

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, May 1, 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, Tracy Corr, Chris Hove, Jeanelle Lust, Dennis Scheer, Lynn Sunderman and Ken Weber; Marvin Krout, Steve Henrichsen, Brian Will, Tom Cajka, Christy Eichorn, Paul Barnes, Dave Cary, Brandon Garrett, David Pesnichak, Ed Zimmer, Stacey Groshong Hageman, 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 April 17, 2013. Motion for approval made by Lust, seconded by Hove and carried 8-0: Gaylor Baird, Cornelius, Corr, Hove, Lust, Scheer, Sunderman and Weber voting 'yes'.

There was no Consent Agenda.

There were no Requests for Deferral.

**CHANGE OF ZONE NO. 13005
TO DESIGNATE A HISTORIC LANDMARK
and
SPECIAL PERMIT NO. 13013
FOR HISTORIC PRESERVATION FOR USE OF
A LANDMARK PROPERTY AS A COMMERCIAL
BUSINESS, ON PROPERTY GENERALLY LOCATED
AT N.W. 84TH STREET AND W. ADAMS STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION:**

May 1, 2013

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

There were no ex parte communications disclosed.

Staff recommendation: Approval of the landmark designation and conditional approval of the special permit.

Staff presentation: **Ed Zimmer of Planning staff** showed slides of the 19-acre parcel just west of the City Limits on Adams Street with the principal building located in the exact center of the parcel. There is a gravel drive and one can see the old brick pavement, showing evidence of an earlier use of the site. There is a depression in the ground that looks like a filled cellar hole for an earlier building. The tree line and fence line that stood in front of that cellar hole stretches about 150 yards across the front of the property. In fact, there are pieces of the fencing imbedded in one of the trees.

The property itself is a building generally the style of a ranch house, with concrete brick on one facade and plain concrete on the rest of the facades. With regard to the measurements of the site, it is a L-shaped plan of a taller building with lower building wrapped around it. It is very unusual and of very heavy construction.

Zimmer then shared a history of the site, stating that it was owned by the Air Force. The Planning Department's notification process brought someone forward to confirm that this had been an Air Force Remote Command Center for retreat if the base were attacked. It was later purchased and remodeled into a house. The outbuildings are principally of later construction. The focus of the landmark is the concrete building.

Zimmer further pointed out through photographs that the brick is only applied to the very face of the building. You can still see five parking stalls striped in the old concrete. Both entrances are the original entrances with Air Force stripes up the sides of the sidewalks. It does have attached outbuildings that are completely covered, including the walkways.

With regard to the associated special permit, Zimmer advised that the only changes proposed in the site would be one more metal building, and it would be no larger than the largest existing building, with gravel driveways. The applicant's proposed use is an indoor disassembly recycling facility – they obtain wrecked cars, disassemble and sell off the parts. By the information on the applicant's application and the proposed conditions of approval on the special permit, the disassembly and recycling would be contained in the buildings. They would use the house as a residence and the buildings for the commercial business. This is a continuation of a business they have already been operating in Lincoln.

Lust inquired whether it is necessary to have the landmark designation in order to have the special permit. Zimmer advised that this is the most flexible special permit in the code and is only for the preservation of landmarks. The applicant can ask for any legal use in any zoning district that with careful review is beneficial to the landmark. There is not another special permit that really addresses this specific use, and given that there

are other landmarks associated with events in our past, this seemed to fit. This helps us understand our Cold War era.

Hove confirmed that the zoning is AG. Zimmer confirmed that it would remain AG zoning with a historic landmark overlay and special permit with specific conditions allowing the specific use. With the landmark designation and the special permit, the property can only be used for the residence, the office associated with the business, and indoor disassembly recycling. This does not allow any outdoor use of the site.

Lust asked whether the next user or owner of the site can use it for industrial purposes. Zimmer reiterated that the property can only be used within the limits of the special permit. The special permit goes with the land, not the owner. Another owner would have to fit the language without further review. They would have to comply with all the conditions of the special permit.

Proponents

1. Dimitriy Osiychua, 2205 Southwood Place, the applicant, appeared to answer any questions. He stated that his family has been in this business for almost five years. He and his brother started it in a basement and grew it to where it is today. It is a very small family-owned operation. They do have several employees. They have operated at their current location for over three years and they have decided to get something on their own. This site fits everything they do. He confirmed that they keep everything inside. There is no hazardous storage or anything outdoors.

