MEETING RECORD

NAME OF GROUP:	PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING:	Wednesday, December 3, 2008, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska
MEMBERS IN ATTENDANCE:	Gene Carroll, Michael Cornelius, Dick Esseks, Roger Larson, Jim Partington, Lynn Sunderman and Tommy Taylor (Leirion Gaylor Baird and Wendy Francis absent); Marvin Krout, Steve Henrichsen, Mike DeKalb, Brian Will, Tom Cajka, Jean Preister and Teresa McKinstry of the Planning Department; media and other interested citizens.
STATED PURPOSE OF MEETING:	Regular Planning Commission Meeting

Chair Gene Carroll called the meeting to order and requested a motion approving the minutes for the regular meeting held November 19, 2008. Motion for approval made by Larson, seconded by Sunderman and carried 7-0: Carroll, Cornelius, Esseks, Larson, Partington, Sunderman and Taylor voting 'yes'; Gaylor Baird and Francis absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION: December 3, 2008

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

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 08058 and USE PERMIT NO. 08002.**

Ex Parte Communications: None

Item No. 1.1a, Change of Zone No. 08058, and Item No. 1.1b, Use Permit No. 08002, were removed from the Consent Agenda and scheduled for separate public hearing.

There were no requests for deferral.

CHANGE OF ZONE NO. 08058
FROM R-2 RESIDENTIAL TO R-T RESIDENTIAL TRANSITION
and
USE PERMIT NO. 08002
FOR RESIDENTIAL AND OFFICE USES
AT 3333 A STREET AND 3345 A STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION: December 3, 2008

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

Ex Parte Communications: None.

Staff recommendation: Approval of the change of zone and conditional approval of the use permit.

These items were removed from the Consent Agenda due to a letter received in opposition with concerns about parking.

Staff presentation: **Christy Eichorn of Planning staff** presented the proposal for change of zone and use permit on property generally located at S. 33rd Street and A Street. The property is currently zoned R-2 for single family residential. This is a request to change that zoning to R-T Residential Transition.

In early discussions with the applicant, they wanted to know what would be best for the neighborhood. They had originally wanted B-3 Commercial zoning, which is neighborhood commercial, and staff suggested something less intense such as the R-T zoning, which requires a use permit to show access, parking, landscaping and aesthetics. The applicant has indicated that they intend to have a staffing agency on the property at 3333 A Street, which is the property in this change of zone that is closest to the B-3 zoning district at 33rd & A Street. The owner of the other residential property included in this change of zone request which is further to the east intends to keep the property as single family residential until such time in the future that he might want to use it for something such as office. The use permit only allows residential and office uses on these two properties.

The staff is requesting just one driveway coming off of A Street for safety and traffic purposes, which requires a common access easement with a shared commercial driveway on the two properties.

Eichorn noted that the owners directly across the street are concerned about people parking on their existing small parking lot for the grocery store and that the traffic will cross mid-block to get to the staffing agency. With the use permit in place, the applicant will be required to have four parking stalls, which will be located behind the existing building. Neither house will be changed in structure in any way. There will be required landscaping

along the back property line for the house converting to an office use to screen the residential use to the south.

The Comprehensive Plan talks about making transitions from more intense uses in the B-3 to less intense uses in the residential zoning district. The staff believes that R-T is appropriate for this particular area, specifically because the two houses included in this change of zone front upon a grocery store, liquor store and insurance agency. The Comprehensive Plan also talks about similar uses facing each other.

Cornelius inquired whether the use permit covers both houses. Eichorn advised that one of the conditions of approval is that there be one site plan for both houses.

Esseks noted that the letter in opposition talks about the applicant's clientele parking across A Street on their property and then crossing over. That suggests that the westward house is already being used for office purposes. Eichorn did not know. The staff looks only at the zoning and the application itself and whether the zoning is appropriate, not whether or not the house is currently being used for office purposes. The applicant has not so advised so she assumes that it is still single family residential. Esseks then inquired under what circumstance the property could be legally used for office purposes. Eichorn suggested that by this application the office use would be allowed. Building & Safety would be in charge of enforcing any violation of the zoning ordinance, not the Planning Department and not in this venue.

