

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, August 25, 1999, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Russ Bayer, Steve Duvall, Barbara Hopkins, Gerry Krieser, Greg Schwinn, Cecil Steward, Rick Wallace and Joe Wilson (Ann Bleed absent); Ray Hill, Mike DeKalb, Steve Henrichsen, Rick Houck, Jennifer Dam, Nicole Fleck-Tooze, Jean Walker and Teresa McKinstry of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Meeting

Chair, Barbara Hopkins called the meeting to order and requested a motion approving the minutes for the meeting held August 11, 1999. Motion to approve made by Steward, seconded by Krieser and carried 7-0: Duvall, Hopkins, Krieser, Schwinn, Steward, Wallace and Wilson voting 'yes'; Bayer abstaining; Bleed absent.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

August 25, 1999

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

The Consent Agenda consisted of the following items: **USE PERMIT NO. 82B; SPECIAL PERMIT NO. 1767; SPECIAL PERMIT NO. 1792; SPECIAL PERMIT NO. 1793; FINAL PLAT NO. 99011, TIMBER RIDGE 2ND ADDITION; AND FINAL PLAT NO. 99014, NORTHRIDGE HEIGHTS 6TH ADDITION.**

Item No. 1.2, Special Permit No. 1767, North Hills Community Unit Plan, was withdrawn.

Bayer moved to approve the remaining Consent Agenda, seconded by Schwinn and carried 8-0: Bayer, Duvall, Hopkins, Krieser, Schwinn, Steward, Wallace and Wilson voting 'yes'; Bleed absent.

Please note: This is final action on Special Permit No. 1793, Final Plat No. 99011, Timber

Ridge 2nd Addition, and Final Plat No. 99014, Northridge Heights 6th Addition, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action of the Planning Commission.

CHANGE OF ZONE NO. 3201
FROM O-3 OFFICE PARK TO B-5 PLANNED REGIONAL BUSINESS
and
PRE-EXISTING USE PERMIT NO. 9R
FOR A HOTEL/MOTEL
ON PROPERTY GENERALLY LOCATED
AT SOUTH 60TH STREET AND OLD CHENEY ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 25, 1999

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

Planning staff recommendation: Denial of the change of zone; and conditional approval of the pre-existing use permit if the change of zone to B-5 is approved.

Proponents

1. **Mark Hunzeker** appeared on behalf of the applicant. When the previous application for a text amendment to allow the hotel/motel in O-3 got to the City Council, some of the same concerns were expressed as had been at issue at the Planning Commission. Mr. Hunzeker advised that the applicant agreed to come back through the process to request a rezoning of the site for the motel from O-3 to B-5. This will move the zoning district line slightly to the east but the use remains the same. This is the same application with respect to the hotel as the Commission has seen previously with no changes to the setbacks, parking or any other aspects, except they have eliminated the proposed pole sign. The application now shows only wall signs on the west side of the hotel building and on the south side of the hotel building, both substantially less than what would be permitted under the B-5 district.

Mr. Hunzeker submitted that this is a good use for the property; it is in an office park and is compatible with the office uses; and Mr. Hunzeker believes the office park tenants will be happy with this use. One concern raised has been the property to the east and what effect this use might have on that development. Mr. Hunzeker observed that the owners of the property to the east are not here in opposition. He believes this use is reasonably compatible with the proposed use of the Quin-C property for residential use, which site

plan has been submitted and is exclusively residential. Mr. Hunzeker has been advised that the property owner to the east has no desire to do anything other than residential on

that property.

Mr. Hunzeker requested that Condition #1 be amended to "75" units, as opposed to 90. Mr. Hunzeker also requested to add Condition #1.1 as a gesture of good faith toward anyone concerned about the change of zone: "If any application is made by the owner of the hotel site to change the use of this site, the Planning Director shall initiate a rezoning of the hotel site from B-5 to O-3". This applicant has no intention nor cares to have the right to use this site at any time, now or in the future, for uses in B-5 that are not permissible in O-3.

