

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, August 2, 2022.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, August 10, 2022, 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: Dick Campbell, Tracy Corr, Maribel Cruz, Gloria Eddins, Tracy Edgerton, Cristy Joy, and Cindy Ryman Yost; Lorenzo Ball and Rich Rodenburg absent. Steve Henrichsen, Emma Martin, Jennifer McDonald, Shelli Reid, and George Wesselhoft 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.

Chairperson Edgerton requested a motion approving the minutes for the regular meeting held July 13th, 2022.

Motion for approval of the minutes made by Campbell, seconded Joy and carried 7-0: Campbell, Corr, Cruz, Eddins, Edgerton, Joy, and Ryman Yost voting 'yes'; Ball and Rodenburg absent.

Chairperson Edgerton requested a motion approving the minutes for the regular meeting held July 27th, 2022.

Motion for approval of the minutes made by Campbell, seconded Joy and carried 7-0: Campbell, Corr, Cruz, Eddins, Edgerton, Joy, and Ryman Yost voting 'yes'; Ball and Rodenburg absent.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

August 10, 2022

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

The Consent Agenda consisted of the following item: Street & Alley Vacation 22006

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 item, seconded Corr. Motion carried 7-0: Campbell, Corr, Cruz, Eddins, Joy, Ryman Yost, and Edgerton voting 'yes'; Ball and Rodenburg absent.

Campbell asked for clarification to staff of why the application needs to go before the County Board if it is within the three-mile limit.

Steve Henrichsen, Planning Department, 555 South 10th Street, responded to Commissioner Campbell's question and stated that the Street and Alley Vacation is outside city limits but owned and maintained by the county. Henrichsen stated the city is making recommendation to County Board and County Board will take action to vacate property since they are owners.

CHANGE OF ZONE 22022, FROM H-3 (HIGHWAY COMMERCIAL DISTRICT) TO I-1 (INDUSTRIAL DISTRICT) ON PROPERTY GENERALLY LOCATED AT 1555 YOLANDE AVENUE.

PUBLIC HEARING:

August 10, 2022

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

Staff Recommendation: Approval

There were no ex-parte communications disclosed.

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

Staff Presentation:

Steve Henrichsen, Planning Department, 555 South 10th Street, Lincoln, NE, came forward and welcomed and introduced Emma Martin, who is the new Planner to the Planning Department. Emma is a recent graduate of South Dakota State University.

Emma Martin, Planning Department, 555 South 10th Street, Lincoln, NE, stated this is a request for a change of zone from Highway Commercial District (H-3) to Industrial District (I-1). Martin discussed the intended use of the property. Martin reiterated that the staff recommendation is approval for this item.

Applicant Testimony:

Tina Arsiaga, 6111 Rolling Hills Blvd, Lincoln, NE stated that current owner is selling, and Arsiaga is requesting a rezone for new intended use.

Chair Edgerton confirmed that the property was rezoned a few months ago. Arsiaga stated that owner is wanting to sell, and as the buyer, she is requesting to rezone to the purpose of the intended use.

Proponents:

No one came forward in support.

Neutral:

No one came forward for neutral testimony.

Opposition:

No came forward in opposition.

Staff Questions:

There were no staff questions.

Applicant Rebuttal:

Applicant did not come forward for rebuttal.

CHANGE OF ZONE 22022

ACTION BY PLANNING COMMISSION:

August 10, 2022

Campbell moved to approve Change of Zone 22022, seconded by Corr.

Campbell expressed his support for the project. Campbell stated that the intended use was good use of the building and location.

Edgerton also expressed her support for the project.

Motion carried 7-0: Campbell, Corr, Cruz, Eddins, Joy, Ryman Yost, and Edgerton voting 'yes'; Ball and Rodenburg absent.

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, LOCATED AT LINWOOD LANE AND AVON LANE. THE PLANNING COMMISSION ACTION IS FINAL.

