

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 Wednesday, September 7, 2022.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, September 21, 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, Rich Rodenburg, Cindy Ryman Yost, and Tracy Edgerton; (Tracy Corr, Maribel Cruz, Cristy Joy, and Gloria Eddins, absent). David Cary, Steve Henrichsen, Shelli Reid, Emma Martin, Ben Callahan, George Wesselhoft, Rachel Christopher, and Jennifer McDonald 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.

Edgerton requested a motion approving the minutes for the regular meeting held September 7th, 2022.

Motion for approval of the minutes made by Campbell, seconded Rodenburg. Motion carried 5-0: Ball, Campbell, Rodenburg, Ryman Yost, and Edgerton voting 'yes'; Corr, Cruz, Eddins and Joy absent.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

September 21, 2022

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

The Consent Agenda consisted of the following items: Comprehensive Plan Conformance 22016, Comprehensive Plan Conformance 22017, Annexation 22011, Change of Zone 22027, Special Permit 22031, Annexation 22010, Change of Zone 22026, Special Permit 04041A, and Special Permit 22030

There were no ex-parte communications to be disclosed.

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

Item 1.3a – Annexation 22011, Item 1.3b – Change of Zone 22027 and Item 1.3c – Special Permit 22031 were removed from the Consent Agenda for a separate hearing and action.

Campbell moved approval of the remaining items on the Consent Agenda items, seconded Rodenburg. Motion carried 5-0: Ball, Campbell, Rodenburg, Ryman Yost, and Edgerton voting ‘yes’; Corr, Cruz, Eddins and Joy absent.

Note: This is **FINAL ACTION** on **Comprehensive Plan Conformance 22016, Special Permit 04041A, and Special Permit 22030** unless appealed by filing a letter in the Office of the City or County Clerk within 14 days.

Chair Edgerton called for **Requests 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

BEFORE PLANNING COMMISSION:

September 21, 2022

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

Staff Recommendation: Place on hold until further notice.

There were no ex-parte communications disclosed.

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

The Clerk noted that the applicant had requested Special Permit 21037 to be placed on hold until further notice

Campbell moved to grant the request for Special Permit 21037, to be placed on hold until further notice, seconded Rodenburg. Motion carried 5-0; Ball, Campbell, Rodenburg, Ryman Yost and Edgerton voting ‘yes’; Corr, Cruz, Eddins and Joy absent.

Edgerton asked if there is anyone here wishing to speak on Special Permit 21037.

DaNay Kalkowski, 1128 Lincoln Mall Suite 105, with Seacrest & Kalkowski representing the developer came forward to give update. Kalkowski stated that they had met with the neighbor that spoke at the previous Planning Commission Hearing. Kalkowski gave the neighbor a copy of the grading and drainage plan and let the neighbor know that it is going to be put on pending. Kalkowski stated will let the neighbor know when it will be going forward. Kalkowski stated that they are working on the site plan to have it worked out before going forward with the Planning Commission.

ANNEXATION 22011

TO ANNEX APPROXIMATELY 16.62 ACRES, ON PROPERTY LOCATED AT 9305 ADAMS STREET

AND

CHANGE OF ZONE 22027

FROM AG (AFRICULTURAL DISTRICT) TO R-3 (RESIDENTIAL DISTRICT) ON PROPERTY LOCATED AT 9305 ADAMS STREET

AND

SPECIAL PERMIT 22031

FOR THE STEVENS CREEK VILLAS FIRST ADDITION CUP (COMMUNITY UNIT PLAN) FOR UP TO 116 DWELLING UNITS WITH ASSOCIATED WAIVERS TO THE ZONING ORDINANCE AND DESIGN STANDARDS (THE PLANNING COMMISSION RECVEIVED A STAFF MEMO DATED SEPT. 19, 2022, IDENTIFYING REVISIONS TO THE CONDITIONS OF APPROVAL) ON PROPERTY LOCATED AT 9305

ADAMS STREET

PUBLIC HEARING

SEPTEMBER 21, 2022

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

<u>Staff Recommendation:</u>	Annexation 22011	Conditional Approval
	Change of Zone 22027	Conditional Approval
	Special Permit 22031	Conditional Approval

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

Staff Presentation:

Ben Callahan, Planning Department, 555 South 10th Street, Lincoln, NE, came forward and stated that the CUP that is being proposed is with 51 units, allowing up to 116 dwelling units. Site has extensive flood plain on the property. The north area of the site is what can be developed. The east side will have one lot, the west side will have a single-family home, and on Lot 2 is showing five units for multi-family. The developer is working with LTU for turn lanes and additional change to city access for the driveway to the single-family home.

