MEETING RECORD

NAME OF GROUP:	PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING:	Wednesday, October 30, 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:	Cathy Beecham, Michael Cornelius, Tracy Corr, Chris Hove, Jeanelle Lust, Dennis Scheer, Lynn Sunderman and Ken Weber; Marvin Krout, Steve Henrichsen, Ed Zimmer, 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 Jeanelle Lust called the meeting to order and acknowledged the posting of the Open Meetings Act in the back of the room.

Lust requested a motion approving the minutes for the regular meeting held October 16, 2013. Cornelius moved approval, seconded by Hove and carried 8-0: Beecham, Cornelius, Corr, Hove, Lust, Scheer, Sunderman and Weber voting 'yes'.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION: **October 30, 2013**

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

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 13024.**

There were no ex parte communications disclosed.

Item No. 1.1, Change of Zone No. 13024, was removed from the Consent Agenda and scheduled for separate public hearing at the request of Commissioner Beecham.

CHANGE OF ZONE NO. 13024
FROM R-2 RESIDENTIAL DISTRICT TO
R-5 RESIDENTIAL DISTRICT,
ON PROPERTY GENERALLY LOCATED
AT 4926 GARLAND STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION: October 30, 2013

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

Staff recommendation: Approval.

There were no ex parte communications disclosed.

This application was removed from the Consent Agenda and had separate public hearing at the request of Commissioner Beecham.

Staff presentation: **Tom Cajka of Planning staff** presented the proposal for a change of zone on one lot from R-2 to R-5 located between 49th and 50th Streets on the north side of Garland. There is R-5 zoning on each side of the lot in question. There is R-2 zoning to the north and P Public zoning to the south, including a park. A large portion of this neighborhood was downzoned in 2005 from R-5 to R-2. The corner lot (next to the lot in question) was taken out of the downzone and remained R-5 at that time. Thus, there is one little piece of R-2 in that half block.

Beecham noted that the applicant mentioned in the application letter that they hope to use the corner and the lot in question together. The corner lot was exempted from the downzone, at which time it had a single-family house. Cajka believes there was a demolition permit issued in May of 2006, which was after the downzoning; however, the corner lot is zoned R-5. This applicant did not own the property at that time.

Corr inquired whether the neighborhood association was contacted. Cajka stated that they would have received notice from the Planning Department. He did not know whether the owner contacted the neighborhood association. Three contacts in the University Place Neighborhood Association received notice from the Planning Department.

Weber inquired about the reason for the previous downzone. Cajka explained that back in 2005, there were a lot of older neighborhoods that wanted to protect the established single-family areas and prevent either single-family homes being changed to duplexes or coming in and tearing down several houses for apartments. R-2 does allow duplexes; however, it depends on the size of the lot.

Beecham asked whether density was an issue during the downzone. Cajka acknowledged that density was an issue in 2005. However, the thoughts about density have since changed somewhat.

Beecham sought confirmation that the downzone application went to City Council. Cajka confirmed; however, the corner lot was exempted.

Proponents

1. Chuck Earley, 5219 Garland Street, testified as the applicant and owner. He believes this change of zone will improve this area of Garland Street. His family has done a lot in the University Place neighborhood in the last 18 years, e.g. moved houses off of Garland that were condemned. An apartment/4-plex was built at 49th & Walker where an older house was removed; one of the houses was condemned, so he moved it off of Garland to 57th and R, and he lived in it for three years; another house in disrepair was moved off of Garland to 51st & Fremont, and was purchased by a family friend; the last house moved was at 4946 Garland, just east of the subject lot, 4926 – it was moved two blocks down on Garland. All of these houses were in need of repair. His son bought 52nd & Garland eight years ago. The Earley family is part of the neighborhood. They want to be the best neighbors they can.

Earley went on to state that the apartments are very nice and well-maintained; they are not trouble apartments; he was instrumental in getting N. 51st Street paved between Leighton and Garland, and paid a large percentage of the cost; he was also instrumental in getting street lights installed in the 52nd & Garland area. He wants to clean this lot up and improve the neighborhood.

