

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, January 22, 2020, 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: Shams Al-Badry, Tom Beckius, Dick Campbell, Tracy Corr, Cristy Joy, Tracy Edgerton, Deane Finnegan, Dennis Scheer and Cindy Ryman Yost; David Cary, Steve Henrichsen, Ed Zimmer, Dessie Redmond, Rachel Jones, Brian Will, George Wesselhoft, Geri Rorabaugh and Rhonda Haas of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

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

Chair Corr requested a motion approving the minutes for the regular meeting held January 8, 2020.

Motion for approval of the minutes made by Campbell, seconded by Edgerton and carried 9-0: Al-Badry, Campbell, Edgerton, Finnegan, Joy, Ryman Yost, Scheer, Corr and Beckius voting 'yes'.

Chair Corr called for Requests for Deferral.

SPECIAL PERMIT 15062A
TO ALLOW FOR THE EXPANSION OF THE SALE OF ALCOHOL FOR CONSUMPTION ON AND OFF THE PREMISES, ON PROPERTY, GENERALLY LOCATED AT 925 ROBBERS CAVE ROAD
PUBLIC HEARING: January 22, 2020

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

Staff Recommendation: Four-week deferral.

The Clerk noted that the applicant has requested to defer this item for four weeks to the regular Planning Commission hearing on February 19, 2020.

Campbell moved to grant the request for a 4-week deferral for public hearing and action on February 19, seconded by Finnegan and carried 9-0: Al-Badry, Campbell, Edgerton, Finnegan, Joy, Ryman Yost, Scheer, Corr and Beckius voting 'yes'.

SPECIAL PERMIT 450R

TO ALLOW FOR THE EXPANSION TO AN EXISTING NON-RESIDENTIAL HEALTH CARE FACILITY, WITH WAIVERS, ON PROPERTY, GENERALLY LOCATED AT 5401 SOUTH STREET

PUBLIC HEARING:

January 22, 2020

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

Staff Recommendation: Two-week deferral.

The Clerk noted that the applicant has requested to defer this item for two weeks to the regular Planning Commission hearing on February 5, 2020.

Campbell moved to grant the request for a 2-week deferral for public hearing and action on February 5, seconded by Finnegan and carried 9-0: Al-Badry, Campbell, Edgerton, Finnegan, Joy, Ryman Yost, Scheer, Corr and Beckius voting 'yes'.

SPECIAL PERMIT 19056

TO ALLOW FOR THE DEVELOPMENT OF A CUP (COMMUNITY UNIT PLAN) WITH UP TO 24 SINGLE-FAMILY DETACHED AND/OR SINGLE FAMILY ATTACHED UNITS ON APPROXIMATELY 4.15 ACRES, WITH REQUESTED WAIVERS, ON PROPERTY GENERALLY LOCATED AT SOUTH 41ST AND RANDOLPH STREETS

PUBLIC HEARING:

January 22, 2020

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

Staff Recommendation: Conditional Approval

Commissioner Corr disclosed she attended a January 2, neighborhood meeting organized by the Witherbee Neighborhood Association, and she had met with a couple of Witherbee members on January 10, which involved answering questions on the process.

There was no ex-parte communications disclosed relating to site visits.

Staff Presentation: George Wesselhoft, Planning Department, came forward and stated the property is 4.15 acres in size and is located on the north side of Randolph Street east of South 40th Street. The zoning for the property is R-2 Residential. Revisions have been made to the staff report on this project. The first revision was due to a reduction in units. The applicant had

originally requested 24 dwelling units, which has been reduced to 18 dwelling units. The second revision is due to a Witherbee Neighborhood Association request, which the Developer has agreed to, to add specific criteria for the single-family dwellings to meet the Neighborhood Design Standards, including orientation of entry door and window facing the roadway, and recessed garage doors behind a front porch. The proposed 18 units will consist of 13 new units and there will be 5 existing units that will be retained. Access for the development will include a new cul-de-sac that will connect to Randolph Street near the existing South 41st Street. An outlot is proposed from the north end of the cul-de-sac to J Street for a pedestrian easement with sidewalk. This proposal is for a CUP for 18 single-family dwelling units with 6 unassigned units and is justified, as a residential use at urban residential density is an appropriate land use for this site. This site can easily be served by the nearby infrastructure. The proposed plan is compatible with the character of the residential neighborhood. The waiver for the front yard setback reduction is justified, as it will allow for adequate depth for the lots while not affecting the neighbors. The waivers to the design standard and subdivision ordinance for street alignment and block length are justified, as they are to allow for the development given the existing site constraints of topography and the existing homes. Storm water management includes an approved alternative for water quality for soil conditioning of the proposed lots. This has been approved by Lincoln Transportation & Utilities (LTU) Watershed Management and will improve storm water infiltration. The proposed development is approximately located in the center of the existing residential block and drains to four sub-basins with existing storm sewer pipes. An analysis was done, and it was determined that the existing storm sewer system could accommodate the storm water runoff for the minor and major storm events.

