MEETING RECORD

NAME OF GROUP:	PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING:	Wednesday, April 18, 2012, 1:00 p.m., Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska
MEMBERS IN ATTENDANCE:	Leirion Gaylor Baird, Greg Butcher, Michael Cornelius, Dick Esseks, Wendy Francis, Chris Hove, Jeanelle Lust, Lynn Sunderman and Ken Weber; Marvin Krout, Steve Henrichsen, Ed Zimmer, 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 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 April 4, 2012. Motion for approval made by Lust, seconded by Francis and carried 9-0: Gaylor Baird, Butcher, Cornelius, Esseks, Francis, Hove, Lust, Sunderman and Weber voting 'yes'.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION: **April 18, 2012**

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

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 12009 and SPECIAL PERMIT NO. 12010.**

Item No. 1.2, Special Permit No. 12010, was removed from the Consent Agenda and scheduled for separate public hearing due to a letter received in opposition.

Ex Parte Communications: None

Lust moved approval of the remaining Consent Agenda, seconded by Hove and carried 9-0: Gaylor Baird, Butcher, Cornelius, Esseks, Francis, Hove, Lust, Sunderman and Weber voting 'yes'.

Note: This is final action on Special Permit No. 12009, 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. 12010,
CECH ADDITION COMMUNITY UNIT PLAN,
ON PROPERTY GENERALLY LOCATED
AT SOUTH 40TH STREET AND PIONEERS BLVD.
PUBLIC HEARING BEFORE PLANNING COMMISSION: April 18, 2012

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

There were no ex parte communications.

Staff recommendation: Conditional approval.

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

Staff presentation: **Brian Will of Planning staff** explained that this is a request for a CUP special permit to allow up to three dwelling units. This is an unusual circumstance in that the lot intended to be subdivided has a cul-de-sac taking a significant portion of it and separating the large open space on the south portion of the lot. In order to accomplish this subdivision for an additional dwelling unit, the applicant is requesting two waivers: Adjustment to the front yard setback adjacent to Clifford Drive and the lot depth. The staff did take a look at a house plan to make sure that the house is going to fit. The Planning Department agrees with the two adjustments which will result in a usable lot which otherwise is largely unusable. The staff finds it to be an acceptable use of the property.

Esseks asked the Planning Department to react to the letter received in opposition that the setback is inappropriate. Will believes that perhaps there was a misinterpretation of the setback issue. The concern of the opposition was with the adjustment to the front yard setback. That setback is measured from the lot line. The separation from the curb of the back of the street is in excess of 20'. The staff has imposed a condition that the garage be no closer than 22' from the back of the sidewalk, the intent being so that the car can park in the driveway without overhanging the sidewalk. Will believes there may have been a misunderstanding on the measuring of the setback.

With regard to the unusual circumstance, Gaylor Baird inquired whether the amount of open space to the east was a big factor in the Planning Department's recommendation.

Will concurred. It is surrounded by open space. The only real adjustment it affects is the 5' setback off the front, which is right across the cul-de-sac from the applicant's own dwelling. There is no impact on other dwellings in the area.

Proponents

1. Mike Eckert of Civil Design Group appeared on behalf of **Russell Remodeling,** which is going to be building the house for the owner of the property. This lot is narrow enough that with a larger front yard setback and rear yard setback it would basically be unbuildable, but in this case a house would be viable with the waiver requests. Ultimately, it is Ms. Cech herself and her neighbor who has been involved in this process who are impacted by the reduced front yard setback. These are acceptable waivers and they promote infill. Eckert acknowledged that there must be 22' from the face of the garage to the back of the curb so that car will not overhang the sidewalk.

Eckert advised that the setback adjustment has been explained to the opposition. It is actually 21.4' to the property line from the curb, and then 5'. So the house will be 26' from the curb. This is acceptable to Public Works.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION: April 18, 2012

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

Francis believes this is a good use for infill. It is a nice area and she is glad to see it put to use.

