

<b>Meeting Notes</b>	
	<b>reFORM Zoning Barriers Subcommittee Meeting</b> October 16, 2013; 11:30 a.m. County/City Building, Room 113
Members in Attendance:	Jon Carlson, Michael Cornelius, Mike Eckert, Tim Gergen, Dave Johnson, DaNay Kalkowski, Rick Krueger, Jeanelle Lust, Patte Newman. Dan Klein, Don Nelson absent.
Others Present:	Marvin Krout, David Cary, Ed Zimmer, Brandon Garrett, Christy Eichorn, Stacey Hageman, Michele Abendroth (Planning Department)

## **I. Welcome – Marvin Krout**

### **a. Staff identification**

The meeting was called to order at 11:34 a.m. David Cary welcomed everyone and introduced the Planning Department staff working on this effort.

## **II. Meeting Content and Materials Overview – David Cary**

Cary briefly reviewed the agenda for today’s meeting.

## **III. What We Want to Accomplish Today – David Cary**

### **a. Explanation of the zoning changes feedback sheet for committee members to fill out today**

Staff would like to get feedback on the zoning package of proposals today. There is a feedback sheet for the members to complete as we progress through the presentation.

## **IV. Explanation and Discussion of Proposed Zoning Changes – Christy Eichorn**

Eichorn explained that we have a big picture concept, but we need to make it happen through design standards and zoning standards. The presentation will focus on why we need to remove zoning barriers, what barriers we need to remove and how we will remove the barriers.

### **a. Height and Setbacks**

Eichorn explained the proposed changes for height and setbacks, as follows: Reduce the front yard in the H-2 zoning district from 20 feet to 0 feet; Provide a 50 foot transitional setback on residential block face instead of a front yard setback; Increase building height in the B-2 Planned Neighborhood Business District, B-3 Commercial District and the B-5 Planned Regional Business District; Decrease the Height in the H-2 Highway Business District and the H-4 General Commercial District; Reduce the side yard in the H-2 Highway Business District from 20 feet to 10 feet; Increase the side yard setback for the B-3 Commercial District from 5 feet to 10 feet; Allow for parking in the side yard setback in the B-3 Commercial District and H-2 Highway Business District; Count alley right-of-way toward side/rear yard setback requirements; Provide for waivers to height and lot regulations through a special permit process; Reduce the PUD to 1

acre minimum in corridors; Allow the adjacent right of way to count toward the minimum area requirement.

Lust asked if there are any hazards to having people walk so close to the street. Eichorn stated that it depends on the speed of the street. In the proposal, there is 8' of sidewalk and 8' of planting area. The building will still be set back from the right-of-way if there is not enough room for the 16 feet of required streetscape.

Johnson asked about the diagonal line in the setback transition diagram and asked if it is a transition. Krout stated that it could be; it could also be that there is a straight setback of 50'. He stated that they would like to get feedback on this.

Carlson asked if we going to be able to accommodate the extra motion between the street and the front of the building if we go to zero feet in the H-2 district. Eichorn stated that you will still need to meet the building code and so you cannot have your door open up over a property line. There will be more flexibility and more control over what things can go in the build-to area. Krout stated that if there is insufficient distance between the curb and the property line, you would need to move the building back. As far as the 8', we are anticipating 3' of private property to accommodate a door swing, planters, or outdoor dining. In an older area, you may not have that 16'; if you don't, then we would say the setback line is actually 8' from that. Eichorn stated that they feel the transition is a good compromise from the rigid rule that we have today.

Krueger asked about the orientation of the building in the CVS photo. Eichorn stated that you could turn the building around so the door front is located toward the intersection. Krueger then asked about the width of the sidewalk as it seems awkward since 8' is almost as big as a bike trail. Krout stated that it's to accommodate things like door swing, alcoves, dining areas, landscape. Cary noted that the 8' is enough for two people to pass each other comfortably as well as allow for landscaping or angled parking. Garrett explained that you don't need to pave all 8'; you could pave 5' and then have 3' for landscaping.

Beecham asked what the extra 10' of height gets in the 50' maximum height limit. Gergen stated that hotels typically want a 4-story building, so the extra 10' will allow for a parapet.

Krueger asked why the O-3 District is not included in the matrix of height limits. Eichorn stated that O-3 is not part of the proposal and is not changing at all.

Carlson asked if you can have decks or mechanical equipment in the step back. Eichorn stated that if you are at the maximum height, you could not put a deck in the step back.

Carlson asked if you can park in the side yard in the B-1 District. Eichorn stated that you can park in the front yard but not in the side yard. Carlson stated that this warrants further discussion because you are moving a lot of B-1 into B-3 which currently does allow side yard parking. Eichorn stated that is very relevant, and it is important to look at the map to see where this is going to apply.

