

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, February 3, 1999, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Steve Duvall, Barbara Hopkins, Gerry Krieser, Greg Schwinn, Cecil Steward, Russ Bayer, Ann Bleed, Joe Wilson and Rick Wallace; John Bradley, Kent Morgan, Steve Henrichsen, Mike DeKalb, Nicole Fleck-Tooze, Jean Walker and Teresa McKinstry of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: **Special Public Hearing on the 1999 Comprehensive Plan Annual Review**

Members present: Wallace, Krieser, Steward, Bleed, Wilson, Schwinn, Duvall, Bayer and Hopkins.

Chair, Barbara Hopkins, called the meeting to order for special public hearing on the 1999 Comprehensive Plan Annual Review.

Planning staff presentation:

Kent Morgan of the Planning Department introduced the 1999 Comprehensive Plan Annual Review, which is the fourth annual review of the 1994 Comprehensive Plan. This annual review process is called for specifically in the Plan, to include new and pertinent information, changes in the plan and underlying assumptions, and specific proposals for amendment to the plan.

Mr. Morgan further explained that the process begins in the fall, when the Planning Director issues a letter requesting proposals for the Annual Review to Directors, other city and department agencies, neighborhoods, community groups, etc. This year, the final count includes 16 public sector initiated amendments and 13 initiated by the staff. The Annual Review report was issued January 4, 1999. As in the past, it includes a wide diversity of amendments, some minor and some major, some to update the record, some for clarity and others which are broader policy directives.

Steve Henrichsen of Planning staff reviewed the themes that appear to run throughout the

amendments. He pointed out that there are several major planning items that are not part of this Annual Review, specifically the Beltway, the Antelope Valley Major Investment Study and the Wilderness Park study. At the request of the applicant, the 84th and Hwy 2 Subarea Plan is still pending and may come forward in the upcoming several months. The S1-S2 Subarea Plan was going to be part of this review; however, it has been advanced and has recently been adopted by the City Council.

Mr. Henrichsen advised that there are four different amendments in regard to maintaining the City's ridge policy which has served the community well and allows the city to provide services in an efficient and fiscally responsible manner. Amendment #27 clarifies some of the discussion had over the last several months in regard to paying for growth. There is a large theme in regard to provision of services, infrastructure and utilities. For example, the city had hoped to have services for the N1 and N2 area, north of the Interstate; however, Amendment #13 portrays that there is a lot of utility and infrastructure planning yet to be done.

With regard to Transportation issues, Mr. Henrichsen advised that there are some amendments relating to very specific projects, i.e. #9 through #12. Amendment #26 is a proposal by the Chamber of Commerce for arterial streets and Amendment #6 by the staff for neighborhood commercial centers, both of which have a lot of impact on arterial streets.

Mr. Henrichsen also noted that a lot of the amendments have to do with environmental issues, including development in floodplain, etc.

Introductory Comments by the Commissioners

Ann Bleed gave the following statement: Her husband, Peter Bleed, who is an anthropology professor at the University of Nebraska, was contacted by Mr. Randy Thomas, a member of a group called "Grass Roots NAGPRA", regarding a possible conflict of interest between Peter's work conducting an archeological field school in the Stevens Creek watershed in 1987 and her votes as a Planning Commissioner on issues pertaining to Stevens Creek. It is her understanding that Grass Roots NAGPRA is seeking to insure that all bones subject to the Native American Graves Protection and Repatriation Act are returned to the appropriate tribe. Both Peter and Ann Bleed have the deepest respect for Native American cultures and religions. They empathize with those who are seeking respectful reburial of their ancestral remains. In fact, however, Mr. Bleed's survey did not discover any human remains or burials. As a member of the Lincoln-Lancaster Planning Commission, Ms. Bleed stated that she takes very seriously her commitment to refrain from any votes on which she might have a possible conflict of interest. Therefore, she took very seriously the allegation of Grass Roots NAGPRA suggesting that she had a possible conflict of interest on matters pertaining to Stevens Creek. Although she could see no possible conflict, she decided to file a report of potential conflict with the Nebraska Accountability and Disclosure Commission. Yesterday, she received a letter from the Commission stating, in summary, that based upon the information provided, she does not have a conflict of interest and may participate and vote on the Stevens Creek issue as she

sees fit.

Russ Bayer then commented that he is a general partner in the Bayer Family Partnership which owns land in the Stevens Creek Water Basin as it pertains to Amendment #1 and Amendment #24. He filed a conflict of interest statement with the Accountability and Disclosure Commission and received a letter stating that he does not have a conflict of interest because Amendment #1 (the ridge policy) is symbolic rather than substantive, and Amendment #24 is one step in a process which may result in development 12 to 20 years from now. An action which may or may not result in a financial benefit or detriment for at least 12 to 20 years is remote, speculative or highly uncertain. Therefore, Mr. Bayer will be voting on the Stevens Creek issue.

Gerry Krieser stated that he also owns land in the Stevens Creek Water Basin and he received the same opinion from the Accountability and Disclosure Commission as did Mr. Bayer, indicating that he does not have a conflict of interest. He will be voting on the Stevens Creek issue but he assured that he will vote in a way for the people—not for himself.

General Comments by the Public

1. Jonathan Cook, 2701 Stratford Avenue, appeared on behalf of Patte Newman, Chair of the Mayor's Neighborhood Roundtable. He was also appearing on behalf of Don Uerling, Chair of the Roundtable Committee on Stevens Creek. Mr. Cook is also a member of the Stevens Creek Committee. With regard to Amendment #24, Mr. Cook asked the Commission to recognize and understand that the neighborhood groups do not have advantage of paid staff. The Stevens Creek Committee will meet with the entire Roundtable on February 11, 1999. Until they have information from that meeting, the Neighborhood Roundtable cannot present informed testimony. Mr. Cook respectfully requested a continuance of Amendment #24 to February 24, 1999, in order for the Neighborhood Roundtable to have the time to educate and inform themselves and others on the Stevens Creek issue.

Chair Hopkins noted that a letter went out in early January to neighborhood representatives and the development community about this Annual Review process. She respects that they are volunteers and the interest they have taken. But, the idea of the Commission dealing with the Annual Review issues beyond a week from today is cumbersome in her opinion. Mr. Cook advised that the Neighborhood Roundtable did have their January meeting after that letter was issued; the Stevens Creek Committee was formed and met and discussed the various issues, and they were to bring their recommendations back to the following Roundtable meeting. It is difficult to get a Roundtable meeting called on a special date. One month is not sufficient time to get the committee work done. Hopkins suggested that next year, the Roundtable attempt to schedule two meetings in January so that we don't bog down this process.

2. **Kelvin Hullet**, on behalf of the **Lincoln Chamber of Commerce**, submitted a written statement of the Chamber's comments in opposition to Amendment #1; in support of Amendment #5; recommending continued study on Amendment #6; in opposition to Amendment #17; in support of Amendment #24 and in support of Amendment #26.

AMENDMENT #1, REAFFIRMATION OF THE "RIDGE DEVELOPMENT POLICY":

AMENDMENT #1a, COMMERCIAL AT 84TH & VAN DORN;

and

AMENDMENT #1b, URBAN RESIDENTIAL NEAR 84TH & SOUTH.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 3, 1999

All members present.

Staff recommendation: Reaffirm existing policy—no change needed for Amendment #1; denial of Amendment #1a; and denial of Amendment #1b.

Steve Henrichsen of Planning staff submitted a letter from WF Hoppe in support of Amendment #1 (Ridge Policy) and #24 (Stevens Creek); however, he does not support the use of lift stations.

Mr. Henrichsen also advised that the applicant for Amendment #1a and #1b is out of town and had requested that this public hearing be continued to February 10, 1999.

1. **Charlie Humble**, 301 South 13th, represents 11 homeowners centered around the Norval Road area, in support of the staff recommendation on Amendment #1, and requested to reserve the right to appear on this issue if continued.

This existing ridge policy is to prevent an ad hoc system of encroachment into Stevens Creek and other basins by waiver system to allow lift stations to handle the sewage over the ridgeline. His clients have an aversion to lift stations in order to develop over ridgelines because it flies in the face of the comprehensive planning we have done for so many years in this community in which we have looked at areas in a comprehensive fashion and looked at all of the elements of planning. To have this determined on an ad hoc basis presents a real challenge to future comprehensive planning. On what basis do you grant an application? On what basis is a waiver worthy? How do you predict future growth? How do you explain where we are going to grow, when, how and for whom? Mr. Humble requested that the present policy be continued because the community then makes the decisions as we have always done, as a group, with a policy that is known, bought off on, is discussed and has clear parameters. We can see where things will occur, how they will occur and who is going to pay for it. These are all community based decisions. If you start granting waivers, how are you going to say no? What are the parameters to deny?

Mr. Humble's clients are opposed to development by lift station across the ridge, no matter who it is. If we are going into the issue of sewerage Stevens Creek, then that takes a lot

of planning, visions, sharing, etc., and Mr. Humble is suggesting that that process be used.

2. Kevin Hullet of Lincoln Chamber of Commerce testified regarding Amendment #1. The bigger picture is a community which is growing rapidly and Lincoln has crossed the 200,000 threshold and at this rate of population growth, the city must expand at a quicker pace. We have concentrated growth into the resources in South Lincoln; we have concentrated our sewer and roads there. Our question is, is it time to begin looking toward to the east of Lincoln and look at that Ridge Policy? How do we do that in a fashion to move our community forward and move into that east corridor? We have sited a beltway corridor in that area. Cities grow together. Lincoln and Omaha will grow together. Mr. Hullet encouraged the Commission to begin asking the questions and look at the issue to determine if this is the appropriate time to look at that policy and look at expanding our sewerage ability, etc. Is the technology adequate now?

Steward inquired whether it is the Chamber's opinion that what we are in need of is better planning to determine the issues that may be engaged, or are we being asked to develop a new policy without detailed plans? Mr. Hullet believes it is a little of both. He believes we need to look at how we create a comprehensive plan for the Stevens Creek area. One issue is whether we protect that corridor which is within the floodplain. How do we effectively, as a community, create a plan that addresses those issues so that we are not fighting those battles as we go? Steward believes that the Chamber's strategy assumes that the plan will result in actual building within the watershed when, in effect, we do not yet have a plan that answers the question, should we? Mr. Hullet did not disagree, but the other question is, if we don't, then what? Do we continue the growth to the south, etc? Steward suggested that to be why we have a comprehensive plan.

Hopkins inquired as to "who" discussed the issue internally. Mr. Hullet stated that to be basically Chamber staff and Chamber members. Hopkins inquired whether the Chamber has a set of resolutions or general sense of the committee that volunteers to help. Mr. Hullet indicated that at this point it is kind of a general sense of discussions internally and what to do as a community with the infrastructure problems. The Chamber has discussed how to provide a leadership role in advancing that public policy question forward. Hullet indicated that the Chamber is just beginning to look at this issue.

3. Mark Hunzeker, 530 So. 13th, testified in opposition to Amendment #1. He suggested that it would be appropriate not to reaffirm this policy, but to study it further. It seems to him that we are already at a point where the policy is breached more than enforced. The policy stems from a memorandum drafted in 1976 by then Planning Director Doug Brogden with seven basic criteria, including there should not be anything larger than an 8" sewer extended beyond the ridgeline; there should not be extensive grading that would affect surface drainage or overload storm sewers; should not require sewer lift stations; should not require trunk lines in the area over the watershed; should not overload existing sewer system; and there should not be an unreasonable application of an otherwise reasonable policy. As we review how this policy has been applied over the years, think about Regent Heights, Regent Heights II and Northern Lights; all the property along the east side of 84th

Street; the Housing Authority property on So. 56th Street; Crown Pointe; Pointe East Estates subdivisions; Trendwood; and most recently, the large shopping center at 84th & Hwy 2 which lies within three different watersheds where grading has been encouraged to allow sewer to flow back through the Antelope Valley watershed. In addition, there are areas such as the Novartis plant which has been sewerred for many years via a lift station; the Wright Field is served in violation of this policy; and Lincoln Benefit Life. Trunk sewers represent major investments in this community and, to the extent the property is at the top of the ridgeline and there is capacity remaining, it makes good sense and it is good planning to utilize that capacity rather than to extend trunk lines for miles to serve areas which would otherwise be served by gravity. Mr. Hunzeker suggests that it makes sense to re-evaluate this policy rather than to simply reaffirm it.

Mr. Hunzeker suggested that if a policy is defined by something that is never violated, there isn't much of this one left. If you want to have a policy which defines exceptions, that's fine. But let's refine those exceptions to make some reasonable judgments about when we are going to make those exceptions. Mr. Hunzeker submits that It makes sense to make exceptions to this policy.

Mr. Hunzeker is not sure why this is even an amendment at this time while the staff is recommending no change. Bleed assumes that because this portion of the plan has been challenged, the staff is wanting this discussion. Steward suggested that it's being proposed as an amendment because of all of what Mr. Hunzeker just iterated, that is, there has been a piece-by-piece attack on the policy. Steward commented that we are at that point where it is time for the community to decide whether it is continuing to be a good policy or not. To justify that we don't need the policy because it's been chipped away is not the right question and he doesn't believe that is what is being asked. Steward asked Mr. Hunzeker whether he would admit that this is about more than just sewerage. Mr. Hunzeker disagrees. Steward suggested then that Mr. Hunzeker has a narrow viewpoint of what the policy is about. Ridgelines are to protect floodplains and conditions of environmental concern as well as the public cost. It is more than just the sewer. Mr. Hunzeker does not believe there are any floodplains at the top of these ridges. But, Steward noted that there is always one at the bottom.

4. Robert Klein testified to the issue as it pertains to Stevens Creek. It is his understanding that no subarea study has been conducted for this region in question and he believes a study should be conducted prior to any further movement into that territory with consideration of creating a Stevens Creek Park.

5. Craig Groat, 4935 Huntington, referred to the AICP Code of Ethics, wherein it is stated that the planning process exists to serve the public interest; the planning process must continuously pursue and faithfully strive to protect the natural integrity of the environment; pay special attention to the interrelatedness of long range actions; strive to achieve high standards of integrity; exercise fair, honest and independent judgment; not misrepresent facts or historic information; not participate in any manner unless adequately prepared; examine applicability of planning theories, methods and standards to each particular

situation; to serve the public interest; and honesty with information. These ethics should be followed.

Staff Comments

Mr. Henrichsen explained that the staff is looking for three separate votes on this item. Amendments #1, #1a and #1b were grouped together because Amendments #1a and #1b are contrary to the policy in Amendment #1. Mr. Henrichsen also explained that staff is trying to point out that if the Commission does not wish to reaffirm the existing policy, then staff would request some alternative. Bayer is not sure the Commission needs to vote if they want to reaffirm the existing policy. Bayer would rather not vote on it. Mr. Henrichsen clarified that #1a and #1b are examples of the constant discussions with developers and applicants who want to have lift stations, etc. Staff thought it important that there be some forum for the community to decide whether to maintain this policy or go forward with something different. Staff believes the existing policy should be maintained.

Steward moved to table Amendment #1, seconded by Schwinn.

Steward suggested tabling #1 because we have two closely allied actions associated with it with no good opportunity to discuss it today with the applicant . Tabling leaves the option to bring Amendment #1 back at that time. It has the net effect of separating Amendment #1 from #1a and #1b.

Motion to table carried 9-0: Wallace, Krieser, Steward, Bleed, Wilson, Schwinn, Duvall, Bayer and Hopkins voting 'yes'.

Schwinn moved to continue public hearing and administrative action on Amendment #1a and #1b on February 10, 1999, seconded by Wallace and carried 7-2: Wallace, Krieser, Steward, Bleed, Schwinn, Bayer and Hopkins voting 'yes'; Duvall and Wilson voting 'no'.

AMENDMENT #2 - BEALS SLOUGH URBAN RESIDENTIAL.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 3, 1999

All members present.

Planning staff recommendation: Approval.

