

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, January 18, 2017, 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 Tom Beckius, Tracy Corr (arrived at 1:06 p.m.), Tracy Edgerton, Deane Finnegan, Maja V. Harris, Chris Hove, and Sändra Washington; (Dennis Scheer and Ken Weber absent). David Cary, Steve Henrichsen, Paul Barnes, Stacey Groshong-Hageman, Rachel Jones, Andrew Thierolf, George Wesselhoft, Brian Will, Ed Zimmer, Geri Rorabaugh, and Amy Huffman of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission meeting

Chair Chris Hove called the meeting to order and acknowledged the posting of the Open Meetings Act at the back of the room.

Hove requested a motion approving minutes for the regular meeting held January 4, 2017. Motion for approval made by Beckius; seconded by Finnegan and carried 6-0: Beckius, Edgerton, Finnegan, Harris, Washington, and Hove voting 'yes', Corr, Scheer, and Weber absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

January 18, 2017

Members present: Beckius, Edgerton, Finnegan, Harris, Hove, Washington present; Corr, Scheer, and Weber absent.

The Consent Agenda consisted of the following items: **ANNEXATION NO. 16014, CHANGE OF ZONE NO. 07063A, CHANGE OF ZONE NO. 16044** and **PRELIMINARY NO. 16008**.

There were no ex parte communications disclosed.

Change of Zone No. 16044 and related **Preliminary Plat No. 16008** were removed from the Consent Agenda to have separate Public Hearing due to a letter received in opposition.

Beckius moved Approval of the remaining Consent Agenda, seconded by Harris and carried, 6-0: Beckius, Edgerton, Finnegan, Harris, Washington, and Hove voting 'yes'; Corr, Scheer, and Weber absent. This is a recommendation to the City Council.

Hove called Request for Deferrals.

COMPREHENSIVE PLAN CONFORMANCE NO. 16012

A PROPOSED AMENDMENT TO THE ANTELOPE.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 18, 2017

Members present: Beckius, Edgerton, Finnegan, Harris, Hove, and Washington present; Corr, Scheer, and Weber absent.

Staff recommendation: Conformance with the Comprehensive Plan.

AND

CHANGE OF ZONE NO. 16045

TELEGRAPH DISTRICT PLANNED UNIT DEVELOPMENT.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 18, 2017

Members present: Beckius, Edgerton, Finnegan, Harris, Hove, and Washington present; Corr, Scheer, and Weber absent.

Staff recommendation: Conditional Approval.

There were no ex parte communications disclosed.

Though absent, Commissioner Scheer declared a Conflict of Interest on both items.

Finnegan moved deferral to the regular Planning Commission meeting of February 1, 2017; seconded by Washington and carried 6-0: Beckius, Edgerton, Finnegan, Harris, Washington, and Hove voting 'yes'; Corr, Scheer, and Weber absent.

Commissioner Corr arrived at 1:06 p.m.

CHANGE OF ZONE NO. 16044

FROM R-4 TO R-3, TO CREATE SINGLE-FAMILY LOTS,

ON PROPERTY GENERALLY LOCATED AT S. FOLSOM ST. AND AMARANTH LANE.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 18, 2017

Members present: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, and Washington present; Scheer, and Weber absent.

Staff recommendation: Approval.

AND

PRELIMINARY PLAT NO. 16008 - R-3 (RESIDENTIAL DISTRICT) PRELIMINARY PLAT WITH WAIVERS TO SUBDIVISION REGULATIONS AND DESIGN STANDARDS. PUBLIC HEARING BEFORE PLANNING COMMISSION: January 18, 2017

Members present: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, and Washington present; Scheer, and Weber absent.

Staff recommendation: Conditional Approval.

There were no ex parte communications disclosed.

Staff Presentation: Rachel Jones of the Planning Department stated 162 lots are shown on the plan. The applicant requests waivers to the requirement to provide pedestrian easements on Blocks 1, 2, 7, and 8, which are over 1,000 feet. Planning agrees with all waivers except for on Block 7. Conceptual sidewalk connections are shown along the north side of the development to provide connection to future commercial locations. An east-west route lines up with Amaranth Lane and it is very feasible to provide a pedestrian connection between the cul-de-sac and street through Block 7. Otherwise, pedestrians would have to go around the block, upwards of 400 extra feet of distance. The easement would be 15 feet and should fit without a reduction to number of lots. The area is already annexed and zoned for urban residential.

Corr asked why the waiver for sidewalk on Block 8 is appropriate. Jones said development to the south is far into the future, so staff does not oppose that request.

Washington asked if Building and Safety completed their review. Jones said it is not a requirement at this point since there are no existing buildings. Washington asked for more information about documents requested by Watershed Management. Jones said they gave the go-ahead with the generic condition that the plans are revised to their satisfaction.

