

REVISED MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, February 20, 2019, 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, Dick Campbell, Tracy Corr, Deanne Finnegan, Maja Harris [arrived at 1:04 p.m.], Christy Joy, and Sändra Washington; Tracy Edgerton and Dennis Scheer absent. David Cary, Steve Henrichsen, Tom Cajka, Rachel Jones, Andrew Thierolf, 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 Hearing

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 Planning Commission hearing held January 23, 2019. Motion for approval made by Campbell, seconded by Beckius and carried 6-0: Beckius, Campbell, Corr, Finnegan, Joy and Washington voting 'yes'; Edgerton, Harris and Scheer absent.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

February 20, 2019

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

The Consent Agenda consisted of the following item: **TEXT AMENDMENT 19001, CHANGE OF ZONE 19003, SPECIAL PERMIT 19002, SPECIAL PERMIT 19003, COUNTY SPECIAL PERMIT 19005 and STREET AND ALLEY VACATION 18005.**

There were no ex parte communications disclosed.

SPECIAL PERMIT 19003 was removed from the Consent Agenda to have separate public hearing.

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

Note: This is **FINAL ACTION** on **SPECIAL PERMIT 19002** and **COUNTY SPECIAL PERMIT 19005** unless appealed by filing a Letter of Appeal with the Office of the City or County Clerk within 14 days. This is a recommendation to the City Council or County Board on all other items.

SPECIAL PERMIT 19003, FOR RECONSTRUCTION AND EXPANSION OF A 4-PLEX BUILDING INCLUDING WAIVERS, GENERALLY LOCATED AT 2910 N STREET;

PUBLIC HEARING:

February 20, 2019

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

Staff Recommendation: Conditional Approval.

Staff Presentation: Steve Henrichsen of the Planning Department stated this special permit is to allow the rebuild of a 4-plex building with roughly the same footprint as was there before. The area is zoned R-4, downzoned from R-5 as part of the larger Woods Park downzoning that occurred several years ago. The applicant asks for a reduced setback to 10 feet to allow for a little more space; the setback on the west will remain 25 feet. Previously, there were four parking stalls on the east. The applicant now proposes five paved stalls. The parking waiver is requested since any additional stalls would have to go farther into the front setback. **Ed Zimmer, Historic Preservation Planner**, is on hand to address questions about design standards.

Zimmer stated that this property is to the north of the historical neighborhood boundary; south is the East Lincoln Elm Park District. Preservation guidelines do not need to be applied in this case, since it is outside of the boundary. In this area just north of the district there is considerably more mix of later buildings and uses. To apply the standards, we look not at the entire area, but more closely at the same and facing block faces. This building, the one to the east and one across the street all face in. They still need to meet neighborhood design standards so the parking must be screened. There is language that buildings over 50 feet must show some relief in the front elevation, so that will be examined when the design is reviewed for building permit purposes.

Washington asked what types of features might provide the relief in the building. Zimmer said there could be an inset in the front wall and varying roof planes. They could create a true break, or provide differentiation in some other way, including with porches, or dormer. The regulations are flexible.

Corr said the drawing provided shows a small, portico entrance. She wondered if that would suffice. Zimmer said the drawings provided are not the plans officially approved in the building permit application. Corr expressed her concerns about applying standards to the west side of the structure so that it is not a blank wall facing out to the street. Zimmer said there must be at least two windows per story; there is no requirement for an entrance or porch on that side, nor would it be made into a false façade.

Proponents:

1. Aaron Burd, 1358 Shire Lane, Eagle, NE, came forward as applicant. He stated their goal is to provide newer housing for lower to middle income families. They have done their due diligence on the project and have been working with Building & Safety. This item was to be on the Consent Agenda but was pulled when a letter was received yesterday.

Beckius asked how many bedrooms the former 4-plex had. Burd said there were two 2-bedroom apartments and two 1-bedroom apartments, so a total of six.

Corr asked if they, as new owners, were simply trying to rebuild what was in the previous footprint. Burd said yes. This site seemed appropriate for the things they want to do.

Washington asked if they are open to making design changes based on comments from Zimmer about breaking up the front façade. Burd said they have already shown those revisions in the new plan; the plan shown in the Planning Commission packet was just a construction prototype. What they show now is more aesthetically pleasing. They are willing to address any concerns. Campbell asked how the reliefs are achieved in the new plan. Burd said there are two gables, one for each half. There is also use of multicolor siding so it will not look so office-like.

Opponents:

1. Jane Sebbey, 320 S. 29th Street, stated she is part of the Woods Park Neighborhood Association, but she is appearing on her own today. Although the neighborhood did not take an official vote, this item was posted on social media and there were several comments and concerns expressed. South 29th Street and N Street both have a lot of traffic. Many apartment complexes have been slipped into this neighborhood. Neighbors would love for this new building to fit in; there are many single-family homes with porches that face the street. There are also concerns with parking since there is already a lot of parking on the residential streets from existing apartments in the area.