Edgerton inquired if Lots 1, 17 and 18 face Randolph Street. Wesselhoft said yes.

Campbell inquired if their driveways would stay in the same location off Randolph. Wesselhoft said yes, for the existing homes. Campbell asked if the home on Lot 1, would be a new home. Wesselhoft said yes, and explained that they would have to relinquish access to Randolph Street. Corr stated that their driveway would then be on South 41st Street Circle. Wesselhoft said correct.

Corr inquired about fencing in an outlot and asked if she had remembered correctly and this was put in the code. Wesselhoft shared that the pedestrian walk that is in the outlot and goes to J Street did have an issue with the grade. As one of the conditions of approval, the developer will have to modify the grade to meet the ADA standards at 5 percent. Wesselhoft stated that he was unsure about the railing and fence that Corr had inquired about. Corr shared that she thought a text amendment had passed, which stated fencing could not be on an outlot for a sidewalk to prevent the tunnel effect. Scheer said the issue was with visibility and safety, as the fence would obscure views. Corr stated that she wanted to make sure that the homeowners would not be putting up privacy fences that would affect visibility and safety. **Steve Henrichsen, Planning Department**, came forward and stated that previously outlots were 5 feet wide and with a

fence on both sides; this is what would give the tunnel affect. This has been changed to 15 feet wide with fences allowed and there is no tunnel affect.

Applicant:

Nate Burnett, REGA Engineering, 601 Old Cheney Rd., came forward on behalf of Rosburg Enterprises, Inc. He shared that only 68 percent of the actual boundary for this development is impacted. They are proposing to keep the R-2 zoning for this project. They met with the Witherbee Neighborhood Association on January 2, 2020. Several neighbors attended this meeting, with a lot of good feedback. The developer continues to work with the Neighborhood Association on this project. Yesterday, the Witherbee Neighborhood Association came out with a conditional letter of support for this project. The neighbors' concerns were discussed at this meeting, and have been addressed by the developer. The developer has agreed to use the Neighborhood Design Standards. A pedestrian sidewalk within Outlot A will have a change in the grading so the slope of this proposed sidewalk will be 5 percent to meet the ADA standard. There have been conversations with Watershed Management for soil conditioning of the proposed lots. Soil conditioning can improve storm water infiltration rates and provides new homeowners with quality topsoil. Burnett referenced a schematic of Pre and Post Drainage conditions (see Exhibit "1").

Campbell inquired about the two north drainage areas shown to be on other lots. Burnett said correct, this was part of an overall drain analysis done for the City. This analysis shows what was going to the J Street area will not negatively affect that storm sewer system. Campbell stated that those lots already drain towards J Street. Burnett said correct, it would just be lots C, D and E within their project.

Scheer inquired about the areas that storm water does not escape the boundary of the project. Burnett shared that in one area water is captured with a curb inlet. There will also be soil conditioning to help with infiltration at other areas in the development and this will also help the neighbors.

Corr stated the drainage study talks about major and minor events and asked if the 100 year is considered a major event. Burnett said yes, and explained that the study requires that they look at the 2, 10 and 100 year and the 100 year is the major event.

Proponents:

1. **Kathy Holland, 501 South 55th Street, Present of Witherbee Neighborhood Association,** came forward and stated that they are in support this development. She shared that Witherbee Neighborhood Association hosted the meeting on January 2, 2020. They formed a committee to look at the application for the site. They support the proposed single-family homes for this site. They had two concerns with the application, but the applicant has amended his application to address these concerns.

Opponents:

No one came forward

Note: This is **FINAL ACTION** on **Special Permit 19056**, unless appealed by filing a letter in the Office of the City Clerk within 14 days.

Campbell moved to close the public hearing on this item, seconded by Beckius and carried 9-0: Al-Badry, Campbell, Edgerton, Finnegan, Joy, Ryman Yost, Scheer, Corr and Beckius voting 'yes'.

SPECIAL PERMIT 19056**ACTION BY PLANNING COMMISSION:**

January 22, 2020

Campbell moved approval, as amended as offered by staff in the memorandum dated January 21, 2020, second by Joy.

