

MEETING RECORD

Advanced public notice of the Planning Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Tuesday, July 19, 2022.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, July 27, 2022, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska.

MEMBERS AND OTHERS IN ATTENDANCE: Lorenzo Ball, Dick Campbell, Maribel Cruz, Gloria Eddins, Tracy Edgerton, Cristy Joy, and Rich Rodenburg and Cindy Ryman Yost; Tracy Corr absent. Tom Cajka, David Cary, Steve Henrichsen, Alexis Longstreet, Jennifer McDonald, Shelli Reid, George Wesselhoft, and Brian Will of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

Chairperson Edgerton called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

Commissioners were unable to review and approve the minutes from the July 13th, 2022, meeting, due to an error in the posting of the minutes online. The minutes for the July 13th, 2022, meeting will be approved at the next Planning Commission Hearing on August 10, 2022.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

July 27, 2022

Members present: Ball, Campbell, Cruz, Eddins, Edgerton, Joy, Rodenburg and Ryman Yost; Corr absent.

The Consent Agenda consisted of the following items: Comprehensive Plan Conformance 22013, Change of Zone 22020, and Special Permit 19032A.

There were no ex-parte communications disclosed.

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

Campbell moved approval of the Consent Agenda items, seconded Joy. Motion carried 8-0: Ball, Campbell, Cruz, Eddins, Edgerton, Joy, Rodenburg and Ryman Yost voting 'yes'; Corr absent.

Note: This is **Final Action on Special Permit 22020 and Special Permit 19032A**, unless appealed by filing a letter in the **Office of the City Clerk** within **14 days**.

Chairperson Edgerton called for **Request for Deferral**.

CHANGE OF ZONE 22021, FROM AGR (AGRICULTURAL RESIDENTIAL DISTRICT) TO R-3 (RESIDENTIAL DISTRICT), ON PROPERTY GENERALLY LOCATED AT LINWOOD LANE AND AVON LANE.

AND

SPECIAL PERMIT 22024, TO ALLOW FOR A CUP (COMMUNITY UNIT PLAN) WITH UP TO 26 DWELLING UNITS, WITH ASSOCIATED WAIVERS, ON PROPERTY GENERALLY LOCATED AT LINWOOD LANE AND AVON LANE. THE PLANNING COMMISSION ACTION IS FINAL.

PUBLIC HEARING:

July 27, 2022

Members present: Ball, Campbell, Cruz, Eddins, Edgerton, Joy, Rodenburg and Ryman Yost; Corr absent.

Staff Recommendation: Two-week deferral

The Clerk noted that the applicant had requested a deferral on Items 4.1a and 4.1b – Change of Zone 22021 and Special Permit 22024 – for **two weeks** to the regular Planning Commission on August 10, 2022.

There were no ex-parte communications disclosed.

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

Neutral:

Susan Brittingham, 9448 Northern Sky Road, expressed her appreciation and support for the developer's effort regarding appealing to neighbor's needs. Brittingham stated that she would like to make a request that the developers take into consideration the neighboring properties characteristics (height, design style, etc.). Brittingham discussed her concern regarding the existing landscape. Brittingham stated that she emailed Tim Gergen from Clark & Enersen regarding keeping some of the existing landscaping and screening.

Campbell stated that there is a Plat Community Unit Plan in the area for item 4.1b and stated that he was unsure if the trees were shown in the plan. Brittingham agreed and stated that she was unsure as well.

Support:

Ted Wolfram, HOA President Sunrise Estates, 1040 North 92nd Street, appeared on behalf of the Sunrise Estates community. Wolfram discussed the history associated with the community. Wolfram discussed a Request for Proposal (RFP) that was released to different builders in 2020 regarding a parcel of land that the Sunrise Estates community wanted to sale. Wolfram discussed the conditions/requirements for builders to develop on the land in which they were expected to follow. Wolfram stated that in January 2021, they chose a developer and the developer spoke to the residents about anticipated development. Wolfram discussed the benefits of the development and expressed his support.

Campbell moved to grant the request for 2-week deferral for public hearing and action on August 10, 2022, seconded Joy. Motion carried 8-0: Ball, Campbell, Cruz, Eddins, Edgerton, Joy, Rodenburg and Ryman Yost voting ‘yes’; Corr absent.

CHANGE OF ZONE 22013, FROM AG (AGRICULTURAL DISTRICT) TO R-3 (RESIDENTIAL DISTRICT), ON PROPERTY GENERALLY LOCATED AT 8451 EAGLE CREST ROAD.

AND

SPECIAL PERMIT 22015, TO ALLOW FOR A CUP (COMMUNITY UNIT PLAN) WITH UP TO 27 DWELLING UNITS, WITH ASSOCIATED WAIVERS, ON PROPERTY GENERALLY LOCATED AT 8451 EAGLE CREST ROAD. THE PLANNING COMMISSION ACTION IS FINAL.

PUBLIC HEARING:

July 27, 2022

Members present: Ball, Campbell, Cruz, Eddins, Edgerton, Joy, Rodenburg and Ryman Yost; Corr absent.

Staff Recommendation: Four-week deferral

The Clerk noted that the applicant had requested a deferral on Items 5.1a and 5.2b – Change of Zone 22013 and Special Permit 22015 – for **four weeks** to the regular Planning Commission on August 24, 2022.

There were no ex-parte communications disclosed.

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

Campbell moved to grant the request for four-week deferral for public hearing and action on August 24, 2022, seconded Joy. Motion carried 8-0: Ball, Campbell, Cruz, Eddins, Edgerton, Joy, Rodenburg and Ryman Yost voting ‘yes’; Corr absent.

