

## MEETING RECORD

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, October 16, 2013, 1:00 p.m., Hearing Room 112 on the first floor of the County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska

**MEMBERS IN ATTENDANCE:** Cathy Beecham, Michael Cornelius, Tracy Corr, Chris Hove, Jeanelle Lust, Dennis Scheer, Lynn Sunderman and Ken Weber; Marvin Krout, Steve Henrichsen, Brian Will, Tom Cajka, Christy Eichorn, Mike Brienzo, Jean Preister and Teresa McKinstry of the Planning Department; media and other interested citizens.

**STATED PURPOSE OF MEETING:** Regular Planning Commission Meeting

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

Lust requested a motion approving the minutes for the regular meeting held October 2, 2013. Cornelius moved approval, seconded by Hove and carried 8-0: Beecham, Cornelius, Corr, Hove, Lust, Scheer, Sunderman and Weber voting 'yes'.

### **CONSENT AGENDA**

#### **PUBLIC HEARING & ADMINISTRATIVE ACTION**

#### **BEFORE PLANNING COMMISSION:**

**October 16, 2013**

Members present: Beecham, Cornelius, Corr, Hove, Lust, Scheer, Sunderman and Weber.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 13023, SPECIAL PERMIT NO. 585C and USE PERMIT NO. 102A.**

There were no ex parte communications disclosed.

**Item No. 1.1a, Change of Zone No. 13023, and Item No. 1.1b, Special Permit No. 585C,** were removed from the Consent Agenda and scheduled for separate public hearing due to a letter received in opposition.

Hove moved approval of the remaining Consent Agenda, seconded by Cornelius and carried 8-0: Beecham, Cornelius, Corr, Hove, Lust, Scheer, Sunderman and Weber voting 'yes'.

**CHANGE OF ZONE NO. 13015,**  
**FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT**  
**TO R-1 RESIDENTIAL DISTRICT,**  
**ON PROPERTY GENERALLY LOCATED**  
**AT FRONTIER ROAD AND HIGHWAY 2.**

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:**      October 16, 2013

Members present: Weber, Sunderman, Corr, Cornelius, Hove, Beecham, Scheer and Lust.

The Clerk announced that the applicant has submitted a written request for an additional 6-month deferral of the public hearing.

Cornelius moved to defer as requested, with continued public hearing and action scheduled for Wednesday, April 16, 2014, seconded by Sunderman and carried 8-0: Weber, Sunderman, Corr, Cornelius, Hove, Beecham, Scheer and Lust.

There was no public testimony.

**CHANGE OF ZONE NO. 13023,**  
**FROM R-1 RESIDENTIAL DISTRICT TO**  
**R-4 RESIDENTIAL DISTRICT**  
**and**  
**SPECIAL PERMIT NO. 585C, AN AMENDMENT**  
**TO THE QUAIL VALLEY COMMUNITY UNIT PLAN,**  
**ON PROPERTY GENERALLY LOCATED**  
**AT SOUTH 55<sup>TH</sup> STREET AND SHADY CREEK COURT.**  
**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

October 16, 2013

Members present: Weber, Sunderman, Corr, Cornelius, Hove, Beecham, Scheer and Lust.

These applications were removed from the Consent Agenda due to a letter in opposition received from the President of the Quail Valley Homeowners Association.

Staff recommendation: Approval of the change of zone and conditional approval of the amendment to the community unit plan.

There were no ex parte communications disclosed.

Staff presentation: **Christy Eichorn of Planning staff** showed the location of the proposed amendment to the CUP and change of zone on the map, stating that the proposed change of zone and CUP do not affect the layout of any other portion of the CUP.

When the area was originally developed in the early 1970's, it was all zoned R-1. The CUP allowed the cluster density. The park to the east and the center of the CUP was part of the open space that was consistent with community unit plans in the early 1970's. The density was clustered in the R-1 zoning with the original CUP.

