

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, May 23, 2018, 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 Tom Beckius, Tracy Corr, Tracy Edgerton, Deane Finnegan, Cristy Joy, Maja V. Harris, Chris Hove, Dennis Scheer, and Sändra Washington. David Cary, Steve Henrichsen, Rachel Jones, Dessie Redmond, Brian Will, Geri Rorabaugh, and Amy Huffman of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

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

Scheer requested a motion approving the minutes for the special meeting held May 9, 2018. Motion for approval made by Finnegan, seconded by Washington and carried, 8-0: Beckius, Corr, Edgerton, Finnegan, Harris, Joy, Washington, and Scheer voting 'yes'; Hove abstaining.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

May 23, 2018

Members present: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, Scheer, and Washington.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 18012** and **SPECIAL PERMIT NO. 18020**.

There were no ex parte communications disclosed.

Hove moved approval of the Consent Agenda, seconded by Harris and carried, 9-0: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, Washington, and Scheer voting 'yes'.

Note: This is FINAL ACTION on **SPECIAL PERMIT NO. 18020** unless appealed by filing a letter in the Office of the City Clerk within 14 days. This is a recommendation to City Council on all other Consent Agenda items.

Scheer called for **Requests for Deferral**.

CHANGE OF ZONE NO. 18013, FROM AGR TO O-3 ON PROPERTY GENERALLY LOCATED AT 8435 FIRETHORN LANE:

May 23, 2018

Members present: Beckius, Edgerton, Finnegan, Harris, Hove, Joy, Washington, Corr, and Scheer.

AND

USE PERMIT NO. 107F, TO EXPAND THE USE PERMIT BY APPROXIMATELY 1.12 ACRES FOR AN ADDITIONAL 13,400 SQUARE FEET OF COMMERCIAL FLOOR AREA, GENERALLY LOCATED AT 8435 FIRETHORN LANE:

May 23, 2018

There were no ex parte communications disclosed on either of these items.

Harris moved for a 2-week deferral, as requested by the applicant, of **CHANGE OF ZONE NO. 18013** and **USE PERMIT NO. 107F** to the regular Planning Commission meeting of June 6, 2018. Seconded by Edgerton and carried, 9-0: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, Washington, and Scheer voting 'yes'.

There was no public testimony on either of these items.

TEXT AMENDMENT NO. 18006, TO AMEND VARIOUS SECTIONS OF THE LMC TO ALLOW OUTDOOR VEHICLE STORAGE AS A CONDITIONAL USE IN THE I-1 (INDUSTRIAL DISTRICT), AND REPEALING CORRESPONDING SECTIONS AND HITHERTO EXISTING:

May 23, 2018

Members present: Beckius, Edgerton, Finnegan, Harris, Hove, Joy, Washington, Corr, and Scheer.

Staff Recommendation: Approval.

There were no ex parte communications disclosed.

Staff Presentation: Rachel Jones of the Planning Department stated this text change would conditionally permit outdoor vehicle storage in the I-1 Industrial District. This use is currently conditionally permitted in H-1, H-2, and I-2 Districts. This use is different from motor vehicles sales and applies more to something like RV storage. I-1 Industrial zoning is located throughout the city, but is mainly in the north and west parts of Lincoln. It is the most permissive district and allows for a broad range of uses. This use fits the character of the district. Of note is the fact that much of the I-1 districts are within what the Comprehensive Plan has designated as "entryway corridors," particularly along Cornhusker Highway. The Comprehensive Plan encourages creating a positive visual impression for those entering the City via these corridors. One aspect of that is the use of screening and landscaping. For this proposed additional use, several conditions would apply, one of which is the screening requirement, which needs to be 60% from the ground to 10 feet. This is an important condition given that the goal of the City is to enhance these corridors as much as possible.

Harris asked if I-1 is the most permissive district. She wondered if this was just an oversight that this use was not permitted before now. Jones said she is unsure of why the use was only conditionally allowed. Harris clarified that she wondered if the use was intentionally left out for any reason. Jones said that she would need to research to speak in detail about the reason for the use being left out, adding that some of the uses have existed for decades.

