

AMENDED MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, June 24, 2015, 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: Jeanelle Lust, Dennis Scheer, Lynn Sunderman, Maja Harris, Tracy Corr, Cathy Beecham, and Chris Hove, (Michael Cornelius and Ken Weber absent); Steve Henrichsen, Paul Barnes, Brian Will, Christy Eichorn, Tom Cajka, Brandon Garrett, Geri Rorabaugh and Amy Huffman 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 at 1:00 p.m. 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 10, 2015, as revised. Harris moved approval, seconded by Sunderman and carried 6-0: Lust, Scheer, Harris, Sunderman, Corr and Hove voting 'yes'; Beecham abstained; Cornelius and Weber absent.

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

June 24, 2015

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

The Consent Agenda consisted of the following items: **TEXT AMENDMENT NO. 15008 and SPECIAL PERMIT NO. 1020H.**

Text Amendment No. 15008 was removed from the Consent Agenda and had separate public hearing at the request of Commissioner Scheer.

There were no ex parte communications disclosed on the remaining item.

Beecham moved for the approval of the Consent Agenda (Item No. 1.2), seconded by Scheer and carried 7-0: Lust, Hove, Beecham, Harris, Sunderman, Scheer, and Corr; Cornelius and Weber absent.

Note: This is final action on Special Permit No. 1020H, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days.

REQUESTS FOR DEFERRAL:

A written request was submitted by applicant Matt Langston to delay the public hearing and action on Agenda Items 4.1a and 4.1b for an additional two weeks. (See below):

**CHANGE OF ZONE NO. 15015, AG AGRICULTURE TO
R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY
LOCATED AT 5000 SOUTH 84TH STREET,**

AND

**SPECIAL PERMIT NO. 15028, A REQUEST FOR A
COMMUNITY UNIT PLAN FOR A 34-LOT SUBDIVISION,
WITH WAIVERS TO SETBACKS, LOT WIDTH, LOT AREA,
AND PRIVATE ROADWAY DESIGN STANDARDS ON
PROPERTY GENERALLY LOCATED AT
5000 SOUTH 84TH STREET.**

June 24, 2015

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

Beecham moved to defer the public hearing on these two applications; seconded by Corr. Motion carried 7-0: Lust, Scheer, Hove, Corr, Harris, Sunderman, and Beecham voting 'yes'; Cornelius and Weber absent.

There was no one present to provide testimony; therefore, no public hearing was held on these two applications.

**TEXT AMENDMENT NO. 15008, AMENDING THE CITY OF LINCOLN
DESIGN STANDARDS, CHAPTER 3.100 DESIGN STANDARDS
FOR OUTDOOR LIGHTING, BY AMENDING SECTION 3 TO REVISE THE
DEFINITION OF “CUTOFF AND FULL-CUTOFF”, TO PROVIDE MAXIMUM
AVERAGE MAINTAINED ILLUMINANCE FOR OUTDOOR AREAS
UNDER LIGHTED MARQUEES, AND TO PROVIDE ACCEPTABLE
GLARE MEASUREMENTS FOR SETBACK PROPERTIES.
PUBLIC HEARING BEFORE THE PLANNING COMMISSION:**

June 24, 2015

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

Staff Recommendation: Approval.

Commissioner Scheer disclosed that there was an exchange of emails with Planning Department staff regarding this item as it related to a building permitting issue.

This application was removed from the Consent Agenda and had separate public hearing.

Staff presentation: Tom Cajka of the Planning Department explained the purpose of the text amendment, which would amend Chapter 3.100 of the Design Standards for Outdoor Lighting. Staff worked with a consultant, Ken Fairchild from Olsson Associates, who is a lighting engineer and is present today to address technical questions relating to the proposed amendment. Cajka explained that after an extensive study, these standards were initially approved in 2008. Over the last six and half years, these standards have worked very well but there is now a need to update them.

Cajka explained that the proposed amendment would address a couple of issues that have been identified. Shortly after the standards were adopted, a new classification system was developed by the Illuminating Engineering Society of North America, which is referred to as BUG - Back light, Up light and Glare. This amendment would add this new classification to the Design Standards. It would not change the amount of light that is emitted. They want to reference this classification system in the design standards, as it used by most of the lighting engineers today. In comparison, this would equal what is currently referred to as “cutoff and “full cutoff”. Cajka explained that the second amendment relates to the measurement of light trespass and need for developers to go through a waiver process. They have found that for buildings that have zero setback, this is virtually impossible to meet, which has resulted in several waivers over the past six years for buildings located in downtown, West Haymarket hotels, and some commercial centers around the city. For the commercial centers, the lot line and pad site are one in the same and are typically surrounded by an outlot for open space or parking. If there is a zero outlot, they would measure 10 feet off the lot line to where it meets

either the street or an outlot that is not for a building. The third item relates to adding a reference for lighting under marquees or canopies that extend from a building over a public right-of-way.

Commissioner Lust reported that a briefing on the light study was held for the Planning Commission members.

Proponents: None.

Opponents:

1. Jennifer Klein, 8025 Hanna Pointe Place, appeared as a licensed professional electrical engineer with The Clark Enersen Partners. Klein noted that they are concerned with the timing of this text amendment, as they were not made aware of the changes until last week and they haven't had the opportunity to really vet the proposed changes to determine how they made effect their clients, future designs, budgets and needs, as well as public safety. They appreciate that the Planning Department is attempting to keep an ordinance that provides some flexibility. They are also support the desire to minimize the impact of lighting on the skies by regulating the uplight component of the fixtures by the U rating, which is part of BUG classification. They do have concerns that a one-size-fits-all on the backlighting and the glare aspects in the proposed amendment may not be appropriate. Section 9 of the ordinance still requires lighting designers to produce calculations showing that the glare and the backlight on the property line has been minimized – this may not be appropriate for the entire property. Klein also noted that there has been some confusion on where the property line actually is as it relates to the light trespass component. There have been situations where properties have been separated by a road and the adjacent property is across the street, but they've been told to use the property line of the property that they are designing. There is some ambiguity in terms where the 10-foot line is located. Klein asked that the Planning Commission consider delaying a decision on this text amendment until others in the design community has an opportunity to review and vet the proposed changes and possibly have a meeting with the Planning Department staff and the lighting engineer to learn more about these proposed changes and some of the calculations used.

2. Eric Johnson, works for Lighting Specialists from Omaha, 600 Locust Street, Panama, NE, came forward. Johnson noted that Lighting Specialists is a manufacturers' representative organization. They became aware of this text amendment last week and they have questions regarding how these changes would affect design. They would appreciate the opportunity to have an Q & A meeting. They are not sure how this may affect the sports lighting standards and asked if it will require them to use lower power fixtures in parking lots, which would increase the cost. Johnson noted that the old standard in cutoff allowed a percentage of light in a zone so they used more powerful fixtures at higher heights. In the BUG

rating, the glare is an absolute number. On a low lumen output fixture, it is not hard to meet but if you go up to a higher power fixture, they will have problems. He would like some discussion on this matter.

