

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, June 23, 2004, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Jon Carlson, Eugene Carroll, Gerry Krieser, Roger Larson, Dan Marvin, Melinda Pearson, Lynn Sunderman, Mary Bills-Strand and Tommy Taylor. Marvin Krout, Ray Hill, Steve Henrichsen, Brian Will, Becky Horner, Greg Czaplewski, Duncan Ross, Derek Miller, Ed Zimmer, Jean Walker and Teresa McKinstry of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Meeting

Chair Mary Bills-Strand called the meeting to order and requested a motion approving the minutes for the regular meeting held June 9, 2004. Motion for approval made by Larson, seconded by Krieser and carried 8-0: Carlson, Carroll, Krieser, Larson, Marvin, Sunderman, Bills-Strand and Taylor voting 'yes'; Pearson abstaining.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

June 23, 2004

Members present: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Sunderman, Bills-Strand and Taylor.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 04039; SPECIAL PERMIT NO. 2046A; USE PERMIT NO. 150A; SPECIAL PERMIT NO. 04030; SPECIAL PERMIT NO. 04031; COUNTY FINAL PLAT NO. 04060, HILLTOP ESTATES 2ND ADDITION; COUNTY FINAL PLAT NO. 04062, THE PRESERVE AT CROSS CREEK 1ST ADDITION; ANNEXATION NO. 04002; CHANGE OF ZONE NO. 04011; SPECIAL PERMIT NO. 04009; and PRELIMINARY PLAT NO. 04007, ANDERSON'S PLACE.**

Item No. 1.1a, Change of Zone No. 04039; Item No. 1.1b, Special Permit No. 0246A; Item No. 1.1c, Use Permit No. 150A; and Item No. 1.5, County Final Plat No. 04062, were removed from the Consent Agenda and scheduled for separate public hearing.

Larson moved to approve the remaining Consent Agenda, seconded by Krieser and carried 9-0: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Sunderman, Bills-Strand and Taylor voting 'yes'.

This is final action on Special Permit No. 04030, Special Permit No. 04031 and the Anderson's Place Preliminary Plat No. 04007, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

COUNTY FINAL PLAT NO. 04026
THE PRESERVE AT CROSS CREEK 1ST ADDITION,
ON PROPERTY GENERALLY LOCATED AT
S. 68TH STREET AND ROCA ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 23, 2004

Members present: Pearson, Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand.

Staff recommendation: Conditional approval.

Ex Parte Communications. None.

This application was removed from the Consent Agenda and had separate public hearing due to a letter in opposition.

Ray Hill of Planning staff submitted a letter from Ingrid Chavez in opposition. The Planning Commission also previously received a letter from Jim Chambers advising of two small private airports within one mile radius.

Proponents

1. Brian Carstens appeared on behalf of **Land II, LLC**. This final plat reflects the approved preliminary plat which was approved earlier this spring by both the Planning Commission and the County Board. The letter regarding an airstrip was an issue discussed during the preliminary plat process and the applicant does not believe it is a concern because the airport strips are far enough away. Roca Road is blacktop. 68th Street is also blacktop that is being improved right now with wider shoulders and shallower ditches. There is a stop sign on Roca Road both directions and flashing light at 68th Street. Pearson inquired whether any changes have occurred since the preliminary plat. Carstens advised that this final plat matches identically to the approved preliminary plat. The plat on the north has access to 68th Street, and this plat has access on Roca Road. There was no testimony in opposition.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

June 23, 2004

Carroll moved to approve the staff recommendation of conditional approval, seconded by Larson.

Carlson stated that he will support the motion even though he voted against the preliminary plat because we are now in the process of determining whether the final plat conforms with approved preliminary plat, and it does. He was opposed to the use on the original preliminary plat.

Motion for conditional approval carried 9-0: Pearson, Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand voting 'yes'. This is a recommendation to the Lancaster County Board.

CHANGE OF ZONE NO. 04039
FROM H-4 GENERAL COMMERCIAL TO
B-5 PLANNED REGIONAL BUSINESS
and
SPECIAL PERMIT NO. 2046A,
AN AMENDMENT TO THE PLANNED SERVICE COMMERCIAL
and
USE PERMIT NO. 150A
AN AMENDMENT TO THE COMMERCIAL FLOOR AREA,
ON PROPERTY GENERALLY LOCATED
AT S. 84TH STREET AND HIGHWAY 2.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 23, 2004

Members present: Pearson, Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand.

