MEETING RECORD

NAME OF GROUP:	PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING:	Wednesday, June 25, 2014, 1:00 p.m., Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska
MEMBERS IN ATTENDANCE:	Cathy Beecham, Michael Cornelius, Maja V. Harris, Chris Hove, Dennis Scheer, Lynn Sunderman and Ken Weber (Tracy Corr and Jeanelle Lust absent); Marvin Krout, Steve Henrichsen, Brian Will, Tom Cajka, Christy Eichorn, Sara Hartzell, Kellee Van Bruggen, Jean Preister and Teresa McKinstry of the Planning Department; media and other interested citizens.
STATED PURPOSE OF MEETING:	Regular Planning Commission meeting

Vice-Chair Chris Hove called the meeting to order and acknowledged the posting of the Open Meetings Act in the back of the room.

Hove requested a motion approving the minutes for the regular meeting held June 11, 2014. Harris moved approval, seconded by Scheer and carried 7-0: Beecham, Cornelius, Harris, Hove, Scheer, Sunderman and Weber voting 'yes'; Corr and Lust absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION: **June 25, 2014**

Members present: Beecham, Cornelius, Harris, Hove, Scheer, Sunderman and Weber; Corr and Lust absent.

The Consent Agenda consisted of the following item: **CHANGE OF ZONE NO. 14016.**

There were no ex parte communications disclosed.

Item No. 1.1, Change of Zone No. 14016, was removed from the Consent Agenda and scheduled for separate public hearing.

CHANGE OF ZONE NO. 14016
FROM O-2 SUBURBAN OFFICE DISTRICT
TO B-1 LOCAL BUSINESS DISTRICT,
ON PROPERTY GENERALLY LOCATED
AT NORTH 70TH STREET AND ADAMS STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION: June 25, 2014

Members present: Scheer, Weber, Harris, Beecham, Cornelius, Sunderman and Hove; Corr and Lust absent.

This application was removed from the Consent Agenda at the request of the applicant.

Staff recommendation: Approval.

There were no ex parte communications disclosed.

Staff presentation: **Tom Cajka of Planning staff** explained that this change of zone request from O-2 to B-1 is for the property located at 70th Street just north of Adams Street. The main reason for this application is because the two parcels have split zoning, with the southern portion already zoned B-1 and part of the northern part zoned O-2. The zoning line actually splits the buildings.

Cajka further explained that the applicant is only requesting the zoning change on the former bank building, but staff is recommending that the remaining remnant of O-2 also be included in this application. The owner of the adjoining parcel has no objection.

Cajka noted that the property in question was formerly a bank and has been vacant for several years. The applicant is seeking to do a restaurant, which is not allowed in the O-2 District, so rezoning all of the property to B-1 will make it easier for Building & Safety to interpret setbacks and uses with the entire parcel in one zoning district.

Proponents

1. Jason Yuhasz, 3940 S.W. Nottingham in Topeka, Kansas, testified that he is purchasing the bank property, a portion of which is already zoned B-1 and he is requesting that the remainder be zoned B-1 for the purpose of a pizza carry-out delivery business.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION: June 25, 2014

Cornelius moved approval, seconded by Beecham.

Cornelius noted that this application was on the Consent Agenda so it is relatively non-controversial. This will extend an already existing zoning area and it is in harmony with the surrounding zones.

Motion for approval carried 7-0: Scheer, Weber, Harris, Beecham, Cornelius, Sunderman and Hove voting 'yes'; Corr and Lust absent. This is a recommendation to the City Council.

ANNEXATION NO. 14004;
CHANGE OF ZONE NO. 14017,
FROM AG AGRICULTURAL DISTRICT TO
R-3 RESIDENTIAL DISTRICT;
and
SPECIAL PERMIT NO. 14015,
GRANDVIEW ESTATES FIRST ADDITION
COMMUNITY UNIT PLAN,
ON PROPERTY GENERALLY LOCATED AT
SOUTH 70TH STREET AND ROKEBY ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION: June 25, 2014

Members present: Scheer, Weber, Harris, Beecham, Cornelius, Sunderman and Hove; Corr and Lust absent.

