MEETING RECORD

NAME OF GROUP:	PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING:	Wednesday, February 22, 2012, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska
MEMBERS IN ATTENDANCE:	Leirion Gaylor Baird, Michael Cornelius, Dick Esseks, Chris Hove, Jeanelle Lust, Lynn Sunderman and Ken Weber (Greg Butcher and Wendy Francis absent); Marvin Krout, Steve Henrichsen, Brian Will, Rashi Jain, Sara Hartzell, Jean Preister and Teresa McKinstry of the Planning Department; media and other interested citizens.
STATED PURPOSE OF MEETING:	Regular Planning Commission Meeting

Chair Michael Cornelius called the meeting to order and acknowledged the posting of the Open Meetings Act in the back of the room.

Cornelius then requested a motion approving the minutes for the regular meeting held February 8, 2012, as amended. Motion for approval, as amended, made by Lust, seconded by Gaylor Baird and carried 6-0: Gaylor Baird, Cornelius, Esseks, Weber, Lust and Sunderman voting 'yes'; Hove absent at time of vote; Butcher and Francis absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION: **February 22, 2012**

Members present: Gaylor Baird, Cornelius, Esseks, Hove, Lust, Sunderman and Weber; Butcher and Francis absent.

The Consent Agenda consisted of the following item: **CHANGE OF ZONE NO. 05004A.**

Ex Parte Communications: None

Gaylor Baird moved approval of the Consent Agenda, seconded by Esseks and carried 7-0: Gaylor Baird, Cornelius, Esseks, Hove, Lust, Sunderman and Weber voting 'yes'; Butcher and Francis absent.

CHANGE OF ZONE NO. 11028
A TEXT AMENDMENT TO TITLE 27 OF THE
LINCOLN MUNICIPAL CODE TO ALLOW THE
SALE OF ALCOHOLIC BEVERAGES FOR
CONSUMPTION ON THE PREMISES IN THE
B-4 LINCOLN CENTER BUSINESS DISTRICT
AS A PERMITTED CONDITIONAL USE.
CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: February 22, 2012

Members present: Gaylor Baird, Lust, Weber, Esseks, Hove, Sunderman and Cornelius; Butcher and Francis absent.

The Clerk announced that the applicant has submitted a written request for an additional 90-day deferral.

Lust moved deferral, with continued public hearing and action scheduled for Wednesday, May 16, 2012, seconded by Hove and carried 7-0: Gaylor Baird, Lust, Weber, Esseks, Hove, Sunderman and Cornelius voting 'yes'; Butcher and Francis absent.

There was no public testimony.

CHANGE OF ZONE NO. 11044
FROM P PUBLIC USE TO R-7 RESIDENTIAL;
FROM R-7 RESIDENTIAL TO P PUBLIC USE;
AND FROM P PUBLIC USE AND I-1 INDUSTRIAL
TO B-1 LOCAL BUSINESS, ON PROPERTY
GENERALLY LOCATED AT
N. 17TH STREET AND R STREET.
CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: February 22, 2012

Members present: Gaylor Baird, Lust, Weber, Esseks, Hove, Sunderman and Cornelius; Butcher and Francis absent.

The Clerk announced that the Planning staff, as the applicant, is requesting an additional two-week deferral.

Lust moved deferral, with continued public hearing and action scheduled for Wednesday, March 7, 2012, seconded by Hove and carried 7-0: Gaylor Baird, Lust, Weber, Esseks, Hove, Sunderman and Cornelius voting 'yes'; Butcher and Francis absent.

There was no public testimony.

COUNTY CHANGE OF ZONE NO. 12001
and
CITY CHANGE OF ZONE NO. 12002,
TEXT AMENDMENTS TO THE LANCASTER COUNTY ZONING RESOLUTION AND THE CITY OF LINCOLN ZONING ORDINANCE, TO DEFINE AND MAKE PROVISIONS FOR "MARKET GARDEN" IN THE AG AND AGR ZONING DISTRICTS BY SPECIAL PERMIT,
and
COUNTY SPECIAL PERMIT NO. 12003
FOR A "MARKET GARDEN" WITH A RESTAURANT AS AN ACCESSORY USE, ON PROPERTY GENERALLY LOCATED AT 10405 BRANCHED OAK ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION: February 22, 2012

Members present: Gaylor Baird, Lust, Weber, Esseks, Hove, Sunderman and Cornelius; Butcher and Francis absent.

