

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

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

MEMBERS IN ATTENDANCE: Russ Bayer, Jon Carlson, Steve Duvall, Linda Hunter, Gerry Krieser, Patte Newman, Tommy Taylor, Greg Schwinn and Cecil Steward; Kathleen Sellman, John Bradley, Mike DeKalb, Rick Houck, Jennifer Dam, Nicole Fleck-Tooze, Ed Zimmer, 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. Jean Walker requested to amend page 5 of the minutes for the Planning Commission meeting held July 26, 2000. What is referred to as "park" lighting should be "part" lighting.

Motion to approve minutes, as amended, made by Newman, seconded by Schwinn and carried 7-0: Bayer, Carlson, Duvall, Newman, Taylor, Schwinn and Steward voting 'yes'; Hunter and Krieser abstaining.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

August 9, 2000

Members present: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Taylor, Schwinn and Steward.

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 1271F; SPECIAL PERMIT NO. 1732A; FINAL PLAT NO. 00017, VAVRINA MEADOWS 6TH ADDITION; AND COUNTY FINAL PLAT NO. 00019, COUNTRYSIDE ESTATES.**

Item No. 1.1, Special Permit No. 1271F, was removed from the Consent Agenda and scheduled for separate public hearing.

Steward moved to approve the remaining Consent Agenda, seconded by Krieser and carried 9-0: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Taylor, Schwinn and Steward voting 'yes'.

Note: This is final action on Vavrina Meadows 6th Addition Final Plat No. 00017, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days following the action of the Planning Commission.

SPECIAL PERMIT NO. 1271F
AN AMENDMENT TO THE TRENDWOOD 8TH
ADDITION COMMUNITY UNIT PLAN,
ON PROPERTY GENERALLY LOCATED
AT SOUTH 84TH STREET AND VAN DORN STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 9, 2000

Members present: Duvall, Schwinn, Newman, Carlson, Steward, Taylor, Krieser, Hunter and Bayer.

Planning staff recommendation: Conditional approval.

This application was removed from the Consent Agenda due to a petition and letter in opposition.

Rick Houck of Planning staff submitted a petition in opposition from neighbors in the area containing 35 signatures at approximately 32 addresses with concerns about the additional apartments causing inadequate parking, litter, use of driveway for turnaround, late night parties, and no place for visitors to park. Houck also submitted some photographs of the area which were submitted by one of the persons signing the petition in opposition. The pictures show cars parking on the street; however, the staff visiting the site did not find cars parking on the street.

Proponents

1. Mark Hunzeker appeared on behalf of the owner of the apartment complex. He was surprised by the petition in opposition. The resident manager went to every home on the opposite side of the streets abutting this complex a month before they even made an application and delivered a letter describing the project.

There is a tennis court on the land which they are currently occupying which is not being used. Over the years this tennis court has received little, if any, use, and the surveys of tenants indicate a desire to have a more elaborate setup in terms of an indoor workout facility. The idea was to utilize this space in order to accomplish that; however, to do that economically, the applicant needed a way to generate some revenue to pay for it. This proposal will use the entire lower level of the new building for several thousand square feet

of recreational and fitness equipment; and then put the 12 additional units on the two floors above it. It will be a first-rate facility and will be made available to members of the community unit plan.

Relative to parking, Hunzeker noted that there are several buildings which back up to the perimeter roads and the parking for those is interior to the site. All of the doors facing outward toward the perimeter roads are locked from the outside. The intent is to place a 6' wrought iron fence around the perimeter and gate the private entryways to inhibit people from crossing from the street into the buildings. This will go a long way to prevent people from utilizing the street for parking. The applicant wants to work with the neighbors on the parking issue and is also prepared to request restricted parking on the streets abutting the complex. They are willing to go with two-hour parking or prohibiting it altogether. This owner has spent a lot of money over the last five years towards landscaping this site.

Hunzeker referred to the photographs submitted by the opposition. The existing repair items shown in the pictures are currently under contract and supposed to be repaired in the next couple of weeks.

Hunzeker clarified that there are currently 192 apartments in this fenced area. This proposal adds 12 apartment units. The buildings are approximately 5 ½ years old.

Opposition

1. Jack Fields, 8121 Arrow Ridge Road, which is a little to the west of the apartment complex, prefaced his remarks with the fact that the apartments are good neighbors. He is opposed because of the parking problems. He counted 12 cars parked in both directions along Karl Ridge Road this morning. He has also used the apartment grounds when going for walks. There are a number of handicap stalls where cars without handicap tags are parking. This leads him to believe they may not have enough parking as it is. He does not know why they need 40' between buildings, but if this is the minimum spacing, then that is what should be required. He appreciates the offer to use the recreational facilities. He is Vice-President of the Arrow Ridge Townhouse Homeowners Assn.

Another concern is access during construction. The 84th Street widening is also underway and it is going to be almost impossible for people coming out of that complex trying to get onto 84th on the Karl Ridge Road side. You cannot make a left turn across that street even now. He is concerned that the increased density will increase the number of cars going in and out.

Carlson inquired whether there was a maximum number of units when the CUP was originally approved. Houck advised that this complex is well less than that number. Special Permit 1271C done back in the late 80's or early 90's would have allowed 504 dwelling units. A small portion was removed for the Cablevision building, so it's probably down to 502 maximum units allowable. This application is still well under the maximum

allowable units.

Hunter wondered how the setbacks remain to be in conformance with an additional building. Houck agreed that the area is fairly well built-out now. The setbacks on the surrounding streets were all met except in this individual case. The 40' separation between buildings is a health, safety and fire code requirement.

Carlson inquired whether additional units will require removal of some of the landscaping. Is there any way we can say to the neighbors that this is pretty much built to the maximum? Houck advised that anything else would have to come back to the Planning Commission and City Council again. From a design standpoint, he believes it would be difficult to do any additional building on the site of any substantial nature.

Hunter inquired whether the same zoning was in place when this development was originally done. In other words, when people built their houses in the area, was the multi-family designation in place? Houck stated that it was not a multi-family designation, but it was part of the community unit plan and they should have been aware of the multi-family for the area.

With regard to the problem of parking on the exterior streets, Schwinn wondered whether there is any way to get those extra six parking places. Houck believes there are areas that could allow additional parking. The Planning Commission could require that the 408 parking stalls be provided rather than granting the waiver. Houck did not know how many were handicap stalls, but he presumes 4%, which is required by ADA, maybe 15-16 stalls.