Campbell stated that he is very pleased to see this in this area and there are few areas in older neighborhoods that are infill projects. These are very popular and are on individual lots. He stated that he is in support of this project.

Joy shared that she is in support and this is a wonderful infill project. A lot of nice work has been done to put together the responses of the neighborhood and this makes a huge difference.

Finnegan stated that she is in support of this project. Finnegan thanked everyone for working together on this project; this is a perfect model for working together, and she would like to see this replicated.

Corr echoing her fellow Commissioners and wished that every developer was as easy to work with. This is the best possible outcome that they could have had.

Motion carried 9-0: Al-Badry, Campbell, Edgerton, Finnegan, Joy, Ryman Yost, Scheer, Corr and Beckius voting 'yes'.

PRELIMINARY PLAT 18002**TO ADD 430 RESIDENTIAL LOTS ON APPROXIMATELY 152.1 ACRES, MORE OR LESS, ON PROPERTY GENERALLY LOCATED AT THE SW CORNER OF WEST OLD CHENEY ROAD AND SOUTH FOLSOM STREET:****PUBLIC HEARING:**

January 22, 2020

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

Staff Recommendation: Conditional Approval

There were no ex parte communications disclosed.

There was no ex-parte communications disclosed relating to site visits.

Staff Presentation: **Dessie Redmond, Planning Department**, came forward and stated this preliminary plat consists of approximately 474 residential lots and 19 outlots on approximately 152.1 acres. The first phase of annexation occurred in July of 2018 for approximately 42.49 acres. It was the first phase of this subdivision that will develop incrementally with anticipated future phases of annexation and rezoning requests. This preliminary plat shows how the overall subdivision may generally develop. Waivers to block length, lot lines being radial and perpendicular to street right-of-way, and sanitary sewer running opposite of street grade are also requested. This preliminary plat was originally submitted in May 2018. The developer agreed to put the preliminary plat on hold in order to work with the City on the design of W. Old Cheney Road. Sanitary sewer is not currently available at this time. However, funding for it is in the next three years of the Capital Improvement District (CIP) as stated in the Annexation Agreement. Redmond shared that there is a motion to amend by the applicant and staff is agreeable with this amendment.

Applicant:

Bob Benes, Aspen Builders, Inc., 1640 Normandy Ct. Ste. A, came forward and stated that he is one of the developers on this project. He shared that they are in the last phase from what had been started two or three years ago, and now they are ready for the next phase. This development is different from the others, because it is truly affordable housing and this is something that Lincoln needs. This project is unique because three arterial roads in a quarter section surround this development. **DaNay Kalkowski, Seacrest & Kalkowski, 1128 Lincoln Mall, Ste. 105**, came forward on behalf of Southwest Folsom Development, LLC. Kalkowski provided copies of a Motion to Amend (see Exhibit "2"). She explained that they have submitted a revised site plan and phasing plan to the Planning Department. In doing so, a couple of the conditions are no longer applicable with the revised plans and they are asking that these conditions be removed as identified on Exhibit 2.

There was no testimony in support or opposition.

Staff Questions:

Corr asked Redmond if staff approves of the amendments from the applicant on this project. Redmond said yes.

Note: This is FINAL ACTION on Preliminary Plat 18002, unless appealed by filing a letter in the Office of the City Clerk within 14 days.

Campbell moved to close the public hearing on this item, seconded by Beckius and carried 9-0: Al-Badry, Campbell, Edgerton, Finnegan, Joy, Ryman Yost, Scheer, Corr and Beckius voting 'yes'.

PRELIMINARY PLAT 18002

ACTION BY PLANNING COMMISSION:

January 22, 2020

Campbell moved approval of this preliminary plat as amended.

Seconded by Beckius.

Beckius stated this looks to be a nice development and that Mr. Benes has been very successful. This project does have a place in the Lincoln market and will be good for the community to see these types of developments continue.

Campbell shared that he would agree with fellow Commissioner Beckius and he is pleased to see less expensive lots coming up on the market.

Corr agrees that this is another great example of the developer working and making sure everything is ironed out first, and is in support.

Motion carried 9-0: Al-Badry, Campbell, Edgerton, Finnegan, Joy, Ryman Yost, Scheer, Corr and Beckius voting 'yes'.