Hove asked if there are other uses besides RV storage that will be able to take advantage of this use. Jones said a good example would be any company that wishes to store their larger equipment on a site such as a car repair facility, is a type of accessory use where cars in the process of being repaired might be stored while waiting to be picked up.

Harris asked if the clarification of the parking will make any business non-conforming. Jones said not to her knowledge. The clarification should generally not change things or result in a lesser parking requirement.

Finnegan noted this was not a staff-initiated change. Jones said that is correct. The applicant initiated this change and it is supported by staff. They do have a specific site where they want to operate this use.

Proponents:

1. Alex Busskohl, 4220 S. 52nd Street, Omaha, NE, appeared on behalf of Arrow Stage Lines, who have locations throughout Nebraska and in Denver. Arrow owns two plots with plenty of space for storage of their own vehicles. Other people request to park in the lot since it is so large and can accommodate that, mainly for boats and RV storage no larger than 45 feet. Their specific site will be fully secured with an automatic gate, full lighting, and an attendant on the premises at all times. Overall, there will not be much in-and-out of vehicles, since most vehicles would be stored only during the off-season. The lot will be safe and secure.

Corr asked why a blanket change is being requested instead of just changing the zone on their property to I-2. Busskohl said he is not familiar with the specific codes in Lincoln. They only seek this use on their property, but were advised by staff to do the text change.

Edgerton asked if, as the applicant, they have any concerns about being able to meet the screening requirement in place for the entryway corridor. Busskohl said that has not been discussed in detail yet.

There was no testimony in opposition.

Staff Questions:

Corr asked staff why the text amendment was suggested instead of a change in zone. Jones said the change in zone was the first option considered; however, in this case, the area is surrounded by I-1 and that seems most appropriate zone for property. Then the option of allowing this use as a conditional use in the existing zoning was considered, and it was decided to be appropriate.

Edgerton asked staff about the required screening. Jones confirmed that has not been discussed in detail with the applicant. Edgerton asked if the screening will be required as part of this zone. Jones said yes, that is the case for any outdoor storage.

TEXT AMENDMENT NO. 18006

ACTION BY PLANNING COMMISSION:

May 23, 2018

Harris moved for approval, seconded by Beckius.

Harris said she is surprised this use is not allowed in the I-1 zone already. There does not seem to be a clear reason why it was not allowed. The fact that it is a conditional use means there will still be some oversight.

Scheer said his only concern would be unintended consequences, but given this is the most permissive zone, that seems unlikely.

Motion carried, 9-0: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, Washington, and Scheer voting 'yes'.

COMPREHENSIVE PLAN AMENDMENT NO. 15005, TO REVISE THE FUTURE LAND USE MAP, FUTURE TRAIL ROUTE, AND COMMERCIAL CENTER DESIGNATIONS IN THE VICINITY OF S. 40TH STREET, AND YANKEE HILL ROAD:

May 23, 2018

Members present: Beckius, Edgerton, Finnegan, Harris, Hove, Joy, Washington, Corr, and Scheer.

Staff Recommendation: Approval.

There were no ex parte communications disclosed.

Staff Presentation: Rachel Jones of the Planning Department stated this amendment relates to the Planned Unit Development (PUD) areas for Wilderness Creek, Wilderness Heights, and Wilderness Commons. A variety of changes are proposed, primarily relating to future land use. In Wilderness Heights, areas shown as commercial and residential will essentially switch designations. This change is partially related to the gas pipeline planning area that follows Yankee Hill Road in this area. The idea is to move the residential area away from the pipeline area. Wilderness Commons is on the west side of 40th Street and is currently shown primarily as commercial. That will switch to residential with a small commercial area in the center. A small area is being transferred from Wilderness Commons to Wilderness Creek. A future trail route is being revised so the drainage crossing is located farther to the east where the floodplain is narrower so a crossing is more feasible.

