

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, December 16, 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: Cathy Beecham, Tracy Corr, Maja V. Harris, Chris Hove, Dennis Scheer and Lynn Sunderman (Michael Cornelius, Jeanelle Lust and Ken Weber absent); David Cary, Steve Henrichsen, Rachel Jones, Andrew Thierolf, Geri Rorabaugh and Amy Huffman of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission meeting

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

Hove requested a motion approving the minutes for the regular meeting held December 2, 2015. Motion for approval made by Beecham, seconded by Corr and carried 5-0: Beecham, Corr, Harris, Sunderman and Hove voting 'yes'; Scheer abstaining; Cornelius, Lust and Weber absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

December 16, 2015

There were no Consent Agenda items.

Chair Hove asked that any **Requests for Deferral** be called.

Rorabaugh called two requests by the applicants for deferral to the January 20, 2016 meeting.

SPECIAL PERMIT NO. 04016A
TO CONSTRUCT A MULTI-STORY, INDOOR SELF-STORAGE BUILDING
GENERALLY LOCATED AT
NORTHWOODS DRIVE AND COLBY STREET.
ACTION BY PLANNING COMMISSION:

December 16, 2014

There was no public testimony on this item.

SPECIAL PERMIT NO. 1762E

VINTAGE HEIGHTS CUP

ACTION BY PLANNING COMMISSION:

December 16, 2015

There was no public testimony on this item.

Next, Rorabaugh called a request by the applicant for deferral to the January 6, 2016 meeting.

SPECIAL PERMIT NO. 15064,

AVALON EVENT PARADISE

ACTION BY PLANNING COMMISSION:

December 16, 2015

Public testimony is closed on this item.

Scheer moved deferral of **SPECIAL PERMIT NO. 04016A**, **SPECIAL PERMIT NO. 1762E** and **SPECIAL PERMIT NO. 15064**, seconded by Corr and carried 6-0: Beecham, Corr, Harris, Scheer, Sunderman and Hove voting 'yes'; Cornelius, Lust and Weber absent.

CHANGE OF ZONE NO. 15038

FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO O-3 OFFICE PARK DISTRICT

ON PROPERTY GENERALLY LOCATED AT

6200 SOUTH 14TH STREET.

Staff recommendation: Approval.

and

USE PERMIT NO. 15015

FOR CONSTRUCTION OF A MEETING HALL/OFFICE BUILDING,

ON PROPERTY GENERALLY LOCATED AT

6200 SOUTH 14TH STREET.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 16, 2014

Staff recommendation: Conditional Approval.

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

There were no ex parte communications disclosed.

Staff Presentation: Rachel Jones of the Planning Department came forward to present the Staff Report, explaining that this lot is owned by the International Brotherhood of Electrical Workers. They have operated offices on this site for a number of years. The surrounding area includes Lincoln Memorial Cemetery to the south and the Skyline View Apartments to the east. The Use Permit would include construction of an 8,400 square foot building to be used as a meeting hall and office space. The Change of Zone is from H-3 Highway Commercial District to O-3 Office Park District. As part of the Use Permit, they request waivers to reduce the side yard setback from 40 feet to 10 feet and the rear yard setback from 15 feet to 10 feet. Staff is supportive of these changes as they would result in land uses more compatible with the surrounding area. There are two types of landscape screening required. On the east side, only the standard amount is required since the land to the east is parking garages and lots associated with the apartment complex. To the south is the cemetery which is a more sensitive land use, so double the normal amount is required. In addition, the applicant has volunteered to install screening along the west on Old Farm Road right-of-way. That is not something normally required.

Beecham asked how tall the new building will be. Jones suggested that the applicant could better answer that question.

Proponents:

1. John Markey, 6508 Leighton Avenue, came forward as a representative of the local union of the International Brotherhood of Electrical Workers, the owners of the property in question. In answer to Commissioner Beecham's earlier question, he stated they only intend to build a single-story building.

Corr wondered if there is still a house near the site. Markey said the house gone.

Corr asked if the applicant has plans to rent out the meeting hall for events. Markey said that has been under consideration because they get a lot of inquiries about using the property, particularly for gatherings following funerals at the adjacent cemetery.

Corr went on to ask for clarification about the double screening on the east and west sides that was mentioned in the application letter. She wondered if there will be that much screening on those sides, or only along the south, near the cemetery. Markey said they are willing to double the screening if that is requested. He is counting on a fence on both sides and probably some additional trees and shrubs.

Opposition:

There was no testimony given in opposition.

Staff Response and Questions:

Corr asked if there was any grade change between the garages and this building. Jones said there may be a slight grade change, but she is unsure. They are planning to install a retaining wall along the east side.

