

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, April 3, 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, Tracy Edgerton, Deane Finnegan, Maja Harris, Christy Joy and Dennis Scheer and; Sändra Washington absent. Steve Henrichsen, Rachel Jones, Dessie Redmond, Andrew Thierolf, Brian Will, George Wesselhoft, Geri Rorabaugh and Amy Huffman of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

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

Scheer requested a motion approving the minutes for the regular Planning Commission hearing held March 20, 2019.

Motion for approval of the minutes made by Campbell, seconded by Beckius and carried 8-0: Beckius, Campbell, Corr, Edgerton, Finnegan, Harris, Joy and Scheer voting 'yes'; Washington absent.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

April 3, 2019

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

Harris declared a Conflict of Interest on Text Amendment 19002 and Pre-Existing Use Permit1A; Joy declared a Conflict of Interest on Street and Alley Vacation 19004; both Commissioners left the chambers for the duration of the hearing on the Consent Agenda.

The Consent Agenda consisted of the following item: **TEXT AMENDMENT 19002, PRE-EXISTING SPECIAL PERMIT 1A, ANNEXATION 19002, CHANGE OF ZONE 19005, SPECIAL PERMIT 19006, CHANGE OF ZONE 19008, USE PERMIT 19003, STREET AND ALLEY VACATION 19003 and STREET AND ALLEY VACATION 19004.**

There were no ex parte communications disclosed.

Commissioner Corr asked that related items, **ANNEXATION 19002, CHANGE OF ZONE 19005** and **SPECIAL PERMIT 19006** be pulled from the Consent Agenda to have separate public hearing.

Beckius moved approval of the remainder Consent Agenda; seconded by Finnegan and carried, 6-0: Beckius, Campbell, Corr, Edgerton, Finnegan, and Scheer voting 'yes'; Harris and Joy recused themselves from the vote; Washington absent.

Note: This is **FINAL ACTION** on **PRE-EXISTING USE PERMIT 1A** unless appealed by filing a Letter of Appeal with the Office of the City Clerk within 14 days. This is a recommendation to the City Council all other items.

Harris and Joy returned to the chambers.

ANNEXATION 19002, TO ANNEX APPROXIMATELY 76.76 ACRES FOR GRANDVIEW ESTATES 2ND ADDITION, CUP, GENERALLY LOCATED AT S. 70TH STREET AND ROKEBY ROAD;
PUBLIC HEARING: April 3, 2019

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

Staff Recommendation: Approval.

AND

CHANGE OF ZONE 19005, FROM AG (AGRICULTURAL DISTRICT) TO R-3 (RESIDENTIAL DISTRICT), GENERALLY LOCATED AT S. 70TH STREET AND ROKEBY ROAD;
PUBLIC HEARING: April 3, 2019

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

Staff Recommendation: Approval.

AND

SPECIAL PERMIT 19006, TO ALLOW FOR GRANDVIEW ESTATES 2ND ADDITION FOR UP TO 1,681 DWELLING UNITS, WITH WAIVERS, GENERALLY LOCATED AT S. 70TH STREET AND ROKEBY ROAD;
PUBLIC HEARING: April 3, 2019

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

Staff Recommendation: Conditional Approval.

There were no ex parte communications disclosed.

Staff Presentation: **Brian Will of the Planning Department** stated this special permit covers around 240 acres and the methodology being applied is similar to what was done with the addition to the north, across Rokeby Road. They seek approval of the overall development plan for the CUP. The request is for approval of up to 1,600 units, mainly single family, which is more than what is shown in the plan; this is to allow flexibility to come in later for minor changes. There is one area designated for up to 700 multi-family units.

The first phase brings in 77 acres in the center of the development. There are improvements underway in Rokeby Road and the necessary utilities are adjacent or under development for service to these properties. The future Land Use designation for this area is urban residential, which is consistent with what is proposed. It meets the guidelines of the annexation policy and the requested zoning is appropriate.