Earley submitted that this area needs some stability; the R-5 zoning is appropriate because there is R-5 on the east and R-5 on the west; R-2 between two R-5's at this location could be a real problem. He no longer has rental houses because they are more of a problem with more liberties.

Earley reiterated that this rezoning is meant to stabilize the area. It needs to be R-5. Earley was able to retain the R-5 on the corner lot because he bought it for multi-family living. The block face needs to be the same.

Beecham wondered why rentals are more difficult. Earley suggested that most of the Wesleyan students know each other. If the house is a rental, those tenants will know everyone in the apartment on the corner. He believes it has the potential to become a party house. It is difficult to control a house in this location close to an apartment with tenants on each side.

2. Mike Earley, 5203 Garland, testified in support. He pointed out that it has been recommended that the house at 4926 be demolished. However, the accountant advised

against tearing it down immediately. To this date, his family has not entered the house because of the stench and bug infestation. It has been broken into by homeless at least three times and has recently been a victim of graffiti. He wants the neighborhood to be safe and clean for raising their children. According to the N. 48th Street plan, this property should be upzoned back to R-5 to stabilize the area and clean it up with a new quality building on the property. It will never be an owner-occupied home being between two apartment complexes. It will have a tendency to become a party house.

Corr asked whether 4926 was owner-occupied previously. Earley acknowledged that it was owner-occupied. There was an elderly lady who did not maintain the house and she had three or four dogs and cats.

Corr asked Earley whether he contacted the neighborhood association. Earley stated that he did not know who to contact. When they first moved into the neighborhood, they received an invitation to one meeting but have not been invited again for seven years.

Beecham asked if the applicant plans to build an apartment on the corner lot. Earley responded that it was their intention to build a new complex. He advised that the house on the corner lot was not demolished. The demolition permit was pulled to remove the garage and the house was moved to 52nd and Garland.

Beecham pointed out that the North 48th Street plan was actually in place before the downzoning.

3. Nancy Earley, 5219 Garland, testified in support. They purchased 4926 Garland on September 20, 2013. She suggested that cars parked on the street is usually a reason to object to zoning changes. She believes that if this rezoning occurs, there would be no more tenant parking on the street than there is today. The 4926 house has two bedrooms on the main floor and one in the basement, which is nonconforming. Three bedrooms would likely mean three cars – one in the driveway and one to two on the street. If the zoning is changed, they could remove the 4926 house and might be able to build four 2-bedroom units. The code for street parking for four units is seven, leaving one tenant car on Garland or on N. 50th Street. Even if five or six more units could be built, it would be the same, i.e. one tenant car in the street.

Earley sees the parking issue as a wash with the big advantage being a more stable and controlled environment in the immediate area. If logic rules today, this property will be rezoned to R-5. It is a win-win for the owners and for the neighborhood.

There was no testimony in opposition.

Staff questions

Corr inquired as to who was responsible for creating the North 48th Street plan. Cajka advised that the Urban Development Department was in charge of the creation of the North 48th Street plan. It is an attachment to the 2040 Comprehensive Plan. It was not updated as part of the downzone.

Beecham inquired about the density that would be allowed as single property or two properties together. Cajka advised that R-5 allows single-family, duplex, townhomes, and multi-family, depending on the amount of land and parking requirements. If they did four units, the requirement is 1.75 stalls per unit, requiring seven off-street parking spaces. The parking is determined by number of units, not the area. The maximum density with the two lots together as R-5 zoning allows 1,100 sq. ft. of lot area per unit, setting aside land area for parking. It is hard to say how many units could be built because they would have to figure the land area and get the off-street parking required.

Beecham inquired about design standards for the apartment buildings because the apartment buildings to the west do not have any windows or doors facing the street. Cajka acknowledged that any new construction now would require compliance with the neighborhood design standards, which is a door and two windows facing the street, with parking in the back.

