

MEETING RECORD

NAME OF GROUP:

PLANNING COMMISSION

**DATE, TIME AND
PLACE OF MEETING:**

Wednesday, January 23, 2019, 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:**

Tom Beckius, Dick Campbell, Tracy Corr, Tracy Edgerton
[arrived at 1:17 p.m.], Christy Joy, Dennis Scheer and Sändra
Washington; Deane Finnegan and Maja Harris absent. David
Cary, Steve Henrichsen, Paul Barnes, Rachel Jones, Dessie
Redmond, Andrew Thierolf, Kellee Van Bruggen, George
Wesselhoft, 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 Hearing

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

Scheer requested a motion approving the revised minutes for the regular Planning Commission hearing held January 9, 2019. Motion for approval made by Campbell, seconded by Joy and carried 6-0: Beckius, Campbell, Corr, Joy, Washington and Scheer voting 'yes'; Edgerton, Finnegan and Harris absent.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

January 23, 2019

Members present: Beckius, Campbell, Corr, Joy, Scheer and Washington; Edgerton, Finnegan and Harris absent.

The Consent Agenda consisted of the following item: **TEXT AMENDMENT 18007, TEXT AMENDMENT 18015, CHANGE OF ZONE 18035, CHANGE OF ZONE 19001 and SPECIAL PERMIT 18050.**

There were no ex parte communications disclosed.

Beckius moved approval of the Consent Agenda, including the proposed revisions as set forth in the revised staff report for Special Permit 18050, seconded by Washington and carried 6-0: Beckius, Campbell, Corr, Joy, Washington and Scheer voting 'yes'; Edgerton, Finnegan and Harris

absent.

Note: This is **FINAL ACTION** on **SPECIAL PERMIT 18050** unless appealed by filing a Letter of Appeal with the Office of the City Clerk within 14 days. This is a recommendation to the City Council on all other items.

COMPREHENSIVE PLAN AMENDMENT 18005 TO AMEND THE COMPREHENSIVE PLAN TO INCLUDE THE "LINCOLN BIKE PLAN" BY REFERENCE;

PUBLIC HEARING:

January 23, 2019

Members present: Beckius, Campbell, Corr, Edgerton, Joy, Scheer and Washington; Finnegan and Harris absent.

Staff Recommendation: Approval.

AND

MISCELLANEOUS 18004 TO AMEND THE LONG RANGE TRANSPORTATION PLAN TO INCLUDE TEXT AND MAP CHANGES FROM THE "LINCOLN BIKE PLAN";

PUBLIC HEARING:

January 23, 2019

Members present: Beckius, Campbell, Corr, Edgerton, Joy, Scheer and Washington; Finnegan and Harris absent.

Staff Recommendation: Approval.

Washington disclosed that she had a short conversation with the members of the Nebraska Trails Foundation.

Staff Presentation: Kellee Van Bruggen, Planning Department, distributed copies of the Lincoln Bike Plan On-Street Bicycle Facilities Plan Executive Summary (Exhibit "1"). Van Bruggen stated that over the past year, the City, MPO and consultants for FHU have worked with the community to develop this high-level plan which identifies and builds upon aspects of the current network to achieve community goals and to better connect bikers with key destinations. Facilities are denser in the Downtown area. The building out of the network will occur slowly over time as funds are available. One hundred thirty-five (135) projects are identified to be included in routine CIP projects and maintenance. By combining these efforts, projects are completed at cost savings. The pace will depend on funding and dedication of staff resources. Many projects require further analysis and a full public process. Facility types are subject to change based on analysis at the time of design and implementation. Projects will also be funded with the help of grants and partnerships. Both of these amendments are consistent with the goals of each of the documents

they amend and we request their approval.

PROPONENTS:

1. Jamie Granquist, Bike LNK City Manager, stated she is a lifelong Lincoln resident and a bike commuter. Granquist provided copies of some BikeLNK Lifetime Ridership Stats (Exhibit “2”). Granquist stated the Bike LNK program started last April and offers 19 kiosks throughout downtown. Users can walk up to purchase a single pass or become members. By the end of the year, there were 28,000 trips taken, which has offset carbon emissions and amounts to 2.6 million calories burned. There were around 2,500 trips taken in November, and approximately 1,100 in December, which shows that people continue to ride even in winter. She reviewed some of the top trips taken, the highest density being found in the core downtown area and spreading outward to the Railyard, Antelope Valley and out to the trails system. What you see is that people are using the bikes to get around. So much so, that they could have crossed Lincoln 70,000 times, which is equal to 3,200 gallons of gas. Bikers are not taking up valuable parking spaces, not contributing to pollution or traffic congestion, and are staying healthy by moving. Making routes that make sense will encourage even more use. The numbers would not be so high if there were not good resources in place. This is not just a bike plan, but a people-and-bikes plan, with the goal of getting people out and to their destination, which will benefit all of Lincoln.

