Meeting Notes	
reFORM	**reFORM Zoning Barriers Subcommittee Meeting** December 4, 2013; 11:30 a.m. County/City Building, Room 113
Members in Attendance:	Cathy Beecham, Jon Carlson, Mike Eckert, Tim Gergen, Dave Johnson, DaNay Kalkowski, Dan Klein, Rick Krueger, Jeanelle Lust, Don Nelson. Michael Cornelius, Patte Newman absent.
Others Present:	Marvin Krout, David Cary, Ed Zimmer, Christy Eichorn, Brandon Garrett, Stacey Hageman, Michele Abendroth (Planning Department)

I. Welcome – David Cary

The meeting was called to order at 11:36 a.m. Cary welcomed everyone in attendance.

II. Meeting Purpose and Materials – David Cary

Cary stated that Brandon Garrett will provide an overview about the zoning changes for corridors and centers and give an introduction for the B-1 zoning district. Christy Eichorn will then provide a summary of the zoning barriers changes.

III. Review Proposed Zoning Changes that Correspond with Design Standards in Corridors and Centers, and Review Proposed B-1 Zoning District – Brandon Garrett

Garrett stated that one of the objectives of the design standards was to designate areas where the design standards would apply. The basics are that centers are B-2, B-5 and H-4; corridors are B-3 and H-2. There are no design standards proposed for R-T, O-2, O-3, H-3, I-1, I-2 and I-3. We are rezoning the B-1 and H-1 districts. We have decided to apply design standards to zoning districts because it is straightforward. Other approaches such as overlays may be confusing and complicated. Properties will be rezoned to align with the desired design context.

Nelson stated that he is troubled that there is no mention of this process going backwards. When Bishop Heights was founded in 1969, there was a railroad that was very active. Highway 2 was small, and now 40 years later we are talking about intensifying it again. We should have the ability to expand our imaginations and sit down with the property owners and say this property has been downzoned and should be housing. Nelson believes this should have happened at 27th & Old Cheney. The reFORM effort should have a process where the property owners, developer or neighborhoods can re-imagine a parcel. Krout stated that there are some proposed downzonings such as Cornhusker and West O Street and there may be others. We are going to talk about that today. Garrett will discuss a new district that is lighter than the B-3 district that will be offered for rezoning and could be done in the way Nelson is suggesting. The new district would likely apply to some of the small commercial areas. It is an intensive job to do that. He believes Nelson is right, but we have to be careful and respectful about it and do it

in a slow and measured way. Cary added that with zoning changes, there would be outreach to the neighborhoods.

Gergen stated that he is in total disagreement with what Nelson said. He doesn't want to think that property owners are in coercion. He doesn't want the City to force small commercial centers to downzone and go to residential. Part of the vision of the Comp Plan is to have these small centers that you can walk or ride your bike to. He asked if we are going to rezone even if the property owners don't agree. Krout stated that we will spend time in January and February looking at some of these areas. We would notify all property owners and have multiple meetings with the owners as needed. We would then evaluate what kind of feedback we receive.

Carlson stated that he heard Nelson say that the landscape is broader than that so there may be areas for upzoning or areas that go a different direction. Gergen stated that if you get upzoned, the County Assessor is going to charge more for taxes, and then the property owner can't afford that property.

Nelson stated that he feels we are missing his point. In the free market system, opportunities to change properties only come along once in a generation. So when a lease expires, there is a tiny window where you can sit down with the property owner and try to expand our imagination. It may be that the property owner is the key to expanding the imagination. Krout stated that the Comp Plan identifies areas like Bishop Heights as areas that have a different future ahead of them, and the question is how we make the most of that.

Beecham stated that communication with property owners is a key component of this, and we need to keep that in mind as we develop our process.

Garrett explained the new proposal for the B-1 "Neighborhood Retail District". This is a late developing piece to the reFORM package. reFORM proposes to rezone all existing B-1 to other districts (mainly to B-3). This proposal is for a new zoning district named B-1, which is much different than current B-1 or B-3. Lighter uses are allowed and would exclude more intensive uses such as but not limited to auto-related uses. This new district would be utilized as a transitional zoning district between commercial and residential. This new district would likely be surrounded by residential neighborhoods and/or located on local streets rather than arterials.

Lust stated that this could be confusing to identify the B-1 areas since it is changing names. She feels it is a good idea, but maybe a different name could be used. Kalkowski agreed that it could avoid potential confusion to have a different name.