ACTION BY PLANNING COMMISSION: October 30, 2013

Hove moved approval, seconded by Corr.

Beecham expressed concern that the neighborhood association is not present at this hearing, and that is a concern because this was a downzoning that was worked on for quite some time, approved by the Planning Commission and unanimously approved by the City Council. She is uncomfortable changing it without hearing from both sides. Another concern is that part of the staff report indicates that half of the block already has apartments so we should get rid of the single-family house. Originally, there was a house on it. She does not want to set a precedent of tearing down a single-family house to get the zoning. She appreciates that the house was moved, but it introduces the whole question of whether we are encouraging people to get rid of the single-family housing stock in order to change the zoning for apartments. Just because it is an apartment does not mean it won't be a party house. She believes a single-family home could be a great addition to the neighborhood.

Cornelius also shares some of the same concerns as Beecham. We are dealing with the result of a downzoning process. This is a complicated situation, and more complicated because through the process of the downzone we wound up with this half block being mixed zoning. He does not believe approving the change of zone to R-5 invalidates the message generated by that original downzone because we are talking about a single lot

on a block face that is otherwise zoned differently. He stated that he shares the concerns that a rental house has a set of problems and complicating factors that are different from multi-unit housing, which is more closely regulated.

Lust believes this is appropriate rezoning. It does not make sense to have R-2 in the middle of a block next to R-5. It provides flexibility for the owners to make vast improvements and continue their efforts toward improvement of the neighborhood, which she wholeheartedly applauds.

Motion for approval carried 7-1: Scheer, Corr, Hove, Cornelius, Sunderman, Weber and Lust voting 'yes'; Beecham voting 'no'. This is a recommendation to the City Council.

COMPREHENSIVE PLAN CONFORMANCE NO. 13010, AN AMENDMENT TO THE YOLANDE AVENUE REDEVELOPMENT PLAN, GENERALLY BOUNDED BY NORTH 14TH STREET TO NORTH 24TH STREET BETWEEN CORNHUSKER HIGHWAY AND SALT CREEK. PUBLIC HEARING BEFORE PLANNING COMMISSION: October 30, 2013

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

Staff recommendation: A finding of conformance with the Comprehensive Plan.

There were no ex parte communications disclosed.

Staff presentation: **Wynn Hjermstad of the Urban Development Department** presented the proposal to amend the Yolande Avenue Redevelopment Plan, which was approved in November of 2011. The amendment adds a new project for the purpose of using TIF funds. The project includes a 100,000 sq. ft. building including manufacturing, warehouse and offices. The company interested in developing the property is PCE, Inc., a multi-national corporation which provides products for the data center industry and a variety of custom plastic parts. PCE has outgrown their current space on Yolande Avenue. They need to build additional space and desire to stay on Yolande Avenue. PCE also has a metal stamping facility close by. The plans are very preliminary at this point, with the hope of starting construction next year.

Although PCE is a multi-national company, most of their employees are in Lincoln (about 250). This expansion will ultimately allow eight additional production lines, and they currently have eight, so this is a substantial expansion.

Hjermstad further advised that the site is 2.8 acres, currently zoned I-1. The zoning will not change. It will be an approximately 10 million dollar project with about $900,000 in TIF. TIF would be used for traditional purposes such as demolition, site preparation and public utilities.

Hjermstad submitted that the proposed project is consistent with the Comprehensive Plan in that it retains and expands the existing business uses and existing infrastructure. It does complement projects completed last year that included resurfacing Yolande Avenue and new sidewalks, and LES installed street lights. It is a classic case where the city improved the infrastructure and the private businesses are expanding in part because of those improvements.

If this is found to be in conformance, the next steps are approval of the plan amendment by City Council and a redevelopment agreement by City Council.