Response by the Applicant

With regard to the waiver of the setback between buildings, Hunzeker advised that this refers to a provision that states that between one-story buildings there has to be 30' separation and between buildings of three or more stories, it has to be 40'. The waiver being requested is between the new proposed three-story building and the existing clubhouse building, which is a one-story building. Hunzeker stated that he tried to suggest to codes that they didn't need to meet the 40' spacing because they are not both three-story buildings. All of the other setbacks are met or exceeded, including the setback along 84th Street. They had requested a waiver along 84th Street due to the 84th Street widening project; however, that waiver is no longer needed.

Hunzeker advised that no more units could be constructed without a waiver of the cluster density. The overall density of the community unit plan is well below what is allowable, but the density of this particular site is right at the ceiling. In fact, it goes one unit per acre over with this project. "We're done." We can't really do any more. It is possible to put more parking stalls, but they do not believe it is necessary or more desirable because they would have to tear out some landscaping to do it. Hunzeker believes there is plenty of vacant parking on a regular basis.

Carlson asked Hunzeker whether he has any sense of direction from the owners as to further increase in dwelling units. Hunzeker believes this is it because there isn't a place to do it. It would require taking down one or more buildings and it would create parking problems.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: August 9, 2000

Schwinn moved approval of the Planning staff recommendation of conditional approval, seconded by Duvall and carried 9-0: Duvall, Schwinn, Newman, Carlson, Steward, Taylor, Krieser, Hunter and Bayer voting 'yes'.

**CHANGE OF ZONE NO. 3268,
GARNER INDUSTRIES FINAL PLANNED UNIT DEVELOPMENT,
ON PROPERTY GENERALLY LOCATED
AT NORTH 98TH STREET AND HIGHWAY 6.**

PUBLIC HEARING BEFORE PLANNING COMMISSION: August 9, 2000

Members present: Duvall, Schwinn, Newman, Carlson, Steward, Taylor, Krieser, Hunter and Bayer.

Planning staff recommendation: Conditional approval.

Proponents

1. Mark Hunzeker appeared on behalf of **Garner Industries**. The applicant is in complete agreement with the conditions of approval, except the following:

Condition #1.1.18 refers to recalculation of "...the flood storage....to attain 'no net loss of storage' in both the mapped and unmapped floodplains." Hunzeker requested that this condition be deleted, and he believes staff is in agreement. Back when they were coming through with the preliminary PUD process, there was a lot of discussion about a lot of different issues, including that a substantial part of this site is in the floodplain. They had discussions with the NRD, FEMA, Planning, etc. By the time they got to the City Council, it was known that there would not be a complete no net loss of flood storage on this site. They will have a minor amount of fill. They had reached an agreement with staff that centered around approximately 20,000 cubic yards of fill and they are now at less than 10,000 with a goal to get lower. They are also in the process of taking material out of the floodplain to use for fill, creating a substantial area of wetland which will enhance water quality during storms of less than 100 year frequency in a way which at least mitigates the impact of the reduction in flood storage. The FEMA engineer indicated that this minor loss of flood storage was no big concern because it is so far downstream next to the creek.

Condition #1.1.14 requires a drainage study and calculations for sizing of the box culvert, etc. Hunzeker stated that he will not object to this condition being included but he will probably appeal it as this application goes to Council. The drainage study and calculations were provided prior to submission of this final PUD and apparently it got shuffled into something else in Public Works. Hunzeker does not know whether there has been adequate opportunity for Public Works to review it. He does not anticipate a problem, but he will appeal this condition.

Condition #1.1.15 deals with some county road standards. The applicant submitted grades according to city road standards within the 3-mile limit and discovered last week that the County Engineer believes they need to meet the county standards instead, which causes a considerable problem. It is not a physical problem but a problem of expense because there is a very large water line in that road. The applicant will be talking more with the County Engineer on this issue.

Conditions #3.3 and #3.4 relate to the paving of North 98th Street and dedication of right-of-way along North 98th Street prior to receiving building permits. The applicant has agreed to pave 98th Street and grade it, but at that time they thought they were dealing with City standards. This paving will not be completed prior to receiving building permits. Therefore, Hunzeker requested that Conditions #3.3 and #3.4 be moved out of section 3 and a new section created for these two conditions to occur prior to receiving occupancy permits.

Hunzeker summarized that this applicant feels fortunate to have had excellent cooperation from all the city staff and there are some discussions with the County that they need to resolve before they get into construction.

There was no testimony in opposition.

Staff questions

Carlson inquired about the applicant's proposed amendments to the conditions of approval and whether there is agreement with the staff. Mike DeKalb of Planning staff did not object to the requested amendments. The staff would agree to tie Conditions #3.3 and #3.4 to occupancy permits. Relative to the floodplain, there has been ongoing discussion with staff and he believes they can work out any issues that come up.

Carlson wanted to know what would address the flood storage if Condition #1.1.18 is deleted as requested by the applicant. DeKalb agreed that the applicant did provide calculations and numbers which reflect about 12% loss of storage. The goal had been to shoot for zero--no net loss. However, he concurs that there was an understanding that that may not be possible. The current position of staff is that what is proposed is probably the best they can do.

Carlson inquired about the applicant's position on Conditions #1.1.14 and #1.1.15. DeKalb suggested that those conditions be left intact and the applicant can appeal as it moves forward. There will be continuing discussions between Public Works and the County Engineer in the meantime. There is sufficient time to accomplish this.

DeKalb clarified that the covenants which have been agreed upon and filed cover the flood storage issue.

Steward suggested that Condition #3.6 takes care of the continuing negotiation and the guarantee of satisfaction between staff and the applicant before the building permit. DeKalb concurred that all of those things will have to be done. We were trying to reach a higher standard and we just can't quite get there.

Hunter wanted to know what "the best we can do" means in terms of a rain storm like what happened on the south side of town a few years ago. Is other property going to be affected by this in that situation? Hunter believes we are compromising the standard that we set with the new ordinance. Dennis Bartels of Public Works advised that there was roughly 10% difference between the cut and the fill. This is in an area of backwater storage along Stevens Creek so as far as looking at one site at a time, the amount of storage lost is insignificant as far as the floodplain elevation on Stevens Creek. Looking at this site alone, the amount of the storage that is lost is insignificant. You probably would not be able to calculate the difference based on this one site.

Steward observed that the city has spent a great deal of time and effort evolving new floodplain standards, and we're saying we are going to compromise these one-by-one? Bartels concurred, adding that the city is working on legislation to account for it but at this point in time there is no regulation beyond the federal requirements. We are attempting to adopt legislation for no net rise in the floodplain. Bartels stated that what is proposed is an acceptable condition at this particular location because of the backwater effect. It is kind of a case by case basis as to where the fill might be located and the amount of the fill in the floodplain.

