MEETING RECORD

NAME OF GROUP:	PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING:	Wednesday, July 19, 2006, 11:00 a.m., Police Training Room A, Hall of Justice, 575 S. 10th Street, Lincoln, Nebraska
MEMBERS IN ATTENDANCE:	Gene Carroll, Jon Carlson, Michael Cornelius, Roger Larson, Mary Strand, Lynn Sunderman and Tommy Taylor. Dick Esseks and Gerry Krieser absent.
OTHERS IN ATTENDANCE:	Mike Piernicky of Olsson Associates; Randy Hoskins, Virendra Singh, Scott Cockrill, Roger Ohlrich and Erin Sokolik of Engineering Services; Kent Morgan, Steve Henrichsen, David Cary, Sara Hartzell and Michele Abendroth of the Planning Department.
STATED PURPOSE OF MEETING:	**Long Range Transportation Plan Update and Comp Plan Text Workshop**

The meeting was called to order at 11:06 a.m.

Singh began by stating that they will update the Commissioners on the traffic model results. Piernicky stated that the 2004 calibrated model has a trip time of approximately 8 minutes, and the vast majority of the system is in level of service A and B. The 2030 land use on the 2004 network, or a no-build alternative, has a significant reduction in level of service A and B and an increase in level of service F. The average trip time increases to 24 minutes, which is triple the current time. The 2030 plan alternative network 12 is the Planning Commission recommended alternative. Minor changes have been made to the model, which more accurately represent what they anticipate for the future, and this is represented as alternative 12a. With this alternative, the trip time is predicted to be 9.7 minutes.

Piernicky then distributed maps of the level of service predicted with network 12a and the 2030 no-build scenario. There is vast improvement between the no-build scenario and alternative 12a.

Strand asked if the South Beltway was taken into consideration on Highway 2. Piernicky confirmed that it was. He noted there is so much capacity needed that when capacity is added, it fills it in.

Carroll asked if there are any improvements planned for the 14th and Superior area to get it out of the level E range. Piernicky stated that the Antelope Valley improvements and the Cornhusker Highway improvements were added, but it is still showing level E on Superior. This is not representative of the fact that it is not needed. Singh noted that the level of service on Cornhusker for the no-build scenario is F, but with alternative 12a, it is level D.

Strand commented that there is only one street going north-south all the way through town, and it is currently level of service F and will remain at level F in the future. She urged staff to look at any alternatives for 27th Street that are least intrusive to the neighborhoods. She feels that at least we could pursue a study and look at long-range planning for moving traffic. Cornelius asked about the current volume capacity ratios on 27th Street. Piernicky stated that overall he would estimate it to be at level of service D today, but it depends on what section you are looking at. He noted that it will get worse in the future.

Henrichsen then proceeded to review the Business and Commerce section of the Comprehensive Plan. He noted that an additional meeting was scheduled for August 16 from 11:00 a.m. to 1:00 p.m. to review the Mobility and Transportation chapter of the Comprehensive Plan.

Henrichsen noted that based on the discussion at the July 5th Commission meeting, staff has recommended to eliminate the anchor ratio text. However, they are recommending several changes, which were detailed in a memo sent to the Commissioners on July 13th, a copy of which is attached. In terms of neighborhood centers, there could be an anchor store, but it would not be the entire part of the development. In community centers, there could be two or more anchor stores, but the goal is to have a mix of uses.

Carroll asked about the text in the neighborhood centers which states, “An anchor store may occupy about a third to half of the total space”. Henrichsen clarified that this is in regard to the total space, whereas before we talked about an anchor ratio being 50% of the retail space, which would be about 90,000 square feet. With incentive criteria, the total size would increase to 225,000 square feet. Carroll stated that he would prefer to take out the ‘third to half’ reference. Strand stated that she agrees as she feels it will restrict tenants too much. Henrichsen stated that they felt it was important for the Plan to give some direction on this, and it was added, in part, due to a suggestion by the City Council to see a limit. Strand asked about adding language to state that there could be one tenant, but it should look like several tenants on the exterior. Larson stated that he believes we should discourage this, as he believes that people want choice. Commissioners agreed that neighborhood centers should be 150,000 square feet with anchor stores being a third to half of the total space, but it could be higher with incentive criteria. They asked staff to revise the text for Commissioners’ review at the next meeting.