Staff recommendation: Approval of the change of zone and conditional approval of the amendments to the special permit and use permit.

Ex Parte Communications. None.

This application was removed from the Consent Agenda and had separate public hearing at the request of Commissioner Taylor.

Proponents

1. **DaNay Kalkowski** appeared on behalf of **Eiger Corp**, the owner and developer of the property located south of Highway 2 in the vicinity between 84th Street and 91st Street. The annexation, zoning changes, use permit and special permit for this property were heard previously, at which time the majority of the property was zoned B-5 with H-4 on the east and west ends to accommodate some warehouse uses. These applications represent an amendment to change the site plan which will facilitate a larger lot on the south side of the

internal roadway for a hotel use. There has been interest expressed in a larger full-service hotel on this site. The internal road alignment has been changed a little bit to the north so there is more room for lot area on the south side of the road. The connections to 84th Street are in the same location as previously. The uses on the south side of the road have changed. The warehouse use has been removed and they are now showing one larger hotel site. By removing the warehouse use, the H-4 zoning is no longer needed, so this application requests B-5 zoning for the entire area. Because the zoning is being amended, adjustments to the use permit and special permit are required. The square footage is not really changing but merely being adjusted in the special permit and use permit for the change of zone.

Kalkowski advised that the applicant did send out notice for a neighborhood meeting and no one attended, and she has received no phone calls.

Taylor stated that he removed this from the Consent Agenda so that he could have a more thorough understanding of the changes.

Pearson inquired whether this has been discussed with the Cheney representatives. Kalkowski stated that notice was sent to the residents on the east side and to the Cheney neighborhood organization contact, but there was no response.

Taylor inquired about the trail. The HWS Consulting Group representative explained that the trail will run on the north side of the railroad tracks from 91st Street on the developer's property, and then it takes a bend to get up over a small dam and connect back into 84th Street, where eventually it is planned to go south on 84th Street in the long term.

Marvin inquired about the waiver to allow the transfer of sewage from one drainage basin to another. Kalkowski explained that a portion of this property would drain into the Beal Slough drainage basin, so the waiver has been requested to allow all of it to drain into the Antelope Creek drainage basin. That was the way that it was master planned when the property was annexed.

There was no testimony in opposition.

CHANGE OF ZONE NO. 04039

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

June 23, 2004

Larson moved approval, seconded by Carroll and carried 9-0: Pearson, Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand voting 'yes'. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 2046A

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

June 23, 2004

Larson moved to approve the staff recommendation of conditional approval, seconded by Carroll.

Pearson stated that the last time this came before the Commission she voted against the development and she will do the same today; however, she voted in favor of the change of zone because it is less restrictive.

Motion for conditional approval carried 8-1: Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand voting 'yes'; Pearson voting 'no'. This is a recommendation to the City Council.

USE PERMIT NO. 150A

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

June 23, 2004

Larson moved to approve the staff recommendation of conditional approval, seconded by Carroll.

Taylor noted that they are waiving sidewalks but he is glad to see the trail. He thinks it is very important to always have alternate modes of transportation.

Motion for conditional approval carried 8-1: Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand voting 'yes'; Pearson voting 'no'. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 04025,

LIBERTY VILLAGE COMMUNITY UNIT PLAN,

and

STREET & ALLEY VACATION NO. 03017,

ON PROPERTY GENERALLY LOCATED

AT 14TH & VINE STREETS.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 23, 2004

Members present: Pearson, Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand.

Staff recommendation: Deferral until July 21, 2004.

Ex Parte Communications. None.

Greg Czaplewski of Planning staff submitted an email in opposition from one of the neighbors.

Proponents

1. Fernando Pages, owner of the property and developer/builder of the project, presented the application. This project has several unique ingredients, including compatibility, affordability, architectural character, multi-cultural component and ecology. The project, although small (about 1 acre), has been in the planning process for more than a year and has incorporated the input of a number of people within the city and the architectural community.

