

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, July 25, 2001, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Russ Bayer, Jon Carlson, Steve Duvall, Linda Hunter, Gerry Krieser, Patte Newman, Greg Schwinn, Cecil Steward and Tommy Taylor; Kathleen Sellman, Ray Hill, Jason Reynolds, Becky Horner, Brian Will, Jean Walker and Teresa McKinstry of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Meeting

Chair Russ Bayer called the meeting to order.

Kathleen Sellman, Director of Planning, introduced the newest planner in the Planning Department, Brian Will, who will be taking over most of the assignments left by Jennifer Dam. He is coming to the Planning Department with extensive experience in major projects and in cell towers, and has most recently been working for the city of Omaha.

Bayer requested a motion approving the minutes for the regular meeting held July 11, 2001. Schwinn made a motion for approval, seconded by Newman and carried 7-0: Bayer, Carlson, Duvall, Krieser, Newman, Schwinn and Steward voting 'yes'; Hunter and Taylor abstaining.

Bayer requested a motion approving the minutes for the special continued public hearing on the South and East Beltway held July 18, 2001. Steward moved approval, seconded by Duvall and carried 5-0: Carlson, Duvall, Newman, Schwinn and Steward voting 'yes'; Hunter and Taylor abstaining; Bayer and Krieser had a conflict of interest.

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

July 25, 2001

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

The Consent agenda consisted of the following items: **COUNTY CHANGE OF ZONE NO. 206; COUNTY MISCELLANEOUS NO. 01007; CHANGE OF ZONE NO. 3331; MISCELLANEOUS NO. 01006; FINAL PLAT NO. 00022, LINCOLN BALLPARK ADDITION; COUNTY FINAL PLAT NO. 01022, HAWK'S POINT; WAIVER OF DESIGN STANDARDS NO. 01013; WAIVER OF DESIGN STANDARDS NO. 01015; and MISCELLANEOUS NO. 01008.**

Item No. 1.1a, County Change of Zone No. 206; Item No. 1.1b, County Miscellaneous No. 01007; Item No. 1.1c, Change of Zone No. 3331; Item No. 1.1d, Miscellaneous No. 01006; and Item No. 1.6, Miscellaneous No. 01008, were removed from the Consent Agenda and scheduled for separate public hearing.

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

COUNTY CHANGE OF ZONE NO. 206;
COUNTY MISCELLANEOUS NO. 01007;
CHANGE OF ZONE NO. 3331; and
MISCELLANEOUS NO. 01006,
TEXT AMENDMENTS TO THE CITY AND COUNTY
ZONING AND SUBDIVISION REGULATIONS
TO ADOPT THE REVISED FLOOD INSURANCE
RATE MAPS (FIRM) AND FLOOD INSURANCE
STUDY (FIS).

PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 25, 2001

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

Planning staff recommendation: Approval.

These applications were removed from the Consent Agenda and had separate public hearing.

Proponents

1. Nicole Fleck-Tooze of the Public Works Department submitted the legislative format of the text revisions for the County and City subdivision regulations. These revisions are described in the staff report but the legislative format was inadvertently not attached to the staff report.

There was no testimony in opposition.

Public hearing was closed.

COUNTY CHANGE OF ZONE NO. 206

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: July 25, 2001

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

COUNTY MISCELLANEOUS NO. 01007

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: July 25, 2001

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

CHANGE OF ZONE NO. 3331

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: July 25, 2001

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

MISCELLANEOUS NO. 01006

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: July 25, 2001

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

MISCELLANEOUS NO. 01008
TO AMEND THE RULES AND PROCEDURES
OF THE PLANNING COMMISSION

PUBLIC HEARING BEFORE PLANNING COMMISSION: July 25, 2001

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

Staff recommendation: Approval.

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

Chair Bayer explained that this will change the election of Chair and Vice-Chair from October to August of odd-numbered years to coincide with the expiration of terms of appointment. This will avoid there being a gap from August until October in the event the Chair's term expires.

There were no questions or discussion.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

July 25, 2001

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

CHANGE OF ZONE NO. 3327
TEXT AMENDMENT TO THE ZONING ORDINANCE
TO ALLOW MORE THAN ONE MAIN BUILDING
ON A LOT IN THE AG DISTRICT
and
SPECIAL PERMIT NO. 1909
TO PERMIT TEMPORARY STORAGE OF CONSTRUCTION
EQUIPMENT AND MATERIALS, ON PROPERTY
LOCATED AT 5400 S. FOLSOM.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 25, 2001

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

Planning staff recommendation: Denial.

Jason Reynolds of the Planning staff submitted additional information for the record including a response from the applicant to the staff reports and a letter in support of the special permit from the President of the Yankee Hill Neighborhood Association.

Proponents

1. **Bill Austin** appeared on behalf of Mechanical Specialties, Inc. (Mr. and Mrs. Leonard Stolzer). This proposed text amendment had its genesis in the special permit which had previously been filed to allow temporary storage of construction equipment in the AG district. Staff had recommended denial in part because the property was the site of the home of the Stolzers as well as the existing storage facility and determined this to be two main buildings on one lot, which is not permissible in the AG district.

Austin stated that the applicant supports and requests that the Commission consider the alternative language for the text amendment as proposed by the City Attorney rather than the original language proposed by the applicant. It is more clear in what we are attempting to accomplish and it also addresses more clearly some of the staff concerns.

Austin also pointed out that the special permit application cannot be considered as final action by the Planning Commission as advertised. Under section 27.63.590, which is the special permit provision for temporary storage of equipment in the AG district, it requires City Council action to set the time limit during which the special permit is to continue and requires City Council action to reduce the acres to 7, which is something this applicant has requested.

Austin further explained that this text amendment seeks to change section 27.71.130 of the code that sets forth when more than one main building may be located on a lot. The language suggested by the City Attorney would provide that where an existing single family dwelling is located, one additional main building may be located on the tract in conjunction with another permitted use, other than residential, provided that it is either owner/manager occupied and the lot area contains sufficient area to meet the 1-acre requirement for a single family residence plus the minimum lot area required in the AG district for the nonresidential use. In other words, this text amendment seeks for the resident to act as a caretaker. Austin believes there are a number of benefits to this amendment. It would provide more security and less possibility for vandalism of valuable equipment and supplies; it provides efficient use of the ground in the AG district; the large tract could be put to more constructive use in conjunction with the residence in the AG district; and there is some benefit to allow someone to live where they work. This probably will reduce the number of trips on the roads.

In its recommendation of denial, Austin noted that the Planning staff has cited Comprehensive Plan language making reference to a continuing commitment to neighborhoods and pointing out that neighborhoods are fundamental to the plan. They also go on to say that while agriculture changes, rural character remains recognizing that agricultural and agri-business activities are changing and will continue to result in changes of use in the AG district. Austin agrees that these are certainly valid points, but they do not support the conclusion that this change of zone therefore contravenes the character of rural neighborhoods or that it would promote an intensity of use inappropriate for the areas shown as agricultural. Austin is not sure why the neighborhood language has any relevance to this change of zone because this change of zone is limited to the AG district and the AG district is not a residential use. Nor are we proposing an intensification of use that is significantly different than that which is already permitted in the AG district. This proposal requires at least a 1-acre for a residence and, in addition, the amount of acres necessary for the otherwise permitted use. Austin suggested that this is not significantly different than what is already permitted in the AG district where an existing residence can actually be split off now on a one-acre tract with the remainder of the property continuing in agricultural or some other permitted use. This is currently permitted in the situation in which a house is associated with a farm. Austin suggested that from a health,

safety or welfare standpoint it does not make a whole lot of difference whether a property was associated with a farm or not if you are going to allow residences on one-acre tracts in the AG district. But, even over and above that, this applicant is not asking to allow a residence on a one-acre tract. We are suggesting that on a larger tract, as long as we have at least one acre to support the residential use, that that should be permitted.

Austin purported that this sort of use is already allowed in the AG district if you are on a farm. It is presumably permitted if you are a church with a parsonage. All this proposed change does is to allow this in conjunction with other uses within the AG district. It requires at least the minimum amount that you would otherwise require to carve out a residence from a farmstead, and, in addition, requires that you have the acreage necessary for the otherwise permitted use.

Austin pointed out that currently in the AG district there are already a variety of uses that are permitted on one, two, ten and twenty acres, but it's the 20-acre general minimum which was presumably decided upon because a farmstead is twenty acres.

Austin suggested that there is no more real possibility of significant intensification of use based upon this request than there is of all the farmers wanting to carve off their homes from their 20+ acre lots on a wholesale basis. The applicant is puzzled by the staff comments that there would be any real intensification of use. The applicant is also puzzled by the Building & Safety comments that ask why the tract should only meet the area requirements of 27.07.080(h), relating to carving off of the farm residence. If this applicant met 27.07.080(h), they would not be here today. Aside from that, what this applicant is intending to do by making a reference to that was simply to point out that there is an existing and established minimum lot for a residence and we're trying to key into that; however, that language is no longer in the proposal as drafted by the City Attorney's office.