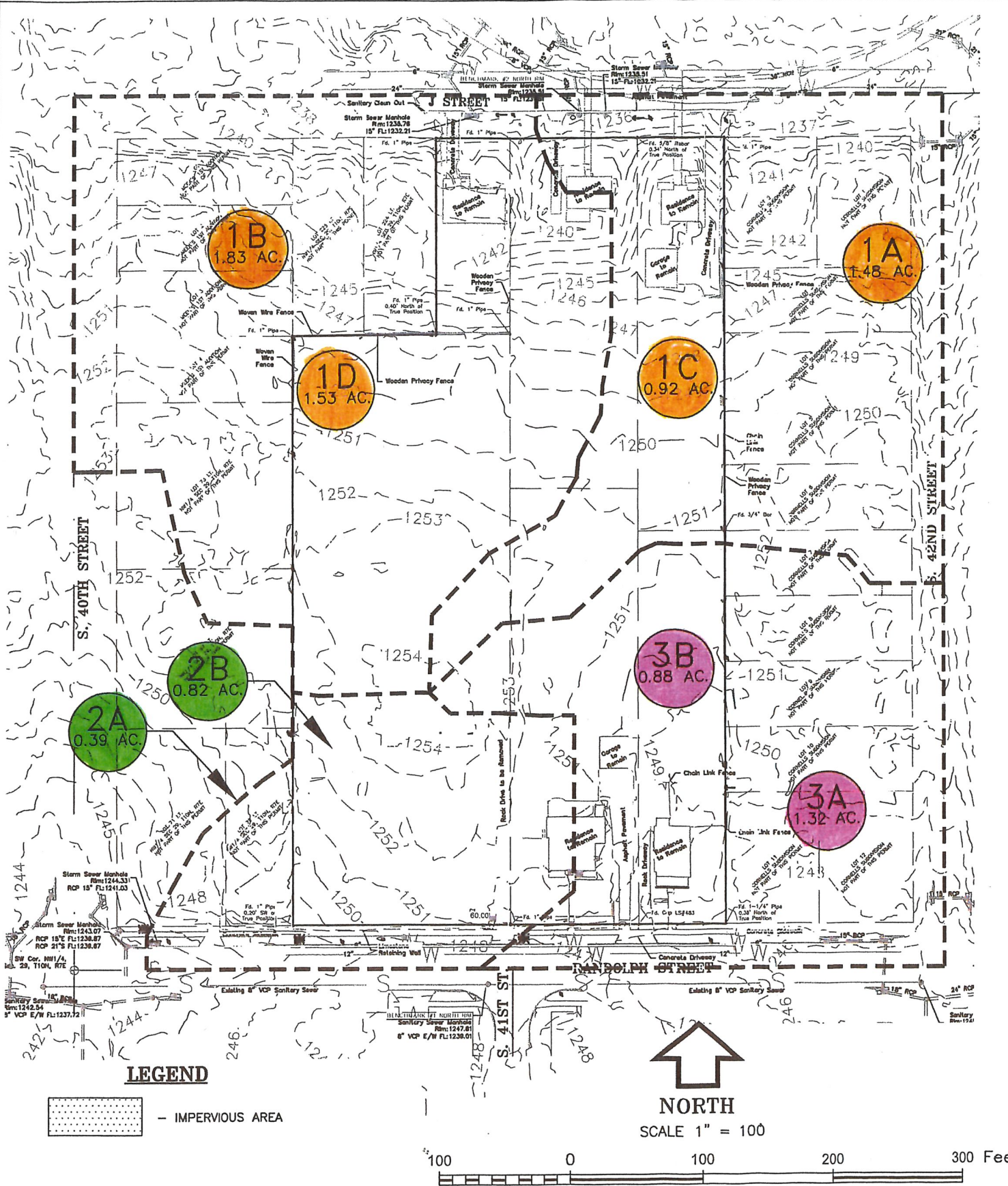
Chair stated that anyone wishing to speak on an item not on the agenda, may come forward and do so; no one came forward.