Sunderman noted that there are four parking stalls on the site map and that it also talks about a new garage someday. Is the new garage part of this plan? Eichorn explained that there is an existing single stall garage that the applicant indicates would be torn down and they would like to construct a new garage sometime in the future. In order to get the required parking, the old garage will need to be removed. They are showing a garage in the future rather than having to come back and amend the use permit.

Proponents

1. Brian Marshall stated that he and his wife, Debra, own the property located at 3333 A Street, in which they are proposing to operate a full-service staffing company. They are currently involved in placing paraprofessionals, personal assistants and laborers. The benefit to the community is apparent. They would like to use this property for the purpose of filling needs of the community and for people to have jobs. Most of their work is done on the phone and out in the field. Most appointments are "by appointment only". The Marshalls are following sound business practices by going through the Planning Commission and they have received a letter of support from the 40th & A Neighborhood Association. There are businesses around the whole area, including the grocery store across the street, as well as the insurance company and cleaners to the right and left.

Larson asked whether they provide temporary workers. **Debra Marshall** advised that they do staff temporary workers. They have owned the property for about a year and she has spent a lot of time fixing up the house. She is now available full-time and is just now starting to work on this business.

Larson inquired whether there would be workers standing outside. Ms. Marshall stated that they would not be involved in day laborers. The staffing industry is very diverse. Day labor is not something she wishes to further pursue.

Mr. Marshall offered that they are more interested in non-medical in-home care services. He has been in health care industry for 19 years as an administrator.

Partington inquired about the size of the staff for the business with just four parking stalls. Ms. Marshall stated that they would typically operate with two to three employees. It would be basically one in the office and one working in the field. She has been there about a year now and she is eager to put in the parking spaces.

Esseks inquired why the applicants started this business in a residentially zoned house. Ms. Marshall stated that she wanted something quaint. She does not want the commercial aspect. She wants it to be integrated. They have a true passion to find the best quality people to help the elderly. She does a good job at screening. Her husband has an assisted living license. Mr. Marshall offered that they have also checked the demographic data which shows that this particular neighborhood needs this type of business.

Esseks inquired as to the use of the property before the Marshalls started this business. Ms. Marshall stated that it was a residential use. Esseks wondered why the Marshalls thought they could start a business in R-2 zoned property. Ms. Marshall stated that the pharmacy was a big attraction; she wants the quaint look to the business – she wants people to feel like they are getting an owner-occupied business; it has a fireplace which helps to create that atmosphere.

Esseks believes the applicants have violated the Lincoln Municipal Code. Ms. Marshall clarified that she has actually been employed by another business and just recently lost her job. She just started this business as she brought this application forward. She has been going there nights and weekends working on the house and remodeling the bathroom, painting, refinishing the floors, etc. She has not been running the business for a year. When she was operating the other staffing company, she had two to three staff, but they have not been working at this location until just recently – the last two months. That is because she spoke with the neighborhood association, Building & Safety and Planning. She has not heard any other opposition.

Taylor inquired whether the applicants would tailor their parking to facilitate the problem with parking across the street. Will you schedule your appointments in such a way that the people will not have to park across the street? Ms. Marshall was only aware of the one situation as noted in the e-mail, and she corrected the situation at that time.

Larson inquired whether there is an exit from the parking spaces into the alley. Ms. Marshall stated that there is no alley.

Opposition

1. Michael Barna, 3336 Washington Street, who lives directly behind the house proposed to be used for an office, testified in opposition. He stated that Envision Staffing (the applicant) is already doing business at this location without proper zoning and without consideration of the neighbors. In fact, he placed a call to them yesterday and they offered a staffing appointment from this location and stated that they are open for business from 1:00 p.m. to 6:00 p.m., Monday through Friday.

