
Lincoln City - Lancaster County

**PLANNING COMMISSION
AGENDA**

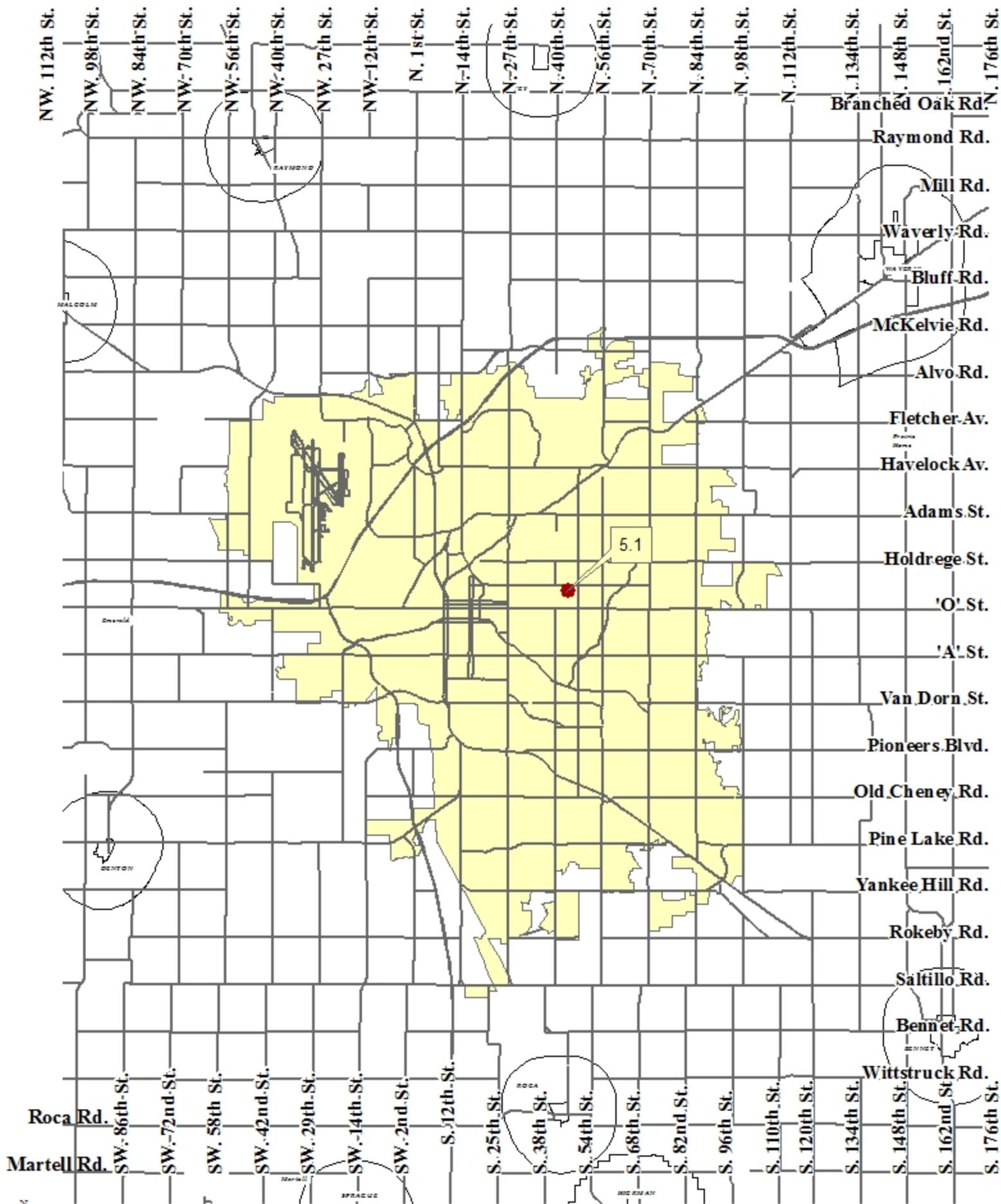
PLANNING COMMISSION

Jeanelle R. Lust: Chair
Chris Hove: Vice-Chair
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Tracy Corr
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PLANNING STAFF

David R. Cary: Acting Director
Geri Rorabaugh: Administrative Officer
Amy Huffman: Office Specialist

September 16, 2015



Planning Commission Agenda Item Map

September 16, 2015

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, September 16, 2015, at 1:00 p.m., in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

****PLEASE NOTE:** The Planning Commission action is final action on any item with a notation of "FINAL ACTION". Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission.

