MEETING RECORD

NAME OF GROUP:	PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING:	Wednesday, November 24, 2004, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska
MEMBERS IN ATTENDANCE:	Jon Carlson, Gene Carroll, Gerry Krieser, Roger Larson, Dan Marvin, Melinda Pearson, Lynn Sunderman and Tommy Taylor (Mary Bills-Strand absent); Marvin Krout, Ray Hill, Tom Cajka, Derek Miller, Jean Walker and Teresa McKinstry of the Planning Department; media and other interested citizens.
STATED PURPOSE OF MEETING:	Regular Planning Commission Meeting

Vice-Chair Jon Carlson called the meeting to order and requested a motion approving the minutes for the regular meeting held November 10, 2004. Motion for approval made by Larson, seconded by Carroll and carried 6-0: Carlson, Carroll, Krieser, Larson, Marvin and Pearson voting 'yes'; Sunderman and Taylor abstaining; Bills-Strand absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION: November 24, 2004

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

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 228K, CAPITOL BEACH WEST COMMUNITY UNIT PLAN; SPECIAL PERMIT NO. 04060; CITY/COUNTY FINAL PLAT NO. 04111, FINIGAN 2ND ADDITION; CITY/COUNTY FINAL PLAT NO. 04121, TIMBERLINE ESTATES 2ND ADDITION; and WAIVER NO. 04015.**

Item No. 1.2, Special Permit No. 04060; Item No. 1.4, City/County Final Plat No. 04121 and Item No. 1.5, Waiver No. 04015, were removed from the Consent Agenda and scheduled for separate public hearing.

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

SPECIAL PERMIT NO. 04060
FOR AN EARLY CHILDHOOD CARE FACILITY
ON PROPERTY GENERALLY LOCATED
AT NO. 24TH & SUPERIOR STREETS.
PUBLIC HEARING BEFORE PLANNING COMMISSION: November 24, 2004

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

Staff recommendation: Conditional approval.

Ex Parte Communications: None.

This application was removed from the Consent Agenda and had separate public hearing due to receipt of additional information.

Ray Hill of Planning staff submitted a letter from Carol Brown on behalf of Landons Neighborhood Association in support; however, they have a concern about the traffic and would like the city to consider a traffic light at 24th and Superior Street.

Ray Hill also submitted a letter from Marty Fortney of Regal Builders in support of the application; however, he also points out the increased traffic and need for a traffic signal. There was a larger day care center approved in the general vicinity and he may be interested in withdrawing that application.

Proponents

1. J.D. Burt of Design Associates, 1609 N Street, appeared on behalf of the applicant. This application is exclusively to move the day care from the north side of Superior Street to the south side and to increase the size. This plan has been presented to the neighbors and has been shared with Regal Building Systems. Some additional screening has been included at the request of one of the owners on Dodge Street to take care of the headlight trespass.

Burt indicated that this applicant also shares the neighborhood concern about the traffic signal. This is one of the reasons the applicant wants to get to the south side of Superior. However, he is not sure how this applicant can address the traffic signal issue since the condition exists today and the neighbors have been requesting this signal for quite some time. This applicant would support a traffic signal at 24th & Superior Streets.

The applicant had no objections to the conditions of approval. The applicant agrees that the sidewalk being required is a good idea and they will comply.

There was no testimony in opposition.

Marvin asked staff to address the 24th & Superior traffic light issue. Chad Blahak of Public Works indicated that Public Works has been aware of the request and would consider the traffic signal at that location as development continues and warrants for the signal are met. Carlson asked what would trigger the installation of this traffic signal. Blahak stated that the triggers are the standard traffic warrants having to do with traffic volumes. Public Works will continue to monitor and analyze the traffic volumes at that intersection as facilities such as this and other businesses develop in the vacant areas and traffic is increased.