Austin also noted that the Building & Safety report expressed some concern about non-permitted uses being permitted. If this proposal was in any way unclear about that, it should be cleared up by the City Attorney's draft of the language, which specifically says that all you can have with the residence is another permitted use in the AG district.

The staff suggests that this change will not promote preservation of the rural character of the area. Frankly, Austin believes that the special permit this applicant is seeking in conjunction with this text will actually assist in preserving the rural character to the extent that it exists in that location now. We are asking for a temporary use of the premises for storage of equipment. With regard to the rural character of the area, Austin passed around some photographs showing activities that are occurring within a mile of the applicant's own home including existing construction and equestrian activities with residences. Austin was not trying to point the finger at anyone else, but if Mr. Stolzer can find these three examples which exist within one mile, it probably is occurring to a fairly large extent around the city where there are already residences in conjunction with other permitted uses.

Austin does not believe that this is something that needs to be outlawed or eliminated, but it is something that needs to be recognized and addressed. A sensible approach is to recognize the utility of having someone have their residence almost as an accessory use in conjunction with other permissible uses already allowed in the AG district.

Carlson clarified with Austin that it is his opinion that the other uses shown on the map are currently unlawful uses. Austin believes they stand in the same position as Mr. Stolzer. Carlson understands that this text amendment would benefit Stolzer, but one concern he has is that it is a text change and therefore city-wide/county-wide. What's the benefit to the County? Austin responded that first of all, to some extent zoning has to be practical and recognize what people do and want to do in these sorts of districts. The three examples are very much a tip of the iceberg as to what is occurring. A lot of people on these large lot acreages in the AG district have a residence and often you find people slowly accreting to some extent their business there and it is not an unreasonable use of the ground. In contrast, the benefit is that if we recognize something that is in the nature of a caretaker type of activity (someone who is residing on the premises and making use of the premises in what is an otherwise permitted use in the district), that is probably beneficial from the standpoint of security and reducing vandalism.

Carlson noted the applicant's assumption that the area, if not in transition, is probably headed for transition because of its proximity to the city, and that this would lay the groundwork for a potential special permit that would have a time limit. That raises a concern to Carlson. He asked for the applicant's rationale as to why the application is justified if it is just a temporary situation in a transitional area. Austin replied that insofar as the change of zone is concerned, the benefit is a little different than with the specific special permit being requested here. He believes that the change of zone has a benefit separate and apart from the special permit simply because it will recognize a reasonable use of large lots in the AG district where there is an existing residence and someone wants an otherwise permitted use and has enough area to do that but for the fact that they cannot have two main buildings on the lot. For the special permit, that is a little different because the specific permit has a maximum limit on it of 15 years, and because of where Stolzer is located (abutting up against the proposed Optimist fields with the Wright YMCA fields about a block or two to the north), he does not think this is going to be agricultural for a long time if we continue to encroach with things such as ballfields. Speaking of intensifying the use of the roads and ground out there, those ballfields are doing it.

Austin pointed out that the applicant is not seeking a change of zone, but this at least allows Mr. Stolzer a reasonable use of his property and the existing structures on his ground for a limited period of time.

Steward is concerned about enforcement of the language, "Either the owner or resident manager of the nonresidential use shall live in the single family dwelling as his or her

permanent residence.” Steward’s concern is, what’s to prohibit this applicant or an adjacent property owner or anyone in the county from building that second house and leasing it? Austin clarified that there will not be a second home that would be allowed on the premises. There would be one home and one business. Bayer then inquired how you make sure the home is occupied by the business owner. Austin suggested that there would be ways to check that through the business records and as to where that individual is obtaining their mail--the various ways in which they would verify occupancy by someone in any building. Steward commented that it’s like many of our ordinances--there is a way to do it but the cost and the effectiveness becomes onerous to the county or city. Austin agrees that there are enforcement problems, but by the same token, a farmer could rent out his house and you wouldn’t know it.

Hunter sought clarification of the minimum lot area requirements. Austin explained that with this change, you could have the second main building if you have the one-acre for the residence and then whatever the other permitted use is (most of the time it is going to be 20 acres, so you would have to have 21 acres to make this permissible). In some circumstances it’s 10 acres plus the one acre. This special permit is one acre plus seven acres. There are 8.62 acres in the subject property.

Bayer noted that it seems this is an ordinance that would allow home based businesses in AG. Is that it? Or a business on a person’s land? Austin believes it is close to that. They are looking more to allow them to provide the caretaker sort of function.

2. Craig Strong appeared on behalf of Leonard Stolzer and discussed the special permit application. He showed a photo of Stolzer’s lot, showing the storage building in question and storage area and the residence. As far as the long term effect, Strong reiterated that it is within a permitted use already in the AG area. This is unique to the extent that it is a very constricting permit in that there are parameters to meet to qualify. Temporary storage has to be within one-mile of the future urban area.

Strong gave a brief history. In May of 1997, Stolzer built the storage building after receiving a building permit from the city. Being on Folsom Street, he built it for security reasons. This allows him to be the caretaker of his construction materials. He uses the building to store materials for his mechanical construction business and has used the building for four years without any complaints. In March of 2000, the city informed Stolzer that his building was not proper for the AG area and that is the reason for this special permit. Stolzer meets the criteria of the special permit. His land amounts to 8.62 acres, meeting the minimum requirement of 7 acres; the area of the indoor and outdoor storage does not exceed the 2-acre maximum; the site is located within one-mile of the future urban area, bordering the Optimist ballfield.

Strong noted that the staff report characterizes Stolzer as a plumber, which is correct; however, the intent or the requirements of the temporary storage is if someone is engaged in the construction industry. Stolzer is engaged in the mechanical construction trade.

Stolzer has neighborhood support from the Yankee Hill Neighborhood Association. He met with members of the community and attended the neighborhood association meetings and the Mayor's Neighborhood Roundtable. Stolzer submitted signatures from the immediate neighbors in support.

Craig agreed with the proposed conditions of approval set forth in the staff report should the Commission approve the special permit.

This special permit cannot be final action by the Planning Commission because the City Council must decide the minimum 7 acre use and determine the period of time for the permit.

3. Lynn Ostrem, owner of the property immediately south of Stolzers, testified in support. She has lived there for 1.5 years and has had no problems whatsoever with the storage of the equipment. Their back yards are adjacent. There is no noise. There is no disruption. Everything is neat and well kept. She has no concerns being the closest neighbor. With regard to traffic, there is a significant amount of traffic on Folsom from the soccer fields and the potential Optimist Club ballfields, so the statement of excessive traffic from the storage is not a valid point to consider in this case.

There was no testimony in opposition.

Staff questions

Steward's concern is the change of text and the fact that we set up circumstances which are going to be even more difficult to police. He would like to know why we cannot simply approve this as a special permit as it stands without changing the text. Reynolds explained that it would create a situation where you have more than one main use on a lot, which is not permissible in the AG district. Steward asked how different that is from someone continuing to use the property for agricultural purposes and has outbuildings besides their residence. Reynolds further explained that if someone used this as a farmstead, for example, and had some building for storage of a tractor, in that case agriculture is a permitted use and in some ways a single family dwelling is almost an accessory to the agriculture.

Rick Peo, City Attorney's office, clarified that that is the most confusing aspect of the AG district—when does a single family dwelling become the main use and when is it accessory? In a farmstead of 20 acres or more, the dwelling is definitely the accessory use. When we get to some of the smaller uses, the single family dwelling is a permitted use by right so it is in a sense a separate and distinct use. It is already existing on this property. If you want to add

a second use, you can't count the same lot area twice for each required minimum lot area. We could say we are going to allow two main uses with certain criteria to add the second main use when you have a residence. It is an awkward situation.

Steward suggested that the logic should be, if we want to retain the agricultural quality to these acreage environments, that we be lenient on standard agricultural uses but every other use would be inspected or at least show cause that it is a use that does not in visual, in traffic and other ways show detrimental effect on that general environment intent. Steward stated that he is looking for a way to be able to approve this use because it doesn't seem to be intrusive; however, he does not want to open the entire county up to uses. Peo clarified that this does not expand the uses in the district. Any use that comes forward has to be a use that is already permitted in the AG district. Both uses have to be permitted in the district. By changing the language to a caretaker situation, Peo was really attempting to acknowledge that we are trying to make it accessory to the business or they are a merged type of product so that there is continuity and unity between the two uses. Steward clarified that the use factor still controls to begin with. Peo concurred.