2. Barb Fraser, 3210 Loreda Drive, provided copies of her comments for the record (Exhibit “3”). Fraser said she uses the bike facilities for fun, health, transportation and recreation. It is important to provide balance and choices for people getting around Lincoln, whether on foot, bikes, public transportation, or vehicles. She was on the advisory committee and gave feedback and opinions. She has worked for over 20 years to encourage active transportation from a public health perspective and considers herself to be in the “interested by concerned” group this plan helps to address. Not having to navigate through high-speed traffic makes her more likely to use her bicycle, especially for shorter trips. Inactivity and obesity create \$117 billion in healthcare costs. Nebraska has the 13th highest obesity rate. If we had the proper facilities, that provides more opportunities to engage in more activity. The bicycle commuters reduced their mortality rate by 41%, compared to those who commuters who drive or take public transportation. Other benefits included lower stress rates, smaller environmental impact, and more connection and engagement with the community.

[Edgerton arrived at 1:17 p.m.]

3. Matthew Roque, 5252 Lowell Avenue, said he also participated on the advisory committee. He is strictly a recreational user. It was beneficial to have that perspective represented on this committee. As we worked through the process, we looked at effects for all members of the community as well as other components, such as education. The goal is to get more people riding bikes. This is an important plan for the community.

4. Becky Witt, 2711 South Street, said that she started riding several years ago as part of the bike challenge. When she turned 65, she rode over 2,000 miles. During that time, she was almost involved in serious accidents over 10 times, usually at intersections when a vehicle is making a right turn. It is alarming how hostile some drivers are when you attempt to get their attention. She has also dealt with a vehicle intentionally trying to push her off the road. She stopped riding because of this danger and due to a recent death in the biking community that was the result of a similar accident.

5. Bob Kuzelka, 1945 A Street, stated that in 1970, he chaired the Mayor's Bike Plan. They developed a plan that was adopted. Most of that has been built. He encourages that the City keep this going because 40 years from now, someone will come forward to say 'good job'.

There was no testimony in opposition.

There were no staff questions.

COMPREHENSIVE PLAN AMENDMENT 18005

ACTION BY PLANNING COMMISSION:

January 23, 2019

Washington moved Approval, seconded by Campbell.

Washington said this is a good plan and she appreciates the testimony from a broad range of users, from avid commuters to recreational users. The amount of work and the comprehensive nature of this plan is impressive. She is a recreational bicycle user.

Corr said it is wise to include this as part of the overall plan and to make use friendlier to the bike community. She used to consider herself part of the 'highly confident' user category, but she also found commuting to be dangerous. This is a step in the right direction.

Scheer noted that the public process on this plan has been incredible and there was significant input. This plan also addresses gaps and prioritizes them which will make the system better, even long into the future. Finally, the plan addresses the needs of a large segment of the population. Citizens do not have to be avid riders to appreciate what this plan accomplishes.

Motion for Approval carried, 7-0: Beckius, Campbell, Corr, Edgerton, Joy, Washington and Scheer voting 'yes'; Finnegan and Harris absent.

MISCELLANEOUS 18004

ACTION BY PLANNING COMMISSION:

January 23, 2019

Corr moved Approval, seconded by Campbell and carried, 7-0: Beckius, Campbell, Corr, Edgerton, Joy, Washington and Scheer voting 'yes'; Finnegan and Harris absent.

COMPREHENSIVE PLAN AMENDMENT 18004, TO AMEND THE COMPREHENSIVE PLAN TO INCLUDE THE "33RD & CORNHUSKER SUBAREA PLAN" AND THE "CORRIDOR ENHANCEMENT PLAN";

PUBLIC HEARING:

January 23, 2019

Members present: Beckius, Campbell, Corr, Edgerton, Joy, Scheer, and Washington; Finnegan and Harris absent.

Staff Recommendation: Approval.

AND

MISCELLANEOUS 18003, TO AMEND THE LONG RANGE TRANSPORTATION PLAN TO INCLUDE THE "33RD & CORNHUSKER SUBAREA PLAN" AND THE "CORRIDOR ENHANCEMENT PLAN";

PUBLIC HEARING:

January 23, 2019

Members present: Beckius, Campbell, Corr, Edgerton, Joy, Scheer, and Washington; Finnegan and Harris absent.

Staff Recommendation: Approval.

Corr disclosed that Planner, Andrew Thierolf, presented these items at a Mayor's Neighborhood Roundtable meeting in January.

Staff Presentation: Andrew Thierolf, Planning Department, came forward to state these two applications came about in a partnership with the RTSD and are part of a much larger process meant to address the railroad crossings between N. 27th and N. 48th Street which started in 2018 and will continue. The two pieces addressed today are the Subarea and Corridor Enhancement pieces.

