

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, August 3, 2016, 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 Tracy Corr, Chris Hove, Jeanelle Lust, Dennis Scheer, and Lynn Sunderman (Michael Cornelius, Maja Harris and Ken Weber absent). David Cary, Steve Henrichsen, Rachel Jones, Andrew Thierolf, George Wesselhoft, Brian Will, Ed Zimmer, 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 minutes for the regular meeting held July 20, 2016. Motion for approval made by Corr; seconded by Scheer and carried 5-0: Corr, Lust, Scheer, Sunderman, and Hove voting 'yes'; Cornelius, Harris and Weber absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

August 3, 2016

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

The Consent Agenda consisted of the following item: **CHANGE OF ZONE NO. 16021.**

There were no ex parte communications disclosed.

Corr moved approval of the Consent Agenda, seconded by Lust and carried 5-0: Corr, Lust, Scheer, Sunderman, and Hove voting 'yes'; Cornelius, Harris and Weber absent. This is a recommendation to the City Council.

TEXT AMENDMENT NO. 16007
AMENDING VARIOUS SECTIONS OF THE LINCOLN MUNICIPAL CODE
IN TITLE 21 AND THROUGHOUT TITLE 27.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 3, 2016

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

Staff recommendation: Approval.

Corr disclosed that she attended the Mayor's Neighborhood Roundtable meeting on June 13, 2016. Both Text Amendments on today's agenda were briefly presented at that meeting.

Staff Presentation: Rachel Jones of the Planning Department stated these amendments have been collected by Staff over the last few years. Many are corrections to clerical errors and clarifications, but there are some that are more substantive. These were posted on the Planning website for public review on May 1, 2016. They were subsequently emailed to neighborhood and homeowner organizations and the development community on May 5th, asking for comment and input. At the request of the Clinton Neighborhood, staff attended a neighborhood meeting to present the proposed amendments on June 6th. These were presented at a Mayor's Neighborhood Roundtable meeting on June 13, 2016, and, finally, there was a more in-depth public briefing for Planning Commissioners held June 22, 2016.

Since the time of that briefing, a few changes were made. In response to comments from a Planning Commissioner regarding the requirement for guest parking for 2-family and single-family attached units in PUD, CUP and Use Permit situations, it was decided that this requirement would not be appropriate in certain areas, such as South Haymarket, where there is easy access to nearby parking facilities. It will only apply when the structures include garages. The reasoning is that they take direct access from the street and the driveway can cause problems with on-street parking because of some narrow lots. This requirement can still be requested to be waived in appropriate situations.

There were also changes made to height and grading definitions in order to create consistency with the building codes. These changes would not cause lawful buildings to become non-standard.

There was an amendment regarding major entertainment and event venues, but it was removed so that it could have a separate public hearing to account for potential public concerns regarding noise and other impacts.

There was one letter of support received regarding the expansions to agricultural and urban garden definitions. No other public comment was received.

There was no public testimony on these items.

TEXT AMENDMENT NO. 16007

ACTION BY PLANNING COMMISSION:

August 3, 2016

Lust moved approval, seconded by Scheer.

Lust stated that just prior to the meeting, she asked Staff to look into a reference made to “catch-heads” in section 27.81.030. She has been unable to find a legal definition for that term and wonders if it would be cleaner to say “headings” or “table of contents” if that was the intended meaning. Otherwise, she supports all of the amendments.

Hove said these are standard, clean-up items and he will support the amendments.

Motion carried 5-0: Corr, Lust, Scheer, Sunderman, and Hove voting ‘yes’; Cornelius, Harris and Weber absent. This is a recommendation to the City Council.

TEXT AMENDMENT NO. 16008

**AMENDING THE LINCOLN MUNICIPAL CODE FOR REGULATIONS
RELATED TO ACCESSORY BUILDINGS**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 3, 2016

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

Staff recommendation: Approval.

