Final Position Statement Responses

Please provide your final position statement on the reFORM Zoning Barriers concepts and return by email to mabendroth@lincoln.ne.gov by December 11th. We would also like you to provide a verbal summary of your statement in 3 minutes or less at the December 11th meeting.

Name	Date	Comments
Pat Anderson	12/18/13	I am in full support of the design standards with modifications that were brought forth in our committee meetings. I appreciate staff time and flexibility in explaining and working out changes as concerns were brought forth. I feel the following areas are especially important and the ReForm design standards address these areas: • Pedestrian access • Walkable friendly neighborhoods- addressing orientation of frontages, entrances, windows/transparency (this, in my opinion, affects safety) • Landscaping – enforcement will be important • Design standards for corridor vs. center are reasonable and support viable neighborhoods. Flexibility within the smaller center developments to possibly implement corridor standards is a positive addition. • B-1 business districts will help to protect the small historic districts now existing. Concern: In considering plans in older areas consideration should be given to the type of business and what the area *needs.* Just because someone is willing to build something new or invest in an addition, does not mean that will be an asset in the area. Sometimes is preferable to let a building or site sit vacant till the right investment comes along. While things have improved in the last 15 years, Lincoln has a long history of not protecting/preserving neighborhoods – the area directly south of downtown is a good example. Interesting that some architects felt the design standards were too constraining and would interfere with creativity, while others felt the design parameters would be easy to meet. I guess you can't please everyone. The themes that I heard most often were: clearly define parameters and keep it flexible (seems like an oxymoron to me, but I'm sure Planning staff will work just fine with it). Thank you, Marvin, David, Brandon, Stacey and the rest of the Planning staff that contributed to this effort. I appreciate your time in helping all of us understand the proposals—even meeting individually!
Jon Carlson	12/12/13	Design standards that create a sense of place for consumers & residents Strongly support better design standards for both new and infill commercial areas. The neighborhood design standards have been working well for over a decade – improving design and quality of life without placing an unmanageable burden on investors and owners. Commercial standards are necessary to create the type of place-making Lincoln needs to be attractive and economically competitive. Better Streetscapes Safer, more attractive Street tree and other landscaping requirements Need better follow up and enforcement Enhanced design standards for large and small commercial centers Better pedestrian access and orientation – Pedestrian Oriented Way / Main Street Higher level of building placement, design, and materials Good landscaping ***Other communities like Overland Park and Fort Collins have a very high level of design and they remain very profitable and desirable places to build and do business. As we grow, Lincoln should set our own high standards to attract and retain new residents and businesses.*** **<u>Infill should be very specific to existing commercial centers – NOT the middle of neighborhoods.</u>** The formula for revitalizing neighborhoods is good zoning protections, good schools, well-maintained infrastructure (streets, sidewalks, etc), and good neighborhood services: parks, playgrounds, pools, libraries, shopping, and more. Infill in existing commercial areas can support that, but needs to be very focused and have a high level of design. **Broad zoning changes in past decades hurt neighborhoods.** Those residents and their neighborhood associations have worked hard to regain their zoning protections. Any new changes must be very

		focused and very strategic in order to benefit the surrounding residents – not negatively impact them. **Support keeping the PUD at 3 acres** and allowing voluntary use permits instead. Concerned about the potential misuse of small CUP's. **Do not support dropping small CUP's into existing neighborhoods.** We are building flexibility into existing B3 commercial sites to allow expansion and to include residential. That is a better approach. If many B1 parcels move into B3, we should **adopt a new B1 for smaller historic neighborhood business corners**. These are small areas that have historically had low-intensity uses like a barbershop or restaurant or boutique retail. That eliminates the need to create zoning agreements and other covenants to restrict uses. It creates a district kind of like what we have created for parts of downtown and Antelope Valley without the use of complicated overlays.