Barna also pointed out that the Chamber of Commerce Web site is listing this as a business open at that location and there is a Web site available <www.commandonline.com>. As far as support from the neighborhood association, Barna believes that the applicants told the association that they plan to do medical and nursing temporary staffing. The Web site does not mention medical or nursing staff. It clearly states on the Web site, “looking for work, get paid today”, which would be a day labor situation.

Barna submitted that there is other open retail space available in this community. He does not see the need to convert a residential dwelling for this business. They will be taking out the green space in the back yard and pouring cement. There is only a chain link fence. They have not talked about a privacy fence. This will result in a parking lot directly in his back yard. There is also a flood zone. There will be drainage issues. Cars will track in salt and street dirt. It will destroy the garden and his back yard. He thinks this opens up a can of worms. If this staffing agency goes out of business, the property would still be zoned for business use. He is also concerned about this being a temporary employment agency that is paying daily – people will be collecting paychecks daily across the street form a liquor store.

In addition, Barna is concerned because he was never approached by the applicants. There is already a vacant lot at 33rd & A Street. Traffic on A Street is already bad enough. It is a very quiet family-friendly neighborhood. It does not need more traffic and does not need to lose more green space.

2. Linda Witfoth, 3336 Washington Street, testified in opposition. She moved into her property in May of 2001 as a single parent with one son. She moved here because the homes are owner-occupied, in good repair, low crimes rates, and close to school. The brokers insurance business has been there for many years and she does not have a

concern about that. Her home is close to local businesses, such as a grocery store, pharmacy, gas, etc. From her house you cannot see any of those businesses. She has good neighbors, neighbors of quality with long term family plans. She does not want a business in her back yard. Envision Staffing is already doing business at this location illegally. They have not approached the neighbors. The neighborhood is struggling with their home values already. A concrete lot in her back yard is not going to help. Once the property is a business, it is always going to be a business. There is a vacant house already available for retail in this immediate area. This business does not have any history of longevity. If they fail, what happens next? If they are doing most of their business on the phone and out in the field, then this location is not a strong argument. Her quality of life will go down drastically. She has two dogs in her back yard. If there is constant motion on her back fence, she will have to keep the dogs inside so that she is not a bad neighbor. If this is approved, she would want a barrier at least eight feet tall. She would also want some kind of parking rail so that nothing can come through the fence, with landscaping along that barrier so that any antifreeze, oil, leaks or salt is protected from going into her yard. She will want to move if this application is approved. How will I sell my home with the lower property value? She supports small business but she does not see the need for this business at this location. She would not have bought her home if she had known there would be a business in her back yard.

3. Seth Witfoth, 3336 Washington Street, testified in opposition. This has been a wonderful neighborhood in which to grow up because of all of the businesses established in the area at the intersection of 33rd & A. However, the approval of this proposal seems like the beginning of a strip mall with the insurance agency and the dry cleaners next door. He does not want the disruption in the back yard with strangers parking across the fence and being able to see into their back yard.

4. Mike Duweling, 3342 Washington Street, directly behind the second home in the application and catty-corner to this business, testified in opposition. He is not against small business but he does not believe it is appropriate in this area, especially with one of the corner lots being completely empty which could be used for any kind of business. He suggested that there is also office space available at 33rd and Cornhusker. As a parent, he bought his home in order to have a nice home in a neighborhood with a neighborhood feel. The proposed zone change will most likely diminish the quality of the neighborhood and therefore the quality of life for adjacent lots and those in close proximity. He was not approached by the applicant. He purchased his home based on the quality of the neighborhood, with three small children. He is not excited about a business in his back yard when they assumed the house would remain residential. He has put a lot of money and sweat equity into his home. Duweling has qualified for an interest-free loan predicated on the premise that the city desires to improve this select neighborhood. This zone change

is in direct contradiction to the actual improvement of this area. There are numerous vacant lots and buildings available throughout Lincoln for this type of business. In raising a family, he feels his family's physical safety is at a greater risk if his back yard abuts a business and parking lot.

Staff questions

Cornelius inquired as to the distance between the back lot line and the parking lot. It was estimated to be 57 feet.