As part of the development, Pages stated that he reviewed and considered the objectives of the Antelope Valley development. He viewed it as “one community fit” in terms of the architecture and in terms of the demographics of the neighborhood. Affordability is important in the housing element.

Antelope Valley is a watershed/flood control project. Early on, Pages engaged an architectural firm and consulted with Ed Zimmer, historical planner for the city. He hopes to achieve something whereby this block will be the kind of place where people will want to walk and a place the city can use as a milestone for future Antelope Valley development. He believes this would be the first residential project in the Antelope Valley area and will set a good milestone in architectural sensitivity and approach to development.

One unique aspect is the floor planning. The area has a lot of immigrant and refugee population and Pages has taken into account the architectural preferences of various cultural groups in developing the floor plans.

Pages believes that the most important element of the project is affordability. These homes will sell for about \$120,000, with targeted NIFA funds with low interest rates and downpayment assistance. This is an attempt to get an economic mix in the neighborhood. The homeowners association will include a clause that the homes must be owner occupied in perpetuity.

Pages pointed out that the parking and the access all runs along a private alley behind the homes so that there are no curbcuts onto U Street, Vine Street or the surrounding area. Larson inquired whether the alley be paved. Pages indicated that it would be paved, hopefully with a permeable asphalt (one of the elements in watershed management) so that the water runoff will be dealt with on-site. There will not be any parking on Vine Street. Carroll asked whether the alley will go completely through. Pages stated that it would. It will not be completed during the first stage, but in the final stage the alley will go through. The applicant does not own the property on 23rd Street at this time; however, he is in negotiations.

2. Mark Hunzeker appeared on behalf of **Brighton Construction**, the owner and developer. There has been a fairly long process of getting this project brought forward in meeting with city staff and numerous contacts and meetings with the neighbors in the area. Some of the neighbors have not responded to invitations to meet, but all of those who have

attended have expressed no objection. The objection to the street and alley vacation received today was the result of a misunderstanding--the person believing that there would not be rear access to the homes.

Hunzeker advised that the alternative use for this site as currently zoned would include a 38-unit apartment building with attendant parking. He thinks that would be less compatible with the neighborhood and less innovative. This is going to be the first of the Antelope Valley redevelopment projects and the developer hopes to set a standard that is one to which to aspire as opposed to one to avoid.

With regard to the conditions of approval in the staff report, Hunzeker indicated that he has met with staff and believes the staff is substantially in agreement with his proposed amendments:

- Delete Condition #1.1.4, which requires relocating sidewalks on 24th Street to be in a standard location of 3' from the property line. Hunzeker believes that everyone is in agreement that that is not a good location for the sidewalks.
- Revise Condition #1.1.8 by changing "same" to "identical". This condition requires that no two adjacent structures have the "same" architectural design. Hunzeker believes that "same" is less precise than "identical". There will not be huge variations in architectural design but the applicant will be willing and able to work with Ed Zimmer so that they will not be "identical" side by side.
- Add new condition #1.1.9: Add a note showing a common access easement for all lots within the 34' area between building envelopes, and a public access easement over the driveway. The private access easement may be released at such time as the property to the west of the CUP is incorporated into the CUP.
- Change "40" to "34" in Condition #1.2.3, which has to do with the width of the sewer and water easement for the sewer and water lines that run down the private roadway. The standard is that you have to have both of those lines 15' away from abutting structures. Generally speaking, this would then require a 40' easement to accommodate the design standards. The applicant is asking that the 40' easement be reduced to 34'. This is a waiver of design standards and will require re-advertising so Hunzeker requested a two-week delay.
- Amend Condition #1.3 to read: Revise the grading plan to the satisfaction of the Public Works Department. This has to do with how to drain the subdivision prior to incorporating the west part of the block. One of the lots may be designated nonbuildable so that a swale can be created across it in

the interim, or some other alternative.

