MEETING RECORD

NAME OF GROUP:	PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING:	Wednesday, February 14, 2018, 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, Tracy Edgerton, Deane Finnegan, Maja V. Harris, Chris Hove, Cristy Joy, and Sändra Washington; Dennis Scheer absent. David Cary, Steve Henrichsen, Tom Cajka, Rachel Jones, Dessie Redmond, George Wesselhoft, Geri Rorabaugh, and Amy Huffman of the Planning Department; media and other interested citizens.
STATED PURPOSE OF MEETING:	Regular Planning Commission meeting

Vice-Chair Corr called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

Corr requested a motion approving the minutes for the regular meeting held January 31, 2018. Motion for approval made by Washington, seconded by Hove and carried 7-0: Beckius, Edgerton, Finnegan, Harris, Hove, Joy, Washington, and voting 'yes'; Corr abstaining; Scheer absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION: **February 14, 2018**

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

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 18001, COMPREHENSIVE PLAN CONFORMANCE NO. 18002, CHANGE OF ZONE NO. 18002, COMPREHENSIVE PLAN NO. 18003, COMPREHENSIVE PLAN CONFORMANCE NO. 18004,** and **SPECIAL PERMIT NO. 18001.**

For the sake of transparency, Harris declared she has a child currently enrolled at Dimensions and her older daughter also attended there.

Commissioner Beckius declared a Conflict of Interest on Comprehensive Plan Conformance No. 18004 and recused himself from the vote.

Edgerton moved approval of the Consent Agenda, seconded by Finnegan, and carried, 7-0: Edgerton, Finnegan, Harris, Hove, Joy, Washington and Corr voting 'yes'; Beckius and Scheer absent.

Note: This is a recommendation to City Council on **COMPREHENSIVE PLAN CONFORMANCE NO. 18001, COMPREHENSIVE PLAN CONFORMANCE NO. 18002, CHANGE OF ZONE NO. 18002,**

COMPREHENSIVE PLAN NO. 18003, and **COMPREHENSIVE PLAN CONFORMANCE NO. 18004**. This is FINAL ACTION on **SPECIAL PERMIT NO. 18001** unless appealed to the Office of the City Clerk within 14 days.

Corr called for Requests for Deferral.

PRELIMINARY PLAT NO. 18001, TO ADD TWO COMMERCIAL LOTS, ON PROPERTY GENERALLY LOCATED AT 10200 SOUTH 158TH STREET: **February 14, 2018**

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

Staff recommendation: Conditional Approval.

There were no ex parte communications disclosed on this item.

A written request was received on behalf of the Applicant to defer this item four weeks, to the regular Planning Commission hearing of March 14, 2018.

PRELIMINARY PLAT NO. 18001
ACTION BY PLANNING COMMISSION: **February 14, 2018**

Hove moved for a 4-week deferral to have Public Hearing and Action at the regular Planning Commission meeting of March 14, 2018, seconded by Beckius and carried, 8-0: Beckius, Edgerton, Finnegan, Harris, Hove, Joy, Washington and Corr voting 'yes'; Scheer absent.

Rorabaugh invited members of the public wishing to testify on this application at this hearing to come forward.

1. Ronald Maas, 12640 S. 162nd Street, Bennet, came forward as the Chairman of the Bennet Planning Commission to express appreciation for being included in the notification process for Planning Commission actions, even when they occur outside of their jurisdiction. The conditional approval recommended by staff is acceptable to their commission.

2. Brian Gorman, 10600 S. 162nd Street, Bennet, stated that he also appreciates the notifications. As a close neighbor, his concern is that, whatever the future use of this property, water usage be evaluated carefully; water pressures in the area tend to be low. Litter is also a problem at that intersection. There are nearby residents, some within a quarter mile, and he just wants to make sure there is not too much of an impact on them.

TEXT AMENDMENT NO. 18002, TO AMEND THE LMC, SECTION 27.72.110, RELATED TO EXCEPTIONS TO HEIGHT REQUIREMENTS FOR PRIVATE SCHOOLS, AND TO REPEAL SECTION 27.72.110 AS HIGHERTO EXISTING: **February 14, 2018**

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

Staff recommendation: Approval.