Hove inquired whether there are any environmental issues with the property. Hjermstad was not aware of any environmental issues at this point; however, it will certainly be investigated. The property is in the floodplain so there may be issues with that. Hove confirmed that TIF will support those kinds of activities, and Hjermstad indicated that it would.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION: October 30, 2013

Beecham moved to approve the staff recommendation to find the proposed amendment to be in conformance with the Comprehensive Plan, seconded by Hove.

Cornelius stated that he will support the motion. This is in conformance with the Comprehensive Plan because it expands an existing use by a primary employer using existing infrastructure.

Lust commented that it is great when we can put public funds to good use, expanding space and expanding a very good employer in the City.

Motion for finding of conformance with the Comprehensive Plan carried 8-0: Scheer, Beecham, Corr, Hove, Cornelius, Sunderman, Weber and Lust voting 'yes'. This is a recommendation to the City Council.

COMPREHENSIVE PLAN AMENDMENT NO. 13002,
ANNEXATION NO. 13005,
and
CHANGE OF ZONE NO. 13022,
FROM P PUBLIC USE AND AG AGRICULTURE
TO I-1 INDUSTRIAL, AND FROM B-1 LOCAL BUSINESS,
P PUBLIC AND AG AGRICULTURE TO H-3 HIGHWAY COMMERCIAL,
ON PROPERTY GENERALLY LOCATED AT
N.W. 27TH STREET AND HIGHWAY 34.
PUBLIC HEARING BEFORE PLANNING COMMISSION: October 30, 2013

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

Staff recommendation: Approval of the comprehensive plan amendment; approval of the annexation, subject to a Memorandum of Understanding; and approval of the change of zone request.

There were no ex parte communications disclosed.

Staff presentation: **Tom Cajka of Planning staff** explained that the proposed amendment to the Comprehensive Plan is to change the land use map from Public to Industrial. This is an area owned by the Lincoln Airport Authority (LAA) just north of the runways. It is currently shown as Public in the land use plan because of its ownership. This amendment also proposes to change the priority map from Tier I, Priority C to Priority A. This amendment also adds the property to the Existing and Proposed Industrial Center map to show the area as a moderate to heavy industrial use. Because of the size of the property, it is important to update this map.

Cajka advised that the proposed annexation covers approximately 435 acres at N.W. 27th next to Kawasaki, up to Highway 34 and down to the City Limits. All of this area is owned by the LAA, with the exception of some railroad corridors. The reason for the annexation is to allow city utilities to serve the area, with a goal to lease out large parcels for industrial development.

The area on the proposed change of zone is different than the annexation area. There are some areas owned by LAA that they wish to remain as Public zoning, which they will not lease out. There is also an area to the north that was privately owned with a portion zoned Public. Perhaps some right-of-way got vacated and never was changed on the map. That is the Casey's convenience store which needs to be changed from Public, AG and B-1 to H-3 Highway Commercial.

Lust wondered whether the change of zoning from P to I-1 puts the property back on the tax rolls. Cajka did not believe so.

Hove inquired whether the City will incur any costs in this process. Cajka explained that there is a Memorandum of Understanding with the proposed annexation that will address the infrastructure improvements which will be at the cost of LAA. LAA will have to expand the water and sanitary sewer to serve these properties, plus any new streets.

Proponents

1. Bill Austin appeared on behalf of **Lincoln Airport Authority,** 301 S. 13th Street, Suite 400, and the Executive Director of the Airport Authority, John Wood, was available to answer questions. Austin stated that LAA is the applicant and is requesting approval of these applications. This is a project that was embarked upon by the LAA with the encouragement of the Mayor's office and Lincoln Partnership for Economic Development. Essentially, it takes 477 acres of vacant property that has current rail access and will be developed to provide large lot industrial zoning with rail access available for industrial users.

Austin clarified that the installation of utilities will be done at the expense of LAA with a $750,000 grant provided through the State Building and Development Fund, with $250,000 provided by the city. The remainder will be done at the cost of LAA

Austin also agreed that this does not affect the tax status of the property.

