MEETING RECORD

NAME OF GROUP:	PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING:	Wednesday, March 2, 2005, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska
MEMBERS IN ATTENDANCE:	Jon Carlson, Gene Carroll, Roger Larson, Gerry Krieser, Dan Marvin, Melinda Pearson, Mary Bills-Strand, Lynn Sunderman and Tommy Taylor; Marvin Krout, Ray Hill, Mike DeKalb, Brian Will, Tom Cajka, 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 Mary Bills-Strand called the meeting to order and noted a request by the applicant to rearrange the agenda to delay hearing on Item No. 3.1, Comprehensive Plan Amendment No. 05001, until the end of the meeting. It was moved by Carlson and seconded by Marvin to open hearing the hearing as scheduled for those who wish to testify and cannot stay until the end of the meeting; then recess the hearing and reconvene at the end of today's agenda for the applicant's presentation and any other testimony. Motion carried 8-1: Carlson, Carroll, Larson, Krieser, Marvin, Bills-Strand, Sunderman and Taylor voting 'yes'; Pearson voting 'no'.

Bills-Strand then requested a motion approving the minutes for the regular meeting held February 16, 2005. Motion for approval made by Carroll, seconded by Krieser and carried 7-0: Carlson, Carroll, Krieser, Marvin, Pearson, Sunderman and Taylor voting 'yes'; Larson and Bills-Strand abstaining.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION: March 2, 2005

Members present: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Bills-Strand, Sunderman and Taylor.

The Consent Agenda consisted of the following items: **COUNTY CHANGE OF ZONE NO. 05009; USE PERMIT NO. 05002; COUNTY FINAL PLAT NO. 05007, COUPE DEVILLE HEIGHTS 1ST ADDITION; COUNTY MISCELLANEOUS NO. 05003; and MISCELLANEOUS NO. 05004.**

Item No. 1.1, County Change of Zone No. 05009; Item No. 1.2, Use Permit No. 05002; Item No. 1.3, County Final Plat No. 05007; and Item No. 1.4, County Miscellaneous No. 05003 were removed from the Consent Agenda and scheduled for separate public hearing.

Larson moved to approve the remaining Consent Agenda, seconded by Carroll and carried 9-0: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'.

COUNTY CHANGE OF ZONE NO. 05009
FROM AG AGRICULTURAL TO AGR AGRICULTURAL RESIDENTIAL
ON PROPERTY GENERALLY LOCATED
AT S. 96TH STREET AND WAGON TRAIN ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION: March 2, 2005

Members present: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand.

Staff recommendation: Approval.

Ex Parte Communications: None.

This application was removed from the consent agenda due to letters received in opposition.

Mike DeKalb of Planning staff submitted a letter from 10 area residents in opposition, with concerns because the property is used by hunters in the park area; violation of the special permit provisions regarding the 600' buffer area; the impact on the wells, sewage system and traffic.

Proponents

The applicant was not present.

Support

1. Gary Kvasnicka, the applicant's husband, testified in support. There is a need in the area for residential lots in the Norris School District. The development proposals he has seen would be no problem and the quality of water seems to be very good.

Opposition

1. Margaret Vanderholm, 19501 S. 96th Street, Hickman, which is directly across from this proposal, testified in opposition on behalf of ten households. They support the Nebraska

Game and Parks Commission in opposing this change of zone because: 1) the proposed development does not conform to the special permit requirements that all dwellings, occupied buildings and livestock feedlots shall be located a minimum of 600' from the property line of the public lake property to protect from noise and gun fire. The tract is not wide enough to comply with this requirement. This rule was imposed in 1992; 2) the proposal does not comply with the special permit requirement that well information shall be provided that shows there is adequate quantity and quality of water on the site and that the development will not adversely affect adjacent property wells – there are eight existing homes on wells; 3) the proposed homes will require individual home sewage systems, which could pose additional risk to wells of adjacent properties; 4) the development will increase vehicle traffic risks; and 5) the Lancaster County Engineer, in a letter dated January 28, 2005, states that their office normally would not recommend approval for an application of this size (21 acres). Vanderholm pointed out that two government departments have already recommended that this change should not be approved.

With regard to Norris School, Vanderholm suggested that it is already crowded and they are having to make plans to increase the school facilities.

In summary, the proposed change and proposed development is in direct contradiction to the current zoning regulations as they relate to setbacks from state owned lake property. It does not address issues of impacts on adjacent property wells or sewage systems. There is a potential negative impact on wildlife, campers, hunters and other users of the state recreation area immediately adjacent to the proposed development. For these reasons, Vanderholm and her neighbors believe the zoning change request should be denied.

2. DaNay Kalkowski appeared on behalf of a group of individuals who have an interest in protecting the use of the Wagon Train Recreation Area that abuts this property, including hunters, campers, hikers, horse riders and cyclists. The purpose in their opposition is to provide notice to the applicant about their concerns of items that will affect further development of the property to residential sites. It is indicated that the AGR zone is to further subdivide 21 acres to six 3-acre lots. While single family dwelling units are typically a permitted use in AGR, in 1997, the County adopted an amendment to the AGR zoning requirements that identifies dwelling units within 1320 feet of state recreation lake property that is over 30 acres, as a special permitted use requiring approval of a special permit. Because this property is adjacent to Wagon Train, the applicant will be required to obtain a special permit to subdivide the property for further development. The applicant needs to be aware that as this project moves forward, one of the special permit conditions require dwelling units and other uses to be located a minimum of 600 feet from the property line of the public lake to protect from noise and gun fire. Because of this property's proximity to Stagecoach, if this setback is provided, it would effectively prohibit any dwelling units on this property. The County Board does have the flexibility to modify the special permit conditions, but the Planning Commission and the applicant need to be aware that there is a large group of individuals that are concerned with that setback and with providing

protection for the lake so that will be a big issue as they come forward. The Game and Parks Commission does recommend denial for the very reason of the buffer issue.

Marvin inquired as to the depth of the six 3-acre lots. Kalkowski did not know the depth of the property but her clients have indicated that it would not comply with the 600' depth that would be required.

Carroll noted that there are other acreages around the lake. DeKalb explained that most of them were built prior to the buffer requirement. There was a change of zone about 1/4 mile south that would have been right on the edge. The property has been shown in the Comprehensive Plan as low density residential since 1977, and it is shown as low density acreages in the Hickman Plan. The language being referred to is a special permit provision that only applies to AGR land within 1320 feet of the lake of 30 acres or more. And, the County Board can amend and adjust that requirement. Today, of the 21.8 acres, they could build a house by right at the lot line and the provisions of the special permit would not apply. The 600' setback is to discharge a firearm. The language in the special permit is to recognize that the County Board has the ability to adjust to allow reasonable use of the land. If the zoning is approved, the applicant would come through with a preliminary plat and special permit providing all of that information, including setbacks, adjustments of setbacks, road network, well report, etc.
Carroll thought it would be better for the preliminary plat and special permit to accompany the change of zone. DeKalb agreed that it would be a better package, but it is not a requirement.

ACTION BY PLANNING COMMISSION: March 2, 2005

Pearson moved to deny, seconded by Larson.

Pearson believes that there are enough unanswered questions, and the applicant is not present to rebut. It sounds like we could change the zone, but it doesn't sound like they could use the land. It seems misleading to allow them to change the zone when they would not be able to get a special permit to use it. It would be better for the applicant to come forward with both.

Motion to deny carried 6-3: Sunderman, Larson, Carroll, Marvin, Carlson and Pearson voting 'yes'; Krieser, Taylor and Bills-Strand voting 'no'. This is a recommendation to the Lancaster County Board.

USE PERMIT NO. 05002,
NORTHWOODS OFFICE PARK,
ON PROPERTY GENERALLY LOCATED
AT N. 84TH STREET AND NORTHWOODS DRIVE.
PUBLIC HEARING BEFORE PLANNING COMMISSION: March 2, 2005

Members present: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand.

Staff recommendation: Conditional approval.

Ex Parte Communications: None.

Proponents

1. Mark Palmer appeared on behalf of the applicant and requested a two-week deferral to review the conditions of approval.

Marvin moved to defer, with continued public hearing and action scheduled for March 16, 2005, seconded by Carroll and carried 9-0: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand voting 'yes'.

There was no other public testimony.

COUNTY FINAL PLAT NO. 05007,
COUPLE DEVILLE HEIGHTS 1ST ADDITION,
ON PROPERTY GENERALLY LOCATED
AT N.W. 84TH STREET AND WEST BLUFF ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION: March 2, 2005

Members present: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand.

Staff recommendation: Conditional approval.

Ex Parte Communications: None.

Mike DeKalb of Planning staff submitted an e-mail dated February 28, 2005, from Chris Stephens in opposition to the construction of any additional homes; however, if this proposal is simply adding portions to the existing housing, Stephens does not object.

Proponents

1. Brian Carstens appeared on behalf of **Dick and Melinda Coupe**, the developers**.** This is just a final plat to create 20 acre and 10 acre parcels to be sold to the two adjacent property owners, who would like to have horses and a small horse barn on each of the lots. There will not be any additional homes constructed.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION: March 2, 2005

Larson moved approval, with conditions, seconded by Marvin and carried 9-0: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand voting 'yes'. This is a recommendation to the Lancaster County Board.

MISCELLANEOUS NO. 05003
TO AMEND THE LANCASTER COUNTY SUBDIVISION RESOLUTION REGARDING STREET AND ROAD IMPROVEMENT STANDARDS.
PUBLIC HEARING BEFORE PLANNING COMMISSION: March 2, 2005

Members present: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand.

Staff recommendation: Approval.

Ex Parte Communications: None.

Proponents

Mike DeKalb of Planning staff explained that this is a request from the County Engineer. The current standard in the county for a substantial acreage development close to town is 6" of asphalt. The County Engineer has advised the County Board that the traffic levels are so significant that the standard should be raised to 8" in circumstances where appropriate. The County Board agreed that the policy should be changed. This text changes the road improvement standards in the Lancaster County subdivision resolution.

