

BRIEFING NOTES

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, June 22, 2016, 12:15 p.m., Bill Luxford Studio, Room 113, County-City Building, 555 South 10th Street, Lincoln, Nebraska.

MEMBERS IN ATTENDANCE: Cathy Beecham, Michael Cornelius, Tracy Corr, Maja Harris, Chris Hove, Dennis Scheer, and Lynn Sunderman; (Jeanelle Lust and Ken Weber absent).

OTHERS IN ATTENDANCE: Steve Henrichsen, Rachel Jones, Andrew Thierolf, and Amy Huffman of the Planning Department; and Christy Eichorn of the Building and Safety Department.

STATED PURPOSE: Briefing on “**Accessory Building and 2016 Text Amendments**” by Planning staff

Chair Chris Hove called the meeting to order and acknowledged the posting of the Open Meetings Act in the back of the room.

Steve Henrichsen welcomed everyone and explained that the briefing today is regarding two upcoming text amendments. The first is related to accessory buildings. A working committee was formed that included homebuilders, neighborhood persons, a LIBA representative, and Commissioner Beecham. The second item is a series of amendments that are generally clean-up items or things that will help speed up the process. We hope to have both of these items before the Planning Commission before the end of July. Because they cover over 40 pages, we thought there should be a briefing first, followed by ample time to look them over.

Rachel Jones started by going over the timeline followed for gaining public insight. The proposed amendments were published online May 1st. They were emailed out to neighborhood representatives and the development community on May 5th. Staff was requested to attend the Clinton Neighborhood Association meeting on June 6th, and the proposed amendments were also presented at the Mayor’s Neighborhood Roundtable on June 13th.

Harris asked for confirmation that the Clinton association requested that Staff attend their meeting. Jones said yes. Andrew Thierolf stated an email was sent to their representatives who then invited staff.

Accessory Building Text Amendment

Thierolf reviewed the proposed text amendments for residential accessory buildings. The working group represented a cross-section of the community. Those meetings took place through February and March and several iterations of drafts were presented and discussed.

Corr asked who was represented at the working group besides Commissioner Beecham. Thierolf listed Brad Becker, Becker Construction; Perry Haralson, Cornhusker Bank; Tim Hruza, LIBA; Brayden McLaughlin and Clark deVries, Near South Neighborhood; Lynn Fisher, College View Neighborhood; and Matt Kleinschmit, Pride Homes. Beecham said there were representatives from older neighborhoods, some suburban areas, and some multi-acreage owners, so there were many perspectives. Thierolf added that there was a lot of good input.

Thierolf said the goal of the amendments is to come up with a better way to regulate accessory buildings. One focus was adding area standards; right now, accessory building area is not in the zoning ordinance. While looking at area, other related items were reviewed.

The definition for accessory buildings states that they have to be subordinate to the main building and the use has to be incidental. The ordinance also defines garages, which are a type of accessory building. It does not look at specifically at building area, but that is enforced through a Building & Safety policy.

Currently, inside the city limits, all lots of any size get 2,000 square feet of accessory building, and outside of city limits, the area jumps up to 6,000 square feet. The ordinance also looks at height. Right now it is 15 feet for the rear yard, with some exceptions. Height is measured to halfway point of a pitched roof. In terms of setbacks, if an accessory building is within 6 feet of the main building, it has to meet the setback requirements of that building. If it is more than 6 feet from the main building, it can be 2 feet from the side and rear lines, and 60 feet from the front lines. Again, there are some exceptions, such as double frontage lots. Accessory buildings can cover 40% of the rear yard; this means the rear yard setback area, not the entire yard. These requirements will not be changed and will still apply.

One area of concern could be home occupation where a property owner runs a business out of an accessory building. There are home occupation rules including that the occupation cannot be bigger than 20% of the dwelling unit. That would also still apply.

Thierolf went on to say that one change involves removing the “four bays” from the definition of a garage. When looking at area, it does not really matter how many bays there are, as long as the area requirements are met. Cornelius asked if the stricken text actually said “no more than four bays?” Thierolf said yes.

Thierolf said that Building and Safety enforces a 15-foot height in side yards. That is not currently stated as a rule, so it is being added for clarification. That is a minor change.

Beecham added that these amendments also get all of the information organized in one place.

Thierolf said the maximum area applies to all lots. Property owners can get the expanded maximum amount if they meet additional criteria, but all the setbacks and height limits still apply.

