MEETING RECORD

NAME OF GROUP:	PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING:	Wednesday, March 19, 2003, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska
MEMBERS IN ATTENDANCE:	Jon Carlson, Steve Duvall, Gerry Krieser, Roger Larson, Patte Newman, Greg Schwinn, Cecil Steward, Mary Bills-Strand and Tommy Taylor; Marvin Krout, Mike DeKalb, Ed Zimmer, Brian Will, Becky Horner, Duncan Ross, Greg Czaplewski, Jean Walker and Teresa McKinstry of the Planning Department; media and other interested citizens.
STATED PURPOSE OF MEETING:	Regular Planning Commission Meeting

Chair Greg Schwinn called the meeting to order and requested a motion approving the minutes of the meeting held March 5, 2003. Newman moved to approve the minutes, seconded by Larson and carried 6-0: Carlson, Newman, Schwinn, Steward, Bills-Strand and Taylor voting 'yes'; Duvall and Steward abstaining; Carlson absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION: March 5, 2003

Members present: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Steward, Bills-Strand and Taylor.

The Consent Agenda consisted of the following items: **PRE-EXISTING SPECIAL PERMIT NO. 20C; FINAL PLAT NO. 02046, THOMPSON CREEK ADDITION; FINAL PLAT NO. 03003, ASHLEY HEIGHTS 3RD ADDITION; and COMPREHENSIVE PLAN CONFORMANCE NO. 03001.**

Item No. 1.4, Comprehensive Plan Conformance No. 03001, was removed from the Consent Agenda and scheduled for separate public hearing at the request of the Commission.

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

Note: This is final action on Pre-Existing Special Permit No. 20C, the Thompson Creek Addition Final Plat No. 02046, and the Ashley Heights 3rd Addition Final Plat No. 03003, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

COMPREHENSIVE PLAN CONFORMANCE NO. 03001
TO AMEND THE UNIVERSITY PLACE REDEVELOPMENT PLAN
ON PROPERTY GENERALLY LOCATED AT
NORTH 48TH STREET AND MADISON STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION: March 19, 2003

Members present: Larson, Krieser, Bills-Strand, Carlson, Newman, Taylor, Steward, Duvall and Schwinn.

Staff recommendation: A finding of conformance with the Comprehensive Plan.

This application was removed from the Consent Agenda and had separate public hearing at the request of Commissioner Schwinn.

There were no ex parte communications disclosed.

Proponents

1. Marc Wullschleger, Director of Urban Development, advised the Commission that this amendment provides the city an opportunity if Green's does not get a suitable purchaser that they want to do business with. If this is approved, it will give the city the opportunity to buy the property with TIF (Tax Increment Financing) funds. This very large TIF district was created 5-8 years ago in UPCO (University Place). The major contributors to this TIF are Walgreens, the shopping center, and the Villa Grille. Any newly built or redeveloped property that adds an increment to the tax rolls goes into a fund that can be put back into the community. The money generated has provided funds for Urban Development to redevelop the neighborhood. If Green's so chooses, the city can purchase the property from them at a later date (there is no deadline but Wullschleger suggested six months)and redevelop the property. At this point, Urban Development does not have a plan for the redevelopment uses. Urban Development is currently conducting a large traffic study in the area, and a smaller portion of that study is for community revitalization. This proposed amendment came up due to the recent fire. If the city does purchase the property, Wullschleger anticipated that the City will probably level what is left of the ruins, dig out any basements, make sure the land is clean, clear and free from contamination, and then do a RFP to the public to see what the neighborhood would want to do with the land. It would be a public process. The property is zoned B-3 and it could be just about anything that would be proposed.

Wullschleger explained that Urban Development would be coming back to the Planning Commission seeking authority to purchase.

Larson inquired whether TIF funds could be used to make it a public area, like a park. Wullschleger confirmed that this could be done. The TIF is actually generated by the larger district, so Urban Development would be using the TIF dollars from the other properties in the district.

Bills-Strand inquired about the time line (the suggested six months) and whether that is enough time for the Green's to be able to figure out their future plans. Is this what they are wanting? Wullschleger indicated that Wynn Hjermstad in the Urban Development Department has been working with the Green's. He himself has not had direct contact with the Green's; however, he believes it is enough time, but this is not a deadline He understands that the Green's are looking for other sites to relocate their business.

