

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, March 14, 2023.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, March 22, 2023, 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: Dick Campbell, Tracy Corr, Maribel Cruz, Gloria Eddins, Cristy Joy, Rich Rodenburg, Cindy Ryman Yost, and Tracy Edgerton. Lorenzo Ball absent. David Cary, Steve Henrichsen, Shelli Reid, George Wesselhoft, Andrew Thierolf, Tom Cajka, 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 March 8, 2023.

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

Edgerton asked the Clerk to call for the Consent Agenda Items.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

March 22, 2023

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

The Consent Agenda consisted of the following items: Annexation 23004, Change of Zone 05061F, Change of Zone 23017, Special Permit 1304A, Street and Alley Vacation 23001 and Special Permit 23014.

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: Campbell, Corr, Cruz, Eddins, Joy, Rodenburg, Ryman Yost, and Edgerton voting “yes”; Ball absent.

Note: This is Final Action on Special Permit 23014 unless appealed by filing a letter in the Office of the City Council within 14 days.

Chair Edgerton called for **Requests for Deferral**

**COMPREHENSIVE PLAN AMENDMENT 23001
PROPOSAL TO AMEND THE 2050 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO
ADD THE “MAJOR STREETS AND RIGHT-OF-WAY MAP” AND ASSOCIATED TEXT. THIS IS A
CONTINUATION OF THE “RIGHT-OF-WAY STANDARDS MAP” THAT WAS INCLUDED IN THE
2040 COMPREHENSIVE PLAN.**

BEFORE PLANNING COMMISSION:

March 22, 2023

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

Staff Recommendation: Two-week deferral

The Clerk noted that applicant is requesting a deferral on Item 1.1 - Comprehensive Plan Amendment, for two weeks to the regular Planning Commission on April 5, 2023.

Steve Henrichsen, Planning Department, 555 S. 10th Street, Suite 213, Lincoln, NE approached and stated that applicant had originally requested a four-month delay. After further discussion between the applicant and the Planning Department, a two-week delay is sufficient at this time.

Campbell moved to grant the request to defer for two weeks, seconded Joy.

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

**COMPREHENSIVE PLAN AMENDMENT 23002
TO AMEND THE LINCOLN-LANCASTER COUNTY 2050 COMPREHENSIVE PLAN TO REVISE THE
FUTURE LAND USE MAP FROM URBAN RESIDENTIAL TO COMMERCIAL AND URBAN
RESIDENTIAL FOR HOPPE'S ECHO ADDITION, ON PROPERTY GENERALLY LOCATED AT 1620
SOUTH 84TH STREET.
AND**

ANNEXATION 23001

TO ANNEX APPROXIMATELY 4.70 ACRES, MORE OR LESS, FOR HOPPE'S ECHO ADDITION, ON PROPERTY GENERALLY LOCATED AT 1620 SOUTH 84TH STREET.

AND

CHANGE OF ZONE 23013

FROM AG (AGRICULTURAL DISTRICT) TO R-1 (RESIDENTIAL DISTRICT) PUD (PLANNED UNIT DEVELOPMENT) FOR HOPPE'S ECHO ADDITION, TO ALLOW FOR UP TO 8,200 SQUARE FEET OF OFFICE USE AND A HOTEL WITH UP TO 5 ROOMS, WITH ASSOCIATED WAIVERS, ON PROPERTY GENERALLY LOCATED AT 1620 SOUTH 84TH STREET.

PUBLIC HEARING:

March 22, 2023

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

<u>Staff Recommendation:</u>	Comprehensive Plan Amendment 23002	Denial
	Annexation 23001	Denial
	Change of Zone 23013	Denial

There were no ex-parte communications disclosed.

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

Staff Presentation:

George Wesselhoft, Planning Development, 555 South 10th Street, Lincoln, NE approached to review the reports. The Comprehensive Plan Amendment is a request to amend the future land use designation. This property is impacted by the Pipeline Planning Area (PPA). It affects the west side of the property and effects a total of 1.44 acres of the property. There is an existing house that does not fall within the PPA. Wesselhoft stated that the PPA are high pressure pipelines, and the intent is not to have vulnerable populations including residential structures within the pipeline planning areas. The proposed amendment to change the designation will violate the Commercial Use in terms of the Access Management Policy. There was a deviation request that was submitted to Lincoln Transportation and Utilities (LTU) and was denied by the LTU Director. The applicant has appealed this to the City Council. Wesselhoft stated that the Access Management Policy is to not have a single commercial use with a single driveway, but to have a shared use that doesn't take action through residential neighborhoods. Wesselhoft stated the specific proposal is to have an office and five hotel room use. The existing single-family home would be converted into a hotel and the garage converted into an office. With the given small size, Wesselhoft stated this could possibly function as a short-term rental today. There are waivers that are requested and Wesselhoft stated that LTU Watershed does not support that recommendation, so that request was denied.