Finnegan asked if the Parks Department will be responsible for relocating and installing the trail, or if the applicant will be responsible. Jones said the trail does not exist yet and she does not have details about who will construct it. Typically, the City works with the developer on a case-by-case basis where the developer might grade for the future installation of the trail by Parks.

Proponents:

1. Brad Marshall, Olsson Associates, 601 P Street, stated represents the applicant for all of these items. Some of these requested changes started with the development of Wilderness Creek to the west. Car dealerships and Roper & Sons have popped up in the area, with commercial areas along Yankee Hill Road. The same thought process has now been applied to these future developments where it makes sense to keep commercial areas along the pipeline planning area. Wilderness Commons was once shown as an intensive industrial employment center. That has been rethought, based on market conditions of today. The commercial downgrade along Yankee Hill makes sense with the introduction of more residential.

Washington commented that it looks like the commercial will be relocated along Yankee Hill, with residential down 40th Street. She asked for more information about the expansion of greenspace. Marshall said the area has a tremendous amount of drainage coming through. Since these PUDs were originally approved in 2006, the regulations associated with flood plain status have changed. All of the conservation easements in place have been maintained. The expansion of greenspace does cross 40th Street.

There was no testimony in opposition.

COMPREHENSIVE PLAN AMENDMENT NO. 15005
ACTION BY PLANNING COMMISSION:

May 23, 2018

Corr moved for approval, seconded by Washington.

Corr said these seem like straight forward changes. She is glad to see the developer recognizing and supporting the pipeline planning area.

Scheer agreed this is good planning.

Motion carried, 9-0: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, Washington, and Scheer voting 'yes'.

CHANGE OF ZONE NO. 15016A, AMENDING THE WILDERNESS CREEK PUD AND THE OVERALL BOUNDARY, FOR A DEVELOPMENT PLAN ON PROPERTY GENERALLY LOCATED AT S. 33RD STREET TO S. 40TH STREET, ALONG YANKEE HILL ROAD:

May 23, 2018

Members present: Beckius, Edgerton, Finnegan, Harris, Hove, Joy, Washington, Corr, and Scheer.

Staff Recommendation: Conditional Approval.

There were no ex parte communications disclosed.

Staff Presentation: Dessie Redmond of the Planning Department stated there is some overlap in property owners. The increase in boundary to this area is the inclusion of a 20-acre area that will move from Wilderness Commons to Wilderness Creek. Up to 300 multi-family units are proposed. There are also waivers requested to increase the height to 55 feet. This

would only be in the R-5 zoned area in the southern portion of this PUD. This proposal includes adequate spacing and the overall density fits with the urban density future land use.

Corr asked if that was the only area where the height waiver is requested. Redmond said yes. The area is not yet built out.

Washington noted that the height waiver is easier to approve knowing that there are no neighbors yet. She wondered how the area sits topographically and how it extends south into Wilderness Commons. Redmond said the multi-family units of both developments will be condensed into one area. This is also an appropriate location since it is along the arterial, which is appropriate where infrastructure is planned and where uses are grouped together.

Harris asked about the impact fees associated with building a roundabout at 40th and Wilderness Hills. Redmond said those are already approved in the existing annexation agreement; there are already plans for how it will be funded. **Steve Henrichsen of the Planning Department** said that issue can be addressed more in the public hearing for Wilderness Commons.

Beckius asked for more information about the comments from Watershed Management about the floodplain and grading. Redmond said there has been some back-and-forth between the applicant and Watershed Management. Those details are still under discussion but it is a condition of approval that the comments and concerns must be addressed before these application go on to City Council.

Edgerton asked for more information about the changes to commercial centers. Redmond said the reason for the flips in use designation have to do with how much commercial square footage was approved versus what is proposed now.

