

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, July 9, 2014, 1:00 p.m., Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Cathy Beecham, Michael Cornelius, Tracy Corr, Maja V. Harris, Chris Hove, Jeanelle Lust, Dennis Scheer, Lynn Sunderman and Ken Weber; Steve Henrichsen, Christy Eichorn, Paul Barnes, Brandon Garrett, Jean Preister and Teresa McKinstry of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission meeting

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

Lust requested a motion approving the minutes for the regular meeting held June 25, 2014. Cornelius moved approval, seconded by Scheer and carried 7-0: Beecham, Cornelius, Harris, Hove, Scheer, Sunderman and Weber voting 'yes'; Corr and Lust abstained.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

July 9, 2014

Members present: Beecham, Cornelius, Corr, Harris, Hove, Lust, Scheer, Sunderman and Weber.

The Consent Agenda consisted of the following item: **COMPREHENSIVE PLAN CONFORMANCE NO. 14013.**

There were no ex parte communications disclosed.

Hove moved approval of the Consent Agenda, seconded by Cornelius and carried 9-0: Beecham, Cornelius, Corr, Harris, Hove, Lust, Scheer, Sunderman and Weber voting 'yes'.

**COMPREHENSIVE PLAN AMENDMENT NO. 14004
TO CHANGE THE FUTURE LAND USE MAP; TO MODIFY
THE LOCATION OF A FUTURE BIKE TRAIL; AND TO
RELOCATE A NEIGHBORHOOD CENTER DESIGNATION,
ON PROPERTY GENERALLY LOCATED IN THE
SOUTH 84TH STREET AND ROKEBY ROAD AREA.
PUBLIC HEARING BEFORE PLANNING COMMISSION:**

July 9, 2014

Members present: Beecham, Cornelius, Corr, Harris, Hove, Lust, Scheer, Sunderman and Weber.

Staff recommendation: Approval.

There were no ex parte communications disclosed.

Staff presentation: **Brandon Garrett of Planning staff** presented the proposed land use designation change in southeast Lincoln, essentially moving a commercial piece from 70th Street and Rokeby Road to 84th Street and Rokeby Road, and moving a neighborhood center designation from southeast of South 70 Street and Rokeby Road to a future location at South 84th Street and Rokeby Road. In addition to the applicant's requests, the staff is proposing to show the latest information in terms of a future bike trail that goes through this area.

Proponents

1. Kent Seacrest appeared on behalf of ten different property owners, being a mixture of individual property owners, corporations, developers, and a bank lending institution, who have formed the Rokeby Road Coalition. They have had a history of working together. This coalition started in 2006 when there was a unique opportunity to up-size three sewer lines in Beal Slough, which allows opening up over 700 acres of real estate (a "sweet spot") just south of the regional shopping center at 84th Street and Highway 2, which has always needed additional rooftops. In 2006, this group came together and worked with staff, the Planning Commission and the City Council and up-sized the sewer lines. Annexation was not requested at that time, but they did come in with a future land use map showing the whole area as residential and a requirement that the private sector come up with a rural watershed master plan to show how the properties would work together, including access points between each other, yet minimizing the access points on the city's arterial street network.

Seacrest then pointed out that 2008 was a very dire year for the development community, but the coalition has been working with city staff again this year because the passion to develop is coming alive again.

Seacrest then shared a map of a draft concept master plan showing the access points. The coalition has been working with staff this spring and summer on the master plan and

the watershed master plan is also underway. The infrastructure required to do this plan is in the most recent Capital Improvement Program (CIP) reviewed by the Planning Commission. With the CIP amendments showing the infrastructure coming forward, this land use map change is finally showing some commercial areas to serve the home sites, and the coalition is now working with staff on the final stages of the phased annexation agreement. The CIP is heading towards approval by the City Council in the next month or so as part of the budget deliberations.

Seacrest also noted that this proposal is augmented by the recent announcement that LPS wants to locate a middle school and the YMCA wants to locate just to the north, which shows that this area is definitely coming alive. This master plan showing these rooftops had a lot of influence on LPS.