Corr disclosed that she attended the Mayor’s Neighborhood Roundtable meeting on June 13, 2016. Both Text Amendments on today’s agenda were briefly presented at that meeting.

Staff Presentation: Andrew Thierolf of the Planning Department stated these amendments relate primarily to adding maximum area standards for residential accessory buildings. There are many regulations for accessory buildings, but they do not address maximum area, which is currently regulated by the Building & Safety Department. This has generally worked well, but it does occasionally cause confusion since most other regulations are found within the zoning ordinance. The existing maximum area standards start at 2,000 square feet and go up from there as you go outside the city.

A working group was assembled to analyze more effective area standards. This was a good group with diverse opinions. Several iterations of the standards were reviewed over the course of a few months until consensus was reached. The main two concerns to be addressed were that larger lots, even within City limits, wanted larger accessory buildings. Even in town, if a home is on an acre lot, 2,000 square feet is not much. The second concern was that the same size accessory building on a small lot would overpower the main structure and be way out of character with a neighborhood with similarly sized lots.

Generally speaking, under the new regulations, larger lots will be allowed to increase potential accessory building area, whereas small lots will have standards in keeping with lot size and neighborhood character. Also broadly speaking, the new standards reward people who choose to build away from lot lines.

These amendments went through the exact same public process as that of Text Amendment No. 16007.

Proponents:

1. Walt Broer, 2455 W. Van Dorn Street, came forward in support of this text amendment. There is high necessity for these changes and this is a good step in the right direction for creating jobs, better facilities and flexibility for homeowners, and more tax dollars.

There was no testimony in opposition.

TEXT AMENDMENT NO. 16008

ACTION BY PLANNING COMMISSION:

August 3, 2016

Lust moved approval, seconded by Corr.

Corr said this makes more sense than the “one-size-fits-all” regulations currently in place. She expressed appreciation for all who worked on the team to make this happen.

Hove agreed this will be a positive change. He will support the amendments.

Motion carried 5-0: Corr, Lust, Scheer, Sunderman, and Hove voting ‘yes’; Cornelius, Harris and Weber absent. This is a recommendation to the City Council.

COMPREHENSIVE PLAN AMENDMENT NO. 16003
TO CHANGE THE 2040 PRIORITY GROWTH AREA DESIGNATION
FROM PRIORITY C TO PRIORITY B, TIER I, ON PROPERTY GENERALLY LOCATED
ON THE NORTH SIDE OF VAN DORN, FROM SOUTH 87TH TO SOUTH 98TH STREETS.
PUBLIC HEARING BEFORE PLANNING COMMISSION: August 3, 2016

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

Staff recommendation: Approval.

AND

ANNEXATION NO. 16008
TO ANNEX APPROXIMATELY 5.12 ACRES FOR FUTURE DEVELOPMENT
ON PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF VAN DORN,
FROM SOUTH 87TH TO SOUTH 98TH STREETS.
PUBLIC HEARING BEFORE PLANNING COMMISSION: August 3, 2016

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

Staff recommendation: Conditional approval.

There were no ex parte communications disclosed on these items.

Staff Presentation: Brian Will of the Planning Department stated these are complementary applications related to approximately 270 acres located east of 84th Street and north of Van Dorn Street, just outside of the city limits. The first request is to move the entire area from Tier I, Priority C to Tier I, Priority B in the future growth areas map. Priority A growth areas are essentially ready to develop with all municipal services and infrastructure in place. Priority B areas may lack one or more items but could still potentially be annexed with the understanding that there is a way to make up for shortcomings in services. Priority C areas take us out to a projected development year of 2040. Going back a few years, this area was not included in near-future growth areas because it lacked sanitary sewer, but now, Steven's Creek sewer line is being constructed. This group of property owners has come together to form the Van Dorn Coalition, proposing to advance the construction of that sewer line for the purposes of making the property they own developable.