Corr disclosed that she attended the Mayor's Neighborhood Roundtable meeting on February 12, 2018, where the applicant provided a brief description of the proposed text changes.

Although Commissioner Scheer is absent, he declared a Conflict of Interest on this item.

Staff Presentation: **Dessie Redmond of the Planning Department** stated this amendment would change Section 27.72.110 related to exceptions to height requirements for private schools. The text would be applicable in all zoning districts where private schools are allowed. The amendment does not change the regulations, but proposes to allow a greater height, along with greater setbacks, in any district where this use is permitted. With a setback of 100 feet, a building could go up to 60 feet. The Comprehensive Plan talks about encouraging the utilization of existing facilities. With the increase in setback, this is an appropriate increase and it eliminates impacts to surrounding properties.

Washington asked how these rules for private schools differ from rules for public schools. Redmond replied that public schools are considered government entities, so they are exempted from the regulation. Washington asked if there is any foreseeable conflict created by allowing private schools to go up to 60 feet, particularly in the area around the airport. Redmond explained that proposals would be reviewed at the time of building permit issuance and the Airport Authority is notified any time an application falls within their area of jurisdiction.

Harris asked if this is related to any specific project. Redmond said the proposed changes were spurred by an application for Pius X. Staff saw an opportunity to make adjustments that would apply to other private schools as well. Harris asked for a brief explanation of the project. Redmond responded that she would defer the specifics to the applicant, but noted that places where the additional height might be expected in schools would be gymnasiums and auditoriums.

Hove asked why the original rule was for 35-feet. Beckius commented it may just be the building height in the residential districts. **Steve Henrichsen, Planning Department**, stated Beckius is correct; that is the height allowed in residential districts. He also noted the heights required by the airport supersede the height rules. Even a height lower than 35 feet might interfere with their flight requirements and would thus be required to be lowered.

Corr noted that a private school might be seen to be a business. She wondered how this might affect businesses located within the same districts or if it will make the playing field uneven if another use wanted the extra height. Redmond said the definition of private schools does not classify it as a business, but distinguishes it as its own use, more relatable to a public school.

Proponents:

1. Tim Gergen and Heather Keele, Clark Enersen Partners, 1010 Lincoln Mall, stated the project is for Pius High School. It is projected that by 2040, Lincoln will grow by about 120,000 people. LPS has already done a bond issue and are probably planning for another new high school. Gergen noted that private schools are also growing. Pius is in an urban area and is landlocked. The Planning Department was approached about doing a height waiver, but they suggested it would be prudent for all private schools to be allowed this height waiver.

LPS is moving in the direction of taller schools. Lincoln currently has four private high schools.

Most likely the height would come into play at the high school level rather than elementary or middle school. LPS trends show that students have a difficult time traversing from one side of the school to another during the allotted 4-minute break between classes. One solution is to build vertically.

Keele said the goal of this is to create some equivalency between public and privates schools. In multi-story schools, floor-to-floor heights have increased from around 10-12 feet in height to deeper structures which integrate power, light and mechanical systems. Floors are now generally planned to be 15 feet. There are also roof systems and parapets to consider. These trends are happening in all schools. Gergen added that LPS respects the neighborhoods they go into. They keep significant setbacks from the roadway. That can also be seen in the proposal today.

Keele said an addition is planned for the west side of Pius. The building is closest to the property line along A Street. The setback line shifts as height is added. The addition is currently being planned as 2-story addition including a center core classroom with a pop-up to allow for natural light. That would normally not fit within that 35-foot setback.

Corr asked how much space is between the north boundary and the Pius Building. Gergen said it is probably a distance of around 300 feet.

There was no testimony in opposition.

TEXT AMENDMENT NO. 18002
ACTION BY PLANNING COMMISSION: **February 14, 2018**

Hove moved for Approval, seconded by Washington.

Harris said the applicant has demonstrated a clear need and the waiver would likely have been approved. Based on the current trends in the construction of schools, it makes sense to address this with a text amendment. The setbacks will offset the height increases and should cause minimum negative impact.

Edgerton commended Planning Department for looking more broadly at the ordinances and addressing the long-term needs of the City.

