

## 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 6, 2023.*

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, June 14, 2023, 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, Maribel Cruz, Gloria Eddins, Cristy Joy, Rich Rodenburg, Cindy Ryman Yost and Tracy Edgerton. Steve Henrichsen, Shelli Reid, Jennifer McDonald, Emma Martin, Andrew Thierolf, Brian Will, George Wesselhoft, and Tom Cajka 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 minutes for the regular meeting held May 31, 2023.

Motion for approval of the minutes made by Campbell, seconded Joy. Minutes approved 9-0: Ball, Campbell, Corr, Cruz, Eddins, Joy, Rodenburg, Ryman Yost, and Edgerton voting "yes".

Edgerton asked the Clerk to call for the Consent Agenda Items.

### **CONSENT AGENDA**

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

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

**June 14, 2023**

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

**The Consent Agenda consisted of the following item: Comprehensive Plan Conformance 23008, Comprehensive Plan Conformance 23009, Change of Zone 08011A, Change of Zone 08041F, Change of Zone 23050, Special Permit 08042A, Miscellaneous 23004.**

There were no ex-parte communications disclosed.

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

Campbell moved approval of the Consent Agenda item, seconded by Joy.

Motion carried 9-0: Ball, Campbell, Corr, Cruz, Eddins, Joy, Rodenburg, Ryman Yost and Edgerton voting "yes".

**Note: This is Final Action on Special Permit 08042A and Special Permit 23021 unless appealed by filing a letter to the City Council within 14 days.**

**TEXT AMENDMENT 23008**

**TO AMEND THE LINCOLN MUNICIPAL CODE, CHAPTER 27.63.610 NEIGHBORHOOD SUPPORT SERVICES TO REMOVE 27.63.610(B).**

**PUBLIC HEARING:**

**June 14, 2023**

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

**Staff Recommendation:** Approval

There were no ex-parte communications disclosed.

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

**Staff Presentation:**

**Emma Martin, Planning Department, 555 S. 10<sup>th</sup> Street, Lincoln, NE** came forward and stated that this is related to Special Permit 23021 but will have a separate hearing because this will impact all neighborhood support services. This text amendment will have a large footprint and will cover three parcels and it is an important service for children and families in crisis. The text amendment is supported by the 2050 Comprehensive Plan. This amendment allows services that are very valuable to the quality of life. Martin stated that the Planning Department recommends approval.

Ball asked what type of organizations does the neighborhood support services constitute? Martin stated that this is a broad category. The services are human, social, educational counseling, health, and other support services. This could be anything potentially that must be deemed useful to the neighborhood and not the city at large.

Corr asked what kind of neighborhood outreach was done. Martin stated that the text amendment was placed in a legal ad and the special permit had a neighborhood meeting.

Edgerton clarified that the text amendment is just for removing section B. Martin confirmed that is the only change.

**Applicant:**

**Tim Gergen, Clark Enersen, 1010 Lincoln Mall, Suite 200, Lincoln, NE** stated that this will be on the Mayor's Round Table before the City Council Hearing date.

Edgerton asked Gergen if the change to the ordinance was required to carry forward with the plans. Gergen stated that it does need to be approved to proceed forward. The City had determined that it was needed prior to approval.

Corr stated she is concerned with the fact that the neighborhoods have not had time to weigh in on this. This will go to the Mayor's Round Table and the City Council on the same day. Gergen stated that is correct. Corr asked if this could be delayed and what would it do to the project? Gergen stated it has already been extended with the closing dates with the existing owner and a new date has been set.

**Proponents:**

No one approached for support.

**Neutral:**

No one approached in neutral testimony.

**Opposition:**

**Jessica Layman, 5027 Aylesworth Ave., Lincoln, NE** stated that since this text amendment affects the entire city, she feels that the entire city has the right to know. The neighborhood has been aware, but the rest of the city has not. Layman stated that the Child Advocacy Center that was mentioned is right next to a park and the traffic is overlapping the neighborhood.