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

AGENDA

WEDNESDAY, SEPTEMBER 16, 2015

Approval of minutes of the regular meeting held September 2, 2015.

1. **CONSENT AGENDA**
(Public Hearing and Administrative Action):

2. **REQUESTS FOR DEFERRAL:**

3. **ITEMS REMOVED FROM CONSENT AGENDA**
(Public Hearing and Administrative Action):
 - 3.1 _____
 - 3.2 _____

4. **PUBLIC HEARING AND ADMINISTRATIVE ACTION**

5. CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION

SPECIAL PERMIT:

Page 01 5.1 Special Permit No. 15043, for a Community Unit Plan to allow for the addition of a 193-unit residential apartment complex, with waivers to reduce the parking ratio, increase the building height, and allow tandem parking in driveways, on property generally located at North 42nd Street and Vine Street. ***FINAL ACTION****
Staff recommendation: Conditional Approval
Staff Planner: Paul Barnes, 402-441-6371, pbarnes@lincoln.ne.gov

AT THIS TIME, ANYONE WISHING TO SPEAK ON AN ITEM NOT ON THE AGENDA, MAY DO SO

* * * * *

Adjournment

PENDING LIST: None

Planning Dept. staff contacts:

Stephen Henrichsen, *Development Review Manager* . 402-441-6374 shenrichsen@lincoln.ne.gov
David Cary, *Acting Director and Long Range Manager* 402-441-6364 dcary@lincoln.ne.gov
Paul Barnes, *Planner* 402-441-6372 pbarnes@lincoln.ne.gov
Michael Brienzo, *Transportation Planner* 402-441-6369 mbrienzo@lincoln.ne.gov
Tom Cajka, *Planner* 402-441-5662 tcajka@lincoln.ne.gov
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Kellee Van Bruggen, *Transportation Planner* 402-441-6363 kvanbruggen@lincoln.ne.gov
Ed Zimmer, *Historic Preservation Planner* 402-441-6360 ezimmer@lincoln.ne.gov

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**The Planning Commission meeting
which is broadcast live at 1:00 p.m. every other Wednesday
will be rebroadcast on Sundays at 1:00 p.m. on 5 City TV, Cable Channel 5.**

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**The Planning Commission agenda may be accessed on the Internet at
<http://www.lincoln.ne.gov/city/plan/pcagenda/index.htm>**

ACCOMMODATION NOTICE

The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln, please contact the Director of Equity and Diversity, Lincoln Commission on Human Rights, at 402 441-7624 as soon as possible before the scheduled meeting date in order to make your request.

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for September 2, 2015 PLANNING COMMISSION MEETING

PROJECT #: Special Permit No. 15043

PROPOSAL: A request per Section 27.63.320 for a Community Unit Plan to develop up to 193 dwelling units

LOCATION: N. 45th Street and Vine Street

LAND AREA: 13.9 acres, more or less

EXISTING ZONING: R-4, Residential

MODIFICATION REQUEST:

1. Per 27.67.020 - Reduce the parking requirement from 2 stalls to 1.75 stalls per dwelling unit
2. Per 27.65.020 - Increase the height of the buildings from 35 feet to 48 feet

CONCLUSION: Multi-family residential is an appropriate land use for this site. This site can be easily served by existing infrastructure such as roads and utilities. Several commercial areas are located within walking distance of this site which makes this location desirable for additional residential development. The parking reduction and increase in building height are supported and should have minimal impact on surrounding properties. Subject to the conditions of approval, this proposal is in conformance with the Comprehensive Plan.

| | |
|----------------------------------------------------------------------------------|----------------------|
| RECOMMENDATION: | Conditional Approval |
| MODIFICATIONS: | |
| 1. Reduce the parking requirement from 2 stalls to 1.75 stalls per dwelling unit | Approval |
| 2. Increase the height of the buildings from 35 feet to 48 feet | Approval |

GENERAL INFORMATION:

LEGAL DESCRIPTION: Outlot A, Wyuka Second Addition

EXISTING LAND USE: Broadcast Tower/Detention Pond/Undeveloped Land

SURROUNDING LAND USE AND ZONING:

North: Single and Multi-Family Dwellings/Church; R-2
South: Multi-Family Dwellings; R-4
East: Commercial Center; B-1
West: Wyuka Cemetery; P

ASSOCIATED APPLICATIONS:

CZ15025 Change of zone from R-4 Residential to R-5 Residential for the Tanglewood Apartments

SP673A Special Permit amendment to relocate the broadcast radio tower

AA15066 Administrative Amendment to revise the Tanglewood Community Unit Plan boundary

HISTORY:

April 1956 The City Council approved a special permit for a broadcast tower. Several minor amendments have been made to the special permit since then.

