

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, February 9, 2000, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Steve Duvall, Linda Hunter, Patte Newman, Russ Bayer, Barbara Hopkins, Tommy Taylor, Greg Schwinn and Cecil Steward (Gerry Krieser absent); Kathleen Sellman, Ray Hill, Mike DeKalb, Steve Henrichsen, Jennifer Dam, Rick Houck, 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, Russ Bayer, called the meeting to order and requested a motion approving the minutes for the meeting held January 26, 2000. Motion to approve made by Duvall, seconded by Steward and carried 8-0: Duvall, Hunter, Newman, Bayer, Schwinn, Hopkins, Taylor and Steward voting 'yes'; Krieser absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

February 9, 2000

Members present: Duvall, Hunter, Bayer, Hopkins, Newman, Taylor, Schwinn and Steward; Krieser absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3234; CHANGE OF ZONE NO. 3235; FINAL PLAT NO. 99030, PINE LAKE HEIGHTS SOUTH 1ST ADDITION; FINAL PLAT NO. 99031, BAIR INDUSTRIAL PARK 1ST ADDITION; FINAL PLAT NO. 99052, NORTH HILLS ADDITION; FINAL PLAT NO. 99054, PINE LAKE HEIGHTS 19TH ADDITION; STREET AND ALLEY VACATION NO. 00001; STREET AND ALLEY VACATION NO. 00002; STREET AND ALLEY VACATION NO. 00003; and MISCELLANEOUS NO. 00001, AMENDMENT TO THE NORTH 27TH STREET REDEVELOPMENT PLAN.**

Nothing was removed from the Consent Agenda.

Hopkins moved to approve the Consent Agenda, seconded by Schwinn and carried 8-0: Duvall, Hunter, Bayer, Hopkins, Newman, Taylor, Schwinn and Steward voting 'yes'; Krieser absent.

Note: This is final action on the Pine Lake Heights South 1st Addition Final Plat, Bair Industrial Park 1st Addition Final Plat, North Hills Addition final Plat and Pine Lake Heights 19th Addition Final Plat, unless appealed to the City Council by filing a notice of appeal with the City Clerk within 14 days following the action by the Planning Commission.

CHANGE OF ZONE NO. 3206
FROM AGR TO B-1
ON PROPERTY GENERALLY LOCATED
AT SOUTH 70TH STREET AND PINE LAKE ROAD,
and
CHANGE OF ZONE NO. 3207
FROM AG AGRICULTURAL TO B-2 PLANNED
NEIGHBORHOOD BUSINESS,
ON PROPERTY GENERALLY LOCATED
NORTH OF SO. 84TH STREET AND OLD CHENEY ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 9, 2000

Members present: Hunter, Steward, Duvall, Hopkins, Schwinn, Newman, Taylor and Bayer; Krieser absent.

Planning staff recommendation: Denial

Jean Walker of the Planning Department announced that the record consists of a letter from the applicant on both applications requesting a delay until March or April in order to work with staff on bringing associated Comprehensive Plan amendments forward.

Ray Hill of Planning staff submitted a letter from William Austin on behalf of SID#2, which points out that the Comprehensive Plan asks that certain studies be completed before any change of zone occurs within a 1 ½ mile radius of 84th & Hwy 2, which is part of the subarea plan in the Comprehensive Plan.

Hopkins moved to place these applications on the pending list, seconded by Newman and carried 8-0: Hunter, Steward, Duvall, Hopkins, Schwinn, Newman, Taylor and Bayer voting 'yes'; Krieser absent.

There was no public testimony.

SPECIAL PERMIT NO. 773A
TO AMEND AN EXISTING PARKING LOT
AND TO CONSTRUCT ADDITIONAL STALLS,
ON PROPERTY GENERALLY LOCATED
AT 5700 "R" STREET.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 9, 2000

Members present: Hunter, Steward, Duvall, Hopkins, Schwinn, Newman, Taylor and Bayer; Krieser absent.

Planning staff recommendation: Conditional approval.

Proponents

1. **Tom Huston**, 233 So. 13th Street, Suite 1900, appeared on behalf of The Housing Authority of the City of Lincoln. This is a request to amend the existing special permit to reconfigure the parking lot and permit the installation of 20 additional stalls on property owned by the church directly north. The Housing Authority has entered into a ground lease with the Second Baptist Church for the additional stalls. These are not required parking but would allow for some overflow parking for the Housing Authority. The reason for this is because of the proposed expansion of the Housing Authority, which is not part of this application and does not require separate approval.

The Housing Authority building was constructed in 1977, managing approximately 2,000 units. They are now managing over 4,200 units. This is an effort to accommodate their staffing needs.

Huston pointed out that the original site plan showed an exit onto No. 57th Street. They held a meeting with the neighbors and abutting property owners and the major concern of the neighbors was a perceived increase in traffic on 57th Street. Therefore, the access onto No. 57th Street has been eliminated. The Housing Authority currently has two access points on R Street and will be able to retain those two curbcuts on R Street and avoid access onto 57th Street. This has met the support of the neighbors.

