

City Council Introduction: **Monday**, August 11, 2008
Public Hearing: **Monday**, August 18, 2008, at **1:30** p.m.

Bill No. 08-108

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 08026**, from P Public Use, I-1 Industrial, B-3 Commercial and R-6, R-7 and R-8 Residential to B-4 Lincoln Center Business District, and from I-1 Industrial and R-6 Residential to P Public Use, requested by the Director of Planning, on property located in the Antelope Valley area, generally from K Street to Vine Street, from 17th Street to 23rd Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 07/16/08
Administrative Action: 07/16/08

RECOMMENDATION: Approval (8-0: Cornelius, Partington, Taylor, Sunderman, Larson, Gaylor Baird, Francis and Carroll voting 'yes'; Esseks absent).

STAFF RECOMMENDATION: Approval

ASSOCIATED REQUESTS: Change of Zone No. 08027 (08-107) and Miscellaneous No. 08007 (08R-187).

FINDINGS OF FACT:

1. This change of zone request and the associated text amendment to Title 27 and the amendment to the City of Lincoln Design Standards were heard at the same time before the Planning Commission.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.5-6, concluding that this change of zone is appropriate as one part of the Antelope Valley development in this area. As the road, floodplain and revitalization project progresses, the land uses in this area will change. This application, with the accompanying design standards and text amendments to the B-4 District will implement the vision for the Antelope Valley area. The map revisions also include changes on the eastern edge of the University of Nebraska-Lincoln campus to P Public Use zoning to better reflect the current and future campus boundaries. The staff presentation is found on p.7-8.
3. Testimony in support is found on p.8-10, all of which focused upon the associated Downtown Design Standards (Miscellaneous No. 08007).
4. There was no testimony in opposition.
5. On July 16, 2008, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval (Esseks absent). See Minutes, p.13.
6. On July 16, 2008, the Planning Commission also voted 8-0 to recommend approval of the associated text amendment to Title 27 and to the City of Lincoln Design Standards, adopting the Downtown Design Standards.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: August 1, 2008

REVIEWED BY: _____

DATE: August 1, 2008

REFERENCE NUMBER: FS\CC\2008\CZ.08026+

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for JULY 16, 2008 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No.08026

PROPOSAL: From P Public Use, I-1 Industrial, B-3 Commercial and R-6, R-7 and R-8 Residential to B-4 Lincoln Center Business District and from I-1 Industrial and R-6 Residential to P Public Use District in the Antelope Valley area

LOCATION: Generally from 'K' Street to Vine Street, from 17th to 23rd Street

EXISTING ZONING: P Public Use, I-1 Industrial, B-3 Commercial and R-6, R-7 and R-8 Residential

CONCLUSION: This change of zone is appropriate as one part of the Antelope Valley development in this area. As the road, floodplain and revitalization project progresses, the land uses in this area will change. This application with the accompanying design standards in Misc. 08007 and text amendments to the B-4 District in Change of Zone 08027 will implement the vision for the Antelope Valley area. The map revisions also includes changes on the eastern edge of the University of Nebraska -Lincoln (UNL) campus to P Public zoning to better reflect the current and future campus boundaries.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION:

R-6 to P: Lots 1-24, Block 1, and the vacated east-west alley adjacent thereto; Lots 1-24, Block 2, and the vacated east-west alley adjacent thereto; Lots 1-9 and Lots 16-24, Block 3, Lincoln Driving Park Company's 2nd Subdivision and the vacated east-west alley adjacent thereto; Lot 10, Block 3, Lincoln Driving Park Company's 2nd Subdivision and the north ½ of the vacated east-west alley adjacent thereto; all of vacated T and U Streets adjacent to Blocks 1, 2, and 3, Lincoln Driving Park Company's 2nd Subdivision; Lots 10-19, Block 7, Vine Street Addition, and the vacated alleys adjacent thereto; those portions of Lots 7 and 8, A. K. Griffith's 2nd Addition not currently zoned P Public Use District and the vacated north-south alley adjacent thereto; and Lots 1-4, Water's 2nd Subdivision and the north ½ of the vacated east-west alley adjacent thereto; all located in the N ½ and SW 1/4 of Section 24-10-6.

R-6 to B-4: Lots 1 and 2 and the vacated east-west alley adjacent thereto and Lots 4, 7, 8, and 9, Block 6; Lots 3-12, Block 7; Lots 1 and 2, Block 8; Lots 1-6, Block 14; Lots 2-6 and Lots 8-12, Block 15; all located in Kinney's "O" Street Addition; Lots 5-32, Block 7, Lincoln Driving Park Company's 1st Subdivision; Lots 1-4, Lots 20-24 and the east ½ of Lot 19, Block 4, Lincoln Driving Park Company's 2nd Subdivision; Outlot C, Malone 1st Addition and the vacated east-west alley adjacent thereto; and Lots A, B, C, and D, Weinberger's Subdivision; all located in the S1/2 of Section 24-10-6.