Steward raised a concern about the height of the building as compared to the surrounding commercial uses—it seems to be the tallest structure and it is the structure that is most adjacent to a potential residential district. He is curious whether everyone has taken into account this height differential. Mr. Hunzeker's response was that the height of a permissible office structure on this site is 40'; the elevation at the south end is significantly below the elevation at the north end. The first floor elevation of this building will go into the side of the hill by about eight feet. The building in existence is at floor elevation 187.5 (now under construction). The finished floor elevation for this building will be 182. The building further to the north will be at 189.8, so this building will be 8' below the finished floor elevation of the northernmost office building. In terms of being closest to residential, compared to the office building, the hotel will be much further away. The closest residential is about 600 feet to the north. If you were measuring at an angle to the northeast, there is a heavy row of trees preventing any view of this site at all. The plat to the east has not yet reached the Commission.

2. John Hanigan, 5915 So. 25th, is a part owner in the partnership owning the building now being constructed. He testified that his partnership is not in opposition to this proposal. However, they want to make sure the building is of brick veneer finish and will be compatible with the rest of the development. They believe the use as a hotel could solve some parking problems in the area because the hotel parking lot will be close to empty during the day. He is concerned that what is built is compatible to the development to the east and they are also very concerned that there is sufficient landscaping done to buffer the area between the hotel and their office building.

Mr. Hanigan has not had the opportunity to review all of the plans as far as exterior of the building, etc.

Hopkins inquired whether the late hours and noise of a motel are a concern. Mr. Hanigan stated that they considered the possible disruption if there are athletic teams coming in with kids running all over the place, but they are not overly concerned.

Opposition

1. Lloyd Johnson, 6025 Old Cheney Road, testified in opposition. He is opposed

generally to a motel. He believes there will be traffic problems. The westbound traffic is by far the worst. People coming out of Super Saver, Target, etc., come to that intersection and there is no place to go. He believes an office building would be the preferred use because that traffic would be during the work week, 8:00 a.m. to 5:00 p.m. Hotel/motel traffic starts mid-afternoon until late in the evening, and the traffic bottleneck at that intersection is horrendous. He does not know how to offset that, but an office building might be more appropriate. Traffic is a problem and parking is a problem. It seems like we're getting pushed into a corner more all of the time, and Edgewood Shopping Center is more of a driving opportunity rather than pedestrian oriented.

Mr. Johnson prefers the office park over a motel because of the hours of the traffic. Wallace suggested that the motel would offer some parking options for the area. Mr. Johnson believes the people would sit there on a football weekend and could not get out. Traffic is filled up from that corner to Highway 2 frequently.

Hopkins inquired about how this impacts the "eastern edge of Edgewood" with no signals. Dennis Bartels of Public Works advised that when staff looked at the information submitted by the developer and agreed on the peak hour traffic, the impact of the motel versus the office building was similar. We don't typically address the timing of the traffic in the off-peak hours. He foresees that the traffic movement in Old Cheney should improve in time with other planned improvements. As time goes on, it is likely that a signal may be warranted at the opening at 59th & Old Cheney.

Rick Peo, Asst. City Attorney, clarified that the conditions of the use permit require the change of zone to B-5. Mr. Peo also believes that the additional Condition #1.1 suggested by the applicant can be incorporated into the legislation appropriately.

Response

Mr. Hunzeker referred to the traffic study. With 75 units versus 90 units, the net result was 7 less trips in and out of the site at the peak hour. Therefore, the net result is that they reduce the peak hour traffic at this site with the motel use. There is a project on Old Cheney that will alleviate a lot of the concerns. One of the reasons this use permit was approved previously was that it provides an additional exit from Edgewood that is not blocked by a median. The east access to Old Cheney Road through this use permit was something that everybody thought was a good thing, and we still think is a good thing and we think it will help the traffic in and out of Edgewood.

Mr. Hunzeker further purported that this is a compatible use and will not cause a lot of difficulty. This will give this part of the community a service that it desperately needs.