Staff Questions:

Corr asked about the rules for rebuilding if a building burns down. She wondered if property owners are allowed to rebuild what was on the lot before. Henrichsen said that is correct, particularly in cases where there was downzoning and the use/number of units already existed. Text was added specifically to address this. The idea with down zoning was to freeze the number of units allowed in an area that is built out. In this case, four units is appropriate and they have the right to ask for that. It was just a matter of sorting out the parking and setbacks.

SPECIAL PERMIT 19003

ACTION BY PLANNING COMMISSION:

February 20, 2019

Beckius moved Conditional Approval, seconded by Washington.

Beckius stated that Mr. Burd proposes a building that is not far from what was already in place before the fire. He is willing to make an investment in the neighborhood and build affordable family housing, which is needed.

Washington agreed. This is a good project and the owner has shown that he is willing to make changes to meet neighborhood standards.

Campbell acknowledged the difficult parking in the neighborhood, adding that the new owner is actually adding an additional off-street parking space to what existed before.

Harris agreed with her fellow commissioners, noting the unmet need for updated affordable housing in Lincoln in general and in this area in particular. This seems like a good opportunity to ensure that code is enforced and that Lincoln has quality affordable housing ~~This is a great way to make sure there is new, quality housing.~~

Joy said she also plans to support this application since it is very similar to what was on the lot before the fire.

Corr stated for the record that she strongly identifies with neighborhood concerns related to parking and stricter design standards that ensure that larger, multifamily dwellings are not slipping into existing neighborhoods. From the planning side, however, this application is essentially to replace what was there before so she will vote in support.

Motion for Conditional Approval carried, 7-0: Beckius, Campbell, Corr, Finnegan, Harris, Joy and Washington voting 'yes'; Edgerton and Scheer absent.

Note: This is FINAL ACTION on SPECIAL PERMIT 19003 unless appealed by filing a Letter of Appeal

with the Office of the City Clerk within 14 days.

COMPREHENSIVE PLAN CONFORMANCE 19001, TO REVIEW AN AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ADD WILLYS KNIGHT LOFTS AT 1600 O STREET;

PUBLIC HEARING:

February 20, 2019

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

Staff Recommendation: Conformance with the Comprehensive Plan.

There were no ex parte communications disclosed.

Staff Presentation: David Landis, Director of Urban Development Department, came forward to state this application is to amend the Lincoln Center Redevelopment Plan to include the renovation of the historical building located at 16th and O Streets. Historic Preservation Commission has designated this a local landmark which has opened the possibility of using State and Federal tax incentives for the work. The new use will include 5,300 square feet of commercial space on the ground floor, along with 16 enclosed parking stalls. The second floor will have 13 market rate residential units. This is a desirable project with the self-contained parking, the addition of residential units being added downtown, and the preservation of a historical resource.

Proponents:

1. Tom Huston, 233 S. 13th Street, Suite 1900, came forward on behalf of the developers. This building represents a significant piece of history related to the auto industry in Lincoln. The windows will be reopened and the building restored to its original glory. There are at least 13 items listed in the Staff Report that outline the many ways this project is consistent with the goals of the Comprehensive Plan. This is also the first installment of redevelopment along the O Street Corridor and will serve as a catalyst project. As an adaptive reuse project, it is also consistent with the new Downtown Master Plan. In terms of the cost-benefit analysis, this is a relatively smaller amount calculated for TIF funding because it is a renovation and only the incremental value can be captured. This will create some employment with the commercial bays on the first floor, and those will have a nice presentation facing O Street and will possibly include sidewalk cafes. The secured parking is an attractive attribute for the residential units. The impact to the school system is small since these are oriented more towards downtown dwellers.

Finnegan asked if this project can be considered student housing. Huston said that although it will be attractive to students due to proximity to campus, it is not purpose-built for that use.

There was no further public testimony on this item.

COMPREHENSIVE PLAN CONFORMANCE 19001

ACTION BY PLANNING COMMISSION:

February 20, 2019

Beckius moved Conformance with the Comprehensive Plan, seconded by Campbell.

Beckius said this project obviously fulfills many goals of the Comprehensive Plan and the Downtown Masterplan. He is looking forward to seeing the façade and window improvements, and to seeing the area come back to life. This is a better, higher use of this property.

Finnegan stated this will change the look of the area and will be a catalyst project.

Joy said this project has real value and will make a nice entry piece into downtown.

Washington agreed with her fellow Commissioners.

Harris said she listened to an audiobook about strategies for cities to be competitive in a global environment and a main pillar of that objective is place making. One recommendation for achieving that goal is the use of historic structures because of their connection to the community. This seems like a perfect example.

Corr agreed this is a great project and she is excited to see the windows and the building brought back to its glory days.

Motion carried, 7-0: Beckius, Campbell, Corr, Finnegan, Harris Joy and Washington voting 'yes'; Edgerton and Scheer absent.