The subarea plan was a high-level analysis of the existing conditions identifying land use, redevelopment sites, infrastructure and other enhancements. The land use map became the main organizing idea behind the plan. In a very broad sense, a transition is shown, balancing the industrial use with commercial and residential uses and open spaces. The preferred preliminary alignment is shown, though it may not be the final alignment; there will be time before design and construction phases begin. If a different alignment is chosen, the plan will come back through as an amendment to reflect that change.

The other piece is the corridor enhancement. This is intended to guide the look and feel of the streetscape with things like street trees, sidewalks, landscaping in medians, monuments, and private property design standards. At this point, these are not details meant to go into code, but are guidelines for what to reference when the appropriate time comes.

This process had involved significant public engagement including an advisory committee of over 50 stakeholders, residents, open houses, online survey, and a detailed website. Notices went out to over 4,000 owners in the area.

Finally, a memo went out to explain minor changes that have occurred since the staff report was distributed. There have been clarifications to the 300-foot separation between industrial and residential uses and changes on the land use map to incorporate the Business/Flex Park where light industrial uses are permitted. People were concerned that it was not mentioned, so it was added for clarity. The location of street trees was also clarified. Though the ideal location is between the sidewalk and street, there will be additional review involved since this is a highway, so we may not be able to do that. The plan makes it clear that is our preferred location, but we will work with the State. It was also made clear that a way-finding system will be included.

Washington asked for more information about the area changed from mixed residential use to business/flex use. Thierolf said there are some heavier industrial uses in the area so it was decided that the business/flex would be a better transition.

Edgerton asked for more general information about the business/flex designation. Thierolf said there is commercial use mixed with some residential and light industrial uses. It is a hybrid of mixed use with a higher level of design involved. The intention is to look at the area as a whole, more planned-out development. Edgerton asked what is in those areas now. Thierolf said it is a mix of light industrial and some vacant spaces. It was added back in to make it clear that there is no intention of removing the industrial uses.

Beckius asked for more information about the 300-foot separation. Thierolf said that separation reflects an existing City policy, in place to prevent residential from being too close to industrial. There are some pieces that are grandfathered in, but with any new industrial or residential proposals, we want there to be adequate separation. Campbell asked what could be placed in the 300-foot space. Thierolf said there is often parking, detention, or light commercial uses in those buffer zones. It goes both ways; if there were existing residential, we would not want to approve industrial in that area, and vice versa.

Corr noted that Cornhusker is on the numbered list of CIP projects. She wants to be sure that these plans are taken into account. **Paul Barnes, Planning Department**, stated that the numbered list is needs based and projects can shift; it is not a ranking. There are many needs to be met and a lot of opportunity for discussion about these projects. Washington wondered if projects can be

reordered and grouped together. Barnes said that is a question for the RTSD.

Proponents:

1. Becky Witt, 2711 South Street, stated she is a business owner in the area and is very impressed with the thoroughness and work that went into this. This area used to have bars up and down the street. She has a long history in the neighborhood and there has been a downhill slide with many neighborhoods in transition. It would be wonderful to follow this plan through and beautify this area. This is a gateway to Lincoln off of I-80 and is important. There are also some beautiful new homes in the area and they deserve nice places to go. She was not very supportive in the beginning, but after participating, she is sold now.

2. Bob Kuzelka, 1945 A Street, said he served on the Advisory Committee and Pro-rail Nebraska, a railroad advocacy group. He has a graduate degree in planning and it is a real joy to take part in active planning. This is a textbook approach for how to do things and is perfect planning. This is a long range plan that will take many years to get going, but this will guide that development. This will be a big improvement to an area north of O Street.

3. Dale Arp, 426 Steel Avenue, said he witnessed the collaboration of staff with other stakeholders and see the effects reflected in these plans. They show an understanding of the needs of this area and of what will add value. There has been meaningful input from the public, which is also reflected. This will serve as a roadmap and a valuable tool to ensure proper development that Lincoln can be proud of. The Great Plains Trails Network also felt this plan provides a good connection between the north and the south and provides opportunities to expand trails and pedestrian and bicycle traffic in the area.

OPPOSITION:

1. Tracy Von Busch, 1130 Humphrey Ave., came forward to state that they own Virginia's Café and were not asked to be part of the committee or for their input. She acknowledged that there are probably some pros to these plans, but she begs Commissioners to consider all of the options for the roadways. They would be located under the fish hook of the proposed road alignment and there are about 25 low-income housing units in the area. They hope that all options are weighed and the businesses that will be impacted will be considered carefully.

Corr asked if Virginia's has always been at that location. Von Busch said the business moved there in 1978. They are third generation to run Virginia's.

Campbell's asked why Virginia's would have to go away as a result of these plans. Von Busch said they may be able to relocate but it won't be the same. They have parking and own the building they are in now. The affordable housing helps to keep the prices low. They are located under

what would be the 'J' of the road. There are alternate plans that have been proposed, but have been told more than once that the alignment shown today is strongly preferred.