Cornelius acknowledged that there are unusual circumstances in this case. The amount of green space to the east makes this an unusual and acceptable exception to the rule.

Motion for conditional approval carried 9-0: Esseks, Lust, Sunderman, Francis, Hove, Gaylor Baird, Butcher, Weber and Cornelius voting 'yes'. This is final action, unless appealed to the City Council within 14 days.

CHANGE OF ZONE NO. 12005
FROM AG AGRICULTURAL DISTRICT
AND R-2 RESIDENTIAL DISTRICT
TO H-3 HIGHWAY COMMERCIAL DISTRICT
ON PROPERTY GENERALLY LOCATED
AT HIGHWAY 2 AND FIRST STREET, CHENEY, NEBRASKA.
PUBLIC HEARING BEFORE PLANNING COMMISSION: April 18, 2012

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

There were no ex parte communications.

Staff recommendation: Denial.

Staff presentation: **Brian Will of Planning staff** explained that this is a request for change of zone from AG and R-2 to H-3, on property southeast of 91st Street and Highway 2. The Planning Department is recommending denial of this application.

The future land use map designates a portion of the subject property as urban density residential and the rest of it is designated AG low density. First and foremost, based upon the future land use map, the Comprehensive Plan does not support commercial zoning at this location.

In addition, while Cheney is unincorporated, the dwellings and the businesses located there are served by SID#5; that is, sewage from Cheney is treated by ponds on the north side of Highway 2. In staff's conversation with the SID, staff was advised that those facilities are at capacity and they will not allow any more connections. It is served by rural water, which flows would be adequate for residential or light commercial uses but certainly do not provide adequate fire protection for more intense development. Almost all of the roads in Cheney are gravel. The Comprehensive Plan provides guidance whereby commercial development which is more intense should be in locations where it would be supported by adequate infrastructure, i.e. paved streets, sewer and water, etc. This property meets none of those requirements.

Will also pointed out that there is a painting business right next door which has been in existence for some time. It was destroyed by fire and allowed to be rebuilt by special permit. At that time, the Planning Department was recommending denial of that special permit for the same reasons. If commercial zoning is allowed on this property, perhaps it sends the message that commercial zoning is appropriate for other property in the area, and staff is not finding this appropriate.

Will also noted that several years ago as part of the Comprehensive Plan, a subarea plan was done for this area. The constraints and limitations raised in this proposal were

also noted as part of that subarea plan review. That subarea plan process did involve stakeholders of property in the area and concluded that until such time there is more study and some conditions change, additional commercial development not be allowed in this area and that the residential zoning in place be maintained.

Lust asked for clarification of the sewage issue. Right now, this is zoned residential but does she understand correctly that even residential development is not really a possibility for that because of the sewage issue? Will agreed. He believes there is an allowed connection for the one dwelling existing on the property, but additional connections would not be allowed.

Lust then wondered whether it is necessary for the proposed mini-storage unit to hook up to any sewer system. Will believes the applicant will suggest that they could develop this facility without permanent staff. However, staff is not suggesting that the limitation on septic is the reason to deny the mini-storage. It is just part of the larger package. And, changing the zone does not mean it would always be a mini-storage facility.

Esseks expressed concern about setting a precedent that may be detrimental to the community and could undermine the newly approved Comprehensive Plan. Looking at the 2010 aerial in the staff report, there is a lot of open space between Lincoln Street and 91st Street. What is the indication in the Plan for the preferred use south of Highway 2 going from the subject property up to 91st Street? Will stated that the land use plan shows “urban density” designation and AG. Esseks observed that there is a fair amount of space between the subject area and where other commercial exists. Will agreed that there is considerable distance, probably over 1/4 or 1/3 mile.