Carlson asked how varied the minimum lot requirements are for the permitted uses. Reynolds stated that they vary from 20 acres down to 1 acre. There are specific conditions under which a farmstead can be split off down to 1 acre—it has to be a primary residence associated with the farm--the remaining acres have to exceed 20. In addition, the Health Department and Building & Safety must sign off on the application. The Health Dept. does not sign off unless it is 3-acres, which is the Health Dept. recommendation for minimum size for a septic system. In this case, the remaining acres would be seven.

Carlson inquired about subdividing these uses under two separate lots, but presumed they could not meet the minimum lot size requirements for the two uses. Reynolds concurred, although it meets the requirements for a residence. It works as a single family residential lot.

Peo attempted to further clarify. The lot in question is a pre-existing legal size lot for a single family dwelling. In order to add the temporary storage of construction equipment, they need to have a 20-acre parcel unless Council reduces it down to a smaller size, i.e. to the minimum of 7 acres. Because your typical size for a single family dwelling is the 20-acre minimum, your nonstandard size may be 13. To add another use, you're going to have to have another 20-acres for that use. They don't have that. This ordinance is not creating different lots and subdividing the property.

Carlson was attempting to find an alternative way to do this. Peo clarified that it is not a permitted use in AGR. The City Council does not have discretion on the acreage size. They would, however, be able to reduce the minimum lot size required for temporary storage of construction equipment from 20 acres to 7.

Newman was curious as to what is a permitted use in the AG district that we may be shooting ourselves in the foot by approving the text amendment. Reynolds believes the applicant is engaged in a construction trade as a plumbing contractor, which is specifically called out in the H-3 and H-4 zoning districts. Those would be appropriate locations for someone to store their plumbing equipment. If this is approved, it raises the question as to what else is a construction business, i.e. electrical work, storing paint, etc.

Newman was not worried about this particular use. She wanted to know what other permitted uses could be slipped in somewhere else by the text amendment. Reynolds pointed to the storage of toxic and flammable materials; other typical permitted uses are garden centers, stables and riding academies, kennels, farming, etc.

Bayer suggested that if Mr. Stolzer had 20 acres, he would not be here today. Reynolds disagreed. They would still need the special permit for the type of use. The citation they received from Building & Safety is that they are operating a use not permitted in the AG district. There is a special permit to store in AG if they were 20 acres. A farmer could store fertilizer for his own use but he could not store fertilizer for sale to other farmers.

Bayer asked whether there are other dangerous uses. He believes that people want this to happen but he is confused why the staff doesn't want it to happen. What can they do here? What are we afraid of?

Mike Merwick, Director of Building & Safety, addressed the Commission. For the past few years, we have been trying to maintain AG as spelled out in the zoning code--no commercial businesses. We've shut hundreds of them out. We just went through a deal where a person had 7 employees and was running a business. There are a lot of people that have tried this same thing. They've gone out in AG and as we find them, we shut them down. In this specific situation, Merwick stated that it is more than storage--there are employees reporting there and working there and then going out from there.

Bayer clarified that the proposed text amendment does not allow the employee activity. Peo concurred, stating that if you approve the temporary storage, people are going to have to come out, pick it up and move it, so employees will be going and coming from the site. Merwick pointed out that if this is where Stolzer's office is located, it is more than storage. Carlson asked staff whether there is zoning other than AG that would accomplish the intent. Reynolds suggested that there are certain provisions in the I-1 that talk about having a resident caretaker.

Response by the Applicant

Austin agreed that the AG district is set up to some extent to be more lenient toward agricultural uses, but what he would suggest is that they have been more than lenient to farm

uses, particularly when 27.07.080(h) allows what used to be a farm residence to be carved off to be used for a residence in and of itself. That takes it outside of agricultural use under certain conditions. Austin suggested that “we ain’t pure right now” in the AG district and we’re not trying to say be less pure but there are some of these things that should be recognized as sort of a different type of lifestyle. If they are shutting down hundreds of these every year, there must a lot of demand for doing this. If there are hundreds of them, they must not have overloaded the roads just yet. We’re not really opening this up. Let’s look at the permitted uses in the AG district—there is agriculture, confined feeding facilities, breeding and raising management of fur bearing animals, dog breeding establishments and kennels, stables and riding academies, public use of single family dwellings and churches. Permitted conditional uses include cemeteries, pet cemeteries, roadside stands, group homes, wind energy systems, greenhouses, early childhood facilities, permitted special uses, private schools, recreational facilities, dwellings for members of religious orders, broadcast towers and stations, campgrounds, veterinary facilities, bigger confined feeding facilities, sale barns, garden centers, facilities for the commercial storage or sale of fertilizer, church steeples, expansion of nonconforming use, historic preservation, public utility, private land strips, limited landfills, race tracks, temporary storage of construction equipment, early childhood facilities, clubs, dwellings for domestic employees in accessory buildings, heritage centers and community halls. Austin believes there is a limited number of potential uses that would be combined with a residence. You need a caretaker with a cemetery use or with a greenhouse. Austin believes that this applicant would still be here even if they had 20 acres because of the interpretation that it is more than one main building on the premises.

Hunter asked if Stolzer is a plumber. Austin stated, “yes, he is a plumber--he has a master plumbers license.” Hunter asked whether he has employees. Austin stated, “yes, but not on the premises.” Hunter then asked if he stores plumbing equipment used in the business. Austin stated, “yes”. She also asked if Stolzer’s office is located there. Austin stated that he has some area in his home where he does his computer work. Austin elaborated that Stolzer’s plumbing business promotes a lot of different things—he has been a subcontractor to Sampson Construction on UNL campus; subcontractor to Kingery on the Hartley School reconstruction; and in Crete he has been subcontractor on the science building at the Doane campus. We think that what he is doing is very legitimate storage of equipment and supplies because of the nature of his work.

Bayer clarified with Peo the final action issue. Peo agreed that the Planning Commission cannot take final action on the special permit. The ordinance does say it is the City Council’s decision to establish the timeline for the duration of the temporary permit and reduction of the acreage down to 7.

Steward asked what position it puts the city in if the text amendment is denied and the special permit is approved. Peo stated that the applicant would have the choice of abandoning the dwelling if he wants to keep the special permit. He would have two main uses on the property which is not permissible. He would have to decide which one to keep. That is the reason we are here.

Public hearing was closed.

CHANGE OF ZONE NO. 3327

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

July 25, 2001

Duvall moved approval, using the City Attorney's proposed language, seconded by Taylor. Duvall's comments were that anybody can be a general contractor--just because it is a trade does not say he has no right to be a contractor. He is trying to make an income. He has storage near his dwelling and to make his property conforming he has to go through this.

Steward does not think this is about the plumbing business. It is about conforming to the Comprehensive Plan, and the regulations were set up to follow the Comprehensive Plan to protect a character of agricultural landscape and land use. All of the permitted uses that have been read conform in Steward's mind to that general character. And special permits are to be inspected and approved or disapproved based upon the adverse effect on that character. So, he will vote against the motion because he believes it opens up the commercial and industrial in an agricultural zone of the entire county, especially if we do it on the precedence of this particular use. We will not be in a position to deny other commercial industrial permits as easily as we can now if we pass this. Steward does not have a problem with the current condition as a special permitted circumstance. It seems that this applicant is satisfying his neighbors in conducting activities on the property. But Steward does have a huge problem with approving the text amendment for whatever else can happen in the AG zone.

Carlson thinks there should be a different way to do this. What they are trying to accomplish at that particular location won't have that big of an impact, but the text amendment as a whole could have an impact.

Bayer suggested that the text amendment is much bigger than what is in front of the Commission today. He was glad to hear the uses in the AG district. He would be excited about allowing businesses to be set up next to a person's residence and he believes the country is an okay place to do that given the appropriate amount of space. Bayer is not opposed to having a business in the rural setting.

Hunter cannot support this because she thinks the way to accomplish this is to add the use to the special permit for properties under that limitation. The acreage is the problem. The better approach is to amend the specific portion of the problem that would allow this to be done on

a special permit basis. It opens the door for so many other things in this way. She would like to see it come back with a change in another manner.

Taylor fails to see the difficulty in approving this. Without being able to see that difficulty, he does not see why we should not approve this. The argument in favor is too compelling to him.

Hunter commented that there are a lot of trades and businesses that don't function in their location. They do their business everywhere else but a centralized location. But if you have the ability for storage in a large storage shed, what would prevent you from storing your dump trucks out there? You don't use them on site and the business is conducted off-site, but she believes this text amendment is an opening for that sort of thing to happen. None of the regulations are built for the conscientious business person that does not abuse the system. They are always designed for the instances that come in and try to use the loophole to create a different situation and that is why she is opposed.

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

SPECIAL PERMIT NO. 1909

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

July 25, 2001

Duvall moved approval, with conditions, seconded by Schwinn and carried 9-0: Krieser, Hunter, Steward, Taylor, Newman, Duvall, Carlson, Schwinn and Bayer voting 'yes'.