Proponents:

1. Bob Benesch, 1633 Normandy Court, stated he has other successful developments around town. This one is a leap of faith since it is in an untested market area. It is not near another development. It is time to make the push in southwest Lincoln. Schools would like to see growth in this area and in the next six months, commercial projects will likely come forward. The land to the north is under their control and a proposed elementary school would be part of this community.

In addition to the constraints of the remote location, there are also large power lines. To

mitigate that, a heavily landscaped entryway has been designed. Infrastructure costs for each lot are over \$36,000 so a loss is expected in the initial phase, but it is the only way to get things moving forward. There is demand for housing in Lincoln; there are under 600 houses on the market today when there is normally 2,200-2,400. We are selling character with this development. There are no straight streets.

Our one hangup is the sidewalk. This is a small block and the easement could potentially mean the loss of several lots. The block is just slightly over 1,000 feet. It also poses a money constraint.

2. Mark Palmer, Olsson Associates, 601 P Street, said it is Condition 1.1.7 that is requested to be removed. The easement would have been more important if this were a major pedestrian generator. The school and commercial areas are to the north. The preference is to put more effort into other areas of the site, rather than spending money on the short cul-de-sac. The area has been zoned R3 and R-4 for 10 years, so the neighbors are aware this is occurring.

Opponents:

1. Carole Wilbeck, 6800 SW 9th Street, was present along with two neighbors. She read into the record the letter submitted by her husband earlier in the day. The main points made included the change in character from the residential acreages in the south and such tightly-packed lots. They request a more logical transition to properties to the south.

2. Michael Sullivan, 6801 SW 9th Street, stated his property borders this proposed development to the west. He moved to the area in 2013 and has never been contacted by anyone to let him know this type of development is happening. Maintaining character with the existing homes is as important as creating character within the proposed development. Many neighbors did not receive a letter to have a chance to comment. He also has concerns about the future development of existing acreage lots. He wants to make sure an environmental study has been done since there are concerns about dust, noise, etc. during and after the construction. There are questions about traffic impact and what will occur on SW 9th Street, which is currently a gravel road. A final concern is the impact to their property values.

Staff Questions:

Harris asked about discrepancies on the maps, in terms of future development versus what exists today. Jones said the conceptual lot layout extends out from the boundaries. Staff asks for potential, future extensions to be shown conceptually. They are not being approved as part of this application. It is a requirement that they show how things might develop out to 200 feet on all sides. Washington asked for confirmation that is the case on the west side. Jones said yes. It shows how streets might work together in different phases.

Harris asked staff to comment about the notification process and if there was an environmental study done. Jones said Watershed Management and the Health Department reviewed the plans and recommended approval. The notification was standard, meaning all property owners with 200 feet from all the boundaries. That would catch all of the adjacent properties, but it is true that it may not have caught the acreages farther away.

Corr asked if the entry point is at S.W. 9th Street. Jones said yes. They show extension of 9th Street conceptually. If and when it develops, that connection in the western parts would be desirable.

Corr asked about the school to the north. Jones said she is not familiar with that.

Corr asked if Outlots B, C, and D are green space needed for water retention. Jones said that is right, it is primarily for that use. Corr noted that it was not for parks.

Harris asked for staff's position on the request by the applicant to strike the condition regarding Block 7. Jones said staff is not supportive of that because they want to see the pedestrian access installed on that block.

Applicant Rebuttal:

Palmer said the property was zoned and annexed in 2006. The zoning is being cleaned up so it is all R-3, which is less dense than what was originally approved. During the grading and construction phases, it is important to be good neighbors, as is the case on all projects. There will be rules for runoff and sediment control. Again, the areas outside of the project area are conceptual; however, they are slightly more concrete to the north, since it is under the control of the same property owner. The school site is closer to Old Cheney and has been in negotiation with LPS.

Corr asked if that school would be north or south of Old Cheney. Palmer said it would be south.

Palmer went on to say the lots are 140-150 feet in depth with the outlots on the south side. These are abutting larger lots, but someday in the future, those may develop into smaller lots.

Benesch said he is sensitive to the acreages as he still farms. The potential for nearby development is a downside to buying acreages close to town, especially adjacent to R-3 zoning. It is hoped that this development with access to water and sewer will actually increase nearby property values rather than decrease them. These types of growing pains are common at the edges of the city. As far as sidewalks go, he lives in a cul-de-sac and would not want them. It is difficult to sell a lot where people will be walking past their back yards. It only benefits about six of the lots. At a cost of up to \$50,000, it does not benefit enough people. The block is just barely over the size that made this easement a

requirement.

Hove asked the applicant if he would rather this body approve the application with the conditions proposed by Planning Staff, or to hold back on it. Benesch said he would rather it be delayed because they would take a new look at it. It is a big deal that would lead to a reduction in lot sizes.

