

## 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, June 29, 2021.*

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, July 7, 2021, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska.

**MEMBERS IN ATTENDANCE:** Lorenzo Ball, Dick Campbell, Tracy Corr, Tracy Edgerton, Cristy Joy and Dennis Scheer (arrived at 1:02 p.m.); Cindy Ryman Yost absent; 8<sup>th</sup> and 9<sup>th</sup> Seats Vacant; David Cary, Steve Henrichsen, Rachel Christopher, Stephanie Rouse, Brian Will, Tom Cajka, Geri Rorabaugh and Rhonda Haas 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 June 23, 2021.

Motion for approval of the minutes made by Campbell, seconded by Joy and carried 5-0: Ball, Campbell, Joy, Edgerton and Corr voting 'yes'; Ryman Yost and Scheer absent.

Rorabaugh read a Resolution of Appreciation into the record for Tom Beckius. Beckius was appointed to the City of Lincoln-Lancaster county Planning Commission on November 7, 2016, for a 6-year term and has resigned to fulfill his duties as an elected at-large City Council representative. Beckius has contributed countless hours towards implementation of the Lincoln-Lancaster Comprehensive Plan and Long-Range Transportation Plan; updates to the County and City Zoning Codes and has reviewed over 800 development applications. The growth and development of Lincoln-Lancaster County has benefitted greatly from his dedicated service.

**David Cary, Planning Department Director, 555 South 10<sup>th</sup> Street**, came forward and presented Beckius with a plaque for his service. Cary thanked Beckius for his skill set, service, and dedication to the Planning Commission, and further stated that the Planning Department is looking forward to continuing to work with Beckius at City Council. **Beckius** thanked his former colleagues for teaching him and for making sure that Lincoln moves forward in the right direction. He shared that it has been his privilege to work with each of the Commissioners. Beckius shared that he will continue to move the City of Lincoln forward to make Lincoln better. Beckius stated that he's enjoyed his time on the Planning Commission and is looking forward to continuing to work together.

Campbell moved approval of the Resolution of Appreciation, seconded by Joy and carried 6-0: Ball, Campbell, Joy, Scheer, Edgerton and Corr voting 'yes'; Ryman Yost absent.

Rorabaugh read a Resolution of Appreciation into the record for Deanne Finnegan. Finnegan was appointed to the City of Lincoln-Lancaster county Planning Commission on November 7, 2016, for a 6-year term and has resigned for personal reasons. Finnegan has contributed countless hours towards implementation of the Lincoln-Lancaster Comprehensive Plan and Long-Range Transportation Plan; updates to the County and City Zoning Codes and has reviewed over 800 development applications. The growth and development of Lincoln-Lancaster County has benefitted greatly from her dedicated service.

Cary shared that they have a plaque for Deanne Finnegan and are looking forward to a time, in the future, to celebrate with Ms. Finnegan and converse over the happenings and doings of the community that she so loves. Cary stated that Finnegan brought a deep knowledge base and love for everything that was being done in the community and further stated that her work on the Planning Commission is greatly appreciated.

Campbell moved approval of the Resolution of Appreciation, seconded by Ball and carried 6-0: Ball, Campbell, Joy, Scheer, Edgerton and Corr voting 'yes'; Ryman Yost absent.

#### **CONSENT AGENDA**

#### **PUBLIC HEARING & ADMINISTRATIVE ACTION**

#### **BEFORE PLANNING COMMISSION:**

**JULY 7, 2021**

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

**The Consent Agenda consisted of the following items: Annexation 21003, Change of Zone 21022, Change of Zone 21023, Special Permit 1194B, Special Permit 13050A, Special Permit 21013, Use Permit 19003A and Waiver 21004.**

Item 1.2 – Special Permit 1194B, was removed from the Consent Agenda for a separate hearing and action.

There were no ex-parte communications disclosed.

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

Campbell moved approval of the remaining Consent Agenda items, seconded by Scheer.

Motion carried 6-0: Ball, Campbell, Joy, Scheer, Edgerton and Corr voting 'yes'; Ryman Yost absent.