Seacrest expressed appreciation to the staff of Planning, Public Works, and Parks, who have worked well together on this.

Corr asked about the property clear to the east on Rokeby Road and what is anticipated there. Seacrest acknowledged that he does not have the latest and greatest draft of the master plan, but that area will be reconfigured as home sites.

In answer to a question from Corr about some property close to 84th Street, Seacrest stated that it is a drainageway. There are a lot of drainageways coming together at “this” corner, creating two parcels that are less than 5 acres. He did not know what those two parcels would be, but they do know there will be a need to get access to those properties. Seacrest suggested that market needs to develop more before they will know how to deal with these small parcels.

Lust inquired about the reason for moving the commercial designation. Seacrest responded that the one developer who has the commercial designation today does not think it is a viable commercial site. Others on the coalition believe the land at 84th Street could be commercial because it is more centrally located.

There was no testimony in opposition.

Staff questions

Corr referred to the staff report where it cites from the Comprehensive Plan. Some of the Comprehensive Plan indicates that Neighborhood Centers should not be closer than ½ mile from each other. In this case, by moving the Neighborhood Center, it appears there will be two closer together than ½ mile. She suggests that this seems contradictory to the Comprehensive Plan. Garrett agreed that there may be something that needs to be considered in updating the map. The commercial that is developing there now is more of a service-based commercial or contractor-based commercial rather than neighborhood services, so it does not include the typical neighborhood service type of businesses.

Corr also observed that the Comprehensive Plan indicates that Neighborhood Centers should not develop at corners. If the Neighborhood Center is moved to 84th Street, it will be covering two corners. Garrett suggested that the location has a lot to do with the Access Management Policy and the quarter mile access points on arterial streets. In the case of the land to the east of South 84th Street, the commercial reaches far back enough to gain access to the quarter mile point. A lot of it also has to do with the existing topography of this area. There is a drainageway providing a natural boundary for this to be commercial. It may not end up being commercial – it could be townhomes or apartments, but there seems to be a natural land use break at that location. On the north side, there is another drainageway squaring off that piece. And then on the west side of South 84th Street, they are showing a smaller commercial area, away from the corner. It does have access to the quarter mile point. Again, Garrett acknowledged that there are some inconsistencies but it is not the stereo-typical four-corner commercial that the plan is trying to steer away from.

ACTION BY PLANNING COMMISSION:

July 9, 2014

Hove moved approval, seconded by Scheer.

Lust believes this is great to see a coalition of very diverse groups coming together to do some really smart planning for the area, and she appreciates all the work that has gone into these changes to the Comprehensive Plan.

Motion for approval carried 9-0: Beecham, Cornelius, Corr, Harris, Hove, Lust, Scheer, Sunderman and Weber voting 'yes'. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 14018
FROM O-2 SUBURBAN OFFICE DISTRICT
TO B-1 LOCAL BUSINESS DISTRICT, AND
FROM R-2 RESIDENTIAL DISTRICT TO
O-2 SUBURBAN OFFICE DISTRICT,
ON PROPERTY GENERALLY LOCATED
AT SOUTH 48TH STREET AND NORMAL BOULEVARD.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 9, 2014

Members present: Beecham, Cornelius, Corr, Harris, Hove, Lust, Scheer, Sunderman and Weber.

Staff recommendation: Approval, subject to a conditional zoning agreement.

There were no ex parte communications disclosed.

Staff presentation: **Christy Eichorn of Planning staff** clarified that this is a request for two changes of zone located near the northwest corner of South 48th Street and Normal

Boulevard. It is “near the northwest corner” because the change of zone does not include the corner lot. The reason why the staff is encouraging this change of zone is to facilitate activity and businesses that would be on the corner.

