when there is potential for interference with overhead electrical lines. Lynn Johnson advised that there was a period of time when we were not as careful about the species of trees. LES has gone through and tried to prune around the power lines. It does get to a point where the trees have been pruned enough that they will take them down and replace them with a smaller tree. Parks is working with LES on a program toward this end.

Taylor inquired whether removing one tree requires that two be planted to replace it. Johnson responded, stating that it is one-to-one for street trees. Krout agreed that it is not a two-for-one replacement, but for a long time it has been the policy that if you are planting a tree on the outside of a parking lot, rather than inside where it is shading the whole parking lot, you would plant two trees instead of the one tree that is inside the parking lot. That has been the policy for a long time and we are not proposing any change to that. On the issue of damage, the staff has recommended that trees be omitted that would be shallow rooted trees that might cause those kinds of problems. If planting in the parking lot, there should be a somewhat larger area than the minimum we have for planting to provide some more breathing room. It is an option to put all of the trees on the outside of the parking lot but there are more trees because you are only shading a portion of the parking lot.

Krout pointed out that the proposed ordinance does provide for a reduction of the standard of trees that relate to building coverage and there is an increase in or around parking lots. The effect is that we are not proposing to require any more trees. It is a wash when it comes to the new development districts. In the older business districts where we don't have a requirement for trees related to buildings, we are asking for a slightly higher requirement for trees in and around parking lots so that we can come close to providing some more tree cover. When it comes to screening or landscape buffers along streets, or tree planting, there is a wide difference between the older business districts in the older neighborhoods and the newer districts. We are trying to close that gap.

Strand suggested that if Westfield Shoppingtown wanted to do a renovation, would they have been required to spend extra money to put trees in the parking lot and lose parking? Krout stated that if they did not change their parking lot or building coverage, these amendments would not have caused any changes.

In terms of trees, Esseks believes the issue is having them in the front where there is parking. What is the purpose of the 90% screen? Krout indicated that the requirement for low shrubs adequately screens the bumpers and the headlights. The glare from the headlights is a real problem at nighttime. The problem with the 60% is that you either get clumps of shrubs or you get someone planting every 7' instead of every 5', which looks like someone just got to the end of their budget and they just didn't have enough money to landscape so they spread out their shrubs and it looks like missing teeth. It provides a much more tailored and uniform look with the consistent low screening. It is a common requirement in many, many communities. This allows the parking lot to come up within 20' of the street.

Strand referred to 27th and Stockwell, where there is a Whitehead Oil U-Stop that is beautifully landscaped. Their landscaping is not necessarily shrubs, but lilies, flowers, etc. Is that still allowed? Krout explained that the idea is to have something that does not get knocked down in the wintertime. There needs to be something consistent for 12 months of the year. That doesn't mean that someone can't come in with an alternative plan. We are suggesting that waivers of the standards, including these screening and landscape standards, be approved by the Planning Director versus applying for a waiver to the Planning Commission and possibly the City Council. We are also suggesting language that says that if you "substantially" meet the requirements, you are approved. He believes that provides the leeway and discretion to be able to look at a different plan and to be able to approve it administratively.

Carroll inquired about using an earth berm as part of the screening, and Krout indicated that a berm can meet the requirement in whole or in part.

Larson inquired whether the purpose of the trees is to shade the parking lot. Krout agreed that to be part of it. Most people are looking for parking that is shaded when it is hot, but, from an environmental viewpoint, we are also trying to cool the city, reduce runoff, and affect pollution. It has been shown that cities with good tree cover are cooler than cities without it.

Carlson observed that this is meant to be a package that involves give and take. It adds opportunities for development. It appears that the opponents like the give but they don't like the take. Krout agreed that these regulations have been presented from the beginning as a "package deal" and it is part of a more general principle of being more efficient in terms of process and more common sense in terms of the regulations, but we are also trying to tune-up the standards where they are in need of it. It is a package deal and it is a staff-initiated amendment. We tried to listen and to make changes, but with regard to the screening and the parking lot requirements for trees, what is proposed is about the bottom line. Krout does not want to withdraw anything because there is a lot that is good in this package. The motion to amend submitted by staff today is in response to some dialog with the Realtors Association. Krout believes the proposed amendments are reasonable changes and that they help address some of the concerns of the people he met with last week.

2. Larry Albers testified on behalf of **Enterprise Company**, which owns three shopping centers in the city. He spoke generally in favor but Enterprise Company is particularly concerned with what is going on with the widening of "O" Street. Enterprise Company owns the shopping center at 48th and "O". The widening of "O" Street and 48th Street is already taking some of the parking. With these new standards, they will potentially lose even more parking in order to meet these new standards. They have not had time to measure the fiscal impact. They can comply but it is going to prove to be very costly to meet the new standards. Alternatively, Albers proposed that consideration be given to exempting any projects subject to a condemnation from these standards, especially since the developers that are there now did not take this into account.

3. Mark Hunzeker appeared on behalf of the **Lincoln Board of Realtors**. He believes it is a great overstatement to say that these standards represent "a wash" in terms of cost and additional standards on new development. One of the things used as an example early on in this process as a project which would not meet these standards was a picture of Williamsburg Village. If we have reached a point in this community where the Williamsburg Village standard is not good enough for us, then what is the standard that has to be met in order to do business in Lincoln, Nebraska? We have had a laundry list of proposals come through this community in the last year which have diminished the availability of land for development in new areas. This package includes an increase in the minimum rights-of-way for arterial streets which more than offsets the reductions in front yards, particularly when coupled with the elimination of driving aisles in front yards. The increase in the number of trees and screening will require additional land for each new business built in this community. It is not a wash. It is an increase in costs at a time when our building permits for this year for single family homes and other types of development are down. Single family is down 20% from last year, which was down 20% from the year before that. It is the wrong time to be adding to the cost of doing business in this community. Hunzeker suggested that this is not a package that should be forwarded on because "we all like trees". Does anyone really believe we are going to cool down this city by planting a few more trees in parking lots? We will increase the cost of maintenance, the difficulty of snow removal and increase the amount of land necessary for a business to operate.

Hunzeker suggested that more thought could be given to this and maybe the proposal should be held over for further public hearing given the timing of this hearing during the holiday.

Response by the Applicant

Marvin Krout reminded the Commission that the staff has been talking for over a year with the development community about this proposal. He did acknowledge that in an early set of photographs shown by a former planner in the Department, Williamsburg Village was identified as an example of not having trees in parking lots, but that is when we had a preliminary proposal that was suggesting that half of the trees be in the parking lot or in a peninsula or island. That requirement has been removed from the proposal because Williamsburg is a good example of landscaping. The proposal does not suggest adding the requirement that there be trees in parking lots. All of the trees may be planted around the parking lot. But, if you are not planting the trees in the parking lot, then there should be more trees around the edge.

Krout agreed with the comments about property which is the subject of condemnation being exempted from the new standards.

Esseks noted Mr. Hunzeker's comments about widening the required right-of-way for streets. Krout clarified that not to be part of this recommendation. Hunzeker was referring to a debate the community had about how wide the arterial street right-of-way should be during the debate on the Comprehensive Plan that was adopted three years ago. This proposal does refer to new rights-of-ways being 120', but that is not a new standard. The Comprehensive Plan sets forth a 120' standard, which has been in effect for three years.

Krout agreed that there have been some standards that have increased costs, but this package is an attempt to compensate by reducing front yard setbacks.

CHANGE OF ZONE NO. 04066

ACTION BY PLANNING COMMISSION:

December 21, 2005

Carroll moved approval, seconded by Esseks.

Carlson believes these amendments to the zoning ordinance include the positive parts of the proposal. Adopting this language that decreases the setback creates additional land. He is in favor of increasing the "give", hoping that the "take" follows along.

Strand commented that she supported impact fees under the premise that everything else would go with it, and the good portion got yanked.

Motion for approval carried 7-0: Carroll, Esseks, Larson, Sunderman, Strand, Taylor and Carlson voting 'yes'; Pearson and Krieser absent. This is a recommendation to the City Council.

MISCELLANEOUS NO. 04015

ACTION BY PLANNING COMMISSION:

December 21, 2205

Carroll moved approval, with the amendments submitted by staff today and with amendment to exempt areas which are subject to condemnation, seconded by Taylor.

Larson stated that he will vote against this text amendment because he thinks there is a problem with parking lots. There has already been a lot of compromise on parking lots. He believes there might be an opportunity to come up with something more acceptable if this were deferred for more dialog between the business owners, developers and the staff.

Strand expressed concern about that much screening and the requirement for a certified landscape contractor. Impact fees are going up to \$4,000 in January. We just keep increasing costs and she wants to find ways to soften that with the soft market that we have in Lincoln right now.

Carroll observed that this proposal has been discussed with the development community for over a year, so it is not like the staff is trying to slip this in at the last minute. A lot of people have had time to make input. Yes, they might lose land for trees but they are gaining land back by the setback requirement being reduced. It is important to improve the look of this city. We do not have a lot of trees. We are talking about improving the city by design and that is very important. He thinks it is a benefit for the city to pass this.

Taylor agreed with Carroll. We want to improve our city. The market may be soft now but it's not going to be that way forever. We need to keep the future in mind and be more optimistic. He believes these standards are necessary for environmental considerations in terms of pollution, emissions, and sight pollution. He believes it is something we need for our city. We need all the trees we can get.