Palmer said there are not built areas and it is more than 15 feet of impact to the site proposal. This project was compared with Waterford, which has significantly greater block lengths. There is a 25-foot, no-build swath. If this was a location where it made good pedestrian sense, the sidewalk would be included. In this case, we ask to eliminate it.

CHANGE OF ZONE NO. 16044

ACTION BY PLANNING COMMISSION:

January 18, 2017

Corr moved approval, seconded by Beckius.

Corr stated she will address both applications. She has no problems with the change of zone. She does not support waiving the easement included in the preliminary plat and in fact, she would connect all the way to Plainsman Drive. She also hesitates over Block 8. It seems with Outlot D, it would be easy to design with a walk there. Things could be adjusted in this plan so fewer waivers are needed.

Washington commended the developer for requesting the downzoning. Lower density in these areas is a good idea. The neighbors raise a good point about transition area. There are a large number of complaints for those who move into the rural edge of town. There is no reason to add pressure on these folks who have chosen to live in a lower density area. It is more important for the people moving in to get used to conditions. Landscaping and a transition buffer help.

Hove stated he will support the change of zone. He does not agree on the preliminary plat. This is a new location where it is hard to start development and there needs to be an opportunity to save money.

Motion carried, 7-0: Beckius, Corr, Edgerton, Finnegan, Harris, Washington, and Hove voting 'yes'; Scheer and Weber absent. This is a recommendation to the City Council.

PRELIMINARY PLAT NO. 16008

ACTION BY PLANNING COMMISSION:

January 18, 2017

Corr moved Conditional Approval, as recommended by the Planning Department.

Washington asked for confirmation that this included all Conditions proposed by Staff. Corr confirmed.

Motion seconded by Washington.

Washington said she is torn because the developer said he would prefer this application be turned down if the easement is required. Hove agreed that was the case.

Motion failed, 3-4: Beckius, Corr, and Washington voting 'yes'; Edgerton, Finnegan, Harris, and Hove dissenting.

Harris moved Conditional Approval with deletion of Condition 1.1.7, requiring a pedestrian easement in Block 7, seconded by Finnegan and carried 5-2: Beckius, Edgerton, Finnegan, Harris, and Hove voting 'yes'; Corr and Washington dissenting; Scheer and Weber absent. This is Final Action unless appealed to the City Clerk within 14 days.

**COMPREHENSIVE PLAN CONFORMANCE NO. 16014,
ADDING THE 11TH AND P HOTEL AND LINCOLN COMMERCIAL REDEVELOPMENT
PROJECT TO THE LINCOLN CENTER REDEVELOPMENT PLAN.
PUBLIC HEARING BEFORE PLANNING COMMISSION:** **January 18, 2017**

Members present: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, and Washington present; Scheer, and Weber absent.

Staff recommendation: Conformance with the Comprehensive Plan.

There were no ex parte communications disclosed.

Staff Presentation: David Landis, Director of Urban Development, stated this is a request to amend the Downtown Master Plan to allow for a description of this project. The plan is not specific at this phase. It includes the alteration of two existing structures. The Lincoln Commercial Club is one of the oldest buildings downtown and received new treatment after the turn of the last century. It now houses Misty's and still had a beautiful but underused banquet hall that would be revived as a gorgeous asset as part of this plan. This use fits well with both the Downtown Plan and the Comprehensive Plan, encouraging mixed uses, commerce, arts, entertainment, etc., and reviving and adapting existing buildings. Part of the plan includes restoration of the historical facade. A 4th floor will be added for hotel and private residential units and there is the possibility of an additional 5th floor for future units. This project includes three owners – one wants to build the high-end boutique hotel in what was the Gallup Call Center by adding 3 floors with 32 rooms and a restaurant. This will create a more active streetscape. There will be a skywalk to connect to parking and additional improvements to the 11th Street right-of-way. The project was approved by the Urban Design Committee. It looks to be around \$7-8 million in investment, including the use of \$4 million in TIF funds. If approved, a redevelopment plan will come forward.

Harris asked about check-in traffic for the hotel and how traffic fits in general, especially on a busy Lied Center event night. Landis said there will be three angled parking stalls in front

for hotel check-in and there will likely be a valet service to the garage. This is not a 100-room hotel, but a 32-room boutique hotel for special events like weddings.

Finnegan asked if there has been any analysis of how much the garage is already used. She also expressed concerns about coordinating with Lied Center events. Landis agreed the garages are full and stated there will be a desire in the redevelopment agreement for some dedicated spaces. There is no parking requirement in the B-4 zoning district. It is common practice for hotels to have rights to parking and this has been implemented in other hotels in this district.