PUBLIC HEARING:

AUGUST 10, 2022

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

Staff Recommendation:

Change of Zone 22021
Special Permit 22024

Approval
Conditional Approval

There were no ex-parte communications disclosed.

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

Staff Presentation:

George Wesselhoft, Planning Department, 555 South 10th Street, Lincoln, NE, approached the podium. Wesselhoft stated that the change of zone application is to match general zoning of area east and south. Wesselhoft discussed the property associated with the application. Wesselhoft discussed the special permit intended use.

Wesselhoft discussed conditions of approval: An administrative amendment to remove the new CUP from the existing CUP, extension of flood land and drainage area and extension of Linwood Lane and any improvements associated with the extension.

Campbell asked for clarification whether the applicant was requesting 24 units or 26 units. Campbell stated that the plan noted 24 units, but the applicant is asking for 26.

Wesselhoft stated that applicant is only asking for 24 units with conditional approval for the additional 2 units to take it to 26.

Edgerton asked about the road conditions of Linwood Lane.

Wesselhoft stated that it is not built to City standards. He stated that the City engineers could discuss those details.

Applicant Testimony:

Tom Beckius, Potential Developer, 6333 Apples Way Suite 115, Lincoln, NE, approached on behalf of himself and his partner as potential developers. Beckius apologized for delay on the agenda. Beckius anticipated that an open house with the neighborhood would be scheduled before the public hearing on August 10, 2022. Beckius discussed the improvements on Linwood Lane. Beckius asked for the Planning Commission to consider an amendment to the conditions of approval that Linwood Lane be paved to the south end of the flood corridor. Beckius reiterated that Linwood Lane is a city street but does not meet city standards. Beckius referred to a satellite image of Linwood Lane facing south. Beckius stated that other developers looked at this property but were not interested due to potential additional cost. Beckius stated that they are proposing to stop short of the culvert due to cost. He stated that they are willing to make improvements from Waterford Estates north to the culvert, but the development does not allow to financially support the road improvement at that point in time. Beckius discussed the estimates per lot for the development. Beckius referred to 88th and Pioneers as an example of what was previously approved by the City in relation to Linwood Lane. Beckius reiterated his request for consideration of amendment to limit the build out of Linwood Lane. Beckius stated that he believes this is a logical compromise that would not alter the tax base.

Campbell asked when the remaining townhomes are developed, is it anticipated that everyone would in crossing the drainage area. Beckius answered, yes, although he his unaware when that would be. Beckius reiterated that this is a city street, and the city should be a partner in maintaining this structure.

Corr asked who owns the area located north. Beckius answered that he is the owner and stated that land is a part of the Sunrise Estates parcel being sold and the outlot located across the street from Linwood Lane is included.

Corr asked Beckius to clarify the surrounding street names. Beckius clarified street names.

Ryman Yost asked if Duane Lane and Eastview Road were improved to city standard when they were developed. Beckius stated he does not believe the developer was required to make those improvements.

Edgerton asked about the staff recommendation regarding the outlot. Beckius stated that they agree with the staff recommendation regarding the outlot.

Edgerton stated that previous testimonies had concerns of trees on the property. Beckius stated that this is a concern, and he has heard from the neighbors at the neighborhood meetings. Beckius expressed his concern with the trees being within in the utility easement. Beckius stated that they will do their best to grade around the existing trees but cannot guarantee that they will not be removed. He stated that the trees along the corridor will remain.

Campbell asked if a “T” for a turnaround will be needed. Beckius stated that the condition of the area will remain but will be improved to city standards with curb and gutter.

Proponents:

No one came forward in support.

Neutral:

John Wiltse, 630 Linwood Lane, appeared via ZOOM and stated that the picture that Beckius showed was east while traveling on Linwood Lane.

Opposition:

No one came forward in opposition.

Staff Questions:

Corr asked Wesselhoft how he feels about the amendment proposed by Beckius.

Wesselhoft stated that the amendment is new to staff.

Corr asked for clarification what year the property was annexed.