**Note: This is FINAL ACTION on Special Permit 1194B, Special Permit 13050A, Special Permit 21013 and Waiver 21004 unless appealed by filing a letter in the Office of the City/County Clerk within 14 days.**

#### **SPECIAL PERMIT 1194B**

#### **TO ALLOW FIVE DWELLING UNITS IN THE R-4 RESIDENTIAL DISTRICT IN A LOCAL LANDMARK BUILDING, WITH WAIVERS, GENERALLY LOCATED AT 745 D STREET.**

#### **PUBLIC HEARING:**

**JULY 7, 2021**

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

**Staff Recommendation:** Conditional Approval

There were no ex-parte communications disclosed.

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

**Staff Presentation:** **Stephanie Rouse, Planning Department, 555 South 10<sup>th</sup> Street**, came forward and stated that this is an amendment to an existing special permit for historic preservation for the German Evangelical Lutheran Immanuel Church and School building. In 1986, this building was designated for historic preservation and a special permit was approved, which allowed an interior design studio and a waiver to the parking requirements to zero stalls. The historic building footprint occupies most of the lot, with minimal space for the front porch and rear exit stairs. The site is approximately 4,000 square feet and would allow up to one dwelling unit by right. To the north is Cooper Park and to the south, east, and west is R-4 Residential zoning. The site is located one block from R-6 Residential and two blocks from R-7 Residential, each allowing multi-family dwellings by right with densities between 3.6 and 5.7 dwelling units for a 4,000-square foot site. The applicant is requesting to amend the special permit to allow for five dwelling units and maintain the parking waiver for zero stalls onsite. Rouse stated that they had originally proposed angled parking on 8<sup>th</sup> Street and neither Lincoln Transportation & Utilities (LTU) nor South Salt Creek Neighborhood Association were in support of this request, so the applicant removed this request from the site plan.

Edgerton inquired if the current zoning was R-4. Rouse said yes. Edgerton inquired what the density would be for an apartment complex in the R-4 Residential District without the historic overlay. Rouse stated that given the small footprint of the site, only one dwelling unit would have been allowed.

Corr stated that it appears the right-of-way is slightly larger than in other areas and asked if that was why the angled parking was originally proposed for the area. Rouse said correct. Corr asked if the parking could be on D Street instead of 8<sup>th</sup> Street. Rouse stated that D Street was never proposed and assumes that LTU would still have the same concern of vehicles backing in and out so close to the intersection.

Edgerton asked about the existing "No Parking" sign and if it would be removed. Rouse stated that it would remain and parking would be allowed behind the sign. Edgerton inquired where parking would start on 8<sup>th</sup> Street. Rouse stated that there would be room for a single stall in the front of the building just behind the sign.

**Applicant:**

**Nate Buss, 5926 White Fish Drive**, came forward and stated that he is representing the buyer of this property. They are proposing to have a total of five dwelling units within this building that would be owner occupied and the owners will not be allowed to rent these units. There will be two units on the first and second levels and one unit on the lower level, which will also have an area for storage and a common living area. Buss stated that there have been discussions regarding the parking of this building and the Historic Preservation Commission (HPC) had some reservations on the parking and deferred this to LTU, who was not in support of the angled stalls. The South Salt Creek Neighborhood Association wanted to preserve the larger right of ways in the area and were not in support of the angled stalls, so they were removed from the proposal. Buss stated that there would be no major exterior improvements.

Campbell asked if there would be ample parking on 8<sup>th</sup> Street as well as other streets in the area for the residents. Buss said yes and that D Street would have on-street parking available. He shared that they have driven past the area on a regular basis during different time of the day over the past several months, and there was always available parking. Buss stated that he was able to find a few spaces even during baseball games.

Corr thanked Mr. Buss for reaching out to the neighborhood to have good conversations, because it is important.

No one came forward in support of opposition.

Campbell moved to close the public hearing on these items, seconded by Edgerton and carried 6-0: Ball, Campbell, Joy, Scheer, Edgerton, and Corr voting 'yes'; Ryman Yost absent.

### **SPECIAL PERMIT 1194B**

#### **ACTION BY PLANNING COMMISSION:**

**JULY 7, 2021**

Campbell moved approval, seconded by Edgerton.

Campbell stated that this work well within the neighborhood and preserving the church as a historical building with residents inside, makes sense.

Scheer stated that he is concerned that if this type of use is not allowed what would happen to this resource that they have had, and further stated that a commitment was made as a community to preserve this building.

