

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, March 20, 2013, 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, Michael Cornelius, Wendy Francis, Chris Hove, Jeanelle Lust and Dennis Scheer (Tracy Corr, Lynn Sunderman and Ken Weber absent); Marvin Krout, Steve Henrichsen, Tom Cajka, Christy Eichorn, 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 requested a motion approving the minutes for the regular meeting held March 6, 2013. Motion for approval made by Francis, seconded by Hove and carried 6-0: Gaylor Baird, Cornelius, Francis, Hove, Lust and Scheer voting 'yes'; Corr, Sunderman and Weber absent.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

March 20, 2013

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

The Consent Agenda consisted of the following items: **TEXT AMENDMENT NO. 13003, TEXT AMENDMENT NO. 13004, COUNTY TEXT AMENDMENT NO. 13005, SPECIAL PERMIT NO. 11022A and SPECIAL PERMIT NO. 11033A.**

Ex Parte Communications: None

Item No. 1.1a, Text Amendment No. 13003; Item No. 1.1b, Text Amendment No. 13004; and Item No. 1.1c, County Text Amendment No. 13005, were removed from the Consent Agenda at the request of Commissioner Hove and scheduled for separate public hearing.

Lust moved approval of the remaining Consent Agenda, seconded by Francis and carried 6-0: Gaylor Baird, Cornelius, Francis, Hove, Lust and Scheer voting 'yes'; Corr, Sunderman and Weber absent.

Note: This is final action on Special Permit No. 11022A and Special Permit No. 11033A, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days.

There were no requests for deferral.

TEXT AMENDMENT NO. 13003 (TITLE 27, LMC);
TEXT AMENDMENT NO. 13004 (TITLE 26, LMC);
and
COUNTY TEXT AMENDMENT NO. 13005 (ARTICLE 11,
COUNTY ZONING RESOLUTION),
ADOPTING THE REVISED FLOOD INSURANCE RATE MAP
AND FLOOD INSURANCE STUDY
FOR LANCASTER COUNTY AND INCORPORATED AREAS.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 20, 2013

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

There were no ex parte communications disclosed.

Staff recommendation: Approval.

These applications were removed from the Consent Agenda at the request of Commissioner Hove.

Staff presentation: **Sara Hartzell of Planning staff** explained that these are two text amendments to the City code in the chapters dealing with floodplain and floodway and a text amendment to the County zoning resolution in the article referring to the floodplain district. The changes are to the dates in the language referring to the Flood Insurance Rate Map (FIRM) and the Flood Insurance Study (FIS) that are done by FEMA periodically. Whenever the maps are updated we want to refer to them in the zoning codes so that we have the best available information. The map and study updates were done in cooperation with the NRD, Public Works (Watershed Management) and the County Engineer.

Hartzell reviewed the revised floodplain map which is online for the public to access. The map shows not only the new floodplain and floodway areas, but also the older ones. The maps depict the existing floodway and floodplain and the new floodway and floodplain.

There are changes in Waverly and in the Salt Creek area. There are places where the floodplain was drawn back and places where the floodplain grew, and Waverly is aware of the changes in their jurisdiction (See, Analysis #5 in the staff report).

Hove explained that he had asked that this be removed from the Consent Agenda because it does impact homeowners who will now be in the floodplain when they were not previously, so it is something we should talk about and at least let the public know that it is happening. Those homeowners will be forced to buy flood insurance in the event they have a loan on the property.

Hartzell explained that there is a public process that goes along with this and every effort is made to get the information out to the public; however, individual landowners were not contacted.

Ben Higgins of Watershed Management also explained that there is public notice published in the newspaper and no one has contacted Watershed Management.

Francis inquired how long this has been in process because the map she viewed on-line was dated August, 2011. Higgins agreed that to be very dated information, but it takes a couple of years for FEMA to go through the whole process.

Francis understands that property owners were not notified individually, and perhaps no one reads notices published in the newspaper. What recourse do the property owners have in order to protest this new map? Higgins indicated that the property owners do have a right to protest, and the best way is to send a protest to the city; however, the property owner needs to have engineering or other technical reasons why the map is wrong. Letters of map revisions can be done and Public Works has worked with people before to change them.

Francis inquired what information FEMA uses to determine the map changes. Higgins indicated that FEMA uses information based off of fly-over elevations done by the state. The state does two or three counties every year. Most of the work is based on LIDAR information.

Francis inquired as to the amount of land being added to the floodplain. Higgins did not have the information, but there are quite a few areas taken out that were in before.

Francis confirmed that the revised map will be on the County Assessor GIS. Higgins indicated they would get it updated on April 16th, or very soon thereafter.

Hove reiterated that homeowners who are in the floodplain are required to get flood insurance.

There was no testimony in opposition.

TEXT AMENDMENT NO. 13003

ACTION BY PLANNING COMMISSION:

March 20, 2013

Lust moved approval, seconded by Scheer.

Francis appreciated that Hove removed this from the Consent Agenda. Anytime floodplain is expanded, it should be discussed in the public forum. She wishes there was a better way of letting landowners affected know about it. She does not believe a lot of people look at the notices in the newspaper.

