

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 16, 2022.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, August 24, 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: Lorenzo Ball, Dick Campbell, Tracy Corr, Maribel Cruz, Gloria Eddins, Cristy Joy, Rich Rodenburg and Cindy Ryman Yost; and Tracy Edgerton absent. David Cary, Tom Cajka, Ben Callahan, 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

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

Vice-Chair Ryman Yost requested a motion approving the minutes for the regular meeting held August 10th, 2022.

Motion for approval of the minutes made by Campbell, seconded Joy and carried 8-0: Ball, Campbell, Corr, Cruz, Eddins, Joy, Rodenburg, and Ryman Yost voting 'yes'; Edgerton absent.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

August 24, 2022

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

The Consent Agenda consisted of the following item: Annexation 22009, Change of Zone 17030E, and Special Permit 22025 (County)

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

Note: This is **Final Action** on **Special Permit 22025**, unless appealed by filing a letter in the **Office of the County Clerk** within **14 days**.

Vice-Chair Ryman Yost called for **Request for Deferral**.

SPECIAL PERMIT 21037

FOR THE WEST VAN DORN RIDGE CUP (Community Unit Plan), FOR UP TO 10 DWELLING UNITS WITH ASSOCIATED WAIVERS, ON PROPERTY GENERALLY LOCATED AT SOUTHWEST 70TH STREET AND WEST VAN DORN STREET. THE PLANNING COMMISSION ACTION IS FINAL.

BEFORE PLANNING COMMISSION:

August 24, 2022

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

Staff Recommendation: Two-Week Deferral

The Clerk noted that the applicant had requested a deferral on Item 4.2 – Special Permit 21037 – for **two weeks** to the regular Planning Commission on September 7, 2022.

There were no ex-parte communications disclosed.

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

Corr moved to grant the request for 2-week deferral for public hearing and action on September 7, 2022, seconded Campbell and carried 8-0: Ball, Campbell, Corr, Cruz, Eddins, Joy, Rodenburg and Ryman Yost voting 'yes'; Edgerton absent.

USE PERMIT 103D

TO AMEND THE NORTHSTAR CROSSING USE PERMIT TO ADD ONE LOT AND A PRIVATE ROADWAY ON PREPERTY LOCATED AT NORTH 27TH STREET AND ENTERPRISE DRIVE.

BEFORE PLANNING COMMISSION:

AUGUST 24, 2022

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

Staff Recommendation: Two-Week Deferral

The Clerk noted that the applicant had requested a deferral on item 4.3 – Use Permit 103D for **two weeks** to the regular Planning Commission on September 7, 2022.

There were no ex-parte communications disclosed.

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

Corr moved to grant the request for 2-week deferral for public hearing and action on September 7, 2022, seconded Joy and carried 8-0: Ball, Campbell, Corr, Cruz, Eddins, Joy, Rodenburg and Ryman Yost voting ‘yes’; Edgerton absent.

**CHANGE OF ZONE 22013
FROM AG (AGRICULTURAL DISTRICT) TO R-3 (RESIDENTIAL DISTRICT) ON PROPERTY LOCATED
AT 8451 EAGLE CREST ROAD
AND
SPECIAL PERMIT 22015
TO APPROVE THE PEREGRINE TOWNHOME CUP (COMMUNITY UNIT PLAN) WITH UP TO 27
DWELLING UNITS, ON PROPERTY LOCATED AT 8451 EAGLE CREST ROAD
BEFORE PLANNING COMMISSION: AUGUST 24, 2022**

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

Staff Recommendation: Change of Zone 22013 Two – Week Deferral
Special Permit 22015 Two – Week Deferral

The Clerk noted that the applicant had requested a deferral on Items 5.1a and 5.1b – Change of Zone 22013 and Special Permit 22015 – for **two weeks** to the regular Planning Commission on September 7, 2022.

There were no ex-parte communications disclosed.

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

Corr moved to grant the request for 2-week deferral for public hearing and action on September 7, 2022, seconded Campbell and carried 8-0: Ball, Campbell, Corr, Cruz, Eddins, Joy, Rodenburg and Ryman Yost voting ‘yes’; Edgerton

Vice-Chair Ryman Yost asked if there is anyone here wishing to speak on any of the deferral applications.