There were no ex parte communications disclosed.

Staff recommendation: Approval of the text amendments and conditional approval of the special permit.

Staff presentation: **Sara Hartzell of Planning staff** explained the proposed text amendments to add a definition for "market garden" in both the city and county zoning codes and to allow as special permitted use in AG and AGR zoning districts in both the city and county, and providing conditions therefor.

Hartzell explained that market gardens are primarily made up of a variety of different vegetation – fruits, nuts, vegetables, herbs, flowers – things sold primarily for human consumption, although there could be some animal consumption of by-products, but not food crop for animals. It could include crops that are grown for consumption by humans in raw or slightly processed form, and not having been sent off to a processing such as potato chips, tortilla chips, etc. This represents an expansion of the existing ability to have a market garden in the County now where produce can be taken to a farmers market or have a road-side stand or even an expanded home occupation where you could have a 16-seat family dining center, with up to two employees, and serve dinner at your home. The market garden concept takes the idea of agricultural use of market garden and provides accessory uses of showing the product of the garden and to provide a stream of income to the operators to help support the market garden.

Hartzell stated that the staff worked with this applicant as well as representatives from community gardens and another possible applicant in the city jurisdiction to develop a list of accessory uses. The application on today's agenda is for a restaurant; however, other accessory uses might be bedding plant sales, educational and training centers, agricultural tourism uses, and then also being able to sell the products of the market garden as well as products of other local growers in a permanent retail site, rather than the road-side stand which is limited to 180 days per year. This would be a year-round use.

In addition, Hartzell pointed out that the city code has a special permit for sale of alcoholic beverages on-site and it is assumed that a restaurant would want to include alcoholic beverages. The legislation has been written such that the market garden is a use that does not have to meet the separation requirement from residential uses because is in the AGR district, the same as is the case for golf courses, country clubs and farm wineries.

Hartzell pointed out that the parking requirements are pretty broad with calculations based on the use to determine the appropriate parking.

Hartzell advised that local food is a very strong piece of the Comprehensive Plan. This legislation supports and promotes local food.

As far as processing, the market garden legislation does not encourage major processed crops, but processing such as cooking, canning, preserving and making jelly would be allowed. It would also allow bringing in cheese, e.g., from another site to sell but it would not necessarily be part of the market garden.

Hartzell also pointed out that the accessory uses are limited to 10% of the overall area, which is 20 to 40 acres. With some of the AGR lots being 3 acres, the decision was made that allowing the market gardens on 20-acre parcels would provide a buffer. The 10% clearly gives us a use that is not dominating the site, and it would be done by area. The Planning Commission would also have the option to limit the size of any of the buildings.

Esseks inquired about assurance that the restaurant would provide safe food. Hartzell indicated that the restaurant would have to meet all Health Department and commercial codes for food and the codes to acquire a building permit.

Hartzell then discussed the proposed special permit for a specific site on Branched Oak Road between 98th and 112th Streets, about 4.5 miles north of Waverly. The site is 39.98 acres. There is a lake on the site that is about 6 acres, and they have already begun the garden portion of this use. There are some mature pine trees already in place that provide some visual screening. The existing house on the site of the restaurant is planned to be removed. The building on the adjoining property is a metal building, with no residential home. The surrounding zoning is all AG. There is an acreage on the west side. There are a few other farm houses that are nearby but not within 1/4 mile. The accessory use is a restaurant of 2600 sq. ft., which will be open five evenings of the week (Wednesday

through Saturday) and noon to 6:00 p.m. on Sunday. The parking requirement is 13 parking spaces (1/200 sq. ft. of the restaurant). This applicant is actually provided 24 parking spaces with three ADA spaces on-site, and they have designated area for overflow parking. The restaurant will have a total of 100 seats, 68 indoors and 32 outdoors on a patio.