Edgerton asked of the location of the single-family home. Callahan responded that Lot 1 to the west will be the single-family home.

Edgerton stated that with the way the site is laid out currently with 51 units, she is curious as to how 116 units will fit. Callahan responded that will be with the density of the CUP within the code, taking the whole acreage of the site into accountability for density. Callahan stated this would be in the future if they were to come back and change the layout, they could go up to 116 by just following the general zoning code.

Edgerton stated that would mean that the dwelling units would have to build up to accommodate the 116 units. Callahan stated 'yes' and would be limited to 35 feet for the R-3 zoning.

Campbell asked if the area to the south could be developed. Callahan stated that the area to the south is still in the county, not in city limits and would be acreage properties today.

Applicant Testimony:

Mike Eckart, Civil Design Group, Inc, 8535 Executive Woods Drive, Suite 200, came forward for the applicant 9305, LLC. This has been a journey to find a reasonable use for this piece of property being constricted with the flood plain and flood way. Eckart showed that the area is a combination of the bed and bank set back and the flood plain limits. Eckart stated that there is only one area feasible for a single-family home due to the setbacks. Eckart went through many options with Planning and came to reality that this is all that can be done. Eckart stated with concerns with the water table issues, it eliminated options. Eckart will work with staff to work out details and address issues that came up in the staff report. Eckart stated he has been involved with neighborhood association. Eckart has shown the neighbors the map with the areas in question to help them realize that the areas in question are off limits. There will be retaining walls, most of all trees will stay, working with the NRD who will fix some structure and control dams in that area also. Neighbors have stated to Eckart about 98th Street getting more traffic. There was a traffic analysis done and it does not meet the comprehensive plan goal of density. Developer will put in turn lanes to meet safety standards.

Edgerton asked to show where the driveway will be and how to get to the single family. Eckart stated the driveway will be adjusted and work with the NRD for bigger radius for larger loads to come in.

Proponents:

No one came forward in support.

Neutral:

No one came forward for neutral testimony.

Opposition:

Jim Pelton, 2725 N 98th St, stepped forward in opposition and stated he owns one property to the south and has been there for 30 some years. High density housing is out of character for the area. Pelton is questioning the future and integrity of the area. There is a creek or drainage area that goes down and around, and he wants to know how that will fit in and in the future, what is going to happen with that area. He wanted to state that there is some opposition from the local area. Pelton stated that 116 units is a lot and if it could be changed to 51, it would be better and set the ground for the future.

Campbell asked Pelton if there has been any relief knowing that there is not anything going on with the south piece. Pelton stated yes, it is some relief, but would still like to know that it would be hard for someone to come and change. Also, adjusting the lines for the property to follow the creek lines would make everyone feel better.

Staff Questions:

Edgerton asked Eckert for follow up about creek lines. Eckert showed on the map where the flood plain is and where the Pelton property is located. Eckert explained that it would not be economically feasible to make it a buildable area. Campbell stated that it would not be financially feasible to develop the south piece. Right now, it will be platted as an outlet. Adjusting the lot lines can be done, but it will get complicated and does not feel like it is needed due to the uniqueness of the area. The NRD has access easements and is working and monitoring it every year. Eckert feels it is best to leave the property lines as it. Eckert stated does not see this plan changing, but if the opportunity arises, is not objective to that. Eckert states that this is the maximum that can be done. This is a 2-story product. Eckert stated he is open to an amendment to reduce the unused density on the property to allow a total of 60-70 units. With the parking ratio of 2-1 that is to be met, it is difficult.

Campbell moved to close the public hearing on these items, seconded Rodenburg. Motion carried 5-0; Ball, Campbell, Rodenburg, Ryman Yost and Edgerton voting 'yes'; Corr, Cruz, Eddins and Joy absent.

Edgerton opened discussion up to commission members.

Campbell is comfortable with it being an Outlot. Campbell stated the cost of building a bridge that long would offset any income that they would receive. It is not a financial gain and feels like that will never happen. Campbell stated that will protect the neighbors to the south.

Ryman Yost is in support of the Annexation 22011 and the Change of Zone 22027. Ryman Yost stated it would be worth discussion of the density number and that the applicant is willing to consider that.