Esseks agreed with the comments by Carroll and Taylor. Another point is that these are incremental changes and because the additional costs should be relatively light, he hopes that the market can bear them. He also believes that we need to compete with other communities on the basis of quality of life and this would be a step forward.

Carlson believes this is important. Omaha has recognized that this is important and they are increasing their standards, and their business community is leading the charge.

Motion for approval, with amendments, carried 5-2: Carroll, Esseks, Sunderman, Taylor and Carlson voting 'yes'; Larson and Strand voting 'no'; Pearson and Krieser absent. This is a recommendation to the City Council.

MISCELLANEOUS NO. 05007

ACTION BY PLANNING COMMISSION:

December 21, 2005

Carroll moved approval, seconded by Esseks and carried 7-0: Carroll, Esseks, Larson, Sunderman, Strand, Taylor and Carlson voting 'yes'; Pearson and Krieser absent. This is a recommendation to the City Council.

Landscape Comparison Tables

General Landscaping Requirements

City	Landscaping Requirement
Austin, TX	20% of landscape yard must be landscaped (Landscape yard = area from front of building to front lot line, side yard to side yard.)
Boulder, CO	One tree and five shrubs for every 1500 square feet of area not covered by buildings, parking, or drives.
College Station, TX	30 "points" required per 1000 square feet of site area, where shrubs = 10 pts, and canopy trees = 75 - 300 pts.
Columbia, MO	15% of total lot area must be landscaped
Des Moines, IA	20% of total lot area must be landscaped open space
Lawrence, KS	One tree per every 2500 - 4000 square feet depending on zoning district.

Streetscape Requirements

City	Landscaping Requirement
Austin, TX	Vegetation within 100 feet of dedicated right-of-way may not be cleared
Boulder, CO	A planting strip of deciduous trees must be planted along the full length of all public and private roads in all districts. Recommended spacing: 20' for small trees, 30' for medium trees, and 40' for large trees
College Station, TX	One canopy tree per 25 linear feet of frontage along an arterial, freeway, or expressway One canopy tree per 32 linear feet of frontage on all other roads 300 additional landscape points required per 50 linear feet of frontage (Trees = 75 -300 pts, shrubs = 10 pts)
Columbia, MO	One tree required per 50 linear feet of frontage
Des Moines, IA	One tree required per 30 linear feet of frontage
Lawrence, KS	One tree required per 40 linear feet of frontage

Parking Lot Screening

City	Landscaping Requirement
Austin, TX	
Boulder, CO	100% screened from 0 - 3.5' above grade adjacent to street One tree per 25 linear feet
College Station, TX	100% screen from 0-3' above ground
Columbia, MO	
Des Moines, IA	1 tree and 3 shrubs required per: 50 linear feet of landscape strip (Residential & office.) 100 linear feet of landscape strip (commercial & industrial) 1 tree and 10 shrubs per 40 linear feet in planned comm. & office
Lawrence, KS	100% screening required from 0-3' above ground

Parking Lot - Interior Landscape Requirements

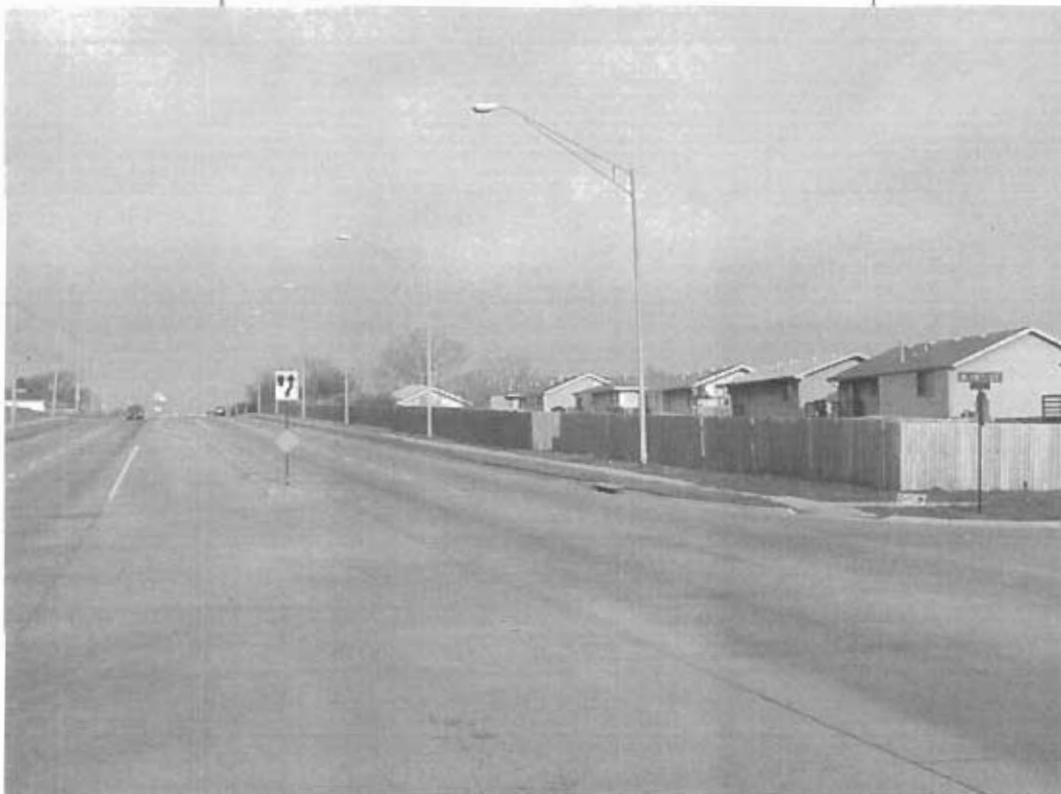
City	Landscaping Requirement
Austin, TX	60 - 90 square feet of landscaping required for every 12 stalls Landscaped end islands with trees required All stalls must be within 50 feet of a landscaped area or tree
Boulder, CO	5-10% of parking lot must be landscaped, depending on size of lot One tree required per 200 sq. ft. of interior landscaped area
College Station, TX	A landscaped <i>end island</i> of at least 180 sq. ft. is required at both ends of every row A landscaped <i>interior island</i> of at least 180 sq. ft. is required per every 15 stalls. (May be grouped, but must be distributed evenly.)
Columbia, MO	Parking areas may be no larger than 150 stalls. If more stalls are required, multiple 150 stall lots may be built, separated by 10' wide landscaped strips. One tree is required per 50 linear feet of landscape strip, and strips must contain 4 different plant material types. 30% of required trees must be medium to large shade trees
Des Moines, IA	1 tree and 3 shrubs (located in 9' X 17' beds) required per 20 stalls in residential and office, 25 stalls in commercial and industrial and 40 stalls in planned commercial or office Parking lots over 100 stalls require pedestrian walkway system
Lawrence, KS	15 % of interior parking area must be landscaped One island with a tree and shrubs for every 20 parking stalls Islands must be 200 sq. ft. for a double row, 100 for a single

Screening of Incompatible uses, storage, etc.

City	Landscaping Requirement
Austin, TX	Perimeter of multi-family and mobile home uses must be screened from zones where these uses are restricted Water and stormwater facilities as well as car storage areas must be partially screened Civic uses must be screened when adjoining a more restrictive dist.
Boulder, CO	100% screening of trash collection, recycling, and service areas
College Station, TX	10-50' buffer required depending on compatibility of abutting use Wall or fence 6-8' tall typically required If no fence; one 3' tall shrub every 3 linear feet <i>and</i> one 2" caliper canopy tree every 25 linear feet. If fence required; one 1.25" caliper non-canopy tree every 15', <i>or</i> one 3' tall shrub every 3 linear feet, <i>and</i> One 2" caliper canopy tree for every 25 linear feet 50% of all shrubs must be evergreen Irrigation is required
Columbia, MO	Loading docks and other pave areas within 50' of residential must be 80% screened from 1-5' above grade. Storage areas and incompatible uses must be screened at 80% from 0-8' above grade.
Des Moines, IA	Between residential and non residential uses, a 6', 75% opaque fence or wall is required. Additional screening depends on lot size: 1,2, or 4 deciduous trees per 100 linear feet, and 3,6,or 8 evergreen trees per 100 linear feet. (Corresponding lot sizes are: less than 15,000, 15,000-100,000, and over 100,000 sq. ft)
Lawrence, KS	Outdoor storage must be screened. Trash enclosures shall be screened on three sides with a solid 6' fence or wall.



An arterial with the sidewalk too close to curb



A fence screen that needs landscaping to soften the appearance



Good example of parking lot screening





Sidewalk should continue along drive to building.



Driving aisle in front yard with no landscaping leaves an undesirable streetscape.



No sidewalks along main drive into development



A good example of showing adequate distance between curb and sidewalk to plant street trees



Example of lack of pedestrian access to commercial pad site.