Lots 1-6, Block 6, Avondale Addition; Lots 46-48, Boggs and Holmes Subdivision; Lot 5 except the north 35.02 feet of the west 12 feet thereof, Cariotto Estates; Lots 1-6, Cadwallader's Subdivision of Outlot 2, McMurtry's Addition, and the vacated east-west alley adjacent thereto; Lots 1-4 and Lots 9-12, Block 9, Lavender's Addition and the vacated east-west alley adjacent thereto; Lots 1-4 and Lots 10-12, Block 12, Lavender's Addition; Lots 1-9 and Lots 11-14, Block 2, McMurtry's Subdivision, and the vacated east-west alley adjacent to said Lots 1-6; and vacated S. 22nd Street between K and L Street; all located in the N ½ of Section 25-10-6.

R-7 to B-4: Lots 1-4 and the north 35.02 feet of the west 12 feet of Lot 5, Cariotto Estates; Lots 5-8, Block 9, Lavender's Addition and the vacated east-west alley adjacent thereto; Lots 3-12 and the west 25 feet of Lot 2, Block 10, Lavender's Addition; Lots 1-3 and Lots 9-12, Block 11; Lots 5 and 6, Block 12, Lavender's Addition; and Lots A, B, C and D, Ostran's Subdivision; all located in the NW 1/4 of Section 25-10-6.

R-8 to B-4: Lots A, B, C and D, Hooper's Subdivision; and Lots 9-11, Block 19, Lavender's Addition; all located in the NW 1/4 of Section 25-10-6.

I-1 to P: Lot 55 I.T; Lots 13-15, Block 3, Lincoln Driving Park Company's 2nd Subdivision, and the S ½ of the vacated east-west alley adjacent thereto; Lots 3, 4, 9 and 10, Locust Subdivision; and that portion of Lots 5, 7, and 8, Locust Subdivision, Lot 24, J. G. Miller's Subdivision, Lots 15-28, Salisbury Addition and the vacated N. 18th Street adjacent to said Salisbury Addition which are not currently zoned P Public Use District; all located in the W ½ of Section 24-10-6.

I-1 to B-4: Lots 5-18 and the west 25' of Lot 19, Block 4, Lincoln Driving Park Company's 2nd Subdivision, located in the SW 1/4 of Section 24-10-6.

P to B-4: Lots 4-6, Block 12, Kinney's "O" Street Addition, located in the SW 1/4 of Section 24-10-6.

B-3 to B-4: Lots 5 and 6, Block 6; Lots 1 and 2, Block 7; and Lot 1, Block 15, Kinney's "O" Street Addition, located in the SE 1/4 of Section 24-10-6.

EXISTING LAND USE: A mix of industrial, residential and commercial land uses generally south of R Street with UNL campus uses generally between R and Vine Street.

ASSOCIATED APPLICATIONS: Change of Zone 08027 B-4 Lincoln Center District and related text amendments; Misc 08007, new Lincoln Downtown Design Standards.

COMPREHENSIVE PLAN SPECIFICATIONS:

Strong neighborhoods, including a strong Downtown core, are one of Lincoln and Lancaster County's great assets and the conservation of existing, and creation of new, neighborhoods is fundamental to this plan. (Comprehensive Plan, Page 6)

The community continues its commitment to a strong Downtown. A strong, vital Downtown provides a common center for all Lincoln and Lancaster County and will be a catalyst for future growth. The Comprehensive Plan acknowledges Downtown's unique role and will guide decisions that will maintain Downtown's vitality and enhance its contribution to the quality of life of all Lincoln and Lancaster County. (Page 6)

DOWNTOWN LINCOLN - THE HEART OF OUR COMMUNITY

Downtown Lincoln is the heart of our community, a unique common ground for all Lincoln and Lancaster County residents. At the same time, Downtown Lincoln belongs to all residents of Nebraska because "downtown" is synonymous with the University of Nebraska, state government, and the State Capitol building. This state-wide ownership has strong economic implications, and for that reason, as well as the desire to maintain downtown as the "heart" of the community, the Comprehensive Plan will ensure that downtown remains a special place. The Plan will seek to preserve vistas and institutions of cultural importance, to reinforce the district as a center of entertainment, and to promote a rich diversity of activities and uses, including housing, education, government, offices and commerce. (Page 7)

Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood. (Page 10)

Encourage mixed-use redevelopment, adaptive reuse, and in-fill development including residential, commercial and retail uses. These uses may develop along transit routes and provide residential opportunities for persons who do not want to or cannot drive an automobile. Promote residential development, economic development and employment opportunities throughout the City. (Page 10)

Preserve and enhance entryway corridors into Lincoln and Capitol View Corridors. (Page 11)

Encourage renovation and reuse of existing commercial centers. Infill commercial development should be compatible with the character of the area and pedestrian oriented. As additional centers are built, the City and developers should be proactive in redevelopment of existing centers to make sure that redevelopment is sensitive to the surrounding neighborhood and happens quickly to reduce vacancies. (Page 36)