Tim Gergen	12/12/13	In principle, the reforms presented for the zoning and design standards should provide for a better development. The zoning reforms create greater flexibility in the setbacks and heights producing a more dense development thus reducing on the development costs and infrastructure costs. The design standards should provide for a more attractive buildings and better pedestrian circulation. These are both positive on the outcome to the City of Lincoln Users. However, it is undetermined at how much these reforms may add to the cost of development. I would like to get a second committee started to review what these possible additional costs may add to development and ensure the benefits will outweigh the costs. I believe there was too much speculation from both sides on how much the design standards may add to a project and would like further investigation to help initiate a successful design standard program. Also, it is undetermined if the new Center and Corridor Standards will be able to be successfully implemented if the new Stormwater standards are implemented in the coming years. Since both the Stormwater and Reform Standards are not approved yet it would be nice to implement a strategy that could complement both of these new proposed regulations. I would suggest a possible relaxation on stormwater regulations if the Center Standards are followed (or vice versa). Further study should be done with regard to these two new standards. In conclusion, I support the newly revised Reform standards based on our committee meetings. A great discussion occurred regarding both the zoning and design standards and the revised standards should produce a better development product for the city of Lincoln. However, for the successful implementation of the Reform standards I believe that further study needs to be done regarding the costs and the possible conflict with stormwater regulations. It appeared that those items were of the most concern to the committee members and I did not feel that there was enough information to develop an opinion on that matter without further study. Respectfully
DaNay Kalkowski	12/20/13	I primarily want to reiterate what I said at the last joint committee meeting. I believe the removal of many of the zoning barriers make sense. Many of them should be implemented regardless of whether there are additional design and/or building standards adopted, e.g. the proposed parking changes and promoting residential in and near commercial development. I don't see the design standards having a lot of impact on these items. However, I don't believe that implementation of the proposed revisions to height and setback, and the proposals to streamline the review process are worth the cost of having additional design standards and building standards for the B-2 and B-5 areas. It appears that the effort to impose some sort of standards for districts that don't have use permits and design standards (which I see as bringing the lower quality up to an improved standard that the use permit districts already enjoy) is being taken as an opportunity to impose even more stringent restrictions on the B-2 and B-5 areas, that are already subject to use permit review and have all kinds of applicable design standards. Let's impose standards on non use permit districts to bring those areas up the level that the use permit districts are already required to meet, before we raise the bar even higher for the use permit districts. The costs that come along with implementing and maintaining higher standards will have a definite economic impact.
Rick Krueger	12/18/13	What I have learned from the committee work on the reform design standards and zoning updates is that the planning staff has a great deal invested in these notions of how Lincoln could be substantially improved by imparting these ideas into the fabric of our built environment. I must say, with all due respect, that I disagree with the philosophical predicates that these ideas grew from. It is my deep belief that if government has wider land uses in fewer zoning categories and put their trust in the population, we will have a better result. In other words, people will always work in their best interest to provide the best financial result. This desire to do good financially naturally leads to a better built environment. We can know this because of what has transpired previously and created what is presently here. If you ask most Lincolnites if they liked their city, the vast majority would answer affirmatively. So, naturally, I challenge staff as to whether their notions of future trends should carry any more weight than the base of granular knowledge that those of us in the actual creation of the

		built environment have come to understand and appreciate. What has been proposed, especially in the design standards portion of the effort, I believe would have a deleterious effect on the smaller commercial properties in the future. Without doubt, this hidden tax will result in less floor area per lot which in turn leads to less income per lot and less value that can be taxed by the political subdivisions. The smaller sites are the ones most in need of revitalization and I believe need to be left alone so the land owners can determine what final form is best for them. By keeping things simple and having the government only involved with matters of public safety, the owners can focus on both layout and final form without worrying about arbitrary design standards which may or may not be acceptable to their vision. For example, in the H-4 district we can provide buildings for uses as varied as store for nursing