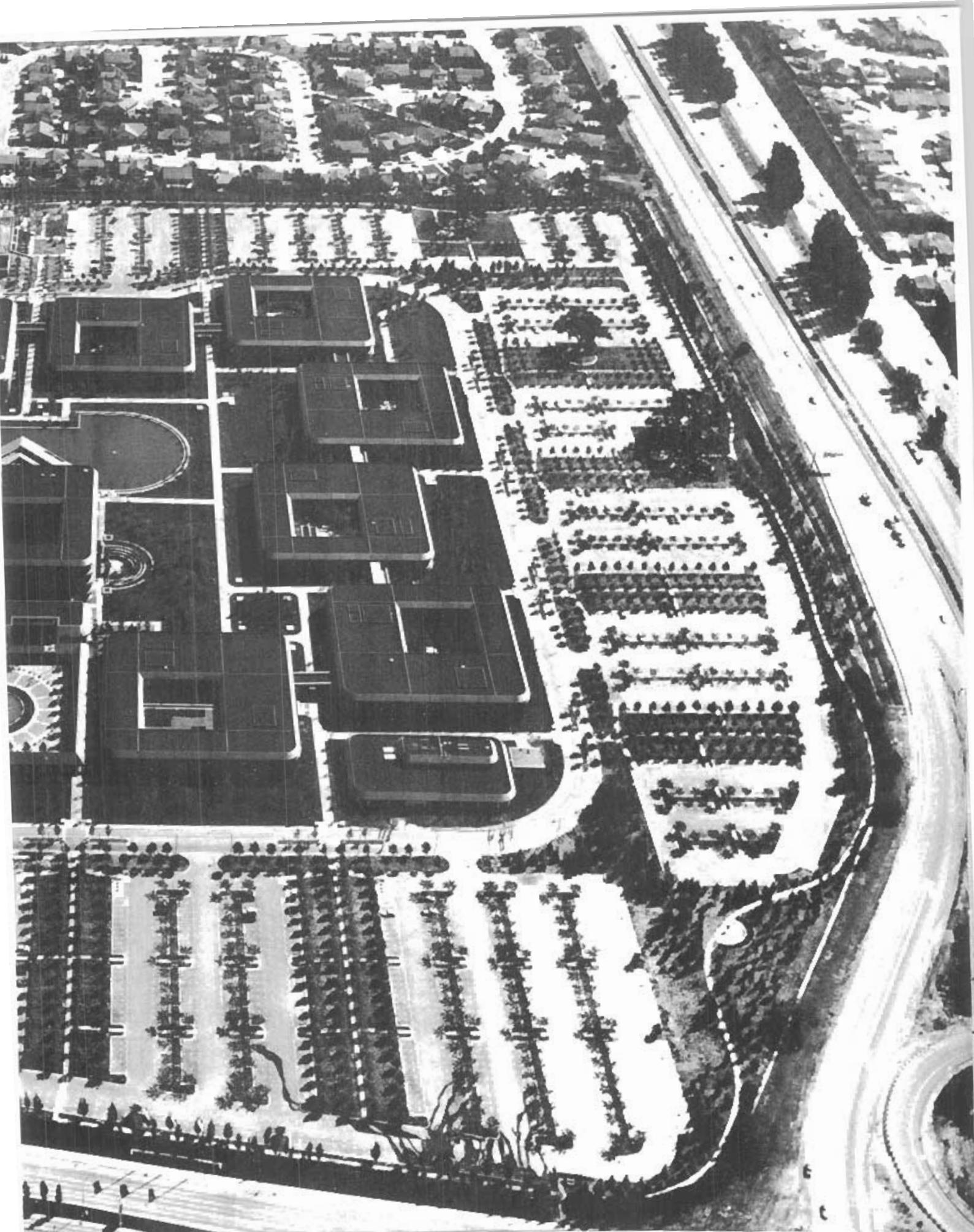
Example of direct pedestrian access to commercial pad site



Pedestrian access along drive into development

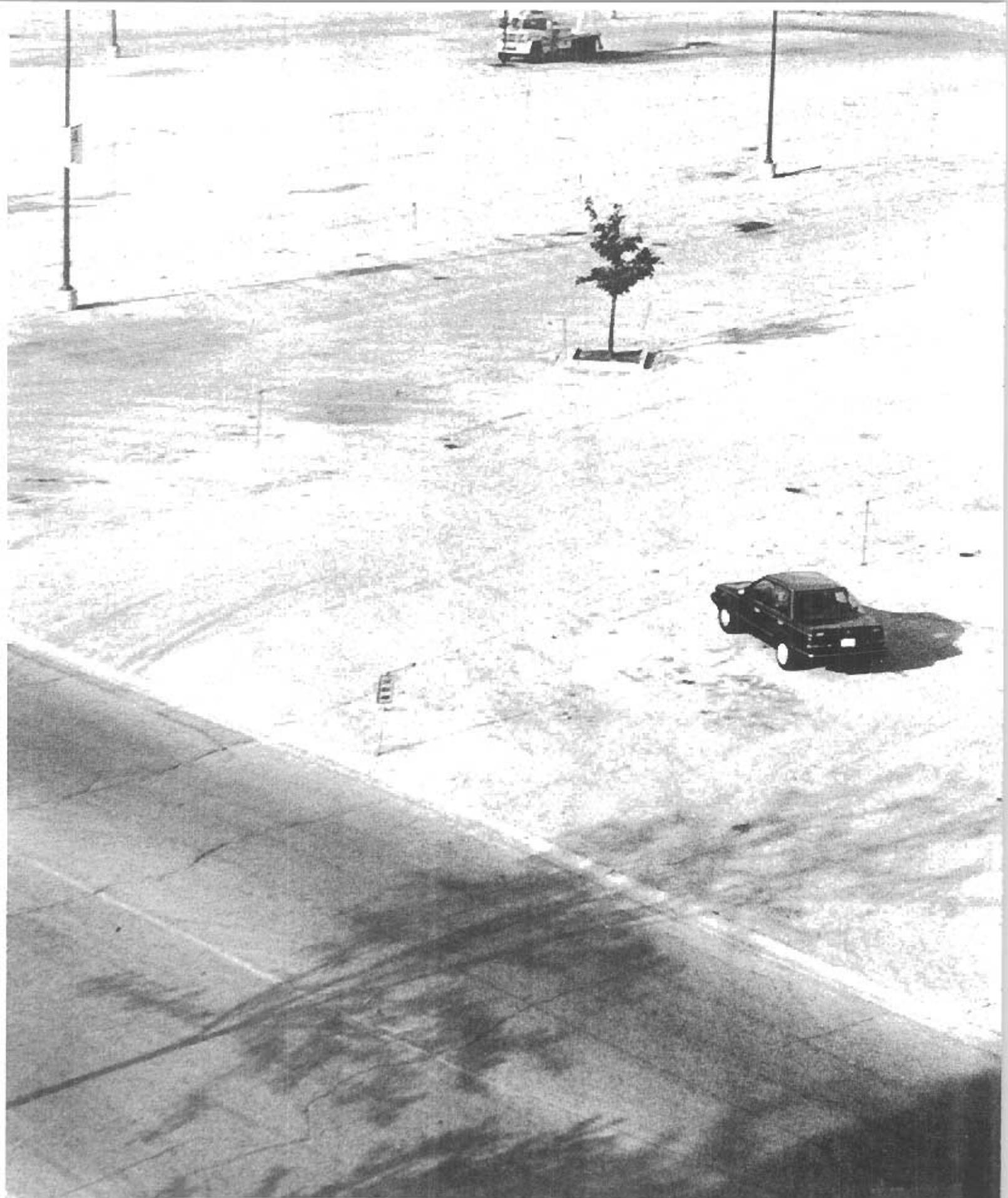


Good sidewalk connection into commercial pad site



035

A well landscaped parking lot that enhances this development



An undesirable parking lot.

036

The one tree does nothing to break up the rows and rows of parking.