Corr said that as a teacher with no windows, she appreciates the natural lighting in the Pius proposal. It is often a balancing act to raise height limits in neighborhoods, but this will create a better use of land and it is an important step for decreasing the urban sprawl effect.

Motion carried, 8-0: Beckius, Edgerton, Finnegan, Harris, Hove, Joy, Washington, and Corr voting 'yes'; Scheer absent.

COMPREHENSIVE PLAN NO. 18005, TO REVIEW AS TO CONFORMANCE TO THE WEST O STREET REDEVELOPMENT PLAN THE LINCOLN SPORTS FACILITY REDEVELOPMENT PROJECT, GENERALLY LOCATED AT 150 SW 14TH PLACE: **February 14, 2018**

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

Staff recommendation: Conformance to the Comprehensive Plan.

AND

CHANGE OF ZONE NO. 18001, FROM H-3 (HIGHWAY COMMERCIAL DISTRICT) AND I-1 (INDUSTRIAL DISTRICT), TO H-4 (GENERAL COMMERCIAL DISTRICT): February 14, 2018

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

Staff recommendation: Approval.

AND

SPECIAL PERMIT NO. 18003, FOR THE DEVELOPMENT OF AN INDOOR SPORTS FACILITY AND ADDITIONAL COMMERCIAL SPACE: February 14, 2018

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

Staff recommendation: Conditional Approval.

Staff Presentation: **David Landis, Director of Urban Development**, stated this is the third project in the West O Street area. The area had not seen much redevelopment until recently, when it has had an increasing presence. This proposal is for two buildings, including a large structure described as a 78,000 square foot multipurpose sports facility that will hold up to 8 basketball courts or 12 volleyball courts. It is being developed privately by Lincoln Sports Facility, LLC, who are on hand to answer questions. There are a number of factors that make this proposal appealing and in conformance with Comprehensive Plan goals. The site is along an entryway corridor, landscaping will enhance the area, fitness and wellness opportunities are encouraged, and private organizations that promote athletics, arts, and various club activities are supported. The 5,000 square foot building will be used for commercial and retail. The area has been reviewed for wetland and floodplain issues. The developer has purchased enough land that those questions can be solved. The City is currently negotiating a redevelopment agreement with the developers. It is a private investment of around $8 million, with close to $900,000 in TIF funds. In order to utilize TIF funds, this body must determine that the project is an appropriate use of the site. Lincoln grows by around 3,000 people per year, but parks and recreation facilities are not added at that same pace. It is positive for the community that private development can step in to fund projects like this one.

Edgerton said she has questions about the zone changes. Landis said that is to accommodate the commercial and retail elements of this project.

Harris asked if this will require a blight study. Landis said that was done years ago and this is inside those boundaries.

Redmond said there are boundary differences between the special permit and the change of zone. The special permit will be applied to the western portion of the site. Staff required

inclusion of property along the west in the change of zone request to address the floodplain and wetlands areas. That area will be rezoned to AG to preserve those amenities. This site is currently considered underutilized. The applicant is also requesting three waivers. One is for parking. The total building square footage is around 97,500 square feet, so with the one stall per 300 square feet requirement, they would need 325 spaces. The plan currently shows 345. The second waiver is for interior setbacks to be waived; the exterior setbacks will remain. The third waiver is for the private roadway ending in a cul-de-sac at the proposed building.

Harris asked for clarification about the waiver since the applicant has more stalls than what is required. **Steve Henrichsen, Planning Department**, explained that what is being exceeded is the new parking requirement. This is a sports facility so it is reasonable to consider the number of stalls needed could have been a little more. This site is being developed as a whole entity, with shared parking. Given that fact, and the fact that most of the activity will happen in the evenings or on weekends, sharing parking with the commercial buildings is appropriate. Rather that calculating a complicated ratio based on those factors, it was worked out that if both uses were included, then there is no need to list out each component of the shared parking arrangement. This is a contained site with no residential neighborhoods nearby. The other businesses on the site retain the right to have people towed from their private lots. Harris said the ratio used is not that of indoor sports facilities. Henrichsen said that is correct. Some sports facility uses have been singled out and calculated separately; with the two commercial buildings, we knew in this case there was still an excess of parking. This will also provide flexibility to the developer should they decide someday that the facility will only be used for basketball, for example. This is simplified and even if this were to go to some other commercial use, the 1/300 is still the appropriate ratio.