- Delete Condition #1.3.1 and #1.3.2 (which related to Condition #1.3).
- Delete “the east side of 23rd Street” in Condition #1.6.2 and #1.6.5. Both conditions have to do with sidewalks along the east side of 23rd Street in an area which this developer does not control. That sidewalk will be incorporated in the future as the redevelopment plan progresses.
- Delete Condition #1.6.6: “...complete any other public or private improvement or facility required by Chapter 26.23....in a timely manner which inadvertently may have been omitted from the above list of required improvements.” Hunzeker stated that this is the first time he has seen this requirement. This is the kinda “gotcha” that Hunzeker hates to see. He believes it is incumbent on both sides to be thorough. If there is going to be fairness and due process in this arena, it seems that there should be fair notice of what is required given at the time when there is a chance to ask for a change or modification. He believes this is an onerous requirement that is unfair to the developer.

Pearson referred to Condition #1.1.4 and asked where Hunzeker would suggest the sidewalk be located. Hunzeker pointed to Condition #1.1.3 which requires a sidewalk connection from U to Vine along 24th Street. There is a project in Vine Street right now that does show a sidewalk connection and they will work with Public Works to arrive at an acceptable location for a sidewalk in 24th Street for that block. If the sidewalk were placed in the standard location, it would place it so close to the two houses that it would be uncomfortable for the people inside and even for the people walking by. The applicant is asking for some flexibility on the placement of the sidewalk.

Carlson asked Hunzeker to explain the amendment to Condition #1.1.9 regarding the access easement. Hunzeker explained that there is 34' between the building envelopes on the back side where the access road is located, along with the sewer and water lines. The common access easement is for the purpose of allowing people to enter that private drive and have an easement to turn around on those driveways in order to get back out. It is a way of dealing with the issue of a temporary dead-end without having to build a cul-de-sac and waste the money that goes with that.

Hunzeker also advised that the developer is working with Urban Development on the piece of property which this developer does not own. It will be included in the redevelopment plan, but it is his understanding that Urban Development definitely wants that property included. Urban Development does not own the property at this time.

Opposition

1. Ed Patterson, Malone Neighborhood Association, and a homeowner immediately across the street from this project, testified in opposition. The suggestion that everybody in the neighborhood is either for this project or doesn't care is not true. There are three single family homes across 24th Street that are opposed. Ross Scott and two other property owners on Vine Street are opposed. All of the individuals who are familiar with the area are in opposition to the idea of vacating 15-20 feet of city land to be able to push the faces of these units essentially out into the street. The family across U Street is in opposition. All of the owner occupants adjacent are in opposition.

Patterson clarified that the Malone Neighborhood Association, which is an area of one square mile, is officially against this project. Last year, Peggy Struwe wrote a letter on behalf of the Hawley Historic Preservation District in opposition.

Patterson pointed out that the area involved was three 50' wide lots of three single family homes. This proposal talks about 16 or 17 units, so the developer is trying to cram 17 single family homes on what was either 3 or 5 houses.

Patterson urged that the promise of owner-occupant in perpetuity is tough to enforce and he is not sure it is even legal.

With regard to parking, there will be two stalls for three bedrooms. What we have seen in Malone Village is that the three bedrooms end up being three adults with their own cars and the rest of the cars are out on the street.

Larson inquired as to the basis of Mr. Patterson's opposition. Patterson responded that we essentially have single family construction being compressed on the land that would normally support either three or five single family homes. They talk about apartment houses as being bad, but some of the best and most desirable places in the world can be apartment houses. No matter what goes there, it should not be projecting out into the street. The whole character of the rest of that part of the neighborhood is single family homes or apartment houses that are landscaped and have complied with the front yard requirements. "We're putting kids right in the street."

Pearson clarified that Patterson is not opposed to the density but the encroachment into the street. Patterson stated that he will not make a blanket statement that the density is either good or bad. In Lincoln, we have this notion that multi-family is bad. It is how you do it. It is not simply the category of good or bad.

With regard to the parking issue, Patterson believes the developer is going toward one car for every bedroom. But when you take a single family home with three bedrooms and you only have two off-street parking stalls, that means one goes on the street. In addition, he does not believe the home ownership concept can be enforced. Bills-Strand believes the financing mechanisms will require owner occupants. Patterson stated that that same type

of financing was used for the housing in Malone Village, but a lot of those homes are now rentals.