Proponents

1. Mark Hunzeker appeared on behalf of the owners of the subject property. He showed a picture of the house that exists on the property, which was built in 1920, consisting of 925 sq. ft., valued by the County Assessor at $39,900 for the land and $32,400 for the structure.

Hunzeker suggested that the staff’s recommendation of denial rests in large part on decisions that were made over 10 years ago. The 2001 subarea plan was done in the context of a major amendment to the Comprehensive Plan to support the shopping center on the north side of Highway 2 and the commercial development on the south side of Highway 2 between 84th Street and 91st Street. At that time, it was very well known that the sewer capacity for Cheney was maxed out. The sewer being extended to serve the shopping center and other commercial development could have been constructed at a depth which would have enabled Lincoln to serve Cheney. But, for a variety of reasons – more political – the decision was made not to do that and Cheney was carefully drawn out of Lincoln’s future area.

Hunzeker went on to state that within a short time thereafter, the paint business immediately to the west burned down and a special permit to rebuild and enlarge that nonconforming use was approved in 2002, a year after the subarea plan. Within the last year, Lincoln's Comprehensive Plan reaffirmed that prior decision by putting Cheney into Tier 2, which means they may be served by Lincoln by 2060.

Hunzeker stated that his client's property has a 92-year old house; the property is divided ½ and ½ between AG and R-2; and is bordered by the Athey painting business along the entire west boundary, with Highway 2 on the north and east boundary and gravel county road on the south. Even if zoned R-2, this property is not developable without sewer.

Hunzeker submitted that the recommendation to leave this property zoned residential is not a zoning decision so much as it is that this property has no reasonable use for the foreseeable future, possibly as much as 48 years into the future.

Hunzeker then suggested that the staff report could be characterized as ambivalent. The choices are three: 1) leave the property in its present condition for the foreseeable future – underutilized, dilapidated, and not contributing to county tax base; 2) rezone to commercial without conditions – well water would be required to store water for sprinkler systems; it would have to have septic system; there would be more traffic and heavier vehicle traffic and possibly some road maintenance issues; or 3) accept the change of zone, with the conditions for a zoning agreement proposed by staff, to allow mini-warehouse use, which is a very attractive kind of use. Hunzeker showed a rendering of the plan intended to be developed – they would have an attractive solid masonry type fence all the way around the facility, and, as required, a landscaped area along Highway 2 to conform with the entryway standards. Given the past decisions that have affected this property and the currently foreseeable options available, Hunzeker believes this is a very good option. It is a very low traffic generator – two cars during an hour – which is way below what you would generate with a residential density of any kind.

Hunzeker concurred that this might generate some difficult decisions in the future, but he argued that the stage was set for that in 2001-2002 and not caused by this application. Decisions should be based upon whether the proposed use is reasonable and it should be in conformance with the statutory admonitions of the zoning ordinance, i.e. that:

> . . .Such zoning regulations shall be designed to secure safety from fire, flood, and other dangers and to promote the public health, safety, and general welfare and shall be made with consideration having been given to the character of the various parts of the area zoned and their **peculiar suitability for particular uses and types of development** and with a view to conserving property values and encouraging the most appropriate use of land throughout the area zoned . . [emphasis added]

Hunzeker submitted that this is a peculiar situation – this property is peculiarly suited for this kind of use. It will not become a burden on the sewer or water system; it will not cause a burden on traffic; and it will improve this property tremendously. Hunzeker requested that the Commission approve this change of zone with the conditional zoning agreement provisions set forth in the staff report.

Francis inquired whether Hunzeker's client intends to live on the property. Hunzeker stated that the owner will not live on the property. The house would go away with the construction of the storage facility. There might be a small office which would probably have a restroom but it would be less water and sewer use than a single family house.