STRATEGIES FOR DOWNTOWN

... Support development and implementation of the Antelope Valley project which is to provide neighborhood revitalization, transportation and transit opportunities and stormwater improvements on the east side of Downtown, the UNL campus and surrounding neighborhoods. As the Antelope Valley project progresses, ensure that new development is compatible with the existing Downtown and is pedestrian oriented. Development in the existing and expanded Downtown will maintain the urban environment, including a mix of land uses and residential types. Higher density development with parking areas at the rear of buildings or on upper floors of multi-use parking structures is encouraged. (Page 37)

Subarea Planning – The Comprehensive Plan provides broad guidance for achieving the community’s stated Vision. Putting details to the Plan takes additional effort. One means of doing this is through the preparation of subarea plans. Subarea plans offer greater details about the intended future of an area of the community — including land uses, infrastructure requirements, and development policies and standards.

(Adopted Subarea Plans)

... Antelope Valley Major Investment Study: Amended Draft Single Package, City of Lincoln; May 1998, Updated November 1998.

...Downtown Master Plan, 2005 (Page 155)

HISTORY:

The Antelope Valley process was formalized with the adoption of the Antelope Valley “Draft Single Package” in 1998. The Downtown Master Plan update was adopted as part of the Comprehensive Plan in 2005.

In the summer of 2007, the City, Lincoln Chamber of Commerce Foundation and the Vision 2015 Group jointly funded the consulting firm Crandall Arambula to prepare recommendations and a plan for the “Research & Development Corridor.” In February 2008 Crandall Arambula’s draft master plan and proposed design standards for Downtown and Antelope Valley were presented at a public meeting. Hundreds of property owners in the area were mailed a notice of the meeting. In March, staff held six public meetings with property owners and neighborhood residents as well as making a presentation to the Realtors Association of Lincoln.

In April and May, additional meetings and discussions were held with members of the Downtown Lincoln Association (DLA), Lincoln Chamber of Commerce and Lincoln Independent Business Association (LIBA). During this period City staff discussed revisions to the draft Downtown Design Standards and a proposed Planned Unit Development (PUD). Staff also drafted a revision to the B-4 Lincoln Center Business District as an alternative to the PUD.

On May 8th, the Lincoln Chamber of Commerce passed a resolution of support in favor of the B-4 text amendment and Downtown Design Standards.

On June 4th, staff released revised Downtown Design Standards and revisions to the B-4 Lincoln Center Business District.

In June over 450 property owners and interested persons were mailed an invitation to a second public meeting that was held on June 25th. The Planning Commission was briefed on the proposals on June 18th.

ANALYSIS:

1. This change of zone is sponsored by the City as part of the Downtown/ Antelope Valley revitalization projects.

2. The southern area of the change of zone is generally from 17th to 21st Street, from K to N Street. This area is currently zoned R-6, R-7 or R-8 Residential and is either occupied by scattered houses, parking lots or is vacant. This area is a primary entrance into Downtown Lincoln and is adjacent to the Capitol Environs District. This area is proposed for B-4 zoning. The projected future land use for this area is primarily low rise office with a mix of commercial and residential uses.
3. Between 19th and 22nd Street from P to S Street is land currently zoned R-6 Residential, B-3 Commercial or I-1 Industrial which is also proposed for B-4 zoning. This includes the blocks between 21st and 22nd Street from P to R Streets which will be part of the future Union Plaza city park. Assurity Insurance Company is also considering the area between 19th and 21st Street, north of Q Street for their future corporate offices. (See Comp Plan Conformance 08016)
4. The City fire station at 18th and Q Street is also included with a change from 'P' Public to B-4. This change was included in case the City at some point relocates the fire station and sells the property.
5. The last area is mostly owned by UNL from R Street to north of Vine Street and east of 18th Street. The properties have a mix of I-1 Industrial and R-6 Residential zoning. This land is primarily currently occupied by UNL parking lots, athletic fields, tennis courts, UNL Beadle Center and the southern end of the former Cushman plant now owned by UNL. The UNL campus is zoned 'P' Public and this proposal would extend that zoning. UNL has their own design standards for new construction. (Note: a final plat is underway to reflect the right-of-way for the new Antelope Valley Parkway. Once this plat is complete additional zoning adjustments for UNL property may be appropriate.)

Prepared by:

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July 1, 2008

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**CHANGE OF ZONE NO. 08027;
MISCELLANEOUS NO. 08007,
LINCOLN DOWNTOWN DESIGN STANDARDS;
and
CHANGE OF ZONE NO. 08026**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 16, 2008

Members present: Cornelius, Partington, Taylor, Sunderman, Larson, Gaylor Baird, Francis and Carroll voting 'yes'; Esseks absent.

Ex Parte Communications: None.

