MEETING RECORD

NAME OF GROUP:	PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING:	Wednesday, February 27, 2008, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska
MEMBERS IN ATTENDANCE:	Leirion Gaylor-Baird, Gene Carroll, Michael Cornelius, Dick Esseks, Wendy Francis, Lynn Sunderman and Tommy Taylor (Roger Larson and Robert Moline absent); Marvin Krout, Ray Hill, Steve Henrichsen, Mike DeKalb, Brian Will, Tom Cajka, Christy Eichorn, Brandon Garrett, Michele Abendroth and Teresa McKinstry of the Planning Department; media and other interested citizens.
STATED PURPOSE OF MEETING:	Regular Planning Commission Meeting

Chair Gene Carroll called the meeting to order and requested a motion approving the minutes for the regular meeting held February 13, 2008. Motion for approval made by Francis, seconded by Cornelius and carried 5-0: Gaylor-Baird, Carroll, Cornelius, Esseks and Francis voting 'yes'; Sunderman abstaining; Taylor absent at time of vote; Larson and Moline absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION: February 27, 2008

Members present: Gaylor-Baird, Carroll, Cornelius, Esseks, Francis and Sunderman; Larson, Moline and Taylor absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 08006, CHANGE OF ZONE NO. 08007, SPECIAL PERMIT NO. 08012, SPECIAL PERMIT NO. 08010, SPECIAL PERMIT NO. 08013, SPECIAL PERMIT NO. 08014 and PRELIMINARY PLAT NO. 08003, Tara Hill Addition.**

Ex Parte Communications: None

Item No. 1.4a, Special Permit No. 08013; Item No. 1.4b, Special Permit No. 08014; and Item No. 1.4c, Preliminary Plat No. 08003, were removed from the Consent Agenda and scheduled for separate public hearing.

Sunderman moved to approve the remaining Consent Agenda, seconded by Esseks and carried 6-0: Gaylor-Baird, Carroll, Cornelius, Esseks, Francis and Sunderman voting 'yes'; Larson, Moline and Taylor absent.

Note: This is final action on Special Permit No. 08012 and Special Permit No. 08010, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

SPECIAL PERMIT NO. 08013
FOR AN EARLY CHILDHOOD CARE FACILITY
and
SPECIAL PERMIT NO. 08014
FOR A PRIVATE DANCE SCHOOL
and
PRELIMINARY PLAT NO. 08003
TARA HILL,
ON PROPERTY GENERALLY LOCATED AT
S. 61ST STREET AND PINE LAKE ROAD
PUBLIC HEARING BEFORE PLANNING COMMISSION: February 27, 2008

Members present: Gaylor-Baird, Carroll, Cornelius, Esseks, Francis, Sunderman and Taylor; Larson and Moline absent.

Staff recommendation: Conditional approval of all applications.

These applications were removed from the Consent Agenda and scheduled for separate public hearing at the request of staff.

Ex Parte Communications: None

Staff presentation: **Brian Will of Planning staff** stated that these applications are for an early childhood care facility and private dance school. These were removed from Consent due to a memo from Law Dept. It was their determination that the waiver to allow signs to be shown at time of Building Permits must be approved by the City Council. The applicant has revised the applications to show the signs on the site plan. Staff has revised the conditions as follows:

Special Permit No. 08013

Site Specific:

1. This approval permits an early childhood care facility for up to 120 children and 24 employees with waivers to allow ~~signs to be shown at time of sign permits,~~ building elevations for child care facility to be approved by administrative amendment,

access to a collector street for the childcare facility not be required, and to allow a conversion plan to a community building rather than a residence.

General:

3. Upon approval of the special permit by Planning Commission, the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 5 copies with all required revisions and documents as listed below before receiving building permits:

   3.1 Show all signs on the site plan, and r~~R~~evise General Note #5 to state "The actual size, type, and location of signs can vary at the time of sign permit, provided the size, type and location is in compliance with the applicable requirements of the ~~Signs need not be shown on this site plan, but instead can be shown at time of sign permits in compliance with~~ Zoning Ordinance and must be approved by Building & Safety Department prior to installation".

Special Permit No. 08014

Site Specific:

1. This approval permits a private school for up to 36 students and four employees ~~with a waiver to allow signs to be shown at the time of sign permits~~.

General:

3. 3.1 Show all signs on the site plan, and r~~R~~evise General Note #5 to state "The actual size, type, and location of signs can vary at the time of sign permit, provided the size, type and location is in compliance with the applicable requirements of the ~~Signs need not be shown on this site plan, but instead can be shown at time of sign permits in compliance with~~ Zoning Ordinance and must be approved by Building & Safety Department prior to installation".

Proponents:

1. Bill Krein, 5925 S. 56th St. appeared to answer any questions.

Opposition:

2. John Soukup, 5800 S. 59th Street Circle, owns property to the north. He has questions about the proposed buildings and the grades. He is curious how the sewer will be done. The dance studio appears to be about 75 feet x 70 feet. He isn't necessarily opposed to these

applications, he would just like some more information. He does not know the details. The setback seems a little close.