Taylor wondered whether a traffic signal could be coordinated for specific times of the day such as when schools are opening and closing. Blahak did not know whether the national accepted guidelines address such a specific situation. He could not speak to whether Lincoln has signals that operate under that kind of system currently. There are pedestrian signals that operate on an "as needed" basis. But in this case, where it's an actual street intersection, he does not know if there is a policy of operating in such a manner as far as turning them on and off at certain times of the day. Blahak advised that the most current traffic counts do not meet the standard warrants for a traffic signal, but Public Works will continue to analyze the intersection as more development comes forward.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: November 24, 2004

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

CITY/COUNTY FINAL PLAT NO. 04121,
TIMBERLINE ESTATES 2ND ADDITION,
ON PROPERTY GENERALLY LOCATED
AT S.W. 58TH STREET AND PINE KNOT DRIVE.
PUBLIC HEARING BEFORE PLANNING COMMISSION: November 24, 2004

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

Staff recommendation: Conditional approval.

Ex Parte Communications: None.

This application was removed from the Consent Agenda and had separate public hearing due to receipt of additional information.

Derek Miller of Planning staff submitted three letters in opposition with concerns about further subdivisions within that subdivision. He clarified that Timberline is zoned AGR where the minimum lot size is three acres. Another subdivision would require another six

acres. Out of the 39 lots there are two lots that are 6-acres. Therefore, any further subdivisions would have to be this one and the possibility of a second lot that could subdivide in this subdivision, although the second lot would not meet the regulations.

Proponents

1. Daryl Bryer, the applicant, agreed that this subdivision does consist of six acres. They simply want to divide it into two three-acre lots.

There was no testimony in opposition.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: November 24, 2004

Carroll moved to approve the staff recommendation of conditional approval, seconded by Sunderman and carried 8-0: Carroll, Krieser, Sunderman, Pearson, Marvin, Taylor, Larson and Carlson voting 'yes'; Bills-Strand absent. This is a recommendation to the County Board.

WAIVER NO. 04015
TO WAIVE THE SIDEWALKS IN THE
PEDESTRIAN EASEMENT ON PROPERTY
GENERALLY LOCATED AT
S. 83RD STREET AND EASTWOOD DRIVE.
PUBLIC HEARING BEFORE PLANNING COMMISSION: November 24, 2004

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

Staff recommendation: Approval.

Ex Parte Communications: None.

This application was removed from the Consent Agenda and had separate public hearing.

Tom Cajka of Planning staff explained that there was a mix-up in the printing of the reports. Page 87, 88 and 89 attached to Waiver No. 04016 should come after page 42 as attachments to this Waiver No. 04015.

The applicant was not present.

There was no testimony in opposition.

Pearson noted that the adjacent properties appear to have sidewalks. Cajka clarified that this is not a waiver of the sidewalks in the street but in the pedestrian easement that goes

between Lots 8 and 9. Pearson inquired whether there is any other way to access that development from South 84th Street. Cajka stated that this development, Pointe East Estates, accesses 84th Street from East Pointe Road. Pearson noted that there is a sidewalk on S. 84th Street. Is there any way to access the new roadway from S. 84th on a sidewalk? Cajka believes it would be just East Pointe Road. The sidewalk in the pedestrian easement would not go to S. 84th Street. It would go into the rear yard of the lots to the south. The only time the pedestrian easement is required is if the block length exceeds 1,000 feet. In this situation, the block length does exceed 1,000 feet but, in its recommendation of approval, staff is taking the position that the location of this pedestrian easement does not lead anywhere.

Pearson wondered whether the pedestrian access could be required to be between Lots 7 and 8 instead of between Lots 8 and 9. Cajka believes this could have been possible, but he believes that would have to have been done at the time of the preliminary or final plat.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: November 24, 2004

Larson moved approval, seconded by Sunderman.

Pearson stated that she will vote against the waiver. She thinks there is a way to provide pedestrian access over to 84th Street and it would be nice to get into the neighborhood without going all the way up to East Pointe Road.

Carroll stated that he would be in favor of allowing them to move the pedestrian easement, so he will vote no.