The Comprehensive Plan Amendment can be approved based on the annexation, which is contingent upon the annexation agreement. The annexation area is only a little over five acres and serves as a vehicle to bring in the annexation agreement necessary to advance the construction of the sewer line. It is proposed in the Capitol Improvement Plan that the

sewer line will be funded in the years 2018-19. The Coalition would build the line in 2017 with the understanding that the City will continue to advance those funds and reimburse the Coalition.

Hove asked for clarification that this area would move from growth Tier I, Priority C to Tier I, Priority B. Will said yes, that is based on the best projections available. Hove then asked if it is conceivable that other surrounding areas will also move up in priority with the installation of the sewer. Will said it is easily conceivable since that sewer would be extended all the way south and west to reach this area, contiguous with the City.

Lust asked for clarification about whether the approval of the annexation is an approval of the agreement. Will said the action of Planning Commission is a recommendation to the City Council on the annexation. One of the conditions for approval of the annexation is that the Van Dorn Coalition enter into an agreement with the City, so if City Council approves the annexation, the agreement is there. The agreement itself does not come before this body for approval or recommendation.

Lust asked if the annexation is contingent upon the sewer line being in place. Will said the agreement is lengthy and includes many details, including the requirement that the sewer line to be in place. It creates a guarantee of little or no risk to the City. Lust asked if approval today means the annexation is taking place now, or if the sewer has to be in place. Will said the area would be officially annexed once City Council takes action, subject to the agreement being in place first.

Proponents:

1. DaNay Kalkowski, Seacrest & Kalkowski, came forward representing the Van Dorn Coalition. There are six owners with control over the 270-acre area. Staff explained why it is appropriate to categorize this area into the Priority B growth area with the sewer extension and they also support the annexation of the first five acres.

This growth is supported by the current Capitol Improvement Program. City Council will approve years one and two, but the plan shows future public funds to expand the Steven's Creek sewer. The purpose of the applications is to accelerate that sewer expansion, knowing that the dollars will be come. The Van Dorn Coalition has also requested the annexation in order to facilitate the annexation agreement; the annexation is a way to get that agreement in place.

There are benefits to working with a coalition, of which there are several around town. Because they act as a single developer, it provides an opportunity to create a coherent master plan for the area that also benefits the public. It also enhances "good neighbor policy" because they work together, rather than trying to compete.

A neighborhood meeting was held last week and included three adjacent property owners who are not part of the coalition. Two attended and were fully briefed. They will be brought into the process so they are not left with something unusable. Additionally, a representative from Firethorn was in attendance.

Planning recommends approval for both, subject to the condition that the annexation agreement is ready before the items appear before City Council. This is a great area with lots of nice amenities for long-term growth.

There was no public testimony on this item.

Staff Questions:

Corr asked about the area between the city limits and the proposed annexation that remains in Priority Area C. Will said that will be the case for the time; however, that will likely change with the upcoming amendment to the Comprehensive Plan.

David Cary, Director of Planning, came forward to confirm that there are adjacent areas outside of the coalition area that will become Priority B in the upcoming Comp Plan amendments. Today, we are just dealing with this particular significant project area, but there is an overall surrounding area that will become appropriate for Priority B designation in the near future.

COMPREHENSIVE PLAN AMENDMENT NO. 16003

ACTION BY PLANNING COMMISSION:

August 3, 2016

Lust moved approval, seconded by Sunderman.

Hove stated this is a good move that expands the City out a little farther and creates good infrastructure connections.

Motion carried 5-0: Corr, Lust, Scheer, Sunderman, and Hove voting 'yes'; Cornelius, Harris and Weber absent. This is a recommendation to the City Council.

ANNEXATION NO. 16008

ACTION BY PLANNING COMMISSION:

August 3, 2016

Lust moved conditional approval, seconded by Scheer and carried 5-0: Corr, Lust, Scheer, Sunderman, Weber and Hove voting 'yes'; Cornelius, Harris and Weber absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 16025
TO ALLOW DEVELOPMENT OF A CUP WITH 7 SINGLE-FAMILY UNITS,
ON PROPERTY GENERALLY LOCATED AT
828 AND 848 D STREET.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 3, 2016

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

Staff recommendation: Conditional approval.

