MEETING RECORD

NAME OF GROUP:	PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING:	Wednesday, August 18, 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, Dan Marvin, Melinda Pearson, Mary Bills-Strand, Lynn Sunderman and Tommy Taylor (Roger Larson absent); Marvin Krout, Ray Hill, Mike DeKalb, Brian Will, Greg Czaplewski, Tom Cajka, Becky Horner, David Cary, 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 August 4, 2004. Motion for approval made by Krieser, seconded by Carroll and carried 8-0: Carlson, Carroll, Krieser, Marvin, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'; Larson absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION: August 18, 2004

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

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 04043; CHANGE OF ZONE NO. 04047; CHANGE OF ZONE NO. 04048; SPECIAL PERMIT NO. 1692C, Amendment to the WILDERNESS RIDGE COMMUNITY UNIT PLAN; USE PERMIT NO. 126B; USE PERMIT NO. 117A; USE PERMIT NO. 123C; SPECIAL PERMIT NO. 04004A, Amendment to the STONE BRIDGE CREEK COMMUNITY UNIT PLAN; and COUNTY FINAL PLAT NO. 04075, OAK PRAIRIE ESTATES.**

Item No. 1.1, Change of Zone No. 04043, and Item No. 1.6, Special Permit No. 04004A, were removed from the Consent Agenda and scheduled for separate public hearing.

Marvin moved to approve the remaining Consent Agenda, seconded by Carroll and carried 8-0: Carlson, Carroll, Krieser, Marvin, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'; Larson absent.

CHANGE OF ZONE NO. 04043
TEXT AMENDMENT TO TITLE 27
OF THE LINCOLN MUNICIPAL CODE
TO ALLOW CHURCHES AS A CONDITIONAL
USE IN THE I-1, I-2 AND I-3 INDUSTRIAL DISTRICTS.
PUBLIC HEARING BEFORE PLANNING COMMISSION: August 18, 2004

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

Staff recommendation: Approval.

Ex Parte Communications: None.

This application was removed from the Consent Agenda by staff.

Proponents

1. Rick Peo of the City Law Department stated that the purpose of this text amendment is to allow churches to be a conditional use in the I-1, I-2 and I-3 Industrial zoning districts. This amendment was prompted by a request from a church to locate in the I-1 district. The Law Department found there were other uses that were the same as churches that are allowed in the Industrial districts. To provide equal treatment for churches, they need to be authorized in the Industrial districts as well.

In response to the concerns raised by the Health Department, conditions are imposed such that 1) the church is responsible for notifying the Health Department within 48 hours of becoming aware that quantities of hazardous materials are being stored, transported, dispensed, used or handled on property within 300 feet of the church; 2) in such event, the church is required to work with an abutting property owner who might bring in hazardous materials in cooperation with the Health Department; and 3) the HVAC shut-off breaker switch must be readily accessible to the church members and they should be trained to shut off the breaker switch to stop air filtration into the building while hazard might be passing by. These conditions are satisfactory to Health Department and the staff has had discussions with the church regarding these conditions.

Bills-Strand is concerned that by allowing churches to locate in these industrial areas, it may discourage industrial uses from locating in the area. Peo responded that the business has a right to locate in the industrial area and they will be allowed. We have allowed day care, gymnastics, banquet halls, etc., so we have a multitude of these types of uses in the industrial district, and the purpose of this ordinance is to put the church on equal footing and not discriminate. It does not preclude the industrial use from locating in the district. The church can have a child care facility by special permit.

Carroll confirmed that the burden of notification would be on the church and not on the industrial uses that are permitted. Peo concurred. Conditions are imposed to protect the safety of the occupants of the church and to notify the Health Department if a business locates next to the church so that they can work together to accommodate the uses and work out safety precautions.

Taylor commented that the burden would be on the church to make the report but it would be the burden to respond to the Health Department would be upon the business. Peo clarified that the business would not have a duty to do anything, but he believes they can work together with the Health Department to resolve any concern.

Bills-Strand again expressed concern about discourages business from coning into these areas because of the extra requirements with a church located there. Peo stated that the bottom line is that under federal law we have a duty not to discriminate against the church, and now we are not treating them the same as similar type uses.

Pearson asked for clarification of the early childhood care facilities and schools that are permitted in these districts. Peo stated that private schools and day care can be allowed as a special permitted use. The church would be a conditional use, imposing the same conditions that we have been attaching to special permits. Part of the problem here is the burden for a church to come forward and go through the special permit process. That was one of the reasons of doing it as conditional use if the conditions are satisfactory to the Health Department.

2. Amy Miller, legal director for **ACLU Nebraska**, appeared on behalf of the Church of the Awesome God, which has been located in the I-1 zoning district in Lincoln since 2001. Although this proposal is treating churches somewhat differently because there are specific requirements for churches not required of other uses, she does not believe the requirements to be financially burdensome and the Church of the Awesome God can cooperate with those conditions.

There was no testimony in opposition.

Pearson requested clarification on the difference between a conditional use and the special permitted use that day care and private schools have. Peo explained that they are not the same. The idea of a conditional use is that you can get a building permit right away if you can meet the conditions without gong through the public hearing process. This is just a question of determining that the conditions are defined appropriately.

Marvin wondered whether this would cause day cares to think they were be discriminated against. Peo does not believe day care is a protected class the same as a church. The issue of conditional or special permitted use could be investigated further in the future, if necessary or desirable.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: August 18, 2004

Taylor moved approval, seconded by Carlson and carried 7-1: Marvin, Krieser, Sunderman, Carlson, Carroll, Taylor and Bills-Strand voting 'yes'; Pearson voting 'no'; Larson absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 04004A,
AN AMENDMENT TO THE STONE
BRIDGE CREEK COMMUNITY UNIT
PLAN, ON PROPERTY LOCATED AT
7310 WHITEWATER LANE.
PUBLIC HEARING BEFORE PLANNING COMMISSION: August 18, 2004

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

Staff recommendation: Conditional approval, as revised on August 18, 2004.

Ex Parte Communications: None.