Steve Henrichsen of Planning staff submitted a letter in support from the Home Builders Association, and a letter from Brian Carstens on behalf of William Krein, in opposition to part of the area being shown as parks and open space. Mr. Henrichsen explained that the staff recommends that that portion located in the floodplain be designated for public or

private open space type uses.

Opposition

1. **Brian Carstens** appeared on behalf of **Bill Krein**. Mr. Krein was shocked to be thumbing through the packet and finding that 2/3rds of his property is shown as parks and open space. He recognizes it is in the floodplain and if he has any plan to develop it, those issues would be dealt with at that time. He could not use this property for any density purposes if designated as parks and open space. It is zoned R-3. Bleed clarified that if it is designated as parks and open space and the owner wanted to do something different, it would require a Comprehensive Plan Amendment. Mr. Carstens concurred.

Wilson wondered whether Mr. Krein would lose density by this designation. Mr. Carstens believes it is a grey area. Mr. Krein is concerned about losing 2/3rds of his density. He has no plans to do anything immediate but he believes this locks it into parks and open space.

As far as impact on density, Mr. Henrichsen confirmed that the property is zoned R-3. If Mr. Krein came forward to subdivide, the staff would look at the Comprehensive Plan as a guide. If Mr. Krein requested to develop the entire property with residential uses, this could be pointed out as part of the evaluation. With the R-3 zoning, if Mr. Krein submitted a plat which is in conformance with all standards of the subdivision ordinance, he certainly has the right to have it approved. Staff would encourage, however, that that part of the property in the floodplain be shifted in terms of residential. It is currently all shown for low density residential. Mr. Henrichsen does not believe this designation would impact the owner's density. R-3 does not mean it is going to have urban residential on that specific area.

Bleed asked if it would require a Comprehensive Plan amendment to build in the floodplain. Mr. Henrichsen does not believe it would be required on a property of this small size. Staff would use the Comprehensive Plan as guidance, however, and would point out that the intention of the Comprehensive Plan was that this area be used as open space and that the urban residential be developed on the property outside of the floodplain.

Bleed knows there are areas that are in floodplains designated as parks and open space, but she is also aware that a lot of the floodplain areas are not so designated. Is this somewhat of a change in policy to designate all of the 100 year floodplain as parks and open space? Mr. Henrichsen responded that the amendments last year added subareas in both north and south and none of the floodplain areas were included as part of the future service limit—they were left as agricultural. In this particular case, since there is not a large area of AG, staff thought it would be difficult to designate the whole thing as AG. The intent is to not include the areas inside the floodplain in general. Floodplain designations are very general until the plats are submitted and come forward.

Steward wondered whether this change would affect the value of the property, or the next

owner's valuation. Mr. Henrichsen did not know if the Assessor uses the Comprehensive Plan in assessing value. Wilson would doubt that it would change any valuation. Steward is attempting to explore whether the owner is disadvantaged in value by this action. Wilson does not believe it will affect his value.

2. Danny Walker testified in a neutral position, requesting clarification as to how this issue would reflect in any way at all on some of the issues on the agenda dealing with the floodplain.

Rick Peo, Assistant City Attorney, stated that the Comprehensive Plan is a general guide to the city. According to Supreme Court rulings, it is the zoning that controls and has the force of law. If the property is zoned R-3, it can do be developed in whatever use is permitted in R-3; if any of the property is in the floodplain, the developer is required to follow all the floodplain procedures. Showing the property as open space and park does not mean it cannot be used for residential purposes. The question would be, once you change the Comprehensive Plan, should you be looking at changing the zoning to make the zoning in conformance. Until such time as the zoning is changed, the existing R-3 controls.

3. John Layman, appraiser, testified on the issue of value – if you change the designation to parkland, it turns the property into public use and it does not appear on the tax roles. The developer would probably move the density to the buildable area. His question would be whether the developer retains that density even though it becomes parkland. He believes this would be a taking. The appraiser looks to the Comprehensive Plan and then to the zoning. If you take it and change the zoning to park, then he is losing density. Wilson clarified that this is not a change of zone application. It is a Comprehensive Plan designation only. Mr. Layman would assume that under the property's highest and best use, the density would be moved to the buildable portion. Wilson suggested that if the property is designated as park land and then they want to change the zone, that is a whole different issue.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: February 3, 1999

Duvall moved to approve the staff recommendation, seconded by Steward, and carried 9–0: Wallace, Krieser, Steward, Bleed, Wilson, Schwinn, Duvall, Bayer and Hopkins voting 'yes'.

AMENDMENT #3 - LOW DENSITY RESIDENTIAL ALONG W. DENTON ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION: February 3, 1999

All members present:

Planning staff recommendation: Defer for further study.

Support

1. **Mark Hunzeker** appeared on behalf of **Ron Skoda**, owner of property within the subject area, in support of the amendment because the need, as has been discussed on many occasions, for the development of acreage type areas is great. We are long, long overdue to have some portion of this Comprehensive Plan address the need for acreage areas. We have been talking about this since 1994; there was a County Land Use Task Force that met and issued a report, yet each time this issue has come up, whether at the request of a private property owner or at this Commission's request, the answer from staff has been to defer for further study. This is an area which has good access; there is a substantial amount of acreage development already in the area. There is a question about water quality and quantity, and the Health Dept. indicates it needs more information on groundwater in the specific areas proposed to be zoned. However, this Commission has adequate control through the subdivision ordinance to require available water prior to approving the preliminary plat.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 3, 1999

Duvall moved approval, seconded by Bayer.

Bleed stated that she will vote against the approval. She does not think it is appropriate to indicate in the Comprehensive Plan that an area is appropriate for housing on even a low density area, when it is very clear that our County Health Dept. is uncomfortable with the ability to provide water for houses.

Steward stated that he will also vote against the approval. Why this particular area? He agrees with the testimony that it is time and that we need designated areas in the Comprehensive Plan for this kind of development and this density; but is this the right place? It seems like we are throwing darts just because this one came before us. Until we have evidence that the attitude is not to cover and take productive agricultural land in the entire county borders, he will continue to resist such action.

Wallace does not believe there is enough information from all the entities and the surrounding communities. We need to mandate this type of change. He would agree that the time has come to designate some areas in the community, but this area concerns him because he does not believe it is ready.

Bleed added that she thinks it is time to deal more carefully with our county plan because we are getting these proposals coming forward. Because there is a demand, we do need to address it, but she does not want to address it piecemeal. We need to do a better job of addressing where we are going to allow low density development in the County and where we are not.

Bayer stated that he will support this amendment because he believes the Planning Commission has a responsibility to begin to designate areas in the county. We have asked for a county plan and what we asked for has not been brought forward. There will be areas designated within the county for low density residential. He believes there are enough safeguards in place with the change of zone process that allow protection for water, etc. He recognizes that this may be more planning than policy.

Wilson stated that he believes the Planning Commission needs to make some guidelines for people to follow in the county that we have not yet done. One of those things may be something like a residential city type overlay on an acreage development. We need to talk about and decide and tell the public what we're looking for and we have not done this. But he does not believe that should stop us from allowing areas to develop.

Hopkins stated that one of the issues that has risen to the surface is the county plan. She thinks it is a high priority to articulate this concern and try to get those answers. Hopkins will vote against this amendment, but it is high on her list for getting the issue addressed. We need to be sensitive to all the issues and need to do it strategically.

Schwinn's concern with this designation is that it brings 640 acres in that we said can go to low density residential, and maybe by implication, if your acres aren't in those 640, then you don't get to be in. Therefore, we have made a very major decision on property values in this area. We are talking 10 times the value. He does not think we can do this without proper planning.

Bleed concurred. If we did designate this and someone later on came in and wanted two miles south, it would take a comprehensive plan amendment. The question would be why that area and not this area? They might be able to prove that their area is better. We don't have sufficient information to make the decision.

Motion for approval failed 4-5: Krieser, Wilson, Duvall and Bayer voting 'yes'; Wallace, Steward, Bleed, Schwinn and Hopkins voting 'no'.

Bleed moved to approve the Planning staff recommendation of deferral for further study, seconded by Schwinn.

Bayer wants to put some timelines on when these studies are going to be done. Bleed assumes that since we are dealing with an update of the Comprehensive Plan, this amendment would be deferred to the next update unless thorough our normal process someone came forward with an immediate request.

Motion to defer carried 8-1: Wallace, Krieser, Steward, Bleed, Schwinn, Duvall, Bayer and Hopkins voting 'yes'; Wilson voting 'no'.

AMENDMENT #4 - ENTRYWAY CORRIDOR DESIGN STANDARDS.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 3, 1999

All members present.

Planning staff recommendation: Refer to Urban Design Committee

There was no testimony.

Schwinn assumed this would go to the Urban Design Committee whether this amendment is approved or not. Steve Henrichsen of Planning staff explained that the Planning Department is the staff for the Urban Design Committee. The members of that committee are volunteers. They already discussed this proposal in January and the Planning Department is in support if this item being referred to them. The Urban Design Committee has the same limitations with staffing and this may be an item that will take them quite some time to develop, but in looking at the Comprehensive Plan, it calls for these types of items to be referred to the Urban Design Committee.

Steward wondered whether any sense of urgency could be attached to this amendment. His concern is that there are a number of actions, both recent and probably near, that will impact the options or limit the options to the actions that the Urban Design Committee or any other planning action could recommend. He is fearful that without some express directive for urgency, we may not get the kind of response that the city needs.

Steward does not want to suggest a specific timeframe, but he would like to amend the language of the proposal.

1. Mike Morosin, past president of **Malone Neighborhood**, thinks we are behind the ball on this. We have a nice corridor coming in on I-180, but when we get to 27th Street we forgot what we were going to do, especially there in the salt marsh. This is one of the last inland salt marshes that is completely enclosed in the United States. We need to get ahead of this and get away from the sins of the past.

2. Danny Walker, 427 E Street, expressed concern about the first exit off I-80 to Hwy 6 that either goes into Lincoln or to Waverly. Look to your right and see what has been created. It's rubble. It is ridiculous, especially when you consider the fact that nice green fields were there before, along with a well-maintained miniature golf course and race track. This is the first chance you get off that interstate going into Lincoln and it is nothing but a pure mess.

Bayer agreed with Mr. Walker. He understood there would be berming and landscaping

on this site. Mr. Walker stated that deferring this to the Urban Design Committee makes him a little nervous. Mr. Walker does not believe there is any way that it can be fenced.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: February 3, 1999

Steward moved approval of the staff recommendation, with amendment to add language, “Proposal to develop Entryway Corridor Design Standards for the City of Lincoln, recognizing the urgent need to facilitate pending and proposed planning decisions.”, seconded by Bleed.

Motion carried 9-0: Wallace, Krieser, Steward, Bleed, Wilson, Schwinn, Duvall, Bayer and Hopkins voting ‘yes’.

AMENDMENT #5 - INVESTMENT STRATEGY FOR A COMPETITIVE DOWNTOWN.
PUBLIC HEARING BEFORE PLANNING COMMISSION: February 3, 1999

All members present.

Staff recommendation: Approval.

1. Polly McMullen testified on behalf of the **Downtown Lincoln Association** in support of Amendment #5 and its incorporation into the Comprehensive Plan. The investment strategy was commissioned by the DLA in January of 1998, with funding support from the Lincoln Chamber of Commerce, the City and numerous downtown businesses and property owners. The report was completed last July and is intended to serve as a 10-year economic blueprint to guide development downtown into the future. It is important to incorporate this document into the Comprehensive Plan and Ms. McMullen hopes that at some point in the future it might also be utilized in the preparation of a subarea plan for downtown and a traffic study.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: February 3, 1999

Bleed moved approval, seconded by Schwinn and carried 9-0: Wallace, Krieser, Steward, Bleed, Wilson, Schwinn, Duvall, Bayer and Hopkins voting ‘yes’.

AMENDMENT #6 - NEIGHBORHOOD COMMERCIAL CENTERS.
PUBLIC HEARING BEFORE PLANNING COMMISSION: February 3, 1999

All members present.

Staff recommendation: Approval.

Steve Henrichsen of Planning staff explained the proposal. Traditionally, Lincoln has used the four-corner commercial concept, with arterials one-mile apart and commercial on all four corners. The internal neighborhood traffic is often oriented to collector streets located on the half-mile with very poor or no connection between the residential areas with commercial on the corner. The proposal for Amendment #6 was initiated by the staff to look at the concept where the commercial centers would be located ½ mile between arterial streets away from the intersections. At that point there would be a collector or some type of residential street out to the arterial. This is an attempt to provide much better access from the neighborhood to the neighborhood commercial centers. There would be a reduction of the amount of turning movements at the intersections, encouraging through traffic. It is the staff's opinion that this will benefit the neighborhood and will benefit the traffic on the arterial street as well. It is perceived that this might be a more efficient use of the intersection and eliminate the need for 120' of right-of-way.

Mr. Henrichsen advised that the Technical Committee met earlier in January to review this concept and the Technical Committee strongly recommended approval.

Wallace inquired whether neighborhood people were involved in this design or discussions. Mr. Henrichsen stated that it is a proposal from Planning staff at this time. The staff has been discussing it with the development community; however, they have not had discussions with the Mayor's Neighborhood Roundtable or other neighborhood groups. It is anticipated that this concept could be used in the newer developing areas.

Wilson noted that the Commission hears constantly about traffic going through the neighborhoods. He foresees that this concept will increase traffic in the neighborhoods. Mr. Henrichsen disagreed. The proposal is to have better access from the neighborhood to the commercial center. We are talking about people who live in the neighborhood to have better access to the neighborhood type of commercial center. It is anticipated that this will improve traffic on the arterial streets for the through movements and not draw that traffic into the neighborhood. Wilson does not see four neighborhood shopping centers in the same section, but there sure could be two and he can see people driving through the neighborhood to get from one to the other. Mr. Henrichsen suggested that it would depend on how the area is developed and the intent would be to improve the access from the neighborhood to the commercial center and improve the traffic flow on the arterial street.

Bleed asked whether there would be a median on the major street. Would you be able to make a left turn into that center? Mr. Henrichsen acknowledged that it would require a median to allow left turns into the center. Often is the case in the traditional concept already where we end up with medians at the entrances to be able to get into the neighborhood. Mr. Henrichsen assured that this concept does not add more median openings but uses the existing.

Bleed took the position that the four corners were appropriate because it seemed that it was somewhat inappropriate to put a residential house on the corner of two busy streets.

Mr. Henrichsen's response was that the traditional pattern already has residences backing out to an arterial street in between the commercial centers. The proposal would not have commercial uses on the corner, but residential. But Bleed foresees that two sides of the corner lot would have lots of traffic. Mr. Henrichsen clarified that the proposal is basically providing that it doesn't have to be commercial just because it's an intersection between two arterial streets.

Schwinn observed that this moves the traffic out of the neighborhood at the mid-point, plus it puts the businesses and commercial at the mid-points, so at 8:00 a.m. everyone is leaving and arriving and he foresees left-turn lanes backed up for miles, with no one going anywhere. Mr. Henrichsen clarified that there would be other ways to exit the neighborhood. If you are trying to avoid the commercial center in the morning, you could take one of the other exits to make your turn out of the neighborhood. Schwinn is not sure he is ready to buy into this concept.

Wilson asked whether the staff investigated this concept being used in other cities. Mr. Henrichsen acknowledged that the staff has not made an attempt to contact other communities at this time.

Bleed asked what the impact might be if the amendment is not approved and someone comes in with this design. Mr. Henrichsen responded, stating that the real question would be ending up with a center on the corners and beginning to strip the arterial from one end to the other. Bleed suggested that we not allow a commercial center at the corner if there is one in the middle.

Steward wondered whether this might better fit those areas that we already have in the Comprehensive Plan that we refer to as "urban villages". Is this not an approach to also restrict strip commercial in a real sense as well as the traffic and corner congestion issues? Mr. Henrichsen does see this as something very compatible with the urban village concept and an attempt to discourage strip development. Urban villages are meant to be more neighborhood oriented.