Staff recommendation: Approval of Change of Zone No. 08026 and Change of Zone No. 08027, and approval of Miscellaneous No. 08007, as revised by staff on July 16, 2008.

Staff presentation: **Steve Henrichsen of Planning staff** advised that the City is the application on these proposals.

This has been a very long process. The first public meeting was held in February and the last public meeting occurred at the end of June. Staff has also spent time with the Chamber of Commerce, Downtown Lincoln Association (DLA), UNL and NRD in bringing this forward. Over the many months, there were a lot of different viewpoints and good comments. This proposal is an attempt to find a balance between a lot of different views. Staff heard from a lot of investors that said they were interested in the area but wanted some certainty to have some protections to their investment like we see in a newer area. Staff also heard from DLA that there was some interest in having some design standards to protect the investment in the Downtown as a whole. There is a desire not to have a lot of extra process and extra time and complicating standards.

Henrichsen then submitted proposed amendments to the Downtown Design Standards (Miscellaneous No. 08007) which have been worked out with the City Attorney since the Planning Commission packet went out. These amendments are mainly wording and renumbering changes. There is one amendment having to do with the appeal process providing an appeal to the Urban Design Committee, and then to the City Council. Or as an alternative, one may appeal straight to the City Council with the Urban Design Committee making comments.

Francis requested an overview of the parking requirements for this area and why it is what it is. Henrichsen advised that today, there is a dividing line between Downtown and Antelope Valley, which is basically 17th & L Street. West of 17th, there is no parking requirement so the Downtown portion does not require any parking on the site. There is a parking requirement for the area east of 17th Street except between N and P Street, leaving that as it is today. Today,

the parking requirement for the rest of Antelope Valley north of P Street and south of N Street, is generally about 1 per 600 on-site. This proposal would allow that parking to be located within 300' on private property and the requirement of 1 per 300 for restaurants has been stricken.

Francis commented that part of the parking requirements is that Antelope Valley is supposed to be pedestrian friendly and let people walk past shops instead of driving and parking. Henrichsen agreed. The access would be from the alley as much as possible. There should be some amount of parking on-site or within 300' with the burden on the property owner to provide the parking.

Support

1. David Landis, Director of Urban Development, supports the proposal. The proposed Design Standards for this community in this area reflect a trend that has existed elsewhere. Design Standards are imposed to protect investment and to encourage private sector investment. The neighborhood design standards have been in existence, although very controversial when they began, but they have improved the neighborhoods. The Historic Haymarket has design standards, and the private sector's value to their land in the Haymarket has gone up in part because of this sense of place, identity and shared historic design. The most common and strongest analogy are the dozens and dozens of design standards that exist that are operated by the private sector – shopping malls, commercial centers, subdivisions. They provide compatibility. Many of them are in places where developers have chosen to use this technique to support, defend and to maximize private sector return. The city wants to take that idea and apply it to the area of highest public investment that we have. There is \$238 million of public funds in the Antelope Valley. The way to maximize on that investment is to fill that with high density, high-end development, producing high tax valuations.

2. Kyle Fisher, appeared on behalf of the **Lincoln Chamber of Commerce.** The Board of Directors did meet in May and passed a unanimous resolution of support for this proposal. They did consider a few broad guidelines that the City should explore – establish limited uses and building standards without adding an additional approval process, while continuing to work on streamlining the entire permitting process; find the required funding for the street standards without sacrificing projects in other areas of the community; and continue to support efforts to market Lincoln to national and international investors. The taxpayers have already made an investment in this area. The Chamber believes that this quality public investment should and will attract similar high quality, private investments. Without minimum standards and building materials, the return might not be realized. Raising the bar in this area because of its proximity to the Downtown and UNL will generate more interest and more opportunity to the landowners in that area.

3. Ed Swotek, 5340 W. McKelvie Road, appeared on behalf of the **Downtown Lincoln Association (DLA)** as Chairman Elect in support. These proposed design standards are the culmination of several meetings over the last six months. DLA does support the concept of the design standards, being consistent with the Downtown Master Plan. This has not been an easy process and there is not uniform consensus, yet DLA believes they are an important tool in shaping the future of Downtown. Through this review process, however, DLA has some areas of concern.

The proposed design standards in B-4 call for no parking requirements in Antelope Valley. The DLA Board has voted to officially oppose this recommendation because it is inconsistent with the approved Downtown Master Plan. A no parking requirement could open the possibility of diluting parking funds raised by and allocated to the central business district (CBD) of Downtown Lincoln; and no parking requirement in the Antelope Valley area implies a promise that the City would provide additional parking resources in the Antelope Valley area sometime in the future.

DLA is also concerned about material selection for buildings and limitation related to drive-thru functions. These design standards should allow for flexibility of materials to accommodate architectural creativity of future building designs. It is hoped that these same standards would not restrict the marketability of property in this area for drive-thru related business. DLA is finalizing its position on these issues. DLA will provide an official statement to the Mayor and City Council as this proposal moves forward.

