

MAYOR'S NEIGHBORHOOD ROUNDTABLE SUMMARY
June 13, 2011

Tracy Corr started the meeting at 5:33 P.M. Monday, June 13, 2011, in the Mayor's Conference Room, County/City Building, Lincoln, Nebraska.

Seventeen citizens and eleven staff attended:

Tracy Corr	40 th & A St NA	Jeff Schwebke	Arnold Heights NA
Matthew Roque	College View NA	Sue VanHorn	Country Club NA
Pat Anderson-Sifuentez	Everett NA	Paula Rhian	Everett NA
Dianna Wright	Highlands NA	Myrna Coleman	Highlands NA
Scott Richert	Indian Village NA	Larry Evermann	Irvingdale NA
Dennis Hecht	Meadowlane RA	William Carver	Near South NA
Fred Freytag	Witherbee NA	Barbara Baier	Board of Education
Russell Miller	Lincoln Neigh-hood Alliance	Mike Renken	NeighborWorks - Lincoln
Jennifer Buxton	NeighborWorks - Lincoln	Jonathan Cook	City Council
Christy Eichorn	Planning Dept.	Brian Will	Planning Dept.
Wynn Hjermstad	Urban Development	David Ensign	Urban Development
Steve Werthmann	Urban Development	Alex Leonard	Stronger, Safer
Lin Quenzer	Mayor's Office	Milo Mumgaard	Mayor's Office
Jon Carlson	Mayor's Office	Mayor Beutler	

WELCOME AND INTRODUCTIONS

Tracy Corr opened the meeting and asked the participants to introduce themselves. Attendees checked in on the sign-in sheet.

MAYOR'S COMMENTS

Mayor Beutler invited members of the Roundtable to a budget discussion Saturday, 6/18/11, at the City/County Building from 9:00 A.M. to 4:00 P.M. – Free lunch – Call the Mayor's office, 402-441-7511, to sign up.

The Mayor also extended an invitation to Uncle Sam Jam 2011 to celebrate Independence Day at Oak Lake Park Saturday, 7/2/11, from 1:00 P.M. until the fireworks show ends. (**Attachment 1**) The website describes shuttle bus service and other details.
<http://www.lincoln.ne.gov/city/mayor/cic/july4/2011/>

PROPOSED ZONING CHANGES – PLANNING DEPARTMENT

Christy Eichorn, Planner I, Planning Department, presented a proposed text amendment to Section 27.61.100 of the Lincoln Municipal Code relating to expansion of dwellings. (**Attachment 2**) This proposed text amendment clarifies language of the last amendment in 2009 that did not adequately identify the range of possibilities. The 2009 amendment intended to make certain actions conditional. Nevertheless, people continued submitting special use permits for the specified actions. Additionally, this proposed text amendment addresses garages. Planning Commission will hear this proposed text amendment Wednesday, 6/29/11.

Brian Will, Planner II, Planning Department, presented a proposed change of zone to Section 27.31.040 of the Lincoln Municipal Code relating to permitted conditional uses in the B-2 Planned Neighborhood Business District. (**Attachment 3**) Before 1994, the City did not require a special permit for businesses that sold alcoholic beverages. The Nebraska Liquor Control Commission regulated liquor-selling businesses in Lincoln. In 1994, the City began requiring a special permit for alcoholic beverage sales. About 2005, the City changed B-2 and B-5 zoning districts to allow sale of alcoholic beverages as a conditional use – special permit not required if the business met all the specified conditions. The 2005 amendment changed the measuring method from any point of the building selling liquor to the main entrance of the business selling liquor.

This proposed change of zone affects both (1) businesses that sell alcoholic beverages for consumption on the premises, and (2) businesses that sell alcoholic beverages for consumption off the premises. This proposed change eliminates the requirement for yards and adds new language about the separation of parking located in side, or rear, yards. Planning Commission will hear this proposed change of zone Wednesday, 6/15/11.

Christy and Brian fielded questions and comments from the Roundtable.

