

## MEETING RECORD

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, September 8, 1999, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

**MEMBERS IN ATTENDANCE:** Russ Bayer, Steve Duvall, Barbara Hopkins, Linda Hunter, Gerry Krieser, Patte Newman, Tommy Taylor, Greg Schwinn and Cecil Steward; Mike DeKalb, Steve Henrichsen, Rick Houck, Nicole Fleck-Tooze, Jean Walker and Teresa McKinstry of the Planning Department; media and other interested citizens.

**STATED PURPOSE OF MEETING:** Regular Planning Commission Meeting

Chair, Barbara Hopkins, called the meeting to order and requested a motion approving the minutes for the meeting held August 25, 1999. Motion to approve made by Duvall, seconded by Steward and carried 9-0: Bayer, Duvall, Hopkins, Hunter, Krieser, Newman, Taylor, Schwinn and Steward voting 'yes'.

Chair Hopkins then introduced and welcomed the new Planning Commission members: Patte Newman, Linda Hunter and Tommy Taylor, whose terms expire 8/24/2005.

**CONSENT AGENDA**  
**PUBLIC HEARING & ADMINISTRATIVE ACTION**  
**BEFORE PLANNING COMMISSION:**

**September 8, 1999**

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

The Consent Agenda consisted of the following items: **COUNTY CHANGE OF ZONE NO. 190; SPECIAL PERMIT NO. 1798; SPECIAL PERMIT NO. 1799; FINAL PLAT NO. 99022, SUMMER HILL ORIGINAL ADDITION; AND STREET AND ALLEY VACATION NO. 99008.**

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

**USE PERMIT NO. 56E**  
**TO ALLOW A POLE SIGN FOR THE SHOPPING CENTER**  
**LOCATED AT THE NORTHEAST CORNER OF**  
**NO. 27<sup>TH</sup> STREET AND CORNHUSKER HIGHWAY.**  
**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

September 8, 1999

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

Planning staff recommendation: Denial.

Mike DeKalb of Planning staff submitted a letter from the applicant requesting a two-week deferral. Jean Walker explained that there had been an error in notification to the appropriate party as the applicant for this application. Kieffer & Co., Inc. is the applicant and they were not notified of this hearing until yesterday.

There was no testimony in support or in opposition.

Duvall moved to defer, with continued public hearing and administrative action scheduled for October 6, 1999, seconded by Krieser and carried 9-0: Krieser, Schwinn, Hunter, Steward, Taylor, Newman, Duvall, Bayer and Hopkins voting 'yes'.

**PRELIMINARY PLAT NO. 98033**  
**AND**  
**USE PERMIT NO. 116**  
**NORTHERN LIGHTS COMMERCIAL CENTER**  
**ON PROPERTY GENERALLY LOCATED**  
**AT NORTH 84<sup>TH</sup> AND HOLDREGE STREETS.**

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

Planning staff recommendation: Conditional approval.

Nicole Fleck-Tooze of the Planning staff submitted proposed revision to Condition #2.3.

Proponents

1. **Kent Seacrest** appeared on behalf of **Northern Lights LLC, Clayton Yeutter and Christine Yeutter**, the applicants. This is a preliminary plat over two parcels -- B-2 commercial zoned parcel on the northwest corner of Holdrege and No. 84<sup>th</sup>, and H-4 zoned parcel further abutting to the north. This application also includes the use permit as part of the B-2 zoning, which is the neighborhood retail zone. The conditions of approval on the two applications are virtually identical; however, Mr. Seacrest submitted proposed

amendments resulting from a meeting with Planning and Public Works and he believes the staff has agreed upon the changes.

With regard to Condition #1.1.7 of the plat, Mr. Seacrest requested that this condition be deleted to allow them to show a driveway access to No. 84<sup>th</sup> between Holdrege Street and Northern Lights Drive. The applicant has worked out the off-site road improvement agreement orally with staff and will be giving right-of-way and constructing a third lane on N. 84<sup>th</sup> Street, thus this begins the first part of Lincoln's first six-lane street, and this applicant will be doing some left turn movements as well. Mr. Seacrest stated that staff has agreed to give the curbcut on No. 84<sup>th</sup> Street.

