

## MEETING RECORD

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, January 21, 2015, 1:00 p.m., Hearing Room 112 on the first floor of the County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska

**MEMBERS IN ATTENDANCE:** Cathy Beecham, Tracy Corr, Dennis Scheer, Michael Cornelius, Chris Hove, Maja V. Harris, Jeanelle Lust, and Ken Weber (Lynn Sunderman absent); David Cary, Steve Henrichsen, Christy Eichorn, Paul Barnes, Brian Will, Jean Preister and Amy Huffman 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 January 7, 2015. Beecham moved approval, seconded by Cornelius and carried 8-0: Scheer, Harris, Cornelius, Beecham, Corr, Hove, Weber and Lust voting 'yes'; Sunderman absent.

### **CONSENT AGENDA**

#### **PUBLIC HEARING & ADMINISTRATIVE ACTION**

##### **BEFORE PLANNING COMMISSION:**

**January 21, 2015**

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

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 14027** and **SPECIAL PERMIT NO. 08002A**.

There were no ex parte communications disclosed.

Cornelius moved to approve the Consent Agenda, seconded by Beecham and carried 8-0; Sunderman absent.

Note: This is final action on Special Permit No. 08002A, unless appealed to the City Council within 14 days.

**CHANGE OF ZONE NO. 14035**  
**FROM R-2 RESIDENTIAL DISTRICT TO**  
**R-3 RESIDENTIAL DISTRICT, ON PROPERTY**  
**GENERALLY LOCATED AT THE NORTHWEST**  
**CORNER OF SOUTH 40<sup>TH</sup> STREET AND**  
**PIONEERS BOULEVARD.**  
**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

January 21, 2015

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

Staff recommendation: Approval.

There were no ex parte communications disclosed.

Staff presentation: **Christy Eichorn of Planning staff** presented this proposal to change the zoning from R-2 Residential to R-3 Residential. She noted that there is not a lot of difference between the R-2 and R-3 zoning districts. Generally, R-3 allows more density and has a little different front yard setback, i.e. 20 feet in R-3 versus 25 feet in R-2. An adjustment to the front yard setback is allowed in the R-3 district while such an adjustment does not exist in the R-2 district. In the R-3 district, it is important to have the ability to have more buildable area on a property, such as allowing an adjustment to the front yard setback from 20 feet to 15 feet. In this particular case, the adjustment to the front yard setback is important because this is a unique site in a developed area; on the corner of two arterial streets, i.e. 40<sup>th</sup> Street and Pioneers Boulevard, both being relatively narrow streets; and the site is over one acre with all residential lots being smaller than an acre. She noted that taking access to Pioneers Boulevard or to South 40<sup>th</sup> Street could be a challenge when this lot is developed.

In regard to the site plan that was submitted with the change of zone application, Public Works and Planning discussed limiting access onto South 40<sup>th</sup> Street and onto Pioneers Boulevard with the applicant. There may need to be improvements at this intersection in the future with a turn lane in South 40<sup>th</sup> Street. They would also not meet the Access Management Policy design standards. The site plan shows that the only access would be off of South 39<sup>th</sup> Street.

Eichorn pointed out that this property could be developed as 10 lots in a final plat under the existing R-2 zoning. It is staff's understanding that the applicant also intends to develop the property with just 10 lots with the R-3 zoning, with access from South 39<sup>th</sup> Street, with that access also being a north/south driveway.

Eichorn suggested that the whole reason for the change of zone to R-3 is not to increase density, but to provide a larger buildable area overall to allow larger units on the lots.

Eichorn also pointed out that this area falls within the Neighborhood Design Standards area, which for this site means that whatever gets developed, at the time of building permit, staff would be looking for at least one door and two windows on each unit in order to meet the Neighborhood Design Standards.

Corr inquired whether compliance with the Neighborhood Design Standards would result in the door and windows facing South 40<sup>th</sup> Street. Eichorn stated that Ed Zimmer in the Planning Department does the reviews for the Neighborhood Design Standards and that review occurs at the time of building permit. Whether the change of zone is approved or not approved, the Neighborhood Design Standards would apply in the same capacity regardless of the zoning.