IMPLICATIONS OF CUTS TO CDBG & HOME FUNDS – URBAN DEVELOPMENT DEPARTMENT

Wynn Hjerstad, Manager, Community Development Division, and Steve Werthmann, Manager, Housing Rehabilitation and Real Estate Division, Urban Development Department, presented information on cuts to federal funding: (1) Community Development Block Grants (CDBG) and (2) Home Investment Partnership (HOME). Community Development Division and Housing Rehabilitation Division both use CDBG funds. By federal mandate, Urban Development Department must use HOME funds for housing.

Wynn announced the Draft FY11 Action Plan (September 1, 2011 through August 31, 2012) is available on the City's website. The plan delineates cuts in federal funding (page 11 of the Action Plan). She also announced a public information meeting on the Draft FY11 Action Plan Friday, 6/17/11, Noon to 1:00 P.M., in Urban Development Conference Room 206. The public comment period on the Draft FY11 Action Plan opens Wednesday, 6/15/11, and closes Friday, 7/15/11.

<http://lincoln.ne.gov/city/urban/reports/pdf/second-program-year-action-plan.pdf>

CDBG suffered a 17% cut by Congress to \$1,597,836.00; that represents a loss of about \$300,000.00 this year. Community Development Division has about \$150,000.00 fewer

funds to spend on neighborhood projects. Housing programs have about \$150,000.00 less to spend.

HOME suffered a 12% cut by Congress to about \$1 million; that represents a loss of about \$150,000.00 this year. The First Home Loan Program will have about \$50,000.00 less to spend. The housing rehabilitation program will have about \$100,000.00 less to spend.

Housing Rehabilitation Division has changed some program to offset the funding cuts and to balance the budget: (1) eliminate grant programs, and (2) change deferred-loan repayment schedule to a minimum \$50.00 per month. The Promote Residential Improvement, Design and Enhancement (PRIDE) grant program ends August 31, 2011. Mobile Emergency Service Subsidy (MESS) program for mobile homes has \$17,000.00 to spend in FY 11. The MESS program addresses an emergency in a mobile home with a grant up to \$1,500.

The deferred loan repayment change produces Program Income with cash flow into the department. The Urban Development Department recycles these funds in its programs. Increasing Program Income relieves some effects of these funding cuts. Additionally, to produce more Program Income, the Housing Rehabilitation Division has mailed 942 letters announcing an incentive program to repay outstanding loans.

The largest CDBG Entitlement received by the City of Lincoln was \$2.32 million in 1995; \$2.257 million in 1996; \$2.239 million in 2001. This year's entitlement, \$1,597,836.00 is about the same as 1992, \$1,595,000.

Wynn and Steve fielded questions and comments from the Roundtable.

SET JULY AGENDA

The next meeting of the Mayor's Neighborhood Roundtable is Monday, July 11, 2011, 5:30 P.M., in the Mayor's Conference Room, County/City Building, 555 South 10th Street, **3rd floor**. Next month's agenda will include a presentation on marketing sponsorship for public facilities by Rick Hoppe.

ADJOURN

The meeting adjourned at 6:40 P.M.

Uncle Sam Jam 2011

SATURDAY, JULY 2

Oak Lake Park
1st and Charleston
Lincoln, Nebraska

lincoln.ne.gov
(keyword: uncle sam jam)

1 p.m. Family activities, kids games begin. Food and beverage vendors open. City Parks and Recreation activities include:

1 p.m. Bingo, inflatable bounce and climbers, canoeing, disk golf, volleyball, bocce ball, croquet, carnival games, face painting, horseshoes, box hockey, "NEOS," soccer, jumbo jam, washer toss and more.

3 p.m. Old fashioned, small town fun in the city with three-legged and potato races, water balloon toss, sponge relay, archery, mile-high relay and Simon Says.

**Music in the park courtesy of the
FROGGY 98.1 FM boom box**

**5 to 8 p.m. Laser Quest Quick Draw
8 to 9 p.m. Glow necklaces for sale.**



Fireworks display by Zambelli Internationale, sponsored by Pepsi-Cola; fireworks soundtrack broadcast live on your favorite Uncle Sam Jam radio station – B107.3 FM, Froggy 98.1 FM, 105.3 Wow FM and KLIN 1400 AM



27.61.100 Expansion Enlargement, Extension, or Reconstruction of Nonstandard Single- and Two-family Dwellings Into Required Yards.