Steward noted, however, that the urban village concept will not necessarily end up on the grid. If you are working with a pedestrian oriented environment then you are searching for all sorts of solutions to reach that concept in the urban village. Maybe it would be better to focus it to some of our earlier comprehensive plan statements. Mr. Henrichsen commented that while staff believes this makes some sense in the urban village, we were also looking at it in some traditional type centers.

2. Danny Walker suggested that the Fairbury and Seward "town square" concept should be considered. They look so much better. 26' wide streets will not work in a residential neighborhood. You set two pickups side-by-side directly across the street without side

rearview mirrors, that leaves you 8 ½ to 9'. We better measure emergency and school vehicles before we do this. Why can't we work the town square concept into these neighborhoods?

3. John Layman, appraiser, testified that he has problems with this concept. If there is a lot of traffic in the middle of the block, it might be an intersection which slows down the arterial traffic. To support neighborhoods, we need a mile radius. Retail needs to be at 2-mile intervals to be successful. We need to address the issue of how close retail is. Maybe it doesn't have to be on every arterial street. The arterials with commercial in Omaha are Center, Dodge and Maple. Blondo and Pacific are residential arterial streets which do not allow commercial development as a whole. The more expansive housing is built along the Blondo and Pacific corridors. Those corridors are more efficient than the other corridors. Maybe we should not allow commercial development at every corner. If you stack apartments, offices and retail, chances are the people living in the housing and office are going to park where the retail is located. In existing older areas, they have cleared the houses out behind the shopping areas to build parking lots. At the same time, they have made entrances off the parking lots. Where is the front door going to be? Where will the cars be parked? Will you walk around the buildings? He believes this is questionable and needs further study. He can see traffic lights and density. A grocery store takes up a lot of land and the reason they are located on corners is because of the traffic expediting to get there.

Mr. Layman further suggested that rooftops count in terms of successful retailing. He believes we need shopping centers on corners as opposed to lineal strips. He could see some housing on the corners, but there is a noise factor.

4. Kent Seacrest appeared on behalf of **Ridge** and **Southview, Inc.** In the S1-S2 subarea plan, they showed a neighborhood shopping center at the half-mile mark. The one against the Porter Ridge Park turned out to be opposed by the neighborhood, which is living proof that the half-mile does not work in all instances. We need to look at what is driving this policy. He believes traffic drives it and the question is what the market wants to do. The goal with traffic is to minimize the number of left-turn movements and maximize the number of right-turn movements. If you assume traffic is generally coming from one direction, the traffic engineers believe that sometimes a certain corner will be the most efficient and other times it will be the half-mile mark. But it is so fact driven that you can't make a broad statement to this effect. Mr. Seacrest suggested some criteria. The majority of the market usually wants the corner. He also believes the residential prefers the commercial at the corner.

Mr. Seacrest proposed an amendment to the proposal to make it clear that the neighborhood centers are okay on arterial streets at the corners in some instances. We need to develop specific site and traffic criteria to determine when the half mile is the better mousetrap.

Mr. Henrichsen concurred with Mr. Seacrest's proposed amendment. It was also

suggested that #5 of the amendment by staff be deleted.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: February 3, 1999

Schwinn moved to approve the staff recommendation, with the revised language suggested by Kent Seacrest, and deleting #5, seconded by Bayer and carried 9-0: Wallace, Krieser, Steward, Bleed, Wilson, Schwinn, Duvall, Bayer and Hopkins voting 'yes'.

AMENDMENT #7 - UPDATE PHASING PLAN AND LAND USE PLAN.

PUBLIC HEARING BEFORE PLANNING COMMISSION: February 3, 1999

All members present.

Staff recommendation: Approval.

There was no testimony.

Bleed commented that this essentially recognizes in the Comprehensive Plan that which we have already approved. It is a housekeeping item.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: February 3, 1999

Bleed moved approval, seconded by Krieser and carried 9-0: Wallace, Krieser, Steward, Bleed, Wilson, Schwinn, Duvall, Bayer and Hopkins voting 'yes'.

AMENDMENT #8 - NORTH 27TH STREET EMPLOYMENT CENTER.

PUBLIC HEARING BEFORE PLANNING COMMISSION: February 3, 1999

All members present:

Staff recommendation: Approval.

1. **Mark Hunzeker** appeared on behalf of **Lincoln North Creek, L.L.C.**, in support of the change that re-designates the Employment Center to Highway Commercial; however, he believes it has been packaged together with some changes with are somewhat counterproductive. He is not sure where the idea came from to delete the North 27th Street

Subarea Plan and he is not in support of that concept. He does not support delaying any further development of this area pending completion of the Highway 34 and I-80 road study or a number of other agreements which he believes are more appropriate as conditions of approval of a plat or special permit. He believes it unusual to suggest language such as that proposed on p.52 to convert this area to commercial use provided that no zoning actions will be taken until we complete a traffic study. He objects to this language and requested that the Commission simply approve the change from Industrial to Commercial in Figure 16, and delete the language containing conditions to that change. It is more appropriate to deal with those items along with the zoning change and the preliminary plat.

Mr. Hunzeker advised that he has a preliminary plat pending that has been sitting in the Planning Dept. office awaiting this change, and he really doesn't think that it should be necessary for all of those things to be incumbent upon this particular property owner to complete. The study of I-80 and Hwy 34 is something which needs to go forward, and his client has been working with the staff in attempting to locate streets within the subdivision to facilitate an overpass of I-80 and they are doing a traffic study. But to say a change in the Comprehensive Plan zoning designation is to be conditioned on these detailed items strikes him as being a bit of overkill.

2. Melva Plouzek believes this amendment relates to her request in Amendment #17. This is the issue that has prevented all of the things that she has been asking for for Wilderness Park floodplain protection—the stipulation for studies before any permitting or zoning changes happen. She agrees with the staff recommendation.

3. Peter Katt, appeared on behalf of himself and on behalf of a client, **Kawasaki Motors**. On behalf of himself, he stated that he lives in the Highlands. Two or three years ago during the debate on the North 27th Street Subarea Plan, he was here to raise the issue that there was no comprehensive planning being done with regard to the road network. Now, interestingly enough, when we have developers that are ready to move dirt, we now decide it is time to plan. This raises the point in terms of his client, Kawasaki. If we are going to call this a Comprehensive Plan, then the staff proposal in terms of studying the highway corridor is too short. Kawasaki's plant is located at N.W. 27th and Hwy 34. Their current access is at the Airpark Road entrance. Over the last 10 years, they have tried to have discussions with the city and NDOR in terms of improving access to their plant for their employees. He proposed that if we are truly going to study north Lincoln traffic patterns, that that corridor study be at least from the north Airpark Road entrance or N.W. 48th, at least to 27th. And as we look at N1-N2, we should probably extend it to Hwy 77--56th Street.

Bayer pointed out that the staff keeps getting taxed with more and more studies. He asked Mr. Katt if he is willing to delay any of the decisions in this corridor until that study is done? Mr. Katt's response was that the key part of the corridor is N.W. 12th to 27th Street because there are projects on the table that need to happen. He does not think it is fair to delay those projects while that study occurs because this issue was raised two or three years ago and nothing has happened. He does not believe that the private sector should be

penalized because we can't get the plan done. Bayer suggested that it relates to how much water you can put in a glass. "You want to extend the study area and that takes more time." Mr. Katt is requesting to broaden the scope of the study and Bayer wants to know if he's willing to delay. If we are going to approve projects without the study, then who cares about the study? We are establishing priorities for the staff. How important is this? Mr. Katt was not aware of any projects planned in the N.W. 12th to N.W. 48th corridor and that portion could be delayed. But he believes it is important to recognize that as part of that study, those areas needs to be considered.

Steward asked Mr. Katt if he is aware that in the two or three year timeframe being described, there has been a freeze on staff hiring. There has been a loss of staff in the Planning Department and they are not able to fulfill all of the projects. Mr. Katt is aware of the limited amount of staff and he is also aware that government is dealing with limited resources, and the issue for government is what gets priority. However, Mr. Katt notices that staff has time to make presentations on "new urbanism"; they have time to put forth on their own priorities; who sets and established those priorities? When those decisions are made to allocate resources, everybody has to be responsible for the choices they make. What are the consequences when someone is ready to go and the planning has not been done? Steward believes one of the consequences is to proceed without the plan.

Roger Figard of Public Works commented that some of the concerns raised by Mr. Katt have made Planning and Public Works recognize that they need to do something different. As several projects have come to the City, the staff's concern for the greater transportation picture in north and northwest Lincoln became obvious. Mr. Figard advised that the city's administration, Public Works and Planning have sat down and began to ask themselves how that greater transportation system should be laid out. In fact, the City staff is about ready to meet with the County Engineer and NDOR. The staff does not envision a study that gets into years. It's an administrative look at a greater transportation skeleton system that would go out as far as Hwy 79, covering the area referred to by Mr. Katt. Mr. Figard requested that the Commission have some patience and the staff will bring forward some recommendations of either further study or some changes to the plan. The Directors of those departments have been meeting and they are ready to proceed. He guesstimated that within a two-month time period the staff will come up with some ideas to share with the stakeholders. Mr. Figard is not interested in commissioning another study and hiring a consultant. We need to give these projects some answers.

Steward asked whether either Public Works or Planning has a professionally qualified transportation planner on staff. Mr. Figard stated that Public Works does not have a traffic engineer by education and training from a university. He acknowledged that to be an area of concern and which continues to be discussed.

4. Kent Seacrest submitted a proposed amendment to modify the North 27th Street Subarea Plan as opposed to deleting it. The subarea plan shows an extensive road

network. “Let’s not undo plans until we have something better to propose.” We have massive numbers of people who have bought and sold property based upon the elements of that subarea plan and its road network. The traffic network needs to stay in place, but we can add to it. If the public sector planners do not have that plan ready in two months, he is confident the private sector planners and engineers will be bringing forward projects with their version of that larger transportation network.

5. Craig Groat testified, stating that when the widening of our streets first came up a number of years ago, he did some research and Atlanta streets were carrying far more traffic, faster and smoother. Mr. Groat does not believe it is necessary to widen streets. It is possible to work with signalization and intersection design. Mr. Groat has spent many hours talking with traffic engineers across the country. He suggested that Lincoln has almost total lack of knowledge of current traffic technology. We need a qualified traffic engineer on staff.

Bayer explained to Mr. Groat that staff does not have the budget to hire the appropriate people so he suggested that, as a citizen, Mr. Groat needs to go to the elected officials and suggest fixing the budget and get the planners we need to accommodate these needs.

6. Glen Cekal, 1420 C Street, appeared before the Commission and began to criticize Bayer, but was interrupted by Chair Hopkins, stating that there will be no personal attacks on the Commissioners. Mr. Cekal agrees with Mr. Katt, Melva Plouzek and Mr. Groat. He believes this is the old political game and the people of this City are fed up hearing that “we don’t have the money”. Mr. Cekal pointed out that Commissioner Steward says that we are going ahead without a plan. He wants to live in a city where they plan. He had a dream—he wanted to live in Lincoln because of the State Capitol; he helped create Highlands North because Helen Boosalis had an idea. He wants to see a beautiful vista on the entrance into Lincoln from the north. He loves the entrance from Seward into Lincoln.

Steward asked to correct the record. He did not say that we are moving ahead without a plan. He had said that one of the options is to not plan if we don’t have the resources. He thinks everyone on the Commission shares the compassion of Mr. Cekal and wishes our city could be ideal. We need to work together and the only way to work together is to have mutual respect.

Bleed indicated an understanding of the passion of Mr. Cekal and appreciates it. That is a very impassioned plea to continue planning in this city. We are in a budget constraint with the Planning Department. The Commission spent almost two hours talking about some of these problems. We need to work towards this during the budget process.

Mark Hunzeker responded to Mr. Figard’s testimony regarding the traffic study. He has no problem with two months, but he believes the issues can be dealt with as the plat comes through the process. Mr. Hunzeker also urged that there is no need to adopt #2 on pg. 52, which deletes the employment center at No. 27th and Superior. He agreed with Mr.

Seacrest's proposed amendment.

Mr. Henrichsen clarified that there are four amendments:

No. 1 will amend the plan to show change from industrial to commercial as shown on pg. 54;

No. 2 sets forth the employment center locations and recommends to delete the North 27th & Superior employment center and adds some text. He agreed that the proposed language is unusual but he does not believe it treats any of the other centers differently; the zoning being proposed is H-3.

No. 3 - there is a line missing on the top of page 53, which should read, "Amend Appendix A as follows:..."

No. 4 deals with the traffic study.

Mr. Henrichsen stated that staff would recommend to either eliminate the subarea plan or leave it as is. Staff does not agree with the Seacrest amendment.

With regard to the road network, Mr. Henrichsen clarified that the staff was aware of this three years ago; Mr. Seacrest was before the Commission on N.W. 1st & N.W. 12th, and this has been a matter of where staff has not had the resources to give this serious consideration; however, he is hopeful to address it in the upcoming months.

Wilson wondered whether it would make any sense on the Seacrest motion to modify the subarea plan to show the changes of zone. Mr. Henrichsen believes that staff could consider this.

Mr. Hunzeker disagrees that this does not treat this area differently. He referred to p.50 with changes that have occurred. None of those additional specific criteria were put into the Comprehensive Plan saying no additional development would take place until these specifics were agreed upon, etc. They will work with the transportation study as they bring the plat forward. Mr. Hunzeker urged the Commission to eliminate #2; go forward with #1, and #3, as amended by Seacrest; and #4 is okay but he does not want to have to wait for it.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 3, 1999

Bleed moved to approve #1 to amend Figure 16 with the change from industrial to commercial, as set forth on p.52, seconded by Steward and carried 9-0: Wallace, Krieser, Steward, Bleed, Wilson, Schwinn, Duvall, Bayer and Hopkins voting 'yes'.

Steward moved to delete #2, on p.52, seconded by Bleed and carried 9-0: Wallace, Krieser, Steward, Bleed, Wilson, Schwinn, Duvall, Bayer and Hopkins voting 'yes'.

Wilson moved to approve #3, as revised by staff: "Amend Appendix A as follows:...", with the modifications proposed by Mr. Seacrest, and further modified to show all street and zone changes since implementation, seconded by Wallace and carried 9-0: Wallace, Krieser, Steward, Bleed, Wilson, Schwinn, Duvall, Bayer and Hopkins voting 'yes'.

Steward moved to approve #4, as set forth on p.53, seconded by Bleed. This does not expand the study area. Motion carried 9-0: Wallace, Krieser, Steward, Bleed, Wilson, Schwinn, Duvall, Bayer and Hopkins voting 'yes'.

AMENDMENT #9 - 3RD & "A" OVERPASS.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 3, 1999

Members present: Wallace, Krieser, Steward, Bleed, Wilson, Schwinn, Duvall, Bayer and Hopkins.

Staff recommendation: Approval.

Opposition

1. **Danny Walker**, 427 E Street, requested additional time to speak because this is a very important issue. The area of major concern and the problem is the intersection at 1st & "F" Streets. Another area of concern is 1st Street west to Salt Creek, wherein there are 69 homes, 2 churches, one being on the National Registry, the Buddhist Temple which, during their major holidays, brings 400-600 people into this area; 22 homes in that area are on less than full lots; and the entire area is in the floodplain. This is one of the most compacted areas of houses in the entire city. The problem is the intersection at 1st & "F" and the fact that the "J" Street railroad crossing is constantly blocked. Mr. Walker provided handouts, setting forth some records from the South Salt Creek Partnership Committee.