Corr inquired as to the width of the lots to the west. Eichorn believes they are probably about 50 feet. Corr then inquired as to the width of the proposed lots. Eichorn indicated that townhouse lots are usually at least 40' wide, and the lot in R-3 is required to be 50 feet wide.

Corr then inquired about the standard along South 39<sup>th</sup> Street for those buildings that are already developed. She is having difficulty seeing how 10 lots will fit in. Eichorn responded that the 10 lots would be developed based on the submitted site plan. However, the site plan is not attached to the change of zone; there is not a zoning agreement in this case.

Beecham commented with regard to the difference in setback, where in this case it would be just 5 feet, which does not appear to be a big difference from the rest of the blocks to the north. Eichorn noted that in almost all residential districts, the setback is 25 feet, except it is 20 feet in the R-3 district. She does not know why those setbacks were chosen for the respective districts. She does not believe there will be that much more impact on the street.

### Proponents

**1. Mike Eckert of Civil Design Group** testified on behalf of John Rallis and Bill Meader, the developers. Civil Design Group has been approached about this site by several clients over the last three or four years. And it is his understanding that the neighbors have been told that there were lines of people that wanted to do convenience stores and other commercial uses on this site. Assisted living and Alzheimer units have also been evaluated. Eckert assured that the property will remain a residential use upon approval of this change of zone.

The developers intend to develop this property as townhomes. The minimum lot widths and the lot size are the same in both R-2 and R-3 – 6,000 sq. ft. for single-family and 5,000 sq. ft. for attached single-family. The developers had considered a community unit plan to try to get rid of the 20% penalty because they did not have enough room; however, they recognized that a community unit plan in R-2 zoning would only permit 8 units on this land area. Eckert pointed out that if the property were final platted today, it could be developed as 10 units.

Eckert then pointed out that what has really changed by going from R-2 to R-3 is the interior setback between the units – from 10 to 5 feet, as well as the provision that allows R-3 to be a little closer to the street, e.g. along Pioneers Boulevard. The developers have warranted to the neighbors that for the two existing homes to north, the 10 ft. setback in R-2 zoning will be maintained.

With regard to access, the property could be developed today as a final plat with 10 lots with five driveways taking access onto South 40<sup>th</sup> Street. The developers recognize that that is not the best thing, so the developers are proposing one driveway and rear-loaded garages. This will also allow Public Works to construct a right-hand turn lane on South 40<sup>th</sup> Street in the future to help stacking during peak periods. Eckert also advised that there is a building line district in place on Pioneers Boulevard, so the setback from that will be 7 feet, resulting in a good setback from Pioneers Boulevard.

As discussed with the neighbors, by gaining 5 feet, it allows nine out of the ten units to be 35 feet wide versus 29 feet or 30 feet. That 5 feet makes a big difference when designing the living area and kitchen, etc., and it will be a better unit, more expensive and more desirable unit, built to have a higher value.

Eckert believes this proposal is a great fit in terms of what the city desires to have at this location – keeping it residential; developing townhomes; and the city ends up with no driveways on South 40<sup>th</sup> Street and no driveways on Pioneers Boulevard. This 1.42 acres has been vacant for decades. It was formerly a homestead on a 2-acre farm. The homes will be much better than if the property were a straight final plat.

Harris noted that the lots to the north will have a 10' setback, and she wondered if that is the requirement in the R-3 zoning. Eckert responded that the side yard in R-3 could be 5 feet. He has met with those two neighbors and they have admitted that their houses are probably not set back 10 feet. Eckert also pointed out that the developer will only apply for one curbcut for the entire property.

Corr inquired whether the front or back of the buildings will face Pioneers Boulevard. Eckert did not have an answer. The applicant's architect is engaged to do rear-loaded garages. His understanding is that the side of the house facing the street must have the two windows and the door, and his client agrees with this. These will be quality homes.

Corr then assumed that South 39<sup>th</sup> Street will be the front so that we don't have garages facing South 40<sup>th</sup> Street and South 39<sup>th</sup> Street. Eckert suggested that the garages cannot face the street because the developers are not asking for curbcuts on all of those lots. There will be one curbcut with one shared driveway. Each unit will have a two-stall garage with two more stalls in front of the garage. The driveway may be wide enough to provide some additional parking as well. There will be some green space in the back yard.

