

BRIEFING NOTES

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, January 4, 2017, 11:45 a.m., Bill Luxford Studio, Room 113, County-City Building, 555 South 10th Street, Lincoln, Nebraska.

MEMBERS IN ATTENDANCE: Tom Beckius, Tracy Edgerton, Deane Finnegan, Maja Harris, Chris Hove, Dennis Scheer, Sandra Washington [arrived at 12:32], and Ken Weber [arrived at 12:15]; (Tracy Corr absent).

OTHERS IN David Cary, Steve, Henrichsen, Paul Barnes, Stacey Groshong-Hageman, George Wesselhoft, and Amy Huffman of the Planning Department; Rick Peo, Law Department.

STATED PURPOSE: Briefing on **Planning Commission Procedures** and **South Haymarket Zoning Changes**.

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

PLANNING COMMISSION PROCEDURES

Steve Henrichsen stated that this matter came up after the applications related to a recent item, Costco, were carried over for Action until the following meeting and the Public Hearing was closed. It is important to review the best way to proceed, should a similar situation arise again.

It has become practice for the planner to spend about five minutes presenting the Staff Report. This is mainly a summary for people watching at home and for the record. It also gives staff a chance to point out reasons for their recommendation. This is meant to be brief so questions about understanding particular points, or to make sure information is clear are fine, but what should be avoided is asking questions that are better addressed to the applicant. There is no hard and fast rule, but it is best to avoid 30 minutes of questions before the applicant even speaks, since many questions might be addressed by their testimony. The normal order of business should be: Staff Presentation, Applicant Presentation, Public Testimony, and then Staff Questions. This is the preferred time for questions so they should be held until this portion of the hearing for each item. Staff questions are followed by the Applicant Rebuttal. This way, applicants have the opportunity to rebut any portion of the presentation, including Staff questions.

It is typical during the voting to have staff clarify certain points or to getting wording of amendments correct. If Commissioners know in advance that they would like to propose any amendments, they are encouraged to contact staff in advance to get help with the phrasing.

The recent Costco items initially failed to advance because there were not five votes in favor. For this reason, they were carried over to the next regular meeting so another vote could be taken with all members present. Commissioners voted to close Public Hearing. This inadvertently created a challenge. Technically, if the public hearing is closed, Commissioners should not receive any more letters or comments in that 2-week "hold over" period. It has been the practice of Planning Department to forward communications to Commissioners, but that puts both Commissioners and staff in the difficult positions of deciding exactly what and what does not constitute "new information". The suggestion is that if there are not enough votes to advance an item, public hearing should also continue. The Chair may stress that only new information should be presented and there is no need to repeat testimony.

Scheer asked when to continue with new information. Rick Peo said if a motion is failing for a certain reason, the idea is to remain flexible and to maintain fairness. There are no concrete guidelines. If the public hearing is closed and more letters come in, it is difficult to explain to people what occurred during that 2-week period. If comments are not withheld, then there is concern that they have an influence on votes, which should not be the case if public hearing has closed.

Scheer commented that one challenge faced during meetings is last minute amendments to conditions. Sometimes they are not received until the public hearing and it is difficult to scramble and make a motion that makes sense. He wondered how that can be controlled. Peo said the control is to choose not to act that day to allow two weeks to think about it. If amendments are unusual or complicated it is valid to say 'no', the amendment cannot be considered without consulting staff.

Henrichsen added that if Commissioners want additional information before making a decision, there is the ability to continue at the next meeting. Items cannot be held back arbitrarily, but the right is reserved to take more time to allow everyone to look more deeply into things. Staff may also be able to confirm that certain amendments are acceptable the same day. This is information that has been stressed to both developers and attorneys; proposing last-minute amendments could hold up the process. There was one example where an item came forward and Commission decided it would be good to form a study group, so the item was delayed six months. Generally, a long delay is discouraged without the approval of the applicant.

Harris noted that for the Costco items, there was a motion regarding the light at 16th Street. She asked what the requirements are for following the Open Meetings Act when considering aspects of applications during the interim between meetings. Henrichsen said that leaving the public hearing open, even if the chair stresses no repeats, could mean more email and the

potential for some repeat testimony, but those comments will be accepted. Harris asked if a memo would be distributed regarding the position of Staff. Henrichsen said staff recommends that any amendments are brought in advance so there will be agreement about the format, if not the amendment itself. If revisions are made, that information is passed on to those who are interested.

Hove said that sometimes attorneys bring forward an amendment saying what they would really want, but that they are willing to accept what was proposed. Even if we have not had much time to look at it, it seems better to act that day. Peo said it is the duty of Commissioners to make an informed decision. Public hearing cannot be held over to keep the applicant hostage, but if you need more information than what was presented, it is reasonable to hold public hearing over. It is not advisable to get into changing the codes to require action at a certain time. Use discretion wisely about delays. Hove said if information is reviewed in advance, but an amendment is brought forward the day of the meeting, Commissioners could take action on what was reviewed and refuse the last minute amendments. It should be understood that last minute changes could cause delays.

Henrichsen said staff can advise that there is a risk of delay if changes are made.

Scheer said he appreciates the comments because Commissioners are not experts in every field and rely on the word of experts to vet information. If conditions come in the day-of, or this body is not comfortable with the potential impact of changes, the delay should occur so staff has time to review and advise.

Henrichsen noted that there is a 4-week period from submittal to the Planning Commission meeting. During that time, many meetings occur. Still, sometimes there are last minutes changes. Staff tries to get information to Commissioners in advance, but there are still cases where information is brought forward at the meeting.