2. Mike Von Busch, 5123 Constitution Ave., said that he sees problems with shifting the volume of traffic from one intersection to another. The area is already overcrowded. Moving the areas of traffic congestion to other areas could cause traffic to cut through neighborhoods.

STAFF QUESTIONS:

Corr asked if right-of-way would have to be purchased for the intersections, especially near Virginia's. Theirolf said that right now, the sub area plan is not approving the final alignment of the streets that is shown; it was just used because that is the preferred alignment at this time.

Kris Humphrey, RTSD, said that in looking at the issues at these intersections, the City was pulled into the process and developed the subarea plan, which changed the way we looked at the long-term planning of the road alignments. There are seven alternatives. Federal funds pay for part of the process so those guidelines must be met. If these amendments are adopted today, the environments investigation and initial design work can proceed. That means that in spring, there will be another public meeting, this time focused very specifically on transportation and that is when weighing all of these concerns becomes a balancing act.

Scheer commented that he knows that identifying the best route will be a very systematic, transparent process. Humphrey agreed that it is a significant process with lots of documentation and study done along the way.

Washington asked for more information about what type of study will occur, EIS (Environmental Impact Study) or EA (Environmental Assessment). Humphrey said they are still working with NDOT and FHA to determine that detail; that is the reason for the next public meeting, and also to reach out to different agencies involved in the area. After more information is gathered, the decision will be made. Under NEPA, there are three levels. The environmental impact study is the highest level, and when we say "environment" in that context, that includes parks, trails, economy, businesses, etc., and not just what is traditionally thought of as environmental. Washington encouraged public involvement and participation early in the process because every item is looked at. Humphrey agreed and added that the website www.33rdcornhusker.com is also a valuable resource that includes a comment section.

Campbell asked if staff will directly address the concerns of the Virginia's Café owners who testified today. Humphrey said yes, they met with one of their neighbors and will reach out to them as well.

COMPREHENSIVE PLAN AMENDMENT 18004

ACTION BY PLANNING COMMISSION:

January 23, 2019

Campbell moved Approval, seconded by Washington.

Washington said she thinks that as a planning model, this is very good. She acknowledged that some people were not reached yet and appreciates that is happening now. People should pay attention to the process and get involved. She likes the mix of uses shown and that this gives Lincoln a more attractive front door.

Campbell agreed that the plan is well put together. Obviously the impact to the café and others is a concern, but he recognizes this is not an end product, but a sound overall plan.

Beckius said the plan is strong and addresses transportation needs that have hampered these intersections for a long time. One thing he would encourage is that the industrial character of this area stays in the conversation.

Corr thanked everyone for their participation in this process. She reiterated that this is just a plan at this phase and nothing is set in stone. It is good to have a plan with an overarching view. There is still room for change so make sure your voices are heard.

Scheer said he trusts in the process. The rules are stringent and worthy of that trust, so work through the process and it will end up okay in the future.

Motion carried, 7-0: Beckius, Campbell, Corr, Edgerton, Joy, Washington and Scheer voting 'yes'; Finnegan and Harris absent.

MISCELLANEOUS 18003

ACTION BY PLANNING COMMISSION:

January 23, 2019

Edgerton moved Approval, seconded by Corr and carried, 7-0: Beckius, Campbell, Corr, Edgerton, Joy, Washington and Scheer voting 'yes'; Finnegan and Harris absent.

USE PERMIT 100D, TO REPLACE 3 OFFICE/MEDICAL LOTS WITH 2 MIXED USE BUILDINGS, INCLUDING WAIVERS, GENERALLY LOCATED AT S. 27TH STREET AND PINE LAKE ROAD;

PUBLIC HEARING:

January 23, 2019

Members present: Beckius, Campbell, Corr, Edgerton, Harris, Scheer, and Washington; Finnegan and Joy absent.

Staff Recommendation: Conditional Approval.

AND

SPECIAL PERMIT 1629I, TO ALLOW A WIAVER TO PARKING REQUIREMENTS, GENERALLY LOCATED AT S. 27TH STREET AND PINE LAKE ROAD;

PUBLIC HEARING:

January 23, 2019

Members present: Beckius, Campbell, Corr, Edgerton, Harris, Scheer, and Washington; Finnegan and Joy absent.

Staff Recommendation: Conditional Approval.

There were no ex parte communications disclosed.

Staff Presentation: Dessie Redmond, Planning Department, stated this is a request to amend the use permit and special permits located southeast of Pine Lake Road and S. 27th Street to two mixed-use commercial/residential buildings with underground parking instead of what is currently approved. The commercial bays will be on the first floor, with dwellings on the first through fourth floors.