One of the stipulations of the Committee was that, prior to any work on the Third Street Revitalization, there be "provision of access into and out of the area west of the Denver Line at First and "F" Streets, possibly extend F Street west to Folsom, with the inclusion of a plan to maintain the crossing at First and "F" always open and unblocked." The responses of the staff and elected officials responses are set forth in the handout. This stipulation is also stated in the agreement between the City and the railroad. This crossing gets blocked just long enough that those people in that area are in a very vicarious position. If that crossing gets blocked, there is no access to that residential area. The major problem is that this line is being used as a catchall. Mr. Walker submitted additional documentation showing that they have reconfigured the train holding signals, etc.; however, this has not occurred. The counter-proposal to the neighborhood in regard to F Street was that "The BNSF has already reconfigured the train holding signals on the Lincoln to Denver Route which will eliminate trains on the Lincoln to Denver Route from

stopping across “A” Street. Existing signals have been modified to hold trains at Mile Post 63.21, which is located approximately one-quarter mile west of Yankee Hill Brick Company, to keep the “A” Street and “F” Street crossings open”.

Bleed interrupted Mr. Walker, agreeing that this is a very complex problem that she will not want to address without further study. Before approving a specific location for the overpass, she would want to do a lot more work than we’re going to get done today. Mr. Walker sat on the partnering group and if something happens back in that area, he is not going to be responsible. Mr. Walker’s concern is all the concentration on the “A” Street overpass to get people back and forth, and then back in this area you’re talking about “lives”. He wants something done in that area. If it boils down to the overpass on 3rd & “A” diverting funds from this neighborhood, he will be against it. Bleed confirmed with Mr. Walker that he does want to see an overpass, but he’s not sure this is the appropriate location if we only have one. Mr. Walker agreed. He believes the priorities have gotten mixed up. He thinks people have lost their scope. Bleed suggested putting a note on the map in the plan that an overpass is appropriate someplace in this area and do some further work to determine the exact location.

Mr. Walker advised that he has requested a precouncil meeting on this issue. This documentation was presented to the transportation committee of the State Legislature. Bleed understands but she is not ready to make that kind of a complex decision. This is very involved and it is more involved than a simple overpass over “A” Street.

Mr. Walker clarified that the whole area west of 1st Street has no access when the crossing is blocked. It becomes an island when the tracks are blocked. He does not believe building an overpass at “A” Street will help that problem.

Schwinn noted that if we build an overpass, such as “F” Street, it would have to go all the way across Salt Creek. Mr. Walker concurred. Schwinn then observed that obviously, a roadway of that nature will have an impact, a segregation of the floodplains both north and south of the roadway. Mr. Walker disagreed because there would not have to be that much actual road work done. The bridge would have to adhere to floodplain regulations.

Schwinn asked what Mr. Walker is asking the Commission to do. Mr. Walker stated that he is requesting that this amendment be deferred or postponed. Schwinn suggested that if the Commission moves forward on this, it does not preclude Mr. Walker from moving forward to try to create some kind of satisfactory situation for this area.

Mr. Walker’s point is that if this A Street overpass is approved, then it is the only thing that will be concentrated upon.

Steward suggested amending the language such as, “the future road network to include a potential overpass at 3rd & “A”, or “amend the future road network in the South Bottoms neighborhood to assure emergency access and to include the potential of an overpass at 3rd & “A” Streets.” Walker thinks that somehow that area needs to be referred to. Steward

suggested that the amendment be broadened to take care of this access problem. Then, if the access problem is not taken care of, it wouldn't be in conformance with the Comprehensive Plan.

Bleed suggested simply to "amend the network in the 1-20 year program to indicate need for an overpass in the area west of 1st Street from "G" to "D", and amend Table 10 to include an overpass in this area. This would be acceptable to Mr. Walker.

Roger Figard of the Public Works Department and Executive Director of the Railroad Transportation Safety District (RTSD), testified, stating that he will not reduce concern on staff's part to any of the comments made by Mr. Walker pursuant to emergency access, but he does not want to lose sight of the reason this amendment is before the Commission. There is a clear strategy in the Comprehensive Plan to reduce the conflicts between rail operations and other community traffic. This proposal was an attempt to comply with the provision of overpasses at grade separations between all major rail lines and arterial streets. This is directed toward the arterial traffic. There was an agreement for the city to pay 20% of the local cost of an overpass at 3rd & "A". The RFP for a consultant to do the study work is on the street today. That project is in the CIP and it had been left out of the transportation element of the Comprehensive Plan. Mr. Figard would be more comfortable adding a strategy to the plan that says we need to find ways to be assured that there is appropriate and efficient access for emergency services in and out of all neighborhoods or local areas. He knows that Mr. Walker is frustrated. This is a long term process. It took us forever and a day to get through the Third Street tracking. Through what is being proposed at 3rd & "A", he is hopeful that some other things will begin to come to light that will help provide better or assured access in and out of the triangle. The railroad appears not to be keeping those at-grade crossings clear as intended and he will do some research and make some calls.

Mr. Figard again clarified that the intent is to provide separation of the arterial, pedestrian and car traffic at 3rd & "A" Street.

Bleed wondered whether it is important at this point in time to designate 3rd & "A". Mr. Walker is concerned that this will be the only overpass and he believes it will be in the wrong place. Mr. Figard reiterated that the project priority was the separation of arterial street traffic and the main rail line. 1st & "F" is not an arterial street and is not a main rail line. He agreed that there is a problem, but if you change the proposed language, then an overpass at 1st & "F" is not something he would recommend to the RTSD board.

Bleed is not ready to designate 3rd & "A" as the overpass if only one is built.

Steward stated that he is uncomfortable with any specific location, but he is very supportive of the neighborhood safety issue. Is there any other neighborhood to your knowledge in this city that has the potential for being cut off from access of an emergency vehicle? Mr.

Figard was not aware of any others. Steward suggested adding language to the Comprehensive Plan requiring that condition to be satisfied. Mr. Figard believes it would open it up for public debate and applying for the priority. The RTSD budget is being stressed greatly.

Steward noted that one of the first issues he became involved in as a Planning Commissioner was the underpass and the change to the double-track system and the frustration with the railroad participation with the city. We may have helped with pedestrian access but we haven't done a thing with emergency access. Mr. Figard's response was that much of the work the city has done with the railroad has been on a domino effect. He is fairly confident that until we resolve 4th, 3rd and "A", the railroads are not going to be as receptive to resolve what goes on at 1st & "G". Certainly, if that is a strategy, he is not sure he could leverage the dollars to go to an underpass or overpass. He thinks there are some other solutions that are going to come to bear to resolve that issue but he does not know what they are yet.

Mr. Walker believes one of the problems is that the railroad will not enforce the blocked crossings. That "J" Street crossing gets blocked occasionally up to two hours. Couldn't we give them a set time to clear that crossing?

Mr. Figard advised that the inclusion of this project will not stop the RTSD and city from continuing to work on that issue. He has a meeting tomorrow morning with UNL to look at some other intelligent systems to help us in the interim. He has worked diligently to find some solutions. We're not there yet, but it's better today than it was. He will not use this project as an excuse not to find a way to get emergency access to that area. The intelligent system would allow 911 to know when the crossing is blocked, etc.

Wallace noted that the City of Hastings cited the railroad with tickets for blocking intersections and access. Is this a possibility? Mr. Figard believes there is language and routinely they send those calls to the Police Department. He believes the railroad's management is interested in following through but sometimes implementation in the field is difficult.

Hopkins wondered whether the grant money has been expended that was received to help put up some cameras at intersections. Is that type of device available to see how much it is blocked? Mr. Figard will discuss this with the University at his meeting tomorrow.

Wilson wondered about going west down "D" across the creek. Mr. Figard indicated that the cost was very high. It would be another bridge--roadway on fill--across the floodplain and the city could not justify the cost and the environmental issues. 1st & "F" might require an underpass. The pedestrian underpass is at 3rd & "F".

Wilson believes this discussion is dealing with two different issues. Although in the same

neighborhood, he believes they are two separate issues. It isn't expensive to run that bridge out there if we are going to save lives. He thinks it might be unfair to ask Mr. Figard to come up with something to satisfy two different issues.

Rick Peo, Assistant City Attorney, agreed with Mr. Wilson. This is probably a separate and distinct application with regard to the access and railroad conflicts. This should have been offered as a separate comprehensive plan amendment and dealt with as a safety issue for the residents. We're not playing with the same ball. Each probably deserves its own serious contemplation.

Mr. Figard suggested that there will be a whole process of working with the community and the neighborhood on this project. There will be a series of reviews and approval by the RTSD board. Specifically, the RFP discusses the need to interact with the community and the businesses. There is opportunity for public process to determine whether this project has merit. It is not a done deal by including it in the Comprehensive Plan. It simply makes the "study" of that overpass consistent with the Comprehensive Plan.

Steward suggested that the Commission deal with this Comprehensive Plan Amendment and at the same time direct the Planning staff to schedule a hearing on a new amendment that deals with the neighborhood safety issue at the earliest possible time.

Mr. Walker added that everyone knew about this condition. They were made aware of this condition at the very start of those partnering meetings. The neighborhood was not advised that they would be concentrating on an "A" Street overpass.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: February 3, 1999

Schwinn moved to approve Amendment #9, seconded by Wilson.

Bleed stated that she definitely wants to see something done in this neighborhood in terms of traffic safety. She does has some concerns about the process and appreciates Mr. Figard assuring that there will be an open process. She is concerned about this vote saying that 3rd & "A" is the right place for that overpass, but she feels boxed in.

Hopkins believes that the staff understands that the Commission would like something else drafted about the safety of neighborhoods and she requested this information within three weeks.

Motion to approve Amendment #9 carried 9-0: Wallace, Krieser, Steward, Bleed, Wilson, Schwinn, Duvall, Bayer and Hopkins voting 'yes'.

AMENDMENT #10 - ADAMS STREET, 74TH TO 84TH.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 3, 1999

All members present.

Staff recommendation: Approval.

There was no testimony.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 3, 1999

Duvall moved approval, seconded by Bleed and carried 9-0: Wallace, Krieser, Steward, Bleed, Wilson, Schwinn, Duvall, Bayer and Hopkins voting 'yes'.

AMENDMENT #11 - EAST "O" STREET.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 3, 1999

All members present.

Staff recommendation: Deferral.

Kent Morgan of Planning staff advised that at the time this Annual Review was put together, it had been anticipated that Council would have taken action concerning the East "O" Street improvements. The Council hearing was held on January 19th but they held it over until February 16th because of some of the issues that were raised. Mr. Morgan requested that the Commission hold this amendment over until the Council has determined a preferred alternative. Mr. Morgan noted that Mike Rierden has also requested a continuance on this amendment.

Bayer moved to defer, with continued public hearing and administrative action scheduled for February 24, 1999, seconded by Bleed and carried 9-0: Wallace, Krieser, Steward, Bleed, Wilson, Schwinn, Duvall, Bayer and Hopkins voting 'yes'.

AMENDMENT #12 - 56TH & VINE STREET WIDENING.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 3, 1999

All members present.

Staff recommendation: Approval.

There was no testimony.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 3, 1999

Wallace moved approval, seconded by Schwinn.

Bleed assumes there will be appropriate public information well ahead of time on these issues. She wants to make sure the area residents are informed of the potential changes.

Motion for approval carried 9-0: Wallace, Krieser, Steward, Bleed, Wilson, Schwinn, Duvall, Bayer and Hopkins voting 'yes'.

AMENDMENT #13 - N1-N2 SERVICE PLANS.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 3, 1999

All members present.

Staff recommendation: Approval.

1. **Mark Hunzeker** testified on behalf of a number of property owners in the area who came forward over the past year or two to promote development of this area and to amend the Comprehensive Plan to show a substantial amount of commercial and industrial development in this area. As he understands the proposed amendment, it would effectively say that there be no additional development in this area until such time as we have a full-blown subarea plan pursuant to the template that has been established by the multi-year process that has gone on in S1-S2. Mr. Hunzeker hopes this Commission will not do that. There are a number of issues that need to be resolved, including extending the sewer and water, but they have had a number of discussions with both Planning and Public Works related to extension of utilities and how we might be able to accomplish at least short term extensions without encompassing the entire area that is within N1 and N2. The primary motivation for coming forward last year with a proposal was to bring forward some areas that were primarily along and either side of Hwy 77 and south of the Interstate, and the result was a proposal that came back from staff which encompassed a much larger area. Mr. Hunzeker is not opposed to that larger area being planned, but he is opposed to the requirement that that entire larger area be planned down to the last detail prior to moving forward with development along either side of Hwy 77. The subarea plan process has a place, but as has been pointed out today, with the staff time that is devoted to these things, it becomes very difficult to get things accomplished within a reasonable period of time.

Mr. Hunzeker pointed out that this area has Highway 77 already in place, along with Cornhusker Highway and Interstate 80. Mr. Hunzeker would prefer not to add the language proposed by staff.

Mr. Hunzeker is representing owners of approximately 600 acres in this area. It's the area south of I-80, west of 70th Street, east of 48th Street.

Bleed confirmed that most of the area is now in Phase III. Mr. Hunzeker agreed because they need to bring a sewer up. Bleed suggested that if Mr. Hunzeker's clients were to come forward with a development plan, they would have to do whatever is necessary to get it from Phase III to Phase I, and that might be a lot of planning that would go on. Mr. Hunzeker responded that they have met with Planning and Public Works relative to how much of N1 can be served with utilities without necessarily having to size utilities and build siphons under Salt Creek to accommodate all the area that those N1 and N2 areas include north of I-80. He believes they can serve most all the area south of I-80 without doing that. That is their main purpose. Rogge is shown with a lift station at 70th Street; the possibility of running sewer line to that lift station and getting to the treatment plant is a real possibility.

Wilson asked Mr. Hunzeker if he is primarily concerned about the Hwy 77 corridor. Mr. Hunzeker agreed that to be true, but basically, it is the area from a point somewhere west of Hwy 77 where the residential area would be, to approximately 70th Street, where you get over to the Abbot Sports Complex and the treatment plant area. The concern is that when the justification for this amendment talks in terms of adding treatment capacity to the northeast treatment plant, that implies much larger areas and much larger extensions of utilities than we have ever attempted or wanted to do until the staff came forward with the big N1-N2 subarea.

Mr. Hunzeker urged that it is not necessary to plan that entire basin before we move a few hundred yards into it.

With regard to time and priorities, Hopkins suggested that the Commission looks favorably upon those that have come forward and helped to develop those coalitions. She would be surprised if we don't wind up encouraging people to take some leadership in building some of those coalitions. As things get tighter and tighter as we grow, she believes there could also be some leadership from the community in building those coalitions to help develop some of those subarea plans so that the staff does not have to be so intense. Mr. Hunzeker did not disagree, and pointed out that in this relatively small area, there are already 8-10 landowners involved. When you get beyond that it becomes hard to get everyone to agree.

2. Robert Klein pointed out that the saline wetland ecosystem is one of the most endangered ecosystems in the world today. We seem to have emphasis placed on the mitigation process, giving engineers the ability to create an act of God and re-create a wetland somewhere else. He urged that emphasis be placed on protecting and not attempting to relocate saline, fresh water wetlands.

3. Danny Walker asked the Commission to keep in mind those saline wetlands were part of the reason Lincoln was founded. The first settlers entered into this area via Salt Creek in search of salt. Those settlers were here before Lincoln was even a thought. The railroad did not settle that neighborhood. It was people from the State of Pennsylvania and that is where the name Lancaster developed.

Bleed asked staff to respond to Mr. Hunzeker's comments, particularly whether we need to plan the whole area in order to allow certain amount of development. Mr. Henrichsen referred to the S1-S2 subarea plan which was recently before the Commission in December in a different format. From its beginning to the approval, it took about 2-3 months. It was on a much shorter timeframe and more indicative of the type of format staff would look at for the N1-N2 area. There are certain issues that Public Works needs to determine. As far as the road network, the staff is trying to focus between N.W. 12th and No. 27th, but there would be road network issues in this area as well.