Hove asked if LAA would pay for the road. Austin explained that the Memorandum of Understanding sets forth a relocation of N.W. 38th Street and to build it as a two-lane industrial area type of urban street with the possibility of expansion to four lanes in the future. The northerly access has been worked out with Public Works and the Nebraska Department of Roads, and will be built at the expense of LAA and turned over to the City. The abandonment of the State Spur 55 access is also anticipated.

There was no testimony in opposition.

COMPREHENSIVE PLAN AMENDMENT NO. 13002
ACTION BY PLANNING COMMISSION: October 30, 2013

Beecham moved approval, seconded by Weber.

Lust thinks this is a great development area; it is a great location for an industrial center and she is glad to see the expansion of that opening up for potential employers.

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

ANNEXATION NO. 13005
ACTION BY PLANNING COMMISSION: October 30, 2013

Scheer moved approval, subject to the Memorandum of Understanding, seconded by Hove, and carried 8-0: Scheer, Beecham, Corr, Hove, Cornelius, Sunderman, Weber and Lust voting 'yes'. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 13022
ACTION BY PLANNING COMMISSION: October 30, 2013

Hove moved approval, seconded by Scheer.

Corr believes this is a good opportunity to clean up some zoning and a great location for some businesses with the railroad access.

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

COMPREHENSIVE PLAN CONFORMANCE NO. 13011,
FOR A HISTORIC PRESERVATION EASEMENT,
and
SPECIAL PERMIT NO. 13047,
FOR HISTORIC PRESERVATION, TO PERMIT A
LANDMARK TO BE USED AS A RESIDENCE FOR
UP TO 5 UNRELATED INDIVIDUALS,
ON PROPERTY LOCATED AT 700 NORTH 16TH STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION: October 30, 2013

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

Staff recommendation: A finding of conformance on the preservation easement and conditional approval of the special permit for historic preservation.

There were no ex parte communications disclosed.

Staff presentation: **Ed Zimmer of Planning staff** presented the proposed preservation easement and special permit for the Lewis-Syford House at 700 North 16th Street. The house was built in about 1878, and is the last remaining single-family property in the dormitory and Greek Row area of campus. The property was purchased earlier this year by the Kathy and Joel Sartore family with considerable effort in putting it back into livable condition. It remains a single-family property; it is a Lincoln landmark and on the National Register, with a preservation easement protecting the property.

The items on today's agenda are two: a request from the Sartores to exchange the existing preservation easement for a substitute preservation easement, which began when they were considering purchasing and had qualms about the language of the existing easement that addresses every exterior and almost every interior feature. The Sartores have worked through the easement provisions and the Historic Preservation Commission (HPC) recommends that the substitute preservation easement advance on to the City Council for their adoption. The matter before the Planning Commission is finding conformance of the substitute preservation easement with the Comprehensive Plan. The substitute easement still provides very substantial protection but gives comfort to the owners to continue to carry out their work on the house.

The second matter before the Commission today is use of the property. The property will remain as single-family with one kitchen, baths and bedrooms. It is presently occupied by a member of the Sartore family. They wish to be able to have up to 5 unrelated individuals in the house with 5 bedrooms. They anticipate its operation to be much like one of the suites in the large dormitory just east and would be a single suite residence with a family member as the manager. There is parking on-site for five. HPC has recommended approval.

Beecham recalled that no additional buildings could be added to the lot. Does the substitute easement keep that protection in place? Zimmer explained that the old provisions would say "no additional buildings", no matter what. The substitute easement provides that additional buildings could be added, however, requiring the affirmative approval of the HPC as meeting the Secretary of the Interior's Standards. It does give them a little more leeway, but still requires HPC approval. The substitute easement removes the possibility for a "certificate of allowance". Thus, changes cannot be made without HPC approval. HPC would determine whether any changes are appropriate to the historic character of the property and the site.