Marvin stated that he will vote in favor, but he would have liked the legal answer as to whether we can move the pedestrian easement after preliminary and final platting. Carroll pointed out that denial of the waiver doesn't change anything. They can come back and ask for the pedestrian easement to be relocated.

Motion for approval carried 5-3: Krieser, Sunderman, Marvin, Taylor, and Larson voting 'yes'; Carroll, Pearson and Carlson voting 'no'; Bills-Strand absent. This is final action, unless appealed to the City Council.

COUNTY CHANGE OF ZONE NO. 04074
FROM AG AGRICULTURAL TO AGR AGRICULTURAL RESIDENTIAL;
and
COUNTY SPECIAL PERMIT NO. 04058,
LAKEWOOD HILLS COMMUNITY UNIT PLAN;
and
COUNTY PRELIMINARY PLAT NO. 04028,
LAKEWOOD HILLS;
and
COUNTY FINAL PLAT NO. 04126,
LAKEWOOD HILLS,
ON PROPERTY GENERALLY LOCATED
AT N. 84TH STREET AND AGNEW ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION: November 24, 2004

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

Staff recommendation: Approval.

Ex Parte Communications: None.

Proponents

1. Bob Lookabaugh, 8101 Agnew Road, presented the application. The community unit plan was previously approved in 2002, with a total of four parcels besides his own dwelling unit, with three to the south of his dwelling unit and one ten-acre parcel to the north. He is now asking for AGR zoning, with three parcels to the north of his dwelling unit and two to the west side of the property. Lookabaugh explained that this request is based on a precedence that has been set on requests from AG to AGR where a substantial portion of the property was restricted as far as future development. Therefore, Lookabaugh has set aside more than half of the property (Outlot A - 45 acres) to be permanently restricted from development. He will establish restrictive covenants to assure this.

Lookabaugh is considering this development as somewhat of a legacy by changing the property from plain old farm land to something that is quite different. He has planted extensive trees, wildflowers, native grasses, shrubs, etc. He has a lot of support from the neighbors and he is not aware of any opposition.

Lookabaugh also pointed out that this project is environmentally positive. The USAG department says that each acre of trees creates enough oxygen to meet the annual needs of 18 people. If that is true, he has enough trees on the property to handle the needs of three times the population of Davey, which is the closest community. He showed photographs of the property and the wildlife that comes to the area.

Lookabaugh referred to other subdivisions which have been approved with restriction on further development, such as Timberline Estates, Yankee Lake Acres, and Meadow View.

Lookabaugh stated that one of the major reasons for doing this development is that the property requires maintenance. He has invested over 40,000 hours of his own time in addition to the time of people he has hired. Most of the maintenance was devoted toward the creation of this natural habitat to be a positive environmental situation. But now it needs maintenance and the hope is that the nine homeowners will participate in the proper maintenance. The common area and equipment will be given to the homeowners association without charge.

Lookabaugh believes he can comply with all of the conditions of approval set forth in the staff report if the AGR zoning is approved. Mr. Lookabaugh has been dedicated to the property for 39 years. It would be a terrible blow as far as encouragement if this were not approved.

Pearson queried Mr. Lookabaugh as to why he would spend all of that time and effort to make this natural habitat and now put eight more homes on it. Lookabaugh stated that the natural habitat characteristics are required to be continued. There will be a very small area actually covered by buildings.

2. Gary Sherman, who lives about one mile west of Mr. Lookabaugh, testified in support. Mr. Lookabaugh does have a very beautiful place with lots of trees and it is well maintained. This would be a good addition to the neighborhood.

There was no testimony in opposition.

Pearson suspects that the staff recommendation of denial of the change of zone is based on the negative score of -157. Ray Hill of Planning staff responded that to be part of it. But more importantly, the Comprehensive Plan does not indicate that this is one of the areas for the low density type zoning. The scoring formula has not yet been officially adopted.

Carroll confirmed with staff that the applicant currently has approval to develop five units. Thus, he could build four more units now without the proposed CUP and plat. Hill concurred.

