

## MEETING RECORD

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, June 17, 2009, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska

**MEMBERS IN ATTENDANCE:** Leirion Gaylor Baird, Michael Cornelius, Dick Esseks, Wendy Francis, Roger Larson, Jim Partington, Lynn Sunderman and Tommy Taylor; Marvin Krout, Steve Henrichsen, Mike DeKalb, Brian Will, Tom Cajka, Christy Eichorn, Jean Preister and Teresa McKinstry of the Planning Department; media and other interested citizens.

**STATED PURPOSE OF MEETING:** Regular Planning Commission Meeting

Chair Lynn Sunderman called the meeting to order and requested a motion approving the minutes for the special public hearing held May 13, 2009, on the Comprehensive Plan Annual Review, Capital Improvements Program and Transportation Improvements Program. Motion for approval made by Larson, seconded by Francis and carried 7-0: Cornelius, Esseks, Francis, Larson, Partington, Sunderman and Taylor voting 'yes'; Gaylor Baird abstained.

Sunderman then requested a motion approving the minutes for the regular meeting held May 20, 2009. Motion for approval made by Larson, seconded by Francis and carried 8-0: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Partington, Sunderman and Taylor voting 'yes'.

Mayor Beutler then presented an Appreciation Award to Eugene W. Carroll for his six years of service on the Planning Commission.

The Clerk then read a Resolution of Appreciation by the Planning Commission to Eugene Carroll into the record. Larson moved approval, seconded by Esseks and carried 8-0: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Partington, Sunderman and Taylor voting 'yes'.

**CONSENT AGENDA**  
**PUBLIC HEARING & ADMINISTRATIVE ACTION**  
**BEFORE PLANNING COMMISSION:**

June 17, 2009

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

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 09006, SPECIAL PERMIT NO. 04073A and WAIVER NO. 09005.**

Ex Parte Communications: None

**Item No. 1.2, Special Permit No. 04073A**, was removed from the Consent Agenda and scheduled for separate public hearing.

Taylor moved to approve the remaining Consent Agenda, seconded by Larson and carried 8-0: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Partington, Sunderman and Taylor voting 'yes'.

Note: This is final action on Waiver No. 09005, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

**SPECIAL PERMIT NO. 04073A**  
**TO EXPAND THE AREA FOR A HEALTH**  
**CARE FACILITY TO INCLUDE A CHILD CARE FACILITY,**  
**ON PROPERTY GENERALLY LOCATED**  
**AT LAKEWOOD DRIVE AND WEDGEWOOD DRIVE.**  
**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

June 17, 2009

Members present: Gaylor Baird, Cornelius, Francis, Larson, Partington, Sunderman and Taylor (Esseks declared a conflict of interest).

Ex Parte Communications: None.

Staff recommendation: Conditional approval.

This application was removed from the Consent Agenda due to a letter received in opposition.

Staff presentation: **Brian Will of Planning staff** presented the proposal. The original special permit for St. Monica's was for a 24-bed health care facility. This request is to expand the boundary to include a duplex on a single lot to the south to include a day care

facility to accommodate 12 children and four employees. Staff is recommending approval with conditions.

Proponents

**1. Matt Nyberg**, 6411 Cannondale Court, 68516, Treasurer of the Board of Directors of St. Monica's, testified in support. St. Monica's has provided behavioral health services to women and families for 45 years. Most recently, St. Monica's has expanded from 36 to 62 women in service and is becoming a pioneer nationally in developing services for women and their children allowing for children to live with their mothers while undergoing substance abuse and mental health treatment. This is a request to expand the child care operations to 12 on a lot adjacent to St Monica's to provide child care for women currently residing in some of the five other facilities in Lincoln. It does not expand the number of women being served at this location. The children would be driven to the child care facility by St. Monica's in their vans so there would be minimal additional traffic. St. Monica's will provide all transportation. The child care being adjacent to St. Monica's will provide a valuable opportunity for the children to be near their parents. There will be a walkway which will eliminate the need for any traffic. Staff would park in the existing St. Monica's parking lot. The impact would be minimal to the surrounding community.

St. Monica's has six facilities in Lincoln. Some of the children would come from the other facilities.

**2. Corrie Wesely, Director of Operations for St. Monica's**, 4724 A Street, explained that the women who reside with their children live at two different facilities, one north and one south of this application. They are driven to Wedgewood for programming. The women are in treatment so they are not working. They are in programming at 120 Wedgewood and would all be transported in St. Monica's vans, including the children, to this location. There will be no more than two to four more trips per day by the van to that location.