Concerning Condition #1.1.15 of the plat, the applicant will give a 40' wide easement (or slightly less) for a monster-size water line and the applicant.

Originally, it appeared that the applicant would need a waiver of design standards for the sewer line, but they have worked it out such that they do not need a waiver. Thus, Mr. Seacrest requested that Condition #2.2 of the plat be deleted.

The requested changes are identical for both applications, except that Condition #3.4 needs to be added to the use permit regarding the curbcut on No. 84<sup>th</sup>. The curbcut will be allowed so long as the applicant gets right-of-way access from the state or federal government. If they are unsuccessful in getting the right-of-way, then they will delete that driveway access point.

Hopkins inquired whether the trees being waived are somehow integrated into the landscape plan otherwise. Mr. Seacrest concurred, indicating that there is a set of trees in the apartment complex in another application at another location and that staff agreed with this swap.

Newman expressed concern about the sidewalk waiver. She asked Mr. Seacrest for justification for the waiver on Northwoods Drive. Gary Bredehoff of Olsson Associates advised that they are requesting the waiver on the east side coming off of Holdrege Street between the apartments and buildings because it is basically a dock area. There will be a sidewalk on the west side for the apartment dwellings. In the H-4 zoning district, on private roadways, depending on the uses, they typically will request a waiver of sidewalks on one side of the street. Mr. Seacrest then pointed out that when they first brought Northern Lights forward, the applicant agreed to build a second bike trail in the woodland tree mass, so he believes they have done a good job of circulating the neighborhood people without that sidewalk.

Steward referred to the proposed new Condition #3.4 and inquired, for future reference and other planning considerations in this area, whether this means this is becoming either a

state or federal highway. Mr. Seacrest understands that the city used federal and/or state funds to widen 84<sup>th</sup> Street.

Hopkins noticed from recent travels that other communities have bike trails separate from walking paths and she wondered whether this had been considered. Mr. Seacrest's response was that if we were a community of unlimited resources, we would have separate trails because there are potential conflicts between walkers, runners and bikers. The more balanced approach that we have started to use in Lincoln is the 10' width which allows for the snow plow apparatus and creates a separation of the activities on the trail. Some people would argue that the double trail is better but others would disagree. It needs to be considered on a case-by-case basis. It would be more expensive to do two separate trails because you need a minimum width for safety purposes. However, developers that are pro-trail have been willing to give to the city 20' easements whereby if you build a trail in the center, you have 10' of concrete, leaving 5' on either side for kids, or a safety zone if you will, before it falls off harshly.

Mr. Bredehoft added that one thing the trails committee has been doing is putting a dashed line down the middle to delineate two-way traffic and he believes this has been helpful.

There was no testimony in opposition.

Steward asked for staff response to the proposed amendments. Ms. Fleck-Tooze was covering this project in the absence of the project planner, Jennifer Dam, and believes from the notes of the meetings that the proposed amendments are acceptable.

Public hearing was closed.

**PRELIMINARY PLAT NO. 98033**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

September 8, 1999

Bayer moved approval, with conditions as amended by the applicant and the staff, seconded by Krieser.

Duvall is amazed at how many apartment complexes are being introduced as well as the size of the grocery store.

Newman has concerns about only having sidewalks on one side of the street. She would like to see it revised such that the sidewalks would not be deleted north of Northern Lights Drive on Northwoods Drive, i.e. requiring sidewalks on both sides of the street at that particular location. If it is a connector up to Adams anyway, she thinks we need these sidewalks now. Newman so moved to amend, seconded by Steward.

Steward clarified that this amendment pertains to Northwoods Drive, which is north of Northern Lights Drive, and would require sidewalks on both the east and west side of the

street.

Bayer inquired about the uses allowed in the H-4 zoning district. Ms. Fleck-Tooze referred to the zoning ordinance and listed some of the H-4 permitted uses that are allowed by right, including auto, truck and heavy equipment sales; commercial storage; lumber yards; warehouses; wholesale distribution centers; machinery repair; truck terminals, etc. Bayer believes that staff supports the waiver because of these types of uses. Ms. Fleck-Tooze noted that south of Northern Lights Drive on the east side, there will be a different type of use. Newman is referring to the area to the north of Northern Lights Drive which is through the H-4 zoning. Staff agrees that there would not be as much pedestrian foot traffic there. Hopkins wondered if the pedestrian traffic is not expected or that we do not want to promote it. Ms. Fleck-Tooze suspects that it would be that we don't expect it there. There is a power station on Leighton and we anticipate that it will remain.