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 1.9 - The future Land Use Map of the Comprehensive Plans designates residential land uses for this site.

P. 1.6 - Approximately 16% of new dwelling units will be built within the existing City, with about 3,000 in the Downtown and Antelope Valley areas, 1,000 in existing neighborhoods, and 4,000 in mixed use redevelopment nodes and corridors.

P. 2.8 - Mixed use redevelopment, adaptive reuse and well-designed and appropriately-placed infill development, including residential, commercial and retail uses, are encouraged.

P. 2.9 - More compact, dense development clusters allow for savings in public infrastructure costs and improved accessibility to jobs, goods and services.

P. 6.8 - Encourage shared driveways and interconnected parking lots where possible.

P. 6.8 - Encourage a vertical mix of residential and commercial use types.

P. 7.6 - Encourage apartments and special needs housing near commercial areas and along arterials.

P. 7.8 - New construction should continue the architectural variety (in existing neighborhoods), but in a manner that is sensitive to the existing neighborhoods.

UTILITIES: All utilities are available.

TOPOGRAPHY: The site slopes generally to the northwest and toward the south to the detention pond.

TRAFFIC ANALYSIS: Vine Street and N. 45th Street are classified as minor arterial streets.

PUBLIC SERVICE: Fire stations are located near this site at 1545 N. 33rd Street and 901 N. Cotner Boulevard.

AESTHETIC CONSIDERATIONS: This property is subject to the Neighborhood Design Standards. Since this site will be within a Community Unit Plan, the general intent of the Neighborhood Design Standards is to provide dwellings which have “neighborly” design characteristics while respecting the creative design elements fostered by Community Unit Plan.

ANALYSIS:

1. This is a request for a Community Unit Plan (CUP) to develop up to 193 dwelling units on property located southwest of N. 45th Street and Vine Street. The property is also occupied by a 500 foot broadcast tower and detention pond. The site would be developed in phases with 140 units developed in the first phase.
2. The future land use map shows this area as urban-density residential. The proposed development provides for approximately 14 dwelling units per acre, which is an appropriate urban-density. This density is achieved under the existing R-4 zoning district.
3. Access to this development will be provided off Vine Street. The Public Works and Utilities Department has recommended approval of this access if a right turn lane is constructed and the access is right-in/right-out only. With limited right-of-way in Vine Street a left turn lane is not possible. This requires approval of a deviation from the Access Management Policy to eliminate the left turn lane requirement and to reduce the storage length for the right turn lane on Vine Street. As of the writing of this staff report, the deviation request had been submitted to the Public Works Director but a decision had not been made.

In order to accommodate the right turn lane the large evergreen trees will need to be removed. These trees are considered an important defining edge of the Wyuka Cemetery along Vine Street. Replacement evergreen trees should be planted after the right turn lane is constructed. The location of the new detention area may need to be shifted to accommodate the new trees.

4. The property at the intersection of N. 45th Street and Vine Streets is not included in the Community Unit Plan. However, access is shown across that property that would connect to N. 45th Street. The access would be constructed when the corner property develops.
5. An application to relocate the existing broadcast tower has been submitted in conjunction with the CUP. Relocating the tower would make additional land available for the residential development. The new location for the tower is shown in the southern portion of the CUP adjacent to the detention pond. The new tower will be

170' shorter than the existing tower would be better for multi-family housing at this location. If the tower is removed from this site in the future, an additional 53 units could be constructed in its place.