Steward would like more explanation of the timing and pressure for this to come up so quickly. What is it that causes the city to want to own this property before there is a reasonable amount of time for private enterprise to engage in the issue? He could imagine one reason might be to keep it from being piece-mealed so that it is a larger entity for adequate redevelopment options, but other than that, what's at work here? Wullschleger explained it to be "the fire" that brought this opportunity forward at this time. He assured that Urban Development is not going to be in there bidding against private parties. If there is a private party that wants to purchase the property, the city will stand back. The city is just interested in having a fallback position for the Green's if they do not have a suitable buyer. The city would have to pay the appraisal price. There will be no condemnation.

Bills-Strand sought confirmation that there is no real deadline and that the city is not going to put any timelines or pressure on the Green's. Wullschleger agreed.

2. Larry Zink, 4926 Leighton, current President of the **University Place Community Organization** (UPCO), testified only on behalf of himself as the Board has not had the opportunity to review and take a position on this proposal. However, Zink stated that he was testifying in support. This was a traumatic loss for the business district and the neighborhood, and he appreciates the interest the city is taking to work with the area. There is no coercion involved. UPCO is involved with the business association and opening the door for this process will give more flexibility to respond to the outcomes of that study.

There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: March 19, 2003

Larson moved to find the amendment to be in conformance with the Comprehensive Plan, on the basis that we are not committing the city to anything but just opening up an option, seconded by Steward.

Steward believes the protection of the property for other options is what's going on here–that's what the Comprehensive Plan is about–examining options for future use. There has been a lot of public and private investment in this area and he thinks it is prudent that the city step in to be sure that a good outcome is available for everyone's concern.

Schwinn agree. He thinks it is a great opportunity and he is glad it came forward in the public process.

Motion carried 9-0: Larson, Krieser, Bills-Strand, Carlson, Newman, Taylor, Steward, Duvall and Schwinn voting 'yes'.

COUNTY CHANGE OF ZONE NO. 213
FROM AG AGRICULTURAL TO
AGR AGRICULTURAL RESIDENTIAL
ON PROPERTY GENERALLY LOCATED
AT N.W. 70TH STREET AND MILL ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION: March 19, 2003

Members present: Larson, Krieser, Bills-Strand, Carlson, Newman, Taylor, Steward, Duvall and Schwinn.

Staff recommendation: Deferral until completion of the rural and acreage studies; denial if action is taken.

There were no ex parte communications disclosed.

Mike DeKalb of Planning staff submitted two letters in opposition with concerns about limited groundwater and water supply, pollution, privacy, maintaining the rural lifestyle, and traffic with agricultural machinery on the roads.

Proponents

1. Terry and Lloyd Jakoubek, 12800 N.W. 70th, Raymond, presented the application. They are requesting this change of zone to AGR to allow them to split their 21 acre parcel into two 10.5 acre parcels. They have worked with a number of families who have expressed interest in smaller acreages. There are a number of acreages with less than

20 acres within close proximity of this property. This is a perfect location for an acreage. Ms. Jakoubek's brother and family are interested in purchasing the additional lot for a retirement home.

Ms. Jakoubek addressed the Analysis of the staff report. With regard go Analysis #4, where the County Engineer has recommended denial, Ms. Jakoubek suggested that the only reason stated in the comments is because the property is not within the designated AGR area. The County Engineer does not mention traffic or road concerns.
With regard to Analysis #5: "Development potential of this land would be one dwelling unit under the AG zoning and about seven dwellings under AGR zoning," Jakoubek assured that their intent is to only split the land into two 10.5 acre lots and they would be willing to have this be a condition in writing.

Analysis #6a states that groundwater information is lacking, etc. Jakoubek pointed out that the Health Dept. comments indicate that the water is suitable for drinking and Moser Well Drilling is confident they can find good water on the 10.5 acre parcel to be created.

Analysis #6b states that N.W. 70th and W. Mill Road are county gravel roads and that N.W. 56th and Raymond Road, one mile north and east, are paved. Jakoubek submitted that both N.W. 70th and Mill Road are gravel roads but they are in good condition with a low volume of traffic. There is proper sight distance for a driveway. Jakoubek believes it is in their favor to have only 1.5 miles of gravel to two paved roads.

