

BRIEFING NOTES

NAME OF GROUP:	PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING:	Wednesday, April 12, 2017, 11:30 a.m., Bill Luxford Studio, Room 113, County-City Building, 555 South 10 th Street, Lincoln, Nebraska.
MEMBERS IN ATTENDANCE:	Tom Beckius, Tracy Edgerton, Deane Finnegan, Maja Harris, Chris Hove, Dennis Scheer and S�ndra Washington; (Tracy Corr and Ken Weber absent.)
OTHERS IN ATTENDANCE:	David Cary, Steve Henrichsen, Paul Barnes, Tom Cajka, Kellee Van Bruggen and Teresa McKinstry of the Planning Dept.
STATED PURPOSE:	Briefing on “County Zoning Amendments” and “Planning for Pedestrians” 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 reviewed the agenda for the briefing.

County Zoning Amendments

Tom Cajka stated that the bulk of the work on revisions to the County Zoning text has been reformatting to make it more readable and easier to use. This will also make some provisions similar to what is in the City code. It makes it easier to use. The first proposed revision is to add new definitions and change terms such as “church” to “places of religious assembly” and change “nursing home” to “health care facility – residential”. Article 3 needs clarification that a building permit is required for a house on a farm. There is clarification to the Height and Area Regulations of the AG district that the frontage requirement does not apply to a parcel of 20 acres or more that was created prior to January 1, 2017. Setbacks do not apply to a farmstead of 20 acres or more created prior to January 1, 2006. Conditions are being added for a farm-winery in the AG district to clarify what a farm winery is. There is currently no condition that states how much wine you must produce to be considered a farm winery. We are proposing a condition that states you must produce 500 gallons of wine per year on average, over a three year period. Notification of this new condition being considered was sent out to all wineries in Lancaster County. He did not hear any negative comments. Currently, to get an amusement

license, you can only receive one license per year. We are adding an exemption for places of religious assembly. A lot of places have fundraising events and we did not restrict them.

Finnegan inquired about the definition of a place of religious assembly for something that needs an amusement license. Cajka replied it is any large public gathering. Henrichsen added that it is mostly meant for festivals and concerts, those type of things where you charge an admission.

Cajka continued that one of the major changes is the special permit chapter is being updated. Changes are being made to have the AG, AGR, R and B districts match the changes made in the special permit chapters. The numbers were reformatted for Article 13, Special Permits to add a section number for each special permit, reorganizing the change and specifying zoning districts for each special permit. Special permits were eliminated that had not been applied for in over 35 years. We allow for community unit plans in the AG district to use the height and area regulations of the AGR district. We are also proposing to change the requirements for advertising and notification in Article 22. The language currently states working days, we are proposing it says calendar days.

Henrichsen stated that there will be another package of zoning amendments for the City coming next. There are another 25 changes. In both the City and the County, we have a requirement to publish a legal advertisement eight days before the public hearing. We are proposing to change that publication date to five days. The Planning Dept. would still follow the eight days. This would give us a few days in case of an error. There was a time last year when the newspaper failed to publish our ad and a Planning Commission meeting had to be rescheduled to a special day. There were actually three times in the past that the newspaper did not publish the ad in time. He believes this is an outdated and ineffective way to publish a legal notice, but it is in the State and local charter. We will try to keep the notice at eight days, but the legal requirement will be five days in case a publishing error happens again.

Hove inquired if there has been any controversy over these items. Cajka is not aware of any. The development community has been notified and the details have been on our website for over a month.

Harris questioned what happens to a farm winery if they don't meet the conditions. Cajka replied that they are not a farm winery. They can grow grapes and produce wine. Most wineries want tasting rooms. Henrichsen stated that is what you would lose, the ability to have a tasting room and reception room. These are items you normally wouldn't see in an agricultural setting.

Washington wondered about amusement licenses. Henrichsen stated that an amusement license is for more of a one time thing. A farm winery is supposed to be primarily an

agricultural use. Amusement licenses are more for wedding receptions, parties, other events that require the rental of a large hall.

Finnegan asked about Roca Berry Farm. Cajka responded that use is within Roca's zoning jurisdiction. Henrichsen added that there is an agricultural attraction. This would be for a berry farm or pumpkin patch, something more seasonal.