mothers, child leaning centers, banks and restaurants, along with cabinet shops and glass fabrication. However, the glass fabricator who needs mostly warehouse space with a small office and showroom does not want the same amount of transparency fronting his street side warehouse wall as the restaurant or bank may. The new standard will create design distortions as people design and build their buildings. This is also true in the case of placement of overhead doors fronting the streets. Another one is that by designing buildings close to the street we almost mandate that the parking be in the rear, which in many areas will be across that alley from homes. Regarding hiring a landscaping czar in the Development Services Center to chase around those miscreants who do not install or care for the landscaping and trees that are shown on their building permit plans, this person would need to possess a skill set and knowledge that is presently lacking in that department. The cost, being born by the public at the time of building permit, I believe would be in the $80,000 per year range. I believe that the current complaint based system is the best way to deal with this issue rather than funding another employee that would be somewhat seasonal. There are a number of other issues and consequences of these policies that can be anticipated, but time does not allow for discussion. I have attached a copy of my father's first commercial building, built six decades ago. It is the epitome of humbleness, however, that was his start. He had his carpet shop on the first floor and two tiny apartments in the basement. Think mixed use. As you can see it falls way short of the proposed design standards. So do we allow local high school graduates to find small plots of commercial land that they can building their vision on without imposing the stress of government mandated design standards? Without doubt, these standards will make the challenge greater. Respectfully submitted
Don Nelson	12/23/13	I am strongly in favor of the complete package as we have changed it over the past 9 months. Several task force members have suggested that they believe that more regulation leads to decreased economic viability for planned property improvements. My experience across North America, causes me to disagree with that conclusion. In fact, my observations lead me to the conclusion that those communities which have adopted modern design standards and zoning improvements (along the lines of the current package) usually experience robust economic growth, population increases. and developer favorable triple net rents. While this is true of the most well known communities like Austin,Texas, most suburban Phoenix municipalities, and Fort Collins,Colorado, it may also be observed in less well known location such as Omaha,Nebraska,Missoula,Montana, Dunedin,Florida, and Parker,Colorado. At our final session, I encouraged the skeptics to visit with their developer and design professional colleagues (in these other communities) in order to educate themselves as to how these changes had positively impacted the affected communities.
Dennis Scheer	12/17/13	I had the privilege to serve on the Standards committee, but I want to first endorse the work that was completed by Zoning committee- I think the Zoning committee did an outstanding job in advancing good ideas that will assist future development in our City. Regarding the work of the Standards committee- I believe that standards (and the parameters that they set) are beneficial to the design process, not from a prescriptive point of view, but from a holistic point of view. When a set of standards are incorporated into the design process to inform the overall intent of the design, the designer benefits by having a clearer vision of important project and community goals. When a set of standards are incorporated into the design process to inform the overall intent of the design, the quality of the project design is enhanced. Standards do not make a project that is well designed, better. But standards do establish a minimum

		level for design which serves to raise the bottom level of projects, up. The committee reviewed a number of built projects that clearly would have been better from a functional and aesthetic perspective if design standards had been applied. Standards associated with the design of projects make our community better- not just more attractive- but better as they enhance how we interact with each other to live, work and function in "community".
Lynn Sunderman	12/23/13	I believe this reform is a very worthwhile endeavor. Don't let my criticism overshadow my desire to see this project succeed. I like the simplicity, of the pedestrian oriented routes in Centers. However, even with the proposed changes, the standard is too high. Often Southpointe is used as an example what we'd like the centers to look like. The shops in Southpointe lend themselves to a shopping trip, however shopping the smaller shops in a typical center are more like one and done. I also like the simplicity of the design standards. With the push to increase the standards on the backs of buildings and the desire for transparency shadow boxes will become standard. Windows reduce the amount of useful space inside a business. Furniture and display or storage shelving cannot be situated in front these windows. Just look at the walls in a retail store, they are high capacity display areas. Cost of development will go up. This cost will be additional overhead expense for owners and leasers, and eventually consumers. I don't know enough about breaking down zoning barriers to really comment on that.