Analysis #6c states that the soil is not prime ag land. Jakoubek agrees that this soil is not prime agricultural land and it is not suitable for farming.

Analysis #6d and e refer to the parcel sizes in the area. Jakoubek pointed out that the square mile section where they live currently has three acreages, just over 5 acres each; the square mile section to the east has 11 acreages of 10-acres each; the square mile to the north has 7 parcels, all under 20 acres; just two miles away on N.W. 84th and Bluff Road is a new subdivision with four 5-acre lots; just 2.5 miles away on N.W. 96th and Bluff Road is a new subdivision with 8 lots, all less than 10 acres.

Analysis #6f and g discuss conflicting farm uses and environmental issues. Jakoubek stated that there are no conflicting farm uses and no known environmental issues, and there is no floodplain identified.

With regard to Analysis #6h about increasing the demand on governmental services, Jakoubek submitted that this is a request to add just one parcel for potentially one family and she does not believe this will negatively impact any emergency services or the Malcolm School. These agencies will actually benefit with the added tax dollars of another home owner in the area.

With regard to the concern about wind and water erosion and dust control during construction, Jakoubek stated that there are a number of trees planted on the 10.5 acre parcel they wish to create and there is also a good establishment of brome grass so she does not believe there will be much dust or dust pollution.

Schwinn suggested that the Commission typically would like to see the plat come forward with the change of zone.

Steward inquired whether the applicants are aware of the rural studies that are being conducted. Mr. Jakoubek stated that they were not aware. Steward inquired whether the applicants would consider a deferral or whether there is some urgency to this matter. Steward explained that if there is a vote and the change of zone is denied, the options are gone. If deferred, it leaves the options open until the study is completed. The applicants indicated that they would rather it be deferred than denied.

There was no testimony in opposition.

Staff questions

Schwinn asked staff whether they had discussed bringing the plat forward with the applicant. DeKalb indicated that he had not. Often times, a sketch plan is brought forward with the change of zone; however, in this case, with the intention to create two 10.5 acre parcels, a subdivision is not required. The plat would only be required if they were making one bigger parcel and one smaller parcel.

DeKalb further advised that they did investigate a farmstead exemption, but it looked like it may have already been split off. It is a circumstance of sequence of events and in this case, it didn't work. There were no other options. We also talked about acquiring additional land.

Schwinn sought confirmation that if the Commission were to grant this change of zone, their only option would be to make the two 10.5 acre parcels, and anything else would require a different application. DeKalb explained that if the zoning were in place with 10.5 acre parcels, no subdivision would be required and they would have two buildable lots. Any splits below 10 acres would require at least an administrative subdivision or a regular plat.

Steward moved to defer until the completion of at least the two parts of the rural studies that are currently underway, seconded by Newman.

Steward believes this is a reasonable request in every way except that we already have the acreage studies underway and he doubts the results of the studies will impact this request. His motion is based upon the continuing concern about water resources in the

northern part of the county, and it's the larger acreage developments that we are more concerned about. He is not focusing on this one because he thinks it is in jeopardy, but because it is a precedent at this moment.

Schwinn agreed and appreciated the applicant giving the leeway to defer.

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

CHANGE OF ZONE NO. 3397
FROM R-4 RESIDENTIAL TO R-2 RESIDENTIAL
ON PROPERTY GENERALLY LOCATED
AT SOUTH 27TH STREET AND SOUTH STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION: March 19, 2003

Members present: Larson, Krieser, Bills-Strand, Carlson, Newman, Taylor, Steward, Duvall and Schwinn.

Staff recommendation: Approval.

Ex Parte Communications: Commissioner Carlson announced that he lives in the Near South Neighborhood, is a member of the Association and follows their activities; however, he does not live in Franklin Heights and does not own any property in Franklin Heights. Therefore, he will not be declaring a conflict of interest.

Proponents

1. Ed Zimmer of Planning staff presented the application and showed slides of the area to be rezoned. Zimmer announced that there are approximately 20 communications in the record in support of this application. This property is in a historic district designated in 1995, involving about 35 acres. It was a district that was first subdivided by out-of-town interests in the late 1880's. Woods Brothers bought up the existing parcel, rearranged some of the lots and packaged it as "Franklin Heights". It developed quicky in the early 20th century. Architecturally, there is a range of early 20th century housing types, and then a very distinctive range of scale from very large to much smaller built in the same time period. This application would change the zoning of the area from R-4 to R-2, and one effect in that change would be that the lot size for duplex would increase from 5,000 sq. ft. to 10,000 sq. ft. All of the existing properties would become legal, nonstandard uses, which means they could be enlarged or rebuilt as long as they met the yard and setback requirements, which are the same in R-4 and R-2.