Vern Schulte, Crossbridge Christian Church, 2730 Crossbridge Rd. came forward to discuss Use Permit 103D. Schulte stated that he is for the development but has a few concerns. The three concerns he would like to bring up to the Planning Commission are communication, traffic, and drainage. The communication issue is that Enterprise Drive was blocked and closed. Schulte stated he did not receive any communication prior to Enterprise Drive being blocked and closed, which put hardship on tenant daycare and Sunday service. Second issue is traffic. Schulte would like an explanation on the amendments being asked for. Schulte is asking for clarification about traffic and what traffic patterns will change. The third concern is about drainage. Schulte stated that there is already an issue with drainage. The water off that property goes in a natural dirt surface to be naturally absorbed. Now the water will be going in hard scape drains and moving much faster to neighbors who already have their own drainage issues. Schulte would like further information from the developer how the drainage may affect the current drainage issue and future drainage issues.

Gloria Eddins asked Schulte if reached out to Emma Martin with the Planning Department and recommended that Schulte contact Martin, who is the planner assigned to Use Permit 103D.

Emma Martin, Planning Department, 555 South 10th Street, Lincoln, NE, stated once Schulte contacts Planning Department, staff will have a response to Schulte's concerns within two weeks.

Ted Wolfram, 1040 N. 92nd St, Lincoln, NE, stepped to the podium to speak about CZ22013 and more specifically SP22015. Wolfram stated that he is not opposed to the development that is going in. He likes what is going on and what is going in there. Wolfram stated his concern is with Sunrise Estates and stated that it makes sense to tie Peregrine Road and Peregrine Court together and make a "T" with 88th Street, but there are plenty of other ways for Lincoln Fire and Rescue to access the area. Wolfram is requesting to leave closed 88th Street with a dead-end. By leaving it as a dead-end to Sunrise Estates, it would be beneficial in costs and not an issue to Lincoln Fire and Rescue since the requirements are met. Wolfram stated that the biggest concern is stormwater runoff. There is a retention pond adjacent to Holdrege and another one built in the southeast corner. With the new retention pond built, there is issues with a lot of silt that is running over the retention pond into the Stephens Creek Water Shed. Wolfram is wondering if it would add more stress on the retention pond. Wolfram stated he would like the runoff issue addressed before it is voted on. Wolfram is requesting to add fencing would be required on the southern border of the property to maintain that type of integrity to keep some of the noise down.

Dick Campbell asked Wolfram if he has spoken with George Wesselhoft of the Planning Department. Wolfram stated he will reach out to Wesselhoft.

CHANGE OF ZONE 22023

FROM I-1 (INDUSTRIAL DISTRICT) AND H-3 (HIGHWAY COMMERCIAL DISTRICT) TO B-3 (COMMERCIAL DISTRICT) PUD (PLANNED UNIT DEVELOPMENT) A CHANGE OF ZONE FROM R-6 (RESIDENTIAL DISTRICT) TO B-3 (COMMERCIAL DISTRICT) AND CHANGE OF ZONE R-6 (RESIDENTIAL DISTRICT) TO R-6 PUD ON PROPERTY GENERALLY LOCATED AT NORTH 22ND STREET AND Y STREET.

PUBLIC HEARING:

August 24, 2022

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

Staff Recommendation: Approval

Ex-parte communications disclosed by Gloria Eddins.

Eddins stated that Ben Callahan contacted her to get in touch with the neighborhood organization and that there was communication with Eddins and neighborhood organization on their lack of opinion.

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

Staff Presentation:

Ben Callahan, Planning Department, 555 South 10th Street, Lincoln, NE, discussed proposing that a B-3 be more compatible to the area and to the development from the University. Callahan provided a background that the Bay High School is wanting to provide educational services in this building, which cannot be done with an insubstantial zoning. Callahan provided explanation to parking, density, land use and height that would be allowed.

Lorenzo Ball confirmed the land use for the B-3 zoning and that residential dwelling units are not allowed for 1st floor. Ball inquired from a density perspective, what is the parking allowance? Callahan responded parking for a B-3 is one per dwelling unit.

