

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, November 14, 2012, 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: Leirion Gaylor Baird, Michael Cornelius, Wendy Francis, Chris Hove, Jeanelle Lust, Lynn Sunderman and Ken Weber (Greg Butcher absent); Marvin Krout, Steve Henrichsen, Brian Will, Christy Eichorn, Tom Cajka and Jean Preister of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Meeting

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

Mayor Beutler presented an Award of Appreciation to Dick Esseks for his seven years of service on the Planning Commission.

Esseks expressed his appreciation to the people who provided input so that policy decisions could be well informed. He also expressed his appreciation for the well written and thorough reports from staff; testimony from businesses, entrepreneurs and individuals who came to explain the land use changes being proposed; input from neighbors and other interested parties patiently waiting for their turns to react; and the effective guidance from the Planning Director. He recalled the 11:00 a.m. to 1:00 p.m. workshops during the LPlan 2040 process when the Commission was able to discuss more general issues and concepts that had to be understood before facing specific requests. He believes that the recommendations to the City Council and County Board were mostly good because the input from the various sources were very good. Esseks stated that he is very grateful to Mayor Beutler and Mayor Seng for nominating him to the Planning Commission, and to the City Council and County Board for approving his appointment.

Resolution No. PC-01308 was then read into the record commemorating Mr. Esseks' seven years of service.

Lust moved approval of Resolution No. PC-01308, seconded by Francis.

Cornelius stated that he appreciated all of the insight that Mr. Esseks brought to the conversations that the Commission had on many issues, including the issues that were not listed in the resolution. Cornelius also stated that he learned a lot from serving with

Mr. Esseks and that he appreciated his service during the time that they shared serving together.

Motion approving Resolution No. PC-01308 carried 7-0: Hove, Lust, Francis, Gaylor Baird, Sunderman, Weber and Cornelius voting 'yes'; Butcher absent.

Cornelius then requested a motion approving the minutes for the regular meeting held October 31, 2012. Motion for approval made by Francis, seconded by Hove and carried 7-0: Hove, Lust, Francis, Gaylor Baird, Sunderman, Weber and Cornelius voting 'yes'; Butcher absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

November 14, 2012

Members present: Gaylor Baird, Cornelius, Francis, Hove, Lust, Sunderman and Weber; Butcher absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 04075D and USE PERMIT NO. 11001A.**

There were no ex parte communications disclosed.

Lust moved to approve the Consent Agenda, seconded by Francis and carried 7-0: Hove, Lust, Francis, Gaylor Baird, Sunderman, Weber, and Cornelius voting 'yes'; Butcher absent.

Note: This is final action on Use Permit No. 11001A, unless appealed to the City Council within 14 days.

ANNEXATION NO. 12006
ON PROPERTY GENERALLY LOCATED
AT NORTH 84TH STREET AND
HAVELOCK AVENUE.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 14, 2012

Members present: Hove, Lust, Francis, Gaylor Baird, Sunderman, Weber and Cornelius; Butcher absent.

Staff recommendation: Approval of a revised legal description.

There were no ex parte communications disclosed.

Staff presentation: **Tom Cajka of Planning staff** submitting a memo which revises the legal description of the property to be annexed, removing a small triangular portion of the area described in the staff report. Cajka explained that when property is annexed, any abutting streets are automatically annexed with that property. If the small triangular area is not removed, all of Havelock Avenue abutting that parcel would be annexed which would have cut the bridge in half over Stevens Creek, with half in the City limits and half in the County. No one wanted that. Public Works and the County Engineer have agreed that it would be best to leave that bridge in the County jurisdiction. Leaving this little parcel out of the Agricultural Society land does not affect what they are trying to accomplish.

Cajka further explained that the purpose of the annexation is to put all of the Agricultural Society property within one jurisdiction.

The Agricultural Society is aware that there are no services. The water stops at about 84th Street on Havelock Avenue. If they wanted water, they would have to extend it along Havelock Avenue. There is sanitary sewer bisecting the property (Stevens Creek trunk sewer line), but as of today the Agricultural Society has no plans to develop this property.

The annexation area is contiguous to the city limits and within Tier I, Priority B.

Lust noted that the memo from staff indicated that the reason to keep the bridge out of the annexation was that the city did not want to add another bridge because of maintenance and repair liabilities. Are there different standards for maintenance for bridges in the county as compared to the city? **Dennis Bartels of Public Works** stated that generally, they would be the same. The bridge meets all the load requirements but the city and county did not want the split jurisdiction for maintenance of the bridge. The County Engineer was agreeable to continue to maintain the bridge, but the city and county would both have the same legal requirements as far as load posting or if it were necessary to take care of it. Lust wanted assurance that there is no concern about this bridge not being able to handle what would be city level traffic just because it stayed under the county jurisdiction. Bartels agreed. The biggest question was getting the necessary permissions back and forth between Public Works and the County Engineer. The city would prefer not to have to do an interlocal agreement with the County Engineer for maintenance of the bridge.

Cornelius confirmed that the property being annexed is currently zoned AG and it will remain zoned AG. Cajka concurred.

Proponents

1. **Alan Wood**, legal counsel for the Lancaster County Agricultural Society, agreed with the testimony given by the staff. The Agricultural Society is asking that the remaining

portion of the 165 acres total that is held by the Agricultural Society be annexed. One of the concerns with the split jurisdiction is that applicants are applying for two separate liquor licenses, one for the county and one for the city. This also creates a problem with law enforcement. Half of the grounds are within the city with city police jurisdiction, and the other half is in the county with county sheriff jurisdiction. This annexation brings all of it into the city and will help with the management and overall operation of the Event Center and the Agricultural Society property.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

November 14, 2012

Hove moved approval, as revised, seconded by Lust.

Francis believes that it makes sense to have one jurisdiction and that it will make everyone's life easier.

Lust agreed.

Cornelius pointed out that this annexation does not seem to put any undue burden on city services; often the Commission raises the question of emergency services but that's usually because the annexation is accompanied by a community unit plan or other development that adds residences and this does not.

Motion for approval, as revised, carried 7-0: Hove, Lust, Francis, Gaylor Baird, Sunderman, Weber and Cornelius voting 'yes'; Butcher absent. This is a recommendation to the City Council.

Cornelius then announced that the regular Planning Commission meetings scheduled for November 28 and December 26, 2012, have been canceled.

There being no further business, the meeting was adjourned at 1:22 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on December 12, 2012.