Schwinn inquired as to how the property became to be zoned R-4. Zimmer advised that R-4 is a category that was created in the 1979 update. Earlier, it had been identified as either B (duplex type), and a small portion on South Street was identified as C (three- and

four-family residences). The area developed before zoning was in place in Lincoln. When the zoning was first applied to the existing buildings, it was single family and duplex and a small portion was small scale apartments. Through the evolution of the zoning in 1979, the whole area was identified as R-4, with single family and duplex on the same size lot. Steward inquired whether there are vacant properties in this district. Zimmer believes there may be a couple lots used as side yards for larger houses that could perhaps be identified as undeveloped parcels. He is not aware of any vacant lots.

Schwinn inquired as to how this change preserves a mix of housing types in older neighborhoods. Zimmer suggested that it is because all of the existing legal uses remain legal and can be continued. The mix that is there today could be well preserved by this change. The investment pattern in this neighborhood is largely toward single family, and this change of zone aligns the zoning with the predominant pattern of the neighborhood, while respecting the mix that is there. It does not encourage further intensification of that mix. All of the property in this change of zone is within the historic district. This is a further effort to preserve what the historic district seeks to preserve.

Steward noted that the B-1 property is not being included in this change. He wonders whether that leaves the adjacent residential properties in a somewhat vulnerable position. Of course, they are already directly adjacent to business, but let's say that B-1 began to develop into more intensified and more traditional strip– it seems the adjacent properties are vulnerable even though the district is protected. Zimmer advised that most of that B-1 has the historic overlay designation. It was an old streetcar-stop type of commercial district. The applicant's choice was that they did not want to interfere with the neighbors' rights. Steward then noted that this change of zone does not follow the historic district boundaries. Zimmer concurred, also noting that the B-1 is not high intensity.

2. Dallas Jones, 1900 So. 25th Street, testified in support on behalf of the Near South Neighborhood Association. In 1995, the historic district designation basically said that this is a special area that we want to preserve, protect and encourage further investment. Its present use is becoming more and more consistent with the R-2 zoning as opposed to R-4 zoning. "If you like what happened in Mt. Emerald, you will like this even more." The Association has made contact either in person, telephone or by letter, or by dropping off a petition to each one of the property owners in this area. Of those property owners, 75% have responded. Of the 75% responding, 96% have responded in favor. There are 125 people who have indicated support, there are four who do not support it and 1 indicating disinterest.

Approximately 15 people stood in the audience in support of this application.

3. John Spomer, 1826 So. 26th Street, testified in support. He is also a real advocate for preservation in the City of Lincoln. This will help preserve the integrity of the neighborhood and historic district, and, over time, he believes it will add character to the neighborhood. It is a reward for people that have invested in the restoration of the homes and hopefully

will provide incentive for those considering that as well. Spomer was drawn to the architectural characteristics of many of the houses in Near South. He believes the R-2 zoning will help save existing homes that have not been converted and will encourage preservation and the return to single family units. This is also good for Lincoln and helps preserve the City's history.

4. Patricia Williams, 1810 So. 25th, testified in support. She appreciates the diverse sizes of the homes. She purchased her home in this neighborhood in 1985 because of the family and neighborhood atmosphere. This is one of the few neighborhoods where she could afford a house of that type.

5. Emmitt Cooke, 2020 So. 24th Street, testified in support. He has lived here for 30 years. He referred to a property at the corner of South Street and 24th Street which became a four-plex with another four-plex built on the back half of the lot, making eight families without parking for each dwelling unit. He does not want to see this happen on any other lot in the neighborhood.

There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: March 19, 2003

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

CHANGE OF ZONE NO. 3396
FROM R-2 RESIDENTIAL TO R-4 RESIDENTIAL
and
SPECIAL PERMIT NO. 2003
UNECEDE PLACE COMMUNITY UNIT PLAN,
ON PROPERTY GENERALLY LOCATED
AT NORTH 70TH STREET AND ADAMS STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION: March 19, 2003

Members present: Larson, Krieser, Bills-Strand, Carlson, Newman, Taylor, Steward, Duvall and Schwinn.