Becky Horner of Planning staff submitted revised conditions of approval from the staff and a letter in opposition from the neighbor at 7339 Silverthorn Drive.

Proponents

1. Dan Byers, with Meyer Homes, presented the application on behalf of the property owners and addressed the letter in opposition. He never stated that the Planning Commission would pass this automatically. He does not have that kind of experience to know. With regard to falling from the deck onto the neighbor's fence, Byers stated that the deck will still be 13 feet from the neighbor's fence. When he talked to the homeowner he said he would work with them to reduce the width of the deck to accommodate him and the property owners building the deck.

Carlson noted that the deck is still a significant distance from the rear. Byers pointed out that the deck is 13' from the back fence -- the requirement is 20', so it is only encroaching 7'. Byers does not see it as inhibiting to the property owner in the rear who is objecting. Pearson believes that the builder (Meyer Homes) had the opportunity to build the house further toward the front of the property. Byers acknowledged that it was a mistake made by the person who installed the foundation. When asked whether he had gone to the Board of Zoning Appeals, Byers stated that he is before the Planning Commission to exhaust all other measures before going to Board of Zoning Appeals. Pearson believes the Board of Zoning Appeals requires a hardship and she is trying to imagine the hardship. Byers then stated that it is a walk-out lot with a sliding door that would come out the back of the home. If they had built the house to the front of the buildable area, they would not be here today.

Pearson believes there should be empathy with the neighbor. Byers indicated that he is willing to work with them and could hopefully negotiate something.

There was no testimony in opposition.

Carroll clarified that the approval of this amendment is for the deck only and does not change any other setback requirements other than for the deck. Horner agreed that it is specific to the deck. They could not cover the deck or enclose the deck without applying for another amendment.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: August 18, 2004

Pearson moved to deny. Motion failed for lack of a second.

Carroll moved to approve, with conditions, as revised, seconded by Sunderman.

Carroll noted that it was an error by the subcontractor of the builder, but he does not believe it is going to inflict any large harm on any property owners around it. It is only for the deck. It is a small encroachment into the setback requirements but not a major one. In order to allow the deck, he agrees to approve it.

Motion for conditional approval, as revised, carried 6-2: Marvin, Krieser, Sunderman, Carlson, Carroll and Bills-Strand voting 'yes'; Pearson and Taylor voting 'no'; Larson absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 04042
TEXT AMENDMENT TO TITLE 27
REGARDING MESSAGE CENTER/ELECTRONIC
CHANGEABLE SIGNS IN THE H-3 DISTRICT.
PUBLIC HEARING BEFORE PLANNING COMMISSION: August 18, 2004

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

Staff recommendation: Denial.

Ex Parte Communications: None.

The Clerk announced that the applicant's representative has submitted a written request for four-week deferral.

Carlson moved to defer four weeks, with continued public hearing and administrative action

scheduled for September 15, 2004, seconded by Carroll and carried 8-0: Marvin, Pearson, Krieser, Sunderman, Carlson, Carroll, Taylor and Bills-Strand voting 'yes'; Larson absent.

CHANGE OF ZONE NO. 04032
TEXT AMENDMENTS TO THE
PLANNED UNIT DEVELOPMENT ORDINANCE.
PUBLIC HEARING BEFORE PLANNING COMMISSION: August 18, 2004

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

Staff recommendation: Approval.

Ex Parte Communications: None.

Proponents

1. Becky Horner of Planning staff presented the application to revise the Planned Unit Development ordinance. For several years developers have requested more flexibility of the process and Planning staff began reviewing the district for possible revisions. This proposal:

- Removes the pre-application requirement and eliminates the 30-day staff review;
- Allows more flexibility to the amount and location of residential and commercial floor area within a PUD;
- Allows minor variations of the site plan to be approved at the time of building permit;
- Allows the Planning Director to approve internal variances and approve minor increases (up to 15%) in commercial floor area and residential dwelling units; and
- Places a greater responsibility on the applicant to provide mitigation for all potential impacts.

The staff believes that these changes simplify the PUD process and allow greater flexibility of the district, while upholding the spirit and intent of the Comprehensive Plan.
Marvin suggested that being able to see the site plan and know what's going into the neighborhood is a plus for all the parties concerned and this appears to reduce that element to some degree. Horner stated that the application will be required to show all information that is required by a community unit plan and preliminary plat, including proposed floor areas and proposed uses, but there may be minor variations at the time of building permit, such as the parking lot layout, which do not impact neighboring properties. There is presently an administrative amendment process which allows the Director of

Planning to approve variations to site plans under use permits, community unit plans and the PUD process, but these amendments would allow a little more flexibility for the Planning Director to maybe increase units, such as reducing the size of lots slightly to allow an additional lot, yet be within the required density.

Carlson inquired whether the yellow sign gets posted on the property when there is an application for administrative amendment. Horner stated that an administrative amendment does not require a sign to be posted on the property. There is no opportunity for public input but the application is reviewed by other departments. If it's a great enough deviation or change, the Director of Planning would not allow it to be approved administratively. If the staff believes it would impact any of the neighbors at all, it would have to go back to the Planning Commission and City Council. Carlson suggested that this means that we are relying on the current lighting and other code requirements. Horner stated that administrative amendments are handled in that manner now.

2. Peter Katt appeared on behalf of his law firm which does a lot of work in the land use development area and agreed that they have encouraged greater flexibility and adaptability of the zoning ordinance. The staff has been diligently working on these amendments, and he is in support. The PUD is another great tool for the city to have to do great projects in new and existing areas. The purpose of the PUD is to provide flexibility. The zoning ordinances are very rigid. The purpose of this is to allow some degree of flexibility which allows for creative, innovative projects. The point he made at the Neighborhood Roundtable in support was that the great old neighborhoods could not be built today with the current zoning ordinance. If what we like in older neighborhoods is what should be available in newer neighborhoods, we need some tool to allow that flexibility to occur. His review of this language is that it is very flexible and accommodating and has a lot of public review and oversight. It's just another tool and he encouraged that the ordinance be adopted. The proof of how valuable this is will be in how it is used. The PUD has not been used for a long time because it does not work. It could be used for a number of projects with this flexibility.