SPECIAL PERMIT NO. 1786A

AMENDMENT TO THE BLACK FOREST

ESTATES COMMUNITY UNIT PLAN,

ON PROPERTY GENERALLY LOCATED

AT SOUTH 62ND STREET AND OLD CHENEY ROAD.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 25, 2001

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

Planning staff recommendation: Denial.

Jason Reynolds of Planning staff submitted a letter in support from John Rallis, who is currently building a home in Black Forest Estates, and a letter from the applicant's attorney requesting a two-week deferral to meet with the Colonial Hills neighbors.

Carlson made a motion to defer, with continued public hearing and administrative action scheduled for August 8, 2001, seconded by Hunter and carried 9-0: Krieser, Hunter, Steward, Taylor, Newman, Duvall, Carlson, Schwinn and Bayer.

PRELIMINARY PLAT NO. 01007,
CARROLL M5 INDUSTRIAL PARK,
ON PROPERTY GENERALLY LOCATED
AT NO. 27TH STREET AND CLEVELAND AVENUE.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 25, 2001

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

Planning staff recommendation: Conditional approval.

Proponents

1. Tom Cajka of Ross Engineering testified on behalf of the owner, **Ceejay, L.L.C.** This development is for 12 commercial lots and one outlot on approximately 9 acres zoned I-1 and H-3. The development will have private roadways, including No. 25th Street, No. 26th Street and the extension of Cleveland Avenue. The current use is a mobile home park and Cajka stated that the developer wants it known that this is a long range plan. He has no exact timetable for development but that it will probably occur over the next 5 years. The developer has not sent notices to any of the mobile home tenants. He plans to do this through attrition. If the trailers come up for sale or as people move out he will buy the mobile homes or will not allow new tenants.

Currently, the first lot in the northern area is being developed where there are no existing trailers or mobile homes.

Cajka pointed out that the property is within the 100-year floodplain. The developer currently has an approved fill permit for Lot 1. The development will have public water and public sanitary sewer throughout. The only private part would be the roads, and those would be maintained through an association. The water main will tie on at 27th Street, will extend down Cleveland Avenue and then down 25th Street. Currently, there is an existing 8" sanitary sewer main that runs the entire length of the development on the east boundary. They would tap into that for the lots on the east side. They would also extend the sewer down Cleveland and down No. 25th for the lots on the west side.

Cajka believes that drainage is the issue that people would be concerned about. Through grading, the drainage would be north onto Cleveland Avenue. The north area of the development will drain towards the northwest; and the majority of the development will drain

towards the southwest and then west onto the Theresa Street sewage plant property and eventually into Salt Creek.

Cajka agreed with the conditions of approval, except #1.1.11 regarding sidewalks. This area is going to be developed as commercial warehouses. Pedestrian traffic through this area will be minimal except for people working in the area or going there for business. There are currently sidewalks on Theresa Street and 27th Street. It is believed that the only pedestrian traffic would come from another trailer court to the south. However, if people want to walk from that trailer court to K-Mart or SuperSaver, they would most likely use the sidewalks on Theresa and go to 27th Street. Cajka does not believe they would cut through the commercial area and then in between the motel and restaurant.

Steward inquired as to the intended use of Lot 12. Cajka stated that the developer is not sure at this time. The reason it is shown like it is is because that is the H-3 zoning where the remaining of the area is I-1. This developer also owns the lot to the east. They may come back at a later date and extend that lot or may come back and ask for the H-3 to be changed to I-1.

Carlson noted that there is some mention of bringing fill onto the site. Are you excavating fill on the site as well? Cajka stated that the requirement is to bring the buildings/pad sites 1' above the 100-year floodplain or to floodproof the buildings. The building on Lot 1 where they have the fill permit is going to be floodproofed. They will not be bringing in fill throughout the whole site to make the pad sites 1' above the hundred year floodplain. The buildings will have to be floodproofed. There is an off-site borrow of 13,958 cubic yards. Carlson was curious about excavating some of that fill on-site. Cajka could not answer the question.

Opposition

1. Linda Brooks, 2525 Cleveland, testified in opposition. She is a concerned homeowner that resides on the property in question. She received a copy of the staff report and has become quite concerned by this proposal. How can you build in the floodplain? There are plans for development of 12 commercial lots off of Cleveland. If this is approved, where does this leave 80 residents that now own or rent mobile homes on that property? Who is going to be responsible to see that we have somewhere else to move? She also noted in the staff report that an administrative amendment was approved to phase out the existing trailer court. She believes that the residents of the trailer court should see what is going on with this phase out program. Most of these people are low income. Personally, she thought management should be able to put money back in to upgrade the mobile home park, but yet we're getting sold out to industrial. Isn't there enough industrial on 27th? It is unfair to these residents. What happens? What's the time limit? Where is our protection? Some of the homeowners did receive a letter advising that the owner is doing some construction work on the north end, indicating that the development of the property is subject to many considerations because it

is in a floodplain. How can you save the mobile home park and add in these 12 lots? The letter was dated July 10, 2001.

Carlson asked Ms. Brooks whether she has a written lease. Her response was that none of the tenants have a written lease. We pay lot rent but it all goes to the same resource.

Newman inquired whether it is a month-to-month lease where it can be terminated at any time. Brooks concurred. After the first six months you pay by the month.

Steward asked whether Ms. Brooks has ever had any flooding problems. Her answer was no, because they were all required to put the trailers up on blocks. Steward then asked if she has experienced water on the property. Ms. Brooks stated that the kind of water they have been getting is when there is a lot of rain. The land is not level so they do get runoffs; it's a more natural type drainage.

2. Carole McBride, 2525 Cleveland Avenue, another tenant in the mobile home park, testified in opposition. He has lived there since May of 1969. Who tells who what is going on? Where do you get the information? No one knows. On Friday he talked with Jason Reynolds in the Planning Department and got information from him. He was wonderful help. On Monday he went to the management and inquired and was told that they were just going to move a couple of trailers that are on the north side of the lot. There are no plans whatsoever to deal with the rest of the park. McBride believes this is a real problem—a tremendous socio-economical problem. Development has already started on the north part, the part closest to Cornhusker Highway. They're putting two warehouses in there and he has no problem with that. But then comes this proposal and rumors start flying. Something has to be done about this. There are people who live there for a reason. It is economical. The only reason he can do what he does is because it is economical to live there. He believes there are approximately 80-85 families living in the trailer park. We have people who have planned their retirement there. We've got people that are going to college--our future doctors and lawyers. We all help each other out. If we move anywhere, we have a social problem.

McBride also believes it is an environmental problem—the impact will be horrendous. Wherever you put pavement, rooftops and sidewalks, you're going to have water runoff. We used to have the water recharging the aquifer and we would use that water, but not any longer—pave it over, make it impermeable and let the other poor Joe down the line worry about it. McBride is opposed for a lot of reasons, but he is also in favor for some reasons. He is in favor of the two warehouses, but not the additional phases.

3. David Fischer, who owns Frontier Harley-Davidson at 2801 No. 27th, adjacent to this proposal, stated that he takes a neutral position. The dividing line between Frontier Harley-Davidson and the bread store is a grass ditch and it has been a perennial drainage problem. The only question he raises is that he would hope that whatever happens to the property to the

west will either mitigate the drainage problem or, at a minimum, does not exacerbate it. He has spoken with the engineering firm and the city and they are both aware of this drainage issue.

Fischer also pointed out that there is an easement with the owner of the trailer court on his south property line, dating back to the days when he owned all the properties. That easement gives access off 27th back into the trailer court. Fischer does not believe that easement is necessary, and it absolutely is not necessary if this project goes forward. They have access from Cleveland and Theresa Street. He would have a serious concern about truck traffic coming through his parking lot if it is industrial/commercial uses.

Steward asked Fischer about his relationship with the residents in the mobile home park. Fischer stated that he generally has a good relationship with the neighbors. He has experienced some minor vandalism from kids, but he thinks that can happen anywhere. There have been no problems of any significance.

Steward believes that there are protections for eviction and relocation if there are persons living in rental properties, especially if of low income circumstance. Do we have anything in Lincoln for site rental/trailer park conditions? Reynolds was not aware of any. He suggested that it might be a question for Urban Development. There are a number of programs available for low income residents; however, the staff has not referred anyone to that resource for assistance.

Bayer asked staff whether the owner has met with the tenants. Reynolds understands from the tenants that they received a letter from the owner but he is not sure how clear it is.

Newman inquired whether this development will increase the water runoff from the west onto the Harley Davidson parking area. Nicole Fleck-Tooze of Public Works advised that they are importing about 14,000 cubic yards of fill on a fairly small site and have not borrowed any fill from the site. They are proposing to floodproof the buildings which minimizes the additional fill. It is a straight preliminary plat which conforms to our existing floodplain regulations. They are meeting the current requirements. However, she did advise that there is a floodplain task force that will be working in the next year to see if those regulations need any changes.