Zachary White	12/19/13	I would like to thank the Planning Department and Mr. Krout for inviting me to participate on the Design Standards Committee of this extremely important topic. I feel that my real world knowledge of real estate brokerage, the Lincoln commercial real estate market and private development give me a very unique perspective on this topic. In the Design Committee we can get distracted by talking about what looks good. We ask questions like, do you think that there are enough options within the materials or design to still make creative and good looking designs? To me those are NOT the questions we should be asking. What we really need to be considering is the current state of the commercial real estate market. We continually heard the devil is in the details echoed through the room during the first meeting. I want to be clear that the details are very expensive and will hurt development and business growth in Lincoln, NE. It is extremely important for Planning and the City Council to know that these new design standards will make it more difficult for the average/typical business and small business owner in Lincoln, NE to afford to locate in new developments or newly rehabbed developments. The costs will be too high. As you heard on the committee review from all 4 of the people that work with Tenants on a daily basis, increased cost, causing increased rent is extremely troubling. We are having a hard enough time filling up/absorbing the retail and commercial space we have in Lincoln now. The market can't handle additional increase in gross rents. How can we think about raising the cost of development right now when we are just coming out of a recession? Shouldn't we be looking at ways to make development costs lower and not higher and more restrictive? Don't we want businesses to have the opportunity to grow and become successful? How does making development, rent and in turn cost of goods more expensive accomplish that? The Site Design Standards are of big concern to me both in corridors and especially in centers. From a commercial real estate agent prospective Tenants are most concerned with the following 3 items (location of course is important but let's assume the development is in the area they want to be located in). 1. Rent/base and gross rent 2. Parking in front of their space 3. Signage/visibility from the street All three of the main items/concerns of tenants are not addressed and in fact they are made even more difficult with these plans, especially with the Center Standards which I will explain here. 1. Rent goes up as a result of increased cost to build the buildings due to the material design standards which I will discuss later. Common Area Maintenance (CAMS) also go up significantly. These building will all have increased tax values, increased insurance costs and increased maintenance due to the private roadways and Pedestrian Oriented Route (POR), increased landscaping etc. How can we increase both base rent and CAM charges as well? These all get passed on to the Tenants. In addition to the already high and increasing costs in construction today, adding more restrictions and more cost is just inappropriate. All tenants want to be located in nice, good looking centers but they simply can't afford it. This will make it almost impossible. 2. Parking directly in front of the space is also important when tenants make a decision of where to locate. They want parking DIRECTLY IN FRONT OF THEIR SPACE. I can't say this loud enough. The POR combined with a Net Frontage Length is not appropriate for B-2 and H-4 centers and will kill and

		completely stall/slow commercial development. People do not want to park on the sides or in back of buildings. Tenants won't pay for that and won't locate here. 3. Signage is important because a tenant wants his space to be seen from the street. The POR and Net frontage length make this impossible. Buildings will be blocked by other buildings within these projects. We keep talking about Village Gardens as being one of the projects this is modeled after. I would debate the fact that it is a successful development and in fact I would contend it is one of the least successful projects in Lincoln because it has taken so many years to absorb what it has leased and sold and still has many more years before it is finished. Developers need projects built and leased out within 2-3 years or they start losing money. What a project looks like does not mean it is successful. Why are we modeling this after a new urbanism project when new urbanism has not yet proved to be a successful development alternative in Lincoln? Right now any developer could design a site with the site standards begin proposed. So why aren't they? Why are the most successful land developers over the last 30+ years in Lincoln telling you that they would not design a project the way that is being proposed? Could it be as simple as it won't work? If what is being proposed was successful I guarantee you that developers would be doing it. As far as the Design Materials are concerned I think it is simply a matter of cost. I can talk and debate sightline views of the HVAC rooftop unit and how to mask it. I can discuss whether there are enough options on the design side that if I didn't want a canopy, I could substitute something else to meet that minimum. That is NOT what we should be discussing and simply is a waste of everyone's time. I believe that everyone wants good looking buildings that we can be proud of but beauty is in the eye of the beholder. What we should be discussing and what needs to be known is that these standards ALL RAISE THE COST OF CONSTRUCTION. You can't raise cost of projects by telling developers what ALL 4 SIDES of their buildings need to look like. We should be finding ways to make development less expensive and less restrictive, not more. The end result is the higher cost of goods to us the consumer. It also will bring development to a snails pace. We are basically at a snails pace now on the perimeter of the City and this will slow it even more. Developers of these B-2 and H-4 Centers put design convenants and restrictions on the new development projects they design already. The developers are the people with millions of dollars at risk and should