Bayer is not sure there is the need for the sidewalk on both sides of the street. He would want to discourage people from walking in this area. However, Newman pointed out that Colby would connect over to Northwoods Drive and if people do ride bikes to hook up to the bike trail, they could then use either side of the street. She does not know how many people would be using that cut-through. Ms. Fleck-Tooze noted that there are commercial and residential uses further to the north and staff would anticipate that Northwoods Drive would continue further to the north.

Motion to amend to require sidewalks on both sides of the street in the specific location on Northwoods Drive failed 3-5: Krieser, Steward and Newman voting 'yes'; Schwinn, Hunter, Duvall, Bayer and Hopkins voting 'no'; Taylor abstaining.

Main motion for conditional approval, as amended by staff and the applicant, carried 8-0: Krieser, Schwinn, Hunter, Steward, Newman, Duvall, Bayer and Hopkins voting 'yes'; Taylor abstaining.

**USE PERMIT NO. 116**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

September 8, 1999

Bayer moved approval, with conditions, as proposed to be amended by the applicant, seconded by Duvall and carried 9-0: Krieser, Schwinn, Hunter, Steward, Taylor, Newman, Duvall, Bayer and Hopkins voting 'yes'.

**PRELIMINARY PLAT NO. 99017**

**and**

**SPECIAL PERMIT NO. 1781,**

**NORTHVIEW 1<sup>ST</sup> ADDITION**

**ON PROPERTY GENERALLY LOCATED**

**AT NORTH 24<sup>TH</sup> & DODGE STREETS.**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

September 8, 1999

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

Planning staff recommendation: Conditional approval.

Proponents

**1. Mike Rierden** appeared on behalf of the applicant. The applicant is in agreement with all conditions of approval, except for a change to Condition #1.1.5 which requires a trail system and tot lot in Outlot A, with the playground equipment to be approved by Parks and Recreation. The applicant does not have a problem with this condition; however, they would like the Commission to consider an alternative: “Show recreational facilities compatible with the intended ownership of the townhomes in Outlot “A”. The playground equipment shall be approved by the Parks and Recreation Department. Show a trail system extending from Superior Street south along the applicant’s east boundary line across Outlot “B” (Between Lots 13 and 14) to Dodge Street.” Mr. Rierden explained that because of the intended ownership of the townhome lots, which is more of the empty nester type owners, the applicant would propose “recreational facilities compatible with the intended ownership” as opposed to a tot lot. They would then work with the Planning staff at a later date as to what those facilities might be that might be more compatible rather than a tot lot. As to the trail system, the applicant would propose an 8' bike path extending from Superior Street, extending down the eastern lot line and extending through Lots 13 and 14 to hook up with the sidewalk system on the future Dodge Street, which then would provide pedestrian and bike access over to No. 27<sup>th</sup> Street. This will be a benefit to the future owners of this property and to the Landon’s Addition.

Hopkins wondered what other recreational facilities might be acceptable. Mr. Rierden suggested that a tot lot probably would not be that compatible to the intended use. Maybe if it’s going to be the babyboomer generation, it could be exercise stations, a gazebo or something of that nature. Hopkins believes that sometimes townhomes are starter homes for younger families.

Steward does not think the applicant has control of who will purchase the homes and what their family structure may or may not be. He believes staff’s objective is to be sure that if there are people with youngsters that they have the usual kind of equipment in a subdivision of this nature. Steward wants them to provide for either or both. Rierden

believes the “compatible” language covers it. It was suggested that the word “intended” be removed from the proposed new language.

Hunter asked whether the trail system would be conditioned such that it conforms with the normal bike path. Mr. Rierden stated that they are agreeing to the typical 8' concrete bike trail. It would not be a gravel path.