Harris wondered if these proposed farm winery regulations would create any trouble for the current users. Cajka doesn't believe so. There is one that used to be a winery and he doesn't believe they are a winery any more. They recently received a Class C liquor license. As far as he knows, they ceased growing grapes. This is part of the reason for these conditions. This closes a loophole. The County Attorney pointed out that since there was no minimum to the grapes being used from your property, you could claim to be a farm winery. The idea is to be mainly a farm winery, not a reception hall.

Hove asked if you can have a reception hall in the county. Cajka replied no. Henrichsen added that Avalon and Hill Center are two applications from last year that wanted to run a home business. An expanded home business can be done in the county with one or two outside employees. The entire text of the changes being proposed are available for review

Hove inquired if staff has been in touch with the folks from Blue Stem. Cajka replied they received a liquor license. The State approved it. Henrichsen added that they cannot technically operate as a bar. They are not approved through zoning to operate a bar or tasting room. Bars aren't allowed by right in agricultural zoning. The State gave them a liquor license, but you can't operate a bar in the county. We aren't aware of what they are trying to do. The once a year event they hold goes through the amusement license process with the county.

Scheer understands that to the best of staff's knowledge, they aren't growing grapes or producing wine, but they have options in the future. Henrichsen replied he was correct.

Planning for Pedestrians

Paul Barnes stated that there have been questions in the past regarding pedestrians and facilities. As a whole, this material is intended to educate and provide more tools as decisions are made. The Comprehensive Plan and Long Range Transportation Plan (LRTP) documents state that pedestrian facilities are good for people and neighborhoods. Walking is an essential part of our lives. Lincoln has a very extensive sidewalk system. There are over 1,700 miles of sidewalks today. It is growing and expanding. We want to think in terms of multi-modal. They are pedestrian, but they also connect to other means. We want to make sure that these are safe and up to standards. Maintenance is a big key. We want to make sure there is a convenient access point. To make these facilities safer, sidewalks need to be separated from the street with landscaping. We know that there are health benefits to walking and biking.

That has environmental benefits as well. Neighborhoods should be friendly to everyone who lives there. Physical activity helps prevent chronic disease. A 2005 Cost-Benefit Analysis studied physical activity using the bike/ped trails. From a public health perspective, the cost benefit ratio was about three dollars. For every dollar invested in trails, that led to three dollars in direct medical benefit. Hospital discharge data from the Health Dept. shows that the pedestrian numbers are lower than cyclist numbers. Injuries with a vehicle involved show an increasing rate for 2011, 2012 and 2013. 2014 numbers are lowered. A study states that they believe the U.S. is the most dangerous nation in the developed world for bicycle fatalities.

Henrichsen stated that what he has seen in other countries is that the rate of speed is a big factor. Older areas with narrower streets and lower speeds have less fatalities.

Barnes continued that the update of the Comprehensive Plan and LRTP showed that bicycles and trails were a large part of the survey. There was strong interest in these types of facilities. In the CIP, \$1,000,000.00 is put in each year for the sidewalk maintenance and repair program. This has increased from \$500,000.00 a year. At \$1 million a year, we can repair about three miles of sidewalk a year. \$2 million annually is desired. We have \$50,000.00 budgeted annually for the Pedestrian and Bicycle program. The last LRTP, we saw a strong desire for an increase in funding for rehabilitation of bridges and roads. As those projects are done, the sidewalks surrounding it would be done as well. If a road is resurfaced, the sidewalk ramps are done at the same time. There are many benefits to the sidewalk system. Walkable neighborhoods often have higher property values. This provides a choice of travel and there are many healthy living factors.

Finnegan hears about bicyclists and death and serious injuries. She questioned if many of those are on Saltillo Road or roads similar to that. Barnes replied that the hospital data can show locations but staff didn't analyze that data. Finnegan would be interested in knowing if there were certain areas that are a problem. Barnes believes there are opportunities to examine the data further. Washington believes there was a time when P Street was rerouted and Saltillo Rd. has been a problem.

Hove wondered who holds the liability for sidewalks. Barnes stated that snow removal has to happen by the adjacent owner. The City took on replacement of concrete and panels. He is not sure about liability. Henrichsen believes they are typically handled like potholes. The City does not know about every single repair that might be needed. It is up to the homeowner to notify the City about any needed repairs, but he does not believe there is any liability to the homeowner.