Wallace asked whether the applicant had any communications with the residents. Mr. Hunzeker suggested that within any close distance, there are no residences. They have talked with people that have come to the hearings. The closest people to the north are

about 600' away and their primary concern is what might happen on property that this applicant does not control. This applicant has tried to keep the developer to the east happy as far as any adverse impact on their future development. This building will be the same brick, same colors, etc. as the office park.

Public hearing was closed.

CHANGE OF ZONE NO. 3201

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

August 25, 1999

Duvall moved to approve the change of zone, seconded by Schwinn.

Steward believes if there were disagreement with this proposal, it would come from uses that the owners cannot control. That's the reason we don't put motels next to residences in a typical zoning circumstance. It was an appropriate transition for an office configuration and he believes whatever action was taken at that time was appropriate. We have residential zoning not only to the east but also to the south of this specific location. And we don't know what the residential configuration will look like at this time. He cannot support this because he believes it devalues what happen in the adjacent zoning.

Motion for approval carried 7-1: Krieser, Schwinn, Wallace, Wilson, Duvall, Bayer and Hopkins voting 'yes'; Steward voting 'no'; Bleed absent.

PRE-EXISTING USE PERMIT NO. 9R

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

August 25, 1999

Schwinn moved to approve the Planning staff recommendation of conditional approval, with the amendments as requested by the applicant, seconded by Wilson and carried 7-0: Krieser, Schwinn, Wallace, Wilson, Duvall, Bayer and Hopkins voting 'yes'; Steward abstaining; Bleed absent.

Mayor Don Wesely appeared at this time to present recognition plaques to Commissioners Wallace and Wilson for their service on the Commission as their terms have expired. Commissioner Bleed's term has also expired; however, she was not present. Chair Hopkins also expressed appreciation on behalf of the Commission to Rick Wallace, Joe Wilson and Ann Bleed for their years of volunteer service to the community.

**SPECIAL PERMIT NO. 1791
FOR A HEALTH CARE FACILITY
ON PROPERTY GENERALLY LOCATED
AT 1430 SOUTH STREET.**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 25, 1999

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

Planning staff recommendation: Conditional approval.

Steve Henrichsen of Planning staff submitted a letter in opposition from a resident in the Near South Neighborhood, Karen Lewis, and a letter from DaNay Kalkowski, on behalf of the applicant, requesting a four-week deferral. Seacrest & Kalkowski now represent the applicant. The applicant wants to work further with the Near South Neighborhood Assn. They have had contact with the President of the Association and he was going to ask for a continuance as well.

Duvall moved to continue public hearing and administrative action on September 22, 1999, seconded by Krieser and carried 8-0: Krieser, Schwinn, Wallace, Wilson, Steward, Duvall, Bayer and Hopkins voting 'yes; Bleed absent.

There was no other testimony.

**COMPREHENSIVE PLAN AMENDMENT NO. 94-38
TO ADOPT THE BEAL SLOUGH BASIN STORMWATER MASTER PLAN
AS A COMPONENT OF THE COMPREHENSIVE PLAN.**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 25, 1999

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

Planning staff recommendation: Approval.

Nicole Fleck-Tooze of the Planning staff submitted a memorandum from the Director of the Health Dept. in support.

Proponents

1. **Steve Masters of Public Works & Utilities**, presented the Master Plan. In 1994, Mayor Johanns appointed the Stormwater Management Task Force and among the things reviewed and recommended upon was emphasis for stormwater master planning. Public Works and Utilities has proceeded to do master planning with the assistance of Olsson Environmental Sciences, and Roy Waters in Denver. The intent is to bring forward the

state of the practice of stormwater management. The proposed Beal Slough Master Plan not only looks at what opportunities exist to mitigate issues and problems, but also to do some preventative measures within the yet-to-be developed portions of Beal Slough. This master plan provides a tool to use in approaching planning issues within the basin.