Questions of Staff:

Lust asked if there is any reason the commission couldn't defer action on this matter for another two weeks to allow for more public outreach. Cajka indicated that he would prefer not to delay this matter and explained that there are two different issues. Cajka stated that this was not intended to be a re-study of the lighting code, which would include a review of the rating system, etc., but only intended to tweak a few things by including this new classification system. The BUG rating was determined to be equal to what is required now for cutoff and full cutoff fixtures. In terms of the property line, Cajka explained that whether it is next to a street or another property, it is considered adjacent. The new language is intended to make it easier on developers that are building on a zero lot line. There is no intention to change the current lighting standards.

Beecham stated that the notes reference a 2014 working group that was formed to address these items and asked if anyone from the development community was part of the working group. Cajka indicated that it was a small working group consisting of Terry Kathe with the Building and Safety Department; Marvin Krout, Ken Fairchild, and himself. The proposal was sent out to lighting engineers – Century Electric, Advanced Engineering Systems, Design Associates of Lincoln, and Davis Design about a month ago and they received no feedback.

Scheer asked if it was possible if the BUG rating system will have unintended consequences on some of the other things that may not seem to be affected but could be.

Ken Fairchild of Olsson Associates, 6218 South 31st Street, came forth. He explained that Marvin's charge was very clear – it can't be worse, it can't be more lenient, it has to be as close to equal as they can get it. As part of the study, they took five different fixtures, which were all used in the Haymarket area. One of them was a metal alloyed fixture and the rest were LEDs. They used the photometric toolbox software, which provided information in terms of the old classification system and the new classification system. They ran the five fixtures through this software and the information is included in the report. The documents show all the classifications and looked at the BUG rating. They intentionally tried to pick the ones under the old classification system without concerns. Fairchild stated that he cannot not predict whether it will have implications, but the BUG system has been in place now for seven years. The complication for Lincoln's Design Standards is that they used the old classification system for parking lot lighting and roadway lighting. One of the fixtures that they ran through the software was the LES preferred LED fixture that was used for roadway lighting in the Haymarket. They did their best to get to this point. In terms of the concerns relating to sports lighting, this is a completely different category of lighting – cutoff and full cutoff does not apply

to sports lighting. They used fixtures that had been approved for use in Lincoln and this is how they came up with the recommendations. They received one comment back that did have an impact on the upright.

Hove asked staff how often standards such as these get reviewed and asked when the next review would be done. Cajka stated that this came about for two reasons – the BUG rating and they wanted to try to lessen the need for waivers. If the design standard is working fine and there are no complaints, they probably wouldn't look at it unless they felt there was an issue that needed to be reviewed. Up until a few days ago, he hadn't heard of any concerns over the last six and half years regarding the design standards.

Hove asked if the building community would still be permitted to ask for waivers. Cajka indicated that this has not changed.

Lust clarified that the proposed text amendment includes three changes – (1) defining the BUG standard, (2) standards for lighted marquees, and (3) what you do in a zero setback property. There is nothing else in the lighting standards that are changing. Cajka indicated that this is correct.

ACTION BY THE PLANNING COMMISSION:

June 24, 2015

Hove moved to recommend approval, seconded by Sunderman.

Scheer stated that he would like to see this matter delayed. Whenever they deal with design standards, there is a pretty comprehensive process where a fairly large sample group has a chance to review and evaluate the design standards and provide comments. It seems that the sample used in this process was pretty small compared to all the lighting designers, manufacturers and people involved with lighting design in Lincoln. It seems like it has sort of been a surprise to some of these folks. The ex parte communications that he was involved with came to the front because it was about a waiver and it the whole waiver process and the standards were not known. When a project was going through Building & Safety, this came up and it was a surprise. This indicates to him that it would not be a terrible thing for people who are professionals in this area to have some time to review this. He doesn't believe that the intent of the design standards are wrong at all.

Hove stated that he plans to support the motion. He believes that there are only a few minor changes in this proposal and he thinks they need to move on. He challenged Clark Enersen that if changes are needed, that they need to work with the Planning staff and come up with those changes.

Beecham agreed with Hove's comments. They frequently see text amendments to try to make things a little easier on the development community. If there are some surprises, then she would not be opposed to looking a more comprehensive review of the lighting design standards, which should include the larger community – lighting consultants, neighborhood representatives, astronomical community – all those who reviewed it in 2008.

She supports this text amendment going forward now.

Lust agreed with Hove and Beecham's comments. This was not meant to be a change to the design standards but rather a clean-up and change to the engineering standards that are in use. The Planning Commission is not the last authority on this recommendation for this text amendment, as it does go before the City Council for final approval; therefore, there will be a little more time for review. If there are concerns, they can be presented at that time.

Motion carried 6-1; Beecham, Lust, Corr, Harris, Sunderman, and Hove voting 'yes'; Scheer dissenting; Cornelius and Weber absent. This is a recommendation to the City Council.

**CHANGE OF ZONE NO. 15014, R-1 RESIDENTIAL TO
R-2 RESIDENTIAL ON PROPERTY GENERALLY
LOCATED AT SOUTHWEST OF THE INTERSECTION
OF OLD CHENEY ROAD AND NORMAN ROAD**

AND

**SPECIAL PERMIT NO. 15035, TO ALLOW THE CONSTRUCTION
OF A RESIDENTIAL HEALTHCARE FACILITY AND ALLOW
WAIVERS TO ADJUST THE HEIGHT REQUIREMENTS, AND
ELIMINATE BLOCK LENGTH AND PEDESTRIAN EASEMENT
REQUIREMENTS, ON PROPERTY GENERALLY LOCATED
ON THE WEST PORTION OF THE KNOLLS COUNTRY CLUB,
NORMAN ROAD AND OLD CHENEY ROAD.**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 10, 2015

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

Staff recommendation for both Change of Zone No. 15014 and Special Permit No. 15035:
Conditional Approval.

Commissioner Lust disclosed that Trev Peterson is her law partner and he discussed the application with her. Lust encouraged him to put his opposition in writing and submit it. Mr. Peterson sent an email in opposition.

Commissioner Hove stated that he lives fairly close to this neighborhood and has some friends in the neighborhood – Michael Johnson and Barbara Keating. They both talked him and he explained the process. Both Mr. Johnson and Ms. Keating have sent letters that express their opinion. Everything discussed with him were included in the letters.

Commissioner Beecham received a couple phone calls from individuals inquiring about the best way to contact the Planning staff. She referred them to the email address and stated that everything would be forwarded to the Planning Commission.

Staff Presentation: **Christy Eichorn of Planning staff** provided an overview of The Knolls development, the community unit plan and the golf course. She noted that the applicant will more specifically explain the proposed amendments to the plan as a result of some discussions they have had with the neighbors. Eichorn stated that there were two neighborhood meetings held prior to the application, which she did attend. She has not attend any of the neighborhood meetings that have occurred since the application was formally made.