**Ron Brown, 5050 Aylesworth Ave., Lincoln, NE** came forward and stated that the Advocacy Center that Layman spoke about is right next to the police center and the park. Brown stated that the location of where the Child Services wants to go is in the 100-year floodplain. Brown stated that Watershed Management checked off on all the water issues and he does not see how they could because of the location of the homes. Brown also stated that the first building will be close to the street and people exiting the alley will not have a good visual of traffic. Brown explained that the gymnasium that is going to be built will be around 25-30 foot tall and this will not fit into the neighborhood. This is the wrong project for that property.

Edgerton clarified that the Text Amendment is what is being addressed at this time with testimony. Testimony for the Special Permit will follow the public hearing on the Text Amendment.

**Staff Questions:**

Campbell asked if the Watershed report will be addressed. **Steve Henrichsen, 555 S. 10<sup>th</sup> Street, Lincoln, NE** approached and stated that the Watershed report will be addressed in the Special Permit presentation.

Eddins asked if future projects would still need to come before the Commission. Martin stated that all special permits will need to come before the Commission. They are not conditional use so an application would need to be provided prior to the Planning Department. Eddins asked if the Text Amendment is not approved, then this project cannot move forward? Martin stated that is correct. Without the text amendment, the special permit cannot move forward. Henrichsen approached stated that there have been several of these types of applications that have come forward in the past years. Henrichsen stated that because this is a special permit, it still needs to go through the process and review.

Campbell moved to close public hearing for Text Amendment 23008, seconded by Joy. Motion carried 9-0: Ball, Campbell, Corr, Cruz, Eddins, Joy, Rodenburg, Ryman Yost, and Edgerton voting 'yes'.

**TEXT AMENDMENT 23008**

**ACTION BY PLANNING COMMISSION:**

**June 14, 2023**

Campbell moved to approve Text Amendment 23008, seconded by Ryman Yost.

Campbell stated that this is a good change and allows what is different from the past. This will allow them to get into the neighborhoods and have the activities as part of the neighborhood. Campbell will support this Text Amendment.

Ball agrees with Commissioner Campbell and with the conditions this will allow these types of organizations to be in the neighborhood as a positive thing.

Rodenburg stated that this is a good amendment and likes that future proposals will have to come forward before the Commission and City Council for the neighborhoods to weigh in.

Eddins stated that she is struggling with this because there are so many social services in her area but not in the neighborhood because of this text amendment. Eddins thinks that this should be looked at in a different way but does not want to hold up the project.

Edgerton asked Eddins what is it that is giving her the hesitance of being for this amendment. Eddins stated that each time this will come forward, people have to take off to testify and sometimes that timeline is a short one.

Cruz stated that she is looking at it differently than Eddins by stating this previous version has created a path and today is a way to proceed forward to serve and move away from the traditional places.

Corr agreed with Cruz, but this is a city-wide amendment. Corr stated that normally there is an outreach for that and is wondering how this slipped through. Each neighborhood has different compositions and situations and would like to see more time but does not want to hold up the project. Corr will support the text amendment, but it does make her a little nervous.

Edgerton stated she will also support this amendment and she appreciates all the back and forth with the Commissioners of the true effect on the neighborhoods. Edgerton stated that she will support this.

Motion carried 8-1: Ball, Campbell, Corr, Cruz, Joy, Rodenburg, Ryman Yost and Edgerton voting 'yes'. Eddins dissenting.

**SPECIAL PERMIT 23021**

**TO ALLOW FOR A CUP (COMMUNITY UNIT PLAN) AND A NEIGHBORHOOD SUPPORT SERVICES BUILDING, ON PROPERTY GENERALLY LOCATED AT THE NW CORNER OF NORTH 52ND AND HOLDREGE STREETS.**

**PUBLIC HEARING:**

June 14, 2023

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

**Staff Recommendation:** Conditional Approval

Ex-parte communication was disclosed by Joy who stated that she did attend the neighborhood meeting for this project.