Hartzell then pointed out that the combined total of all the accessory uses is about .93 acres, only about 2.3% of the entire site. The estimated traffic for this site with maximum of 100 guests, is about 50 vehicles at full occupancy, with about 5 employees, resulting in 110 trips per day. The County Engineer has reviewed the traffic estimates, road conditions and traffic counts and has not expressed any concerns.

Proponents

1. Jerry and Renee Cornett, owners of the property in question and the applicants for the special permit, testified. Mr. Cornett recently retired from the military and Mrs. Cornett attended culinary school. They have decided to start an organic farm, and their expertise would be a restaurant. This is a beautiful site and they are purposely proposing a relatively small restaurant to maintain the uniqueness of the property and the agricultural tie. The I-80 corridor study supports this type of use. Activities like this are a positive sign of keeping the rural economy healthy.

The applicants have submitted an organic system plan, and their goal is for certification in April. The food served in the restaurant won't be entirely organic due to the price they want to offer.

Esseks believes this is a wonderful opportunity for the community.

Opposition

1. Jerry Minchow, 8181 Davey Road, 1 ½ mile from the proposed property, testified in opposition with concerns about the traffic and safety on the gravel roads. The customers will come up Hwy 77 and turn on Branched Oak Road, traveling on a gravel road 3.5 miles to the site, passing over 70th, 84th and 98th Street, which are all dangerous gravel roads. He has family members who died in traffic accidents on these gravel roads. He is concerned with the County Engineer thinking the traffic will not reach the threshold. His property is between 70th and 84th Street, with five driveways onto Branched Oak Road. His farm implements are 60' in length and must be transported on these roads. Some of the accidents have been the result of people driving in the country who are not familiar with driving on gravel. He believes more traffic is going to cause more accidents, and the customers may not be familiar with these gravel roads.

Other than the traffic issue, Minchow did acknowledge that the proposal is a fine concept with a restaurant and garden in the country.

Hove wondered whether a lower speed limit would help. Minchow said that speed had nothing to do with the accidents to which he referred. It has to do with the gravel. It's just awareness and experience.

2. Beverly Neth, 17100 N. 98th, who lives one mile from the proposed site and her son lives right across from the property, testified in opposition to the alcohol use being allowed. She also agreed with Mr. Minchow's testimony about traffic. Otherwise, this restaurant will be welcomed in the community with open arms. She would be more in support without the liquor permit.

Gaylor Baird inquired whether her concerns about the liquor are related to drinking and driving. Neth responded, "yes". One does not know what their driving habits are going to be once they have been imbibing.

Response by the Applicant

Esseks observed that frequently, there may be people visiting the market garden because they are really interested in agriculture. They want to interact and perhaps take a tour of the farm. He is wondering if this would then give the applicant the opportunity to influence the visitors about the care they take driving to and from the farm. Cornett acknowledged that he knew traffic was going to be a potential concern. They plan to use technology and have a Web site for reservations and could show potential driving routes and road conditions to make this the best experience for the customers. They have discussed potential alternate routes. They have considered being closed all of January and part of February due to weather conditions, growing seasons, etc. Cornett suggested that the speed limit may indeed be an issue. If you are not experienced, 50 mph on a gravel road can be a problem. The Web site will be a primary focus and they will remind the customers that it is a gravel road.

In regard to on-sale alcohol, Cornett stated that he does not believe the restaurant would be successful without the opportunity to serve wine and beer with dinner. They do not intend to have a bartender. The primary focus will be beer and wine. Having an inventory of hard liquor would not be cost-effective. They will be required to get a liquor license and must comply with all of those regulations.

Hove inquired whether the applicants envision any kind of expansion in the future if the business is successful. Cornett indicated that they do not have any plans to expand. One of the reasons you attract people to a restaurant in the country on the market garden site is the intimacy of the property. Their growth strategy is more in reservations on-line, creating a full house, and then potential for special events.

It was clarified that traffic can go directly from Hwy 77 down Branched Oak Road. There is not a reason why anyone would take 70th, 84th or 98th to the property, except that they are alternative routes.

COUNTY CHANGE OF ZONE NO. 12001
ACTION BY PLANNING COMMISSION: February 22, 2012

Lust moved approval, seconded by Esseks.

