

## 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, May 3, 2022.*

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, May 11, 2022, 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 AND OTHERS IN ATTENDANCE:** Lorenzo Ball, Dick Campbell, Tracy Corr, Gloria Eddins, Tracy Edgerton, Cristy Joy, and Rich Rodenburg; Maribel Cruz and Cindy Ryman Yost absent. David Cary, Steve Henrichsen, Alexis Longstreet, Shelli Reid, and George Wesselhoft of the Planning Department; media and other interested citizens.

**STATED PURPOSE OF MEETING:** Regular Planning Commission Hearing

Chairperson Edgerton called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

Edgerton requested a motion approving the amended minutes for the regular meeting March 30, 2022. Motion for approval of the amended minutes made by Campbell, seconded by Eddins carried 7-0: Ball, Campbell, Corr, Joy, Eddins, Edgerton, and Rodenburg voting 'yes'; Cruz and Ryman Yost absent.

Edgerton requested a motion approving the minutes for the regular meeting held April 27, 2022. Motion for approval of the minutes made by Campbell, seconded Rodenburg and carried 7-0: Ball, Campbell, Corr, Joy, Eddins, Edgerton, and Rodenburg voting 'yes'; Cruz and Ryman Yost absent.

**CONSENT AGENDA**

**PUBLIC HEARING & ADMINISTRATIVE ACTION**

**BEFORE PLANNING COMMISSION:**

**May 11, 2022**

Members present Ball, Campbell, Corr, Joy, Eddins, Edgerton, and Rodenburg; Cruz and Ryman Yost absent.

The clerk noted that Change of Zone 15021A was removed from the Consent Agenda and scheduled for separate public hearing and action.

**The Consent Agenda consisted of the following items: Change of Zone 15021A and Miscellaneous 22004.**

There were no ex-parte communications disclosed.

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

Campbell moved approval of Consent Agenda item MISC22004, seconded Corr. Motion carried 7-0: Ball, Campbell, Corr, Joy, Eddins, Edgerton, and Rodenburg voting 'yes'; Cruz and Ryman Yost absent.

**CHANGE OF ZONE 15021A**

**TO AMEND THE VICTORY PARK PUD (PLANNED UNIT DEVELOPMENT) TO INCREASE ALLOWABLE BUILDING HEIGHT FROM 2 STORIES TO 3 STORIES UP TO 50 FEET FOR MULTI-FAMILY STRUCTURES AND ADJUST THE LOT LAYOUT FOR FURTHER PLATTING, WITH ASSOCIATED WAIVERS, ON PROPERTY GENERALLY LOCATED AT 600 SOUTH 70TH STREET.**

**PUBLIC HEARING:**

**May 11, 2022**

Members present: Ball, Campbell, Corr, Joy, Eddins, Edgerton, and Rodenburg; Cruz and 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:**

**George Wesselhoft, Planning Department, 555 South 10<sup>th</sup> Street**, came forward and stated that the current zoning is not changing as it was established as part of the original Planned Unit Development (PUD). Wesselhoft stated that the request for an amendment to the PUD is to allow repurposing to the VA hospital and previously planned multi-family building units to be taller. Wesselhoft stated that there is also proposed changes to allow for replating of the property.

Wesselhoft stated that the Residential R-4 zoning north and west of the PUD will remain. The original waivers approved height limitation waivers for the VA clinic from 35 feet to 45 feet. The lots located north had a height limitation of two stories or 35 feet. Wesselhoft stated that the new requested waiver included parking waivers, allowance for front and side setbacks and waiver for design standards internal to the site. Wesselhoft stated the lots located north were limited to two stories in the original PUD. He reiterated that the current request is to allow 3 stories which is justifiable as it will not alter original approved setbacks. He noted that there was a recent ordinance change regarding PUD for height of multi-family structures.

Commissioner Edgerton asked if it was unusual for a specific number of stories to be listed in a PUD versus a specific height. Wesselhoft agreed that it was unusual. Edgerton asked if this change was reflected based on conversation with neighboring property owners located north. Wesselhoft stated that was the intent as opposed to the interior height of 45 feet.

Commissioner Corr asked Wesselhoft to point out the Veterans Affairs Supportive Housing (VASH) location. Wesselhoft stated that the housing is located on Lot 1. Corr referenced a map showing lots and outlots and asked if there were old garages located northeast of Lot 1. Wesselhoft stated that there are existing structures closer to the old VA hospital and is unaware of any other structures.

Corr asked for clarification that the current PUD limitation is two stories or 45 feet. Wesselhoft stated that the Residential R-4 limitation is 35 feet, but the current PUD is two stories, so they are not allowed to do a three-story structure or exceed 35 feet.

Commissioner Campbell asked if the applicant or Wesselhoft was aware of any landscaping being done in the 100-foot setback. Wesselhoft answered that there will be landscaping required as a part of the original submittal as it is part of the design standard for multi-family.