There was no testimony in opposition.

CHANGE OF ZONE NO. 13005
ACTION BY PLANNING COMMISSION:

May 1, 2013

Hove moved approval, seconded by Lust.

Lust commented that it is always nice when we can reuse buildings and facilities that are existing, and it sounds like a good use of the property. She appreciates Zimmer's presentations and learning more about Lincoln's history.

Gaylor Baird noted that the Historic Preservation Commission is recommending approval and that this provides an opportunity for growth of a local business, so it seems like a win on all fronts.

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

SPECIAL PERMIT NO. 13013

ACTION BY PLANNING COMMISSION:

May 1, 2013

Hove moved to approve the staff recommendation of conditional approval, seconded by Gaylor Baird and carried 8-0: Hove, Scheer, Gaylor Baird, Weber, Sunderman, Corr, Lust and Cornelius voting 'yes'. This is final action, unless appealed to the City Council within 14 days.

CHANGE OF ZONE NO. 13007

LANDMARK DESIGNATION

and

SPECIAL PERMIT NO. 13015

FOR HISTORIC PRESERVATION FOR USE

OF A LANDMARK PROPERTY AS A

NEIGHBORHOOD MEETING FACILITY

ON PROPERTY LOCATED AT 659 SOUTH 18TH STREET.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 1, 2013

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

There were no ex parte communications disclosed.

Staff recommendation: Approval of the landmark designation and conditional approval of the special permit.

Staff presentation: **Ed Zimmer of Planning staff** presented the proposal to designate this 1920 bungalow on 18th Street between G and J Streets as a historic landmark. (H Street does not cut through here). It is a dense urban neighborhood with lots of buildings. It is a classic American bungalow form, stucco clad. The garage in the back becomes part of the special permit. The double garage will be converted for assembly use. The house was built by and for the family of Conrad Schaaf, a very busy local builder early in the 20th century who also operated a millwork company. The house still has the original interior displaying the millwork. There is good survival of the original woodwork. There are lots of glass fronted cabinets, bookcases and a buffet. There are French doors to an office area; there is a phone nook in the hallway with built-in bench and platform for the phone.

The Historic Preservation Commission is recommending approval of this landmark designation based on the association of Mr. Schaaf as a prominent builder's own house with his own woodwork.

Zimmer explained that the associated special permit is asking permission to convert the existing garage into a place of assembly – neighborhood support service – for a use

that is now ongoing inside the house for a program called Jacob's Well. The special permit request is only to be able to rehab the garage for the meeting place for that use. The site plan will exist as it is today. They will not change the site other than improve the existing garage and maintain the site and the buildings.

David Landis, Director of the Urban Development Department, testified in support of the proposal because it contributes in a very significant manner to stable neighborhoods and good living conditions. This is a faith-based community organization and on a quarterly basis they gather 200-300 neighbors for a block party in this area. For the last three years they have operated the Food Bank with First Presbyterian Church to provide 300 households with food on the first and third Saturdays. They have also worked in conjunction with the community CROP organization. The particular program in this garage is aimed toward 30-40 young people who gather and receive instruction and work together on crafts, recreation, nontraditional mentoring, meals, etc., and while this is not a normal and standard practice, it is exactly what we want to have happen in the neighborhood. This is a significant factor in the success of a neighborhood. This is a fragile neighborhood with a diverse population, and this kind of activity is the kind of thing that makes things work in a fragile neighborhood.

Proponents

1. **Bill Thornton**, 2518 N. 83rd Street, the applicant, stated that he will be moving into 659 S. 18th Street as his residence. He agreed with the testimony of David Landis. His son, Mark, is the Executive Director of Jacob's Well, which is a faith-based community development nonprofit providing neighborhood services in the area. He has lived in Lincoln for 30 years. He was pastor at Capital City Christian Church until last December. He now teaches at Nebraska Christian College in Papillion. They have been involved as people who drive into the neighborhood to encourage the neighbors and have made the decision to move into the neighborhood.

