

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, April 1, 2015, 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: Jeanelle Lust, Tracy Corr, Cathy Beecham, Lynn Sunderman, Ken Weber, Maja Harris, Chris Hove, (Dennis Scheer and Michael Cornelius absent); David Cary, Steve Henrichsen, Brian Will, Ed Zimmer, Tom Cajka, Paul Barnes, Geri Rorabaugh 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 at 1:00 p.m. and acknowledged the posting of the Open Meetings Act in the back of the room.

Lust requested a motion approving the revised minutes for the regular meeting held March 18, 2015. Harris moved approval, seconded by Hove and carried 6-0: Lust, Corr, Sunderman, Harris, Weber and Hove voting 'yes'; Cornelius, Scheer and Beecham absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

April 1, 2015

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

The Consent Agenda consisted of the following items: **TEXT AMENDMENT NO. 15002, CHANGE OF ZONE NO. 15008, USE PERMIT NO. 140E, and SPECIAL PERMIT NO. 11013A.**

Item 1.3, Special Permit No. 876C, was removed from the Consent Agenda and had separate public hearing due per the request of Commissioner Beecham.

There were no ex parte communications disclosed.

Beecham moved approval of the Consent Agenda (Item Nos. 1.1, 1.2a, 1.2b, 1.4), seconded by Weber and carried 7-0: Lust, Hove, Beecham, Weber, Corr, Harris, and Sunderman; Scheer and Cornelius absent.

Note: This is final action on Special Permit No. 11013A, unless appealed to the City Council within 14 days.

SPECIAL PERMIT NO. 876C, TO ALLOW FOR THE EXPANSION OF THE EXISTING CLUB, INCLUDING A REQUEST TO REDUCE THE FRONT AND SIDE YARD SETBACK REQUIREMENTS, ON PROPERTY LOCATED AT 631 D STREET.

April 1, 2015

Staff Recommendation: Conditional Approval

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

There were no ex parte communications disclosed on this item.

Staff presentation

Paul Barnes of the Planning staff provided an overview of the amendment to the existing special permit of the American Historical Society of Germans from Russia at South 6th & D Streets across from Cooper Park. Barnes noted that the original special permit was approved in 1981, and he showed the boundaries of the area, indicating that there are existing neighbors on the east and west sides of the property. The applicant is proposing an addition of approximately 3,000 square feet to the existing club to the west of the existing building. Barnes noted that a special permit limits the amount of the lot coverage for the club in residential districts to no more than 35 percent in the R-4 district; this addition will not exceed the lot coverage. They are retaining the 25-foot setback along D Street but are proposing a 10-foot side yard setback. See staff report for specific details of this request. Barnes noted that the application did not go before the Historic Preservation Commission since it is not designated as a historic landmark.

Staff Questions

Beecham asked Ed Zimmer of the Planning Department about his thoughts on the appropriateness of this application for this neighborhood since it was not heard by the Historic Preservation Commission. Zimmer stated that this addition would fit in well with the entire site and with the context of the surrounding neighborhood. This addition will improve the overall compatibility of the existing building and will be done in alignment with the existing building.

In response to a question of Beecham regarding "D" Street being a major roadway in this area, Zimmer also explained that "D" Street has a 120-foot right-of-way as opposed to 100-foot right-of-way, which allows for emphasis of the special character of the area, i.e. the Germans from Russia churches, the museum, and Cooper Park, similar to 120-foot right-of-way at 15th & J Streets, which emphasizes the State Capitol.

Applicant's Testimony

Tim Gergen, Clark Enersen Partners, representing the applicant, Germans from Russia, showed the architectural facade which will resemble the existing building. They met with the neighbors in the area and there was no opposition voiced regarding the project. The addition will have the same building height and roof line.

Bob Wagner, President of the Historical Society of Germans from Russia, indicated that they recently received a large collection of books regarding the history of the Germans from Russia. The donor's wish is to put the collection on the main level rather than in the lower level of the facility which is where their library is currently located. This addition, will enable them to bring the library up to the first floor. They don't anticipate a significant increase in traffic to the area. Although their facility is listed as a club, it is actually a museum and a genealogy research center. They want to expand the facility to better meet their needs.

Proponents:

None.

Opponents:

None.

ACTION BY PLANNING COMMISSION:

April 1, 2015

SPECIAL PERMIT NO. 876C, TO ALLOW FOR THE EXPANSION OF THE EXISTING CLUB, INCLUDING A REQUEST TO REDUCE THE FRONT AND SIDE YARD SETBACK REQUIREMENTS, ON PROPERTY LOCATED AT 631 D STREET.