Huston agreed with the proposed conditions of approval as set forth in the staff report.

Newman noted that the letter in opposition has concerns about stormwater. Huston stated that the applicant did have an architect look at the drainage issue. The major obstacle is that there is no storm sewer in 57th Street. It is Huston's understanding that the opponent, Mr. Earley, lives on the west side of 57th Street, which receives the surface waster drainage from R Street, 57th Street and properties across the street from the Housing Authority. This project will not increase the amount of surface water drainage but may affect the flow. This is being researched, but Huston does not believe it will have any greater impact.

2. Mark Hunzeker appeared on behalf of Mr. and Mrs. Ed Miller who live directly across the street from the former proposed access on 57th Street. The Millers appreciate the Housing Authority and the efforts that have been made to be responsive to their concerns and they support the plan as proposed.

There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: February 9, 2000

Duvall moved to approve the Planning staff recommendation of conditional approval, seconded by Newman.

Newman was pleased and believes that joining parking lots like this is wonderful. It is great that they have worked with the neighbors to get the traffic off 57th Street. She is hopeful that the stormwater issue can be addressed in the future.

Motion for conditional approval carried 8-0: Hunter, Steward, Duvall, Hopkins, Schwinn, Newman, Taylor and Bayer voting 'yes'; Krieser absent.

SPECIAL PERMIT NO. 1794
FOR A WIRELESS COMMUNICATIONS TOWER
AND ASSOCIATED EQUIPMENT, ON PROPERTY
GENERALLY LOCATED AT 445 'A' STREET.

PUBLIC HEARING BEFORE PLANNING COMMISSION: February 9, 2000

Members present: Hunter, Steward, Duvall, Hopkins, Schwinn, Newman, Taylor and Bayer; Krieser absent.

Planning staff recommendation: Deferral until the applicant can address the possibility of locating on or adjacent to either the nearby grain elevator or cement mixer, and provides the additional information required by the ordinance.

Proponents

1. Michael Healey, 268 No. 115th, Omaha, appeared on behalf of Sprint PCS, which is seeking this special permit for wireless tower at 445 A Street. It will consist of an 80' monopole tower with the Sprint antennae attached and the equipment cabinets will be at the base of the tower. The subject property is zoned I-1 and is currently utilized as a construction yard. The subject property and the area around it is largely industrial in nature with compatible uses.

Healey realizes the staff report addresses the possibility of locating at preferred nearby sites, specifically a grain elevator and a cement mixing plant, which are both somewhat taller structures. Sprint had looked at this possibility and unfortunately, from a technical standpoint, it does not work, specifically due to the amount of dust and debris created by those operations; the dust and debris interfere with the radio equipment located in the equipment cabinets at the base of the site. The radio equipment is extremely sensitive and Sprint has made the mistake in the past of building at these types of facilities and there have been problems. Healey assured that Sprint certainly makes every effort to use existing structures whenever possible. In other applications before this board, Sprint has utilized existing towers, rooftops, smokestacks, chimneys, and water tanks. In this case, unfortunately, they just cannot make it work.

This site is industrial in nature. With respect to the staff recommendation for deferral of this application, Healey pointed out that this application was originally submitted prior to the new wireless telecommunications ordinance and therefore there are a lot of deficiencies in terms of technical information that has not been submitted. Healey also realizes that there are conditions of approval set forth and he would agree with those conditions if the Commission could take action today.

With regard to Condition #2.1.1.4 which calls for a smaller antenna platform at the top of the tower, Healey explained that they are able to do that at this site but typically those smaller platform installations generally reduce their flexibility in the amount of antennae they can use and reduce the effectiveness and efficiency of the site. It could end up causing more sites. The smaller platforms can decrease the efficiency by about 30%.

Bayer asked about the normal size of the platform. Healey indicated that the triangular shaped platform is typically about 10' on each side. Jennifer Dam of Planning staff explained that the plan as submitted showed a triangular platform that scaled to about 12' per side, so she is recommending that it be shown smaller, tighter in and to scale. The smaller size platform has been used in other cases throughout the city.

With regard to Condition #2.1.1.11 regarding the fall zone requirement, Healey was not sure this could be accomplished.

Hopkins asked whether the applicant was involved with the new ordinance and how it was progressing and changing. Healey concurred that they were.

Schwinn asked whether the smaller size platform limits the collocation ability at this site. Healey stated that it would not.

There was no testimony in opposition.

Dam advised the Commission that this special permit could not be approved today because a request to reduce the fall zone would be considered a waiver, which was not previously requested and thus was not properly advertised.

Dam also pointed out that the ordinance requires a demonstration that the surrounding areas are not negatively affected by the structure. This applicant has not provided detailed information about why the tower could not be moved further to the south or southwest so that it would be less intrusive on the surrounding residential area. Until these items have been addressed, it would be difficult to approve this special permit today. One of the main concerns is that this area is within 220' of a residential district immediately to the north. Public Works and Urban Development have spent six months or more working with the neighborhood to design a bridge that reflects the historic character of the neighborhood. This tower will be very close to that bridge. This is another reason she would like to see the tower moved further to the south. She also pointed that the tower is close to 85' in height. That low height might create problems for collocation in the future.