Esseks then wondered about the argument that this sets a precedent so that all these places along Highway 2 could make the argument that the precedent has been set justifying commercial development. We are talking about a sizable amount of space that is not in the Comprehensive Plan for commercial development and our community is dedicated to keeping the city compact. Hunzeker acknowledged that he was not directly involved in the development of the shopping center on the north side of the road, but he was aware of the discussion about the possibility of burying that sewer deeper. He thought that the city should have buried that sewer deep enough to take Cheney in at some point in the future. One of the big arguments against annexation was that Cheney wanted to keep their school and not be in the LPS district. In 12 years, things have changed and he does not believe the Cheney school exists today. You still have the problem with the sewer, and you have this land which is isolated that cannot be used for residential, is probably not large enough for agricultural uses effectively, and it really is just a barren piece of ground that should have some use.

In terms of precedent, Hunzeker agreed that the Commission should take that into account, but he could not think of any commercial use other than what is being proposed that generates as little traffic and requires as little in the way of public services as a mini-warehouse. The chances of all that ground being developed as mini-warehouses is pretty slim. There would be very reasonable objections to uses like a Cracker Barrel or something when there isn't very good access, streets are not improved and no sewer capacity. There are other considerations, but for this piece, for this use, restricted to this use until such time as the city agrees otherwise, he thinks it is reasonable and this owner deserves to have some reasonable use of the property.

Esseks believes the H-3 zoning sets a precedent for other properties. Hunzeker explained that H-3 is the only district that allows for mini-warehouses. We don't have anything else. He had to seek the zoning district that allowed the mini-warehouse use. Maybe between now and 2060, Cheney will get its sewer fixed and there will be improvements to the Rural Water District, but until that time, this is the kind of use that does make sense and is reasonable for this parcel.

Weber inquired whether the applicant has gotten any response from residential property owners to the south. Hunzeker believes that there are two letters in support. He is not aware of any opposition.

Gaylor Baird challenged Hunzeker's suggestion that this land is unusable for residential because there is currently a usable residential structure on the land. Hunzeker stated that he would not call it usable. It is vacant; it is 92 years old; the master bedroom would not enable even a queen or king size bed; it's 900 sq. ft. The sewer hookup does work for this house, but for the amount of money it would take to rehab this house to be reasonably rentable, it would be more economic to tear it down and replace it with a mobile home.

Cornelius then inquired why a mobile home is the only alternative in that case instead of a more suitable more modern house. Hunzeker's response was building a new home means investing a lot more money on a site which has a gravel road for access and which has a paint shop business on the west side of it, and Highway 2 to the north. It is not a particularly desirable residential lot. He would not suggest that the paint shop is a problem, but what's really ironic is to suggest that we have an issue with fire protection and we have approved a business which literally has a paint booth and does painting in the building all the time that was approved for reconstruction and expansion, knowing full well that we had this issue in Cheney at the time. That business has never created any objections in Cheney, but to suggest that we now have a problem with fire protection for a mini-warehouse development does not appear reasonable. The house has been vacant for four years.

Support

1. Lonnie Athey of Athey Painting, which borders this property on the west, testified in support. His business was hit by lightning and he was allowed to rebuild. It was a win-win situation because it has actually improved the site. He is in support of this proposal because it will be an upgrade to Cheney. There is already one sewer connection. This is the best thing that could happen to that corner. He has had no difficulty with anyone in Cheney.

2. Jeff Olson, the owner represented by Hunzeker, informed the Commission that the reason he and his wife and two young sons do not want to have their residence on this property is the highway on the north side. That is why he does not want to build a house. He does not believe other people would want to build there either.

Opposition

1. Eloise Hiatt, 8400 S. 98th Street, testified in opposition. She lives directly north of the subject property, about one block off of Hwy 2, and is the Clerk/Secretary/Treasurer for the SID system which serves Cheney. She did receive an e-mail from a resident in Cheney asking how the board stood on the issue and she said that she was not in favor of this proposal.