6. An application to rezone the Tanglewood Apartments to the south from R-4 to R-5 Residential has been submitted in conjunction with the CUP as well. The original Tanglewood CUP boundary was approximately 45 acres and authorized up to 528 dwelling units. This included the land and the detention cell currently under review. In order to allow for the proposed development, the Tanglewood CUP boundary needs to be reduced, but reducing the size of the Tanglewood CUP would only allow for 330 dwelling units. Since there are 458 units built the R-4 zoning would not allow the number of existing units so the rezoning to R-5 is necessary. No additional units are being requested in the Tanglewood CUP.

A driveway connection is proposed between the Tanglewood Apartments and the new units along Vine Street. The driveway will provide additional access between the two developments. A sidewalk should be shown on the east side of the driveway connecting north to Vine Street.

7. This property also contains a large detention pond which typically contains standing water. A larger flowage easement surrounds the pond that allows for the water level to rise when needed. No structures are allowed within the flowage easement. The developer has proposed placing the guy wire anchors for the broadcast tower within the flowage easement, subject to approval by the Watershed Management Division. The Watershed Management Division has additional comments about the detention pond and drainage that must be addressed prior to final plan approval.
8. The applicant is requesting a reduction in the parking requirement and an increase in the height of the building. The parking reduction would reduce the parking ratio from 2 stalls per unit to 1.75 stalls per unit. Overall this is a reduction in 48 stalls for 193 units compared to what would normally be required. Given the location of this CUP, surrounding properties should not be impacted if there was any overflow parking. The site plan also shows an area for future parking along Vine Street, if needed. Tandem parking is shown in front of the garage stalls and is permitted under this CUP.

The applicant is also requesting an increase in building height from 35 feet to 48 feet. The proposed apartment buildings would be 4 stories tall. The apartment buildings are sited near the detention pond and away from adjacent streets and properties. The buildings are setback approximately 75 feet from the adjacent east and west properties, and the side yard setback of the R-4 district is 5 feet. The increase in height should have minimal impact on neighboring properties and will be significantly lower in height than the 330 foot broadcast tower.

9. Development on this site is subject to the Neighborhood Design Standards (NDS).

The NDS are developed per the prevailing pattern found in the vicinity of the development. In the case of Community Unit Plans where no prevailing pattern exists, the NDS require that the development provides for a “neighborly” design while respecting the creative design elements fostered by Community Unit Plans. The “prevailing patterns” in this case are an arterial street to the north, commercial land to the east, apartments to the south and a cemetery to the west. The “neighborly design” follows the prevailing pattern of the apartment buildings to the south and is appropriate for this site.

10. Wyuka Cemetery is on the National Register of Historic Places and is located immediately west of the proposed CUP location. Staff consulted the Historic Preservation Commission (HPC) to discuss the development proposal at their regular meeting on August 20, 2015 (see attached meeting excerpt). The consensus of the HPC was that the impact of the development on the cemetery is minor. The HPC concurs with the staff recommendation to support this application.
11. The sidewalk along Vine Street is currently located at the back of curb. The sidewalk should be relocated to the south to provide a minimum of 9 feet between the sidewalk and the back of curb. Street trees will be required along the Vine Street frontage as a condition of the special permit. Any portion of public sidewalk located on private property should have a dedicated public access easement.
12. A landscape plan will need to be submitted and approved prior to obtaining a building permit. The landscape plan will need to meet the design standards for landscaping and screening and should also show the relocated trees along Vine Street.
13. Two monument signs are shown on either side of the driveway entrance on Vine Street. The west monument sign is not located within the CUP boundary and is considered an off-premises sign. This sign is not allowed and should be removed from the plan.
14. This property is currently located on an outlot. A final plat creating a lot(s) will need to be approved prior to construction of the apartments or relocation of the broadcast tower.
15. This site can be easily served by existing infrastructure such as roads and utilities. Several commercial areas are located within walking distance of this site which makes this location desirable for additional residential development. Subject to the conditions of approval, this proposal is in conformance with the Comprehensive Plan.

CONDITIONS OF APPROVAL:

Per Section 27.63.320 this approval permits a Community Unit Plan for up to 193 dwelling

units with an adjustment of parking regulations from 2 to 1.75 stalls per dwelling unit and an increase in height from 35 feet to 48 feet.

