

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, May 19, 2010, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Leirion Gaylor Baird, Michael Cornelius, Dick Esseks, Wendy Francis, Roger Larson, Jeanelle Lust, Jim Partington and Tommy Taylor (Lynn Sunderman absent); Marvin Krout, Steve Henrichsen, Brian Will, Tom Cajka, Jean Preister and Teresa McKinstry of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Meeting

Vice-Chair Michael Cornelius called the meeting to order and acknowledged that the Open Meetings Act is posted at the back of the room.

Vice-Chair Cornelius announced that County Special Permit No. 10020 for a campground facility on property generally located at North 176th Street and Adams Street, which was scheduled for continued public hearing today, has been withdrawn and is no longer on today's agenda.

Vice-Chair Cornelius then requested a motion approving the minutes for the regular meeting held May 5, 2010. Motion for approval made by Francis, seconded by Larson and carried 8-0: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Lust, Partington and Taylor voting 'yes'; Sunderman absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

May 19, 2010

Members present: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Lust, Partington and Taylor; Sunderman absent.

The Consent Agenda consisted of the following items: **ANNEXATION NO. 08013 and WAIVER NO. 10014.**

Ex Parte Communications: None

Item No. 1.2, Waiver No. 10014, was removed from the Consent Agenda and scheduled for separate public hearing at the request of Commissioner Taylor.

Larson moved to approve the remaining Consent Agenda, seconded by Lust and carried 8-0: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Lust, Partington and Taylor voting 'yes'; Sunderman absent.

WAIVER NO. 10014,
TO WAIVE THE INSTALLATION OF SIDEWALKS
ON THE SOUTH SIDE OF THE 600 BLOCK OF
WEST E STREET, GENERALLY LOCATED AT
S. FOLSOM STREET AND WEST E STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 19, 2010

Members present: Francis, Taylor, Larson, Lust, Esseks, Partington, Gaylor Baird and Cornelius; Sunderman absent.

Ex Parte Communications: None.

Staff recommendation: Approval

Staff presentation: **Tom Cajka of Planning staff** stated that the applicant is asking for this waiver of sidewalk as part of the Lincoln Plating Addition final plat approved in September of 2000. Sidewalks were required on Folsom Street, S.W. 6th Street and West E Street. The area of the request is only for the sidewalk on the south side of West E Street. There are sidewalks along the north side of E Street and along Folsom Street. Lot 1 is mainly a parking lot for the employees of Lincoln Industries. This is an unusual circumstance wherein most of the time, if a plat includes the whole street, there are lots fronting on both sides of the street. When this plat was done, West E Street was located further north, vacated and relocated to where it is now, the result being the street, then a sliver of the outlot, then an alley and then the rear of the houses. Basically, the sidewalk would function in the rear of the houses and would not have very much use, if any. People coming from the parking lot can use the sidewalk adjacent to the parking lot. Other conditions which staff believes justify this waiver are the tree mass on the south side of E Street and a pretty significant slope off of the street. Public Works responded that putting in a sidewalk would require removing all of the tree mass. Based on these unusual circumstances, Planning staff has recommended approval of this waiver.

Cajka pointed out that the applicant is still required to install the one piece of sidewalk along S.W. 6th Street that has not yet been installed, and that the city is holding the escrow for that improvement.

Taylor asked about the time line for installing the sidewalk on S.W. 6th Street. Cajka advised that it is past due. Taylor wanted to know why it has not been installed. Sidewalks

have been a touchy subject for the Commission for a long time because we really believe in having sidewalks. He understands why the sidewalk on the south side of West E Street is being requested to be waived, but he wants awareness that the rest of the area has not been done and that it is still expected to be completed. Cajka agreed. The city does have the authority to request the escrowed funds be released from the bank if the developer doesn't do the work, and the city can then do the work. Taylor would like to see the applicant complete that sidewalk before approving this waiver.

Esseks suggested that if the City has the resources to build the sidewalk, that option should be enforced. Cajka advised that it would be up to the City Law Department to enforce. The Law Department will send a letter requesting that the improvements be done in a certain amount of time. If not done, they will send a letter to the financial institution requesting the escrowed funds be released to the City and the City would then do the work.

Esseks inquired whether it is up to the Planning Department to advise the Law Department to pursue. Cajka indicated that would be the case. He believes that the City Attorney has already sent the letter on this plat.

Cornelius sought clarification from staff that, with regard to this particular sidewalk on the south side of E Street, there are unique circumstances for which the staff finds reason to waive the subdivision standards in this case. That finding does not affect the unbuilt sidewalk to the east and it is not a set of circumstances that we are likely to find in subdivision applications going forward. Cajka agreed. With the tree mass, the slope of the area and the sidewalk being on the back yards of lots, the staff finds that it is justifiable and appropriate to waive the sidewalk in this case.

Proponents

1. Tom Christie, Vice President of Technical Services for **Lincoln Industries**, 5811 S. 88th Street, testified on behalf of the applicant.

Taylor advised that the only reason he pulled this application from the Consent Agenda is that he was concerned that this area of the sidewalk has not been completed, and the applicant is requesting waiver for another portion. He wants Lincoln Industries to know that just because the Commission is agreeing to this waiver does not mean they would agree to an additional waiver of the sidewalk on S.W. 6th Street. He is concerned that letters have been sent out for the other sidewalk to be installed and it has not been satisfied.

Christie acknowledged that the piece not complete is along S.W. 6th Street. He believes it was an oversight that this sidewalk was not installed. When Lincoln Industries received the letters from the City, they responded immediately, but they are focused on the sidewalk on the south side of West E Street at this time. Through that correspondence, Lincoln Industries came to understand that there was a piece that should have been installed on S.W. 6th. He assured that Lincoln Industries is committed to installing that piece of sidewalk.

that was missed. There are some big mature trees and an electrical post, so they will have some work to do to figure out exactly where that sidewalk would be located. It will require removing at least one of the big trees. Christie stated that they will pursue the installation of this sidewalk and will get quotes immediately.

Lust inquired as to the amount of money that has been posted to guarantee the installation of the sidewalks. Cajka advised that there is an escrow of \$12,300 for sidewalks, all inclusive.

There was no testimony in opposition.

Lust inquired whether the amount in escrow is more than enough to cover the city's cost for installation. Dennis Bartels of Public Works believes there would be enough in this case; however, the subdivision ordinance also provides that the city has the authority to recover the additional money from the owner if the escrow is not enough to build the sidewalk.

ACTION BY PLANNING COMMISSION:

May 19, 2010

Lust moved approval, seconded by Taylor.

Cornelius agrees that there appear to be unique circumstances that justify this waiver.

Motion for approval carried 8-0: Francis, Taylor, Larson, Lust, Esseks, Partington, Gaylor Baird and Cornelius voting 'yes'; Sunderman absent. This is final action, unless appealed to the City Council within 14 days of the action by the Planning Commission.

There being no further business, the meeting was adjourned at 1:25 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on June 2, 2010.