Finnegan wondered where hotel staff would park. Landis said it is not uncommon for there to be a reserved spot for a manager or two, but generally parking is for guests and not employees. We have a growing downtown with more employment, which is positive, but it does create parking pressures.

Finnegan expressed concerns about special event parking for those who are not able to walk three blocks to Lied events. There needs to be enough spots for both. Landis said many spots are reserved adjacent to the Lied Center. At times, those are not filled and people complain. It is a challenge to get it right for everyone.

Hove asked why the project area is so large. Landis said it is only large in that the City has right-of-way. Private development may have an impact on City land. The City would like to meet needs if we need to replace utilities as a result of the development. The spider effect allows for consideration of that. It is looking ahead for the chance to minimize public costs.

Proponents:

1. Kent Seacrest, 1128 Lincoln Mall, stated this project coordinates three developers in two buildings. This is one of Lincoln's oldest buildings. It was built in the 1880s. There was a skin update. The great ballroom is an amazing asset and wedding events are envisioned where use is made of the ballroom and the hotel. It is exciting to take two buildings and reconnect them. There are three parking stalls shown in front with a canopy over a portion.

Corr asked if the drop-off is on 11th or P Street. Seacrest said it is on 11th Street. Corr asked about protection for pedestrians. Seacrest said the canopy comes out over the sidewalk. The curb will be a roll-over curb and lighting will be improved.

There was no testimony in opposition.

COMPREHENSIVE PLAN CONFORMANCE NO. 16014

ACTION BY PLANNING COMMISSION:

January 18, 2017

Corr moved Conformance with the Comprehensive Plan, seconded by Finnegan.

Corr said this fits right in with the Comprehensive Plan, without question.

Hove stated this is a great collaboration and he is anxious to see the results. Motion carried 7-0; Beckius, Corr, Edgerton, Finnegan, Harris, Washington, and Hove voting 'yes'; Scheer and Weber absent. This is a recommendation to the City Council.

TEXT AMENDMENT NO. 16017 - AMENDING VARIOUS SECTIONS OF THE LINCOLN MUNICIPAL CODE, RELATED TO B-4 (LINCOLN CENTER BUSINESS DISTRICT).
PUBLIC HEARING BEFORE PLANNING COMMISSION: January 18, 2017

Members present: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, and Washington present; Scheer, and Weber absent.

Staff recommendation: Approval.

AND

TEXT AMENDMENT NO. 16018
TO ADOPT THE SOUTH HAYMARKET DESIGN STANDARDS.
PUBLIC HEARING BEFORE PLANNING COMMISSION: January 18, 2017

Members present: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, and Washington present; Scheer, and Weber absent.

Staff recommendation: Approval.

There were no ex parte communications disclosed.

Staff Presentation: **George Wesselhoft of the Planning Department** stated these text amendments do not change zoning boundaries or jurisdictions, only text. The changes stem from recommendations contained in the South Haymarket Neighborhood Plan, and relate specifically to B-4 and O-1 zoning.

Changes in the Use Group Chapter relate to removal of heavy commercial and industrial uses. Changes in 27.25 and 27.35 add sub-area design standards reflective of South Haymarket Design Standards. 27.56.57 pertains to the Capitol Environs District and Historic Preservation Commission, in part, reflecting current practice, and to adjust height and area regulations. There are changes to household living use groups east of 17th Street and garages in the O-1 areas. There is a B-4 exemption area, including the Telegraph District, which will have its own standards within its PUD. 27.69 adjusts the sign chapter to mirror that of Antelope Valley.

Changes to Chapter 27.72 pertain to height and lot regulations, including the height limitations proposed for the area around 9th and O Streets. That change affects four property owners. Allowed building height would be reduced from 275 feet to 75 feet to provide better consistency with the surroundings, especially the South Haymarket. A letter of opposition was received from Noyes Art Gallery. There is a provision under the current

ordinance to provide for a height exception via the special permit process.

Changes to Chapter 4 pertain to Urban Design Committee and are reflective of current practice. All property owners in the South Haymarket were notified, as were Haymarket Development, LIBA, and the Downtown Lincoln Association.

Corr wondered about the height of other buildings in the area, particularly the Holiday Inn (currently The Graduate). Wesselhoft said the goal is to avoid creating non-conforming situations. They are within the 75 feet. Corr asked if only the corner properties are affected. Wesselhoft said that is correct. The height reduction would include the art gallery, the parking garage, the northwest corner of 9th and P Streets, and the Old Chicago building.

Washington asked what the height is of the Holiday Inn building and if it is only those four buildings affected. Wesselhoft said he did not know the exact height of Holiday Inn and confirmed it would just be those four buildings.