Proponents:

1. Brad Marshall, Olsson Associates, said this application is on behalf of Lincoln Federal Bank. The reason for moving the 20 acres from one PUD to the other is based on ownership. All of the areas on the periphery of Yankee Hill and 40th are changing from O-3 to H-3. The R-5 zoning is for the area that will include the apartments. The requested height waiver is not out of the ordinary and in this case, there is additional greenspace. On the other side of the creek will be single-family lots. The additional height is very similar to what was approved in Wilderness Hills Commercial, with some ground level parking and higher ceilings. In terms of the drainage, it has been hard work to bring all of these areas that were approved in 2006 up to current standards. There are drainage fingers in all three proposed developments. There is also some fill that was done that will most likely need to be removed.

Hove asked if the height includes the underground parking. Marshall replied that it will likely be 1st floor parking due to the minimum floor elevation required adjacent to floodplain.

Beckius asked for a summary of improvements on the site today. Marshall said the car dealerships and mortuary are to the west, on the northernmost lots. Streets and utilities are ready for single-family attached. Beckius asked if anything was built yet. Marshall said not that he is aware of; the lots have just gone on the market.

There was no testimony in opposition.

Staff Questions:

Harris asked the setback requirement in R-5, as it relates to the height of the building. Henrichsen said there is a 30-foot rear setback and if the building is over 20 feet, then 10 feet of side yard is standard. Unless additional setback requirements were put in place, they would just follow the rules for R-5 zoning. In this case, there is a triangular shaped lot, a wide right of way, and drainage ways on both sides. That essentially adds 50-80 feet of setback, so staff did not see the need to add more. The drainage ways are protected.

Washington asked if the sides of the triangular lot would be considered rear or side yards. Henrichsen said it depends on how the lot is finished. The rear yard is the side most directly opposite the front.

CHANGE OF ZONE NO. 15016A
ACTION BY PLANNING COMMISSION:

May 23, 2018

Beckius moved for approval, seconded by Finnegan.

Beckius said this is a nice layout that has taken all concerns into consideration. The height waiver is supportable due to the fact that the impact will not be so great and people coming in could reasonably be aware that the waiver exists.

Motion carried, 9-0: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, Washington, and Scheer voting 'yes'.

CHANGE OF ZONE NO. 06075A, AMENDING THE WILDERNESS COMMONS PUD INCLUDING
ZONE CHANGES AND CHANGES TO THE BOUNDARY, TO ALLOW APPROXIMATELY 501
DWELLING UNITS AND 83,600 SQUARE FEET OF OFFICE, GENERALLY LOCATED WEST OF S.
40TH STREET AND WILDERNESS HILLS BOULEVARD:

May 23, 2018

Members present: Beckius, Edgerton, Finnegan, Harris, Hove, Joy, Washington, Corr, and Scheer.

Staff Recommendation: Conditional Approval.

There were no ex parte communications disclosed.

Staff Presentation: Dessie Redmond of the Planning Department said this original PUD was approved in 2008. There was a memo that included revisions to the staff report conditions of approval. There are waivers requested to the minimum width of the private roadway on S. 39th Street, north of Wilderness. Public Works requires 25 feet with "no parking" signs, instead of the 24 feet requested by the applicant. The proposal includes additional minor road waivers to create a pedestrian-oriented commercial area along Wilderness Hills

Boulevard, with perpendicular parking. Staff agrees, so long as the building is oriented towards Wilderness Hills, the parking is behind, and on-street parking is privately maintained. There is also a requested height waiver to allow 55 feet for the multi-family units.

Harris asked if staff is denying the request for the waiver. Redmond said that the request is not being denied, but the applicant must meet the 25-foot width as a condition of approval. Harris asked if the parking would be similar to Whole Foods. Redmond said the applicant proposes perpendicular parking. The private parking would be in the rear of the building. Corr asked if it would be similar to Fallbrook, creating a kind of “main street” effect. Redmond said that is correct. Washington asked if the commercial building will back on 40th Street and face the parking. Redmond said that is correct.