Corr asked if there is a pipeline planning area along one of these arterials. Will said no. Corr asked for more information regarding access points around Block 14. Will said the developer can address that. Corr asked if staff agreed with the requested waivers. Will said yes. There are a few blocks where the sidewalk is unnecessary or where it would interfere with the detention facility.

Proponents:

1. Mike Eckert, Civil Design Group, Inc., 8535 Executive Woods Drive, #200, came forward representing the applicant. To address the question about the access points around Block 14, we have worked with Lincoln Transportation and Utilities for a couple of deviation requests. There would typically be two quarter-mile access points from S. 70th to the half-mile mark and the plan does not show that due to grading issues. Rokeby is anticipated to have lower volume in this area so will be considered a minor arterial, allowing for this deviation. Not all details are worked out yet but, in all, there will be four points of access for the complex. There are storm sewer easements shown on the plan that could easily be confused for sidewalks. Staff agrees with all of the waivers.

Corr asked about the area being set aside for entry to the LES substation. Eckert said there is a long outlot and there will be houses on the south side. There is a double-loaded pole coming from the east so there are some different requirements to accommodate that. The plan is to

make the lots deeper so the building envelope will be the same without running into setback issues. There is another outlot that an HOA will be responsible for maintaining. A continuous path will be provided for service trucks. Corr noted that incorrect lots may have been mentioned. Eckert replied that he will make sure to get that corrected on a resubmittal.

Corr said she is coming up with a different number of units. Eckert said he will double check the numbers. This plan is a large, complex one and it has been through several iterations, so there could very well be a change in the number of lots.

Corr asked for more information about the traffic calming measures. Eckert said some of those measures have been driven by LES and their desire for a straight stretch of road. The small roundabouts that are shown can fit within the 60-foot intersection.

Corr wondered about the review by Watershed Management. Eckert said this area is part of the Upper Wagon Train Watershed Master Plan. We have worked with a consultant to map the small area where there is encroachment. That phase is several years off. When bringing in an area this big, we find it is best to master plan it from a grading and connectivity perspective, particularly in this case, where this area is a potential elementary school site.

There was no testimony in opposition.

There were no further questions for staff or applicant rebuttal.

ANNEXATION 19002

ACTION BY PLANNING COMMISSION:

April 3, 2019

Finnegan moved Approval, seconded by Campbell.

Corr thanked staff and the applicant for answering questions. She had no problem with the annexation and change of zone, but wanted more details on the special permit to make sure everything is ironed out for the next phases.

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

CHANGE OF ZONE 19005

ACTION BY PLANNING COMMISSION:

April 3, 2019

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

SPECIAL PERMIT 19006

ACTION BY PLANNING COMMISSION:

April 3, 2019

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

Note: This is **FINAL ACTION** on **SPECIAL PERMIT 19006** unless appealed by filing a Letter of Appeal with the Office of the County Clerk within 14 days.

COMPREHENSIVE PLAN CONFORMANCE 19005, TO REVIEW AS TO CONFORMANCE THE "CONTAINERS ON VINE REDEVELOPMENT PROJECT" GENERALLY LOCATED AT N. 28TH AND VINE STREETS;

PUBLIC HEARING:

April 3, 2019

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

Staff Recommendation: Conformance with the Comprehensive Plan.

There were no ex parte communications disclosed.

Staff Presentation: Dallas McGee of the Urban Development Department stated this proposal is to amend the North 27th Corridor Plan to establish a project area to allow for TIF assistance in the development of this project. The site fronts on Vine and 28th Streets and consists of a number of lots, most of which are vacant. There are two lots that still have houses. The applicant would like to build four duplexes, for a total of eight units. The investment will be approximately \$1.3 million, with around \$200,000 generated in TIF to assist in the project. The redevelopment agreement is underway and if everything moves forward according to plan, we expect that agreement to be before City Council in the next month.

