

## MEETING RECORD

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, April 29, 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:** Chris Hove, Cathy Beecham, Dennis Scheer, Lynn Sunderman (arrived at 1:08 pm), Tracy Corr, and Michael Cornelius (Jeanelle Lust, Maja Harris, Ken Weber absent); David Cary, Steve Henrichsen, Brian Will, Christy Eichorn, Ed Zimmer, Geri Rorabaugh and Amy Huffman of the Planning Department; media and other interested citizens.

**STATED PURPOSE OF MEETING:** Regular Planning Commission meeting

Vice-Chair Chris Hove 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.

Hove requested a motion approving the minutes for the regular meeting held April 15, 2015. Beecham moved approval, seconded by Cornelius and failed 4-1: Beecham, Cornelius, Scheer and Hove voting 'yes'; Corr abstained. Due to the lack of a majority vote requiring at least five (5) affirmative votes of the nine member commission, the vote on this matter was delayed.

**CONSENT AGENDA**  
**PUBLIC HEARING & ADMINISTRATIVE ACTION**  
**BEFORE PLANNING COMMISSION:**

**April 29, 2015**

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

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 1856A and SPECIAL PERMIT NO. 15022.**

There were no ex parte communications disclosed.

Cornelius moved approval of the Consent Agenda (Item Nos. 1.1 and 1.2, seconded by Scheer and carried 5-0: Hove, Beecham, Scheer, Corr, and Cornelius; Lust, Harris, Sunderman, and Weber absent.

Note: This is final action on Special Permit No. 1856A and Special Permit No. 15022, unless appealed to the City Council within 14 days.

**CHANGE OF ZONE NO. 15010, TO DESIGNATE  
THE FORMER NEBRASKA WESLEYAN HOSPITAL  
AS A LANDMARK, CHANGING THE ZONING DISTRICT  
FROM B-3 TO B-3 WITH LANDMARK OVERLAY, ON PROPERTY  
GENERALLY LOCATED AT NORTH 48<sup>TH</sup> STREET AND  
MADISON AVENUE.**

**PUBLIC HEARING BEFORE THE PLANNING COMMISSION:**

April 29, 2015

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

Staff Recommendation: Approval of Landmark Designation.

There were no ex parte communications disclosed on this item.

Staff presentation: **Ed Zimmer of the Planning staff** provided an overview of this application for the Wesleyan Hospital and Nurses School building, which was built in 1906. The structure has had a number of uses, including that of a private doctors'-owned hospital until 1912, at which time it became a boarding house and private hospital, and was then converted to apartments in the 1920s. The structure is now under rehabilitation, and the application has been reviewed by the Historic Preservation Commission, which recommended approval to the Planning Commission as a landmark designation.

Staff Questions

Hove asked if the units will be rented. Zimmer stated that they are proposing 12+ units on three floors which will be rental units.

Beecham commented that the interior of the structure does not appear to have much of its original character maintained. Zimmer stated that this is true and indicated that some rehab was started by the previous owner. Zimmer noted that at one time, the front of the structure was a hotel and the back was used as the hospital. The uses were then combined and noted that the two separate staircases are likely related to the separate uses.

Hove asked what the landmark designation will provide to the structure. Zimmer explained that it provides protection so that the exterior of the structure will remain as it is. It also provides the applicant an opportunity to seek some State of Nebraska tax incentives. Zimmer noted that the Historic Preservation Commission will also seek a national register nomination. The local process provides for a little more flexibility,

noting that the interior of the structure may impact that nomination. This nomination would provide the possibility of a federal income tax credits, which would be very significant in supporting the project. They will make the best case that they can for the national register nomination. There are now two State of Nebraska possibilities as well, which should be open to the applicant with the local landmark designation.

Proponents:

1. **Brett Harris**, 6501 Park Crest Drive, Lincoln, NE 68506, the applicant, stated that they are seeking the landmark designation to protect the building and also to make it eligible for some of the tax incentives that might be available for rehabilitation of an historic structure.

Opponents: None.

Staff Questions: None.

**ACTION BY PLANNING COMMISSION:**

April 29, 2015

Beecham moved to recommend approval of the landmark designation; seconded by Scheer.

Beecham thanked Mr. Harris and his partners. She is delighted to have the opportunity vote for a project that helps preserve our heritage in Lincoln. She supports the application.

Corr stated that she agrees with Commissioner Beecham's comments, noting that she appreciates people who take the time to rehab these types of structures, as it oftentimes is more expensive to rehab these structures— she appreciates that.

The motion for approval of the landmark designation carried 6-0; Hove, Beecham, Scheer, Cornelius, and Sunderman: Corr and Cornelius absent.

