

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, May 14, 2014, 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, Maja V. Harris, Chris Hove, Jeanelle Lust, Dennis Scheer, Lynn Sunderman and Ken Weber; Marvin Krout, Steve Henrichsen, Brian Will, Christy Eichorn, Paul Barnes, Teresa McKinstry and Jean Preister 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 April 30, 2014. Hove moved approval, seconded by Cornelius and carried 9-0: Beecham, Cornelius, Corr, Harris, Hove, Lust, Scheer, Sunderman and Weber voting 'yes'.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

May 14, 2014

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

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 14010, ANNEXATION NO. 14002, CHANGE OF ZONE NO. 05068D, WAIVER NO. 14004 and STREET AND ALLEY VACATION NO. 14003.**

There were no ex parte communications disclosed.

Item No. 1.1, Comprehensive Plan Conformance No. 14010, and Item No. 1.3, Waiver No. 14004, were removed from the Consent Agenda and scheduled for separate public hearing.

Hove moved approval of the remaining Consent Agenda, seconded by Scheer and carried 9-0: Beecham, Cornelius, Corr, Harris, Hove, Lust, Scheer, Sunderman and Weber voting 'yes'.

**COMPREHENSIVE PLAN CONFORMANCE NO. 14010,
ASSIGNMENT OF PERMANENT CONSERVATION EASEMENT.
ON PROPERTY GENERALLY LOCATED AT
SOUTH 1ST STREET AND WEST SOUTH STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION:**

May 14, 2014

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

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

There were no ex parte communications disclosed.

This application was removed from the Consent Agenda at the request of Ron Talbert.

Staff presentation: **Paul Barnes of Planning staff** explained that this is a request for determination of conformance with the Comprehensive Plan for an assignment of a conservation easement located within the Salt Creek floodplain and within the Salt Creek storage area. The owner of Lot 1 is desiring to fill on the property to build on the lot. Because the property is location in the floodplain, additional fill is required. The owner of Lot 2 has provided a conservation easement to offset the amount of fill to be provided on Lot 1. This was a conservation easement between two private parties previously, but the conservation easement now being for floodplain storage, must be held by a governmental entity in order to enforce the floodplain regulations and easement restrictions. The Planning Commission is reviewing the assignment of the easement to the City of Lincoln as to conformance with the Comprehensive Plan.

Public Testimony

1. Ron Talvert, 2730 South 8th Street, testified as the landowner of Lot 2 on South Street. He entered into an agreement with Mr. Dallman to give him some ground that Talvert would not fill or disturb, but as it went along it got more complicated. Talvert selected the property for the easement and put it into the wetlands area. Talvert understood that his job was to do nothing with the property. Then he received another document to sign which talked about the expenses he would have to pay to silt it in and whatever needed to be done to keep it at the level agreed upon. Another issue was that the city or state needed access, and the easement was in a bad location for that access. His issue is with the language in the document, "seen and unseen future expenses". It's the "unseen" that he is having trouble with and he feels that Mr. Dallman should pick up the expenses to maintain that later on. Talbert stated that he agrees to not build on it but he does not want anything to come out of his pocket later on. He requested that perhaps this could be delayed so that he can have more time to understand what it going on and the implications.

Cornelius made a motion to table further discussion until later in today's meeting to give Mr. Talbert an opportunity to discuss with staff, seconded by Hove and carried 9-0: Hove, Harris, Scheer, Sunderman, Weber, Corr, Beecham, Cornelius and Lust.

At the end of the meeting, Barnes approached the Commission, indicating that he had discussed the easement with Mr. Talbert out of Chambers and requested a two-week deferral to work out the details and answer any questions Mr. Talbert may have.

Corr moved to defer, with continued public hearing and action scheduled for May 28, 2014, seconded by Beecham and carried 9-0: Beecham, Cornelius, Corr, Harris, Hove, Lust, Scheer, Sunderman and Weber voting 'yes'.