Strand asked about adding a sentence regarding the transportation network having good access into and out of downtown. She noted that there is a reference to having access from Antelope Valley into downtown, but she questioned why it doesn’t address the need for transportation from other parts of the City into downtown.

Larson stated that he would like to see design standards addressed in the Plan. Strand stated that she believes that input should be sought from the development community in this area. Carroll stated that new design criteria should be looked at and reviewed. Henrichsen

suggested adding a strategy stating that development and design standards for commercial centers should be reviewed and updated. Commissioners agreed to this addition.

Henrichsen explained that the introductory paragraphs to each chapter will be shortened to state what can be found in the chapter.

The meeting was adjourned at 12:16 p.m.

Respectfully submitted,

Michele Abendroth
Planning Department

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MEETING RECORD

NAME OF GROUP:	PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING:	Wednesday, July 19, 2006, 2:45 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska
MEMBERS IN ATTENDANCE:	Jon Carlson, Gene Carroll, Michael Cornelius, Dick Esseks, Roger Larson, Mary Strand, Lynn Sunderman and Tommy Taylor (Gerry Krieser absent); Marvin Krout, Ray Hill, Steve Henrichsen, Greg Czaplewski, Jean Walker and Teresa McKinstry of the Planning Department; and other interested citizens.
STATED PURPOSE OF MEETING:	Downzone Committee

Carlson opened the meeting and stated the Commission will be discussing the Executive Summary of the committee report point by point.

Sunderman inquired about the procedure after the Committee's final report. Carlson replied that the report appears before Planning Commission for a decision, and then on to City Council.

Esseks questioned certain procedures that might be adopted by Planning Commission, such as the 10-day notice. Marvin Krout replied that the 10-day notice is mandated by the Lincoln Municipal Code. It must be a minimum of ten days.

Carlson believes it is the role of Planning Commission to render an opinion, not to create policy.

Esseks feels under some time pressure to reach agreement so groups that want to downzone will have the appropriate time. He would like to see this group work toward a consensus.

Marvin Krout noted there is the issue of what does the Commission want to apply to groups that have applications on pending.

Greg Czaplewski handed out a memo stating principles and actions as identified by the Downzone Committee. Strand believes the Committee was mostly unanimous on the majority of the recommendations.

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Strand would like explanation of the notification process and the timeline. Czaplewski replied that currently required is an application form, a legal description of the area, a map showing the boundaries and the fee. Typically he will have met with the applicant before they submit the application. Often he has gone to a neighborhood meeting and talked to property owners in the area. Once the application is submitted, it is generally a four-week schedule for all applications.

Jean Walker stated that property owner records from the County Assessor are accessed and notices are mailed out 13 days before the Planning Commission hearing date. A sign is posted on the property at least eight days before the hearing. Anyone who testified at the hearing or submitted a letter or email is notified of any further hearings or action.

Czaplewski stated that perhaps a pre-application meeting can be required. A lot of the neighborhoods are doing it on their own. A lot of the neighborhood associations have a monthly meeting.

Strand would like to see staff have a lot more time to work on these. Each individual parcel must be scrutinized to see which parcels will become nonstandard and so forth. In the mailing to homeowners, the Committee would like to see a list of the pros and cons of downzoning. Strand noted that there is no guarantee that you can rebuild with a change in your zoning. There is also a possible negative effect on your homeowner's insurance. Hopefully, owners would have a better idea of what questions to ask.

Carroll noted that in the appraisal process, if you find a nonstandard use, it must be listed. Carlson stated that he has had properties downzoned and it does not seem to have affected them in terms of property value and insurance.

Carroll wants all property owners to be informed a little better. Strand noted that other people's property is being affected. These applications involve someone requesting a change on properties that they don't own.

Carlson would rather see a checklist of things that need to be done instead of a timeline. Strand wants it to be mandatory for staff to provide information to owners on how downzoning will impact their property. Esseks agrees it is a good idea, but it won't be easy to implement. Strand replied that perhaps it could just be a list of where to go to find out the answers.

Marvin Krout is hearing that the Committee would like the Planning Dept. to provide information on the effects of downzoning. It has been current policy to have the applicant inform people in the area of application.

Cornelius is not sure that providing an information sheet in the notification letter will solve the problems.

Esseks thinks this is something important. He likes the idea of giving people multiple opportunities to learn about the process.

Carlson would like to see a checklist of items that would make the process easier, things the Commission would like to see done.