Edgerton is agreeing with the Annexation and the Change of Zone. With the regards to the Special Permit 22031, given that it might provide the neighborhood assurance and to reduce the density of the 116 unit. It is an opportunity to increase the comprehensive plan and wants to discuss the density.

Campbell stated that he would be in favor of adding an amendment to the Special Permit 22031 to the limit of 70 units. Edgerton noted that the developer had agreed to 70 units and that it will provide assurance to the neighborhood that it will not go over that.

Ball noted that he agrees with the number to limit to 70 since the developer has been willing to make that change.

ANNEXATION 22011

ACTION BY PLANNING COMMISSION

September 21, 2022

Campbell moved to approve Annexation 22011, second Rodenburg

Clerk called for approval of Annexation 22011, Motion carried 5-0; Ball, Campbell, Rodenburg, Ryman Yost and Edgerton voting 'yes'; Corr, Cruz, Joy and Eddins absent.

CHANGE OF ZONE 22027

ACTION BY PLANNING COMMISSION

September 21, 2022

Campbell moved to approve Change of Zone 22027, seconded Rodenburg.

Motion carried 5-0; Ball, Campbell, Rodenburg, Ryman Yost and Edgerton voting 'yes'; Corr, Cruz, Eddins and Joy absent.

SPECIAL PERMIT 22031

ACTION BY PLANNING COMMISSION

September 21, 2022

Campbell moved to approve with the amendment to Special Permit 22031 to limit for up to 70 dwelling units with associated waivers, seconded Ryman Yost.

Motion carried 5-0; Ball, Campbell, Rodenburg, Ryman Yost and Edgerton voting 'yes'; Corr, Cruz, Eddins and Joy absent.

Note: This is **FINAL ACTION** on **Special Permit 22031** unless appealed by filing a letter in the Office of the City Clerk within 14 days.

COMPREHENSIVE PLAN AMENDMENT 22005
TO AMEND THE 2050 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO ADD THE
COMPREHENSIVE WATERSHED MASTER PLAN
PUBLIC HEARING: **September 21, 2022**

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

Staff Recommendation: Approval

There was an ex-parte communication disclosed.

Staff Presentation:

Tim Zach, Transportation and Utilities, 555 South 10th Street, Lincoln, NE, came forward with **Mark Lindemann, Lower Platte South NRD, 3125 Portia Street**. Lindemann stated that the NRD has been working with the city for previous years and to provide support to approve the master plan. Lindemann stated that the Board of Directors voted to approve also. Zach provided history of Watershed Master Plans, tasks to be proactive, project prioritizations and proposed projects. Zach proceeded to break down how they manage the watershed and the processes that they do. Zach showed some of the projects of the types that they have done and propose. (See Exhibit #1).

Campbell asked why there is riprap on one side and not the other side of the project in the slide. Zach explained it is to protect the infrastructure.

Rodenburg stated that the Antelope Valley was the biggest project that NRD was instrumental in. Zach stated that did not come out of the Master Plan Project, but Deadmans Run did, and it was beneficial to the city.

Zach stated that master plans have been done in the past, but they are looking at the prioritization method. Zach stated that was updated and now there currently are 106 proposed projects. On the website there is an interactive report with a map that can be utilized to see the

projects. This is a good educational tool to search each project, description, and cost for the community.

Edgerton stated that it does make sense to have all in one area to contrast and prioritize by having in one plan.

Proponents:

No one came forward in support.

Neutral:

No one came forward for neutral testimony.

Opposition:

No one came forward in opposition.

Staff Questions:

There were no questions for staff.

Applicant Rebuttal:

There was no applicant rebuttal.

Campbell moved to close public hearing on Comprehensive Plan Amendment 22005, seconded by Rodenburg and carried 5-0: Ball, Campbell, Rodenburg, Ryman Yost, and Edgerton voting 'yes'; Corr, Cruz, Eddins and Joy absent.

COMPREHENSIVE PLAN AMENDMENT 22005

ACTION BY PLANNING COMMISSION

September 21, 2022

Campbell moved approval, seconded by Rodenburg.

Ryman Yost stated that she liked having in one master plan and that the tools created online are excellent. This is good for everyone to have access to.

Campbell is pleased to know that there is a prioritization and to the public to help understand the ranking of the projects.