2. Ed Evans, of the Lower Platte South NRD testified in support. The city and NRD have a long successful history in working together on flooding and stormwater issues. This is a significant first step in development of a comprehensive city-wide stormwater plan. There is a relatively recent history of localized flooding within the basin. While the basin continues its rapid transition from rural and suburban to urban, there is still undeveloped land where stormwater facilities might be sited. According to the interlocal agreement between the city and NRD, the NRD is responsible for the major storm channels in the city, including Beal Slough, and the city is responsible for the tributaries and storm sewers. The NRD and City have worked together to leave open space near the channel; however, as development has continued, stormwater flows have increased significantly and channel erosion has become a problem. A basin-wide comprehensive approach is needed. The Master Plan identifies a number of stormwater components to help achieve the purpose of reducing existing flood threats in the basin. The regional detention facilities are anticipated to be designed, funded, installed and maintained as public infrastructure. The NRD stands ready to work with the city and future development in the Beal Slough basin in the implementation of this master plan. Time is of the essence to move forward while some of the sites are still undeveloped.

3. Bob Wolf of Olsson Environmental Sciences, further explained the Master Plan. This same briefing was given to the City-County Common in June. The basin contains 13.5 sq. miles. Lincoln has changed a lot over the last 25 years and there has been a lot of development that has occurred in Beal Slough. As rooftops and concrete are placed in a basin it has a significant impact on stormwater. The basin is more than 75% developed. There have been a lot of changes in the runoff during this development. They have attempted to get a sense of the problems, the options for dealing with the problems, and how to anticipate what further changes will occur as the rest of the development occurs in the basin. The master plan demonstrates how the peak rates of flow have grown by development that has occurred. It has gone up 30% in the upper region of the basin; it is about 80% greater in the lower regions of the basin. This is an attempt to do some planning to find ways to deal with this growth in the peak rates of flow. The basin has eroded with growth and gotten wider and deeper as a result of the increased flows.

Beal Slough is about 80% developed at this time, so we cannot do as much in controlling or managing the future growth as we can in other basins. But the proposed plan can bring the flow rates near to what they were in 1978.

In consolidating the options, there are 26 CIP projects in the full plan. The cost of those totals about 15.3 million dollars. They are looking at ways to prioritize the projects due to the cost. The first priority tier includes some storage in the upper reaches of the basin

where development is still to occur; dealing with restrictions and water quality improvements down near 56th; and near 27th Street there will be some improvements both upstream and downstream to deal with erosion and channel problems. The first tier is a projected cost of 4.3 million dollars.

Steward is equally concerned about the additional 20% and what we can do to keep from making this matter worse. But, the more important question is what have we learned from this for the next circumstance, i.e. Stevens Creek? He is hopeful that the development community is paying attention. We have a 15.3 million dollar public funds mitigation effort on our hands because of development decisions that were made. Mr. Wolf agreed, but there are some preventative measures in the plan. Steward wondered if the report will provide any instructive lessons from this that can be transferred to the future Comprehensive Plan as well as this particular area. Mr. Wolf stated that certainly to be the intent and this is the first of probably several plans that will occur over the next few years. The city needs to do the master planning in the undeveloped basins rather than dealing with it more on a reactive basis. In conjunction with this, the changes in the stormwater storage criteria that were developed back in February, are all geared toward doing a better job city-wide in anticipating these changes and managing them up-front.

Steve Masters added that a lot of the issues and problems in Beal Slough are reactive to the way we developed before the mid-70's, before we required detention and retention. In some of the more recent developments, there has been much more attention given to the need to store storm flows. With the subarea planning we are wanting to do, we will better quantify the storage requirements and begin to look at when it is proper to release the flows next to the drainageways.