Corr asked for further explanation of Analysis #6 in the staff report on the preservation easement which refers to the certificate of allowance. Zimmer explained that in the preservation ordinance, Chapter 27.57, the requirement of landmark is a preservation certificate for work requiring a building permit. There are several different ones. The main one, with approval of HPC , is a certificate of appropriateness, meeting the standard that the alteration of the site is beneficial or no harm. There is also a provision for standard landmarks which have sought and received HPC advice, i.e. if HPC denies, after 90 days, a certificate of allowance must be issued unless the work is demolition or completely new construction. That option is not available in this proposed preservation easement. One must obtain the blessing of HPC for any work that requires that level of review. It raises the protection considerably.

There was no testimony in opposition.

COMPREHENSIVE PLAN CONFORMANCE NO. 13011
ACTION BY PLANNING COMMISSION: October 30, 2013

Beecham moved to approve a finding of conformance with the Comprehensive Plan, seconded by Cornelius.

Lust stated that she is very, very pleased to see that the Sartore family has purchased and restored this property. She was on Planning Commission when this property came up in 2012, when it was not allowed to become a private school, and she was very chagrined and worried about the property. She believes that the fact that the Sartore family has purchased, restored it and brought it back and will continue to use it for up to 5 residents, is the most fantastic development she has seen in awhile.

Beecham agreed. She stated that she is grateful to the owners for their work. Residential use is a terrific match and she wants to help them be able to sustain it.

Motion for finding of conformance with the Comprehensive Plan carried 8-0: Scheer, Beecham, Corr, Hove, Cornelius, Sunderman, Weber and Lust voting 'yes'. The Planning Commission action as to conformity with the Comprehensive Plan is final. The substitute preservation easement agreement will now be scheduled on the City Council agenda.

SPECIAL PERMIT NO. 13047
ACTION BY PLANNING COMMISSION: October 30, 2013

Beecham moved to approve the staff recommendation of conditional approval, seconded by Cornelius.

Corr sees this as a great opportunity to keep this as a single-family house. She doesn't believe one could find a single family that wants to live on campus, but to allow 5 unrelated individuals to live there will be appropriate and not bothersome.

Cornelius commented that this did give him a little bit of pause because the ordinance is intended to support and preserve the character of residential neighborhoods; however, this is a special case with a residence located in the middle of campus, and he does not believe it will have any negative impact on neighboring properties.

Motion for conditional approval carried 8-0: Scheer, Beecham, Corr, Hove, Cornelius, Sunderman, Weber and Lust voting 'yes'. This is final action, unless appealed to the City Council.

SPECIAL PERMIT NO. 13048,
FOR HISTORIC PRESERVATION,
TO REDUCE THE AMOUNT OF PARKING
ON A LANDMARK PROPERTY BEING USED AS A SORORITY,
LOCATED AT 740 SOUTH 17TH STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION: October 30, 2013

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

Staff recommendation: Conditional approval.

There were no ex parte communications disclosed.

Staff presentation: **Ed Zimmer of Planning staff** presented the proposal for the Atwood House, built in 1893, which is already a landmark and already on the National Register of Historic Places. This special permit has been recommended for approval by the Historic Preservation Commission (HPC). The applicant is requesting a permitted use in the neighborhood i.e. a fraternity or sorority, (in this case a sorority) that the parking requirement (which would be 12 on-site stalls or 12 stalls within 600 feet of the property) be reduced to 6 stalls on the property. The applicant has made arrangements for another 6 stalls with the nearby church; however, it is a nonconcurrent arrangement because the church needs the parking on Sundays. The sorority can park there anytime except Sunday morning. The sorority is permitted by the R-7 zoning; however, the parking adjustment is needed. The paving of 12 stalls on the property would make the site rather constricted with a big house on the corner lot. It has been determined that the only straight forward method to acquire the parking adjustment would be to request it under the landmark special permit as an adjustment needed for the continued use and maintenance of the landmark.