Corr asked if the applicant is required to do the double screening only along the south side, or the south and east sides. Jones said the double screening is only required along the south side. You can see they show a fence, so the screening is fine. They additionally need to screen the parking lot with the typical amount. The fence is also shown along the south side, but staff would like to see the additional landscaping there as well. Corr went on to ask if they can count the existing trees along the cemetery property as part of the screening. Jones said no, the screening on the south side needs to be installed on the applicant's property to make sure there is maintenance and access.

Hove asked for clarification that the buildings to the east are garages. Jones said yes.

CHANGE OF ZONE NO. 15038
FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO O-3 OFFICE PARK DISTRICT
ON PROPERTY GENERALLY LOCATED AT
6200 SOUTH 14TH STREET
ACTION BY PLANNING COMMISSION:

December 16, 2015

Beecham moved approval, seconded by Harris.

Corr stated this project is straightforward and it seems like a good project.

Hove agreed that this is a good use of the land and a positive expansion.

Motion carried 6-0: Beecham, Corr, Harris, Scheer, Sunderman and Hove voting 'yes'; Cornelius, Lust and Weber absent.

USE PERMIT NO. 15015
FOR CONSTRUCTION OF A MEETING HALL/OFFICE BUILDING,
ON PROPERTY GENERALLY LOCATED AT
6200 SOUTH 14TH STREET
ACTION BY PLANNING COMMISSION:

December 16, 2015

Beecham moved conditional approval, seconded by Sunderman and carried 6-0: Beecham, Corr, Harris, Scheer, Sunderman and Hove voting 'yes'; Cornelius, Lust and Weber absent.

PRE-EXISTING USE PERMIT NO. 3AF
GATEWAY MALL SHOPPING CENTER
CONSTRUCTION OF A 70,000 SQUARE FOOT EXPANSION AND WAIVERS
PUBLIC HEARING BEFORE PLANNING COMMISSION: December 16, 2014

Staff recommendation: Conditional Approval.

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

There were no ex parte communications disclosed.

Staff Presentation: Steve Henrichsen of the Planning Department came forward to present the Staff Report. This application is the most recent in a series of amendments to Gateway Mall. Unlike the last amendment, which was only for a portion of the property, this one is for the entire site. This permit covers Gateway Mall, Ameritas, and the pad site along the south side of the property. The offices along Cotner Boulevard each have their own Use Permits, so they are not included. The main component of the application includes a 70,000 square foot expansion along the south. The Granite City restaurant will be moved to a new location to allow construction of that. The type and name of the new user is not included at this time. There are some waivers along with this to address the shopping center as a whole. One is the change in parking from 4.5 stalls per 1,000 to 1 per 300. This is a less restrictive parking requirement, similar to what has been recently approved at East Park and Edgewood. It would allow for more redevelopment. Southpointe will also be coming forward in the near future to make the same parking waiver request. The request is appropriate in terms of what can be seen in terms of empty parking stalls, even on peak shopping days and changes in shopping patterns, such as increased online shopping. The other waiver is to allow the main mall to have an increase in the height from 40 feet to 65 feet. This is based on the highest part at the JCPenney location. The applicant asks to have the ability to do multi-story buildings at other locations in Gateway. In the area, there are no single family or other types of uses that would be negatively impacted by the increase in height or parking. Therefore, staff recommends approval of both waivers along with the increase in floor area.

Beecham asked if there are houses on the location near the north. Henrichsen said there are houses that are zoned B-5 Commercial. The B-5 area also includes all property along Cotner, the car dealership. The properties along Cotner are all under separate Use Permits.

Beecham went on to ask about the height since JCPenney appears to sit at a lower elevation. She wondered if something new were built in another area of the mall building, if it would stick up above the rest of the building. Henrichsen stated that this is a question for the applicant. JCPenney was determined to be the highest by Building and Safety, but it is a good point that this is a very large site and height is challenging to measure with grade differences.

Corr asked for more explanation about the floor area cap. Henrichsen said there are two parts. With most Use Permits in the past, there is a floor area cap if there is concern about increases in traffic. In this case, the cap is being kept for the two largest users--the mall and Ameritas. It is not to say that staff is discouraging future increases but, due to the magnitude of the site, we wanted to leave the opportunity to address if any transportation improvements are needed. So the removal of a cap on floor areas tends to apply to the smaller pad sites. Even if they doubled in size, they would not create a significant impact on the overall transportation network. Also worth noting is that this measures floor area by the gross outside wall without any reductions for courtyards or mechanical equipment. Gateway is unique due to its significant amount of interior space and it becomes difficult to keep track of how much empty hallway is being deleted. That is another reason to support the parking reduction, because they are actually counting more floor area than other shopping centers might. Corr concluded that the cap is more to address parking and potential need for transportation improvements. Henrichsen agreed it is more about transportation improvements and the impacts to smaller adjacent properties. Even though they don't have a floor area cap, there is a limit in that they have to provide the appropriate amount of parking stall on their own site.

