MEETING RECORD

NAME OF GROUP:	PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING:	Wednesday, August 27, 2008, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska
MEMBERS IN ATTENDANCE:	Leirion Gaylor Baird, Gene Carroll, Michael Cornelius, Dick Esseks, Wendy Francis, Roger Larson, Jim Partington, Lynn Sunderman and Tommy Taylor. Marvin Krout, Ray Hill, Mike DeKalb, Brian Will, Christy Eichorn, Brandon Garrett, Jean Preister and Teresa McKinstry of the Planning Department; media and other interested citizens.
STATED PURPOSE OF MEETING:	Regular Planning Commission Meeting

Chair Gene Carroll called the meeting to order and requested a motion approving the minutes for the regular meeting held August 13, 2008. Motion for approval made by Sunderman, seconded by Francis and carried 9-0: Gaylor Baird, Carroll, Cornelius, Esseks, Francis, Larson, Partington, Sunderman and Taylor voting 'yes'.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION: August 27, 2008

Members present: Gaylor Baird, Carroll, Cornelius, Esseks, Francis, Larson, Partington, Sunderman and Taylor.

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN AMENDMENT NO. 08015, COMPREHENSIVE PLAN CONFORMANCE NO. 08022, SPECIAL PERMIT NO. 08037, ANNEXATION NO. 08006 and CHANGE OF ZONE NO. 08041.**

Ex Parte Communications: None

Item No. 1.1, Comprehensive Plan Amendment No. 08015; Item No. 1.4a, Annexation No. 08006, and Item No. 1.4b, Change of Zone No. 08041, were removed from the Consent Agenda.

Taylor moved to approve the remaining Consent Agenda, seconded by Larson and carried 9-0: Gaylor Baird, Carroll, Cornelius, Esseks, Francis, Larson, Partington, Sunderman and Taylor voting 'yes'.

Note: This is final action on Special Permit No. 08037, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

ANNEXATION NO. 08006
and
CHANGE OF ZONE NO. 08041,
PINE WOODS PLANNED UNIT DEVELOPMENT,
ON PROPERTY GENERALLY LOCATED
AT S. 70TH STREET AND PINE LAKE ROAD.
REQUEST FOR DEFERRAL: August 27, 2008

Members present: Cornelius, Taylor, Francis, Gaylor Baird, Larson, Partington, Sunderman, Esseks and Carroll.

Ex Parte Communications: None.

Staff recommendation: Approval of the annexation, subject to an annexation agreement, and conditional approval of the Planned Unit Development.

The Clerk announced that the applicant has requested a two-week deferral.

Cornelius moved to defer, with continued public hearing and action scheduled for September 10, 2008, seconded by Francis and carried 9-0: Cornelius, Taylor, Francis, Gaylor Baird, Larson, Partington, Sunderman, Esseks and Carroll voting 'yes'.

There was no public testimony.

COMPREHENSIVE PLAN AMENDMENT NO. 08015
TO AMEND THE COMMUNITY FACILITIES CHAPTER
OF THE 2030 LINCOLN-LANCASTER COUNTY
COMPREHENSIVE PLAN TO REFLECT THE
INTENT OF LANCASTER COUNTY TO CONSTRUCT
A NEW ADULT CORRECTIONS FACILITY.
PUBLIC HEARING BEFORE PLANNING COMMISSION: August 27, 2008

Members present: Cornelius, Taylor, Francis, Gaylor Baird, Larson, Partington, Sunderman, Esseks and Carroll.

Ex Parte Communications: None.

Staff recommendation: Approval.

This application was removed from the Consent Agenda at the request of Commissioner Gaylor Baird.

Staff presentation: **Mike DeKalb of Planning staff** explained that this amendment was initiated by the Director of Planning. The state law requires that the Comprehensive Plan list and reflect existing and proposed major public buildings. The County Board is proceeding with the development of a replacement adult detention facility, and they have proceeded with studies, site acquisition and architectural drawings; however, this new facility is not specifically addressed in the Comprehensive Plan. Therefore, as the process proceeds, the Planning Director and County Attorney have determined that this intent should be reflected in the Comprehensive Plan. The proposed location for the new detention facility is S.W. 40th & West O Street to replace the existing jail located south of the County-City Building and the Hall of Justice. This amendment will bring us into compliance with state statute.

DeKalb then read the proposed amendments to be located in the "Community Facilities" chapter of the Comprehensive Plan:

> **Strategies**: Add: The current adult corrections facility expansion needs must be addressed in the near term.
>
> **Public Safety:** Add: **Adult Detention Facility:** The current County adult corrections facility is located next to the "Hall of Justice and Law Enforcement Center". Planning has taken place for the building of a new jail facility on a site which should allow the County to accommodate the projected increase in future inmate numbers. The new facility is anticipated to be built in the near term on a site located at the corner of SW 40th Street and W. O Street.