It was also clarified that the other house (3345 A Street) included in this change of zone is being used as a single family residence.

Esseks stated that he is very impressed with the arguments provided by the neighbors. It seems by extending this R-T to the second property east of the proposed business location just makes it worse. We are encroaching upon a residential neighborhood. Why the second lot? Eichorn noted that there was a downzone to R-2 done in this area a few years ago. This time we have two property owners that came forward and asked to have some sort of zoning other than residential because both of the properties face commercial zoning across the street, also with commercial zoning on the west. The R-T appeared to be the most appropriate change of zone.

Cornelius asked staff to explain the landscaping requirements for R-T. Eichorn stated that the applicant is required to screen at least 60% of the surface area of a vertical plain extending the entire length of the rear lot line. They would need to screen from zero to 10', generally meaning a fence and some landscaping.

Response by the Applicant

Ms. Marshall expressed appreciation to the neighbors and their concerns. She assured the Planning Commission that the Web site referred to by the opposition is not her Web site. That is where she used to work. She is more interested in placing paraprofessional and non-medical. She does not have a Web site.

Ms. Marshall also advised that the property is no longer in a flood zone. She understands the concern about the parking lot. The proposed parking lot would not be a full parking lot like the insurance broker's parking lot. She has worked with Public Works on the parking lot. The use permit will require a privacy fence, similar to that which the broker insurance business has – a nice wood fence.

Ms. Marshall stated that they did speak with the neighbors that face their property with no objection.

Ms. Marshall reviewed the improvements they have already made to the property. They have replaced all of the galvanized piping, removed the ugly bushes and the dirty tree, and will continue to beautify the house. Ms. Marshall stated that she respects the back yard of Ms. Witfoth. She also likes a very nice clean look.

Mr. Marshall added that this is a very quality type neighborhood which they do respect and they will keep it that way. He believes some issues are misspoken. No one will be hanging out there at night. This is not a blighted area. They intend to continue it as a family-oriented area, which is part of their purpose and intent for this business. They have the experience and background to run a business and the knowledge and experience to make it successful. Staffing is a very necessary business for people to find jobs.

Cornelius asked whether they intend to have day labor, and the applicants responded, "absolutely not". Ms. Marshall would not oppose having that be a condition of approval on the use permit.

Marvin Krout, Director of Planning, cautioned that the purpose of the use permit is not to limit the uses that are allowed by the underlying zoning, but to control the site plan, the circulation, traffic, etc. The City Attorney has suggested that the use permit is really not the mechanism to limit uses. There have been instances where, separate from the change of zone, the applicant and City Council have agreed to a separate zoning agreement between the city and the applicant that would further limit the uses that would otherwise be allowed. But, it is another complication for Building & Safety in terms of tracking and monitoring the property.

Cornelius assumes the use permit has some limitation on trip counts. Krout agreed that it can, but this one does not. Generally, we say that the uses allowed in an office district will be more moderate – probably the heaviest in terms of traffic would be medical use, which is permitted in the R-T.

Cornelius asked whether the applicant met with the neighborhood association. Ms. Marshall answered in the affirmative, stating that there were 6 or 8 in attendance. No one expressed any opposition.

Cornelius inquired why the applicants did not approach the neighbors to the rear. Ms. Marshall indicated that it was her understanding that she should focus on the commercial area to the left, right and across the street.

Ms. Marshall advised that the hours of operation will be 8:00 a.m. to 5:00 p.m., Monday through Friday.

CHANGE OF ZONE NO. 08058
ACTION BY PLANNING COMMISSION: December 3, 2008

Taylor moved approval, seconded by Sunderman.

Taylor expressed appreciation for the dialog today with the neighbors. He is very cognizant of their concerns, but he also appreciates the response given by the applicant. He believes that the questions about a privacy fence will be resolved and they will not use the entire lot for the parking so there should be some green space remaining. He is also impressed with the applicants and their approach to their planning and their purpose in establishing the business in this location. The flooding situation mentioned by the opposition has been answered. The concern about safety of children is extremely important, but it appears that will be answered to a great degree by the barrier that will be in place. He is also impressed with the applicants' concern about the neighbors. He cannot find any real objection because some of the objections are based upon mis-information, if the applicants' information is true. He has seen operations similar to this. He is in support without the day labor. He believes that the fears of the opposition will go away.