This change of zone includes a change of zone from O-2 to B-1 on the lot to the north. The property currently zoned R-2 is being requested to change to O-2. The applicant came to the Planning Department showing the commercial building zoned B-1 which allows for restaurant type uses but they did not have enough parking. There is a great deal of parking to the north, but the zoning ordinance does not allow O-2 zoning for parking for another district. All of the existing parking is for the one business and it is excessive parking for that business. Looking at the site closer, there is parking on the residential property; however, commercial parking is not allowed on a residential lot.

Eichorn advised that the applicant had a neighborhood meeting, which she attended. The applicant is requesting to have a restaurant in the commercial building, but they need more parking. The neighbors were concerned about parking and traffic on South 47th Street. This change of zone actually legalizes parking for the commercial development and legalizes existing parking for the office use of the south property, and will provide an internal circulation pattern for this development.

Eichorn summarized by stating that the rezoning to office legalizes the parking; legalizes the common traffic pattern from South 48th Street; and legalizes parking to the north, making the overall commercial parking pattern more efficient. Hopefully, by legalizing the parking and perhaps adding signage, people will park in the commercial area and not on the adjacent residential street.

The applicant did meet with the neighborhood association, at which time the applicant and the neighbors came to some compromises, such as limiting access from the residential lot to 47th Street. In addition, if at any time in the future the residential use were to go away and become office use, then the driveway would go away and all access would have to go back out to the commercial center. There are other compromises to help reduce or discourage traffic on South 47th Street and encourage people to park in the commercial center.

Beecham asked about the parking lot that will be closed. Eichorn showed the access point on the map. It is a dangerous intersection and does not meet any of the Access Management Policy standards.

Beecham stated that she is assuming people could use the access entrance to the north, but does that need to be widened to allow two-way traffic? Eichorn did not have an answer, but when she attended the neighborhood meeting, she entered and exited at that location with other cars coming in and there were no issues. Public Works did not have an opinion on that access point.

Lust inquired whether the restaurant would have a drive-through. Eichorn understands that drive-through's will be restricted with the neighborhood agreement.

Eichorn confirmed that all of the subject property is owned by members of the same family.

Proponents

1. Mark Hunzeker appeared on behalf of the applicant, **Gale Matson**. The size of the restaurant is only 1500 sq. ft., so that particular use will require 15 parking stalls which triggers the need for additional parking. They have had dialogue with the neighbors about the use and some agreement as to how this change will be implemented. One of the agreements is that the restaurant will not have a drive-through. The two items in the zoning agreement included closure of the 48th Street access and the restriction on access at 47th Street in the event the house being rezoned has a change of use. As a result of discussions with the neighbors, the applicant has also entered into an addendum to the lease agreement with the restaurant which provides: 1) a speed bump to be placed on the driveway that comes off 47th Street and enters the insurance office and goes on to the alley; 2) the restaurant employees will be parking on-site and not on 47th Street; and 3) restriction on the drive-through. Hunzeker believes this agreement has addressed the main issues raised by the neighbors.

Hunzeker then referred to the email in opposition which the Planning Commission received from Ms. Gibbs, and indicated that his client has spoken with her and he believes he addressed the issues raised in the email to her satisfaction.

Hunzeker then observed that this is one of those sites where, if we don't make some accommodation to keep them attractive to good tenants, the possibility likely exists that the only tenants that would be attracted may not be the most desirable.

Hunzeker further noted that in the discussion with the neighbors, the applicant also agreed to include some restrictions on the use in the zoning agreement. The applicant has agreed to eliminate a laundry list of uses, e.g. those uses oriented toward relatively high traffic uses such as apartments, hotel, multi-family, concrete paving plants, body art, dry cleaning establishments, laundry facilities, laundry establishments, parking lots as a primary use, broadcast towers and personal wireless service facilities, and tents and other temporary structures. All of those uses will be prohibited on the property. Hunzeker suggested that if there is a change in the overall scheme of the use of this property in the future, it would likely involve a redevelopment of the entire site.

Corr confirmed that the restaurant will be in the 4750 Normal Boulevard location. Hunzeker concurred.