Carlson noted that one of the objections of staff is that this creates some form of contract zoning. Hill explained that the understanding is that it is a combination of the change of zone along with the plat and CUP, and the applicant is using the CUP and plat as a basis to limit the number of lots in the project. As pointed out before, there have been three or four other similar situations where the individuals have asked for a change of zone and supported it with a preliminary at the same time. Hill believes the staff had recommended denial on those other applications as well.

Carlson wondered whether it is possible to modify the existing CUP without changing the zoning. Hill referred to #8 of the staff analysis. The currently approved AG CUP includes a 20% bonus, so the applicant has reached the maximum under the present AG zoning with the five units.

Response by the Applicant

Lookabaugh strongly suggested that the Commission keep in mind that this density is considerably less than what is allowed for the typical AGR zoning. Mike DeKalb in the Planning Department suggested to Lookabaugh that it was something that could be found acceptable because there had been precedence by restricting further development on the property. The other issue that mystifies Lookabaugh is this point system. He went through the list of 30-40 items himself and came up with a +300 score. He does not understand how the staff comes up with a negative score, although he is not on a paved road and there is a very small feed lot in the area. Mr. DeKalb couldn't even explain it to him.

COUNTY CHANGE OF ZONE NO. 04074
ADMINISTRATIVE ACTION BY PLANNING COMMISSION: November 24, 2004

Carroll moved to deny, seconded by Pearson.

Carroll pointed out that the applicant has the ability to build four units on this acreage now. With all the work to make it environmentally friendly, he does not understand why the applicant would want to double that size and destroy part of the land. It does not comply with the Comprehensive Plan.

Marvin complimented the applicant, but he agrees that the issue is that the Comprehensive Plan has not designated this as an area where we want to raise the density levels. He believes the five units is enough.

Larson stated that he drove out and looked at the property and it is extremely well done. He would vote in favor except for the density issue. He also complimented Mr. Lookabaugh on what he has done to the property.

Sunderman concurred, but he wants to be careful where we put AGR zoning.

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

COUNTY SPECIAL PERMIT NO. 04058,
LAKEWOOD HILLS COMMUNITY UNIT PLAN.
ADMINISTRATIVE ACTION BY PLANNING COMMISSION: November 24, 2004

Carroll moved to deny, seconded by Larson and carried 8-0: Carroll, Krieser, Sunderman, Pearson, Marvin, Taylor, Larson and Carlson voting 'yes'; Bills-Strand absent. This is a recommendation to the County Board.

COUNTY PRELIMINARY PLAT NO. 04028,
LAKEWOOD HILLS.
ADMINISTRATIVE ACTION BY PLANNING COMMISSION: November 24, 2004

Carroll moved to deny, seconded by Taylor and carried 8-0: Carroll, Krieser, Sunderman, Pearson, Marvin, Taylor, Larson and Carlson voting 'yes'; Bills-Strand absent. This is a recommendation to the County Board.

COUNTY FINAL PLAT NO. 04126,
LAKEWOOD HILLS
ADMINISTRATIVE ACTION BY PLANNING COMMISSION: November 24, 2004

Carroll moved to deny, seconded by Taylor.

Taylor believes the idea is absolutely excellent and he wishes that the applicant would carry forward with that which has already been approved.

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

WAIVER NO. 04016
TO WAIVE SIDEWALK IN THE PEDESTRIAN EASEMENT
ON PROPERTY GENERALLY LOCATED AT
SO. 70TH STREET AND OLD CHENEY ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION: November 24, 2004

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

Staff recommendation: Denial.

Ex Parte Communications: None.

Proponents

1. Bill Austin, 301 S. 13th Street, Suite 400, appeared on behalf of the Edenton South Town Home Association, which has made this application for the waiver of the construction of a sidewalk in the pedestrian way easement. With all due respect to the staff report and recommendation, Austin stated that it is the hope and mission of the town home association to show that this is both an unneeded and undesirable sidewalk at this location.