Dennis Bartels of Public Works reviewed the drainage plan. The majority of the site, other than a very small area in the vicinity of the Harley Davidson property, has been designed to drain towards the west, so any extra runoff that might be generated through the course of development will not affect the Harley Davidson property. There was some drainage from the trailer court site onto the Harley Davidson property, but that area is reduced by the grading plan. Bartels believes there could be minor changes to the grading plan that could reduce it further. The grading would be the responsibility of the developer. This is all private property.

Hunter wondered whether a trailer park can continue to exist if this preliminary plat is approved. Reynolds advised that the preliminary plat would expire after 10 years if not developed. There is no mandate on when they have to develop in accordance with the plat. It could continue to exist until the preliminary plat is final platted.

Response by the Applicant

Cajka indicated that he knew there would be a question about the owner meeting with the neighbors. Ross Engineering has not met with the neighbors and, as far as he knows, the owner has not either. The owner did send the letter out at Cajka's suggestion, especially since construction had already started on the north lot. When the letter states that no trailers would be moved, he is speaking about Lot 1 on the very north because that is on an area that was just a grass area. They should be able to do that without relocating anyone.

Cajka clarified that the owner is not asking for a special permit. There was a special permit to phase out the park which was approved earlier, but that is in five phases. Even when the mobile home park is going to start to be phased out, he does not believe the intent of the owner is to final plat the entire development at one time. The developer has told Cajka that he is not in any big hurry to do this. It may be several years before he starts doing any of the other phases.

Cajka reiterated that the proposed plat conforms with the Comprehensive Plan and the floodplain development regulations. He understands the residences have lived there for a long time, but this would be removing residential uses out of the floodplain, which is also in conformance with the Comprehensive Plan.

Steward asked Cajka, as a representative of a professional organization, whether he believes Ross Engineering has any responsibility for the social community aspects of this issue. Cajka believes the developer has some responsibility and Cajka believes he has looked into that by not trying to develop all of this at one time and going through eviction notices. Rather, he is taking the long term approach by either buying up trailers that come up for sale or waiting for people to move out and not letting new tenants into that area. Steward suggested that it does seem that we have a community of people that are not being adequately communicated with.

Taylor asked whether there a time limit at all for the phasing out so that the tenants are told when they have a certain amount of time to leave, or are they allowed to stay there as long as they desire? Cajka was not aware of the timeframe or the phasing out of the trailer court. All he has been told by the owner is that at this point he is not in a hurry to do that. He indicated it would be more than 5 years down the road. It's not definite. Taylor suggested that it would be a good idea for the owner to communicate with them and let them know what his intentions are.

Carlson assumed the owner has some sort of on-site management or representation. Cajka advised that the owner lives in Kansas City and he does have an on-site manager. Carlson wondered whether there might be some possibility of having a neighborhood meeting. Cajka stated that he would talk with the owner.

Bayer suggested that the Commission should delay this and not have it come back until the owner has met with the residents and possibly the Urban Development Department so that these people are not terrified.

Newman inquired about the 2/16/01 administrative amendment to allow the special permit to phase out the mobile home park. Is there any regulation that requires the Planning Department to let the people involved know about this action? Reynolds advised that there are no notification requirements in the ordinance on an administrative amendment. If it had been a special permit, then the same type of notification would have occurred as for this plat. The property owners would have been notified, which does not include most of the residents because they do not own the property.

Rick Peo of the City Law Department reminded the Commission that if a preliminary plat is in conformance with city standards for installation of improvements, it is basically a ministerial function on the Commission's part to approve it. It is not discretionary. With respect to termination of a special permit, the owner has the right to abandon or give up the use of a property. You cannot require a property owner to operate on a special permit if they choose to terminate it.

Bayer agreed that the property owner has rights to do what they want to do with the property. Peo agrees that there should be fair notice and communication to the tenants, but failure to meet with the tenants is not a basis for the Commission to use to not take action.

Schwinn moved to defer for two weeks, with continued public hearing and administrative action scheduled for August 8, 2001, seconded by Taylor.

Schwinn believes the property owners have obviously benefitted from having a trailer court there for many years. He also believes the City is probably a little bit behind the times in trying to eliminate trailer courts because Building & Safety, Fire and Health do not like them. He thinks the city has an obligation to step forward and help these people. He also believes that the property owner has the obligation to communicate with these tenants and to let them know what lies ahead.

Steward also requested that a representative of the Urban Development Department, or whatever appropriate department or agency, be present at the next meeting stand to help us understand where the city may have some leverage and where the gaps may exist for dealing with this particular issue.

Motion to defer carried 9-0: Krieser, Hunter, Steward, Taylor, Newman, Duvall, Carlson, Schwinn and Bayer voting 'yes'.

WAIVER OF DESIGN STANDARDS NO. 01012
TO EXTEND THE TIME FOR INSTALLATION OF THE SEWER
ON PROPERTY GENERALLY LOCATED AT
NORTH 70TH STREET AND HIGHWAY 6.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 25, 2001

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

Planning staff recommendation: Denial.

Proponents

1. **Scott Fitzgerald**, partner of **FHD 2, L.L.C.** and President of General Excavating provided some background information. FHD 2, L.L.C. purchased this lot 3-4 years ago for future development and extension of their excavating business. At the time of purchase, the subject property was a dump site for Burlington Northern. After they purchased the property they cleaned it up voluntarily and graded it off to make it drain. At this point, they would like to hold the property for future expansion, which may include landscaping materials, aggregate rock, dirt storage, and parking of equipment.

Fitzgerald further advised that the minimum improvements were required to be installed by April 11, 1996. This is a request to extend the time for installation for 20 years, or until the property is developed. Fitzgerald acknowledged that he is flexible on the extension. However, there is no reason to extend a sewer to it because there is no immediate plan for building or developing the property.

Schwinn inquired whether the obligation to install the improvements was transferred from Burlington Northern to the new owner. Fitzgerald believes that somewhere in the purchase agreement they agreed to go ahead and complete the improvements. It was supposed to have been done by 1996, but whoever had it previously didn't do it and they passed it on to the future property owner. General Excavating was not involved in the administrative final plat in 1995.

Steward noted that this is obviously a site that is largely surrounded by industrial uses and zoned industrial. He inquired as to why staff is opposed to the extension of time. Becky Horner of Planning staff advised that the subdivision ordinance requires that if property has reasonable access to wastewater, it should be connected. Since they platted it as a lot it should be connected and they did bond to do the installation. Steward also noted that the

property is surrounded on three sides by railroad use. Would the city's purposes be served by a shorter extension? Horner suggested that it is possible to replat the property as part of another lot that is already served or plat it as an outlot. Then when they are ready to develop, they could come back and replat it. This has not been discussed with the owner. Bayer asked who platted this lot. Horner did not know who the applicant was at that time. Bayer observed that the sewer was a requirement but it was not done. The city is holding a \$4,800 bond.

Carlson wondered whether the liability transfers as the ownership transfers. Rick Peo of the City Law Department opined that contractually, that obligation might have transferred with ownership. Under the plat requirements, the original developer was responsible. There was a bond and the city has inquired whether to pull the bond to install the sewer main at this time. The only option would be to extend the time for that improvement to be installed. That is why we're here. The four year timeline has expired so the city should pull the bond if the time for installation is not extended. However, the bond is not going to be sufficient to cover the cost of installation. If the city pulls the bond, the city would install the sewer and attempt to recover any excess cost the bond didn't cover.

Schwinn believes we're talking about extending sewer down North 70th to get in front of this lot. The city could go ahead and do that by Executive Order and then charge the property owner. Peo's response was that for violation of the responsibility of the plat, the city would pull the bond, do the work, and sue for the deficiency. We could not assess the cost to the property owner. The question is, should it be in now or not? If the Commission finds the waiver to be appropriate, maybe it could be extended for four years. It should have to come back in a reasonable length of time to be considered and a new bond amount established to cover the cost. The previous owner posted the bond, but the better route now would be for the new owner to take out the bond and re-establish a new bond amount.

Carlson inquired as to the modern bond amount. Dennis Bartels of Public Works stated that he has not recalculated the bond amount. The Public Works recommendation is that the sewer be installed in accordance with the subdivision requirements. It is a lot that could be sold and after a period of time, if we have to call the bond, then the lot would lose its protection. It is a saleable lot and the future buyer would have a problem if we don't pursue getting the sewer installed.

Steward suggested resetting the clock for four years--will that automatically cause Public Works to recalculate the bond, or do we need to take some action? Bartels suggested that it would be better for the Planning Commission to ask Public Works to reset a bond appropriate to today's costs.

Taylor asked what would be required to make the area an outlot. Horner advised that it would require an administrative final plat to redefine the lots. If the owner did an administrative final plat, this particular minimum improvement would be required within 2 years.