Support

1. Susan Kirkpatrick, 8001 Amber Hill Road, testified in support. A group of homeowners instigated this proposal because of the St. Elizabeth property that is going to be developed. They are asking that the standard of 6" to 8" be handled on a case-by-case basis.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION: March 2, 2005

Carroll moved approval, seconded by Krieser and carried 9-0: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand voting 'yes'. This is a recommendation to the Lancaster County Board.

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Comprehensive Plan Amendment No. 05001, Stevens Creek Watershed Master Plan, was read into the record and the public hearing was opened for those individuals wishing to testify now as opposed to at the end of the meeting. (Said testimony is appended under **Comprehensive Plan Amendment No. 05001,** beginning on page 29 of these minutes.)

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CITY CHANGE OF ZONE NO. 05006
and COUNTY CHANGE OF ZONE NO. 05007,
FROM AG AGRICULTURAL TO AGR AGRICULTURAL RESIDENTIAL;
CITY SPECIAL PERMIT NO. 05003 and COUNTY SPECIAL PERMIT NO. 05004,
MEADOW VIEW 2ND ADDITION COMMUNITY UNIT PLAN;
and COUNTY PRELIMINARY PLAT NO. 05001,
MEADOWVIEW 2ND ADDITION,
ON PROPERTY GENERALLY LOCATED
AT S.W. 84TH STREET AND W. PIONEERS BLVD.
PUBLIC HEARING BEFORE PLANNING COMMISSION: March 2, 2005

Members present: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand.

Staff recommendation: Denial.

Ex Parte Communications: None.

Proponents

1. Hub Hall presented the proposal, stating that he has developed Meadow View Estates as far as he can. The original addition is in place with only two lots that are not yet built upon. The 1st Addition has been final platted and the roads have been graded but NDEQ has said they do not have adequate capacity in the lagoon to put in the infrastructure for

the 1st Addition. He has tried to purchase 10 acres form an adjacent property owner. Instead of 10 acres, the adjacent owner has offered to sell 160 acres, and Hall has a contract to purchase the 160 acres.

This plat allows service to Meadow View 1st and 57 one-acre tracts known as Meadow View 2nd Addition. He needs the 2nd Addition approved to complete the 1st Addition. He has dedicated over 30 acres to green space on S.W. 84th Street in the 1st Addition and will continue to have open space in 2nd Addition along S.W. 84th. There will only be one access point onto S.W. 84th.

Hall believes that Meadow View has been a great addition to Lancaster County and he received a special environmental award from the City/County Health Department and the County Board for this development.

Hall noted that the County Commissioners have applauded this type of development with the large areas devoted to open space. Hall thought he had adequate lagoon capacity for the Original and 1st Addition, and he was surprised when it was discovered that he needed more capacity.

Hall intends to continue the integrity of Meadow View Estates. He believes this development fits well in Lancaster County. The report signifies that this is not prime agricultural land, and Hall believes this 2nd Addition fits well with the acreages that are already established and it is a good use of the land.

N.W. 84th is an asphalt road; W. Van Dorn is an asphalt road; West Pioneers is not asphalt–it is gravel, that is why they did not connect to Pioneers, but to 84th Street instead.

Pearson inquired about the lagoon situation in phase one. Hall explained that he had the plans approved and NDEQ said he could not use any additional land because it would be in the floodplain. He believes it will be 50 years before they fill up the two lagoons they already have, but not according to NDEQ.

Mark Palmer of Olsson Associates, noted that it looks like a lot of open space that could provide for the lagoon, by their remaining property was dedicated as conservation easements and that is the problem the developer is running into.

Palmer also added that this development connects to S.W. 84th Street because it is the asphalt road. The floodplain was mapped off the USGS contours and it is not accurate as to where the draws and floodplain reflect today. This development is impacting the floodplain where it crosses the roadways. The developer will comply with the floodplain requirements. The lagoon on the north end is to serve a portion of Meadow View. There are also lagoons on the south side.

There was no testimony in opposition.

Staff questions

Carlson confirmed with staff that this property is not shown in the Comprehensive Plan for acreage development because we should not be stripping S.W. 84th Street with acreages. DeKalb concurred. Carlson is seeking to find the impact of being close to a paved road because the County Board has asked us not to use the point system. DeKalb stated that if it is not shown in the Comprehensive Plan, there is a presumption of denial; then staff looks at other circumstances and criteria to suggest that it should be approved. When Meadow View came, it was not a phase I, phase II. In fact, with split jurisdiction, the Council approved the subdivisions immediately to the east, and this parcel was owned by another individual and was between existing acreages and approved plats. At that time, there was no representation that this would extend further to the south. The Comprehensive Plan does not show it. If it does expand to the south, the rest of the roads are gravel.

DeKalb pointed out that if this development is approved, the connection to the road to the south does not have to be done until the city annexes or the county replaces the bridge and asphalts the road.

With regard to the sewer system, DeKalb advised that the city and county did approve the cluster subdivisions, which had been engineered by a private consulting firm and the approval was contingent upon approval by state DEQ. They did approve it, and it was constructed. What has happened is that they are getting more generation of effluent than the lagoon can handle. That is the reason for an additional lagoon to the south. There are multiple opportunities.

Carroll referred to #10 in the staff analysis regarding build-through, noting that this proposal does not follow build-through as far as the cluster area, and not all of the site is developable. DeKalb clarified that it does follow the build-through; however, the County has no provision for build-through and this development is in split jurisdiction. Within the cluster they are providing the ghost plat; they do meet the 40% maximum developable area for build-through and have indicated that the areas in the outlot (floodplain) are reserved for future development when the city gets there. They do meet the build-through requirements.

Pearson inquired whether phase one of this development was in the Comprehensive Plan. DeKalb responded that it was not, and it was not phased. Meadow View came in as a change of zone by another owner to AGR. He did not have a plat with it and he was already straddled by the existing acreages to the west.

Response by the Applicant

In terms of stripping of acreages along S.W. 84th Street, Palmer pointed out that with the build-through approach, they are leaving open space adjacent to 84th Street. It is reserved

for future development. The whole development is planned for the build-through approach. S.W. 84th would be allowed to develop into something other than residential. Palmer acknowledged that he is new at the build-through regulations, so he understands that they do need to scale down the amount of land that is being used for the lots and they will work with staff on that. Palmer agreed with all conditions of approval set forth in the staff report.

CITY CHANGE OF ZONE NO. 05006
ACTION BY PLANNING COMMISSION: March 2, 2005

Larson moved approval, seconded by Marvin.

Carlson stated that he will vote against based on the guidance of the Comprehensive Plan. It is specific about providing sufficient land for development and it is specific about not stripping in the County and not clustering acreages. The Comprehensive Plan also calls for the point system, but we are not using it and thus do not know whether this is a "sweet spot" or not. After that we have a Comprehensive Plan that talks about not sprawling out in the County.

Pearson stated that she will vote against this, also. It is not on a paved road and there is no point system to evaluate it fully. It is adjacent to a development that was not in the Comprehensive Plan, either. We are being asked to approve 57 additional units on 148 acres so that they can provide for additional land for a lagoon that doesn't fit on the first property. She does not want to approve a development so that someone can increase the size of their lagoon.

Motion for approval failed 4-5: Krieser, Larson, Marvin and Bills-Strand voting 'yes'; Sunderman, Taylor, Carroll, Carlson and Pearson voting 'no'.

Carlson moved denial, seconded by Pearson.

Marvin commented that normally he is not real enthused about acreages, but this one does sit next to a road and he does not believe we are taxing the system by putting it next to an asphalt road. In addition, it is certainly next to other homeowners who are not here in opposition. These are acreages that are next to other acreages and he thinks it is a reasonable accommodation; it complies with the build-through standards; and has good water.

Pearson wondered about the thickness of S.W. 84th Street. Unless it has a 6 or 8 inch base, it is not up to county standards. She is also concerned about the lagoons. We are increasing the area of lagoons and adding more lagoons, which are above ground fields for septic, which she does not believe is the best way to handle the septic. She would rather see it developed wiser down the road rather than putting in three lagoons.

Bills-Strand believes it is a subdivision that was well-built and it received an environmental award so she will vote in favor.

Motion to deny carried 5-4: Taylor, Carroll, Sunderman, Carlson and Pearson voting 'yes'; Krieser, Larson, Marvin and Bills-Strand voting 'no'. This is a recommendation to the City Council.

COUNTY CHANGE OF ZONE NO. 05007
ACTION BY PLANNING COMMISSION: March 2, 2005

Carlson moved denial, seconded by Pearson and carried 5-4: Taylor, Carroll, Sunderman, Carlson and Pearson voting 'yes'; Krieser, Larson, Marvin and Bills-Strand voting 'no'. This is a recommendation to the Lancaster County Board.

CITY SPECIAL PERMIT NO. 05003
ACTION BY PLANNING COMMISSION: March 2, 2005

Carlson moved to deny, seconded by Pearson and carried 6-3: Sunderman, Taylor, Carroll, Marvin, Carlson and Pearson voting 'yes'; Krieser, Larson and Bills-Strand voting 'no'. This is final action, unless appealed to the City Council within 14 days.

COUNTY SPECIAL PERMIT NO. 05004
ACTION BY PLANNING COMMISSION: March 2, 2005

Carlson moved to deny, seconded by Pearson and carried 6-3: Sunderman, Taylor, Carroll, Marvin, Carlson and Pearson voting 'yes'; Krieser, Larson and Bills-Strand voting 'no'. This is a recommendation to the Lancaster County Board.