CHANGE OF ZONE 19004, FROM I-1 (INDUSTRIAL PARK DISTRICT) TO I-3 (EMPLOYMENT CENTER DISTRICT) GENERALLY LOCATED AT 4851 N. 84TH STREET;

PUBLIC HEARING:

February 20, 2019

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

Staff Recommendation: Approval.

AND

USE PERMIT 19001, TO ALLOW FOR UP TO 90,000 SQUARE FEET OF COMMERCIAL AND INDUSTRIAL FLOOR AREA ON APPROXIMATELY 45 ACRES, LOCATED AT 4851 N. 84TH STREET;

PUBLIC HEARING:

February 20, 2019

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

Staff Recommendation: Conditional Approval.

AND

STREET AND ALLEY VACATION 19001, TO VACATE A PORTION OF N. 84TH STREET RIGHT OF WAY, GENERALLY LOCATED AT 4851 N. 84TH STREET;

PUBLIC HEARING:

February 20, 2019

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

Staff Recommendation: Conformance with the Comprehensive Plan.

There were no ex parte communications disclosed.

Staff Presentation: Rachel Jones of the Planning Department stated these are related applications for the redevelopment of the property north of 84th Street and Havelock Avenue. This property was annexed and underwent a change of zone in 2015. The change to I-3 is appropriate since this is a larger employer with potential to expand the site further. The current minimum acreage for I-3 zoning is 50 acres, so the related text amendment heard under the Consent Agenda today would reduce that minimum down to 30 acres. In terms of the site plan, this is an expansion of several aspects all under the umbrella of this user. The main use is a warehouse, with some office and retail proposed, including a restaurant. They are allowed up to 90,000 square feet of space. No waivers are requested. The connections are internal to the campus through private drives. In addition, a right turn lane will be installed in 84th Street at the entrance. The street vacation is on an unused portion of 84th Street stub that is not necessary given the proposal that has come forward. It would be vacated and included in the change of zone and use permit boundaries.

Campbell asked if there is a median in 84th Street. Jones said yes, there is a median and a left turn lane currently.

Corr asked how an I-3 employment center is different from any other large employer. Jones said there is not a definition but each case is treated case by case. There are four other I-3 districts in town. In this case, the classification works because of their campus plan and their potential to expand on the site, given how big it is.

Proponents:

1. **Rick Onnen, 7130 S. 29th Street**, came forward on behalf of the applicant. This is a campus-wide development. The developer will be adding a 23,000 square foot office building, and 45,000 square feet of cold storage. The nature of this business is specialized beef distribution where quarters are brought in to be cut into portions and shipped. There is a proposed retail use and a small restaurant, but the primary use will be packaging and shipping. The estimated truck traffic is anticipated to be light. There are 94 parking stalls and around 20 warehouse employees. One of the primary instigators for the zone change was for the restaurant and accompanying liquor license. It is possible that in the future, they may request to have an off-sale wine shop, or similar. Another aspect of this is fulfilling the annexation agreement from 2015, including the installation of a turn lane and a 16-inch water main.

Washington asked where the restaurant will be located. Onnen said it will be in the office building and will have a small square footage. Washington asked if customer parking is included in the 94-stall total. Onnen said that is correct. Parking will be for both employees and customers. There has been discussion about how this could relate to a liquor license in the future and we view the campus as a whole. Finnegan asked if they are requesting off-sale now. Onnen said it is his understanding that they are only requesting on-sale for now, but want to be able to consider the off-sale option in the future. They have not made that application yet.

2. **Mark Fahleson, 1128 Lincoln Mall, Suite 300**, said that he also represents the applicants and is on hand to answer questions.

There were no staff questions or applicant rebuttal.

CHANGE OF ZONE 19004

ACTION BY PLANNING COMMISSION:

February 20, 2019

Campbell moved Approval, seconded by Finnegan.

Beckius said he is excited to hear about this project. It is interesting to be able to expose customers to experiences, not only in terms of a production facility, but with the added restaurant. Those experiences are able to come together in a single location. This is also exciting for this area and for northeast Lincoln, in general.

Joy agreed.

Corr said she will support these applications and appreciates the applicant thinking ahead with

long-term plans and getting things laid out correctly now rather than adding things piece by piece.

Motion carried, 7-0: Beckius, Campbell, Corr, Finnegan, Harris, Joy and Washington voting 'yes'; Edgerton and Scheer absent.

USE PERMIT 19001

ACTION BY PLANNING COMMISSION:

February 20, 2019

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

Note: This is FINAL ACTION on USE PERMIT 19001 unless appealed by filing a Letter of Appeal with the Office of the City Clerk within 14 days.

STREET AND ALLEY VACATION 19001

ACTION BY PLANNING COMMISSION:

February 20, 2019

Washington moved Conformance with the Comprehensive Plan, seconded by Campbell and carried, 7-0: Beckius, Campbell, Corr, Finnegan, Harris, Joy and Washington voting 'yes'; Edgerton and Scheer absent.

There being no further business to come before the Commission, the meeting was adjourned at 1:58 p.m.

Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, March 6, 2019.