

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, March 6, 2013, 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, Tracy Corr, Wendy Francis, Chris Hove, Jeanelle Lust, Dennis Scheer and Lynn Sunderman (Ken Weber absent). Marvin Krout, Steve Henrichsen, Brian Will, Paul Barnes, Sara Hartzell, Jean Preister and Teresa McKinstry 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.

Cornelius requested a motion approving the minutes for the regular meeting held February 20, 2013. Motion for approval made by Scheer, seconded by Lust and carried 7-0: Gaylor Baird, Cornelius, Corr, Hove, Lust, Scheer and Sunderman voting 'yes'; Francis abstaining; Weber absent.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

March 6, 2013

Members present: Gaylor Baird, Cornelius, Corr, Francis, Hove, Lust and Sunderman; Scheer declaring a conflict of interest; Weber absent.

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 1816C and STREET AND ALLEY VACATION NO. 13002.**

There were no ex parte communications disclosed.

Lust moved approval of the Consent Agenda, seconded by Weber and carried 7-0: Gaylor Baird, Cornelius, Corr, Francis, Hove, Lust and Sunderman voting 'yes'; Scheer declaring a conflict of interest; Weber absent.

Note: This is final action on Special Permit No. 1816C, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days.

There were no requests for deferral.

ANNEXATION NO. 12002
AND
CHANGE OF ZONE NO. 05068C,
AMENDMENT TO THE WOODLANDS AT YANKEE HILL
PLANNED UNIT DEVELOPMENT,
ON PROPERTY GENERALLY LOCATED
AT SOUTH 70TH STREET AND YANKEE HILL ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 6, 2013

Members present: Corr, Gaylor Baird, Francis, Hove, Lust, Scheer and Cornelius; Sunderman declared a conflict of interest; Weber absent.

There were no ex parte communications disclosed.

Planning staff recommendation: Approval of the annexation and conditional approval of the amendment to the PUD.

Staff presentation: **Brian Will of Planning staff** presented the proposed annexation of approximately 24 acres and the proposed amendment to the existing PUD. The property is just northeast of 70th Street and Rokeby Road, consisting of approximately 24 acres to accommodate approximate 64 lots for single family residential development. The request as submitted is consistent with the larger PUD where this property has been anticipated and contemplated and shown in that area of the larger concept plan from the beginning.

Will noted that there are only minor comments by staff. One issue that the staff will be working upon with the applicant is to resolve the location of the planned bike trail which extends through this area and is part of the Comprehensive Plan. The Parks and Recreation Department would like to see that bike trail extended along the open space/drainage area, so there will be some changes to the grading and drainage plan in that regard. This issue is included in the conditions of approval (Condition #1.1.2).

Will advised that with the other minor conditions and revisions, staff is recommending conditional approval of the PUD and approval of the annexation.

Gaylor Baird discussed the issue of fire and emergency response times for developments on the perimeter of the community. Like many other annexation requests, there are comments from Fire about the response times being much greater than citizens come to expect being part of our city. Is there another fire station near 80th & Highway 2 right now? Will stated that the Southeast Rural Volunteer Fire Station is located at approximately Eiger Drive on the north side of Highway 2 by the Pine Lake subdivision, which is not part of the city system. However, Will clarified that the City

would respond to this area more rapidly. There is a joint agreement among the districts in the City but he believes the City responders would be there quicker. Gaylor Baird sought clarification, however, that the service to this area would be improved if the station relocation program in the CIP occurs. Will explained that with the original Woodlands PUD, other development around the edge in southeast Lincoln, the shopping center at 84th & Hwy 2, and the continued expansion in that direction has identified a need to improve response times in that area. That has been discussed for several years and that has now manifested itself into the CIP where funding is programmed for a new station in this area to address the response times. The 6-year CIP shows a general obligation bond issue in FY 2015-16 for a new station in the vicinity of Highway 2 and Pine Lake Road; another planned project is shown in FY 2013-14 for relocation of the fire station at S. 84th Street and South Street into the vicinity of South 84th Street and Pioneers Boulevard, also tied to a general obligation bond issue, thus there is no guarantee that the funding will occur.

Lust inquired about the original application material, which indicates this plan could not go forward because of inability to provide sanitary sewer. Are we not providing sewer services? Will explained that this particular amendment to the PUD originally sought to bring in some property on the eastern side and did not proceed because there some technical issues with the sewer, etc. That problem has not been solved so this amendment was modified and brought over to the west side. The property on the east is not included in this proposal. The portion being added today does have city services of sewer, water, etc.

Corr noted that there was a lot of discussion in the staff report and comments about drainage. Have those issues been resolved? Will pointed out that the drainage issues are covered in the conditions of approval. Those issues could be characterized as the typical issues with the grading and drainage plan. He does not believe there is anything unusual or something that cannot be worked out between staff and the applicant's engineer.

Proponents

1. Rick Krueger, President of **Krueger Development**, the applicant, appeared to answer any questions. This is a straight forward annexation with continuation of the PUD.