DLA does support the concept of implementing Downtown Design Standards that are consistent with the Downtown Master Plan. The DLA would respectfully request that reasonable parking requirements be implemented throughout the entire Antelope Valley area and to maintain no parking in the existing CBD of Downtown Lincoln.

Larson confirmed that the no parking requirement is just an extension of the no parking requirement in what is now the CBD. When that happens, doesn't the city assume the parking requirement as they have with the parking garages? Swotek agreed, and that is part of the concern. Right now, you want to maintain the density of buildings and properties in your proper CBD district, from 17th to the railroad tracks. The concern is, if that no parking is carried out beyond that existing footprint, that in turn might draw some parking resources away from our CBD into an area in Antelope Valley, which then shifts a lot of the demand for parking which is in the CBD.

Larson assumed that the Antelope Valley project is intended to extend the CBD down to about 21st Street. Swotek did not know – he sees the Antelope Valley project as a transitional zone building up to the CBD. He suggested that it may be a transition zone as opposed to an extension.

Larson confirmed that DLA already has in their future planning the next city parking garage on the eastern side of the CBD. Swotek agreed.

4. Brendan Evans, 1209 Peach Street, testified in support. He recently moved back to Lincoln from Portland, Oregon, with offices located at 22nd & Y. He advocates and supports the design standards. He is hopeful that in the near future the design standards can be extended to the area north of Whittier, which will build a transitional zone between the innovation park and some of the investment in Antelope Valley. There should be a centralized focus/vision for Downtown and how it transitions into some of the new investment. Historically, some of the considerations made by business and community leaders are what has built a sense of place in Downtown, such as Miller & Paine, Hovland Swanson, etc. These proposed design standards formalize a process and build a strong foundation. Personally, living in Portland, he has seen neighborhoods go from low value, boarded up structures to wine bistros, specialty shops, high-end restaurants and office space in 5-10 years. There is a strong value to these types of design

standards in conjunction with other community development.

5. Matt Wegener, 1974 Ryons Street, testified in support. He purchased and started a business at 22nd and Y Streets about a year ago and is hopeful that the design standards will apply to the 22nd & Y area in the future as well. He is somewhat concerned and wants to make sure that opportunity is given to people that own the existing structures to renovate and provide a unique atmosphere of old and new. That is difficult when you have to provide parking. He looks forward to the consistency being applied to the neighborhood.

6. Peter Hind, 5140 Valley Road, architect, Assistant Professor of the College of Architecture and President of the Lincoln Haymarket Development Corporation, testified in support of the proposed design standards. He does, however, have some concerns with discussions that are focused on sameness, and words such as “traditional”. He also gave examples and suggested that the specifics and limitation on building features are somewhat problematic, e.g. not allowing the use of wood. While the guidelines are here to stop what we might call poor design or bad design, he also believes that they have the potential to burden projects with a multi-step process adding significant costs to projects for developers. Hind urged that some of the specifics of the language should be balanced against the cost and time per project.

7. Mark Hoistad, 2648 Everett Street, Associate Dean of the College of Architecture, stated that he is neither for nor against the proposed design standards; however, he suggested that the standards should be more performance based rather than prescriptive. His concern is that prescriptive standards tend to set limits that do not foster innovation. He suggested that it is much more progressive to think of a performance standard as opposed to a prescriptive standard. He believes that the prescriptive standards are uneven and almost arbitrary, and do not present the kind of comprehensive notion about how we can develop a healthy, innovative redevelopment of an area. There are aspects in the proposed standards that are really important, but there are also aspects that would prevent the goals of this overall notion, which is a healthy, vibrant community that only comes about by allowing designs to be innovative and more performance based.

Hoistad also expressed disappointment and concern that there is nothing about sustainability or green design in the proposed design standards. “If we really want to be progressive, those are the kinds of things that need to be folded into this kind of process.”

Partington asked whether Hoistad is suggesting that enforcing the design standards rather rigidly can be counter-productive. How do you balance this? What provisions can you have to evaluate proposals for changes that are easy and flexible? Hoistad understands the dilemma. How do you create it? Planning in the public sector is a messy business. It is never a simple yes, no, on, off. But, the difficulty when it is so prescriptive is that as a design professional, were you to propose something progressive means time, and time means money. So in the context, these standards really discourage anyone from doing anything other than the known straight-forward solution, which he believes is anti-innovation. Yes, the performance standard is messy but it will allow pursuing the best that it could be or the most interesting opportunity. The

prescriptive standards make assumptions about a number of things, almost arbitrarily, that do not encourage innovative design. Prescriptive design standards set the bar as opposed to raising the bar, so it puts a ceiling on the prospects of what could be.

Partington inquired whether the College of Architecture was involved in this process. Hoistad stated, “only what we might do as a private citizen”, and he participated as much as his schedule would allow. He respects the amount of energy that has gone into this, but we need to think progressively as we move forward.