Lust believes this is absolutely an excellent idea for both the city and the county. It fits into the Comprehensive Plan; it encourages more local food, which is not only good for the local economy but also good for the environment and the people. She is encouraged to see the change of zone in both the county and the city.

Esseks commented that if we want a healthy agriculture, we have to allow the farmer/entrepreneur to diversify. This appears to be a reasonable path. This is a modest-sized operation. Organic certification would be quite an achievement. He thinks we should try this out as a model for other operators.

Sunderman expressed appreciation for the testimony about the danger of driving on gravel roads when you are not used to them. However, he will vote in favor.

Gaylor Baird expressed that she is pleased to see that the applicant is taking the traffic issue seriously, and that they will promote a greater awareness with their technology, Web site and phone inquiries to have opportunity to educate the people.

Cornelius agreed with everything that has been said. In particular, he is pleased about the opportunity for the diversification that this will allow in the agricultural economy with relatively low impact to the areas that are designated for agricultural use.

Motion for approval carried 7-0: Gaylor Baird, Lust, Weber, Esseks, Hove, Sunderman and Cornelius voting 'yes'; Butcher and Francis absent. This is a recommendation to the Lancaster County Board.

CITY CHANGE OF ZONE NO. 12002
ACTION BY PLANNING COMMISSION: February 22, 1012

Lust moved approval, seconded by Esseks and carried 7-0: Gaylor Baird, Lust, Weber, Esseks, Hove, Sunderman and Cornelius voting 'yes'; Butcher and Francis absent. This is a recommendation to the Lincoln City Council.

COUNTY SPECIAL PERMIT NO. 12003
ACTION BY PLANNING COMMISSION: February 22, 2012

Lust moved to approve the staff recommendation of conditional approval, seconded by Esseks.

Lust stated that she is very satisfied that the applicant is taking the concerns of the neighbors about traffic very seriously. It appears they are on top of it -- they have thought about it and they are designing this restaurant to be able to respond to technology and will be able to respond to road conditions. She thinks it is important for the neighbors to bring issues forward like driving on gravel roads and she appreciates that testimony, but this particular application is a good project and the applicants have been very thoughtful about their concerns.

Esseks sees this as an opportunity for the restaurant to have a special relationship with customers and consumers – to engage in some teaching about the dangers of driving on these rural roads.

Gaylor Baird stated that she is hopeful that this market garden/restaurant will be successful and can be a model for other forms of entrepreneur activity in the County – it is good for the local economy and good for local farmers.

Cornelius stated that he appreciates that this project represents actual concrete steps in support of the goals set forth in the new Comprehensive Plan. With regard to the issue of alcohol sales, he submitted that the licensing of establishments to serve alcohol is a matter taken seriously by state and local agencies. He pointed out that the alcohol is intended for sale on-site only. It is an unlikely source of alcohol to minors. With regard to traffic, he agrees that the applicant seems to take this matter very seriously. This is a site specific matter. We do have the endorsement of the County Engineer. He also agrees that 50 mph on those gravel roads is very fast, but he intends to support this special permit.

Motion for conditional approval carried 7-0: Gaylor Baird, Lust, Weber, Esseks, Hove, Sunderman and Cornelius voting 'yes'; Butcher and Francis absent. This is final action, unless appealed to the Lancaster County Board by filing a letter of appeal with the County Clerk within 14 days.

CHANGE OF ZONE NO. 11042,
LINCOLN PUBLIC SCHOOLS DISTRICT OFFICE
PLANNED UNIT DEVELOPMENT,
ON PROPERTY GENERALLY LOCATED
AT THE SOUTHEAST CORNER OF
COTNER BOULEVARD AND O STREET.
CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: February 22, 2012

Members present: Gaylor Baird, Lust, Weber, Esseks, Hove, Sunderman and Cornelius; Butcher and Francis absent.

There were no ex parte communications disclosed.

Staff recommendation: Conditional Approval.