3. Kent Seacrest testified in support. He has been practicing law 20 years and he has yet to use the PUD ordinance because the current structure is the most unfriendly and ill-conceived. The doctrine in Planning school was PUD's. He is excited to see that we might be able to put a PUD together for a progressive community. He commended the staff for this effort. This is the way you do walkability and mixed use. This will help the new areas as well as the older areas. This is how to create sustainability without always getting into a car to go someplace.

There was no testimony in opposition.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: August 18, 2004

Krieser moved approval, seconded by Carlson.

Carlson likes the idea and the general philosophy where we make things easier while making the rules and design guidelines clearer up front. We're moving in the right direction and he is okay with leaving discretion to the Planning Director. It always seems like a handful of things consistently seem to be the friction point and it is almost always the signage and the lighting.

Carlson offered an amendment to recommend to the City Council that they direct the Planning Department to examine the sign and lighting regulations to create better compatibility between the commercial uses and their surrounding uses. We need to double-check the rules as we move forward in this direction. Marvin Krout, Director of Planning, suggested that this recommendation could be formalized in a motion but it probably should not be in terms of an amendment to this ordinance. It should be separate action.

Carlson withdrew his motion.

Motion to approve carried 8-0: Marvin, Pearson, Krieser, Sunderman, Carlson, Carroll, Taylor and Bills-Strand voting 'yes'; Larson absent. This is a recommendation to the City Council.

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Carlson made a motion to recommend that the City Council direct the Planning Department to examine the sign and lighting regulations to create better compatibility between the commercial uses and their surrounding uses, seconded by Pearson and carried 8-0: Marvin, Pearson, Krieser, Sunderman, Carlson, Carroll, Taylor and Bills-Strand voting 'yes'; Larson absent.

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CHANGE OF ZONE NO. 3312
FROM R-3 RESIDENTIAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS
and
USE PERMIT NO. 135, NORTH HILLS RETAIL CENTER,
ON PROPERTY GENERALLY LOCATED AT
N. 14TH STREET AND FLETCHER AVENUE.
PUBLIC HEARING BEFORE PLANNING COMMISSION: August 18, 2004

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

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

Ex Parte Communications: None.

Becky Horner of Planning staff submitted revised Condition #2, removing approval of the waiver of the water main design standards.

Proponents

1. DaNay Kalkowski appeared on behalf of **Northen Lights LLC and Southview, Inc.,** the owners of this commercial area located on the east side of N. 14th Street between the Interstate and the future Fletcher right-of-way. In November of 1999, the City Council approved a change of zone to B-1 on all but 1.5 acres of this property. This was done in association with the preliminary plat for the North Hills residential neighborhood. The rationale for bringing the zoning action at that time was that the Comprehensive Plan showed it as commercial and to put the residential neighbors on notice. Since that time, her clients have obtained the 1.5 acres so this change of zone is for that small portion so that it can be included with this use permit.

The use permit includes approximately 198,000 sq. ft. of commercial uses. The larger uses are shown on the west side of the site and on the northwestern side up along the Interstate. The smaller uses are shown along the future Fletcher Ave. This property is substantially separate from the residential area to the south and to the east. The applicants are dedicating 130' right-of-way and a large wetland and large pond area to the south. The nearest residential neighborhood to the south and east is 200', ranging from 200'-400'. The construction of Fletcher Avenue is shown in CIP for 2004-05 and N. 14th Street improvements are shown in 2005-06. Sidewalks will be constructed along N. 14th Street and Fletcher Avenue, and they are showing sidewalk connections throughout internally.

Kalkowski agreed with the staff conditions of approval, as amended today.

Pearson inquired as to the use of the change of zone area now. Kalkowski advised that there is an old vacant house that is going to be moved off the site.

There was no testimony in opposition.

Carlson inquired about the allowable signage in B-2, particularly in consideration of the Interstate corridor. Horner stated that one off-premises pole sign or one on-premises ground sign, not exceeding 100 sq. ft. in area, shall be permitted to each public street provided street frontage extends for at least 300'. This would apply to Fletcher Avenue and along the Interstate, but she does not believe they have enough frontage on 14th Street. There are ground signs for each pad site of 50 sq. ft. in area. Carlson wondered about roof signs. Horner stated that wall signs are allowed but there is no definition in the ordinance for roof signs.

Marvin inquired whether there would be access to 14th Street off the Interstate at some point in the future. Dennis Bartels of Public Works indicated that there would be no Interstate interchange at 14th Street. 14th Street goes over the Interstate at this location. With the widening of the interstate, the bridge will have to be lengthened. Ideal spacing on the interchanges is approximately 2-mile spacing.

Pearson inquired whether the house that will be removed from the site is historic. Kalkowski did not believe it to be historic. The historic house is the Pegram property further south.

With regard to signage, Kalkowski indicated that the plan states that the signage will be in conformance with the ordinance.

CHANGE OF ZONE NO. 3312
ADMINISTRATIVE ACTION BY PLANNING COMMISSION: August 18, 2004

Taylor moved approval, seconded by Marvin and carried 8-0: Marvin, Pearson, Krieser, Sunderman, Carlson, Carroll, Taylor and Bills-Strand voting ‘yes’; Larson absent.

USE PERMIT NO. 135
ADMINISTRATIVE ACTION BY PLANNING COMMISSION: August 18, 2004

Taylor moved to approve the staff recommendation of conditional approval, as amended, seconded by Krieser.

Carlson commented that because this is on the Interstate corridor, he is hoping that the rules are sufficient and that the applicant and the builders are of the minds to present a nice face for the community.

Motion for conditional approval, as amended, carried 8-0: Marvin, Pearson, Krieser,

Sunderman, Carlson, Carroll, Taylor and Bills-Strand voting 'yes'; Larson absent.

CHANGE OF ZONE NO. 04049
FROM I-1 INDUSTRIAL TO R-5 RESIDENTIAL
and
SPECIAL PERMIT NO. 04040,
THE LEGENDS COMMUNITY UNIT PLAN,
ON PROPERTY GENERALLY LOCATED
AT N. 25TH STREET AND FAIRFIELD STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION: August 18, 2004

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

Staff recommendation: Deferral.