Eichorn noted that in 1955, The Knolls was developed. It came in as one of the first community unit plans in Lincoln. The site plan that was approved was very general – it showed the lots and an area for a private park. In the early 1960's, the community unit plan was amended to change the private park to a chip-and putt golf course. Prior to 1979, golf courses were allowed in residential zoning districts. After 1979, they were considered a recreational facility and, therefore, required to be approved by a special permit. The Comprehensive Plan refers to golf courses, green space and open space. When you look at the land use map, you can see that the The Knolls golf course is colored green on the map. When development comes in on private property, they consider this to give them guidance. On Page 12.4 of the Comprehensive Plan, it indicates that privately-owned green space, such as golf courses, may also be appropriate to be considered for future urban residential development. This phrase is used as the core in the decision-making process when supporting or not supporting a different type of development. Because the golf course is private property, they know that it will be sold and potentially become some other use.

Eichorn explained that the property is currently zoned R-1, which is single or two-family residential uses or single-family attached residential uses. There are generally setbacks of 20 feet for the rear yard and 10 feet for the sideyard setback. The applicant submitted a request for a residential healthcare facility on this property. The staff considered the setbacks of the structure, where it would be located on the property, and the general impact on the property and the surrounding neighbors on two sides by single-family residential lots. The applicant's plan includes a structure that is moved closer to Norman Road and away from the residential units with a minimum setback on one side of 81 feet and a maximum setback for the taller buildings of 113 feet. In the R-1 zoning district, if it was single-family residential, a 20-foot setback is required. In general, when asked to approve an increase in the height of a building, staff consider the setbacks and how they mitigate the impact of the increase of height by using a common equation for all developments – if you increase height by one foot, then you should increase the setback at least one foot. This requirement was shown on the site plan with the taller building being set back 113 feet from the residential property line. The applicant also submitted a revised, more specific landscape plan, which meets the same standards used for a multi-family building, which would not normally be required with a residential healthcare facility. Eichorn stated that

residential healthcare facilities are a special permitted use and not a use by right. Staff felt it was appropriate to bring to the Planning Commission with the idea of how they could mitigate the impact of that use on this site for consideration.

Eichorn further explained that the department did receive letters in opposition, which were forwarded to the Planning Commission. One of the main points of opposition includes the change of zone. The applicant is asking for the change of zone to get the density that they feel is needed in order to make this a productive development based on the number of acres that they have. There is also opposition to the height, as generally, the surrounding buildings are single-family residential with a maximum height of 35 feet – thus, this would be a 20-foot increase over the height that is approved in the residential zoning district. There is also opposition to the building design. Eichorn noted that there are no building design standards today in this residential area. There are covenants but the covenants do not apply to the golf course only to the residential lots that surround it. The city does not enforce covenants, as they are considered a civil matter. Eichorn stated that there is also a desire to keep this as green space. Although this is private property, there are no city departments that indicated to the Planning Department that they had the ability to purchase the property for public park space or public green space anytime in the near future.

Question of Staff:

Beecham asked Eichorn to explain the topography of Norman Road in conjunction to the neighborhood. Does it go downhill towards the neighborhood? Eichorn stated that there is some slope but recommended that Mark Palmer with Olsson Associates explain it.

Proponents:

1. Pat Day, 1427 South 184th Circle, Omaha, NE, Dial Retirement Community, the applicant, came forward. Day explained that they own and management retirement community throughout Iowa, Omaha, and Kansas City. They have been looking at the Lincoln area for many years and found The Knolls site several years ago and purchased the property. This is an infill location with many quality neighborhoods around it. They are proposing 190 units – 110 units for independent living, 60 units for assisted living and 20 units for memory care. The assisted living structure would be two stories. The common area, which is the clubhouse, would be one story high and consist of dining, theater, swimming pool etc., and the independent living structure would be three stories.

2. Kent Seacrest, representing Dial Real Estate Consultant, LLC, came forward and stated that Mark Palmer of Olsson Associates, and Eric Westman, Architect with Alley Poyner in Omaha, are also present to address design-related questions. Seacrest explained that they met with the full neighborhood two times prior to submitting their application - March 26, 2015 and May 11, 2015. They had good attendance and lots of heated discussion during these meetings. After submitting the application, they continued the dialogue with a neighborhood steering committee that was formed to help guide their interests, which included Mark Hunzeker. There additional meetings were held with the smaller group, showing them a series of site plans. From the time they started with the full neighborhood group through the steering committee meetings, they have revised the site plan six times, with the latest site plan being reduced in size and creating more buffer for the neighbors. They got very close on the site plan at the last meeting, which was held on Monday. Some of the changes are identified in the motion to amend, which was previously provided to the Planning Commission; however, Seacrest provided a modified motion to amend, which adds a new condition regarding storm water. The new note indicates that they will do the storm water detention analysis study for Public Works to their satisfaction and will show the storm water enhancements and improvements necessary to the satisfaction of the Public Works' Director. They are voluntarily doing this. The Planning Department has recommended approval of the original plan with the original waivers but Dial is willingly going the extra mile and make it right as best they can from the neighbor's point of view.

Seacrest noted that they originally applied for 285 persons. He referred to a conversion table indicating that for a residential healthcare facility this equates to 210 units. They have voluntarily reduced the number of persons to 258 or 190 units, or a 10 percent reduction. They have also reduced the height, as part of the structure was four stories and it is now three stories at the highest point. The independent care area is now three stories. Because of the elevation, there are some varying heights as the elevations reduce. There will be no maintenance buildings in the back. They are asking for a formal substitution of a site plan, which creates bigger buffers from the homes. They are also committed to doing a landscape plan. It was agreed that once the site plan was developed, they could better identify where the placement of the trees, etc. The developer has agreed to meet with the neighborhood group four more times to work on the landscaping and drainage. The Planning Department staff will be invited to attend.

Seacrest identified three golf holes along the edge of the property and they are pushing the building out from that area. The main set of trees will be up against the neighbors. The drainage will go down the fareway so as not to flood any neighbors. They have added a note in terms of posting a bond that if they don't have the landscape screen in by the time they occupy, they will be bonded to guarantee that it will go in, which is a commitment they made to the neighbors. The applicant has agreed to use 60 percent brick on the facade, as indicated in the neighborhood's covenants. During the next couple of weeks, they will working on these components and then will be able to provide a better design.

Questions of the Applicant:

Beecham asked if they know what the exterior is going to look like. Seacrest indicated that there are old pictures but they are not worth showing because there is a strong desire for a certain design with more brick. They have two weeks to show the neighbors the revised materials. He stated that this will be a higher end retirement community, which will be very nice.