COUNTY PRELIMINARY PLAT NO. 05001
ACTION BY PLANNING COMMISSION: March 2, 2005

Carlson moved to deny, seconded by Pearson and carried 6-3: Sunderman, Taylor, Carroll, Marvin, Carlson and Pearson voting 'yes'; Krieser, Larson and Bills-Strand voting 'no'. This is a recommendation to the Lancaster County Board.

CHANGE OF ZONE NO. 05010
FROM R-3 RESIDENTIAL TO O-3 OFFICE PARK
and
USE PERMIT NO. 141A,
AMENDMENT TO THOMPSON CREEK,
ON PROPERTY GENERALLY LOCATED
AT S. 56th STREET AND THOMPSON CREEK BLVD.
PUBLIC HEARING BEFORE PLANNING COMMISSION: March 2, 2005

Members present: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand.

Staff recommendation: Denial.

Ex Parte Communications: None.

Proponents

1. Jason Thiellen of **Engineering Design Consultants,** testified on behalf of the applicant, **Thompson Creek LLC**, which is proposing to amend the Thompson Creek use permit by adding two lots that are currently under the CUP and changing the zoning on those two lots from R-3 to O-3. After three years of marketing these lots as residential, they have determined that there is no interest for residential lots at this time. All of the existing lots in the commercial area or office area have been sold. This proposal adds just a little more than two acres to the use permit, bringing the total acreage for office use to 7.5 acres.

Thiellen went on to state that the applicant understands that the initial intent was not to have a strip mall look along S. 56th, and this was agreed upon before the uses to the south of this plat were known. At this time, there is a fire station adjacent to the plat. Thiellen does not believe that adding these two lots as office use will result in the strip mall commercial look that is undesired. The existing commercial/office area is not a strip mall look at all. It is a cluster of buildings. There are residential units past the fire station that are being built at this time. The developer is losing 72 residential lots by making this change.

Thiellen then addressed the conditions of approval and advised that the 12" water main in Union Drive and the 8" water main in S. 56th Street will fulfill Conditions #1.1.1, #1.1.2 and #1.1.4. There is also sanitary sewer in S. 57th Street, which will be extended and provide the sewer in relation to Condition #1.1.4.

Condition #1.1.7 requires sidewalks along both sides of So. 57th Street with connections to the commercial lots. Thiellen pointed out that sidewalks were not originally required for S. 57th Street; however, the developer will not object to constructing the sidewalks.

Condition #1.1.8 requires paving in South 57th Street to be 33' wide. Thiellen does not believe that this was ever a requirement and it is not a design standard. Therefore, he requested that Condition #1.1.8 be deleted.

Likewise, Condition #1.1.9 requires angle parking along South 57th Street. Angle parking was never required with the previous amendment and it is not a design standard. Therefore, Thiellen requested that Condition #1.1.9 be deleted.

Thiellen advised that they do have the right-of-way or easement for the turn lanes required by Condition #1.1.10.

Thiellen requested that Condition #1.3 be deleted, which requires a traffic study. This proposal reduces the total amount of use for this area that the original traffic study envisioned. In fact, the proposed uses will decrease the traffic. Therefore, Thiellen does not believe there is an additional need for a traffic study.

With regard to Comprehensive Plan conformance, Thiellen suggested that the Comprehensive Plan is a working document much like development. It needs to be flexible and subject to change when the situation calls for it. This is one of those situations. The applicant needs some flexibility because they cannot make the original intent of the development work due to market demands.

Bills-Strand inquired whether the four buildings have employees. Thiellen stated that they do not. Those four buildings were just platted a few months ago. One building is under construction at this time.

Bills-Strand clarified that the two areas the applicant is seeking to change would be along an arterial and are not the most desirable for single family use. Thiellen agreed, adding that he did receive a phone call from the west residential property owner and she was not opposed to the new use.

Carroll noted that there are residential lots to the east of Block 1, Lot 7. Are those built? Thiellen advised that they have not been built upon at this time.

2. Bob Lewis of Hampton Development, the applicant, reiterated that this development sits on 80 acres. There are some elements of new urbanism that the developer has been trying to incorporate into this development over the past three years. They have come back to Planning numerous times with changes in the lot sizes for the residential and some changes on the commercial. The approved O-3 area has been replatted. These two lots do abut S. 56th Street. All of the infrastructure conditions that are required can be met. This request is market driven. There has been no interest in additional multi-family residential over the last three years in this area, but there has been interest in commercial.

Lewis noted that staff is concerned about strip development along 56th Street, but at the time of the original approval, the property to the south was not developed. There is a 60' wide LES easement directly south that will have a future bike trail to serve the school, and south of that is a platted property owned by the City for a future fire station. The use across the street is owned by Lincoln Housing Authority. This proposal for additional commercial area does not encroach on any new neighbors.

Bills-Strand clarified that the Campbell property adjoins to the north. Lewis concurred and believes that Campbells will continue to use the garden center as a commercial use. There is a connection to the north at Cross Creek Drive. Immediately abutting Campbells is a commercial development on the east side of Cross Creek and a required detention structure on the west side.

There was no testimony in opposition.

Staff questions

Considering that So. 56th Street will at some point become a connector to the beltway, Marvin assumes it would be a main thoroughfare at that point. Which is more viable at that point – apartments or commercial along 56th Street? Greg Czaplewski of Planning staff suggested that the apartments that have been shown there work better with this plan and work well along 56th St. Single family is probably not appropriate along 56th, but these were apartments and were a good use between a major arterial and single family to the east. Taylor inquired as to the reason for the staff recommendation of denial. Czaplewski suggested that it goes back to the original plan and the new urbanism element they were trying to incorporate -- with a compact density populated area, alley ways and rear loaded lots in the single family lots all combined together to make this development as unique as it is. They are chipping away at the new urbanism elements by putting the commercial along 56th Street, which would not seem to conform to the Comprehensive Plan. The staff is more interested in the plan that was originally approved.

Taylor inquired about the need for the traffic study. Czaplewski noted that the drawings show a drive-thru facility of some kind. That use has prompted the interest in a revised traffic study. Dennis Bartels of Public Works & Utilities acknowledged that a local traffic study was done with the initial development of the commercial area. The drive-up facility was noted on this proposal, presumably a bank, and the traffic study did not show that kind of intense use at that location. At this point, he does not know whether it will show more or less traffic, but since they were required to submit a traffic study with the original application, Public Works is requesting they revise the traffic study to conform to the application as submitted.

Carlson confirmed that this proposal does not increase the amount of square footage for commercial uses. Czaplewski concurred. From a planning perspective, Carlson inquired as to the advantage of this proposal. He knows that it gains more parking spots, but what's

the advantage of using this land by spreading out the commercial? Czaplewski believes that the reason they did not ask for an increase is because they had surplus for what has not been built. They do not have anywhere to put it in their commercial area as proposed. Czaplewski suggested that keeping that commercial area more compact and putting that additional square footage into that commercial area would probably be a better decision.

Bills-Strand questioned the 33' wide paving requirement on S. 57th Street. Bartels advised that the design standards do not specifically address commercial streets, but 33' is the minimum size for a public street in a commercial area. There were no public or private streets to the commercial area in the initial application. It was all one lot and they decided to get a public water main, changed it and put a private street in here. A second amendment moved some lots around, and now we have a third amendment showing private and public streets. The right angle parking stalls off a 26' wide street would require using the entire roadway width to back out of the parking stalls. This would not be allowed on a 26' wide street. They are showing it as a private street connecting to two through streets so the public will have the right to drive through there and it should be made a safe public street.

Response by the Applicant

Bob Lewis stated that they are keeping the same commercial square footage in exchange for the loss of two lots that they could potentially market and sell as multi-family units. That was a decision that was made by the developer in-house based on the time/value of money and how long they wanted to sit on those two empty lots versus the transfer to the use permit.

Lewis also commented that the traffic study was originally done with 4.2 acres approved for 55,000 sq. ft. When they got to the point of marketing the units and laying them out to sell the property, the buyers came back and said they have to have five parking stalls per 1,000 sq. ft. That is the market. That is how they came to the lesser square footage. They could not fit the square footage on 4.2 acres.

Lewis also pointed out that this is an office complex zoned O-3. To meet the design standards to serve this with public water, they had to have a private roadway that allowed the city to get in to maintain the water main. In addition, they had to put in private water, at a cost of $50,000 to put in a meter house. So the developer elected not to do that.

With regard to the paving width (33' versus 26'), Lewis stated that the developer wants new urbanism and they want cluster, and now the city is wanting more paving and wider streets. This developer is trying to be as dense as possible with the 26' wide private roadway to try to maximize the property. It was all a market decision.

Thiellen added that a smaller street with parking up against it always gets people to slow

down and makes it a safer environment. The developer is opposed to the 33' in order to keep the traffic movement safe. Thiellen also pointed out that the developer did advise Planning of the developer's intentions with this piece when they came forward with the first amendment. They knew staff was going to oppose it, but the developer has been very up front about this plan. Lewis added that when they determined they could not get the square footage, they advised the staff that they would be coming back for this proposal.
Thiellen advised that the drive-thru lot is a concept only, which can be removed if it is a problem. Lewis pointed out that the drive-through could have been done on the original plan.

CHANGE OF ZONE NO. 05010
ACTION BY PLANNING COMMISSION: March 2, 2005

Larson moved approval, seconded by Bills-Strand.

Larson commented that they are taking two lots that are marginally acceptable as residential and using already allocated office space. There is no chance that it is going to spread further, so he thinks it is natural and should be approved.

Bills-Strand believes that there is a need to allow the Comprehensive Plan to change with market demands because it is hard to predict the market 20 years from now.

Carlson believes this is a tough decision because the Comprehensive Plan does call to encourage new urbanism. The officials are pleased when a developer brings in something that shows those concepts, and then they make a market decision to go a different way later, which makes it tough.

Motion for approval carried 7-2: Sunderman, Krieser, Taylor, Larson, Marvin, Pearson and Bills-Strand voting 'yes'; Carroll and Carlson voting 'no'. This is a recommendation to the City Council.