Steward commented and reminded everyone that this N1-N2 area includes land generally between 27th and No. 70th Street on both sides of I-80. This has a distinct relationship to the earlier discussion about entry corridors and corridors along major thoroughfares. To suggest that we do not take comprehensive planning action because we don't have staff time to accommodate the appropriate planning subverts the whole notion of a comprehensive plan. We have ample evidence that we respond to these single options. We even amend the comprehensive plan mid-year, when necessary. We certainly have the opportunity to adhere to the market pressures that do come up. He would rather invite the development community to join with others who have comprehensive planning objectives and get a stronger system of coalitions that will make it work more efficiently. He thinks the single opportunity option is no reason to not approve the subarea plan.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 3, 1999

Bleed moved approval for the reasons stated by Steward, seconded by Steward.

Wilson wondered whether it would be possible to separate the N1 and N2. Mr. Henrichsen stated that it is the staff recommendation to develop a subarea plan for the entire N1 and N2 area at the same time for the purpose of doing the entire road network and addressing all the issues for the entire area. This is the same that was done for S1 and S2. But, Wilson noted that N1 follows the boundary of the Interstate. Maybe we should include N-6. Mr. Henrichsen advised that N1 and N2 are the only areas inside the future service limit in the Comprehensive Plan.

Schwinn moved to strike the underlined language, which is the staff recommendation for this amendment, seconded by Duvall.

Rick Peo, Assistant City Attorney, advised that Schwinn's motion is incorrect. If the Commission wishes to strike the underlined language, then it should be a motion to deny the amendment.

Motion withdrawn.

Schwinn then moved to amend to delete, "prior to further development actions in the area",

seconded by Duvall.

Hopkins wondered whether there is concern about timeframe? Schwinn's concern is that he does not want developers to be forced to wait until we get the whole thing together. This wording makes you think that they can't do anything. They could at least initiate pre-planning stages.

Bleed disagrees. To her that language means actual physical development, i.e. turning dirt. Rick Peo agreed that "further development actions" is relatively vague. If the language is left in, it probably needs some clarification. More than likely, it would be interpreted to mean changes of zone and platting, which is the initial stage of development. If you leave the language in, it says you have to subarea plan before getting a change of zone and platting. If the property is zoned AG, you cannot get it changed without a subarea plan being adopted to show the change of zone is in conformance with the Comprehensive Plan. Mr. Henrichsen pointed out that most of the N1-N2 area is AG zoning. If "development actions" were changed to "zoning actions", that would apply to a vast majority of the area. Clearly, the staff's intent was that the zoning and platting actions not occur prior to the subarea plan. The whole purpose is to develop a subarea plan for the whole area. This language would not at all prohibit discussions with property owners and coalitions.

Wilson suggested that this amendment be applicable to the AG zoned area. Again, Mr. Henrichsen suggested that "zoning and subdivision actions" could be substituted for "development actions".

Schwinn withdrew his motion, agreed to by Duvall, who had seconded the motion.

Bayer commented that this becomes an issue when the developer comes forward to do something and the subarea plan is not done. The Commission agreed that to be the intent.

Bleed is also trusting the staff when they say their intent is to do this as they did the S1 and S2, which was a faster track.

Motion for approval of the staff recommendation carried 8-1: Wallace, Krieser, Steward, Bleed, Wilson, Schwinn, Bayer and Hopkins voting 'yes'; Duvall voting 'no'.

AMENDMENT #14 - NEW AND RELOCATE FIRE STATIONS.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 3, 1999

All members present.

Staff recommendation: Approval.

Steve Henrichsen of Planning staff submitted a revised staff report with some minor clarifications.

There was no other testimony.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: February 3, 1999

Steward moved approval, as revised, seconded by Bleed and carried 9-0: Wallace, Krieser, Steward, Bleed, Wilson, Schwinn, Duvall, Bayer and Hopkins voting 'yes'

AMENDMENT #15 - LINCOLN PUBLIC SCHOOLS PLAN.
PUBLIC HEARING BEFORE PLANNING COMMISSION: February 3, 1999

All members present.

Staff recommendation: Approval.

1. **Craig Groat** testified that for many years people have been complaining about the conflict between lit ballfields, noise, etc. He shared his discussions with the National Parks & Recreation Association about this issue, which recommends combining recreation departments with the school system. The school manages the grounds and this centralizes the noise and pollution by combining all the lit ballfields in a central location. This opens other land for passive activity. Mr. Groat suggested that ballfields in parks are out of date. He displayed a blueprint from the National Parks and Recreation Association showing a recreational system that is combined with an elementary school and a high school. Mr. Groat urged that this concept needs to be considered.

Hopkins encouraged Mr. Groat to visit with Karen Hand at LPS because many of the parks around the schools are city parks and are used widely. Hopkins would not put an elementary school next to a high school.

Steward believes there was information about two weeks ago in the newspaper about LPS new site purchases and he does not believe all of those are reflected on this amendment. Mr. Henrichsen advised that the article in the paper was a result of this amendment. The difference between the two maps was that the newspaper article showed two sites along 84th Street, including the Spirit Park site that LPS owns but does not have plans to use for a school site. The map for this amendment is a result of working with LPS as to the sites that they would look to develop as school sites given our current future service limit.

Steward then suggested that we have need for closer working relationships with the LPS on site selections than our current process provides. If you take the fact that schools are the first to buy property in directional growth areas, it becomes a catalyst for low density development in and around those school sites and we get involved with a self-fulfilling prophecy that the school system believes we need more schools because there will be housing. It will be low density housing. Steward stated that he will not do anything other

than raise this comment about the planning strategy and the coordination and relationship between schools and the Comprehensive Plan, but he believes there needs to be a better coalition for planning than we currently have.

Mr. Henrichsen pointed out that LPS is not trying to lead development. They work often with city staff and there have been numerous meetings about development proposals. The LPS board also meets with the City Council and County Board every month. LPS is purchasing these sites in areas that we show for urban residential in the plan. Mr. Henrichsen disagrees with Steward. He believes it is appropriate for LPS to look at school sites in areas for urban residential.

Steward would also like there to be more intense discussion about sprawl—how density develops at the edges—and the relationship of school properties to that area.

Bayer commented that the progress of participation with LPS has gone light years forward to even have this in the Comprehensive Plan update.

Hopkins also commented that Lincoln is one of the few cities where the school board meets quarterly with the County Commissioners. She believes they have tried to work together in a much more productive manner than when she first came on board.

Steward clarified that he is not criticizing the working relationship. If he is being critical at all, it is the investigation of the principles involved that underlie those working relationships.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: February 3, 1999

Duvall moved approval, seconded by Schwinn and carried 9-0: Wallace, Krieser, Steward, Bleed, Wilson, Schwinn, Duvall, Bayer and Hopkins voting ‘yes’.

AMENDMENT #16 - PARKS PLAN.

PUBLIC HEARING BEFORE PLANNING COMMISSION: February 3, 1999

All members present.

Staff recommendation: Approval.

1. **Melva Plouzek** testified that Densmore Park is being developed in the midst of established neighborhoods. This is not a park. It is a sports complex. We do not need sports complexes in proximity to Wilderness Park. This complex is near the high school and will spill out onto the schools. Pine Lake Road will have traffic from Hwy 2 and 70th. We’ve got to do better planning for our parks than this. There will be constant noise for all of these areas.

2. Graham Johnson, Co-Director of the Environmental Resource Center of UNL spoke on behalf of himself and on behalf of some other individuals and as a generation representative of his age group.

With regard to the proposed community park in the Densmore Park area, he is opposed to the park as it currently stands with some of the structures being planned. He is opposed to the vicinity location near the natural Wilderness Park area and the types of disruption that will most definitely occur, specifically with the baseball fields, soccer fields, the lighting structures and the most certain probability of solid waste that will drift into that area as well as noise pollution.

Mr. Johnson went on to state that the current trend is that the health of our human society is based independently with the health of the environment area—the non-human aspects. He encouraged that there be a review of this proposed plan as well as putting it into the subarea study of Wilderness Park now being conducted by the mediation service. The park should be shifted to a natural area—maybe an arboretum akin to the sunken gardens area. In addition, the lay of the land near the cemetery out in that area seems inappropriate for lighted baseball diamonds.

Mr. Johnson believes it is very important that the city look at each individual plan. He strongly agrees with the coalition aspect of planning in looking towards development in the next century.

2. Craig Groat referred to a study he researched where open space is generally recognized in order to make the urban environment attractive, which determines the property values and stability of those values. Open space makes it possible to bring natural beauty into the urban environment. It is important to conserve natural resources and preserve geological and historic features. The quality of open space is a measure of culture space of the people. The framework must be well built.

Mr. Groat further stated that the large park within an urban area is desirably to be at least 100 acres for more passive recreation. Large parks do much to give character to the urban environment and make it permanently attractive. Smaller parks cost more to maintain. There should be a minimum of individual sites with proper distribution. Large parks must be established where suitable lands are available but the system should have as much pattern as possible. This is how our city should be laid out.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 3, 1999

Steward moved approval, seconded by Bleed

Steward moved to amend to add language to the description of the amendment request

on page 97, “depending upon the recommendation of the Wilderness Park Study.”, seconded by Bleed for purposes of discussion.

Steward knows the community is concerned; we know we have a subarea plan; we have talked about viability of the subarea planning process; this is under stress of limited resources; we have also approved development activity while that plan is in the process. This is a city. If we cannot withhold our own development activity to recognize the subarea plan process, we have less credibility within the defense of that process with anyone else.

Mr. Henrichsen clarified that the Wilderness Park subarea plan includes land outside of Wilderness Park. The subarea plan is a much larger area.

Rick Peo, Assistant City Attorney, suggested that the actual amendment is an amendment of the map that shows designation of park sites. If you want to delay inclusion of Densmore Park, you must not approve the map that is shown, but the map minus that designation. The map on page 100 shows “proposed parks”.

Wilson believes that Densmore Park has already been approved.

Bleed agreed. She thinks we’ve already fought the battle. She has problems with having gone through the political process to approve the park and then creating a Comprehensive Plan amendment in opposition to what the political process has already said they can do. But, Steward does not believe the Commission had a clear articulation at that time of the subarea plan. Since that time it has gained momentum and attention and it is an active process. He wants the Wilderness Park subarea plan process to run its course, and any city funds or plans that the city is directly responsible for should wait and recognize that process.

Steward stated that his motion is simply trying to communicate and support the neighborhood, acknowledging that there has been a question that has been raised and let’s let the question sit in the process.

Schwinn called the question.

Rick Peo suggested the Commission could request an asterisk be placed by the dot on Densmore Park: *Subject to the Wilderness Park Study*.

Bayer believes the issue is really what’s going to go into that park and the Commission has no control over that.

Wilson observed that if City Parks maintains Wilderness Park and has some care, they are not going to do anything in an adjacent park that will infringe on Wilderness Park.

Wallace pointed out that there is a committee in Parks and Recreation that works on the

design of the park. The park has not been developed and there is a public process.

Bleed will vote against the amendment. The park has been approved previously.

Schwinn again called the question.

Motion to amend failed 2-7: Krieser and Steward voting 'yes'; Wallace, Bleed, Wilson, Schwinn, Duvall, Bayer and Hopkins voting 'no'.

Main motion for approval carried 9-0: Wallace, Krieser, Steward, Bleed, Wilson, Schwinn, Duvall, Bayer and Hopkins voting 'yes'.

AMENDMENT #17 - DEVELOPMENT, MORATORIUM AND GRADING PROPOSALS.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 3, 1999

All members present.

Staff recommendation: Denial, already addressed adequately in the Comprehensive Plan.

Steve Henrichsen of Planning staff referred to a letter from the Home Builders Association on this amendment recommending denial.

1. Graham Johnson spoke on behalf of himself and **Melva Plouzek** in support of this amendment proposal. Mr. Johnson knows the dire importance of local responsibility and that that is the only way to achieve satisfaction and cooperation and health for the future. There is this collusion of interests and coalition of special interests, and although we like to think that we have one of the best democracies in the world, a polluted chronic government is run by special interests and money. The most concern that people are having from the community is that Lincoln is growing and there needs to be cooperation between the entities and it needs to happen soon. We cannot have this friction between interested parties.

Mr. Johnson stated that Ms. Plouzek is concerned that city funding is going into the platting and purchasing of property throughout Lincoln that is being set up for private development. Her concern is that if this development does occur, the types of infrastructure needed for growth and development should be sponsored by those private entities.

Ms. Plouzek's proposal regarding moratorium has been previously addressed and he believes the concern is that growing and planning, along with platting and developing, without thorough consideration and thorough analysis can lead to serious consequences. If you take time and money, it can usually save a lot of money and a lot of time down the road.

With regard to #3, the community vision, Mr. Johnson agreed that this is a fairly broad

term. The intent is that we need to think globally and act locally; the present generations cannot live at the expense of future generations. It is important to save these resources, but we also need to look at areas for which we might not have any use. Although Wilderness Park is an area for a civil purpose with the flood control, it also serves a purpose just for the specific habitat and the animals that live there. People are starting to realize that the survival of the fittest mentality is something that needs to be looked past in replacement for this cooperative effort. This consists of non-human and human entities. It is important to start considering the action that is going forward and what is being done in this city.

Schwinn referred to proposal #1 and suggested that if the developer paid 100% of the cost, wouldn't the developer have a proprietary position in that property? Therefore, they should charge tolls to drive on those streets. Mr. Johnson could not say with any certainty but he believes Ms. Plouzek is concerned about what goes in and then is left to be abandoned. Ms. Plouzek had to leave this hearing to go to a Densmore Park meeting, so she was not available to respond.

Mr. Johnson's main concern is the moratorium in proposal #2 and the land disturbance ordinance in #3. He knows the Comprehensive Plan is a general doctrine so he thinks it can be used in certain manners. The "Community Vision" statement in the plan is a fairly central statement. From his fields of study, what isn't said in that statement is "for the purpose of economic stability and economic development". Resources don't necessarily have to be usable, tangible goods.

Duvall commented that we need a plan to work with the government and the people to lay out the rules, the road map, the guide. If we switched all the cost onto the developer exclusively, why do we need the Planning Department or the rules?

Hopkins suggested that the Commission not speculate as to Ms. Plouzek's intent since she is not present.

2. Craig Groat testified in support. He has done a lot of research at the library and has found that cities do require that developers pay 100% in some areas. He is pro-development. People have paid for the sidewalks but they don't belong to the people. People pay for the streets in front of their houses but they have no special rights with the streets.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 3, 1999

Schwinn moved to deny, seconded by Wilson.

Steward stated that he will vote for the motion to deny, but he thinks there is some merit in the basic concept. What bothers him is that too much is included in one bag. There is need for attention to impact fees so that they are dependable, understandable and not necessarily negotiable, but that is a strategy and it needs to be considered by the city. There is a distinct need for an environmental assessment of the entire county before you can decide what valuable resources are at risk. We need better information on those critical conditions. The Comprehensive Plan defines obvious environmentally sensitive areas like floodplains, wetlands, etc., and there are some that should not be lost.

Hopkins commented in response to the discussion about people who are already here paying for people who are coming on the fringe. This is part of what we do as a community until that strategy changes.

Motion to deny carried 9-0: Wallace, Krieser, Steward, Bleed, Wilson, Schwinn, Duvall, Bayer and Hopkins voting 'yes'.

**AMENDMENT #18 - N.W. 56TH & ADAMS, URBAN RESIDENTIAL.
PUBLIC HEARING BEFORE PLANNING COMMISSION:**

February 3, 1999

All members present.

There was no testimony.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 3, 1999

Bayer moved approval, seconded by Wallace and carried 9-0: Wallace, Krieser, Steward, Bleed, Wilson, Schwinn, Duvall, Bayer and Hopkins voting 'yes'.

**AMENDMENT #19 - 24TH & DODGE STREET, COMMERCIAL.
PUBLIC HEARING BEFORE PLANNING COMMISSION:**

February 3, 1999

All members present.

Staff recommendation: Approval.