Rick Houck of Planning staff (who was covering for the project planner, Jennifer Dam) stated that there is an 8' path on the south side of Superior now and 8' on west side of 27<sup>th</sup>. Although 8' is not the most preferred, it is probably as usable in this location as we could get. He does not believe 10-12' is appropriate. This will probably be more for kids moving through the area than people on recreational rides.

As to the recreational facilities in the outlot, Mr. Houck stated that it is difficult to determine what the market is going to be. The developer will usually market toward one group of people. He agrees that possibly the running path with exercise stops would be appropriate. Staff agrees with the proposed amendment. 8' does meet the trail standard. Public trails are starting to become 10-12', but this will be a privately owned trail and 8' is the standard. The developer and the homeowners association that is set up by the developer will maintain the trail. This would have to be part of their bylaws. During final platting, there will be agreements about maintaining the private improvements.

Mr. Rierden also pointed out that this applicant has agreed at the outset to construct the street as opposed to building it incrementally as lots are sold. This was an important issue to the Landons neighborhood and the neighbors to the west. The developer has agreed to build the entire street.

Bayer asked if there would be a traffic light on 27<sup>th</sup> Street. Buff Baker of Public Works advised that before installing a traffic signal, the city does a study and they have not had any warrants for this location. Fall is the time to get those studies in, so it will probably be next fall before that study would occur.

**2. Rob Hackwith, President of Landon’s Neighborhood Assn.,** 4210 No. 23<sup>rd</sup>, testified in support. When 27<sup>th</sup> Street was widened, they lost their bike path from approximately 27<sup>th</sup> & Superior to not quite as far as Old Dairy Road. The Association believes this proposal would open up an alternative route for the kids. They can’t make it down 27<sup>th</sup> Street now with two bikes.

In reference to the playground equipment, no one knows who will buy the homes and how do we know when and what Lincoln Federal is going to do in terms of the equipment? He pointed out that all of the construction traffic is going to go past the main entrance to Campbell School on Dodge. With Dodge completed all the way down to Old Dairy Road, maybe it will be a safer situation. The developer has finally agreed to provide this street. In general, the Landons Association supports this development. As the development

continued on Northview there were zoning changes little by little by little, and in order to support any zoning changes on the north side of Dodge, Landons Neighborhood wanted to see for sure what was happening on the south side, and that was townhomes that have been shown for several years. Landons is satisfied that there is no industrial use.

Hopkins asked whether the Landons Neighborhood has a preference for the recreational facilities. Mr. Hackwith stated that they do not know at this time. With the proximity to the elementary school, they are wondering whether they might get some young families. It looks like they are building \$150,000 townhomes and he is not sure they will be starter homes.

Hunter inquired why the bike trail that was on 27<sup>th</sup> does not exist. Mr. Hackwith stated that it exists but it got smaller. It's like taking I-80 and closing it down to one lane. The city stated that it was a matter of economics. It has been a sore subject for quite some time. Hunter wondered whether this new trail will put more traffic on the 27<sup>th</sup> Street trail. She is concerned that 8' might not service the area if a lot of the traffic will be detoured to the new trail. 27<sup>th</sup> Street is a busy street. Mr. Hackwith agreed and would like to see the 27<sup>th</sup> Street bike path widened to what it was originally supposed to be.

There was no testimony in opposition.

Schwinn knows the city has a policy to build the road and then decide how many cars travel, but he thinks there will be too many cars right away and the traffic light will be needed right away. Mr. Baker again stated that the city must have the warrants to install the light. Schwinn suggested that the city needs to look at a different way of looking at these regulations. He believes there will be a huge amount of traffic on this street. Mr. Baker observed that the traffic signals actually cause more accidents than they prevent, which, he agrees, is a logic that is hard to explain.

Hopkins inquired what the considerations are in determining the need for a traffic light. Mr. Baker stated that they consider the amount of traffic, lanes of traffic and the locations of the lights to keep the traffic volumes moving.

Bayer wondered whether a temporary light could be installed during construction. This development builds 150-160 units and the only way the trucks will get out is by driving by the school. Mr. Baker advised that the 24<sup>th</sup> Street access up to Superior is active. He believes the developer can control where his supplies are coming in and out. Without having that connection, there will be some traffic, but once the roadway is in there are alternate access points and the residential route won't be as busy as it is now.