Gaylor Baird inquired whether Hoistad had any changes to propose to address his issue. Hoistad stated that he is most concerned with the materials portion, all of which make a value judgment that certain materials or designs are necessarily bad.

Larson noted that there is a waiver procedure in the proposal that perhaps will provide opportunities for departure from the design standards. Hoistad agreed, but each one of those ways to get a “yes” requires time. If you want to do something out of what is prescribed, you are taking on the risk of getting a “no” and the time it would take to go through the process. Larson stated that he has enough faith in our future authorities that if a desirable project comes along that is not in conformance with the design standards, there will be an effort to expedite. Hoistad did not disagree, but he is advocating something more performance based as opposed to prescriptive. He values the people that the city would entrust with making that judgment; however, in a prescriptive based system, “you start out with no until you convince me yes”.

Cornelius commented that this has been presented to the Commission as an attempt to “split the baby” – one of the requirements of the development community seemed to be a very clear standard without a lot of ambiguity. He has heard Dr. Zimmer talk about the neighborhood design standards as setting a low bar that you have to get above to achieve approval. He does have concern with the latitude of the appeals process. The appeal process almost seems easier than achieving approval through the design standards themselves. Hoistad suggested that that assumes the client is willing to take that risk. Generally speaking, because time and money are involved, it would take a very progressive client to be willing to do that.

Hoistad further stated that green design has been around for a long time. It raises the bar. Performance based does not ever set a limit on what it can be. It allows something more progressive.

Cornelius believes there would have been a lot of opposition to the performance based approach. Hoistad agreed but he wanted this conversation to be had. He also acknowledged that performance based standards are a minority to be sure.

Response by staff

Henrichsen advised that a lot of this same discussion has occurred over the last six months.

In terms of the materials, the approach that is being attempted is to list out some objective things that even a non-architect can read and understand. A developer wants to be able to read our standards and understand them. We are attempting to meet a variety of interests that are

going to be investing in this area. We also need standards that can be implemented by staff. There is also an attempt in these standards to respect the buildings that exist. There are several opportunities to make an appeal. Not every building will be designed by an architect.

With regard to parking, this proposal is really leaving it status quo. It is hoped that by adding flexibility to allow parking to be up to 300' away, it will encourage parking lots in the transition area, and hopefully over time get some parking garages.

The compromise on drive-thru's is that you can have drive-thru's but not between the building and the sidewalk.

Cornelius asked Henrichsen to revisit the question of the degree to which users of older buildings are imposed upon by these design standards. Henrichsen explained that the design standards would not be applied to a minor interior remodeling project. There is an attempt to be sensitive to the existing buildings, e.g. you do not have to meet the minimum height.

Gaylor Baird inquired where this package talks about ways for people to try to be more innovative, using different materials, etc. Could we potentially add something that addresses a good faith attempt to promote innovative design and performance standards? Henrichsen suggested that this would change the overall attempt. The staff has tried to be objective. It does provide that other high quality durable materials can be proposed and reviewed. We heard in the public meetings that a subjective process where there would be a lot more performance or opinions involved was not desired.

Henrichsen submitted a proposed amendment to Section 2.5 on the waiver process.

Landis suggested that there are a whole lot of brilliant and innovative designs that fall well within these design standards. It will be almost like getting a building permit. If there is a checkmark that says "no", the first level is to go to the Director of Planning, whom he believes has the ability to recognize an innovative building and he has the right to say "yes". If not the Director of Planning, there is a second place – the Urban Design Committee. The difficulty is writing the standard that says we will say "yes" to innovative buildings and "no" to building that are not innovative. The private sector does not want to go down that path – they want predictability. These proposed standards are in response to the developers who are going to put up the money. They want this to be predictable.

CHANGE OF ZONE NO. 08027
ACTION BY PLANNING COMMISSION:

July 16, 2008

Cornelius moved approval, seconded by Francis.

Cornelius observed that this is the culmination of a very long period of public process involving input from many, many people with compromise on all sides, and he thinks it is a result that is pretty good. He shares the concern about green design and he would like to see something like that inserted into what we know to be a draft, if someone can figure out how to do it.

Motion to approve carried 8-0: Cornelius, Partington, Taylor, Sunderman, Larson, Gaylor Baird, Francis and Carroll voting 'yes'; Esseks absent. This is a recommendation to the City Council.

MISCELLANEOUS NO. 08007
ACTION BY PLANNING COMMISSION:

July 16, 2008

Larson moved approval, as amended by staff today, seconded by Sunderman.

Larson commented that Antelope Valley has probably been the biggest project the city has ever had and has had years of preparation, public input and public discussion. He believes it has the potential to make tremendous improvements in our city and the downtown area. It is terribly important that we do it right. This process has been done extremely well. He believes the mechanism for innovation is built into this proposal.

