Meeting Notes	
reFORM	**reFORM Joint Committee Meeting** December 11, 2013; 11:30 a.m. County/City Building, Room 113
Members in Attendance:	Cathy Beecham, Jon Carlson, Michael Cornelius, Curt Donaldson, Mike Eckert, Tim Gergen, Dave Johnson, DaNay Kalkowski, JoAnne Kissel, Dan Klein, Rick Krueger, Don Linscott, Jeanelle Lust, Sam Manzitto, Don Nelson, Patte Newman, Michelle Penn, Dennis Scheer, Lynn Sunderman, Zach White, Derek Zimmerman. Pat Anderson and Scott Sullivan absent.
Others Present:	Marvin Krout, David Cary, Ed Zimmer, Steve Henrichsen, Brandon Garrett, Christy Eichorn, Stacey Hageman, Michele Abendroth (Planning Department)

I. Welcome – Marvin Krout

The meeting was called to order at 11:34 a.m. David Cary noted that today is our last meeting and thanked everyone for their participation in this process.

II. Meeting Content and Materials Overview

Cary noted that today's meeting will focus on getting the Committee's thoughts on what you have learned and what you want staff to know.

III. Big Picture Review – David Cary

a. Reminder of why we are doing this work

b. Review of what we have done

Cary noted that there has been a great deal of research and development to create the draft proposal. There were over 20 outreach meetings and presentations to various groups. We used the feedback received at these meetings to make changes to the proposal. There were several discussions with other impacted City departments. We also created a website to provide information and receive comments on the proposal from the public. The most received comment was that "the devil is in the details". There were 11 committee meetings from October 2 to December 11. Staff has tried to understand the issues that the committee had with the proposal and has made modifications to the proposal.

Cary reviewed why we have done this proposal. A lot of what we are starting with had to do with the conversation that took place during the development of the 2040 Comprehensive Plan. There was an idea about infill and redevelopment and placemaking. This proposal is trying to make vibrant areas that people want to frequent. Part of that is commercial centers. At the same time, the downtown has really prospered during a time of a major recession. We have our arena open, and it is exciting to have this energy in downtown and in the Haymarket. A lot

of these buildings are nice structures and have good design. This is a place that we can be proud of and enjoy. We want to create this good design all throughout the city. A lot of this has to do with economic development. Placemaking and higher levels of design have to do with creating a space that people want to live in and feel good about. This is a piece of the puzzle that goes into economic development.

One basic message to leave you with is that we are trying to bring lower performing levels of the city up to a higher level. Part of this effort is so that we don't have lesser performing areas throughout the city. We want to have a baseline. Another part of this strategy is that when we have chains come in, we want to ask them to do something a little better. They can be part of the solution and not the problem. We would like them to do their top level design. The idea is that better places are more resilient and more successful.

Cary noted that there are a lot of communities that use design standards. There is a whole range of standards. They have tried to develop something that makes sense for Lincoln. We have developed centers and corridors standards, as this was the most straightforward and applicable to Lincoln.

Cary reviewed the modifications that we have made based on the committee's feedback.

On the zoning barriers, we talked about parking. The idea is to provide options and flexibility. One topic of interest is the off-site parking allowance. There was general support, but there was discussion about how it is going to work. We talked a lot about height & setbacks, for which there was general support. One specific modification is to count half of the alley right-of-way toward a setback requirement. On streamlining the project review process, we are trying to streamline this and make the approval process more administrative and quicker. A clarification is that when waivers are requested, we discussed the notification process to neighborhoods. On promoting residential development in and near commercial development, the committee was generally supportive. A modification made was to remove the proposal to reduce PUD minimum size to 1 acre, and instead provide for waivers to height and lot regulations (not uses) through a Use Permit process, not a Special Permit process. This would be an optional tool in the B-3 and H-2 Corridor Districts.

On screening and landscaping, they felt screening was important to have protection for the neighborhoods. There is a requirement for additional screening. The modification was to allow for the required buffer trees to be placed on adjacent residential property if there is an agreement with property owners. Also, it was clarified to allow buffer trees to count toward parking lot required trees.

On zoning, the design standards are proposed to be applied by zoning district. Corridors would be B-3 and H-2; centers would be B-2, B-5 and H-4. We also proposed a new B-1 district. The idea is that there is an opportunity to use B-1 as a lighter use package. We are going to continue to work on this proposal.