Eichorn pointed out that the CUP is very close to Highway 2; it is adjacent to South 56<sup>th</sup> Street, a major arterial; it is across the street from Edgewood, which is a regional shopping center; there is park and open space to the west; there is a bike trail along Highway 2 with bus routes along S. 56<sup>th</sup> and S. 48<sup>th</sup> Streets. Today, there are about 96 apartment units in the multi-family area of this CUP, and there are approximately 106 dwelling units in the single-family area north of the multi-family.

Eichorn explained that the applicant is asking to add 48 units in two buildings at 24 units per building. Those buildings would be located approximately southwest of the existing multi-family, with all of the multi-family being on one lot. There is no connection up to Quail Ridge Drive, and no road connection across the drainage way to the single-family on the west side of the park. There is a connection out to S. 56<sup>th</sup> Street on Shady Creek Court as well as S. 55<sup>th</sup> Street. This amendment would provide a connection through the Alamo Center to just south of the multi-family for this developed area to exit to Highway 2.

Eichorn further explained that with the change of zone to R-4, there could potentially be an additional 97 units; however, the applicant is asking only for 48 additional units in this application. The staff report, however, is written to allow the full density with R-4 zoning, i.e. up to 97 dwelling units. There would not be any additional heights allowed and there is no additional space north of the multi-family dwelling units to add any more dwelling units. Amendments to this application in the future for more dwelling units could be by administrative amendment if this special permit is not limited to 48 units.

Lust noted that the email in opposition pointed to potential concern of adverse traffic conditions along Quail Ridge Drive. Eichorn pointed out that Quail Ridge Drive/Quail Ridge Circle is a cul-de-sac off of South 56<sup>th</sup> Street, and there is no vehicular connection between the cul-de-sac and the multi-family to the south.

Beecham referred to the bike trail along Highway 2 and wondered whether there will be a sidewalk connection to the bike trail. Eichorn stated that there is a driveway connection but she did not recall whether there was a sidewalk connection shown.

### Proponents

**1. Mike Eckert** appeared on behalf of **MBA Apartments**, the applicant and developer. Eckert addressed the concerns expressed in the letter in opposition. The property was purchased from an out-of-state owner. There are tennis courts and green space behind

Ming Auto Beauty Center and the sports bar. The developer believes it is appropriate to add these two three-story 24-plexes, which will be consistent with the architecture and design of the existing units.

Eckert advised that the developer did a mailing to 88 addresses when this application was submitted, after which the developer received no calls or inquiries. Eichorn had one inquiry and Eckert had one inquiry after the Planning Department notice was mailed. Eckert stated that he has talked with the individual writing the letter in opposition. Eckert observed that possibly there was some mis-information and inability to understand the site plan. There is no connection to Quail Ridge Drive and Eckert believes this addressed most of the concerns of the opposition. Eckert explained to the opposition that it would be the two new buildings and the opposition seemed satisfied.

That being said, Eckert stated that the calculations for the R-4 zoning would allow 96 units; however, Eckert assured the Commission that the developer only wants 48 units. There really is not enough room on the property for any more than that. If the Planning Commission desires to limit it to 48 units, the developer will not object. Generally speaking, Eckert submitted that this is a good solid infill project with all infrastructure in place.

Corr asked to see the location of the access road to the shopping center. Eckert showed the map. There is an access road behind the commercial area which comes into the parking area for the front of the store (The Fort). It is a private drive; however, the developer is in discussions with the owner but they have not secured this access for the multi-family at this point. The access at 55<sup>th</sup> Street is public, so from an emergency vehicle perspective, if there was an accident at the intersection at Shady Creek Court, there is another route up through areas which are public right-of-way. Planning has suggested that the developer ask the owner for that access and they will do so.

Eckert further observed that the property is immediately adjacent to the access road that goes behind the shopping complex and, even though it is private property, he believes someone on a bike could easily get access to the trail. The developer also worked extensively with Watershed Management by doing a study that showed that since the property is so close to the creek, it is actually better in this case to not have detention. Public Works has asked for more details about the discharge, to which the applicant will comply.