Partington suggested that the design standards will provide uniformity but not a gothic cathedral. In general, the private sector probably likes the uniformity and they will be able to anticipate and get the buildings up. But he does believe these standards fly in the face of common sense and there should be some easy way to resolve innovative designs.

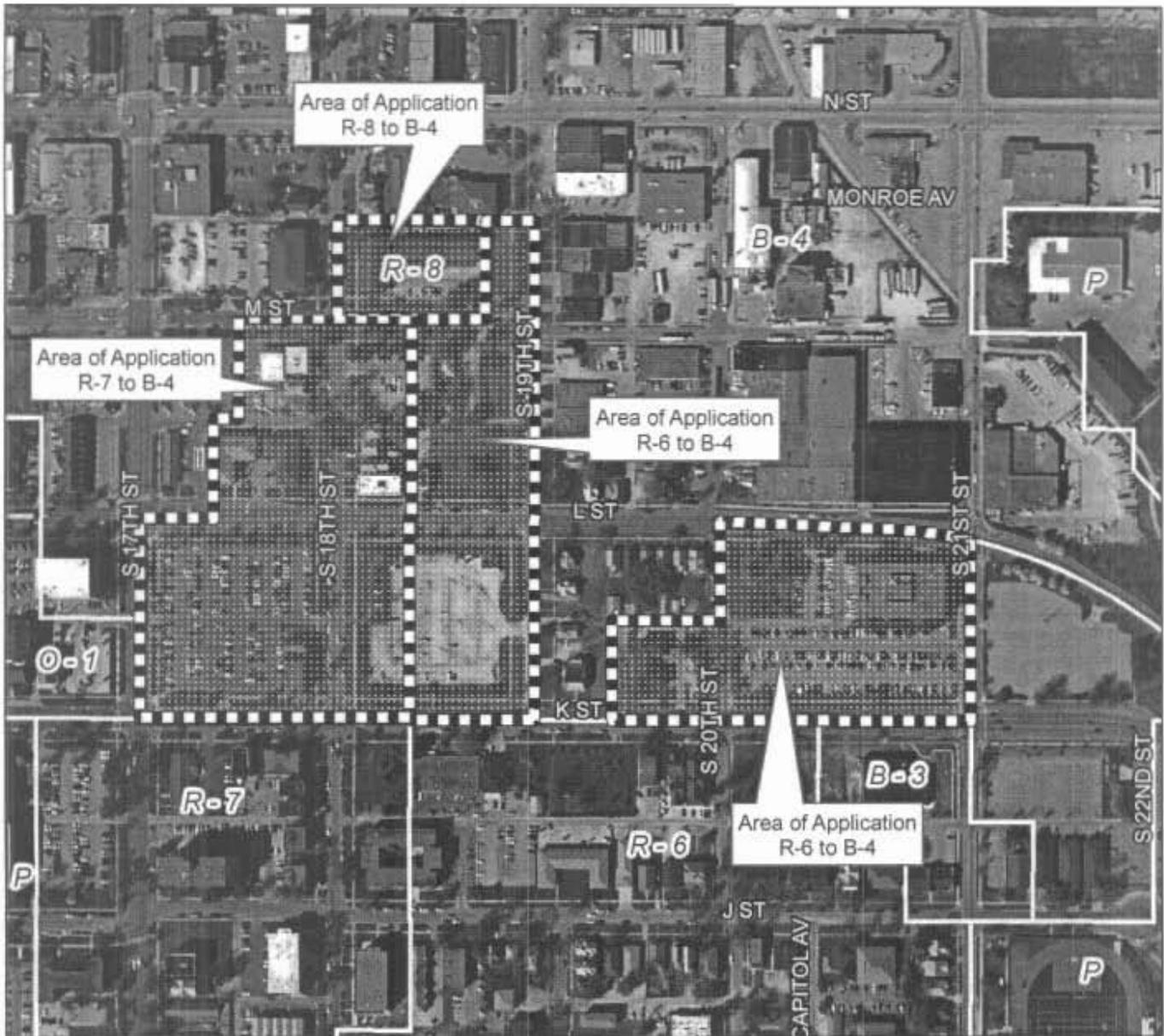
Carroll believes that Mr. Landis elegantly discussed the reasons to approve. It is a first step for security for the businesses that want to develop in this area. It has to start somewhere.

Motion for approval, as amended, carried 8-0: Cornelius, Partington, Taylor, Sunderman, Larson, Gaylor Baird, Francis and Carroll voting 'yes'; Esseks absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 08026
ACTION BY PLANNING COMMISSION:

July 16, 2008

Sunderman moved approval, seconded by Francis and carried 8-0: Cornelius, Partington, Taylor, Sunderman, Larson, Gaylor Baird, Francis and Carroll voting 'yes'; Esseks absent. This is a recommendation to the City Council.