Staff recommendation: Approval of the annexation, subject to an annexation agreement; approval of the change of zone; and conditional approval of the special permit for community unit plan.

There were no ex parte communications disclosed.

Staff presentation: **Brian Will of Planning staff** noted that the three applications are related but not identical in area covered. He then explained the boundaries of the applications. The boundary of the special permit is approximately 109 acres. The annexation and change of zone are for a smaller area, approximately 29-30 acres right at the intersection.

Will suggested that with the special permit covering an area larger than what is going to be annexed and zoned at this time, gives all of us in the community an opportunity to look at the larger development and see how the street connections and infrastructure will work. Currently, the city staff and the developer's representatives are involved in negotiations on the annexation agreement, which is not yet signed but it will be signed before scheduling on the City Council agenda.

The total density of the community unit plan would be just over 700 dwelling units, and staff is recommending that the total density be approved for this CUP. The CUP shows 316 dwelling units at this time, thus if there should be some change in the concept plan over the

next several years or perhaps two-family or multi-family dwellings, the initial approval has already been granted and the developer does not have to come back to the Planning Commission.

Will stated that the staff recommends approval of all three applications, conditional upon an annexation agreement and conditions of approval in the special permit.

Harris inquired about the current response time at this location for emergency fire service. **Pat Borer, Assistant Fire Chief,** stated that the two closest fire stations are 84th and South (#12) and 48th and Claire just north of Hwy 2 (#6). Travel time for #12 is 6.6 miles and #6 is 4.4 miles, so the respective travel response times would be about 7 minutes for #6 and about 12 minutes for #12.

Once the new station is built and the station at 84th and South Street is relocated, Harris inquired whether this area would then be within the 5-8 minute range. Borer acknowledged that there is a new fire station proposed in the CIP in the area of 70th and Pine Lake Road, so that would improve the response time.

Beecham referred to the discussion in the conditions of approval about the watershed study where it talks about no disturbance east of the ridge line. Will pointed to the drainage area on the map. He believes that the applicant may have already undertaken the drainage study, but the purpose of that condition of approval is to make sure the developer understands that that watershed study needs to be completed before any disturbance of property occurs.

Weber referred to the approved project to the north, and wondered at what point in time we become concerned bout the stretch of 70th Street and Yankee Hill Road to Pine Lake Road being restrictive. Are we going to four-lane 70th Street? Will stated that as development continues to occur, the traffic demand will continue to increase. At this time, Yankee Hill Road between 70th Street and 84th Street is the highest priority in this area for improvement. The amount of development that we are talking about to the east of Yankee Hill Road probably does not place the sort of demand that we are seeing on Yankee Hill Road between 70th and 84th Streets, but as that demand increases it may rise to the level of the list of priorities for improvement. Weber then referred to the development south of Old Cheney Road on 27th and 40th, where the lanes were pretty much four-laned along with the development. It seems like we are hopscotching out to do development without the roads accompanying it.

Sunderman asked whether the roundabout shown at 70th Street and Rokeby Road is just conceptual at this time. Will believes the city and the applicant are in general agreement that it would be a good idea, but he does not know that it is any more than that at this point in time.

Proponents

1. Mike Eckert of Civil Design Group, testified on behalf of Rokeby Holdings, Ltd., the developer. Before the recession, this land was perceived to be developed around 2006-07. He showed the conceptual site plan. The Rokeby Coalition area started out with 13 owners, now 11. The land in this drainage basin has always been in the future service limit, but in 2006, we figured out how to get sewer through the hill to get to Tier III property. The first phase of this project came in as an isolated 22-acre parcel last year. This is the first piece of property that is in that larger Coalition, which includes about 760 acres. Eckert believes that this is going to be an area that will see a lot of growth in the next few years, with good services and plans for schools, etc.