Site Specific Conditions:

1. The City Council approves associated request:
 1. Change of Zone #15025
2. Before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **3** copies with all required revisions and documents as listed below:
 - 2.1 Add a note to the plan that states, "A landscape plan shall be provided at the time of building permit and shall be in accordance with Chapter 3.5 of the Design Standards for Screening and Landscaping."
 - 2.2 Add replacement trees to the landscape plan along the right-turn lane on Vine Street and add a note that states, "Replacement evergreen trees will be planted along Vine Street when the right-turn lane is completed." Revise the detention area if needed due to placement of trees.
 - 2.3 Show the sidewalk along Vine Street relocated 9 feet from the back of curb. Add a note that states, "Street trees will be planted along Vine Street in the area between the sidewalk and the curb. The trees will be shown on the landscape plan prior to building permit."
 - 2.4 Add a note to the plan that states, "The developer reserves the right to build anywhere within the buildable lot outside of the setbacks and the flowage easement."
 - 2.5 Add a note to the plan that states, "The location of buildings and parking stalls are conceptual and are subject to minor changes."
 - 2.6 Show a sidewalk connection to Vine Street along the east side of the driveway.
 - 2.7 Change the name of the CUP on the plan to "Wyuka Vine Street CUP".
 - 2.8 Add a common access easement over the east/west and north/south driveways.
 - 2.9 Add a sidewalk connection to the future drive on the east side of the CUP.
 - 2.10 Show the setbacks on the west side of the property.

- 2.11 Remove the monument sign on the west side of the driveway.
- 2.12 Address the comments from the Watershed Management Division to their satisfaction.
- 2.13 Add to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation".
- 3. Before a final plat is approved provide the following documents to the Planning Department:
 - 3.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
- 4. Final plat(s) is/are approved by the City.

If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.

No final plat shall be approved until the Permittee, as subdivider, enters into an agreement with the City whereby Permittee agrees:

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat

to complete the installation of street trees along the south side of Vine Street as shown on the final plat within two (2) years following the approval of this final plat.

to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to complete the public and private improvements shown on the Community Unit Plan.

to keep taxes and special assessments on the outlots from becoming delinquent.

to maintain the outlots on a permanent and continuous basis.

to maintain the private improvements in good order and condition and state of repair including the routine and reasonable preventive maintenance of the private improvements on a permanent and continuous basis.

to maintain the private facilities which have common use or benefit in good order and condition and state of repair, including the routine and reasonable preventive maintenance of the private facilities, on a permanent and continuous basis.

to recognize that there may be additional maintenance issues or costs associated with the proper functioning of storm water detention/retention facilities as they were designed and construction within the development and that these additional maintenance issues or costs are the responsibility of the Permittee.

to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Permittee(s) may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:

- (1) Permittee shall not be relieved of Permittee's maintenance obligation for each specific private improvement until a registered professional

engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.

- (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds

Standard Conditions:

5. The following conditions are applicable to all requests:
 - 5.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.
 - 5.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
 - 5.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
 - 5.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 5.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