Steward agreed that it is a long term impact situation, but he feels uncomfortable for the lack of comprehensive information that the Planning Commission gets, not only from developers but from staff and engineering reports. It seems to be very piecemeal information about the creation of additional flow rates for additional paving, roofing, etc., and yet one-by-one it amounts to a huge aggregate problem. From a staff point of view, he is asking whether this kind of study gives us a chance to get better management decision making information when a plat comes before us when we ask the legitimate question about increasing the potential for downstream flooding. Mr. Masters responded, stating that it is obvious that as you increase impermeable surface, the potential does grow that there could be more flow downstream. The intent with the basin planning is to assure that at least the state of the practice in stormwater management is in place for the City, and he would anticipate that there would be more information available in those areas that have been master planned for reference. Steward wants to see that analysis come before the Commission along with a plat.

4. John Cambridge of Olsson Environmental Sciences added that there will be information at a lot of points that will allow comparative analysis based on the pattern of development. As the basins become developed, that information will be made available

for the other planning zones to be used by developers and their engineers.

Wallace stated that he was a member of the Stormwater Management Task Force, and this has been long coming and it is good to see it finally happening. There is a need to get this started. Stormwater is important and how it is managed is important. He commended the collaboration.

5. Mike Morosin, 2055 "S", testified in support. He has lived in an older neighborhood for 30 years. He understands the problem and this type of planning is long overdue. Hopefully, in the future, all of the other stormwater runoff areas can be added to such planning because we are to the point where we can't build ourselves out of this. He is hopeful that we can all come together so the older neighborhoods won't be treated like second class citizens taking all the water. He is supportive of this plan. He hopes the agencies can come together and alleviate the problem before we have the big flood.

6. Mark Hunzeker requested a deferral until he has an opportunity to review the actual document. The agenda only contains an executive summary. Mr. Hunzeker was a member of the task force and he has not received a copy of the plan itself.

Bayer wants to know why the task force members did not get a copy of the final plan. Mr. Masters explained that an interim draft was prepared and provided to the task force. There were some changes from that point. He did discuss the content of the master plan with the City-County Common in June. There was a newspaper article that provided a fair amount of detail, including a map of the basin, etc. Based on the number of comments received from that article, he thought there had been an opportunity for people to see the information.

Mr. Masters would not disagree with a deferral.

Steward moved to defer for two weeks, seconded by Duvall. Steward observed that the Commission does not normally proceed with a developer's application when the neighbors are not informed, so the City should be expected to do the same thing.

Bayer pointed out that there is no need for an additional presentation. The continuance is an opportunity for anyone that would like to make comments and the applicant can rebut.

Motion for continued public hearing and administrative action on September 8, 1999, carried 8-0: Krieser, Schwinn, Wallace, Wilson, Steward, Duvall, Bayer and Hopkins voting 'yes'; Bleed absent.

COMPREHENSIVE PLAN AMENDMENT NO. 94-39;
ANNEXATION NO. 99001;
CHANGE OF ZONE NO. 3162;
PRELIMINARY PLAT NO. 98023, VIEW POINTE WEST;

AND

**SPECIAL PERMIT NO. 1740, VIEW POINTE WEST COMMUNITY UNIT PLAN,
ON PROPERTY GENERALLY LOCATED AT
N.W. 56TH STREET AND W. ADAMS STREET.**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 25, 1999

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

Planning staff recommendation: Approval of the change of zone; approval of the annexation, subject to an annexation agreement; approval of the change of zone; and conditional approval of the preliminary plat and community unit plan.

1. David Chambers, 6305 W. Adams, the owner, testified in support. This proposal came forward six months ago and it was rejected on a split vote. Mr. Chambers advised that he is a reluctant developer, but two years ago it was necessary for him to pick up three years of back taxes because of the R-3 zoning by the Comprehensive Plan some years ago. He had to take it out of the AG tax level. The option is subsidize taxes, sell or develop, and there are not many buyers of land for development on the west fringe of Airpark. It is an affordable lot situation; it is right across the road from Hartland Homes; it is a beautiful setting overlooking the City; 12 minutes from downtown and three minutes from the interstate.

