

## FACTSHEET

**TITLE:** TEXT AMENDMENT NO. 14004

**BOARD/COMMITTEE:** Planning Commission

**APPLICANT:** ESP, Inc., on behalf of Elsey Partners

**RECOMMENDATION:** Approval 7-1: Scheer, Beecham, Cornelius, Corr, Hove, Weber and Sunderman voting 'yes'; Harris dissenting; Lust absent).

**STAFF RECOMMENDATION:** Approval

**OTHER DEPARTMENTS AFFECTED:** N/A

**SPONSOR:** Planning Department

**OPPONENTS:** None.

### **REASON FOR LEGISLATION:**

To amend Title 27 of the Lincoln Municipal Code by amending Section 27.63.320 relating to special permits to allow community unit plans in the R-7 and R-8 zoning districts by special permit; amending Section 27.65.020 (Community Unit Plan Requirements) to allow community unit plans in the R-7 and R-8 zoning districts and providing for the calculation of the maximum permitted density thereof; amending the catchhead of Section 27.65.070 to reflect its applicability to community unit plans in the R-7 and R-8 zoning districts; amending Section 27.65.090 relating to parking within community unit plans to allow the Planning Commission to make certain modifications to the parking requirements set forth in Chapter 27.67; amending Section 27.67.040 to establish the parking requirement for Dwellings for Nonrelated Persons for four to six persons living as a single housekeeping unit permitted under a community unit plan as one space per resident; amending Section 27.67.065 to delete special parking requirements for community unit plans; and repealing Sections 27.63.320, 27.65.020, 27.65.070, 27.65.090, 27.67.040, and 27.67.065 of the Lincoln Municipal Code as hitherto existing.

### **DISCUSSION / FINDINGS OF FACT:**

1. This text amendment and Text Amendment No. 14005 (Bill #14-72) were heard at the same time before the Planning Commission. These text amendments are also associated with the amendment to the Antelope Valley Redevelopment Plan to add the "Eleven Hundred Y Street Project" (Bill #14R-166) and Change of Zone No. 14011 (14-73).
2. The approval of both Text Amendment No. 14004 and Text Amendment No. 14005 is a condition of approval of Special Permit No. 14008, which was approved by the Planning Commission by Resolution No. PC-01397. The special permit has not been appealed to the City Council.
3. This proposed text amendment to the zoning ordinance would allow a community unit plan in the R-7 and R-8 residential zoning districts, assign maximum density standards and revise the parking requirements for a CUP in the R-7 and R-8 districts.
4. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3-8. The staff presentation is found on p.9-11.
5. There was no testimony in opposition.
6. On May 28, 2014, the majority of the Planning Commission agreed with the staff recommendation and voted 7-1 to recommend approval of this text amendment. Commissioner Harris would have preferred a deferral to better understand the parking requirements in the proposed text.
7. On May 28, 2014, the majority of the Planning Commission also voted 7-1 to recommend approval of Text Amendment No. 14005 (Bill #14-72).

**FACTSHEET PREPARED BY:** Jean Preister, Administrative Officer

**DATE:** June 9, 2014

**REVIEWED BY:** Marvin Krout, Director of Planning

**DATE:** June 9, 2014

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for May 28, 2014 PLANNING COMMISSION MEETING

**PROJECT #:** Text Amendment No. 14004; and,  
Text Amendment NO. 14005

**PROPOSAL:** Amend Section 27.63.320 and 27.65.020 relating to special permits to allow community unit plans in the R-7 and R-8 zoning districts and providing for the calculation of the maximum permitted density thereof; and amend Section 27.65.090, 27.67.040 and 27.67.065 relating to parking within community unit plans to allow the Planning Commission to make certain modifications to the parking requirements set forth in Chapter 27.67.

Amend Section 1.1 of Chapter 3.35, Design Standards for Community Unit Plans, to provide maximum density standards for the R-7 and R-8 Residential Zoning Districts and to provide for the calculation of a total maximum density and maximum cluster density for dwelling units when the property within the boundaries of a C.U.P. includes property located in more than one residential zoning district.