April 1, 2015

Beecham moved to recommend conditional approval of this application; seconded by Harris.

Commissioner Beecham thanked the applicant for coming in and showing the design of the structure since it does not go before the Historic Preservation Commission. She supports the expansion.

Commissioner Corr indicated that she is supportive of the expansion of the facility and believes this is a great resource for genealogy.

The motion for approval carried 7-0; Lust, Hove, Harris, Beecham, Weber, Corr, and Sunderman; Scheer and Cornelius absent.

CHANGE OF ZONE NO. 15007, FROM R-3 RESIDENTIAL DISTRICT AND B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO R-4 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT NORTH 14th STREET AND INDIGO ROAD,

April 1, 2015

Staff Recommendation: Conditional Approval

AND

SPECIAL PERMIT NO. 15014, TO ALLOW A COMMUNITY UNIT PLAN (CUP), TO ALLOW A MIX OF DUPLEXES AND TRIPLEXES CONSISTING OF 22 DWELLING UNITS ON APPROXIMATELY 2.35 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND INDIGO ROAD.

April 1, 2015

Staff Recommendation: Conditional Approval

There were no ex parte communications disclosed on these two items.

Staff Presentation

Tom Cajak of the Planning Department reported that these two applications are being considered north of 14th Street and Superior Streets. Referring to the site plan, Cajak explained that the request is for a change of zone from R-3 residential and B-2 Planned Neighborhood Business District to R-4 Residential for the development of a community unit plan consisting of 22 dwelling units. Cajak reviewed the layout of the proposed development stating that 5 of the 22 units will have direct access to Indigo Road and the remaining 17 units will be from the new street (Maker's Street) to 15th Street, which curves and dead ends going to the north until such time the parcel to the north is developed, at which time the road would continue on north. The R-4 density would allow up to 31 units by density calculations. The applicant is requesting waivers for lot width, lot area, and front yard setback from 25 feet to 20 feet. The reason for the waivers is that the R-4 zoning

does not allow town homes as defined by the zoning code of three or more attached units; the R-4 zoning is limited to two attached units unless done through a community unit plan. Cajak noted that because R-4 zoning does not allow town homes, you need to look under "Other Allowed Uses", which calculate the setback and lot size. The waiver of lot width, lot area and setbacks are in alignment with a 2-family dwelling unit; Cajak noted that Planning is not opposed to the waivers.

Staff Questions

Corr asked for clarification regarding the reference to reducing the 20 percent penalty as indicated in the staff report.

Cajak explained that it depends on the size of the parcel, as the zoning code indicates that there are reductions or penalties for a community unit plan, i.e. if between 5 and 10 acres, there is a reduction of 10 percent of the allowable density, and if less than 5 acres, there is a 20 percent reduction.

Beecham asked about the placement of sidewalk and walking lanes and guest parking for the development

Cajak indicated that sidewalks are proposed along both sides of Maker's Street. The Planning Department has included a condition that the developer provide eight guest parking stalls. Staff is recommending that one of stalls shown on the site plan be removed due to interference with cars backing of the adjacent driveway. With the elimination of that stall, the developer is showing five guest stalls, including two stalls on the street.

Applicant's Testimony

Tim Gergen, Clark Enersen Partners, representing M&W Holdings, reported that they met with city staff a number of times and also met with the neighborhood. The applicant is in agreement with all staff conditions, including the parking. Gergen indicated that the neighbors did voice concerns regarding the parking, and they want to be good neighbors. He explained that they are in agreement with providing parking but do not agree with how the parking will be provided. Gergen indicated that Maker's Street is a public street and that the city is interested in tying into the future development to the north. They are proposing to accommodate parking as much as possible by showing that the development would not have any driveways on the north side which would allow for ten parking stalls. However, if the lots develop into single-family homes with individual driveways, they would be reduced to eight stalls, providing for sufficient parking. He believes that the Planning Department is concerned that if the future development of the property to the north is developed into town homes, it would eliminate the parking on the north side of the roadway. The developer is showing that if the development consists of single-family

homes, there would be a condition that the developer would be limited to two driveways off this street and would need to get approval by the Planning Commission. Gergen also noted that they have received neighbor concerns regarding access off of Indigo as well. He noted that the layout of the proposed units are put back from the street farther than the existing homes and this will enable them to accommodate more off-street parking. For the property to the north, Gergen indicated that they are fairly confident that because of a steep grade change, the homes will have driveways coming off of the north/south bound streets so the homes will face east and west, as there is a high-powered overhead line and it is unlikely that they will want it in their front yard. If this is the case, it would not reduce the number of parking stalls on the public street for their proposed development. .

