

MEETING RECORD

Advanced public notice of the Planning Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Tuesday, February 23, 2021.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, March 3, 2021, 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: Lorenzo Ball, Tom Beckius, Tracy Corr, Tracy Edgerton, Deane Finnegan, Cristy Joy and Cindy Ryman Yost; Dick Campbell and Dennis Scheer absent; David Cary, Steve Henrichsen, Geri Rorabaugh and Rhonda Haas (via broadcast) of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

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

Chair Corr requested a motion approving the minutes for the regular meeting held February 17, 2021.

Motion for approval of the minutes made by Edgerton, seconded by Joy and carried 7-0: Ball, Edgerton, Finnegan, Joy, Ryman Yost, Beckius and Corr voting 'yes'; Campbell and Scheer absent.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

March 3, 2021

Members present: Ball, Edgerton, Finnegan, Joy, Ryman Yost, Beckius and Corr; Campbell and Scheer absent.

The Clerk noted that the applicant has requested to defer Item 1.4 – Waiver 21002, for two weeks to the regular Planning Commission hearing on March 17, 2021; and, therefore, the application was removed from the Consent Agenda for separate action.

The Consent Agenda consisted of the following items: Comprehensive Plan Conformance 21002, Comprehensive Plan Conformance 21003, Change of Zone 21002, Special Permit 21001, Change of Zone 21007, Change of Zone 21008, Use Permit 19023A, Use Permit 20010A and Waiver 21002.

Item 1.3a - Change of Zone 21002 and Item 1.3b - Special Permit 21001 were removed from the Consent Agenda to have a separate public hearing.

There was no ex-parte communications disclosed.

There was no ex-parte communications disclosed relating to site visits.

Joy moved approval of the remaining Consent Agenda items, seconded by Finnegan.

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

Note: This is **FINAL ACTION** on **Use Permit 19023A** unless appealed by filing a letter in the Office of the City Clerk within 14 days.

Chair Corr called for **Request for Deferral**.

WAIVER 21002

TO WAIVE THE REQUIREMENT THAT EVERY LOT SHALL FRONT UPON AND HAVE ACCESS TO A PUBLIC STREET PER SECTION 26.23.140 (G) OF THE SUBDIVISION ORDINANCE, ON PROPERTY GENERALLY LOCATED AT 1701 WINDHOEK DRIVE

BEFORE PLANNING COMMISSION:

MARCH 3, 2021

Members present: Ball, Edgerton, Finnegan, Joy, Ryman Yost, Beckius and Corr; Campbell and Scheer absent.

Staff Recommendation: Two-week deferral.

There was no ex-parte communications disclosed.

There was no ex-parte communications disclosed relating to site visits.

The Clerk noted that the applicant has requested a deferral on Item 1.4 - Waiver 21002, for two weeks to the regular Planning Commission hearing on March 17, 2021.

Finnegan moved to grant the request for a 2-week deferral for public hearing and action on March 17, 2021, seconded by Edgerton and carried 7-0: Ball, Edgerton, Finnegan, Joy, Ryman Yost, Beckius and Corr voting 'yes'; Campbell and Scheer absent.

CHANGE OF ZONE 21002

FROM R-2 (RESIDENTIAL DISTRICT) TO R-2 (RESIDENTIAL-LANDMARK DESIGNATION), ON

PROPERTY GENERALLY LOCATED AT 1845 SOUTH 11TH STREET**AND****SPECIAL PERMIT 21001****TO ALLOW FOR FIVE DWELLING UNITS IN THE R-2 RESIDENTIAL DISTRICT, WITH WAIVERS TO SETBACKS AND PARKING REQUIREMENTS, AND TO REDUCE THE LOT AREA PER UNIT, ON****PROPERTY GENERALLY LOCATED AT 1845 SOUTH 11TH STREET****BEFORE PLANNING COMMISSION:****MARCH 3, 2021**

Members present: Ball, Edgerton, Finnegan, Joy, Ryman Yost, Beckius and Corr; Campbell and Scheer absent.

Staff Recommendation:

Change of Zone
Special Permit

Approval with Preservation Guidelines
Conditional Approval

There was no ex-parte communications disclosed.

There was no ex-parte communications disclosed relating to site visits.