USE PERMIT NO. 141A
ACTION BY PLANNING COMMISSION: March 2, 2005

Larson moved approval, with conditions as set forth in the staff report, seconded by Krieser and carried 7-2: Sunderman, Krieser, Taylor, Larson, Marvin, Pearson and Bills-Strand voting 'yes'; Carroll and Carlson voting 'no'. This is final action, unless appealed to the City Council within 14 days.

SPECIAL PERMIT NO. 05005
FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES
FOR CONSUMPTION OFF THE PREMISES,
ON PROPERTY GENERALLY LOCATED AT
2700 "O" STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION: March 2, 2005

Members present: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand.

Staff recommendation: Two-week deferral.

Ex Parte Communications: None.

The Clerk announced that the staff and applicant are requesting a two-week deferral. Taylor moved to defer two weeks, with continued public hearing and action scheduled for Wednesday, March 16, 2005, seconded by Marvin and carried 9-0: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand voting 'yes'.

There was no other public testimony.

USE PERMIT NO. 04003
ON PROPERTY GENERALLY LOCATED
AT N.W. 48TH STREET AND WEST HUNTINGTON AVENUE.
PUBLIC HEARING BEFORE PLANNING COMMISSION: March 2, 2005

Members present: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand.

Staff recommendation: Conditional approval.

Ex Parte Communications: Marvin disclosed that he attended the Arnold Heights neighborhood meeting last night and the e-mail received from the Arnold Heights Neighborhood Association explains what was disclosed at the meeting having to do with sidewalks and movability.

The Clerk announced that the applicant is requesting a two-week deferral.

Ray Hill of Planning staff submitted a letter from the Arnold Heights Neighborhood Association in support of the project; however, the neighborhood association would like to see the quality of the development be better and more pedestrian friendly. They would be interested in seeing N.W. 48th and W. Huntington signalized.

Hill also submitted an e-mail from I. Parker in support of commercial development in this area.

Carlson moved deferral, with continued public hearing and action on March 16, 2005, seconded by Carroll and carried 9-0: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand voting 'yes'.

There was no other public testimony.

ANNEXATION NO. 04003;
CHANGE OF ZONE NO. 04019,
FROM AG AGRICULTURAL TO R-3 RESIDENTIAL
AND B-2 PLANNED NEIGHBORHOOD BUSINESS;
and
PRELIMINARY PLAT NO. 04011,
WATERFORD ESTATES,
ON PROPERTY GENERALLY LOCATED
AT N. 98TH STREET BETWEEN HOLDREGE AND "O" STREETS.
PUBLIC HEARING BEFORE PLANNING COMMISSION: March 2, 2005

Members present: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand.

Staff recommendation: Approval of the annexation, subject to an annexation agreement; approval of the change of zone and conditional approval of the preliminary plat.

Ex Parte Communications: None.

Ray Hill of Planning staff submitted a letter from Steve Bussey of the Sunrise Estates Community Association, indicating his concern about the compatibility of the size of the lots that border the Sunrise Estates development.

Proponents

1. Kent Seacrest appeared on behalf of **Southview, Inc. and Ridge Development Company.** This is an annexation for about 300 acres, a change of zone for R-3 and B-2, and includes a plat for about 660 residential lots. This development is unique in many, many ways. It will have a lake, which is one of the Stevens Creek flood control structures. The developers have worked with the NRD to use the lake as an urban feature as well as a floodplain feature. There is a school site of about 20 acres. This is the first Stevens Creek basin development since it was designated for opening in the Comprehensive Plan in 2004. This is in Tier I, Priority A, and is consistent with the Comprehensive Plan.

Seacrest also pointed out that this is the first development following the guidelines of the proposed Stevens Creek Master Plan. The new floodplain, the minimum flood corridors and pretreatment facilities and the minimum water quality storage have been incorporated into this development. The lake will be over-excavated with a fishery and will allow more water quality to occur within the lake itself. The flood control structure and the water quality have been balanced in an urban setting.

Seacrest further pointed out that this is the first development that follows the new city temporary pump policy that has been adopted by the City, and this proposal meets the criteria of that policy. The big trunk sewer line is in the CIP and will get down to this area in the 6-year period. The city did hold property owner meetings to see if anyone else wanted to use the temporary pump, but the property owners that attended decided to wait.

Seacrest submitted a motion to amend the conditions of approval on the preliminary plat. He also advised that one waiver was not properly advertised and the preliminary plat was not advertised as final action. Therefore, Seacrest requested a two-week deferral.

Seacrest advised that the developer hosted six neighborhood meetings, three of them being with Sunrise Estates.

Marvin inquired whether there were public dollars used to build the lake at Wilderness Ridge. Seacrest stated that the Wilderness Ridge lake was all private dollars. The NRD is contributing to build this lake because their Stevens Creek efforts to date showed 10 stormwater features to help minimize the flooding up and down the Stevens Creek basin. Therefore, this proposal will not only help with current flooding in the Stevens Creek area, but it also anticipates the growth of the valley and helps create some regional opportunities. So there is public interest here. The detention has been master planned and the dam has been oversized to allow this development's on-site detention to occur. The bottom line is cost-sharing; however, the NRD has nothing to do with the boulders and quality features that this developer is going to add.

Taylor moved to defer, with continued public hearing and action on March 16, 2005, seconded by Krieser and carried 9-0: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand voting 'yes'.

Public Testimony

1. Dan Howe, residing at 1001 N. 92nd Street in Sunrise Estates, currently President of the Sunrise Estates Community Association, stated that the Association is impressed with the quality of the proposed development, but it is especially important to Sunrise Estates that the proposed development includes annexation through Southeast Community College and not through Sunrise Estates. Sunrise Estates does not want to be connected by streets into the new development and does not want to be annexed.
Howe submitted a statement in writing with signatures of everyone in the Sunrise Estates

Association in support. He showed the point of connectivity on the map that the Association requested be closed, and a photograph showing the rural character of the area and the county-installed gate across the road that they would like to relocate to the point of connectivity.

Bills-Strand confirmed that Sunrise Estates wants the gate moved down. Howe clarified that the gate is a county-installed barricade at the end of the cul-de-sac. Prior to installing the gate, there had been partying and vandalism creating a nuisance, so the County allowed them to put a gate across there and to post no trespassing signs. That gate is not locked.

Larson inquired whether the 28 signatures represents all of the property owners in Sunrise Estates. Howe stated that a couple of the property owners were vacationing and he could not get their signature.

2. Steve Bussey, 1001 N. 88th Street, testified in favor of keeping the road closed. One of the issues is that there is a recreational area down there with a horse on it. When this area is developed, that area will no longer be a very usable space or a good space to have horses and the new development will not be compatible. It was stated that the lot sizes are compatible; however, the drawing shows that there is not much compatibility in sizes at all. The Sunrise Estates lots are three to six acres. There is no comparison. The Sunrise Estates owners have asked for some transition from rural into high residential, which we understand to be the plan, but it goes from a very rural type setting to a rather high density type setting. He is not aware of any concessions that have been made, with the exception of annexing through Southeast Community College as opposed to through Sunrise Estates. Sunrise Estates is interested in remaining isolated.

Bussey is not sure that today is the appropriate time for this development in Stevens Creek. He thought he read where funding would not be available for the sewer for 10 years. The recent change to the policy to allow a lift station was specifically for this development. He does not believe the intent was to max out six years. There is no reason to be pushing this through.

3. Stan Berlowitz, 9300 East Avon Lane, Treasurer of Sunrise Estates Community Association, has a bird's eye view of the wonderful agricultural area, the horse barn and the common area of 11 acres of natural wildlife, an empty horse barn and corral, which will be changing very soon. He stated that he is testifying on his own behalf and not on behalf of the Association. He agrees with Dan Howe's statement that it appears to be a wonderful development if it turns out to look anything like Wilderness Ridge; however, he is not particularly opposed to the development in and of itself, but he would prefer it be delayed as long as possible. His preference would be to isolate Sunrise Estates from ingress into and out of the proposed development. He would like to see as little traffic as possible, particularly during the construction stage. The county roads will not handle the traffic and the abuse and the debris that goes along with the years of traffic that we will see in the

proposal development. He is also fearful that the roads will suffer and his neighborhood will be affected by the traffic. Those roads should be replaced. He would also prefer that they close or abandon as many roads a possible. It has been discussed with Kent Seacrest to abandon at least a portion of Sunny Slope Road, which right now dead-ends and serves no purpose. Berlowitz would insist that Sunny Slope be abandoned in order that the townhouses back-face his neighborhood rather than front-face.

On behalf of Sunrise Estates, Berlowitz reiterated the desire that they not be annexed at this time. Sunrise Estates has excellent well water; perfectly functioning septics and one or two lagoons.

4. Jeff Rhone, 9400 East Avon Lane, testified that Sunrise Estates is quiet, friendly and self-sufficient, with no heavy traffic. The infrastructure is set up for the population it serves. Adding 600+ homes will increase the street load and population density, destroying the community that Sunrise Estates has become. Maybe it is time to take a rest and let the city acquire the money for the infrastructure that it needs. The developer has stated that there would be landscaping barriers put up, but due to lack of money for the development from the city, that has been reduced to a less amount. The annexation of Sunrise Estates would force people to sell their homes because of assessments. The residents of Sunrise Estates would like to keep what they have worked so hard for and bar any future traffic or development throughout the Sunrise Estates community and to the east of Sunrise Estates.

These applications will be scheduled for continued public hearing and action on March 16, 2005.

CHANGE OF ZONE NO. 04034
FROM AGR AGRICULTURAL RESIDENTIAL
TO R-3 RESIDENTIAL,
ON PROPERTY GENERALLY LOCATED AT
S. 66TH STREET AND HIGHWAY 2.
CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: March 2, 2005

Members present: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand.