Bob Simmering, Lincoln Transportation and Utilities, 555 S. 10th Street, Lincoln, NE approached and explained how the Access Management Policy was developed. The Access Management Policy was developed work on the access that was being done in Lincoln and was adopted in 2012. One of the things that was developed was for the accommodation and flow

of travel. Simmering stated that this location has a couple of issues with Access Management Policy. One is that access management on an arterial and this is a main arterial street and is not allowed for a single user. There was a traffic analysis done and indicated that it does not merit a turn lane. Simmering stated that is accurate for the 2022 traffic but by the year 2026, if a traffic analysis is done, it would show a required turn lane. Simmering stated based on this that LTU did recommend denial and the director followed through with that and there is an appeal filed. Simmering stated that there are other points of access that could be utilized to serve this facility.

Edgerton asked if it was accurate that the deviation request is being denied and now is on appeal to the City Council. Simmering stated that is accurate. Edgerton asked if it would be relevant what the City Council decided to the three actions that are in front of the Planning Commission right now. **Tim Sieh, City Attorney, 555 S 10th Street, Lincoln, NE** approached and stated that with the practical matter, it will come before the City Council at the same time. Sieh is encouraging comments and recommendations to be made at this time.

Rodenburg asked what the difference is if the house could be for a short-term rental from a five-room hotel. Wesselhoft stated that a short-term rental would be permitted today under the existing zoning. A hotel has different requirements in terms as parking, a different use designation and is not permitted in the current zoning.

Campbell asked Wesselhoft if this could remain residential and not be changed to commercial. Wesselhoft stated that is correct, but the issue would be the office use.

Edgerton stated that there is a note in the staff report about an illegal subdivision without a final plat approval. Wesselhoft stated that the two parcels were actually one parcel and the applicant split into two without going through the final plat process.

Joy asked if the road and access currently do not go back to Stonyhill Road. Wesselhoft stated that there is an outlot (for future residential) that would provide future connection but would not provide the connection for future use of commercial use. Joy asked if Stonyhill Road was a right out only road. Campbell stated that you could go both ways.

Applicant Testimony:

Rick Onnen, E&A Consulting Group, 701 O Street, Suite 400, Lincoln, NE approached and distributed Exhibit 1 and Exhibit 2. Onnen stated that the goal is to repurpose the existing house for office use. Onnen addressed the use of an illegal subdivision, and that the developer started to do it in a different manor, but they are here now to clear it up. Onnen stated that the primary concern today is the office use in the front of the parcel. Onnen stated that there is a request for a waiver of the turn lane as part of the deviation request that was submitted to LTU. There is a motion to amend with changes to the condition of approval for the Change of Zone 23013. Onnen stated that there are a couple of conditions that they would like to amend that can be referenced in Exhibit 2.

Fred Hoppe, 1600 Stonyhill Road, Lincoln, NE, approached and stated he is looking for a headquarters for his office. This property was purchased by Hoppe and the house on the property in discussion is Hoppe's office. The proposal is specifically designed to put the headquarters office on the site and leave the rest of it as it is. Hoppe stated that the plan is to leave the house site as it sits and add a building behind the garage. Hoppe stated that the deviation request is because they like the road presentation into the house. Hoppe stated that the company employs approximately 30 with only 12 regularly working in the office. The remaining of the employees are out on site working. Hoppe stated that at some time, the sewer will have to go through the house property before it gets to the building property. Hoppe stated that there is a drainage way in the middle of the property and goes to the other side of his east property line. When the residential use is redone, then the drainage will be addressed. Hoppe wanted to address the "illegal subdivision" and that the city has this identified as two parcels and that is how that they took title. Hoppe was unaware of this and that the approval will eliminate this "illegal subdivision". This is one of the reasons of going forward today to eliminate that problem. Hoppe stated that there is a petition in support from the neighbors that has been signed and distributed (Exhibit 1). Hoppe stated that the waiver of the access will cost approximately \$275K and that this property has access already. To utilize Stonyhill, there is a culvert that goes into drainage way and the cost of putting a road in by Stonyhill will be approximately \$700K enterprise. The cost of trying to abide doesn't justify the numbers of turns that are going to be required by then. The request for the Change of Zone and the use of the property is very site specific and the rest of the issues that come up can be addressed in the future.