Larson stated that he will vote against the change of zone. He sees no compelling reason for this business to be located in this particular area. The intersection is a retail center serving the immediate neighborhood. This business would not necessarily serve just this neighborhood, but certainly the whole city. He does not like that they have operated illegally before asking for this change of zone and sees no reason for the additional property to be tagged onto this change of zone.

Esseks agreed with Larson. He thinks it sets a bad precedent to approve a rezoning when we know that the property has been used for the applied use illegally. It seems that we have spent a lot of thoughtful time rezoning these communities to protect residential lifestyles. Here we have neighbors right behind that are owner-occupied who purchased the land with the expectation that those to the north would also be residential. Those are legitimate expectations that we are now going to violate. There appears to be no compelling reason to locate two potential office uses to the north. If they were going to serve the local community, it might be different, but it is a business that can be located elsewhere.

Sunderman likes the fact that this is using R-T to square off the business zoning on that corner. The R-T is designed to buffer between heavier use and lighter use. He believes that the driveway situation will be improved. The site plan will allow people to pull straight out with a safer environment. He believes this is a low impact use. With the proper screening, he does not believe the neighbors will really notice a difference.

Cornelius pointed out that the Planning Commission is not an enforcement body. It is not our job to say this was wrong so we're not going to approve this use for the future. There

is a process for that problem and he does not believe the Planning Commission should be concerned with the zoning enforcement issue. He believes this is a R-T use perfectly situated between a more intense commercial district and less intensive residential with restrictions that wouldn't apply were it strictly residential. He pointed out that any potential resident could do other things in the back yard that could be less appealing.

Partington agreed with Cornelius about the enforcement issue. The Neighborhood Association has recommended approval and the adjacent commercial activities are in agreement. He sympathizes with the neighbors abutting and it would have been well-served for the applicants to have talked with them, but he does not believe the impact will be that significant.

Carroll observed that this property was considered for downzoning in 2006, at which time these lots were discussed at length, and there was talk about R-T at that time. It does buffer the neighborhood from the intense zoning on the corner. No matter what office use it is, it will be a soft intense office use with use permit regulations.

Motion for approval carried 5-2: Cornelius, Partington, Taylor, Sunderman and Carroll voting 'yes'; Larson and Esseks voting 'no'; Gaylor Baird and Francis absent. This is a recommendation to the City Council.

USE PERMIT NO. 08002
ACTION BY PLANNING COMMISSION: December 3, 2008

Sunderman moved to approve the staff recommendation of conditional approval, seconded by Cornelius and carried 5-2: Cornelius, Partington, Taylor, Sunderman and Carroll voting 'yes'; Larson and Esseks voting 'no'; Gaylor Baird and Francis absent. This is final action, unless appealed to the City Council within 14 days.

CHANGE OF ZONE NO. 08057
FROM B-3 COMMERCIAL TO P PUBLIC USE
AND
FROM B-3 COMMERCIAL TO B-3 COMMERCIAL PUD,
UNIVERSITY PLACE PLANNED UNIT DEVELOPMENT,
ON PROPERTY GENERALLY LOCATED
AT NORTH 48TH STREET FROM COLBY STREET TO ADAMS STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION: December 3, 2008

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

Ex Parte Communications: None.

Staff recommendation: Conditional approval.