Mr. Chambers has worked with Lyle Loth as the engineer and with the Planning staff on some issues and they finally came to agreement. The two issues were the hard surfacing of the adjacent road (N.W. 56th and W. Adams) and sewer that had to come from the north. Mr. Chambers has come to agreement that the city will blacktop the road and he will build the sewer up to the land that is already in the city. This is against his principles but he recognizes the bottom line.

2. Lyle Loth of ESP, the engineer for the project, testified in support. With one exception, he agreed with the conditions of approval. He requested that Condition #1.1.1 on the plat, which requires a street connection between Honeysuckle and Chambers Drive, be deleted. The problem is the block length, and Mr. Loth questions whether or not they really are in violation of the 1320'. The actual block length from the property line is 1341'. If you measure on the common line at the middle of the lot, it is 1212'. He is not sure they are really in violation of the block length standard. This is somewhat of an arbitrary number. There are some reasons why it is not necessary to provide this street connection. A street connection there would involve 300 ft. of additional pavement, water main and sidewalk, at an additional cost of \$30,000. It would create two additional T-intersections; it would create four corner lots, which by their very nature require a little more size; and they would probably lose at least one lot in making that connection, perhaps two. With the street pattern they have now they cannot make a crossing at that location and still meet the design platform requirements. Mr. Loth agrees that they could reorient the street pattern.

They are providing an pedestrian easement in an outlet at the middle of the block, so the block length is a non-issue in that situation.

With regard to Condition #1.1.1 of the community unit plan, which requires a recreation plan for the residents, Mr. Loth suggested that they will fulfill the recreation plan requirement in the outlet where there is a pedestrian easement.

Mr. Loth requested that Condition #1.1.1 of the preliminary plat be deleted.

Steward noted that the portion of the plat that is in AG zoning still has vegetation and significant drainage characteristics. He asked whether they would be filling in order to make those buildable lots along the east side of West Daffodil Drive. This pertains to Lots 16, 17, 18, 19, and 20 on the east side of Daffodil. Mr. Loth acknowledged that there will be some filling in the upper end of that drainage basin, but he does not believe there are a large number of trees in that immediate area. Steward noted that with those being 10' contour lines he believes it is fairly marginal. Mr. Loth confirmed that they are 5' contour lines. Steward asked whether Mr. Loth sees any difficulty with that in terms of property real value. Mr. Loth stated that this is a rugged piece of property and they have tried to preserve the natural drainage and as many of the trees as they could. They have minimized the amount of fill and tree removal.

There was no testimony in opposition.

With regard to the request to delete Condition #1.1.1, Mr. Henrichsen of Planning staff believes that in general our 1320' block length is probably too long already for the traveling public. We are actually better served by shorter block lengths; however, he did agree that this project provides a pedestrian easement in a rather large outlet that will be very easy. One argument that might be made for eliminating this block length would be the constraint with the tree mass and drainageways. The southern portion of this property cannot be served with water. Mr. Loth had to lay out the street system based on those constraints. In most subdivisions where there is more ability to move the blocks and streets around, it might be more appropriate, but in this particular circumstance, Mr. Henrichsen believes there might be reason to delete that street connection. Steward pointed out that the developer has also taken advantage of the outlet.

Hopkins asked what the staff would expect for recreation in this size of development. Mr. Henrichsen stated that normally, the city tries to look for open space and this land does have a lot of drainageways; however, because they are steep they won't be able to have a lot of trails. Typically, we look for some type of tot lot, a basketball court, etc. In this circumstance, given preservation of the open space, we would mostly likely be looking to add some kind of playground equipment.

Public hearing was closed.

COMPREHENSIVE PLAN AMENDMENT NO. 94-39

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: August 25, 1999

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

ANNEXATION NO. 99001

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: August 25, 1999

Wallace moved approval, subject to annexation agreement, seconded by Bayer and carried 8-0: Krieser, Wallace, Schwinn, Wilson, Steward, Duvall, Bayer and Hopkins voting 'yes'; Bleed absent.