Beecham expressed appreciation for the neighborhood meeting. She wondered whether Public Works gave any indication that there could be problems down the road if a turn lane on South 40<sup>th</sup> Street is installed with no left turn coming off of South 39<sup>th</sup> Street onto Pioneers Boulevard going eastbound. Eckert does not believe it is going to be a problem. Pioneers Boulevard does not have the traffic that South 40<sup>th</sup> Street has. There will be full access movement at South 39<sup>th</sup> Street. They discussed the driveway location with the neighbors. The one access onto South 39<sup>th</sup> Street is best for everyone involved. Eckert believes the neighbors had some relief that the property will be residential in use. This layout has come with a lot of work with staff and presents the best opportunity for the site.

In terms of the neighborhood reaction, Eckert stated that they had a little concern about putting all of the traffic at one location, but he believes they understood after it was explained. They also had a lot of questions about owner-occupied versus rentals. The neighbors were told that the units would be built to be sold, but they cannot prohibit an owner from renting their house.

Corr inquired about the prices of the houses. Eckert believes they would most likely be easily in the \$150,000 to \$200,000 range, and those that are 35' wide could be over that. The developer's marketing efforts have indicated that the 55 plus market should be targeted.

### Public Comments

**1. Rae McReynolds**, 4215 S. 40<sup>th</sup>, the neighbor to the north, was unable to attend the neighborhood meeting. She had questions about whether the alley to the south of her house will remain in place and whether the fence will be removed. She does not want the fence removed. Lust suggested that she talk with the applicant after the meeting to discuss specifics as the only item before the Commission today is really just the change of zone and not the specific site plan. McReynolds did state that she is not protesting the change of zone.

### Staff questions

Beecham asked staff to clarify the review process once the change of zone is approved. Eichorn stated that the building permit is reviewed by Ed Zimmer of the Planning Department for compliance with the Neighborhood Design Standards. The building permit itself is

reviewed and approved by the Building & Safety Department. Beecham confirmed that there is no height difference between the R-2 and R-3 zoning districts. Eichorn concurred.

Harris then inquired about the fence on Lot 1, which the site plan indicates will be removed. Eichorn then reiterated that the site plan is not tied to the change of zone. The Planning Commission is not approving the site plan. It was only provided to show a concept of what the developers plan to do if the change of zoned is approved. This site plan is also not tied to a zoning agreement.

Corr inquired as to the minimum lot size in R-3. Eichorn advised that the average lot width and lot area are exactly the same in the R-2 and R-3 districts. The average lot width for single-family is 50 feet and 6,000 sq. ft. lot area. Attached single-family, i.e. townhouses, have to be at least 5,000 square feet with a minimum width of 40 feet in both R-2 and R-3.

Response by the Applicant

Eckert advised that the developers did work with the other neighbors on the west side and they acknowledged that the fence is on the developer's property and they talked about the trees on the property line, etc. The developer will work with Ms. McReynolds on the fence situation.

**ACTION BY PLANNING COMMISSION:**

January 21, 2015

Hove moved approval, seconded by Beecham.

Beecham commented that this property is in the middle of an older neighborhood on a lot that is adjacent to two arterials and has been vacant for a long time. She believes this is a creative approach considering the restrictions that we will run into with traffic patterns. The only concern she has is a bunch of buildings with block walls facing 40<sup>th</sup> Street, but it sounds like the design standards will help this issue.

Corr stated that she will support this change of zone. She does appreciate the city wanting to maintain this as residential. The difference here is just 7 feet of building area. She also appreciates that the developers had a neighborhood meeting.

Lust believes the change of zone is appropriate here because it really does add to the potential buildable area resulting in a nicer development for the neighborhood.

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

There being no further business to come before the Commission, the meeting was adjourned at 1:30 p.m.

*Note: These minutes will not be formally approved by the Planning Commission until the next regular meeting on Wednesday, February 4, 2015.*

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