**APPROVAL OF THE APRIL 15, 2015, PLANNING COMMISSION MINUTES.**

Upon the arrival of Commissioner Sunderman, the vote for approving the minutes for the regular meeting held on April 15, 2015, was called again. Beecham moved approval, seconded by Cornelius and carried 5-0: Beecham, Cornelius, Scheer, Sunderman, and Hove voting 'yes'; Corr abstained.

**CHANGE OF ZONE NO. 15004, THE VAVRINA MEADOWS PLANNED UNIT DEVELOPMENT, FROM R-3 RESIDENTIAL TO B-2 AND H-4 PUD FOR A PLANNED UNIT DEVELOPMENT DESIGNATION AND FOR SPECIAL PERMITTED USES, INCLUDING A RESIDENTIAL HEALTH CARE FACILITY AND EARLY CHILDHOOD CARE FACILITY AND APPROVAL OF THE DEVELOPMENT PLAN, ON PROPERTY GENERALLY LOCATED AT SOUTH 14<sup>TH</sup> STREET AND YANKEE HILL ROAD.**  
**PUBLIC HEARING BEFORE THE PLANNING COMMISSION:**

April 29, 2015

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

Staff Recommendation: Conditional approval of the change of zone.

There were no ex parte communications disclosed on this item.

Staff presentation: **Christy Eichorn of the Planning staff** provided an overview of the waivers identified in the staff report, explained some of the original waivers submitted by the applicant and how this application has been revised for the initial submittal. Eichorn noted that a number of the revisions were primarily as a result of the applicant meeting with neighbors and addressing their concerns. She indicated that this is an existing project that consists of three separate applications and they are combining it into one permit. Referring to a site map, Eichorn explained that the Vavrina Meadows development was first developed in the 1990s, which consists of the community unit plan, which includes apartments in two separate areas; a use permit, which is the B-2 area; and a special permit, which is planned service commercial in the H-4 area. All three areas were developed at the same time and was master planned together. When this was initially approved, they did not use the PUD as often as it is currently used; therefore, they were approved separately so every time an amendment is made to one of the areas, they have to amend all three applications in order to keep them master plan consistent. Eichorn explained that the planned unit development application will bring the B-2 and H-4 into one development. The community unit plan, which consists of the special permit for residential development, will continue as a separate application, with the waivers, notes, etc. staying exactly as they are today. In combining the B-2 and H-4 areas, they are carrying over all the notes that were in the special permit and the use permit to the planned unit development.

Eichorn noted that the first three waivers provide for clarification for future development on the site plan. The request includes a reduction in the internal setback within the B-2 district from 20 feet to 0 feet and the side yard setback from 20 feet to 12 feet because of the way the zoning district is laid out. Eichorn explained that there is a waiver for the screening between the residential and commercial districts to not require the 6-foot fence and landscape screening requirements to provide for continuity rather than separating the two zoning districts. The daycare is part of the commercial development and it functions together, although they have separate zoning districts.

There is also a waiver to allow residential uses on the first floor, which was discussed with the neighborhood. The initial proposal showed an apartment building that had the same setbacks as the existing apartment building to the north. Eichorn explained that because this was residential zoning, it was only required to have a 3-foot rear yard setback. Because this is B-2 zoning, it is required to have a 50-foot rear yard setback. The developer originally wanted to align these two buildings for consistency but after meeting with the neighbors, the developer revised the site plan showing the 50-foot setback and agreed not to have any protrusions into that 50-foot setback, i.e. for balconies, etc. All the original waivers associated with the apartment building have been removed. The only waiver now being requested is to allow for residential on the first floor of the building. The B-2 zoning district is the use permit district and is a commercial district, which has always allowed for residential above the first floor. In this case, the apartment building is set back significantly from South 14<sup>th</sup> Street and part of the plan is that the building that will be located in the B-2 closer to 14<sup>th</sup> Street and will have first floor retail and office with second and third floor apartments.

Eichorn noted that there is a waiver to allow for three center signs along South 14<sup>th</sup> Street and two center signs along Yankee Hill Road. She noted that most of these signs are already located there and stated that the number of signs were approved with the H-4 special permit and the B-2 use permit. Because these are being combined into a planned unit development, it changes the project and makes it a single center. However, for a single center, they would only be allowed one sign on each arterial street. Eichorn stated that it makes sense to put these permits together and does not want to strip away vested rights in terms of the signage, which the developer already had. The signs permitted today could be electronic, changeable copy and the developer does intend to utilize them as such, noting that the signs are minimal in height – only 8 to 12 feet high, which is allowable in the B-2 and H-4 zoning districts today.

Eichorn noted two additional changes. The first relates to the early childhood care facility. Today, the facility is part of the CUP in residential zoning and it will be in an a residential area as part of the planned unit development, which has to be noted as permitted use as part of the PUD since the special permit was granted with the CUP over into the PUD. The second use being added is that for the residential health care facility. The developer has had some interest to incorporate a residential health care in the mixed use development. Eichorn stated that these facilities are a special permit in the B-2 zoning district but are not permitted in the H zoning districts.