In the R-1 to R-8 zones, for lots Less than 7,500 square feet, everyone gets 1,000 square feet. That is still an ample amount; however, right now everyone gets 2,000 square feet, so this is half as much as permitted today. If those owners want to jump up to 1,500 square feet, they can do so as long as the accessory building is not larger than the house; we want it to relate the accessory building to the size of the house. The idea is to keep it away from lot lines if the regular limits are exceeded. The house and lot line rules only apply to the 1,500. If an owner wanted only the 1,000 square feet, that could be done even if the house is 600 square feet.

The next category covers lots from 7,500 to 25,000 square feet. Everyone gets the 1,500. That can be bumped up to 3,000 square feet if they meet the criteria that the accessory building relates to the size of the house and is not more than 250 square feet in any of the setbacks. Any building that is bigger than 250 square feet cannot be in the setbacks. The idea is that once you get to these larger lots, you don't need to build into the setbacks because you have more space to build away from the lot lines.

As we jump up to the larger categories, everyone gets 2,000 square feet. In the R-1 to R-8 zones, everyone with an acre gets 2,000 square feet. That can be expanded to 5,000 square feet. Once a lot is bigger than an acre, we essentially separated the connection to the house, but the idea again is keeping the buildings away from setbacks.

Beecham said the 1,000 square foot is still is enough for a 3-car garage. That is the smallest restriction, so even with a very small lot; property owners get that generous amount. Thierolf said that realistically, there may not be many lots of 7,500 square feet or less that have more than 1,000 square feet of accessory building.

Harris asked if accessory buildings can be up built up to the lot line in those cases. Thierolf said the 1,000 square foot accessory buildings on the smaller lots can be within 2 feet of the side and rear lot lines, and cover 40% area. It is a similar idea in the AG and AGR areas, the numbers are just a little bigger. The one difference is that an acre or more, if you want to do the expanded maximum, you cannot exceed 2,000 square feet inside of the side or rear setbacks. Once you get to AG and AGR, the setbacks are quite a bit different.

Corr asked it has to be less than 40% for the rear and side. Thierolf said just the rear.

Cornelius asked what problem is being solved with these amendments. Thierolf said many people with larger lots are looking for more area. An individual who lives in Piedmont wanted to build a large garage with a building attached to and wanted 3,000 square feet. He would be capped at 2,000, but he has an acre-and-a-half lot, so there is lots of space for more buildings. Cornelius said there is a need for larger buildings on the larger lots. Thierolf said yes. He went on to say that the flipside of that is that there are examples in older neighborhoods with smaller lots where people built 2,000 square feet of accessory building and it completely overpowers everything. Cutting back the amount a little bit on smaller lots seems appropriate. He is not aware if there have been any requests for more than 2,000 on any small lots. Corr said there is a garage larger than a house in Witherbee. Thierolf said this would prevent a house on a smaller lot from having garage larger than the house, or would allow up to 1,000 feet if the house is smaller.

Beecham said people can also run a home business out of these buildings, so if someone wanted to run an auto repair shop and needed more space than a 3-car garage, that may not be appropriate. This would create the balance of being able to do what you want on your property, but to keep the use appropriate. The other thing that was brought up in the working group is that, for builders, having this formula printed out in one place was going to be helpful. Right now, it isn't quite as clear. Thierolf said that at the most basic level, a homeowner looking to build a shed probably would not know about these regulations until they went to get a building permit.

Hove asked if these regulations only apply to detached structured. Thierolf said they also apply to attached accessory uses.

Cornelius asked how to distinguish between an accessory building and part of the house. Thierolf said an attached garage is an accessory to the residential structure. Beecham added that if you park in it, it is not considered residential. Cornelius said for clarification that the definition is not affected and some amount of the square footage of the house may be considered an accessory building, regardless of the configuration. Sunderman noted that if someone sells a house, they calculate square footage based on livable space; the square footage of the garage is not counted. Henrichsen said, for example, if there is an unfinished basement, it is still part of the house. An accessory building is an area that is unneeded area used for storage, or that sort of use. Corr wondered about people who convert a garage into a living room or family room. Thierolf said he guesses it would not be accessory anymore. Beecham agreed because that would increase the livable space.

Hove said it seems like the trend is that people want more and more room for storage, and not just for vehicles. Beecham said that was how the 1,000 square foot amount was arrived at. She was pushing for less, but agreed that the regulation should be flexible enough that someone

could still do the 3-car space if they needed it. A lot of it depended on the size of lot, so if there is more room, there is more accessory space. The group considered many different formulas.