Proponents:

1. Brad Marshall, Olsson Associates, noted that Brett West, here representing the owners, is on hand to answer questions. The existing PUD shows a large commercial center with parking on the roadway coming in. Some of the design standards are not as stringent, but added to our notes are plans for brick and to retain the architectural features. The apartments include 300 units on the north side. A neighborhood meeting was held to discuss all of the applications and about a dozen people attended. The residential areas are confined by drainage ways. The developer will provide the corridor for the proposed trails, and Parks and Recreation will contract out for their construction. The plan is pedestrian oriented with the trails going through the commercial areas.

Corr asked if they were okay with the 25-foot road requirement. Marshall said yes.

2. Brett West, Assurity, said they are trying to utilize the density to the north. Wilderness Hills is doing well. This is the same ownership group. As the area has developed, commercial did not make sense along 40th. This will be a viable plan that can be accomplished in a reasonable amount of time.

There was no testimony in opposition.

Marshall said there was an agreement for 40th Street that is being revamped. 40th will become a City project one day. Today, it is a rural 2-lane asphalt road. One condition is that when a connection is made with 40th, there could be a connection to the west. There is not one today. There is discussion about the roundabout. As the developers move forward with work, there will be some form of intersection improvements. At the neighborhood meeting, there was an attendee from the church wondering how they might be impacted, especially when it comes to traffic. Their concerns have been passed along to Public Works.

There was no testimony in opposition.

CHANGE OF ZONE NO. 06075A

ACTION BY PLANNING COMMISSION:

May 23, 2018

Beckius moved for approval, as amended by staff, seconded by Washington.

Beckius said this is again a nice layout with integration between office, multi-family, and other uses. It will be a nice option for people who want to see a neighborhood designed this way.

Scheer said this is a good response to changing market conditions.

Motion carried, 9-0: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, Washington, and Scheer voting 'yes'.

CHANGE OF ZONE NO. 07060B, AMENDING THE WILDERNESS HEIGHTS PUD INCLUDING ZONE CHANGES AND UP TO APPROXIMATELY 1,189 DWELLING UNITS AND 300,000 SQUARE FEET OF OFFICE AND COMMERCIAL FLOOR AREA, GENERALLY LOCATED AT S. 40TH STREET AND YANKEE HILL ROAD: May 23, 2018

Members present: Beckius, Edgerton, Finnegan, Harris, Hove, Joy, Washington, Corr, and Scheer.

Staff Recommendation: Conditional Approval.

There were no ex parte communications disclosed.

Staff Presentation: Rachel Jones of the Planning Department stated this amendment will expand the boundary of the PUD. The revised site plan again includes commercial relocated along Yankee Hill and multi-family units on 40th, with the remainder of residential being single-family. There is also a plan for a neighborhood park in the southeast corner. Staff requests that a minimum of 50,000 square feet remain office so the area does not get overwhelmed with commercial. Again, there are several waivers requested including the 55-foot height for the multi-family units and allowing motorized vehicles sales and services, and some dwelling units on the ground floor. This is to preserve flexibility in case there is not much demand for commercial in the future, and also to encourage mixed uses. There has also been a motion to amend setting out the phasing and timing of the multi-family area relative to the number of units taking access to Hohensee.

Beckius asked if a fully signalized intersection will be at Yankee Hill. Jones said those details are being set out now.

Harris asked why residential is not allowed on the first floor. Jones said it is allowed by right in B-2 because it is a commercial district, so the intent is to preserve first floor commercial, with residential above. It is to prevent residential from taking over in what should be a commercial district. There are similar amendments in Wilderness Hills. Harris said that the main intent is to avoid interrupting the commercial flow and not necessarily to protect the residential units from commercial. Jones said that it correct. It also encourages mixed uses.

Robert Simmering of the Public Works Department said that the traffic study did not indicate signals are necessary at this time. If they are warranted in the future, the conditions of approval allow for that.