CHANGE OF ZONE 22017, FROM AG (AGRICULTURAL DISTRICT) TO AGR (AGRICULTURAL RESIDENTIAL DISTRICT), ON PROPERTY GENERALLY LOCATED AT 7433 SOUTHWEST 27TH STREET.

AND

SPECIAL PERMIT 22020, TO ALLOW FOR AN AGR (AGRICULTURAL RESIDENTIAL DISTRICT) CUP (COMMUNITY UNIT PLAN), FOR SEVEN SINGLE FAMILY LOTS, ON PROPERTY GENERALLY LOCATED AT 7433 SOUTHWEST 27TH STREET. THE PLANNING COMMISSION ACTION IS FINAL.

PUBLIC HEARING:

July 27, 2022

Members present: Ball, Campbell, Cruz, Eddins, Edgerton, Joy, Rodenburg and Ryman Yost; Corr absent.

Staff Recommendation:

Change of Zone 22017
Special Permit 22020

Approval
Conditional Approval

There were no ex-parte communications disclosed.

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

Staff Presentation:

Tom Cajka, Planning Department, 555 South 10th Street, Lincoln, NE, discussed the property location and zoning. Cajka stated that the project is for seven (7) lots and there is an access point located off Southwest 27th Street. Cajka discussed the street structure. Cajka stated that the lots associated with the project are about one (1) acre and will have private wells that are managed by a community sewer system that has to be approved by Nebraska Department of Environment and Energy. Cajka stated that there are requests for waiver regarding block length, pedestrian way, and setbacks. Cajka referenced the aerial to discuss the waivers regarding the block length and setbacks and stated that staff is in support of those waivers.

Ball noted that in the analysis that there is a mechanical Dwelling Unit Bonus. Ball asked if that is related to the zone, specific to the plan or both. Ball asked how does that work in the current situation. Cajka stated that the density calculations are based on the AGR zoning district. Cajka stated that the bonus is calculated the units per acre, then a clustering bonus and an additional bonus for using a community sewage system. Ball asked for clarification that there are additional bonuses provided based on the plan. Cajka answered yes and stated for clarification that the bonuses are provided which gives them seven (7) lots versus five (5).

Campbell asked if the seven (7) lots included the original farmhouse. Cajka answered yes.

Applicant Testimony:

Mike Eckert, Civil Design Group, 8535 Executive Woods Dr., #200, Lincoln, NE, appeared on behalf of Osage Hill Farm. Eckert discussed the surrounding parcel's structure. He addressed the issue of access that Tom Cajka spoke about. Eckert discussed the anticipated roadway structure. Eckert stated that access alternatives were a topic of discussion at the neighborhood meeting. Eckert discussed an amendment made with Planning staff and provided copies to the Planning Commission to add a site plan note that a construction entrance be maintained until an occupancy permit is obtained for all seven (7) lots. Eckert discussed the second amendment regarding utility easement. Eckert addressed Commissioner Ball's question regarding the bonuses.

Rodenburg asked about an existing street name and if the property owners would be affected by a street name change or would the existing street name remain the same. Eckert stated that W. Midge Lane will remain the same because it will end and become SW Midge Ct. There is also SW 28th Ct. that comes off Midge Lane. The existing house and the 2 lots will be addressed off W Midge Lane and will forego the issue that happened on S. 70th where neighbors would have to change their addresses.

Proponents:

No one came forward in support.

Neutral:

No one came forward in neutral testimony.

Opposition:

Mike Rezac, 3111 West Covered Bridge Drive, is the developer of the subdivision near the property. Rezac expressed that he would like for the developers to consider a temporary construction entrance.

Staff Questions:

Campbell asked that if the two amendments presenting by Mike Eckert, were incorporated. Cajka answered that one of the amendments has been added as a new condition and the other amendment would be added. Strike 1.1.11 and add as a new condition 1.1.18.

Tim Sieh, Assistant City Attorney, stated that if it is approved, they will incorporate the language into the resolution.

Campbell asked about striking and Edgerton stated to amend the staff report as detailed in the letter dated July 27th.

Cajka stated that the best way to incorporate is to strike what is in the staff report and use the language that is in the amendment in its place.

Applicant Rebuttal:

CHANGE OF ZONE 22017

ACTION BY PLANNING COMMISSION:

July 27, 2022

Campbell moved to close public hearing for CZ22017 and SP22020, seconded by Joy.

Motion carried 8-0: Ball, Campbell, Cruz, Eddins, Edgerton, Joy, Rodenburg and Ryman Yost voting 'yes'; Corr absent.

Campbell moved approval of CZ22017, seconded by Joy.

Campbell expressed his support for the project.

Edgerton expressed her support for the project.

Motion carried 8-0: Ball, Campbell, Cruz, Eddins, Edgerton, Joy, Rodenburg and Ryman Yost voting 'yes'; Corr absent.

SPECIAL PERMIT 22020

ACTION BY PLANNING COMMISSION:

July 27, 2022

Campbell moved approval of SP22020 with the amendments of adding site plan note 1.1.17 as stated in the letter of July 27, 2022, and striking the language in 1.1.11 and inserting providing a 15-foot parameter utility easement on Outlot B and C, seconded by Joy.

Motion carried 8-0: Ball, Campbell, Cruz, Eddins, Edgerton, Joy, Rodenburg and Ryman Yost voting 'yes'; Corr absent.

Campbell moved to adjourn the Planning Commission meeting of July 27, 2022, and carried 8-0: Ball, Campbell, Cruz, Eddins, Edgerton, Joy, Rodenburg and Ryman Yost voting 'yes'; Corr absent.

There being no further business, the meeting was adjourned at 1:44 p.m.