In the R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 districts, the expansion enlargement, extension, or reconstruction of (a) a nonstandard main building used as a single-family or two-family dwelling into a required yard is allowed under the following conditions:

- (a) The proposed building expansion enlargement, extension, or reconstruction shall not extend further into any required yard than the furthest extension of the an existing exterior wall of the building, not including a bay window or any other projection allowed by Chapter 27.71 or any wall of less than ten feet in length, ~~of the single- or two-family dwelling~~ and shall maintain a minimum required setback of three feet for a side yard and ten feet for a front or rear yard.
- (b) The proposed building expansion enlargement, extension, or reconstruction shall comply with all other height and area regulations of the zoning district in which the building is located.
- (c) The use of the main building shall remain a single- or two-family dwelling.
- (d) This does not allow for the enclosure of front porches that encroach into the front yard setback.

For the purposes of this section, an accessory building which is attached to or not located more than six feet from the main building used for the single-family or two-family dwelling shall be considered part of the main building and may be enlarged, extended, or reconstructed as provided above.

ORDINANCE NO. _____

1 AN ORDINANCE amending Section 27.31.040 of the Lincoln Municipal Code
2 relating to permitted conditional uses in the B-2 Planned Neighborhood Business District to
3 modify conditional use requirements for the sale of alcoholic beverages for consumption on and
4 off the premises by deleting required yards and parking prohibitions in a required yard when the
5 building containing the licensed premises abuts a residential district and adding new language
6 requiring all exterior door openings of the licensed premises to be located more than 100 feet
7 away from any parking spaces located in a side or rear yard adjacent to a residential district; and
8 repealing Section 27.31.040 of the Lincoln Municipal Code as hitherto existing.

9 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

10 Section 1. That Section 27.31.040 of the Lincoln Municipal Code be amended to
11 read as follows:

12 **27.31.040 Permitted Conditional Uses.**

13 A building or premises may be used for the following purposes in the B-2 Planned
14 Neighborhood Business District in conformance with the conditions prescribed herein:

15 (a) Automobile wash facility:

16 (1) Automatic, conveyor-operated: The length and location of vehicle
17 stacking lane or lanes for the approach side or sides and the exit side or sides of the wash opera-
18 tion shall be in conformance with the "Guidelines and Regulations for Driveway Design and
19 Location" as adopted by the City of Lincoln. The stacking space shall not be located within the
20 required front yard.

21 (2) Self-service, coin-operated car wash: The car wash facility shall not
22 exceed four wash bays. The length and location of vehicle stacking lane or lanes for the
23 approach side or sides and the exit side or sides of the wash operation shall be in conformance
24 with the "Guidelines and Regulations for Driveway Design and Location" as adopted by the City
25 of Lincoln. The stacking space shall not be located within the required front yard.

26 (b) Motels and hotels:

27 (1) A distance of at least twenty feet shall be maintained between buildings on
28 the lot;

29 (2) Each hotel or motel unit shall have a minimum enclosed floor area of 200
0 square feet.

31 (c) Dwellings, provided that:

1 (1) Dwellings shall only be permitted above the first story of a building;
2 (2) The first story shall be used for a nondwelling use permitted in the district;
3 (3) Said nondwelling use shall not:
4 (i) be accessory to the residential use;
5 (ii) be a parking lot or garage.
6 (4) Said first story shall not have more than twenty percent of its height below
7 grade.

8 (d) Early childhood care facilities:
9 (1) Such facilities shall comply with all applicable state and local early
10 childhood care requirements;
11 (2) Such facilities shall comply with all building and life safety code
12 requirements.

13 (3) Such facilities shall be fenced and have play areas that comply with the
14 design standards for early childhood care facilities.