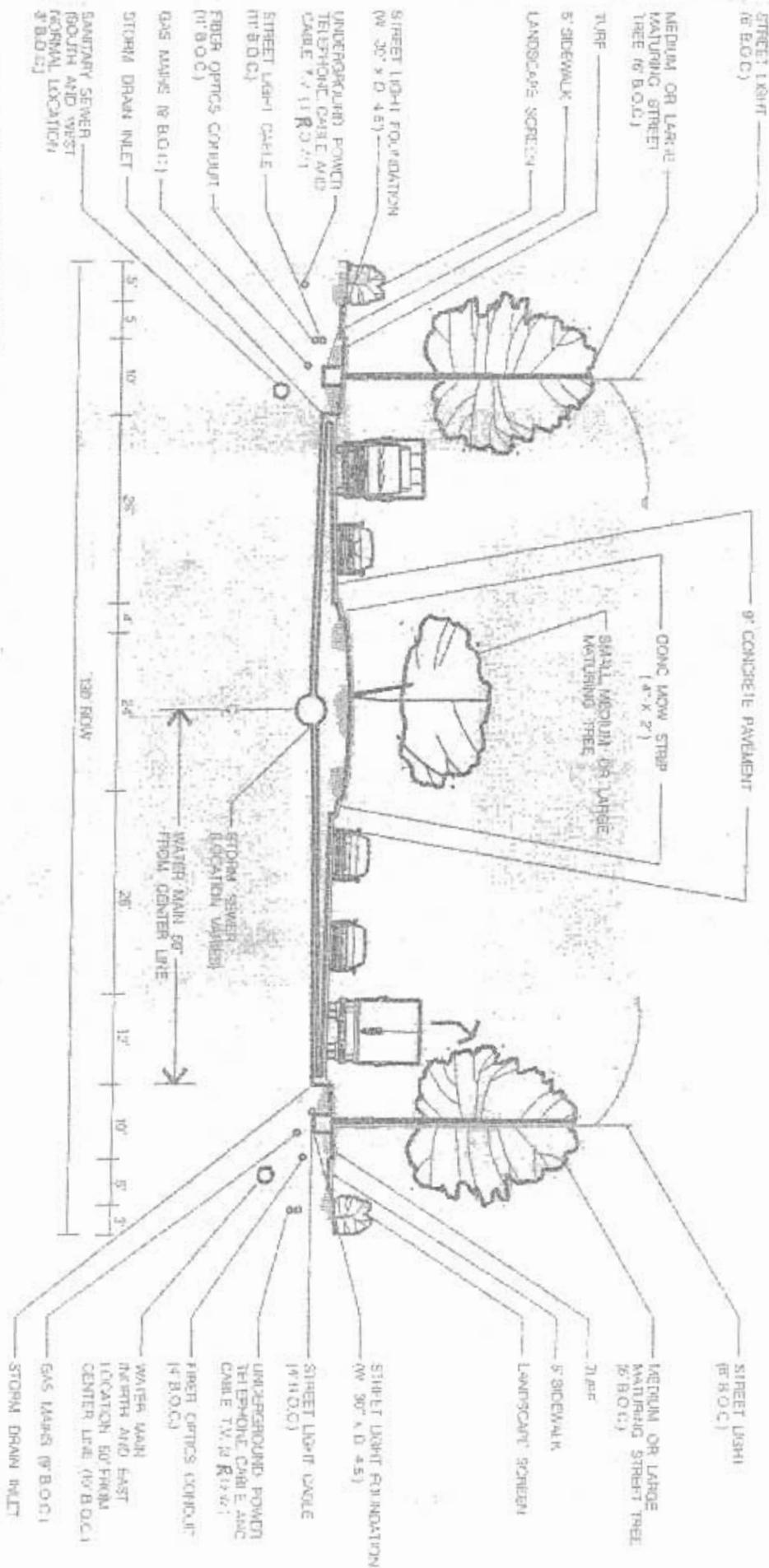


FIGURE S-4: TYPICAL STANDARD FOR MAJOR STREETS 130' OR MORE IN WIDTH (REQUIRED RIGHT TURN LANE)

11.10.2006

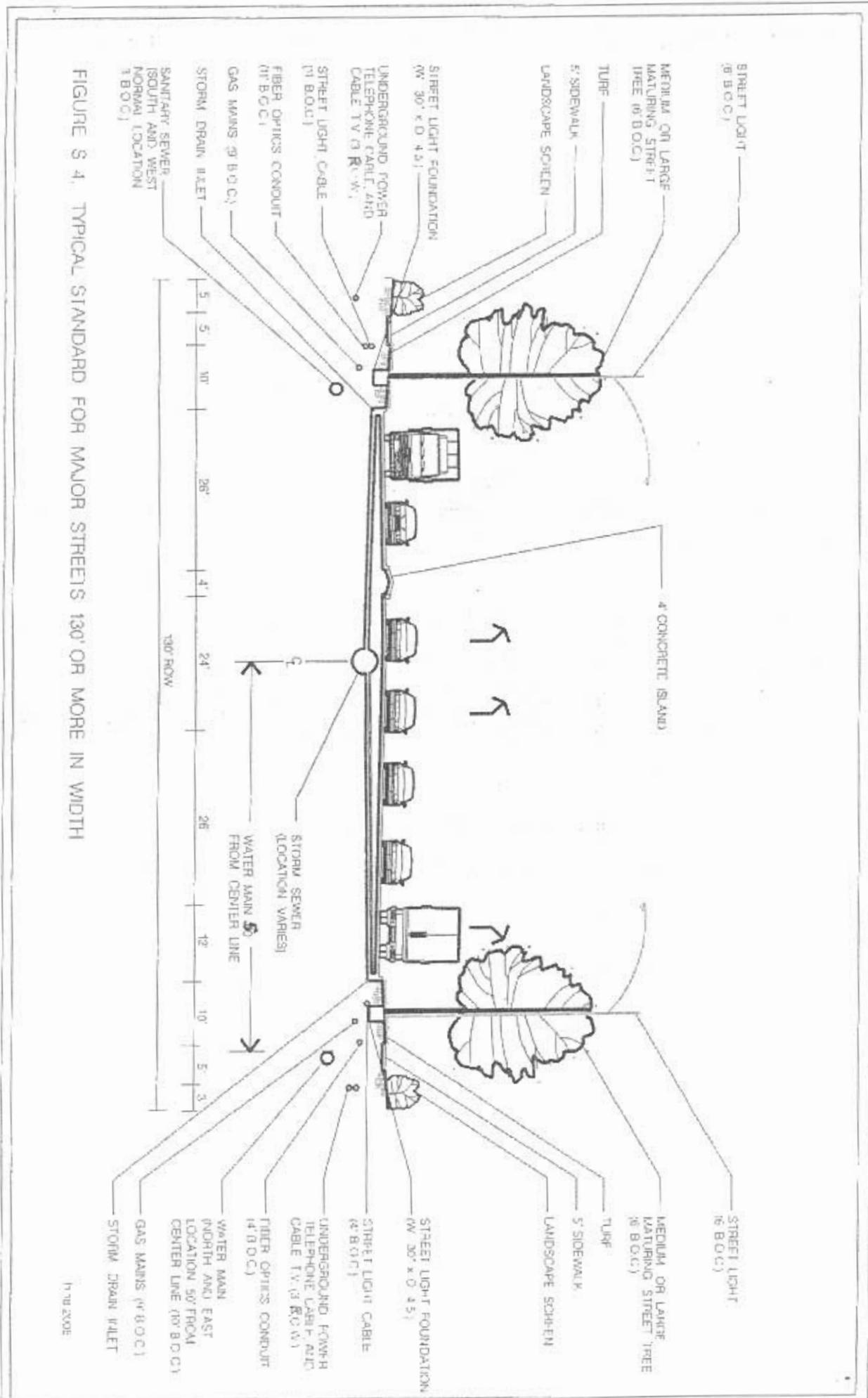


FIGURE S 4. TYPICAL STANDARD FOR MAJOR STREETS 130' OR MORE IN WIDTH

1/78 Z00E

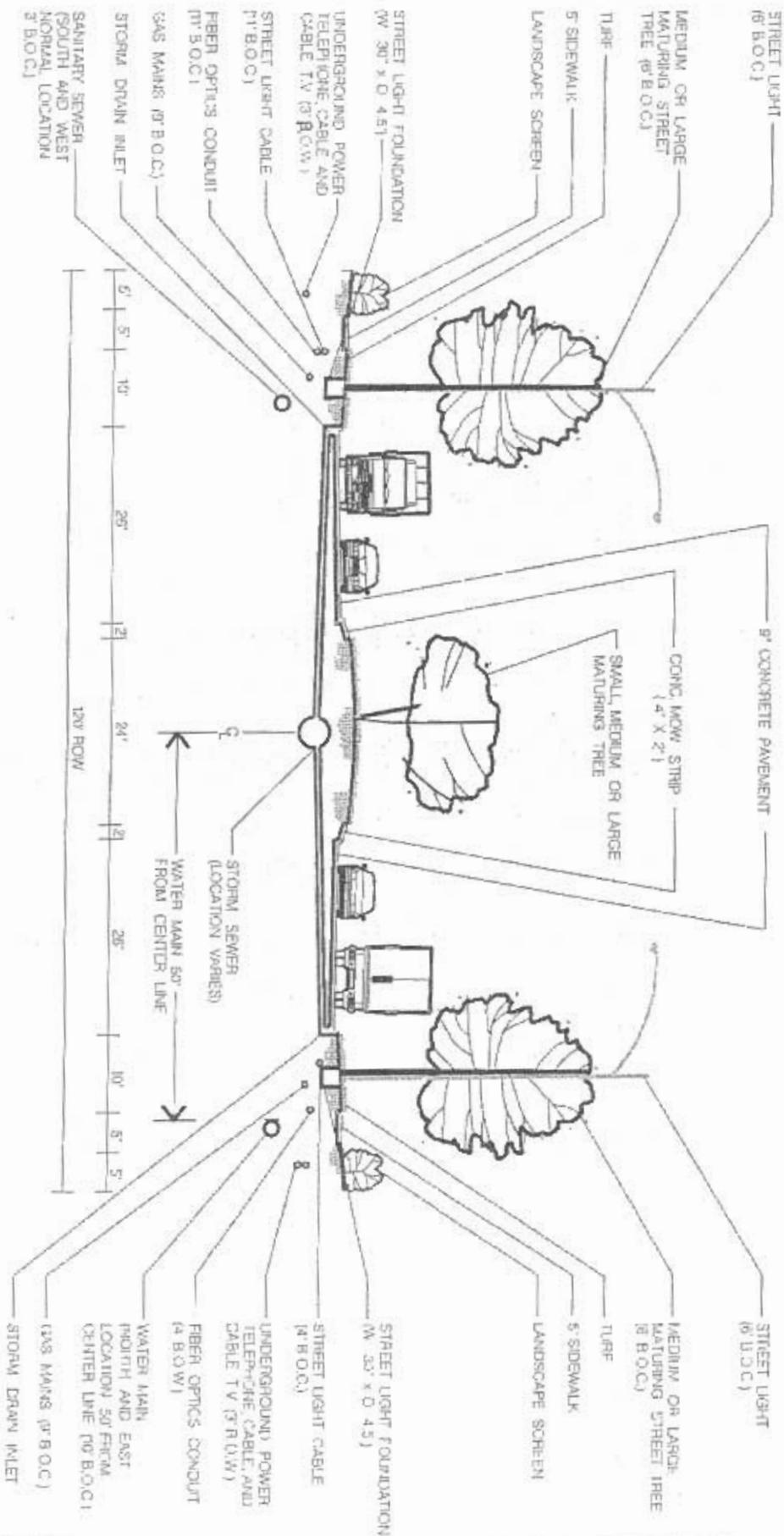


FIGURE S-4: TYPICAL STANDARD FOR MAJOR STREETS 120' OR MORE IN WIDTH

11/8/2005

BENEFITS OF TREES AND LANDSCAPING

ECONOMIC BENEFITS

"The Influence of Trees and Landscaping on Rental Rates at Office Buildings", Journal of Arboriculture, September 2003.