John Olsson, of Olsson Associates, advised that the applicant intended to provide zero flood storage, but there are some causes at this site that made that difficult to achieve, i.e. on-site wastewater treatment and drinking water. Because of the location, they cannot use city services for water and wastewater and must provide those services on-site. They are proposing an on-site wastewater system—leach field. This cannot be put in the floodplain. If they didn't have to do the on-site wastewater system, they could carve that area out to provide flood storage. There must be separation distances from the wastewater to the drinking water well. The drinking water well will be put up at the northern part of the site and must be elevated above the 100-year floodplain. Another reason is that they are trying to maintain some setback to the highway to be mindful of the entryway standards. They will be providing significant landscaping along Highway 6 to enhance the entryway to the city. A small pond in the front of the building will be used for fire protection.

Olsson suggested that they could put the building on stilts and store water underneath but that comes at an expense. They are trying to work with all the different constraints to come up with a solution that accommodates the needs of everyone as best possible.

Steward wondered at what point we say there are too many constraints and the engineer advises the client that this is inappropriate. Olsson stated that it depends on where you are at the site. This is at the very downstream portion of the Stevens Creek watershed. If it was in the floodway, that would be another situation. This is in backwater.

Dennis Bartels clarified that with this amount of fill, there is nothing in the existing floodplain zoning standards that would prohibit the amount of fill that is being proposed.

Bayer asked whether this application meets all of the rules that exist today, and Bartels believes that it does.

Response by the Applicant

Hunzeker pointed out that this application does meet all the existing requirements and actually goes well beyond. Part of the reason for the amount of fill is that they are preparing this site in anticipation of a doubling of the size of the original building. They are not just going in and putting in a building that they anticipate will be expanded. We've come in up front saying we need about a 75,000 sq. ft. structure today, but we want to provide for sufficient expansion room to double its size in the future.

He reiterated that the applicant will need to work out the street grading issues with the county.

Carlson wanted to know whether there are other options for the flood storage. Bartels was not aware of any options on the site where they could add more storage. There is a tributary running through the property that runs into a wetland and it is real flat. You still have to keep the water flowing toward the west. He believes they are close to being out of options for increasing the storage short of retaining walls, etc. Water is flowing from the east under 98th Street into a relatively flat field which is as low as you can go. If you lowered it you would create a lake or pond which would be full of water when there was a storm. Carlson wants to keep the water from flowing too fast into the remaining channel. What are we trying to achieve by keeping the storage? Bartels stated that it would be difficult to achieve at this low end. It is right next to the floodway. Bartels does not think you could accomplish enough on the site without trying to store water east of 98th Street on someone else's property. There might be ways to accomplish it off-site but to keep the solution within the site the options are limited. In a backwater area you don't affect the elevation by filling it because a lot of it is caused by headwater effects or restrictions downstream such as a bridge or culvert. The storage effect is minimal in the true backwater situation. Carlson suggested then that you limit the ability of this area to accommodate overflow, so you are increasing the water flow somewhere. Carlson suggested that the only way to accommodate overflow is by digging deeper and raising the

building to allow more area to accommodate that overflow. He just wants to make sure there is no other technique.

Bartels could see building a retaining wall in some of the areas where they have side slopes. That might gain a certain amount of storage area.

Hunter is concerned about the cumulative effect of additional development in the future. Isn't that basically what happened with Beal Slough? Wasn't that a cumulative effect of development? In general, Bartels agreed that to be correct. In his mind there is a certain fallacy to the floodway. It assumes you fill the designated floodplain and not cause more than 1' rise in the area designated as a floodway, but you want to keep development out. If you had total fill of all the flood fringe area you would eventually raise the floodway. That has been a nationwide fundamental.

Hunzeker approached the Commission stating that the applicant did spend a lot of time in staff meetings talking about the floodplain and how to deal with it and how to message this site in a way to best accommodate the goal, which was to reach no net loss of storage. This project far exceeds the existing standards. The way FEMA computes the elevation of the floodplain is that they assume that you can fill the entire floodplain and not raise the elevation of the flood at that location by more than a foot. They are not anywhere near a situation where they would be having an adverse impact on flood elevation because of the small size of this site and its location. It would be undesirable to slow down the runoff on this site because it is so close to the creek and the floodway. The theory of detaining or slowing down the flood water is that you reduce the peaks. If you are close to the stream you want to get it out of there right away.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

August 9, 2000

Duvall moved approval of the Planning staff recommendation of conditional approval, with amendment deleting Condition #1.1.18 and moving Conditions #3.3 and #3.4 to be done prior to occupancy permit, seconded by Krieser.

Carlson believes that in general this is a good place for this industry. But we have a public responsibility to make sure we are doing everything site appropriate that we can. His position goes both directions on the no net rise issue and maybe this is an impetus to investigate the floodplain standards. It looks like there was a point of understanding that they would do that in the beginning.

Newman voted in favor of the preliminary PUD and change of zone, but subject to protective covenants to the satisfaction of the city departments. The Health Department is still saying this is not the right thing to do. We are talking about pushing away the no net loss. She doesn't think it's right. If Garner is not right for this location, maybe we need to look at a smaller facility.

Steward stated that he will reluctantly support the motion because he does sincerely believe that they are within the letter of the regulations as they currently exist; however, this points out that the regulations we currently have are flawed. He does not believe we have a genuine and thorough enough set of restrictions for floodplain development for this community and the cumulative effect that this suggests is where we end up with a larger issue than one property at a time. He believes there are circumstances when site selection responsibility exists and one should draw the line. He believes this is the case in this situation but he does not believe the Commission is in a position to deny this application on the basis of the floodplain issues.

Carlson moved to amend to include Condition #1.1.18, seconded by Steward. Carlson wants to make it clear that it is an important condition to have at this point.

Hunter wants to know the reasons why they have no ability to accommodate the no net rise. Wouldn't it be better to allow exceptions on such things as setbacks and accommodate the more important long term issue, i.e. floodplain requirements? Isn't it more important to address another possible way of giving the go for this project? Maybe they need to move the building.

Motion to amend to include Condition #1.1.18 carried 5-4: Newman, Carlson, Steward, Taylor and Hunter voting 'yes'; Duvall, Schwinn, Krieser and Bayer voting 'no'.

Main motion, as amended to include Condition #1.1.18, carried 9-0: Newman, Carlson, Steward, Taylor, Hunter, Duvall, Schwinn, Krieser and Bayer voting 'yes'.

RECONSIDERATION OF

CHANGE OF ZONE NO. 3268

August 9, 2000

After a brief recess, Hunter made a motion to reconsider Change of Zone No. 3268, seconded by Duvall and carried 8-1: Duvall, Schwinn, Newman, Carlson, Taylor, Krieser, Hunter and Bayer voting 'yes'; Steward voting 'no'.