Proponents:

1. Brad Marshall, Olsson Associates, said multi-family use is shown along 40th Street, again with requested height waivers. The ground in the area is significantly lower than the residential to the east, so that will serve to soften the height somewhat. There were comments from acreage owners about what will happen adjacent to their properties and about drainage and connectivity. One neighbor has an orchard and was instructed to ask Health Department his questions about spraying his trees. He was told it was his responsibility to follow manufacturer instructions. Future roundabouts were discussed with Public Works. If traffic warranted a light, the developer would look into those improvements. As part of the annexation, there is a proposal to build Yankee Hill to full width since it is better to have it done before a major commercial use arrives.

Beckius asked for more information about signalization. Marshall said those perimeters are built into the annexation agreement.

Washington asked about the proposed car sales. Marshal said the existing permit included potential locations for Baxter and Toyota, now located in Wilderness Creek. That is the origin of that language. It has just been carried over since it was marketed that way. We would be required to come forward with an administrative amendment to show the site plan.

There was no testimony in opposition.

CHANGE OF ZONE NO. 07060B
ACTION BY PLANNING COMMISSION:

May 23, 2018

Hove moved for approval, as amended by staff, seconded by Beckius.

Harris expressed her disagreement that people moving into the area will know about an existing height waiver. It is possible someone will buy a house and still be shocked if a tall building goes in. However, this density makes sense and there is a demand for this kind of living.

Beckius agreed that it should not be expected that everyone will know, only that if they sought out the information, they could find it.

Motion carried, 9-0: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, Washington, and Scheer voting 'yes'

5-Minute Break: 2:35 p.m.

CHANGE OF ZONE NO. 18014, FROM R-2 TO R-3, ON PROPERTY GENERALLY LOCATED AT SW 17TH AND WEST B STREETS:

May 23, 2018

Members present: Beckius, Edgerton, Finnegan, Harris, Hove, Joy, Washington, Corr, and Scheer.

Staff Recommendation: Approval.

AND

SPECIAL PERMIT NO. 18019, FOR 21 DWELLING UNITS WITH A CUP, ON PROPERTY

GENERALLY LOCATED AT SW 17TH AND WEST B STREETS:

May 23, 2018

Members present: Beckius, Edgerton, Finnegan, Harris, Hove, Joy, Washington, Corr, and Scheer.

Staff Recommendation: Conditional Approval.

AND

STREET AND ALLEY VACATION, TO VACATE APPROXIMATELY 50 BY 40 FEET OF WEST B

STREET RIGHT-OF-WAY, ON PROPERTY GENERALLY LOCATED AT SW 17TH AND WEST B
STREETS:

May 23, 2018

Members present: Beckius, Edgerton, Finnegan, Harris, Hove, Joy, Washington, Corr, and Scheer.

Staff Recommendation: Conformance with the Comprehensive Plan.

There were no ex parte communications disclosed.

Staff Presentation: Dessie Redmond of the Planning Department said these are application for a new CUP. The area includes an existing home and proposes 6 attached or detached units on West C Street and 14 townhomes. There is also an outlot included for drainage. There is similar housing found surrounding this area. There is a waiver requested regarding storm water detention to mitigate disturbance to existing flood plain. Watershed has made some modifications and is in support. There is also routine waivers requested regarding lot width/depth ration and side yard allotment. The change of zone is to allow the slightly larger density. Staff has recommended that requested change be applied to the existing homes within the area. The street and alley vacated area would become part of the PUD.

Finnegan asked for more information about changing the zone on the two existing homes. Redmond said the recommendation to include them was in order to allow the change of zone to follow the block face.

Corr asked if any homes will be torn down. Redmond said the houses will stay. Corr noted that those home owners are surrendering all development rights. Redmond said that was discussed with the property owners and they are aware of it--including them allows the area required to get the desired density.

Washington asked if losing their development rights has any impact to their property taxes or home valuations. Redmond said she does not believe that would impact taxes or property values. As part of the CUP, only residential development would be allowed, so they could not

ask for commercial development. If in 50 years, someone buys the property, hopefully they have done their research. It is possible that in the very long-term, there could be unintended consequences.