Staff recommendation: Approval.

Ex Parte Communications: None.

Proponents

1. Mark Hunzeker believes that the applicant is within a month of actually having a public hearing on this matter and requested a four-week deferral until March 30th.

Taylor moved to defer, with continued public hearing and action on March 30, 2005, seconded by Krieser and carried 9-0: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand voting 'yes'.

There was no other public testimony.

STREET & ALLEY VACATION NO. 04013
TO VACATE THE EAST-WEST ALLEY
GENERALLY LOCATED AT
S. 13TH STREET AND M STREET.
CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: March 2, 2005

Members present: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand.

Staff recommendation: A finding that the vacation does not conform to the Comprehensive Plan.

Ex Parte Communications: None.

Proponents

1. Mike Rierden appeared on behalf of the applicant and requested a two-week deferral because he has only recently been retained on this case and needs to acquaint himself with the issues. There was also a letter from an abutting property owner with some concerns and he would like opportunity to work with that property owner.

Taylor moved to defer with continued public hearing and action scheduled for March 16, 2005, seconded by Carroll and carried 9-0: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand voting 'yes'.

There was no other public testimony.

USE PERMIT NO. 148, KING CREST,
ON PROPERTY GENERALLY LOCATED
AT N. 27TH STREET AND FOLKWAYS BOULEVARD.
CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: March 2, 2005

Members present: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand.

Staff recommendation: Conditional approval, without access on N. 27th Street.

Ex Parte Communications: None.

Proponents

1. Mark Hunzeker appeared on behalf of **Dr. Elliott Rustad,** the owner of one of the parcels, and reminded the Commission that this site is surrounded by an existing use permit called King Ridge. The grading plan that was approved and has been implemented on surrounding property leaves the Rustad property some 18-20 feet above the grade of the remainder of that use permit. The approval of the King Ridge grading plan was in violation of the city's subdivision ordinance, which requires that the subdivider provide reasonable access to abutting unsubdivided property. Dr. Rustad is left without reasonable access to his property. The city zoned the property B-2 along with the lands on three sides, and Dr. Rustad has the right to develop the property for commercial use; however, with no reasonable access available, that is very difficult.

The access that is being shown across the TO Haas property to the south was agreed upon between Dr. Rustad and TO Haas, assuming there would be access to 27th Street as shown. Without the 27th Street access, the Rustad property will not have access to the south other than via the gravel access which exists to serve the existing residence. Nobody believes that to be adequate for or desirable for commercial development. Furthermore, without 27th Street access, the TO Haas property would remain stranded without reasonable access due to the median that has been constructed in Folkways Blvd. The trucks have to go to the end of the median and make u-turns in order to get back to the TO Haas property.

Hunzeker advised that the applicant has had conversations with the surrounding property owners. One possible solution would be to construct an access road along the east side of the TO Haas property to a new private roadway which would run east all the way down to N. 30th Street, which would leave some access available to these properties; however, there is still the problem of no reasonable access in and out of the property from Folkways. This is not acceptable to Dr. Rustad nor to TO Haas. The applicant did propose to the city that they break the median in order to provide an access and that was rejected.

Hunzeker stated that the applicant is proposing to build a third lane northbound from Folkways all the way to their proposed 27th Street access, and, in addition, to dedicate additional right-of-way to provide a turn lane outside of that third through lane at such time as the third through lane is constructed on up to Enterprise Drive. The city has security for the construction of that entire third lane posted by the developer of the surrounding subdivision. Therefore, in essence, the city would get the third through lane and the turn lane at no cost to the city. That would provide safe access to the Rustad property, better and more reasonable access to the TO Haas property and solve this problem.

Hunzeker requested that Condition #1.1.3 be amended by deleting the period and inserting "except paragraph 4 "Access".

The median was not there when TO Haas built the building. He does not know if it was proposed, but he believes this is probably the only collector street in town that has a median down the middle with four through lanes. It is not an arterial. Hunzeker believes it is reasonable to break that median, but that possibility has been rejected by Public Works and the city is unwilling to accept any responsibility for having a hand in creating this situation by approving the grading plan.

Pearson believes the "right turn in" is a good idea, but is there no way to balance the right turn out? Hunzeker believes there are two potential solutions. There would be a possibility of extending that turn lane a short distance to provide for some acceleration, or to construct that access as a "right turn in" only.

2. Bill Olson, appeared on behalf of **TO Haas Tire,** and explained the proposed internal traffic flow through the development. They have also met with Public Works and the developer. The problem for TO Haas is that this does not do anything for the TO Haas and Rustad property off of Folkways without a median break. The median was not there when the TO Haas store was built and they had no idea about it. There was a median break but it has since been closed, requiring a U-turn at North 30th Street to get to TO Haas. TO Haas has been there since the inception of the commercial area. They took a chance at this location. They had relied on good faith of the developer and the city. There is no good answer other than access to 27th Street. He agrees with the amendment requested by the applicant.

Pearson agrees that the access is not acceptable. If we are seriously talking about access to N. 27th Street, she believes a merge lane must be considered. She does not believe you are going to be able to cut off the "exit" traffic. Olson suggested that the 27th Street access be moved further south. There will not be a lot of traffic backed up on 27th Street trying to get into the TO Haas property.

Opposition

1. DaNay Kalkowski appeared on behalf of **Ridge Development Company,** the owner of King Ridge, which surrounds this site. After the February 2nd hearing, Ridge Development worked on providing a better internal access for the two lots that did not require an unreasonable amount of grading on the Rustad property. It utilized a median access onto N. 30th Street, which the city had not previously allowed. This proposal was found to be acceptable by Public Works. This revised plan would require some grading on the west side of the Rustad property but only to bring it down to the same level as the TO Haas site. Ridge Development believes there are reasonable ways to make the internal connection. She believes they have come up with a better and more reasonable design. You can turn on 30th and go right back over to the site. Ridge Development stands willing and ready to build the internal road connection.

Kalkowski renewed the objection of Ridge Development to permitting direct access onto

N. 27th Street. Ridge Development was required to do a 140 + acre development without right turn lanes. They have multiple pad sites along 27th that must be served by internal access. Lincoln Crossing pad sites also take internal access.

With respect to the right turn lane, because there is a right turn lane at Folkways, Ridge Development was required to build a continuous third lane from Folkways all the way up to Enterprise as an acceleration lane, contemplating no additional access to 27th Street in that area.

Kalkowski acknowledged that TO Haas bought their property from Ridge Development. The Rustad property was an independent piece which was owned by a third party who did not want to work with the King Ridge development. The Rustad property was the only part that was not master planned as the original King Ridge development.

2. Randy Hoskins, City Traffic Engineer, acknowledged that he did work with both the applicant and the engineers for the surrounding property in trying to come up with something acceptable to provide access for everyone. In the larger picture, we have a rather large development area that is basically sitting unused at this time; however, in looking at the King Ridge traffic study, we are talking about some significant volumes in the future. In looking at the median break being requested in Folkways, in the future, in the pm peak hour, there will be 440 left turns that want to go south on 27th off Folkways. This means you need a 420' long left turn lane. Based on that, it gets us beyond the edge of the TO Haas property, so any turn lane into that site along Folkways is not realistic. Hence, the city was looking at the area further to the east where there will be a traffic signal in the future.

Hoskins agreed that there is a third lane to be constructed in 27th Street, which was a requirement of the King Ridge development. That third lane would actually go the length of the property extending beyond Enterprise, which could create something of an acceleration lane to get traffic back out and up to speed, which would not be available under creating just a “right turn lane in” with no “right turn lane out”. Moving the access further south will not function well as an acceleration nor a deceleration lane because it would be too short.

Hoskins clarified that this is not the only collector street in town with a median. He agrees that u-turns for larger trucks is not a good thing. But, in most cases you have professional truck drivers who will know better than to try and pull a u-turn in the street. There is a good network of streets around this that truck traffic could use now that Fletcher and 33rd have been built.

Hoskins reiterated that the city did buy access control along all of 27th Street north of Superior. You won't find driveways of this sort accessing single properties anywhere along there. Some of the pad sites do require additional circulation to get to them. The Public Works Department would like to see that the current ability to safely and efficiently move traffic on 27th Street be maintained.

Hoskins advised that the King Ridge traffic study identified the median. Perhaps TO Haas came in before that but he did not know for sure.

Response by the Applicant

Hunzeker agreed that the proposal by Kalkowski is better than before, but it does not solve the problem. To suggest that the Rustad property will be granted some sort of unfair advantage by granting access to 27th seems a little bit twisted or distorted because this problem was created by the fact that the grading plan does not provide for reasonable access to the Rustad property. This situation was partially created by the city's approval of a grading plan that did not meet the city's subdivision ordinance. He understands the city's concern in buying the access, but the city helped create the situation that makes access to this site unreasonable, and the city has been unwilling to provide reasonable access for both of these properties to function reasonably. Hunzeker also understands the concern about traffic exiting onto 27th Street, even though there will be three lanes of through traffic and a fourth lane providing access into the Rustad property. It is possible to make that access a "right turn in" with no exit permitted on 27th Street. If that is the desire, the Commission may wish to add language to his previous amendment to Condition #1.1.3, "and modify the 27th Street access to provide right turn in only with no exit movement onto 27th Street". This is less than optimal, but at least then there will be access back to Folkways where people can get out going northbound.

ACTION BY PLANNING COMMISSION: March 2, 2005

Carlson moved for conditional approval, with amendments to include Condition #1.1.10 recommended by staff, and the applicant's revision to Condition #1.1.3, "except paragraph 4 access'", seconded by Pearson.

Carlson stated that he is not sure about the major traffic issue caused by providing a short deceleration lane and access to 27th. It might be more of a conflict by doing a median break. There will be three lanes plus a turn lane, which he believes provides ample opportunity for through motion.