be the ones imposing their vision for the project. DaNay Kalkowski, one of the best land use attorney's in Lincoln told the committee that in the last few years she has only brought in one or maybe two of these developments. It is not like we are getting 10 or more of these a year. We are probably getting less than 5. In fact I can probably count on one hand the B-2 and H-4 projects that will be started in the next 10 years due to how the City is developing. If we are only getting an extremely small number of these a year why do we need to put these harsh restrictions in place that increase cost? I would suggest the City and private developers pledge to work together to make make the best projects possible at that time. I believe that I can work with this Planning Department and all their employees that are there now. An additional concern I have is what happens when the current members leave for new jobs, etc. The response we seem to get whenever myself or another member of the design committee has a legitimate concern about this is that we can get a magical waiver for that item. Well, what happens if the next Planning Director sees these standards as completely black and white? What then? I have talked with several private developers, commercial real estate agents, engineers, architects and real estate attorney's about how it is working with Planning and the City today. They all say that "recently" it has been good. The word recently concerns me. I would ask that all the hard work the DSC has done over the last few years to change the perception of working with the City not go away because they begin fighting again with developers instead of working with them for solutions. These standards will create a lot of tension. I love Lincoln, NE. I have lived in many cities around the country and I have been involved in commercial real estate and development in other markets from Southern California to South Florida. I moved back to Lincoln, NE for my kids. I love the unique areas around this City. Places like Union College and Bethany. They have character and charm. The developers of that time created them without standards and they are some of our treasures of today. We need to give developers the opportunity to create their vision. This should not be the responsibility of Planning. How can Planning say that they know the real estate market better than the developers that have millions and millions of dollars of their own money at risk? It is all about economic viability. A good developer knows that. A project needs to be built to accomodate the needs of the tenants which are rent, parking in front of their space and signage/visibility. The construction cost must be reasonable and not break the bank so that Tenants commit and can be successful in paying the rent. The developer must be able to absorb these new projects within 18-24 months. If they can't then the economic viability of the projects are in question. I am 100% OPPOSED to the proposed Design Standards. I think that the entire commercial brokerage community and private development community feels the same. I cannot support something that adds additional cost to development. Those increased costs get passed to the tenants and then to the

		consumer with increased cost of goods. I think we risk having stalled development projects and more failed small businesses because if we continue to increase costs small business owners/your typical, average tenant in Lincoln, NE can't pay these rents and will not be able to locate in new or rehabbed centers. Thank you.
Derek Zimmerman	12/18/13	Please let this letter serve as my Final Position Statement on the Reform Proposals. I would like to start off by thanking the Planning Department for asking me to serve on the Committee and the efforts of the Planning Department staff and its Director, Marvin Krout, throughout the Committee process. There are a number of items contained within the ReFORM Proposal that I support, particularly those which increase flexibility and streamline the process. For instance, removal of zoning barriers through reduction of parking requirements and greater allowability for waivers streamlines the process and encourages redevelopment. I have greater concerns, however, with the additional cost factors and reduced flexibility associated with the design standards. Implementing these standards in both new and existing developments throughout the City of Lincoln will have a chilling effect on many developments, and this is one of the primary reasons I do not support many components of the current Proposal. I encourage the Planning Department to find ways to use the Reform Proposal as either a guideline for design and development layout, or provide an incentive for landowners or developers to opt-in to the standards as opposed to a mandate. The fact is, there are many situations where the design standards are impractical, especially in redevelopment situations. For instance, I don't believe there is a particularly clear indication as to when certain center or corridor standards go into effect for an existing projects or partially completed development. On the other hand, there are many developments where developers will choose to implement the design standards. Village Gardens and Fallbrook were commonly used examples of developments meeting the design standards throughout the Committee process, but the key for me is it was *their choice* to implement this particular development vision. I continue to believe that taking on developments of this level of risk and cost should also allow the developer to implement the design according to their vision of the project. If the City is to encourage growth and redevelopment as outlined in the Comprehensive Plan, it must do so in a manner that is cost effective and through a process that is streamlined. Ultimately, the ReFORM Proposal as drafted does not effectively accomplish these goals. Having said that, I believe there are ways to accomplish many of the Planning Department's goals without the rigidness of the design standards in the form they are currently drafted. As the Planning Department continues its evaluation of the merits of the Reform Proposal, and any additional assistance on my part is requested, I am happy to help.