Response by the Applicant

Fitzgerald reiterated that they do not have any intention to build on the property at this time. They did look into the outlot option but there would be engineering costs of \$3,000-\$5,000. He would agree to four years and take out a new bond under the new ownership. Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: July 25, 2001

Hunter moved to approve the waiver with a four year extension, with the bond to be recalculated to cover the cost, seconded by Newman and carried 9-0: Krieser, Hunter, Steward, Taylor, Newman, Duvall, Carlson, Schwinn and Bayer voting 'yes'.

**WAIVER OF DESIGN STANDARDS NO. 01014
TO WAIVE THE STREET TREE REQUIREMENT
ALONG INTERSTATE 80 GENERALLY LOCATED
AT FLETCHER AVENUE AND TELLURIDE DRIVE.
PUBLIC HEARING BEFORE PLANNING COMMISSION:** July 25, 2001

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

Planning staff recommendation: Approval.

Proponents

Mark Hunzeker appeared on behalf of the applicant to answer any questions.

There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: July 25, 2001

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

FINAL PLAT NO. 99006,
FAIRFIELD CENTRE 2ND ADDITION,
ON PROPERTY GENERALLY LOCATED
AT NO. 25TH STREET AND FAIRFIELD STREET.
CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 25, 2001

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

Planning staff recommendation: Approval.

Jason Reynolds of Planning staff advised that LES is now satisfied with the easements on this final plat.

There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

July 25, 2001

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

WAIVER OF DESIGN STANDARDS NO. 01011
TO WAIVE THE REQUIREMENT FOR STREET LIGHTS
ON PROPERTY GENERALLY LOCATED AT
HICKORY CREST ROAD AND JACK PINE COURT.
CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 25, 2001

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

Planning staff recommendation: Denial.

Proponents

1. **Jim Hille**, 6711 Jack Pine Court, testified on behalf of the residents of Tallow Wood Addition, a community unit plan comprised of four single family residences. This is a request to waive the design standard for a single light fixture to be located on Jack Pine Court. Hille submitted a letter signed by the other property owners in support.

The reason for the request is that there are two pre-existing light fixtures on private properties.

There is a larger residence and associated garage to the north and three other residences. Hille showed photographs of the existing two light fixtures on the property to the north.

The neighbors request to waive the requirement because these two existing fixtures provide ample lighting for Jack Pine Court. Hille noted that the staff report states that the existing sidewalk is poorly lit in contrast with the brightly lit private property across the street. Hille suggested that is because of the brightness of the two existing light fixtures. Hille took readings of the foot candles in the area and the reading on Jack Pine Court was equal to or higher than two other conditions. Lighting is relative to the placement of the fixture, curvature of road, etc., and Hille suggested that he can find a comparable lighting level to Jack Pine Court in many other areas. It is not underlit. The concern is that it will become an overlit condition by installing the new fixture with the two existing fixtures. Hille has escrowed the funds and acknowledged that he has delayed installing the fixture. This is a community unit plan and if for some reason in the future the two fixtures were removed, it is the responsibility of the residents to address the issue because it is on a private roadway. He accepts that responsibility.

Hille has pursued this waiver because the Law Department has advised him to install the light fixture because it is overdue. Hille then communicated with the neighbors and they have asked him to pursue the waiver. If this is denied, he will install the light.

There was no testimony in opposition.

Carlson asked what would happen if the other two lights would somehow go away. Jason Reynolds of Planning staff stated that it would have to be taken care of outside of the subdivision ordinance because it is a private roadway. A street lighting district does not apply to a private roadway. The neighbors could get together and install the street lighting.

Dennis Bartels of Public Works presumes that if the requirement is waived, there would be no requirement that the street be lit. The neighbors could put one up. The standard procedure on private road street lights is that the engineering plan shows the light intensity that meets design standards and it is enforced through Building & Safety. Building & Safety ascertains that they have installed the fixture and the bond is released. It is private maintenance. The enforcement would be through the Law Department or the special permit where they got permission to install the private road and private lighting.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

July 25, 2001

Schwinn moved approval of the waiver, seconded by Duvall.

Newman believes that street lights are a personal preference. If this is their land, let them take care of it.

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

COMPREHENSIVE PLAN AMENDMENTS **SOUTH AND EAST BELTWAY**

Note: The exhibits attached to these minutes begin with number 41. Exhibits 1 through 16 are attached to the minutes of the meeting held July 11, 2001, and Exhibits 17 through 40 are attached to the minutes of the meeting held July 18, 2001.

Before voting on the four proposed Comprehensive Plan Amendments for the South and East Beltway, Steve Henrichsen of Planning staff submitted additional information for the record:

Exhibit 41 - letter from Carol Talcott opposed to all three east beltway routes. Part of their farming operation is affected by every route.

Exhibit 42 - letter from Barron Macintosh opposed to all three east beltway routes.

Exhibit 43 - letter from Henry Wulf, 7172 So. 70th, suggesting other issues that should also be addressed in the Comprehensive Plan Amendments.

Exhibit 44 - letter from Glenn Friendt requesting that the Commission carefully consider 1) the work done by the Stevens Creek Basin Initiative Task Force, the report of which proposes a linear park to preserve Stevens Creek; and 2) flooding and floodplain management in Stevens Creek.

Each of the Comprehensive Plan Amendments were then called into the record for Administrative Action.

COMPREHENSIVE PLAN AMENDMENT NO. 94-62 (SOUTH BELTWAY)

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

July 25, 2001

Members present: Hunter, Steward, Taylor, Newman, Duvall, Carlson and Schwinn; Bayer and Krieser declaring a conflict of interest.

Staff recommendation: Approval, as revised.

Steve Henrichsen of Planning staff submitted the revised staff recommendation specifically for Comprehensive Plan Amendment No. 94-62 (**Exhibit 45**) which incorporates the revisions

made on June 18, 2001, and alternative language proposed by memo dated July 23, 2001 ([Exhibit 46](#)).

Duvall made a motion to approve, as revised, seconded by Hunter.

Duvall thinks this is great and it should have been done a couple years ago.

Newman believes that by the absence of testimony against the South Beltway, there is a demonstrated need for this one. She hopes that the engineers and Department of Roads and whoever gets involved in this project will work to tweak it so that it is as least destructive to residents, farmers and everyone as possible. The one testimony that we can remember is the Hornung property. She would hate to be guilty of displacing an 85-year-old couple out of their home where they have lived for a lifetime and she hopes the agencies will work with all of the property owners to make sure that things like that don't happen.

Steward will vote in support of the South Beltway route for two primary reasons: 1) he believes there is a legitimate traffic count and a type of traffic relief that will result between Hwy 2 and I-80 and east and west routes around the city. Not only will it have an impact upon these two highway circumstances for truck traffic, but the truck traffic that comes through the very center of the city on "O" Street will also be facilitated by this extra extension of a route to the outside. Another reason why he believes it is justified is that very likely it will have a positive influence and impact on the smaller communities in the county which are mostly to the south. In this case, with the availability of more rapid transportation and the magnet that such development gives, he believes it will provide some alternatives in the county for economic development and relieve some of the pressure from the city of Lincoln.

Schwinn hopes that this gets built fairly quickly because Hwy 2 has become a very, very dangerous situation. The sooner we can bring that on line, the sooner we can add that element of safety back to the southern part of the city.

Motion for approval, as revised, carried 7-0: Hunter, Steward, Taylor, Newman, Duvall, Carlson and Schwinn voting 'yes'; Bayer and Krieser declaring a conflict of interest.

COMPREHENSIVE PLAN AMENDMENT NO. 94-63 (EAST FAR BELTWAY)

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

July 25, 2001

Members present: Hunter, Steward, Taylor, Newman, Duvall, Carlson and Schwinn; Bayer and Krieser declaring a conflict of interest.

Staff recommendation: Denial.

Newman moved to deny, seconded by Hunter and carried 7-0: Hunter, Steward, Taylor, Newman, Duvall, Carlson and Schwinn voting 'yes'; Bayer and Krieser declaring a conflict of interest.

COMPREHENSIVE PLAN AMENDMENT NO. 94-64 (EAST MIDDLE BELTWAY)

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

July 25, 2001

Members present: Hunter, Steward, Taylor, Newman, Duvall, Carlson and Schwinn; Bayer and Krieser declaring a conflict of interest.

Staff recommendation: Approval, as revised.

Exhibit 47 is the revised staff recommendation on the East Middle route.

Hunter moved approval, as revised, seconded by Taylor.