Staff presentation: **Brian Will of Planning staff** explained that this is a request for a planned unit development over the former LPS District Office site at Cotner Boulevard and O Street, where the building burned down about one year go. The original application included both property controlled by LPS and an adjoining property owner, Taylor Enterprises, initially requesting a change of zone to B-1 to allow 200,000 square feet of office and commercial floor area. The applicant is requesting to remove the property owned by Taylor Enterprises from the PUD, reducing the total amount of office and commercial floor area to 183,000 square feet.

There are three waivers requested, including:

1) adjustment to the front yard setback, extending along O Street and Lyncrest, making accommodation for dedication of right-of-way to accommodate a turn lane in O Street; and in order to place a rectangular building on the corner there is an adjustment to the front yard setback. The remainder of the front yard setback (along the rear) is pursuant to the district with no adjustment requested.

2) adjustment to required parking. B-1 generally requires is 1/100 sq. ft. of floor area. There are exceptions, with some uses having a higher requirement and some with a lower requirement. The request in this case is to adjust that requirement down to 1/400 sq. ft. of floor area, because the uses that are allowed (LPS office use) and the commercial uses developing on the eastern portion have a parking demand that does not compete with one another.

3) adjustment to the maximum height, which is 40 feet in the B-1 district. The applicant is requesting a height up to 65 feet to accommodate the district office building. The staff is suggesting an additional provision to maintain the separation to the residential to the south, i.e. any building within 65 ft. of the rear property line would maintain a setback equal to the height of the building. Thus the building would be no closer than 65 ft. to the rear property line.

Staff supports these waiver requests.

Will stated that the applicant and their consultants and representatives should be commended for this collaborative process. Staff has been involved for a long time and has made several comments, all of which have been incorporated, except possibly for one issue that will be discussed by the applicant.

Gaylor Baird inquired about how close the former building was to the rear yard. Will did not know the exact dimension but it was fairly close, maybe 20-30 feet or less.

Proponents

1. Scott Wieskamp, Director of Facilities and Maintenance for **Lincoln Public Schools**, acknowledged the members of the Planning Department and Public Works Department for all of their support and assistance during this process. They have been working together as a team for a long time to bring this proposal forward.

Wieskamp stated that the proposal is a PUD change of zone with some height modifications, some restrictions in the use, and modifications in setbacks which were carefully thought out. The applicant met with the Eastridge Neighborhood Association last week with about 30 neighbors present.

Contrary to a lot of the discussions in the community, Wieskamp submitted that the School Board's objectives are not how much money to make by selling part of the property. The three objectives are what's best for LPS, the staff, students, and parents; we want to make sure this project is good for our community – it's not about the bottom line but about a good project; and we want what is best for the neighborhood. This public hearing was postponed in order to meet with the neighborhood.

LPS went into that neighborhood meeting with these challenges – we knew that traffic and parking, the tenants, lighting, and noise would all come up, and they did. They had good and frank discussions with the neighborhood. He believes that there are good answers and solutions to a lot of the challenges and he believes that LPS has a good direction in order to solve the challenges.

The three-story LPS facility will be 50' tall. There is a strip of retail on the O street frontage with a prime retail tenant on the northeast corner.

Wieskamp believes that this is a good project to promote. It solves a lot of the main objectives of what's best for LPS, the community and the neighborhood. He acknowledged that they have not solved every problem, but they have good direction to do so.

Gaylor Baird again inquired as to the distance of the former District Office to the neighbors. Wieskamp stated that it was 20 feet.

Wieskamp explained that the applicant is proposing to amend the application to reduce the footprint by eliminating the property to the west. This project is on a very aggressive schedule and they have been unable to reach agreement with the property owner to the west relating to a Cotner access to the development. However, the proposed design does not close the door for that to happen in the future. It is not a deal breaker, but we do want it to happen.

Hove inquired as to the size of the previous building. Wieskamp stated that it was slightly more than 100,000 square feet. The new building, excluding the lower level basement, will

be about a 30,000 sq. ft. footprint at three stories. Hove expressed concern about the amount of parking that will be available. Wieskamp explained that LPS has actually pulled four or five programs out of that building, so the number of employees parking at that facility will be reduced. The PUD allows 1/400 sq. ft., but the current plan, even with the mixed use, will meet the 1/300 sq. ft. They are attempting to find the right kind of tenants so that the uses do not overlap as much. Wieskamp believes they have made accommodations to make the parking work. They have actually increased the total number of stalls on the site by 40 or 50.