Hove asked if the project would be reviewed again if the applicant would develop farther on to the other side of the cul-de-sac. Redmond said the area within the boundary to the west is being rezoned to AG to preserve the environment. The parking would increase if they added on to the site.

Washington asked if the parking applies to both phases of the project. Redmond said that is correct.

Washington asked for clarification about exactly which parcels are being rezoned AG. Redmond said the western two parcels.

Corr asked why the zoning is changing from H-3 to H-4. Redmond said the planned service commercial development requires H-4 zoning for an enclosed recreational use. The H-4 allows that special use; H-3 does not.

Corr asked when the Urban Design Committee will review this project. Redmond said that will happen at their March meeting and the notes will be forwarded to the City Council.

Corr has concerns about a waiver for a side yard setback. Redmond said the waiver will only apply for the interior setbacks only.

Edgerton asked what the relationship is with Lots 1 and 7. Redmond said those will all fall under the special permit. The applicant owns Lot 1.

Beckius noted for the sake of clarification that even though the parking requirements are changed since there are multiple lots, the setbacks will be applied to the exterior of what is now essentially being considered as one lot. Redmond said that is correct.

Proponents:

1. Tom Huston, Cline Williams, 233 S. 13th Street, stated Sam Manzitto, Manzitto Bros.; Maggie Griffin of the Volleyball Club of Nebraska; and Matt Cumro with Supreme Court Basketball, have become partners in the entity, Lincoln Sport Facility, LLC, and are the redevelopers for this project. The first phase of this 2-phase project the 78,500 square foot sports complex. S.W. 14th Plaza is a private driveway that takes direct access to West O Street. Lot 4 is currently zoned I-1, which would have allowed this project without the special permit. The permit helps to tie the entire area together. South of the project are railroad tracks, which have an impact on some of the conditions of approval. Phase two is the commercial/retail building that will be built sometime in the future.

JEO architecture has been involved in the design of the facility. The interior is designed to accommodate up to 12 volleyball courts and 8 basketball courts to be used on a non-concurrent basis. The need is great for this type of facility in Lincoln. The site is close to the West Bypass and Interstate 80. Access to the major thoroughfares is important to visiting teams and was an important factor in choosing this site. One of the main benefits of the H-4 Zone is that it allows us to make the entire site work as one. The request to waive the internal setbacks was filed in case the main building needed to be moved farther east to protect the wetlands. In the conditions of approval, one unusual element is the Health Department requirement for an emergency evacuation plan due to the site proximity to the railroad tracks. That is in process and is a condition for a building permit to be issued. They also require an emergency shut-off for the HVAC system. Though not officially part of the Municipal Code, the Health Department has a policy that prefers a 300-foot separation; this is around 230 feet. There is a huge grade differential, but nonetheless, the applicants have worked with Health to meet these requests. Phase I is the immediate focus and the schedule now would put this application, along with a corresponding redevelopment agreement, before City Council in late March. Hopefully, the building will be under construction by April and completed yet this year.

Beckius asked if this facility is expected to meet regional need in addition to local. Huston said without a doubt. It is certainly needed locally, and it will enhance the competitive experience through statewide and regional tournaments. Even this large facility will not accommodate a full tournament. There is high demand for court time for both competition and practice.

Hove asked if there was any other access to the property. Huston said no. There is the potential for access to the east, though that is a different property owner. To the west, the storage capacity for floodplain is non-developable as it is home to a highly sensitive saline wetland.

Washington said she has experience with youth sports and she can imagine this facility being immediately very crowded, with 300 or more cars. Huston responded that the parking utilized by adjacent facilities has not been included in the parking count for this proposal. The applicant has had conversations with those owners to see if they are interested in cross-parking easements, and they do seem interested. The commercial neighbors are very interested in having the extra traffic in their neighborhood.