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

**Staff Presentation:**

**Emma Martin, Planning Department, 555 South 10<sup>th</sup> Street, Lincoln, NE** came forward and stated that this application is on the corner of North 52<sup>nd</sup> Street and Holdrege. The land is currently zoned R-2, and the surrounding uses are R-2 also. There currently is one dwelling on the property and it is on a floodplain. This is to develop 10 dwelling units and a support service center with a community garden. There are 10 lots that will support the development of the 10 units. The associated parking will allow a total of 37 stalls. This is to accommodate the staff, employees, and the dwellings. Martin also stated that there are 5 waivers associated with this development. Martin stated that this is compatible with the 2050 Comprehensive Plan.

Edgerton stated that most of the waivers were regarding the new floodplain regulations. Edgerton wanted to walk through the waivers in a little more detail. Martin explained that there are five waivers mentioned in the staff report and Mike Middendorf with Watershed Management will come forward to clarify the waivers.

**Mike Middendorf, Watershed Division, 555 S. 10<sup>th</sup> Street, Suite 203, Lincoln, NE** came forward to clarify the waivers and to verify that the sewer system can handle the change in flow rates. It was verified that the storm sewer can handle the capacity that is sent to it.

Edgerton stated that there is concern about the parking lot in the middle of the development in relation to the floodplain. Middendorf stated that parking lots can be in a floodplain and this one meets the requirements.

Campbell asked Martin if the gym is raised up also. Martin stated that it is part of the support service center, and the entire structure is raised up out of the floodplain.

Rodenburg stated it was mentioned earlier about the line of sight for traffic and is wondering if traffic has signed off on this. Martin stated that traffic does not have any issues with the sight triangle.

Ryman Yost asked what could happen on this property by rights. Martin stated currently the 10 lots are set for 10 single family homes to be built.

Eddins asked if the R-2 zoning allows duplexes. Henrichsen approached and stated that R-2 does allow duplex, but these lots are not big enough for duplexes.

**Applicant Testimony:**

**Tim Gergen, Clark Enersen, 1010 Lincoln Mall, Suite 200, Lincoln, NE** approached with a presentation (Exhibit 1) to show the location of the property and that Dead Man's Run is the reason the property is in the floodplain. Gergen also showed a site plan with the parking, buildings, the lots, and future site plan. A water basin, green space, and a garden space will also be included in the development. Gergen stated that they have been working with Watershed Development and the project does meet the capacity.

**Geoff DeOld, 1717 Vinton Street, Omaha, NE** representing DeOld Andersen Architecture is helping Family Services of Lincoln. DeOld presented the layout of the Community Center, parking, open space, and row houses (Exhibit 2). This also included showing the entrances to the design and development. DeOld stated that the gym is small and mainly for smaller activities and will include a recreation room and classrooms. The parking will be to the north of the building. The row houses will have 10 units. Each unit will have a gable roof, individual paint color and canopy over the door. DeOld stated with the height added, they do not want to make it look like

the house is on a mound. DeOld stated that the community center will have the same approach as the row houses with the color of exterior, the pitch of the roof, the gables, and the canopy.

**Dennis Hoffman, Executive Director of Family Services, 501 S. 7<sup>th</sup> Street, Lincoln, NE** stated that there are 6 program areas that Family Services support. There will be three programs directly related to the youth center. The community center will support neighborhood events, non-school days, summer camps and resource for other nonprofits. There will be a 1-15 staff ratio required to maintain. Hoffman stated that the apartments mentioned will be affordable housing. There are 8 units which will be funded by the pandemic relief housing. Hoffman stated that Family Services will maintain the ground and the apartments. This includes the community garden onsite.

Campbell asked Hoffman if there is before and after school programs. Hoffman stated that there are currently 21 different Lincoln Public School before and after school sites.

Eddins asked if affordable housing will accept Section 8 housing. Hoffman stated they will plan to.

Rodenburg clarified with Hoffman that the maintaining of the yard, trash removal, and covenants will be in place. Hoffman stated absolutely.