Staff presentation:

1. Wynn Hjermstad of the Urban Development Department, explained that this proposal came about because there was a potential project (which is not the issue today) that ran into two different obstacles: 1) there was plenty of parking available but there was not enough parking from a legal perspective based on how the parking is counted in the B-3 district; and 2) the developer was looking at a mixed use development, with ground floor commercial and housing on a second and potentially third floor, but because of the cost of putting in an elevator to meet ADA he wanted to do a ground floor apartment. The B-3 zoning does not allow ground floor dwelling units.
Urban Development had worked with Planning on these obstacles and the Planning Department suggested a planned unit development (PUD), which would provide some very positive benefits for a larger area. There is an implementation committee in University Place made up of neighborhood representatives, property owners, business representatives, and Nebraska Wesleyan. The PUD concept was taken to that committee for consideration to provide an additional tool to redevelop and improve University Place. They liked the idea.

The next step was taking it to a larger neighborhood meeting with the traditional change of zone notification area to discuss the concept. The neighbors were generally in favor of moving forward.

The University Place PUD Steering Committee was then established to work on the boundaries, traffic and pedestrian trips, uses, setbacks, building height requirements, parking, etc. One of the strong considerations given by the committee was looking at the surrounding residential neighborhood so that the PUD would not create any adverse impacts on the neighborhood. The recommendation went through staff review, back to the committee and then back to the neighborhood association and business association. A final larger neighborhood meeting was again held on this proposal.

2. Steve Henrichsen of Planning staff clarified that the conditions of approval in the staff report represent the modifications in the B-3 zoning. This PUD physically changes the zoning of the property from B-3 to B-3 PUD. The frontage of the existing Huntington School on 48th Street is not included within the PUD but this action changes that zoning to P Public Use. This waives the requirement of the PUD ordinance in that there are no design standards for the buildings at this time.

Carroll wondered why the design standards are not in place or being considered at this time. Why the delay? Why waive design standards now before the development comes forward? Henrichsen explained that this does not waive any existing standards – we just are not adding any new ones. Hjermstad also explained that they were being cautious and

wanted to consider the issues in place today. Nebraska Wesleyan participated and they are looking at revising their master plan and they own some of the property on 48th Street, so the decision was made to work on the design standards when they are working on the revisions to their master plan.

Henrichsen also explained that this PUD will allow dwellings on the first floor, but at least 50' back from the right-of-way, allowing residential in the front and business in the back of the building.

In addition, the PUD allows a lot more flexibility in the parking. Today the parking requirement is 1 stall for every 600 sq. ft. – this cuts that in half.

This PUD takes some existing sections in terms of joint parking with nonconcurrent uses, and now allows University land to be counted in nonconcurrent parking. This does not require land to be reserved for parking. Residences within the B-3 will have to meet an increased parking requirement of 1.75 parking spaces per dwelling unit, which is the same requirement as the R-5 and R-6 zoning districts.

This PUD does not change the height and area regulations but prohibits pole signs and off-premise signs. Ground signs will be limited to 50 sq. ft., 10 feet tall.

Henrichsen also noted that the comments from Building & Safety indicate that this would be difficult to track and enforce. Henrichsen agreed, but that is the problem any time we try to be more flexible. The PUD is a tool to be more flexible but it does create more rules. If someone goes to the extent of the joint parking, it will be difficult to track; however, he surmised that most businesses will determine their own parking and take advantage of the less required parking.

Esseks commented that in the three years he has been on the Commission, he has heard a lot about enforcement difficulties. In a case like this where we are given fair warning that this might not be easy to enforce, is there a practice whereby the Planning Department could help Building & Safety supplement their resources to resolve some of these issues? Henrichsen explained that the leasing of parking space which shows up on a building permit and then the lease is stopped makes the monitoring more difficult. Planning would not have any additional resources to provide to Building & Safety. It is just something to keep in mind with any PUD as we go forward. Any time more conditions that go to operation of a business are added, the harder it is to enforce and keep track on a day-to-day basis.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION: December 3, 2008

Larson moved to approve the staff recommendation of conditional approval, seconded by Sunderman and carried 7-0: Cornelius, Partington, Larson, Taylor, Esseks, Sunderman and Carroll voting 'yes'; Francis and Gaylor Baird absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 384F,
AMENDMENT TO TABITHA HEALTH CARE SERVICES
ON PROPERTY GENERALLY LOCATED AT
SOUTH 48TH STREET AND RANDOLPH STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION: December 3, 2008

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

Ex Parte Communications: None.