Hove indicated that he is concerned that there are no design standards that apply to this and asked if an architect and civil engineer will be presenting to the neighbors at the four meetings that are to take place and basically go through a design process with them – the design standards are essentially being developed with the neighbors as the building is being developed. Seacrest stated that the developer will present and the neighbors will respond. They also plan to go out to the site and physically identify where the trees will be placed. There is a good screen for most of the neighbors, but not all. They are going to move 20 existing trees to fill in the edge.

Hove asked who will decide – the neighborhood or the developer? Seacrest indicated that there is no standard for design for this project. The goal is to have a landscape plan, elevations and skin drawings after the next four meetings to show the City Council and they hope that the neighbors are in agreement. Design is normally not a formal function of the review process but they are willing to make it that, realizing that there are no specific design guidelines. They will be working with the neighbors to create them. They have committed to using 60 percent brick on all sides.

Hove stated that there are no design standards but noted that The Knolls and the maintenance structure are both 100 percent brick. Seacrest stated that all the residents of the facility need to have the ability to walk on the first floor which will be the connection throughout the structure. It will be a big building and they need to break it up; they do not intend to have one massive long wall of solid brick.

Hove asked if site views have been available so the neighbors can see the elevations of the structure that is being proposed. Seacrest stated that Mark Hunzeker had suggested this at the last meeting. Seacrest stated that some neighbors are so high that they will look down on parts of the project. The site views have not been done yet but they are committed to show different cross sections so that the neighbors can see.

Beecham indicated that some of the concerns relate to losing the green space. She asked if there will be any sort of walking trails. If so, will they connect to the sidewalk along Old Cheney or will it be a fully private trail system. Mr. Day indicated that it will likely be a more private trail system for their customers. It is not likely that the trail would connect to Old Cheney due to the grade change. The trail will need to be fairly flat and would hookup with their common area.

Hove asked if most of the trees between the residences and the proposed building will be retained. Day stated that they have pushed the building as far east and north as possible to retain as many of the trees as possible. Mark Palmer will provide ideas on how to do this

in order to keep as many of the trees as possible.

Lust asked if the developer plans to keep the existing fareway. Seacrest explained that the fareway is open and, therefore, there are not many trees. The draining plan that Olsson Associates will be providing will be along the fareway. There will likely be a topography shift in the fareway but the intent is to keep the tree mass on both sides.

Harris asked if they know what the transparency level is on the the west side of the building that faces the residential neighbors in terms of windows, doors, etc. Day explained that on the assisted living area, there will be windows but no patios. For the independent living units, which they have tried to minimize the number of units that face to the west, there will be windowns and patios for each unit.

Corr asked for clarification on the independent living units. Are these apartments for seniors? Day indicated that their average age customer will be 83 to 84 years of age. These units will consist of a full kitchen with the ability to go either cook for themselves or go to the dining area for meals. In addition, they will have their own laundry units.

In response to a request of Beecham on the topography, **Mark Palmer of Olsson Associates** came forward. Palmer referred to the plan included in the staff report. He stated that it is one big bowl with a storm sewer that runs down the middle of the property, which will likely be relocated. Referring to the site plan, he referenced the varying elevations ranging between 1235 feet to 1265 feet with the elevation change. Palmer noted that there is a lot of grade across the site with the east side being higher. The west side is pretty consistent at 1250 elevation. He showed the original plan as it was submitted, which includes a couple of cross sections. One of the concerns of the neighbors is flooding or getting water onto their property. Palmer noted that the neighbors' properties are higher than the building. They are consistently at or below the neighboring property owners' elevations.

Beecham asked about the elevation along the proposed 3-story section of the building. Palmer indicated that the elevation of the road is about 1233. The first phase of the independent living area will have a basement garage so there is a fourth story underground with elevation at 1235. Because this area of the property is lower, they will need to fill it to get to 1235 feet. He identified the pipe that runs through the property and stated that there is significant drainage, and they will account for the flows that are coming through this property and draining north towards Old Cheney. They are obligated by the design standards to not discharge anymore water than what is existing today. They will be dealing with this as well as the amount of water that runs into the property on the south end.

Opponents:

1. Mark Hunzeker, Attorney representing a group of neighbors in The Knolls and Rolling Hills, came forward. Hunzeker stated that some of the neighbors he represents abut this property and some live in the neighborhood and have an interest in this project. He noted that the original site plan and overall plan for the project was too dense, the buildings were too tall, too close to the abutting properties, and too many trees along the golf course were being destroyed. The most recent site plan represents significant improvements. The setbacks from the abutting properties are larger and they have been promised that the buildings will be less than 55 feet tall. There are still neighbors who are very much opposed to the proposed density regardless of the improvements to the site plan. There is some substantial basis in the zoning ordinance and historic treatment of applications such as this, in particular the density of the application that is being sought. The application requests two different uses under the zoning ordinance – elderly and retirement housing and residential healthcare. Hunzeker explained that elderly and retirement housing is defined as a residential development that incorporates specific features designed to alleviate access problems commonly experienced by the elderly and in which at least one occupant in each unit is more than 60 years of age. The residential healthcare facility is defined as a structure used in a residential nature, licensed or approved by the state or appropriate agency and could include things such as assisted living, nursing care, convalescent home, hospice home, etc. There are two separate uses in two separate use groups in the zoning ordinance but there is only one application for one type of permit for this project, which is inconsistent with the way these types of applications have been approved in the past. Hunzeker noted that the staff report provides no condition with respect to occupancy of the independent living units being age 60 or above. There was no analysis of the two uses and no explanation of the density computation to reach a conclusion that up to 285 people was allowable under the single permit, which is now lower. Everyone of the recent applications for this type of project have both of these sections referenced in the permit resolutions, i.e. Savannah Pines, Legacy, The Landing, etc. In terms of the height requirements, the only time that height has been waived for a similar project, is when the project is located within a PUD – The Landing and Savannah Pines. Never has the height been waived when there hasn't been a building elevation attached to the permit. Recently, there have been a number where building elevations have been attached that were not height waivers, i.e. the Memory Care Unit at 25th and Old Cheney.

Hunzeker further stated that the neighbors believe that Dial has negotiated with them in good faith but they have reached a point where they believe they have had insufficient time to reach complete agreement on these issues. In addition, the staff and Law Department are objecting to some provisions of the original amendments by the developer. They are now faced with a choice of agreeing to continue this process without any assurance of backup from the Planning Department, or opposing the project, which they really don't want to do. Hunzeker suggested that a better course is to place this item on pending for action in two weeks when there would be more than a concept to act upon. Hunzeker stated that the Planning Commission is being asked to approve a rezoning and a revised site plan that

was submitted today with an unprecedented height waiver and no visual representation for your review. In addition, there are no conditions with respect to the reduced parking ratios or the occupancy of the independent living. Because of the Independence Day holiday, this 2-week delay would only result in a 1-week delay at the City Council level, as there is no meeting on July 6.

