

BRIEFING NOTES

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, January 14, 2009, 11:00 a.m.
Room 113, County-City Building, 555 S. 10th Street,
Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Gene Carroll, Michael Cornelius, Dick Esseks, Wendy Francis, Roger Larson, Jim Partington and Lynn Sunderman. Leirion Gaylor Baird and Tommy Taylor absent.

OTHERS IN ATTENDANCE: Rick Peo of the Law Department; Marvin Krout, Steve Henrichsen, Mike DeKalb, Tom Cajka, Brian Will and Michele Abendroth of the Planning Department.

STATED PURPOSE OF MEETING: **Annexation Study**

The meeting was called to order at 11:00 a.m. The Nebraska Open Meetings Act was acknowledged.

Steve Henrichsen stated that the proposed annexations will be on the January 28 Planning Commission agenda. Staff briefed the Commission on the full annexation study in September of last year. There were two open houses in September as well. Of the 14 proposed annexations, staff is moving forward with nine. These nine areas met all the criteria in terms of the Comprehensive Plan review, and they are urban in character. Staff does not see any issues with any of these areas. There are several areas that staff is delaying as there are pending issues.

Esseks asked about the tax implications of these nine areas. Henrichsen stated that taxes will not be assessed until 2010. There is also the equity issue with receiving City services and paying for those services.

Larson asked if the school district boundary coincides with the City boundary. Henrichsen stated that Lincoln Public School boundaries coincide with the City boundaries and some area beyond.

Esseks asked if LPS annexes independently of the City. Henrichsen stated that LPS has not annexed independently of the City. Their boundary expands with the City's annexation.

This portion of the briefing was adjourned at 11:20 a.m.

Respectfully submitted,

Michele Abendroth
Planning Department

BRIEFING NOTES

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, January 14, 2009, 11:20 a.m.
Room 113, County-City Building, 555 S. 10th Street,
Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Gene Carroll, Michael Cornelius, Dick Esseks, Wendy Francis, Roger Larson, Jim Partington and Lynn Sunderman. Leirion Gaylor Baird and Tommy Taylor absent.

OTHERS IN ATTENDANCE: Rick Peo of the Law Department; David Landis, Wynn Hjermsstad, Ernie Castillo of Urban Development; Marvin Krout, Steve Henrichsen, Mike DeKalb, Tom Cajka, Brian Will and Michele Abendroth of the Planning Department; other interested parties.

STATED PURPOSE OF MEETING: North 27th Street Corridor and Environs and Antelope Valley Redevelopment Plan Amendments

This portion of the meeting began at 11:20 a.m.

Ernie Castillo stated that the owners of Little Saigon have been at their current location at 26th and W for 15 years and they are looking at expanding immediately south of that location. According to the site plan, 3,100 square feet will be for the restaurant and 1,000 square feet will be leased. Future plans call for renovation of the existing building once the new building is complete. The alley vacation is for the west portion of the east-west alley and allows developers to build on the alley. The new development will be accessed from W Street and 27th Street. Staff has been working with the owners for 7-9 months. In the spring of last year, Castillo stated that he visited with the Clinton and Hartley Neighborhood Associations as well as the N. 27th Street Business Association to inform them of the project. Concerns were expressed about trash and pallets in back, and he believes the owners have been trying to keep that area cleaner. The trash will be enclosed in the new location. Concerns were also expressed about the west side, and the owners are making the new building more appealing from the west.

Esseks stated that it seems the conflict of uses is with some homes on the west side of 26th St. He asked if there is mandatory screening. Cajka stated that there are screening requirements, which would be specified in the redevelopment agreement.

Carroll asked about the driveway on the north side. Castillo stated that driveway has been eliminated.

David Landis addressed the Matt Talbot Kitchen amendment to the redevelopment plan. The amendment is for moving the Matt Talbot Kitchen currently located at 19 & R Streets to the Carnegie building at 2121 N. 27th Street. The current location is needed for the Assurity project. The Carnegie building is currently occupied by NeighborWorks which is moving to another location. One issue with this move is a skepticism of the Clinton Neighborhood Association and the 27th Street Business Association. Outreach was ill-timed due to the holiday season and the Planning Commission and City Council meeting dates. Many sites were considered, but staff believes this is a good location as this location serves more of their needs than others.

Esseks stated that they are under pressure to delay from citizens, but there is pressure from the Mayor to act today. Wynn Hjermstad stated that there is a tight timeline in terms of the Assurity project. Also, it wasn't until recently that Matt Talbot decided upon this location.

Carroll stated that the deeper issue is the integrity of the Planning Commission and its members. In the past, the Commission has required developers to do their homework and follow the requirements and process in addressing any neighborhood concerns. Landis stated that staff will meet the standard of meeting with the neighborhood associations, although it will be after the Planning Commission meeting but prior to the City Council meeting.