Harris noted that the allowance of the banners is extended for another two years. She asked if there was a deadline for their installation so their impact can be evaluated within that time. Henrichsen said there is no deadline. Since the new time frame starts with this approval, it would certainly be in their favor to have them put up so there can be a determination about the appropriateness to extend the time beyond that, if requested. If they were not installed, they could ask for an administrative approval. Harris asked for confirmation that it could be approved administratively. Henrichsen said that is correct.

Proponents:

1. Nate Burnett of REGA Engineering came forward to state the main purpose of this application is to request approval for the 70,000 square foot expansion and the reduction in parking. The height of Younkers is lower than JCPenney. Talking to Building and Safety, it is convoluted on how the height was measured because there is so much grade separation. Measuring height requires physically going around the building and measuring that grade separation to the height. We are attempting to clarify this by saying a maximum height from the finished floor to the highest part of building. Part of that is for any future development such as a parking garage. There have been others and that 65-foot height would allow for a 4-story parking garage, should that ever be requested in the future. We

also did a sign inventory of the entire site since that had not been done before. It included Ameritas and the pad sites along O Street.

Corr asked where Granite City is now and where it will move. Burnett said it is going to be located just north of the outer ring road and existing retaining wall along the O Street side.

Beecham asked about the height of the Younkers and Dillards. Burnett said only JCPenney was measured because it is the tallest building. Beecham said she wonders since this change will be applied to the entire area. Burnett said that is correct. Beecham said the spot where this particular expansion is located is at a lower grade. Burnett agreed that is true. The new building will be south of the underground parking, so it will be at same ground level as JCPenney. Beecham asked if it will be connected with the interior access. Burnett said yes.

Beecham asked for clarification about the location of the banners. Burnett said there are 11 existing light poles along the south side where the banners will be located.

Hove asked if the second floor of the parking lot to the north of Dillards is usable. Burnett said a representative in attendance at today's meeting says it is in use.

Opposition:

There was no testimony in opposition.

Staff Response and Questions:

Beecham asked if this property backs to any of the apartments around 66th Street, along the northeast corner. Henrichsen said on the northeast end, there is a small area of I-1 with self storage, the creek and bike trail. There are apartments on the corner, but not immediately adjacent. Only the small houses on Cotner are near. Beecham said that with this change, technically, those properties to the north could build up to the new height. Henrichsen said that they would still have to show that they have the circulation. Part of that provides circulation for the buildings along Cotner, so it would be at least 30 or 40 feet because of that. With the setback, it would be in the range of about 60 feet back if building up to that height.

Corr asked for elaboration on the signs in the right-of-way. Henrichsen said that on the southern end, there was right-of-way that was shifted when O Street was improved to six lanes. There were signs that had to be relocated and it appears that due to an error on the part of one or both sides, those signs were placed in City right-of-way, which is normally not allowed. There is a possibility that the area could be vacated to removed one or two of the signs, but it is possible the biggest one will not be able to be moved. Gateway is looking at replacing the signs at some point, so we thought it was best to address that so that they would be put back on private property at that time.

PRE-EXISTING USE PERMIT NO. 3AF
GATEWAY MALL SHOPPING CENTER
CONSTRUCTION OF A 70,000 SQUARE FOOT EXPANSION AND WAIVERS
ACTION BY PLANNING COMMISSION: **December 16, 2015**

Beecham moved conditional approval, seconded by Scheer.

Beecham stated that Gateway Mall is an important part of Lincoln. It provides a shopping center north of O Street. She wants to see it grow and continue to thrive. The parking is doable and there is ample parking around. She is hesitant to allow additional height in some areas, but because this area is surrounded by commercial uses, and due to the circulation and setback mentioned by staff, she is not as concerned.

Corr agreed it is important to keep this area growing and lively. It is a huge anchor for the north side of O Street and for O Street. This step is a huge part of supporting that.

Hove stated he will also support this project. He commended the owners and management who continue to develop the property step-by-step.

Motion carried 6-0: Beecham, Corr, Harris, Scheer, Sunderman and Hove voting 'yes'; Cornelius, Lust and Weber absent.

There being no further business to come before the Commission, the meeting was adjourned at 1:44 p.m.

Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, January 6, 2016.