Staff Presentation: **Steve Henrichsen, Planning Department**, came forward and stated this is for a local landmark designation for Yakel Grocery Store located at 1845 S. 11th Street, which is on the corner of South 11th and Peach Streets. Yakel Grocery is also known as Basket Store No. 8, which goes back to 1915 when groceries were lined along the wall in baskets. Yakel Grocery continued to operate in this location until 1968. Henrichsen stated that the application is to preserve the building and use it only for multi-family residential. The applicants are also requesting waivers because the building was built on the lot line and has no onsite parking. Henrichsen stated that the request is for five multi-family residential units and the R-2 Residential District typically does not allow multi-family, but the special permit and local landmark designation would allow for this use. There is no onsite parking but there is parking in the public right-of-way.

Edgerton stated the minutes from Historic Preservation Commission (HPC) seemed to want the applicant to return for additional review, but then seemed to settle on approving the applications, and she asked if he knew why. Corr stated that the discussion was on the window replacements. Henrichsen stated that there are some windows being added, as well as a stairway to the west side.

Ball stated that there is parking in the front and on the side of the building, and he asked what the parking waiver was for. Henrichsen stated that parking technically needs to be on property and all the parking stalls for this building are in the public right-of way.

Corr asked if a duplex is allowed in R-2. Henrichsen said yes. The units on the lower level are the main issue because the units on the upper level would have been okay.

Applicant:

Luke Flowerday, 5430 Rosebriar Court, came forward and stated he wanted to explain the comment about needing to return to HPC for review, which was originally mentioned because the commissioners did not realize the site and floor plans submitted with the application were available online. He shared that the site plans were shown to the board members for review and discussion on the new window placement--size, type and the period appropriateness of the windows that they would be using.

Seth Flowerday, 8227 S. Cherrywood Drive, came forward stated that they are aware of some of the concerns and have talked with the neighbors on their concerns. The proposed renovation of Yakel Grocery is not only in line with what the city wants and needs but is also in line with what the neighborhood wants and needs. The special permit will allow them to provide high-quality affordable housing in a neighborhood that desperately needs it. The historic Yakel Grocery was originally built as a mixed-use commercial property and was improperly rezoned to R-2 during the early 2000s.

Luke Flowerday explained that they started a company where they built furniture when they were still in high school and now, they do historic restoration and remodeling. He shared that they feel their background and passion for older buildings gives them a unique skill set to tackle a project like this.

Seth Flowerday shared in 2018 they renovated 325 S. 11th Street, and this was this project that gave them the confidence to do the Yakel property. He stated that the single-bedroom apartments would rent for \$550 to \$600 and \$1,100 for the two-bedroom apartments.

Proponents:

1. **Greg Baker, 1039 S. 11th Street**, came forward in favor and stated they live just north of the Yakel property. Baker shared that he lives in a historic home and no one is doing historical restorations much anymore, especially in the Everett Neighborhood. He shared that Luke and Seth Flowerday have done work on his home, and further shared he knows their quality of work and is comfortable with what they have planned. Baker said that parking in the neighborhood is an issue, but this property has four stalls in the front and eight on the south side. This is a unique property, in a unique place, and there are few people that would have the money, time and passion to do projects like this.

Corr stated that letters the commissioners have received voiced concerns with the piles of debris in the area. Baker said this is the exact reason for a project like this, and the house with the debris piles are currently putting in a new foundation, so they are working on it.

2. **Andrew Ross, 6830 Marcus Road**, came forward and stated that he is in support of this project. He shared that he is the managing owner of Arrow Capital, which is a local investment company, and stated they invest in areas that are not commonly invested in around Lincoln. With the evolution of communities, you start with a core and residents

will move out and then the core needs rejuvenation, and the Flowerdays are good stewards of what needs to be accomplished. Ross stated that the area needs this type of density that is affordable. These are local investors using local material and local labor to renovate this property.

No one came forward in opposition.

Beckius moved to close the public hearing on this item, seconded by Joy and carried 7-0: Ball, Edgerton, Finnegan, Joy, Ryman Yost, Beckius and Corr voting 'yes'; Campbell and Scheer absent.

CHANGE OF ZONE 21002

ACTION BY PLANNING COMMISSION:

MARCH 3, 2021

Beckius moved approval, seconded by Joy.