Though absent at today's meeting, Commissioner Harris declared a Conflict of Interest.

There were no ex parte communications disclosed.

Staff Presentation: Rachel Jones of the Planning Department stated that this is the site of the former Zion Church that burned down in 2007. The lot has been vacant since that time. The application was submitted by NeighborWorks Lincoln. The existing zoning is R-4 and there is no request to change that.

This proposed development consists of five detached, single-family units on the south and one on the north. On the northeast corner, a larger, two-family attached unit is proposed. There is one existing house on the northwest corner that is not part of the CUP. The plan envisions a central commons areas with common access off the existing north/south alley. Garages will be located in the rear in order to preserve the pedestrian orientation of the neighborhood by avoiding the disruption to sidewalks caused by multiple drives. This layout is typical throughout the neighborhood. The alley traffic will increase considering it is currently a vacant lot. This plan does not request more than what could occur on the property now, by-right.

There are waivers requested to setbacks and minimum lot dimensions. The distance between any two units will be three feet on either side, so six feet between buildings. This meets building code. There are five 50-foot wide platted lots today. By-right, it would be possible to construct up to five single-family or five duplex units for a total of 10 units, so the density requested is less than what is allowed by-right.

This was reviewed by the Historic Preservation Commission because they are in a registered historic district. That body advised that the plans were appropriate based on general appropriateness, the fit with the character of the neighborhood, and the density, including the requested additional units. These units will meet neighborhood design standards so they will fit in with other houses on the same and opposing block faces.

NeighborWorks had an extensive public involvement process that included an additional meeting on July 27th, since the requested deferral.

Hove asked for clarification that though there are five lots, they could build duplexes on all five, so the request for seven units does not lead to a significant increase in density. Jones said that is correct.

Corr asked the average distance between existing homes in the neighborhood. Jones said the setbacks would be five feet. Corr noted that means they are currently only 5-10 feet apart so even with the reduction to 3-feet per sideyard, there is not much difference. Jones agreed.

Corr asked if the waivers were requested in order to match up with the existing characteristics of the neighborhood. Jones agreed that is the case. The density is very appropriate compared with the surrounding area; not every block-face has this many units, but many do. The design also fits well with the inclusion of sloping roofs and porches.

Corr asked for clarification about a design layout included in the Staff Report. Jones said there are attached garages shown and an area overlay that shows buildable area within setbacks.

Scheer wondered about the layout of the lots prior to the existence of the church that was formerly on the site. Jones said that on the west half, the lots were rectangular going east-to-west and on the east half, they ran north-to-south. In theory, all of the units could have had access off the alley.

Lust asked if the CUP imposes any requirements for the development of the area. Jones said no.

Proponents:

1. Gill Peace, Peace Architect Studios, came forward as architect. The design team is proud to be working on this project with NeighborWorks. There have been multiple chances for the team to reach out to the residents and include them in the design process. We are interested in balancing the right density for the district while not making it so low that the project is not viable economically. The preliminary designs and concepts were presented to the Historic Preservation Commission and they advised approval.

Corr asked if the reason for the waiver to lot depth is to create the commons area. Peace said the commons area is a strong point of the proposal that will benefit these homes and the entire neighborhood. The area could be used as a gathering and play area for families or for a community garden; final decisions are yet to be made regarding its use. The area also happens to be located under overhead utilities so this is the best use of the parcel. This concept will also blend well with the South Haymarket area.

Lust asked if these will be single-family, owner-occupied homes. Peace said that is part of the mission and is consistent with avoiding the option of developing duplex units.

Hove asked if the homes will be market-grade. Peace said that question would be better directed to the NeighborWorks representative.