Eckert was appreciative for being able to work with the city staff in terms of doing a larger CUP and then phasing it in in terms of annexation. Part of the agreement is that until the money is there to build Rokeby Road with impact fees, this development has to stay 110' away from Rokeby Road in terms of platting.

Eckert explained that the portion in the drainage basin will be graded and tied into the annexation agreement.

With regard to the fire issue and road issue, Eckert acknowledged that there has always been an issue with the county roads and widening. In this square mile, there will be less traffic on 70th Street because of the existing acreages in the area, thus extending the time to get the funds to improve 70th Street. The Woodlands development and Grandview will be required to build temporary turn lanes to make the safe transition when the funds are available.

Eckert suggested that at full build-out, these 316 lots will generate about $1.6 million of impact fees: $800,000 for roads, $700,000 for water and sewer and over $100,000 for parks. Eckert estimates that the development will also generate nearly $600,000 in sales tax at full build-out. In other words, this project will generate $2.2 million. The value of the sewer and roads will be $6 million that will be turned over to the city and future residents.

Eckert advised that the developer and staff are progressing on the annexation agreement and hope to bring it forward after the approval of the CIP in August or September.

Eckert believes that this is the next of many phases in a four-mile area of the city.

There was no testimony in opposition.

ANNEXATION NO. 14004
ACTION BY PLANNING COMMISSION: June 25, 2014

Cornelius moved approval, subject to an annexation agreement, seconded by Scheer.

Weber expressed concern about the traffic as we continue to build out in this area. We are not at that point yet, but he doesn't want to get to that point without planning for it.

Sunderman commented that the concept of designing the whole area is excellent. Everything can work together a lot better when we plan ahead. It will be a lot more efficient.

Motion for approval, subject to an annexation agreement, carried 7-0: Scheer, Weber, Harris, Beecham, Cornelius, Sunderman and Hove voting 'yes'; Corr and Lust absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 14017
ACTION BY PLANNING COMMISSION: June 25, 2014

Cornelius moved approval, seconded by Scheer and carried 7-0: Scheer, Weber, Harris, Beecham, Cornelius, Sunderman and Hove voting 'yes'; Corr and Lust absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 14015
ACTION BY PLANNING COMMISSION: June 25, 2014

Weber moved to approve the staff recommendation of conditional approval, second by Cornelius.

Harris commented that she had some questions about the rescue response time and it may not be ideal now, but it sounds like there is a solution in sight and this development has been anticipated for some time by the City so she will support it.

Motion for conditional approval carried 7-0: Scheer, Weber, Harris, Beecham, Cornelius, Sunderman and Hove voting 'yes'; Corr and Lust absent. This is final action, unless appealed to the City Council within 14 days.

COUNTY CHANGE OF ZONE NO. 14015
FROM AG AGRICULTURAL DISTRICT TO
"I" INDUSTRIAL DISTRICT, ON PROPERTY GENERALLY
LOCATED AT SOUTH 148TH STREET AND HOOPER ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION: June 25, 2014

Members present: Scheer, Weber, Harris, Beecham, Cornelius, Sunderman and Hove; Corr and Lust absent.

Staff recommendation: Approval, subject to a conditional zoning agreement, as revised by staff memo dated June 24, 2014.

There were no ex parte communications disclosed.

Staff presentation: **Sara Hartzell of Planning staff** presented the request for change of zone located at 148th Street and Hooper Road, approximately one mile north and a little bit to the west of the Bennet corner on Highway 2.

Hartzell explained that during the last update of the Comprehensive Plan, a change was made to the land use in this area at the request of the County Board. The area was previously designated agricultural with a small 20-acre area of commercial where there is an existing convenience store. More commercial area was added on the other side of that intersection as well as across Highway 2 to the north. There is a buffer area of about 200 feet from the edge of the pond. This 13 acres is on the corner of 148th and Hooper Road.