**CONCLUSION:** The 1979 zoning update revised all residential zoning districts and did not include a Community Unit Plan (C.U.P.) in R-7 and R-8 districts. The City of Lincoln zoning codes had allowed a C.U.P. in all residential zoning districts dating back to 1953. The R-7 and R-8 zoning districts allow the highest residential density of all residential districts. A C.U.P. in the R-7 and R-8 districts will not increase the density, but it will allow flexibility in residential developments, provide predictability for neighborhoods and developers, and will encourage higher densities in appropriate locations.

The changes to 27.65.090, 27.67.040 and 27.67.065 will address ambiguity within the parking requirements for a C.U.P. The intent of a C.U.P. is to encourage creative residential development, but the minimum parking requirements may be too restrictive in some cases. The amendment proposes to remove the special parking requirements for a C.U.P. and will apply the parking requirements of the underlying zoning district. The amendment will also allow the Planning Commission to increase or decrease the required parking, which is consistent with the intent of a C.U.P.

**RECOMMENDATION:**

Approval

## **GENERAL INFORMATION:**

### **ASSOCIATED APPLICATIONS:**

CZ14011 - Change of Zone from B-3, R-4 and I-1 to R-8

CPC14011 - Antelope Valley Redevelopment Plan Amendment

SP14008 - Special Permit for a Community Unit Plan

### **HISTORY:**

Community Unit Plans have been in the Lincoln Zoning Code as far back as 1953. A Community Unit Plan was allowed in all residential districts until 1979. The 1979 zoning update did not allow a C.U.P. in the R-7 and R-8 districts.

The R-7 district was created from the E Residential District and the R-8 district was created from the E-1 Multiple Dwelling District. The E and E-1 residential districts were the highest density residential districts and a C.U.P. was allowed in both districts prior to 1979.

### **COMPREHENSIVE PLAN SPECIFICATIONS:**

P. 7.1 - The community continues its commitment to strong, diverse neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies.

P. 7.1 - In existing neighborhoods, preservation, maintenance, and rehabilitation of existing housing should continue to be the focus.

P. 7.2 - Provide flexibility to the marketplace in siting future residential development locations.

P. 7.2 - Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P. 7.8 - Structure incentives to encourage higher densities to make greater use of the community's infrastructure.

P. 7.8 - Encourage new developments to achieve densities greater than five dwelling units per gross acre.

P. 7.8 - Develop new design standards that encourage density, optimize infrastructure costs, and help lower the overall cost of property development.

P. 7.9 - Encourage increased density of existing apartment complexes and special needs housing where there is land available for additional buildings or expansions.

### **ANALYSIS:**

1. This is a text amendment to amend the zoning ordinance to allow a Community Unit Plan (C.U.P.) in the R-7 and R-8 zoning districts, assign maximum density standards for a C.U.P. in the R-7 and R-8 districts and revise the parking requirements for a C.U.P. A Community Unit Plan is currently allowed by special permit in the AG, AGR, and R-1 through R-6 zoning districts. The minimum size for a C.U.P. in R-1 through R-6 is one acre. The minimum size of a C.U.P. in the AG district is 40 acres and is 10 acres in the AGR district.
2. The purpose of a Community Unit Plan is to encourage the creative design of residential developments. A C.U.P. provides flexibility by allowing modifications to the subdivision ordinance and the zoning code. A C.U.P. does not allow commercial development. The

Planning Commission may approve an application for a C.U.P. after determining that the proposal meets the following conditions:

- a. That the land surrounding the tracts for the proposed community unit plan will not be adversely affected;
- b. That the proposed community unit plan is consistent with the intent and purpose of this title to promote the public health, safety and general welfare;
- c. That the buildings and land in the proposed community unit plan shall be used only for single-family dwellings, two-family dwellings, townhouses, multiple dwellings, or dwellings for non-related persons and accessory uses and any other uses permitted in the zoning district in which the land is located;
- d. That the average lot area per family within the proposed community unit plan will not be less than the lot area per family required in the zoning districts in which the tracts of the proposed community unit plan is located.