Thierolf said there were 13 or 14 versions, so a thought that went into this. Beecham said they went out and looked at actual properties to see what the dimensions looked like. She found that helpful because it can be hard to visualize what 1,000 square feet looks like on different sized lots.

Scheer asked whether, with the variety of perspectives, this version represents a consensus among the working group. Beecham said she thought so, with the exception of a LIBA rep who was at one meeting and believed that there shouldn't be any restrictions. Aside from that, she felt everyone agreed that this was the one that works and is the most flexible and reasonable.

Sunderman asked if a carport is considered an accessory building. Henrichsen replied it is not because it is not enclosed.

2016 Text Amendments

Rachel Jones reviewed a portion of the 2016 Text Amendments. There are 27 individual amendments moving together under the same approval process. They are mainly corrections of errors and small items collected over the course of several years. The reason for these amendments is to remove burdensome requirements and add new ones where they are needed, and to provide clarification and codification of existing regulations that might be implemented today, but are not necessarily spelled out. The four examples presented today relate to parking, which is a large subset of this group of amendments.

One change is there will be no parking requirement for unenclosed accessory retail sales buildings. This specifies that unenclosed areas should not be counted as floor area for parking purposes. This is already implied in the definition of "floor area" but is not specifically stated. A good example of this is a lumber yard at a home improvement store, which would not contribute to parking demand in the same way that floor area would.

The next amendment adds a minimum guest parking requirement for two-family dwellings approved in CUP, PUD and use permits. The reasoning is that some previously approved areas have very narrow lots so the street parking tends to get eliminated. The requirement would be to add one parking stall per two dwelling units. This is something that is often added as a condition of approval but it is not codified. This could either be met through street parking or a lot set aside for guests.

Cornelius asked if a driveway would count. Jones said it would not count as guest parking because it is not as clear that is for guests.

Harris asked if this is for all PUDs and CUPs? Jones said yes. Harris wondered if there are waivers for more urban environments where people might be walking to a higher density residential neighborhood on the outskirts of downtown. Jones replied that she thinks that they could request a waiver as part of the CUP.

Corn said this is specific for duplexes. Jones agreed. Beecham asked for clarification that it is one stall per two units. Jones said yes, one stall per two-family attached units.

Corr and these are only if they are in CUP or PUD. Jones said right, it is not just for anywhere. It is applied when we have review and oversight of the site plan.

Hove thought of the example of a project at 20th & Capital Parkway. The project did not move forward, but that was a little neighborhood cut-in. He wondered if that would have had to have this requirement. Jones said it has been on a case-by-case basis, so far. Cornelius asked if going forward, it would be applied consistently. Jones said yes, it would be a requirement for everyone.

Harris asked if it will apply to an area like South Haymarket, and if an area development such as that is typically under a CUP. Jones said yes, unless there was some other design standard in place. Harris wondered if that made sense when there are parking garages nearby. Jones said she understands what Harris is saying. Harris wondered if there should be a special provision for that type of situation. Jones said she thinks the actual text calls for a minimum of spot off-premises, so it could be in a parking garage.

Cornelius asked if a developer who is within some distance note that there is a public parking facility nearby. Beecham asked if they could apply for a waiver to ask for that. Cornelius said that seems like a reasonable mechanism and it would be a reasonable waiver worth considering in cases where a development is within a reasonable distance from a public parking facility. He does not think it needs to be written in. Jones said in cases like that, it could be taken into consideration.

Scheer asked if there is a requirement for the parking location to be a certain distance from the location. Jones said that is not in the draft today. Scheer said that would be helpful in cases where there is a garage nearby.

Cornelius wondered if commissioners can simply apply common sense in cases like that. Scheer said he agreed. He thinks the point made by Harris about urban development is excellent because a lot of those urban locations are going to get developed.

Jones said the next amendment is reducing the parking required for medical office. Medical office has a special parking requirement that is higher than a normal office and we want to reduce that to the same standards as for normal office, which is one stall per 300 feet. It was

originally one stall for 225 for medical office. The reasoning is that there is often an existing office park and a medical office wants to come, but with the higher parking requirement in place today, they cannot locate there. We have reduced it to make it easier for medical office locate in an existing office park and believe it would encourage them to locate in existing neighborhoods in older districts that might be tighter on space.

Christy Eichorn of the Building and Safety Departments added that we do not know what a medical office is, so the way this is regulated now is, if the person occupying the building has a medical license, then they have to meet a higher parking ratio. So a chiropractor gets to meet the office requirements, but a doctor or psychiatrist, has to meet the medical office. The correlation just doesn't make any sense.

