

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, December 14, 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, Tracy Corr, Maja V. Harris, Jeanelle Lust, Chris Hove, Dennis Scheer, Lynn Sunderman, Sändra Washington, and Ken Weber. David Cary, Steve Henrichsen, Paul Barnes, Tom Cajka, Brandon Garrett, Stacey Groshong-Hageman, Rachel Jones, Andrew Thierolf, Kellee Van Bruggen, Brian Will, Geri Rorabaugh, and Amy Huffman 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 November 30, 2016. Motion for approval made by Harris; seconded by Lust and carried 9-0: Corr, Cornelius, Harris, Lust, Scheer, Sunderman, Washington, Weber, and Hove voting 'yes'.

Rorabaugh read a Resolution of Appreciation into the record for Commissioner Jeanelle Lust. She has contributed seven years of volunteer service and countless hours and effort to the Planning Commission, including review of 1,206 applications. The growth and development of Lincoln have benefitted greatly because of her dedication.

Lust said that after seven years, she has discovered how hard Staff and the Planning Department works. She can count very few recommendations for denial that were made. That is a reflection of the fact that planners work very hard with neighborhoods and developers so that by the time it makes it to Planning Commissioners, it is easy to vote. She thanked Staff and her fellow Commissioners and expressed how much she has enjoyed working with everyone.

Rorabaugh read a Resolution of Appreciation into the record for Commissioner Michael Cornelius. He has contributed 10 years of volunteer service and countless hours and effort to the Planning Commission, including review of 1,922 applications. The growth and development of Lincoln have benefitted greatly because of his dedication.

Cornelius said that for the past 10 years, it has been a privilege to participate in visualizing and realizing the future of the community we want to live in. He expressed gratitude to his fellow commissioners. This group has always wrestled with issues that face the community in a deliberate and thoughtful way and could agree to disagree and still come away as friends. He thanked Staff for all of their work.

Rorabaugh read a Resolution of Appreciation into the record for Commissioner Lynn Sunderman. He has contributed 13 years of volunteer service and countless hours and effort to the Planning Commission, including review of 2,646 applications. The growth and development of Lincoln have benefitted greatly because of his dedication.

Sunderman said it has been an honor to serve with such a great group of people and to see the skill and commitment of staff. He thanked everyone.

Cary thanked all three Commissioners for their years of service. It is striking that all have volunteered so much time because they care about the community. He welcomed the new Commissioners.

Washington moved approval of all three Resolutions of Appreciation, seconded by Scheer.

Hove thanked all for their immeasurable support and contributions.

Scheer thanked all for their time and expressed that he has learned much from them. He feels fortunate to have worked with all three outgoing Commissioners.

Motion carried 6-0: Corr, Harris, Scheer, Washington, Weber, and Hove voting 'yes'.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

December 14, 2016

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

The Consent Agenda consisted of the following items: **TEXT AMENDMENT NO. 16019** and **SPECIAL PERMIT NO. 07010A**.

There were no ex parte communications disclosed.

SPECIAL PERMIT NO. 07010A was removed from the Consent Agenda and had separate public hearing.

Cornelius moved approval of the remaining Consent Agenda, seconded by Weber and carried, 9-0: Cornelius, Corr, Harris, Lust, Scheer, Sunderman, Washington, Weber and Hove voting 'yes'. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 07010A

**TO EXPAND THE EXISTING STORE, INCLUDING THE ALCOHOL SALES AREA,
ON PROPERTY GENERALLY LOCATED AT 4335 N. 70TH STREET.**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 14, 2016

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

Staff recommendation: Conditional approval.

There were no ex parte communications disclosed.

Staff presentation: Andrew Thierolf of the Planning Department said this application is to expand a non-conforming use. The distance from residential areas to the south is now at 50 feet; typical separation would be 100 feet. The proposed site plan shows an additional 9 ½ feet on the south and 9 feet to the north. The original special permit was approved in 2007. At that time, it was only three feet from an apartment building to the south and five feet from a house to the west. They made site improvements such as paving the alley and adding landscaping and a fence. When considering this new proposal, Staff considers the impact. There is a dumpster enclosure that will get pushed closer to the alley and will be surrounded with a brick wall to replace the slatted chainlink fence. Cedar trees will be planted along the south. This has a net positive impact to the site.