Support

1. **Mark Thornton**, 659 S. 18th Street, who is the Executive Director of Jacob's Well, testified in support. Jacob's Well was founded in 2009 and they have been working with the kids in the neighborhood for three and a half years. It started with doing arts and crafts with three girls next door and has grown to 15 kids coming over on Tuesday nights. They have made the decision to move into the neighborhood to help people as neighbors and not just another agency. The garage renovation provides an opportunity to stay in the neighborhood and maintain this as a safe place – a haven where there is no domestic violence, crime or drug use. The garage will not be expanded.

2. **Scott Lloyd**, 5509 T Street, a member of the Board of Jacob's Well, testified in support. He has seen the growth and amazing activity in the area. The applicant

already has the community support and they have raised all the funds through donations necessary to accomplish this work.

3. Erik Hjermsstad, 7020 Cedar Creek Circle, one of the volunteers helping with the kids programs on Tuesday nights for the last year and a half, testified in support. They interact with the kids in the neighborhood, walking them home every night, helping them with homework, etc. It is a great opportunity to provide a safe place for the kids to keep coming, learning and understanding what it means to have a good neighborhood environment.

4. Bill Janike, 6601 Perry Circle, who is a member of First Presbyterian Church which is a couple of blocks away, testified in support. The Church has partnered with Jacob's Well on the food distribution and development of the garden, and has partnered in other ways where there have been activities on holidays and other times during the year. First Presbyterian Church will remain in the neighborhood and continue in development of the relationships with the people in the neighborhood.

5. Jennifer Wendelin, 2925 Apple, who has been involved with neighborhood associations and city politics, testified in support. We need to see more of this. There needs to be more community support. She would like to see something like this in every neighborhood.

There was no testimony in opposition.

CHANGE OF ZONE NO. 13007

ACTION BY PLANNING COMMISSION:

May 1, 2013

Lust moved approval, seconded by Sunderman.

Gaylor Baird believes that the historic landmark designation makes a lot of sense given the historic architecture and the person who built it. The neighborhood association endorsed this application as well as the Historic Preservation Commission, and we have heard wonderful testimony about the benefits to the neighborhood.

Corr commended those who testified and stated that she strongly supports their work.

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

SPECIAL PERMIT NO. 13015

ACTION BY PLANNING COMMISSION:

May 1, 2013

Lust moved to approve the staff recommendation of conditional approval, seconded by Weber and carried 8-0: Hove, Scheer, Gaylor Baird, Weber, Sunderman, Corr, Lust and Cornelius voting 'yes'. This is final action, unless appealed to the City Council within 14 days.



SPECIAL PRESENTATION

David Cary of Planning staff introduced Jed Moulton, Urban Design Manager for the City of Omaha Planning Department, to speak about what the Omaha Planning Department is doing with the urban design element in their master plan, which is commensurate with the Lincoln-Lancaster County Comprehensive Plan. He worked in private practice as an architect for 17 years before joining the City of Omaha in 2007.

Cary explained that the purpose of this presentation is to give the Planning Commission information about what is happening just 60 miles away, just to get some perspective on what the City of Omaha is doing with design standards. The Lincoln-Lancaster County Planning staff has been doing some work over the past year to put together information that will be used to have a conversation in Lincoln about this topic. The intent is to have some standards for commercial mixed-use development and redevelopment that would be more walkable and well-designed for our community overall. Two weeks from today, Marvin Krout will provide another presentation after the regular meeting to begin the discussion about design standards locally and start getting feedback from the community.

Cary also stated that the information which the Planning Department has gathered locally is not based on the Omaha design standards. It doesn't mean what they are doing is not the right way, but what you see today is just one example of this type of effort that is being done across the nation.

Mr. Moulton then provided an overview of the design standards being used in Omaha. And he talked about "Omaha by Design", which is a nonprofit organization founded and funded philanthropically, housed in the UNO Community Public Affairs, which facilitates public/private/philanthropic conversations about the betterment of the community; and identifies and recommends projects and components of the master plan and how to proceed.

He explained that the Urban Design element is a new chapter in Omaha's municipal code, resulting in 21 goals and 73 urban design recommendations. This effort had

extensive outreach and public involvement. One of the highest priorities of implementation was the Urban Design code. There was a technical advisory group that worked on the Urban Design code. It was a two-year process and was approved unanimously. "Omaha by Design" provides a monitoring role and reviews it annually.