Gaylor Baird referred to the letter received by the Commission with concerns about parking and traffic. It sounds like the parking need is not going to be an issue. She inquired whether the applicant has spoken with this individual. Wesely indicated that he had not contacted St. Monica's. They sent letters to the property owners and he did not contact St. Monica's, but just sent a letter to the Planning Commission. She attempted to contact him but there is no listing in the phone book. After seeing his letter, she walked over to talk to the people who lived on the other side of the duplex. They were interested in St. Monica's purchasing the duplex. She spoke to the landlord and two tenants. They have no objection. The other side of the duplex has also been rented. That renter moves in next week and they did visit by phone, also with no objection and willing to submit a letter in support.

Wesely also explained that the children are in child care between 8:00 a.m. and 4:00 p.m. On Tuesday and Wednesday, there are after-care groups consisting of about two to three children, concluding at 6:00 or 6:30 p.m.

There was no testimony in opposition.

**ACTION BY PLANNING COMMISSION:**

June 17, 2009

Larson moved approval, with conditions, seconded by Francis and carried 7-0: Francis, Partington, Taylor, Gaylor Baird, Larson, Cornelius, and Sunderman voting 'yes' (Esseks declared a conflict of interest). This is final action, unless appealed to the City Council within 14 days.

**CHANGE OF ZONE NO. 09009,  
TEXT AMENDMENTS TO CHAPTER 27.69  
OF THE LINCOLN MUNICIPAL CODE  
RELATING TO SIGNS.**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

June 17, 2009

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

Ex Parte Communications: None.

Staff recommendation: Approval, as revised.

Staff presentation: **Christy Eichorn of Planning staff** presented the proposed text amendment which is an attempt to make the sign ordinance more consistent and more concise. Some are very minor changes and some more major, such as "freestanding sign" and "center sign".

Since the Planning Commission briefing held May 20, 2009, there has been some discussion about removing "pole" sign and "ground" sign, which are currently located in a lot of PUD's, planned service commercial centers and use permits. It could be confusing if we eliminated those terms altogether. So, those definitions will remain in the code and referenced by stating that they are a type of freestanding sign (any sign not connected to a building, regulated by district and by heights). There was an attempt not to change the allowable sign area for signs already permitted in a district.

Another term added in this amendment is "center sign" because in today's code we reference centers and center signs but there was no definition. The definition has been added and center sign has been added to the Table. The Table has been added to clarify existing text. Some diagrams and other graphics were also added to help clarify the definitions.

Today, staff is proposing one more amendment to help consolidate information that was repetitive. We talked about the change to political signs and eliminating the time restriction. The more we looked at it, we saw that we really need to treat all temporary signs the same – real estate signs, construction signs and temporary signs. This text amendment takes the information in all three sections and combines them into one section. This reduces the square footage of construction signs in residential districts from 16 square feet down to 10 square feet. It makes it clear that a temporary sign should not be lit whether in residential or commercial district. It takes out the limitation of having only one real estate sign in your yard to make it consistent.

Eichorn noted a letter received from LIBA with concerns about having some additional signage in areas that have two frontages. Eichorn explained that in all commercial districts, except for the O-1, O-2 and R-T, there is the possibility of having a center sign, and where you have a center sign you have the possibility of having that per frontage.

With regard to the temporary signs, Taylor inquired whether there are time limits and what type of materials can be used for the signs. Eichorn stated that the type of material is in the building code, but the amount of time that a sign can be used is dependent on the type of sign. This update takes away that limitation. For real estate signs, there is a specific amount of time from when the house goes on the market and comes off the market. The limitation on all other temporary signs is “not to exceed 60 days in a calendar year”.

Gaylor Baird inquired as to the allowable heights in commercial districts and how they are different and the impact on older neighborhood commercial areas or office park like areas. Eichorn stated that one of the biggest changes has to do with height. In order to consolidate these sections we had to have some sort of commonality. In use permit districts such as B-2, B-5 and O-3 (the bigger districts), they usually have a 20' setback. These districts have a shorter height requirement than in the older districts. The height in the use permit districts is 12' in the front yard and 18' outside the front yard. The older districts have signs that have been up for years and years, and those are grandfathered. In the older districts, a lot of the paving and parking comes all the way to the front lot lines. To be effective, the sign must be able to be seen and must be up above the cars. We looked at 15' as acceptable in the front yard and 25' outside the front yard. In many districts today, you could have signs anywhere from 25 to 50 feet tall. The revised ordinance gives them all the same 25' height limit per pole sign. A center sign is intended to be bigger and taller and they are going to be about 35' tall and 150 square feet in area. Pole and ground signs are now going to be known as freestanding signs. The height could change depending on the district.