Duvall made a motion to approve the Planning staff recommendation of conditional approval, with amendment deleting Condition #1.1.18 and moving Conditions #3.3 and #3.4 to a section to be completed prior to occupancy permit, seconded by Schwinn.

Hunter explained that she made the motion to reconsider because she now has information to help her understand. The original proposal (the preliminary PUD and Change of Zone No. 3236) included a condition that there be no more than a certain amount of fill brought in, and that was acceptable at the time of the preliminary PUD and zone change. It was agreed at that time that the project did in effect cause a rise on the property and the way the development is proposed was acceptable and does meet the current standards that we have for floodplain regulations.

Kathleen Sellman, Director of Planning, offered that the question is whether this project as submitted meets the requirements as established in the previous approval. The previous approval tied the applicant to a set of covenants that were developed subsequent to the public hearings on this project. The applicant has met those covenant requirements as well as meeting any adopted standards regarding floodplain.

Newman still has concerns because she reads that the Health Department recommends denial because half the building and 2/3 of the building envelopes are shown in the floodplain and it will result in a loss of flood storage.

Bayer noted that the Planning Department is recommending approval with the amendments being requested. Sellman concurred. She further stated that the Health Department is not the agency that determines compliance with floodplain regulations. But Newman believes the Health Department is responsible to clean up the result of properties built in the floodplain.

Carlson clarified with Sellman then that there is additional information other than what is in the staff report and he wants to know what that additional information would tell him. Sellman explained that the conditions of approval were intended to preserve the I-2 zoning and to limit development under the I-2 zoning. It was a plain I-2 that was previously approved. This request is to change the zoning from I-2 to I-2 PUD. During the period between the approval of the I-2 and today, a number of meetings between the applicant and his consultants and representatives and city staff occurred to discuss these issues. During the course of those meetings, the applicant provided information that clarified the situation on the site. During those meetings there was also agreement consistent with testimony that the applicant offered at the previous hearing, that there could be up to 20,000 cubic yards of fill that would be necessary on the site to develop it as proposed.

They have now provided a more detailed development plan which indicates they can accomplish this development with approximately 10,000 cubic yards of fill. The covenants were intended to prevent development without having a PUD approved.

Carlson noted that the covenants were not a part of the packet presented to the Planning Commission. Sellman agreed that there is information that is not in the packet that would have been helpful. Carlson confirmed with Sellman that it is the Planning staff's professional opinion that what was agreed upon is satisfactory. Sellman stated that the restrictive covenants specifically outline what it is that will occur and what the final PUD must comply with. The covenants do address the specific conditions of any fill that would occur. Carlson wants to make it clear for the record that this is information that has an impact and which was not included in the staff report. Sellman believes those restrictive covenants would have been helpful and they should have been provided to the Commission in this deliberation.

Motion for conditional approval, deleting Condition #1.1.18, and renumbering Conditions #3.3 and #3.4 to be complied with prior to occupancy permit, carried 8-1: Duvall, Schwinn, Carlson, Steward, Taylor, Krieser, Hunter and Bayer voting 'yes'; Newman voting 'no'.

CHANGE OF ZONE NO. 3274
FROM R-2 RESIDENTIAL TO R-5 RESIDENTIAL
ON PROPERTY GENERALLY LOCATED
AT SOUTH 46TH STREET AND PIONEERS BLVD.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 9, 2000

Members present: Duvall, Schwinn, Newman, Carlson, Steward, Taylor, Krieser, Hunter and Bayer.

Planning staff recommendation: Denial.

Proponents

1. **Keith Dubas**, 1712 E Street, the architect for the applicant, requested that this public hearing be deferred to give the applicant an opportunity to meet with the neighbors. They have scheduled a meeting for August 15 at South Gate Methodist Church.

Steward moved to defer, with continued public hearing and administrative action scheduled for September 6, 2000, seconded by Schwinn and carried 9-0: Duvall Schwinn, Newman, Carlson, Steward, Taylor, Krieser, Hunter and Bayer voting 'yes'.

Opposition

1. **Joann Smith**, 4311 South 46th, testified in opposition. She advised that there are several people from the neighborhood in the audience and she submitted written notes from the neighbors that were not able to attend today.

Relating to another hearing the Commission is having today relating to Public Way Corridors, Smith pointed out that this application applies to Pioneers Boulevard and it does not have a 140' corridor, but about 50'. She would like to see Pioneers Blvd. created as a positive physical image for the community. The R-2 allows single family as well as 2-family dwellings and this is the standard for this area. There are other R-5 areas to the north with nothing to the west, east or south. These residents would like to see the area remain residential. With only the 50' corridor, that area needs to be kept wide open and not enclose Pioneers Blvd. any more than it already is. The neighbors are not opposed to two-family dwellings, but it is a concern when she looks at the R-5 zoning which allows multiple dwellings and townhouses. This encloses that area too much. Pioneers Boulevard already has increased traffic.

Smith read comments from Kathy Hammer, 4540 Pioneers Blvd., which is directly to the west. "This area already has enough congestion created by the three large complexes, four-plex and numerous duplexes. This will become a safety issue for all the children who use the crosswalk getting to the two schools just blocks from this corner. The landowner does not and has not maintained this property. The weeds are a good 2' tall. When this property was a rental for a single family, the area was an eyesore. They never kept up on the property. How can he or she think they can keep up an apartment complex?"

This application will have continued public hearing and administrative action on September 6, 2000.

SPECIAL PERMIT NO. 1825A
AMENDMENT TO PRAIRIE VIEW ESTATES C.U.P.
ON PROPERTY GENERALLY LOCATED AT
S.W. 9TH & WEST "A" STREETS.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 9, 2000

Members present: Duvall, Schwinn, Newman, Carlson, Steward, Taylor, Krieser, Hunter and Bayer.

Planning staff recommendation: Conditional approval.

Rick Houck of Planning staff advised that it has come to his attention that the name of this CUP and the subsequent preliminary plat and final plat very well could be in conflict with Prairie View Addition which was platted out in the County many years ago. The staff would suggest that the Planning Commission add a condition that prior to scheduling on the Council agenda, a new name be given to this CUP.

Proponents

1. Tom Cajka of Ross Engineering appeared on behalf of the developer. He provided a history on this proposal. This same development came before the Commission a few months ago. The preliminary plat and CUP were approved by the City Council on May 8, 2000. This amendment mainly has to do with extending some lot lines closer to the street and extending the building envelopes. In addition, the previous CUP showed 11 townhouse units, which are being changed to 9 single family residences with this amendment. There was a four-unit townhouse which has been changed to 5 units. The previous 3-unit has been changed to 4 units. However, the overall total dwelling units has remained the same. They want the north units to have the option of single family or townhouse.