2. Shawn Ryba, NeighborWorks Lincoln, stated NeighborWorks took ownership of the property in 2015. There have been seven neighborhood meetings in all, including an introductory meeting explaining our mission and vision for the area, presentations by the architect to get input, and various presentations by City department heads to talk about the South Haymarket development, crime and safety issues, and parks activities. Another meeting was held July 27th to talk further about concerns and find middle ground. There are two staff community builders at NeighborWorks and extensive outreach was done via flyers, email, and knocking on doors to make sure we covered the area thoroughly to include folks who should be involved in the process.

Hove asked for more information about the home ownership aspect of these houses. Ryba replied that NeighborWorks helps first-time home buyers within an 80%-120% median income level. A family of four who earns around \$57,000 is at 80% and with an income of \$85,000, they are at the 120%. These are moderate-income buyers.

Lust asked what type of assistance is given. Ryba said it is primarily down payment assistance. The buyer must have a credit score of at least 640, have been approved for a mortgage, employed at the same place for a certain amount of time, and they must complete the 9-hour home buyer training.

Hove asked if the homes just go on the market. Ryba said they work with a realtor but around 20-30 people complete their training every month, so there are buyers available right out of the gate. There have been concerns expressed about how the area will maintain itself and we are looking into the creation of a homeowners association.

Corr asked if there is a requirement that the homeowners stay. Ryba said they get the full amount of down payment if they stay for 10 years. That amount is deferred. If they need to leave before the end of 10 years, that percentage comes back to us. Most people remain for a long time due to the quality of the product we build. This area is growing in popularity.

Hove asked who participates in the assistance programs. Ryba said all walks of life from families, to single parents, to young entrepreneurs.

Lust asked if the down payment is structured as a loan. Ryba said yes, it is deferred.

3. Greg Baker, 1039 S. 11th Street, stated his family attended Zion Church and fell in love with the area and relocated to the neighborhood. He heard about the meetings regarding this project through flyers, word-of-mouth, and emails. He approves of taking a vacant lot and making it productive. The default rate of NeighborWorks buyers is extremely low; that is important to him as a homeowner in the area. The fact that the owners could take responsibility for property maintenance is huge. The design with the common green area will play nicely off the plantings installed by Zion church which are now mature. The community garden area will be retained. Another huge asset is the parking. The fact that all seven units will have a total of four off-street parking spots for guests is an important design principle in this area. The inclusion of porches helps with the aesthetics and the community building in the neighborhood.

Opponents:

1. William Wood, 808 D Street, stated they turned in a petition of opposition with 26 signatures from many of the adjacent neighbors. As part of the Everett Board, we worked in 2007 to down-zone the block and adjacent blocks with the thought that our setbacks would be protected, but now these variance requests have emerged. The traffic in the alley is of concern. There used to be a T-shaped alley and driveways onto E Street. Neighbors would now like some other access than the inadequate, narrow, rock alley. It gets icy and even garbage trucks have been stuck. The common area and the drive could be flipped so access comes off of 9th Street. The neighbors have been trying to see a final design since February but have yet to see one. A previous design was selected, but then a new architect was selected. We would not have spent our time and energy to provide input, only to have it ignored. More distance between lots would be better. We also believe the recommendation of the Historic Preservation Commission is void and subject to collateral attack because they did not review a final design and there was not adequate notification given, including to the Neighborhood Preservation Association and the Historical Society. We would also prefer a mix of price ranges. The reduced setbacks constitute a fire hazard. The real reason NeighborWorks is pushing for more units is because they overpaid for the property.

2. Dick Clark, 1008 S. 8th Street, stated that he and his wife and young children have lived in the neighborhood four years. This permit should not be issued because the applicant should be required to follow the same rules. This will double traffic in the alley and increase the population density on the block. The project is funded entirely by tax dollars; NeighborWorks uses other people's money to buy property at an elevated price and then argue for the need for greater density. This is a poorly conceived model. A 40% reduction to setbacks is significant.