On May 9, 2018, the applicant requested a project similar to this one, but with 135 units instead of 121. That included landscape screening of 50-75% along the rear yard. This proposal increases that screening to 100% at the time of maturity. Another change is the balconies previously requested on the south side are much narrower and will not encroach into the rear yard. The original height waiver was for 65 feet, today the request is for 50 feet. The motion by Planning Commission in May approved the special permit, 6-1. The motion for denial of the use permit carried, 6-1. These applications went on to City Council. On August 20, 2018, City Council carried both the special permit and the use permit by votes of 4-3. The Mayor vetoed both. There is nothing in our City codes that prevents an applicant from submitting another application; there is no waiting period.

Parking waivers are requested and are reasonable for commercial centers similar to this, particularly since it is already built out and there is precedent for approving such waivers in similar situations. The next key waiver requested is to height. In this district, multi-family units can be 35 feet in height and offices can go up to 45 feet. While Planning staff recommends conditional approval of the use, the waivers are up for consideration.

The proposed mixed use will generate less daily traffic trips than the approved office/medical use.

Corr asked for more information about the waiver relating to the 15,000 square foot parking.

Washington commented that she was wondering about that also. Redmond explained that some of the built lots are smaller than what is allowed. The applicant is asking for the okay to allow that here.

Corr wondered what would happen if the applicant decided to have all apartments on the first floor instead of including commercial. Redmond said the applicant is required to substantially comply with what they have submitted.

Washington wondered if visitor parking was included in the consideration about lowering the parking ratio. She is aware of other apartments where visitor parking is supplied. Redmond said that since these apartments are studio and 1-bedroom units, it takes in to account that not everyone will have two cars. There are examples of other similar parking ratios that have functioned well. Beckius wondered if this is the same parking configuration as proposed before. Redmond said the parking has not changed.

Corr commented that though the application is for two buildings, it looks like four buildings. Redmond agreed. There is a connector between each set of two, so it is considered two buildings.

Washington asked the ratio of the units. Redmond said 60% have to be 1-bedroom or studio and there is a prohibition on 3-bedroom units.

Corr asked for clarification about the height limits. Redmond said dwellings are capped at 35 feet and all other uses are capped at 45 feet.

Beckius asked if the 23,700 square feet is the area of the ground floor. Redmond said yes.

Washington asked if adding one residence would change a use from office to residential. Redmond said it would be considered mixed use if an additional use is added. Once there is a residential use, it is considered a dwelling and falls under a more restrictive set of guidelines.

Beckius asked for more information about the screening requirement. Redmond said the 100% landscape screen is not a requirement, but a condition. Normally, with residential against non-residential, that screen is 50-75%. They proposed 100% at maturity. Beckius wondered about the size of materials at the time of planting. Redmond says the screening is based on maturity. Beckius noted that at this time, there is not concession about having an advanced level of growth at the time of installation. Scheer wondered about deciduous versus evergreen trees in the composition of the screen. Redmond said it is a mix, though she is not sure of the ratio.

Proponents:

1. **Richard Krueger, Krueger Development**, came forward as applicant. In 2013, the City went

through the ReForm process which talked about allowing more residential uses in mixed-use development. It talked about having commercial on the first floor. Shown in that plan as an example is this site. That was the genesis of this proposal. He has worked with staff to come up with something that creates as many 'wins' as possible for as many people as possible. Between Planning Commission and City Council last time this project came through, we reduced the height by removing a floor and increased the landscape screen to 100%. This area has been part of the Nebraska State Arboretum; we install advanced trees. This location is stable, in terms of parking. There have been neighbors who have complained about having soggy conditions in back; as part of this application, detention cells will be rehabilitated. In this area, some of the parking lots are divided to avoid parking wars, creating the smaller lot sizes. We went around at different times of day to do parking counts and there were never less than 100 empty stalls, and we have heard from the traffic engineer that this use will generate fewer trips (See Exhibits "4" and "5"). The main goal was to maintain open space between this development and the abutting neighbors; the green area is over an acre. We need to put in the underground parking and for that, we need the density which is driving this whole effort.

Edgerton asked if all of the parking required for this is underground. Krueger said no, there is some lot parking directly north. Under there building, there are 52 stalls, so 104 total, with another 68 or so on the surface. We are adding around 175 new parking stalls and since this is private parking, those can be assigned if necessary.

2. Keith Dubas, 1712 E Street, said he is the architect for this project. This plan is compliant with the Comprehensive Plan and brings residential units closer to commercial centers, reducing the number of traffic trips used for daily living. Mr. Krueger builds quality projects with high rates of occupancy. The materials will be quality, including brick and stucco, and will be long-lasting, not like what is seen in some of the student housing projects around town. The plan, as shown, meets the ideas of new urbanism.