Ryman Yost asked how the townhouses will be assessable with the elevation of six feet. DeOld stated that the units will have steps on the front and back to access the units. With the funding programs, it is not required to have ramps.

Corr asked if the units will have garages. DeOld stated that there will not be garages. The parking lot will be shared between the units and the community center. This eliminates a driveway also.

**Proponents:**

**James Michael Bowers, 4206 Touzalin Ave., Lincoln, NE** came forward and stated that he represents the Northeast area of Lincoln of the City Council. Bowers stated that one of the things that has come up in his career is the limited opportunities and resources for children. Bowers stated that this lot has been vacant and neglected for a long period of time. By revitalizing this lot, it will instill pride and unity ensuring our neighborhoods and children are not left behind. Bowers has spoken to a lot of neighbors that are in support of this development. Family Service is a long term and trusted agency in Lincoln.

**Neutral:**

No one came forward for neutral testimony.

**Opposition:**

**Jessica Layman, 5027 Aylesworth Ave., Lincoln, NE** approached and stated that she bought her house in the area one year ago. She chose this house because of the quiet neighborhood and big, beautiful yards. Jessica moved into an R-2 neighborhood because it is designed to protect the rights of property owners. This project will increase traffic on Aylesworth and 51<sup>st</sup> Street. Layman stated that the units should mirror the surrounding area but not because of the raised ground. There is a section in the municipal code that the first floor of the houses should match 54% of the houses on the block and they do not.

Corr asked if Layman could show her where the alley is that she was referencing. Layman showed on the map where the alley is located.

**Dave Dahlke, 5042 Aylesworth Ave., Lincoln, NE** approached and is unhappy about the neighborhood disruption. It has a very large footprint and feels that they are not being told all the details. Dahlke sees this operation as a political project and is not in favor of his taxes paying for it. Dahlke stated that the neighborhood is already a low-income area, and another area would be better suited.

**George Harman, 5007 Aylesworth Ave., Lincoln, NE** stated that he is new to Lincoln and is wanting to discuss the floodplain. Harman asked if anyone has looked at Dead Man's Run and the reason that it floods is because of the trees in the path. Harman stated that if there was a clear path the water would flow. Harman said that the retention pond could be used for the community garden. Exiting the traffic on Aylesworth is not a good idea, it is too narrow of a street. There is not a speed limit or a traffic light there. Harman is recommending a round-about or to move the traffic to Holdrege.

**Craig Hollers, 1525 N 51<sup>st</sup> Street, Lincoln, NE** came forward and stated that he lives just across from the last row house that is planned to be built. Hollers stated that his driveway has been flooded and his neighbors have been flooded up to the sidewalk and possibly to the yard. Hollers stated that there are no storm sewers in the area, but what is in the area is too far away. Hollers main concern is the water. Hollers said that he is in the blind on the information that has been presented. The parking needs to be addressed and there has not been enough thought that has gone into the parking. Hollers said that the houses will be five feet up and the front yards are 15 feet from the street. If the slope is to the street, then there will be thousands of square feet of ground that is not absorbing water. Hollers said that there needs to be a concern with that. Hollers stated that this is moving too fast, and it needs to be reviewed.

**Matt Allen, 5211 Aylesworth Ave., Lincoln, NE** approached and wanted to know when someone comes to visit, where are they going to park? How many people are going to block or park in his driveway? Allen wants to know where the water is going to go and with traffic increase, how is this going to affect the kids going to the pool? Allen asked when this fails, what can be done to

correct it? What are the plans down the road to fix it when it doesn't work? Allen knows that this is low-income housing, but what if crime picks up and kids and people start to walk around other people's yards. If this becomes a bigger issue, how is it going to be handled? Who is going to supervise the kids? Allen stated that these are all the concerns he has.

**David Hromas, 5210 Aylesworth Ave., Lincoln, NE** came forward and stated that he has lived in the neighborhood for 44 years. A few years ago, some low-income housing was built by his house, and he then encountered kids playing in his yard, driveway, and couldn't get into their garage. The water run-off is a concern, and he is wondering where it is going to go.