2. Ross Scott, new property owner in this neighborhood at 720 North 24th Street, testified in opposition. He did not receive written notification of this pending action nor has he seen signs on the property. He heard about it from his neighbors. His main concern will be congestion. He does not have access to the alley. He must rely on street parking. Sixteen homes on approximately five lots will create a lot of congestion. He likes green area. He would like to see how the storm drainage is going to be controlled. Where are the children going to play?

3. Betty Levitov, 710 North 24th Street, adjacent to Mr. Scott, testified that she has no objection to the design of the units but she is opposed to the amount of space being utilized by this project. It seems that the design is in direct violation of the objectives stated by the builders because you've got two violations in safety and aesthetics. She has lived in the neighborhood for 32 years and she has been pleased with the Malone Village and the beautification of the neighborhood, but now she sees this as a move in the opposite direction. Where are the kids going to play? You've got houses far too close to the street. We need places for gardens, landscaping and for kids to play.

Rick Peo of the City Law Department referred to Condition #1.6.6 which was requested to be deleted. This is a requirement that Law Department has asked be put in all subdivision agreements primarily because Chapter 26.23 requires minimum development standards for approval of a final plat unless specifically waived through former waiver procedure. The Planning Department sends out a letter to the developer advising of the conditions. Not listing the requirement in the letter is not considered a waiver. This condition has been put in all subdivision agreements just to show that unless you ask for a waiver of the minimum development standards, you do not get it waived if for some reason it was not listed in the conditions of approval of the plat. There are development standards that have to be met and if you do not want to comply you have to request a formal waiver.

Greg Czaplewski of Planning staff offered comments by Urban Development as Wynn Hjerstad had to leave for a meeting in the Mayor's Office. Urban Development is in support because of the home ownership opportunities to stabilize existing neighborhoods. This has been incorporated into the enhancement of Vine Street. This is the first redevelopment project in the Antelope Valley area so Urban Development has been involved and they feel that it has received quite a bit of scrutiny from the city. They are satisfied that the city requirements are being met. The CUP allows a greater level of design control and some of the conditions limit their design features and character, more so than we could do through regular zoning. Under the existing zoning, they could do twice the number of units in a multi-family format. They have chosen single family to encourage home ownership.

Carlson asked for a staff response to the proposed amendments. Czaplewski advised that

staff is in agreement with all of the amendments, except the deletion of Condition #1.6.6, which has been addressed by Rick Peo. Condition #1.2.3 will require a waiver and the staff agrees to a two-week deferral.

Carlson confirmed that the sidewalks and street trees required in Conditions #1.6.2 and #1.6.5 will subsequently become part of this project. Czaplewski concurred. They will be required as part of the final platting process.

In response to an inquiry by Pearson, Czaplewski confirmed that the standard side yard setback for R-6 is five feet. This application is requesting four feet.

Pearson asked staff to respond to the concern about where the children are going to play. Czaplewski agreed that it is a tight site plan. The Planning Department often receives requests to waive the open space requirements in CUP's and it is not uncommon to waive that requirement if there are neighborhood parks nearby, as is the case here.

Bills-Strand inquired whether a 38-unit apartment building would have an open space requirement. Czaplewski advised that if they did the apartment building as a CUP, there would be an open space and recreational facility requirement. If they did a multi-family under straight zoning, there would not be an open space or recreational facility requirement.

Response by the Applicant

Pages advised that he bought the property thinking about building an apartment building. But, in conversation with the seller and later on in conversation with Urban Development and Police Chief Casady, he decided that it was not the best thing to do, given the Antelope Valley area and the Police Chief's desire to convert to home ownership. It is an extremely good location for rental, but he deferred to the wishes of the seller (church) and the conversations with the Police Chief and Urban Development. When he began the project, he did contact every single one of the neighbors, although he may not have contacted Mr. Scott as a new owner. He did send letters and placed phone calls to Ed Patterson and Barb Morley and received absolutely no reply. He did meet with Hawley Neighborhood and had one meeting with the board. In response to that meeting, he agreed to involve Ed Zimmer as oversight from the city and agreed to involve Neighborhoods, Inc. Neighborhoods, Inc. is actually a partner in the project at this point. The City has a tremendous amount of oversight and control in the architecture.

Pages also clarified that the property owner across the street was confused about the vacation of the alley and he is no longer in opposition to the project.