Streetscapes are a big part of the package to have a pedestrian zone and an area for trees. This will help make the pedestrians feel more comfortable. A clarification is that street trees must average 50 foot spacing and flexibility is available on specific planting locations.

On the corridor site development standards, a clarification is that corridor standards may be used instead of center standards when requested on sites of 10 acres or less and less than 500 feet in depth. A modification is that for centers that are smaller in size and are applying corridor standards, we are proposing to provide an option for plazas to count toward the net frontage length requirement, but not require plaza space on the site. A modification is that in corridor developments where a continuous street wall is in excess of 300 feet, we would require a publicly accessible break in the street wall to allow interaction between the front and back of a corridor site. Another modification is to develop an exception in the corridor standards to allow drive through access in the fronts of buildings where site constraints limit the use of the site.

On center site development standards, a clarification is that site standards allow for large boxes to be counted toward the 90% net frontage length along the pedestrian oriented route (POR) if adjacent to the POR. Another clarification is that 10% of the floor area in a center is allowed to be located on pad sites completely detached from the POR. Also, the Planning Department will be responsible for administering new design standards. A modification made is to provide more flexibility in how floor area is counted toward the 90% frontage requirement along the POR. Another modification is to develop language that recognizes how building and site development standards can be applied in a reasonable fashion in already developing centers.

Regarding building design standards, Cary stated that overall everyone was okay with articulation and parking structures. On entrance design, we talked about buildings with multiple tenants, and a modification was made to have just one entrance meet the entrance requirement. On transparency, a modification was made to expand the transparency building design standard requirement on facades to 3-9 feet instead of 4-9 feet to match the durable materials requirement up to 3 feet. We are proposing to adjust the percentage transparency proportionately (15%, 40%, 55%). For materials, we are proposing to remove “architectural grade metal” from list and allow other conditions to control what materials are allowed. Metal will not be included in the list of heavy materials. For equipment screening, we are proposing mechanical equipment to be screened by a rooftop enclosure or a parapet with permanent materials compatible with the materials of the principal facades of the building. In no case shall the parapet wall or roof top enclosure be required to exceed the height of the mechanical equipment. A modification was made to remove the reference to screening of ground floor mechanical equipment and clarify that ground floor screening is already covered by existing standards.

IV. Committee Member Position Statements

a. Allow each member time to summarize what they have learned and what they want the staff to know at this time

b. Limited to 3 minutes each (we are timing this)

Cary asked each member to provide a verbal summary of what they have learned in this process and what they want staff to know at this time.

Gergen stated that all the changes are going to be for the betterment for the community. He is more of the permitting guy and has to deal with a lot of changes, and he is not sure how these changes will interact with the access management policy or Public Works' proposed stormwater management regulations. When these come together, he questioned if these codes are going to put a pinch on developing a piece of land. He is not sure that concern is validated, but allowing flexibility for a waiver will be helpful on these.

Carlson stated that in general, the notion of the design standards is great. We have been evolving toward that, and Neighborhood Design Standards have been effective. The notion of creating a process for follow-up and enforcement of landscaping is really important and has been lacking. The proposal for commercial centers is great. On the neighborhood revitalizing piece, we want to be mindful that the creation of tools doesn't necessarily mean that it will happen in those places. We need to make sure that what we are suggesting will actually direct to those nodes and corridors and commercial centers. He thinks creating flexibility in B-3 as opposed to doing smaller PUDs is a good tradeoff. He thinks B-1 is a really exciting possibility for these little historic sites.

Krueger stated that all of the slides presented had big government support, and to build a policy off that won't hold. The basic presumptions are incorrect. If you want more economic development, make it easier for people to expand their own empire and develop their own parcel. What if this effort leads us to more Centrums? Do we want that dynamic to happen throughout the city? This effort will have many unintended consequences. Raising the bar reduces the number of people who can participate. Something that Gergen alluded to is very important; the access management standards are very important. We have too many voices, and these are especially important on the smaller sites. In the Comp Plan, we are wanting to redevelop these infill sites, and they will have trouble with these standards. Hiring a tree person will not impart more or better trees. Krueger Development will do its best to fulfill the standards, whatever is adopted, but less is more.