3. There are 122 acres of R-7 zoning and 18 acres of R-8 zoning in Lincoln. The R-7 and R-8 districts are both located adjacent to Downtown, and are mainly found in areas of transition between Downtown development and surrounding residential neighborhoods. The R-7 district is located along N. 16<sup>th</sup> Street near the University of Nebraska campus and south of Lincoln Mall and the Capitol. The R-8 district currently is only located adjacent to the R-7 district and Lincoln Mall.
4. The R-7 district is intended to provide a redeveloping area of comparatively high density residential uses, and the R-8 district is intended for high-density residential uses. The R-7 district was created from the E Residential District and the R-8 district was created from the E-1 Multiple Dwelling District in the 1979 zoning update. The E and E-1 residential districts were the highest density residential districts and a C.U.P. was allowed in both districts before the 1979 zoning update. Although previously allowed, there is no record that a C.U.P. was approved in the E or E-1 districts.

The E-1 Multiple Dwelling District had a density of 174 dwelling units per acre and the R-8 district now has a density of 79 dwelling units per acre. The E Residential District did not regulate density on a units-per-acre basis, but rather used a floor area ratio of 1.5. It is not completely clear why the 1979 zoning update did not allow a C.U.P. in the R-7 and R-8 districts, but it is clear that the densities of the R-7 and R-8 districts were significantly reduced from their previous designations. The density of the R-8 district was reduced by over half.

5. This proposal amends Section 27.63.320 to allow a C.U.P. by special permit, Section 27.65.020 to allow a C.U.P. in the R-7 and R-8 zoning district and calculating a maximum density in each district, Section 27.65.070 to include R-7 and R-8 in the catchhead, Section 27.65.090 to allow the Planning Commission to modify the parking requirements in a C.U.P., Section 27.67.040 to provide a parking requirement for Dwellings for Non-Related Persons, and 27.67.065 to delete the special parking requirements for C.U.P.s.

6. This proposal is also amending Section 1.1 of Chapter 3.35 of the Design Standards to assign a maximum density to R-7 and R-8 C.U.P.s and to clarify how the maximum density is calculated when a C.U.P. contains more than one underlying zoning district.
7. **Section 27.63.320.** This change will add text to the Special Permit chapter to allow a C.U.P. by special permit.
8. **Section 27.65.020.** The minimum size for a C.U.P. in any zoning district is one acre. The same is proposed for R-7 and R-8. This section currently includes a 10% density deduction for a C.U.P. that is less than 10 acres and a 20% density deduction for a C.U.P. that is less than 5 acres. A C.U.P. that is greater than 10 acres does not have a density deduction. The maximum density proposed for a C.U.P. in R-7 and R-8 does not include a density deduction for small size C.U.P.s.

The R-7 and R-8 districts are intended to be mapped on smaller tracts in urban areas that will likely be less than 5 acres. Unless a parcel greater than 10 acres is assembled, a C.U.P. in the R-7 and R-8 districts will always have a density deduction. Since the R-7 and R-8 districts are the highest residential districts in Lincoln, a density deduction would contradict the intent of the underlying district.

9. **Section 27.65.070.** The change to this section will include R-7 and R-8 in the catchhead describing the form of a Community Unit Plan.
10. **Section 27.65.090.** The amendment to this section will allow the Planning Commission to modify the parking requirements in a C.U.P. where appropriate and necessary.

The underlying zoning districts each have parking requirements for residential uses. This amendment will refer to the parking requirement of each district instead of setting a parking requirement for all C.U.P.s in any district.

The current text only refers to the parking requirements found in Chapter 27.67 Parking. Instead, this text will be included in the Community Unit Plan section in order to make it easier to locate and interpret. This change is further discussed in Item #12 of this staff report.