Garrett stated that the new B-1 district would have a 35' height limit and would apply corridor design standards and the same sign regulations as R-T.

Krueger stated that B-1 is a "by right" district and asked why an owner would want to willingly give that up. Garrett stated we are talking about treating B-3 the same as H-2. We would be

applying design standards at the time of the building permit. Krueger stated that he doesn't want to get into a charrette with people who have no ownership interest in his property. When you talk about changing districts, that is a real thing.

Carlson stated that he thinks there will be a dozen spots that are little areas that should be something other than and a drive-in or quick shop. There are small parcels that aren't appropriate to move to B-3 or H-2.

Krueger stated that the surrounding demographics are going to determine what is going to happen on these little sites.

Beecham stated that some of these properties in B-1 are not the same as B-3 and they should not all be treated the same.

Nelson stated that there are lots of things you can do in cooperation with the land owner.

Krout stated that the B-1 is very close to B-3 now. These are sensitive case-by-case issues and need to be worked on with the property owners.

Gergen asked how these zoning changes would affect signage. Garrett stated that they would include a section on signage in the package. A lot of the changes are lateral and there would not be a lot of changes to signage. Kalkowski stated that they are lateral moves until you throw in the design standards.

a. Fill out feedback sheet

Garrett requested the members to complete the zoning changes worksheet.

IV. Review Topic Summaries, Clarifications, and Modifications Sheet for Zoning Barriers (Including Screening and Landscaping and Zoning Changes) – Christy Eichorn and Brandon Garrett

Eichorn stated that staff wanted to make sure that the Committee understood the proposal but also that staff understood the comments and questions from the Committee. She reviewed the clarifications and modifications based on feedback received from the Committee for the Zoning Barriers section.

Eichorn noted that the committee was generally supportive of the parking proposals, but they did hear concerns on the proposal to provide more options for off-site parking, particularly in the B-3 and H-2 districts to be within 600 feet of a site instead of 300 feet.

The committee was supportive of the height and setback changes but for some members support is contingent on design standards being included as part of the overall package of proposals. A modification was made to count half of an alley right-of-way toward a setback requirement.

In the section on streamlining the project review process, staff wanted to provide clarification that the process would be similar to the processes we use for the Downtown Design Standards.

We talked about promoting residential in and near commercial development, and there wasn't a conclusion. Staff heard that come committee members feel that the 1 acre CUP is too small. We also heard that we need to promote residential near mixed use centers to keep them lively. Staff will continue to think about these items.

On screening and landscaping, staff clarified that the buffer trees could count toward required parking lot trees. We also talked about screening for automobile lots and that any changes need to cognizant of not completely blocking the product (the automobile) from view.

Garrett then reviewed the zoning changes. Corridors would be B-3, H-2 and maybe a new B-1 district. Centers would be B-2, B-5 and H-4.

Johnson asked if anyone has audited these zoning changes to see how many nonconforming uses are going to be created. Garrett stated there may be some situations that may be allowed in one district and changing it to a district where that use isn't allowed. This will be part of the analysis. Johnson asked if these cases will be grandfathered in. Krout stated that you can do that now.

Kalkowski stated that the areas that indicate support by the committee have to be taken with a grain of salt when we haven't seen how the design guidelines can impact other areas. By separating the committees, we have done a little bit of disservice to what our support really means. Cary stated that is a great point. There will be an opportunity next week to have a joint meeting, although it won't be at the level of detail needed. Staff is also asking the members to give a final written position statement next week on where each member stands on the proposal.

Eckert stated that he concurs with Kalkowski. There is some disconnect. He has been wondering what has been going on the Design Standards side.

Krout suggested that more information could be provided to the members, and the written statements could be done after next week's meeting.

Eichorn stated that there are five members who have served on both Committees, and she encouraged the members to talk to those five members to get their thoughts and opinions.

Krout noted that if we move forward with this proposal, we will be working with the Planning Commission.

Beecham stated that as we reach out to different groups, the more simple we can make it, the better.

Lust asked if there will be an updated draft of the reFORM document with these changes included. Cary stated that there will be an interim draft with these changes identified.

V. Discussion of Final Position Statements for Committee Members – David Cary

Cary noted that we will ask each member to provide a verbal summary of their position on the reFORM package at the next meeting, and a written summary will be requested after the next meeting.

VI. Public Comments

There were no public comments.

VII. Wrap Up

Cary noted that the next committee meeting will be a joint meeting with the Design Standards Committee on December 11. He thanked the members for their participation.

The meeting was adjourned at 12:48 p.m.

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