In addition to changing the land use plan for that property during the last update of the Comprehensive Plan, specific language was added in the business and commercial chapter addressing this property, which talks about commercial uses that relate to the traveling public and the agricultural needs in the area, and the industrial use being some sort of reserve for a large employer that may need to be out in a rural area, while not needing a lot of infrastructure. That change was made in 2012.

Hence, Hartzell stated that this is the first property that has come in for a change of zone in this area since those changes were made to the Comprehensive Plan. There are currently four buildings on the property accessed by a single driveway off of 148th Street. There is no access on Hooper Road at this time. The buildings were built as agricultural buildings. If the buildings change from an agricultural use to commercial use, there may be building permit concerns and they will have to work with Building & Safety.

Hartzell pointed out that because this whole area that is shown as a future large industrial area is owned by separate owners, it is unlikely that it will all come in at the same time. The Comprehensive Plan talks about light industrial and moderate to heavy industrial centers. If you look at this area as a center and you looked at the existing residential which is partially built, it might seem logical to have light industrial uses along the periphery of the

property to protect any future residential development. The staff is recommending that in the future, if any of these specially permitted uses in the County I Industrial District are more likely to produce noxious fumes and odor, those uses would not receive a recommendation of approval in those peripheral areas and would be required to be moved more towards the internal part of the center.

Hartzell then noted that there are 16 different zoning districts in the City for office, business, highway commercial, and industrial uses. In the County, there are just two districts, i.e. business and industrial, so our ability to fine tune the uses is limited.

Looking at the I district and considering the subject property, Hartzell suggested that it makes sense to have some limitations on the uses on the property. We really do want this to develop in a coordinated way so that the business traffic can get to each other and the customers can get from one business to another. A condition in the zoning agreement would suggest that when they begin developing the property, the developer should go through the preliminary plat process with the adjacent owners to start to show how the internal connections can be made.

Because this property is on the highest traveled county road, South 148th Street, sort of serving like an east bypass running all the way to Waverly, another condition of the zoning agreement to protect the corridors is some limitation on the signage and screening of outdoor areas, such as signs being limited to no off-premise signs (billboards) and the individual free-standing signs would be limited to one per business (100 sq. ft. each) and 100' apart. With regard to outdoor storage areas, if located within 150' of Hooper Road or South 148th Street, the zoning agreement would require that those outdoor storage areas be screened to the same standard as the city for outdoor screening.

Beecham asked for further clarification of reserving the property for a potential large employer. How was that language determined? Hartzell explained that it was worked through with the County Board's input. They wanted something in the County that was kind of a placeholder in case a larger employer would come along. She does not believe this change of zone would preclude that. It might even enhance that potential.

Proponents

1. Lyle Loth of ESP Engineers, appeared on behalf of **Roland Meyer,** the owner and applicant. Loth noted that the developer has been in some communications with Planing and County Engineer on some issues with regard to access. There is a memo that addresses those issues and the applicant is in complete agreement with the conditions of approval, as revised.

Loth also stated that the developer is prepared to come forward with an application for a preliminary plat concept plan and will certainly contact the neighbors to see if they are interested in participating in those discussions.

Opposition

1. Aaron Babcock, currently living at South 114th and Van Dorn Street, but who has just purchased property in the neighboring Fox Run development, testified at this time. He indicated that today is the first he is learning about this proposal so he is perhaps not in direct opposition. He is scheduled to break ground on a home across from this development tomorrow. His intent was to move into a country property on an acreage so he does have concerns about big business moving in. He wants to make sure he is protected in terms of future growth. His home is about the fifth property being built there now so there are a number of open lots for sale and he wants to make sure his property value is protected in the future.

Harris asked staff to address these concerns and the required buffer between industrial and residential. Hartzell explained that there is not a required buffer in the County, but she believes the Health Department would still make the recommendation for a 300' separation between an industrial use and residential. She does not know that this has ever come up in the County. The screening is an attempt to screen the visual impacts. There will be an attempt to keep those specially permitted uses with noise, smells, vibration, etc. out of that 300' area. Any other landowner coming in for a change of zone in this area will be required to comply with the same conditions.