Beckius stated that he agrees with the testimony given and this is needed in the neighborhood and is a good adaptive reuse of this building. He stated that the setbacks being waived would not have a negative effect on the neighborhood. Beckius stated that little pockets of B-3 zoning for commercial use can be seen in Everett and South of Downtown Neighborhoods, and further stated the Yakel building should have been a B-3 pocket to begin with. The R-2 zoning was not appropriate for this property, at the time it was rezoned.

Corr stated that she appreciates some of the concerns that were raised with setting precedent for other properties but feels this is a unique situation because this was a commercial property and it can be challenging to convert to residential. This is a good project and the historic overlay is important component that will protect this property into the future. Corr shared that she would encourage signs for tenant parking, if allowed. Corr stated that she appreciates that Arrow Capital is located in the same area that they do investments in and that makes a difference for the area.

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

SPECIAL PERMIT 21001

ACTION BY PLANNING COMMISSION:

MARCH 3, 2021

Beckius moved approval, seconded by Edgerton.

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

WAIVER 21001

TO WAIVE THE 3-TO-1, WIDTH-TO-DEPTH RATIO REQUIREMENT, ON PROPERTY GENERALLY LOCATED AT 3239 SOUTH 46TH STREET BEFORE PLANNING COMMISSION: **MARCH 3, 2021**

Members present: Ball, Edgerton, Finnegan, Joy, Ryman Yost, Beckius and Corr; Campbell and Scheer absent.

Staff Recommendation: Approval

There was no ex-parte communications disclosed.

There was no ex-parte communications disclosed relating to site visits.

Staff Presentation: Steve Henrichsen, Planning Department, came forward and stated this request is for a waiver of the 3-to-1 lot-to-depth ratio. He stated that the general idea is that there would be few lots that are 50-foot-wide and 200-foot-long, which would be 400 times the length compared to the width of the lot. Henrichsen stated that this is located on the west side of 46th Street between High and Sherman Streets and straight west of the Prairie Hill Place P project on the east side of 46th Street.

Henrichsen stated that the lot is 90 feet of frontage on 46th Street and is 167-feet deep and, under the R-2 zoning, it is big enough for a duplex or the applicant could add onto the existing house currently. He shared that it is unusual to have one lot platted behind another and the back lot would be a panhandle lot. A single-family home would be allowed on each lot, which is no more units than would be allowed on the property as it is today. If this waiver is approved, the house would be located towards the back of the panhandled lot, and the owner could sell them separately. Henrichsen stated that the applicant could have also put an ADU (Accessory Dwelling Unit) on the current lot also. If the lot had been 157-feet deep instead of 167-feet deep, the owner would not have needed the waiver because it would have met the 3- to-1- lot-to-depth ratio. Henrichsen stated dividing the lot into two lots is appropriate, which allows for infill and a single-family detached house, on the site.

Edgerton asked if the current lot was 10 feet shorter, would they have needed to go through this process. Henrichsen said no.

Corr asked if the owner could build a duplex on back lot. Henrichsen stated they could, but they would need to demolish the house on the other lot because the property could only have two units, which is one per lot or they could keep the lot as is and have a duplex only and no house.

Beckius stated because this would be a separate platted lot, each of the lots would need its own utility connections and asked if that was correct. Henrichsen said that was correct.

Edgerton stated that the staff report indicates the house from across the street will be placed on this lot and asked if that was correct. Henrichsen stated that was the initial plan when talking with Mr. Euler, but he is now thinking of building a new unit.

Applicant:

Phillip Euler, 5520 Grouse Place, came forward and stated that initially this lot was to be part of Prairie Hill Place and they were going to move the house from across the street to this lot, but it was decided it would be easier to fit the footprint of the lot by building a new house. He stated the original house they were going to move will be moved to another lot in Prairie Hill Place and remodeled to resemble the other houses in the area. Euler stated that he built a house at 4628 Hillside Street as a demonstration home; this will allow the neighbors and public the opportunity to see the cottage-style homes and that they fit the character of the neighborhood.

Edgerton asked if there was a driveway that goes from 46th Street to the existing garage on the lot. Euler said that lot has a gravel driveway with a curb cut and during construction, the garage may be moved and attached to the existing home or torn down and that will depend on the grading issues. Edgerton stated the existing curb cut and new curb cut appear to be relatively close to one another and asked if that was correct. Euler said yes that he intends on keeping both.