Corr asked if the distance of 50 feet includes the alley. Thierolf said it is measured to the property line and includes the alley. Corr asked if the fence falls on the residential side of the property. Thierolf said yes, that was an agreement with the neighbors at that time.

Proponents:

1. James Damron, P & R Architects, 2203 Promenade Boulevard, Rogers, AR, came forward as applicant to state that several improvements were already made to the site. Planning staff stressed that other improvements should be offered and it is hoped that has been accomplished by this new proposal.

Hove asked if Casey's paid for the fence. Damron said that it was his understanding that Casey's paid for the fence and the paving of the alley.

2. Mike Murphy, 6954 Ballard Avenue, stated he is in favor of additional work being done. He has concerns about a tree growing into the power line. This would be a good time to cut that tree down to prevent any damage.

Opponents:

1. Lawrence Menebroker, 6954 Ballard Avenue, stated he lives directly behind the Casey's. The paving in the alley has been nice, however, it also serves as an extension of the parking lot where access trucks and trailers park. There is lack of space for snow removal so snow is pushed right up to his fence, which has caused him to have to replace boards. When snow piles up, garbage trucks cannot access their pick-up points. As far as the fence, he had received a letter stating the fence would be put in for him by Casey's, but when he asked about it, he received refusal. He and his neighbor paid for the fence.

Corr commented that she noticed Mr. Menebroker has owned the adjacent property since before changes were made, so she appreciates his testimony.

Staff Questions:

Harris asked Thierolf to address the tree removal. Thierolf said that in speaking with the applicant, he believes the tree will be removed, assuming it is part of their property. They are also adding new cedars.

Washington asked about the snow removal. Thierolf said that pushing the snow into a public alley would not be allowed and the neighbor could make that complaint to Public Works. Specifically addressing that issue is not within the purview of this special permit.

Hove asked if that was also the case with vehicles parked in the alley. Thierolf said yes. Cornelius noted that the police non-emergency can be called for parking issues, and Public Works for snow removal.

Applicant Rebuttal:

Damron said the plan includes removal of existing landscape on the south side to put in more appropriate landscape; therefore, the tree will be taken care of, whether it is on the property or not. In terms of operational issues such as parking and snow removal, he will personally make sure Casey's knows of the situation so hopefully this issue will not come up again. Trucks do pull off the alley while servicing the store, but they are not allowed to park, so it should be reported.

Lust asked who paid for the fence. Damran said Casey's told him they paid for the fence, so he is not sure. Lust asked him to check. Domran said he will; he was not happy to hear that comment from the neighbor. The fence appears to be in good condition so the neighbors have taken good care of it.

Hove asked if Casey's would consider a reimbursement for the fence. Domran said yes.

SPECIAL PERMIT NO. 07010H

ACTION BY PLANNING COMMISSION:

December 14, 2016

Lust moved conditional approval, seconded by Cornelius.

Corr thanked both neighbors for bringing issues to everyone's attention. She hopes the problems will get addressed.

Hove stated he will vote in favor and also appreciates the neighbors coming forward. He hopes there can be communication between Casey's and neighbors to create a better situation.

Motion carried, 9-0: Corr, Cornelius, Harris, Lust, Scheer, Sunderman, Washington, Weber, and Hove voting 'yes'. This is 'final action' unless appealed to the City Council within 14 days.

ANNEXATION NO. 16013

TO ANNEX APPROXIMATELY 36.94ACRES, MORE OR LESS, FOR A NEW FIRE/POLICE STATION, ON PROPERTY GENERALLY LOCATED AT SOUTH 66TH STREET AND PINE LAKE ROAD.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 14, 2016

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

Staff recommendation: Approval.