Steve Henrichsen of Planning staff referred to a letter from Mike Rierden requesting that this amendment be deferred to February 10, 1999.

Mr. Henrichsen also submitted a letter from the Landon's Neighborhood Association in opposition.

There was no other testimony.

Bleed moved to continue public hearing and administration action on February 10, 1992, seconded by Wallace and carried 9-0: Wallace, Krieser, Steward, Bleed, Wilson, Schwinn, Duvall, Bayer and Hopkins voting 'yes'.

**AMENDMENT #20 - 84TH & OLD CHENEY, COMMERCIAL.
PUBLIC HEARING BEFORE PLANNING COMMISSION:**

February 3, 1999

All members present.

Staff recommendation: Approval.

There was no testimony

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 3, 1999

Schwinn moved approval, seconded by Duvall and carried 9-0: Wallace, Krieser, Steward, Bleed, Wilson, Schwinn, Duvall, Bayer and Hopkins voting 'yes'.

**AMENDMENT #21 - FLOODPLAIN STRATEGIES.
PUBLIC HEARING BEFORE PLANNING COMMISSION:**

February 3, 1999

All members present.

Staff recommendation: Approval.

Steve Henrichsen of Planning staff referred to a letter from the Home Builders Association recommending against this amendment.

1. Danny Walker, 427 E Street, testified in support. He is a representative of the South Salt Creek Community Organization. His neighborhood put a floodplain package together which was presented to the City Council. The recommendation was to adopt the floodplain recommendations of the Wachiska Audubon Society submitted to the city on 8/23/98, including conservation easements for tax incentives; establishment of a City-County buyout program; and establishment of a fund to support floodplain buyouts supported by mechanisms such as taxes or transaction fees levied on private development projects in Lincoln.

Mr. Walker displayed pictures depicting improper policing in regard to the floodplains in the

proximity of 1st & "B", or the 1300 block of South 1st Street, i.e. fill being placed in the floodplain. This issue goes back to June of 1998. This problem was turned over to Building & Safety with no result. It is still there, and additional fill is being brought in. He has been advised that they have been issued a fill permit, but the floodplain regulation states that before a fill permit is issued, all brush, stumps, and trees will be removed from the area to be filled before fill is brought in. It specifically states no concrete or brick or cement larger than 2" in diameter. Building & Safety indicated that they are not going to stand out there and police it 24 hours a day. Mr. Walker reported to the Health Department. The City Council wanted a memorandum from Building & Safety and their memo did not even relate to his complaint. There has been additional illegal fill brought onto this property as of today.

Wallace noted that the area is very close to the railroad track to the west. He wondered whether there had not been fill ongoing in that area for quite some time, He thought there had been a shrubbery pile going on there. Mr. Walker responded that this has been going on since June, 1998.

2. Russell Miller, 3401 South 52nd, owns property in the floodplain in South Bottoms. He bought it in 1985-86, about the time that they put the property back into the floodplain. At that time he was told he would be in the floodplain and that he would have to build 3' above the floodplain. The city is following some federal regulations that say they can permit development in the floodplain as long as it does not raise the water 1' above the floodplain. 3' is not a safety margin. This area in the South Bottoms consists of 443 homes, 63% owned by the occupants and the major portion do not know that this is the situation. In other words, our regulations permit higher flood waters coming into the homes and buildings. He is in favor of this amendment because we need to stop development in the floodplain unless it can be demonstrated that it will not increase the water level in the properties. 41% of these properties were built between the year 1900 and 1909. Mr. Miller's point is that we need to do something to keep the developers from raising the flood waters in our properties.

Schwinn asked Mr. Miller whether he is aware that this amendment provides that if his property were to burn down, he could not replace it.

3. Ron Marquardt, who works with Health Dept., testified as a resident of Lancaster County and a member of Wachiska Audubon Society in support of this amendment. He supports the staff recommendation. These strategies are common sense strategies will help slow the flow of stormwater runoff and help to save what is left of our priceless wetlands habitat. Wetlands do help to prevent flooding and are a home for our native plants and wildlife. The third strategy to explore opportunities to purchase land in the 100 year floodplain is very important. He believes it would be more cost effective to have buyouts of this private land before development rather than afterwards. He does not believe we should allow development in the floodplain.

Mr. Marquardt also spoke about review of zoning and subdivision ordinances. In view of

the fact that there is a lot of fill material being hauled in by developers into the 100 year floodplain, it is important that we deal with that issue and the rewrite of these codes, which he understands to be in process. It is not in the long term interest of the community or the public health and safety interests of the community to have all this fill being brought into the 100 year floodplain because it displaces flood water onto those downstream and puts buildings in harm's way. We need a law in this city and the county that prohibits building in the 100 year floodplain. He commended the Planning Department for recommending approval of this amendment.

3. Graham Johnson attended a seminar about coalition of different agencies to start doing green corridors and floodplain issues in the twin cities. Lincoln is not alone in taking progressive steps towards preserving our areas. These are the types of steps we need to be taking so that we are not damaging any of our economic growth down the road.

4. Craig Groat cited from the report, "Sharing the Challenge for Floodplain Management into the 21st Century". The recommendation of that report is that there be no new building and no new construction in the floodplain. A number of the cities have already banned parking lots because it prevents the soil from taking water. The goals of floodplain management are to reduce the nation's vulnerability to floods.

5. Tim Knott, member of the **Wachiska Audubon Society**, testified in support of maintaining green space and wildlife habitat within the City. Floodplains are it as far as green space is concerned.

6. Robert Klein testified in support and any law that would be passed because it would help our water quality problems in the streams and preservation of natural habitats and protection of homeowners, residents and businesses.

7. Glen Royal(sp) wonders if there would be some consideration for owners in the development to voluntarily put in filter strips. He currently contributes strips of farm ground to preserve the streams.

Steward observed that encouraging the use of long term conservation easements relates to that precise opportunity to collaborate.

8. Mary Roseberry-Brown testified in support. This is our chance to affect future generations in planning for the city. We have a lot of development going on and it needs to be balanced. In traveling around the World, one of the things she appreciated in Athens, Greece, was when the city was laid out the King had looked ahead and set out a green series of parks all through the city. This is our chance to set up a greenbelt for the future generations of Lincoln.

9. Mike Morosin, past president of **Malone Neighborhood Association**, testified in support. He has heard many times that the property owners in those floodplain areas will need to make some sacrifices. It is appalling that our government believes individuals should make sacrifices for a public process. He believes the property owners should be fully indemnified for their losses. The Supreme Court stated that one of the purposes of the Fifth Amendment is to redistribute the economic loss so that it will fall upon the public rather than upon those who happen to lie in the path of the project. Neighborhoods need to be allowed to be given the opportunity to be able to participate in any economic development. Those with homes within the pathway should be allowed to relocate those homes and be paid by the public that is going to benefit. Taking from those who happen to lie in the path and dividing the spoils among others has no rational basis and gives an unusual twist to the meaning of indemnity.

Mr. Morosin believes that our poor current floodplain strategies are very flawed at this time. There needs to be equal credence given to both sides of the process. The neighbors need to feel like they are part of the process. Mr. Morosin offered a friendly amendment that there be an equal grouping of people, whether builders, developers, attorneys and their agents, and neighborhood people on each side of the issue so that it doesn't become a lopsided issue.

10. Kent Seacrest testified on behalf of the developers of the Gerbig property. Mr. Seacrest suggested that the first bullet, "Wherever possible, promote and preserve agricultural land uses or open space land uses within the 100-year floodplain", is very contrary to the public floodplain laws of the city, and the city is responsible for implementing the FEMA regulations. He is not saying those present laws are balanced; however, he believes this language would stop future zoning actions and use permits in the floodplain. He agrees that this floodplain issue is real and serious, but he thinks the language puts it too far to one side. We need more language in the middle. Mr. Seacrest proposed an amendment to this language, adding "...or promote land uses and designs compatible with sound floodplain management practices." He believes there are land uses that are compatible in the 100 year floodplain, such as parking lots, utilities, streets, bridges, playground/recreation. "And designs" suggests that you have retail, office and industrial in the 100 year floodplain in some instances as long as the design is done properly, such as no net loss to the flood storage capacity.

Steward asked Mr. Seacrest whether he acknowledges that this amendment does not include any "no build" language. Mr. Seacrest believes there is a no build policy. if it is not AG or open space, it is prohibited. Steward does not interpret it that way.

Public hearing was closed.

Bleed moved approval, including the amendment by Mr. Seacrest, seconded by Wilson.

Bleed understands that we will probably have to figure out how to implement these strategies; however, she believes the language proposed represents good policies and she thanked Mr. Seacrest for the clarification language on the first bullet. She agrees that there are ways to put designs in floodplains that do not increase the flood potential. This will go a long way to helping us develop better floodplain management in our codes.

Mr. Henrichsen disagreed with Mr. Seacrest's amendment because it clearly changes the intent of the proposal. This does not refer to already zoned property or other neighborhoods with existing residences. Open space uses do include recreational uses.

Bleed disagreed. One of her problems was with the wording, "wherever possible". There are a lot of times where it would be possible to maintain open space but she is not sure that would be good planning. It is important to make a distinction between maintaining floodplains because we want parks and open space. She likes to promote parks and open space, but the point of our floodplain ordinance is not to provide habitat but to prevent flooding. She does not want to mix the two intents. Mr. Henrichsen suggested that to be exactly why the amendment says "agricultural land uses or open space land". Bleed believes that "wherever possible" is very strong language. Mr. Henrichsen clarified that the amendment does not say we should not build in the 100 year floodplain. It talks about land uses. The Wachiska language was different and sought to prohibit new construction. The staff language talks about promoting and preserving agricultural land uses or open space land uses within the floodplain.

Motion with amendment carried 6-3: Wallace, Krieser, Bleed, Wilson, Schwinn and Hopkins voting 'yes'; Steward, Duvall and Bayer voting 'no'.

AMENDMENT #22 - SOUTHWEST LINCOLN.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 3, 1999

All members present.

Staff recommendation: Deferral for further review after completion of utility and service plans for the existing Comprehensive Plan.

1. Brian Carstens appeared on behalf of the **State of Nebraska Building Division**. This property will probably be coming up as surplus in the near future. It was originally owned by the Corrections Department and is no longer in use. This proposal is just a "heads up" to the City that this will be coming forward. This is an ideal area that has not been explored but noted in the plan for several years. It is large parcels that could be developed. There are acreages to the south. Between the city limits and the acreages there are very large parcels that could very easily be developed as urban in character with the extension of

infrastructure. It is necessary to get it out of Phase IV and out of the back burner; however, Mr. Carstens does not oppose the staff recommendation.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: February 3, 1999

Bayer moved approval of staff recommendation, seconded by Duvall and carried 9-0: Wallace, Krieser, Steward, Bleed, Wilson, Schwinn, Duvall, Bayer and Hopkins voting 'yes'.

AMENDMENT #23 - S.W. 56TH & WEST "O", INDUSTRIAL. PUBLIC HEARING BEFORE PLANNING COMMISSION: February 3, 1999

All members present.

Staff recommendation: Deferral.

1. Kent Seacrest testified on behalf of the applicant, Land Construction, Inc., owner of the property just due south of "O" Street and due north of the Burlington Railroad lines as they leave Lincoln to the west, catty-corner to Crete Carrier and south of Nebraska Machineries.

Mr. Seacrest submitted a motion to amend the staff recommendation. Land Construction is coming in behind Crete Carrier in the Comprehensive Plan. Mr. Seacrest's client has been supporting the efforts of Crete Carrier to extend water and sewer to this region. Staff had recommended that Land Construction and Crete Carrier join forces, but Crete Carrier chose to move forward into the process.

Mr. Seacrest explained that this is a request for industrial designation, the four land uses being a limited landfill in the short term; asphalt concrete recycling; then regular recycling; and once they fill the land lawfully, they want to do long term industrial. It appears that the staff believes they should have a commercial designation rather than industrial. Mr. Seacrest requested that the entire site be purple. Staff is recommending that the entire site be commercial after being deferred. Mr. Seacrest purports that because his client's property is across from Crete Carrier and Nebraska Machinery, he believes industrial would be compatible. There is no residential zoning near this site at all. They cannot do industrial uses without this designation.

Mr. Seacrest assured that they would not come in for zoning until they have mitigated the wetlands. They do not intend to zone the wetlands as industrial. In addition, the preliminary plat should not come forward unless they are showing no net loss of flood storage capacity.

2. Craig Groat suggested that the rest of the country is moving away from industrial economy. Mr. Groat cited from the study, "Education for New Office Economy and Educational Testing Service". It is members of the new office community who are re-engineering every industry. Industrial production now plays second fiddle to new office. Office work dominates the U.S. economy. Factory trails office by 21% in terms of employment and by 31% in terms of earnings. It appears that Lincoln is focusing on the light industrial low-end jobs and this is the opposite direction of the rest of the country. Our city has been driven down by the focus on industrial jobs.

Wilson asked Mr. Groat whether it is his recommendation that everything be zoned office. Mr. Groat suggested that we should promote and build on the office economy to pull everyone up to a higher level.

Hopkins observed that the study is contrary to everything she has heard. Mr. Groat pointed out that we have all these universities, the graduates of which are working minimum wage jobs. They can't find anything else and these jobs aren't being created.

Steward referred to the area north of the railroad tracks and south of "O" Street. Mr. Henrichsen advised that the property is all in agricultural uses. What appears to be small lots were platted in this area more than 50 years ago. They appear to be platted as residential lots but the property is not currently zoned for residential. It is zoned for agricultural and all but one of those lots are vacant and held by a few different individuals. Steward's concern is that it looks like the approval of this amendment is going to skip a block. Mr. Henrichsen concurred. There is a large area between N.W. 56th and N.W. 40th on the south side of "O" that would remain as agricultural uses. That is why staff is recommending a larger look be taken of this area north of the railroad tracks and south of the Interstate, because most of the pattern of land uses on West O is commercial on both sides. This is an entryway type of area. The pattern on West O has been established with commercial uses on both sides.

Mr. Henrichsen also clarified that there is an area of floodplain and the staff is recommending that neither commercial nor industrial be designated in the area of floodplain down to the tracks. The area to the north is recommend to be commercial as opposed to industrial; however, the staff would recommend that the entire area not be included until we can look at a subarea plan for the entire area versus one particular piece of property.

Bayer believes this is inconsistent in that the Commission just approved a future service area and annexation of the land on the north side of O Street, for which staff recommended approval prior to a subarea plan. Mr. Henrichsen explained that that staff recommendation was approval of the annexation area that was shown as commercial and already zoned commercial.

Mr. Henrichsen suggested that the amendment by Seacrest is an amendment to the staff discussion. If the Commission wishes to approve this amendment, the staff would

recommend that a recommendation of approval go beyond the request, i.e. the map on p.142, or some variation thereof.

Response by the Applicant

Mr. Seacrest explained that he picked up some of the language regarding conditions from a Hampton project on North 27th. He doesn't care where this language appears. In fact, he doesn't care if the language is or is not adopted. As far as not allowing any commercial south of the floodplain, this applicant has told staff that they will move the floodplain next to the railroad tracks.

Mr. Seacrest also suggested that if it is important to keep a block or two of commercial up against O Street, that is the Commission's call, but he does not understand that.

As far as a subarea plan, Mr. Seacrest believes it has already been proven that the same sewer and the same water works for this one as S1 and S2 and we have a great road network out here.

Mr. Seacrest also pointed out that they will have to come back with a change of zone and special permit. This action is identification of the property as an industrial use area.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 3, 1999

Steward moved to accept staff recommendation of deferral, seconded by Duvall.

Steward's concern for approval of this relatively small parcel is that the further west we move with industrial uses, the more we retard the residential development in the west and the southwest quadrant. We've made some success in skipping over the industrial large uses that already exist, but he agrees that we should wait and see where this is headed. Steward is not in favor of an industrial designation.