Weber inquired whether it is the developer's responsibility to inform potential homeowners across the street of any industrial uses. Hartzell believes most responsible realtors and developers would let their clients know. It is information that the City does try to get out to the public as much as possible, and it is on the Planning Department's GIS Viewer on the website.

Beecham inquired about any plans for visual screening for this area. Hartzell stated that the requirements are specific to outdoor storage areas and not to screening buildings. She does not know whether the owner has any specific plans for this property. It would be something considered in reviewing the preliminary plat.

Hove observed that this property has been designated for industrial for quite some time. Hartzell stated that it has been about three years. It was a new addition with the last update to the Comprehensive Plan.

Response by the Applicant

Loth clarified that there are four existing buildings on the property. It is the owner's intent to continue with some more buildings in the future, e.g., small contractors wanting buildings for storage. These are not going to be very intrusive uses and will not be large businesses. One business now is a lawn service and another is a seeds sales person. They are fairly low intensity and not intrusive. They will have a better feel for the uses when they have a preliminary plat.

Hove requested that the owner work and communicate with Mr. Babcock and the other property owners.

ACTION BY PLANNING COMMISSION: June 25, 2014

Cornelius moved approval, subject to a conditional zoning agreement, as revised by memo dated June 24, 2014, seconded by Scheer.

Weber stated that he has seen the buildings. He will support the application if there is buffering along the edges with the heavier industrial located on the inside of the center.

Cornelius observed that this request is moving forward with part of the Comprehensive Plan that has been in place for a few years. We knew this area would develop.

Beecham understands Mr. Babcock's concerns, and suggested that there be communication ahead of building roads, etc. The more communication, the better.

Hove agreed. This complies with the Comprehensive Plan and it makes sense to move forward.

Motion for approval, subject to a conditional zoning agreement, as revised, carried 7-0: Scheer, Weber, Harris, Beecham, Cornelius, Sunderman and Hove voting 'yes'; Corr and Lust absent. This is a recommendation to the Lancaster County Board of Commissioners.

SPECIAL PERMIT NO. 14014,
TO ALLOW A PARKING LOT,
ON PROPERTY GENERALLY LOCATED
AT 4702 COOPER AVENUE.
PUBLIC HEARING BEFORE PLANNING COMMISSION: June 25, 2014

Members present: Scheer, Weber, Harris, Beecham, Cornelius, Sunderman and Hove; Corr and Lust absent.

Staff recommendation: Conditional approval.

There were no ex parte communications disclosed.

Staff presentation: **Christy Eichorn of Planning staff** explained that this is a request to allow a parking lot in a residential zoning district. It is located in the College View neighborhood and designed to help supplement parking for local businesses, particularly on South 48th Street.

Eichorn pointed out that parking lots in residential zoning districts are a special permit because they need to be reviewed on a case-by-case basis in relation to the need for the

parking, the neighborhood's desire for additional parking and the impact of that concrete near a residential area. When parking is needed and adjacent to commercial development, the impacts can be mitigated by using landscaping and by using setbacks. In this case, the applicant has asked to reduce the front yard setbacks on Cooper Avenue and on S. 47th Street, which will provide enough area for a single row of landscaping along Cooper Avenue, which has commercial zoning on the south side, a nonconforming residential/commercial use to the east (currently zoned residential, and likely to be rezoned commercial in the future), and adjacent to commercial to the east. To the south of the proposed lot is a commercial building with commercial parking, and there is residential to the north and west.

To mitigate the impact of the parking lot to the residential neighborhood, Eichorn stated that the applicant will provide a 6' landscape buffer along Cooper Avenue and a double row of landscaping on S. 47th Street. Another condition is that any street trees that are removed or have died would be replaced with the building permit for this parking lot. By using the screening and by using the street trees it can soften the impact of the concrete out near other residential uses.