Edgerton agrees with Campbell and that it enhances the transparency of what is being done and the accountability.

Motion carried 5-0: Ball, Campbell, Rodenburg, Ryman Yost, and Edgerton voting 'yes'; Corr, Cruz, Eddins and Joy absent.

COMPREHENSIVE PLAN CONFORMANCE 22015
TO REVIEW THE PROPOSED ONE-AND SIX-YEAR LANCASTER COUNTY ROAD AND BRIDGE
CONSTRUCTION PROGRAM, FISCAL YEAR 2022 AND 2023-2028, AS TO CONFORMACE WITH THE
2050 LINCOLN-LANCASER COUNTY COMPREHENSIVE PLAN

PUBLIC HEARING:

September 21, 2022

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

Staff Recommendation: In General Conformance with the Comprehensive Plan

There was an ex-parte communication disclosed.

Staff Presentation:

Pam Dingman, Lancaster County Engineer, approached to discuss and present statics on unpaved roads, bridges, culverts, county shops, service gas station for county, county cars, and repair vehicles. Dingman noted that they maintain are over 2700 residential lots. Dingman stated because of that and the increase of maintenance in the subdivisions, there are some challenges that they are faced with. Dingman showed a slide exhibit to detail the statics, closed bridges, bridge needs and proposed needs. Dingman did an inventory of roads and stated that there is a complete video of the roads and bridges in the county. Dingman stated they have multiple social media sites and that they keep updated with bridge closes. (See Exhibit #2 attached).

Campbell stated he wanted Pam Dingman to know that what was included in the packet that was received was very comprehensive and very helpful.

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 questions for staff.

Applicant Rebuttal:

There was no applicant rebuttal.

Campbell moved to close public hearing on Comprehensive Plan Conformance 22015, seconded Rodenburg, and carried 5-0: Ball, Campbell, Rodenburg, Ryman Yost, and Edgerton voting ‘yes’; Corr, Cruz, Eddins and Joy absent.

COMPREHENSIVE PLAN CONFORMANCE 22015

ACTION BY PLANNING COMMISSION:

September 21, 2022

Campbell moved to approve Comprehensive Plan Conformance 22015, seconded by Rodenburg.

Campbell stated that since Dingman has been here, she has given leadership and improvements to the roads. Campbell stated that Dingman is being as aggressive as she can be with the money that is available.

Ball agrees with what Campbell stated regarding the variety of areas that need to be supported. Ball commends the work being done in all areas.

Edgerton stated she appreciates the opportunity to hear from Dingman and to bring in light the role engineering plays in making the streets safe and ensuring the communities can continue to grow. Dingman does an excellent job.

Motion carried 5-0 Ball, Campbell, Rodenburg, Ryman Yost and Edgerton voting ‘yes’; Corr, Cruz, Eddins and Joy absent.

CHANGE OF ZONE 22013

FROM AG (AGRICUTURAL DISTRICT) TO R-3 (RESIDENTIAL DISTRICT) ON PROPERTY GENERALLY LOCATED AT 8451 EAGLE CREST ROAD

AND

SPECIAL PERMIT 22015

TO APPROVE THE PEREGRINE TOWNHOME CUP (COMMUNITY UNIT PLAN) WITH UP TO 29 DWELLING UNITS, WITH ASSOCIATED WAIVERS, ON PROPETY GENERALLYLOCATED AT 8451 EAGLE CREST ROAD

PUBLIC HEARING

September 21, 2022

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

Staff Recommendation:

Change of Zone 22013
Special Permit 22015

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, came forward and stated the Change of Zone area includes the full property of the church of the 20.83 acres. The Change of Zone is from AG agricultural to R-3 residential and is to allow the related to Special Permit on the south of the 5.17 acres of the property. George also noted that the Special Permit is on the south of the property. The request is a CUP with 28 unit requested and it was asked for 5 waivers initially and 2 are no longer needed. Those requests were previously requested when the storm water detention was related. The other 3 relate to sanitary sewer and water main location. LTU needs a bit more information on the plan sheets for the water and sewer location. This item has been deferred several times and the site plan has been totally revised. This proposal includes offsite drainage now going to the northeast and the intent is to drain to northeast through the church property. Wesselhoft would like to mention that there are concerns related to the street and traffic activity. The lots are connected to the other developments, there is a history and pattern of connectivity. An intensity and traffic impact study are done on a much bigger scale of a development. Which is not the same as this development due to it being smaller.