Pages clarified that there are zoning signs posted on the property.

Pages indicated that he is surprised by the comments by Mr. Patterson because he has made himself available and has met with many of the neighbors. In fact, he has made modifications to the project in response to some of the neighbors' concerns.

Page also suggested that Mr. Patterson's representation that the houses are on the street is disingenuous. Although there is a request for street vacation, U Street has an extremely wide right-of-way and the houses will be 22' away from the curb. The larger units have flat roofs on the garage with an access to the garage so that the people have a large balcony area over the garage. They do have some back yard and there are a lot of landscaping improvements.

Hunzeker reminded the Commission that the R-6 zoning district would allow 38 units on this property with 1.75 parking stalls per unit, or a total of 67 stalls for 38 units. In addition, it would require a total of 3,085 sq. ft. of unobstructed open space. That could be met by a 30' x 100' strip between the building and the parking lot, or in some other fashion, that would be less usable in terms of children playing than what is being provided.

Hunzeker believes that the suggestion that this is sufficient room for 5 houses is misleading. The property is zoned for multi-family and he believes this is a much more compatible use and a project that should be approved.

Marvin believes the neighborhood might accept 5-6 units. Pages responded that the result would be five \$300,000 houses and this is not the right area for that type of house.

Hunzeker also pointed out that every single family house in every community unit plan in town provides 2 parking stalls per unit. The homes in Wilderness Ridge have two parking stalls per unit. These are 100' rights-of-way. This is not encroaching into the actual street area. Most residential subdivisions have 60' wide rights-of-way. Hunzeker believes that taking 10-15 feet to accommodate this project makes a lot of sense, particularly when the city is in the process of taking 12' along the Vine Street frontage. By vacating U Street, we are getting back what the city is taking from this project on the Vine Street side in order to accommodate the streetscape improvements. In order to meet minimum building code requirements, these homes could have been situated closer together, but Planning requested the developer move them apart, and that is where the vacation of 24th Street came in.

Pages reiterated that the homeowners association would be the mechanism to enforce the home ownership requirement.

Czaplewski confirmed that a sign was posted on the site. As far as the mailing notice, the property owned by Mr. Scott was listed as being owned by Bank One in the County Assessor records. Perhaps the change of ownership had not yet been recorded. The notices are mailed to the current property owner according to the County Assessor records.

Larson stated that he is concerned about the two lots on the end. What is the status? Wynn Hjermsstad of Urban Development arrived and responded that Urban Development is in the process of finalizing the Antelope Valley Redevelopment Plan, and this project is one of the key projects. The entire block is identified in that Redevelopment Plan. There is also language that will authorize the city to acquire those last two houses.

Carlson moved two week deferral on both the special permit and the street vacation, seconded by Sunderman. Upon discussion, the motion was withdrawn.

Carlson moved to defer Special Permit No. 04025, with continued public hearing and administrative action on July 7, 2004, to accommodate the advertising of the additional waiver request, seconded by Taylor and carried 9-0: Pearson, Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand voting 'yes'.

STREET VACATION NO. 03017

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

June 23, 2004

Larson moved to find the vacation to be in conformance with the Comprehensive Plan, seconded by Sunderman.

Pearson indicated that she is nervous about voting for this. She is impressed with the elevations and impressed with the development, but she is concerned about putting eight houses with a potential duplex at the end. She has real reservations. She would rather also defer the vote on the street vacation as she is really torn and wants to drive back out and take a look at it.

Carroll was concerned about approving the street vacation. What if the CUP is denied in two weeks? Czuplewski noted that there are several conditions that must be satisfied prior to scheduling the street vacation on the City Council agenda. The Council could still vacate the right-of-way if the CUP is denied. They could possibly reach City Council at the same time, but there is no guarantee.

Motion to find the street vacation in conformance carried 7-2: Carroll, Marvin, Krieser, Larson, Sunderman, Carlson and Bills-Strand voting 'yes'; Pearson and Taylor voting 'no'. This is a recommendation to the City Council.

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SPECIAL PERMIT NO. 04033
STERLING HILLS COMMUNITY UNIT PLAN,
ON PROPERTY GENERALLY LOCATED
AT S. 37TH STREET AND YANKEE HILL ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 23, 2004

Members present: Pearson, Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand.