Beecham inquired about the building to the north. Eichorn responded that the building to the north is the Bella Salon. It is in the B zoning district. There is a building between the salon and where the parking lot will be located. To the north is a residential house which will have a 5' setback along the lot line. It will be a zero setback on the east. Eichorn did talk to the owner and it seemed to make more sense to eliminate a 5' strip along the east and move it to be along S. 47th Street to provide more room for the landscaping and to allow the applicant to get the stalls necessary to make this project viable.

Beecham inquired about communication with the residents to the north. Eichorn has not had any communication with the residents to the north; however, they were notified. The Commission did receive a letter in support from the neighborhood association, Union College and the commercial property owner to the south. A fence would not be required on the north side. A 6' fence is not always required but it could be made a condition. Some people do not like a 6' fence and it is not part of the design standards.

Proponents

1. Mike Alesio, 6007 S. 88th Street, appeared on behalf of **Bella Skin Care and Massage Therapy**. One of the owners of Bella Skin Care and Massage is his daughter. They want to improve the parking situation. It has been in business for 14 years. They employ approximately 11 full-time therapists, and they are doing well.

Alesio stated that he purchased the property with the idea for this parking lot. It is very bad during the winter with parking behind the buildings, and there is not enough parking. The on-street parking fills up quickly. Bella intends to use some of the parking for customers and some for employee parking, as well as leasing out several of the spaces to other

workers in the area. They will be using Cather Construction to install the asphalt and heavy improvements and will be happy to landscape along the west side of the property.
2. Ann Alesio, 1110 Eastridge Drive, co-owner of **Bella Skin Care and Massage Therapy,** testified in support. She confirmed that the parking is very congested. They have complaints about it daily. She confirmed that their standard operating hours are 8:00 a.m. to 8:00 p.m.

Beecham asked whether the applicant has talked to the residents to the north and whether they would consider landscaping next to the residential. Ms. Alesio stated that she has not spoken with them, but she is willing to do so and would also consider landscaping. She thinks there is a fence there now.

Scheer inquired about the length of a customer's visit. Ms. Alesio stated that it could be one to three hours.

Scheer then inquired whether the parking lot would be signed so that the different parking areas are clearly marked. Alesio stated that they are trying to work out the details and a token will be required to use their parking spaces.

Support

1. Lynn Fisher, 6500 Alpine Road, Denton, testified in support. He is the past president of the College View Neighborhood Association and continues to be on the board. He also owns the business property and shares the parking lot with Bella. He is aware of the extreme parking issues for the business as well as the neighborhood. This neighborhood lost parking spaces when South 48th Street was improved, and when the Prescott streetscape was done. The neighborhood has suffered from loss of parking spaces. Fisher stated that he, personally, and the neighborhood association are in favor of anything that will alleviate the parking issues for this neighborhood.

Beecham inquired as to the resident of the residence to the north. Fisher has not talked to anyone, but he knows it is a rental property.

There was no testimony in opposition.

Eichorn re-approached to clarify that although a fence is not required, the applicant is required to screen from the ground to three feet tall on all sides of a parking lot. If not, some other mechanism would be required, such as a fence. Beecham assumed then that there will be some screening for headlights. Eichorn concurred. And if there is an existing fence, it would not be required to be removed for the 3' screening.

ACTION BY PLANNING COMMISSION: June 25, 2014

Beecham moved to approve the staff recommendation of conditional approval, seconded by Scheer.

Beecham thinks this makes sense in this neighborhood. It is important to keep businesses strong and parking is an issue. She appreciates the efforts of the applicant to communicate with the surrounding businesses and residents, and appreciates that it will look as good as it can.

Hove agreed. He believes this is the right thing to do and that it makes sense to add parking in this area.

Motion for conditional carried 7-0: Scheer, Weber, Harris, Beecham, Cornelius, Sunderman and Hove voting 'yes'; Corr and Lust absent. This is a recommendation to the City Council.

There being no further business, the meeting was adjourned at 2:05 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on July 9, 2014.

F:\FILES\PLANNING\PC\MINUTES\2014\pcm062514.wpd