Lust stated that the next meetings that are scheduled will occur on June 30, July 7, July 13, and July 15. She questioned if a 2-week deferral would be long enough. Hunzeker indicated he believes that the 2-week deferral would be sufficient to get them close enough that they could move onto the City Council. There will be additional developer/neighborhood meetings after the next Planning Commission meeting, but they are hopeful that they will reach a better agreement on some of these items in the next couple weeks.

Harris asked Hunzeker to review the main issues that they are hoping to resolve in the next two weeks. Hunzeker stated that they want to continue to discuss the density of the project - the number of units. They may not get what they want but there has been a reduction by 10 percent. When the number of units being proposed are considered and compared with other similar projects that could be done, this is substantial and is a huge increase in the number of units. He understands that these projects do not generate the same amount of traffic that would be generated by an ordinary apartment complex. However, the independent living component does imply a certain amount of normal activity and it has a different parking requirement than the healthcare facility. They also want to work with the developer on the height, the drainage plan, the landscape plan, and the rendering of the building's appearance. The appearance of the building is very important.

Harris asked if the majority of the neighbor group being represented is opposed to the zone change. Hunzeker stated that there is middle ground. They have proposed to the developer to reduce the density by another 20 units.

Lust asked for clarification in terms of what is still on the table. The motion to amend reduces the number of persons from 285 to 258. Do the neighbors still want fewer people? Hunzeker stated that this is correct. The developer did reduce the number of the persons at the last meeting, which is a step in the right direction.

Lust stated that there is also a reduction in height from 55 feet to 45 feet and asked if they are still wanting more reduction in height. Hunzeker stated that the number they heard is 42 feet – 45 feet is maybe not a big deal - but there is no condition in the staff report that talks about height. There are a number of those kinds of things which are not reflected in your report even though they are reflected in the letter. Lust stated that these items are in the applicant's motion to amend the conditions of approval. In addition, the neighbors also want approval of the landscaping and building skin.

2. Sue Gardner, 6229 Barbara Lane, came forward and stated that her property does not abut this proposed development but she has been following the developments of the neighborhood and has the same concerns. She noted that she is not represented by Mr. Hunzeker but she appreciates his comments. She submitted a letter addressing her concerns to the Planning Commission. She is opposed to the zoning change and the special permit. She believes it is a poor use of this area. She noted that the 2040 Land Future Land Use Map shows that this property is green space and open space and she would love to see remain that. In terms of aesthetics, there are covenants in place for this area. This area has a cultural norm about it – you see brick, the properties are set back from the street, the landscaping is beautiful, they are large ranch homes. The Knolls is an iconic neighborhood and it is a special place. She doesn't believe that this development is in character of how it was envisioned by residents in 1955. She indicated that there is so much open area around Southwest High School with very few mature trees – there is a lot of room there for development. She stated that she can walk to The Landing from her home, so they already have a facility in our general area. She just returned from a trip to Geneva, Switzerland and noted that there are green spaces everywhere. They develop to the character of the buildings of the ages. Even though they have modern buildings, they have the character of the older buildings. Gardner indicated that she doesn't want Lincoln to develop like Omaha is developing – it does not make it a lovely city. Lincoln is a lovely city. She thinks of it as a garden city. They moved to this neighborhood five years ago because it is so nice.

3. Dan Marvin, 5918 Rolling Hills Boulevard, came forward and stated that his property abuts this project. He stated that he is primarily opposed to the staff report written on June 10, and noted that some of the amendments being proposed have made this a far better project than what staff approved. He takes zoning changes as very serious. It is what neighbors invest in and when you change the rules of the game, you should have a good reason for that. The explanation of staff indicated that the developer came in, they looked at the property, they couldn't make enough money with the number of units that R-1 would allow, so it was decided to change the zone. Marvin stated that he has heard that the Planning Commission, the City Council and the Mayor have pushed for more density within the community – we need a more dense community and we need to accept this. Marvin read a section of the Comprehensive Plan in terms of the addressing density –

The city's primary strategy for residential infill and redevelopment outside the greater downtown is to encourage the redevelopment and reuse of sites, buildings and commercial areas in order to create new and mixed-use centers that are compatible and complimentary to adjacent neighborhoods. One-thousand well designed and appropriately placed dwelling units are projected for neighborhoods in the existing city.

Marvin stated that this original proposal for 210 units and the other side of The Knolls which hasn't been developed yet could conceivably include 400 of the projected new residential units that would be absorbed in this one square mile in Lincoln. Marvin noted that in terms of sharing the burden of a community-wide goal of increased density, The Knolls

neighborhood is doing its part to absorb the density. This is why they have pushed the developer to consider reducing the density. Marvin believes that the Planning Department sees this an opportunity for increased density. How much additional density is needed. The four items of concern are density, height, landscaping and design. The developer has worked with them to address all four of these issues. Unfortunately, neighborhoods have to go out and hire attorneys because the department doesn't want to address these issues and it forces the neighbors to deal with it. He believes that they have a much improved project over what was originally approved.

Hove asked Marvin if he feels that a 2-week deferral would be helpful. Marvin indicated that this would work for him. They are not wanting to hold the developer up but they want to have some say in terms of the design and the landscaping. The neighborhood has had to step up and work out an issue that did not get addressed by the department.

Harris asked Marvin what density would be appropriate for him. Marvin stated that this is a tough question. He believes that three groups need to be involved in a zone change – the neighbors, the community and the developer. The only person in this case, was the developer. He doesn't believe that a healthcare facility or apartments for the elderly are a compelling community interest like a new Hudl or Assurity building is to the community. He doesn't have a number in mind but he is happy about the reduction in the height of the building.

The Planning Commission adjourned at 2:34 p.m. for the a 5-minute break.

The Planning Commission reconvened at 2:39, and Chair Lust called for additional testimony in opposition to Change of Zone No. 15014 and Special Permit No. 15035.

4. John Badami, 5909 Norman Road, came forth and stated that his property abuts this proposed project area. Badami grew up and was raised in this neighborhood. It is sad – they are losing a great amenity. They understand that things change. Badami asked for the Planning Commission's help in determining what the next chapter is for this site and suggested that it should not be taken lightly. He hopes that any potential new owner will be held to the same quality standard that has been established by the country club and the adjacent neighborhood. This area is a distinct district within the city. The country club is an aesthetically pleasing public place and a focal point that identifies the neighborhood. A precedent has been established in the area including one-half acre or more lots, low density, single-story, ranch-style homes with low pitched roofs and large overhangs with 80 percent brick or stone clad facades and well-landscaped yards. The next development should be equal to and enhance this established precedent, which would complement the neighborhood. The next owner of this site should meet the established standard to ensure that the quality of The Knolls/Rolling Hills district is maintained. On behalf of the neighborhood, the Planning Commission is asked to assist on a design standard with the neighbors and the developer to ensure that the quality is met by providing a landscaping plan, facade material and a visual design of the facility and maintaining the R-1 zone.