Steward asked staff to provide some confidence to Mr. Hackwith with regard to the playground/recreation equipment as to when they will know whether it is for youngsters or adults. Mr. Houck pointed out that it is a condition of approval prior to scheduling on the City Council agenda as it is now written. They will have to make that decision soon.

As to the trail system, Mr. Houck advised that there is a trail system on the south side from 14<sup>th</sup> over to at least 48<sup>th</sup> Street, 8' wide. The trail that was taken off on the west side of 27<sup>th</sup> Street was taken off for safety reasons. There are a number of commercial curbcuts going in and out of that area and the city did not believe an 8' bike path used by numbers of people would be appropriate for safety reasons. They did put an 8' wide concrete trail on the north side of Salt Creek south of this location to replace that trail. But it is a safety consideration about moving people across all the commercial curbcuts.

Response by the Applicant

Mr. Rierden advised the Commission that, outside of what is before the Commission today, there is a developer under contract who is putting together plans for a day care center which will hopefully be in front of the Commission in the next 30 days. It's a natural next to the school. The area around the Bryan facility and Lincoln Federal is zoned O-3 and will probably be offices in the future. The developer will also be coming forward with assisted/senior living in the area.

Public hearing was closed.

**PRELIMINARY PLAT NO. 99017,  
NORTHVIEW 1<sup>ST</sup> ADDITION**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:** September 8, 1999

Steward moved to approve the Planning staff recommendation of conditional approval, seconded by Duvall. Steward has not elected to add Mr. Rierden's proposed amendment to Condition #1.1.5. Motion carried 9-0: Krieser, Schwinn, Hunter, Steward, Taylor, Newman, Duvall, Bayer and Hopkins voting 'yes'.

**SPECIAL PERMIT NO. 1781,  
NORTHVIEW 1<sup>ST</sup> ADDITION COMMUNITY UNIT PLAN**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:** September 8, 1999

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

Bayer believes the Commission has removed the bike trail by eliminating the proposed amendment to Condition #1.1.5. Rick Houck of Planning staff clarified that the staff's Condition #1.1.5 requires a trail system in Outlot A. But, Bayer believes the bike trail will be extended with the amendment being requested to Condition #1.1.5.

Mr. Rierden was allowed to speak and explained that they want to eliminate from Condition #1.1.5 the reference to trail system and in lieu thereof are willing to construct the bike path from Superior down to Dodge Street. He also still believes it is a better idea to have some flexibility on the recreational facilities because they do not know who the users will be.

Bayer is curious how important the bike trail is going to be. Hunter believes it is very important. Mr. Hackwith also believes it is very important.

Mr. Houck concurred that the change to Condition #1.1.5 would apply to both the plat and community unit plan.

Bayer moved to amend to revise Condition #1.1.5 as follows:

Show a trail system and tot lot recreational facilities compatible with the ownership of the townhomes in "Outlot A" . The playground recreational equipment shall be approved by the Parks and Recreation Department. Show an 8' wide bike path extending from Superior Street south along the applicant's east boundary line across Outlot "B" (between Lots 13 and 14) to Dodge Street.

Motion to amend was seconded by Duvall and carried 9-0: Krieser, Schwinn, Hunter, Steward, Taylor, Newman, Duvall, Bayer and Hopkins voting 'yes'.

Main motion for conditional approval, as amended, carried 9-0: Krieser, Schwinn, Hunter, Steward, Taylor, Newman, Duvall, Bayer and Hopkins voting 'yes'.

Bayer moved to reconsider Preliminary Plat No. 99017, Northview 1<sup>st</sup> Addition, seconded by Schwinn and carried 9-0: Krieser, Schwinn, Hunter, Steward, Taylor, Newman, Duvall, Bayer and Hopkins voting 'yes'.