Jones said there is research to support that the parking demand for offices versus for doctors and dentists was really equivalent. At today's hearing we have a use permit coming in that is requesting this exact parking reduction at an office park. They are aware of this proposed amendment and felt that they could not wait for this to be approved, but it is, in a sense, in support of this change. Cornelius said another way to put it is that this proposed text amendment is in support of that application.

Jones said the fourth example is a reduction to required parking for restaurant, only in the B-1 and B-3 districts. Today it is one stall per 100 square feet. It will be reduced to one stall per 200 square feet. Again, to makes it easier for restaurants to locate and operate in older neighborhoods. Because they are often adjacent to on-street parking, it helps reduce what their demand might be, whereas in a B-5 district, somewhere like South Pointe, there is no on-street parking available. We had an example of this that was recently approved by City Council. It was a parking waiver for a restaurant at 27th and Y Street. They were looking to expand within an existing building, but they couldn't meet the parking requirement. They requested a reduction to the one tall per 200 foot ratio. It was approved and they had support from NeighborWorks and the Clinton Neighborhood Association and the N. 27th Street Business Association.

Corr stated she has concerns that this was proposed in the ReFORM. If we start piecing out those ideas and giving away the good parts, we will have problems with the more difficult items. She would rather see ReFORM go forward as a package than to see it go out in pieces like this. Jones said two of these, the reduction for doctors and restaurants, were proposed in ReFORM. We chose them because they are the more straightforward, non-controversial ones. Corr reiterated that if we give away the non-controversial ones, we won't have anything left for ReFORM. It seems like it has kind of died since this administration has taken over.

Henrichsen said he would add that more than half of the B-5 districts have come in one-by-one and changed their parking to the requirement of the proposed amendment. The last time that happened, we were requested by Planning Commissioners to move this text amendment forward. It no longer seemed appropriate to have a requirement that was not even being

applied in most cases. From that standpoint, we thought, whether reFORM moves ahead or not, this was one that was already implemented. We were seeing the same thing in terms of the office requirement. A lot of people have said they would like the parking requirement to be one per 300, regardless of use. We viewed that reFORM had lots of items in terms of design standards and lots of other benefits, so this does not diminish the value of that effort by having these two items go forward.

Beecham asked if any of the design standards gone forward. Henrichsen said the package, as a whole, is on hold. Beecham said that it sounds like Corr's concern is that we have reFORM split between design standards and zoning, and one balances the other. If we start approving all of the zoning changes in it, we are really approving half of it without the other parts. reFORM made the loosening of zoning ok because there were design standards to balance it out.

Corr wondered if reFORM is on hold indefinitely. Henrichsen said part of the circumstances have been that since former director, Marvin Krout, passed away, there has been a year-long transition period. We decided not to go forward with some items until the directorship had been worked out. Now, the Comp Plan has been a major effort for this year. We will be looking at 2017 for seeing what we may or may not be able to do with reFORM. These two particular items were also not directly related to any particular part of the design standards. We had the same discussion about whether or not these should stay with reFORM and decided these were two that were not essential. For all intensive purposes, they are already being implemented on a case-by-case basis, and we thought it would be more appropriate to have them in the ordinance, rather than continuing to do them one-by-one.

Harris noted that she has some other questions and she hopes topic this can be revisited.

Cornelius asked when action will be taken on these. Jones said at the July 20th meeting, but that is tentative.

There being no further business, the meeting was adjourned at 12:55 p.m.

BRIEFING NOTES

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, June 22, 2016, 2:05 p.m., Bill Luxford Studio, Room 113, County-City Building, 555 South 10th Street, Lincoln, Nebraska.

MEMBERS IN ATTENDANCE: Cathy Beecham, Michael Cornelius, Tracy Corr, Maja Harris, Chris Hove, Dennis Scheer, Lynn Sunderman and Ken Weber; (Jeanelle Lust and absent).

OTHERS IN ATTENDANCE: Paul Barnes, Mike Brienzo, Brandon Garrett, Kellee Van Bruggen, Stacey Groshong-Hageman and Teresa McKinstry of the Planning Dept. and Rick Haden of Felsburg Holt & Ullevig.

STATED PURPOSE: Briefing on “**Long Range Transportation Plan (LRTP)**.”

Chair Chris Hove called the meeting to order and acknowledged the posting of the Open Meetings Act in the back of the room.

Mike Brienzo welcomed everyone and stated that today will be a review of the LRTP Update.