5. Scott Gardener, 6229 Barbara Lane, came forward and stated that several neighbors have approached him with concerns and he wanted to do something. They formed a group referred to as Lincoln Citizens for the Protection of Green Space. He has submitted a couple letters to the Planning Commission. One of the main things they are opposed to is the designation of the R-1 to R-2 zoning change as well as the associated special permit. A change such as this will degrade the neighborhood and will permanently change the look and feel of the neighborhood. If you use Google Earth, you can see how this will impact the area. There are several houses for sale in the area due to the proposed development. This will negatively impact property values.

The group believes that this area could be better served by putting in a plant conservatory of which there has been some interest expressed for Lincoln. Gardner noted that there are no green space areas between 14th and 27th and Pine Lake and Old Cheney. There is a small area located near Scott School and north of the cemetery off of 14th Street.

6. Richard Taylor, 5919 Norman Road, came forward and indicated that his property is located near the golf course. He stated that The Landing is 150,200 sq. ft., Savannah Pines is 100,00 sq. ft., and this proposed building is 300,000 sq. ft., which seems to be a very large for the area. They are opposed to the zoning change, which allows them to build a larger building.

Questions for Staff:

Corr asked Eichorn to explain the difference between the group living use and the household living use group and why they are not separated for this project. Eichorn stated that two weeks ago they discussed the Eastmont project, which was within a planned unit development but similar in size to this proposed development and included independent living, assisted living and memory care. There was also another project located at South 84th Street, which was similar in nature. The reason for including these three group living uses is so that people can transition from one stage in life to another stage. Many years ago, the elderly housing permit came about because they generally have a different lifestyle and they generally don't do a lot partying, unlike student housing. The elderly housing special permit is geared towards people who are 65+ years of age who don't drive very much and generally only have two people in a unit, which can provide for density bonuses to allow more people than under multi-family development. Before use groups were established, they still had healthcare facilities, hospitals, etc. and they all had a different type of special permit. Because they were difficult manage and regulate consistently, five years ago they began to combine the use groups – residential healthcare facilities and non-residential healthcare facility. They look at the project as a whole rather than splitting them up with different special permits for each type of living use. They share common areas such as parking, eating facilities, classes, activities, and, therefore, they should be looked at as a single use and permit it as a single use.

Corr asked about the parking differences between these two use groups. Eichorn indicated that there is a slight parking difference. When considering the parking for this special

permit, they made sure it is going to meet the elderly and retirement housing uses. They are proposing underground parking for this project in addition to surface parking. Staff is asking that they meet the parking requirements for residential healthcare facility, which is 1 stall for every 4 residents and 2 stalls for every 3 employees on the largest shift.

Beecham asked Eichorn to review the density differences between R-1 and R-2. Eichorn referenced the number of people as opposed to the number of dwelling units, as it is much easier to enforce the number of people allowed in a facility. When using dwelling units, you can potentially have up to three unrelated persons living together in a unit; therefore, they cap the number of persons. If this stays R-1 zoning, the maximum number of residents would be 190, and with R-2 zoning, they could have a maximum of 285.

Hove asked if there are access issues with the ability for firefighter to get to the rear of the property. Eichorn stated that there is not an issue. She talked with two individuals from the Fire Department and asked them to specifically confirm that a fire access road would not be needed on the west side of the facility and they confirmed that this is not necessary and that access to the building from Norman Road is sufficient.

Harris asked if this property remained R-1, what would be 190 residents translate into in terms of units. Eichorn indicated that it would difficult to determine because you have the independent, assisted living and memory care. It is not certain if they would put one or two people in a memory care unit, etc. The applicant might be better able to address the question. This is what has caused confusion in the past.

Harris asked for legal advice in terms of the applicant's suggested amendment and the legality of the neighborhood meetings and the neighbors providing input on the landscaping plan. Do they need to abide by open meetings laws, etc. Rick Peo, Assistant City Attorney, stated that he believes that each body has to make a decision. The Planning Commission is charged to make a recommendation to the City Council based on the information that is provided today with certain conditions. It is not a good idea for the Planning Commission to make a recommendation on a plan that has not been fully agreed upon. However, it is appropriate to request a delay to refine a development but the recommendation should not be conditioned upon the neighbors agreeing. The Planning Commission should have enough information to base their decision upon.

Sunderman asked for clarification of staff about the number of dwelling units and traffic counts and how the traffic will flow through the neighborhood as well as the lack of design standards for projects such as these. Eichorn explained that they asked Public Works and the developer to provide additional information. If this special permit for a residential healthcare facility is not approved and the property remained R-1, then this property could be developed as single-family or single-family attached. Based on the number of single-family attached dwelling units, when compared to what they are proposing with this development, there would not be an increase in traffic per the information that was provided. The access would be from Norman Road and the access onto Old Cheney where there is currently a traffic light today. Therefore, the traffic impact would be the same or less if this special permit was not approved.

In terms of the design standards, it is a difficult to answer. Commissioner Harris previously asked what would be an appropriate number for density for this project. Eichorn explained that the Planning Department makes a best effort to come up with a density compromise based on the information that they have. There isn't a number that is going to satisfy everyone. There are people who do not want any development there, including single or two-family residential. There are people who don't mind the assisted living facility but they want it to be smaller, but no one knows how much smaller. It is challenging for staff to come up with an exact number. Eichorn explained that the Planning Department is not approving the change of zone or the special permit. They are making a recommendation to the Planning Commission based on the conditions of the staff report. The Planning Commission then determines if this makes sense and makes a recommendation to the City Council, possibly with a change to the conditions. The conditions that were provided by Seacrest make sense because they are a good follow-up to the community discussions that have occurred after the application was made. There are measurable items within the conditions that can be considered, i.e. using 60 percent brick. If this is not carried out, they have something they can fall back on. If the Planning Department staff would have made some of these decisions described in the earlier testimony today prior to this hearing, then it would be as if the Planning Department would be dictating in terms of what was best for this area. The public hearing is intended to allow the neighbors to voice their concerns and tell you what is important to them. The Planning Department is charged with looking at applications across the whole city and oftentimes they make recommendations to the Planning Commission that go onto City Council that are not at all like what was recommended i.e. 84th & South Street project – staff recommended apartments but after discussions with the neighborhood, they got mini storage units. The public process is all about the interaction between the community as well as the developer and the negotiation compromises that have to be made in order to move a project forward.

Corr asked if there is a method to regulate the age of the individuals who live at the facility. Eichorn stated that they are not regulating it in terms of requiring that the individuals have to be over 65 years of age – they could have a 45 year old living in the independent care. She noted that there have been some Alzheimer's facilities that have been approved as domiciliary care facilities, which only allow individuals over the age 55 but Alzheimer's does not know a age. The age requirements are not covered by the zoning or the special permit.

Corr asked if the process used to ensure that the drainage is appropriate to ensure that it will not negatively impact the neighbors. Eichorn stated that Mark Palmer indicated that there is a grading and drainage plan. The city is requiring that the original plan be changed, particularly if the motion to amend is adopted for the revised site plan, as there is a drainage area on the original plan that is not shown on the revised plan. Before this gets approved and goes to the building permit stage, it would will to go back through review by the Public Works' Engineering Services Division and Watershed Management to make sure that it meets all regulations. This would need to happen before they could get a building permit.