The board itself discussed this application on Monday and is not in support of changing the zoning on the property to commercial because the SID has a problem right now. They are working with NDEQ and have been told they cannot make any additions or have any other hookups to the sewer system; they are also not allowed any transfer of the use of the system to another situation; if another residence wanted to be built on the property, that is the only use that would fit in with the guidelines for allowing another hookup. There is a gravel road on the north, which is there for allowing access to the town of Cheney. Highway 2 is the gateway into Lincoln and there is no commercial in the Cheney area now and it is more appealing to have open grass rather than a commercial setting. She requested that this application be denied.

Weber asked for further clarification about additional hookups. Hiatt advised that the SID would not allow any other hookups to the sewer system. They would not allow a transfer from a house to another use. The house there now is hooked up. The SID has just recently changed the way they are needing to bill customers because they are being required to build a new lagoon system. Hiatt reiterated that the SID would not allow a commercial entity to hook up to the sewer. This is based on the history and discussions at the board. Any change to this procedure would be something the board would have to vote upon.

Francis suggested that use of the residence by a family of four would be quite an impact on the sewer system. Hiatt confirmed that the owner could tear down the existing structure and build another residence and still be hooked up to the sewer. As long as it is a residence, it can continue to be hooked up to the sewer system. A hookup for a commercial warehouse would have to be a SID board decision.

Gaylor Baird cautioned that just because it is a small house does not mean it is uninhabitable. The Commission cannot base its decision on the suggestion that no one could live here.

Hove believes the question is the usage of the sewer. He believes that the usage of the sewer in a house would be more than a warehouse or storage facility.

Cornelius confirmed with Hiatt that the SID board has historically differentiated between residential use and commercial use for purposes of allowing hookups. Hiatt responded, stating that the sewer was built in 1976, so it is at capacity and that is why they are working with NDEQ to build a new lagoon, etc. At this point, the NDEQ is saying no new hookups, so the board was saying no new hookups.

Assuming similar or exactly the same usage patterns, Cornelius wondered what basis there is to say a house four times the size could be built and hooked up versus a mini-warehouse with a small restroom. Why would that differentiation be made? Hiatt stated that the property is now hooked up as a residential user and that is how it is designated.

Response by the Applicant

Hunzeker believes that the issue of residential vs. commercial can be resolved with the SID. For example, it is permissible to have on-site live-in managers. The applicant could facilitate either the construction of a small new residential structure for the manager to live in, or possibly incorporate it into the existing building. He believes that the applicant can manage the issue on the sewer hookup. Frankly, if the applicant were denied the hookup, he could probably manage with a septic field that could be built as part of the project. He does not believe the SID position makes sense in this circumstance. If the usage and projected usage were explained to the board, he thinks there might be some flexibility. But, even if not, he believes they can work with it.

Lust suggested that perhaps the sewer hookup issue with the SID is a question for another day. The Planning Commission decision has to be based on the appropriate zoning. Hunzeker agreed. The fact that there is a limitation on the sewer capacity is relevant, but whether or not this particular use is going to get a hookup is not for the Commission to worry about.

ACTION BY PLANNING COMMISSION: April 18, 2012

Gaylor Baird moved denial, seconded by Esseks.

Gaylor Baird observed that there has been a lot of discussion about the sewer and agrees that it should not be the focus. The big question is the appropriate zoning for this area, and our Comprehensive Plan tells us that it is residential. So the issue here is where we, as a Planning Commission, want to direct commercial and industrial development, and she does not believe this is the place. Regardless how small this particular proposal seems, we are setting a precedent. There will be others asking us to make exceptions. She does not see how we can be fair to all of these different requests

that may come in the future if we make an exception today, contrary to the Comprehensive Plan, which we just spent a huge amount of time studying and mapping suitable land uses. The Comprehensive Plan designates this property as residential and we need to deny this application.

Francis commented that the Comprehensive Plan is a plan and a guideline. She does not believe anyone is going to want to live that close to Highway 2. Just because it is zoned for residential does not mean it has to remain residential. Anything that abuts Highway 2 is more likely to be commercial as opposed to residential.