This article reviews a study that investigated the effects of trees and landscaping on office rental rates. 85 office buildings in the Cleveland, Ohio area. The conclusion of the study showed that landscaping with good aesthetic value added approximately 7% to the average rental rate of a building. Good building shade was also highly valued, positively impacting rental sales by about 7%. The study concluded that quality landscaping does have a positive impact on rental rates.

"Assessing the Benefits and Costs of the Urban Forest", Journal of Arboriculture, September 1992.

A conservative estimate of 5 percent increase in property value due to trees and forests on residential properties (several studies suggest higher values).

Parks and greenways have been associated with increments in the value of nearby real state.

Building owners are generally able to obtain higher rents for offices that overlook well-landscaped areas.

Scenic America. "Economic Benefits of Tree Conservation"

Trees have a positive impact on the value of commercial property. Recent surveys indicate that nine out of ten commercial real estate appraisers believe that trees boost the sales of commercial properties and add significantly to their value. Well landscaped businesses attract customers. One study showed that patrons to shops with extensive landscaping and tree cover spent 11 percent more than they would in an identical shop without attractive landscaping.

"Livable Communities and Urban Forests", Local Government Commission, 2004

University of Washington studies found that consumers will shop more often and stay longer in downtown business districts with street trees and other landscaping and are willing to pay up to 11% more for goods and services.

Research comparing residential sale prices show that people are willing to pay 3-7% more for properties with ample trees versus those with few or no trees.

"Urban Forest Values: Economic Benefits of Trees in Cities" University of Washington, College of Forest Resources

86% of real estate appraisers that were surveyed agreed that landscaping added to the dollar value of commercial real estate. 92% agreed that landscaping enhances the sales appeal of commercial real estate.

"The Value of Landscaping", Virginia Cooperative Extension

Greening of business districts increases community pride and positive perception of an area, drawing customers to the business.

A 1991 study estimates that an attractive landscape increases the value of a home by an average of 7.5 percent.

"Tree Conservation Ordinances", American Planning Association Planning Advisory Service Report #446, August 1993.

National organizations that represent developers and home builders are also beginning to promote tree protection and landscaping in developments in recognition that they pay off in the long run. In an article in *Builder*, July 1991, the monthly publication of the National Association of Home Builders, the author featured a number of developments where tree protection helped boost the bottom line. (p.15)

Trees and other landscaping can be an economic asset to the community as a whole. Community wide tree planting and preservation programs can save communities millions of dollars over time in energy and water costs. A study done in Tucson, AZ, demonstrated that for every dollar spent to maintain trees, \$2.62 worth of benefits were returned in the form of energy savings, dust reduction, and the slowing of stormwater runoff.(p.16)

"Business Facilities, Quality of Life: How To Know It When You See It", Mallot, Jerry, Executive Vice President, Jacksonville Chamber of Commerce. Nov. 2002

The author attempts to define the factors that comprise "quality of life" and describes the recent efforts of several cities to invest in improving its amenities. While traditional factors like costs, labor, and site are still the usual determining factors in business location decisions, quality of life is a significant and increasingly important factor because it affects the ability to retain and recruit employees.

"The Importance of Quality of Life in the Location Decisions of New Economy Firms", Renski, Henry and Salvesen, David, Center for Urban and regional Studies, University of North Carolina at Chapel Hill, January 2003.

The authors conducted a literature search and a pilot study involving interviews with firms that recently located in the Research Triangle area of North Carolina. They both verified that "quality of life" is becoming increasingly important factor in modern business location decisions; particularly for knowledge based industries such as telecommunications, computers, entertainment, and biotechnology.

ENVIRONMENTAL BENEFITS

"Livable Communities and Urban Forests", Local Government Commission, 2004
Trees in a Davis, CA parking lot cleaned the air by reducing temperatures 1-3 degrees

according to the Center for Urban Forest Research. Trees also remove pollutants from the air, by storing carbon dioxide in their leaves, branches, trunks and roots. Research shows that 100 trees can remove five tons of carbon dioxide from the atmosphere per year and can remove about 1,000 pounds of pollutants per year. Trees and other landscaping limit stormwater runoff.

“Preparing a Landscaping Ordinance”, American Planning Association Planning Advisory Service Report #431, December 1990

Landscaping provides shade, mitigates visual blight, improves air quality and moderates daily temperatures. It also adds seasonal color and screens incompatible land uses. Vegetation improves air quality by absorbing pollutants, thereby reducing unpleasant odors and filtering impurities. Trees and other plants reduce soil erosion and slow water runoff.

“Tree City USA Bulletin #24, The National Arbor Day Foundation, 2001

Trees provide shade, cool the air, muffle noise, provide visual screening and contribute to surrounding property values. Trees purify the air by absorbing gasses and giving off pure oxygen. Trees also reduce or slow surface run-off of water.

“Parking Lot Landscaping”, American Planning Association Planning Advisory Service Report #335, 1978

Parking lot landscaping needs to be encouraged because it enhances the visual environment; promotes public safety; moderates heat, wind, and other local climatic effects produced by parking lots; and minimizes nuisances, primarily noise and glare.(p.1)

Plants can have a significant moderating effect on the heat and other uncomfortable aspects of the microclimate of parking lots. Landscaping can improve air quality by absorbing pollutants. Landscaping in and around parking lots can be used to control wind. (p.4)

“Tree Conservation Ordinances”, American Planning Association Planning Advisory Service Report #446, August 1993.

Trees help reduce soil erosion and stormwater runoff. One study by Rowan Rowntree of the U.S. Forest Service found that, in Salt Lake City, in a one-inch rainstorm over a 12-hour period, the tree canopy of the urban forest reduced surface runoff by about 11.3 million gallons, or 17 percent.(p.11)

Trees can also play an important role in reducing air pollution. Trees act in two major ways to improve air quality. First, they remove carbon dioxide and other pollutant gases from the air during photosynthesis and then release oxygen which helps dilute pollutant concentrations further. Second, they aid in the removal of airborne particulates like sand, dust, pollen, and smoke by trapping these materials on their leaves, twigs, and branches. In a study of two streets, a street with trees was found to have 100 to 3,000 dust particles per liter compared to 10,000 to 12,000 on a street without trees. (p.11)

Trees also help in reducing the so-called heat island effect. Urban areas with little

vegetation can experience temperatures of up to seven degrees higher than those with heavy tree cover. This can mean an enormous increase in energy costs to cool buildings. (p.12)

Trees can also play a role in buffering noise. Sound waves are absorbed by a trees leaves, branches and twigs and deflected by heavier branches and trunks. (p.13)

LANDSCAPING AND CRIME

"Crime Prevention Through Environmental Design", Gardner, Robert, 1995

The goal of Crime Prevention Through Environmental Design (CPTED) is the reduction of opportunities for crime to occur. This reduction is achieved by employing physical design features that discourage crime, while at the same time encouraging legitimate use of the environment. Landscaping design plays a significant role in CPTED.

Landscaping is versatile and can be used to perform a variety of design functions. Shrubbery such as evergreen hedges can be used to create more formidable obstacles. Visual surveillance corridors can be maintained by limiting shrubbery to a maximum height of three feet and trees to a minimum height of six feet at the lowest branches. Another function of landscaping in crime prevention is aesthetics. An attractive environment generates a sense of pride and ownership.

Spokane, WA and Springfield, MO police departments

Shrubbery should be no higher than three feet and trees should be trimmed up to 6'.

**PEDESTRIAN/BICYCLE ADVISORY
COMMITTEE**

2740 "A" STREET

LINCOLN, NE 68502

October 14, 2005

Mayor Coleen J. Seng
City of Lincoln
555 S. 10th Street, Suite 208
Lincoln, NE 68508

RE: Design Standards for Pedestrian Circulation in Commercial and Industrial Areas

Dear Mayor Seng:

The Pedestrian/Bicycle Advisory Committee (PBAC) has been working with City staff over the past several months to enhance pedestrian standards throughout our community. We have reviewed the draft copy of Design Standards for Pedestrian Circulation in Commercial and Industrial Areas at both our September 13, 2005, and our October 11, 2005, meetings of the PBAC. Included in these design standards are requirements for pedestrian circulation and facilities within commercial and industrial areas that members of the PBAC feel are critical to making Lincoln a pedestrian friendly community.

The members of the PBAC voted unanimously at its October meeting to support these pedestrian design standards. We understand that this item has been tentatively scheduled for a public hearing at the November 9, 2005, meeting of the Lincoln-Lancaster Planning Commission.

The members of the Pedestrian/Bicycle Advisory Committee hope that continued discussion occurs regarding other areas of our community in need of improved and detailed pedestrian and bicycle standards.