Cornelius inquired whether the special permit is contingent upon the agreement between the sorority and the church. Zimmer stated that it is not. The church is required to have a certain amount of parking as well. They cannot lease it away but they can share it in a neighborhood arrangement. It cannot be written in as a permanent lease. It is a nonconcurrent shared use.

Beecham inquired about the fire escape and how that folds into the parking. Zimmer explained that the site is already a landmark. Site changes can be reviewed and approved by the HPC. The cleanup of the landscape and the fire escape were approved by the HPC. If this were not already a landmark property, it would come as part of the special permit package.

Proponents

1. Trevor Hull, architect of **Erickson Sullivan**, appeared on behalf of the applicant. He agreed with the testimony of Ed Zimmer. The owners have done a good job of restoring this building, including adding a sprinkler system. The fire escape addition is required for a sorority house. It will be a door off the second floor and other minor interior changes. One part of making this building capable of becoming a sorority house is the parking and the fire escape, both issues having been resolved.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION: October 30, 2013

Cornelius moved to approve the staff recommendation of conditional approval, seconded by Corr.

Corr believes this is good example of being neighborly, working with the church and property owner; it is a unique compromise to allow us to preserve this historic property.

Lust stated that she is happy to approve a parking amendment. This is the type of thing we are looking at in the reFORM Committee, i.e. how parking is sometimes a barrier to development, and she is glad to see the city is able to work through this project and provide such a waiver.

Motion for conditional approval carried 8-0: Scheer, Beecham, Corr, Hove, Cornelius, Sunderman, Weber and Lust voting 'yes'. This is final action, unless appealed to the City Council.

TEXT AMENDMENT NO. 13006,
AMENDING CHAPTER 27.72 OF THE LINCOLN
MUNICIPAL CODE RELATING TO HEIGHT AND LOT REGULATIONS
AND MINOR MODIFICATIONS.
PUBLIC HEARING BEFORE PLANNING COMMISSION: October 30, 2013

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

Staff recommendation: Approval.

There were no ex parte communications disclosed.

Staff presentation: **Christy Eichorn of Planning staff** pointed out that the Planning Commission has had two briefing on this proposed text amendment prior to this hearing. The staff has also talked with the Mayor's Neighborhood Roundtable three times since

June. A mailing was sent in August to all of the neighborhood and homeowner associations for which the Planning Department has contacts, as well as the development community.

Eichorn explained that the proposed changes are to rear yards and reduction for decks as well as minor modifications.

With regard to changes in the rear yard, Eichorn explained that today 30 feet or 20% of the depth of the lot is allowed, whichever is less. The proposed change is for the rear yard to be 20 feet or 20% of the depth of the lot, whichever is less. For example, for a lot 150' deep, the rear yard would go from 30' to 20' by this amendment. As the lot depth gets smaller to below 100' deep, this change would not affect the lot. This amendment applies only to R-1 through R-4 zoning districts and applies only to single- and two-family dwellings.

With regard to decks in the rear yard, Eichorn explained that today, if you have a deck attached to house taller than 3' off the ground, it can only be within the buildable area of the lot (not in front, side or rear yard setback). Usually the house does not take up the entire buildable lot; the house can be placed anywhere on the lot; some houses are placed toward the rear of the lot with larger front yards giving very little room for decks. Today, you can have a deck in your rear yard as long as it is 3' off the ground and it could cover almost the entire rear yard, except 2' of side lot line and 2' of rear lot line. It does not matter how big the back yard is. This proposed change reduces the rear yard on a standard lot to 20' or 20% of the depth of the lot. The deck could go within 10' of the rear lot line. If you have a lot with a rear yard that is less than 20' deep, you can still only go within 10' of the rear lot line. This applies to uncovered decks -- no higher than the first story, and must maintain a 5' side yard.