Wesselhoft stated he does not have that information.

Corr asked if the area had not been annexed in the past, Linwood Lane would not be an issue.

Wesselhoft stated that if it was proposed under current City standards, then full curb and gutter would have to be done.

Henrichsen stated that this is within the three-mile (3) City jurisdiction. Henrichsen addressed Beckius comment regarding Duane Lane within Sunrise Estates subdivision and stated that it did not have any additional improvements to it. He discussed history of previous development and lots on 88th Street. Henrichsen addressed Campbell’s question and showed the potential in the future having more traffic and a few more lots.

Edgerton stated for clarification that the comparison provided by the applicant was less units and traffic.

Henrichsen agreed.

Campbell stated that it seems like there is a heavy burden to be placed on the 24 lots for the culvert which presently serves all the acreages. Campbell asked if the city could offset with a contribution for the future build through.

Bob Simmering, Lincoln Transportation & Utilities, 555 South 10th Street, Lincoln, NE stated the cost assessment for the improvement would go back to the landowners.

Campbell asked if the previous City development approvals apply to the current application regarding road conditions.

Simmering stated that he does not think that the city staff would support because there is an investment that the developer makes to bring the streets up to standards. Simmering addressed the 88th Street example and stated that is not a through street and the impact is different. Simmering and Campbell discussed the traffic being generated by the 24 lots on Linwood Lane. Simmering stated that the difference is who pays for the cost of pavement and drainage. He does not have any details of the improvements or the culvert. Simmering stated there are not enough details to make a statement on the cost or the logic.

Applicant Rebuttal:

Beckius showed an example of 88th Street again and explained it is the purpose of semantics. Beckius noted that this is the perfect potential project for storm water bond compared to existing areas where the improvements needed are more expensive.

Campbell wanted to know what is needed for the drainage crossing.

Tim Gergen, Clark & Enersen, 1010 Lincoln Mall, Suite 200, Lincoln, NE, stated the existing culvert is 40 feet long and could handle the flow that passes through. Gergen stated that the length does not meet City Standard for a street and sidewalk. Gergen stated that it would need an additional 10 feet on each side.

Beckius stated that it can be paved over. He anticipated that it would be an additional cost of \$140,000 for improvements.

CHANGE OF ZONE 22021 AND SPECIAL PERMIT 22024

ACTION BY PLANNING COMMISSION:

August 10, 2022

Tim Sieh, 555 S 10th Street, City Attorney, stated that a new waiver in front of board will need to have notice to the public. Sieh suggested that the board defer action on the application.

Edgerton stated that the request was presented as an amendment.

Sieh stated that it is a waiver of subdivision ordinance requirements and to protect the process, would be better to defer public hearing and action for two weeks.

Campbell moved to keep SP22024 public hearing open and defer action for two-weeks until August 24, 2022, seconded by Eddins.

Eddins stated that this would be good opportunity for staff to review culvert and recommendations.

Motion to delay public hearing until August 24th carried 7-0: Campbell, Corr, Cruz, Eddins, Joy, Ryman Yost, and Edgerton voting 'yes'; Ball and Rodenburg absent.

Corr stated for clarification that CZ22021 and SP22024 are related applications.

Sieh recommended that both items are delayed together.

Corr moved to keep CZ22021 and SP22024 public hearing open and defer action for two-weeks until August 24, 2022, seconded by Campbell.

Motion to delay public hearing for CZ22021 and SP22024 until August 24th carried 7-0: Campbell, Corr, Cruz, Eddins, Joy, Ryman Yost, and Edgerton voting 'yes'; Ball and Rodenburg absent.

Campbell moved to adjourn the Planning Commission meeting of August 10, 2022, seconded by Joy, and carried 7-0: Campbell, Corr, Cruz, Eddins, Joy, Ryman Yost, and Edgerton voting 'yes'; Ball and Rodenburg absent.

There being no further business, the meeting was adjourned at 2:03 pm