Lust asked for clarification in terms of the condition that is being requested by the developer.

Gergen indicated that they are requesting a modification to Condition 2.8 of the staff report to show a minimum of eight parking stalls on the property or Makers Street with the condition of the property to the north only being allowed to have two driveway access onto Makers Street to allow them to accommodate the eight parking stalls. Another option would be to eliminate Condition 2.8.

Lust expressed concern about putting conditions on a future development that is not before them at this time.

Corr asked how many bedrooms these units will have and whether they will be owner-occupied.

Gergen reported that they will be 3-bedroom units, which will be sold.

Corr asked if it would impact the number of allowable units if they went to R-3 zoning rather than R-4 zoning.

Gergen stated that it would and this would very likely cause the application to be pulled due to not being able to meet the project cash flow. They are allowed quite a few more units than they are requesting, as identified in the staff report.

Lust referenced the map showing the parking and asked how many stalls could be accommodated on the south side of Makers Street.

Gergen indicated that they originally showed five stalls on the south side. They are struggling with finding the three additional parking stalls. They are trying to preserve their green space and landscaping rather than add pavement for additional parking. Each unit has a 2-stall garage, 2 stalls in front of the garage, which would allow each unit up to six

parking stalls. In terms of modifying Condition 2.8, they could strike "south side".

In response to a question of inviting the owner of the property to the north, Gergen indicated that the owner was invited but did not attend the meeting.

Lust asked about the attendees of the meeting.

Gergen stated that two to three property owners, including the owner of the property at 15th and Indigo, attended the meeting as well as the neighborhood association president.

Opposition

Danja Pegram Siders, 4900 North 14th Street, owner of the property to the north of the proposed development. She stated that this property has an historical preservation designation. If they alter the property, it would need to go before the Historic Preservation Committee. She noted that there is no future development planned for this property because in order to do make the connection to Morton Street, it would need to go across her home. She indicated that she was unable to attend the neighborhood meeting due to the death of a family member. She has an entrance off of the 14th Street to her property and a minor hop that people try to use. She is concerned about the grade levels and the historic preservation of her property. Her property is well maintained with lots of green space and the adjacent are very happy with their property.

Chairman Lust directed Ms. Pegram Siders to visit with Mr. Gergen regarding her concerns.

Proponent

None.

Opposition

Todd Loseke, President of Prairie Ridge Homeowners Association, 5120 North 20th Street. Loseke indicated that most of the neighbor concerns have been addressed but noted that the primary concern is that of parking. The development on Indigo consists of duplexes and town homes that are primarily rented to college students. The parking is full along this street. By putting in 3-unit town homes in this area, this will only compound the problem making it more difficult to get in and out of the area. He stated that most of the garages are not used for parking but rather for parties. The neighborhood is also concerned about traffic. Future development shows Makers Street connecting to Morton Street and then intersecting with 14th Street. Based on the historic preservation designation and the testimony of the property owner, this is likely not going to happen any

time soon; therefore, you have to use Prairie Lane to 20th Street to get out to Superior Street or go to Hilltop.

Questions of Staff

Beecham asked what would happen if a condition is put on the parking to the north and questioned whether this can be done.

Cajak indicated that it is not likely this could be done, as there might be some legal ramifications. He noted that even though the developer is showing a conceptual layout of the development as single-family with parking, there is no guarantee this will occur. There is no condition that the property owner to the north develop the property that way. The Planning Department always includes a condition that requires a developer to show that they would not impact future development. He indicated that you cannot predict when a property may be developed. There was a similar situation where it was believed that future development would not occur for some time but a proposal was submitted within a couple of months. Cajak indicated that he does not support the proposed amendment to the conditions.

Harris asked how it would be possible to add three stalls.

Cajak stated that they would likely lose a unit and illustrated how this might look.

Harris asked about parking along 15th Street.

Cajak replied that the property is too close to the intersection and parking is prohibited within a certain number of feet of an intersection. In terms of access management, Cajak indicated that it is planned that some day Morton Street would go through to 14th Street.

Sunderman asked who would be responsible for paying for the new road?

Cajak reported that the developer would cover the costs. He explained that it is normal to put restrictions on the use of the roadway even though the developer is covering the costs.

Harris asked if there is anything that prevents someone from parking in the space that is proposed to be deleted.

Cajak indicated that they can put up no parking signs but people could still park there. It would be up to the homeowners association to regulate that because it is on private property.

Beecham asked if the community unit plan allows for increased density?

Cajak indicated that is true even with the reduction of one unit to accommodate for the parking. R-3 zoning would allow for 13 dwelling units.