Edgerton reiterated that the 100-foot setback was part of the rationale of the Planning Departments support of the waiver because of the distance between the buildings and housing in the rear. Wesselhoft agreed and stated the developers exceed three times the R-4 limitation minimum setback.

Edgerton referenced comments made in letters of opposition regarding removal of trees. Wesselhoft stated that he was unsure on which trees were removed and not aware of any requirements that trees had to be preserved.

Commissioner Corr asked how many stories the VASH housing is. Wesselhoft stated that they are limited to 45 feet and the building permit indicated 37 feet, so they did not exceed their limit.

Commissioner Joy asked how many units were occupied in the VASH housing. Wesselhoft stated that he is unsure.

**Applicant Testimony:**

**Zach Reinhardt, Burlington Capital, 1004 Farnam Street, Suite 400, Omaha, NE, 68102,** addressed the occupancy question raised by Commissioner Joy. Reinhardt stated that occupancy is 100 percent. Reinhardt stated that the development is an affordable project and supported by VASH vouchers. He reiterated that the request is to increase the height of one of the buildings and stated that 84 units of senior affordable housing is currently approved (55 or 60+ years of age) with a veteran preference. Reinhardt stated the hospital is anticipated to be affordable housing as well.

Campbell asked if it would be appropriate to assume that most people in the VASH housing and affordable housing project would not own vehicles? Reinhardt stated that it is a fair assumption. Campbell asked how many stalls are in the parking lot. Reinhardt believed that there are at least 60 parking stalls. Reinhardt also stated that the project would be fairly close to transportation services, healthcare, jobs, and schools.

Edgerton asked if the request of the height waiver was due to the desire to increase housing? Reinhardt agreed. Edgerton asked to date, have the developers had any communication with the neighboring property owners. Reinhardt answered not recently, but there has been some feedback from neighboring property owners.

Campbell asked if the units located north would have balconies. Reinhardt stated that he does not expect them to have balconies for the sake of preserving square footage for interior use.

Commissioner Eddins asked if all units will be accessible. Reinhardt stated that not all units will be fully accessible in the beginning, but they will have elevators and some accessible units at the beginning. Reinhardt stated that handicap parking will also be a part of the parking lot.

Corr asked how many bedrooms are in the VASH housing. Reinhardt stated that all units are one bed, one bath. Corr asked how many bedrooms the new development will have. Reinhardt stated they will be two beds, two bath units. Corr reiterated that this is affordable housing so there will be no market rates. Reinhardt stated that there a small amount of market rate from a mixed-use perspective and believed that there are less than 10% that are market rate as an agreement with Nebraska Investment Finance Authority (NIFA) who is providing tax credits on the project.

Joy asked how many stories are in the VASH housing. Reinhardt stated that there are three stories. Joy asked if the housing was accessible. Reinhardt stated that it does have an elevator with accessible units available. Joy asked for clarification if the new building will have the

capability for elevators to be built. Reinhardt answered that the new building will have elevators built in from the beginning.

Corr stated that on the application it is asking for 20 feet setback but on the plan, it states 18 and asked for the applicant to confirm which setback measurement was correct. Reinhardt stated that 20 feet is the target for the setback. Corr stated that the correction is more for staff clarification.

Reinhardt reiterated that the increase in height will allow for room to design the building. The target is to build three floors and flexibility is needed due to the grade change and other factors.

Corr stated that Aging Partners was supposed to move their headquarters into the old VA hospital. Reinhardt stated that is correct and taking place now.

Edgerton stated that there was conversation about trees being removed in that area. Reinhardt stated that he is not aware of any trees being removed in the area and it is not common until the building starts if building is anticipated in that area.

**Proponents:**

No one came forward in support.

**Neutral:**

No one came forward in neutral testimony.

**Opposition:**

**John McManaman, 231 Wedgewood Drive, Lincoln, NE, 68510**, come forward and provided written comments from himself and neighbors opposed to this Change of Zone to the City Clerk. McManaman stated the landscape has been affected. He stated that privacy is a concern as the buildings may tower over. He stated that buildings to the south are in the historic registry and can be used. He stated that there are concerns about property evaluations, privacy, traffic, and peacefulness. McManaman addressed question about the garages located in lot 9 raised by the commissioners.

Corr asked if he attend the neighborhood conversations held in the past. McManaman stated that they original meetings were held at the VA in which many veterans attended.

**Ed Schnabel, 7317 South Wedgewood Drive, Lincoln, NE, 68510**, stated that the trees have been removed. He stated that garages are located southeast of the VASH housing. Schnabel stated that he is a volunteer at the hospital and has heard concerns. He stated that veterans would like to have a flag on site on the flagpole. Schnabel stated that he was a part of the neighbor conversations 8 years ago.