Staff recommendation: Conditional approval.

Staff presentation: **Brian Will of Planning staff** explained that this is request for an amendment to the existing special permit. The property is located northwest of the intersection of S. 48th Street and Randolph Street, and includes the entire block of the main campus as well as the portion north of J Street. There are three components to this amendment: 1) 63-bed assisted living facility located southwest of the intersection; 2) new entrance and office complex; and 3) expanded parking lot on the north part of the campus north of J Street.

In order to accomplish the construction and the revised site plan on the main campus, four buildings are proposed to be removed. The relocated drive will be moved, which necessitates the removal of two maintenance buildings. Staff is opposed to removing the Bethel Building to accommodate a parking lot because of its historic significance.

There are two waivers requested which affect the assisted living facility at the southwest corner of the site. The first waiver is to change the setback from 40' to 25', and the required height to allow the facility to go from 35' to 40'. Staff is supporting both of the waivers provided the additional landscaping and buffering is provided as set forth in the conditions.

With regard to the removing the Bethel Building, Carroll inquired whether they need more parking spaces. Will stated that there is a desire to provide more parking but there is currently parking in excess of what the ordinance requires. The Historic Preservation Commission reviewed the buildings and recommended that the Bethel Building not be removed merely to accommodate parking. Staff is suggesting that they hold off on showing

that parking and allow some time to further consider it and other potential ways to fit that historic building into the campus.

If the Planning Commission does not allow the Bethel Building to be removed, Esseks wondered whether the Planning Director could approve that change in the future. Will suggested that would probably be an amendment that could be done administratively, at the Director's discretion.

Proponents

1. Joyce Ebmeier, Tabitha Health Care Services, 4720 Randolph Street, testified on behalf of Tabitha. Tabitha has a long history of service from this location. The founder of Tabitha came to this place seeking shelter for a handful of orphans and elders in 1886. Over 1800 Nebraskans rely on Tabitha services every day, with over 1,000 dedicated and caring employees. This proposal is about sustaining their mission. It provides a full array of health, housing and services to elders living in Lincoln. The demands on Tabitha's programs have never been greater. Occupancy rates exceed national and state averages. In the process of developing these plans, Tabitha conducted a market feasibility study which showed significant unmet demands for assisted living and memory care. This proposal includes 15 units of assisted living and 48 units of memory care assisted living, representing 80% of the market study recommendation. We must invest in our campus to meet the emerging need of seniors in the Lincoln community.

2. Joe Hakenkamp of **Tabitha** addressed the conditions of approval. He requested that Condition #1.2 be deleted to allow the demolition of the Bethel Building to construct the parking stalls because Tabitha's clientele is for the elderly population. The additional parking is definitely needed. The Bethel Building is 70 years old and has ended its useful life. It does not have elevator access so the use of that building is very limited. It is also in need of a boiler costing $30,000, and a roof replacement. The Bethel Building is not registered on the historical databases and it faces inward to the campus. Tabitha has an investment in its campus and they intend to take some of that stonework from those buildings and incorporate it into the new front entrance project. They want their customers, neighbors and employees to be able to see the commitment to the campus from 48th & Randolph.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION: December 3, 2008

Larson moved to approve the staff recommendation of conditional approval, with amendment to delete Condition #1.2, seconded by Partington.

Larson observed that Tabitha has been there a long time and has undergone constant improvement. It is a very important part of our health care system and he believes they

have given great care to beautify the campus and organize it. He sees no reason not to approve what they want to do.

Carroll agreed. He does not believe it is a loss to the community to remove that building.

Motion for conditional approval, deleting Condition #1.2, carried 7-0: Cornelius, Partington, Larson, Taylor, Esseks, Sunderman and Carroll voting 'yes'; Francis and Gaylor Baird absent. This is a recommendation to the City Council.

There being no further business, the meeting was adjourned at 2:35 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on December 17, 2008.

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