CHANGE OF ZONE NO. 3162

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: August 25, 1999

Bayer moved approval, seconded by Wallace and carried 8-0: Krieser, Wallace, Schwinn, Wilson, Steward, Duvall, Bayer and Hopkins voting 'yes'; Bleed absent. Steward observed that this is the first time that we have changed from R-3 to AG while he has been on the Commission. This is a special circumstance.

Motion for approval carried 8-0: Krieser, Wallace, Schwinn, Wilson, Steward, Duvall, Bayer and Hopkins voting 'yes'; Bleed absent.

PRELIMINARY PLAT NO. 98023

VIEW POINTE WEST

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: August 25, 1999

Wilson moved to approve the Planning staff recommendation of conditional approval, with amendment to delete Condition #1.1.1, seconded by Wallace, and carried 8-0: Krieser, Wallace, Schwinn, Wilson, Steward, Duvall, Bayer and Hopkins voting 'yes'; Bleed absent.

SPECIAL PERMIT NO. 1740

VIEW POINTE WEST COMMUNITY UNIT PLAN

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: August 25, 1999

Wallace moved to approve the Planning staff recommendation of conditional approval, seconded by Wilson and carried 8-0: Krieser, Schwinn, Wallace, Wilson, Steward, Duvall, Bayer and Hopkins voting 'yes'; Bleed absent.

OTHER ITEMS NOT APPEARING ON THE AGENDA:

August 25, 1999

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

Jennifer Dam of Planning staff appeared to discuss upcoming legislation on cellular and communications towers. The staff is working on a personal wireless ordinance for the zoning ordinance to deal with cellular towers and other wireless communication towers. It is anticipated that the ordinance will come forward to the Planning Commission sometime in October.

Today, there is a proposal by Sprint to locate a 150' cell tower at an LES substation located south and east of 27th & Pine Lake Road. This is an area where the city has encouraged different providers to locate their towers at substations where there is already a lot of infrastructure that is not aesthetically pleasing. Sprint is siting this tower at 150' height so that it can be collocated on in the future. Because of the Public zoning on this site, it does not require a special permit, but the applicant and the staff wanted to let the public and Commission know what is being planned and that companies are attempting to locate where the staff is encouraging them to go. We are hopeful that this type of location could be dealt with administratively in the future.

Brian Barrett appeared on behalf of Sprint PCS. They are proposing to locate a 150' monopole at the LES substation located at 27th & Pine Lake Road. In working with LES, this pole will be a three-carrier pole, encouraging collocation, also keeping in line with the city goals of locating whenever possible on municipal property. The actual location of the facility was in cooperation with LES because they have restrictions within their substation. The monopole will be north of their existing road, with a 50 x 50 compound. Within the compound will be the radio switching equipment and a backup generator with a fuel source. The compound will be surrounded by 6' chain link fence which is also surrounded by pine trees in accordance with the city landscape plan. The access easement will be the existing road and utility easements will be worked out to allow for future carriers to locate their facilities immediately adjacent.

Steward inquired how close another pole can be located. Mr. Barrett believes it could be right next to it. The interference would be if the antenna were the same height. Steward wondered why this tower is 150'. Mr. Barrett stated that in this area, there will not be a carrier requesting more than 150' because of the population density and the topography. He believes the carriers will be in the range from 80' to 150'. As far as separation of the antenna, some technologies can locate immediately on top of each other, but some are not that compatible and they need a 10-15' separation.

Hopkins appreciates that they are not trying to make the pole look like a tree.

Steward asked whether the city's study has any impact on the pole that the Commission

approved two weeks ago. Ms. Dam stated that previously approved towers would be grandfathered. The ordinance would have priority locations and one of our top priorities is to encourage location on city public properties where it will have minimal impact. Steward asked whether the legislation would cause the builders to take the towers down when the technology changes. Ms. Dam indicated that there will be abandonment procedures included in the ordinance.

There being no further business, the meeting was adjourned at 2:50 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on September 8, 1999.

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