Ex Parte Communications: None.

Becky Horner of Planning Staff indicated that the staff met with the engineer for the applicant last week. The applicant needs to submitted a revised legal description and revised ownership certificate and a letter withdrawing some of the waiver requests. Therefore, a four-week deferral is necessary.

Carlson moved to defer for four weeks, with continued public hearing and administrative action on September 15, 2004, seconded by Krieser and carried 8-0: Marvin, Pearson, Krieser, Sunderman, Carlson, Carroll, Taylor and Bills-Strand voting 'yes'; Larson absent.

There was no other testimony.

SPECIAL PERMIT NO. 04034
FOR A HEALTH CARE FACILITY
ON PROPERTY GENERALLY LOCATED
AT SOUTH 27TH STREET AND TAMARIN RIDGE ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION: August 18, 2004

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

Staff recommendation: Conditional approval.

Ex Parte Communications: None.

Brian Will of Planning staff submitted revised conditions of approval to add Condition #2.1.1.6 relating to the parking shown on the site plan:

Development of Phase II shall be by administrative amendment subject to any additional required off-street parking being provided in compliance with LMC Chapter 27.67.

Proponents

1. Bill Lewis, attorney for **BryanLGH Medical Center,** presented the application for a disease management and health improvement center at 27th & Tamarin Ridge Road. There are no waivers or variances involved in this application. The staff is recommending conditional approval. A neighborhood meeting was held. Over 160 notices were sent out. Only three neighbors attended the meeting and there were no objections. There was a question in regard to the trip generation cap and this has been worked out with the staff.

Lewis went on to state that this project has been studied for a considerable period of time. This not only involves moving certain existing therapy and rehabilitation programs but also new programs that will be developed and used in this facility. It is kind of the cutting edge for this type of facility.

2. Diane Vogel, Director of Health Enhancement Services for BryanLGH Medical Center, explained that the facility will be a center for disease and health management, offering a variety of medically based services to deal with growing health care issues. The average health care costs are going up 20-40 percent; three of five adults are overweight; there are 20,000,000 people falling into the category of pre-diabetic and one in three people will have diabetes in 2030; in 1997, 435,000 deaths were attributed to tobacco use; and Nebraska had 2,700 deaths attributed to tobacco use; 2,600 die every day in America from heart disease; 50,000,000 have high blood pressure; and 100,000,000 have cholesterol at or near the at risk level. BryanLGH is very dedicated to making better health accessible to everyone, but to expand services they need a new facility. Health-related education and rehabilitation services are currently available at the medical center, but in order to continue to meet the needs of this growing and aging population, we need to raise the bar and provide disease management and disease prevention programs in both a cost effective and efficient manner.

Vogel further explained that the new facility, named Lifepoint, will continue to provide and move some of the services currently on the existing campus but will be expanded to asthma, obesity, cancer, stroke, arthritis, etc. They will also have screenings and programs available for people who want to assess their risk; there will be an urgent care facility; options for complimentary medical services; exercise and weight training equipment and indoor walking track; and a specially designed teaching kitchen offering classes to teach people how to cook foods for special dietary needs.

Physicians are seeking a way to provide services to their patients. BryanLGH has talked to physicians who have enthusiastically supported and embraced the direction that BryanLGH is taking.

3. Brian Carstens also testified on behalf of the applicant and indicated agreement with all conditions of approval, except Condition #2.1.1.2. They have no objection to sliding the driveway to the east to meet better sight distance, but they are requesting to combine the three driveway points into one with the access point going through the office lot to the north. It is important to note that the general corner of the building is the urgent care center. They believe it would be less confusing to use the entrance point as shown and signed accordingly. Combining the trips through those driveways might be confusing. A lot of people who will be using this facility will be elderly and they may be confused. Carstens requested that Condition #2.1.1.2 be revised as follows:

> ~~Consolidate the three easternmost driveways into one and align it with the access easement to the north that extends across the O-3 site, and~~ move the westernmost drive as far east as sight distance allows.

Carroll inquired whether there will be an island in front of that entrance with the widening of 27th Street. Dennis Bartels of Public Works advised that potentially, the Traffic Engineer would like to have that street designed as a left turn in only, with right out. The traffic study that was done by Bryan's consultant showed that that left turn movement could be at level of service F, so there will be some congestion at that intersection with stacking. Public Works would recommend eliminating lefts out at that intersection, which goes into the condition to consolidate those drives. If they use that driveway they can get to the signal at Porter Ridge. Public Works believes that one driveway would handle all of their traffic with the use of appropriate signage.

Marvin confirmed then that there will eventually be an island blocking left turn movements on 27th Street. Bartels agreed that to be the Traffic Engineer's recommendation at this point. Bartels added that he did not understand that this facility had a true emergency room type situation but only out-patient services. He made this recommendation from day one that Public Works intended to design it that way. There should have been the knowledge that this would be a condition. Lefts-in off of 27th Street will be allowed; it will just be the exiting so there should be no problem getting to the location on an emergency basis. There is a public access easement through this same development shown more or less straight north and there is a private street system through the shopping center to get to a private road where they would have access to that signal. There will be accommodations for U-turns.

Pearson asked about the urgent care and whether it is non-emergency. Brian Will stated that it is not considered a hospital or emergency room. A comparison would be LinCare.

Bills-Strand does not believe traffic will use the public access easement. Bartels stated that a signal has been identified with the South Ridge use permits on all four corners.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: August 18, 2004

Taylor moved to approve the staff recommendation of conditional approval, as revised today, seconded by Pearson. This motion does not include the amendment to Condition #2.1.1.2 requested by the applicant.

Taylor likes the idea of having a facility that has a great degree of interest in preventative type care.

Motion for conditional approval carried 8-0: Marvin, Pearson, Krieser, Sunderman, Carlson, Carroll, Taylor and Bills-Strand voting 'yes'; Larson absent. This is final action, unless appealed to the City Council within 14 days.