Austin explained that this is a request to waive the 5' sidewalk easement located at the southeast corner of Old Cheney Road at So. 70th Street. It goes through an outlot and is supposed to exit out onto Old Cheney Road. This easement was dedicated through the platting of the Corrected Plat of Edenton South 10th Addition, a townhome development. This is a sidewalk that goes from nowhere to nowhere and is completely unnecessary. There is a 13.5 feet distance on Old Cheney Road between curb line and the fence that is constructed all the way around this development. This sidewalk, if constructed, would go out onto a 13.5 ft. piece of swale/grass area. There is no sidewalk constructed on Old Cheney Road and Austin believes it is unlikely that there will be. It seems unnecessary to have a sidewalk that would extend out onto grass. On the other terminus to the south, this sidewalk ends up going onto a private driveway. On the other side of the street, there are no sidewalks on either corner. There is another residential development catty-corner that is essentially barricaded by another stockade fence. Directly to the north there is again residential development. There is no place to go in using this sidewalk.

Austin went on to state that in recognition and in support of this waiver, every one of the homeowners within Edenton South 10th signed an original petition. It has taken over a year for this application to come forward and half of that petition was lost and is not in the record, but the president of the homeowners association has stated that everyone within this townhome addition is opposed to the construction of the sidewalk.

Austin agreed that the sidewalk was supposed to be installed at the same time as Culwells Court, but apparently no one has missed this sidewalk even though there may not be a hardship to waive it. Since 1997, when this addition was first developed, no one has felt that this sidewalk was a significant need. Austin agreed that the distance is more than 1000 feet, thus requiring a sidewalk, but the critical point, “where needed for pedestrian traffic”, is not met. There is no need for this sidewalk and the people who live in this area do not want it and will not use it. There is more than adequate access to this area from Stevens Ridge Road and Cross Creek Road, both to the east and to the south.

Austin then pointed out that there is some mention in the staff report about bicycles using this sidewalk, but frankly, this is not a bike path for bicyclists. This is a pedestrian way and it should not be used by bicycles if it is constructed.

The area in which this sidewalk would be constructed is across a swale/drainageway which goes to a drainage inlet that is somewhat further to the east. While staff suggests there have been grading and drainage issues in the past, Austin believes this is a very functional drainageway and there have been no problems with the drainage. Why interfere with that

drainage with culverts to support the sidewalk?

Austin stated that the townhome residents believe that they have more than enough sidewalks and that this sidewalk is unnecessary.

Pearson believes that this is a request to waive the sidewalk “after the fact” (after the fact that the final plat was done and agreed upon). This was a condition that was agreed upon by the developer, they entered into a subdivision agreement and everything was built except for the sidewalk. The landscaping and fencing was constructed knowing that the sidewalk was not in place. Austin’s response was that most of these waivers end up “after the fact”. It was not the fault of these homeowners that the sidewalk was not constructed. What we have now are homeowners who have purchased their properties and began to decide how they wanted to landscape Outlot A, and only then did they become aware of the fact that this pedestrian way easement was a problem. Yes, it is after the fact, but seven years shows that everyone can live quite easily without this sidewalk.

Taylor inquired whether the property owners were “hoodwinked” into making that purchase or was that information not available prior to making their purchase. There is no way they could have found out that there was supposed to be a sidewalk in place? Austin acknowledged that it is public record and easements show up on plats and on title binders and certificates of title. Austin suggested that, while we can rely upon public record, many times people do not know about it.

2. Craig Larabee, President of **Edenton South Town Home Association,** testified in support and presented a map showing the other access points into the neighborhood. Even if the public were to come by the sidewalk, there is nowhere to go. The drainage runs from west to east and he believes the sidewalk will have an adverse impact on the drainage. He believes it is also a safety issue with the 36" open culvert. Dumping the pedestrians out on Old Cheney Road is not safe for pedestrians or bicyclists. The Edenton South Town Home Association is part of Edenton South.

Carroll confirmed that there are sidewalks on just one side of the street through the townhome area.