Carlson stated that we need to think about service access and whether we are going to be able to pull trucks in and out of the alley. Krout stated that it is case by case. Eichorn added that it depends on what size of truck the business is utilizing. Beecham stated that is difficult because the type of business could change. Johnson clarified that you are proposing the entire alley for right-of-way. Eichorn stated that they are proposing you could count that towards your rear yard setback. Johnson then asked if you can count that same alley right-of-way on the building on the other side of the alley. Eichorn stated that you could if there is commercial and not residential. Johnson stated that he believes that is a great idea. He suggested that it should be consistent with the building department. The building department lets you count half the alley right-of-way on the building separation. Carlson stated that this needs further discussion as saying it is a case by case basis does not satisfy the issue. There are a lot of people parking off the alley in neighborhoods, and if there is not sufficient capability in the alley for services, then we are blocking the alley. Eichorn noted that you can park in the rear yard in commercial districts. Gergen asked what happens if we vacate alleys. Eichorn stated that it would be counted as the setback. Gergen stated that is where we lose 8' then. Johnson stated that if that happens, then the setback is measured from the center line. Eichorn stated that we can discuss this further, but if it gets vacated, it is not an alley anymore and it is part of the parcel. Kalkowski stated that then you have a building that does not meet the setback. If you only get half of the alley, but you used the whole alley in calculating your setback, then you have a nonconforming building.

Carlson stated in the other circumstances, we are talking about moving the building closer to the residential, and the compensatory factor is the buffer in the alley. The alley space is the buffer. Is 16' foot an adequate buffer in alleys? Is there another provision that we can provide in alleys? Those are the kinds of questions we want to talk about in the buffers discussion.

Beecham asked what issues prompted the use of PUD in the Holdrege and Idylwild case. Krout stated that there were parking waivers, height waivers, setback waivers; all things we were trying to cure by relaxing some of those standards so people do not have to get PUDs. There are sometimes other situations that might not fit, and the PUD is used when there is no other way to solve the issue.

In regard to height adjustments with a special permit, Carlson asked if that is applicable to setbacks and buffers. Eichorn stated that it would be applicable to setbacks. We already have special permits to adjust height in some districts. We would think about making that more universal. There are other factors to think about and discuss at the next meeting. The question is how to provide consistency for homeowners and developers.

Carlson stated that a big concern is that you create a mechanism to reduce the alcohol spacing requirements. A lot of people are going to be interested in that, and not positively. Krout stated that we can discuss that at a future meeting.

## **b. Parking**

Eichorn reviewed the changes to the parking requirements, as follows: Change the parking in H-2 from 1 per 300 square feet to 1 per 600 square feet; Change the B-5 parking requirement from 4.5 stalls per 1,000 square feet to 1 per 300 square feet for all uses; Increase off site parking options by allowing off-street parking to be within 600 feet of a site instead of 300 feet; Allow for off site parking in connection with B-5 and H-4 Centers; Make doctors and dentists have the same parking requirement as other office uses in the district; Have better provisions for shared parking; Allow an administrative approval of parking reductions if an analysis of the site can demonstrate less parking is needed.

Eichorn stated that in order to promote mixed use development and redevelopment in older areas of the City, parking regulations need to be more flexible and sensitive to specific locations, yet still provide predictability for developers and neighbors. Parking needs are different in different parts of the City. The current parking requirements do not provide adequate guidance on how to treat non-concurrent uses. On-street parking should be counted toward off-street parking requirements on a case by case basis.

Lust asked about the parking requirement for doctors and dentists office. Krout stated that there are wide ranges in how much parking a doctor or dentist needs as well as how much parking an office space needs. They felt it was better to let the developer decide if they need to add more parking.

## **c. Promote Residential In and Near Commercial Developments**

Eichorn reviewed the proposed changes for residential in and near commercial development, as follows: Allow residential uses on the first floor of commercial buildings in business districts. Residential must be set back 40 ft within buildings along arterial or collector streets; Allow residential uses in H-2 and H-4 districts by special permit, recognizing its appropriateness is situational; Eliminate the small Community Unit Plan (CUP) penalty provision.

Eichorn stated that we need to promote more residential in commercial developments because it promotes shopping and the use of services in those developments. Also, there is a demand for alternative housing choices by changing demographics, and live work units are a growing part of the real estate market.

## **d. Streamline the Project Review Processes**

Eichorn then reviewed the changes to streamline the project review processes, as follows: Allow for new Use Permits to be approved administratively; Convert all Special Permits for Planned Service Commercial into Use Permits. It is important to provide consistency, predictability and uniform quality.

## **V. Discuss Other Zoning Ideas from the Committee**

Krueger asked why we are getting rid of B-1. Krout stated that will take some time to discuss, so we will discuss that at the next meeting.

## **VI. Complete and Hand In Zoning Changes Feedback Sheet to Staff**

Eichorn stated that they would like everyone to complete the feedback sheet so that we can prioritize what to talk about in future meetings.

## **VII. Public Comments**

There were no public comments.

## **VIII. Wrap Up**

Cary thanked the members for their participation and for being here today.

The meeting was adjourned at 12:52 p.m.

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