WAIVER NO. 14004,
STREET PAVING, STREET TREES AND SIDEWALKS,
727 WEST CALVERT STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 14, 2014

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

Staff recommendation: Approval.

There were no ex parte communications disclosed.

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

Staff presentation: **Christy Eichorn of Planning staff** explained that this is a request to waive the subdivision requirements for paving of a street, sidewalks and street trees. The property is located on West Calvert Street. Most of the lots are approximately one acre in size. The area is zoned R-3 for urban residential. The Future Land Use Map in the Comprehensive Plan shows the area as future urban residential lots. The property can be served by sewer and water on a limited basis. The reason some of the property is outside the city limits is because it cannot be served any time in the near future with sanitary sewer.

Eichorn further explained that the applicant is seeking to subdivide 727 W. Calvert into two parcels, which he can do under the regulations of the subdivision ordinance. In so doing, there are improvements required, including paving of the adjacent roadway, installation of sidewalks and street trees. In this case, staff agrees that it does not make a lot of sense to require the paving since it would remain dirt on both ends of the required paving. Staff is also recommending approval of the waiver of sidewalks and street trees.

Proponents

1. **Mike King**, 3600 W. Van Dorn, the applicant, explained that he and his wife have started to think about retirement. They live on 5 acres outside the city and have owned this lot for more than 20 years. It will be a great place to build a retirement home with a shed in the back.

He did not think this would be controversial, but the neighbor to the west (Gayland Seidel) sent a letter in opposition. King indicated that he visited with Mrs. Seidel this morning and he believes there may have been some confusion. The King's do currently own this property with a rental home on it. The Seidel's thought they were going to subdivide to put another rental property in and King assured Mrs. Seidel that the additional residence would not be a rental property and that they are going to make their a retirement home.

King stated that he does not need a street. The fire hydrant can be extended; they can hook up to sewer; it is their well and they intend to hook up to city water.

Hove inquired whether the existing rental home would be kept. King stated that they are indeed keeping the existing residence. They are going to split the one lot.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

May 14, 2014

Cornelius moved approval, seconded by Hove and carried 9-0: Beecham, Cornelius, Corr, Harris, Hove, Lust, Scheer, Sunderman and Weber voting 'yes'. This is final action, unless appealed to the City Council within 14 days.

WAIVER NO. 14005,
LOT DEPTH-TO-WIDTH RATIO,
S.W. 6TH STREET AND WEST C STREET.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 14, 2014

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

Staff recommendation: Approval.

There were no ex parte communications disclosed.

Staff presentation: **Christy Eichorn of Planning staff** explained that this is a request to waive the required lot depth of the subdivision ordinance, which currently states that lots cannot be shorter than 90 feet unless included in a community unit plan or special permit that allows adjustment of the width.

Eichorn further explained that in this case at S.W. 6th Street and West C Street, there is industrial zoning to the east and R zoning to the north, south and west. The applicant has submitted an L-shaped final plat. Most of these lots were platted in the late 1880's and they are very small, about 25' wide. The applicant is seeking to replat to meet the subdivision ordinance to provide better buildable lots. The final plat also includes keeping two structures and moving the lot lines adjacent to those structures. In order to facilitate single-family dwelling units in this final plat, the applicant is requesting to turn the lots to face S.W. 6th Street, and in order to do that, they need to shorten the lots from five to ten feet.

Eichorn suggested that the 10 feet on the south allows the lot to be larger and lets them incorporate an existing fence. The reduction to 5 feet would allow a duplex which would still allow two dwelling units on one lot, which would not necessarily facilitate home ownership. By allowing this waiver, we are facilitating home ownership and allowing for the same density that would be allowed without the waiver. It allows the dwelling units to be on their own lots.

Proponents

1. Mike Eckert of Civil Design Group appeared on behalf of the applicant and agreed with the staff presentation. This is a local home builder doing some infill. The existing final plat was done in 1887. This waiver will allow the number of units desired by the applicant. The one house on the south side is part of the selling group and is fully aware of what is going on.