Staff Questions

Corr asked for clarification on the site plan and related zoning and the 50-foot setback requirement. Referring to the site plan, Eichorn indicated that they are extending the boundary of the PUD to include the residential area to bring the daycare into the PUD and explained that the site plan is showing the 50-foot setback on the “L” shaped building. She noted that the only fence waiver being requested is for the commercial and residential area where there is a driveway.

Beecham stated that there is a waiver of the fence between the business and residential zoning and questioned what screening would be required between the L” shaped building and the residences located behind the building. Eichorn explained that it will include a 6-foot fence with landscaping.

Beecham asked about the walkability between the residences and the business area. Eichorn indicated that there are sidewalks, which are required on all the internal streets, including Vavrina Boulevard and Garrett Lane, noting that there are no pedestrian easements that cut between South 16<sup>th</sup> Street; however, this does not violate any block length waivers.

Beecham asked about the possibility of a future health care facility and if this were to happen, if they would need to come back to the Planning Commission for approval. Eichorn explained that with the approval of this application, the development could consist of a health care facility without coming back to the Planning Commission. Eichorn explained that this is B-2 commercial zoning, therefore, truck traffic is permitted to facilitate deliveries to the commercial and retail establishments in the B-2 area.

Hove asked if staff had any comments on the letter that was received for a neighbor in the area. Eichorn noted that she received an email from Vicki Rittenhouse expressing some concerns about the proposed development but noted that these comments were received right after the neighborhood meeting and were forwarded to the developer. Eichorn noted that the developer tried to address these concerns as indicated on the site plan before the Planning Commission today.

Proponents

**Christina Sabin, 2118 Park Avenue, Lincoln, NE 68502, representing the applicant, Krueger Development Company.** Sabin explained that the adult daycare facility was included because Home Instead, which is located in the commercial area, had expressed some interest for this type of facility in the future, so it was included as part of the PUD. However, since that time, they have actually found another facility outside of this area that they will be using. In the event they may want to bring it back to this area, the developer felt they would retain it in the PUD.

Sabin explained that the primary reasons for requesting the PUD is to make it easier on the Planning Department by consolidating everything in one application and it also allows them to do the desired signage for the development. Sabin presented a picture of the current signage as well as the proposed signage, explaining that the existing stonework signs would be switched over to the digital signage to allow for signage for the individual tenants along 14<sup>th</sup> Street. Sabin also showed a rendering of the mixed-use building showing the mix of commercial and residential on the first floor and residential on the second and third floors. Sabin noted that they are excited about attempting to do a mixed use in the same building.

Sabin noted that the developer is willing to work with the individuals who live in the homes behind the “L” shaped building to ensure adequate privacy by adding screening and landscaping to the neighbors’ satisfaction, as discussed at the community meeting. Sabin also noted that they will have underground parking which should help with traffic flow and parking concerns.

Beecham asked about the height of the existing apartment building to the north. Sabin stated that the existing structure has an additional 3-foot height waiver. This was discussed at the neighborhood meeting for the proposed structure but the neighbors expressed concern so they took it out.

Opponents - None; although written correspondence was received by staff from Vicki Rittenhouse.

**ACTION BY PLANNING COMMISSION:**

April 29, 2015

**CHANGE OF ZONE NO. 15004, VAVRINA MEADOWS PLANNED UNIT DEVELOPMENT ON PROPERTY GENERALLY LOCATED AT SOUTH 14<sup>TH</sup> AND YANKEE HILL ROAD.**

Corr moved to recommend conditional approval of this change of zone application; seconded by Scheer.

Corr thanked Eichorn for the great explanation as well as thanking the developer for meeting with the neighbors and addressing their concerns, noting that if the developer is willing to put in the 6-foot fence and work with the neighbors on the landscaping, this should alleviate some the concerns of the neighbors.

Beecham stated that she appreciates the developer being willing to change their plan to make it workable. She likes the project and she intends to support it.

Hove agreed with Beecham’s comments and believes that it will help to organize the plan. It is good for the neighbors as well as the business community.

The motion for recommended conditional approval of this application carried 6-0; Hove, Beecham, Scheer, Cornelius, Corr, and Sunderman; Harris, Lust and Weber absent.

**SPECIAL PERMIT NO. 168B, AN AMENDMENT TO ALLOW FOR THE EXPANSION OF A PAVED PARKING LOT IN A RESIDENTIAL DISTRICT AND REQUEST TO ADJUST THE FRONT YARD SETBACK, ON PROPERTY LOCATED AT SOUTH 13<sup>TH</sup> STREET AND H STREET.**  
**PUBLIC HEARING BEFORE THE PLANNING COMMISSION:**

April 29, 2015

Staff Recommendation: Conditional approval of the special permit.