Hove agreed. People that find their properties are in the floodplain do have some avenues to get their property out of the floodplain, but it is quite an extensive process. They will have to get flood insurance.

Motion for approval carried 6-0: Lust, Scheer, Francis, Hove, Gaylor Baird and Cornelius voting 'yes'; Corr, Sunderman and Weber absent. This is a recommendation to the City Council.

TEXT AMENDMENT NO. 13004

ACTION BY PLANNING COMMISSION:

March 20, 2013

Lust moved approval, seconded by Francis and carried 6-0: Lust, Scheer, Francis, Hove, Gaylor Baird and Cornelius voting 'yes'; Corr, Sunderman and Weber absent. This is a recommendation to the City Council.

COUNTY TEXT AMENDMENT NO. 13005

ACTION BY PLANNING COMMISSION:

March 20, 2013

Lust move approval, seconded by Francis and carried 6-0: Lust, Scheer, Francis, Hove, Gaylor Baird and Cornelius voting 'yes'; Corr, Sunderman and Weber absent. This is a recommendation to the Lancaster County Board of Commissioners.

CHANGE OF ZONE NO. 13004

**"THE RAILYARD SPECIAL SIGN DISTRICT",
ON PROPERTY BOUNDED BY NORTH 7TH STREET
ON THE EAST, R STREET ON THE NORTH,
CANOPY STREET ON THE WEST AND
Q STREET ON THE SOUTH.**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 20, 2013

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

There were no ex parte communications disclosed.

Staff recommendation: Conditional Approval.

Staff presentation: **Christy Eichorn of Planning staff** explained that this is an application for a change of zone for a special sign district. A special sign district is a zoning overlay and that is why it is a change of zone application – it is an extra layer that goes on top of the zoning layer that already exists. This special sign district application is for one particular block just north and adjacent to the Haymarket area, and is an important part of the redevelopment of the Arena, downtown and the West Haymarket area. It will mimic the sign district that exists in the Haymarket with two exceptions:

- 1) It will have a special type of display, which is called “the Cube” and it is part of the redevelopment agreement for this area. Specifically, in the sign district it is not identified as a sign and it does not necessarily function as an off-premise sign. It will be a display showing shows, commercials, other activities – the purpose of the large display screen is for entertainment and will be part of the Railyard district. Because this is a very unique area with unique sign requirements, staff felt that the special sign district would be prudent. It would not only help the staff track signs and sign permits in this area but also help make sure of compliance with the redevelopment agreement. The redevelopment agreement did include some specifications dealing with signs.
- 2) The other sign unique to this special sign district is a wall sign that will potentially go across two buildings. There is nothing in the sign code that identifies a sign that arches between two buildings. Therefore, because this is a unique type of sign it had to be specifically identified in the special sign district.

Proponents

1. **Brett West with WRK**, 3042 Sheridan Boulevard, explained that “the Cube” is a digital video board 15 feet high by 45 feet wide facing the interior courtyard, and 15 x 15 facing Canopy Street on the side. As set forth in the redevelopment agreement, the primary purpose of this video board is to enhance the area with the special sign district. There will be different displays, with five minutes every hour devoted to advertisements to promote events. The whole idea is to make it something that has never been seen before.

Francis inquired whether it is mostly to promote events coming to the area. West explained that to be only the five minutes for advertising. One of the concepts we are working on is calling it the “Railyard” with a 15-minute video presentation. It is intended to be like a show in and of itself. We can show pregame Husker events through Husker Vision or whatever is on Cable TV. It is intended to draw people into the common space. It will enhance the common space and be considered public art.

West also explained that the other sign in the sign district spans two buildings in an alley that connects into the courtyard to draw people into that area.

The rest of the signs will fall under the B-4 zoning district regulations.

There was no testimony in opposition.

Cornelius asked for an explanation of how “the Cube” functions relative to the existing ordinance about animated signs. Eichorn explained that the special sign district does not identify “the Cube” as a sign, so it does not have to meet the same separation requirements of electronic billboards.

Cornelius commented that there is language in the ordinance about duration of still and animated images, the reason being safety driven. Eichorn suggested that those provisions would not apply to “the Cube” because it will be centered on a C-shaped avenue where they do not expect to have a lot of vehicle traffic. And if there is any traffic, it would be relatively slow. It is internal to a courtyard.

ACTION BY PLANNING COMMISSION:

March 20, 2013

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

Gaylor Baird commented that during the Comprehensive Plan update, there was a lot of discussion about “placemaking” and this is an example of an application where there is a concerted effort to create a sense of place – it is a new part of Lincoln and it is historic. An important part of signs and signage is how to achieve that sense of place.

Motion for conditional approval carried 6-0: Lust, Scheer, Francis, Hove, Gaylor Baird and Cornelius voting ‘yes’; Corr, Sunderman and Weber absent. This is a recommendation to the City Council.

There being no further business, the meeting was adjourned at 1:25 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on April 3, 2013.