### Opposition

**1. Avery Pickering**, 5500 Quail Ridge Place, shared his concerns. He has lived in his home for 30+ years, buying the home when the area was under development. He understood there were some concessions made during the original development relating to the common area and the park which compensated for some smaller lots and homes close together. With the creek running through, he believes it is difficult to divide the property into lots. Were the same concessions made for the development of the multi-

family area? If there were some concessions made, he wants to be sure that the Planning Commission addresses those concerns.

Pickering acknowledged that he did receive the first letter from the developer but he did not understand that he was supposed to express his concerns until this meeting.

Pickering also expressed concern about the LES easement where the power lines go through. Over the years, he has seen people from the apartment complex either enter their parking area or come out through that grassy area on occasion. By increasing the parking area and the number of vehicles, he wonders whether that will increase that usage, plus society tends more and more to just do something "because you can." The other part of that same area he is concerned about is with the access area into the parking area (which seems fairly limited), with Shady Creek Court as the only proper entrance and exit. His concern is that at some point in the future, there might be a request to put a roadway connecting into his residential area. With regard to the access into the shopping center area which is being discussed, Pickering observed that 55<sup>th</sup> Street is really an alleyway and the road behind Ming is an alleyway, so there are vehicles parked there to load and unload. Driving through the Alamo shopping center can be kind of a puzzle and one cannot flow through there quickly.

Pickering referred to the storm sewer, stating that when there is a good hard rain, the bridge over the pedestrian trail is nearly washed out because it will overflow and the water goes across that bridge.

In general, and probably pertaining to every residential area, Pickering suggested that the more influence that there is from an apartment building, things tend to happen from the population that you have in apartment buildings as opposed to residential property owners. Over the years, he has seen some vandalism and car thefts. One thing the police have said, is that the apartment population would suggest that all cars always be locked.

#### Response by the Applicant

Eckert stated that the developer is required to comply with the R-4 parking regulations. In fact, this development is providing more parking than just for the new 48 units. They also had to increase parking so that the entire complex of 144 units has adequate parking. Therefore, this proposal adds ancillary parking.

With regard to the access points, Eckert recalled a study that was done as to how many apartment complexes exist with one entrance, and there were several – in the 200-300 range. They did review this with staff. It is platted as public right-of-way as well as a drive aisle. The developer also went to extra lengths on the hydrology issues. Those are a larger, bigger picture item and he believes Watershed Management agreed that this runoff should get downstream sooner rather than holding it back with detention.

Eckert assured that this amendment in no way, shape or form proposes access to Quail Ridge Circle/Drive/Place, and they would not propose that in the future. If the applicant ever wanted more units, he would be happy to come back through the public hearing process.

Beecham asked to see the location of the LES easement. Eckert showed the location of two big transformers on the map. It is a 60' easement running the entire length of the power line and then continues up through the residential properties. He had extensive discussions with Steve Hanks of LES to allow parking on that easement area. They have been good with parking under it because it actually sometimes helps LES's access.

**CHANGE OF ZONE NO. 13023**

**ACTION BY PLANNING COMMISSION:**

October 16, 2013

Hove moved approval, seconded by Scheer.

Lust thinks this is a pretty straight forward project. The density is very good for this area. She does not have the traffic concerns along Quail Ridge Drive since there is no access there.

Motion for approval carried 8-0: Weber, Sunderman, Corr, Cornelius, Hove, Beecham, Scheer and Lust voting 'yes'. This is a recommendation to the City Council.

**SPECIAL PERMIT NO. 585C**

**ACTION BY PLANNING COMMISSION:**

October 16, 2013

Cornelius moved to approve the staff recommendation of conditional approval, seconded by Hove and carried 8-0: Weber, Sunderman, Corr, Cornelius, Hove, Beecham, Scheer and Lust voting 'yes'. This is final action, unless appealed to the City Council within 14 days.

