

## BRIEFING NOTES

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, July 14, 2010, 1:15 p.m., DSC Conference Room No. 214, Second 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, Jeanelle Lust, Jim Partington, Lynn Sunderman and Tommy Taylor. Marvin Krout, Steve Henrichsen, Christy Eichorn and Teresa McKinstry of the Planning Department.

**STATED PURPOSE OF MEETING:** Workshop on "Buffers and Transitions"

Christy Eichorn stated that the purpose of this briefing is to discuss uses, space and screening. There are three transitional zoning districts. They range from heavier commercial to residential uses. She will discuss how much space you need from a nuisance, and will also talk about screening standards and some examples.

The first transitional zoning district is O-2. It is the oldest zoning district. This particular district is intended to be used in redeveloping areas, primarily in office areas and generally on smaller lots about 150 feet in width.

O-2 is also a district that is found in older areas. R-T zoning district is essentially a site plan review. We call them use permits, but they are more of a site plan review. The O-2 district is generally a little more restrictive because they are a site plan review and generally more uses are allowed.

Larson questioned if the R-2 district can be conditioned on a specific design standard. Eichorn responded that he was correct. There should be a buffer to the surrounding area. R-T already has a lot of design standards ingrained in it. Certain materials are required. You can have residential units in R-T. In commercial, you can only have residential above the first floor. Design standards in R-T are consistent.

Eichorn continued that there are only ten areas zoned R-T in the city.

O-3 Office Park district is an area that generally provides for a developing or redeveloping area. It consists of a mix of uses and can include residential uses. This is a use permit or site plan district. Williamsburg Village is a large O-3 zoned district.

The Comprehensive Plan specifically talks about like uses. There have been some parking lot rezoning requests lately. The question has been where to stop the zoning lines. The Comprehensive Plan encourages a mix of uses, but similar uses should be on the same block face.

Eichorn questioned how much space is required for a good buffer. Space is only effective if we can talk about the quality of the space. Today we use space as a buffer in a standard way. There is a 100 foot setback for alcohol sales, auto or appliance sales in B-3 only, buildings and parking for garden centers and exterior door openings for social halls in all zoning districts. Once we have the 100 foot set, it is often used as a precedent of sorts for other setbacks. Sometimes there are more extensive setbacks. Scrap processing for example is required to be set back 500 feet from residential uses.

Esseks wondered about the reasoning for the 100 foot setback for alcohol. Steve Henrichsen replied that there are two different sides. Mark Hunzeker has said current alcohol vendors thought it might limit competition. Neighbors wanted to keep it from becoming a concentration of alcohol sales in an area. This has evolved over time from the first special permit for alcohol sales.

Marvin Krout believes the neighborhoods saw a benefit to the 100 foot setback for shallow neighborhoods in older areas. There are plenty of nonconforming establishments from before the 100 foot rule. He believes there was a fear of over-saturation of the older neighborhoods. There is a 25 foot rule if it is a restaurant that serves alcohol.

Esseks doesn't see the point of a 25 foot rule for one business and 100 feet for another. Krout replied that some people have said this is a continuation of different impacts.

Taylor believes there are specific zoning reasons for the setbacks. A restaurant is a place that you go to eat and drink. A liquor store is somewhere you go to just get alcohol.

Sunderman believes alcohol sales are a valuable revenue source for restaurants.

Gaylor Baird thinks it is interesting that Café 9 has a 25 foot setback and they hung a Bud Light neon sign in the window. She was disappointed to see that. It looks more like a liquor store.

Eichorn stated that everyone's experience with what they consider a nuisance is different.

Eichorn continued that with regard to industrial uses, a joint committee was created some time ago to discuss public safety and zoning and address problems that environmental laws don't address. The Health Dept has been recommending a 300 foot separation between industrial and residential uses. Sometimes even 300 feet is not enough depending on what kinds of chemicals are being used. You need to have evacuation plans where there is a potential for damage to health, safety and welfare.

Screening and landscaping standards are already established. There is the aesthetic value of landscaping. Certain types of uses currently require screening and buffering.

Francis wondered why multi-family uses require screening. Eichorn replied that they are required to have a certain amount of screening. It softens the area and provides some green space. This is for the larger multi-family complexes, not a duplex in a neighborhood. Screening is required for salvage operations, broadcast towers, day care centers, refuse areas and open storage space. This is more of an aesthetic reason. The R-T district also has required screening.

Eichorn showed some examples of how buffering can be used. South Pointe Pavillions has a wall, a fence and a change in elevation that has been used. There is a daycare in the same center that has screening.

Esseks has talked to some people that have complained to him that along N. 27<sup>th</sup> St. there is a tall fence. The fence has to be periodically replaced. They wonder why the traffic has to be buffered from them. Eichorn replied that this was meant to buffer the residents from the traffic, which most people find undesirable. About four years ago, new landscape design standards stated that landscaping would be required on the street side of the fence to create a more visually pleasing corridor.

Taylor questioned if the city would rather have a more aesthetic design. Eichorn replied that she believes it is more for separation purposes.

Eichorn showed some slides of buffers between different districts. Sometimes a buffer can be different things. Car washes are considered a high nuisance. They can be quite loud when they are turned on and some can be open 24 hours a day. Parking lot screening can be varied. Building and Safety enforces this on a complaint basis.

Eichorn showed some examples of different types of screening. She believes the Commission should consider when they need to be more specific. In some cases a 60 percent screen can be handled by a fence but would look more pleasing with some landscaping.

Larson questioned what happens if a landscaping screen goes bad. There can be a depreciation. Eichorn responded that she can recall a car lot that was for sale and the screening had gone bad. Even after 20 years you can go back and have someone reinstall it.

Esseks understands that there are certain triggers that require review of landscaping. Eichorn replied that would be if a parking lot was adding spaces, sometimes a final plat along an arterial street, or a special permit. Building and Safety reviews screening if no permits from Planning are required.

Gaylor Baird stated that owner preference can be a consideration in relation to screening.

Marvin Krout stated that the Commission is creating zoning for everyone, not just the current property owner. You want to create a residence that is part of a stable neighborhood. You want to create a good situation that works in the future also.

Krout noted that this is one of several issues as we look at major changes to the zoning ordinance. He questioned if the Commissioners want to meet one more time to discuss special permits. There are over 70 types of special permits. One of the key issues is where and how this can be streamlined to be more consistent.

The Commissioners all agreed to meet after the next regular Planning Commission meeting on July 28, 2010.

The meeting was adjourned at 2:15 p.m.