11. **Section 27.67.040.** This change is simply a formatting change to provide a parking requirement for Dwellings for Non-Related Persons under its own heading. The current parking requirement for Dwellings for Non-Related Persons is found under a section titled "Special Conditions; Community Unit Plan and O-3 Zoning District" and is grouped with parking requirements for the O-3 district. This change will put the parking requirement for Dwellings for Non-Related Persons in a more appropriate and logical location and should make it easier to find. No changes are proposed to the parking requirement for the O-3 district or for Dwellings for Non-Related Persons. The parking requirement for Dwellings for Non-Related Persons will remain at 1 space per resident.
12. **Section 27.67.065.** This change will delete the special parking requirements for C.U.P.s and will refer to the underlying zoning district's parking requirements. The current parking requirement for a Community Unit Plan is two spaces per dwelling unit, regardless of zoning

district. The current parking requirements allow the City Council to reduce the parking requirement to no less than 1.5 spaces per dwelling unit. Parking requirements for Dwellings for Non-Related Persons may not be reduced. A table summarizing the impact of the change is below.

<b>C.U.P. Parking Amendments</b>		
<b>Zoning District</b>	<b>Existing Requirements</b>	<b>Proposed Requirements</b>
R-1	2 per d.u.	2 per d.u.
R-2	2 per d.u.	2 per d.u.
R-3	2 per d.u.	2 per d.u.
R-4	2 per d.u.	2 per d.u.
R-5	2 per d.u.	1.75 per d.u.
R-6	2 per d.u.	1.75 per d.u.
R-7	N/A	1 per d.u.
R-8	N/A	1 per d.u.

The proposed change does not affect the parking requirement in the R-1 through R-4 zoning districts. The proposal does change parking requirements in the R-5 and R-6 districts and establishes a parking requirement for C.U.P.s in the R-7 and R-8 zoning districts. The requirement in R-5 and R-6 is a 12.5% reduction from the existing requirement. Since a C.U.P. is not allowed in the R-7 and R-8 districts there is not a parking requirement currently assigned, however, the proposed parking requirement for residential uses in R-7 and R-8 is half that of the current required C.U.P. parking.

The amendment also allows the Planning Commission to increase or decrease the minimum parking requirements when the application includes information justifying the modification. This change will give more flexibility to the Community Unit Plan and will allow the Planning Commission to require more or less parking when justified.

13. **Section 1.1 of Chapter 3.35 of the Design Standards.** This change will assign a maximum density to R-7 and R-8 C.U.P.s and will clarify how the maximum density is calculated when a C.U.P. contains more than one underlying zoning district.

The Design Standards for Community Unit Plans assign a maximum density for a C.U.P. in the R-1 through R-6 zoning districts. The maximum C.U.P. density was modified in 2004 to simplify the calculation. The 2004 amendment modified the calculation for zoning districts R-1 through R-4 and embedded a 20% deduction for anticipated right-of-way within a C.U.P., since right-of-way cannot be used to calculate density. The 2004 amendment did not apply the 20% deduction to the R-5 and R-6 districts. The proposed density for the R-7 and R-8 districts is based on the maximum density of each district and is calculated the same way that maximum density is figured in the R-5 district today. A summary of the existing and

proposed densities is below.

<b>C.U.P. Density Calculation</b>			
<b>Zoning District</b>	<b>*Lot Area Req'd. Per Unit (Square Feet)</b>	<b>Density Per Lot Area (D.U./Acre)</b>	<b>Density Per Design Standards (D.U./Acre)</b>
R-1	9000 (SF)	4.84	3.87
R-2	6000 (SF)	7.26	5.8
R-3	5000 (TF)	8.712	6.96
R-4	2500 (TF)	17.42	13.93
R-5	1500 (MF)	29.04	29.04
R-6	1100 (MF)	39.6	48.4
R-7	700 (MF)	62.23	62.23 (proposed)
R-8	550 (MF)	79.2	79.2 (proposed)
*SF=Single-Family, TF=Two-Family, MF=Multi-Family			

The zoning code states that density in a Community Unit Plan cannot be increased above the density of the underlying zoning district, and these changes will not increase the density permitted in the underlying district.

The amendment to the Design Standards for Community Unit Plans will also clarify how the maximum density is calculated when a C.U.P. contains more than one underlying zoning district. A Community Unit Plan may encompass more than one district, but the way that density is calculated for the entire C.U.P. has never been in the Design Standards. This method of calculating density is how it has been done in practice, and this amendment will put it in writing in the Design Standards.

