| Meeting Notes | |
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| reFORM | **reFORM Zoning Barriers Subcommittee Meeting**<br>October 30, 2013; 11:30 a.m.<br>County/City Building, Room 113 |
| Members in Attendance: | Cathy Beecham, Jon Carlson, Michael Cornelius, Mike Eckert, Tim Gergen, Dave Johnson, DaNay Kalkowski, Dan Klein, Rick Krueger, Jeanelle Lust, Don Nelson, Patte Newman. |
| Others Present: | Marvin Krout, David Cary, Christy Eichorn, Sara Hartzell, Michele Abendroth (Planning Department) |

# I. Welcome – Marvin Krout

## a. Staff identification

The meeting was called to order at 11:34 a.m. David Cary welcomed everyone and introduced Christy Eichorn who will be the main presenter today.

# II. Meeting Content and Materials Overview – David Cary

Cary briefly reviewed the agenda for today's meeting.

# III. What We Want to Accomplish Today – David Cary

## a. Review the Results of the Committee's Zoning Changes Feedback Sheet, and Provide Additional Explanation and Opportunity for Discussion on Each Item

Cary explained that there were 23 items on the feedback sheet from the last meeting. Twenty of the 23 items received consensus that the members were "Okay" with the item. This does not mean that we won't talk about those items if the members feel more discussion is needed.

# IV. Explanation and Discussion of Proposed Zoning Changes – Christy Eichorn

Eichorn explained that we want to address questions or concerns that came up during the last session regarding the list of proposed changes. She noted that parking seemed to have the least amount of concerns, so they will start with that section.

## a. Parking

Eichorn reviewed the proposed standards for parking, as follows:

- Make doctors and dentists have the same parking requirement as other office uses in the district.
    - Beecham asked how parking would be different now in a smaller development. Eichorn stated that parking is based on the square footage of the building. It did not make sense to have different regulations for someone who has a medical degree.

    - Gergen stated that sometimes a business like an Alzheimer's facility is difficult to quantify parking requirements. Eichorn stated that there are probably more things in the parking section that we could look at, but they felt this one was significant and affected the smaller commercial centers.

- Change the parking in H-2 from 1 per 300 square feet to 1 per 600 square feet.
    - Eichorn stated that they are trying to make B-3 and H-2 similar. It makes sense that the parking requirements would be the same for these districts.
    - Krout noted that we are proposing some significant areas to downzone from H-3 to H-2, primarily along the north side of Cornhusker, west Lincoln, and the north side of West O Street.
- Increase off-site parking options by allowing off street parking to be within 600 feet of a site instead of 300 feet.
    - Carlson stated that the question is if you are going to increase net parking on the street. Eichorn stated that they do not feel it would significantly increase people who would be parking on the street. One of the reasons they are proposing this change is for consistency.
    - Beecham stated that she isn't sure this makes sense for all areas but she is not opposed to the idea. She would like to have further discussion about this.
    - Cornelius asked if the off-site parking would have to be in the same district. Eichorn stated that parking is allowed in residential zoning districts only through special permit, and there are requirements that must be met. Krout noted that in commercial districts, it is a primary use permitted by right.
    - Beecham asked staff why they felt this change is needed. Eichorn stated that they are trying to make it more flexible to have more shared parking. Nelson stated that he believes we need to look at the big picture level and maybe make some mistakes. He believes the mistake should be made under more flexibility than to have a tight ordinance and have the same number of mistakes. Carlson stated that the real world circumstances are important.
- Allow for off-site parking in connection with B-5 and H-4 Centers.
- Have better provisions for shared parking.
- Allow an administrative approval of parking reductions if an analysis of the site can demonstrate less parking is needed.
    - Carlson asked if this applies to all zoning districts. Eichorn stated that it applies to all commercial districts.

    - Newman asked if the approval can be rescinded if it does not work. Krout stated that it can be enforced like any other zoning violation if it is not being used properly, so it is a matter of enforcement.

- Change the B-5 parking requirement from 4.5 stalls per 1,000 square feet to 1 per 300 square feet for all uses.
    - Krueger asked about the B-5 requirement and wondered if that change is too much change for the big centers that are predominantly retail. Eichorn stated that this is a common concern. We are not enforcing maximum parking requirements; we are saying that if you want to provide less parking, we are not going to stop you. If you want to provide more parking, we aren't saying you can't do that. Krueger stated that if Edgewood wanted to convert half their parking in to some sort of building, they could do that. Eichorn stated that this is to allow more flexibility. Kalkowski stated that she believes it makes sense because it makes B-5 more consistent with B-2. Eichorn commented that many of the big boxes have more parking than they need and want to convert their parking into some other use, and that's what this is intended for.