Joy wanted clarification that when it is moved forward with the next phase, that is where Hoppe is agreeing to put in a turn lane. Hoppe stated that where it is requested for the turn lane to be put in would not be feasible. **Ben Kunz, 5631 S 48th Street, Suite 220, Lincoln, Ne** approached with a display (Exhibit 3) of where the turn lane would be placed and how they priced it out. Joy asked how much easement for the storm water is there. Hoppe stated that there might be a culvert or storm sewer in there now.

Rodenburg wanted to clarify that the existing access off 84th Street is a right in and right out. Hoppe stated that it is five lanes and that there is a center turn lane.

Campbell stated to Hoppe that all the new buildings along 84th Street and Firethorn come off the main signaled intersection. Campbell stated they come off arterials to get to those properties. The trend in the city is to try to eliminate as many entrances or driveways that come off the major arterials. Campbell's question to Hoppe is that the estimate is \$700K compared to \$250K of a right turn lane. Hoppe stated that the use that he is going to use is not that much and that 84th Street has a lot of traffic as it is. Hoppe stated that a turn lane analysis was done and noted the commercial properties that do not have a turn lane. Campbell asked if that the parking for the bike trail will generate far more in and out than what Hoppe is discussing.

Edgerton asked about the pipeline planning area and how does this area effect what Hoppe is trying to accomplish. Hoppe stated that it does NOT affect it. Hoppe explained what the potential

max best use could be. Edgerton asked about the hotel versus the short-term rental. Hoppe stated that the proposal is to create a headquarters to use. The use of the hotel is so the house is not structurally changed. This is to leave the house the way it is as congregation space and meeting rooms for the adjacent office. Hoppe stated that there will not be any vacancy or bed and breakfast.

Rodenburg asked if there is a turning radius required. Onnen stated what is shown is the radius of 25 foot for a standard commercial driveway.

Proponents:

No one came forward in support.

Neutral:

No one came forward in neutral testimony.

Opposition:

No one came forward in opposition.

Staff questions

Rodenburg asked what the turning radius would be required. Simmering stated commercial driveways have a 25-foot radius requirement. Simmering stated that the turn lane will reach that expense that was discussed but there are some options that could be requested that could diminish some of the expense. The crossing of the drainage way with the culverts would not run within the \$700K price. Campbell stated that he assumed that it would include paving the street. Simmering stated that price was still too high.

Edgerton asked if the PUD overlay could include the small portion of the commercial as part of it? Wesselhoft stated that if there was a way not to violate the Access Management Policy or the Comprehensive Plan, but in this case, there is no way to do that.

Campbell asked if there is any other solution other than Stonyhill, or making it a commercial entrance or turn lane? Wesselhoft stated that there is potential development, but it is for residential and not commercial. Campbell asked if future proposed residential will abut to Stonyhill. Wesselhoft responded that is correct and would address the one issue of the Comprehensive Plan, but it would not address the access management.

Rodenburg asked if Hoppe could have some offices and not be commercial if they are not selling product. Wesselhoft stated that there is a home occupation use that could be used with guidelines but not a commercial use. Henrichsen stated that can be done but there cannot be any employees coming and going without living at the property. Henrichsen stated that the house could be used as a short-term rental or residential use. Henrichsen stated that the Planning Department is recommending denial because there is no way to develop this commercially without having the access on 84th street and violating the safe standards for an arterial street.

Corr asked if there was any other zoning designation that would work. Wesselhoft stated that there is not any other zoning that would work but there are other options that would work besides commercial.

Joy wanted to confirm that no other residential can happen in the pipeline planning area. Wesselhoft stated that it is a non-regulatory criterion that they try to work with developers on.

Applicant Rebuttal

Hoppe stated that they recognize other uses for the property but what he wants to do is put a headquarters office at that property and that the neighbors are ok with it. It will not be a high density use property. Kunz approached and referenced Exhibit 3 to show that this intends to be more of a residential scale with the intent of the design.

Campbell moved to close public hearing for Comprehensive Plan Amendment 23002, seconded Corr.

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

COMPREHENSIVE PLAN AMENDMENT 23002

ACTION BY PLANNING COMMISSION:

March 22, 2023

Campbell moved to approve the Comprehensive Plan Amendment 23002, second by Joy.