Corr had questions about the design standards for the neighborhood, particularly the roof. She assumes the goal is for these units to fit in to the existing neighborhood. McGee said the applicant is here with renderings. Corr noted that in the minutes of the Urban Design Committee, there was no indication the applicant was pursuing use of TIF funds. McGee said that meeting took place a year ago and the applicant has since reconfigured his plans and would like to include TIF.

Scheer commented that today's application is for a finding of Conformance with the Comprehensive Plan and questions should be kept to that topic.

Proponents:

1. Kris Sonderup, 2835 O'Reilly Drive, came forward to state this proposal is to enhance property along the 27th Street corridor. They also built Hartley Flats. They were initially nervous about that project and how it would be received. People are excited to live in this area; they would just like to see newer housing options. The target market for these container units is young professionals. This is an ideal location because it is between both university campuses, close to downtown, and the street is very vibrant.

Edgerton asked to be walked through the design. Sonderup said the containers are just one component of the design; the majority is traditional construction. There isn't much cost savings, and there are limitations, in terms of size, but it makes for a unique and appealing design, particularly for the group they are targeting. The design offers something different and is very comfortable. The units are single bedroom on the second floor and two bedrooms on the first floor, which also includes a garage. All access will be taken off the alley between 27th and 28th, which was a change made to satisfy the suggestions of the Urban Design Committee. To address the question about the roofs, it is true, the pitch is not as steep as what is found in the majority of the neighborhood; however, this property is so close to the commercial areas of 27th Street that they blend in well.

Corr asked if there is more than one container used in each building. Sonderup said there are two on the first and one on the second floor.

Campbell asked if the lots have to be reconfigured. Sonderup said they have to work a little on the right of way on the north lot. Since the homes were 100 years old, they were non-conforming with odd setbacks. They do need to be reconfigured.

2. Curt Donaldson, 2860 R Street, said he is president of the Hartley Neighborhood Association, though his testimony today is not the official position of the association since they are between meetings and have not had the chance to take an official vote. Normally, they discourage too much trendiness in home design, but considering the fact that these homes are so close to commercial uses, the design is appropriate. The neighborhood has worked hard over the years to maintain the existing character and they have been successful. There are ten new homes in the area and you can hardly tell that they are new because they fit in so well. We appreciate that the low density residential character is being protected.

There was no testimony in opposition.

Staff Questions:

Corr asked if the pitch of the roofs in this proposal fit in with the design standards for this

neighborhood. **Stacey Groshong-Hageman of the Planning Department** stated the standards talk about the contextual relationship of the new design with existing structures on the same block face and across the street. In general, those patterns should be adhered to. This particular case was addressed by Urban Design Committee and a waiver was granted for a different type of roof. They are creating their own character. Corr asked if this neighborhood typically uses traditional shingles. Hageman said the design standards do not address materials as much as the form and mass of the new structures fitting with the existing neighborhood. Corr asked if this design would have been received as well in another location. Hageman said projects are reviewed case by case. For this project, the context and proximity to commercial business just across the alley were taken into account. Corr noted her concern regarding the addition of external stairs and balconies in an older neighborhood. Hageman said there are standards in place to avoid slipping in an apartment complex with those types of features. These units are oriented to 28th Street so Vine becomes more of the secondary face which makes the stairs work here.

Edgerton asked the reason for the delay between Urban Design Committee and Planning Commission. Hageman said the developer was planning to do the project without the use of TIF funds, so it took time to go through the process to make sure everything met the standards.

COMPREHENSIVE PLAN CONFORMANCE 19005

ACTION BY PLANNING COMMISSION:

April 3, 2019

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

Harris said the testimony today indicated that this is a trendy design. There is a global trend to use shipping containers for many things such as stores and urban farming projects. It is cool to see it in Lincoln and the placement is appropriate. This is only a modest increase in density and it hits many of the goals of the Comprehensive Plan including infill, density, diversity of architecture, and reuse.

Joy agreed that it is a good use of space along the commercial corridor and will be a unique housing opportunity and something new for Lincoln.

Beckius thanked the developer for adding additional housing in the existing neighborhood. It is a bonus when these lots could otherwise have sat vacant or have been used for a parking lot or something with less benefit to the community.