Marvin does not think this is any different than many businesses we have on "O" Street between 48th and 56th Street.

Bills-Strand believes that no exit on 27th would be difficult to enforce. She sees this site all of the time and there is a huge grade difference between the properties. This is one of the main feeder streets to North Star.

Motion for approval, with conditions, as amended, granting access onto 27th Street, carried 7-2: Sunderman, Krieser, Taylor, Larson, Marvin, Carlson and Bills-Strand voting 'yes'; Carroll and Pearson voting 'no'. This is final action unless appealed to the City Council within 14 days.

*** Break ***

COMPREHENSIVE PLAN AMENDMENT NO. 05001, TO INCLUDE THE STEVENS CREEK WATERSHED MASTER PLAN AS A SUBAREA PLAN AND TO ADJUST THE FUTURE LAND USE PLAN ACCORDINGLY. PUBLIC HEARING BEFORE PLANNING COMMISSION: March 2, 2005

Members present: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand.

Staff recommendation: Approval.

Ex Parte Communications: None.

Mike DeKalb of Planning staff submitted a letter from Marilyn McNabb in support.

Proponents

1. Mike DeKalb of Planning staff introduced the proposed Comprehensive Plan Amendment, which amends the land use plan, amends the text to include the Stevens Creek Watershed Master Plan as a list of approved subarea plans; and amends the list of watershed management plans to include the Stevens Creek Watershed Master Plan.
With regard to the Land Use Plan, DeKalb explained that the greenways extend up the tributaries. The lands which abut the newly mapped floodplain move back and force and reflect what is beside them. The land use designations along the side stayed the same. The only little tweak is North 84th Street, north of Holdrege, where there was industrial on the west side. When we pulled back the floodplain, there was a narrow strip of nothing so it has been designated industrial across 84th Street to the east.

2. Glenn Johnson, general manager of the **Lower Platte South NRD** continued the presentation. Over the past 5-10 years, the NRD has been trying to develop a comprehensive watershed master plan for the entire city and for its future growth areas. This has been approached on a basin-by-basin process, including Beal Slough Watershed, followed by the Southeast Upper Salt Creek Basin. They are also working on Cardwell Branch on the southwest edge of the City.

Why the Stevens Creek Watershed? One of the main reasons is that it is one of those areas in the Comprehensive Plan that is shown for near term growth. The west side of the watershed is shown in the 25 year Tier I area for new growth. The opportunity to do master planning in advance of the development is really a very serious goal of the NRD. It enables us to do much more and be much more preventative, more creative and a lot more cost effective than going back in after the basin is already developed. This watershed had the advantage of a number of studies done previously. The planning tools and projects include flood management goals, water quality and stream stability, capital improvements projects for existing problems, and opportunity areas. The plan was developed by a project team of consultants working with the city and NRD.

3. Vicki Luther, Heartland Center for Leadership Development, discussed the citizen participation efforts on this plan. The role of Heartland Center was to design the public participation and to manage the events. A variety of methods and events were used so that people had several different opportunities to get information and to give information, ideas, raise concerns and ask questions. There was a 25-member citizen advisory committee; a survey was done; three open houses and stakeholder meetings were held; and there were two bus tours for elected and appointed officials. Electronic communication was also used by having a Web page about the project as well as eight newsletters with a circulation of 700. All of the public meetings were held out in a facility in the basin itself.

4. Pat O'Neill, of CDM, the project manager for the consultant team stated that they worked closely with the City, NRD and the County throughout the study process. The goal and objectives of the master plan are: floodplain management, with the objective to reduce future flooding potential; long term stream stability; preservation of water quality; and coordination of natural elements or natural features within the watershed with existing and future infrastructure within the watershed to provide areas of multiple opportunities for multiple benefits.

The Floodplain Management is the primary component, which acknowledges the updated FEMA floodplain maps which have been adopted by the City Council as the best available information. Until officially adopted by FEMA, these areas are called "flood prone areas".

The Long-Term Stream Stability and Preservation of Water Quality component builds upon existing standards and projects. Two major pieces are improvement projects to address some of the existing problems that have been identified; another component is site specific

structural BMPs -- ways to offset adverse impacts of future development. There are eleven CIP improvement projects which have been identified as critical areas to address to avoid more expensive projects in the future.

The urbanization process concludes that the smaller rain storms cause the greatest impact to the integrity of our streams. To address the smaller storms, structural best management practices (BMPs) have been considered, i.e. constructing facilities that slow down the runoff and remove pollutants from the stormwater. The plan is recommending site specific structural BMPs, which include a sediment forebay and outlet structure on detention ponds.

5. Nicole Fleck-Tooze of Public Works & Utilities described the site specific BMP relative to public and private responsibilities, i.e. who should bear the cost for offsetting impacts to water quality and stream stability caused by future urbanization? A cost- share concept was developed as part of this approach, assuming a private and a public responsibility. Detention ponds are already required for new development to provide flood control benefits. The cost of the BMP is estimated at $210 per acre of drainage area. This assumes that the city and the NRD share the cost. The additional cost for maintenance is estimated to be $500/year. Implementing this approach would mean revising the subdivision standards to require a $2500 escrow to cover those first five years of maintenance. There will need to be uniform design criteria developed. The city and NRD are committed to developing a pro-active education program.

Fleck-Tooze went on to explain that the fourth major element of the plan is the identification of opportunity areas, i.e. general planning locations within the watershed that highlight where natural elements and/or existing/future infrastructure come together. The plan identifies four general planning locations along the Salt Valley Greenway recognizing where the floodplain and drainage corridors overlap with the beltway, future trail system and natural resources.

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Public Testimony Given Prior to Applicant Presentation due to change in order of the Agenda:

1. Terri Cebuhar, 7333 Havelock Avenue, testified that she lives in an association of six homeowners and the floodplain comes 3' into her patio and into the common ground. She does not want that to happen. She believes the flood insurance will be a hardship.

2. Danny Walker, President of South Salt Creek Community Organization, testified as a life long resident of the South Salt Creek floodplain. During the past 30 years, very little has been done to improve floodplain protection in the boundaries of Salt Creek and its tributaries. Until very recently, the city had no idea of how much fill was being placed in the floodplain. There are city regulations that are very specific regarding floodplain fill

contents. The city does not have any idea what is contained in the fill. Why all of a sudden a special interest in the Stevens Creek Watershed at a cost of one million dollars? Who set the priorities for this area over other floodplain areas within the boundaries of Lincoln? Who actually benefits in the long run? What happened to the recommendations put forth by the floodplain task force which overwhelmingly recommended new floodplain regulations for older existing areas? The floodplain boundaries have changed and widened in the majority of older residential and business properties located in the vast floodplain areas of Lincoln. Why the delay? He believes that the City/NRD, with assistance from the Corp of Engineers, have made a total mess out of the floodplain in Lincoln. It would seem that an area such as Salt Creek, with approximately 3,000 residents, plus over 200 plus businesses, would have priority over Stevens Creek. Is it politics, greed and legal counsel carrying more weight than the safety of low income families?

3. Barbara Bauer, 1224 South 8th Street, testified in opposition. Keno revenues are down; sales tax revenues are down; the city needs a new main library at a cost of 30 million dollars; the city wants to build a civic and convention center; the public schools are overcrowded; the streets are overused and under repaired; Antelope Valley is costing 240 million dollars and the federal money has dried up; the new Beltways planned around the city are going to cost 160 million; 48th & O needs redeveloped; City government already has a funding gap of 135 million for infrastructure. The city could barely scrape together $50,000 to give to State Fair Park. And now you want to open up a 55 square mile area to new development, 2/3 the size of the current city? Where will the money come from for the schools, libraries, police and fire? We already have some of the highest property tax rates in the country, even higher than California. This is not going to make housing more affordable. Why are we doing this? Because the developers want it open? If this is not approved, the proposed Waterford Estates and proposed new Wal-Mart will not be subject to the new rules? All the Commission has to do is turn them down until this city can afford to open that land properly, with all funding for schools, parks, police and fire in place. We have no money for this. We simply can't afford it, and it will drain money from other needed projects. It will now take 3-5 years to get 4th Street from A to J Street paved in her neighborhood. We have been begging for 20 years to have something done about the South Salt Creek floodplain, and all we get is, "we don't have any money to do that–you're not cost effective". There is no money for this, either, so don't do it. The farm and agriculture economy is what drives this state -- not our cities, and this again takes away prime farm land.

4. Rick Krueger referred to page 51 of the CDM report, which deals with the modifications to the design standards for the detention ponds. As he understands it, this regulation relates to all subdivisions throughout the city and not just to Stevens Creek. With regard to the site specific structural BMPs, Krueger pointed out that there is no determination as to the amount of land that will have to be set aside to install this forebay or other items called for in this design. He believes this will double the size of the current amount of ground to be set aside for detention facilities. He believes the flood control aspects can be done, but the forebay aspects relate to water quality. His question is: what is the present

water quality standard? Is there one today? He does not believe there is. After we change the design standard and put in the forebays and set aside additional ground, what will the water quality be? How much good will this do? He does not know that it is going to be measurable, and, if not, he questions why we should do it.

He wondered whether the $210 per area of drainage includes the cost of the land. He does not believe it does. It is Krueger's opinion that this is wildly understating the actual cost.

Krueger then referred to page ES9, which talks about revisions to the drainage standards to establish uniform criteria for development of a maintenance plan to be submitted with the preliminary plat. If we are going to have that standard, Krueger believes it should be at the final plat stage instead of the preliminary plat.

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Public Testimony Given After the Applicant Presentation:

5. Peter Katt appeared as an attorney that practices in this area who will need to advise clients for a number of years. He has been involved in this process since it started and has considered it to be continuing legal education. He believes it is important to pay attention and put things that we mean in the Comprehensive Plan. It cost over a million dollars to put this plan together and he looks forward to the day the city spends the same amount toward affordable housing and other efforts. He is concerned that the Comprehensive Plan continues to be cluttered with extensive long documents. It is a very complicated plan, yet it is supposed to be guidance to the community.