Gaylor Baird confirmed that monument signs are now getting taller than pole signs. Eichorn agreed, but they will all now be called freestanding signs.

Taylor inquired how to answer the concerns of LIBA. Eichorn suggested that it all depends on the district. If you take 70<sup>th</sup> and A as an example, zoned O-3, which is the zoning district

where the most drastic change is being made, one sign per building and one center sign would be allowed. In that case, they would only get one sign on one of their frontages for the one building that is on the corner. But, there is a way to change that. Because it is a use permit, the City Council can adjust the signage by an amendment to the use permit. So, there is an avenue to pursue to get the sign, if needed, through the public hearing process.

Esseks wondered whether this is a fault of the zoning designation at 70<sup>th</sup> & A because it is not really part of the center surrounded by an outlot. Eichorn believes that the use permit was designed to control the whole area so she wouldn't call it a "mis-designation" – just how it was built into the use permit. But, Esseks suggested that there is really no opportunity for a center sign to advertise its presence there. Eichorn agreed that the one building itself would not have its own center sign.

Francis inquired about the time restriction for temporary signs. Eichorn stated that it is 60 days. Francis wondered whether that includes real estate for sale or lease signs. Eichorn advised that there is language in the code today referring to real estate signs, identifying an offer for sale or lease sign shall be removed one week after closing the sale or the lease of the property. Eichorn agreed that this amendment probably needs a little more work and suggested that the Planning Commission could defer for two weeks to give staff the opportunity to clarify the amendment.

**Rick Peo of Law Department** approached the Commission and explained that the sign code is a very difficult process. The main problem is that it involves freedom of speech and a lot of constitutional issues. Generally, you are allowed to have reasonable time, manner and location restrictions but not allowed to have viewpoint, discrimination or content discrimination. Viewpoint is easy to say, but content is harder to get your hands around - the type of sign and the message. We had problems on political signs with the time restriction and equality issues. We were trying to get those to meet constitutional requirements while providing uniformity so that the content of the sign did not give it a preference over something else. Construction signs were allowed to have more signs and greater square footage and that didn't seem permissible under the law. We also tried to do a quick fix to combine all those provisions under one section, but because of the definition in different places and different time lines, we need to do a little bit more work. We'll go back to the drawing board on temporary signs to meet the constitutional requirements.

### Support

**1. Kyle Fischer, Lincoln Chamber of Commerce**, 1135 M Street, testified in support. Their end-users are business owners and they are "generally supportive" of this legislation. There is always some reservation and some question, but from the contacts the Chamber has had, the business owners are generally supportive, outside of the proposed amendment submitted today which they have not reviewed. The Chamber appreciates the

work that the Planning Department has done on this legislation. They have asked for the industry's input on this proposal.

**2. Bob Norris, President of Nebraska Neon Sign Co.,** 1140 N. 21<sup>st</sup>, also complimented the Planning staff. He is in general agreement with the proposal. Naturally, there are things he would do different, but taking those things into account, the fact that the staff has simplified the ordinance through the tables, graphs and diagrams and cleaned up the definitions, it will be much easier to use for the business community in general, whether we agree in total or not. It takes out the need for interpretation at the time of applying for the permits. The work that has been done has cleaned that up a lot.

With regard to the concerns expressed in the LIBA letter, Norris suggested that it is a rare occurrence where that would happen. The O-3 zone still needs a lot of work in how it is written and used. In the larger shopping centers, it would be advantageous to have a sign on each frontage, although he does not believe that is a huge issue. At the time it is developed, they can show the additional sign and get a waiver to allow it.

On the temporary sign issue, Norris does not see construction site signs as temporary signs, even in residential situations. His concern with that change comes mainly in the larger development today where you have a developer who is selling lots to builders and there is new home construction and many lots on large sites. Sometimes it is advantageous for the builder to have a sign bigger than 10 square feet on one structure, i.e. 14 - 16 square feet. He believes this should be considered.

Taylor confirmed with Norris that he would not consider a construction sign as a temporary sign. Norris responded, suggesting that there aren't very many new homes that get put up in 60 days. Taylor wondered about a permanent sign. Norris suggested that a permanent sign is going to stay in place as long as the business is there. He suggested that construction site signs should be defined differently than temporary signs so that they can be there as long as the site is being built.

