

BRIEFING NOTES

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, October 11, 2017, 12:00 noon, 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, Christy Joy, Dennis Scheer and Sändra Washington; (Tracy Corr absent).

OTHERS IN ATTENDANCE: David Cary, Steve Henrichsen, Andrew Thierolf, Stacey Hageman and Teresa McKinstry of the Planning Dept.; Nancy Hicks of the Lincoln Journal Star

STATED PURPOSE: Briefing on “**Accessory Dwelling Units**” by Planning staff.

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

David Cary thanked everyone for attending. He stated that this will be a proposal for the November 15, 2017 Planning Commission agenda.

Andrew Thierolf stated that this proposal has evolved since staff first started discussing it. Accessory Dwellings are a self-contained dwelling unit on the same lot as a single-family dwelling. It can be attached or detached from the main dwelling. Some reasons for an accessory dwelling would be to provide a home for a relative, a guest house or hobby house, special needs housing, an alternative income for the homeowner or an affordable housing option. Accessory dwellings are allowed in some cases today. You can have them in a PUD (Planned Unit Development). Village Gardens PUD, Fallbrook PUD and Black Forest Estates CUP (Community Unit Plan) allow them. They can be done in carriage houses on historic properties. They can be done on duplex lots or multi-family units. He believes that all four in Village Gardens are attached to the main building. There is a carriage house in Piedmont.

Text Amendment No. 17015 will include design standards changes and zoning ordinance changes. The Planning Commission public hearing will be on November 15, 2017. To be an eligible lot, it must have required lot area for two dwellings per the zoning ordinance. R-1 through R-4 zoning would be a conditional use. Staff is looking at lots that already allow two units. About 27 percent of lots in Lincoln are big enough to have two units. This proposal would make a small number of lots eligible. This is a small step towards accessory dwellings.

Another condition is the size. The ADU would need to be the lesser of 40 percent of the main dwelling or 800 square feet, no more than 1 bedroom and the cumulative area of the detached

dwelling and any other accessory buildings shall not exceed the R-1 through R-8 maximum accumulation allowable area for accessory buildings on a single-family lot. Most lots would fall in the 1,500 to 3,000 square foot range. These limits apply to all accessory buildings. The owner must live on the property either in main building or accessory dwelling. Utilities must be shared with the main building. There would be no separate meters. Height regulations would be the same for the district the property is in. The ADU can't be taller than the house and it must meet the setbacks of the main building, and be at least 60 feet beyond the front lot line. One additional stall of parking must be provided. A benefit of an attached ADU would be one less parking stall required than the two per duplex unit currently needed. There would need to be a deed restriction that the accessory dwelling can't be sold separately from the main house. This applies to R-1 through R-4 zoning.

R-5 through R-8 would be modified. Today, you can have two single-family dwellings on the same lots in R-5 if you have 10,000 square feet. With this proposal, you would only need 5,000 square feet. There are design standards to go along with this proposal.

Stacey Hageman stated that there are broad standards. The Neighborhood Design Standards focus on the older parts of the city. Those standards make sure something new would blend in. With an ADU, they are smaller areas to be concerned with. Most would be located in the back yard. The design standards as drafted are pretty broad. She believes people might want to do more creative things. If the design of the ADU doesn't match the style of the main house, there are options to go before Urban Design Committee, Historic Preservation Commission or Nebraska Capitol Environs Commission.

Thierolf mentioned that uses such as a large pool house or rec room, these can't be detached from the house today. These would be allowed in an ADU after meeting all the same conditions.

Finnegan asked if there has been any opposition to this proposal. Thierolf replied that staff's initial proposal was to have an accessory dwelling with a special permit on a single-family lot. There was a lot of opposition from neighborhood groups. Staff went to the Mayor's Neighborhood Roundtable with this new proposal and received all positive feedback. Although, he believes there might be opposition from one neighborhood group.

Hove wondered if the covenants of a homeowners association would override this regulation. Thierolf stated that if your covenants don't allow an accessory dwelling, you would have to work that out with your neighborhood association.

Steve Henrichsen stated that if you came in for a building permit and met all requirements of the zoning ordinance, you would be approved. The City does not enforce covenants, they are a private agreement. An owner would need to obtain permission from the neighborhood.

Edgerton wondered if you were located in R-1 through R-4 zoning you already had setback issues, would you be able to build with a special permit? Thierolf replied no, that is not an option. A garage can be within two feet of the lot line, an ADU can't. It also could not be on top of your garage, if that made the height taller than the house.

Edgerton wondered if there is any anticipation of applications. Thierolf is talking to one person now. There is a very limited number of lots that this could be done on.

Beckius questioned what the feedback was from the Neighborhood Roundtable. Thierolf believes they were concerned with increasing density, slip-ins and increased renters. There was a committee formed to review this. They were split almost half and half. We were originally talking about obtaining a special permit to do this. About half the committee thought things were too restrictive. There are people interested in support of ADU's. Increased density and the possibility of a separately owned unit were the main concerns in opposition. These are being proposed on lots that you could build a duplex on today.

Beckius doesn't know if a lot of people will want to utilize this.

Hove believes it is a question of density. He asked if an older home with four units could add a unit on top of a garage and add a unit. Thierolf replied if this is a legal non-conforming use, they could do special permit for expansion of non-conforming. They couldn't just do an ADU. If you have a duplex, you also can't do an ADU.

Finnegan wondered why this is being done if there isn't a large population that could even take advantage of it. Thierolf stated this is in our Comprehensive Plan as something that should be looked at. Edgerton believes if the language is added, the interest could be there. Cary added that the City Council asked us to look into this.

Harris asked if this needs to be screened or have windows. She wondered about the design. Hageman answered that a lot is interpretation. She hopes staff would notice anything outrageous.

Scheer wanted to know about the process between now and the public hearing. Thierolf stated that letters will be sent to neighborhood groups. If someone wants to invite staff to a neighborhood meeting, we would be happy to attend.

Joy inquired if this addresses the issue of tiny houses. Thierolf replied that is a separate topic.

There being no further business, the meeting was adjourned at 12:40 p.m.