Staff recommendation: Approval of the change of zone and conditional approval of the community unit plan.

There were no ex parte communications disclosed.

Proponents

1. Jerry Boyce of Boyce Construction, 4631 So. 67th Street, the applicant, presented the application, expressing that he wants to be as neighborly as possible. He is on the job site daily. He has his own trash truck and will keep trash picked up on the job site. He will make his bobcat available. In this spirit of neighborliness, this project became named "Unecede Place". He has worked with the neighborhood from square one. The trees became an issue early on in the neighborhood meetings. There is a tree mass on the west and north boundary. The site plan has been developed in such a way to achieve the greatest amount of correction of the present drainage problems. For the two or three neighbors who wanted to keep the tree mass, there were more that said, "but if they (trees) have to go in order to achieve proper drainage, take them out, we're tired of having water gushing through our property and into our basements."

Boyce showed photographs of the north tree mass. From a distance it looks like a nice screen, but when you get closer you will see a whole bunch of very dense volunteer growth that is less desirable and competing for sun, light and moisture. Boyce also submitted photographs showing that there are other trees, bushes and a privacy fence right on the boundary line. The main cedar tree trunks are 17 to 18 feet away from the property line and then the limb growth is another 18-20 feet south of the trunks, so we are dealing with 35-40 feet south of the north boundary line that cannot be properly graded and properly drained to achieve the neighbors' greatest desire. The pictures also indicate that many of the main line branches are above head height and are growing straight down to the ground. There are many split trunks and broken limbs, and a lot of lateral growth because it is too thick and too close together.

Boyce agreed with the staff recommendation and conditions of approval, except the requirement to keep this tree mass. He requested that the Commission approve the project as submitted, allowing removal of the northern tree mass to achieve the proper grading in the north 40 feet which will achieve the proper drainage needed for the neighbors.

Steward inquired whether the applicant is suggesting that the drainage cannot be accomplished with the tree mass, or is it the least expensive way to do it? Boyce responded, stating that they cannot achieve as good of drainage with the tree mass. The number of units would also be in doubt and it would put the entire project in doubt. Retention of the tree mass would cause them to lose two units.

2. J.D. Burt of **Design Associates of Lincoln, Inc.,** 1609 N Street, also testified on behalf of the applicant. Part of the problem is how the site drains--a portion of the water drains to the northwest corner of the site and a portion flows to the southwest corner. With this plan to take care of drainage, we have elevated the northerly portion of the site. This developer has proposed to elevate the northerly portion of the site so all the stormwater drains back to the storm sewer in the southwest corner. The developer has negotiated an easement to construct a public storm sewer that likely should have been somebody else's obligation. The proposal is to build the storm sewer down Shirley Court and rebuild the

storm sewer at 68th & Shirley to take care of the 10 year event.

Burt also alluded to the meetings held with the surrounding abutting property owners, where two issues came to mind: drainage and trees. If we keep the trees, we are going to end up with a revised grading plan that would take the northerly half of this site and drain it back to the north, which does not help the existing drainage problems. The rise in elevation at the north end is in the neighborhood of 4-5 ft. Burt requested that Condition #1.1.8 be deleted and in lieu thereof the developer will agree to plant trees in compliance with the landscape plan and install a 6' privacy fence.

Burt also expressed concern about Condition #1.2.5, which requires that street trees be shown on private property. Burt requested that Condition #1.2.5 be deleted and that the street trees be planted in compliance with design standards.

Carlson does not see the fence along 70th Street. Burt acknowledged that the fence is not shown; however, the fence would be shown if they are allowed to remove the trees to the north.

3. Ralph Carlson, 3134 Shirley Court, testified in support. When he received notice of this proposal, his first concern was the drainage. He believes they have addressed the drainage issues quite well. The trees in the back of his yard will remain. But in talking to the other people on the north side, they are very pleased with the fact that the trees will be removed and replaced with a fence.

There was no testimony in opposition.

Steward is interested in making the amendment to require tree replacement and the privacy fence as described by the applicant. He wondered whether the tree type and spacing needed to be specified. Becky Horner of Planning staff stated that the design standards generally only require a screen from a certain height to a certain percentage. It does not specify species or spacing. Parks would probably comment on whether or not the spacing is appropriate. She also advised that the 6' fence would exceed the requirements. If the Commission desires a landscape screen in addition to the fence, that would need to be specified in the condition.