Proponents:

No one came forward in support.

Neutral:

No one came forward for neutral testimony.

Opposition:

No came forward in opposition.

Staff Questions:

Ryman Yost asked since the school had been announced prior, why is the Change of Zoning action being brought up now?

Callahan responded the proposed use was recently recognized that it would not be allowed in the current zoning.

Rodenburg confirmed that The Bay School is currently at the Zoo because of the current zoning issue.

Campbell moved to close the public hearing on Change of Zone 22023, seconded by Corr.

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

CHANGE OF ZONE 22023

ACTION BY PLANNING COMMISSION:

August 24, 2022

Campbell moved to approve Change of Zone 22023, seconded by Corr.

Campbell stated this is very important for the University to move forward and for the new school, The Bay, to have the change of zone and get functioning.

Corr stated that this is a good step and compromise for now and the future.

Eddins stated that there is a parking problem on her street and concerned this will become more of a problem in the future. Eddins is concerned that one stall will not be enough to an area that has an existing parking issue but does support this Change of Zone.

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

CHANGE OF ZONE 22021

FROM AGR (AGRICULTURAL RESIDENTIAL DISTRICT) TO R-3 (RESIDENTIAL DISTRICT) ON PROPERTY LOCATED AT LINWOOD LANE AND AVON LANE

AND

SPECIAL PERMIT 22024

TO APPROVE THE SUNRISE BILLAS CUP (COMMUNITY UNIT PLAN) WITH UP TO 26 DWELLING UNITS, ON PROPERTY LOCATED AT LINWOOD LANE AND AVON LANE

PUBLIC HEARING:

AUGUST 24, 2022

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

<u>Staff Recommendation:</u>	Change of Zone 22021 Special Permit 22024	Approval Conditional Approval
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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, stated items were delayed and solution has been found. It will avoid necessity for a waiver and involve modified design of the street.

Applicant Testimony:

Tom Beckius, Potential Developer, 6333 Apples Way, Suite 115, Lincoln, NE, came to podium and stated he is in full support of the compromise proposed.

Proponents:

No one came forward in support

Neutral:

No one came forward in neutral support

Opposition:

John Wiltse, 630 Linwood Lane, appeared via ZOOM. Wiltse is in the understanding that the waiver for Special Permit 22024 was going to be denied and hopes that it does. Wiltse stated that it does not make sense to have the remainder of the street paid for by Outlot B.

Staff Questions:

Wesselhoft came forward to clarify that the prior request was to the recent memo. There was a waiver request not to pave the north edge of this lot to the north edge of Outlot A. The prior waiver request is no longer needed, and agreement made to meet standards and modified slightly to do that.

Corr asked for clarification that it will still be up to city standards and that the area to the north will they widen culvert or keep it a narrow culvert. Wesselhoft stated that proposal is to keep it as proposed.

Applicant Rebuttal:

No one came forward.

Campbell moved to close public hearing for Change of Zone 22021 and Special Permit 22024, seconded by Ball.

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

CHANGE OF ZONE 22021

ACTION BY PLANNING COMMISSION:

August 24, 2022

Campbell moved for approval of Change of Zone 22021, seconded by Joy.

Campbell is very pleased with planning department and applicant solving the issue as to who and how should pay. Campbell will be support this.

Corr wanted to thank applicant for working with the neighborhood and allowing extra time for details to come up with compromise for both parties.

Ryman Yost would like to thank the neighborhood association, planning staff and applicant for working out a solution.

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

SPECIAL PERMIT 22024

ACTION BY PLANNING COMMISSION:

August 24, 2022

Campbell moved for approval as revised in staff memo dated August 23, 2022, seconded by Joy.

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

Note: This is **Final Action** on **Special Permit 21024**, unless appealed by filing a letter in the **Office of the City Clerk** within **14 days**.

Corr moved to adjourn the Planning Commission meeting of August 24, 2022, seconded by Joy, and carried 8-0: Ball, Campbell, Corr, Cruz, Eddins, Joy, Rodenburg, Ryman Yost voting 'yes'; Edgerton absent.

There being no further business, the meeting was adjourned at 1:38 pm.