The maximum density for a C.U.P. containing more than one residential zoning district will be calculated as follows. The maximum allowed density will first be calculated for each individual district within the C.U.P. The number of dwellings from all districts will be totaled to provide the maximum number of units allowed within the overall C.U.P. The density from one zoning district may be transferred to another district within the C.U.P., as long as the overall density is not increased. Currently, density from any district is not allowed to be transferred to land zoned AG or AGR. This amendment does not propose a change to that provision.

14. A Community Unit Plan allows multi-family dwellings in otherwise non-multi-family districts. Multi-family dwellings are not allowed in the R-1 through R-4 districts unless approved through a C.U.P. The R-7 and R-8 zoning districts allow multi-family dwellings by right, so no changes are proposed to the allowed uses in the R-7 and R-8 districts.

15. Staff presented the concept of a text amendment to allow a C.U.P. in the R-7 and R-8 zoning districts to the Mayor's Neighborhood Roundtable on April 14, 2014. Minutes from that meeting are attached.

Prepared by:

Paul Barnes, Planner  
402-441-6372  
[pbarnes@lincoln.ne.gov](mailto:pbarnes@lincoln.ne.gov)

**DATE:** May 15, 2014

**APPLICANT/CONTACT:** ESP, Inc.  
601 Old Cheney Road, Suite A  
Lincoln, NE 68512

**TEXT AMENDMENT NO. 14004  
AND  
TEXT AMENDMENT NO. 14005**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

May 28, 2014

Members present: Beecham, Cornelius, Corr, Harris, Weber, Scheer, Sunderman and Hove; Lust absent.

Staff recommendation: Approval

Ex parte communications: Corr disclosed that she attended the Mayor's Neighborhood Roundtable on April 14, 2014, where these two amendments were presented and discussed.

Staff presentation: **Paul Barnes of Planning staff** explained that the two text amendments relate to allowing a community unit plan (CUP) in the R-7 and R-8 zoning districts. A CUP is a type of special permit that has been available in the zoning code as far back as 1953. It had been widely used in all the residential districts up until the 1979 zoning update, when the R-7 and R-8 zoning districts were created and, for some reason, a CUP was not allowed as a special permitted use in those two districts. Barnes also explained that the previous designation for R-7 and R-8 was also high density residential, and pre-1979, a CUP was allowed in those districts. Density of those two previous districts was nearly twice the amount available in the R-8 district today.

Barnes suggested that a CUP really is intended to provide some flexibility to a residential development. It does not allow for commercial uses within the special permit, but it does allow adjustments to the subdivision ordinance and the zoning code for such things as setback adjustments, some height adjustments, etc.

Barnes went on to state that today, a CUP is available in the AG, AGR, and R-1 through R-6 zoning districts. The R-7 and R-8 districts are mainly found around Downtown – they are the highest density residential designations, mainly located south of Lincoln Mall in between the traditional Downtown Lincoln and maybe in the less dense residential neighborhoods to the south. These types of developments are typically on smaller lots; whereas, a CUP requirement today is that you have to have at least 1 acre to apply for the special permit. That is not part of this amendment, but along with that there are certain deductions for smaller size CUP's, so if you had CUP less than 10 acres, you would have density bonus of 20%, and if less than 5 acres, the density bonus would be 10%. The R-7 and R-8 piece is not proposed to include the density bonus because those two districts are already on smaller tracts of land. R-7 and R-8 are high density zoning districts, so it would be contradicting the intent of those districts if we reduced the density further.

Barnes pointed out that these text amendments also relate to the parking requirements that exist for a CUP. Today in a CUP, regardless of zoning, the development is required to have at least 2 parking spaces per unit. The parking spaces can be reduced, but no less than 1.5 per unit. We are looking at 1.75 spaces per dwelling unit without the CUP. Today's proposal is to eliminate the special parking requirements and rely on the underlying zoning to provide the minimum parking requirements.

The other piece of the parking amendment is proposing to include language that would allow the Planning Commission to modify the parking requirements, either increase or decrease. It is important to note that in a case of the number of bedrooms in an apartment complex, there may be discussion of having more parking spaces required versus an apartment complex that is all single bedroom or studio apartments. This complies with the intent of the CUP in providing for that flexibility.