Rick Haden showed preliminary resource allocations. 2.3 billion dollars in revenue is forecast for 2017 – 2040. There are maintenance activities, alternative modes of transit, construction activities and other activities such as information technology and studies.

System Operations and Maintenance is the largest category at \$586 million over the funding period. This includes pavement maintenance, snow removal, street sweeping and signal operation and maintenance. Broadband infrastructure also falls under this category.

Road and Bridge Rehabilitation is \$398.13 million. There is a growing list of locations that need total reconstruction. There is also a bridge rehabilitation program. In recent years, there are a number of bridges in the Capital Improvement Program (CIP) for reconstruction. Arterial rehabilitation is a grind and overlay system. This cost is growing primarily due to the base failures under the asphalt. We are projecting 100 miles of residential rehabilitation getting accomplished.

Transit Operations is \$452.82 million. This will allow operation of TDP Preferred Alternative Routes and service, along with maintaining a fleet of 67 fixed route buses and 13 paratransit vehicles. Funding sources are fares, advertising, the University of Nebraska Lincoln (UNL) contract and general revenues.

Trail Projects are \$29.44 million. Typical project costs are \$320,000.00 a mile for trail construction, \$2.5 million a mile for a bicycle track. This funding level will allow construction of approximately 16 trail projects.

Other Bike/Pedestrian and TDM activity is \$33.51 million. The primary focus is the sidewalk repair program. This program would allow 4.75 miles of sidewalk repairs per year. Over the planning period, we would not be able to come close to meeting the city's goals. At \$10.00 a square foot, it would take about 300 years to replace all the city's sidewalks.

ITS and Technology is \$148.97 million. This area pretty much follows the recommendations that Lonnie Burkland from Public Works spoke about in a previous briefing. There will be a full implementation of the Green Light Lincoln program. There are other safety programs he has identified, including use of yellow arrows. Right now, he is trying to replace 15 traffic signals a year. With this program, he is projecting a pretty significant improvement in traffic operations.

East Beltway Preservation is \$6 million. This is to purchase right-of-way as it becomes available. Land purchases to date are \$1,407,000.00 for 40.05 acres.

Studies, PE, ROW and Statutorily Required Records is \$70.70 million. These are engineering studies that are required, along with responding to public inquiries and working with the private sector on growth proposals.

RTSD and Train Tax is projected to provide \$188.11 million. The 33rd St. and Adams project was approved by the RTSD board yesterday, along with the South Beltway. This also provides for two railroad crossing gates and flashers per year to be replaced, along with crossing surface upgrades.

Two Plus Center Turn Lanes is \$43.29 million. This would accomplish about 7.5 miles with inflation. Public Works will initiate these projects.

Intersection Safety and Capacity Projects are \$101.79 million. This constructs one intersection per year with reconfiguration or roundabout. Projects are identified through a citywide crash study and roundabout needs identification.

Roadway Capital Projects are \$273.65 million. This includes committed CIP projects which are \$75.97 million, developer commitments which are \$25.55 million and roadway capital projects are \$172.13 million. Nebraska Highway 2 is an initial study to identify improvements.

We took the list of eight capital projects, as well as other projects and mapped what the roadway network would look like in 2040. Vehicle miles traveled would be improved by half a percent. Congestion levels would be 95 percent uncongested. Daily vehicle hours and

congestion do not include the technology improvements. Over the next month or so, we will identify corridors that we will focus on in greater detail. Last week, the Nebraska State Legislature approved LB 610. This will increase the gas tax that the city receives from the state. This is projected to be about \$100 million over the next 24 years. We will be meeting with the funding allocation committee to decide where to place the money. The trails program will be refined as well. Some trails have aged and need improvements. There is the potential for some RTSD funded projects as well. The preliminary plan will be before Technical Committee and Officials Committee on July 15, 2016. The draft technical report will be out in August 2016, with public review in September/October and the adoption process in November/December of this year.

Hove questioned if the funding source for transit includes tax money in the numbers presented. Haden replied yes. Transit includes both Federal Transit Administration funding and Nebraska State revenue fares, as well as general revenue. Hove inquired how much general revenue. Haden replied \$238 million over the planning period. Fares are \$126 million, state is \$37 million and federal is \$51 million.

Paul Barnes stated that the Planning Commission briefing on July 20, 2016 will be regarding draft updated chapters of the comprehensive plan. He anticipates sending out the updated text the week prior to that meeting.

There being no further business, the meeting was adjourned at 2:30 p.m.