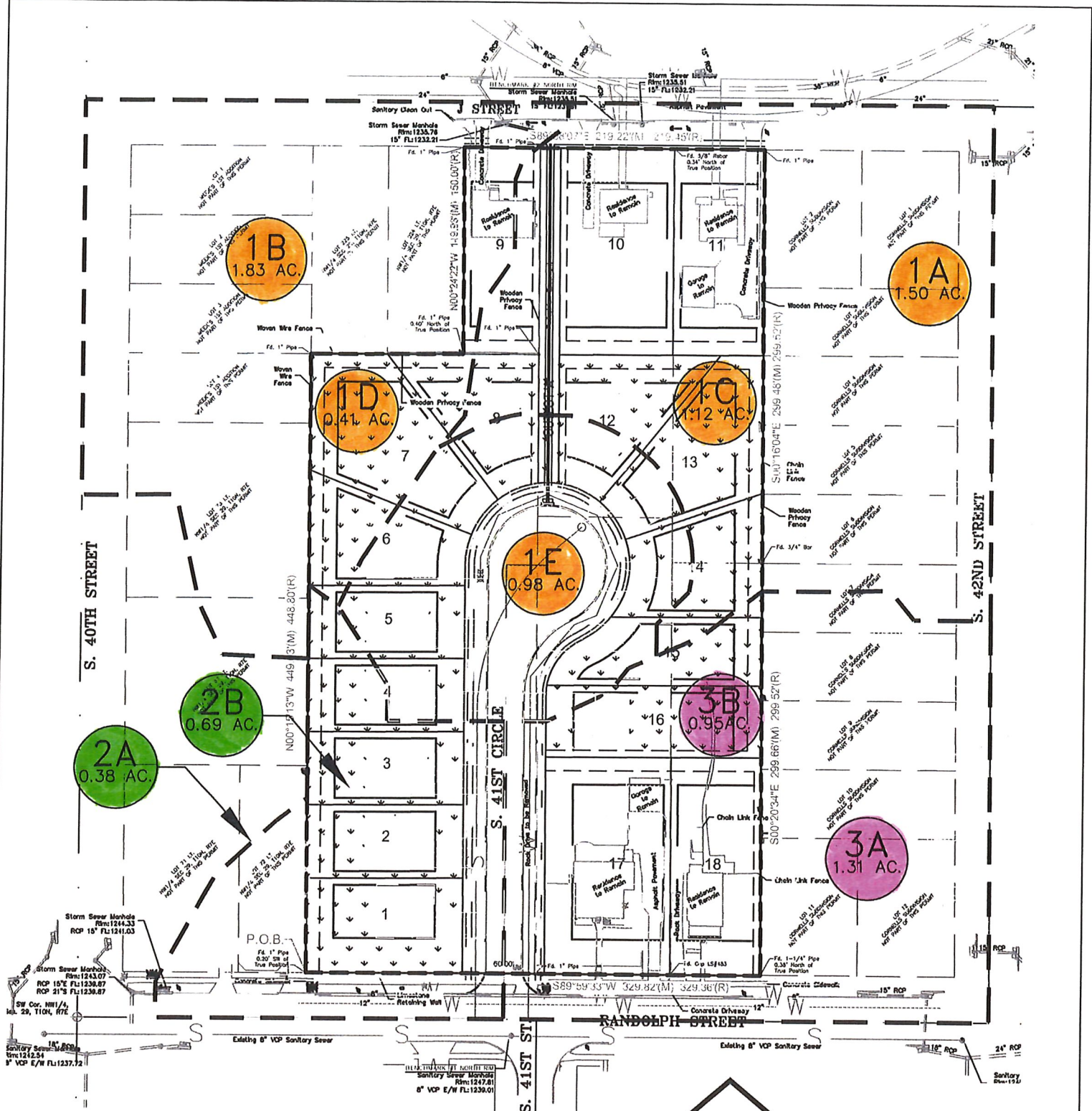
Beckius moved to adjourn the Planning Commission Meeting of January 22, 2020, seconded by Scheer and carried 9-0: Al-Badry, Campbell, Edgerton, Finnegan, Ryman Yost, Scheer, Joy, Corr and Beckius voting 'yes'.

Meeting adjourned 1:40 p.m.

Note: The Planning Commission will not formally approve these minutes until their next regular meeting on Wednesday, February 5, 2020.

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S. 41ST CI. AND RANDOLPH ST
CUP/SPECIAL USE PERMIT
POST-DEVELOPMENT CONDITIONS
EXHIBIT B

REGA
ENGINEERING
GROUP, INC.

601 OLD CHENEY RD.
SUITE 'A'
LINCOLN, NE 68512
(402) 484-7342

- ENGINEERING
- PLANNING
- LANDSCAPE ARCHITECTURE
- LAND SURVEYING

DATE:
12/23/2019

PROJECT
151422
SHEET NO.

6 of 6

MOTION TO AMEND

I hereby move to amend the Conditions of Approval – Preliminary Plat 18002 (Southwest Village Heights 1st Addition) as follows:

Site Specific Conditions:

1.1.12 ~~On sheet 2A of 19: add the notes as per the 12/12/2019 markups.~~

1.1.22 ~~Add a General Note, “The proposed intersection on SW 12th Street needs further review by LTU Engineering Services Department before approval.~~

Introduced by:

Requested by: SEACREST & KALKOWSKI, PC, LLO on behalf of Southwest Folsom Development, LLC