Johnson thanked Krout and Cary as this has been a worthy effort and appreciated the diversity of the group and that they kept the meetings moving along. He is in favor of the zoning changes. For the site design standards in the center, he would like staff to think about whether we need 90%; he feels it should be 80% to give the developers more leeway. He is in favor of the design standards. He doesn't see anything that would lead him to believe he couldn't

design a building as most of the things we do would already be in the design standards. And again, the devil is in the details.

Beecham stated that she has been trying to take in the big picture. We are not only thinking about things we are doing today, but these decisions will have an impact 20 years later. The idea behind what we are doing here is the sense of place, so that 30 years from now, the things we do now are still relevant. Being on both committees was an advantage. We need balance, and that approach is critical. We don't want to hinder development, but we want standards that help us have an interesting place. She likes a lot of the design standards. She feels B-1 is a good opportunity. As we are looking at centers, if we are facing things in, we don't want to have the backs of buildings facing us on the main thoroughfares.

Cornelius stated that his impression from the zoning committee is that we have a lot of interlocking parts that are working together. There are going to be harder cases where these are going to bump into other regulatory regimes, and that will be problematic. We are looking at a balancing act and structural changes that could be perceived as threatening, so it is going to be important to market these in an attractive way.

Manzitto stated that he appreciates being invited to be on this board. He has worked on Village Gardens and Fallbrook. While he embraces changes, the challenges with those two subdivisions is the end product cost of the buildings and they can alienate groups of people. He challenges staff to streamline the process, and sometimes less is more. We have to make it easy to navigate the process. He feels like he is in the trenches with a lot of the end users, and it is difficult to explain to them the standards. To make it transparent will help us long term.

Linscott stated that there are a lot of good things that have come out of this. On the design criteria, downtown development is different than in the suburbs. The development criteria are very different. On the engineering, we are going to have to look at this very carefully. Some of the new development standards for corridors and centers are going to be difficult to meet at certain times. There may be some exceptions, and that is going to have to be kept open. If we are all able to work together, we can develop Lincoln very well.

White stated that the main point is the devil is in the details. There are a lot of details, and they are very expensive. All of this goes back to the cost for the end user. What makes a project good is the economic viability of the project. You are going to have your average tenant not being able to afford anything as the costs will go up. You are increasing taxes, insurance and rental rates. We need to look at the center standards being more for a regional center. What is going to happen is that there will be projects that will take longer to absorb, so it will slow things down even on the infill projects. Coming out of a recession, he finds it hard to impose more costs to the end user, and we won't have centers that are viable. It is a simple economic viability issue. We all want things to be beautiful, but we also need it to be practical.

Eckert stated that during this process, he had a project that is on the Planning Commission agenda today for the Russwood development. This site has some uniqueness, and as they have

worked toward peace with the Planning Department, the national tenant and the owners, it reinforced that we have to have flexibility. There were a certain number of elements that worked well, but there was a need for flexibility. We couldn't have gotten to where we are today if there was a great deal of rigidness to the process. In interacting with clients and the city, we have to watch how we increase costs. We will go backwards in certain parts of town. It is a juggling act, but we have to respect the developer's ability and trust that they will do their best as long as there are guidelines that give them options.

Zimmerman thanked the Planning Department as they have been very helpful in this process. He stated that we are trying to encourage redevelopment but we want these additional standards, and sometimes these standards clash. There is not an articulation for when certain exceptions will apply, and he is concerned about the Planning Director having too much discretion. While he doesn't have a concern with the current Director, he is thinking about the future. One of the things he has an issue with is having standards for places that are already developed. As a lawyer, he questions what the trigger is. You are reducing flexibility, and that is a critical line to make sure you don't cross.

Newman stated that she agrees with what Carlson said. She doesn't think it is out of the realm of possibility to have the kind of reputation that Fort Collins has. We have many attractive developments that Lincoln can be proud of. She thinks that in streamlining the process, there needs to be meetings with the various city departments at the very beginning of the process. From the neighborhood aspect, her biggest concern is corridor development.