Wilson disagreed. This property lies within a railroad track and highway and it will never be residential. The ground to the east will never be residential either. This is an appropriate use.

Motion to defer failed 3-6: Steward, Bleed and Duvall voting 'yes'; Wallace, Krieser, Wilson, Schwinn, Bayer and Hopkins voting 'no'.

Wilson moved approval of the map on p.142, seconded by Bayer and carried 8-1: Wallace, Krieser, Bleed, Wilson, Schwinn, Duvall, Bayer and Hopkins voting 'yes'; Steward voting 'no'.

AMENDMENT #24 - STEVENS CREEK.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 3, 1999

All members present.

Staff recommendation: Defer for further review after completion of utility and service plans for existing Comprehensive Plan.

Proponents

1. **Rick Krueger**, immediate past president of the **Home Builders Association of Lincoln**, testified in support. He made the declaration that he has no present interest in Stevens Creek. The Planning Dept. has been aware and informed of this initiative and there is no adversarial tension between the Home Builders and the staff on this issue. On September 29, 1999, he talked with Mr. Bradley and it was agreed that this amendment be included in the Annual Review to allow this discussion at the decision level.

Mr. Krueger thanked the planners for including S1 and S2 and N1 and N2 last year. There were 600 plus acres annexed in S1 last Monday. Also, we heard in testimony earlier today from Mr. Hunzeker that there are 8 landowners in N1 with 600+ acres.

Over the last 48 years, the Home Builders Association has grown to 550 members. The members believe that home ownership can and should be within the reach of every family. Families should have choices in housing and the houses should be built through the enterprise system. HBAL has built seven Habitat Homes in the past seven years and donated \$50,000 since 1992 and works on various community projects.

The Home Builders believe that they have a responsibility to be involved in the political process as it relates to housing. Mr. Krueger recalled a quote of past Commissioner Bob Stephens in 1992, "We are victims of our own good fortune." We have been successful in creating a quality of life that attracts businesses and activity. Job formation requires homes for its employees. Lincoln is expected to have 11 new people per day added to its population. The decision to color the Stevens Creek watershed allows everyone to know which direction we are going. Public Works will know that we are moving into this basin, Planning will know and the private sector will know. We will start solving some of the problems as they relate to infrastructure. We will start to formulate the capital needed to make this a reality. The existing neighbors in this area will be notified that Lincoln will be coming. This is important because then those individuals can start planning for what is in their best interest.

Steward commented that the Planning staff claims that there are opportunities within the current growth area for 42,000 dwelling units. Mr. Krueger responded, stating that it is easy to go down into a discussion on numbers. In 1991, the Planning Commission said there was no need to move south of Pine Lake Road. The City Council approved this

movement and the vast majority of that area south of Pine Lake Road from 32nd to 56th has homes and some businesses. He does not believe there is enough. The decision on Stevens Creek will not deal with lot availability in the next several years—it is longer term. Steward suggested that there is a distinction between what we sell and what we need. Mr. Krueger stated that at that time, the discussion revolved around cost of infrastructure, and then it evolved to the point where this is a sweet spot to grow. Mr. Krueger also pointed out that a year ago, S1 was the way Stevens Creek is today. As we sit here today there has been 600 plus acres annexed in S1. The same dynamics are happening out north. The sooner we can give direction for the neighbors and the building and development community, the better off we are to be able to work on some of the issues.

Bayer posed a hypothetical supply and demand scenario. If we have more lots available than we need, will the cost of a lot decrease? Mr. Krueger did not believe it would decline, but it would probably stabilize—flatten. Lot prices have doubled from 1990-1998.

2. Mark Hunzeker provided a historical perspective. He has been in the business long enough to watch it for almost a full planning period. We are in a time when the growth seems to be very rapid and very much upon us everywhere we turn, except that 20 years ago when we first decided we weren't going to go into Stevens Creek, we built more homes by about one-third than were built last year in Lincoln. The rate of growth at that time was greater than it is today. The reason it didn't seem quite as frantic is that we had many more places to build than we have today. We are concentrating a substantial amount of demand into a very limited number of places and the pace of change in those limited number of places is more rapid than it would be if we had more places to grow.

Mr. Hunzeker urged that there is a need to put more into the extension of utilities into new areas. We need to go into N1-N2, we need to go northwest near Airpark, and we need to get into the Stevens Creek watershed. The origin of the ridgeline policy was that people wanted to get into the Stevens Creek watershed 20 years ago, and we've been holding our finger in that dike now for 20 years.

Mr. Hunzeker also suggested that approval of this amendment will not provide any lots in the very near future because very large decisions have to be made about how we provide the sewer pipe to get far enough into that watershed to get out of the floodplain. If we decide to go forward today, we are literally years away from the first urban city lots being developed in the Stevens Creek watershed. But if we don't decide now, we will end up with the Stevens Creek watershed decision being made in a similar fashion as the decision south of Pine Lake Road, i.e. being way too late and the growth will be just so pent up that it will explode into that area in a manner which we would wish was a little slower. We need to get ahead of this. We've been talking for 8 months at a fringe growth task force about the need for extension of infrastructure and improvements to other areas of the city and how we are going to manage to do that. But if we don't make the decision to put these areas on the map so they can be considered when financing decisions are being made,

it puts it off that much further. Lot prices have been going up at a pace that is out-distancing the rate of inflation substantially. If we want to have a nice type urban boundary—the so-called one community—and maintain that nice tight single school district and not grow suburbs, then we need to accelerate the pace of making land available so that people can afford to live here.

Bleed stated that she is struggling to understand what this amendment would do. Mr. Hunzeker believes that this amendment will do about what the amendments to the S1 and S2 and N1 and N2 areas did a year ago, and that is facilitate the commencement of

planning. This staff recommendation defers placing this area on the map until “we plan how we are going to plan.” Some place in that progression we have to say we’re going to start, and this is that point. It is time to start.

Bleed sees differences between the Stevens Creek watershed and the ridgeline, and S1-S2 and she is still struggling with “start”. What does that mean? She is worried about allowing a development which later on, as we plan the whole area, is going to be a problem and something that we will have to work around. Hunzeker is pretty sure this amendment will not do that. There is no pipe anywhere near E-4 or E-1. It is not very likely, in his opinion, and certainly is not required—we have a lot of mechanisms in place that tie our urban boundary tightly to our sewer and water supply and keep everything nice and tight. We are not going to get to E4 for a long long time because there won’t be a pipe down there for a long, long time. Bleed suggested then if that is the case, what would it hurt to plan this before we change the Comprehensive Plan? Mr. Hunzeker thought there would be no harm in that except that is the posture we have been in for 20 years. There has been demand for urban lots in that vicinity for the entire time that he has practiced law in this City. We have tried very hard to facilitate the demand for those lots in other places. That is one of the reasons you have seen some of the areas develop. All of the areas along 84th Street where the ridgeline has been pushed out and extended are a result of that demand. We’ve simply reached the point where we can’t do that anymore. Without some formal action, he is afraid it won’t start for another 5-10 years until we see Waverly encroaching into our zoning jurisdiction.

Steward asked Mr. Hunzeker whether the development community he represents has any interest in looking at alternatives to the current densities of which this city is presently made up. Steward assumes that all of the pressure being described is based on current single family lot density, or larger. He wants to know if the people that Mr. Hunzeker represents have any interest in looking at alternatives of propagation of that planning development condition. Mr. Hunzeker does not believe the people buying those products have any interest. But, Steward stated that to be the principle of Detroit and their cars. Mr. Hunzeker suggested that people do not go out and buy houses on a whim. We don’t have a lot of vacant houses in Lincoln. So he presumes the houses that have been built were needed by people that wanted to live in Lincoln. If they couldn’t buy them in Lincoln, they

would have bought them in Bennet, Malcolm or Hickman. Steward commented that at the current densities, we have the capability of accommodating 100,000 more people than we currently have. Mr. Hunzeker agreed that the capacity to accommodate that number of people is wonderful, but if you don't allow them some choices, then you will concentrate the growth in areas and it will occur at a pace that some people will find uncomfortable. Hunzeker believes there is a choice being provided to the extent people have the ability to buy and develop land and sell houses at what constitutes an entry level at this point, if they can find land to do it. We need places for people to go at any density.

Hopkins believes that the bottom line is, how do we pay and how do we manage the growth? Are there any lessons in history on how we pay? Mr. Hunzeker stated that the task force went through some interesting discussions this morning about how our sewer and water enterprise funds are managed and how we actually provide the capital expenditure funds to provide electric and transmission facilities versus how we provide sewer and water. The sewer/wastewater side of that fund is significantly de-leveraged compared to even the water side, and both of them are very, very under-leveraged compared to LES. There is money. We have current assets to be able to do some of these things if the policy decision is made.

Wallace wants to make sure that the resources are available now in order not to escalate or to cause bond issues or increase property taxes. Mr. Hunzeker believes there would be revenue bonds issued but there is plenty of current revenue to cover the debt service by a factor of 4 or 5 to 1. These enterprises have been and are being managed as "mature cash cows" as opposed to growth industries. We are definitely in a growth mode and it is time to begin to utilize some of those assets.

Mr. Hunzeker urged that we should not fear that we can't afford to move into some of these areas. We don't have to develop the entire watershed at once. That has never been a requirement. However, Steward noted that we allowed one development over the ridge and that generated five other proposals within the next month. He does not believe we should believe the notion that approval of this policy is not going to generate a great number of spot situations that are going to put pressure on the infrastructure.

Steward inquired whether the debt ratio referred to by Mr. Hunzeker covers all the cost of services for expansion, including schools, streets, fire, police, etc. Mr. Hunzeker's response was "no"; the discussion at the fringe growth task force meetings was with regard to sewer and water. Mr. Hunzeker suggested that there is revenue generated by growth itself that funds the balance. Steward disagreed. Mr. Hunzeker stated that there are numbers and studies that show that we not only pay for it, we more than pay for it. Steward suggested that a legitimate total cost of services will show that residential development does not pay for itself.

3. John Layman, appraiser, testified in support from the commercial/industrial view of

going into Stevens Creek. Current industry in Lincoln is looking for employment areas. We have shown them the employment areas and they are not happy. They are not close to where their people work or they don't like the type of development around them. They have asked us to look into new areas and they are looking at Stevens Creek. Some of the major industries in Lincoln today on the edges of town were there in the 1960's before the city limits got there. In terms of residential development, we are seeing new activity such as the apartments on No. 27th, which cater to the people who work in Omaha. High density residential works good next to commercial. He believes the problem in Lincoln is that we are not investing enough in helping the Planning Dept. do the studies. What is magic about 20 years?—it is the funding that we rely upon. But that doesn't mean you can't plan beyond the 20 years. Southwest Lincoln is hot residentially, and he believes that Lincoln can still be a concentric growth community.

Mr. Layman advised that if there are 1,000 houses selling there needs to be 1,000 houses available. We need to make the commitment now to go into Stevens Creek.

Opposition

1. Jo Gutschell, 2105 B Street, testified on behalf of Robert Nieweg, attorney for the Mountains Plains Office of the National Trust for Historic Preservation. Mr. Nieweg had to catch a plane at 6:20 p.m. out of Omaha and could not stay to testify. She delivered his testimony and it was submitted in writing. Ms. Gutschell read Mr. Nieweg's testimony into the record. The National Trust was invited to come to Lincoln by the Preservation Association of Lincoln and the Citizens for Accountable Route Selection to learn more about the area's historic resources and local development pressures. There are irreplaceable historic farmsteads and rolling rural countryside in the Stevens Creek watershed that have been nominated to the National Trust's annual list of "11 Most Endangered Historic Places in America." The National Trust opposes the request to include a portion of the Stevens Creek drainage basin in the future service limit. This would expose that landscape to sprawling development. It would result in a loss of irreplaceable agricultural land to urban sprawl.

Wallace asked whether the concept is that growth is not bad as long as it is planned. The National Trust is not opposed to development, but we need a plan. Ms. Gutschell concurred. The Trust sees this as sprawling development.

2. Graham Johnson testified in opposition. He does not believe anyone is against development, but it is a matter of how it is developed. People are very interested in getting into areas that have a lot of community activity. They like areas that are naturally beautiful and safe. There needs to be a lot of rejuvenation. Mr. Johnson referred to the book, Under the Blade, that goes over a series of case studies to give people a ground basis to encourage the type of development and healthy development that we need to pursue over the next 25-30-50 years. What seems to be a trend is the rejuvenation of the local community agriculture and supporting the locally based areas. He believes the Stevens Creek watershed is probably a prime agricultural landscape. There are many

considerations.

3. Marlene Rickertson, the daughter of Dale Retzlaff, who lives on the Stevens Creek Stock Farm, testified in opposition. Her daughter and family also live on the farm. Their family is deeply concerned about the future of this farm in Stevens Creek and the future of the area. Many of the families have been living off the land and preserving it for over 125 years. This is a very unique area, rich in history and it should be considered for preservation. She believes the staff has the best interests of the city and county in mind and she strongly supports the staff recommendation. She agrees that there is a definite need for a plan for the county before big changes are made in the Comprehensive Plan. She would be willing to participate in whatever way she can. She desires to protect the rural and AG character of this area and support the rights of the long-time residents in this area. The decision to destroy can be made only once, but the decision to preserve can be made over and over again.

4. Robert Klein testified in opposition, urging that energy generation facilities need to be integrated within the community.

Staff questions

Bayer requested an explanation of the process for a piece of land once it is designated in the future service limit. Mr. Henrichsen explained that once that designation is made, the Planning staff and other departments, when time is available, start to begin to look at the infrastructure plans, the ability to provide services, and the phasing of those areas to include in utility and infrastructure plans first. Mr. Henrichsen pointed out that while we have added the N1 and N2 areas, we have not made any of the amendments to the water plan, sewer plan or road network to reflect that area. Nor has the same been done in S1 and S2. The next step following that is the preparation of the CIP to lay out how to provide those services in a logical fashion.

Bayer wanted to know how long of that process would take. Mr. Henrichsen responded that Phase IV is that area generally outside of our future service limit, but he could see staff taking a look at the language to see if it would be appropriate inside the future service limit, while still identified as Phase IV. Inside the future service limit is usually Phase III. As far as length of the process, Mr. Henrichsen advised that in discussions with the water department, it appears that it could be years for them to have the chance to look at the water system modeling. Mr. Henrichsen agreed that it would be more than 12 months for this large of an area.

Schwinn inquired what vehicle other than this Comprehensive Plan amendment could trigger the study of this watershed or any other area. Mr. Henrichsen advised that the staff is recommending that the infrastructure plans and subarea plans should proceed in other areas that are in the future service limit before looking at adding more areas to the future service limit. The staff looks to the Comprehensive Plan as far as guidance as to where those service plans should be.

Bleed asked what difference this Comprehensive Plan amendment would make in terms of the next year or two years in what the staff looks at. Mr. Henrichsen stated that the staff was trying to point out that it would be a considerable impact to add 12,000 acres to the future service limit. This is the same thing that was pointed out in the southwest area—it's not just Stevens Creek. This would have significant impact on the city's ability to provide infrastructure and services in all of our growth areas. The main question of the Fringe Growth Task Force is who pays and how to provide services to these areas. We don't see that adding 12,000 acres in Stevens Creek is going to address any of those questions. It is not going to help us provide infrastructure in other areas or determine the infrastructure plans in those areas. It just adds another area to which to provide services.

Bleed inquired whether the addition of Stevens Creek for study and financing would dilute all those other efforts and slow everything down, or would Stevens Creek be at the back of the line? Mr. Henrichsen agreed that to definitely be a concern. The initial phases are considered first in the CIP. If we added Stevens Creek but it was not in the first or second phase, it may not impact the CIP, but may have an impact on the ability to come up with plans over the longer period. How do you stretch those dollars in all areas? Mr. Henrichsen advised that this is when the staff uses the phasing plan to determine the priorities as to where the planning and infrastructure should be provided first. The phasing plan was put in to try to provide services in a concurrent manner with where the growth is taking place.