Esseks inquired whether Norris believes there should be separate category for construction site signs. Only becoming aware of today's proposed amendment last night, Norris believes that would seem to be a solution. He would also like to encourage staff to visit with the Home Builders and the Board of Realtors to get their input.

There was no testimony in opposition.

**ACTION BY PLANNING COMMISSION:**

June 17, 2009

Larson moved to defer, with continued public hearing and action scheduled for Wednesday, July 1, 2009, seconded by Taylor and carried 8-0: Francis, Partington, Taylor, Gaylor Baird, Larson, Cornelius, Esseks and Sunderman voting 'yes'.

**CHANGE OF ZONE NO. 09014**  
**TO DESIGNATE A HISTORIC LANDMARK**  
**and**  
**SPECIAL PERMIT NO. 09012**  
**TO INCREASE THE HEIGHT OF THE GARAGE,**  
**ON PROPERTY LOCATED AT 2201 B STREET.**  
**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

June 17, 2009

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

Ex Parte Communications: None.

Staff presentation: **Ed Zimmer of Planning staff** presented the proposed Landmark application for 2201 B Street. This bungalow property (Reimers Bungalow) was very stylish in its period. Built in 1913, is an excellent example of the architectural skills of Fiske & Miller. The bungalow was built for Mrs. Fred Reimers - one of the early buildings in this material – the company was promoting their own material showing what you could do with this innovative and ancient material. It is a very interesting plan, with wrap around porch. It not only has a very sophisticated design, but the expression of the material is sort of extreme. Each joist of this house is not flat or recessed but rather convex/rounded. And in the rehab, this aspect has been very carefully restored. The garage currently under construction to the south of the house carries out the joist work in that same meticulous fashion.

This application came to the Historic Preservation Commission (HPC) as two applications. The kind of special permit being requested requires the landmark designation. The Preservation Commission recommends that this appears to be a landmark property for its architectural quality. The second question is whether to grant the special permit, and the Preservation Commission did not believe the increased height made this a compatible structure to the garage.

Esseks inquired as to the significance of having the garage higher than the principal building. In other words, how did the HPC come to a unanimous vote on that issue? Zimmer explained that the HPC's concern was that as the accessory or subordinate building, the garage should be subordinate in every way, including height, to the main building. If built as proposed, the garage would be taller than the house. The garage and house are not widely separated so the feeling was that the garage would then loom taller and look inappropriate to the character of the two buildings relating to each other. However, Zimmer pointed out that the Planning Commission is going to see some additional material and letters of support that were not available to the Historic Preservation Commission.

Esseks inquired whether there is an underlying principle in the culture of historic preservation of trying to retain and preserve how property looked initially when built. In other words, allowing this increase in height would be undermining that goal. Zimmer suggested that on landmark properties, whether a district or individual property, we hope that changes made are sensitive to the historic values and character that make the property a landmark. But, changes do occur. It is a misnomer to say we would not wish to see change on properties, but the preservation guidelines would address how those changes might occur.

Gaylor Baird acknowledged an ex parte communication with the President of the Near South Neighborhood Association. She asked him about this application and she did not learn anything new other than what was in the report. The Planning Commission has received a letter in support from the Near South Neighborhood Association and she wondered whether that support was part of the presentation to the HPC. Zimmer believes the support coalesced after the HPC action. While it was mentioned that contact with Near South had been made, he believes the actual polling occurred after the HPC meeting.

Zimmer further explained that the applicant is requesting that the garage be 3.5 feet higher in order to create more usable space on the upper level of the garage. If the Planning Commission chooses to approve the height as requested, there are conditions of approval which would not allow a separate dwelling unit in the garage. The conditions specify that the garage has habitable space only in association with the principal property. The garage would have the exact same pitch and the ridge line will align itself with the ridge lines of the house.