Barnes then referred to the amendment to the design standards. The design standards provide the density calculation to figure out how many units can be allowed in a CUP. The proposal is to add R-7 and R-8, so we need to assign a density to those as well. Barnes referred to the table in the staff report. In the design standards, the density calculation is based first upon the minimum lot area per unit. In R-1 through R-4 a deduction is figured in for planned right-of-way. R-5 and R-6 are different in that they apply a different ratio that the staff believes is consistent and should be applied to the R-7 and R-8 districts as well.

The proposal is to base the CUP density off of the base density in the district today, and not figure in the deduction for planned right-of-way. The R-7 and R-8 will be smaller developments and you won't have the larger 10-acre plus planned developments with internal street systems.

Barnes explained that the amendment to the design standards includes a clarification amendment to clarify how density is calculated with more than one zoning district within one CUP.

Beecham asked why R-7 and R-8 were not included in the 1979 update. Barnes stated that he research three boxes in long term storage and he could not find an answer to that question. He assumes it may have been because at that time there was a concern with that level of density.

Beecham asked whether the tables were presented to the Neighborhood Roundtable. Barnes stated that there was a memo attached to the agenda but the calculations for the tables had not yet been done at that time. The presentation focused on the overall concept.

Harris indicated that she visited with Barnes recently because she does have some questions. She confirmed that a CUP is already a negotiating tool – it allows certain adjustments and imposes certain voluntary restrictions. Are we already able to do what this amendment sets forth, or are we increasing our power in terms of the parking requirement by being able to increase and decrease? Barnes responded that the CUP's are reviewed on a case-by-case basis and how that proposed development type may impact adjacent neighborhoods and properties, so there are ways to increase or decrease the minimum requirements of that district today. He suggested that as part of an amendment, the staff is looking to put that into the text just to clarify that modification means increase or decrease.

Harris reiterated that without this language, are we able to do the same thing or does this add powers as to what the Planning Commission can dictate? Barnes suggested that would be part of the review process and staff recommendation. If it were something that would minimize impacts on adjacent neighbors, that is something that could be reviewed and approved by this body. The text does come directly from the use permit section of the code so it does provide some consistency.

Harris asked if use permits are final action by the Planning Commission. Barnes stated that use permits go to the City Council. The CUP is final action at Planning Commission.

Corr noted that the requirement in R-5 and R-6 on the parking chart is a total ½ percent reduction. How was this calculated? Barnes stated that the staff looked at the difference between 2 stalls and 1.75 stalls. 1.75 is what is required today in R-5 and R-6. This is just saying that parking for CUP's should rely on the parking requirements of the underlying zoning district and not have special parking requirements.

### Proponents

1. **Chris Elsey of Elsey Partners** in Manhattan, Kansas, supports the proposed text amendments.

There was no testimony in opposition.

These two text amendments were held over for action following public hearing on the proposed 1100 Y Street Community Unit Plan, which is next on the agenda.

### **TEXT AMENDMENT NO. 14004**

#### **ACTION BY PLANNING COMMISSION:**

May 28, 2014

Cornelius make a motion to approve, seconded by Scheer.

*(Editorial Note: The comments on this particular motion pertain to the entire 1100 Y Street Project package, including TX14004, TX14005, CPC14011, CZ14011 and SP14008).*

Cornelius comments that this is about as complicated a package as the Commission has seen in a very long time, and it required a great deal of deliberation and consideration and he expressed appreciation for everyone's comments. When he read the text amendment regarding R-7 and R-8 and CUP's, Cornelius was concerned because of the city-wide application and the way this seemed to be a fairly sweeping change. Often the Commission is given a chance to deliberate in advance with a briefing, etc. But we did not in this case. One of the things which allayed his concerns was that R-7 and R-8 re limited in their use, i.e. small, any kind of CUP is by special permit and will come before the Planning Commission – a lot of checks and balances. It is actually putting greater restriction on these developments, but we are in effect creating a new R-8 zone to apply this project to. That gives him pause. R-8 is defined as a transition zone between higher intensity use and other residential. In this case, we have train tracks and industrial, the stadium, the campus and what is historically single-family residential on the other side.