Penn stated that this process has been very interesting. She has been broadened on so many levels. She is on board with the centers, and she thinks the design standards are pretty clear. The one that she is struggling with is the corridors, and she is not sure if she is on board with that. She would like to do the exercise similar to the centers so she can see how it would be laid out. An action point is that when she starts a project, she would love to be able to have a professional tab on the city's website and see what zoning is applied for a particular lot so you know what the requirements are. In terms of the Urban Design Committee, she wonders if some of these things should go to Historic Preservation Commission.

Kalkowski stated that this is the third committee that she has been on this year that involves more standards and more costs. She is sensitive to the people who have mentioned the costs that we are adding to development. We are not seeing commercial development out on the edges. When we talk about bringing the standards of the lower developments up, we don't even have things on a common level, so we shouldn't impose higher levels on some of our centers. Adding a little bit of cost knocks out the mom and pop shop, and that is a real concern given the economic situation that we still have.

Lust stated that she is more of a big picture person, and she thinks there is an inherent conflict between the two subcommittees. The zoning committee came up with great ideas as to how to make it easier to help some of the infill and redevelopment areas. The problem is that you

can't remove those barriers and then add new barriers to it. The meshing of the two committees is where the disconnect is. Everyone wants infill and redevelopment, but if we increase costs, that is going to be contrary to the Comp Plan.

Donaldson stated that it is a challenge working on N. 27 Street. The bar set by these design standards is not all that high. For N. 27th Street, it has become a gateway to the city, yet it goes through the lowest income neighborhood in the city. If you look at what we have done over the past 15 years, we have transformed the area through the use of TIF money, but as that comes to an end, the ability to influence facades comes to an end also.

Sunderman stated that he was looking for a process where you go to the city and there is a lot of predictability. From the Planning Commission side he likes the idea of better design, but from the business community side and the understanding of costs, he wonders if the small independent places will be able to survive, and the cost factor will cause them not to be able to even open. It feels like the costs are bit on the onerous side.

Klein stated that zoning seems to be more flexible with additional options. The design seems to be less flexible and more restrictive. People that have a lot of money don't care in one sense; on the other end, if the payment goes up, they don't have that flexibility.

Kissel stated that from the Urban Design Committee perspective, they appreciate that when the process is clear enough, the Urban Design Committee doesn't have to review projects. This helps make the process as transparent as possible. It has been interesting to hear the perspectives on philosophy. How do you create a community that we are proud of and want to raise our children in without having some incentives and statements about what not to do? It is more complicated than setting a bunch of rules. She feels like we live in a community that does try to do the right thing, so it is a core value, but we don't want to be that onerous of a problem for development. By the time things come to the Urban Design Committee, we don't look for ways to say no; we look for ways to get past the bump in the road. That philosophy permeates to different agencies. We want to make projects work, and we don't want to kill projects.

Nelson stated that if he looks at communities that have adopted standards, they seem to have flourished. He is a great champion of the free market system, and this is all about growing wealth. If you are apprehensive, call some colleagues and find out what market forces are in the works. Design standards in these other communities don't seem to have limited their growth.

Scheer stated that he endorses what the zoning committee did and he supports the idea of design standards. The more parameters and standards that a designer works with, the better the design is. To have the ability to know from a holistic sense what the design standards are before you start the process is very helpful. Design standards enhance the process and the end result. The design standards committee looked at a project on 48th Street a lot, and these design standards would have made that project better. Design standards have a way of

bringing the bottom up which is a good thing from a community standpoint. How we work and live and react in our community is affected.

c. Reminder to complete and submit the typed position statements by December 18 (form to be e-mailed to the committee)

Cary noted that an email will be sent to the committee members requesting a written statement from each member. He asked that it be returned by December 18.

V. Final Thoughts and Comments from Marvin Krout

d. Where the process is likely to go from here

Krout stated that he didn't hear anything that he disagreed with. The nature of this process is how to find the balance between conflicting objectives. He wants flexibility and predictability, and they are supposed to deliver. Lincoln has done a good job of finding balance between conflicting objectives. The focus of discussions will now go to the Planning Commission. They will need to bring the other members up to speed. We need to work on refining the proposal. Then they will work with other interest groups. They want to talk about the scope in February or March. If they rezone any properties, they will have meetings in the spring. It will be May or June before they get to a public hearing process.

Krout thanked the members for their participation and stated that they appreciate all the input.

VI. Public Comments

There were no public comments.

VII. Wrap Up

The meeting was adjourned at 12:56 p.m.

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