Gaylor Baird suggested that it would make more sense to have had the discussion about land use and amending the plan prior to the intent and purpose. Is this typical process? Is this how it should work? If not, why are we doing it this way? DeKalb pointed out that the current Comprehensive Plan does talk about detention facilities. The County Board has the responsibility to maintain a jail. The County does not have a process in place like the City's Capital Improvements Program. That is one of the disconnects. The County Board has been told through the judicial system that if they had overcrowding of the jail facility, they must rectify that situation. A study was done which determined the need for the new jail facility.

Mike Thurber, Corrections Director of Lancaster County, explained that the current county facility is operated by the Board of Commissioners. The facility has now surpassed the population criteria set forth in the Nebraska Jail Standards. A needs assessment study was done in 2002 to look at the criminal justice system. That population kept growing. The population did not go down with the advent of drug court, diversion programs, etc. In 2005-2006, the County Board determined the need to study the possibility of growth of the jail

facility. A criminal justice consultant and architects were hired to start studying the possibility of what to do with the growth. A report was presented to the County Board in 2006. They did meet with a citizen advisory group. That report recommended that a new jail be built with expansion possibilities. There was public discussion on the expansion – where to build it and how to finance it. They took 16 different sites around the community which met the siting criteria into consideration.

DeKalb also advised that there is additional information and a slide show available on the City's Web site and the County Board Web site.

Gaylor Baird sought clarification of the role of the Planning Commission in this situation because the Commissioners are being asked to amend the Comprehensive Plan to show a site specific location without ever seeing the studies or evaluations. "Is our role to judge suitability of the land for this site?" DeKalb responded, stating that state statute requires that public buildings and public facilities be acknowledged in the Comprehensive Plan. The County Attorney has advised that since the County Board is already in the process of acquiring the land, it should be reflected in the Comprehensive Plan. A legal process was followed and it needs to be accurately reflected in the Comprehensive Plan.

Joann Kissell of Clark Enersen partners, who was involved in the site selection process and the study, offered further explanation. She advised that of the sixteen sites evaluated, three of them were in the West O Redevelopment Area. There were a lot of conversations with the Urban Development Department during that time and, in particular, we knew that Urban Development had identified five target project areas along West O. We were in touch with Urban Development about appropriate land use in a redevelopment area. We have also been in conversation with other city departments about traffic, emergency and utility issues.

Esseks inquired whether there were any public meetings about the site selection so that residents of adjoining properties could provide input. Kissell acknowledged that there was not a public hearing about the selection of this land. She did not know whether property owners were notified. However, she observed that there is a lot of complication to a jail site and one of the criteria identified is appropriateness relative to neighbors. For example, one of the properties considered was near other correctional facilities owned by the state but ranked low because it was too close to schools. Schools and neighborhoods are weighted heavily and such sites would score lower. This site ranked high because it does not have residential areas; it does not have schools; and most of the existing land use in the area is industrial or agricultural.

DeKalb also confirmed that the County Attorney has advised that the site specific location be included in the Comprehensive Plan because the County Board has gotten to that point in the process.

DeKalb also confirmed that property owners were notified of this public hearing under the Planning Department's normal notification requirements for zoning and subdivision.

Gaylor Baird still expressed confusion about how the County operates differently. She expressed concern that the Commission is being asked to clean up this oversight after the purchase of the land. Can we expect this to happen in the future? DeKalb reiterated that the County does not have a CIP process like the City. He believes that the County Board has been pretty good about keeping the Comprehensive Plan updated. It was an oversight in this case. He believes that the County Board has complied with all legal requirements in this process. He is hopeful that this circumstance will not happen again in the future.

Larson asked about adjacent land uses. **Greg Newport of Clark Enersen Partners,** stated that the zoning is H-3 and it is an industrial area. The property to the east is currently subdivided into three lots, presumably for industrial development; the property to the north is owned by the US Government where the Army Guard is located; the property to the north and east is currently operated as a trucking business. All of the adjacent uses are basically industrial or potential industrial development. The property to the west is used for truck sales. There is also a wetlands area directly to the south.

Gaylor Baird inquired whether any reaction from the public was encountered that the Planning Commission should know about. Newport stated that there were three workshops held where the public was invited to attend which were publicly advertised and open to the public. No one attended any of these workshops to voice an opinion as to the site itself.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION: August 27, 2008

Larson moved approval, seconded by Francis.

Gaylor Baird commented that she did have a lot of questions about both process and public participation. She sees that there has been opportunity for public input and there has been no opposition prior to this meeting or today. However, she is concerned about trying to make something right that is already in motion. She is hopeful that this is the sort of thing that will not happen again. She is concerned that the plan was not amended a year ago to acknowledge this intent.

Larson commented that both the city and county should have the same process.

Carroll urged that the Planning Commission would prefer to deal with this type of an issue in advance. However, he believes there has been enough public notice – it has been in the newspaper so he thinks the public is aware.

Motion for approval carried 9-0: Cornelius, Taylor, Francis, Gaylor Baird, Larson, Partington, Sunderman, Esseks and Carroll voting 'yes'. This is a recommendation to the Lancaster County Board and the City Council.

There being no further business, the meeting was adjourned at 1:30 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on September 10, 2008.

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