Weber respectfully disagreed with Gaylor Baird. There is highway/roadway to the north and east and there is no opposition from property owners to the south. He really does not think he would want to live there. The sewer issue is up to the applicant to work out with the SID. He respects the work put into the Comprehensive Plan, but we have to look at each individual property. He does not know that this sets a precedent, but some properties are more inclined to be changed than others.

Esseks stated that if this were just an incremental expansion of a commercial area as designated by the Plan, that would be one thing. But here we are talking about many parcels with 1/3 or more of a mile between this land and the area designated for commercial development by the Comprehensive Plan. He is concerned by the size/distance between the two and the precedent that would be set having more landowners wanting to develop commercially along Highway 2 to the west. He is impressed by the testimony from the SID. He believes that the Commission needs to respect the wishes of local government bodies like that. We are not imposing a new burden on the landowner. True, we are not enabling the owner to have a more productive use of the property, but we are also not imposing a new burden. This change of zone would ignore the Comprehensive Plan, and he does not think that should be done by the Planning Commission.

Lust reiterated that the Comprehensive Plan is a guide and not a rule. That is why the Planning Commission exists – so that, of course, we can take into consideration the Comprehensive Plan when we make decisions, but it is still our role as a body to look at individuals that come before us and make decisions that make sense for the property at issue, while considering the Comprehensive Plan and the additional commercial development. She is not concerned about setting a precedent – we get to say no to other people that apply if there is a good reason for saying no. She does not think residential zoning makes sense for this property. This use would be an improvement to the property and to Cheney, and the people that live nearest to this property are in favor.

Gaylor Baird reiterated that while yes, the Comprehensive Plan has flexibility and is adaptable, we're not looking at just a map of what's where, we're actually voting against a central principle of the Comprehensive Plan that we should direct commercial and

industrial development to more urban areas and not allow proliferation in less urban areas. This is actually a bigger deal than we realize. The precedence actually has profound implications and is a profound rejection of the central principle of the Comprehensive Plan. Therefore she cannot support this application.

Butcher stated that he recognizes the concern for setting a precedent, but he also believes that a precedent was already set with the special permit just to the west. The finger-pointing has already begun. The continual precedent that you will see in this area will be before us in a short time. So he is inclined not to deny this application because the precedent was begun years ago.

Gaylor Baird urged that the Commission not continue the precedent. If the mistake was made or a poor decision was made by others who preceded, why keep moving in that direction? We need to say no today.

Sunderman observed that the area is more urban than residential. Looking at the map, the dividing line should be 1st Street between commercial and residential areas, at least on the east side of Cheney. As far as 91st Street, he anticipates that the Commission will see other applications come forward. He agreed that the Comprehensive Plan is a guide and it is the role of the Planning Commission to deal with exceptions. He thinks the best use of this property is what is being proposed.

Cornelius stated that he looks for unique sets of circumstances in these situations. Are we looking at an opportunity for improvement? Is there capacity of the area to support the current zoning or is it necessary to change the zone? He is torn, but he is guided by the principles of the Comprehensive Plan. He also sees opportunity here for a residential development that fits Cheney as much as perhaps a mini-warehouse. There is opportunity for landscaping Highway 2. On the other hand, as far as viability for commercial development, although it is adjacent to Highway 2, the property has no connection to Highway 2. It is served by gravel roads. While there is the possibility for a zoning agreement limiting the use, we are then looking forward to a time when everything becomes an exception.

Motion to deny failed 3-6: Esseks, Gaylor Baird and Cornelius voting ‘yes’; Lust, Sunderman, Francis, Hove, Butcher and Weber voting ‘no’.

Lust moved approval, subject to conditional zoning agreement in accordance with the suggested terms set forth in the staff report, seconded by Francis.

