

## MEETING RECORD

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, December 18, 2019, 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:** Shams Al-Badry (arrived at 1:04 pm), Tom Beckius, Dick Campbell, Cristy Joy, Tracy Edgerton, Deane Finnegan, Dennis Scheer and Cindy Ryman Yost; Tracy Corr absent. David Cary, Steve Henrichsen, Tom Cajka, George Wesselhoft, Rachel Jones and Geri Rorabaugh and Rhonda Haas of the Planning Department; media and other interested citizens.

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

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

Finnegan apologized to the audience and staff for leaving early on the December 4, 2019 Planning Commission meeting. She explained the reason for leaving early was that she had major spine surgery in the spring and is still recovering and unable to sit for prolonged periods of time. Over the past two weeks, she has watched every minute of the hearing, and is prepared to vote on Special Permit 19051 today. Apologizing again, to everyone that stayed for the long meeting, including her fellow Commissioners.

Vice-Chair Beckius requested a motion approving the minutes for the regular meeting held December 4, 2019.

Motion for approval of the minutes as revised made by Campbell, seconded by Edgerton and carried 7-0: Campbell, Edgerton, Finnegan, Joy, Ryman Yost, Scheer and Beckius voting 'yes'; Al-Badry and Corr absent.

### **CONSENT AGENDA**

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

### **BEFORE PLANNING COMMISSION:**

**December 18, 2019**

Members present: Al-Badry, Campbell, Edgerton, Finnegan, Joy, Ryman Yost, Scheer and Beckius; Corr absent.

**The Consent Agenda consisted of the following items: Annexation 19009 and Change of Zone 19029.**

There were no ex parte communications disclosed.

There was no information to be disclosed from visits to the sites.

Campbell moved approval of the Consent Agenda, seconded by Finnegan and carried 8-0: Al-Badry, Campbell, Edgerton, Finnegan, Joy, Ryman Yost, Scheer and Beckius voting 'yes'; Corr absent.

**STREET & ALLEY VACATION 19008, TO VACATE A PORTION OF 17TH STREET RIGHT-OF-WAY, GENERALLY LOCATED AT 17TH STREET BETWEEN VINE AND X STREETS:**

**PUBLIC HEARING:**

**December 18, 2019**

Members present: Al-Badry, Campbell, Edgerton, Finnegan, Joy, Ryman Yost, Scheer and Beckius; Corr absent.

**Staff Recommendation:** Conforms to the Comprehensive Plan

There were no ex parte communications disclosed.

There was no information to be disclosed from visits to the site.

**Staff Presentation:** **George Wesselhoft, Planning Department**, came forward and stated this is a request to vacate North 17th Street right-of-way between Vine Street and X Street. The University of Nebraska (UNL)-Lincoln is requesting this vacation to accommodate a building addition near Vine Street, which would include a student plaza and open space with private usage of the street for the northern extent. The area to be vacated includes 1.31 acres and is completely bounded on both sides by UNL facilities. The traffic will not be negatively impacted in the area, as there are nearby streets that still will provide for traffic flow, including North 16th Street, Vine Street, X Street and Antelope Valley Parkway. North 16th Street is an alternate north-south route. The Fire Department recommended in their review that they maintain accessibility for emergency vehicle traffic, including fire engines and fire aerials between the new building and the remaining buildings from Vine Street and to the north along the same route as the current street. This is a condition of approval.

Edgerton was curious of how the fire apparatus would use this area, given the design that was presented. Wesselhoft explained that there would be access to the north, which is the area that remains from 17<sup>th</sup> Street. It was discussed to leave space between the new engineering building and the existing buildings through the parking area to the south.

Beckius inquired if this was with the idea that LFR (Lincoln Fire and Rescue) could drive on the student plaza if needing to access Abel Hall or something along those lines. George said yes, that was his understanding.

**Applicant:**

**John Jensen, Real Estate Manager for the University of Nebraska, 1901 Y Street**, came forward and stated that the University plans on building an \$85 million state-of-the-art engineering facility, which will increase the number of students enrolled in the program. This new facility of engineering will support a strong College of Engineering that will further attract talent to industries in Nebraska. For the City of Lincoln, this will mean a larger student population for added jobs, more research dollars and a greater number of professionals as a part of the community network. This building will be about 180,000 square feet and the site will have a repurposed streetscape to serve as active learning and a recreation space. This vacation supports the University's master planning efforts, and the University is the exclusive owner of the property adjacent to and affected by this vacation action. The University will provide the necessary utility easements to support the city's infrastructure area and will provide for the recommended Fire Department's access points for student and community safety. The traffic and transportation departments have noted that this vacation will not negatively impact the surrounding traffic or transportation.

Campbell inquired if they have reached a purchase price agreement with the city yet. Jensen said not yet and explained that the evaluation would come from the City's Real Estate Department following this action.

Edgerton wanting to clarify that they do not have any concerns with the conditions of approval that have been included. Jensen said no, that they are happy to comply.

Beckius asked about LFR's access to Sandoz and Abel and how it will be preserved. Jensen stated it is in their interest to protect their students as much as the Fire Department's. The current plan is to keep access to the north to serve Abel and Sandoz, and further stated they would also like to retain southern access probably on the eastern portion where the parking lot currently sits and have access from the south as well.

There was no testimony in support or opposition.

Scheer moved to close the public hearing on this item, seconded by Campbell and carried 8-0: Al-Badry, Campbell, Edgerton, Finnegan, Ryman Yost, Scheer, Joy and Beckius voting 'yes'; Corr absent.