Clark read a letter from his wife, **Justina Clark**, who was unable to attend. In summary, she expressed concerns about the historic character of the neighborhood being lost. Doubling the number of homes on the block would be detrimental. There are safety concerns, particularly with the narrow alley. There was discussion of paving the alley, but it would be at the homeowners' expense. Promises were made and broken, included the removal of unsightly signs. A commitment to include neighbors in the design process excluded her and her husband despite their efforts to provide contact information. Many of our neighbors strongly objected to the number of houses and it was intimated that this was a point of compromise, yet the special permit application still asks for seven homes. We assumed the character of this block would remain the same. If NeighborWorks can't be good neighbors while producing a viable project, they should not proceed.

Corr asked the location of the Clark's home. Clark said it is one house south of the northwest-most house.

Hove asked how the character of the proposed homes is different. He noted that to him, it seems they have the porches and pitched roofs and many similar elements. Clark said there are a number of features including the addition of a homeowners association, the number of lots, and the lack of the previously existing outlet onto 9th Street that make this out of character.

Hove questioned why this is not a better alternative to the five duplexes that could be built by-right. Clark said that point was used as a threat several times. Hove added that without the special permit, there would not even be this public meeting or chance for input from neighbors. Clark said he asks that this body follow the rules. This is not a private enterprise; these are people seeking grants.

3. Steve Holland, 819 D Street, stated he has lived directly across D Street for 37 years. There are 6-foot setbacks strictly on the west side. Across the street, there is an average of 20 feet or more between houses. He agrees with the other concerns previously mentioned and wanted to make sure it was on the record that it is untrue that all of the houses have a 6-foot separation.

4. Mike Dennis, 1845 S. 48th Street, stated he has been a real estate broker for many years and has been very active in various neighborhood activities. This project is creating more density than we would normally expect from NeighborWorks. The downzoning that the City went through demonstrates the importance to have less density. He typically supports NeighborWorks, particularly when they upgrade homes, but this and another project are of concern to him. We have heard that the project is not viable without seven homes, but the real estate market has substantially improved from a few years ago. There is no reason that anyone could put five homes on the land and not break even.

Staff Questions:

Corr asked for information about the Access Management Policy as it relates to 9th Street. She asked if there is room for an exit there. Jones said that access point could not go back in and meet the Access Management Policy.

Corr asked if the north-south alley will be paved or widened. Jones said no.

Corr went on to say she reviewed the advice of the Historic Preservation Commission. She wondered how the design standards for preservation apply to a vacant lot.

Ed Zimmer of the Planning Department said that at the time of designation, the church and one house were located in this spot. The Historic Preservation Commission was not operating under their public hearing process to make any approval under the Certificate of Appropriateness for zoning action, but rather, were acting as advisors to the Planning Commission. They look for and advise on broad and general CUP terms such as compatibility, scale, and roof pitch. They recommended porches, though design standards would have gotten the applicant to that conclusion as well.

Hove noted that their advice is good.

Lust asked if the comments made by Mr. Wood are accurate when it comes to the advice of Historic Preservation Commission being void. Zimmer responded that Historic Preservation Commission was acting simply as advisors as part of the general, overall Planning Department process. It was a public meeting. It is possible that interested parties outside of the required legal notification process did not know about the meeting, but that is true for any public meeting. He does not believe you can appeal advice given in a general advisory role.

Lust asked who would review whether or not the buildings meet the design standards for the neighborhood. Zimmer said the Planning Department makes that review. Corr wondered at what point in the process that review would take place. Zimmer said that in any building permit application, the standards have to be applied. Planning is responsible for the review. It should be noted that this project will also be reviewed by the Historical Society due to funding sources.

Corr asked Jones to address the density. Jones reiterated that in an R-4 zone, they could go up to 10 total units. Corr asked if, in that case, access would still have been taken through the alley. Jones said an easement could have been dedicated along the rear and access could still have gone in the back.