With regard to placement of the street trees, Horner stated that the design standards and subdivision standards require that street trees be placed on private property. If they want to waive that standard, it would require readvertising. Parks indicated that they need to be placed on private property.

Taylor inquired about the staff recommendation to retain the tree mass. Horner explained

that the Comprehensive Plan calls for existing tree masses to be preserved where feasible; however, staff is comfortable with the 6' screen alternative given the condition of the trees.

Schwinn inquired whether 70th Street will be widened in this area. Dennis Bartels of Public Works believes the plan shows dedicating additional right-of-way to 40' off the centerline. He does not know that there is a specific project for widening but the 40' matches the right-of-way north and south. That is one of the reasons for not putting the trees in the right-of-way. We are accepting 40' of right-of-way because that is the most we can get up and down the street for any future widening. If the trees are put in there it complicates the widening.

Steward is still concerned about the north property edge, primarily because we have more or less solid wall construction of multi-family use with single family owners looking at the back yards. So potentially it is an edge relationship problem. Would the landscaping be on this property or the single family property side of the fence? What's the relationship of the fence to the trees? Burt indicated that the applicant would be open to suggestion. They would rather have the trees on their side of the fence for maintenance purposes. But from an aesthetic problem, Steward believes those four property owners are going to experience a huge change in their back views. He simply is trying to soften that. Boyce interjected that he did not say he would "happily" put in the privacy fence, but he agreed to do it. He understands Steward's concern but it is the choice of the lesser of the two evils. Do we want to provide screening for the neighbors? Steward suggested that they already have screening and this development is taking it down.

Burt advised that he talked to three of the five owners abutting the property. The two owners on the ends would rather have the drainage problem fixed than the trees. The people who live in the middle would rather have the drainage fixed than the trees, but they would like to have a fence.

Boyce noted that there is no known opposition and there are letters in support from Lloyd Hinkley on the south. He also received two phone calls from the two single family residence owners on the south.

Public hearing was closed.

CHANGE OF ZONE NO. 3396
ADMINISTRATIVE ACTION BY PLANNING COMMISSION: March 19, 2003

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

SPECIAL PERMIT NO. 2003

UNECEDE PLACE COMMUNITY UNIT PLAN
ADMINISTRATIVE ACTION BY PLANNING COMMISSION: March 19, 2003

Steward moved to approve the staff recommendation of conditional approval, seconded by Bills-Strand.

Steward made a motion to amend Condition #1.2.6 to read: "to install landscaping and a privacy fence on the north property line.", and to delete Condition #1.1.8, seconded by Bills-Strand.

Motion to amend carried 9-0: Larson, Krieser, Bills-Strand, Carlson, Newman, Taylor, Steward, Duvall and Schwinn voting 'yes'.

Discussion on the main motion: Steward believes it is commendable on the part of the applicant to get this kind of approval from the surrounding single family residents. It is unusual to be able to put multi-family units in such tight proximity. He also believes it has a lot to do with the screening that had been there and now the resolution of the drainage problem, so everyone is trying to work with these edge conditions where one zoning use meeting a lesser zoning use is difficult. Everything the developer can do to mitigate that difficulty is to be commended.

Schwinn believes this is a great job of going into an infill site and making something work.

Motion for approval, with conditions, as amended, carried 9-0: Larson, Krieser, Bills-Strand, Carlson, Newman, Taylor, Steward, Duvall and Schwinn voting 'yes'.

COUNTY SPECIAL PERMIT NO. 199,
PRAIRIE CREEK ESTATES COMMUNITY UNIT PLAN,
and
COUNTY PRELIMINARY PLAT NO. 03001,
PRAIRIE CREEK ESTATES,
ON PROPERTY GENERALLY LOCATED
AT SOUTH 148TH STREET AND VAN DORN STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION: March 19, 2003

Members present: Larson, Krieser, Bills-Strand, Carlson, Newman, Taylor, Steward, Duvall and Schwinn.

Staff recommendation: Conditional approval.

There were no ex parte communications disclosed.

