

## MEETING RECORD

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, July 1, 2009, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska

**MEMBERS IN ATTENDANCE:** Leirion Gaylor Baird, Michael Cornelius, Dick Esseks, Wendy Francis, Roger Larson, Lynn Sunderman and Tommy Taylor (Jim Partington absent); Marvin Krout, Steve Henrichsen, Brian Will, Tom Cajka, Christy Eichorn, Jean Preister and Teresa McKinstry of the Planning Department; media and other interested citizens.

**STATED PURPOSE OF MEETING:** Regular Planning Commission Meeting

Chair Lynn Sunderman called the meeting to order and requested a motion approving the minutes for the regular meeting held June 17, 2009. Motion for approval made by Taylor, seconded by Francis and carried 7-0: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Sunderman and Taylor voting 'yes'; Partington absent.

**CONSENT AGENDA**  
**PUBLIC HEARING & ADMINISTRATIVE ACTION**  
**BEFORE PLANNING COMMISSION:**

**July 1, 2009**

Members present: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Sunderman and Taylor; Partington absent.

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 09007, SPECIAL PERMIT NO. 500B and SPECIAL PERMIT NO. 09013.**

Ex Parte Communications: None

Larson moved to approve the Consent Agenda, seconded by Gaylor Baird and carried 7-0: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Sunderman and Taylor voting 'yes'; Partington absent.

Note: This is final action on Comprehensive Plan Conformance No. 09007, Special Permit No. 500B and Special Permit No. 09013, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.  
**CHANGE OF ZONE NO. 09009**

**TEXT AMENDMENT TO CHAPTER 27.69  
OF THE LINCOLN MUNICIPAL CODE  
RELATING TO SIGNS.**

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:**

July 1, 2009

Members present: Esseks, Cornelius, Larson, Gaylor Baird, Taylor, Francis and Sunderman; Partington absent.

Ex Parte Communications: None.

Staff recommendation: Approval, as revised on June 30, 2009.

Staff presentation: **Christy Eichorn of Planning staff** submitted a proposed amendment to the draft ordinance where real estate signs, construction signs and non-commercial signs have been grouped together as "Non-illuminated Temporary Signs" with allowed sign area of 10 square feet in residential districts and 40 square feet and 6 feet in height in non-residential districts. Political signs will have no time limit in order to fulfill constitutional requirements.

With regard to monument sign and pole sign, Gaylor Baird observed that it appears as though monument signs in B-1 and B-3 are limited to 8-10 feet and would be able to be up to 15 feet under the new ordinance. Eichorn explained that in today's code, you can have either a pole sign or a ground sign in B-1, B-3 and B-4. It defines a ground sign as 8 or 10 feet in height, depending on location, and a pole sign generally can be 25 or 35 feet in height depending on where it is located. Sometimes it is more cost effective to put up a ground sign, or they could put up a sign being the same square footage and it could be either 25 feet in the air or 35 feet in the air, depending on location. Staff thought that it was confusing to have the two different terms when one or the other could be chosen. Thus, we went to the term "freestanding sign", regulated either in the front yard or the rear yard. The maximum height is 15 feet inside the front yard and 25 feet outside the front yard, unless it is a center sign. The terms ground sign and pole sign have been completely eliminated. The compromise was to go to 15' so that a property owner could do something more aesthetically pleasing in the front yard and get it up high enough to be seen above the cars.

Gaylor Baird inquired whether the Planning Department would be trying to encourage applicants to keep signs to a more minimal height in the areas bordering residential districts because 15' is almost double the allowable height today. Eichorn acknowledged that to definitely be a concern of the Department. But, we had to make some compromises to make the ordinance easier to work with. We worked with the sign community to develop something that would give them the freedom and the property owners to have the kinds of

signs they want and need and still not be beyond what would be considered an extreme height or size. She believes this is a good compromise. It is a waste to have a sign that you cannot see.

Gaylor Baird inquired whether these freestanding signs will be treated differently when close to residential. Eichorn stated that if a front yard is required and where the sign is near residential, the sign must be a certain distance away from the residential district or lot and there are also lighting requirements.

**Marvin Krout, Director of Planning**, confirmed that the 15' allowed in the front yard is actually a reduction in most of the older B and H districts than what is permitted today (25'). We got down to a size where we thought we could encourage more monument signs without requiring them because we do have the issue of the parking coming right out to the street. Krout believes this will encourage, but not require the monument signs.

Gaylor Baird inquired whether there is any movement towards having parking in more aesthetically pleasing places such as in the back. Krout stated that if there is such an opportunity, the staff does encourage parking in the rear; however, it is difficult when the streets are already in an established pattern. Where we have the opportunity during a rezoning, we do have some leverage on the signage, but people in the older neighborhoods already have their zoning and platted lot. If a site is redeveloped, then a landscaped area is required to be provided in front of a parking lot or it can be built right up to the property line. We do have a lot of areas where there is no landscape requirement for parking because of the minimum lot depths and everyone in the older districts is scraping to shoehorn their project in that small area. Krout believes that we will continue to see redevelopment where parking is right out to the property line, and when that happens, the staff just does not believe that an 8' or 10' ground sign is realistic.

If someone is not totally convinced to have a ground sign or pole sign, Esseks wondered if there is any advantage to the community to promote the ground sign. Krout stated that the staff does give lots of advice as planners, but we also have to have predictable regulations. We don't want to make every redevelopment in town a case-by-case negotiation. We need to have some rules. The other problem with the ground signs close to the street is the Public Works sight obstruction triangles at driveway entrances and street corners, and the signs have to be above that. The idea is to encourage lower signs than we allow today.

Cornelius confirmed that under the current ordinance, the owner of the property would simply determine which name to call a sign (pole sign or monument sign) based on how tall it is. Eichorn agreed. There is no nexus between the sign being on a pole or being brick at the bottom. It is generally more cost effective to put it on a pole if going higher up.

Cornelius also suggested that at some point, especially like along South Street, building an 8' wide wall 20' or 15' feet high is not practical because of the line of sight and sight triangle

problems, so that will not happen. Eichorn agreed and pointed out that even though we have a sign ordinance, Chapter 22 of the Building Code and Public Works have regulations in terms of sight triangles and sign construction.

There was no testimony in opposition.

**ACTION BY PLANNING COMMISSION:**

July 1, 2009

Larson moved approval, as revised by staff on June 30, 2009, seconded by Esseks.

Gaylor Baird expressed appreciation to the Planning Department for working so diligently on this legislation. It is great to see that there will be some reductions in height where possible. She is glad to hear that we are trying to discourage excessively large signs.

Esseks believes the amendment submitted by staff is a great improvement.

Sunderman agreed that staff has done an excellent job, which is supported by the fact that no one is here today to testify.

Motion for approval, as revised, carried 7-0: Esseks, Cornelius, Larson, Gaylor Baird, Taylor, Francis and Sunderman voting 'yes'; Partington absent. This is a recommendation to the City Council.

There being no further business, the meeting was adjourned at 12:25 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on July 15, 2009.