[Break]

Opponents:

1. Jane Peek, 2841 Porter Ridge Rd., came forward as President of the Porter Ridge Townhome Association. There is history available about the project and the objections of the neighbors. The reduction in parking is not appropriate because the parking is full. The Mayor vetoed the last proposal because it continued to create conflict in the neighborhood. Today, we have gathered 197 signatures to protest the height and reduction in parking. The minimal changes that have been made do nothing to address these issues. This area is densely populated enough. Mixed use makes sense in other part of the city, but not here. They do not want to be the guinea pigs for this type of infill. There are not many people that can afford to pay rent of \$900 per month who do not also own a vehicle. This is not affordable housing. The neighbors are not standing in the

way of making this profitable; at the last meeting with the neighborhood, a mock-up of what could be built now was shown, and neighbors in attendance loved it because a commercial use is their preference. The green space shown would barely be visible from their properties. They always considered that their townhomes were the buffer into the single-family homes to the south. This is a betrayal of a promise. Please deny these applications and the associated waivers and retain the uses in place now.

Corr asked for a ranking of concerns. Peek said the apartments are an intrusion. They purchased knowing that commercial may go in behind them, but to have 4-story apartments looking down on their homes 24 hours a day is too much. Even if the commercial use is more parking, it is still open space and not a wall from one end to the other. The change in elevation does not make the situation better for all of the townhomes. There is still considerable concern from all of the neighbors.

2. Ron Olds, 2854 Lawson Drive, said he lives one block to the south and is a member of the neighborhood association. He asked for a showing of hands for all those present in opposition. Ninety-four percent of the homes are owner-occupied. This proposal is for apartments with a minimal amount of commercial in the buildings. If you look at other examples, property values could be negatively impacted and this could create a ripple effect throughout the neighborhood. The proposed buildings are one story shorter than Scheel's. Not to disparage those who do not own homes, but there is more incentive to take care of property when the resident is the owner. These buildings are incongruous with the neighborhood, invasive to privacy, and create too much traffic and parking problems. The screening will take many years to reach maturity.

3. Debbie Hoeft, 3846 Porter Ridge Rd., said that mixed use sounds wonderful in some areas, but this location is a narrow strip of watery land. Pedestrians would have to walk across very busy lots. Even accessing the City bus is treacherous because you have to cross major arterial streets. There may not be businesses who want to occupy these commercial spots; in other places around town, it has been a challenge to fill the commercial units in buildings. The Comprehensive Plan notes that infill should be in scale with adjacent properties, properly screened, meet the needs of the area, and be a benefit to health and safety; this proposal does not achieve any of those goals or improve the quality of life. If this is approved, there could be negative and irreversible outcomes.

4. Doug Gerlach, 2834 Porter Ridge Rd., said he invited the Mayor, Planning Commission and City Council to visit their home to get a clear picture of why we object and that invitation stands. If this project takes so many waivers, how can anyone be sure it is the right thing? What are the rules for if they are not enforced or followed? This appears to be all about money. If a business owner had to rewrite a handbook to accommodate one employee, it would not make sense and he wondered if that is what is going on here. Neighbors have been involved in this for over a year and he has not found one person who is in favor of this. This is basically an alley. There are

commercial spaces that are not filled. His wife lost her job and they may need to move. He is very worried about the impression a potential homebuyer might get by the zoning sign and with no idea of what will be built there. Like his neighbors said, they were told this would be commercial and were fine with it. The community in this area overwhelmingly objects to this and will have to deal with the results for the rest of their lives while the developer lives across town and picks up his paycheck.

5. Jane Hanson, 2829 Porter Ridge Rd., said that this neighborhood really is a community. She has lost sleep and experiences a very high level of stress over the fear that the community will be lost and over the confrontation. She knows one neighbor who will move. Property values could fall and the culture will shift. The neighborhood comes home to replenish themselves and they make sacrifices to be able to stay there. The Starbucks has an extremely high volume of customers and she knows of neighbors who are unable to walk comfortably in the commercial area due to safety concerns over traffic. When there is a lot of rain, water comes right up to the houses. They spent \$3,000 to replace drain tile that could not handle the amount of water in the area. There will also be light pollution created by this. She is tired of fighting this and hopes Commissioners will recommend denial to the City Council.

Staff Questions:

Redmond noted that the landscape screening is required to be 50% coniferous. The Landscape Planner will review the plan to make sure it complies.

Washington asked if there is a possibility that the developer could change the use in the future. She wondered if the commercial could be removed. Redmond said they could apply for an amendment. Depending on what they request, it could have a public process again. This proposal is for 120 units so if they wanted to increase that, they would have to apply for an amendment. Washington asked what would happen if someone wanted a 3-bedroom unit. Redmond said that 3-bedroom units are prohibited in this application so that would also require an amendment to the use permit.