Cajka pointed out that along the east boundary adjacent to the existing neighborhood, they have left the buffer zone the same as previously approved. They have not done any encroachment on that side.

Cajka requested that Condition #1.1.3, the landscape requirement, be deleted. The reason they are asking for landscape waiver is that there is an existing tree mass along the west boundary and adjacent to that is Homestead Expressway, so there are no residents until you get to the west side of the Bypass. All of the grading has been done, except for the streets. The utilities are in place. The grader has informed the developer that all trees that are there now will remain.

With regard to Condition #1.1.5, they will extend a public access easement that will go to the property lines. Block 5 has remained the same as in the previous CUP. The reason they did not change anything on Block 5 was so that they could proceed with the final plat of that area. There will be a common access public easement that will extend down to the lot lines across the street (private roadways).

Steward asked if the applicant believes they are satisfying Condition #1.1.5. Cajka stated that to be the intent, by extending a public access easement.

Carlson noted the landscape waiver and inquired whether the applicant's waiver was intended for the west side only. In other words, the applicant desires to substitute existing tree mass on the west boundary for the landscaping requirements. Cajka concurred.

Cajka had no issues with renaming this subdivision but he needs to talk with the Register of Deeds to be sure it is necessary.

There was no testimony in opposition.

Schwinn inquired about an interchange. Cajka pointed out that "A" Street goes over the Salt Valley Expressway at that point. They have no plans for an interchange there. The

state does not have a plan that he knows of. Schwinn believes the neighbors think they are getting one.

Carlson asked for staff help on Condition #1.1.3. If Condition #1.1.3 is stricken in its entirety, does that mean there is no minimum landscaping requirement? Houck advised that there is no landscaping requirement as long as they stay with duplex. They do need the landscaping waiver along the west and north side because the subdivision ordinance requires that when lots back up to a major street, then the lots have to be screened from that street. On a normal single family lot, we will usually see some type of fence or dense coniferous screening. It is primarily a device used to block sound to soften the impact. A significantly dense tree mass would function as proper screening.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

August 9, 2000

Steward moved approval of the Planning staff recommendation of conditional approval, with amendment to add a new condition to rename the application before transmittal to the City Council, seconded by Newman.

Steward specifically did not include any reference to Condition #1.1.3 regarding the landscape waiver. In looking at the aerial photograph he presumes that the tree mass still exists on the west side of the property, and reinforcing that presumption are the notes on the site plan which designates that there is an extensive number of elm and cottonwood trees to be removed. This seems to be reasonable landscaping if protected, and he does not want to void the landscape plan altogether.

Motion for conditional approval, with amendment, carried 9-0: Duvall, Schwinn, Newman, Carlson, Steward, Taylor, Krieser, Hunter and Bayer voting 'yes'.

STREET & ALLEY VACATION NO. 00011
TO VACATE THE NORTH-SOUTH ALLEY BETWEEN
SOUTH 13TH STREET AND SOUTH 14TH STREET,
NORTH OF N STREET.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 9, 2000

Members present: Duvall, Schwinn, Newman, Carlson, Steward, Taylor, Krieser, Hunter and Bayer.

Planning staff recommendation: A finding of conformance with the Comprehensive Plan and conditional approval.

Mike DeKalb of Planning staff submitted illustrations of the proposed fire escape that will be constructed upon approval of this alley vacation.

Proponents

The applicant's architect appeared to answer any questions.

Steward inquired as to what generated the need for this fire escape in the alley. The architect advised that the building will continue to be an office building. There has always been a fire escape on the east side of the building which no longer meets codes. To upgrade the building one of the life safety issues was to take off the existing fire escape and replace it with one that meets code. The stairway needed to come down and land on the alley. The new stair will have supports and will not hang off the building.

Steward asked whether the architect knew of any other plans for the space that is now the alley. The architect indicated that he has not had any contact with anyone, but he believes the adjacent owners are in support of this vacation and are prepared to maintain the alley.

There was no testimony in opposition.

Carlson asked staff to respond to the proposed design. Ed Zimmer of Planning staff believes the proposed design will be acceptable.

Hunter inquired about Condition #4: "Any proposed construction in the alley shall be approved by the Historic Preservation Officer of the City of Lincoln." Zimmer explained that two of the four buildings that abut the alley are landmark designated buildings today and any construction on those buildings would be reviewed. The Federal Trust Building is in the process of applying for National Register. If other proposals came forward, they would also be routed through the process. However, Zimmer does not anticipate any additional developments in this alley.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

August 9, 2000

Schwinn moved approval of the Planning staff recommendation, seconded by Carlson and carried 9-0: Duvall, Schwinn, Newman, Carlson, Steward, Taylor, Krieser, Hunter and Bayer voting 'yes'.

**COMPREHENSIVE PLAN AMENDMENT NO. 94-58
TO AMEND THE TRANSPORTATION CHAPTER OF THE
1994 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN
TO ADOPT THE "BOULEVARD CONCEPT" FOR PUBLIC WAY
CORRIDORS.**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 9, 2000

Members present: Duvall, Schwinn, Newman, Carlson, Steward, Taylor, Krieser, Hunter and Bayer.

Planning staff recommendation: Approval.

1. **Allan Abbott**, Director of Public Works & Utilities, explained that the Public Way Corridor concept has come about primarily as a result of concerns expressed throughout the community about the appearance of the streets and the ability to get what is desired within the street right-of-way. The concept is not to be confused with the ability to add lanes to a street in the future. Many people have asked for street trees, the ability to make medians look attractive, and the addition of trails within the street right-of-way. All can be accomplished if sufficient right-of-way exists. It cannot be accomplished in 120' of right-of-way, however. We are living with what were well-conceived decisions a few years ago. Look at 27th north of Superior. Who in their wildest dreams would have thought that would develop as it did? We are now needing additional lanes on 27th Street and there is no room to widen it without significant additional cost.

Abbott noted that Commissioner Newman has had a rather strong voice about high impact corridors and the ability to widen streets with high impact corridors. The purpose of this study was to develop a right-of-way width on mile-line corridor roads that would allow for future expansion. There are a lot of questions that will be asked and will need to be answered.

Abbott observed that more right-of-way costs more to maintain. This will come out of the Public Works or Parks budget. It will reduce the amount of housing available to be built. There may need to be some revisions to setback distances to accommodate a corridor such as this. Fences will provide a screen but as you travel down Old Cheney and see the fences that close, it becomes an aesthetic issue.

Abbott explained that this proposal is not before the Commission because Public Works or Planning desired to have wider streets on every mile line corridor road, but to respond to the community concerns that the staff has heard about what image we want this community to present in the future.