**Phillip Zillig, 1536 David Dr., Lincoln, NE** stated he has lived there in his house since 1970's. Zillig stated that David Drive gets a lot of traffic. Zillig stated that this area has been blighted and covered since he has been there. Zillig is opposed and he does not understand who is wanting this in the neighborhood. Zillig said that parking and crossing traffic is going to get worse.

**Robert Schlamann, 1545 N 51<sup>st</sup> Street, Lincoln, NE** came forward and stated that he has been part of this property for the last 41 years. Throughout the past, there has been a sanitary sewer problem. Schlamann has installed a back check in the sewer system and has a manhole in this back yard that he weekly checks. By adding the additional 10 homes, the sewer and storm water will travel to the manhole in his backyard. Schlamann contacts the city to come clean it out when it is needed. Parking and traffic is also hard on this street. Storm water has come up to his house and there is a floodplain in the middle of Lincoln. Schlamann wants to know why this is happening. Another issue that Schlamann has is the speed of the traffic. There are rentals in the area. One specifically has 4-8 cars just for one unit.

Corr mentioned it to Schlamann that there are rules for rental houses and that Schlamann can call in and file a complaint since this is complaint driven. Schlamann stated that he is not a complainer but would rather resolve the issue.

#### **Staff Questions:**

Corr asked Martin if there any setbacks or changes on 51<sup>st</sup> Street. Martin stated that the setbacks are only on Aylesworth Ave. Corr asked if the neighborhood meeting was well attended and if staff was present. Martin stated that it there was a good turnout. Martin said that there have been calls, questions and one letter of support. Corr asked if neighborhood design standards apply in this location, and does it address the five-foot buildup? Martin stated that neighborhood design standards are reviewed at the building permit stage. Henrichsen approached and stated that the neighborhood design standards are reviewed at the time of the building permit. Henrichsen stated that a waiver to the design standards can be requested at the time of the building permit. Corr asked Middendorf if the grading to raise up the houses will change how the water currently flows? Middendorf stated that because of the existing conditions, that it is known about the sewer issue and will be addressed at future date with the appropriate funding.

Corr wanted to know where the city was at with the Dead Man's Run study. Middendorf said that the work that is going to be done with the study is going to be complete to 48<sup>th</sup> Street. Corr asked if this will take any parcels out of the floodplain. Middendorf said that there will be some adjustments with the floodplain. Middendorf does not know how this will affect the area, but there will be some. Corr clarified that the work on Dead Man's run may remove some houses from the floodplain, but once redrawn, it may put some of those houses back in the floodplain. Middendorf stated that he is not 100% sure because this is a Corps of Engineers project.

Campbell asked when the city first started to look at the sanitary sewer problems. Middendorf thinks it was completed around 2010, but there are records that shows it was a broad analysis of an issue of water and at times the sewer is overwhelmed at given times. Campbell stated that the individual calling in four times to clean out the sewer was not enough to determine that there is an issue. Middendorf stated that if there is an issue of cleaning out the system, that is a street department issue. Campbell requested that Middendorf or the street department check into it and follow up.

Edgerton stated there are going to be 10 additional units in this area that is already affected. She wanted to know is this going to affect the current situation. Middendorf stated that this was addressed and changed the direction of the storm water.

Eddins asked how the basin is moved and if mosquitos are going to be an issue. Middendorf stated the basins are required to be emptied within 48-hour period.

Rodenburg asked if the basin needs to be fenced. Middendorf said that it depends upon the depth and that this is a shallow one so it will not have to be. It has a soil bottom and will infiltrate into the bottom also.

Rodenburg asked Martin if there are any additional waivers that need to be addressed. Martin stated if it is about density then it is a Community Unit Plan (CUP) then this is what it is allowing based on the CUP. The CUP is a special permit then they will still need to come forward to the Planning Commission. It is not a waiver, the same as a waiver that is in the special permit. Rodenburg asked if anything else would need to come before the Planning Commission if a waiver is required? Henrichsen stated that the neighborhood design standards are administered by the Planning Department. Other types of waivers will go to the Urban Design Standards Committee and not the Planning Commission.