Sincerely,



Dalcyce Ronnau, Chair
Pedestrian/Bicycle Advisory Committee

cc: Planning Commission



CITY OF LINCOLN
NEBRASKA

Lincoln-Lancaster County
Health Department
Bruce D. Dart, MS, Health Director
3140 "N" Street
Lincoln, Nebraska 68510-1514



(p.95 - Public Hearing - 12/07/05)
402-441-8000
TDD: 402-441-6284
fax: 402-441-8323
health@lincoln.ne.gov



LINCOLN
The Community of Opportunity

MAYOR COLEEN J. SENG

lincoln.ne.gov

November 8, 2005

Marvin Krout, Director
Lincoln/Lancaster County Planning Department
555 S. 10th Street, Suite 213
Lincoln, NE 68508

RE: Lincoln-Lancaster County Board of Health Support for "Design Standards for Pedestrian Circulation in Commercial and Industrial Areas"

Dear Mr. Krout:

The Lincoln-Lancaster County Board of Health reviewed the draft "Design Standards for Pedestrian Circulation in Commercial and Industrial Areas" at its November 8, 2005, meeting. As you are aware, four members of the Board of Health have been working with four members of the Lincoln-Lancaster County Planning Commission over the past several months to discuss how community planning can increase the level of physical activity among our residents to improve our community's health. These design standards for pedestrian circulation support the preliminary findings of this joint committee by helping Lincoln become a more pedestrian friendly community through the built environment.

The members of the Board of Health voted unanimously at its November 8 meeting to support these pedestrian design standards. We understand that this item has been scheduled for a public hearing at the November 23, 2005, meeting of the Lincoln-Lancaster Planning Commission.

The members of the Board of Health look forward to continued discussion regarding community health efforts such as improved pedestrian standards that support a more active community.

Sincerely,

Larry Hudkins, President
Lincoln-Lancaster County Board of Health

cc: Planning Commission

NOV 10 2005
045

SUPPORT

ITEM NO. 4.3a,b,c: CHANGE OF ZONE NO. 04066

MISC..NO. 04015

MISC. NO. 05007

(p.95 - Public Hearing - 12/07/05)

To <plan@lincoln.ne.gov>

cc

bcc

Subject Approve Change of Zone No 04066, Misc No 04015 and
Misc No 05007



"williamc"
<williamc@team-national.co
m>

12/06/2005 03:46 PM

Dear Planning Commission,

On behalf of the Near South Neighborhood Association, I urge you to approve Change of Zone No 04066, Misc No 04015 and Nisc No 05007. The proposed change makes good sense and is one that will improve the aesthetics and quality of life in all of Lincoln's neighborhoods.

Sincerely,

William Carver
NSNA President

ITEM NO. 4.3a,b,c: CHANGE OF ZONE NO. 04066
MISC. NO. 04015
MISC. NO. 05007
(p.95 - Public Hearing - 12/07/05)



David R Cary/Notes
12/06/2005 04:00 PM

To rboyce@inebraska.com
cc Planning_PC Members, Marvin S Krout/Notes@Notes, Kent R Morgan/Notes@Notes, Ray F Hill/Notes@Notes, Jean L Walker/Notes@Notes
bcc
Subject Re: Bicycle racks as required elements of Design Standards
☐

Dear Mr. Boyce,

Thank you for you input on the proposed pedestrian design standards in commercial and industrial areas that will be heard by the Planning Commission on Wednesday, December 7. The intent of these pedestrian standards is to address a pressing need to ensure better pedestrian facilities and connections in our commercial and industrial areas.

During the initial phase of discussion and fact-finding that helped develop this version of pedestrian standards, the concept of bicycle racks was discussed. It was decided early-on in this process to not include standards for bicycle racks mostly as a result of a decision to concentrate on pedestrian facilities in commercial and industrial areas at this time.

It is very true that provisions for bicycle racks, along with other bicycle amenities, are important considerations and we will continue discussion of the needs for both pedestrians and bicyclists in our community. It is our intent to continue a dialogue for such additional ideas after these proposed pedestrian standards are adopted and enacted. Some ideas, among many others, that may warrant discussion are ways that the City can partner with other entities by paying some or all of the costs of installing bike racks near building entrances when and where it's obvious that there is a demand, or maybe install racks in rights of way near the buildings in order to meet demand.

Again, thank you for your input and I appreciate your continued participation in our discussions.

Sincerely,

David R. Cary, AICP
Transportation Planner
Lincoln/Lancaster County Planning Department
402.441.6364
rboyce@inebraska.com



rboyce@inebraska.com
12/05/2005 01:44 PM

To mkrou@lincoln.ne.gov, rhill@lincoln.ne.gov,
kmorgan@lincoln.ne.gov, dcary@lincoln.ne.gov
cc
Subject Bicycle racks as required elements of Design Standards

Mr. Krout and others:

I ask that an amendment be added to Chapter 3.105 of the Proposed Pedestrian Design Standards to be considered at the December 7 meeting of the Planning Commission. This amendment would state that bicycle racks be part of the Required Design Standards (Section 2).

I was surprised and distressed to see that the Proposed Design Standards did not have a *requirement* that bicycle racks be provided--that racks are listed only an element in Section 3, Floor Area Incentive Standards (Optional). Even there they are only part of a list of elements to be considered--they are not required!

Lincoln should be promoting bicycle transportation, and an important element of that should be providing convenient, secure bicycle parking. Racks are often mentioned as a reason people choose not to ride their bicycle to work or to the store.

Having bicycle racks everywhere available also provides a psychological affirmation of bicycling as a normal part of transportation. This social, psychological element is important.

When the Pedestrian/Bicycle Advisory Committee looked at this material a couple of months ago, it was not clear that bicycle racks were *optional*! (I attended that meeting.) I believe the Committee might have questioned this omission had that been clear.

Lincoln needs bicycle racks. We need more people riding bicycles. We need to promote bicycling.

If I am in error about this matter, I apologize. Is there another standard which does require bicycle racks? If so, hurrah!

Bob Boyce
A cyclist.
735 South 37th Street
Lincoln, NE 68510
475-0783

ITEM NO. 3.2abc: CHANGE OF ZONE NO. 04066
MISCELLANEOUS NO. 04015
MISCELLANEOUS NO. 05007
(p.95 - Cont'd Public Hearing - 12/21/05)



"J. Dixon Esseks"
<jesseks@msn.com>
12/20/2005 11:29 AM

To "Jean Walker" <JWalker@ci.lincoln.ne.us>
cc
bcc

Subject: An exparte communication

Jean,

Here's a summary of a brief conversation I had on the phone yesterday when a realtor called about the proposed landscaping standards:

Laura Bell from Commercial Realty group expressed concern about a proposed increase in the screening standard from from 60% to 90%. She's worried that people with criminal intent may hide there and that store signs will be blocked from view.

Dick



Jean L Walker/Notes
12/05/2005 02:13 PM

To rboyce@inebraska.com,
cc Marvin S Krout/Notes, Ray F Hill/Notes, Thomas J
Cajka/Notes, David R Cary/Notes, Kent R Morgan/Notes,
bcc
Subject Fw: Bicycle racks as required elements of Design Standards:
Miscellaneous No. 04015

Dear Mr. Boyce:

Thank you for submitting your comments, which have now become part of the record. A copy is being e-mailed today to each Planning Commission member for their consideration prior to the public hearing, which is scheduled for this Wednesday, December 7th. The meeting begins at 1:00 p.m.

--Jean Walker, Administrative Officer
City-County Planning Department
441-6365
Transportation Planner
Lincoln/Lancaster County Planning Department
402.441.6364

— Forwarded by David R Cary/Notes on 12/05/2005 02:08 PM -----



rboyce@inebraska.com
12/05/2005 01:44 PM

To mkrou@lincoln.ne.gov, rhill@lincoln.ne.gov,
kmorgan@lincoln.ne.gov, dcary@lincoln.ne.gov
cc
Subject Bicycle racks as required elements of Design Standards

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I ask that an amendment be added to Chapter 3.105 of the Proposed Pedestrian Design Standards to be considered at the December 7 meeting of the Planning Commission. This amendment would state that bicycle racks be part of the Required Design Standards (Section 2).

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Bob Boyce
A cyclist.
735 South 37th Street
Lincoln, NE 68510
475-0783



Lincoln Independent Business Association

620 No. 48th St., Suite 205 • Lincoln, NE 68504

Phone: 466-3419 • Fax: 466-7926 • www.liba.org

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School Liaison
Wanda Caffrey
Tax Efficiency
Joe Hampton
Youth
Larry Anderson

POSITION STATEMENT - STREETScape PROPOSAL December 21, 2005

The Lincoln Independent Business Association (LIBA) wishes to address the Streetscape Proposals being offered by the City.

Before we start, LIBA would like to applaud the openness of the process and the input sought by Marvin Krout and his staff in establishing the recommendations before you today. A number of the recommendations are helpful, and could lead to a simplification of the process and uniformity in the requirements for new development.

Of course, while we appreciate a number of these recommendations, we feel we must speak out on a few changes that LIBA feels to be excessive.

LIBA is all for the beautification of our City. We like trees, bushes, and well groomed lawns. But we do not like placing additional burdens on the business community that exceed basic needs.

Based on this, LIBA wishes to provide our disagreement with the proposed design standards related to screening, parking lot trees, pedestrian circulation and some setback provisions for certain businesses that are currently before the Planning Commission.

As stated before, LIBA likes trees. However, we disagree with adding more trees in or around parking lots. Evidence shows that trees do not flourish when they are surrounded by cement, or when they are located in concentrated car emission areas. In parking lots, trees take up usable space, require excessive maintenance, tear up concrete, and attract grackles and crows. They cost the business owner in planting them, replacing them after their abnormally short lives, and in maintaining the tree and the parking surface. Increasing tree requirements may also require builders to create larger lots to compensate for the lost parking spaces due to the extra trees. And the increased tree requirement will add an additional drain on our water resources in a time of long-term drought. For the past few years, the Mayor has asked for water conservation in Lincoln.