Harris mentioned she had contacted staff with questions regarding the Urban Design Committee (UDC) appeals process, particularly the proposed language in Chapter 6, Lines 11-12. She questions the use of the language “on behalf of”, which indicates acting as an agent of Urban Design Committee. She believes the intent is to submit the information to UDC via the Planning Department. She asked if it would make sense to keep the language simpler by indicating that applications are submitted to the Planning Department, who will direct information to UDC, as appropriate.

Stacey Groshong-Hagemen of the Planning Department stated staff would be fine with that change.

Harris also questioned the motivation for changing language on Page 7 stating that project shall be reviewed at least twice, to indicate that it would be recommended to be reviewed. She wondered what the criteria are and when applicants could expect things to be reviewed twice. Hageman responded that many of the changes in Chapter 4.36 are to reflect current practice. In reality, it is at the discretion of the Committee whether or not they need to review an item again. If they feel they have enough information to act after the first review, they do so. Harris asked whether there was any danger about the arbitrary nature of who gets reviewed twice. Especially since it is an appeals process; people want to know what to expect. She added that she does appreciate the flexibility.

Ed Zimmer of the Planning Department said that the ordinance does not reflect many procedural details. There have been no problems. There is a trust of the committee embedded and the boards have done well with the flexibility to mandate if they are completely satisfied with the information provided. This flexibility benefits both parties. Harris clarified that it is a consistent practice that if an item is straightforward, it may be acted upon but, if not, the double review will be carried out. Zimmer agreed that to be the case. Most items are handled in one meeting. It doesn't make sense to ask items to come back, “just because”.

Harris asked if there have been any issues raised by the development community about either of these text amendments. Hageman and Wesselhoft both said there had not.

Corr asked if heavier uses could be reestablished in the B-4 area. Hageman said they could not be reestablished.

Hove asked if anything industrial in nature can remain. Wesselhoft said that is right if it is an existing use. Many of the heavier uses are not really located within the B-4 district.

Corr asked if the O-1 district is mainly downtown. Hageman said O-1 is generally along Lincoln Mall and there is some on the west side of 9th Street.

Corr asked if Noyes could apply for an exception if they wanted to add a floor. Wesselhoft said that she could do that based on the current ordinance.

Steve Henrichsen of the Planning Department noted that the reduced height is proposed at 75 feet so several stories could be added without the permit. The special permit is only to exceed whatever the height limit is established at. 75 feet is a development pattern that makes sense for the block. Beckius asked for clarification that the owner can currently build up to 275 feet without a permit. Henrichsen said that is correct.

Edgerton asked if any non-conforming uses will be created with the signage changes. Wesselhoft and Hageman both agreed that none would, to their knowledge.

Hageman presented information on Text Amendment No. 16018. The South Haymarket Plan was adopted in 2015. These design standards are the first step in the implementation of that plan. The main goal is to transition the area into a more residential area with a mix of uses. There are existing design standards, such as Downtown and Capitol Environs, that exist today. They mainly apply to B-4 and O-1. Some of South Haymarket already follows those guidelines. Capitol Environs is an overlay district and not dependent on zoning. That will extend into the South Haymarket area. Areas do not have to follow new standards until they choose to rezone. The design standards are based largely on the Downtown standards but allow more flexibility for building materials and setbacks, since the area will be more residential in feel than the core downtown area. They will only apply to new construction. Buildings will be oriented towards the streets with parking and drives behind. The standards also include streetscape design. Now, the right-of-way is fairly unorganized. The new standards would include three areas: a pedestrian zone with sidewalk, a planting zone, and angled parking. The amendment also includes changes to the waiver and appeals process to make them more streamlined and consistent with current practice. Capitol Environs recommended new standards for the J Street corridor and more residentially-zoned malls, like Goodhue Boulevard. They recommended approval. UDC also reviewed the entire package on December 6, 2016 and recommended approval.

Beckius asked for more detail on J Street and Goodhue and the 20-foot minimum height. Hageman said the goal is for more single-family homes so the limit was lessened to reflect

that pattern. Beckius stated he thought there was no minimum. Hageman said there was a minimum for the malls. Zimmer added that there is notion that areas downtown should have a certain density. Higher densities are not as appropriate with residential malls. This is a long-term urban design change where it is desirable to create enclosure and investment. Downtown is not an area for single-story buildings. A minimum height creates a certain level of investment interest.

Opponents:

1. Julia Noyes, 119 S. 9th Street, came forward in opposition to the proposed 75-foot height limit. This is not fair, equal or consistent with neighbors across the street who are over 200 feet tall. Her property is in a highly desirable location and could have strong redevelopment value at the 275-foot height. Resale value would be cut by such a dramatic change and there is no compensation for that. She asks this be removed from the amendment on behalf of herself and the owners of the small parking lot next door.

Beckius asked if she has been approached by any developers. Noyes said she should not answer that.