Corr said she used to live in this neighborhood and it is nice to see all the improvements that have happened. She is always hesitant to tear down existing structures but she knows the houses are not in the best of shape. This will be a great addition to the neighborhood and is a nice mix of old and new.

Scheer said this clearly conforms to the Comprehensive Plan. He appreciates the extra detail and loves the direction of the design.

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

COMPREHENSIVE PLAN CONFORMANCE 19006, TO REVIEW AS TO CONFORMANCE THE "9th AND O REDEVELOPMENT PROJECT" GENERALLY LOCATED AT 9TH AND O STREETS;

PUBLIC HEARING:

April 3, 2019

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

Commissioner Scheer declared a conflict of interest and exited the chambers.

Staff Recommendation: Conformance with the Comprehensive Plan.

There were no ex parte communications disclosed.

Staff Presentation: Dallas McGee of the Urban Development Department said this site includes the southeast corner of the 9th and O Street intersection as well as all of the streets surrounding that block. Another project was proposed for this site but could not be brought together. The developer has reconfigured the plans and is now bringing forward this project. It is for a 6-story hotel with 140 rooms. It will be approximately \$28 million of investment and will generate \$3 million in TIF funds to assist in the development. One key component of this project is the underground parking that provides for the parking needs of the hotel. The redevelopment agreement is being negotiated and we hope to be before City Council within a month.

Campbell asked if any lanes will be closed during construction. McGee said LTU is very concerned about that issue. It is possible there could be lane closures for short periods of time during the construction, but there is a staging area in the off-street parking lot so any closures would be very temporary. Campbell said that closures will not be allowed on O Street. McGee said that is correct.

Edgerton asked if this reconfiguration went before the Urban Design Committee. McGee said yes. They ultimately recommended approval of the design with some conditional changes. The details have not been finalized yet. Edgerton commented that the staff report noted that this project will strengthen and improve downtown and will be a catalyst project. McGee said the term "catalyst" first appeared in the first Downtown Master Plan. That identified a number of projects that could happen in the short term that would spur development in surrounding areas. This is a key location that could spur additional development south of downtown and in the South

Haymarket.

Corr wondered if the underground parking would be exclusively for hotel patrons, McGee said it would be for hotel use only, unless they determine they have more than they need. Corr said the report talks about the lobby on the ground floor. She wondered if that would be considered an active use. McGee said there are questions about what is appropriate for first floor space. We often think of retail on the ground floor, but when we say “active” that is a broader use category. The developer proposes a bar on the corner, and a pool with exposure to 9th Street. A lobby does not close at 5:00 and there are people going in and out. Corr said that was her thinking also.

Beckius wondered if having 2nd floor check-in and is more desirable to the City. McGee said that specific conversation has not occurred. In very dense areas, the check-in area could be on the 2nd floor, but here, a lobby on the 1st floor would be very appropriate.

Harris asked if this replaces the original proposed plan. McGee said yes. The developer is not here today, but Staff meets with them weekly.

There was no testimony in support or opposition.

COMPREHENSIVE PLAN CONFORMANCE 19005
ACTION BY PLANNING COMMISSION:

April 3, 2019

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

Beckius said this project seems very appropriate for this area. It should serve as a catalyst and bring vibrancy to the corner. The community should welcome this with open arms.

Finnegan said this is such an important corner and it has looked awful for a while so she is excited to have a new project perk up the area.

Edgerton agreed that the project meets many of the points of the Comprehensive Plan and will have an impact downtown. 9th and O is a very important intersection that will benefit.

Corr said she likes this design better than the first one. That seemed tall whereas this building seems more appropriate in scale. She looks forward to seeing something besides an empty corner.

Motion for Conformance with the Comprehensive Plan carried, 7-0: Beckius, Campbell, Corr, Edgerton, Finnegan, Harris, and Joy voting ‘yes’; Scheer declared a Conflict of Interest; Washington 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, April 17, 2019.

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