If Lincoln had no trees, we might understand this proposal. If Lincoln did not have an existing, effective ordinance, we might understand this proposal. But Lincoln is a beautiful city with a lovely existing tree canopy. Parking lots are already required to include trees. This proposed change in ordinance is unnecessary, and adds too much burden on the business community where no identified problem exists.

LIBA also likes greenery and shrubbery, but we do not like the proposed screening ordinance for parking lots and businesses. While we could simply reiterate the maintenance issue we have provided for trees, cite potential problems with screening blocking expensive signs erected by store owners, or point out that vegetation limits snow removal opportunities and shrinks the lots during winter, we would also focus on

the security issues raised by this recommendation. A real problem is that such ordinances increase the risk of crime by eliminating public sight lines.

LIBA finds it interesting that this proposal comes on the heels of an October 13, 2005 memo from the Lincoln Police Department circulated to local businesses. That memo included the following information: "Since the beginning of the year, 36 robberies have occurred at commercial businesses in Lincoln. Survey your business. Keep shrubbery and landscaping trimmed AND TO A MINIMUM. Parking areas should be well lit and free from obstructions. Make certain employees are parking near the building and AWAY from visually obstructed areas."

The National Institute of Justice indicates that more violent and property crimes occur in parking facilities than any other location except for residential property. Violent crimes are also more likely to occur in parking facilities than in any other commercial location. As a result, the National Institute of Justice and the Department of Justice recommend designing parking facilities to increase surveillance from every source available. Limiting vision into a parking lot from the street, and providing hiding places for criminals behind the screening shrubbery or trees, increases the risk of crime in these locations.

Even camera surveillance systems can be hampered by screening and by trees. LIBA spoke to a number of bankers in the community. Generally, the Lincoln banking community expressed concern about trees and shrubs that would block the view of cameras to their lots. According to a Lincoln bank security officer we spoke with, FBI and LPD officers inspect new bank facilities and branches looking for obstructions such as trees from the facility into the parking lot.

Finally, LIBA is concerned by the changes in certain setback and pedestrian circulation provisions being proposed. While adjusting the setback forward makes great sense, the elimination of driveway and turnaround lanes from that area for certain businesses (drive-in facilities and gasoline pumps) will hamper those businesses and will increase start-up and operating costs for restaurants and gas stations. Likewise, the additional requirements for pedestrian circulation make little sense for health care facilities and clubs when the marketplace will provide sufficient pressure to force proper accessibility and circulation needs. Barring some evidence of failure by the market to address this problem, there is no need for this to be a legislated change.

LIBA believes that the current design standards for parking lot trees and screening are sufficient. We see no call from the community to change these requirements, but we do see a business community that feels that these proposed requirements are unduly burdensome and potentially harmful to the community. We have also seen little environmental or economic data to alleviate our concerns or support the increased standards. Instead, we see an environmental agenda in favor of an aggressive urban forestation program over traditional business accommodations.

Please focus on needs, not desires. LIBA believes that by modifying the proposal to adopt the positive portions of the proposal would well serve our City. Thank you for considering this suggestion.

"The NET"

Lincoln Police Department
Crime Prevention Unit
575 S. 10th Street
Lincoln NE 68508



0037

M METER 708780

Return Service Requested

6830641330-33 C022



Robberies: Not a Thing of the Past

Since the beginning of the year 36 robberies have occurred at commercial businesses in Lincoln. Of those, 15 have been cleared with an arrest. The current trend shows restaurants are the biggest target. However, banks, convenience stores and motels have all been victims. Frequently, incidents have occurred either during opening or closing times, when employees are the most vulnerable. Tasks needing to be completed usually require employees being in different places throughout the business. This does not allow for employees to keep an eye out for one another. Survey your business. Examine what can be done to eliminate the opportunity for your business to be a victim.

Here are some things to remember:

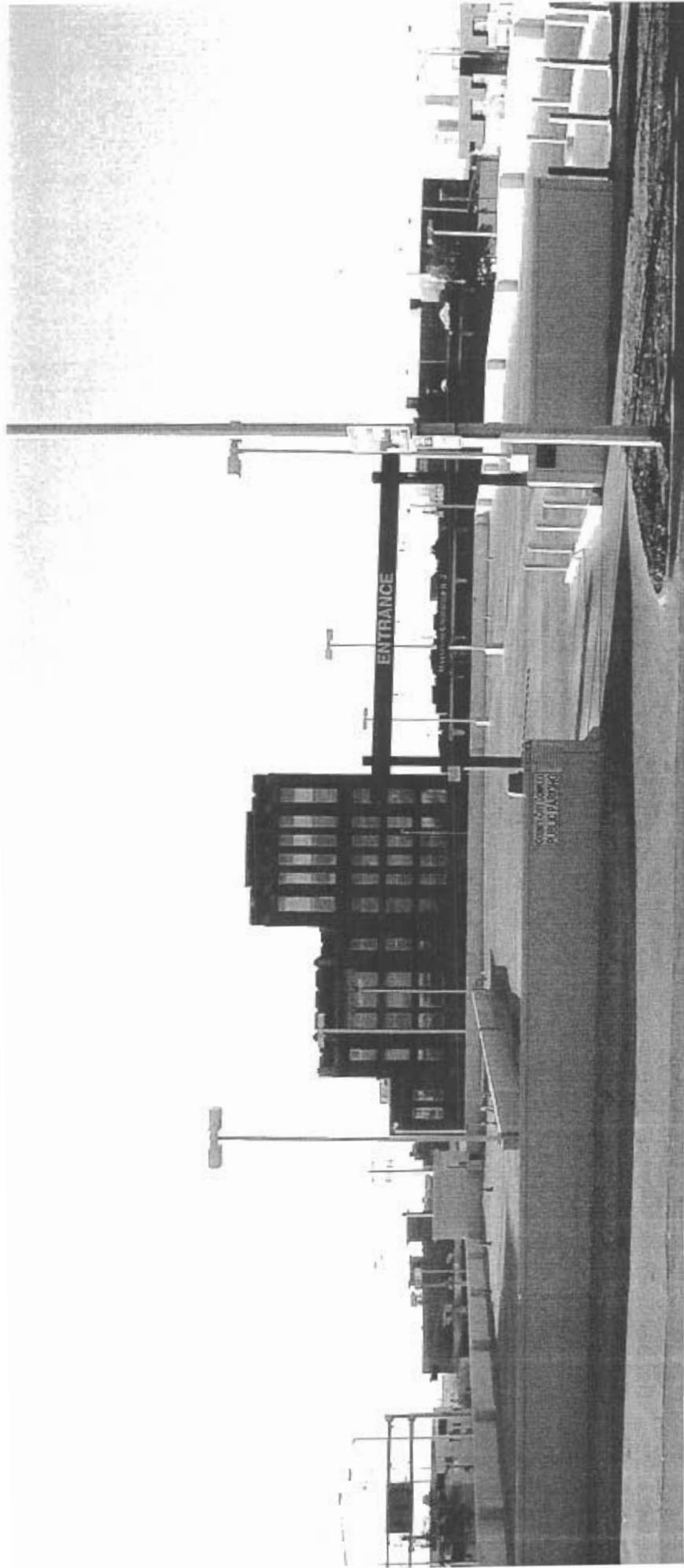
- ◆ Always have more than one person present during these times.
- ◆ Tasks requiring employees to leave the building (taking out the trash, other outdoor chores) should be completed by more than one employee, or if possible completed at a time during normal business hours.
- ◆ ~~Keep windows free from obstructions allowing visibility both into and out of the business.~~
- ◆ ~~Keep shrubbery and landscaping trimmed and to a minimum.~~
- ◆ ~~Parking areas should be well lit and free from obstructions. Make certain employees are parking near the building and away from visually obstructed areas. Use main streets to your advantage. Usually traffic will flow heavier on these streets allowing for natural surveillance.~~
- ◆ ~~Keep areas well posted. Keep customers out of areas that should not be traveled in.~~
- ◆ Employee breaks should be taken inside the business.
- ◆ Install and use security camera systems. Make certain fresh videos are constantly being used in recorders.

Nothing is ever 100%!!! If you do become the unfortunate victim of a robbery try and remain calm. Notify the police as soon as it is safe to do so. Be prepared to give a description of the suspect. The following are all useful pieces of information for officers responding to the area. Make certain the person who was confronted is the one who dials 911. They will have a better description of the person they observed.

- | | | |
|----------|---------------------------------|---------------------------------------|
| ◇ Race | ◇ Height and Weight | ◇ Odors (smoke, alcohol) |
| ◇ Age | ◇ Clothing Description | ◇ Last place the suspect was observed |
| ◇ Gender | ◇ Visual scars marks or tattoos | |

Write down what occurred. Keep from speaking with anyone about the incident until the police arrive. Doing so will only confuse your descriptions and chain of events. Relax, at this point the worst part is over!!!

054



OPPOSITION

ITEM NO. 4.3a.b.c: CHANGE OF ZONE NO. 04066
MISC. NO. 04015
MISC.05007

(p.95 - Cont'd Public Hearing - 12/07/05)



"Doug Rotthaus"
<DougR@LincolnREALTORS.
com>

12/02/2005 04:32 PM

Please respond to
"Doug Rotthaus"
<DougR@LincolnREALTORS.
com>

To <jwalker@lincoln.ne.gov>

cc

bcc

Subject Streetscape Proposal

REALTORS® Association of Lincoln

December 2, 2005

City of Lincoln
Planning Commission
555 South 10th Street
Lincoln, Nebraska 68508

VIA EMAIL

Dear Commissioners,

The REALTORS® Association of Lincoln is opposed to the Streetscape Proposals being proposed by the City.