Carroll does not see anything wrong with requiring a neighborhood meeting.

Strand sees the issue as, should these items be required or should a checklist of suggested steps be made available?

Strand wondered what would happen if you were on vacation for two weeks and when you come home, you find out someone else has requested a change of zone on your property. It seems very scary.

Carlson has concerns about requiring additional steps for an application to be made. He believes a checklist should be provided showing all the expectations.

Strand wants to define the timeline mentioned in P1, A 1.1. Czaplewski stated the job is getting done now, a little more time would be nice.

Walker noted that the Planning bylaws would need to be changed.

Motion on P1, A1.1, A1.2 and A1.3: Strand made a motion to approve, with amendment to change the application deadline to eight (8) Thursdays before the Planning Commission public hearing, with a mandatory neighborhood meeting required prior to the Planning Commission public hearing, with notice of the neighborhood meeting at least two weeks prior to the neighborhood meeting and notice of the Planning Commission public hearing being mailed at least four weeks prior the public hearing, seconded by Esseks.

Carlson will oppose the motion. He thinks this can all be accomplished with a checklist. His disagrees with the fact that these steps would be mandatory.

Strand noted that if the Law Dept. states this can't be done, the Planning Commission should create a checklist.

Carroll stated that this process changes the zoning on other people's property. He thinks this process should be more stringent.

Larson is hearing that everyone agrees there needs to be a neighborhood meeting and it should be initiated by Planning staff. There is disagreement whether it is mandatory or strongly suggested.

Upon further discussion, motion carried 5-3: Carroll, Esseks, Larson, Strand and Sunderman voting 'yes'; Carlson, Cornelius and Taylor voting 'no'; Krieser absent.

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Motion on P2, A2.1: Strand moved approval of an information sheet to be made available to the public that provides answers to "how might this change impact my property", with city staff creating the sheet with final review and approval by Planning Commission. A committee of the Planning Commission and staff will create the sheet and it will have review by Planning Commission. Motion was seconded by Cornelius.

Larson stated that this information should go out with the notice of the neighborhood meeting. Strand agreed.

Strand suggested the information include how it may impact property value, homeowners insurance, mortgage, and title insurance liability. It can point out where you can go for further information.

Esseks sees this letter as being a challenge. He sees several risks and benefits. He would like to see a question and answer session. He doesn't see how we can mandate a contact. The public could have input into the information provided.

Motion carried 7-1: Carroll, Cornelius, Esseks, Larson, Strand, Sunderman and Taylor voting 'yes'; Carlson voting 'no'; Krieser absent.

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It was pointed out that P.3 deals with the fee structure which has already been voted upon by the Planning Commission and is scheduled for public hearing by the City Council on July 24, 2006.

Carroll does not see the fee as a burden. The applicant always has the option of talking to their City Council representative and having them bring it forward without a fee.

Ray Hill stated that administrative costs are probably the same, but the mailings and notices get expensive for the city.

Carlson does not think it is appropriate to change the fees without proper notice and public hearing.

Krout agreed that it will be very awkward to try and explain to the City Council if the Planning Commission changes their mind on the fees.

Motion: Carlson moved to retain the current fee schedule on downzone applications, seconded by Esseks. Motion failed 4-4: Carlson, Cornelius, Esseks and Taylor voting 'yes'; Carroll, Larson, Strand and Sunderman voting 'no'; Krieser absent. Thus, P3 was removed from the report recommendations.

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Strand explained that P4 addresses the case where an application for downzone can only be approved by a super majority of the City Council when there is a simple majority of the property owners in opposition.

Carlson sees this as a whole other process that is not needed.

Carroll stated that a memo from Rick Peo talked about super majority. This has been upheld by the courts for the protection of property owners. If 51% of property owners don't want the zoning change, there should be a higher burden.

Cornelius and Carlson did not think there is anything wrong with the current process.

Esseks posed the question of public safety. This boils down to what most people want.

Motion: Carroll moved approval of P4, including A4.1, A4.2, A4.3 and A4.4, seconded by Strand.

Sunderman philosophically agrees with the motion, but he thinks it will be difficult to enforce.

Motion failed 4-4: Carroll, Esseks, Strand and Sunderman voting 'yes'; Carlson, Cornelius, Larson and Taylor voting 'no'; Krieser absent. Thus, all of P4 was removed from the report recommendations.