Corr inquired if Mr. Euler has additional plans for this area and neighborhood. Euler shared that the commissioners are aware of Prairie Hill Place, plus he has been doing work at 3135 S. 48th Street and 3205 S. 48th Street. Corr inquired if he is rebuilding the houses to sell or rent. Euler said he plans on selling them. Corr inquired if he has plans to assemble lots in the future in the same area for another big project. Euler stated that the second phase of Prairie Hill Place is still a potential development, but the landowners are not in agreement on this project. He shared that depending on how ownership changes in Prairie Hill Place there is still potential for the second phase, which will be a full buildout with an additional 12 single-family homes. Euler stated that he is working with another builder on a project at 42nd Street and Pine Lake Road. On this project, the developer has acquired two lots and they are discussing making these units ADA (Americans with Disabilities Act) accessible townhomes.

No one came forward in support.

Opponents:

1. **Kyle Karthaus, 3225 S. 46th Street**, testified in opposition via Zoom teleconference, stating that he lives on the property to the north of this waiver. He shared that the day they moved into their home Mr. Euler had asked them if he could buy their backyard. He shared that he spoke with the owner of 3303 S. 46th Street who did register her objections to this waiver and she had received a similar question from Mr. Euler. He shared that he is against granting this waiver and put homes behind other homes in this neighborhood or any neighborhood in Lincoln, is not normal.

Applicant Rebuttal:

Euler stated that he does not want the neighbors against him, but the Comprehensive Plan wants this type of development and this is good for the City of Lincoln. He stated that maps of

the area show that there is a lot of underutilized property. Euler stated not everyone wants to own a home and there are a variety of reasons of why someone should or should not own, but it does not mean that they are bad people or bad renters. There are several renters wanting to live in this area because it is close to schools and within walking distance. He shared that his daughter currently rentals from him because she is unable to purchase her home until the land is subdivided. He explained that he would have no control over someone purchasing one of his homes for a rental. Euler stated this area will have a neighborhood association and lawn care will be part of that.

Beckius moved to close the public hearing on this item, seconded by Joy and carried 7-0: Ball, Edgerton, Finnegan, Joy, Ryman Yost, Beckius and Corr voting 'yes'; Campbell and Scheer absent.

WAIVER 21001

ACTION BY PLANNING COMMISSION:

MARCH 3, 2021

Beckius moved approval, seconded by Finnegan.

Beckius stated that he is in support of this waiver; however, this lot is not the same as what Mr. Euler is doing to the east. He stated that there are several lots with backyards that have a lot more depth to them and that is an underutilization of the land in that area. Beckius shared that the property being discussed is within a neighborhood of extremely diverse lot sizes, which are large and deep and small and short. Stating that he has heard the objections from the neighbors and does not necessarily disagree with them, and further stated he will watch to see what type of impact this has in the area. He explained that he has comfort knowing that Mr. Euler could easily tear down the existing house and build a duplex and call it a day, which would be easier for him to do; Mr. Euler is going through all this effort to create a separate lot with a separate house that can be sold independently. Beckius shared that it is setup to be owner-occupied house on both lots, but if this becomes a common occurrence, it should be evaluated further.

Corr shared that she would support this application. She stated that there is a huge difference between a homeowner and a neighborhood association, and this area will have a homeowner association. Corr stated this area already has a neighborhood association and they have heard on multiple occasions that the neighborhood is unhappy with Mr. Euler. Corr stated the neighbors are upset, and rightfully so, because they get solicited as soon as a property goes up for sale and at times even before that. Corr stated that she has a house two blocks away and understands the way they feel, and she bought her property because of the backyard. She encouraged him to leave the neighborhood alone for a while, and further stated if Mr. Euler comes back with another property to do the same thing, she will not support his application.

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

Note: This is **FINAL ACTION** on **Waiver 21001** unless appealed by filing a letter in the Office of the City Clerk within 14 days.

Chair Corr stated at this point we generally invite anyone wishing to speak on an item not on the agenda to come forward and do so. However, we are suspending this portion of the hearing until further notice. If you do have comments please direct them to Plan@lincoln.ne.gov or by calling 402-441-7941.

Beckius moved to adjourn the Planning Commission Meeting of March 3, 2021, seconded by Joy and carried 7-0: Ball, Edgerton, Finnegan, Joy, Ryman Yost, Beckius and Corr voting 'yes'; Campbell and Scheer absent.

Meeting adjourned 2:09 p.m.

Note: The Planning Commission will not formally approve these minutes until their next regular meeting on Wednesday, March 17, 2021.

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