Steward noted that for areas that are already designated in the future service limit but not yet serviced with infrastructure and utilities, there has been some shifts of phasing priorities. Mr. Henrichsen agreed. Steward inquired as to the conditions which cause those shifts to take place. Mr. Henrichsen suggested that what has been the experience is changes in the phasing have come about when a developer has come forward and provided for some of the infrastructure that was not available through the CIP. Through discussions with staff, if those services can be provided, then an amendment to the phasing plan is made.

Bleed asked where Stevens Creek would be in terms of the lineup of things to do. Mr. Henrichsen explained that if Stevens Creek is not in the plan, it is not an area that would be studied. Bleed suggested then, that if Stevens Creek is in the plan, the staff would somehow work on all of the designated areas. Mr. Henrichsen explained that there are lots of different items that need to be addressed and we would need to go through a process to prioritize those requests.

Wallace commented that with all the discussion about Stevens Creek and all the issues, he does not think the question is going to go away. We're at the point of pushing. Mr. Henrichsen acknowledged that the staff has a lot of desire to begin the plans for the other areas and to try to conclude them as well. From a historical perspective, Stevens Creek is one of the first ridges that we came up against with the ridge policy. As we reach other ridges, we will be having the same type of discussion as well.

Steward believes that the Planning Dept. will perform the studies that are necessary to advance the welfare and benefit of the community given the circumstance of need, and the priority that the community in its collective and political wisdom gives that need to. He is disturbed by the implication that the only way that you can study it is by including it in the future service area. There is a character of studying the feasibility of having it in the future service area and actually serving it, or not studying it just because of other logistical or tactical reasons. He wants to explore a means to get a priority established upon the assessment and the feasibility and, at the same time, not make the absolute decision to include it in the future service limit. Mr. Henrichsen did not mean to imply that the only way the staff would look at it is if it is inside the future service limit. There are certainly other ways of stating an intention of growing into the Stevens Creek area without it having to be a change in the future service limit or a change in the phasing or the land use plan. Previous comprehensive plans talked about "urban reserve". There are other venues and options if one were looking to have other ways of stating intent or desire.

Hopkins noted that this area is in the three-mile limit. The Commission has indicated that one of the priorities is to look at what more we want out of the county plan and Stevens Creek will be part of that discussion; the other part of the discussion on the front burner is the beltway study in the east. She believes we are already bound in the near future and looking at a fair amount of things in this area.

Schwinn called the question.

Response by the Applicant

Rick Krueger displayed a graph of the Lincoln Housing Cycle over the last 20 years. In the county there are 18,965 acres in the crop reserve program, which is an area 1 ½ times larger than Stevens Creek. We are paying people not to farm these areas. If you designate this in the Comprehensive Plan, you can legitimately say there will be no more acreage subdivisions in this area. Or, if we do allow acreage subdivisions, there will need to be an easement for sewer lines, etc. The Commons asked for the Stevens Creek plan last year. He appreciates the work that the staff does, but this is an important task, also. The decision to include this in the future service limit is important.

There was not a motion to defer as requested by the Neighborhood Roundtable.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

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Duvall moved to put approve Amendment #24, seconded by Schwinn.

Duvall thinks it's time to move ahead and look at planning Stevens Creek. We need a large degree of fully platted lots in this community.

Schwinn commented that by making this designation it allows us to maintain our ridge policies that we have had historically and to give us more leverage to say no to a lift station. Secondly, it allows for proper long range planning in the floodplain. This is our first floodplain and drainage basin that does not have a railroad. This gives us the ability to actually plan a drainage basin in the floodway and create the open space that should go in those floodplains. It also allows us to plan a youth sports center before the houses and the commercial gets there. Before anything happens we will have to make a plan as to how to get the utilities to that point and nothing can happen until that is done. Then that puts it in the political arena and decisions can be made. Another idea is that with this extra added work, it gives Mr. Bradley a little more leverage to request more people in his budget. For the last two months, the Planning staff has been short two people, one on medical leave and Tim Stewart being gone. We need to get these people replaced and this will add to that urgency. We need to make the move and start making real positive and legitimate decisions in Stevens Creek.

Steward concurred with Schwinn with the notion that we need careful planning, but from that point on he disagrees. Steward believes the floodplain is going to be essential and there are no railroads there because it is a special environment. To do this denies the facts. It continues and propagates the current condition of promoting urban sprawl. His concern for putting Stevens Creek in the service area is that it opens the rest of the subsequent decisions to more political pressure than staff has put upon them at the moment. Over the 20 years we have heard about with regard to housing, there have been approximately 30 square miles of territory added to the city limits. That would have accommodated a population of almost twice what the population growth has been. We can't do planning and fly in the face of the data and the statistics. Yes, lot prices are high, but we also heard that the supply is not necessarily going to change that condition. So, he does not know why the argument for more land carries any particular reference. The National Farmland Trust has developed a system for cost of services assessment and every city that has used that method finds that the continuing low density spread of housing and residential does not pay for itself. Until we have the opportunity to look at the full cost of all the services that an additional expansion covers as well as the implications of the beltway and the county acreage condition, he cannot support this. He agrees with Mr. Layman that it is time that we plan for the possibility of development of Stevens Creek, but to take this action removes it from the hands of the staff and diminishes the opportunity for us to have a legitimate unbiased look. Steward views this as an opportunity where we can ask for some coalitions to be developed. We need to support the addition of staff so that we can maintain the Comprehensive Plan. There are too many unanswered questions to throw it into the laps of political action. We can do a better job than that.

Bleed expressed that she is glad this amendment has come forward and she thinks it is an appropriate time to start talking about moving into Stevens Creek and planning for it. She is hearing everybody on the Commission and the testimony call for the need for appropriate and careful planning in this area. The question to her is a matter of what do we do given that we have at the moment limited number of planning staff and limited number of dollars for infrastructure. We can either put it in the plan and dilute all our

dollars and infrastructure across all the other areas in the future service limit and leave the decision of who gets what up to some other process, or we can make a clear record that it is time to start planning for Stevens Creek. Since we have previously made the decision that certain other areas are already in the future service limit, she believes we should stick with dealing with those areas first unless somebody comes forward and has the money for the infrastructure. Or we can put our money and efforts into Stevens Creek and remove S1-S2 and N1-N2, or whatever from the future service limit. We need to start planning Stevens Creek and to the extent we can do that without bringing it into the future service limit, we need to make that happen.

Krieser believes we should get started on it. We need to prepare for it.

Bayer believes the motion to approve this amendment begins to establish that evaluating this area is a priority. That is all this does. Every step beyond that evaluation will have to come back before a government body to determine what to do in the Stevens Creek area. It is going to take years before anything happens in this area and we need to start today.

Wallace agreed with all the comments. It is important to realize that it definitely needs to be a collaborative whole community effort. It cannot be a one-sided political decision. All the factors need to be added into it. The staff needs some assistance in order to undertake this endeavor. The whole community has to make this thing happen. It's long overdue but let's don't blow it.

Hopkins believes it is premature. We have addressed some of the infrastructure issues within the limits that are already established and she thinks we are having a hard time keeping up. All of those infrastructure questions have not been answered. As a community person, parent and individual, she believes the community will give us the message loud and clear if they are going to support infrastructure growth when we have a bond election on the schools. We have huge questions out there regarding schools that have not yet been on the ballot. We've made movement on Parks, we've made movement on Libraries. She believes if that happens and people show us their interest in supporting all of the services that we need for growth, that's a different message.

Hopkins further commented that it's hard to comprehend what is already on the plate with S1-S2 and N1-N2. If we want Stevens Creek to be looked at, we will be looking at it through the county plan and through the beltway study. We can add to that by asking for a study of Stevens Creek without designating it in the future service limit. This discussion puts people on notice. She will be interested in the community's support of the areas for development.

Motion for approval carried 6-3: Wallace, Krieser, Wilson, Schwinn, Duvall and Bayer voting 'yes'; Steward, Bleed and Hopkins voting 'no'.

Members present: Wallace, Krieser, Steward, Bleed, Wilson, Schwinn, Bayer and Hopkins; Duvall absent.

Staff recommendation: Denial, not appropriate for inclusion in the Plan.

1. Graham Johnson, the applicant, respectfully accepted the staff recommendation. He has done some further work since the report and application was written. He has discussed several issues with agencies around the City.

With respect to Item #2 (That the I-3 zoning at 14th and Pine Lake be zoned to I-1 or Residential) and Item #3 (The City Council impose a moratorium on development next to Wilderness Park), Mr. Johnson stated that his primary goal is that we slow down, do a good job and get adequate and accurate results. He does not believe the results were adequate or accurate because of budgetary and timing constraints. He wants to make sure things are done on a slow, but not regressive, basis so that the progress can be made without slipshod end results.

Bleed expressed her appreciation to Mr. Johnson. She is excited to see a young person involved in this process.

Schwinn asked Mr. Johnson whether he intends to keep pursuing the recycling effort (Item #4). In his neighborhood they do recycle and they pay the recycler to come into the neighborhood. This needs to be pursued and he applauds Mr. Johnson's efforts.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: February 3, 1999

Bleed moved to approve the staff recommendation that these amendments are not appropriate for inclusion in the Comprehensive Plan, seconded by Krieser and carried 8-0: Wallace, Krieser, Steward, Bleed, Wilson, Schwinn, Bayer and Hopkins voting 'yes'; Duvall absent.

AMENDMENT #26 - CHAMBER ARTERIAL PROPOSAL.
PUBLIC HEARING BEFORE PLANNING COMMISSION: February 3, 1999

Members present: Wallace, Krieser, Steward, Bleed, Wilson, Schwinn, Bayer and Hopkins; Duvall absent.

Staff recommendation: Include in the Wilderness Park Study.

1. Kelvin Hullet of the **Chamber of Commerce**, the applicant, stated that this is a conceptual idea and it is preliminary at this time. The Chamber had this idea related to transportation infrastructure on the south side of Lincoln. This has not come from the Wilderness Park study. This is a conceptual idea. They have not talked with the neighborhoods. They have talked with the Friends of Wilderness Park. Mr. Hullet requested that the Commission accept the staff comment to consider this proposal within the Wilderness Park Study.

2. Robert Klein inquired whether there is actually a sanitary sewer line being considered for crossing the park in this area in conjunction with the Yankee Hill Roadway and the water line. The explanation on page 164 by the County Engineer's office implies that a contract has been made with such entities that could construct the road.

Mr. Klein further noted that the Chamber has stated that it will have service access on-ramp to Hwy 77, and it advocates an elevated roadway across Wilderness Park. Mr. Klein does not see how both can be accomplished. A cursory glance will highlight how a significant portion of the park would be consumed by this access pattern. Regarding the elevated roadway, no one should be surprised when the engineers will make a statement to the effect that Salt Creek would have to be channelized in order to accomplish an elevated roadway. This will eliminate the intended purpose of creating Wilderness Park—that being flood control. Please remember Mr. Figard's comments that bridges across floodplains are cost prohibitive. It needs to be made very clear that the ecological study of Wilderness Park cannot be substituted for an environmental impact study. In no way did the subarea ecological study address any component of an elevated roadway proposal. An environmental impact study will be required.

Mr. Klein is also concerned that certain members of the Chamber are also employees of Olsson Associates, which is the entity conducting the transportation element of the subarea study and this conflict of interest is not acceptable.

Mr. Klein is fearful that there will be no alternatives to the Yankee Hill Road proposal.

3. Glen Royal spoke on behalf of his son who owns property next to Wilderness Park. He is very concerned about the new proposed road being so close to what is already planned. With the beltway and including Yankee Hill Road, it boxes in the section and throws away the four corners. He does not see crowding this thing and then worrying about where to put the people. Instead of more roads, maybe we should structure our energy into putting jobs out here where we can let them go both ways at the same time and use the road more efficiently. All of our industry seems to be going north. We need to move our jobs into the people.

4. William Splinter, 4801 Bridal Lane, appeared on behalf of **Country Acres South**

Neighborhood Association, South Corridor Neighborhood Association, Kensington Estates Neighborhood Association, Yankee Ridge Neighborhood Association and Michael Hutchinson, an adjacent landowner, in opposition. His testimony was submitted in writing.

5. Mike Morosin, Malone Neighborhood, attended numerous meetings and at most of those meetings it was said we would never build a road through Wilderness Park. Now, we have a trial balloon being floated and it is very suspect. He quit the Chamber because special interests were in control. Mr. Morosin requested that this amendment be denied.

6. Mary Roseberry-Brown, 1423 F Street, testified on behalf of Wilderness Park in opposition. The connection to build Yankee Hill Road would involve four cloverleaf connections and it would pretty much destroy the park with pavement. That in itself would defeat the purpose of flood control in that paved areas are the least effective for flood control. It would also destroy wildlife corridors that are essential. An overpass does not protect the wildlife in the park because the deer get up on the overpass. She has been told that it was planned as a diversion for trucks to keep them from coming through town. Her main concern is protecting Wilderness Park. Wilderness Park is the best representation we have of nature in Lincoln.

Kent Morgan of Planning staff stated that to his knowledge there is no proposal to use the Yankee Hill corridor for any kind of utilities. He noted that the Public Works Department does mention that there could be a need if we were to go to the southwest. Dennis Bartels of Public Works stated that Public Works has not done any studies on how to serve the west side of Wilderness Park. The trunk sewer for S1 and S2 is not designed to serve the west side of the park. There are no proposals at this time.

Steward inquired as to what triggers a federal environmental impact statement requirement. Mr. Bartels advised that when we start impacting a facility or something like a park we would have to go through those kinds of studies. Anything that would cross would trigger that process.

Kent Morgan of Planning staff interpreted the County Engineer's comments to mean that the County Engineer is working with developers to realign the west end of Yankee Hill at 14th and at the east end at Highway 2. They are working with the development community in that area. To his knowledge, there is not yet a planned road.

Response by the Applicant

Mr. Hullet agreed that all of the concerns raised are legitimate. The Planning Director did want to have a public process to start to discuss this proposal and he agrees that the Wilderness Park study is the proper forum for this discussion. Mr. Hullet requested that the Planning Commission put this proposal into the Wilderness Park study and we'll come back next year and deal with the specific issues on a larger scale, if it is even feasible.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

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Bayer moved approval of the staff recommendation to include this discussion in the Wilderness Park study, seconded by Bleed.

Steward expressed concern with the staff language. If we say to include the proposal in the Wilderness Park study, then he believes it appears to mean that it is actually a proposal to acquire. Steward would prefer that the “feasibility” of the proposal be included in the Wilderness Park study. With agreement of Bayer, the maker of the motion, and Bleed, who seconded the motion, this became a part of the main motion and carried 8-0: Wallace, Krieser, Steward, Bleed, Wilson, Schwinn, Bayer and Hopkins voting ‘yes’; Duvall absent.

AMENDMENT #27 - ANNEXATION POLICY.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 3, 1999

Members present: Wallace, Krieser, Steward, Bleed, Wilson, Schwinn, Bayer and Hopkins; Duvall absent.

Staff recommendation: Approval.

1. Rick Krueger testified on behalf of the **Home Builders Association**, the applicant. This idea grew out of the Fringe Growth task force. It is an issue of “truth in advertising”—the city can annex property for the purposes of assessment districts, thus we should put it in the Plan so that everyone is aware.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 3, 1999

Bleed moved approval, seconded by Schwinn and carried 8-0: Wallace, Krieser, Steward, Bleed, Wilson, Schwinn, Bayer and Hopkins voting ‘yes’; Duvall absent.

There being no further business to come before the Commission, the meeting was adjourned at 10:40 p.m.

Amendments #1a, #1b and #19 are scheduled for continued public hearing and administrative action at the next regular meeting of the Planning Commission on February 10, 1999.

Amendment #11 is scheduled for continued public hearing and administrative action at the regular meeting of the Planning Commission on February 24, 1999.

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