Hunter expressed that she is thrilled to see this coming forward. Most of the long range foresight planning that has been done in the past doesn't reflect these kinds of huge changes, but this is the future for Lincoln as far as she is concerned. She believes that the foresight in creating a route around the city is going to provide options other than street widening. Extreme density is going to continue to create more traffic problems in the city and she believes this beltway is the answer. The Commission was briefed today on the opinion survey of transportation and mobility issues in Lincoln and Lancaster County, and it did nothing but confirm exactly what she believes to be true; that is, developing a roadway that provides the option of people not having to travel downtown streets to access one side of the city or the other is the only answer. And the sooner we can get this developed and on line, the better we will all be. It is not going to be without pain, but one of the handicaps that has been in front of this Commission at least for the two years that she has served, has been having projects come forward that are all kind of spattered out in these areas and not really having the wherewithal to decide whether those projects should be in the places that they are. Having the designation of the beltway so that we know where the traffic is going to be carried around the city in the future, at least gives us the opportunity to do much better planning and especially to protect that corridor in the same fashion that we have basically dedicated ourselves to protecting Highway 2.

Steward commented that very seldom does a community get the opportunity to engage in its future determination to the extent that this set of proposals has presented this community. While it is true that we have been about this in the discussion stage since the 1960's, it is also true that many things have changed over 40 years period of time-- attitudes, circumstances, conditions around the making of urban environments have changed dramatically--and what

was once thought to be the ideal panacea for cities to do circumferential ring roads around the cities, through experience in other locations, it is now thought to be the problem with the maintenance of the financing and the quality of life conditions within many urban environments.

Steward stated that he made a couple of promises when he was invited to serve on this Commission by the former Mayor—they were unsolicited promises, but he made them public nevertheless—one was that he would attempt to be as objective as possible on every vote in every situation and in the best interest of the community, and if he had a bias it was about sustainable community development. “Sustainable community development” has to be a part of this consideration. Steward believes that this process was flawed because the challenge was only given to the consultants and to the Planning Department as a beltway issue. It was not given to the evaluation process as a transportation or as a mobility issue. Steward stated that his comments are not going to be disparaging toward those who participated in the process because they have done an admirable job of working toward the instructions that were given. But Steward suggested that they were simply the wrong instructions.

Steward went on to state that our land use plan has six goals: 1) maximizing opportunities for planned urban development which are sensitive to the natural qualities of the area; 2) concentration of new growth in the Lincoln urban area and in the villages throughout Lancaster County; 3) preserving the rural quality of life; 4) maintaining contiguous development; 5) preserving the rural quality of life by assuring that changing rural residential land uses or growth is compatible with adjacent and surrounding land uses; and 6) to include the plans of the towns and villages in Lancaster County as subarea plans, which means Lincoln isn't the only game in town as far as our deliberations are concerned.

Steward explained that there are five aspects to sustainable development: Economics, environmental, social-cultural, technological and public policy. From an economic standpoint, is it Steward's assessment that there is no assurance and there are many reasons to not expect funding from the state and federal resources for this roadway project. Approximately three hundred million dollars is roughly equivalent to the state's entire annual maintenance and construction budget. Sixty to seventy million of that will have to come from the city and county. This amount cannot possibly be funded by the city before the Antelope Valley project is completed, and maybe not even later. The CIP that we approved earlier in the cycle of approvals for the budget, indicates one hundred to one hundred fifty million for the Antelope Valley project within the Public Works budget. There is no assurance from the state, even if this is built, that it is going to be picked up and maintained by the state. Is the county prepared to maintain this roadway? He does not believe that they would be very happy about it at the moment if they were told that they must.

From an environmental standpoint, Steward suggested that the secondary and cumulative impacts have not been well defined in the DEIS, and that has been acknowledged by letters and observations by others and given to the Commission in summary form. In Steward's opinion, it does not protect the wetlands; it does not protect Stevens Creek; this particular

route will have to cross Stevens Creek twice; he does not think the archeological circumstances have been well investigated; and we have plenty of historical evidence that this was the heart of where the Native Americans lived and had their travel activities along Stevens Creek.

In addition, Steward believes this route will take out some of the very best farmland in this county. There is ample GIS evidence that the northeastern quadrant of the county has the most fertile soil in the county. And we have plenty of evidence in a historical sense that every other community that now has been considering beltways ends up with low density sprawl. Steward stated that “this project is not about traffic. This project is, and has been from the very beginning, about the support of development”, and it will be a magnet to exactly the same kind of development that we currently have.

From a social-cultural standpoint, Steward believes the roadway construction creates the greatest disparities upon economic winners and economic losers. There will be people who will end up with windfall because they either knew where the route was likely going to be or they own property in that route, and there will certainly be people impacted as losers in the process because they accidentally happened to be in the route. Without a balanced means of mobility throughout the community, the low income and the disadvantaged lose the most. One might ask, if the city is going to spend 60-70 million dollars, how could we better spend that same amount of money for a more balanced environment?

From a technological point of view, Steward noted that there have been many changes since the 1960's and shouldn't we learn lessons from other cities? The sharing of right-of-way with an electric utility for awhile seemed very attractive to him because, for one thing, it would already give us a protection of one side of the right-of-way for a potential more greenbelt like atmosphere. But as he has considered that circumstance, he suddenly realized that he had forgotten the engineering conditions. Power lines don't have to conform to the topography like roadways generally have to. And what are the engineering characteristics of putting a roadway in the same right-of-way corridor where the topography changes quite a lot and in some areas fairly dramatic? There are engineering questions to the shared right-of-way condition that have not been adequately considered.

With regard to public policy, Steward pointed out that the Comprehensive Plan objectives call for a balanced approach and he believes that this project puts us in a position of not having a balanced approach and that it is business as usual and, if it is approved, it will prohibit us from ever coming to a higher density, more walkable, more livable community than we currently have.

Steward further commented that there is also a little known fact that the State of Nebraska and the Department of Roads have something called a “10,000 mile limit”, and if there is a roadway that is judged to exceed the total net inventory of such type of improved roadways

outside this 10,000 limit (which he is lead to believe is at that point), they simply can say “no” and he has also been lead to believe that even Governors have tried to get certain roadways into this above the 10,000 mile limit.

Steward believes that the process of conducting the study and the projections and the traffic counts that have been used have certainly challenged the credibility that he would give the entire effort. We have a re-count of the number of times that the traffic counts have been displayed in a public document and in at least three occasions, each time the traffic count numbers have gone up. One set of numbers has not correlated with the previous ones, and the explanation has been that different software and different conditions were given by the city as to what the buildout development conditions would be in order to arrive at those traffic counts. And yet, there is a different count number in the transportation section of the Comprehensive Plan. So, on the one hand, he thinks it is a foregone conclusion that we were going to get a recommendation that indicated a lot of traffic impact, but on the other hand, he believes that the way we have come by describing that impact to the public has been less than straightforward and less than objective in its total measure.

Steward’s conclusion is that “we do not need an eastern beltway route.” If we draw a line on the map, that will be enough to satisfy development interests and it won’t particularly matter how many years it takes us to get it constructed because we will be off and running in a typical urban sprawl, low density pattern for the eastern side of the city. He cannot support this recommendation.

Newman commented that the make-up of this Commission is absolutely perfect because each of us come from just a little different perspective and that is how it should be. She knows it was really, really painful for a lot of people to get up here and speak. This has been a really traumatic process for a lot of people, and she thanked everyone and wanted to let them know that it is as hard of a decision for the Commissioners as the process has been for the public to go through.

The two major issues for Newman are “need and location”. We’ve heard that the trucks will not use it. There is not going to be a significant impact on internal traffic in Lincoln, and it is not really for local access for the farmers or the residents out there unless they are getting from point A to point B. It is not going to be easy for them. It is going to bisect farms. So, it is not going to be like a Hwy 77 down to Beatrice.

In some respects Newman agrees with Hunter. The people that got up and said to widen streets did not score any points with Newman because impact is impact regardless of who you are or where you live.

So, if it is not for any of these people, who are we building it for? All Newman can come up with is that this is a catalyst for development of the area. The winners will be the land speculators and the losers will be, once again, the Nebraska Farmer specifically. The effect of a concrete ribbon through this area right through the middle of Stevens Creek is going to take out some of the best farmland in Lancaster County and an extremely breathtakingly beautiful area that is productive. Newman comes from a farm family on both sides and her uncle has always said that farmers live poor and die rich. I'm sure a lot of them can sell out, but that is not what it's about—agriculture is not about money. It is about a rural lifestyle and that lifestyle is dying. Newman believes that the Commission, in accordance with the Comprehensive Plan, which is our Bible, is supposed to be doing everything possible to preserve those family farms. Instead, we are destroying them piece by piece with some of these things.

With regard to specific location, Newman stated that we all know that three years ago everybody said it was the East Far--that was the chosen place. Now suddenly we're back to the middle. What changed between then and now that was so dramatic other than a political decision? Newman is not sure that smacking it down right on top of a floodplain is the right way. She does not think it can be done right.

Newman's big dilemma is whether it is a "no-build" or do you try to be fair to the people who live out there by saying we are going to pick a corridor and go ahead and put them out of their misery and say this is the place it is going to be, and go ahead and try and preserve it to build it when the need is there in 40 or 50 years? But it still comes down to location. As real estate agents say, "location, location, location". She believes in this case it is "wrong, wrong, wrong". If you look at the places that do have beltways and where sprawl has ensued, we need to take a really good look at what we're going to do in the long term future.