Harris asked if this applicant had involvement with a transitional care facility located at 14th and Old Cheney Streets that required the same condition for having an emergency evacuation plan in place. Huston said he does not remember. Hove added that the surrounding area in the case referenced by Commissioner Harris also had Industrial Zoning nearby, and he recalled that the Health Department also preferred a 300-foot separation in that case. Huston agreed that it is good to have the plan in place and the technology for the emergency shut-off. Corr thought this might be a separate owner from the healthcare facility. [*Harris later clarified for the record that her comment was in reference to Use Permit No. 64B, for a non-residential healthcare facility located at 16th Street and Old Cheney Road*].

Corr noticed the plan talked about a training center in addition to the courts. Huston said that right now, that is expansion space. The plan, ultimately, is to have a fitness center for youth sports. It would be an auxiliary use for the main building. Corr asked if it would include weight training equipment or any other training equipment. Huston said there is no specific vendor at this time, but there could be some type of equipment. It is a place-holder on the site plan.

Corr said she is concerned about the 300-foot separation waiver. She asked where the HVAC system will be located. Huston said the mechanical space is at the north end of the proposed building, which means it is most likely an additional 100-feet from the back of the property line, though the south end of the building is around 230 feet. The distance is based on potential danger posed by the proximity to the tracks. The more important element of the condition is the training of staff to operate the shut-off and to evacuate. Corr wondered if there is potential to reposition or to reconfigure the building so that it would meet the 300-foot separation. Huston noted that the separation is not part of the Code, but is just the preference. The applicant is trying to comply, but the building cannot be moved to the north or be reconfigured.

Washington asked if it is possible to assure the Health Department that the intake valves are 300 feet away from the tracks. Huston said he does not know. Washington said if she were to assume the intakes were above the mechanical room, they would be more than 300 feet away from the tracks. She believes the intent of Health Department is to assure that there is some distance and a window of safety in case of an accident. A**bby Litrell, Law Department**, stated that, having spoken with the Health Department, the HVAC requirement had less to do with proximity to the tracks and more to do with noxious fumes entering the building; they wanted a system that could be automatically shut off; the concern was not its distance. The proposed waivers alleviated their concerns or else they would have been present today.

There was no testimony in opposition.

Staff Questions:

Corr said the staff report for the Comprehensive Plan talked about job creation. She wondered if that was only during the construction phase or if there would also be employees at the facility. **Ernie Castillo, Urban Development Department**, stated that it is a little of both. In his role as Economic Developer, Mike Lang met with the developer to talk about the function of the building. There will definitely be jobs during construction and he would guess staff will also be hired to run the facility for the LLC. Corr said she wanted to make sure it was not just construction, but that there would be jobs at the facility itself.

Joy asked if there are turning lanes associated with the access point. Redmond said that

would be addressed by the Public Works Department. Joy asked if that detail is included by the change of zone or special permit. Redmond said it is not.

COMPREHENSIVE PLAN CONFORMANCE NO. 18005
ACTION BY PLANNING COMMISSION: **February 14, 2018**

Hove moved for Approval, seconded by Beckius.

Beckius said this project will be a boon to sporting families in Lincoln. It is appropriately sited, with unique site considerations taken into account and worked through with staff.

Washington said this is a wonderful project and she hopes it will alleviate the need for late-night practices for youth sports.

Edgerton said this is an exciting project and it is great that private development is getting involved. It will satisfy a real need in the community.

Finnegan added that the project will also help West O Street.

Motion carried, 8-0: Beckius, Edgerton, Finnegan, Harris, Hove, Joy, Washington, and Corr voting 'yes'; Scheer absent.

CHANGE OF ZONE NO. 18001
ACTION BY PLANNING COMMISSION: **February 14, 2018**

Finnegan moved for Approval, seconded by Washington. Motion carried, 8-0: Beckius, Edgerton, Finnegan, Harris, Hove, Joy, Washington, and Corr voting 'yes'; Scheer absent.

SPECIAL PERMIT NO. 18003
ACTION BY PLANNING COMMISSION: **February 14, 2018**

Hove moved for Approval, seconded by Edgerton. Motion carried, 8-0: Beckius, Edgerton, Finnegan, Harris, Hove, Joy, Washington, and Corr voting 'yes'; Scheer absent.

There being no further business to come before the Commission, the meeting was adjourned at 2:10 p.m.

Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, February 28, 2018.