SPECIAL PERMIT NO. 04037
FOR A HEALTH CARE FACILITY
ON PROPERTY GENERALLY LOCATED
AT SOUTH 47TH STREET AND J STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION: August 18, 2004

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

Staff recommendation: Conditional approval.

Ex Parte Communications: None.

Proponents

1. Joe Hakenkamp of Tabitha Health Care Services, presented the application. An open house was held where 300 invitations had been sent out and only six people attended. The "Green House" is one of four pilot sites in the United States designed as a Green House project. It is taking a new philosophy in health care. Nursing homes can be very institutional and not a home-like friendly setting. The intent is to build a nine-unit house that looks like a residential home. This house will be a very home-like setting with very nice kitchen area and individual amenities that you would have at home. The Green House will have garden areas in the back and the residents will be deeply involved in the day-to-day activities.

This facility has met all of the requirements of a nursing care facility and will be designed and built to meet all required codes of a health care facility. The intent is to have as few staff as possible, with two staff members during the day with on-call nursing available. This property is located very close to Tabitha.

The staff will not live in the facility.

Pearson inquired about the comment that the parking area is out of character with the surrounding homes. **David Wiebe of Architectural Design Associates** showed an illustration of the proposed Green House project. Their task has been to design a home for nine elders, something different from the traditional nursing home environment and, as such, they have been paying a lot of attention to the neighborhood and to what the residents would experience. The interior is also designed around a home-like setting with large open kitchen, dining areas and living areas. The whole intent is to do something completely different than the standard institutional corridors with long hallways and identical patient rooms. Wiebe agreed with the conditions of approval and they will modify the parking so that it is moved to the rear of the site and screened appropriately.

There was no testimony in opposition.

Marvin inquired about the type of resident. Hakenkamp stated that it will be the typical patient that Tabitha would have in their nursing home as either a short-term or long-term resident. They will meet the licensing requirements that they currently have as a nursing home facility. It could be someone that is bedridden, or someone in a wheelchair. It is not assisted living. They could have Alzheimer patients. They do have the technology in the building to monitor the residents.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: August 18, 2004

Taylor moved to approve the staff recommendation of conditional approval, seconded by Sunderman and carried 8-0: Marvin, Pearson, Krieser, Sunderman, Carlson, Carroll, Taylor and Bills-Strand voting 'yes'; Larson absent. This is final action, unless appealed to the City Council within 14 days.

*** Break ***

ANNEXATION NO. 01008;
CHANGE OF ZONE NO. 3419
FROM AG AGRICULTURAL, AGR AGRICULTURAL RESIDENTIAL,
R-3 RESIDENTIAL AND B-1 LOCAL BUSINESS
TO B-2 PLANNED NEIGHBORHOOD BUSINESS
and
USE PERMIT NO. 133,
ON PROPERTY GENERALLY LOCATED
AT SOUTH CODDINGTON AVENUE AND WEST VAN DORN STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION: August 18, 2004

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

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

Ex Parte Communications: Marvin stated that he attended the West "A" Neighborhood Association meeting where a presentation on this project was made.

Brian Will of Planning staff submitted a letter in opposition.

Proponents

1. DaNay Kalkowski appeared on behalf of **Stockwell Properties, LLC,** the owners of the southeast corner. Brian Carstens represents the plan for the northeast corner.

A portion of this property is currently zoned B-1 and the remainder R-3. The northeast and southwest corners of the intersection are also zoned B-1. Late in 1999 and early 2000, the city instituted a zoning action to change these corners. Back then, the billboard became a big issue and the B-1 allows billboards by right. It was found that these B-1 areas were in the Capitol View corridor so the then Planning Director initiated action to change from B-1 to B-2. In order to make B-2 work, it was necessary to change the configuration of the zoning and expand it on the southeast corner. There have been several revisions to the site plan over the time since 2000 and lengthy discussions, primarily about infrastructure financing. Back in November of 2001, this project was on the Planning Commission agenda but, due to conditions and disagreements over infrastructure payments, it was placed on pending.

The change of zone and use permit on the southeast corner include 5 acres. A small perimeter area around the site is park land on the south and on the east. The southeast corner is proposed to have 26,400 sq. ft. of commercial retail uses, and they are showing a convenience store and car wash. The site is separated from West Van Dorn by a large wetland area so the closest uses are set back over 180' from West Van Dorn. The owner

is granting additional right-of-way for South Coddington and West Van Dorn for public way corridors and future trail on the east side of Coddington;

Kalkowski submitted proposed amendments to the conditions of approval, which are all clarification of agreements with staff.

- Delete Condition #1.1.3 to keep the parking in the front yard.

- Strike "South Coddington Avenue" from Condition #1.1.6.

- Revise Condition #1.1.8

  ~~No signs in the front yard.~~ Remove sign envelopes and revise Note 26 to state "All signs shall be in compliance with Chapter 27.69 of the LMC, except signage may be located more than 30 feet from pad site buildings."

- Add language to Condition #2.4 to allow parking in the front yard.

- Add language to Condition #3.2: "... except sidewalks along South Coddington Avenue and West Van Dorn Street, provided the owner has contributed an amount equivalent to the cost of installing said sidewalks along South Coddington Avenue and West Van Dorn Street to the City."

- Add language to Condition #3.2 regarding street tree provisions that go into the subdivision agreement at time of final plat: "...except street trees along south Coddington Avenue and West Van Dorn Street, provided the owner has contributed an amount equivalent to the cost of installing said street trees along South Coddington Avenue and West Van Dorn Street to the City."

The ultimate roadway right-of-way will be substantially larger than the existing rural right-of-way. The large tree masses on Coddington and West Van Dorn will be lost due to the infrastructure improvements. This project includes significant landscaping along the south side of the site to screen the park use to the south.

The applicant did make a presentation to West A Neighborhood Association and have met with the neighbors in the past.

Kalkowski requested that the Commission approve the staff recommendation, with the proposed amendments.

Marvin inquired as to how this relates to the items that are currently on the pending list. Kalkowski stated that the pending items will ultimately be withdrawn.