Marvin believes the sidewalk would provide access over to 72nd Street. Larabee responded, stating that they come off of Stevens Creek Road. It is actually closer to go down to the current outlets than to come back down and go into the Edenton South Townhome Association. There is currently access to 70th and to Old Cheney.

3. Cheryl Stubbendick, 7651 Kennelley Drive, testified in support as President of the **Edenton South Homeowners Association,** which includes the Town Home Association. The larger Edenton South Homeowners Association also supports this waiver request, concurring that there is very little pedestrian traffic that would want to enter the neighborhood from 70th or Old Cheney. They are concerned that a person who might enter

Culwells from this sidewalk might not go south to make the turnaround and would exit or go east, crossing private property. The other problem is potential for vandalism. She concurs that it is basically a sidewalk going from nowhere to nowhere.

4. Virginia Parker, 7124 Culwells Court, testified in support. When she was purchasing this townhouse she asked the builder about there being no curb and she asked if there was going to be a sidewalk built there, and she was told no. Had she known there was going to be a sidewalk there, she would not have purchased her property. She feels safe with the way it is now.

There were approximately 14 people in the audience in support of this waiver.

There was no testimony in opposition.

Staff questions

Marvin inquired about sidewalk on Old Cheney Road. Tom Cajka of Planning staff agreed that there is no sidewalk at this time. Chad Blahak of Public Works did not know exactly when Old Cheney east of 70th Street is programmed to be improved; however, when it is improved, a sidewalk will be constructed on both sides of Old Cheney Road.

Pearson stated that she does not mind so much that they have not put the sidewalk in, but she hates the fact that if it is waived, it will never be put in. When the sidewalks are put on Old Cheney Road, it might be to the benefit of the neighborhood to put this sidewalk in at that time. Cajka advised that there have been waivers where the time for construction has been extended as opposed to waiving the sidewalk. If the Commission wanted to wait until Old Cheney Road was improved, there would need to be a waiver to extend the timeline.

Carlson believes that a bond has been posted for this sidewalk. The developer would have posted the bond during the platting process to insure that this sidewalk was installed. With this waiver, does the city give the money back to the developer? Cajka advised that the developer's "surety" would be released.

Response by the Applicant

Austin clarified that the developer would not receive a check from the city. The money is probably in escrow and it could be directed toward landscaping within this development.

While Public Works suggests that there will be a sidewalk on Old Cheney Road, Austin suggested that the Commission go out and take a look. It is only 13.5' from the fence now. He suggests there will be no sidewalk on the south side of Old Cheney Road when it is improved and widened. Why mess up the drainage at this location when it works now?

Pearson wondered if the applicant would be opposed to extending the time line to when Old

Cheney Road has a sidewalk, which means if there is never a sidewalk on the south side, this sidewalk would never be constructed. Austin believes the client would prefer approval of the waiver. The sidewalk is one of many straws in the bundle. There is a feeling of security. This is not an area where you are going to find a lot of children. It is a place where people are retiring. We don't wanted gated communities, but to have a little bit of security from the back of your home is not too much to ask, especially when the sidewalk just doesn't go anyplace.

Carlson inquired whether the escrow goes back to the homeowners association. Austin stated that it does not.

Taylor inquired as to the requirement for the sidewalk. Blahak stated that it is a result of the subdivision ordinance requirement that sidewalks be constructed in block lengths that exceed 1000 feet. There are other places in town where we have sidewalks going across drainage areas with culverts in place.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: November 24, 2004

Larson moved to approve the waiver, seconded by Sunderman.

Larson has been by this corner hundreds of times. It is completely fenced. There is a severe change in elevation. He believes it was an absolute mistake to require the sidewalk in the first place. There is nothing at that intersection to which people would want to walk. There is just no need for a sidewalk that goes from nowhere to nowhere.

Marvin noted that the previous waiver request on today's agenda literally went nowhere by going into someone's back yard. This one does go to an arterial street. He wants to argue for connectivity.