Corr stated that one of the concerns expressed relate to a turn lane on the Old Cheney.

Eichorn stated that traffic looked at this and have deemed it not necessary based on the volume.

Corr asked if the width of Norman Road will change. Eichorn stated that it will not.

Applicant's Rebuttal:

Kent Seacrest came forward and began by addressing the density concerns. He indicated that the Planning Department's recommendation is for 285 people and they have dropped this by 10 percent. The Planning Department has historically done a pretty admirable job watching the interest of the neighborhoods and the community at large. Seacrest stated that if they lose more density, they will lose the economic ability to be viable and provide the high quality services that they intend to do as well as provide the other skin, amenities and trees that are being requested. They do not want to cut back on that commitment and they have made the offer to reduce the density by 20 units. They don't feel that they can do anymore. This is part of the problem because the site plan can't be finalized until the density and the height are determined. They have met with the neighbors five times, concentrating on the site plan – the density and the height and the setback. Seacrest referred to a density chart showing comparisons of similar facilities in terms of density and height. The Knolls proposal is 14 dwelling unit per acre. Eastmont was recently approved by the Planning Commission with 16 units per acre, The Grand Lodge is 20 and The Legacy at 51. This proposal is at the bottom end on the density scale. In terms of stories, the Landing, The Grand Lodge and Williamsburg are 3 and 4-story structures. This proposal is not excessively high. There is an economy-to-scale to make these facilities work. They reduced the height from 55 to 45 feet but they really think it will be at 42 feet but they won't know until they can get to a final site plan. They are specifically showing where the height waiver is located. Seacrest used the revised site plan to show the increased setbacks ranging between 21 to 46 feet of depth since the original submittal. They are compacting and putting things on top of each other but are not exceeding three stories in height. Seacrest emphasized with the neighbors, stating that it is tough to lose a golf course and open space. The land use is changing and they need to consider the alternative land use. Would they rather have single-family homes or duplexes up against their existing home or have 100+ feet of buffer and green grass and know that it is going to be maintained by professionals. The group zoning for independent living gives these individuals a sense of independence, socialization, services and programming and the recreation. As these people transition to the different levels, they don't have to move again if they don't want to. The loss of value is the golf course and they can't do anything about that. In researching data on the impact that these types of developments have on the surrounding properties, they could not find any drop in the value according to the county assessor when independent living or assisted living facilities came into areas with existing homes.

Next, Seacrest addressed the existing R-1 zoning, stating that generally, when the city rezones new areas, they start at R-3 zoning. He believes that this is a proper zoning transition of R-1, R-2, across the street from B-2 zoning. There is no senior housing project

in Lincoln that is located in an R-1 zone. If approved, this development would be the only one approved in an R-2 zone, as all other similar facilities are located in R-3, R-4 and R-6.

In terms of the Comprehensive Plan relative to infill, Seacrest stated that this community does not have a lot of resources for infrastructure, which is one of the reasons that we consider infill. Basically, the 2040 Comp Plan calls for a 400 percent increase in infill compared to the old Comp Plan. In order to make this happen, 16 percent of the housing has to go in infill under the new Comp Plan, when only 4 percent was required in the past. The Comp Plan also stated that vacant lots should be pursuant for infill and existing apartment complexes are encouraged to add more dwelling units if the sites allow . . . and provide housing choices for good, existing and developing neighborhoods, and encourage multiple styles of the housing choices, and structure incentives to encourage higher density to make greater use of the community's infrastructure. As for the traffic count, Seacrest noted that this is a low traffic count type use.

Seacrest stated that they are losing green space. The question is what is the appropriate next land use that goes in here. Would the neighbors prefer to have new homes or duplexes come up against their existing homes or have the green buffer, noting that the height is necessary to provide the green buffer. Seacrest believes that the Planning Department has taken this very seriously and believes that they were misquoted on some things, as they don't always listen to him in terms of what he has asked for. He has gone against the Planning Department's recommendations many times in the past. They are recommending this project on a density that is higher on height than what they are voluntarily requesting today. This demonstrates that staff is supporting the R-2 change of zone.

Lust asked if they were to consider the request for a 2-week deferral, resulting in a one week delay before the City Council hearing, how this would impact the developer. Seacrest stated that they have an August 1 deadline. He stated that he is consistently asked about the neighborhood process by the Planning Commission. He has never had five meetings in the and then asked to meet with them again. The group is requesting the delay to talk about density. They have shown their effort to work with the neighbors and have compromised to address their concerns. This delay would potentially allow the neighbors to ask them to do another site plan and revisit the density concerns. The developer does not believe that they can reduce the density any further. They are not excited about the 2-week day. If the City Council would delay the matter, they will miss the August 1 deadline.

Lust reiterated what the Peo from the City Law Department reported, in that they are really not doing their job without having a well-defined recommendation to the City Council if they still feel that things are up in the air. Seacrest stated that the only things not being provided is a visual of the skin and the location of the trees. They know that they need to show where the tree massing will be located to the Planning Department for approval and they are also committing to screen the property pursuant to the multi-family screening

standards.

Scheer directed comments to Eric Westman and Mark Palmer, stating that the discussion at the upcoming neighborhood meeting will revolve around the design of this facility. He understands that the developer is not excited about giving up anymore density. Scheer suggested that they need to talk about density, height, site plan and drainage, and the facade treatment and materials as a whole package, as one might affect the other in what may ultimately become a great design. If the building elevations are designed really well and they fit with the neighborhood, then maybe the neighbors will agree that the density is not a big deal for them. Even if the neighborhood or the developer are not willing to give on some things, maybe the end product will be something that everyone loves. Is this possible? Seacrest stated that it is possible but he is not optimistic that it is probable. After five meetings, they did not reach agreement on the site plan. They are dealing with a mass of different interests. It will likely be difficult to get consensus but they are willing to try to achieve this.

Lust stated that the developer might get more movement from the neighborhood in terms of the density and the site plan if they could see what the building is actually going to look like.

Scheer stated that if the vote is to delay this, if it may be possible for all this to come together and make it is an easy vote for the Planning Commission if they come up with a wonderful project for Lincoln that both sides can agree with. Seacrest reiterated that he is not optimistic that this will occur. After five meetings, they did not achieve it but they got extremely close. It could be more difficult, as there could be multiple views on the aesthetics or placement of trees. They are willing to work hard, but there is a process in place and they are following rules. There is no rule that addresses the standard that they are being asked to meet. They have already gone beyond the standards that are established in terms of the process.

Lust asked about the August 1 deadline and the impact on the developer. Seacrest stated that it will cost the developer a considerable sum of non-refundable money.