There were no ex parte communications disclosed on this item.

Staff presentation: **Steve Henrichsen of the Planning staff filled in for Paul Barnes,** Henrichsen stated that this special permit is an expansion of an original special permit that was approved in 1959 for a parking lot that is generally to the west of 13<sup>th</sup> Street on the north side of H Street. Referring to the site plan, Henrichsen noted that the original parking lot was the western portion and in 2002 it was expanded to the east and the north. The area in question was occupied by three residential structures at one time. There are only two structures remaining. The request is to demolish those two structures to allow for a paved parking lot on the entire area. The application site is only one block from the State Capitol and, therefore, it was reviewed by the Capitol Environs Commission in February, which recommended approval of the plan for the new parking lot which includes landscaping along the east and southern boundary. Typically, being in an R-8 residential zoning district, it would be required to have a 10-foot setback. However, as it was originally approved, it was approved with a 5-foot setback. In order to keep the continuity of the existing special permit, the request is to expand the area of the setback reduction from 10 to 5 feet to cover the southern area of the parking lot as well. Henrichsen noted that this area is to the north of the Lincoln Mall and they are encouraging the businesses along the mall to face the mall, therefore a lot of the parking for the uses facing the mall are along H Street. Therefore, there is not a much of a residential character remaining in this area.

Staff Questions

Beecham noted that she is generally not supportive of taking down houses and putting in parking lots. She asked for assurance from staff that this is not setting a precedent but rather makes sense in this area because of the overall Capitol Environs' plans to try to keep parking off the Mall. Henrichsen stated that this is an important part of it, noting that parking lots are a special permitted use in the residential districts which are reviewed on a case-by-case basis. The plan does include landscaping, but there is only a 5-foot setback on the southern end. On the eastern end where there is more space, there is both landscaping and trees being proposed. The existing trees in the right-of-way will be retained on the east and south sides.

Proponents

1. **Loy Todd, President of NADCO, a for-profit division of the Nebraska New Car and Truck Dealers Assn., 701 South 13<sup>th</sup> Street, Lincoln, NE.** Todd noted that they are located in the building south of the property in question. He stated that they are not in the real estate or development business, however, the two structures that remain on this property are in very poor condition – one of the three original structures was taken down some time ago as a result of some pressure. When the property came up for sale, the board decided that it would fit into some long-range goals and they purchased the property with the intention of removing the remaining two structures. Because there is a big demand for parking in the area, they want to expand the existing parking lot and would like it to match up with the encroachment of the south parking lot. They will provide as much landscaping as they can but they do want to ensure safety of the individuals using the parking lot. They have concern about the structures and they want the neighborhood to be safe. They feel this will have a positive impact on the neighborhood. He has not received any negative feedback regarding this proposal.
2. **Kile Johnson, 1227 Lincoln Mall,** came forward in support of this project, stating that this would be a wonderful improvement. Their building is located across the alley to the north and they see these two unsightly houses. Johnson noted that one of them has been red tagged for five or six years and the other is literally falling apart. They will not be sad to see these two properties demolished. Their law firm uses some of the existing stalls. Johnson noted that there is a fence between the current parking and the new parking lot. If this fence is taken down and the two houses are gone, the security for the area will be much better. Johnson supports this application.

Staff Questions

Corr asked if at some point in the future, the applicant would want to put a parking garage on this property if they would need to come back before Planning Commission for approval. Henrichsen stated that this special permit is for a parking lot and not a parking garage.

**ACTION BY PLANNING COMMISSION:**

April 29, 2015

Beecham moved for conditional approval of this application; seconded by Corr.

Beecham stated that she intends to support this motion based on the current circumstances. She is very disappointed that properties have been allowed to deteriorate to such a degree that it is impacting the businesses nearby and that something has been red tagged for five years and we haven't required the owner to make improvements. Given the current condition, she believes this is the right step at this time.

Corr agreed with Commissioner Beecham. Corr stated that she is typically hesitant about tearing down houses but she is familiar with the property owner and understands the situation. She appreciates the fact that the applicant is willing to do something in terms of clearing up the blight. Also, a big of her decision is that there is no residential uses around this so this seems to be a more appropriate use for this area.

Hove also agreed with the previous comments. This is a good use of the property and is helpful to the area.

The motion for conditional approval of this special permit carried 6-0; Hove, Beecham, Scheer, Cornelius, Corr, and Sunderman; Lust, Harris, and Weber absent.

There being no further business to come before the Planning Commission, the meeting was adjourned at 1:45 p.m.

Please Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, May 13, 2015.