Campbell stated that he is familiar with the area and was concerned with the access to 84th street. Today, he was able to analyze the access that exists today and there is significant access that is there. Campbell does not see how this cannot be converted and there are not many people in the office so there will not be an increase traffic to the site. Campbell stated by knowing the Hoppe business and now has a better understanding of the office building and what it stands for, Campbell will be approving with the amendments by keeping the front of the property as it is today.

Corr stated that part of the job as a commissioner, is to think long term into the future. Corr is not going to support any of the three proposed items. With this stated that once the door is opened, that there can be any commercial in that area. The Comprehensive Plan does not support this. With the access management issues throughout the city, this is how they fix it as redevelopment happens. Corr stated that most of the commercial zoning along 84th street is at major intersections, and this is not a major intersection.

Eddins stated if you want it commercial, you must build it commercial. Even with the neighbors supporting this, Eddins cannot ignore the Access Management and will not support this.

Edgerton stated that this body does not have the authority to overrule LTU with regard to the Access Management System and it has to go to the city council. Edgerton stated that she cannot look at this project differently, in regard to access management, without knowing what the City Council is going to decide. Edgerton will be voting no.

Joy stated that she is agreeing with Campbell on fulfilling some of the infill concepts that is pushed for some time. With the pipeline, the challenge is how do you handle the LTU Access Management. Joy is split on giving the recommendations to City Council without the understanding and giving directions. Joy stated it makes it challenging to do the residential at this time. To continue to use the existing services in place, she is in support on some of it but still wrestles with the idea of LTU.

Edgerton stated that there are some great aspects of what is being proposed, but it is regard to this project and is concerned with going against the Access Management Policy will open a lot of challenges with future applications.

Campbell is very supportive of the Access Policy in place. The building already exists, and the driveway already exists. If it already exists and it is not going to be a heavier use, then why not keep that access? Campbell does not see a major impact with traffic with this proposal.

Rodenburg stated that the fact remains that there are dozens of highly used properties and churches that do not have to put in a turn lane. Edgerton stated that in three years from now, it may be required. Rodenburg stated that is in three years from now and it is not now.

Ryman Yost stated that the property was on the market for such a long time. What other uses could that house and property be use for that would not cause more traffic. Ryman Yost stated it is nice to keep the house and have there be a well maintained and a good use of the property.

Motion carried 5-3: Campbell, Eddins, Joy, Rodenburg, and Ryman Yost voting “yes”, Corr, Cruz and Edgerton voting “no”; Ball absent.

CHANGE OF ZONE 23013

ACTION BY PLANNING COMMISSION:

March 22, 2023

Campbell moved to approve the Change of Zone 23013 with the amendments from the developer, second by Joy.

Motion failed 4-4: Campbell, Joy, Rodenburg, Ryman Yost voting “yes”, Corr, Cruz, Eddins, and Edgerton voting “no”; Ball absent. The motion failed due to the lack of 5 affirmative votes.

ANNEXATION 23001

ACTION BY PLANNING COMMISSION:

March 22, 2023

Campbell moved to approve Annexation 23001, second Joy.

Motion carried 5-3; Campbell, Eddins, Joy, Rodenburg, and Ryman Yost voting “yes”, Corr, Cruz and Edgerton voting “no”; Ball absent.

COMPREHENSIVE PLAN CONFORMANCE 23003, TO REVIEW AS TO CONFORMANCE WITH THE 2050 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN, A PROPOSED AMENDMENT TO THE VAN DORN REDEVELOPMENT PLAN TO MAKE UPDATES THROUGHOUT THE DOCUMENT, INCLUDING AMENDING THE REDEVELOPMENT AREA BOUNDARY, GENERALLY BOUNDED BY HILL STREET ON THE NORTH, 13TH STREET ON THE EAST, LOWELL STREET ON THE SOUTH, AND 7TH STREET ON THE WEST, ALSO INCLUDING THE PEDESTRIAN CROSSING AND VAN DORN PARK ENHANCEMENT PROJECT WITH A PROJECT AREA THAT INCLUDES VAN DORN PARK, PUBLIC RIGHT-OF-WAY ALONG 9TH, 10TH, HIGH, AND VAN DORN STREETS, AS WELL AS THE PARCEL LOCATED AT 2744 S 9TH STREET, ON PROPERTY GENERALLY LOCATED AT 10TH & VAN DORN STREETS.

CONTINUED PUBLIC HEARING:

March 22, 2023

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

Staff Recommendation: In Conformance with the Comprehensive Plan

There were no ex-parte communications disclosed.