**STREET AND ALLEY VACATION 19008****ACTION BY PLANNING COMMISSION:****December 18, 2019**

Campbell moved approval, seconded by Joy and carried 8-0: Al-Badry, Campbell, Edgerton, Finnegan, Ryman Yost, Scheer, Joy and Beckius voting 'yes'; Corr absent.

**SPECIAL PERMIT 19051, TO ALLOW FOR A CAMPGROUND AND RELATED ACCESSORY USES, ON PROPERTY GENERALLY LOCATED AT THE SE CORNER OF HWY 77 AND DAVEY ROAD:**

**ACTION BY PLANNING COMMISSION:**

**December 18, 2019**

Members present: Al-Badry, Campbell, Edgerton, Finnegan, Joy, Ryman Yost, Scheer and Beckius; Corr absent.

**Staff Recommendation:** Conditional Approval

Clerk noted that there is a 14-day appeal process to appeal the decision onto the County Board. The 14<sup>th</sup> day falls on January 1, 2020 and City offices are closed. Appeal forms can be submitted in person or by mail until December 31, 2019. You may also submit an appeal by email, as long as it is submitted to the Planning Department by January 1, 2020. Only one appeal form needs to be submitted to move this item on to the County Board.

There were ex parte communications disclosed by Joy who stated that she had two contacts concerning this application. She shared there was a person in her office building that was in support of Camp Away, and she instructed him on how to submit his comments of support. He is part of the record that the Commissioners have received by email. Joy further stated a neighbor stopped by to discuss the special permit and left his name and number with her husband, and she text him on how to communicate with the Planning Department. He invited her to a neighborhood meeting and she declined, due to conflict of interest. He is part of the record with his letter of opposition and testimony at the December 4, meeting.

There was no information to be disclosed from visits to the site.

**Staff Questions:** Tom Cajka, Planning Department, came forward to remind the Commissioners that at the last hearing the applicant had proposed a revised condition to 2.1. Cajka handed the Commissioners a copy of the proposed revised condition (see Exhibit 1), wanting to make sure that the Commissioners that were not at the last meeting had been given one.

Campbell moved approval, with the revised language to Condition 2.1, seconded by Al-Badry.

Ryman Yost wanted to add that she too had to leave in the middle of the public hearing at the last meeting. She stated that she has watched all of the video and read all of the materials that were presented.

Campbell stated the reason for the motion is that the campground fits every legality for being in the area. Campbell does empathize with the acreage owners in the area but, as the community grows, there will always be build-out problems. He further stated that he thinks the campgrounds will be based on what they have done with the leased ground from the City, a likeable and pleasant place to stay.

Scheer shared that he does not want to rehash his reasoning from last meeting, but is wanting to piggyback on what Commissioner Campbell stated and he wanted this on the record for this vote.

Scheer stated the special permit request meets all of the legal responsibilities and based on the testimony, it meets all of the site conditions that the Commissioners were concerned about including water. Scheer shared that he was extremely concerned about the water and the testimony indicated that it would not be an issue.

Joy stated as she reviewed all of the information and watched the videos several times; there were some positives and negatives to this development. She stated that she is concerned with density as it relates to the Comprehensive Plan with this specific type of land use. In the County's 2040 Comprehensive Plan, and using those guiding principles for community, there is a gradual transition of uses talked about and the need to maximize the use of urban services with the water and sewer, even though there does not appear to be a problem in this situation from the review that they have seen. Joy stated that she does feel it is a goal to minimize the conflicts between urban and acreage uses and reiterated her support to the Planning Department to develop a baseline for the evolution of campground zoning based on what Commissioners had already stated-- looking at this as they move forward to develop County guidelines. Based on the density, she will be voting no on this special permit.

Finnegan stated that she would be voting yes, mainly for the reasons that Commissioners Campbell and Scheer have stated. She shared that staff did their due diligence in checking everything out. There were experts from the City and the State who have weighed in and have been favorable. She further stated that there are safety networks in place. If there is not water, they will not be able to move in. She will be voting yes on this project.

Motion for approval, as amended as presented on behalf of the applicant to Condition 2.1 carried 5-3: Al-Badry, Campbell, Finnegan, Ryman Yost and Scheer voting 'yes'; Edgerton, Joy and Beckius voting 'no'; Corr absent.

Note: This is **FINAL ACTION** on **Special Permit 19051**, unless appealed by filing a letter in the Office of the County Clerk within 14 days.

The Vice-Chair stated that anyone wishing to speak on an item not on the agenda, may come forward and do so; no one came forward.

Edgerton moved to adjourn the Planning Commission Meeting of December 18, 2019, seconded by Joy and carried 8-0: Al-Badry, Campbell, Edgerton, Finnegan, Ryman Yost, Scheer, Joy and Beckius voting 'yes'; Corr absent.

Meeting adjourned 1:25 p.m.

Note: The Planning Commission will not formally approve these minutes until their next regular meeting on Wednesday, January 8, 2020.

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Revise Condition 2.1 To Read

240 campsites are permitted, up to 35% of the campsites may be occupied by the same person or persons for no more than 180 ~~consecutive~~ consecutive days in any calendar year. If the campground is built in phases, the 35% shall apply to the number of campsites in that phase. For the remaining portion, the same person or persons may not occupy the campground for more than thirty (30) consecutive days.