

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, February 18, 2015, 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: Jeanelle Lust, Tracy Corr, Maja V. Harris, Michael Cornelius, Ken Weber, Cathy Beecham, Lynn Sunderman, Chris Hove (Dennis Scheer absent); David Cary, Steve Henrichsen, Paul Barnes, Tom Cajka, Sara Hartzell, Jean Preister, Geri Rorabaugh and Amy Huffman of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission meeting

Chair Jeanelle Lust called the meeting to order at 1:00 p.m. and acknowledged the posting of the Open Meetings Act in the back of the room.

Lust requested a motion approving the minutes for the regular meeting held February 4, 2015. Cornelius moved approval, seconded by Harris and carried 5-0: Lust, Hove, Corr, and Harris voting 'yes'; Beecham, Sunderman, and Weber abstained; and Scheer absent.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

February 18, 2015

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

The Consent Agenda consisted of the following items: **ANNEXATION NO. 15001 and CHANGE OF ZONE NO. 05054B; CHANGE OF ZONE NO. 05061B, PRE-EXISTING PERMIT USE PERMIT NO. 3AE, and USE PERMIT NO. 15002.**

There were no ex parte communications disclosed.

At the request of Corr, Item 1.4, Use Permit No. 15002, was removed from the Consent Agenda and had separate public hearing.

Hove moved approval of the remaining Consent Agenda, seconded by Beecham and carried 8-0: Lust, Hove, Beecham, Cornelius, Corr, Harris, Sunderman, and Weber; Scheer absent.

Note: This is final action on Pre-Existing Use Permit No. 3AE and Special Permit No. 15004, unless appealed to the City Council within 14 days.

USE PERMIT NO. 15002,
CONSTRUCT A MULTI-FAMILY DEVELOPMENT
CONSISTING OF FOUR 30-PLEX BUILDINGS
ON PROPERTY GENERALLY LOCATED
AT N.W. 12TH STREET AND ISAAC DRIVE.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 18, 2015

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

Staff recommendation: Conditional approval.

There were no ex parte communications disclosed.

This application was removed from the Consent Agenda and had separate public hearing.

Staff presentation: **Tom Cajka of Planning staff** provided an overview of the use permit application. Cajka indicated that the application is for an apartment complex consisting of 120 units on property located off of N.W. 12th south of the Highlands Golf Course. The property is zoned O-3, which allows for multi-family as a permitted use but it does require a use permit. This property is owned by the city but was declared surplus in January 2004.

Proponents:

1. **Brad Marshall of Olsson and Associates**, testified as a representative of the applicant.

Brad indicated that he would address any questions of the Commission. He indicated that the pitch is slightly increased which is common with this style of structure. He noted that the first story along the front of all four buildings will consist of garage units. Corr indicated that this make more sense in getting the correct count for garages.

Staff Questions

Corr asked Tom Cajka to pull up the site map showing the parking configuration. She questioned how many of the parking stalls are proposed to be tandem style. Tom referred to the site plan and explained that there are some garages in front of the each apartment. Tom believes that the tandem parking will be space in front of the garages, which are in addition to the two areas on the site plan showing 12 garages each. Corr indicated that this makes more sense in coming up with the correct number of garages.

Beecham asked about the glass requirements for specific areas along the first level since there are garages along the front of these buildings. Tom indicated that there are no requirements in terms of the design of the building. Steve Henrichsen of the Planning Department explained that there are glass requirements as part of the neighborhood design standards but this development is outside of those boundaries.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

February 18, 2015

Hove moved to approve the staff recommendation of conditional approval, seconded by Harris.

Corr stated that she believes this is a great project and likes how the buildings are on the west side for more privacy for the houses along N.W. 12th Street.

Motion for conditional approval carried 8-0; Lust, Hove, Beecham, Cornelius, Corr, Harris, Sunderman, and Weber; Scheer absent.

TEXT AMENDMENT NO. 15001,
AMENDING TITLE 27 OF THE
LINCOLN MUNICIPAL CODE RELATING TO
COMMERCIAL SOLAR ENERGY CONVERSION SYSTEMS
IN THE AG DISTRICT.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 18, 2015

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

Staff recommendation: Approval.

There were no ex parte communications disclosed.

Staff presentation: **Sara Hartzell of the Planning Department** explained that this proposed amendment will add commercial Solar Energy Conversion System (SECS) to the text in three separate places -- (1) add SECS to the general definitions; (2) include a new category for SECS as a specific use in the Utilities Use Group Table as specially permitted in the AG district and adding as a permitted use category in the table for permitted use in all industrial districts; and (3) add a new section 27.63.830 to Chapter 27.63 to set forth the conditions for permitting a SECS in the AG District.