### b. Height and Setbacks

Eichorn stated that most of the changes to Height and Setbacks have to do with the design standards and implementation of the design standards. She reviewed the proposed changes as follows:

- Reduce the front yard in the H-2 zoning district from 20 feet to 0 feet.
- Provide a 50 foot transitional setback on residential block face instead of a front yard setback.
- Increase building height in the B-2 Planned Neighborhood Business District, B-3 Commercial District and the B-5 Planned Regional Business District.
- Decrease the height in the H-2 Highway Business District and the H-4 General Commercial District.
- Reduce the side yard in the H-2 Highway Business District from 20 feet to 10 feet.
- Increase the side yard setback for the B-3 Commercial District from 5 feet to 10 feet.
- Allow for parking in the side yard setback in the B-3 Commercial District and H-2 Highway Business District.
    - Eichorn stated that the step back method is used today is all of the H zoning districts and in the B-3 district. Necessary mechanical equipment can go in the step back area today. A railing is not allowed because that goes above the district height. Gergen asked if we can put air conditioners in the step back area. Eichorn stated that potentially they could, but you would have to meet the design standards.

- Beecham asked about B-3 and if it makes sense to allow a 4-story building or if it is better to have 3 only. Eichorn stated staff feels that one extra story should be allowed as they do not feel the impact would be significant enough, but that's what we are here to talk about. A lot of what we are doing is compromise.
- Krueger asked if they are changing the height on H-4. Eichorn stated that they are not changing H-4.
- Newman asked why they are doing the height change if we want to increase density. Krout stated there is some practicality in terms of building types and costs if you go over that height. There is some relation of scale to the predominance of single family neighborhoods that is the fabric of Lincoln. Newman stated she understands that if you are abutting a residential neighborhood.

Eichorn explained that today in the B-3 the maximum height is 35'. In the rear yard setback, you can have parking and drive aisles, and you are not required to have any landscaping or green space. In any commercial district that abuts residential, you have to provide a 6 foot fence or a landscape screen. We feel we can do better than that for our neighborhoods. The proposed changes are to have a step back in additional height and to have a buffer with trees that grow to at least 25 feet tall with a spread of at least 15 feet in addition to a mandatory 6 foot fence. This would be required at the property line adjacent to the residential zoning district.

- Krueger stated that the problem is where parking will be. Eichorn stated that is a good question, and that is why we are talking about compromise for increased height and for potentially allowing parking in the side yard setback.
- Cornelius asked if I choose not to make my building taller, do I still have the screening requirements when I'm adjacent to residential. Krout stated that their recommendation is that a 6 foot fence is an inadequate buffer for all kinds of uses and activities in a neighborhood. They are not suggesting a stronger buffer for office districts next to residential. Eichorn stated that today you can't park in the side yard; we are proposing that you can park in the side yard but you have to provide trees. A lot of our zoning districts are zoned block by block. With the use permits, landscaping has been provided along the fence lines. In the big centers in the newer developments, that is much more doable. It is harder to do on the small sites in the B-3 and H-2. Neighbors want to have some sort of mitigation for the increased commercial they are going to see. That's why we looked at trees, and we did not look at trees and more space and screening and landscaping. If you put too much screening, then you eliminate the ability to use that site. Krout stated that this is intended for older neighborhood commercial districts.
- Krueger stated that if you are going to put residential above commercial space, you need to have on-site parking. These things are contending with each other. Eichorn

stated that what we have today at 5 foot for B-3, 10 foot for B-1 and 20 foot for H-2 is not adequate. In B-3 and H-2, you cannot park in the side yard but you can have a drive aisle. As a compromise to adding the trees, you can provide parking stalls in between the trees. You are not eliminating the parking; maybe you are getting a few less stalls than if you didn't have any trees at all.

- Count alley right-of-way toward side/rear yard setback requirements.
    - Eichorn stated that the question was brought up at the last meeting about the alley, and they spoke with Building & Safety and Public Works, and they thought it was a good idea to go to half the alley, so they will revise the exhibits to show that you can use half the alley towards the set back.
- Provide for waivers to height and lot regulations through a special permit process.
    - Eichorn stated that they are proposing an optional use permit in the B-2, B-3, and H-2 districts to get the same setback reductions that you would get with a use permit. If all the above proposed changes do not work for a developer, they are giving one last chance to make the development work, which is a public hearing process which would involve the Planning Commission and City Council and notification to neighbors. Carlson asked if you can get an alcohol waiver setback through the use permit. Eichorn stated that use permits cannot have an alcohol setback. Krout stated that they have been told by the City Attorney that the use permit cannot violate the requirements in the special permit provisions. Eichorn stated that you can be more restrictive with a use permit but you can't lighten the use permit restrictions.

### c. Streamline the Project Review Processes

### d. Promote Residential In and Near Commercial Developments

### e. Reduced Size of PUD

Due to time constraints, Eichorn stated that the above three items will be discussed at the next meeting.

## V. Complete and Hand In Zoning Changes Feedback Sheet to Staff

Cary requested that the members complete and return the first two sections of the feedback sheet.

## VI. Public Comments

There were no public comments.

## VII. Wrap Up

Krueger stated that this is going to come down to how you count the parking stalls. In the older areas, we need to get Public Works in here and get some off-street parking and have a

mechanism to use the public right-of-way. Cary stated that Public Works has agreed to come in and discuss these types of issues.

Gergen stated that we are going to take away a lot of developable area for some of these items for storm water management, so use of right-of-way is going to be key to help make some of these things work on sites. We have to think about what other departments are doing in order to avoid some conflicts. Krout stated that maybe we need to bring in Watershed Management to talk about these issues.

Cary thanked the members for their participation.

The meeting was adjourned at 12:53 p.m.

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