### Proponents

**1. Paul Moss**, 1219 S. 25<sup>th</sup> Street, appeared on behalf his brother, the applicant, John Moss, who is the owner of 2201 B Street. The house was created for an important member of the community and designed by a locally important architectural firm. It deserves special consideration. In addition to the historic landmark, his brother is seeking a variance to increase the attic sidewall height but still maintain the pitches, slopes and details of the roof line, raising the structure about 3.5 feet, allowing a person to walk upright in most of the area of the attic space. It will provide shop space, which is almost imperative to aid in restoration of the house, and will provide storage space for supplies and building materials. Once the work is completed, he foresees using the space for a scaled-down workshop and studio space. It will also provide much needed storage space to free up living space in the home. Moss showed sketches of the garage matching the height of the house and then showing the requested additional height. The attic in the garage is currently only two to five feet. The additional height doubles the usable space. They can use decorative elements to minimize the heavy look. The proposed garage would be 1.5 stories. The architecture of the garage will show a devotion in duplicating the materials, design and spirit of the original home. They began extensive restoration of the property four years ago and have invested over 300 hours in the painstaking process of restoring the decorative joists on the

entire house. They plan to invest more hours in the future and the overall appearance and details are very important. The applicant is confident that this special permit will improve the value, utility and desirability of the entire property.

Moss pointed out that there is overwhelming support from the Near South Neighborhood Association and property owners. He also pointed out that the applicant could have built a shed with corrugated siding, no gutters, dirt floor and gravel driveway. The garage had to be built up higher because of the code requirements for the slope of the driveway.

If the Planning Commission is adamantly opposed to this request for the full 3.5 additional height, the applicant would be very grateful for any additional amount that would be acceptable.

Francis confirmed that the house is a 2-bedroom home and inquired about the basement and whether that plays into the role of needing more room in the garage. Moss acknowledged that there is adequate ceiling height in the basement but so much of it is taken up by the wiring, etc. It is currently crammed full of supplies. They need to be able to clear out the entire home in order to work on the home itself. The basement is not intended to be used for living space because it is damp.

Esseks suggested that it looks as though the real concern is that the remaining building will look smaller than the new garage building. Is there room for trees so that folks looking at this example of a historic building from the front would not see another building behind it but lovely branches of trees? Moss explained that it is a corner lot. There is a narrow area in the parkway between the sidewalk and street which originally did have a number of trees. They have planted one extra tree and intend to plant another one which would help somewhat. Because of codes, a tree could not be planted between the house and the garage. They would like to connect the two structures something like the patio area on the west side.

Esseks noted that it is a 3-bay garage, and wondered whether one of the bays could be turned into an office area. Moss explained that the applicant is restoring antique cars so he currently has a pickup truck for his immediate use and would like to have one bay for storing a restored vehicle and another bay for doing restoration of vehicles. If push came to shove, he believes it could become two bays. However, they are thinking of the long term as far as what they want to do with the property.

Taylor expressed concern about the arrangement. He understands the desire to allow head space in the garage, but it is not going to be designed for a residence. Moss explained that the garage is an extension of the single family dwelling. They do not intend to make any bedrooms or rental areas in the garage. The additional space in the garage would be used multiple times every day, probably constantly for the restoration process, which they anticipate could take another three years. When the restoration is completed, the space in the garage will be used for storage with constant change and use. He would

like to have a studio space for some hobbies. It could be used as a den or extension of the home. He anticipates that it will be used as a workshop at least three days a week after completed.

Gaylor Baird asked for a comparison of the height related to other homes and garages in the area. Moss believes there are other older homes in the area which do have 1.5 story garages but they are part of the properties where the homes are also taller. In comparison to the homes that the garages accompany, he does not know of any homes that would have what is being requested in this situation. But, Moss requested that the Commission please consider that this is not a museum and still a home for the living, and that the extra utility far outweighs the slight distance in the added height.

Larson inquired about the access to the attic. Moss explained that the access is on the back side. There is an interior stairwell on the back side going up along the east wall, terminating at the ridge line access which is east/west. There is a separate door in the back corner so that you can go directly up the steps.

### Support

**1. Scott Bulfinch**, 2128 B Street, which is immediately to the northwest overlooking the property, testified in support on his own behalf and on behalf of the Near South Neighborhood Association. John and Paul Moss made a presentation to the Neighborhood Association, which tends to be fairly conservative when it comes to matters such as this.

The landmark designation is pretty much a “no-brainer” and there is plenty of evidence to support it. The property to the west is already in an established landmark.

With regard to the height of the garage, many of the board members did not live immediately adjacent and were unwilling to commit at that time. One of the officers talked to adjacent neighbors who are not members of the Association. They did not have a board consensus prior to the HPC meeting. After the HPC meeting, the Near South membership was polled and the response was absolutely unanimous support. John Moss is the kind of property owner that they are trying to encourage in the Near South neighborhood. The applicant took a deteriorated property and returned it to owner-occupancy with meticulous restoration and rehab. This is the kind of property owner that the Near South Neighborhood Association wants to encourage. If a little bit of a bending of the height restrictions is required to make this a more livable property, the Near South Neighborhood is all in favor.