Proponents

1. Brian Carstens presented this application for an AG community unit plan at 148th & Van Dorn. The Veterans house recently moved from 70th & "O" is now situated on this property. The proposal consists of 9 single family acreage lots ranging from 3-9 acres. Four of the acreage lots will abut the NRD lake of about 12 acres being constructed. There will be rural water, private individual septic, private roadway, and private driveway providing access to the two lots to the north. Carstens agreed with the staff recommendation and conditions of approval. With regard to the concerns about the north 2 lots being landlocked in the event of a 100 year flood, Carstens indicated that they met with the NRD and it looks like they will be able to get an elevated crossing for emergency access in the event of that flood.

Carstens also advised that a neighborhood meeting was held and they received very positive comments.

Steward inquired about responsibility for maintenance of the pond and dam. Carstens indicated that it will be the responsibility of the NRD.

Steward inquired about the existing farm land that is not included in this subdivision. Carstens stated that it will continue to be farmed.

There was no testimony in opposition.

Public hearing was closed.

COUNTY SPECIAL PERMIT NO. 199
ADMINISTRATIVE ACTION BY PLANNING COMMISSION: March 19, 2003

Duvall moved to approve the staff recommendation of conditional approval, seconded by Larson and carried 9-0: Larson, Krieser, Bills-Strand, Carlson, Newman, Taylor, Steward, Duvall and Schwinn voting 'yes'.

COUNTY PRELIMINARY PLAT NO. 03001
ADMINISTRATIVE ACTION BY PLANNING COMMISSION: March 19, 2003

Duvall moved to approve the staff recommendation of conditional approval, seconded by Steward and carried 9-0: Larson, Krieser, Bills-Strand, Carlson, Newman, Taylor, Steward, Duvall and Schwinn voting 'yes'.

WAIVER NO. 02023

**TO WAIVE STREET TREES, STREET LIGHTS,
SIDEWALKS, PAVING AND FLOODPLAIN REQUIREMENTS,
ON PROPERTY GENERALLY LOCATED
AT SOUTH 7TH AND "N" STREETS.
CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION**: March 19, 2003

Members present: Larson, Krieser, Bills-Strand, Carlson, Newman, Taylor, Steward, Duvall and Schwinn.

Staff recommendation: Conditional approval.

There were no ex parte communications disclosed.

Proponents

1. John Jacobson of **Jacobson Land and Cattle Company,** presented the application. He has owned the building for 25 years and recently purchased a piece of land behind it from the railroad. He then discovered that the lots next to him were for sale and he purchased them as well. He then purchased the Nash Finch building out at the airport and, as a consequence, this land became surplus to him. Cotswald Management is wanting to purchase the property and this waiver request was triggered by a change in the property line. This is a situation where there is a willing seller and buyer and the property will be kept as a parking lot and an undeveloped lot.

There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: March 19, 2003

Krieser moved to approve the staff recommendation of conditional approval, seconded by Larson and carried 9-0: Larson, Krieser, Bills-Strand, Carlson, Newman, Taylor, Steward, Duvall and Schwinn voting 'yes'.

STREET & ALLEY VACATION NO. 02019

TO VACATE THE EAST-WEST ALLEY, WEST FROM SO. 16TH STREET, GENERALLY LOCATED AT SOUTH 16TH STREET AND SOUTH STREET.
CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: March 19, 2003

Members present: Larson, Krieser, Bills-Strand, Carlson, Newman, Taylor, Steward, Duvall and Schwinn.

Staff recommendation: Place on Pending.

There were no ex parte communications disclosed.

Greg Czaplewski of Planning staff provided a correction to the information in the record. He just found out today that the request of Houses of Hope for a paving district has not yet gone to the Special Assessments Revolving Committee, but is scheduled for their review next week. The paving district is to pave the alley next to their property. The applicant is in agreement that this be placed on pending.

Carlson moved to place this application on the pending list, seconded by Bills-Strand, and carried 9-0: Larson, Krieser, Bills-Strand, Carlson, Newman, Taylor, Steward, Duvall and Schwinn voting 'yes'.

Bills-Strand asked about the ex parte communication opinion requested at the last meeting from the City Attorney. Rick Peo of the City Law Department advised that as he was preparing the opinion, some of the other city attorneys believed it should be discussed internally because it could impact several other boards and commissions. He will be bringing the opinion forward at a later date.

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

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on April 2, 2003.

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