Corr noted that between Planning Commission and City Council last time, the applicant removed one floor. She wondered if there have been any other changes. Redmond said that what this body is reviewing is what was proposed at City Council. **Steve Henrichsen, Planning Department,** noted that changes were made in the amount of units and height. Previously, there was not prohibition on the back patios. Mr. Krueger went back and made them all only two feet deep so no decks will extend into the rear yard. He has also made a private proposal to neighbors, but that is not part of this review.

Beckius asked for more information about how the ReForm project tied into this. **David Cary, Director of Planning,** stated that project was a multi-year effort to discuss, generally, the types

of projects that can be approved in commercial areas, with an emphasis on mixed use. Design standards and streetscapes were also part of that discussion. From a staff perspective, the parts of those discussions that made the most sense have come forward. Mixed uses and increasing density where it makes sense are parts of the Comprehensive Plan. Beckius wondered if there were any proposed changes relating to height or setback waivers. Cary said those issues were part of the package. There was discussion about the potential for increasing height if there was a mix of uses, in appropriate districts, and how that would impact setbacks and screening from adjacent properties. An effort should be made to soften the impact of the height. Beckius said the generally, there is buffering out from the intersection, from commercial to residential. Cary said that stepping down in intensity of use is a concept that we try to apply. There are rules in place for buffering incompatible uses from one another, such as industrial from residential, but there are not necessarily hard rules for everything that can or cannot be done with less intense impacts. There has not been too much mixed use outside of downtown. Now we are starting to see more. The purpose is to have more of that to see where it can happen without creating obvious problems. There is grey area when it comes to a mix of uses from what is typical. Redmond added that effort is made to lessen impact to adjacent properties through the amped up screening and things like not allowing the balconies in the rear yard.

Scheer wondered if it is possible for Commissioners to increase the size of plant materials used at installation. Redmond said conditions could be added or altered to include that. Scheer noted that he mentioned it at this point so there would be opportunity for applicant rebuttal on that topic.

Corr wondered if it is more profitable for developers to have offices in a residential environment. Redmond said she cannot answer that.

Washington said that traffic impacts happen not just to those getting around the strip mall, but to the residents. She has seen the traffic backed up in the area. She is glad to see the traffic counts, but wonders how rush hour traffic impacts those coming home. Redmond said Public Works has reviewed the plans and confirmed the numbers provided by the engineers. They stated the roads are built to handle this type of traffic and it has been planned for this area to develop in some way and for traffic to increase until it is built out.

Applicant Rebuttal:

Krueger said the traffic counts verify that they would be less than the office medical use. We talked about reducing the light on the south side by reducing the size of the patios on that side; they are too narrow to sit and there will be no lights, except for security lights on the first floor. These buildings do not intrude on the 40-foot setback at all and on average, there is more than 40 feet of space. If you look to the east, the landscaping between buildings like the Eyecare Specialties and the residential neighbors is virtually all on private lots where we paid for the

screening. We are trying to deal with providing that screening sooner. If these buildings do not have the underground parking, this whole area will become concrete. In his many years of experience, this proposed application with the superior materials and green space is better for land valuation to the neighborhood. Houses next to develop increase in value faster. He does not want to disrespect what the neighbors said, but he does not believe this will have a diminutive effect on land values.

Corr asked for clarification on the neighborhood meetings that were held. Krueger said they have held five. We met before the applications were submitted. Then there were two meetings held for anyone that contacted us, or as notified by Planning. After it was seen by Planning Commission, there was a meeting with just the president and officers of Porter Ridge Association. The last meeting was requested by the Mayor's administration, and that one, only 17 abutting neighbors were notified. Nothing has been hidden.

Corr asked if it is possible to stand on the narrow 24-inch decks on the south side and if they have doors. Krueger said they do have doors and people could step out onto them, but will not be able to sit. People like this openness and to be able to open the doors. There used to be wraparound decks on the main floor but those have been eliminated.

Campbell asked if it will be necessary to plant materials in the abutting private properties to meet the screening. Krueger said no. As developers, we offered to pay for any additional trees requested on the private property of the abutting neighbors. That can be done right away so there will be a couple of seasons of growth before construction. In general, installing larger trees than what is required is the way they have done business.

Scheer said he wants to hear the commitment that substantial trees would get planted. The plans show a screen as it would look 25-30 years into the future. Krueger said he would commit to that, but requests a target size. Scheer said that could be worked out with the Landscape Planner. Henrichsen said it can be taken to mean that the plantings should be substantially larger at planting time and we would make an effort to quantify that. It should be noted that some older trees do not grow as fast when they as young trees when they are planted. Campbell said that would be correct if the root ball is too small on the more mature tree. If the correct size, they should grow at the same rate. Scheer said his goal is to achieve a screen with more impact at the time of planting.