2. Nicole Fleck-Tooze of the Planning Department stated that the Boulevard Concept for Public Way Corridors was brought together by a study team composed of Public Works, Planning and the Parks and Recreation Departments. They worked together with Clark Enersen Partners and engineers out of Omaha.

The team met with the Home Builders on July 31st. The Home Builders were concerned about not having adequate time to prepare comments. Tooze requested that the public hearing be held over to the September 6th meeting. Bayer also noted that there was a request to put this item on the September 6th agenda as the first item after the Consent Agenda. The Long Range Transportation Plan is scheduled for public hearing on September 6th, also, and it is desirable to conclude this proposal prior to the presentation on the Long Range Transportation Plan.

Schwinn moved to continue public hearing and administrative action on September 6th, immediately following the Consent Agenda, seconded by Krieser and carried 9-0: Duvall, Schwinn, Newman, Carlson, Steward, Taylor, Krieser, Hunter and Bayer voting 'yes'.

Fleck-Tooze advised that there was a gentlemen here by the name of **Steve Bors**, 6800 Rebel Drive, who is **in opposition** but he was unable to stay. He abuts 70th Street between Yankee Hill and Rokeby Road and is concerned about the impact of the corridor on his property.

Fleck-Tooze then identified the existing conditions. Currently, 100' right-of-way is the standard for most of our urban streets, which has to accommodate four through lanes, turn lanes, street trees, landscaping, sidewalks and bike paths. Our current design standards allow for screening requirements for residential areas to be met with a board fence. The subdivision ordinance also requires that street trees be located on private property outside of the right-of-way. The kind of image this gives our corridors is one of visual barrier and physical barrier between our neighborhoods. There is a lack of street trees and other

landscaping, creating a harsh environment in many circumstances. Although the right-of-way width today is 100' in most cases, the actual width of the functioning corridor is often larger for utility easements. The sidewalk or trail is often pushed up against the street curb so there is an issue of safety and there is no desired distance between the street trees and other elements.

Fleck-Tooze further noted that today's street tree plan designates ornamental street trees adjacent to arterials. These do not always provide any kind of canopy or adequate shade for pedestrians. Parking is allowed in the front yard setback along commercial streets. There is a need to remove ice and snow, to adequately maintain the landscaping, etc. There are a lot of utilities that need to fit within this corridor today that occur underground, i.e. storm drains, street lights, fiber optics, electrical lines, telephone, water, etc.

Fleck-Tooze further suggested that today's roadway right-of-way does not have the ability to accommodate future additions to turn lanes or through lanes so there is adverse impact on our existing neighborhoods when this is not planned for up front.

Fleck-Tooze advised that this concept is being brought forward with the intent to enhance the long term livability of Lincoln; it accommodates the addition of future traffic lanes for automobiles, pedestrians and cyclists; this concept plans for utilities; it is attractive from a landscaping standpoint with some improved urban design features. The corridor is 140' which accommodates up to four through lanes of traffic and trails and sidewalks for bicycle and pedestrian circulation. It pulls the street trees and landscaping back into the corridor and provides for multi-use of the corridor with bicycles and pedestrians. It really has the ability to evolve over time as changes occur in that corridor.

3. Lynn Johnson, Director of Parks and Recreation, explained that the primary objective was to look at the landscape type. There has been ongoing community discussion about the landscaping within the right-of-way area. They ended up with 5 different landscape types over the last couple of years. There interest is to come up with something green, with minimum maintenance, that allows for the community to participate in upgrading that standard if the neighborhood desires. The street trees located between the sidewalk and the curb and the landscaping within the median would look similar to that along Capitol Parkway between 27th & "A" Street—small ornamental trees, with low maintenance ground cover. To maintain a mile of the boulevard is essentially the cost it takes to maintain a neighborhood park. We want some standard that is less than the current standard because the maintenance does have to occur.

Another type is prairie grasses and wildflowers. This is a little higher maintenance standard than the buffalo grass.

The evergreen street tree concept (evergreens placed between the curb and the sidewalk) is something we do not see significantly in Lincoln.

The most expensive landscape to maintain is the combination of trees, shrubs and perennials, for example, such as along South 40th immediately south of Highway 2.

Johnson then discussed the comparison costs between the different types of landscaping. The low native ground cover concept allows for maintenance three times a year and trimming the street trees on a regular basis.

4. Jim Visger of Public Works and Utilities, Engineering Services, discussed the proposed implementation of the Public Way Corridors. What the team sees as a possibility for implementation is the opportunity to build a roadway along one side of a corridor such as was done on Pine Lake Road between 14th and 27th, where we built the north half and let it serve as two-way until this year. We could implement the concept by building from the inside out, i.e. put in a 28' wide median and build one lane on each side of it with a shoulder section adjacent to it. According to the standards, we would need 16' on a one-lane facility.

Visger suggested that one of the important features with a corridor development like this, regardless of how you put in the road system, is that you put in the corridor with the intention and deliberateness of evolving that corridor such that the entire corridor matures. If we build the south side of an east-west roadway, the commitment is that we put in our street trees on both sides so that as that corridor develops you don't have 30' tall street trees on the side of the paving and you end up with toothpicks when you develop the other side. We need to commit to insure that a corridor has the opportunity to mature and evolve.

As far as cost, the costs in the published report are representative of actual costs, but in the explanation there is a statement that there are other costs associated for lighting, traffic signals, utility relocation, etc. The costs in the published report are not going to be the final costs. Visger then submitted an updated table showing the real costs today, which were established from recent projects—two one-mile sections of 70th and the mile section of 84th under construction. These costs as presented are very representative of what we would expect as a base cost for such improvements today or even perhaps in the next year or two. The right-of-way costs have been excluded on this cost table. Public Works is currently spending 2.3 million dollars per mile for a four-lane section of 100' right-of-way. The cost of the first section of 70th because of the dual lefts, would have been considerably higher.

With regard to maintenance, Visger stated that even with brand new roads we are discovering that utilities and the road system do not mix. You cannot put utilities longitudinally under a road or transversely and expect that the compaction that you get after you place that in is going to equal the original compaction. So what happens, as we get surface water migration, it migrates into that soil and it migrates along the finds found in those corridors where you place the utilities. Those contribute to the pumping action you see in the pavement. It is caused by not being able to remove all of the utilities. This

proposal for 140' is based upon there being no tappable type of utility underneath those roadways.

Fleck-Tooze summarized the presentation, stating that the proposal attempts to respond to concerns that have been expressed about the impact of the acquisition of 140' for a corridor. The proposal attempts to portray an ability to be flexible and to implement the corridor in different ways, such as the ability to use outlots along the roadway to compose a portion of the corridor so that the entire corridor does not need to be in the right-of-way. Outlots could be used in residential and commercial areas. The density from that outlot could be transferred elsewhere on the site through a community unit plan or PUD. Utility and public access easements could accommodate sidewalks and trails through those outlots.