Peo stated that this is to amend the Comprehensive Plan for the City to adopt a redevelopment plan amendment, which only allows the project to be in the Plan as an idea. That idea has to come back later through the redevelopment agreement, which will have negotiations with the City and the developer. This is not a done deal, and many additional steps will have to be gone through. At the same time, there are other deadlines with other projects for the City.

Esseks stated that he is sympathetic to the timetable and he believes this is a good property, but he is bothered by the notion that we shouldn't consider NIMBY (not in my back yard) issues. He believes we have to consider those issues.

Francis asked about the Center Pointe process. Hjermstad stated that one of the differences with that project is that Center Pointe identified that location and came to Urban Development. Center Pointe went to the Malone and Hartley Neighborhood Associations and the N. 27th Street Business Association prior to coming to Urban Development. With Matt Talbot, their building got bought and they came to Urban Development to find a new location.

Partington asked about the ramifications of voting against this. Krout stated that the Planning Commission's vote today is to find conformance or non-conformance with the Comprehensive Plan. It doesn't prevent the City Council from overturning the Planning Commission's report of non-conformance. They take this into consideration and decide whether or not to amend the redevelopment plan.

Larson stated that this is a pivotal decision because the Antelope Valley project is the beautification part of that area, and the Assurity building is going to enhance the area. All of these things should happen for the good of the City. On the other hand, we have an obligation to listen to the neighborhoods. He believes that there is a compromise that can be achieved. He asked if they can approve this with the condition that these processes take place. Carroll stated that the Planning Commission is voting on Comp Plan conformance. He believes this is a difficult situation to be in but believes this project must go forward.

Esseks stated that the job of the Planning Commission is to digest and make sense of the arguments presented at the hearing today. He believes we can decide today if this project is in conformance with the Comp Plan.

This portion of the meeting was adjourned at 12:09 p.m.

Respectfully submitted,

Michele Abendroth
Planning Department

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BRIEFING NOTES

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, January 14, 2009, 12:25 p.m., Rm. 113, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Gene Carroll, Michael Cornelius, Dick Esseks, Wendy Francis, Roger Larson, Jim Partington and Lynn Sunderman (Leirion Gaylor Baird and Tommy Taylor absent).

OTHERS IN ATTENDANCE: Marvin Krout, Steve Henrichsen, Mike DeKalb and Teresa McKinstry of the Planning Department; Rick Peo of City Attorney's office; and Fred Hoke of Building and Safety.

STATED PURPOSE OF MEETING: **Excavation and Stone Milling Standards**

Mike DeKalb stated that soil mining has been talked about a lot lately. There have been many neighbors with many issues. Staff went to the City-County Common and was directed to work through a process to get a better package of standards. Over the last year or so, city staff has held meetings with staff from the Natural Resources District, State of Nebraska Dept. of Roads, Lancaster County Engineer, Building and Safety, stakeholders, landholders and others. City staff prepared lists of the various issues. These are available on the Planning Dept. Web site. Updates to the Lincoln Municipal Code were prepared. It has been through a number of revisions. The City and County codes are almost exactly the same with regard to special permits. Staff tried to add a definition for soil mining operation. Normal farming has been excluded. The application submittal will need to include contours, equipment descriptions and a groundwater report, amongst other things. If a pond or a lake is proposed, water adequacy must be addressed. Reclamation must be addressed.

Larson is most concerned with agricultural land being restored. This is an interest to the city and we should be careful about the land's appearance, but we do not want to end up with some useless land.

DeKalb agreed that these were questions asked at various public hearings. He believes the proposed changes will help to achieve these goals. Safety screening and hours of operation are addressed, along with a required sign for the site. There is the possibility of required traffic signs. Mud must be minimized. A Certificate of Operation must be obtained from Building and Safety before the excavating can begin. Operations must begin within one year from the date the special permit is approved or it will terminate. After the soil mining operation is completed, the land must be restored and stabilized within nine months.

The permit would be for a maximum of three years. Building and Safety will receive an annual report regarding the soil mining operations and they will also review all complaints received. The county package is very similar. He believes staff addressed all the issues raised by the Commissioners and neighbors.

Larson questioned where the amount came from for a \$525.00 per acre bond to assure compliance with the final reclamation plan. DeKalb replied that he contacted Lyle Loth who has done many of these soil mining permits. Loth provided him with a general amount of \$525.00 per acre.

Larson believes there has been a lot of dirt removed from Antelope Valley. He wondered what is happening to it. DeKalb replied that Glenn Johnson from the NRD could answer that question better. He believes the State has stored some dirt and is planning on using some for future road work.

The meeting was adjourned at 12:45 p.m.

Respectfully submitted,

Teresa McKinstry
Planning Department