2. Kent Seacrest appeared on behalf the developer, **Lincoln Public Schools.** Two weeks ago, he submitted the first part of the motion to amend which is the removal of the Taylor property from the PUD. They have worked hard with the Taylor family to provide a connection over to Cotner, but it would have required a 5 to 7 ft. cut of their land and LPS would have to rebuild their parking lot. The developer has made all those offers and the Taylor family would not agree, so the Taylor property is being removed from the PUD.

In addition to amending the area of the PUD, Seacrest submitted motions to amend in response to requests by staff as follows:

1.1.6 Revise Waiver Note #3 to state: "SETBACKS ARE ADJUSTED PER THE BUILDING ENVELOPE SHOWN ON THE SITE PLAN. THE PLANNING DIRECTOR CAN MAKE MINOR ADJUSTMENT TO THE FRONT AND SIDE SETBACKS BY ADMINISTRATIVE AMENDMENT. ADDITIONALLY, IF A BUILDING OVER 40 FEET IN HEIGHT IS WITHIN 65 FEET OF THE SOUTH PROPERTY LINE, THEN THE SETBACK TO THE SOUTH LOT LINE WILL EQUAL THE HEIGHT OF THE BUILDING." Then, clearly delineate and label the building envelope on the site plan. Given the drawing is drawn to scale, the setback can be dimensioned if necessary.

1.1.7 Revise the prohibition note as follows:
The following uses are prohibited: Sexually oriented businesses are prohibited, including live entertainment establishments as defined in section 27.03.545 of the Lincoln Municipal Code. ~~and any other businesses engaged in sexually oriented entertainment, shows, moves, picture, films, videos, massages, telecommunication, or escort services.~~

The applicant and staff are in agreement on these two amendments.

Seacrest then explained that there was a third request made to the applicant by staff to show a theoretical mark on the plan showing a possible connection to the Taylor property out to Cotner Boulevard. Seacrest explained that the applicant is all for that concept, but to date, they have not reached agreement with the Taylor family. The Taylor property would have to be re-graded and cut down 5 to 7 feet to make it happen. That means a similar size grading cut on the LPS side along that west property line. Seacrest advised

that right now, the applicant's grading plans show that they are going to make the cut and put in the retaining walls on the LPS property so that if someday the Taylor family wants to do that connection, they will be able to match the grades. The applicant is willing to show the access, but if it is shown now, there need to be agreements in place as far as insurance and liability and how the road will be maintained. He does not want an arbitrary signal that there could be a future access. "We are ready when they are ready", but there should be legal documents to cover the liability issues and the cost issues.

There was no testimony in opposition.

Will explained that the Comprehensive Plan talks about connectivity. Whether the Taylor property were involved or not, the staff would be asking the applicant to show some sort of connection to the Taylor property. This is not unusual nor out of the ordinary. It is the sort of thing that we typically strive for in commercial developments. Will would support some compromised language. Staff believes it is important that it be shown and be accommodated as part of this PUD at this point in time.

Esseks believes it is obvious that the applicant has a commitment to achieve what the city has in mind by putting in the necessary grade. On the other hand, Mr. Seacrest suggests that going beyond that represents some serious legal problems for his client. Esseks stated that he is tending to defer to Mr. Seacrest's judgment.

But, Will urged that this is the same requirement that is made in other commercial developments. We would be looking for providing that sort of internal circulation. For example, the change of zone from R-3 to O-2 at 80th and Pioneers required a zoning agreement, the primary reason being to provide access across that site to what is now a residence to the west. It is providing the ability to make those connections in the future. That is all we are trying to guarantee.

Sunderman suggested that the amendment could be something as simple as showing that connection pending legal agreement between the two property owners. Will agreed.

Will clarified that this connection was shown in the original PUD application, but is no longer being shown because of the change of the PUD area.