Cary added that Staff is there to provide clarification. If there is a way to get through a hearing and vote the same day, that is preferable. But in some cases, even Staff will recommend that there is too much going on. It needs to be the case that all Commissioners are comfortable acting. Scheer said Staff needs to say if there are conditions they are not comfortable with.

Harris noted that Staff may be called upon to assess where they stand on particular amendments. Henrichsen said City Council finds the views of Planning Commission important. This can be an item for ongoing discussion.

SOUTH HAYMARKET ZONING CHANGES

Stacey Groshong-Hageman said that the South Haymarket Plan was approved in December of 2015. The text amendments are the first piece of that plan. The amendments have had review

by Urban Design Committee and Capitol Environs, and Planning Commission will review the amendments to make a recommendation to City Council on January 18, 2017.

The district is located south of Historic Haymarket, bounded by O Street on the north, G Street on the south, 10th Street on the east, and the railroad and 4th Street on the west. The boundary is an odd shape because it goes around properties zoned I-1, which will not change much. Anything currently not zoned B-4 would not have to follow these standards until they choose to rezone.

Within the South Haymarket area, there is an overlay portion which follows Capitol Environs standards. Everything zoned residential will follow neighborhood standards. The South Haymarket design standards are based largely on Downtown design standards. They allow greater flexibility in materials and roof types, while maintaining some downtown standards such as transparency and façade articulation. A new concept of “build to zone” will apply for residential buildings so they can be setback up to 10 feet if they want more green space. There are also new streetscape standards. Site development standards apply to both major and minor projects. They address building placement and orientation, vehicular circulation, access and parking. Again, they are similar to downtown standards.

The most notable difference from the downtown standards is streetscape standards. They apply mostly to properties along right-of-way. A lot of area is vacated. The standards call for more sidewalk, trees, and on-street parking, which are all important for drivers and pedestrians. The text amendments also include some changes consolidating waivers and the appeal process so it is more streamlined. The appeals board will generally be the Urban Design Committee.

Capitol Environs suggested a focus on residential “row house” character, standards for landscaping along the J Street corridor. New standards are also needed for Centennial Mall. They made appropriate changes and incorporated their goals.

In terms of zoning strategy, mostly are zoned I-1, B-4, and P. Rezoning will be concurrent with development and with property owner consent. The standards will come into play as areas expand rather than through overlay districts.

Another goal is to remove heavier commercial and industrial uses over time. They have been found in this area historically, but are not present as often. There are also proposed changes to minimum and maximum height allowances.

Hove asked if these will be implemented right away. Wesselhoft said as far as uses, other than incidental storage, there are not many who will be affected. Hove said he was referring to places like Midwest Steel. Hageman said that is zoned I-1 today and would not be affected. The

changes are being made to B-4. No zone changes are being made today; this is merely showing what is envisioned for the area.

Wesselhoft said that there are no on-street parking requirements for B-4 unless in specific areas east of 17th Street and along O Street. The proposal is to globally remove it for B-4. The height of freestanding signs will be limited to match the standards of Antelope Valley. The plan is promoting more urban density.

Harris asked about the I-1 pockets in or near residential areas. Paul Barnes said there is one area adjacent today. Health department will be involved and the idea is that this is an area of transition. Over time, the heavier uses will likely transition, site-by-site. Harris recalled a situation at 14th and Old Cheney with I-1 next to residential that impacted development. David Cary noted that in that case, the environment was already built out so that was a discussion of what already existed. The action Commissioners would be taking on these text amendments would only apply for existing B-4 areas.

Finnegan stated that as a new Commissioner, she feels she is seeing these changes out of context. Harris explained that a lengthy presentation was provided about the entire South Haymarket concept. Barnes agreed and said that information can be provided to new Commissioners.

Wesselhoft said O-1 changes apply to parking garages abutting J Street frontage. O-1 areas to the west do not yet exist. They will have their zoning change concurrent with zoning changes and will be in alignment with other malls downtown. Washington asked if that would be all along J Street. Hageman explained that today, the only O-1 is the frontage to 9th Street. The extension of that rowhouse feel is how changes are envisioned. Finnegan asked if TMCO is in the I-1 area. Hageman said yes.

Edgerton asked what the anticipated timing of the zone changes is. Barnes said that will be primarily initiated by property owners. Along N Street, some areas are owned by the JPA and some are under review now.

Harris asked how deep into the Haymarket the 9th and 10th Street corridors go. Hageman said essentially, a half block. Anything facing 9th or 10th would fall into it.

Hove asked if a change in ownership would force a change in zone. Hageman said no; it is completely up to the owner. Hove asked if they are limited. Barnes said they could ask for a change of zone, they staff would look at their proposed plan and give them a recommendation. Beckius said that in theory, a precedent is being set for redevelopment without changing. He wondered what would happen if a redevelopment came in with another industrial use. Barnes said if the area is zoned I-1 today, they could continue with that zoning.

Hageman noted the various levels of review these proposed amendments have gone through. Urban Design Committee's main focus is on design standards. They are generally an appeals body. They voted for approval. Capitol Environs reviewed also. Their only jurisdiction is with their standards, but staff had a very good working session with them and they recommended approval with their recommendations.

Harris noted the information Commissioners were provided with in the past would be helpful for new Commissioners. There were slides from the Public Building Commission, articles in the paper, and Planning Commission had at least one briefing on the South Haymarket area. Barnes said it was a 2-year process. There are several public buildings in the area. Public Building Commission and couther were briefed and consensus was reached. These changes do not mandate working with those bodies again at this time. Finnegan said she would like the information, just to provide here with a clear context for the area.

Barnes concluded the briefing by noting the outreach and notification that was done with property owners throughout the process. These amendments are the implementation of the first phase of the plan.

There being no further business, the meeting was adjourned at 12:43 p.m.