Prepared by

Paul Barnes, Planner
402-441-6372
pbarnes@lincoln.ne.gov

DATE: August 20, 2015

APPLICANT: The Clark Enersen Partners
1010 Lincoln Mall, Suite 200

Lincoln, NE 68508

OWNER: Wyuka Cemetery
1248 O Street, Suite 600
Lincoln, NE 68508

CONTACT: Tim Gergen
1010 Lincoln Mall, Suite 200
Lincoln, NE 68508

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2013 aerial

Special Permit #: SP15043
Wyuka CUP
N 45th & Vine St

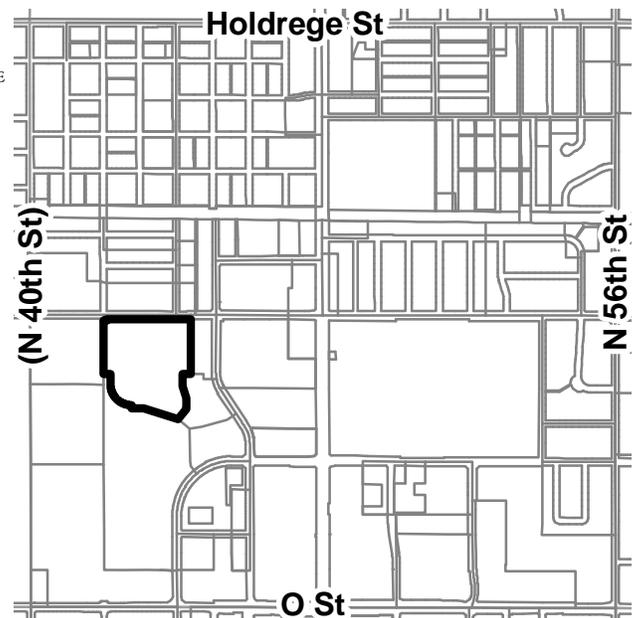


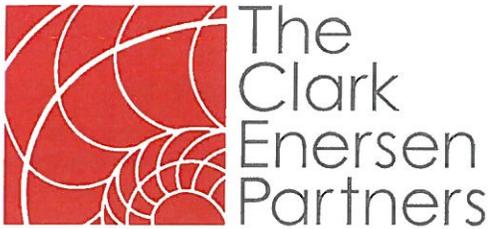
One Square Mile:
 Sec.20 T10N R07E

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

| | |
|--|-------------------------------|
| | Area of Application |
| | Zoning Jurisdiction Lines |
| | Lancaster County Jurisdiction |





July 30, 2015

Mr. David Cary
Planning Department, City of Lincoln
County-City Building
555 So. 10th Street
Lincoln, NE 68508

RE: Wyuka Community Unit Plan

Dear Mr. Cary:

Enclosed please find the following for the above-mentioned project:

1. Community Unit Plan Application
2. Community Unit Plan Application fee (\$792.00 + \$132.00x13.90 = \$2,626.80)
3. CUP Site Plan
4. CUP Grading & Drainage Plan
5. Drainage Report

On behalf of the Owner, Wyuka Cemetery, c/o Peter Katt, 1248 'O' Street, Suite 600, Lincoln, NE 68508, we are requesting a Community Unit Plan on Outlot A, Wyuka 2nd Addition, to allow for the addition of a residential apartment complex.

A concurrent application has been submitted to remove this property from the existing Tanglewood apartment CUP boundary as well as a concurrent application has been submitted to relocate the existing radio broadcast tower.

The site plan is showing a driveway connection to the existing Tanglewood apartments as well as a provision for the property to the east to make a connection to the driveway network on the Wyuka property. This will allow better connectivity with the future developments. The stormwater detention cell for the property is located in an easement on the Wyuka property that is to the west of the entrance driveway on Vine Street.

The submitted site plan is showing 140 units however is requesting approval for 193 units. In the event the radio broadcast tower is removed this will allow the Owner to build an additional building within the removed radio tower boundary.

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We are requesting waivers to reduce the overall parking ratio from 2.0 to 1.75 per dwelling unit, increase the height to 48 feet and allow tandem parking in driveways to count towards the overall parking requirements.

Please contact me if you have any questions or require additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tim Gergen', with a stylized flourish extending to the right.

Tim Gergen

cc: Wyuka Cemetery
The Slosburg Company

MEETING RECORD EXCERPT

NAME OF GROUP: HISTORIC PRESERVATION COMMISSION

DATE, TIME AND PLACE OF MEETING: Thursday, August 20, 2015, 1:30 p.m., Conference Room 214, 2nd Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Tim Francis, Jim Johnson, Jim McKee, and Greg Munn; (Jim Hewitt and Liz Kuhlman absent). Ed Zimmer, Stacey Groshong Hageman, Paul Barnes and Amy Hana Huffman of the Planning Department; Kevin Abourezk from the *Lincoln Journal Star*.

STATED PURPOSE OF MEETING: Regular Historic Preservation Commission Meeting

Chair Greg Munn called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

Munn requested a motion approving the minutes for regular meeting held July 16, 2015. Motion for approval made by Johnson, seconded by Francis and carried 4-0: Francis, Johnson, McKee and Munn voting 'yes'; Hewitt and Kuhlman absent.

The opportunity was given for persons with limited time or with an item not appearing on the agenda to address the Commission.

STAFF REPORT AND MISCELLANEOUS: (12:01)

Discussion on Wyuka CUP, Dignity Radio Broadcast Tower, and Tanglewood Apartments, all generally located at N. 45th Street and Vine Street:

Members present: Francis, Johnson, McKee and Munn; Hewitt and Kuhlman absent.