Marvin inquired as to the anticipated use of the large footprint. Kalkowski stated that it would be general retail uses, probably a strip center with combination of office and retail uses.

Carroll asked for an explanation of putting up the money now for the sidewalks and street trees. Kalkowski stated that typically, the developer would have to post an escrow indicating that they will build the sidewalks and put in the street trees. In this situation, these two streets are not shown in the CIP so we don't know when the ultimate grading will be done. We looked at putting sidewalks ahead of the construction of those streets, but it is not very economically feasible because of the big grade differential between the rural roadway and the lowness of the site. At the same time that the arterial road is constructed on South Coddington, Parks & Recreation would construct the trail.

Pearson inquired whether these are natural wetlands on the site. Kalkowski concurred that to be true. Pearson then asked far it is to the closest roadway or building from the wetlands. **J.D. Burt of Design Associates** did not have a dimension, but there is some grading that is going on in a non-wetland area to elevate the site. The green area between the back of the convenience store in the wetland would be the 3-to-1 slope. The westerly portion is a detention cell. It is probably 30'-35' foot from the wetland to the convenience store.

Carlson inquired about the sign package. Kalkowski explained that the applicant is asking that the signs be allowed to be located more than 30' from the building and staff is in support. The applicant had also requested that some of the building identification signs be allowed to be in the front yard. Planning is not supporting that until we come in with a more complete package. The sign envelope was taken out of the front yard and the signage will be done within the zoning requirements or they will come back with a waiver request. B-2 does allow center identification signs to be within the front yard setback.

Marvin believes there is some land swapping with Parks involved. Kalkowski indicated that Parks has submitted an application to surplus property on the east side between this property and S.W. 19th Street. In exchange, this applicant is going to construct S.W. 19th Street as a public street at this applicant's cost and that will provide a nice public entrance into the park. It will cost more to put the road in than the value of the strip of land.

Carroll believes that the State has first right of refusal on the real estate coming from the City.

Pearson inquired as to how much of the land is in the floodplain. Staff indicated that the land is not in the floodplain. There is a wetland but no floodplain.

2. Brian Carstens appeared on behalf of **Krueger Development**, the owner and developer on the north side of West Van Dorn Street. Krueger is proposing four small office buildings of about 3,400 sq. ft. each, one story in height, limited to office or medical

type use. He is also proposing a 6' high fence along the north property line as well as additional landscaping with private driveway. The driveway and street pattern line up across West Van Dorn. Carstens agreed with the amendments to the conditions of approval proposed by Kalkowski.

Opposition

1. Lynn Darling testified in opposition on behalf of a number of the neighbors that met with Mr. Linscott several years ago, when Linscott said the only plans are for the quiet, small architecture office building. That space is going to degrade the whole neighborhood. It will be another one of those cheap, eyesore strip malls. We keep talking about quality of life and beauty of our city and there is no way this is going to add anything to anything except more traffic along West Van Dorn. It will totally negate the tranquility of the bike path. The east road is a problem. The amount of water that comes down through there can be very extensive. She would hope that they have allowed for a lot of water to pass under that road because it will happen and it could easily wash and cause all kinds of trouble. The developer's definition of landscape is very broad, maybe two or three trees. This place could turn into nothing more than bright lights, more beer offered for sale and a real eyesore in a very, very lovely place. Stop this development. This will degrade the neighborhood.

Staff questions

Pearson referred to the southeast corner of the intersection that shows the pond. The site plan calls it an outlot - common space for parking and vegetation. Are they going to fill the pond with parking? Carstens stated that the developer will be limited to what is shown on the site plan. The parking as it is shown is also on the same outlot as the detention facility and the wetland. The pad sites where the buildings are located are Lot 1, Lot 2 and Lot 3 - everything else is within an outlot, so that language is descriptive of what is going to be in the outlot.

Carlson recalled the history of the site and inquired at what point we have public ownership to private ownership. Brian Will of Planning staff indicated that this proposal was brought forward because there was concern over the B-1 zoning at this intersection which allowed off-premise signs and billboards. It was thought that B-2 zoning was preferable. The existing zoning pattern dates back many, many years and appears to be very arbitrary. One of the attempts here is to revise that zoning pattern to make it consistent with the ownership and to provide enough area for at least 5 acres on the Linscott site. Another consideration on the City's part dealt with access. The existing driveway to the north had to be respected and the applicant was in position to find additional land to make the driveway line up. This request includes some land from Parks. All property to the south and east is owned by the City. The original B-1 property has been in private ownership.

Will agreed with the applicant's proposed amendments.

Carlson confirmed that the amendments get us sidewalks in the areas to be developed with the exception of the trail in lieu of the sidewalk. Will agreed. The developer will make contribution equivalent to the sidewalks. This will be one of the terms of the annexation agreement – to provide contribution for both sidewalks and street trees.

Marvin understands that the removal of trees on Van Dorn will occur when Van Dorn is widened because they will be in the right-of-way. Or would the commencement of this project cause the removal? Will stated that at the time of widening the street, the trees will be removed. They do not need to be removed as a part of this project, with the exception of those that have to be removed to allow the driveways.

Pearson expressed an environmental concern about protection of the wetlands on the south. Will indicated that the site plan shows the wetlands being protected so there is no conditional requirement. Pearson does not believe the site plans shows it as a designated wetland. Will stated that one of the sheets within the submittal designates the area of the wetland. The reason staff did not add a condition is that it is already shown as being protected on the plans. J.D. Burt added that they have designed this project not to impact the wetlands. The convenience store and northerly retail portion are not affecting the wetlands. Whenever a plan is submitted for plat purposes, the future use must be shown on each outlot. This particular outlot includes parking, wetlands, and detention. Rather than create separate outlots, we left it all in the same outlot because it is a lot easier to deal with.

Marvin asked Lynn Johnson, Director of Parks & Recreation, to share about the surplus of park land. Johnson advised that the Parks Department has been working with this developer for about four years to figure out a solution to the access issue. Public Works has recommended that S.W. 19th Street line up. In about a month, the Planning Commission will review a proposed declaration of surplus property for dedication of the right-of-way associated with this use permit for S.W. 19th Street, and a recommendation to exchange that narrow strip of property between the proposed alignment of S.W. 19th Street and the east boundary of this parcel in exchange for the value of the improvements in the street.