Corr stated that about 20 years ago she had the privilege to see pictures of an apartment on an upper floor, which was beautiful with the original woodwork. This is truly a treasure, and it needs to be preserved. Corr stated that they received a letter of opposition with concerns regarding the parking and further stated that she encourages the public to write in and/or testify with their concerns. Corr stated that it may not seem like the board considers those concerns, but they do. This is one of those situations where she agrees with Commissioner Scheer and would rather see this building preserved, maintained, and promote affordable housing than to let it go into disrepair and then eventually demolished.

Motion carried 6-0: Ball, Campbell, Joy, Scheer, Edgerton and Corr voting 'yes'; Ryman Yost absent.

Note: This is **FINAL ACTION** on **Special Permit 1194B** unless appealed by filing a letter in the Office of the City Clerk within 14 days.

### **USE PERMIT 126G**

#### **TO AMEND THE EXISTING USE PERMIT WITH ASSOCIATED WAIVERS TO BUILDING HEIGHT AND PARKING FOR RESIDENTIAL USES ON LOT 3, ON PROPERTY GENERALLY LOCATED AT WILDERNESS WOODS PLACE AND EXECUTIVE WOODS DRIVE.**

#### **PUBLIC HEARING:**

**JULY 7, 2021**

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

**Staff Recommendation:** Conditional Approval

There were no ex-parte communications disclosed.

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

**Staff Presentation:** Rachel Christopher, Planning Department, 555 South 10<sup>th</sup> Street, came forward and stated that this is a request to amend the Wilderness Woods pre-existing use permit on Lot 3, to allow for an increase in the building height to 55 feet and reduced parking requirement to 1.75 stalls per dwelling unit. The use permit contains existing office and multi-family uses that is surrounded by the Wilderness Ridge Golf Course. The closest single-family homes are approximately 450-500 feet to the east, separated by a street and the golf course. There have been numerous height increases to 55 feet and parking reductions for residential uses that have been approved. Christopher stated that 17 unassigned dwelling units were previously approved and would be added to Lot 3, increasing the total dwelling units on the lot from 102 to 119 units. The applicant has stated that the waiver for height is to allow for higher ceilings and underground parking.

Edgerton stated that a few of the examples given in the staff report discuss having parking reductions requirements based on the number of bedrooms and asked how the Planning Department came up with those numbers, and if this was proposed by the developer or if it was a way to balance the competing parking concerns. Christopher stated that, in part, this was an attempt to balance competing concerns on parking and may have also been suggested by the developer. Edgerton stated that the Planning Department is not recommending coupling this with any specific requirements and asked if that was correct. Christopher said correct. Edgerton inquired why Planning did not think that it was important in this instance. Christopher stated that even though it is not tied to their approval, the applicant has discussed the anticipated dwelling unit types and, based on this information, the Planning Department supports the waiver.

**Applicant:**

**Mike Eckert, Civil Design Group, Inc., 8535 Executive Wood Drive, Ste. 200,** came forward and stated that they are requesting waivers to allow for 55-foot maximum building height and 1.75 parking stall per dwelling unit on Lot 3. Eckert stated that over time they noticed that the office demand was not as strong as they had thought it would have been, so they started the conversion to have multi-family units as a use, which was approved in 2017. The current layout for this site will have 60 percent of the units for studios and one-bedroom apartments. Eckert stated that this development will have underground parking as well as surface parking. The single-family homes that are outside the notification area were sent information on this project.

Ball asked about the height of the existing dwelling units in the area. Eckert explained that they are 45 feet with a pitched roof. To determine the height of a building they measure from the peak to the eaves, and the height is half the distance between them. Eckert shared that the peak of the roof in 2017 was at 51 feet and this building will be 53 feet, which is 1.4 inches taller and have a flat roof but prior it would have been proposed with a pitched roof and would have been a 3-story building.

Corr asked how many stories the existing apartment buildings have. Eckert said they are 2-story buildings with attached garages. The proposed density is higher than what was done in the past. Corr asked if the tenants be able to park in any of the other areas if their parking area was full. Eckert said yes and that they will have a cross parking access with the adjacent office building, which will add an additional 34 stalls.