It was a comprehensive approach, taking on 125 square miles of Omaha and developing a system to begin to understand the different contexts and how they could begin to address some of the issues. The "fishbone" concept identified primary corridors. They take segments at a time and work with the neighborhood associations and property owners, gain feedback and provide input about the benefits.

Moulton showed examples of site specific design standards including screening, parking, sidewalks, landscaping, staggered retaining walls, etc. He also showed examples of projects depicting the building design guidelines which are more urban with parking in the rear, including some residential.

Moulton pointed out that urban design issues include the context created by the street. Designing the street needs to be sympathetic to the development. The mixed-use districts are what you see in the western part of Omaha. They start with the character of the street with groupings of buildings relating to the street, creating "places", not just retail space.

The Urban Design staff in Omaha promotes early design review with useful design input.

This effort involved a 12-step public engagement process with direct mailings to all property owners and one-on-one meetings. They calibrate the code.

The Urban Design Review Board is a critical part of their success. That is the forum to gain feedback on code interpretation or make recommendation for changes and improvements. The Board also reviews all publicly funded projects.

The Urban Design code is updated annually, generally creating more flexibility and more clarification about how the code works.

As far as what's next is the creation of the Neighborhood Conservation Enhancement District involving older remnants of commercial property that are very valuable to the neighborhood. This is targeted as an economic redevelopment tool to provide overlay to assure compatibility. Omaha is moving toward a stand-alone form based code. They also have historic preservation tools for areas and National Register districts. The big challenge is retrofitting older commercial malls with the conservation overlays.

Question and Answer

Cornelius inquired why communities have to start from zero each time and convince certain corporate entities that there is value to the design standards. Moulton suggested that it depends on whether you are in a transitional environment or have a context in place. Generally speaking, you won't get cooperation towards compliance with the design standards until you ask for it. He also suggested that once you have your requirements in place, many of the national developers will have a plan that works. It is pretty common, but it won't happen until you ask and you stand up for it. They have to be convinced that politically it is important to the area. You need to have community support along with the staff support.

Hove inquired about balancing the additional costs involved in the design standards. Moulton suggested that the solution is rearranging what you currently have. For example, the CVS project just involved rearranging the building. There was some additional cost in the building elements, but in the scheme of things it was under 3 to 4 percent of the cost. And in some cases, it yields more developable area on the site. "You can do a well-designed building on a budget if you want to do it."

Lust inquired whether Omaha has experienced any development falling apart because of the design standards. Moulton acknowledged that there have been one or two. For example, the Pizza Ranch had a theme to their building that just didn't fit, so they took it to another location. However, Omaha works really hard to try to find a solution.

Corr wondered how difficult it was to get the development community on-board. Moulton responded that many of them promote and support it; many developers recognize that there is an added value to the product; there is still contention, and it involves listening, hearing and addressing the concerns. There is a process and we are willing and open to have the conversation. We don't want to prevent development, but we want to promote the right kind of development.

Scheer inquired about the differences or similarities between Omaha's Urban Design Board and Lincoln's Urban Design Committee. **Marvin Krout** suggested that perhaps the main difference would be age. Lincoln's Urban Design Committee is a long time institution and they are involved and responsible for review of public/private projects including TIF. And, more recently, the neighborhood design standards have been in place for over twenty years and the Downtown design standards have been in place for five years. Lincoln's Urban Design Committee plays the role as sort of an appeal board. Our effort has been to be as simple as possible, both in terms of the standards and in terms of the process. Lincoln's Urban Design Committee is generally the administrative process that does not go to a board or committee for review. They are only there when there is a request for a waiver or a complete different direction and it is not something that the staff can or has the capacity in the ordinance to waive

administratively. There have only been one or two cases where the Urban Design Committee has seen a private project.

Moulton stated that in Omaha, reviews are done administratively for private development and the board is used for matters of discrepancy and interpretation. So it is very similar to Lincoln's Urban Design Committee.

Gaylor Baird inquired about the reaction of the community. Moulton stated that he is not aware of any great failings. He thinks many people are pleased. They will be reconvening the technical advisory group to do a retrospective and talk about whether it is working.

There being no further business, the meeting was adjourned at 2:15 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on May 15, 2013.