Taylor stated that this has been a very interesting and educational process. He has had two tours of the beltways and he agrees with most of the comments that have been made so far. It appears that any decision we are making is difficult and any decision we make may be a wrong decision. He was very impressed with the East Far beltway. He is concerned about crossing Stevens Creek. This is a very difficult decision to make. He seconded the approval of the East Middle beltway, but he must admit that he is not doing it with the enthusiasm that he would relish doing it in. But he is making the very best decision that he can make for the future of this great city. When all is said and done, he supports the approval of the East Middle as the lesser evil.

Duvall stated that although he supports the East Middle, he finds it really to be symbolic that he will never travel this roadway in his lifetime. It will take an extensive amount of effort and real dollars. Even though we have put in a lot of effort, he doesn't believe that we are ever going to see it actually in place.

Carlson stated that is going to vote to define a corridor. And he is going to place his faith and publicly state the declaration of his responsibility that this is the beginning of a process. He believes it has to move in a very careful and narrowly defined way in order to accomplish any of the stated goals. He believes that the virtue is in defining the corridor and the task then becomes using the continuing Comprehensive Plan process, using whatever is available to us, sweat and bone, to make sure the right decisions are made and that this city develops qualitatively in the fashion that it must, because I, too, am not going anywhere.

Schwinn pointed out that Dwight David Eisenhower built 42,000 miles of interstate in 8 years and we're going to take 42 years to build 8 miles of interstate. Schwinn stated that he is not unsympathetic toward farm families in Stevens Creek. He married into a 4th generation farm ranch family with ties to their original homestead. He also married into that generation that decided it no longer wanted to farm and we have left that homestead and that was a choice that needed to be made. While he is very sympathetic to people like Valerie Lemke who gave such an wonderful and eloquent, impassioned speech to us about her farm, Schwinn is thinking that her children may welcome the opportunities that are brought forward as Stevens Creek becomes developed. While she may lament the loss of the farm, the rest of her future generations may not. Schwinn would also imagine that there are farm families out there today that look forward to the opportunities that this may create.

Schwinn recalled that testimony was made that truckers will not use the east beltway; however, testimony was also made that as soon as 148th Street was built, the truck traffic on 148th increased significantly. Schwinn believes that when this road is built the economy of eastern Nebraska and the road systems of eastern Nebraska will be entirely different. Rather than reacting to change, Schwinn believes we should plan for it. If you've noticed the increase of truck traffic on Hwy 2 recently, it is because the completion of Hwy 2 all the way to Nebraska City allows a freeway access from the east coast to the west coast that allows truckers on I-70 to come north to I-80 and go over the Rocky Mountains and high plains much easier than if they stayed on I-70. Schwinn is thinking that if a trucker will drive two hours out of his way to save that kind of money, an interstate beltway around this city will be used by truckers. He does not believe that the testimony that truckers will not use this roadway is valid.

Schwinn noted that the Commission's main job is planning for the future of the city. He had a discussion recently about the Pine Lake Road situation and how we built the road and six years later we tore it up and we started building the four-lane. The comment was made that in 1993 no planning had been made for the Pine Lake area and we did the best we could and six years later we've had to revisit it to complete our process. Schwinn believes this proves that we need to be starting our planning right now and our planning is being started as Steward and Carlson are serving on the Comprehensive Plan Committee.

Schwinn further commented that this is about planning for our city's future. There are about 55,000 students in this city—many of these people want to stay here just as he did. We must

plan so there is room and opportunities for these people. Lincoln's future depends on Stevens Creek. We need to move there. It is the next major watershed that we can move into.

Schwinn further noted testimony that the Commission doesn't have enough information to make this decision, but Schwinn has found many times that people will fall back on that argument when they can't find anything in the information that supports their conclusions. Schwinn believes the Commission has had plenty of information. He has read the letters over the last four years.

Schwinn then referred to testimony that other cities have found alternative methods. He has also studied these options—urban growth boundaries, the myth of the vanishing automobile, new urbanism, light rail transit—and quite frankly, the jury of public opinion has not rendered a judgment as to whether these are successful. He is not sure we need to be chasing after these ideas yet until we know they can work.

With regard to urban sprawl, Schwinn pointed out that some of the basic components of smart growth include comprehensive planning (which we are doing as we go into Stevens Creek); planning for future infrastructure (which this is); preserving housing and working choices which allows the city to expand economically (houses are where jobs go to spend the night); and preserving open space (which he believes has been covered quite a bit in the way that this roadway will be done).

When we take a look at the political decision to move to the East Middle after the vote three or four years ago on the East Far, Schwinn believes the argument that the staff has laid out has been very, very compelling. It has covered all the reasons why the East Middle is the way to go. Schwinn also served on the Stevens Creek planning initiative and he can never hope to know the area as well as those who live there, but he has a good idea of what it is. One of the things that we had in our many pages of information were all the GIS maps that showed all the sites, the wetlands, and the land uses. Then we had an overlay of the three beltway routes, and as he kept laying these over, it kept coming back that the East Middle is the best. Schwinn has been convinced for awhile and the testimony has only reinforced his thought.

The Stevens Creek report was done with the intent of full urbanization and the task force did that report with no prejudice toward one beltway system or another. The task force believed that the plan could proceed within the guidelines of the Stevens Creek initiative no matter where the roadway is sited. For the purpose of the report, on page 4, the task force defined "urbanization" as "change in land use that efficiently accommodates increased density of urban activities while preserving areas for less intense use and enhancement of natural areas and historical sites." Schwinn believes that using the East Middle route is probably going to preserve the historical sites, and even though we cross Stevens Creek twice, he believes the ability to preserve Stevens Creek will almost be enhanced by having the roadway put there.

For all of these reasons, Schwinn believes that the beltway is imperative for our city's future. He believes it is imperative for his son's future. And he believes that the staff recommendations are the most logical and correct.

Rebuttal

Steward simply wanted to comment on what it is that the Commission is actually doing. We have heard two or three comments about our desire is to do comprehensive planning. But he reminded the Commission precisely what they are doing--we are amending the Comprehensive Plan today, right now. That amendment will guide the new comprehensive planning that is underway as we speak. In terms of process, "we have the emphasis on the wrong syllable". We are out of step with comprehensive planning. We are doing micro-sectorial planning that will control and predict the rest of the comprehensive planning. Once again, transportation wins. Once again, transportation will determine the form and function of this city if we approve this amendment. If you really are for comprehensive planning, Steward would suggest that this is not the means nor the time to do it.

Hunter commended the city for the website capability because during her absence the last few weeks, it allowed her to attend these meetings by way of the internet. She did see all of the meetings that have taken place.

Hunter has lived all over the world and lived in larger cities and smaller cities, and she has lived in cities that have beltways and circular roads around them. She has found them extremely convenient and highly used. The issues that seem to be coming back constantly to the City of Lincoln are road congestion and downtown congestion and she believes that increasing the density only increases that problem. She recalled a comment someone made to her--doing this beltway may start the destruction of inner-city Lincoln; that it may be the beginning of the end. Hunter believes it is exactly the opposite; that is, people will feel comfortable in being able to invest in historical properties, to realize that there is not going to be two homes taken down with a high apartment next to them, that they can count on these neighborhoods that we so religiously support to stay intact. This beltway is probably in a lot of ways insurance of that because your investment in the City is not going to be destroyed by extreme high density. She has lived in beltway areas and she knows that people will avoid extremely busy intersections if at all possible.

Motion for approval, as revised, carried 5-2: Hunter, Taylor, Duvall, Carlson and Schwinn voting 'yes'; Newman and Steward voting 'no'; Bayer and Krieser declaring a conflict of interest.

COMPREHENSIVE PLAN AMENDMENT NO. 94-65 (EAST CLOSE)

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

July 25, 2001

Members present: Hunter, Steward, Taylor, Newman, Duvall, Carlson and Schwinn; Bayer and Krieser declaring a conflict of interest.

Staff recommendation: Denial.

Duvall moved to deny, seconded by Hunter and carried 7-0: Hunter, Steward, Taylor, Newman, Duvall, Carlson and Schwinn voting 'yes'; Bayer and Krieser declaring a conflict of interest.

The Clerk announced that the four beltway Comprehensive Plan Amendments are scheduled for a joint public hearing before the City Council and County Board on Wednesday, August 15, 2001, at 4:00 p.m., and again on Wednesday, August 22, 2001, at 3:00 p.m. in the City Council Hearing Room.

The next regular meeting of the Planning Commission will be held on August 8, 2001, at 1:00 p.m., and the regular meeting scheduled for Wednesday, August 22, 2001, will begin at 9:00 a.m.

There being no further business, the meeting was adjourned at 5:00 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on August 8, 2001.