Sara indicated that there are a number of conditions being recommended. The first condition requires that photovoltaic systems be used as opposed to solar thermal systems, which generally require turbine-type generators. The latter type of system would require additional language to the code to address the sound and moving equipment that would be required. The second condition requires that the on-site transmission lines be buried to the maximum extent possible. This will eliminate visual impacts that might be caused by poles and wires. The third condition relates to screening. Where they are adjacent to public uses and residential uses, screening would be required along the frontages. The final condition is to establish a decommissioning plan and bonding enforcement structure that could be used when the structures are no longer used and need to be removed to return the land to its original use.

Sara noted that the Comprehensive Plan identifies the city's vision to encourage and set forth efforts for renewable energy sources. She believes that with the conditions identified are appropriate and protects the public interest. Staff is recommending approval.

Staff Questions

Lust asked about the status of plans to amend the county text for these types of systems. Sara indicated that there are very few industrial use groups in the county but they would likely be allowed. If such a proposal were submitted, similar language would likely be considered at that time.

Corr asked if a separate amendment would be needed to allow for a solar energy system that uses a turning generator as opposed to the voltaic-type panel system. Sara indicated that these two types of systems are very distinct and would likely involve some separation in terms of a text amendment, i.e. identify solar energy as the umbrella, with separate text for each distinct system.

Proponents:

1. **Zach Starsia of HelioSage, Charlottesville, VA**, came forward but was advised that the public hearing on the special permit application will be held separately following the text amendment.
2. **Clinton Bruhn, Lincoln Electric System, 1040 "O" Street, Lincoln**, testified in support of this project. He indicated that LES believes this is a very valuable project for LES and its customers. He further stated that LES has a community solar program and there is a lot of support for renewable energy sources and solar photovoltaic systems in particular. LES is looking forward to working the HelioSage on this project.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

February 18, 2015

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

Beecham reported that she once served on the LES Board and was involved in some of the initial discussions regarding solar energy. She believes there is a tremendous community support for these types of projects.

Corr stated that this is a good opportunity for Lincoln to diversify it's power mix and supports the amendment.

Motion for approval carried 8-0; Lust, Hove, Beecham, Cornelius, Corr, Harris, Sunderman, and Weber; Scheer absent.

SPECIAL PERMIT NO. 15004,
FOR AUTHORITY TO CONSTRUCT A COMMERCIAL SOLAR
ENERGY CONVERSION SYSTEM (SECS)
ON AG AGRICULTURE ZONED PROPERTY GENERALLY
LOCATED AT N.W. 70TH STREET AND W. HOLDREGE STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 18, 2015

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

Staff recommendation: Conditional Approval.

There were no ex parte communications disclosed.

Staff presentation: **Sara Hartzell of the Planning Department** explained that this is the first specific special permit for a solar energy photovoltaic system located at what would be the corner of NW 70th and W. Holdrege Streets. She indicated that Interstate 80 is located to the south of the project site, which consists of 142.87 acres. The plan is to identify a 40-acre area within the project site for constructing the structures. Sara also noted that there are some environmental studies underway to help in identifying the 40-acre area. She noted the following conditions of approval as identified in the staff report: (1) the system needs to be a solar photovoltaic system; the proposed system will use solar panels that are approximately 1-story high or less; (2) on-site transmission lines should be underground to the maximum extent possible; (3) Screening from specific uses; the Urban Design Committee reviewed and recommended waiving the screening requirements along Interstate 80 for this application, finding there is no interference with the Capitol View Corridor and would like to review the plans when a specific location of the structures has been identified. Planning notes there is a residential structure adjacent to the permit area and recommends screening of any portion of the area where structures are located within 500 feet of the west property line; and (4) a decommissioning plan and bond are required. Sara explained that a decommissioning plan will need to be submitted by the applicant that identifies the cost of decommissioning, the value of the materials collected, and an agreement with the applicant, and an engineer attesting to these costs. A bond will be required at 1.25 times the difference between the value of the materials and the cost of decommissioning or \$50,000, whichever is greater.

Sara informed the commissioners that they have worked through some small setback issues, noting that W. Holdrege Street is identified as a future arterial at some point and will need to have a 60-foot setback from the center line for the future right-of-way rather

than the current 33-foot setback from the center of the road. The north setback of 50 feet is being measured from the that future 60-foot right-of-way line in defining the building envelope. Sara also noted that there are plans to do some realignment of the west bound lanes of I-80, moving them slightly to the north. Nebraska Department of Roads has reviewed this and there is a 100-foot setback identified from the protection corridor to assure there is plenty of space available.