Corr asked if the drainage issues have been addressed to satisfaction by Public Works. Cajak stated that this is a question for the developer but indicated that when the final plans are submitted and reviewed, the developer would have to meet the conditions for approval.

Weber asked about the potential use of the strip of right-of-way land and whether or not there is room for angled parking

Cajak explained that the right-of-way can be used for curb, sidewalks, etc. and this would be considered a standard residential street.

Response by the Applicant

Tim Gergen reminded the commission that the property is currently zoned B-2, which would allow for a gas station to go in there today. They are proposing to down zone to a residential district and trying to make this commercial land fit in with the pro forma of commercially zoned land. The right-of-way width is wider than typical, which is burdening the property. They are trying to work with city staff and the neighbors in the area. The property owner to the north testified that they are not interested in developing the property and they are not really interested in connecting to the property. The developer's initial proposal was to allow for a private street with a cul-de-sac which would enable them to dictate driveways to the north, parking, etc. The city desires for connectivity to neighboring properties so they accommodated this by allowing for a public street, which created the issue of parking. He showed the original plan, showing the private street as initially proposed with 20 units but this was never an official submittal. By providing for connectivity, it does allow for a couple more units.

Hove asked if the developer is opposed to eliminating one of the units to create additional parking.

Gergen indicated that the developer is opposed to this. They feel that the street will provide adequate parking along the north side. The cost estimate to build a private street versus a public street is about 15 to 20 percent more for a public street.

Hove asked about why the cul-de-sac doesn't make sense.

Cajak indicated that the biggest issue is lack of connectivity. He further stated that every private street in the city has public access easements over them. The property to the north would have access rights to the private street. In addition, they would not recommended approval for adding two units at the end of the cul-de-sac, and they would be not allowed to

count the end of the cul-de-sac for permanent parking. The city is trying to get away from private streets because some times homeowner associations dissolve and are not able to maintain the streets, etc.

Response by the Applicant:

None.

ACTION BY PLANNING COMMISSION:

April 1, 2015

Beecham moved to recommend approval of this application; seconded by Lust for discussion purposes.

Corr indicated that she has a lot of issues with the proposal, primarily related to the parking situation. There are already issues along Indigo Road with nuisance calls and parking issues; this will compound these problems. She also feels that this is considered spot zoning, as everything around it is zoned R-3. She does not support the change of zone to R-4.

Beecham stated that she is concerned about the parking as well. If the density is going to be increased in the area, they need to make sure they are not creating problems for the area. In addition, they cannot mandate what is going to happen to the property to the north.

Lust stated that she believes that these applications are a good compromise for this area and that R-4 zoning is a good fit. The main concern is parking and by having the condition to provide parking on the south, she believes that they will only lose one unit. Lust noted that she is not supportive of private streets. As a matter of process, Lust stated that they need to vote on the change of zone first and then on the special permit, which includes the parking condition. If the condition is not eliminated or modified, they will need to provide parking on the south side, which would result in the elimination of one unit.

Corr asked a procedural question regarding what would happen if they don't approve the R-4 zoning since it goes onto City Council but Planning Commission approves the community unit plan.

Lust stated that the CUP would not happen.

Corr indicated that there is already a problem with parking one block away and she believes that this will be a disaster. In addition, she believes there is a strong possibility that four or more unrelated people will be living in them, which is in violation of city code.

CHANGE OF ZONE NO. 15007, FROM R-3 RESIDENTIAL DISTRICT AND B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO R-4 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT NORTH 14th STREET AND INDIGO ROAD,

April 1, 2015

Staff Recommendation: Conditional Approval

Beecham moved to recommend approval of this application; seconded by Lust for discussion purposes. The motion for recommending approval carried 6-1; Lust, Hove, Harris, Beecham, Weber, and Sunderman; Corr dissenting; Scheer and Cornelius absent.

AND

SPECIAL PERMIT NO. 15014, TO ALLOW A COMMUNITY UNIT PLAN (CUP), TO ALLOW A MIX OF DUPLEXES AND TRIPLEXES CONSISTING OF 22 DWELLING UNITS ON APPROXIMATELY 2.35 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND INDIGO ROAD.

April 1, 2015

Staff Recommendation: Conditional Approval

Beecham moved to recommend approval of this application; seconded by Lust for discussion purposes. The motion for recommending approval carried 6-1; Lust, Hove, Harris, Beecham, Weber, and Sunderman; Corr dissenting; Scheer and Cornelius absent.

There being no further business to come before the Planning Commission, the meeting was adjourned at 2:12 p.m.

Please Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, April 15, 2015.