Edgerton asked if a traffic study was done. Henrichsen stated that traffic studies are not a requirement of residential development or a neighborhood support service. It is more cars, but not unusual for what a neighborhood would be. Edgerton asked if the ally is anticipated to be used for traffic coming in and out of 52<sup>nd</sup> street. Martin stated that the ally can go both ways

although it is anticipated that people will exit and enter along N. 52<sup>nd</sup> Street due to the proximity of Holdrege.

Corr clarified that by right a developer could come in now without a special permit and put in 10 dwelling units. Martin stated that how it is plotted today, that it could be done and then people could use the parking on both sides of the street. Corr stated that it would have the same implications on the infrastructure then. Henrichsen stated that is correct.

**Applicant rebuttal:**

Hoffman approached and wanted to thank the neighbors and commission for their concerns. Hoffman stated that he feels all the issues have been addressed. Hoffman stated that Family Services is a 501(c)(3) private and nonprofit. They apply for grants and funding to help spur projects like this and do not rely on local tax dollars for support. Hoffman wants to ensure that this can be managed and do it every single day.

Eddins asked Hoffman why the dump off on Aylesworth and not turn the lot around? DeOld approached and stated that it is more of access to the units on the back.

Edgerton was wondering about the anticipated parking on the street and if the residents will be encouraged to park in the lot and not the street. Hoffman stated that part of the requirement is that the expectation is that they use the parking in the parking lot.

Eddins asked if there is a local phone number and is it available 24-hour a day? Hoffman stated that they have one that is available 24 hours a day.

Corr was wondering what kind of tenants they will be looking to put into these units. Hoffman stated that their mission is to serve families, so they will be families with children. Corr asked if there will be short term and long-term lease? Hoffman stated that there will be a lease arrangement so they can stay as long as they needed.

Corr moved to close public hearing for Special Permit 23021, seconded by Campbell and carried 9-0: Ball, Campbell, Corr, Cruz, Eddins, Joy, Rodenburg, Ryman Yost, and Edgerton voting 'yes'.

**Special Permit 23021**

**ACTION BY PLANNING COMMISSION:**

**June 14, 2023**

Campbell moved to approve Special Permit 23021, seconded by Ryman Yost.

Campbell stated that the proposal is put together and serves a great need in the area. Campbell agrees that with the play area, classroom and community garden this will be a benefit to the neighborhood and the area. He will be supporting this.

Corr will also be supporting this. It is hard for kids to have room to play outside. Corr likes that this is giving them resources and design to play and learn. Corr stated that this has been vacant land for quite a while. Corr stated that this is a positive change in the neighborhood and may help elevate some of the problems that the neighbors have been experience and get on the radar of the City Officials so they could be addressed.

Joy will be supporting this. She appreciates the efforts made that put together the storm system calculations and how the water will be maintained. Joy stated that as they hear the issues east of 48<sup>th</sup> Street that they continue to help to continue to make the improvements.

Ryman Yost will be supporting this project and does like the neighborhoods concept. Ryman Yost is hoping that the surrounding neighbors would like and use this also. Ryman Yost stated that there are a lot of nonprofits and Mr. Hoffman is the most notable and has tremendous respect for him.

Eddins stated that Family Services has a great reputation.

Motion carried 9-0: Ball, Campbell, Corr, Cruz, Eddins, Joy, Rodenburg, Ryman Yost and Edgerton voting 'yes'.

Edgerton stated that anyone wishing to speak on an item not on the agenda, may come forward and do so.

Campbell moved to adjourn the Planning Commission meeting of June 14, 2023, seconded by Joy.

Motion carried 9-0: Ball, Campbell, Corr, Cruz, Eddins, Joy, Rodenburg, Ryman Yost, and Edgerton voting "yes".

There being no further business, the meeting was adjourned at 3:15 pm