Harris asked if there is any effort by the City if a new sidewalk is being connected to an existing sidewalk that is in need of repair. Henrichsen believes the City tries to replace and repair sidewalks in quadrants so the program is cost effective.

Henrichsen stated that he will be talking about regulations in regard to sidewalks. The people who are going to live in the area are the most important. We take all of these things very seriously. We are fortunate that we have been requiring sidewalks on both sides of the street for over 20 years. 1952 was the first time a lot of these standards came into play. Block lengths shall not exceed 1,320 feet, but there are already built-in exceptions. Schools, drainage ways, parks, places like that might need a longer sidewalk. We measure the perimeter divided by two. Part of the reason we care about block length is that these are key to reducing travel length and travel time. The block length is not just for pedestrians. It is a shorter trip for people in cars and also a reduced energy use. It helps to disburse traffic and reduce frustration as well. When your block is between 1,000 feet and 1,320, you are required to put in a pedestrian easement to break up the block. We are requiring that they are 15 feet wide, placed in an outlot and maintained by the association. There have been some cases made that a sidewalk may not be needed, say next to an acreage that will not be subdivided. The oldest pedestrian easement is from 1924. It is on Pershing Rd. to Calvert St.

Beckius asked if there is any requirement for pedestrian easements to be lit. Henrichsen replied no.

Henrichsen continued that there are currently over 300 pedestrian easements in Lincoln. There is a waiver process available. We require the pedestrian walks to be built when the streets are being built. There is a greater acceptance of the pedestrian easements being 15 feet wide. We have several subdivisions that thought about the pedestrian easement up front and many people have embraced the idea. Most have been handled easily in advance. We hear comments that streets will cost a lot of money. The regulations have been there for quite some time and he doesn't consider it a valid argument since it has been regulation for many years. He believes there has been a great acceptance of the new width requirement. There are pedestrian standards for commercial areas. Those are reviewed at time of building permit as well.

Kellee Van Bruggen will talk about Complete Streets. She stated that we are trying to be mindful and thoughtful about who can be accommodated on a particular route. We evaluate the system as a whole and what makes sense in this location. In 2013, Mayor Beutler established a policy for the development of Complete Streets. There are many city departments on the Implementation Team. There has been a lot of good conversation. One of the work efforts that was undertaken was a Gap Analysis Study. We looked at areas of bike routes, crash data and where there might be sidewalk gaps. There is an online map at <http://www.lincoln.ne.gov/city/plan/reports/GapAnalysis.pdf>. We talked a lot about sidewalks, but we also have over 130 miles of trails in our transportation network. In less dense areas, bicyclists use the sidewalk system. We want to make sure people have easy access to trails and people on the trails have easy access to the neighborhoods. Funding started in the FY 2014-2015 CIP. There was \$50,000.00 a year for Complete Streets projects. This is a six year total of \$300,000.00. We are wrapping up the FY 2014-2015 projects which included \$10,000.00 for

bike route signage, up to \$5,000.00 for bike racks and \$87,000.00 for trail and neighborhood connections. The trail sidewalk connections got to be a little costly. There are some grade changes involved, amongst other difficulties. 29th St. to MoPac trail is unfunded due to it becoming a little costly. She presented some pictures of locations where improvements were made.

Harris inquired if the bike share funding is short. Van Bruggen replied that we have been working on this for about three years now. We have found a vendor. We were hoping to launch in the fall of 2017. That will probably push to the spring of next year if we run into bad weather. There will be 17 stations and we aim to have 100 bikes. We have received interest from two companies for some additional funding. We are pretty positive. We have received feedback from a lot of companies in the initial fund raising.

Finnegan would like to see some information showing how to handle the N Street Bike Lane or bike trails. Van Bruggen replied there are some PSA's and videos available online that speak to those points. We are looking at doing another PSA this year. Finnegan notices that with a lot of out of town traffic, there is a lot of confusion. Washington believes a PSA on streets and the bike lane would be very helpful to have running during basketball tournaments or other times when there is a lot of out of town traffic downtown.

Washington asked if bike share will have advertising. Van Bruggen replied yes, there are sponsorships.

There being no further business, the meeting was adjourned at 12:50 p.m.