There were no ex parte communications disclosed.

Staff Presentation: Brian Will of the Planning Department said this annexation is in response to a public project on land purchased by the City for a new fire and police station. The purchased area is immediately south of the intersection of S. 66th Street and Pine Lake Road. The fire station will require a City water and sewer connection for the site and that requires the annexation. Surrounding properties to the east, west, and north are already annexed. The annexation includes five other lots and meets the Comprehensive Plan policy regarding annexation. Pine Lake has been improved and plans are well underway to extend to 70th Street in 2018-19. Public Works has indicated they will extend the service taps south across the road prior to paving so they don't have to come back later. The surrounding properties are developed and are urban in character.

Washington asked if all surrounding landowners were contacted and if any response has been received. Will said the notification requirements were met. Because of all the development activity and road improvements in the area, he believes those neighbors have been aware that annexation was likely. There were a couple calls with questions, but none explicitly voicing opposition.

Washington asked what the cost is to residents who are annexed. Will said there is no direct expense as a result of what is done today, but coming into the City does change things. A family may change school districts so tax rates may differ and there are City taxes that they are not currently charged.

Hove asked for clarification about the southern boundary of the annexation. Will explained they are very long lots and showed the southern boundary.

Corr asked where an anticipated bike path will be. Will said it comes up from the south along the railroad tracks. It is anticipated that there will be a crossing as part of the Blanchard intersection located a little west of this site.

Hove asked when construction is expected on Pine Lake and whether the railroad tracks are vacated. Will said construction is expected in 2018-19 and the tracks are still active, though not busy.

Weber asked if there will be a change of zone if this is an agricultural zone. Will said no. This is a public facility owned by the City and would not be subject to the conditions of that zone.

Pat Borer, Assistant Fire Chief, stated that as owner of the 10-acre property in the middle of the annexation, they are in favor.

Corr asked how neighborhood meetings went. Borer said there were some in favor and some opposed. The meeting took place on September 29, 2016, and all in the area were invited to the community meeting. There were concerns about a proposed roundabout occurring at Blanchard. People also worried that since this is a low area, emergency responders would not be able to get anywhere when there is high water. Public Works will raise Pine Lake and install culverts to allow for greater flowage so there will not be as much overtopping of Pine Lake.

Corr asked if there were more concerns about the road than the annexation. Borer said some were concerned about emergency vehicles driving through their neighborhood, but unless the destination was within that neighborhood, it is unlikely they would go that way since it would slow them down. Corr asked if they would take Pine Lake. Borer said yes.

Hove asked if there are any concerns since the road will not be done until 2018-19. Borer said it will be an issue in terms of coordination. It is hoped that construction will begin in 2017, but that will depend on availability of contractors. Both projects need to work so it will take coordination with Public Works.

Scheer asked if there was any concern about the roundabouts. Borer said no, they are built to be traveled through. He trusts what traffic engineers tell him.

Hove asked if the railroad was a concern. Borer said there is not much rail traffic there, though he does not know what the future holds. Conditions could change if shipping demands change. He is not concerned.

Sunderman asked which emergency services serve the area if it is currently within the County. Borer believes they are in the Southwest District. People have asked why City emergency services do not come to the area and it is because City departments only serve the City. A big benefit of annexation is receiving City services currently not available.

Harris asked what the estimated change in response time would be for those people previously out of reach. Borer said if the station is built there, response time would be seconds. Right now, the closest stations are at 84th and South Streets, or 48th and Highway 2.

Sunderman asked what the goal is for response times. Borer said four minutes.

There was no testimony on this item.

Staff Questions:

Corr asked if any part of this project will have to come through Planning Commission in the future. Will said he does not believe so since it is already a legal lot. They will have to get building permits. One reason would be if they asked for any exceptions. Borer added that the funding for this future station is already provided. For three others, the funding is underway.

ANNEXATION NO. 16013

ACTION BY PLANNING COMMISSION:

December 14, 2016

Lust moved approval, seconded by Sunderman.