The proposal for "minor modifications" is only allowed in the R-1 through R-4 Residential Districts; only for single- and two-family residential; and a 5' encroachment into the rear yard only. These minor modifications can be approved by the Planning Director as opposed to the public hearing process through Planning Commission or City Council. This would be kept track of on a lot-by-lot basis, put on the Development Viewer and advertised like our other administrative approvals; there would be an appeal process, allowing appeal to the Planning Commission.

Eichorn stated that the purpose of all of these changes is to provide some flexibility in older neighborhoods; flexibility for those parts of community not already governed by a community unit plan, planned unit development or use permit. Minor modifications are made in those three areas administratively today. There are no provisions for these adjustments today other than the Board of Zoning Appeals, which requires an undue hardship finding.

Beecham asked for an example of how this would work on a lot where there is a walkout basement. Eichorn explained that for decks, if you have a walkout, the first floor will be considered to be the main floor that is parallel or at grade with the street. Beecham confirmed then that the first floor level trumps the 3' off the ground rule in that case.

Eichorn responded that today, that deck could not encroach into the rear yard because it is more than 3' off the ground. The first floor could encroach into the rear yard with this amendment.

Lust asked for a definition of "minor modification". Eichorn stated that there are six specific findings set forth in the ordinance that are required to be found by the Planning Director in approving a minor modification.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION: October 30, 2013

Beecham moved approval, seconded by Corr.

Scheer stated that he will support the proposal; however, he reiterated his thoughts previously shared, i.e. he still has some minor concerns about some of this in that he does believe that in some of our older established neighborhoods, this could have the potential of changing the character of the neighborhood if it were done a lot. But, he does not believe it is going to occur a lot, so he will support it.

Corr stated that she will support the proposal because it equals out some differences between older housing stock and newer housing stock since not everyone is in a planned unit development.

Lust commented that she will support the proposal because, especially in older neighborhoods, modifications like this and the ability to improve property should be encouraged, not discouraged. This is a good way to encourage reinvestment in the older neighborhoods.

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

TEXT AMENDMENT NO. 13011,
AMENDING ARTICLES 3 AND 8 OF THE
LANCASTER COUNTY LAND SUBDIVISION RESOLUTION,
REGARDING PROCEDURES AND FORM OF FINAL PLAT.
PUBLIC HEARING BEFORE PLANNING COMMISSION: October 30, 2013

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

Staff recommendation: Approval.

There were no ex parte communications disclosed.

Staff presentation: **Sara Hartzell of Planning staff** explained that this is a proposed amendment to the Procedures and Form of Final Plat chapters in order for the county regulations to conform to changes already made to the city land subdivision rules. There are two changes in Chapter 3, including 15 days to 10 days from the time comments are received from reviewing agencies for the staff report to be written. This change to 10 days reflects what the staff has been doing for quite some time, and staff has not missed this deadline for a couple years.

Another change to Chapter 3 is to remove the "Final Plat Amendments" section. Previously, final lat amendments were done in the county as administrative amendments. However, when the staff or anyone else would research a final plat, they would look for the final plat rather than the administrative amendment. Therefore, staff is proposing that an amendment to a final plat require a new final plat as opposed to an amendment. The difference in expense is a matter of about $10 to $20. It will not change the application cost.

The third amendment is in Chapter 8, Form of Final Plat. This will allow lienholder signatures to be on separate 8 ½ x 11 sheets so that all lienholders do not have to sign the same sheet and route it to the next person. This will save a lot of time. It has really helped in the city.

In addition to the above, two items required as additional information have been removed because they were redundant.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION: October 30, 2013

Scheer moved approval, seconded by Beecham.

Corr believes this is a good business solution in that it streamlines the procedure and helps the developers in the community.

Lust encouraged this type of clean-up, making it easier for everyone with consistency between the county and the city.

Motion for approval carried 8-0: Scheer, Beecham, Corr, Hove, Cornelius, Sunderman, Weber and Lust voting 'yes'. This is a recommendation to the Lancaster County Board of Commissioners.

There being no further business, the meeting was adjourned at 2:35 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on November 13, 2013.

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