**COMPREHENSIVE PLAN CONFORMANCE NO. 13008,  
LANCASTER COUNTY ROAD AND BRIDGE CONSTRUCTION  
PROGRAM, FY 2014 AND 2015-2019.**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

October 16, 2013

Members present: Weber, Sunderman, Corr, Cornelius, Hove, Beecham, Scheer and Lust.

Staff recommendation: A finding of conformance with the 2040 Comprehensive Plan.

There were no ex parte communications disclosed.

Staff presentation: **Mike Brienzo of Planning staff** reviewed the County 1 and 6 Road and Bridge Construction Program. This is an annual program prepared by the County. It is basically their capital improvements for their road system. The Planning Commission is being asked to determine conformance with the Comprehensive Plan. It will then be forwarded to the County Board for public hearing on November 19, 2013.

The program consists of a range of projects, including major projects for improving and maintaining the County road system, such as transportation studies and engineering projects; safety improvement projects; major grading projects; right-of-way improvements; second stage pavement (considered major maintenance); reconstruction projects such as Denton Road, which just re-opened this past year; and pavement of existing gravel roads. The County always works in a few miles of paving gravel roads to implement the County road program set forth in the Comprehensive Plan.

The program also identifies RUTS-type projects, Rural to Urban Transition projects. The County purchases right-of-way and develops a rural facility, but it is designed such that when the urban area grows out to the facility, it can be converted to an urban facility much easier than if in rural design. This year's program shows three segments of roads that are a RUTS-defined roadway: 98<sup>th</sup> Street from O Street to Old Cheney Road; 112<sup>th</sup> Street from O Street to Adams Street; and a short piece on West Alvo Road at NW 112<sup>th</sup> Street.

New projects in the one-year element are those that will be constructed this calendar year. Of those, there are three carryover right-of-way projects and there are three second stage paving projects, which enter the program on an annual basis and defined as need dictates. This year's program identifies approximately 13 miles of second stage paving. One project for pavement of a gravel road includes 1.6 miles of Saltillo Road from 98<sup>th</sup> Street to 120<sup>th</sup> Street, which will complete a connection between two paved facilities.

Brienzo went on to explain that out-year projects are basically five years following this year. They do not move forward until this time each year, and they move forward as need dictates and as the budget allows. In terms of new projects, there are three projects added this year as projects were moved to the one-year, i.e. two engineering projects and one grading project. No major paving projects were added.

The Program includes a bridge element, and this past year the County completed three bridge projects with help of federal aid. There are no bridge projects scheduled for this year, but there are four standby projects which will move forward if federal aid would become available.

Lust inquired whether there are any projects dependent upon federal aid other than bridge projects. Brienzo responded that there are no federal funds in the program for this year. Last year there were approximately 2.6 million dollars in road projects and 1.5 million dollars in bridge projects with federal aid. There are no federal funds in the program this year.

Hove asked whether this Program ever includes interchange access off the interstate. Brienzo responded that any US highway or interstate activity would be at the state level. Hove stated that he always looks at 148<sup>th</sup> from Waverly straight south and thought an east beltway could be created there with an interchange at Waverly. Brienzo stated that it would be very difficult to add an interchange to the interstate.

There was no testimony in opposition.

**ACTION BY PLANNING COMMISSION:**

October 16, 2013

Cornelius moved a finding of conformance with the Comprehensive Plan, seconded by Scheer.

Lust commented that it is always good to see the plan for construction in the County and how they plan it out year by year. Obviously, the plans that are in the program comply with the Comprehensive Plan, so she will support the motion.

Motion for a finding of conformance with the Comprehensive Plan carried 8-0: Weber, Sunderman, Corr, Cornelius, Hove, Beecham, Scheer and Lust voting 'yes'. This is a recommendation to the Lancaster County Board of Commissioners.

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Lust paid tribute to Roger Larson, who recently passed away, for his years of service on the Planning Commission.

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There being no further business, the meeting was adjourned at 1:40 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on October 30, 2013.