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Czaplewski believes P5 attempts to address what the Planning Commission desires be addressed in the staff report on these applications.

Krout doesn't see where these necessarily delay an application. Longer application deadlines that were previously approved should take care of this.

Motion: Carlson moved to delete P5, A5.1 and A5.2, seconded by Esseks.

Esseks thinks this item is too negative.

Krout stated it would be helpful for staff to have a standardized list of what the Planning Commission would like to see.

Strand would like to know the density, how many properties will become nonstandard, building permits for multi-dwellings for new and conversion over the last five years. These are items that she would like to see addressed in the staff report.

Czaplewski thinks this is just a matter of a checklist.

Carroll stated some additional information should be character of neighborhood, condition of surrounding properties, and age of neighborhood.

Carlson is concerned with all the extra information that will be required on just these applications. Krout clarified that this would be information provided in the staff report by the planner.

Motion: Strand moved that downzoning applications should not be scheduled for public hearing without a full and complete analysis; and that staff should work with the Planning Commission to determine what additional information should be included in the analysis, seconded by Carroll and carried 8-0: Carlson, Carroll, Cornelius, Esseks, Larson, Strand, Sunderman and Taylor voting 'yes'; Krieser absent.

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Krout pointed out that P6 and A6.1 have already been accomplished. Henrichsen agreed. It was agreed that these paragraphs would be listed in the final report as already being accomplished.

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P7, A7.1 and A7.2 were adopted by consensus, adding "licensed" number of units in P7 and A7.2, and delete "offered for use" from A7.2.

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P8 and A8.1 were adopted by consensus. Carlson noted that there are at least three sections of the zoning code that currently address grandfathering of properties.

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P9 was deleted by consensus, finding that the review criteria is covered under P5.

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General Discussion:

Strand does not believe that every neighborhood that comes forward with a downzoning application is a good idea. There is a positive to having a diverse neighborhood. Cecil Steward believes it is important to have a variety of zoning and he is planning to send a letter to the Planning Commission to express his opinion.

Carlson believes that diversity of use is still being preserved.

Esseks agrees that some neighborhoods are vulnerable. Too many duplexes on a block make people worry that the whole block will become duplexes.

Krout then discussed the "next step". These recommendations could go on to City Council and then be applied to all future cases. There needs to be a decision about how to proceed with the 40th & "A" downzoning that is pending at Planning Commission.

Strand stated that she would be willing to vote on 40th and "A" on August 30, 2006. She wants another public notice to go out to the neighborhood with more time.

Carroll stated that he is fine with 30 days notice and would like to see nonstandard properties identified. He would like to see the notice list the criteria used as to how nonstandard lots are identified.

Krout stated that this information will all be included in the letter to property owners in the area.

With regard to 40th & A, Carlson does not think the rules can be changed in the middle of the processing of an application.

Krout does not believe the ordinance addresses anything other than notice. He believes staff is free to provide more information.

Carlson suggested that the report be submitted and discussed at a precouncil meeting prior to implementation. He would like to get some feedback from Council members.

Carroll does not believe it needs to be submitted to the City Council before proceeding to submit any code or bylaw amendments. Krout noted that Planning Commission has the authority at any time to request a change of zone.

Esseks sees the next step as going to City Council or having a public meeting so the public can respond.

Henrichsen advised that the Planning Dept. has received a downzone application from the Witherbee Neighborhood Association. That notice would go out in the next week or two, and it would be difficult to have enough information put together prior to that notice.

Motion: Carlson moved that no changes take effect until a precouncil has been held, and that attempts will be made to schedule the precouncil meeting within one month, seconded by Cornelius.

Esseks believes that property owners have a right to be informed.

Larson and Taylor left.

Motion to Amend: Strand moved to amend the motion such that all applications in process should be notified of what could become nonstandard. The notice should be mailed at least three weeks prior to the public hearing. Strand does not want to stop everything until there is a precouncil meeting. Carlson and Cornelius agreed to made this a friendly amendment to the main motion.

Carlson agreed to attempt to schedule the precouncil meeting.

Motion carried 5-1: Carlson, Cornelius, Esseks, Strand and Sunderman voting 'yes'; Carroll voting 'no'; Krieser, Larson and Taylor absent.

The meeting concluded at 5:15 p.m.

Respectfully submitted,

Teresa McKinstry
Planning Department

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