Katt suggested that the other big picture issue is that the recommendations with regard to this watershed are really focused primarily upon the urban component of the watershed. The damage portrayed by the pictures were not created by urban development but by agricultural development. There are no plans created that address the continuing detrimental effects that occur from the existing uses that are already in the watershed.

Katt does not believe the costs have been properly estimated. He submitted that the ongoing development in Eagle, Waverly, Hickman, Otoe County and Bennet is a direct response to the costs that are being built up in this community so that we can have this type of standard in place that no other city in the state of Nebraska has. It costs money.

With regard to the specifics, Katt suggested that the BMP component is really not in front of the Commission today, but it is suggested in the plan. Those costs will apply across all new development. It is important to recognize that as a part of this process it was recognized that this cost should be a shared cost between the public and private sector. All of the new standards being imposed are imposed only in new developing areas, and this is particularly important as it relates to stormwater because only new areas of town pay for

these new standards. In the existing city, all of us get to pay for it. It is fundamentally unfair to pass along substantially higher stormwater standards and make people in the new areas pay for all the enhancement for stormwater features. If we want these standards, everyone should pay, not just people in new developments.

6. Robert Peterson, 1230 O Street, testified that he has been a 50-year observer and participant in the development process. He is currently CEO of the nonprofit Nebraska Housing Resource, which is currently engaged in a 34-acre development which includes a small detention pond which occupies the equivalent of four lots. He estimates that the detention pond will cost $20,000 for the outfall structure, or $1200 per lot. A forebay would take up two lots and will cost over $2,000/acre, or over $500 per lot. This has an impact on affordability.

7. Russell Miller, 341 S. 52nd Street, testified on his own behalf and on behalf of the **Lincoln Neighborhood Alliance** in support. He discussed how flood insurance premiums are a financial loss to Lincoln, which has been corrected by the use of detention ponds and the BMPs. The BMP concept can be integrated into detention ponds with minor revisions.

8. Marleen Rickertsen, 9259 Pioneer Court, served on the advisory committee. She grew up on Stevens Creek on the Stevens Creek Stock Farm with the sixth and seventh generations now living on that farm. She referred to Figure ES5, Future Wastewater Trunk Sewer, and suggested that where the trunk sewer gets between Stevens Creek and the tributary, it covers an unplowed native prairie. That trunk line would destroy the prairie. She would request that something be done to amend the plan so that trunk line goes somewhere else so that it does not destroy that prairie and go through the middle of the historic farm. She would also request that the future trails be shown on the edge of the farm as opposed to going through it. In addition, she pointed out that the historic farm is located in an opportunity area. This farm has been preserved by her family for over 150 years and they would like to keep it in private ownership and preservation. A public park or public access does not mean preservation and it would destroy the purpose of the farm. This is still an active farm. Changing the use diminishes the historical value and the significance of the farm.

9. Foster Collins, 2100 Calvert, testified that he has followed the development of the stormwater ordinance, floodplain regulations, Beal Slough, Southeast Upper Salt Creek and served on the Mayor's Floodplain Task Force. The Stevens Creek Watershed Master Plan offers an opportunity to protect parts of Lincoln from damage due to flooding. He would like to see the same floodplain regulations brought forward for the developed areas soon. The site specific BMP addresses the impacts from the smaller storm events. He showed photographs of some of the flooding results from urban development. He believes that the cost of the BMP will offset the measures needed to fix flooding damages.

10. Mike Eckert, 3316 Willow Wood Circle, was a member of the Advisory Committee.

He also holds a Masters Degree in Community and Regional Planning from UNL and is familiar with the development process as he works for an engineering consulting firm. The issues are very complex for the lay person to understand and grasp. He submitted that the input from the committee members was limited. The plan was basically given to the committee, but the committee members were not allowed much opportunity to make suggestions. He suggested that the public participation process was more of a public education process. The committee was presented with two scenarios: regional detention cells and the BMP in front of existing detention cells. The committee really questioned how they came up with some of the costs on the forebays and the long term maintenance. The committee asked for some revisions and that cost estimate to take place and it was never done. He requested that the long term maintenance costs be further investigated. He believes that the cost of an acre has increased and the estimates are not accurate. If that's a community value, do we want to pass that cost on to just the people in that basin? Not all of the people are going to live in Stevens Creek, but maybe the community as a whole needs to participate more in the cost of the BMP. There needs to be more discussion at this level.

Eckert suggested that another issue is the 10 million dollars in projected stream improvement projects. We have to watch where we spend our resources. About one-fourth of this basin is projected to be developed in the next 25 years. It was made clear to the committee that the agricultural runoff has caused the problem, thus Eckert is not sure we want to spend 10 million on one-fourth of the basin when we're not doing anything in three-fourths of the basin.

Marvin inquired as to how often the forebays would silt in and require that something be done. Eckert believes the projection was three times a year. The developer would be required to put up escrow for five years of maintenance, $2500. He believes it might cost $1000 to $1500 per time to clean out the forebay, or $3000 to $4000 per year. There is also a need to further analyze the methodology used on the land costs.

In terms of cleanup, Eckert stated that it would require unloading a bobcat, cleaning some silt in the flow liner, general trash removal and then putting it in a truck and hauling it off site.

11. Tim Knott, 4210 Waterbury Lane, testified on behalf of the **Wachiska Audubon Society Preservation Committee.** One of their members served on the Advisory Committee. His committee agrees with the site specific BMPs, and that they should be part of the cost of developing these areas.

12. Mark Palmer, professional civil engineer working in the land development business in Lincoln for 13 years, stated that the primary issue is the forebay as a BMP. This is going to be a permanent structure which removes developable land from a subdivision. Last year, the minimum flood corridor standards were brought forward, which referred to natural buffer and a sponge for water filtering. The forebay is in addition to those minimum flood

corridors. He is lost as to whether the concern is a sediment concern or an actual water quality pollutant concern. An alternative which might be a win-win would be some kind of semi-permanent sediment basin--a couple of lots reserved on a site rather than designated for a forebay--which would be left as a sediment trap until a certain level of the subdivision is built out. At that point, those two lots would be released to be developed. Another alternative is the NPDES permit that developers must comply with when grading sites. Maybe there needs to be an additional standard on the building contractors to keep the mud out of the streets during construction.

In terms of the water quality issue, Palmer questions why this can't be a city-wide issue with ordinances put in place. If it is a water quality issue, an arterial road has about the same impervious area as a big box retail or parking lot. He questions how the city will take care of the water quality issues off of arterial roads.

He also has questions about implementation. What do you do in the case where you do not have a detention cell at the bottom of the subdivision? What occurred at Stone Ridge Estates at 27th and Yankee Hill Road is that the actual detention cells are the ponds utilized as a water feature with apartments around them. He has been told that each storm sewer outlet that would outlet onto the channel would require some sort of stormwater quality enhancer, so there would be lots lost for these enhancements.

If the city is serious about water quality, Palmer suggested that there are measures to be taken to implement low impact development standards (LIDS). It is a change in the design standards for the overall city, eliminating storm sewer, going to more rural type roads and enhancing water quality.

Pearson inquired whether the proposed master plan prohibits the design and implementation of LIDS. Palmer does not believe that it is prohibited, but it would change the design standards and change block lengths and connectivity at less cost.

13. John Layman, a real estate consultant and appraiser for 37 years, submitted a report of a study done by Applied Soil Geography, LLC. Layman engaged this federal government soil scientist to review the Stevens Creek Watershed Master Plan. He believes he has a solution to make it plausible for Lincoln to continue to have affordable housing. The total area of the watershed is about 34,044 acres, partially in the city and bounded by I-80 and Hwy 2. It is a mixture of urban, rural and agricultural land use. The landscape is generally rolling to undulating and the soils are moderately to well-drained silt loams and silty clay loams. It will reduce the number of developable acres by 8,987 acres, or approximately 14% of the watershed. To become cost effective, it is recommended that there need to be additional cost effective studies done.

The report recommends that the city acquire all of these areas. The land prices have doubled and tripled depending on location. Quality standards can be effectively measured. If the city cannot make a benefit based on $800/acre versus what a developer could get,

the cost increase in price is $5,000 per lot to meet these standards, in addition to the impact fees. The land on the edge of the city has increased in price.

Larson asked Mr. Layman to estimate the cost per residential lot if this plan is adopted. Layman explained that he is suggesting that we could save the taxpayers' money. The political arm of the community needs to educate the community that they have to pay their share. The developers can make a profit by leaving Lincoln for the next five years.

Bills-Strand inquired whether this report suggests that Lincoln has gone too far on channel depth and stream width. What does the study say? Layman observed that it will be very hard to do a subdivision under these new standards. If the city owns the land, then the city becomes the developer and sells easements back to the development community. He believes this would be cost effective. It would reduce what would eventually be an inflated number of every home that would be built in Stevens Creek. There needs to be a cost-benefit study.

Response by the Applicant

With regard to the assumptions for the land cost, Fleck-Tooze explained that the only thing new here is relative to the structural BMP's. The assumption that was used was $25,000/acre, which was based upon the values that the team was hearing from a local appraiser at the time the development would be purchased, which would be several years before it was developed. The team did not receive any information that supports that the costs would be significantly higher. Those are the same land cost assumptions that were assumed for the alternative measures in terms of equivalency. The team was really assuming the worst case scenario in terms of the land requirements for the sediment basin being separate and distinct relating to flood control.

O'Neill advised that the sediment forebay is very small. For a typical development size of 75 acres, the pond currently required by the city would be about 2.5 acres--the sediment forebay would be about 1/10th of an acre. It can be a separate stand alone facility from the detention pond which would require additional land cost; however, it can also be designed to be inclusive within the original footprint of the detention pond, so the sediment forebay can also be used for flood storage and water quality purposes. He believes the cost can only go down based upon how the developer chooses to design the facility.