Beecham inquired whether the house on the north would then be on a double lot. Eckert explained that there is a garage that will go out. It will be a stand alone house on its own lot.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

May 14, 2014

Hove moved approval, seconded by Beecham.

Cornelius observed that this seems to be a case where we've got some historical platting that is somewhat impeding the goals of the Comprehensive Plan, and it seems to be a general improvement to the area to approve this application.

Lust agreed. It is always nice to see infill on redevelopment projects, and it is something we definitely want to encourage in the Comprehensive Plan.

Motion for approval carried 9-0: Beecham, Cornelius, Corr, Harris, Hove, Lust, Scheer, Sunderman and Weber voting 'yes'. This is final action, unless appealed to the City Council within 14 days.

**COMPREHENSIVE PLAN CONFORMANCE NO. 14009,
AN AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN
TO ADD THE "KIECHEL FINE ART GALLERY REDEVELOPMENT PROJECT"
AT 1208 "O" STREET.**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 14, 2014

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

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

There were no ex parte communications disclosed.

Staff presentation: **Dallas McGee of the City Urban Development Department**, stated that Urban Development has been working with the developer for the redevelopment of the property located at 1208 O street, formerly the Dietz Music Co. The developer would like to establish a project area for tax increment financing (TIF) to assist in redevelopment.

McGee pointed out that the amendment to the redevelopment plan is the first step. Once there is a recommendation of conformity with the Comprehensive Plan, this project will be taken to the City Council to prepare a plan amendment and then identify a redevelopment agreement, the terms and conditions of which will allow the developer to use TIF generated from the redevelopment of the building.

Beecham asked for clarification of the letter of application where it talks about the rooftop deck being used for functions which are not open to the public. McGee stated that the "12 times per year" is something that will be clarified and detailed once the development agreement is put together. There have been discussions about opening it up to the public a number of times; otherwise, it will be a private gallery space for sculptures, etc.

Hove inquired whether there has been any type of inspection as far as condition of the building to sustain this type of redevelopment. McGee replied that Urban Development has not gone into the building; however, the owner and developer have analyzed the ability to put something on the roof and they believe it can be done.

Beecham inquired whether this building has been landmarked. McGee stated that it has been reviewed by the Urban Design Committee but it will not go to the Historic Preservation Commission because it is not a landmark building.

Lust asked for an explanation of the boundaries of the redevelopment area and what is being added. McGee showed the location on the map and stated that the project area will be just the building itself and extending out into the right-of-way in front of the building. It does not include any other buildings. This building is part of the Lincoln Center Redevelopment Plan area. Every time a new project is done, a project area is identified. This is one of the smallest areas that has been done.

Support

1. Derek Zimmerman of Baylor Evnen, 1248 O Street, Suite 600, appeared on behalf of Kiechel Fine Art Gallery, the developer of the project. He stated that an architect has determined that the building is structurally sound. The developer is now working with the City Attorney's office on the redevelopment agreement and part of that is the license that goes with having it open to the public 10-12 times per years, e.g. First Fridays. This project has been approved by the Urban Design Committee.

In terms of the building itself, Zimmerman stated that there are going to be some facade improvements. It does not change the facade -- it has more to do with LED lighting and the whitewash base. The improvements will be included in the redevelopment agreement. There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

May 14, 2014

Hove moved to approve a finding of conformance with the Comprehensive Plan, seconded by Corr.

Corr commented that she believes this will be a great project to further the arts in Downtown Lincoln.

Beecham commented that she is always in favor of saving old buildings and finding uses for them.

Lust agreed. This project appears to be in conformance with the Comprehensive Plan.

Motion to approve a finding of conformance with the Comprehensive Plan carried 9-0: Beecham, Cornelius, Corr, Harris, Hove, Lust, Scheer, Sunderman and Weber voting 'yes'. This is a recommendation to the City Council.

There being no further business, the meeting was adjourned at 1:35 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on May 28, 2014.

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