Fleck-Tooze suggested that other alternatives include the opportunity to look at reductions in the lot depth for residential areas adjacent to arterial streets. Today the lot depth requirement is 120'. Reduction in setbacks in the commercial areas might also be an opportunity. Today we still have a building line district and the study recommends that the Building Line District should have further consideration and might apply to these corridors in certain areas.

Another suggestion is to pull street trees into the 140' corridor. This will provide for canopy and green edge. Another suggestion is that sidewalks, trails and landscape screens should be required to be installed within 2 years of final plat approval, rather than the current 4 years. There are also revisions to the street tree master plan suggested.

With regard to landscaping, Fleck-Tooze advised that the proposal recommends increased landscaping in commercial areas for the buffering of parking lots.

Fleck-Tooze then displayed a map representing the area to which the proposed concept is envisioned to apply, i.e. the mile line section roadway framework as it extends outward from the existing city limits into the three-mile jurisdiction. The team envisions that this has a relationship to the county road network. As right-of-way acquisitions are considered by the County Engineer, it might be desirable that additional right-of-way be required and it is recommended that the city and county work together to develop a process of review.

Duvall inquired whether this will be standard policy as far as the use of outlots and transfer of density in a community unit plan. Fleck-Tooze advised that the use of the outlot could be done today. The other recommendations would require changes to the codes, which would be the next step if this concept is adopted.

Steward indicated that he will not be at the Planning Commission on September 6th, so he wanted to ask his questions now. If this is adopted by the Commission and the Council, including the map as shown, Steward wondered how easily the grid system can be changed. With approval of this proposal, are we bound to this policy to every red line on

every one-mile mark? Is that the intent? Fleck-Tooze did not believe so. She suggested that in general, this proposal attempts to express a concept based on our roadway framework. But it does not fix any one particular roadway to that alignment. There will be flexibility. Steward is concerned about the map. We all know where the grid originally came from—railroad surveyors had a straight line in mind. This is not necessarily fine for streets in city planning. It is great for transportation engineers who like to work with straight lines. But whoever determined that Capitol Parkway was an appropriate thoroughfare through this city had nature more in mind than the grid system. We will continue to run into these issues of Stevens Creek and areas where we don't want to build roadways, of terrain and topography, that will cause us to not want to do a grid system everywhere throughout the city. He hopes that we can describe distinct flexible processes when the final approval is said and done. Let's say we have an urban village on a two-mile grid, and that we did not want a grid running through the middle of an otherwise pedestrian oriented village concept. He really is distraught at the image of looking to infinity to that 140' corridor that finally comes to a point out there that we can almost see somewhere toward Canada.

Steward encourages the concept for the 140' width and the multi-modal opportunities and the landscaping, but if we can be sure to follow more natural terrain, if we can take into account yet unimagined development patterns and characteristics, then he would be much more comfortable.

Newman concurred with Steward. She questions the flexibility.

Taylor inquired about the placement of utilities. Visger concurred that they would be behind the curbs instead of in the street. The city does attempt to locate as many of the tappable types of utilities behind the curb now as they can. There are ten state standards that do not allow storm sewer next to a water main. The demand on corridors by private utilities for trans-continental bsl lines that proliferate are taking up a lot of our right-of-way. We need to have some way to control that. If we have right-of-way that we can parcel to the utilities, we have a lot better chance of controlling it.

Support

1. **Tim Knott**, appeared individually and on behalf of the **Audubon Society**. The advantage of having 140' right-of-way means potential for more trees, shrubs and improved wildlife habitat along these major arterials. This will be beneficial and it will be much more attractive for the citizens of the community.

Opposition

1. **Rick Krueger** testified in opposition. He has attended numerous of the open houses and has submitted a letter. He has a question for staff: If this proposal is approved, at what point will we start reviewing projects to comply? He wants a definitive answer. He believes the concept has some good ideas, including planting street trees between sidewalks and curbs and adding more species of trees; however, the report states that, "This amendment will provide the basic authorization to pursue implementation of the 140-foot Public Way Corridor "Boulevard" concept in the fringe areas." He believes what is proposed is an increase in the public takings of 40% (20' on each side of the centerline of the road). Government needs to justify something that is this large. 20' of additional right-of-way around a section is about 9.7 acres, which, computed into dwelling units, would be 32 dwelling units taken out of production. It decreases the efficiency of the quarter section at about 1.6% of the land area. We could put a major league baseball stadium at the intersection of where these two 140' roads intersect.

In addition, Krueger is very concerned because there are no traffic studies associated with this proposal. There are no land uses associated with the trip generation to say we should need this for traffic.

Krueger indicated that he had done some research and nowhere in the southeast fringe do we have 140' of right-of-way required. Government needs to justify how much they need for takings. He also shared the transportation model which was part of the Wilderness Park Subarea Plan. They studied seven different scenarios showing traffic buildout numbers and there are few that approach a four-lane situation that would need 120' at the intersections. There are not enough projected trips to justify what is being requested.

Krueger also pointed out that if this 140' standard is approved without corresponding changes in the subdivision ordinance, it would move everything back in. In the report there are a number of ways to mitigate this; however, we need corresponding legislation running through at the same time.

In addition, Krueger does not understand who pays for what and when. The City, through the Parks Dept. budget and CIP, allocates \$50,000 for the master street tree planting program. Unless all of these costs are thrown on the private sector, how can we hope to achieve this vision unless we are going to expand those budgets?

Krueger suggested that it is important to take the trail component out of the section line roads. The trails should be put in the draws. This should be removed from the study.

Krueger agrees that it is easier for the private sector to allocate more ground for turn movements by adjustment to the setbacks on a commercial corner. He sees the big rub through the residential neighborhoods.

Krueger observed that this proposal assumes double left turn lanes at all intersections, both at section line roads and internal roadways. He questions whether that is the way to proceed. A dual left turn lane does not imply we can put twice as many cars through that intersection. They only work if signalized.

2. Victoria Northrup, 7420 So. 70th Street, testified in opposition. She believes that 16 or 17 of these corridors going east/west and north/south is a tremendously huge amount. She believes that four each direction would be sufficient. Before this proposal is approved, she would like to see the actual mile section line streets identified. Everyone that is living or owns property along these streets is going to be very nervous about this decision. In a perfect world, this would be a great idea if Lincoln was a prairie. A lot of people live and work along these streets and this will impact many, many people and she believes it is way too broad. It needs to be much more specific before approved.