Gaylor Baird expressed disappointment because the Planning Department very, very rarely comes before the Commission with a recommendation of complete denial, and the Commission tends to support the staff’s recommendation.

Motion for approval, subject to conditional zoning agreement, carried 6-3: Lust, Sunderman, Francis, Hove, Butcher and Weber voting 'yes'; Esseks, Gaylor Baird anc Cornelius voting 'no'. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 12004,
TEXT AMENDMENT TO TITLE 27
and
MISCELLANEOUS NO. 12001,
TEXT AMENDMENT TO DOWNTOWN DESIGN STANDARDS,
ALL RELATING TO THE WEST HAYMARKET/ARENA DEVELOPMENT.
PUBLIC HEARING BEFORE PLANNING COMMISSION: April 18, 2012

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

There were no ex parte communications.

Staff recommendation: Approval.

Staff presentation: **Christy Eichorn of Planning staff** explained that these text amendments are a follow-up to the previous map changes heard by the Commission recently. Because some changes were made where B-4 was going to be allowed with West Haymarket and the Arena, there are changes that need to be made to existing maps in the ordinance or referenced by the ordinance:

1. The height map in B-4 reflecting the multiple different height requirements in the Downtown. When we came to make the changes to this map to reflect the new B-4 zoning, we realized there were some inconsistences between the zoning map and the Airport Environs and Capitol Environs District maps. This amendment will coincide all three maps. Property owners have been notified and staff met with the Downtown Lincoln Association. There are two blocks where 275' was originally shown by mistake when the map was drafted. Eichorn then explained the height changes on the map. The airport zoning district has a requirement that you cannot build above 150' above the base elevation of the nearest airport runway, so no matter what our zoning ordinance says, that requirement cannot be trumped. That is why the changes went from 275' to 150'. This amendment also reflects the change to the 100' height limit for the West Haymarket area and reflects that height limits for future B-4 would be 75'. The Airport Environs Zoning map was changed to match the B-4 map. Changes were made to the Capitol Environs map in 2009 which used to stop at 9th Street. That map is now being updated.

2. Billboards and off-premises signs. The text change does not allow billboards west of 9th Street (similar to the language in the Haymarket area) where you must be a certain distance away from a corridor; certain distance away from historic district, etc. Therefore, there will be no billboards west of 9th Street.

Steve Henrichsen presented the proposed changes to the Downtown Design Standards, explaining that there will be a new street called Canopy Street behind Lincoln Station along the canopy of the former railroad tracks in that area. It is one street that should be treated as a special street in our Downtown Design Standards, like the area between N and Q and in Antelope Valley.

This amendment also adds the limitation on drive-through facilities between N to P from 10th to 14th Streets. That limitation is already in the B-4 zoning ordinance today. It is not new, but staff believes that provision to be more appropriate in the Downtown Design Standards as opposed to the zoning ordinance.

Henrichsen also explained that the amendment to the two sections on materials is unrelated to West Haymarket, but included here with a finding to allow flexibility in types of materials.

There was no testimony in opposition.

Commissioner Lust left before the vote.

CHANGE OF ZONE NO. 12004
ACTION BY PLANNING COMMISSION: April 18, 2012

Francis moved approval, seconded by Gaylor Baird.

Cornelius observed that this is an opportunity to bring several maps into harmony.

Motion for approval carried 8-0: Esseks, Sunderman, Francis, Hove, Gaylor Baird, Butcher, Weber and Cornelius voting 'yes'; Lust absent. This is a recommendation to the City Council.

MISCELLANEOUS NO. 12001
ACTION BY PLANNING COMMISSION: April 18, 2012

Hove moved approval, seconded by Francis, and carried 8-0: Esseks, Sunderman, Francis, Hove, Gaylor Baird, Butcher, Weber and Cornelius voting 'yes'; Lust absent. This is a recommendation to the City Council.

There being no further business, the meeting was adjourned at 2:25 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on May 2, 2012.

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