**Scott Merchant, 240 Wedgewood Drive, Lincoln, NE, 68510**, testified via Zoom. Merchant stated that there is no need for increase of height on the buildings that exist. He stated that there has not been much communication. He is concerned about the landscaping. He was under the impression that landscaping was going to be placed to help obstruct the view of the construction.

**Staff Questions:**

Edgerton asked if there was some confusion regarding the front yard setback reductions. Wesselhoft clarified that the 18 feet setback was unintentionally referenced. Wesselhoft asked that the motion by commissioners reflect a 20-foot setback as requested by the applicant.

Corr asked if Wesselhoft could review the landscaping requirements. Wesselhoft stated that there are some detention facilities as part of the project. The design standards for multi-family dwelling approved by PUD states that the screen shall cover at least 50% of the surface area and listed species of trees that will be in that area.

Corr asked for clarification that the trees must have a mature height of 6 feet versus being 6 feet at the beginning. Wesselhoft agreed. Corr stated that it could be trees or a fence, but the developers do not have to plant trees toward completion of the development. Wesselhoft agreed with Corr's statement.

Campbell asked Wesselhoft if the legend on the plan list the species of the landscaping to be placed. Wesselhoft answered yes. Campbell also addressed Commissioner Corr and stated that the planting of the trees will take place at the end.

Eddins asked if there was any history on why the development was limited to two-stories. Wesselhoft stated that it was due to the concern regarding proximity to neighbors and setback.

Edgerton asked for clarification on the hundred-yard setback being to the property line or to the structures. Wesselhoft clarified that the setback would be from the back side of the structures to the property line.

Campbell stated the height difference ran 14 to 15 feet from the hundred-foot setback to the back of the building.

**Applicant Rebuttal:**

Reinhardt addressed the comment made regarding the historic buildings and stated that they are working on finding a use for the buildings as they will not be removed. He addressed the comment made regarding the building being done for profit. Stated that the building will be three stories, as that is affordable for the developers. He addressed the flag on the flagpole comment

and stated that the developers will work on that. Reinhardt reiterated that the landscaping would come at the end of the project.

Corr asked for clarification if the flagpole was still there. Reinhardt stated that it is still present on the property.

Corr asked if the developers could designate a smoking area. Reinhardt stated that he will work on that as well.

**CHANGE OF ZONE 15021A**

**ACTION BY PLANNING COMMISSION:**

**May 11, 2022**

Campbell moved to close public hearing, seconded by Corr.

Motion carried 7-0: Ball, Campbell, Corr, Joy, Eddins, Edgerton, and Rodenburg voting 'yes'; Cruz and Ryman Yost absent.

Corr moved conditional approval of CZ15021A with setback being 20 feet instead of 18 as requested by the applicant, seconded Campbell.

Corr stated that she would like to make an additional motion to add wording, in addition to the 50-foot height limit, for a three-story limit.

**Tim Sieh, Assistant City Attorney, 555 South 10<sup>th</sup> Street, Suite 300**, approached and clarified that the motion to approve with conditions, are amending the staff reports, since this is simply a recommendation of the City Council to make the decision. He clarified that the motion is to approve with changing condition of the front yard set back to 20 feet from 18 feet. He clarified that there be a second motion to amend condition that 50 feet is maximum height limit and under no circumstances shall there be more than three stories.

Corr moved to amend the motion on the floor and add to the conditions of approval that 50 feet is maximum height limit, 'and under no circumstances shall there be more than three stories added'. Seconded Campbell. Motion carried with amendment to the motion 7-0: Ball, Campbell, Corr, Joy, Eddins, Edgerton, and Rodenburg voting 'yes'; Cruz and Ryman Yost absent.

**David Cary, Planning Department, 555 South 10<sup>th</sup> Street**, approached and clarified that the commissioners need to vote on the first motion to amend the setback.

Tim Sieh clarified that it will be taken as part of the main motion.

Campbell expressed his appreciation for low-income housing especially for veterans. Campbell stated that the landscaping will sufficiently screen the area and alleviate that concern.

Joy agreed with Campbell and expressed her support.

Eddins stated that she is concerned with the height of overlooking into the neighborhoods, but she appreciates the affordable accessible housing.

Corr advised the developers to hold neighborhood meetings and maintain landscaping.

Edgerton expressed her support and appreciation for all the needs that this project addresses. She reiterated the comments about neighborhood meetings being held made by Corr.

Motion to approve CZ15021A with setback being 20 feet instead of 18 as requested by the applicant, carried 7-0: Ball, Campbell, Corr, Joy, Eddins, Edgerton, and Rodenburg voting 'yes'; Cruz and Ryman Yost absent.

Campbell moved to adjourn the Planning Commission meeting of May 11, 2022 seconded by Corr, and carried 7-0: Ball, Campbell, Corr, Joy, Eddins, Edgerton, and Rodenburg voting 'yes'; Cruz and Ryman Yost absent.

There being no further business, the meeting was adjourned at 2:03 p.m.