Steward believes there is a contradiction in the staff's concerns between a taller tower and an incompatible tower with the bridge and the neighborhood. Dam suggested that it's like the lesser of two evils—if there is a need for more providers in the area, would you prefer a taller tower with more antennae or more towers? It is not an easy question to answer.

Rick Peo, City Attorney, approached the Commission. The ordinance has certain requirements that must be met before this special permit can be approved. Those requirements have not been met today and the conditions being proposed do not comply with the new ordinance. This applicant should come forward with a new and complete application that has met all the requirements. He does not believe the Commission can take action today. Bayer requested that the staff not bring forward anything that the Commission cannot act upon.

Schwinn is concerned. They submitted in October; there was no cellular tower ordinance as we know it today at that time. It almost seems like we are making up the rules as they go along and making it harder for them to jump through the hoops. Peo agreed that they fall under the old ordinance but it has been appealed and the new wireless ordinance has been adopted. Everything goes away. They need to file a new application. They knew it was coming and they could have been prepared for it.

Duvall moved to place the application on pending, seconded by Hunter and carried 8-0: Hunter, Steward, Duvall, Hopkins, Schwinn, Newman, Taylor and Bayer voting 'yes'; Krieser absent.

Response by the Applicant

Healey understands that there is a substantial amount of information that they need to provide and they will work with staff.

SPECIAL PERMIT NO. 1827
FOR A 100' WIRELESS COMMUNICATIONS TOWER
AND ASSOCIATED BASE EQUIPMENT
ON PROPERTY GENERALLY LOCATED
AT NO. 14TH AND SAUNDERS AVENUE.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 9, 2000

Members present: Hunter, Steward, Duvall, Hopkins, Schwinn, Newman, Taylor and Bayer; Krieser absent.

Planning staff recommendation: Deferral until the applicant can address the future collocation on this tower.

Proponents

1. **John Hertzler**, 268 No. 115th, Suite #4, Omaha, presented the application. This is the second site after the new ordinance. It appears that they will not be able to receive approval on this application today. Nevertheless, he spoke to the merits of the application.

As with any site, land use issues are a primary concern. This site is located at 14th & Saunders in an industrial zone. A 100' tower in this neighborhood is well in keeping with the character of the neighborhood and is well buffered from any residential areas. There is an existing 85' radio tower at this location. The intent is to remove the existing radio tower and install the Sprint tower nearby, moving the radio equipment from the existing tower to this tower to mitigate the impact on visual space in the neighborhood. This does not add any towers to the area; it will be a stronger, safer tower and provides opportunity for collocation. The compound will be fenced 30x60. This application seeks a waiver of the landscaping requirements because the site is tucked in behind some existing buildings next to a gravel alley, which removes the need for the normal landscaping because there is not room there. There is one area visible from a street and they will plant trees there.

With regard to collocation, the applicant did not address this issue because it was not required at the time of the original submittal. Hertzler agreed that they will provide documentation regarding collocation possibilities. They will also be requesting a variance from the fall zone that is required by the new ordinance. Given the character of the neighborhood they believe it is unnecessary and they cannot move the tower to meet that fall zone. They also hope to avoid the 2' platform issue that was one of the conditions of the staff report. It simply diminishes the capacity of the tower in the long run and imposes the need for additional towers.

Steward asked how Sprint proposes to construct this tower in the context of the 100 year floodplain. Hertzler stated that all of the equipment will be elevated out of the floodplain.

Hunter inquired as to the difference in the height between the existing radio tower and the new tower. Hertzler advised that the existing tower is approximately 85'; the new tower will be 100' plus a 5' lightning rod.

There was no testimony in opposition.

Hopkins moved to place this application on pending, seconded by Hunter.

Duvall agrees with the waiver of landscaping as that is no place for any plant life.

Motion to place on pending carried 8-0: Hunter, Steward, Duvall, Hopkins, Schwinn, Newman, Taylor and Bayer voting 'yes'; Krieser absent.

COMPREHENSIVE PLAN AMENDMENT NO. 94-47;
COUNTY CHANGE OF ZONE NO. 194,
FROM AG AGRICULTURAL AND I INDUSTRIAL
TO B BUSINESS, ON PROPERTY GENERALLY
LOCATED AT HIGHWAY 2 AND HIGHWAY 43;
and
COUNTY CHANGE OF ZONE NO. 195
TO MODIFY SIGNAGE IN THE B BUSINESS DISTRICT.

These applications were withdrawn by the applicant.

OTHER ACTION BY THE COMMISSION:

February 9, 2000

Members present: Hunter, Steward, Duvall, Hopkins, Schwinn, Newman, Taylor and Bayer; Krieser absent.

The Commission appointed Patte Newman and Steve Duvall to the Long Range Transportation Plan Ad Hoc Committee.

There being no further business, the meeting was adjourned at 1:55 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on February 23, 2000.