Corr then stated that she appreciates the applicant working with the neighbors. She assumes the applicant will request that the employees park behind in the new parking. Hunzeker acknowledged that will probably be the case. It is most likely the employees would park on the north side; however, because of the hours of operation of uses, the parking is not an issue. The dentist operates just three days a week; the Matson insurance office is an 8:00 a.m. to 5:00 p.m. operation; the restaurant owners indicate they will operate from 11:00 a.m. to 10:00 p.m.; the office user in the house to the north operates Wednesday through Friday from 11:00 a.m. to 6:00 p.m. and on Saturday from 10:00 a.m. to 6:00 p.m.; and there are three other uses that generally have two cars each. It really is not a big problem but the applicant desires to have the agreement that people would use the 47th Street area as a parking lot.

Beecham stated that she likes this solution, but she's wondering if the access is going to be wide enough. If Public Works decided it was too narrow, she asked whether the applicant would widen it. Hunzeker believes the applicant would be willing, but it is a pretty wide two-way access as it exists today.

Support

1. Bill McCamley, 1925 Van Dorn Street, and the owner of 2205 South 47th Street (where his five grandchildren live) testified in support. He expressed appreciation to Christy Eichorn for helping him understand this zoning change. Basically, this is a really quiet residential street. It is narrow and sometimes full of parking. He showed photographs of the parking on both sides of 47th Street. It is a short street and there are about 15 children living on this street, 2/3 under the age of 10, so the neighborhood's concern is traffic and parking and keeping the residential area residential. McCamley stated that he is in favor of the restaurant coming into the area, but the neighbors do have concerns.

McCamley then explained the three major concerns: 1) people backing up to the property are concerned about light and noise from the parking lot, but he understands the design standards will take care of that issue; 2) traffic and parking, upon which the applicant has been very willing to work with the neighborhood; and 3) no drive-through, parking on 47th Street and the speed bump are included in the lease agreement. The neighbors have been assured that the restaurant will avoid 47th Street as much as possible.

Another concern of McCamley's is what happens when the ownership of the property now owned by Matson changes.

In summary, McCamley stated that he has no objection to this change of zone because he believes the applicant has addressed the issues with the zoning agreement and lease agreement.

Staff questions

Beecham asked staff to address the change of use question. Eichorn explained that the zoning agreement goes with the property, regardless of ownership.

Corr wondered how many trips the proposed restaurant will generate. Eichorn believes it might be more than the current office space, but she did not know how much more. Eichorn reiterated that because the property is zoned B-1, they could have a restaurant in that building today. The change of zone only affects the parking.

Corr inquired whether a denial of this change of zone would result in a violation of the parking standards. Eichorn explained that they would have to change the size of the restaurant to meet the parking requirement, but that would not resolve the lack of utilization of the parking to the north. The applicant will be required to meet the parking requirements. Whatever the size of the restaurant, no parking is being waived nor are they adding any parking stalls. It is not their intent to pave for more parking. It is simply to rezone the area to utilize existing parking stalls. Corr expressed that she wants to make sure the parking will meet the requirements with the 1500 sq. ft. restaurant. Eichorn reiterated that if they cannot meet the parking requirements with the existing stalls, then they will have to reduce the size of the restaurant.

There was no rebuttal by the applicant.

ACTION BY PLANNING COMMISSION:

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Beecham moved to approve the staff recommendation of approval, subject to a conditional zoning agreement, seconded by Hove.

Beecham stated that she likes this solution, and she appreciates all the work the applicant did with the neighbors.

Corr also commended the applicant for working with the neighbors and being willing to compromise on some of their issues. This kind of fixes some problems and legalizes some parking in the area. If the neighbors are still concerned about traffic on 47th Street, she suggested that another great tool besides a speed bump is some speed art.

Motion for approval, subject to the conditional zoning agreement, carried 9-0: Beecham, Cornelius, Corr, Harris, Hove, Lust, Scheer, Sunderman and Weber voting 'yes'. This is a recommendation to the City Council.

There being no further business, the meeting was adjourned at 1:45 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on July 23, 2014.