**RECONSIDERATION OF PRELIMINARY PLAT NO. 99017,  
NORTHVIEW 1<sup>ST</sup> ADDITION**

September 8, 1999

Bayer moved to approve the Planning staff recommendation of conditional approval, with amendment to Condition #1.1.5 as follows:

Show a trail system and tot lot recreational facilities compatible with the ownership of the townhomes in "Outlot A" . The playground recreational equipment shall be approved by the Parks and Recreation Department. Show an 8' wide bike path extending from Superior Street south along the applicant's east boundary line across Outlot "B" (between Lots 13 and 14) to Dodge Street.

Motion was seconded by Krieser and carried 9-0: Krieser, Schwinn, Hunter, Steward, Taylor, Newman, Duvall, Bayer and Hopkins voting 'yes'.

**WAIVER OF DESIGN STANDARDS NO. 99009  
TO WAIVE STREET TREES AND SIDEWALKS  
ON PROPERTY GENERALLY LOCATED  
AT N.W. 48<sup>TH</sup> STREET AND WEST VOSLER.  
PUBLIC HEARING BEFORE PLANNING COMMISSION**

September 8, 1999

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

Planning staff recommendation: Denial.

Proponents

**1. Milissa Johnson-Wiles**, 130 No. 16<sup>th</sup>, attorney, testified on behalf of the applicant. The application pertains specifically to the area at 4801 and 4807 W. Vosler. Mr. Johnson has received an administrative replat to subdivide the property from a duplex into a townhouse where it is still one roof with single family units. As part of that replatting, the city has made a requirement that some street trees be placed along the side of the property and that there be a sidewalk constructed or surety posted.

With regard to street trees, it is Ms. Johnson-Wiles' understanding that Parks has now looked at the street tree issue and has worked something out with the applicant and the waiver of the street trees is no longer necessary.

With respect to sidewalks, it appears that city imposed the requirement because Mr. Johnson subdivided the property; however, Ms. Johnson-Wiles submitted that this is a unique situation where the waiver would be necessary. In the aerial photo it shows that there are no sidewalks on the south side of W. Vosler Street, but there are sidewalks on the north side of W. Vosler Street. W. Mathes Street has sidewalks on the north side, but on the south side there is no sidewalk. The Arnold Heights area has changed very little since the late 1950's and 1960's. This is an older area and there has not been a lot of development over the last 40 years. The area encompassing W. Vosler has curved streets, open areas and cul-de-sacs and is designed to regulate traffic flow with pedestrian flow in mind. Nothing has changed and Ms. Johnson-Wiles suggested that there is no increase in pedestrian traffic or population density by Mr. Johnson's subdivision of the property. She believes that if there was going to be a change in the future, that it would take a major restructuring of the area, and she does not believe there is going to be a change. This sidewalk would go nowhere but in front of Mr. Johnson's property. She does not see that there will be a need in the future for anyone else along the south side of W. Vosler to construct sidewalks either. This is not a subdivision in the normal sense of the word. It is just a unique situation where it is an older neighborhood and because he has chosen to subdivide, the sidewalk requirement was imposed.

Bayer asked what would happen if the city decided to put sidewalks all along the south side of Vosler, etc. Ms. Johnson-Wiles believes that if there was need for the sidewalks, the applicant would not object to a sidewalk district if created in the future.

Bayer inquired further about the street trees. Mr. Johnson, the owner, explained that his only question regarding the tree requirement was regarding the number of trees and the location because there are existing trees in the area. He requested this waiver in order to

address that issue and he has since talked with Parks and they have viewed the property and he will go along with their recommendation regarding the street trees. He does not need the street tree waiver.

Schwinn referred to the line on the map parallel to N.W. 48<sup>th</sup> wondering if that was overhead power lines on the west side of the sidewalk. Mr. Johnson believes there are overhead power lines, but there is also a fence that separates the property from N.W. 48<sup>th</sup>.

There was no testimony in opposition.

Schwinn wants assurance from Parks and Recreation. Rick Houck of Planning staff was not aware that the applicant had worked out some sort of agreement with the Parks Department. A representative of the Parks Department was not present.

Steward noted that the larger development plan shows sidewalks on both sides for everything north of Benton Street and he is curious if the city has any plans to ultimately get this part of the development to conform with the rest. Mr. Houck was not aware of any plans at this time. This is very typical of a military housing development. Both the unit types and the mix of single family and duplex with the sidewalk system on one side of the street is typical.