Carroll pointed out that if you were on the north end of the Edenton development and you wanted to walk to church on the west side of 70th Street, you cannot get there without this sidewalk. Old Cheney Road will have sidewalks in the future. At that time, if you want to walk there, you should have the easement there so that you can walk to church or west as far as you want. You cannot say there will never ever be a sidewalk along Old Cheney Road. Public Works has the rule of 1,000 ft. block length and we have to look at those requirements. He believes this sidewalk gives access to the neighborhood.

Pearson stated that if the motion for approval does not pass, she will suggest that the timeline be extended to when Old Cheney Road is improved. To require it today, does not make a lot of sense, but who can say what is going to happen in the future? If Old Cheney does get a sidewalk on the south side, we may want to connect to it. It would keep the options open.

Taylor believes there is a reason for planning the sidewalk. We don't know when Old

Cheney Road is going to be paved, but we do know that it is part of the Comprehensive Plan to do that. If this motion fails, he definitely would not want the townhome residents to have to put a sidewalk in now, but he would agree to delaying the time requirement as suggested by Pearson.

Motion for approval failed 2-6: Sunderman and Larson voting 'yes'; Carroll, Krieser, Pearson, Marvin, Taylor and Carlson voting 'no'; Bills-Strand absent.

Pearson moved to waive the sidewalk in the pedestrian easement until the time a sidewalk is installed on the south side of Old Cheney Road, seconded by Larson.

Ray Hill of Planning staff suggested that the proper motion would be to deny the waiver request and approve an extension of time for installation of the sidewalk for four years from the Council action. It should have been built when the street was paved, but since it was not, the standard sidewalk timeline is four years.

Pearson amended her motion to deny the waiver and extend the completion date for four years from Council action, seconded by Larson and carried 8-0: Carroll, Krieser, Sunderman, Pearson, Marvin, Taylor, Larson and Carlson voting 'yes'; Bills-Strand absent. This is a recommendation to the City Council.

**** Break ****

COUNTY SPECIAL PERMIT NO. 04055,
FOUR STONES COMMUNITY UNIT PLAN
and
COUNTY PRELIMINARY PLAT NO. 04025,
FOUR STONES,
ON PROPERTY GENERALLY LOCATED
AT S.W. 29TH STREET AND STAGECOACH ROAD.
CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: November 24, 2004

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

Staff recommendation: Conditional approval.

Ex Parte Communications: None.

The Clerk announced that the applicant has requested an additional eight week deferral.

Taylor moved to defer, with continued public hearing and administrative action scheduled

for January 19, 2005, seconded by Marvin and carried 8-0: Carroll, Krieser, Sunderman, Pearson, Marvin, Taylor, Larson and Carlson voting 'yes'; Bills-Strand absent.

There was no testimony.

CHANGE OF ZONE NO. 04034
FROM AGR AGRICULTURAL RESIDENTIAL
TO R-3 RESIDENTIAL
ON PROPERTY GENERALLY LOCATED
AT S. 66TH STREET AND HIGHWAY 2.
CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: November 24, 2004

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

Staff recommendation: Approval.

Ex Parte Communications: None.

The Clerk announced that the applicant has requested an additional six week deferral.

Marvin moved to defer, with continued public hearing and administrative action scheduled for January 5, 2005, seconded by Carroll and carried 8-0: Carroll, Krieser, Sunderman, Pearson, Marvin, Taylor, Larson and Carlson voting 'yes'; Bills-Strand absent.

There was no testimony.

CHANGE OF ZONE NO. 04069
TEXT AMENDMENT TO TITLE 27
OF THE LINCOLN MUNICIPAL CODE
TO REQUIRE THAT NO OFF-PREMISES SIGNS
SHALL BE LOCATED WITHIN 660 FEET OF INTERSTATES.
CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: November 24, 2004

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

Staff recommendation: Approval.

Ex Parte Communications: None.

There was no further public testimony.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: November 24, 2004

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

There being no further business, the meeting was adjourned at 2:40 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on December 8, 2004.

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