Scheer asked how the parking would be oriented on the building site. Eckert referenced the site plan (see Exhibit "1") and explained that they will be doing some additional modifications to the northern end of the site plan. Eckert pointed out the underground parking which would have a green roof but was unsure of the exact number of stalls. He shared that the site plan does show 67 surface parking stalls, but there are actually 74 parking stalls plus the cross parking.

No one came forward in support of opposition.

**Steve Henrichsen, Planning Department, 555 S. 10<sup>th</sup> Street**, came forward and stated that he wanted to respond to Commissioner Edgerton's question regarding the parking and why this proposal was not tied to the number of bedrooms. Henrichsen explained that there is a separate effort that the Planning Department has been working on to amend the parking, building height and other requirements to encouraging affordable housing and multi-family housing. Page 2, Item No. 3, discusses that part of the research done showing that 59 percent of renters only have 1 vehicle or less. Henrichsen stated that developers come in time and time again asking for parking reductions because research has shown that in Lincoln renters typically have fewer vehicles. The Planning Department is feeling more comfortable not tying this to a specific amount particularly when it is at 1.75 per dwelling unit for multi-family. He shared that the text amendment will hopefully be before the board in August. The standard in Lincoln of two stalls per unit is quite high.

Corr asked where the data that was analyzed came from. Henrichsen stated that Stephanie Rouse, Planner, did the research and they will make sure to get Commissioner Corr that information. Corr stated that if this research is based on the 2010 Census data, then she has some concerns and thinks it is a weak argument for this particular project. Corr read a quote from the staff report that states "The data showed that most of the renter households are one vehicle households, with the trend being more pronounced in the older neighborhoods", and further stated that she would argue that this area is not in an older neighborhood but is in the newer part of Lincoln. Corr stated that she also has concerns if this information is from the 2010 Census data and not the 2020 Census data, which she does understand has not been released yet. Corr stated that she would like to see what the 2020 Census says before the Planning Department does a blanket text amendment for the entire city. Corr stated that she does not feel these rules apply to the current project and further stated that Mr. Eckert's explanation of the parking stalls and the cross parking for this project is why she is in approval but, moving forward, the Planning Department needs to consider some of these statements before the text amendment. Henrichsen stated that the text amendment will be more specific regarding this but what is being seen nation wide is that the number of parking stall requirements has been reduced. Corr stated that she does want to see current data on this because maybe on the coast this would be true, but Midwesterners really like their vehicles. Corr stated that Lincoln does not have public transportation like other big cities do and further stated that she wants to see more current data for Lincoln.

Campbell moved to close the public hearing on these items, seconded by Ball and carried 6-0: Ball, Campbell, Joy, Scheer, Edgerton, and Corr voting 'yes'; Ryman Yost absent.

**USE PERMIT 126G**

**ACTION BY PLANNING COMMISSION:**

**JULY 7, 2021**

Campbell moved approval, seconded by Edgerton.

Campbell stated that the 1.75 parking stalls is more than adequate for this project, especially with the cross parking which works well.

Edgerton stated that she agrees with what Mr. Eckert and Mr. Henrichsen have stated with regards to what is being planned for that particular area, which is primarily owned by the same entity. She stated that there is a lot of distance from the single-family housing and this project and it makes perfect sense.

Corr stated that it looks like a good project, and she wishes them success.

Motion carried 6-0: Ball, Campbell, Joy, Scheer, Edgerton and Corr voting 'yes'; Ryman Yost absent.

Chair Corr stated that anyone wishing to speak on an item not on the agenda may come forward and do so; no one came forward.

Edgerton moved to adjourn the Planning Commission Meeting of July 7, 2021, seconded by Joy carried 6-0: Ball, Campbell, Joy, Scheer, Edgerton and Corr voting 'yes'; Ryman Yost absent.

Meeting adjourned 1:50 p.m.

Note: The Planning Commission will not formally approve these minutes until their next regular meeting on Wednesday, July 21, 2021.

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Stalls - part of concept

Mounument Sign

67 Stalls

Lobby and Leasing

FFE 1197'

Amenities

TRASH

Elec Room

Amenity Terrace  
4,000 SF

Partial Green Roof

Parking Entrance  
4' Below Grade

Transformer

1193'

1190'

1191'

95'6"

1190'

6/3/21