Hopkins inquired why the staff is recommending denial. Mr. Houck explained that in conversation with Public Works, the city does not do a sidewalk assessment district by itself. It is always done in conjunction with a paving improvement district. Hopkins thought that the Planning Commission could ask the staff to investigate an area for the need to do an assessment district. Mr. Houck stated that it is not normally done that way, but rather in conjunction with a street improvement. The Law Dept. has taken the position that any time you do a subdivision you have to put all the subdivision requirements on it. We have no way to waive the subdivision requirements administratively. When Mr. Houck reviewed the waiver, knowing the context of the area with a lot of younger children, he believed that sidewalks are very appropriate, even if only on one or two lots—anything to get kids out of the street.

#### Response by the Applicant

Ms. Johnson-Wiles pointed out that there have been children in the area for a long time and there were children in the area at the time the area was developed. It has been a safe system. A sidewalk on this side of the street is not going to add too much to the safety that already exists.

Mr. Johnson also responded that if the street were installed at that location and it ended at the property line, the tendency would be for some pedestrian traffic to turn on that sidewalk and it would dead-end at the property line. He is fearful that there would be children wanting to cross the street at mid-street if there were a sidewalk there.

Public hearing was closed.

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:** September 8, 1999

Bayer moved approval of the sidewalk waiver with the condition that if a sidewalk assessment district is created in the future, the applicant will not object; and denial of the street tree waiver, seconded by Duvall.

Schwinn believes there are plenty of trees that exist. He is not sure that street trees would become a problem. He will vote against the motion because he believes the trees should be waived. Hopkins believes the applicant had indicated they have come to agreement on the street trees and the waiver is no longer needed.

Motion approving the waiver of sidewalks, so long as the owner does not object to the creation of a sidewalk district in the future, and denying the waiver of street trees, carried 9-0: Krieser, Schwinn, Hunter, Steward, Taylor, Newman, Duvall, Bayer and Hopkins voting 'yes'.

**COMPREHENSIVE PLAN AMENDMENT NO. 94-38**  
**TO ADOPT THE BEAL SLOUGH BASIN**  
**STORMWATER MASTER PLAN.**

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:** September 8, 1999

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

Proponents

**1. Steve Masters of the Public Works and Utilities Department** testified that one letter has been received since the last hearing from Dr. Richard Sutton with the University, and he will be making comments today. Mr. Masters has sent out 185 copies of the Executive Summary to elected officials and neighborhoods and has made copies available in the libraries. He has received a few contacts as a result of this distribution.

**2. Mark Hunzeker** appeared and expressed appreciation to the Commission for deferring this hearing; however, due to a family emergency he has been unable to review the information. He suggested that this legislation be passed on to the City Council and County Board at this time and he will attempt to review the information in the meantime.

**3. Dr. Richard Sutton**, who served on the Stormwater Task Force, strongly agrees that this kind of work is needed in the Beal Slough area. Early on in the process of the task force, the idea of aesthetics came to the floor, which appears to have slid to the back of the plan. Dr. Sutton urged that aesthetics are important. For the public to accept the kinds of large scale work that is going to be needed to bring Beal Slough back up to a safe and sustainable kind of system, the public is going to have to buy into it. If the city would have spent 2 million dollars early on over the last 25 years, we would not be looking at this massive of a project now.

First of all, there is a large structure being proposed on the north end of Tierra Park for stormwater off-stream detention. Part of the problem is that it will be a very contrasting form with that very natural area, which is heavily used by hikers and walkers. While the area was designed to hold stormwater, it will look very abrupt and out of character. Dr. Sutton believes that there are techniques that can be used to make it more visibly acceptable. He has talked with Olsson Associates about the design. It needs to be built to fit into the environment.

Secondly, the dikes being proposed need to be more within a natural as opposed to strictly manmade form.

Dr. Sutton then referred to the concrete channel liners, noting that a number of years ago when engineers started using concrete channel liners in our tributaries, it was a quick fix

to get the water off quickly. But as those channel liners start to become 20-25 years in age, they will begin to fail. Dr. Sutton believes we are really missing an opportunity to get away from the concrete channel liners and go to a little more biologically friendly and less visually obtrusive method. Unfortunately, the concrete channel liners become a default design standard. There are a good number of them in this area.