REALTORS® like others in our community enjoy quality landscaping especially the abundance of trees that our city currently enjoys, however this proposal exceeds the primary needs of the community and places an extraordinary encumbrance on local businesses.

The present standards currently yield attractive and safe developments. The REALTORS® Association of Lincoln sees no benefit great enough to offset the expense of this proposal. The additional cost for this new proposal is yet another hurdle for local business expansion and job creation. We also question the safety of our citizens under parts of the proposal.

The Streetscape Proposal also seems to be without demand from the citizens of Lincoln. Admittedly, more landscaping sounds like a positive thing, but this proposal by the City fails to take into account the negative impact on new business, the lack of market demand for the proposal, and a number of very important safety issues.

The REALTORS® Association of Lincoln believes the Planning Commission, in the interests of economic expansion, job growth and public safety should reject these changes.

Sincerely,

Douglas H. Rotthaus
Executive Vice President
REALTORS® Association of Lincoln
8231 Beechwood Drive
Lincoln, NE 68510
402-441-3625 (voice)
mailto: DougR@LincolnREALTORS.com
<http://www.LincolnREALTORS.com>

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ITEM NO. 4.3a, B, C CHANGE OF ZONE NO. 04066
MISC. NO. 04015
MISC. NO. 05007

(p.95 - Public Hearing - 12/07/05)

Marvin S Krout/Notes
12/06/2005 01:02 PM

To "Doug Rothhaus" <DougR@LincolnREALTORS.com>

cc Dennis D Bartels/Notes@Notes, Lynn
Johnson/Notes@Notes, Ray F Hill/Notes@Notes,
rpeo@netinfo.ci.lincoln.ne.us, Thomas J

bcc

Subject Re: Streetscape Proposal: Change of Zone No. 04066,
Misc. No. 04015 and Misc. 05007

History: This message has been replied to.

Doug: I'm sorry to read that the Realtors' Board has taken this position. We have spent over a year massaging this proposal and listening to those people who took the time on one or more of several opportunities to discuss it with us. We are intending to hold over the hearing for two weeks, and I am really hoping that your Board would reconsider their position during that time.

In the first place, we disagree that this is an extraordinary encumbrance on local business. The effect on development occurring in the newer business and industrial districts is insignificant. The proposed changes in tree planting requirements does not result in more trees being required for development in these districts. The increase in low screening of parking lots from 60% to 90% coverage along the front yard does not require a great amount of additional shrub planting, it can be done with berms rather than planting, and it's the same standard that we already have in place for side and rear yards of parking lots. The Police Chief has reviewed the proposals, and does not believe they would pose a hazard to safety. Regarding pedestrian walkways, there is already a requirement in the code that a walkway system be installed with all parking lots; we are just trying to provide some more predictable standards for where and how to install them.

In regard to the older business districts in the city, the proposed standards do call for more tree planting, because the current standards are negligible. The proposal also calls for a narrow landscape strip to allow shrubs to be planted and screen parking lots along the street, rather than allow paving to extend all the way to the public sidewalk. But these new proposals would only apply to major new construction or reconstruction projects, and they would still be much less than today's standards in the newer zoning districts. I think it is unfair to residents in older neighborhoods, and unfair to developers in newer business districts, that the current standards are so lax for development in the older districts.

In regard to demand for these proposals from local citizens, I would refer the Board to the numerous citations in the staff report to goals and policies in the Comprehensive Plan which was adopted by the Planning Commission and City Council in 2002. The Comprehensive Plan is a vision for future development in Lincoln that was developed through an elaborate process of public participation, and I don't think it was an accident that these policies survived and were adopted. If we don't mean what we say, then we should remove these goals from the Plan.

Last, we think there are several recommendations in this proposed package that will improve the bottom line for local business, and I am worried that maybe this was not pointed out to the Board. One recommendation would reduce the front yard setbacks in all of the new business and industrial zoning districts from 25-50 feet today to 20 feet. The value of making 30 more feet of land on a 200 foot wide pad site that is valued at \$20/square foot available for something other than lawn area is \$120,000! The other recommendations would streamline the process for obtaining "waivers" of design standards, allowing waivers to be approved administratively rather than through public hearings, and allowing administrators the discretion to determine that a standard has been "substantially" met.

I would be glad to meet any time with you and/or your Board to discuss the proposal further.

Marvin S. Krout, Director
Lincoln-Lancaster County Planning Department
tel 402.441.6366/fax 402.441.6377

Marvin S Krout/Notes
12/20/2005 10:57 AM

To DougR@lincolnREALTORS.com, coby@liba.org
cc Planning_PC Members, Planning_Planners
bcc

Subject landscape/screening amendments

Gentlemen:

Thank you again for your willingness to meet and discuss the proposed code amendments that are on the Planning Commission's agenda tomorrow. I thought it was very helpful to clarify some of the misconceptions as well as to better understand your concerns. We have discussed the comments from the meeting held last week on this subject, and are prepared to recommend several more changes to the Planning Commission:

1. Add clarifying language that the landscape/screening standards are only applied to new construction or significant reconstruction. That language is already in the proposed section on pedestrian standards.
2. Change the measurement for low screening of parking lots along streets from the current 2-4 feet to 0-3 feet. That would make us more consistent with the recommendation in the literature on crime prevention to leave the area from 3-6 feet clear. But we think the look of continuous low screening is very important to improving the appearance of major streetscapes, it is a very common standard in other cities' ordinances, and it is a very reasonable tradeoff for the reduction in front yard setbacks.
3. Reduce the proposed landscaping in front of screening fences installed along arterial streets from 30% density between 0-10 feet to 20%. This will allow for more variety in planting as well as less cost.

We should have the actual proposed language sometime tomorrow morning, before the Planning Commission meeting.

Let me know if you want to review that language in advance.

Let me make a few more observations related to the proposed package:

- The additional cost to do plantings in front of screening fences along arterial roads was discussed at the meeting last week. While this would be an additional cost, I just want to put this cost in perspective: if the cost of planting 15 shrubs along a 75 foot wide lot is \$300, and you spread the cost over all of the lots in the subdivision, the additional cost per lot is only about \$30.
- It was pointed out at the meeting last week that signs which are now required to be set back 25-50 feet from the street right of way will be allowed closer to the street, where they are more visible. I think that is another big plus for local businesses.
- Someone mentioned at the meeting last week that the code allows you to park in the front yard today. That is not true in the newer zoning districts. The only newer district that allows parking in the front yard is the I2 district, and it is limited to the rear 1/2 of the front yard. We are not proposing to change that standard, which means that parking would now be allowed in I2 with a 10 foot setback, instead of the 25 foot setback today. In the older business and industrial districts, it is true that parking and drives can be paved up to the street right of way, and we are asking for a 6 foot planting area when new construction or redevelopment is proposed in those districts, which is still much less than required in the newer districts.

Marvin S. Krout, Director
Lincoln-Lancaster County Planning Department
tel 402.441.6366/fax 402.441.6377

MOTION TO AMEND

Section 3 General Requirements:

Add, "Requirements of this Chapter shall apply to new construction of structures or parking lots, additions to existing buildings and additions to existing parking lots. The screening and landscaping requirements shall only apply to the area of expansion for building additions or parking lot additions."

Section 7.1 (d):

in the second line strike "from two feet(2') to four feet (4)" and add "ground elevation to three feet (3)"

Section 7.4:

second paragraph, third line, replace "thirty percent (30%)" with "twenty percent (20%)"

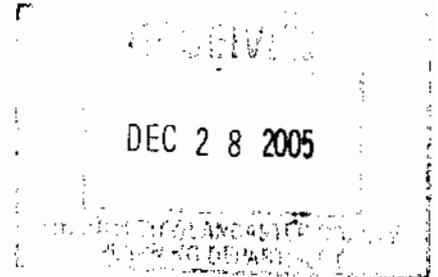


REALTOR®

December 27, 2005

REALTORS® ASSOCIATION OF LINCOLN

Marvin Krout, Director
Planning Department
City of Lincoln
555 S. 10th Street #213
Lincoln, NE 68508



Dear Mr. Krout:

Last Tuesday, December 20, 2005, you emailed me the amendments to the landscape/screening requirements being proposed. That evening our board reviewed the changes and was quite pleased with the progress that had been made.

Early Wednesday I was out of the office due to some minor surgery I had scheduled and, as a result, I failed to communicate the board's feelings to Mark Hunzeker who we had earlier asked to represent us on the issue.

To make a long story, short, I want to apologize for the negative testimony that was given on our behalf as a result of my omission to speak with Mr. Hunzeker. Our board was satisfied with the progress that had been made on the proposal. The board was also delighted with the fact that you (and others on your staff) had taken the time to discuss and develop compromises with the small group that we had assembled for our meeting with you on Friday, December 16.

Please accept my apology. I understand the proposal passed the Planning Commission on December 21, but I wanted you to know that it was not our intention to make comment on the issue at that meeting.

Thank you again for taking the time to meet with us and to quickly forward the proposed changes to us. Your cooperation is appreciated.

Best regards,

Douglas H. Rotthaus
Executive Vice President