Marvin inquired of Johnson as to whether the City ran into trouble with the state about financing when surplusing property. Johnson indicated that the issue is with Game and Parks. There is an outstanding conversion and there was federal land and water money used in the development of Woods Park. There is a process we have to go through to replace that land. That replacement has to be approved by the National Park Service. Because we have an outstanding conversion, they have advised us not to apply for land and water conservation funding. The property which is the subject of this application is not affected by land and water conservation funding.

Carroll referred to the sanitary sewer comments from Public Works. Bartels explained that the sewer will run basically straight south to Van Dorn Street and then west a short distance and then south along S.W. 19th Street. The cost of the sewer will be the developer's cost. At the shallowest point it is about 3' deep to the top of the pipe. The depth going underneath the street would be 8-10 feet, but the bottom of the pipe was going to be above the storm sewer so it is above the natural topography. Without that street crossing there would be no way to get sewer across there.

Response

Kalkowski responded to the testimony in opposition. The site plans shown in 2001 had the same uses. The only thing difference was the access point to the east side. There is drainage that goes across the road and the plan makes provision for that drainage. With regard to landscaping, this plan shows the street trees on Coddington and West Van Dorn; street trees on S.W. 19th Street; screening and landscaping that is required for parking lots; the screening required for different uses on the south side; plus 33 trees and 33 bushes in addition to the minimum requirements.

With regard to the private ownership of B-1 property, DaNay believes that at the time the change of zone was brought forward in 1999, the B-1 and the R-3 surrounding was under private ownership having previously been purchased from the state.

ANNEXATION NO. 01008
ADMINISTRATIVE ACTION BY PLANNING COMMISSION: August 18, 2004

Sunderman moved approval, subject to an annexation agreement, seconded by Krieser and carried 7-1: Marvin, Krieser, Sunderman, Carlson, Carroll, Taylor and Bills-Strand voting 'yes'; Pearson voting 'no'; Larson absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 3419
ADMINISTRATIVE ACTION BY PLANNING COMMISSION: August 18, 2004

Krieser moved approval, seconded by Sunderman.

Carlson commented that he has found this application frustrating, mostly because it seems like the dye has already been cast on this parcel. B-1 shows up 30 years ago, and the AG predates that 30-40-50 years ago. The dye is probably cast for commercial zoning on this corner, but whether it is appropriate he is not sure. He appreciates the right to develop the property by the owner; it is just frustrating not to see a solution that somehow tends to blend the masses together. He respects the people involved, but in his eye, this is not the perfect solution, but certainly better than B-1 that would allow them to develop right up to the corner. It is less than perfect but probably better than the alternative.

Pearson stated that she is still not ready to vote for less than perfect. She thinks there is a big difference between landscape screening and natural landscaping. The landscaping cannot replace what is there today. She will vote no because the one particular corner is so sensitive and she thinks the environmental opportunities are being wasted. She would like to see some easements in the future so that she can vote to approve.

Motion for approval carried 7-1: Marvin, Krieser, Sunderman, Carlson, Carroll, Taylor and Bills-Strand voting 'yes'; Pearson voting 'no'; Larson absent. This is a recommendation to the City Council.

USE PERMIT NO. 133
ADMINISTRATIVE ACTION BY PLANNING COMMISSION: August 18, 2004

Krieser moved to approve the staff recommendation of conditional approval, with the amendments proposed by the applicant, seconded by Marvin.

Carlson thinks B-2 is more appropriate and the use permit allows some flexibility. Even with the same comments, he respects the private property owners' right but he believes there are some opportunities. While B-2 gives us the use permit, it just doesn't feel like this is appropriate.

Motion for conditional approval, with amendments, carried 5-3: Krieser, Sunderman, Carroll, Taylor and Bills-Strand voting 'yes'; Marvin, Pearson and Carlson voting 'no'; Larson absent. This is a recommendation to the City Council.

COMPREHENSIVE PLAN AMENDMENT NO. 04020
TO AMEND THE MOBILITY AND TRANSPORTATION ELEMENT
OF THE COMPREHENSIVE PLAN, BY UPGRADING EXISTING
US HIGHWAY 77 TO FREEWAY STANDARDS FROM INTERSTATE 80
TO THE PLANNED SOUTH BELTWAY INTERCHANGE SOUTH
OF SALTILLO ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION: August 18, 2004

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

Staff recommendation: Approval.

Ex Parte Communications: None.

Proponents

1. Lou Lenzen testified on behalf of the **Nebraska Department of Roads.** The US Highway 77 corridor is a segment of a planned freeway system around the City of Lincoln,

starting with the construction of I-80 and the planning and construction of US 77/West Bypass. With development of the South and East Beltways, the continuous freeway around the city is now possible. It will improve traffic flow and enhance safety.

The study recommended 1) construction of a new interchange at Pioneers Boulevard; 2) construction of a new interchange at Warlick Boulevard; and 3) close access to US 77 at Yankee Hill Road, Rokeby Road and Old Cheney Road. The findings from the study have been documented in a report dated February 2003. Preliminary signs were developed showing locations of interchanges and access. Access to proposed US 77 will be provided at approximately 2-mile spacing through the developed urban area. Designs were shared with the community at information meetings in 2003 and 2004, and a public hearing was held.

Following action by the Planning Commission, the NDOR anticipates presenting the US Highway 77 upgrade to the State Highway Commission. This project will improve the transportation system around the community and enhance the safety of the traveling public.

Marvin inquired about the Capitol Parkway intersection. Lenzen stated that currently, the NDOR is going to let a project in September to upgrade that to an interchange.

Marvin also noted that previously there were reports on Pioneers Boulevard including discussion of the bridge that goes over Salt Creek at that point, and the anticipated traffic flow assumed two-lane traffic for a very long period of time. Lenzen responded that from the information provided by the city, it was assumed that Pioneers Boulevard would continue to be a 2-lane facility east of US 77 well into the future. Marvin is wondering whether is makes sense to put the time and money into an active overpass like we're doing on a road that does not generate a lot of trips. Lenzen stated that the interchange at Pioneers Boulevard is recommended due to the development happening west of US 77. The traffic is coming from the west side of US 77 to this interchange.