Staff Questions

Beecham asked if the project area were to be expanded at some point, if it would come back to the Planning Commission. Sara explained that the area of the special permit is the entire 142-acre parcel and it identifies a building envelope of 40 acres within that. Sara asked for staff clarification if the number of structures expand beyond the 40-acre area. Steve Henrichsen of the Planning Department stated that entire special permit area would not have to be amended. As it is currently drafted, it states 40 acres within the project area. An administrative approval could potentially be granted to add up to 15 percent to dwelling units and floor area.

Harris questioned if this proposal will go back to Urban Design Committee. Sara indicated that there is no requirement but the applicant could choose to do that for review purposes only. The committee is interested in seeing what 40 acres are selected.

Proponents

- 1. Zach Starsia of HelioSage, Charlottesville, Virginia** testified in support of the application. He indicated that HelioSage is a utility solar development company out of Charlottesville, Virginia. The company has been involved in projects all over the country. Starsia stated that solar farms tend to preserve agriculture land for decades. The contract with LES is for 20 years and after the term of the project contract, the land will be returned to its original condition. These solar farms are considered permeable and cause no additional runoff, as they don't use concrete or other barriers that inhibit the flow of water. HelioSage avoids constructing on environmentally sensitive area and that is the reason they are considering the whole 142-acre area. In reviewing the site plan, there are two access points on the north portion of the site and one on the south. A final site plan will be submitted to the Planning Department prior to submitting for a construction permit. Starsia showed some images from other projects illustrating the panels and how they tilt from east to west. HelioSage was selected for this project by LES through a competitive solicitation process. He noted that there is an educational component as they feel it is important to educate the public about this technology. They have reached out to all landowners within a half mile radius, including those to the south of I-80.

Staff Questions

Beecham asked about the size of the panels. Starsia stated that they are generally between 6 to 8 feet but will not exceed 10 feet. There will be a 6-foot security fence around the facility.

Corr asked if there will be any above-ground transmission lines on this project. Starsia indicated that LES will be running 1 feeder to the project on the north side but all internal lines will be underground.

Hove questioned if the landowner will be able to use any portion of the land. Starsia reported that they are currently working with the landowner regarding this and noted that he should be able to use the crop circle that is currently there. They continue to work on figuring out how both will be able to co-exist on this property.

Hove asked if the 40 acres will be contiguous. Starsia indicated that will depend upon the results of the environmental studies being conducted. A final site plan will be submitted – it could be one piece or maybe two pieces.

Beecham asked if they plan to go back to the Urban Design Committee with the final site plan. Starsia indicated that they do.

Corr asked that when looking at the environmental concerns, if they are considering the stream that runs through the property. Starsia stated this is correct. He also indicated that they are looking at the subsurface to see how it conducts electricity, etc. This will help to guide where the best location is on the property.

Corr asked if the landowners will still be able to farm some of the property. Starsia indicated that this is correct.

Harris stated that with the desire for visibility, will the public be able to see through the security fence. Starsia indicated that visibility will not be hindered, as they will be putting up a chainlink fence.

2. **Gary Hellerich, 2854 County Road A, Valparaiso, Nebraska**, testified on behalf of he and his wife's support for this application. They are the property owners of 142 acres and recognize that solar energy is a good alternative to meeting environmental concerns. By approving the application, they believe that Lincoln and Lancaster County will be on the cutting edge of harvesting power of the sun for the citizens to use in the homes and businesses.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

February 18, 2015

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

Cornelius indicated that it is exciting to see renewal energy being included in Lincoln's energy mix, and he supports this application.

Lust stated that she also supports the application and believes that it is a great move forward.

Motion for approval carried 8-0; Lust, Hove, Beecham, Cornelius, Corr, Harris, Sunderman, and Weber; Scheer absent.

DISCUSSION REGARDING ITEMS NOT ON THE AGENDA

1. **Jean Preister, Administrative Officer, City Planning Department**, addressed the Planning Commission stating that she feels very fortunate to have worked for the city for the past 26 years. She noted that she is retiring and is not leaving for any other reason. Preister stated that she is pleased to be training Geri Rorabaugh for her position and believes Geri will do a great job. This is her last Planning Commission Meeting, and Jean said "good-bye to her viewing audience". Her last day with the city is Friday, February 27.

There being no further business to come before the Planning Commission, the meeting was adjourned at 1:47 p.m.

Please Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, March 4, 2015.