Hove asked what was disagreeable about the appeals process that could grant the ability to build above the height. Noyes said she is already approved for 275 feet. She questions whether a potential buyer would want to go through the extra effort.

2. Mark Hunzeker, 600 Wells Fargo Center, stated he is representing the property owners, including Whitehead Oil, owner of the gas station at 9th and P; B & J, who own Old Chicago building, and Arnold Wassinger, owner of the Terminal Building and the parking who are all opposed to the proposed height restriction. These areas have great potential for redevelopment. The height has likely been in place since 1979 and we are not close to realizing the potential of these properties. This height reduction amounts to a down-zone. Consistency was sited as a reason but that is not a sufficient rationale. It is onerous and time consuming to go through the special permit process and it adds delays and expense.

Staff Questions:

Washington asked if the height change only applies to four owners. Hageman said yes. Washington wondered if staff was looking at consistency with the rest of the block, or with the future South Haymarket area. Hageman said the 9th Street corridor was examined as an inviting corridor for entry to the South Haymarket. She agreed the height was examined more for consistency with the South Haymarket than the core downtown area.

Washington asked if the property north of the hotel would need a permit if they wanted to build higher. Hageman said not as it is today. The Old Chicago building is in the Landmark District, so there are certain other requirements they would have to meet, such as appearing before the Historic Preservation Commission.

Harris asked the reason for avoiding tall buildings close to historic areas. Hageman said the impact is clear when you look at the Holiday Inn next to the historic area. Adding tall buildings close to the 3- and 4-story historic buildings has a negative impact. We also considered that the special permit would allow some flexibility and that it makes sense to have that extra level of review in place. There are examples of taller buildings that went through the process including the Liner Building and HUDL.

Hove observed that the height limit would add extra level that is not currently in place.

Finnegan asked if the four could be grandfathered in. Corr observed that they are the only four buildings affected.

TEXT AMENDMENT NO. 16017

ACTION BY PLANNING COMMISSION:

January 18, 2017

Corr moved Approval, seconded by Harris.

Harris asked for a friendly amendment to strike “on behalf of UDC” on Page 6, Lines 1-2. Corr accepted the amendment.

Corr said that if each level equates roughly with 10 feet in height, we are talking about building heights that are seven levels, up to 28 levels. There is nothing that tall except for the Capitol. Even if someone were to develop, they still have seven or eight levels to gain. She is not opposed to keeping the height change. It is normal in the development process to seek an exception.

Beckius said that he finds no compelling reason to leave the height change. It is not out of the question that there would be a proposal for a project over 75 feet. There does not need to be another layer added to the process. This is on the edge of the South Haymarket so exceeding the height would not have a negative impact.

Washington said that she doesn't read that corner as being part of the South Haymarket, but rather more a part of the 9th and O Street intersection. She does not want to create a canyon at that corner, which would really change the look of downtown and skew the heights along O Street. She has more questions about locations within the landmark area, but there are other bodies that step in to provide advice from a historic perspective. She is not interested in adding the height limits to the four properties.

Finnegan said this limit is so specific to these four properties so she has concerns. At the same time, it is important to maintain the Haymarket. It is not fair that these four owners should take the brunt of the change.

Henrichsen advised that there is a motion to approve. There can be a motion to amend to be voted upon, then a vote can be taken on the main motion, as amended.

Beckius moved to amend by striking out the height restriction in 27.2.03. Hove asked if that is clear. Henrichsen said that if that is spelled out anywhere else within the text amendment, staff will adjust it. Motion to amend seconded by Washington and carried 7-0; Beckius, Corr, Edgerton, Finnegan, Harris, Washington, and Hove voting 'yes'; Scheer and Weber absent.

Main Motion for Approval, as amended, and with the friendly amendment carried 7-0: Beckius, Corr, Edgerton, Finnegan, Harris, Washington, and Hove voting 'yes'; Scheer and Weber absent. This is a recommendation to the City Council.

TEXT AMENDMENT NO. 16018

ACTION BY PLANNING COMMISSION:

January 18, 2017

Corr moved Approval, seconded by Harris and carried 7-0: Beckius, Corr, Edgerton, Finnegan, Harris, Washington, and Hove voting 'yes'; Scheer and Weber absent.

CHANGE OF ZONE NO. 16038 - R-3 RESIDENTIAL TO R-3 RESIDENTIAL PUD, FOR A MIX OF RESIDENTIAL, COMMERCIAL AND AGRICULTURAL USES GENERALLY LOCATED AT SUPERIOR AND NORTH 35TH STREETS.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 18, 2017

Members present: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, and Washington present; Scheer, and Weber absent.

Staff recommendation: Approval.