15 (e) Tents and other temporary structures: Tents or other temporary structures shall
16 be permitted for the temporary or seasonal sales of goods at retail under the following
17 conditions:

18 (1) A tent or other temporary structure shall not reduce the amount of on-site
19 parking to less than the minimum required;

20 (2) A tent or other temporary structure shall not remain on the premises for
21 more than 180 consecutive days;

22 (3) A tent or other temporary structure shall comply with all applicable
23 building and life safety codes;

24 A tent or other temporary structure need not be shown on the approved use permit site
25 plan.

26 (f) Sale of alcoholic beverages for consumption on the premises:

27 ~~(1) When the building containing the licensed premises abuts a residential~~
28 ~~district, the required yards shall be met, provided that the side yard adjacent to such building~~
29 ~~shall be 50 feet.~~

30 (2) Parking shall be in conformance with the provisions of Chapter 27.67;
31 provided that no parking spaces shall be located in that portion of any required side yard or rear
32 yard of the building containing the licensed premises that abuts a residential district all exterior
33 door openings of the licensed premises shall be located more than 100 feet away from any
34 parking spaces located in a side or rear yard adjacent to a residential district. For the purpose of
35 this measurement, the side yard shall be 50 feet.

1 (3 2) Any exterior door opening must meet the following conditions:

2 (i) Be located at least 100 feet (as measured by the shortest, most
3 direct distance) from a day care facility, church, state mental health institution, park (excluding
4 golf courses and hiker/biker trails), or a residential district; provided that, if there is an
5 intervening exterior wall of the building containing the licensed premises between the exterior
6 door opening and such day care facility, church, state mental health institution, park (excluding
7 golf courses and hiker/biker trails), or residential district, then the 100 feet shall be measured
8 from the exterior door opening, along the exterior base of the building wall(s) to the point where
9 there is no intervening exterior building wall, and from that point the shortest, most direct
10 distance to the day care facility, church, state mental health institution, park (excluding golf
11 courses and hiker/biker trails), or residential district.

12 (ii) If the exterior door opening faces a residential district, then such
13 opening shall be at least 150 feet from a residential district as measured by the shortest, most
14 direct perpendicular distance. The exterior door shall not be kept or propped open during the
15 hours of operation. For purposes of this section, "exterior door opening" shall mean (A) that
16 portion of the exterior wall face of the building containing the licensed premises that contains a
17 break to accommodate the exterior building door, door frame, door vestibule, or door entryway
18 area; and (B) provides public or membership access to the licenses premises. "Exterior door
19 opening" shall not apply to openings for emergency exit doors required by building or safety
20 codes, loading doors or unloading doors that are not available for public or membership access
21 in the ordinary course of business.

1 (4 3) Vehicle stacking for a drive-through window used as any part of the
2 permitted business operation shall not be located in any required building setback from a
3 residential district.

4 (5 4) The use shall not have any amplified outside sound or noise source,
5 including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential
6 district. This shall not apply to sound sources audible only to the individual to whom they are
7 directed, such as personal pagers, beepers, or telephones.

8 (6 5) Notwithstanding any contrary provision contained in Section 27.31.100,
9 the yard requirements, the parking location requirements, and the exterior door opening location
10 requirements in this section shall not be adjusted by the City Council.

11 (g) Sale of alcoholic beverages for consumption off the premises:

12 ~~(1) When the building containing the licensed premises abuts a residential~~
13 ~~district, the required yards shall be met; provided that the side yard adjacent to such building~~
14 ~~shall be 50 feet.~~

15 (2 1) Parking shall be in conformance with the provisions of Chapter 27.67;
16 provided that ~~no parking spaces shall be located in that portion of any required side yard or rear~~
17 ~~yard of the building containing the licensed premises that abuts a residential district~~ all exterior
18 door openings of the licensed premises shall be located more than 100 feet away from any
19 parking spaces located in a side or rear yard adjacent to a residential district. For the purpose of
20 this measurement, the side yard shall be 50 feet.