Applicant Rebuttal:

Ryba stated he is shocked to hear the opposition. He wished to address the comment made regarding broken promises. NeighborWorks did not hold seven meetings and canvas the neighborhood for no reason; we seek to get consensus. He disagrees with the idea that neighborhood input was not incorporated. There was concern about parking and what would happen to the community garden. We responded with an ample amount of off-street parking and added and encouraged the garden space. Neighbors expressed they would like green space. The commons area will accomplish that. They were concerned about density and strongly wanted to avoid the addition of rental properties. The density we landed on is appropriate for the neighborhood and these are all single-family, owner-occupied units. There were never threats made about increasing the density. Every house will have a front porch and the finishes will be higher quality, Hardie panels which are more expensive, but blend nicely in historic areas and last longer. We are also very concerned about safety and pedestrian issues. Taking a drive out to 9th Street is not an option and creating multiple driveways onto D and E Streets makes it very unsafe for bikers and pedestrians. Ryba reiterated that the concerns of neighbors were heard and incorporated. It was his belief prior to today that there was consensus among neighbors and that overall, they viewed this project as positive. The opposition today was a surprise.

Hove asked if the alley will be rock. Ryba said it will be. Neighbors are concerned with that and we continue to look at it. We do not have the funding to pave the alley and would have to ask the neighborhood to help. The alley will be rocked and well-graded.

Hove asked Ryba to address concerns about the lack of a final design for neighbors to review. Ryba said that is not an atypical situation. First, we seek the approval of the CUP. We have offered to meet again to present the final design and are still taking feedback. Hove asked for confirmation that the homes will be consistent with the neighborhood. Ryba said yes.

Hove asked for more information about the funding of NeighborWorks. Ryba said their mission is to stabilize neighborhoods through revitalization, home ownership, and real estate development. To do that, they do a lot of infill housing, rehabilitation of structures, and replacement of homes in the worst condition with new structures. We emphasize leadership capacity in neighborhoods and have two community builders on staff. Funding is heavy on federal dollars, which help with the homeownership aspect. There are also smaller source funds through the Department of Economic Development, real estate development, and private donors and fundraising efforts.

SPECIAL PERMIT NO. 16025

ACTION BY PLANNING COMMISSION:

August 3, 2016

Corr moved conditional approval, seconded by Lust.

Corr said this is a good development. She understands that some people disagree, but this will put homeowners in place. She firmly believes this will create a good mix of results. Home ownership helps people take to take better care of the property. The density is fine for the area. She also supports the waivers because she believes they are requested in order to make these new structures match up with the existing neighborhood.

Scheer stated he will support this. The project and design are compatible and complementary in terms of density. The CUP process is appropriate to ensure that this is compatible with the goals of the Comprehensive Plan. The alley access is not only the historic and traditional way of providing access, in this case, it is the only way; to consider its appropriateness is almost irrelevant given it is the only option. Though there is not yet a final design, the ideas shown are a great design. The porches and facades facing D and E Streets are well designed and good for those streets. This is a good project for where we are in Lincoln and for revitalizing vacant properties.

Lust stated she will also support this. She very much appreciates the neighbors expressing concerns and it shows what a strong neighborhood this is. That said, she cannot imagine improving upon what has been provided here today and having it be a viable project. This is well-designed. The alley access is historical and is the only way. She also appreciates the effort to add the common space that is not available on any other block. This proposal is not more dense than the rest of the area. She enthusiastically supports this and believes it will be a big improvement. She hopes the neighbors will come on board.

Hove agreed with what has already been said. This project works with the character of the neighborhood. He finds himself asking, if not this project, then what? Ten duplexes could be built. These single-family homes are preferred and will be a good addition.

Motion carried 5-0: Corr, Lust, Scheer, Sunderman, and Hove voting 'yes'; Cornelius, Harris and Weber absent. This is final action by the Planning Commission unless appealed to the City Clerk within 14 days.

There being no further business to come before the Commission, the meeting was adjourned at 2:45 p.m.

Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, August 17, 2016.