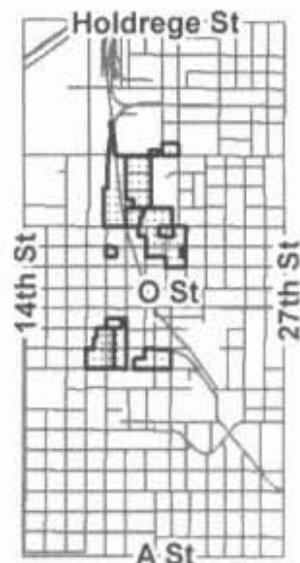
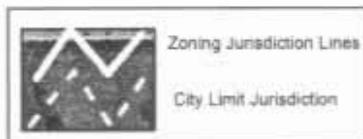


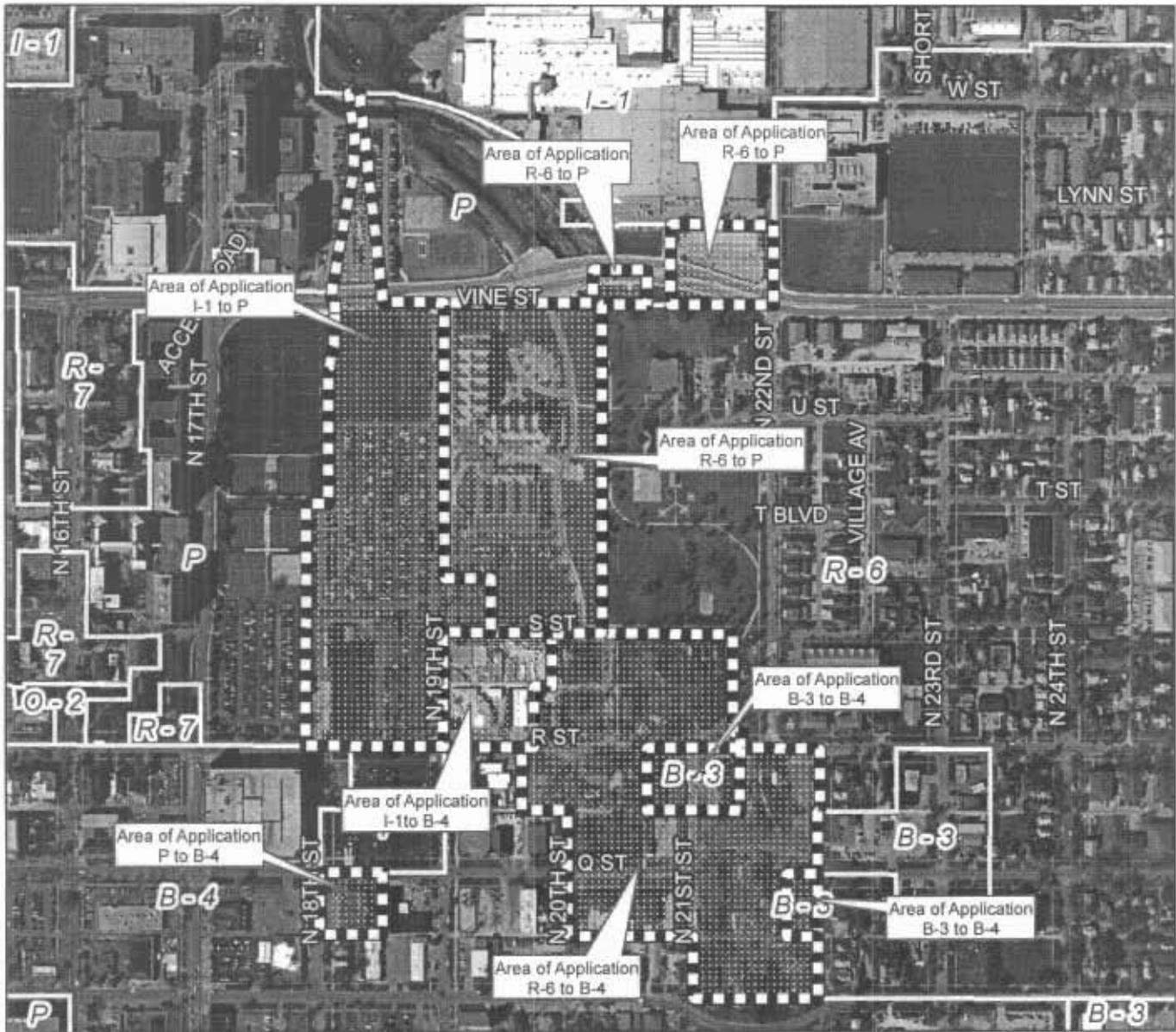
**Change of Zone #08026
(Portion in Section 25-10-06)
Antelope Valley
Zoning:**

2007 aerial

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-6 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

Two Square Miles
Sec. 24 T10N R06E
Sec. 25 T10N R06E





**Change of Zone #08026
(Portion in Section 24-10-06)
Antelope Valley**

2007 aerial

Zoning:

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- AGR Agricultural Residential District
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