Harris asked that the height reduction that might be reduced to 42 feet is directly related to the setback. Westman stated that the height at this point is directly relative to the design. The skin component could involve how much a roof pitches, an element that conceals a mechanical unit, matching roof lines of the neighborhood, etc. The difference between 42 and 45 feet could be fairly dramatic. They are currently at 45 feet but hopeful that they can get to 42 feet but it will depend on the grading. They are working with Mark Palmer and they know roughly where the grade is relative to the building and how they plan to get to this point. Once they start dealing with the drainage and landscaping, the grading could vary a little bit next to the building, which could change the height. Seacrest stated that measuring height in the

zoning code is very complicated and the topography can make it even more challenging. They are in a bowl, heading downhill to the north; therefore, it is difficult to promise that 42 feet is going to be it when they may encounter some unique topography issues.

Harris asked if an amendment were proposed to limit the height to 42 feet, what might have to change in the site plan to accommodate this. Seacrest stated that they may have to bring more grading in up against the building that might not look natural. Westman stated that it will limit design flexibility and may prevent them from getting to the next level in terms of aesthetics.

Beecham asked if some site lines will be provided for the neighbors at the next meeting. She believes that the topography can really work in the developer's favor in terms of making the building seem less bulky from the neighbor's perspective. She understands that compared to some of the other retirement communities in town, the developer is asking for less and the zoning is different, but this is sort of a unique place to be placing this project. Most of the other retirement facilities are located at large intersections and not in the middle of smaller neighborhood surrounded by R-1 zoning. She would love for the developer to make that sacrifice of one extra meeting before the City Council. She believes that based on the comments, they could be very close to something that everyone can support. Seacrest stated that in one week they will showing landscaping and in two weeks, they will showing the cross sections and scanned elevations so the neighbors get a good sense of the project. They need this time to get the design because it takes awhile. Messman stated that since the neighborhood meeting, they have really been focused on the site plan, moving away from the neighborhood and figuring out what the topography will be.

Corr asked about the phase 1 and phase 2 construction timelines and asked how much time the neighbors will have to get used to phase 1 before phase 2 begins. Day stated that they hope to lease up phase 1 and get it stabilized with 90 to 95 percent occupancy, they would begin on phase 2. It will likely take a year or two to lease up phase 2. It really depends on the market.

ACTION BY PLANNING COMMISSION:

June 24, 2015

**CHANGE OF ZONE NO. 15014, R-1 RESIDENTIAL TO
R-2 RESIDENTIAL ON PROPERTY GENERALLY
LOCATED AT SOUTHWEST OF THE INTERSECTION
OF OLD CHENEY ROAD AND NORMAN ROAD.**

Staff Recommendation: Approval

Beecham moved to defer action on this item for two weeks; seconded by Corr.

Lust stated that she realizes that the developer is running into some time line issues; however, this is a project that is important to get right. She feels like they are very close. She is aware that the developer has gone above and beyond what is normally is asked of anyone in terms of the number of neighborhood meeting and the work that has been done to get this project to this point. This is a major change for the neighborhood. These people were living in a golf course neighborhood with nice amenities and it is important for the Planning Commission to make sure that they have it right. She would personally like to see more of what the project is going to look like in two weeks. If she voted today, she is not sure that with this level of neighborhood opposition, she could approve this. In two weeks, they may be at a point where she may be ready to move forward with the project. She supports the motion for deferral.

Sunderman stated that he will oppose the motion to defer, stating that Mr. Peo explained that the Planning Commission has a responsibility to follow the process and the applicant has done a very good job of communicating with the neighborhood – he has never heard of a developer needing to have five meetings with the neighborhood and then ask them to do it again, possibly to the point of diminishing returns. He believes that the R-1 to R-2 is an appropriate zoning change. More importantly, the applicant is generally the one who dictates whether the Planning Commission goes forward or not as far as deferrals. They are asking the Planning Commission to make a decision and he believes they should follow the process.

Hove stated that he plans to support the motion for deferral. He believes that this is a very important process. The onus is really on the neighborhood to find ways to work things out in the next two weeks.

Scheer indicated that he supports the motion to defer. He believes that they are close. If they weren't, there would be no reason to defer. When Seacrest spoke about the meetings the first time and then when Mark spoke about the meetings, he heard the same things. There has been movement and he believes that there will continue to be movement in a way that will make this a project that the Planning Commission will be able to vote and feel good about moving it on.

Beecham agreed with Lust's statements. She believes that they are following a process and that there is a reason that they do have the right to do a deferral. If they were very far apart, there would be no use in it. She believes that they are close and one week is reasonable considering the big change that is being proposed in this area.

Peo stated that it would be appropriate to note for the record if the deferral is continued public hearing or continued public hearing on new information only.

Beecham clarified her motion for a two-week deferral on this item with public hearing on new information only; seconded by Harris. Harris stated that she agrees with Sunderman's comments in that they have a responsibility to make a decision since it has been requested. She applauds all of the efforts to come together. She believes

that it looks like the parties are pretty far apart and then it will come down to the Planning Commission, which may have caused an unnecessary delay.

Lust stated that she is concerned that if they push this forward today, the answer may be no. In two weeks, the answer might be yes. This is weighing in her favor of deferring.

Corr thanked the applicant for going above and beyond and working with the neighborhood, as this is a huge change for them. She appreciates the compromises that have been made so far. She is going to support the motion to delay, primarily because it will only delay the project one more week in terms of going before the City Council. Infill projects are really tough, especially with this change of zone. She encouraged the neighbors to think of two options – they either have to be okay with the larger setbacks and the higher building, or, if they really don't want the higher building, then they will need to have to decrease the setbacks. They need to weigh which one is more important to them. With a good design, the density can likely be achieved. They need to decide if they want the building closer to them or farther away and higher. That is where it sits at this point. She encouraged the neighbors to weigh this in the next few weeks.

The motion to deferred carried 5-2; Beecham, Corr, Scheer, Hove and Lust; Harris and Sunderman dissenting; Weber and Cornelius absent.

SPECIAL PERMIT NO. 15035, TO ALLOW THE CONSTRUCTION OF A RESIDENTIAL HEALTHCARE FACILITY AND ALLOW WAIVERS TO ADJUST THE HEIGHT REQUIREMENTS, AND ELIMINATE BLOCK LENGTH AND PEDESTRIAN EASEMENT REQUIREMENTS, ON PROPERTY GENERALLY LOCATED ON THE WEST PORTION OF THE KNOLLS COUNTRY CLUB, NORMAN ROAD AND OLD CHENEY ROAD.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 24, 2015

Staff Recommendation: Approval

Beecham moved to defer action on this item for two weeks; seconded by Corr.

The motion to deferred carried 5-2; Beecham, Corr, Scheer, Hove and Lust; Harris and Sunderman dissenting; Weber and Cornelius absent.

There being no further business to come before the Planning Commission, the meeting was adjourned at 3:38 p.m.

Please Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, July 8, 2015.

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