AND

**STREET AND ALLEY VACATION NO. 16006
TO VACATE A PORTION OF N. 35TH STREET RIGHT-OF-WAY
GENERALLY LOCATED AT SUPERIOR AND NORTH 35TH STREETS.**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 18, 2017

Members present: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, and Washington present; Scheer, and Weber absent.

Staff recommendation: Approval.

There were no ex parte communications disclosed.

Though absent, Scheer declared a Conflict of Interest on both items.

Staff Presentation: Andrew Thierolf of the Planning Department stated the PUD includes two residential areas along the west. One is a typical single-family area, close to R-3 density. There is also a cottage area with small, 700-1,000 square foot lots surrounded

by open space. The building footprint nearly fills each of the small lots. These are unique in Lincoln. There will be 50 cottage units and 60 regular for a total of up to 180 units. The commercial area is to the south along Superior Street. It includes 45,000 square feet of commercial, or 170,000 feet of mini-storage, or some combination of both. Twenty acres of the area are in floodplain or floodway and will be used for crops and livestock, as well as open space.

There is an RV Park along Salt Creek. This is not an ideal location since it is surrounded by floodway. It is along a 2,000 foot, one-way drive. Staff and the applicant worked with departments and came up with a series of conditions to make this proposal acceptable.

The street vacation is in the southwest corner at an existing right-of-way stub where 35th Street would be. The applicant proposes this to provide more commercial area.

Corr asked if 35th Street will connect to the frontage road. Thierolf said yes, it is the access for the lot.

Corr asked if livestock are allowed within City limits. Thierolf said yes. Animal Control has requirements and a lot of area is needed.

Proponents:

1. Marty Fortney, 3600 Calvert Street, stated the epicenter of this development is the working farm. We have worked with many departments to make sure everything is done correctly and is sustainable. No structures are allowed in the flood areas. We have met with Community Crops and Lincoln Food Council. The property qualifies for 22 large animals, based on weight and size. The livestock serves more of an aesthetic purpose. Water will be captured for irrigation. There is an area that may have fruit trees.

There is a market for the smaller cottages; people want the smaller homes but still want the open space. There will be a full-time care giver on the premises to ensure the green spaces are managed and funded properly. An association will be set up to establish the right culture in the neighborhoods.

The RV park is to help create additional income to make sure the green spaces are well funded. The location of the park is on a ridge line with a great view overlooking Salt Creek. The lane will be fully paved. There will be a median designed to include room for additional parking.

Corr asked if the cottages have parking. Fortney said there are two stalls per cottage. The laneway will be free of cars. Corr asked if there is enough space for another car to get by if someone parked in the "u" area. Fortney said it will have to be managed. When selling the homes, he will make sure the expectations are clear.

Washington asked who will manage things after property has been sold. Fortney said he

will set up and manage at first. There will be several committees in place. It takes time to build the right culture. He will take on that responsibility until everything is turned over.

Hove asked if the streets are City-owned. Fortney said 35th Street is public and the other is private.

Corr asked about the size of the cottages. Fortney said they will be around 700-900 square feet.

Finnegan said she understands the need for the RV park, but has hesitations about it. Even if every condition in the Staff Report is met, it is just on the edge of being acceptable. She wondered if the applicant is prepared for that and if it might be a detraction to the sale of property within the subdivision. Fortney said if the park is not managed correctly, it will be bad for everyone involved, so he will make sure that does not happen. Financing the farm ground is the biggest challenge. He believes it can be done well.

2. Anne Post, 1248 O Street, came forward as legal counsel. This is a unique use of property. The cottage housing style must have broad appeal and some elements may need to be changed to meet a certain price point. They are small, but very attractive. There are several conditions related to the RV park. Item 2.6j deals with the paving of the road. The intent is to build a high-quality paved road with paved pad sites. There will be a cul-de-sac for turnaround. This is in place to ensure emergency vehicle access. There is concern over the language regarding curbing, sewer and gutter. It is that the special permit could be revoked without a public process if the holder is not in compliance. There was also discussion about 2.7, regarding whether the water main should be four or six inches. Because of the use, four inches is sufficient. We believe Watershed Management would also agree to striking 2.15 and 2.16. The Methodist Church had concerns about drainage. This should not contribute significant water into the oxbow behind their church.

Corr asked if the road is big enough for two vehicles to go through. Post said it will be 20 feet so it will be tight with large vehicles, but they should fit.

Harris asked what the basis is for thinking the road will be sufficient and that Lincoln Fire & Rescue will be comfortable with the 4-inch water main.

Tim Gergen, 1010 Lincoln Mall, said Pat Borer of LFR was consulted. His main concern was that hydrants get enough water pressure and quantity. These will be City of Lincoln hydrants which would typically be 6-inch pipes, but these are smaller properties so there will be adequate sizing locations, only the private water main will be smaller.