Bulfinch does not believe there is anyone in the Near South that views the property as directly as he does, and he is personally very much in favor of this action. If all that was wanted was garage space, that could have easily have been done with a structure that had

no architectural appeal or contributing to the neighborhood. John Moss has taken the extra mile to carry the architectural elements forward in this structure and the way he is maintaining his property is a benefit to the neighborhood.

Cornelius observed that the garage is 5/8ths to 7/8ths the footprint of the main house with the three stalls, and he wonders why we are talking about a 3.5 ft. height variance when just the magnitude of the garage seems so out of character with the house. Zimmer explained that the garage is being constructed under a building permit that was issued. He acknowledged that there is a requirement that only 40% of a rear yard may be occupied by an accessory building. This garage does not occupy more than 40% of that rear yard portion. A certain separation from the house is also required. The garage utilizes the property very fully under a building permit that was properly issued. The question before the Commission is the special permit for the additional height. The applicant has done nothing outside of the zoning code to date.

Esseks believes this is a very difficult decision. He has the greatest regard for the HPC and they have voted unanimously against the special permit. On the other hand, the presentation is very persuasive and if we want to encourage the preservation, we need to provide for such people the space that they need. His vote will depend on how serious a departure from the preservation principles this would represent. Zimmer explained that in this process, the Preservation Commission is essentially asked a very focused question. They look most closely at the effect on the landmark property. The HPC did not have the benefit of the supportive response from the neighbors. They chose to answer the question before getting that support rather than delaying for a month because the project is already under construction. This is a preservation special permit, which the HPC cannot issue. The Planning Commission now has additional material and the neighborhood support. The Preservation Commission did not see the graphic perspectives shown to the Planning Commission today.

**CHANGE OF ZONE NO. 09014**  
**ACTION BY PLANNING COMMISSION:**

May 17, 2009

Larson moved approval, seconded by Taylor.

Cornelius commented that this is clearly a wonderful bungalow that has been carefully and beautifully restored and he will vote in favor.

Taylor expressed appreciation for the work and effort in making this a very representative historical preservation piece of art. He will vote in favor.

Gaylor Baird used to drive by this house years ago and it stood out because of the deterioration and bright color. There has been such an impressive transformation.

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

**SPECIAL PERMIT NO. 09012**

**ACTION BY PLANNING COMMISSION:**

June 17, 2009

Francis moved approval, with conditions, seconded by Larson.

Francis commented that in the older neighborhoods, it is extremely hard to get people to buy these homes because they usually lack space, closet space, usable basement space and garage space. She believes that allowing an extra 3.5 feet in a garage is a great thing.

Larson is in favor because it ties in so well with the residence. The neighborhood has voted unanimously in support and those residents are the ones most affected.

Taylor would like to be in favor but what bothers him is the fact that this historical landmark seems to lose its appeal. It would be terrible to put a shack up beside it but in terms of a historical landmark, he thinks in terms of a diamond you put on a black velvet cloth to make it look better. He is not so excited about the second structure if it does by any means at all take away from the original structure.

Esseks appreciates Zimmer's advice that the Planning Commission has to look more broadly and in some cases can reject the recommendation of the Historic Preservation Commission. He will vote in favor in this case because the applicant's explanation of what he is trying to do is very compelling and he believes that the Planning Commission needs to be flexible to help promote the health of the neighborhood and to show to the outside world that we really want to attract people like Mr. Moss to the neighborhood.

Gaylor Baird commented that she very much appreciates the historic and architectural integrity of many of the homes in the Near South. With someone doing this kind of rehab and building a garage, she finds the 3.5 feet is a justifiable compromise to allow him to be able to stand up in the second floor of his garage. She thinks that is a fair trade.

Partington stated that he has past experience renovating a home and he appreciates the challenges. If this applicant is willing to invest that kind of money and make those improvements, he intends to support it.

Sunderman commented that the quality of the garage structure is far better than he has seen.

Motion for conditional approval carried 7-1: Francis, Partington, Gaylor Baird, Larson, Cornelius, Esseks and Sunderman voting 'yes'; Taylor voting 'no'. This is final action unless appealed to the City Council.

There being no further business, the meeting was adjourned at 2:50 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on July 1, 2009.

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