Pearson asked for a response to the memo from Parks & Recreation about access to Wilderness Park. Lenzen believes the location is right across from Yankee Hill Road and this is currently an access break. NDOR will address this and assess the loss of that access to that property and award damages to the owner for that loss of access. Currently, at Rokeby Road, there is a box culvert under US 77 and there is a designated bike trail coming out of Wilderness Park onto state property over that box culvert, so we might want to work with them based on that concern because that would not be allowed with the freeway, and the freeway will be fenced. Lenzen assured that NDOR will work with Wilderness Park and the County to resolve the issues based on this closure.

Pearson believes that the access to Wilderness Park has been an issue for several years. Lenzen pointed out that Wilderness Park currently has public access off of other streets. Pearson believes it is the only access to the equipment in this area. If that is the case, Lenzen indicated that the NDOR will assess the loss of that access and as a possible

condition it would provide moneys to create access somewhere else. This property will be treated the same as any other property when the state wants to come in and close access.

Carroll inquired whether the closing of access on Old Cheney Road will create a dead-end. Lenzen stated that in 12-15 years, NDOR will re-study these locations where access is being closed and do feasibility of overpasses warranted, etc.

Carroll confirmed that the access was denied on Old Cheney Road because it was within the 2-mile distance. Lenzen stated that there are many reasons. NDOR does have acceptable levels of service with the recommended location for interchanges and with the closures that are being recommended.

Bills-Strand confirmed that by approving this amendment, we are saying there is still potential to study the needs on Yankee Hill Road, Rokeby Road and Old Cheney Road.

Krieser inquired about the time frame for getting the funding. Lenzen stated that the funding was anticipated to come from earmarked money which has not yet arrived, so they do not know. The intent of the study was really to protect the corridor. Once we have the protection in place and we have the funds, we can proceed with our development and neighboring developments with the protection in place.

As Lincoln develops on the west and starts to move south, Carlson inquired whether there is potential for use of the West Bypass to get further south. Or do we just get off on Warlick or Denton Road, etc.? Mike Brienzo of Public Works & Utilities offered that this plan is built on the current Comprehensive Plan land use plan, and the future urban area development (Tier I) goes to Yankee Hill Road. If they continued to develop all the way to Saltillo Road, that would be another plan. We do not anticipate an additional interchange between Warlick Boulevard and Saltillo Road. 1st Street will continue to the south.

Marvin suggested that traffic volumes will be slight for eastbound traffic off of the Pioneers Boulevard interchange. Brienzo concurred that there is very little development within the Pioneers Boulevard corridor. The assumption is that traffic would either go to the south using Warlick Boulevard or further south to use the South Beltway. To the north we have Van Dorn. As you cross the Wilderness Park area, there are several bridges that would have to be reconstructed plus we have a railroad facility with 50 trains a day through that corridor which does restrict traffic flow a great deal. It is not a desirable route to expand and encourage greater traffic flows that will be delayed by a train. It was viewed that the alternative roads (Warlick Boulevard and Van Dorn) would accommodate that area.

Bills-Strand believes that we are going to see more traffic trying to go onto Pioneers. For years, southwest Lincoln off of West “A” Street and West Van Dorn has been kind of cut off from the city, and she senses we are starting to cut off other areas if we don’t look at some overpasses that are going to help people get back and forth. She would think we need some kind of overpass to get over the trains to allow Lincoln to get back and forth.

Brienzo suggested that it may be something we need to look at. There is a quite sensitive area of Wilderness Park in there as well, plus Beal Slough and Salt Creek. That being the case, Marvin wondered where the tradeoff is better. Is it better to have more restricted access on Pioneers Boulevard and open up Old Cheney Road? Brienzo again referred to the trains, Salt Creek and Wilderness Park. He stated that they will review that again at the project development stage.

Taylor believes there is lots of traffic flow south of Pine Lake Road, yet there is no opening between Old Cheney Road and Saltillo Road. Brienzo agreed that there are no other access points. Taylor wondered about another access from Pine Lake Road. Brienzo stated that the Hwy 77/Wilderness Park at Yankee Hill Road alignment was evaluated and the Transportation Task Force and the Comprehensive Plan Committee chose not to put that in the plan.

Bills-Strand believes that there may be a need to seriously look at an overpass over the park and preserve the older neighborhoods from increasing traffic flowing through. There has to be a compromise somewhere to preserve the park, but we need to preserve the traffic from our older neighborhoods and keep the city connected.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: August 18, 2004

Marvin moved approval, seconded by Carroll.

Marvin commented that if we get stuck on this two-mile separation, we are not taking full advantage of some of the freeways that we have, especially up on 14th Street. He believes that we should encourage as much traffic onto these federal/state supported highways, and if we can get more intersections built, we will have a better bang for our buck.

Taylor does not believe this solves the problem – preservation of the environment and Wilderness Park as opposed to having a flow of traffic.

Motion for approval carried 8-0: Marvin, Pearson, Krieser, Sunderman, Carlson, Carroll, Taylor and Bills-Strand voting 'yes'; Larson absent. This is a recommendation to the City Council and the County Board.

MISCELLANEOUS NO. 04003
TO AMEND THE CITY OF LINCOLN
DESIGN STANDARDS REGARDING
STANDARD STREET LIGHTING.
CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: August 18, 2004

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

Staff recommendation: Deferral.

Ex Parte Communications: None.

The Clerk announced that the staff is requesting a six-week deferral until September 29, 2004.

Marvin moved to defer for six weeks, with continued public hearing and administrative action on September 29, 2004, seconded by Taylor and carried 8-0: Marvin, Pearson, Krieser, Sunderman, Carlson, Carroll, Taylor and Bills-Strand voting 'yes'; Larson absent.

There being no further business, the meeting was adjourned at 3:45 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on September 1, 2004.

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