Harris asked the reasoning for striking 2.6j. Post said the special permit could be revoked and the concern is whether the permit would be valid during the period of compliance. That would take away the public process. Harris asked how enforcement of compliance is carried out. Post said there is some uncertainty. She wants to ensure there would be a public process. If there is not one, who would decide when the special permit is invalidated

and when operation must stop?

Washington asked if there will be dump site for the RV Park. Post said there will be dump stations. No restroom facilities are planned since this is an RV park and not a camp site.

Washington asked who would retain management. Fortney said he would. He has looked into several aspects of management services and has a good understanding of how they are interrelated.

Washington asked about FEMA's reaction to the RV Park. Gergen said they did not meet with FEMA, but met with the NRD. They are enthusiastic because the project will encourage outdoor activity in a safe location. This is an RV Park because of the floodway, so there will be no permanent structures. Salt Creek is a slow-rising channel and there is an emergency-action plan. NRD has a flood monitor at the bridge on Superior.

Corr asked if the caretaker will live on the premises. Fortney anticipates that at first, the RV Park will require a caretaker and the farm management could be two positions, as it is built out.

Corr asked if the turn radius is sufficient for the RVs and emergency vehicles. Gergen said yes.

Hove asked the reason for eliminating curb and gutter. Gergen said it is a private drive.

Corr asked if 20 feet is wide enough for two cars. Gergen said for comparison, a standard parking stall is nine feet wide. It will be tight, but not impassible. Corr noted that is similar to a County road.

There was no public testimony on this item.

Staff Questions:

Thierolf stated Staff is comfortable with changes to 2.1 regarding elevations. Instead of striking language, they are willing to accept a change of language for 2.6f regarding paving and are fine with striking 2.6j. 2.7 was at the request of LFR, so if they are comfortable removing the condition that is fine. Staff would like to keep 2.15 with the modification that it would be met "to the satisfaction of Watershed Management". The same applies to 2.16 regarding stormwater quality. Again, it could state "to the satisfaction of...", but they are not here to comment.

Corr asked about the sidewalk because there is no other sidewalk in that area north of Superior. Thierolf said the length will be determined at the time of the final plan, but will be somewhere in the commercial area. He agreed that having it extend as far as possible would be great.

Applicant Rebuttal:

Post stated that they agree with staff changes to their proposed amendments. In the case of 2.15 and 2.16, Watershed Management has been contacted and will likely be satisfied.

Corr asked if potential buyers will be aware there will be livestock. Fortney said yes. In fact, it is envisioned to be a selling point for a certain lifestyle.

Fortney went on to say that there have been many questions about who will be in charged. He reassured Commissioners that he is well prepared to take on that role.

Beckius wondered about the ownership of the commercial space. Fortney said there are a couple of viable options and the goal is to sell that space.

Beckius asked if the cottages will be for sale or rent. Fortney said his preference is to minimize rentals, though having some is healthy.

CHANGE OF ZONE NO. 16038

ACTION BY PLANNING COMMISSION:

January 18, 2016

Corr moved Approval, as amended by the applicant and revised by staff, seconded by Beckius.

Beckius said this is a unique project that brings some interesting uses to this part of Lincoln. He wished the applicant the best.

Finnegan said she agrees. She stated she has problems with the RV park. It is marginal even if it meets all of the conditions. She understands the need for it, but cannot vote to approve in good conscience.

Harris said she is intrigued by this concept. There have been out-of-the-ordinary projects coming forward and that is a good sign that people are coming up with new ideas. Where she is from in Sweden, it is not unusual to have campers and RV parks mixed-in with residential in an orderly and attractive way. It shows a sense of being in touch with nature and knowing where food comes from. She will give this concept a try.

Washington said this is a very creative project worth trying. The RV Park does push the boundaries. She wishes the applicant success.

Corr agreed and likes this idea that is outside the box. She likes the farming component as communities move farther away from farming. There are concerns about the RV Park, but she trusts that it will be managed properly.

Edgerton said she lives in the north side of town and will be watching this project with great interest.

Hove said he will support this project and is excited to see where it leads.

Though absent, Scheer declared a Conflict of Interest.

Motion carried, 6-0: Beckius, Corr, Edgerton, Harris, Washington, and Hove voting 'yes'; Finnegan dissenting; Scheer and Weber absent. This is a recommendation to the City Council.

STREET AND ALLEY VACATION NO. 16006

ACTION BY PLANNING COMMISSION:

January 18, 2016

Though absent, Scheer declared a Conflict of Interest.

Corr moved approval, seconded by Beckius and carried 7-0: Beckius, Corr, Edgerton, Finnegan, Harris, Washington, and Hove voting 'yes'; Scheer and Weber absent. This is a recommendation to the City Council.

There being no further business to come before the Commission, the meeting was adjourned at 4:15 p.m.

Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, February 1, 2017.