Corr asked if the development to the east did not build out to the boundary of this CUP due to the wetland. Redmond said that is correct and effort is being made to preserve flood and wetlands.

Corr asked if staff is comfortable with the lack of connectivity. Redmond said there is no issue with getting to the area. LFR agreed with that. Since there are existing residences, it is not possible to make a connection to A Street.

Proponents:

1. Nate Burnett, REGA Engineering, said that the owners met with the neighbors prior to even purchasing the property. There has been significant discussion with the property owner about giving up development rights. They have signed and agree to give up their rights as part of a purchase agreement. The vacation of B Street is requested because it does not make sense to do away with the natural water quality feature. Based on concern from neighbors to the east, one lot will be removed to expand the water detention area. It was stated from the start that as long as we are not adjusting the existing final plat, we are not required to pave 17th or C Streets.

Edgerton asked the timeframe for building or final platting the lots to the north. Burnett said the lots are already final platted.

Corr asked if the reason they are not required to pave the roads is because they are already final platted. Burnett said that is correct. He added that the residential lots cannot be within the floodplain so they will be filled before the final plat for the townhomes is accepted by Planning.

Opponents:

1. Susan Shear, 1728 W. B Street, said that SW 17th and C Street are gravel and there is no other outlet. Adding 20 units would potentially mean 40 cars in and out each day. The road is not in good condition and has to be graded weekly. The density of the neighborhood should not increase.

2. Burl Shear, 1728 W. B Street, said there were 12 houses built on 50-foot lots. He has seen instances where emergency support vehicles have not been able to access areas. No one in the area wants to see additional traffic. There are already some large apartment complexes towards the floodplain. There is no reason to change the zoning to allow more density. There would still be an adequate number of homes.

Staff Questions:

Corr said the area is currently platted and they could add 41 houses. Redmond said the lots are small since they were platted so long ago. The area is already zoned R-2 so they could

come in for a building permit, as is. **Henrichsen** said that if a person owns two undersized lots in common, they should be considered joined; therefore, these lots would not accommodate 45 houses. The CUP density is even less. They could get a permit to build on West C, but once in the CUP and the lots are revised, they will have to have West C improved. The first phase is to do West B.

Applicant Rebuttal:

Burnett said they could currently build 17 units with the R-2 zoning. The existing house takes their proposed number down to 20 and with the removal of the one lot, only 19 new units are proposed. We are not planning to final plat West C Street. Corr noted that in light of that, there really is no "Phase 2" because the applicant does not plan on making changes. Burnett said the lots are already platted so they are really only concerned with the southern part of the area.

Corr asked if someone proposed building a house on West C, if it would trigger the paving. Burnett said it would not because they have already been final platted. Corr asked if the only way to get it paved is to do a paving district. Burnett said that is correct.

Henrichsen came forward to state that is incorrect. The lots on C Street are shown as six lots in the CUP, so they will have to be platted, or shown as outlots for future development. Showing the six lots would require the paving. Burnett asked if that is part of the conditions. Henrichsen said that the six lots are shown as part of the CUP and the rules of the CUP are that they will be replatted as shown.

Harris asked if the applicant would like more time before moving ahead, in light of this information. Burnett said they would like to request to defer.

CHANGE OF ZONE NO. 18014 AND SPECIAL PERMIT NO. 18019**ACTION BY PLANNING COMMISSION:****May 23, 2018**

Harris moved to defer both applications for public hearing with new information only and action to the regular Planning Commission hearing of June 6, 2018, seconded by Beckius.

Corr said she is happy to work with the applicant on this.

Scheer said it is the right thing to do.

Washington expressed that she is glad this aspect came to light now so the applicant has all of the correct information.

There being no further business to come before the Commission, the meeting was adjourned at 3:25 p.m.

Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, June 6, 2018.