Campbell asked if the Planning Departments recommendation is to connect 88th street and Wesselhoft stated that is correct.

Edgerton mentioned a letter was received about the drainage to the west and northwest of the property and if this is a similar to the issue or a result of everything being changed. Wesselhoft stated that this is a LTU watershed has looked at this site. Zach, with LTU, came forward to state that at any point where the drainage leaves the site, they will make sure that it is not increasing the existing condition. This may be done by a retention pond, change or reduce the grading.

Applicant Testimony:

Nate Burnett, REGA Engineering Group, 601 Old Cheney Road, Suite A, came forward to thank everyone for being so well to work with. Burnett stated he has a letter of support provided from the church. Burnett stated that they are requesting 28 single family attached units. Nate stated original submittal involved 26 lots on April 27, 2022, and the drainage would be to the north. That submittal was revised on July 15, 2022, to 26 lots and changed the southside to where more of the natural occurring drainage is. The current submittal of August 24, 2022 is with 28 lots and have worked with the neighbor to the east and worked with engineers on the maintenance and flow and verbally have an approval to take the water from that development through the church's property. Burnett stated everything has been the same except where the detention goes. That has been the reason for the deferral. Burnett stated that everyone is on board with

this. Burnett stated that this will significantly reduce the amount of drainage along the south by proposing of taking it to the north.

Edgerton question about the potential drainage to the northwest. Burnett stated that this flows into the site and will flow to the north. None of that water will ~~not~~ be going to the west.

Proponents:

No one came forward in support.

Neutral:

No one came forward for neutral testimony.

Opposition:

No came forward in opposition.

Staff Questions:

Edgerton questioned the North 88th drainage and that most have been mitigated but is still unclear the planning commissions position on North 88th St. Wesselhoft stated that North 88th The requirement for the North 88th street connection is similar to the connection to Peregrine to be aligned. There is nothing exceptional, it is a requirement of the streets where they are already established. Edgerton clarified the location and connection of the roads. Wesselhoft confirmed the connections.

Ryman Yost clarified that the property owners will not need to do anything regarding to the street widening or sidewalk development. Wesselhoft stated developer is responsible for the right a way, the extension of pavement and removal of the temporary cul-de-sac and the homeowners are not obligated to do that.

Edgerton stated she understands the concerns of the residents of Sunrise Estates and understands the city's position also.

Applicant Rebuttal:

No one came forward

Campbell moved to close public hearing, seconded by Rodenburg. Motion carried 5-0: Ball, Campbell, Rodenburg, Ryman Yost, and Edgerton voting 'yes'; Corr, Cruz, Eddins and Joy absent.

CHANGE OF ZONE 22013

ACTION BY PLANNING COMMISSION:

September 21, 2022

Campbell moved for approval of Change of Zone 22013, seconded by Rodenburg.

Campbell thinks this is a logical project.

Rodenburg stated there is one letter in opposition, thinks this needs to be done.

Campbell stated he has empathy with the family to opening the street up. Campbell stated he does not anticipate traffic to increase due to much since there are other logical routes. He thinks that it should be connected based on the City's rule of connection.

Edgerton stated to discuss both items together but to vote separate.

Ryman Yost appreciates the drainage work done and it was a long time to come to the decision. Edgerton agrees that this is a great project and appreciates everyone working to make this work and that the connectivity is important.

Motion carried 5-0: Ball, Campbell, Rodenburg, Ryman Yost, and Edgerton voting 'yes'; Corr, Cruz, Eddins and Joy absent.

SPECIAL PERMIT 22015

ACTION BY PLANNING COMMISSION:

September 21, 2022

Campbell moved for approval of Special Permit 22015, seconded by Rodenburg. Motion carried 5-0: Ball, Campbell, Rodenburg, Ryman Yost, and Edgerton voting 'yes'; Corr, Cruz, Eddins and Joy absent.

Note: This is **Final Action** on **Special Permit 22015**, unless appealed by filing a letter in the **Office of the City Clerk** within **14 days**.

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

Campbell moved to adjourn the Planning Commission meeting of September 21, 2022, seconded by Rodenburg and carried 5-0: Ball, Campbell, Rodenburg, Ryman Yost, and Edgerton voting 'yes'; Corr, Cruz, Joy and Eddins absent.

There being no further business, the meeting was adjourned at 2:46 pm.