Corr asked why the plan is changed to mixed use instead of the allowed medical/office use. Krueger admitted that it is partially about the money component, but from a land use perspective, this is a better plan with the green space; the neighbors may not agree, but from an urban standpoint, it is more attractive. The infrastructure is already there and this use will generate less traffic. This helps the City reach the goal of adding 25% more new housing in the built environment. Corr asked if the green space would remain if the offices were built. Krueger

said it will not. There would need to be circulation around the buildings, so it would be all concrete and the “back of the house” with the loading areas would face the townhomes. He is not trying to scare people, but his proposed plan increases the efficiency of use of this site, preserving much of the green space.

Beckius asked for historical context for this site. Krueger said this is the last undeveloped parcel of South Ridge Coalition, which was 400 acres. The four corners came together and agreed to pay for all of the improvements with the exception of the bike trail to the north. There were certain things they gave up when zoning action was first taken in the 1990s. The Porter Ridge townhomes were part of the layering between the single-family homes to the south. This proposal does not change any of the zoning, but basically just asks for the variances. We have offered the neighbors access to amenities offered in the apartment building. This will not be a public area. The pool is outside of the 40-foot setback. They do not build to sell, but maintain all of the properties. This parcel is better suited for this proposed use due to the ability to add the underground parking. We expect the same type of demographic to show interest in these apartments as the people in the townhomes. The 1-bedroom units will back to the townhomes.

Washington said she is a fan of new urbanism but is concerned about the height and the impact on the privacy of the neighbors. She wondered if there is any way to keep the proposal at the 35-foot height. Krueger said they did calculations for that option and ended up at 29 feet, which is still above everyone except for the two eastern most townhomes. From a marketing perspective, that cannot work and still have the underground parking.

Campbell asked how tall the offices to the east are. Krueger said that with roofs, they are around 25 feet. Those were designed to be sold, similar to the Trade Center. They are not similar enough to compare.

Campbell asked if it was not affordable to keep the underground parking with only two stories. Krueger said it would not work. This is all financed privately. Corr noted that with only two stories, less parking would be required. Krueger said he did not believe the apartments would be marketable without garages. Corr asked why this is the last area to develop. Krueger said that was just how it worked out as they worked on other projects first. Campbell asked how many units there would be per floor. Krueger said around 18. This plan conforms with the Comprehensive Plan goals and creates a greater taxable valuation by about \$4.5 million from what could be done by-right on the site.

USE PERMIT 100D

ACTION BY PLANNING COMMISSION:

January 23, 2019

Corr moved Denial, seconded by Beckius.

Beckius commented that he does not disagree with much of what has been said by both sides today. This is the appropriate place for a development like this. It is walkable and meets goals of the Comp Plan. He said last time that this makes no one happy and the most height he is comfortable approving is 45 feet. He is concerned about the parking and light intrusion. With medical offices, there could be loading docks and substantial trash containers. It would be a different feel from what is approved and not necessarily better. Vast improvements have been made. He agrees that more mature landscaping should be installed.

Joy said she has similar issues, particularly with the height. She is also only comfortable with the 45-foot height. That is her stumbling block.

Washington said that this does affect the neighbors' privacy and they are willing to live with the 45-foot tall offices because it will not be a 24-hour intrusion.

Edgerton said she loves this projects in some respects, like the landscaping and new urbanism fee. She likes the mixed-use proposal. What she struggles with is the opposition from homeowners and their reliance on the height restriction. That is why she is against the project.

Campbell said if it were purely apartments, 35 feet height would be allowed. Medical would be 45 feet. But that height bothers him when so close to residential neighbors.

Corr said preference is usually given to existing conditions so she will side more with the built-out units than if this were in a location where nothing were built yet. The height is a big concern. So is traffic and parking. And the main concern for the neighbors is privacy. It is hard to decide knowing that if there were offices, there would be less green space and more traffic. But it keeps coming back to height and that is what the neighbors have consistently been saying.

Scheer agreed with his fellow Commissioners. He is glad these conversations about these topics has occurred.

Campbell said that as this moves on to City Council, he would recommend they look into a 3-4 inch diameter on the shade trees and 10-12 feet height on the evergreens.

Motion for Denial carried, 7-0: Beckius, Campbell, Corr, Edgerton, Joy, Washington and Scheer voting 'yes'; Finnegan and Harris absent.

SPECIAL PERMIT 1629I

ACTION BY PLANNING COMMISSION:

January 23, 2019

Corr moved Conditional Approval, seconded by Edgerton.

Corr stated she is fine reducing the parking since it has been done elsewhere. It is kind of a new standard so she sees it as a separate item even though these two are tied together.

Beckius said he also has no problem with this. Due to the success of the tenants occupying the strip mall, the traffic feels a lot heavier than in other areas, but the site as a whole is fine.

Motion carried, 7-0: Beckius, Campbell, Corr, Edgerton, Joy, Washington and Scheer voting 'yes'; Finnegan and Harris absent.

There being no further business to come before the Commission, the meeting was adjourned at 4:37 p.m.

Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, February 20, 2019.

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