Then he started reading the request for the special permit, and he tried weighing the pro's and con's. This is a residential neighborhood with a lot of rentals, but that's okay; and this is a high impact project. Otherwise, we would not need the text amendments. This does create a transitional area between the existing uses and the historical single-family residential area. We also heard that the area has a reputation for party houses and that this will change the character of this area that is affected – it turns it inward and reduces the size of the residences, and that is a good thing. It is relatively high-end rental and the residents will have to care somewhat about where they live. It is pedestrian oriented. It checks a lot of boxes when talking about the Comprehensive Plan conformity – high density infill; removing property from the floodplain; and redevelopment in an area that might otherwise have problems developing.

On the con side, Cornelius acknowledged that it has an impact on a lower density neighborhood with residential properties that are low to moderate income and those properties might feel put upon by having this right on the edge of the neighborhood. It requires a number of variances in spite of the proposed text changes. That gives him concern. And it is a radical change from existing conditions. Is that a bad thing? Cornelius is not sure that it is.

On balance, Cornelius stated that he is more in favor than against this package. If he were facing these challenges in his neighborhood, he might appreciate this project. He would be concerned about phase 2, but that's a future thing that will come before this body. And, rest assured, this body will take into consideration the historical character of the neighborhood.

Scheer generally agreed with Cornelius, and he does not want to lose sight of the fact that for about 4 years, this community has had ongoing discussion about tools and ways to make things like this happen. This is what that looks like in reality. He is really pleased about the fact that we are to this point and actually doing something that we have been talking about for 3-4 years.

Harris agreed with what has been said. She commented that the Commission usually has a little more background on issues like this and she still feels that she would benefit from a little bit more background on the parking requirement and the ability to increase or decrease, especially with final action. She would be more comfortable delaying the parking requirement portion only. She needs to understand better how the text amendments affect the zoning in general.

Beecham expressed that she is concerned about this project because right now our design standards are based on matching the pre-existing neighbors on the block. She thinks that approving a project like this that is demolishing all of the houses on the block is setting a precedent to get around the design standards. We do have projects coming into older neighborhoods that take up an entire block and we need to address this issue. It could undermine the purpose of the design standards.

Beecham also cautioned about saying, "they are rentals, therefore they are expendable." A house that is a rental can be turned back into owner-occupied; a house as a rental can be a good neighbor; we do not want to assume that a rental house is not a valuable house.

However, despite those two things, Beecham stated that she does like the project because it is at the edge and not in the middle of the neighborhood; it is adjacent to a busy street; it is buffering the railroad; and she appreciates the fact that the developer has worked to alleviate the scale and tried

to use some materials that will blend better with a historic area. She would agree that the parking issue could be delayed.

Corr commented that the text amendments gave her concern because it has city-wide ramifications. But, her concerns are somewhat alleviated because one must have a large area of land to work with and that will not happen very often in the city core. But, when someone purchases the whole block face, the design standards go out the window. She prefers the porches and the neighborhood look.

Then with the special permit, Corr commented that we have all known about some of the problems that North Bottoms has been challenged with – the party houses, litter, etc. – and she believes this project will help alleviate some of that. The only reason she will support is because it is on the edge and it is giving the buffer between an industrial use and the residential housing; however, moving on to the next street, Charleston Street, is going to have to meet some of those neighborhood design standards. She wishes that this was more neighborly; it's going to have to stay rental and that is a disadvantage she does not like. However, she has concluded that the buffer and transitional outweigh some of the other negatives.

Motion for approval carried 7-1: Beecham, Cornelius, Corr, Weber, Scheer, Sunderman and Hove voting 'yes'; Harris voting 'no'; Lust absent. This is a recommendation to the City Council.

**TEXT AMENDMENT NO. 14005**

**ACTION BY PLANNING COMMISSION:**

May 28, 2014

Cornelius moved approval, seconded by Scheer and carried 7-1: Beecham, Cornelius, Corr, Weber, Scheer, Sunderman and Hove voting 'yes'; Harris voting 'no'; Lust absent. This is a recommendation to the City Council.