

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, July 6, 2016, 1:00 p.m., Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE Michael Cornelius, Maja V. Harris, Chris Hove, Lynn Sunderman and Ken Weber (Tracy Corr, Jeanelle Lust, and Dennis Scheer absent). Steve Henrichsen, Rachel Jones, Andrew Thierolf, Brian Will, and Geri Rorabaugh of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission meeting

Chair Chris Hove called the meeting to order and acknowledged the posting of the Open Meetings Act in the back of the room.

Hove requested a motion approving minutes for the regular meeting held June 22, 2016. Motion for approval made by Sunderman; seconded by Cornelius and carried 5-0: Cornelius, Harris, Sunderman, Weber, and Hove voting 'yes'; Corr, Lust, and Scheer absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

July 6, 2016

Members present: Cornelius, Harris, Sunderman, Weber, and Hove present; Corr, Lust, and Scheer absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 16018, CHANGE OF ZONE NO. 16019, SPECIAL PERMIT NO. 16025, SPECIAL PERMIT NO. 16027, and SPECIAL PERMIT NO. 16028.**

There were no ex parte communications disclosed.

Commissioner Harris communicated a potential conflict of interest on **Special Permit No. 16025**, resulting in the lack of a quorum; therefore, public hearing and action on this application were deferred to the July 20, 2016, Planning Commission meeting. [Note: the applicant subsequently requested that public hearing and action be delayed to the August 3, 2016, Planning Commission meeting.]

Item 1.4, **Special Permit No. 16027**, was removed from the Consent Agenda and had separate public hearing.

Cornelius moved approval of the remaining Consent Agenda, seconded by Weber and carried 5-0: Cornelius, Harris, Sunderman, Weber and Hove voting 'yes'; Corr, Lust and Scheer absent.

Note: This is final action on **SPECIAL PERMIT NO. 16028**, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days.

SPECIAL PERMIT NO. 16027
FOR AN AGRICULTURAL CUP ON APPROXIMATELY 84.36 ACRES,
ON PROPERTY GENERALLY LOCATED AT
WEST BENNET ROAD AND SW 14TH STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION: **July 6, 2016**

Members present: Cornelius, Harris, Hove, Sunderman, and Weber; Corr, Lust; and Scheer absent.

Staff recommendation: Conditional approval.

There were no ex parte communications disclosed.

This application was removed from the Consent Agenda due to two letters received in opposition.

Staff presentation: **Steve Henrichsen of the Planning Department** came forward to state this application area is generally to the south and west of W. Bennet Road and SW 14th Street and is currently zoned AG - Agricultural. The AG zoning has a minimum 20-acre lot size, so by right, 4 units could be built on this property. The applicant is instead requesting a special permit for a community unit plan (CUP). As part of a bonus for preserving farmland and area for future potential urban development, the applicant gained one additional dwelling unit, so the CUP is for five dwelling units. The plan shows a new road that comes off SW 14th Street where the five lots are located.

This area is at the extreme edge of the future urban area for Lincoln and is a Tier III growth area. Because it is a growth area, a build-through plan must be shown. Building envelopes are shown on each of the five lots. Typically, the developer picks one to build the house on, allowing the others to be spilt into future urban-sized lots when City services have reached the area in the future.

Initially, the area will be served by private systems. Each of the lots will be a minimum of three acres in size, so space is not an issue. The area is in the rural water district, but the nearest line is over two miles away. The applicant is not using that line due to the cost of

bringing the service to these lots. Two letters in opposition were received. Both mentioned concerns about water quantity in the area. Doug Smith of the Health Department is on hand to answer questions regarding that. The applicant submitted information to the Health Department and they recommended approval.

Proponents:

1. Lyle Loth, REGA Engineering, 601 Old Cheney Road, testified as the applicant. He stated during the staff review, there were a couple of issues brought up that will be addressed as part of the conditional approval. One deals with water quality. The City has adopted new water quality standards. We have worked out an agreement with Watershed Management whereby a 30-foot drainage easement from the future roadway to the south property line will be provided. In that easement, native grasses will be planted and a maintenance plan will be provided. The grasses will function as a filter to address water quality issues. Watershed Management is satisfied with that approach and that plan will be added after the approval is granted.

A comprehensive list of registered wells in the area was provided. Within an approximate 1 1/2-mile radius, there are 55 wells. Of those, 47 have indicated their pumping capacities to range within 45 gallons per minute, and a minimum of 7 gallons per minute, with an average of 19 gallons per minute. These are clearly domestic wells for acreage or farm homes; it is unlikely the wells have irrigation capabilities because of their size. The people that expressed concerns about water quantity indicated there had been some center pivots and they had experienced low water levels three years ago. The five additional wells that would be included with this project would have a negligible impact on ground water supply in the area. The lots will be served by lagoons and septic systems. They are 3-acres in size, so that should be adequate to handle setbacks. One other concern was the discharging firearms on the property. There is a statute that prohibits hunting within 200 yards of an inhabited building or feedlot.

Harris asked if covenants are anticipated that would regulate firearm use and imposing restrictions. Mr. Loth said he believes there will be covenants, but in his experience, he has not seen that particular covenant in an acreage subdivision. That is not to say that it could not happen. Generally, we rely on State agencies such as Game & Parks to monitor and regulate discharge of firearms.

Harris noted that there have been concerns from Emergency Communications about the street name "West Leoma Lane" being too similar to already existing street names. She asked if the applicant is comfortable with changing that. Loth said it is his understanding that it will now be called "West Leoma Marie Lane". The Emergency Communications people were okay with that.

There was no public testimony on this item.

SPECIAL PERMIT NO. 16027

ACTION BY PLANNING COMMISSION:

July 6, 2016

Sunderman moved approval, seconded by Harris.

Sunderman stated this is a fairly standard request and similar to what has been approved in the past. He agrees that the water usage is not going to be great as a result of this new area, and the center pivots were likely the biggest user of the water supply when there were issues in the past. The applicant is also addressing the drainage and water quality issues with native grasses in the drainage easement.

Hove stated he will support the motion. The request only increases from four units to five units, so this makes sense.

Motion carried 5-0: Cornelius, Harris, Sunderman, Weber and Hove voting 'yes'; Corr, Lust, and Scheer absent. This is final action, unless appealed to the City Council within 14 days.

There being no further business to come before the Commission, the meeting was adjourned at 1:15 p.m.

Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, July 20, 2016.