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

Staff Presentation:

Hallie Salem, Urban Development, 555 South 10th Street, Suite 205, Lincoln, NE approached to state that this plan is to be consistent with the 2050 Lincoln Lancaster County Comprehensive Plan. The plan includes approximately 102 acres. This is an update to the Redevelopment Plan that was originally approved in 2008. This is to include the pedestrian crossing and the Van Dorn Redevelopment Project. Staff report recommends approval. Salem stated that this includes access to a community park and enhances healthy active lifestyles for Lincoln residents.

Campbell asked Salem if there is a pedestrian access on 10th Street. Salem stated that part of that was included was added to improve the pedestrian and bicycle accesses. Campbell asked if this was for an overhead crossing and Salam stated it is intended to be at grade crossings. The budget is not there for overhead crossings and challenges with bridges above grade crossings.

Salem mentioned that there are minor changes made to take the current plan up to standards. A substitute plan will be added to include the amended area and to clarify the deed restrictions to Van Dorn Park. Salem stated that they have met with the neighborhood associations. The redevelopment plan amendment was also discussed at the open house for Van Dorn Park. Salem stated that they have received ongoing communications and that the general concerns have been

recognized and addressed from the neighborhood associations. If additional TIF is required, then that is possible to extend but will need to make changes in the blighted areas.

Campbell asked if the pedestrian crossings will be signaled crossings. Salam stated that the neighborhood is strongly requesting that, and it is being considered with continued discussions with LTU. Campbell asked if the racing bike trail will stay, Salem stated that there has been great interest in maintaining and there has been such great use in it for bicycles and pedestrians.

Proponents:

Diane Walkowiak, 1600 Sioux Street, Lincoln NE is representing Indian Village Neighborhood Association and is in full support of this plan. There is a need for sidewalks. There is a need to get a safe crossing over Highway 2. This also provides a connection to the Boosalis Trail and the Bison Trail. This is also in the city bike plan to have a crossing at that area. The mountain bike trail is a new recent enhancement and has been an attraction to many new visitors.

Ryman Yost wanted to thank Walkowiak for her advocacy and effort for the park and enhancements that have been made by the neighbors.

Geri Cotter, 2111 Sewell Street, Lincoln, NE approached representing the Irvingdale Neighborhood Association. Cotter stated that they would prefer the overhead crossing, but if can get signaled, that would be wonderful also for the parents and the kids to be able to access the park. Cotter is in support of the Van Dorn Redevelopment Plan.

Rosina Paolini, 1850 Dakota Street, Lincoln NE, approached in support of the redevelopment plan. Rosina stated that there have been great improvements and, also the volunteering hours and programing that goes into the park is huge. Paolini has concern is the kids crossing the traffic. There are bicycle groups, church groups and other organizations that utilize this and volunteer to keep clean. This is a great project, and it needs a signal and light.

Neutral:

No one came forward in neutral testimony.

Opposition:

No one came forward in opposition.

Salem approached and stated that now is the time to get this project adopted and moved forward. This has been 30 years and now is the time.

Campbell moved to close the public hearing, seconded Joy.

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

COMPREHENSIVE PLAN CONFORMANCE 23003

ACTION BY PLANNING COMMISSION:

March 22, 2023

Campbell moved for approval of Comprehensive Plan Conformance 23003, seconded Ryman Yost.

Campbell stated that this is a continuing basis and perfect time to get this to move forward.

Rodenburg stated that he agrees with Campbell and this area is revitalized. It is a well needed park and place to go again. Rodenburg stated that this is more of a multi-use trail and is in very much in favor of this.

Edgerton agreed that this is a great project moving forward and appreciates the community support as well as the city.

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

Edgerton stated that anyone wishing to speak on an item not on the agenda, may come forward and do so.

Paolini approached about the 27th and Starr area and heard mixed feelings about 2 units affordable housing. Rosina thinks that the developers need to be asked what their profit ratio is and what they are willing to give back to the community. Rosina asked what she can do to be of use and how do we get a price point that is reality. Rosina stated that 1st and Pioneer is the worst land use that she has ever seen. Rosina wants more dialog for more equitable solutions.

Campbell moved to adjourn the Planning Commission meeting of March 22, 2023, seconded by Joy, and carried 8-0: Campbell, Corr, Cruz, Eddins, Joy, Rodenburg, Ryman Yost, and Edgerton voting yes'; Ball absent.

There being no further business, the meeting was adjourned at 2:57 pm.