Gaylor Baird inquired whether there is any mechanism to make sure that people are making informed choices when they purchase this property with regard to the fire and emergency response times. This is a constraint that we have and she wants to make sure people are making informed decisions about where they live and that they cannot expect the adequate response time. Krueger does not believe that was one of the comments on this proposal; however, he suggested that the fire aspect is diminished with new construction. As far as life/safety issues, Krueger does not know how to

respond other than to say that we always want more firemen and would be glad to have a fire station closer. This property is designated in the Comprehensive Plan for development. This proposal does not ask for anything that is not anticipated. He suggested that the buyers would need to do their research with Planning staff and staff could tell them about it. It would be up to the builders and realtors to also inform them.

There was no testimony in opposition.

ANNEXATION NO. 12002

ACTION BY PLANNING COMMISSION:

March 6, 2013

Hove moved approval, seconded by Francis.

Gaylor Baird acknowledged that this development is anticipated in the Comprehensive Plan and it will be supported, but it is important that as part of this process we recognize that we (the Planning Commissioners) are part of the endorsement of this situation. She will continue to make sure there is attention brought to the fact that there are not adequate response times at the edge of the city. We do have plans and hope to reduce the response time but there are no guarantees when those improvements will occur because the funding is dependent upon bond approval. She wants to make sure there is attention brought to that because there is a different service level.

Corr indicated that this does give her a little bit of pause. People will not know that the response time is double when they purchase the lots. She does not know how to educate the public.

Gaylor Baird emphasized that she does not want to scare people because the risks are low, but there is an assumption that when you are buying property in the city, you have the same response time as others in the city – and that is not true.

Cornelius agreed. Along with the question of informed consumer choice, we should recognize and bring to the attention of the citizenry that through the Comprehensive Plan and future land use maps, we anticipate this growth and that we know the services are going to be required, and then we rest them on the bond process. The voters should be aware when that bond comes before them, that they generally supported the idea of this growth during the Comprehensive Plan process and that it is necessary to provide those services to these parts of the city that are newer.

Motion for approval carried 7-0: Corr, Gaylor Baird, Francis, Hove, Lust, Scheer and Cornelius voting 'yes'; Sunderman declared a conflict of interest; Weber absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 05068C

ACTION BY PLANNING COMMISSION:

March 6, 2013

Hove moved to approve the staff recommendation of conditional approval, seconded by Francis and carried 7-0: Corr, Gaylor Baird, Francis, Hove, Lust, Scheer and Cornelius voting 'yes'; Sunderman declared a conflict of interest; Weber absent. This is a recommendation to the City Council.

COUNTY SPECIAL PERMIT NO. 13007

TO ALLOW A METEOROLOGICAL TOWER TO

EXCEED THE DISTRICT HEIGHT

ON PROPERTY GENERALLY LOCATED

BETWEEN W. GAGE ROAD AND W. HALLAM ROAD

ON S.W. 29TH STREET.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 6, 2013

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

There were no ex parte communications disclosed.

Planning staff recommendation: Conditional approval.

Staff presentation: **Sara Hartzell of Planning staff** explained that this is an application to exceed the height of the AG district, which is 35'. The proposed meteorological tower will be 60 meters, about 197', which exceeds the height limit. The purpose of this tower is to gather meteorological data – mainly wind data – but also some other weather data, to be used to determine whether or not this area in the county is appropriate for commercial wind energy conversion systems (wind turbines). NPPD has a station at this point and there are some major power lines running through the property making it attractive.

Hartzell also explained that the tower is assembled on the ground; it is 60 meters long, i.e. 197 feet, tilted up and stabilized with guy wires. It gathers information for about a year; weekly e-mails are sent from the tower to the company in Portland, Oregon, using cell signals. Then the data is analyzed and the tower may be removed after a year. This proposed permit is set up for four years, with an additional one year extension allowed by administrative amendment. The applicant anticipates that the tower will be in use no more than three years. There is no cement or foundation in the ground. It is tilted back down to the ground and completely removed.

Hartzell then pointed out that the conditions of approval provide for a couple of additional items on the site plan. The tower will be located on about 100 acres. It will be 245' from the south lot line and 275' from the front lot line, so it is further from the lot

line than the height of the tower. The distance to nearest dwelling unit is 1,050 feet. There are other towers in the region, e.g., on the edge of the Village of Hallam for emergency communications and in Gage County.

Lust inquired whether the tower makes any noise. Hartzell indicated that there are no moving parts other than an anemometer, so it probably is not even audible from the ground.

Corr confirmed that once the tower is removed, there is no footprint left. Hartzell concurred.

Corr inquired whether the residences were notified. Hartzell stated that the Planning Department notifies property owners within one mile in the county, so she believes that all residences in the area were notified.

The applicant was not present.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

March 6, 2013

Gaylor Baird moved to approve the staff recommendation of conditional approval, seconded by Lust

Cornelius observed that this appears to be of low impact and may provide a great deal of value in the future.

Motion for conditional carried 8-0: Corr, Gaylor Baird, Francis, Hove, Lust, Sunderman, Scheer and Cornelius voting 'yes'; Weber absent. This is final action unless appealed to the Lancaster County Board of Commissioners within 14 days.

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 March 20, 2013.