21 (3 2) Any exterior door opening must meet the following conditions:

22 (i) Be located at least 100 feet (as measured by the shortest, most
23 direct distance) from a day care facility, church, state mental health institution, park (excluding

1 golf courses and hiker/biker trails), or a residential district; provided that, if there is an
2 intervening exterior wall of the building containing the licensed premises between the exterior
3 door opening and such day care facility, church, state mental health institution, park (excluding
4 golf courses and hiker/biker trails), then the 100 feet shall be measured from the exterior door
5 opening, along the exterior base of the building wall(s) to the point where there is no intervening
6 exterior building wall, and from that point the shortest, most direct distance to the day care
7 facility, church, state mental health institution, park (excluding golf courses and hiker/biker
8 trails), or residential district.

9 (ii) If the exterior door opening faces a residential district, then such
10 opening shall be at least 150 feet from a residential district as measured by the shortest, most
11 direct perpendicular distance. The exterior door shall not be kept or propped open during the
12 hours of operation. For purposes of this section, "exterior door opening" shall mean (A) that
13 portion of the exterior wall face of the building containing the licensed premises that contains a
14 break to accommodate the exterior building door, door frame, door vestibule, or door entryway
15 area; and (B) provides public or membership access to the licenses premises. "Exterior door
16 opening" shall not apply to openings for emergency exit doors required by building or safety
17 codes, loading doors or unloading doors that are not available for public or membership access
18 in the ordinary course of business.

19 (4 3) Vehicle stacking for a drive-through window used as any part of the
20 permitted business operation shall not be located in any required building setback from a
21 residential district.

22 (5 4) The use shall not have any amplified outside sound or noise source,
23 including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential

1 district. This shall not apply to sound sources audible only to the individual to whom they are
2 directed, such as personal pagers, beepers, or telephones.

3 (6 5) Notwithstanding any contrary provision contained in Section 27.31.100,
4 the yard requirements, the parking location requirements, and the exterior door opening location
5 requirements in this section shall not be adjusted by the City Council.

6 (h) Indoor animal hospitals. Any building approved for such use must be located no
7 closer than 200 feet from any residential district.

8 (i) Indoor kennel. Any building approved for such use must be located no closer
9 than 200 feet from any residential district.

10 (j) Joint parking lots and parking garages.

11 (1) Such joint parking lots and garages shall be authorized by cross access
12 easements or by written agreement between the parties to such use.

13 (2) The aggregate number of parking stalls provided shall be sufficient to
14 satisfy the required parking for each use.

15 (k) Social halls:

16 (1) There shall be no amplified sound or noise source of any kind outside of
17 the social hall;

18 (2) Except as provided in (ii) and (iii) below, any exterior door opening must
19 meet the following conditions:

20 (i) Either be located at least 100 feet (as measured by the shortest,
21 most direct distance) from a day care facility, church, state mental health institution, park
22 (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is
23 an intervening exterior wall of the building containing the social hall between the exterior door
24 opening and such day care facility, church, state mental health institution, park (excluding golf
25 courses and hiker/biker trails), then the 100 feet shall be measured from the exterior door
26 opening, along the exterior base of the building wall(s) to the point where there is no intervening
27 exterior building wall, and from that point the shortest, most direct distance to the day care
28 facility, church, state mental health institution, park (excluding golf courses and hiker/biker
29 trails), or residential district.

30 (ii) If the exterior door opening is less than 100 feet from a residential
31 district, it must face the opposite direction from that district.

32 (iii) If the exterior door opening faces a residential district, then such
33 opening shall be at least 150 feet from a residential district as measured by the shortest, most
34 direct perpendicular distance. The exterior door shall not be kept or propped open during the
35 hours of operation.

36 For purposes of this section, "exterior door opening" shall mean (a) that portion
37 of the exterior wall face of the building containing the social hall that contains a break to
38 accommodate the exterior building door, door frame, door vestibule, or door entryway area; and
39 (b) provides access to the social hall. "Exterior door opening" shall not apply to openings for
40 emergency exit doors required by building or safety codes, loading doors or unloading doors that
41 are not available for access in the ordinary course of business.

1 Section 2. That Section 27.31.040 of the Lincoln Municipal Code as hitherto
2 existing be and the same is hereby repealed.

3 Section 3. That this ordinance shall take effect and be in force from and after
4 passage and publication in one issue of a daily or weekly newspaper of general circulation in the
5 City, according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2011:

Mayor