Lust said this body has spent many years reviewing residential development in which the fire department had to respond about the lack of rapid response times to areas. This is a great addition and lowering response times will make everyone more comfortable, especially in the south part of the city.

Hove said he will support this. Experts have confirmed this is a good location.

Motion carried 9-0: Cornelius, Corr, Harris, Lust, Scheer, Sunderman, Washington, Weber, and Hove voting 'yes'; Lust absent. This is a recommendation to the City Council.

PRELIMINARY PLAT NO. 16006
TO CREATE AN INDUSTRIAL PARK CONSISTING OF 9 LOTS
ON PROPERTY GENERALLY LOCATED AT S. 25TH STREET AND SALTILLO ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION: December 14, 2016

Members present: Cornelius, Corr, Harris, Lust, Sunderman, Washington, Weber, and Hove present; Commissioner Scheer declared a Conflict of Interest.

Staff recommendation: Conditional Approval.

There were no ex parte communications disclosed.

Staff Presentation: Rachel Jones of the Planning Department, Jones said this a new preliminary plat for an industrial park. The area was already annexed and rezoned in 2007. Surrounding uses include agricultural and residential to the east and south, industrial to the west, and a mix of industrial and commercial to the north. According to the annexation agreement, the site will not be served by City and will have independent septic and sewers. 21st Street is a new street proposed to connect to 25th Street. That will require construction of center and right turn lanes. Also required is the dedication of right-of-way for conversion of both 21st and 25th Streets to roundabouts in the future. Today, 25th is a gravel road. The north segment down to the proposed Production Drive would be paved at the time of final platting of the northeast corner. The remainder of 25th would be paved when the property to the east is redeveloped. There is a conservation easement to the south and some floodplain to the west.

Lust asked if they are timing improvements to those of Saltillo Road. Jones said yes. The widening of Saltillo is far into the future, but the right-of-way is being dedicated now in anticipation of that.

Corr asked if the dedication of right-of-way creates lots smaller than three acres and if that will case a problem with wastewater. Jones said yes. For individual septic systems, the State requires lots to be at least three acres. Since the right-of-way makes it less, they will have to revise lot layout.

Hove asked if there will be an interchange at 27th Street. Jones said she is not sure. **David Cary, Planning Director**, came forward to say that the major interchange is just to the west of this location. The South Beltway will be just south, as well, but not on this property. Jones said that 25th Street would essentially be made a dead-end street at that time.

Proponents:

1. **Tim Gergen, Clark Enersen**, came forward on behalf of the owner and developer. There have been many discussions and his clients agree to all conditions and comments. This industrial park will benefit from the two interchanges on either side and will be highly connective.

Corr asked if it is acceptable to move the lot lines. Gergen said yes. They will stick with four lots along Saltillo, but will remove a lot to meet the Department of Environmental Quality's requirements.

Hove asked if this area is within the flood plain. Gergen said a small amount of the west end of one lot is flood plain. Their own survey indicates that it is not, so an effort will be made to remove that designation.

There was no further testimony on this item.

Staff Questions:

Washington said she is curious about congestion since this project will move forward before improvements are made to Saltillo. There is currently congestion and fast moving truck traffic in that area. She wondered if there would be more access onto Saltillo before it is widened. Jones said she would defer those questions to Public Works.

Gergen said that as part of the final plat, there is a requirement to do improvements to the intersection, with the addition of right and turn lanes. It will be similar to the intersection of 56th and Saltillo where there are large turn lanes.

PRELIMINARY PLAT NO. 16006

ACTION BY PLANNING COMMISSION:

December 14, 2016

Weber moved conditional approval, seconded by Lust.

Hove said he will support this and is anxious to see the South Beltway. This will be an improvement.

Motion carried 8-0: Cornelius, Corr, Harris, Lust, Sunderman, Washington, Weber, and Hove voting 'yes'; Scheer declared a Conflict of Interest. 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 2:08 p.m.

Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, January 4, 2017.