Northrup is concerned about safety. She does not believe this will “knit neighborhoods together”. She does not think going across a 140' corridor is going to do a thing to knit her neighborhood together. She does not believe that South 70th has the density to justify a four-lane roadway that far out. She is within one mile of the latest widening of 70th Street. But she does not think there is enough traffic going south on 70th to warrant what is being proposed. The majority of the traffic seems to be gravel and oil trucks. This Commission should be working more on the beltway around the city than this proposal.

If this concept is approved, the concrete will be 1' from Northrup's property line and this is not acceptable. The back corner of her house will be 35' from this corridor. This is not acceptable and not feasible. When her home was built, 70th was a dirt road about 12 years ago. When paved, the grade changed. Therefore, the street corridor on her side of 70th is only 40'. The County installed a timber retaining wall approx 4' tall along the length of her acreage frontage. The landscaping affected will 63 mature trees.

Northrup has concerns about safety, noise, light and air pollution; she would like to see a density study done; if this area of 70th is identified, she believes that at the very least this particular grade of the road and her property needs to be given special consideration.

3. Mark Hunzeker appeared on behalf of the **Home Builders Association and Lincoln Board of Realtors**. They need the additional four weeks to review this proposal. This is the single largest land acquisition program that he has seen in the city of Lincoln. It appears that this would result in approximately 1700 acres of additional right-of-way over and above the standard 100' that is proposed to be acquired. This equates to 5500 dwelling units. Where will the money come from to acquire that right-of-way? It cannot rationally be said that a residential subdivision causes a need for 140' of right-of-way along

every single section line road. If you are going to move the trail system to the public rights-of-way, rest assured that people will be reluctant to dedicate rights-of-way for trails along the stream corridors and drainage ways through the middle of the section where those trails really belong and where the Comprehensive Plan says they should go. If we weren't so far behind in the 1 and 10 and 1 and 20 year street plans, it would be conceivable that there might be money available for the right-of-way, but we aren't. To suggest that the money is going to come out of street construction funds to acquire and maintain these additional larger rights-of-way, strikes him as being very optimistic.

Where in this country is a city that has a requirement for 140' right-of-way on every section line road? 140' of right-of-way is maybe desirable in certain circumstances where you are in fact anticipating heavy traffic, but there is no traffic study to justify even four-lane corridors for most of these roadways. We adopted a Comprehensive Plan that Public Works has complained bitterly about in that it incorporated a large amount of new land into the future urban area without a transportation study. Now they are proposing the flip-side of that, which is to go out and acquire right-of-way all over the county without any transportation study being done.

This proposal will have continued public hearing and administrative action on September 6, 2000.

COMPREHENSIVE PLAN CONFORMANCE NO. 00006
TO DECLARE SURPLUS PROPERTY GENERALLY LOCATED
IN THE AREA OF N.W. FAIRWAY AND WEST HARVEST DRIVE.
CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 9, 2000

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

Jennifer Dam of Planning staff submitted a letter from DaNay Kalkowksi indicating they have met with the Parks Department and are in support of the application.

Proponents

- 1. Peter Katt** appeared on behalf of a coalition of adjoining property owners that he has been representing on this issue for 2 ½ years. There are a large number of people adjoining this park facility. He agrees with the staff recommendation. It is in the best interest of the neighborhood and the city.
- 2. Lynn Johnson of Parks & Recreation** appeared to answer questions.

There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

August 9, 2000

Duvall moved to find the proposed declaration of surplus property to be in conformance with the Comprehensive Plan and to recommend conditional approval, as set forth in the staff report, seconded by Newman and carried 7-0: Duvall, Newman, Carlson, Taylor, Krieser, Hunter and Bayer voting 'yes'; Schwinn and Steward absent.

SPECIAL PERMIT NO. 1846
FOR A PERSONAL WIRELESS FACILITY
ON PROPERTY GENERALLY LOCATED
AT NO. 9TH STREET & "W" STREET.

CONTINUED PUBLIC HEARING BEFORE PLANNING COMMISSION: August 9, 2000

Members present: Duvall, Schwinn, Newman, Carlson, Steward, Taylor, Krieser, Hunter and Bayer.

Proponents

1. **Jill Bazzell** testified on behalf of the applicant, **U.S. West Wireless (now Qwest Wireless)**. The Planning Commission had requested that they investigate alternative locations and talk with the neighborhood association. The applicant has complied with the requests. All other alternative sites were ruled out as possible locations for RF reasons. They did investigate the UNL scoreboard but it does not give the coverage needed for the area. Therefore, the applicant is requesting that the original application site be considered and approved with the waiver of landscape requirements and fall zone.

The Commission asked for the neighborhood response. Corby Dill of Qwest Wireless advised that Steve Forbes of Qwest Wireless met with the neighbors after the first public hearing, but Dill did not have any specific information. He knows that the neighborhood wanted the landscaping to be done elsewhere in the neighborhood but the City Attorney's office advised that such a requirement is not appropriate and the applicant is not willing to do so. Dill believes that the neighbors are opposed to the facility in general.

There was no testimony in opposition.

Jennifer Dam of Planning staff requested that Condition #2.1.2 regarding providing landscaping at a different location be deleted. The City Law Department has determined that we cannot ask for this condition. The staff had also previously requested to add a condition regarding structural calculations; however, Dam advised that those calculations have been provided and are satisfactory so the additional condition is not needed.

Carlson assumed from the correspondence that the neighborhood's objection is the location of the structure. He presumes that has not changed and he has no sense that there were mitigating design influences that would change that. Dam concurred.

Hunter inquired about the bond. Dam advised that the bond required by the ordinance has been posted to guarantee removal. It need not appear as a condition of approval because it is a minimum requirement.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: August 9, 2000

Hunter moved to approve the Planning staff recommendation of conditional approval, with amendment deleting Condition #2.1.2, seconded by Taylor and carried 6-1: Duvall, Carlson, Taylor, Krieser, Hunter and Bayer voting 'yes'; Newman voting 'no'; Steward and Schwinn absent.

COUNTY CHANGE OF ZONE NO. 201
FROM AG TO AGR
and
COUNTY PRELIMINARY PLAT NO. 00018,
ROCA RIDGE,
ON PROPERTY GENERALLY LOCATED
AT SOUTH 68TH STREET AND ROCA ROAD.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: August 9, 2000

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

The Clerk advised that the applicant has submitted a written request to reopen the public hearing on September 6, 2000. The applicant is attempting to meet with the Mayor of Hickman to discuss possible alternatives for the project.

Carlson moved to reopen public hearing on September 6, 2000, seconded by Hunter and carried 7-0: Duvall, Newman, Carlson, Taylor, Krieser, Hunter and Bayer voting 'yes'; Schwinn and Steward absent.

There being no further business, the meeting was adjourned at 4:45 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on September 6, 2000.