With regard to the connectivity of the Beal Slough and its tributaries, Dr. Sutton suggested that one of the ideas is the need for maintenance to occur along the stream and there may need to be rights-of-way for maintenance obtained along private property. Here is the perfect opportunity to make a more connected trail and park system that could utilize those areas. This will cost more money and may require a taking of property. He believes that a little more could be done to connect the master plan to the overall trails and parks system of Lincoln.

Dr. Sutton is glad to see this plan go forward and he believes the intent is for future plans to go forward on other urban tributaries which need to be reworked in a more ecologically, sound, aesthetic and stabler way.

Steward asked how Dr. Sutton's ideas could be accomplished. Steward raised this question at the last meeting as to how to get lessons learned from this into the comprehensive master planning process and try to get ahead of this rather than repairing behind it. Dr. Sutton's response was that Lincoln has kind of taken care of itself in the way that Lincoln has developed. If the community decides to move into Stevens Creek, it will develop that watershed differently—not from the bottom up. By putting in place some of the detention and some of the ideas that are coming out in this master plan, it becomes a model for getting in front of the development and requiring adequate drainage as a part of development process. We really need to start to disconnect the system more—get away from a lot of underground culverts, a lot of hard surface material—and think about creating areas out of the way where we detain flood waters to slow it down. Huge parking lots that dump into drainage areas need to have some kind of buffer. The techniques exist. The Denver consultant working on this is very well versed, but the problem is getting it into the engineering “how to do” books. That is why it is so important that the stormwater requirements get into the books to become part of the process. The developer will look at those things added at the end as extra expense. If put in at the front end, they can factor those things in.

There was no testimony in opposition.

Steve Masters suggested that the Commission could add the following language to the master plan concerning Dr. Sutton's comments: “Designs of human made features will

seek to utilize bioengineering and other naturalized techniques, incorporating trail systems and other linear park features where possible.”

Mr. Masters also indicated that the staff does intend to get back to Steward’s observation that there be some questions to refer to as developers and proposals come forward.

Regarding some of the comments about concrete liners, etc., Hunter inquired whether there is some indication of the amount of money that would be an initial phase, i.e. what kind of cost differential is there between doing concrete liner versus ground surface? She agrees that at some point in time aesthetics is important, but with this particular area, that project is going to make a huge reduction and she is wondering whether at this stage we can’t really do the great aesthetic thing to correct the problem. Will you be spending it again 10 years from now as opposed to 20 years from now? Mr. Masters agrees that the city could consider design alternatives other than concrete and a part of that consideration needs to be how to maintain it. There is nothing that doesn’t require some kind of recurring maintenance. He suggested that they not only look at concrete but other concepts as a natural part of a more modernistic approach to looking at stormwater master planning. There will be occasions where concrete is what we will need to use, but he is hopeful to incorporate other approaches as well.

Nicole Fleck-Tooze of Planning staff also pointed out that the policy recommendation that is anticipated to be coming forward includes provisions for preserving flood corridors with natural vegetation that would also support and preserve those channels. Some of the more generalized language will be addressed with those policy recommendations.

Ms. Fleck-Tooze indicated that the staff does support the proposed new language from Dr. Sutton’s comments.

Dr. Sutton stated that he is not suggesting that we not put in the detention because that is a major piece of controlling the floods, but he is suggesting that instead of strictly using the typical design, there may be other techniques that could be investigated. He is just trying to raise the flag that it can be brought into the design process.

Hunter stated that she was attempting to point out that the ultimate effort has to be to use the most modern engineering we can to handle a watershed. Her only concern is when doing hindsight type development, the area may not make it feasible to do that and we may have to sacrifice aesthetics for solving the problem.

Public hearing was closed.

Steward moved approval, with the additional language as proposed by Steve Masters and as recommended by Dr. Sutton, seconded by Schwinn and carried 9-0: Krieser, Schwinn, Hunter, Steward, Taylor, Newman, Duvall, Bayer and Hopkins voting 'yes'.

There being no further business, the meeting was adjourned at 2:45 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on September 22, 1999.

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