Zimmer stated that Planner Paul Barnes is currently working on applications for the next Planning Commission meeting that this body should be knowledgeable about, though it not formally part of today's agenda. It is a development project at the southwest corner of 45th and Vine Streets, immediately west of Wyuka Cemetery, including the 500 foot tall radio tower. Barnes confirmed that the property is currently still owned by Wyuka. Zimmer said they had also owned considerable property on the east side, most of which is now developed into apartments, and this is a proposal to develop the remaining part into apartments. It is almost entirely outside of the National Historic Register boundaries.

The proposal is that the developer would come in on the line of S. 42nd Street. A deceleration lane would connect through to the Tanglewood Apartments further to the

south near O Street.

There is a hidden pond on the property that very few people are aware of. It is part of the Tanglewood drainage system and retention. The new apartments would be constructed on that bare corner which would move the radio tower location to the southwest where a new one would be built at a lower height of approximately 300 feet. The new tower will be better screened by buildings and set back farther from the street. It will be closer to the east boundary of the cemetery.

McKee asked if the property would stay with Wyuka and be leased? Barnes said they would probably sell, similar to Tanglewood. That developer has expressed some interest but Planning is not aware of any commitment at this time. Zimmer went on to say that the proposal shows where apartments would be built. They are looking to prepare this property for sale and improve their balance sheet.

Zimmer explained the layout of the proposed plan which is east of the national register line. Only the southern part is directly adjacent to historical cemetery. There is a road between the apartment garages and utilized parts of the cemetery, and there is an undeveloped corner that is part of the historic boundary area but does not have historic features.

McKee said 42nd was a street not long ago, and he wondered if it has been abandoned? Barnes stated he believes it has been vacated between Vine and O Streets. Zimmer said it comes back in to a driveway and private road. Barnes said a driveway would be added at the stub where 42nd Street used to be.

Zimmer stated that the apartments close to the corner helps to finish off this development across the east line of the cemetery.

Johnson asked if the pond would stay in its current configuration? Barnes said the pond drains a much larger basin than just the site; it is part of a bigger system. There is nothing proposed to improve or modify it. Zimmer added that it has an easement on it. Barnes agreed, saying there is a flowage easement that allows it to get deeper when necessary, without impacting structures.

McKee wondered about the authority to sell the land and asked whether Wyuka was operated by the State, a committee or commission, and if they can make the decision to sell that without State action? Zimmer said it is nonprofit corporation established by the State and governed by a board of five members, appointed by the Governor. It is a corporation governed by that unusual structure, so it has a very direct State relationship, but is not regarded as State property.

Zimmer noted that the proposed changes near the national register footprint occur primarily on the undeveloped portion and include the deceleration lane. The line of dying conifers would be removed and there is a requirement to add a new line to reestablish it.

McKee wondered the responsibility of Historic Preservation Commission, as far as this new development is concerned? Zimmer replied that this project will not appear before the Urban Design Committee because it is purely a private development. Due to its proximity to a historic area, it was important for this Commission to at least be briefed on it. The impact to the historic character of the cemetery is carefully positioned to soften those impacts, but this needed to be presented in case this body disagrees.

McKee asked, if KFOR has been leasing the land the radio antennae is on? Zimmer said yes, there is a long lease and that occupies a large area to include the fall zone of the tower. By making the tower shorter and moving nearer to the pond, they open up some developable property on the corner.

Francis asked about the zoning of another parcel on the corner. Johnson clarified that it is property north of the current County Department of Motor Vehicles. Barnes stated that it is also zoned R-4. It is not part of this proposal and is under separate ownership. Various potential future options for that corner have been discussed. Some type of commercial or mixed use would be appropriate.

Barnes mentioned that there is also the detention pond on Wyuka. Zimmer said the grading plan does hollow it out a bit to create some detention. The historic qualities of the cemetery are essentially unchanged by this new project.

Johnson clarified that this is not officially before this body for action, but just for information. McKee said it will never be officially be on the agenda for action. Zimmer said that is correct.

However, if the Commissioners felt the view of Planning staff was incorrect, that information would be reported to Planning Commission.

Johnson stated that the project seems fine and other Commissioner were in agreement.

Barnes noted that the plan indicates that if the tower were ever to go away, the developer would like to build more apartment units; they are planning ahead. McKee said in moving the tower likely requires a new lease. Zimmer agreed that by moving it, it is outside of the boundaries of the original lease, so the entire area is shifted. The new location is as close to the pond easement as possible. This corner has been a bare area so this will create a more urban situation.

There being no further business, the meeting was adjourned at 1:50 p.m.

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