With regard to cost-sharing, Fleck-Tooze suggested that the team felt it was a good compromise and, as proposed, it would be a cost that would also be borne by the community at large.

With regard to the Stevens Creek Stock Farm, Fleck-Tooze clarified that the future wastewater trunk sewer alignment is not being adopted with this plan; it does not preclude an alternate alignment; the future trail is from the trails master plan; the opportunity areas do not imply public access, but imply that there may be opportunity for parks or for private

land to be preserved for open space or historic resources.

O'Neill addressed the water quality standards. There is a permit required to implement structural BMP's to control runoff. This plan encompasses all federal regulations and, in addition, strongly recommends a process for involving the community.

As far as no other communities using the structural BMP's, O'Neill advised that the structural BMP's took hold on the east coast in the early 1980's, then on to the west coast. Now they are in the midwest. It's the right thing to do.

As to affordable housing, O'Neill stated that the worst case is $210 per acre of drainage. On a 75 acre development, if you assume 1/4 acre lots, that breaks down to $25 per lot of increased cost for each lot, a small investment to avoid very, very expensive stream erosion problems. Now is the time to act. This is a very proactive approach.

With regard to damage from agricultural development, O'Neill suggested that over the last 30-40 years, there have been a lot of agricultural practices, but agricultural management practices have evolved over the years, and today those management practices implement terracing and green grassways. As long as these current agricultural practices occur in the watershed, there will be no additional problems caused by that practice.

O'Neill also clarified that the structural BMPS is just one concept. The plan goes into quite a bit of detail on some other alternatives, including LIDS. This plan is a first step in an easy way to protect the water quality and flooding.

Vicki Luther reiterated that this project was extremely complex and the advisory committee members who attended the open house events, etc. were truly challenged to understand all of this science because the people who participated came from every possible walk of life. One of the assignments for the advisory committee was to serve as a liaison to other parts of the community – to help the scientists on this team to make sure that what they were presenting was understandable. The two most important ways that the public influenced this master plan was through the development of this cost share concept. This would never have come forward without the public input. The advisory committee did an extraordinary job of serving as a liaison to other interest groups.

Glenn Johnson offered that whether or not development ever takes place, there are problems out there now that will continue to move in the stream or they are endangering a bridge or road or a building or a home. The projects for these problems were identified and priority was placed on them. These projects are addressed basin-wide, and that is the 10 million dollar estimated cost. As projects and opportunities arise, these are public projects that are going to need to be addressed. To wait until it is urbanized and built around, it will be much more costly.

Johnson also addressed the maintenance plan for the stormwater detention BMP's, and

suggested that these practices need to be in place in advance of final platting because almost all of the grading is accomplished with the preliminary plat. These practices need to be in place at the beginning of the process, not when it is final platted. It is very critical to have that kind of a maintenance tool available for the future owners and operators.

As far as "why Stevens Creek and not Salt Creek", Johnson explained that the Mayor's floodplain task force recommendations have not gone away. One of the very major recommendations relating to Salt Creek was to get more accurate information–then consider the changes you want to make on the floodplain ordinance in the urban area. The NRD is starting to completely update and remap the Salt Creek floodplain. Once that is done, we can evaluate the floodplain regulations for the urban area.

Carlson asked the consultant to speak to the long term maintenance cost estimates. O'Neill explained that sediment will come into the forebay as well as trash and debris. We're not talking about a large amount. Maintenance is already required for the larger facility. What we are asking is a scoop, shovel and bucket to scoop the sediment and clean the bottles and trash before they get into the pond. Sediment also binds up other pollutants. Carlson confirmed that O'Neill is satisfied with the cost estimate in terms of the cost of cleaning out the larger facility. O'Neill stated that the consultant team looked at national averages, but only the required maintenance just to handle the sediment forebay piece.

Carlson inquired whether a single development with multiple discharge points would be required to have a structural BMP at each discharge point. O'Neill suggested that there are various ways to be able to address the water quality component on a specific individual basis and spread out that structural BMP in various parts. You don't have to do it at the detention pond. Before the stormwater enters the natural system it would have to process through a structural BMP, so if there were multiple discharge points coming into the creek, it would be up to the developer whether to do the structural BMP at many discharge points. The lay of the land dictates where you will be required to do it. The quality would need to be satisfactory at the end of the parcel.

Carlson questioned the location of the trunk sewer line on ES5. Fleck-Tooze advised that to be the current preferred alignment, but this plan does not adopt the alignment and only shows it for information purposes. Wastewater is aware of the concerns that have been raised and will continue to work with Ms. Rickertsen as it moves forward. It would be at the point of design where we would look at the more detailed alignment. However, that is an issue that is separate from this watershed master plan. The alignment is not adopted with this master plan.

Taylor wondered whether some type of cost structure could be set up in terms of the type of development. Fleck-Tooze responded that the bulk of the runoff in terms of stormwater runoff will determine the size of the detention pond. That is in the regulations today. These details could be addressed as we bring forward design standards and ordinance revisions.

Taylor believes there should be bonus points for doing a low impact development. Fleck-Tooze suggested that the standards that come forward will have that as an alternative.

O'Neill explained that the water quality measures recommended are based on the amount of impervious surface in the development.

Larson thought there would need to be some detention facilities on undeveloped land as well. Fleck-Tooze advised that the city standards would only kick in when new areas are subdivided.

ACTION BY PLANNING COMMISSION: March 2, 2005

Main Motion: Taylor moved approval, seconded by Carlson.

Motion to Amend #1:

Bills-Strand moved to amend to provide that there be a cost study analysis of the BMP cost estimates, and that other low cost approaches be investigated, seconded by Larson. The intent of the motion is that all low cost options be considered and given an opportunity to be chosen by the developer, if it meets the quality needs.

Bills-Strand explained that she wants to make sure we look at some of the other options such as the semi-permanent sediment basin that could be done that might not cost quite as much, and make sure that the plan spells out that other cost effective measures be considered.

Larson believes that would include the suggestions that have come out today.

Pearson thinks that the intent of the motion is already in the plan. Bills-Strand stressed that she wants it spelled out very clearly.

Fleck-Tooze approached and agreed with Pearson that it is already in the plan. Page 719 of the Master Plan describes alternative design approaches. O'Neill also suggested that the cost analysis has been done in Section 6 of the Plan.

Marvin offered some of his own calculations and suggesting that if a 75-acre tract needed a BMP, it would be an extra $2.00 a year to do the BMP maintenance. And even if the consultant's cost estimate was wrong and it was tripled, it would cost a homeowner $6.00/year. Fleck-Tooze added that the maintenance will actually lower the maintenance cost.

Pearson observed that if the developer has larger acreages, the detention pond has to be smaller and then the BMP can be smaller as well. It's not like the cost goes up per acre

if you have larger acreages in the development.

Bills-Strand then clarified that the motion to amend is that all low cost options will be looked at and given an opportunity to be chosen by the developer, if it meets the (water) quality needs, seconded by Larson and carried 6-3: Sunderman, Krieser, Larson, Carroll, Carlson and Bills-Strand voting 'yes'; Taylor, Marvin and Pearson voting 'no'.

Motion to Amend #2

Carlson moved to amend that the approximate location of the sewer line on the map on ES5 be amended such that it is not shown to be running across the historic prairie, seconded by Bills-Strand.

Carlson understands this is not the official alignment but it is being adopted as part of the guidance of what will happen in the future. He believes it is important, as a recommending body, that the Planning Commission state a preference. Fleck-Tooze approached and suggested that the motion be to simply eliminate the sewer line location from the map. There is not a sewer alignment in front of the Commission today. If it is a cause of concern, it would be a better approach to eliminate it from the plan. She acknowledged and stressed that the planning team is well aware of the concern and is very sensitive to the issue. She would prefer that the future alignment not be shown. After further discussion, Carlson stated that he did not want to change his motion but suggested that if the motion carries, it will be up to the applicant to move it or delete it from the map.

Motion to Amend #2 carried 7-2: Sunderman, Krieser, Larson, Marvin, Carlson, Pearson and Bills-Strand voting 'yes'; Taylor and Carroll voting 'no'.

Discussion on main motion for approval, as amended:

Carlson stated that he is excited about the direction this is going. "An ounce of prevention" approach is always the best. It is always best to get out in front of development. In the long run it is a good investment to keep costs down.

Larson observed that it is going to be interesting to see if we have increased the cost of development so much that the flight to Waverly and Hickman and all the others will continue or whether Stevens Creek will be developed.

Carroll expressed appreciation to the planning team. It is a very good plan. He lived in Stevens Creek for 20 years and personally experienced the flooding. It is great to get out in front of development for the first time in the city.

Taylor commended the team for the work they have done. it is a fantastic plan.

Bills-Strand expressed appreciation to the people that came to testify and that have spent a lot of time and hours on this plan. The Planning Commission goal is not to do all the detail work, but to determine that the Plan complies with the Comprehensive Plan. She will support it because we need to be out ahead of development, but sometimes she believes we go a little too utopian, too high quality and too overboard in terms of what we need to do. She likes to try to keep costs down. There has been a tremendous amount of development north of Cornhusker and south of Hwy 2. The sales tax and property taxes that those entities generate pays for the entire city. A development pays for everything and the impact fees pay for the arterials and the connectors. All of the new growth and new businesses help the entire city. That is why she likes the cost-sharing. The new developments do help pay for a tremendous amount of what this city enjoys.

Motion for approval, as amended, carried 9-0: Sunderman, Krieser, Taylor, Larson, Carroll, Marvin, Carlson, Pearson and Bills-Strand voting 'yes'. This is a recommendation to the City Council and the Lancaster County Board.

There being no further business, the meeting was adjourned at 6:20 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on March 16, 2005.

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