Staff recommendation: Deferral.

Ex Parte Communications. None.

Proponents

1. **Paula Dicerio, Associated Engineering**, 1232 High Street, appeared on behalf of **Sterling Hills, L.L.C.**, and agreed with the two-week deferral recommended by staff.

There was no testimony in opposition.

Taylor moved to defer two weeks, with continued public hearing and administrative action scheduled for July 7, 2004, seconded by Carlson and carried 9-0: Pearson, Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand voting 'yes'.

STREET & ALLEY VACATION NO. 03023
TO VACATE THE NORTH 10' OF Q STREET
LOCATED AT N. 8TH STREET AND Q STREET.
CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 23, 2004

Members present: Pearson, Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand.

Staff recommendation: A finding that the street vacation is not in conformance with the Comprehensive Plan.

Ex Parte Communications. None.

The Clerk announced that the applicant has submitted a request for additional deferral until August 4, 2004.

Taylor moved to defer, with continued public hearing and administrative action scheduled for August 4, 2004, seconded by Krieser and carried 9-0: Pearson, Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand voting 'yes'.

**COMPREHENSIVE PLAN AMENDMENT NO. 04002,
LINCOLN AIRPORT F.A.R. PART 150 NOISE COMPATIBILITY
STUDY**

and

**CHANGE OF ZONE NO. 04024,
TEXT AND MAP AMENDMENTS TO TITLE 27 OF
THE LINCOLN MUNICIPAL CODE IN RESPONSE
TO THE NOISE COMPATIBILITY STUDY.**

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: June 23, 2004

Members present: Pearson, Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand.

Staff recommendation: Approval of the Comprehensive Plan Amendment, and approval of the Change of Zone, as revised on June 17, 2004.

Ex Parte Communications. None.

Proponents

1. Duncan Ross of Planning staff stated that some points of clarification in the change of zone application have been resolved during the last eight weeks and the revisions to the text amendment were submitted on June 17, 2004. Nothing has changed on the Comprehensive Plan Amendment.

In 2002, the Airport Authority initiated a Part 150 Study to update the noise study that was done in 1980. After a long process with the public and an advisory committee, the study was completed in September of 2003, and just last week the airport was notified that the FAA has accepted the study.

These applications are a result of the noise study and the recommendations that were contained therein. This application also increases the future service limit and changes some land uses outside the areas impacted by noise.

The revisions to the text amendment clarify some of the language regarding aviation and noise easements.

As a result of this amendment, Ross indicated that we are now regulating up to 60 DNL sound level for restriction of certain land uses that are sensitive to noise, where previously, we restricted certain uses only down to 65 DNL. This also increases the district boundary to include areas that are in the future growth zones of Lincoln.

2. John Wood, Executive Director of Lincoln Airport Authority, testified in support. He explained the study process, being the result of the changes in the noise level of civil

aircraft and the change in aircraft types used by the National Guard with there being no fighter jets being flown by the National Guard. The purpose of the legislation is to continue to protect the airport from encroachment by incompatible uses. Because aircraft have gotten quieter, some areas surrounding the airport can be considered for uses that were restricted in the past. He asked the Commission to keep in mind that while some areas previously restricted from noise sensitive uses, such as residential development, may now be allowed, some of these areas are still exposed to aircraft over-flight and aircraft noise. Additional areas west of the airport are proposed to be included in the Airport Environs District. This is related to the change in aircraft by the Air National Guard. Wood also submitted an appraisal from Matthew J. Wilson indicating that there is no relationship between aviation easements and property value.

There was no testimony in opposition.

COMPREHENSIVE PLAN AMENDMENT NO. 04002

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

June 23, 2004

Larson moved approval, seconded by Marvin and carried 9-0: Pearson, Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand voting 'yes'. This is a recommendation to the City Council and the Lancaster County Board.

CHANGE OF ZONE NO. 04024

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

June 23, 2004

Larson moved approval, as revised, seconded by Krieser and carried 9-0: Pearson, Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand voting 'yes'. This is a recommendation to the City Council.