<u>Response by the Applicant</u>

Seacrest agreed that the connection is important but it is usually framed in the issue of public street stubs or private roadways with public access easement. He is not familiar with one with a private driveway with no public access – where government is telling two neighbors that they have to share. He agreed to work with staff and Law to come up with some alternative language. It might be more than connectivity, but also public access issues. Seacrest requested that the Planning Commission approve the proposal, including

his motion to amend, and take his pledge that they will work hard with staff to come up with something on the access to the property to the west before Council.

ACTION BY PLANNING COMMISSION: February 22, 2012

Cornelius made a motion to approve the staff recommendation of conditional approval, as amended by the applicant, adding Condition #1.1.8, "Contingent upon the applicant arriving at agreement with the Director of Planning regarding the issue of connection to the Taylor property to the west.", seconded by Gaylor Baird.

Gaylor Baird stated that one of the reasons this is exciting is because this is another great example of what we were hoping for in LPlan 2040 – seeing mixed use development or redevelopment along a major corridor and entryway into our city – a nice aesthetic contribution to that corridor, one that adds value to the corridor and really supports a lot of the principles of the Comprehensive Plan. We have seen LPS work with the neighbors and residents to work out some of the issues and concerns over lighting and distance between the buildings and properties to the south. It appears that those concerns have been resolved; it is nice to see this going forward; LPS needs to get their operations back to normal and she will support it.

Sunderman stated that he will also support the proposal. It is excellent. It will be good for that corner. Regarding the question of connectivity between two private properties, he is comfortable with the amendment, but he would like feedback from both parties as to how this works out.

Esseks is confident that Mr. Seacrest and Mr. Krout can get together and come up with good solutions. He will support the motion.

Cornelius expressed his excitement about the project; it appears that it will be built along a set of design guidelines that might serve as models for any future design standards that will be developed in accordance with LPlan 2040. He is sympathetic to the notion that government is stepping in, but it is a substantial project with substantial traffic and circulation is important. He is looking forward to hearing how this works.

Motion for conditional approval, as amended by the applicant and as further amended by Commissioner Cornelius carried 6-0: Gaylor Baird, Weber, Esseks, Hove, Sunderman and Cornelius voting 'yes'; Lust absent at time of vote; Butcher and Francis absent. This is a recommendation to the City Council.

ITEMS NOT ON THE AGENDA:

Marvin Krout, Director of Planning, updated the Commission on the status of the text amendment relating to “greek house parking”, which the Planning Commission acted upon previously, following the staff recommendation of .75 parking spaces per resident in a fraternity or sorority, unless that house is within 600' of a university campus, then reduced to .5 parking spaces per resident.

A speaker/leader of the East Campus Community Organization (ECCO) testified at the Planning Commission hearing with concerns about the reduction of the parking based on proximity to the campus and how that would affect their neighborhood. Krout made the decision to step back to do more research and meet with the neighborhood association and UNL, finding that there is no universal set of circumstances at each of these campus locations. The existing houses in downtown will be nonconforming to any rule that we write. On East Campus, the University is offering parking passes to students, but there are not a lot of takers because there is a lot of free and convenient parking in the East Campus neighborhood and on the streets. There have been a lot of problems historically in dealing with those on-street parking issues. The neighborhood thought this legislation was adding to a problem they already have.

Krout has determined that there is no “one size fits all” in terms of proximity and that we could not easily develop some system that would work in each of those cases and make the ordinance even more complicated. Therefore, he has agreed with ECCO to eliminate that automatic reduction if you are across the street from a campus because it means something different in each of the cases. ECCO is satisfied with .75 being a good ratio overall. Krout stated that he is planning to go forward to the City Council with an amended proposal but wanted to discuss it with the Commission first. The .5 standard will not be a part of the recommendation to the City Council. It will be .75 for everyone.

Krout then advised that the Department is planning future workshops for the Planning Commission on the following:

–Redevelopment process;

–County zoning and subdivision amendments to deal with what we called “small lots” in the agricultural district in LPlan 2040;

–Use groups - the major reorganization of the zoning code;

–Follow-up on emphasis on pedestrian and bicycle transportation, i.e. a mini-capital program for pedestrian and bicycle improvements.

There being no further business, the meeting was adjourned at 2:40 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on March 7, 2012.

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