ANNEXATION NO. 04001,

CHANGE OF ZONE NO. 04007

FROM AG AGRICULTURAL TO R-3 AND R-5 RESIDENTIAL,

and

PRELIMINARY PLAT NO. 04002,

STONE BRIDGE CREEK 1ST ADDITION,

ON PROPERTY GENERALLY LOCATED

AT NO. 14TH STREET AND INTERSTATE 80.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 23, 2004

Members present: Pearson, Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand.

Staff recommendation: Approval of the annexation, subject to an annexation agreement; approval of the change of zone; and conditional approval of the preliminary plat.

Ex Parte Communications. None.

Proponents

1. Jason Thiellen, Engineering Design Consultants, appeared on behalf of **Stone Bridge Creek, LLC.** This is a proposal to add 328 lots to this area. The developer is in general agreement with the conditions of approval; however, Thiellen requested to revise Condition #1.1.5 to strike language as follows:

Revise the layout of the townhouse area so that ~~the proposed private driveway and~~ the land between the drive and the interstate is shown in an outlot.

If the driveway is in the outlot, the outlot would not be buildable. He believes that staff agrees with this amendment.

With regard to Condition #1.1.7, Thiellen stated that the developer has been in contact with the NDOR to come up with a design solution to reduce the noise pollution. The developer also has a letter from the Health Department approving the design. They have also shown them the grading and landscape plans.

There was no testimony in opposition.

ANNEXATION NO. 04001

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

June 23, 2004

Taylor moved approval, subject to an annexation agreement, seconded by Sunderman and carried 8-0: Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand voting 'yes'; Pearson abstained. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 04007

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

June 23, 2004

Taylor moved approval, seconded by Sunderman and carried 8-0: Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand voting 'yes'; Pearson abstained. This is a recommendation to the City Council.

PRELIMINARY PLAT NO. 04002

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

June 23, 2004

Carlson moved to approve the staff recommendation of conditional approval, with the amendment to Condition #1.1.5, as requested by the applicant, seconded by Carroll. Taylor stated that he is glad the developer withdrew the request to waive the pedestrian easement.

Motion for conditional approval, with amendment, carried 8-0: Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand voting 'yes'; Pearson abstained. This is final action, unless appealed to the City Council.

ITEMS NOT APPEARING ON THE AGENDA:

June 23, 2004

Members present: Pearson, Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand.

Marvin referred to the recent Angelou report indicating that there is a lack of industrial zoning and industrial zoned land. Marvin asked whether there is any running total in terms of approved lots and where we stand in terms of either the lack of or supply of land in all the different categories and different stages of development? Marvin Krout, Director of Planning, responded, stating that it's the question of which need is more urgent at the time. We've also been converting land zoned for multi-family to other categories recently. He does not believe the Department keeps a running tally. Mr. Angelou is right that we don't have large tracts of land with services that are in the economic developer term "shovel ready" for industrial development that are 50 acres plus in size. The city recently installed on the Web site an inventory of commercial and industrial land. The largest tract ready for development is about 24 acres. We are attempting to move as quickly as possible to extend infrastructure to some large areas of land where that might be possible. The history of the community, though, is that we have to be very patient to watch the development of an industrial park over time and most developers don't have the kind of resources to do that when there are other potential land uses available. There may have not been that much demand for very large tracts of land. He agreed that it is a problem. The city is trying to extend water and sewer along the corridor of West I-80 and West O out towards the 48th Street interchange, areas that might be suitable for industrial development, but we might be a couple years away from getting infrastructure in place.

Krout suggested that the Department could update the table that shows land that is zoned industrial in the Comprehensive Plan, both in and outside of the floodplain.

Bills-Strand noted that Angelou also stated that in 2002 to 2003 the average income in Lincoln went up \$600 and the average housing price went up \$14,000. She believes that the supply of our lots is the biggest factor in those increases.

Marvin suggested that Angelou's numbers weren't exactly accurate. There has been a steady increase of about 6% or more in the average sales value of land, and that is consistent in a lot of locations and not unique to Lincoln. But it is an issue we are trying to address.

Carlson observed that it does seem like we're working hard, and it would be nice to know if we are gaining ground.

There being no further business, the meeting was adjourned at 3:15 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on July 7, 2004.

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