Staff response and questions:

Esseks stated that Mr. Soukup was concerned about the setback of five feet. He questioned if this setback is allowed by the R-3 zoning district. Will replied that the site plan provided by the applicant shows the setback shown is the setback of the district.

Gaylor-Baird inquired about the height of the buildings. Will replied that there is no adjustment to the allowed height of these buildings. The height of the district is 35 feet. There is a note on the site plan that the height will not exceed 35 feet. Specific building elevations can be delayed until such time as building permits are applied for since the applicant does not have specific tenants yet.

SPECIAL PERMIT NO. 08013
ACTION BY PLANNING COMMISSION: February 27, 2008

Esseks moved approval, with conditions as amended by staff, seconded by Cornelius and carried 7-0: Gaylor-Baird, Carroll, Cornelius, Esseks, Francis, Sunderman and Taylor voting 'yes'; Larson and Moline absent. This is final action, unless appealed to the City Council within 14 days.

SPECIAL PERMIT NO. 08014
ACTION BY PLANNING COMMISSION: February 27, 2008

Esseks moved approval, with conditions as amended by staff, seconded by Cornelius and carried 7-0: Gaylor-Baird, Carroll, Cornelius, Esseks, Francis, Sunderman and Taylor voting 'yes'; Larson and Moline absent. This is final action, unless appealed to the City Council within 14 days.

PRELIMINARY PLAT NO. 08003
ACTION BY PLANNING COMMISSION: February 27, 2008

Esseks moved staff recommendation of conditional approval, seconded by Cornelius and carried 7-0: Gaylor-Baird, Carroll, Cornelius, Esseks, Francis, Sunderman and Taylor voting 'yes'; Larson and Moline absent. This is final action, unless appealed to the City Council within 14 days.

SPECIAL PERMIT NO. 08011
FOR EXPANSION OF A NONCONFORMING USE
ON PROPERTY LOCATED
AT 1531 S. 19TH STREET AND 1541 S. 19TH STREET
PUBLIC HEARING BEFORE PLANNING COMMISSION: February 27, 2008

Members present: Gaylor-Baird, Carroll, Cornelius, Esseks, Francis, Sunderman and Taylor; Larson and Moline absent.

Staff recommendation: Conditional Approval

Ex Parte Communications: None

Staff presentation: **Christy Eichorn of Planning staff** stated that this is the third step in a four part application series. This area was blighted. This is a reconstruction of a non-standard use. Staff and the developer have identified some additional waivers to the design standards and some revisions to the conditions stated in the staff report.

Staff recommends approval of the following waivers not stated in the staff report:

1. Reduce the northernmost driveway curb radius from 15 feet to 5 feet. This will allow the north driveway to remain separate from the driveway adjacent to the north. It also will cause drivers to slow down when exiting the driveway, discourage cars from entering this "exit" lane and is in character with other driveways in the neighborhood.

Staff recommends conditional approval of the following additional waivers not stated in the staff report, if the applicant can provide information to Public Works showing that all vehicle movements for a standard vehicle can be made.

2. Reduce the width of the one-way aisle on the west end of the site from 15 feet to 12 feet.

3. Reduce the width for 90 degree parking aisles from 24 feet to 23 feet.

Site Specific Conditions:

1. This approval permits the expansion and reconstruction of a nonstandard use with minimum set back requirements of 2 feet for the required front yard and 5 ~~17 ½~~ feet for the rear yard.

General Conditions:

~~2.4 Add to general notes: "The units in this special permit are owner occupied not rental units.~~

2.8 List on the site plan all of the design standards that are being ~~were~~ waived with the approval of this special permit:

1. Minimum driveway length from sidewalk to garage door is ~~was~~ reduced from 22 to 20 feet.
2. Minimum drive aisle width is ~~was~~ reduced from 24 feet to 23 ~~22~~ feet on the east-west drives, and 15 feet to 12 feet on the north-south drive.
3. The northernmost curb return radius ~~Required 15 foot return radius~~ on northern most lot line is reduced from 15 feet to 5 feet.

Eichorn stated that the 18 existing units will be replaced with 16 units. There will be a Redevelopment Agreement between the applicant and Urban Development. This project is at 19th St. and Washington. Currently, there is one six-plex and one twelve-plex that were built in 1966. Up to 21 units would be allowed on this site. There are some setbacks and waiver adjustments being requested. The rear yard is being reduced because this is a very tight area. The property line is very close to the alley. Another waiver being requested is reducing the curb radius from 15 feet to 5 feet. This would help keep people from coming into the one way drive. This is more in character with the rest of the neighborhood.

Proponents:

1. Katie Halperin, 9025 Turnberry Circle, the applicant, explained that this project is about improving the neighborhood and bringing back home ownership to the neighborhood. You need to reinvest in an area to bring back home ownership. It is expensive to do this.

2. John Badami, architect, 1111 Lincoln Mall, Suite 201, testified in support. He was raised in Lincoln. He knew this would be a challenge, but a wonderful opportunity. The existing site is a nonconforming site consisting of two apartment buildings. This will encourage owner occupied housing and will respect and be sensitive to the neighbors. This will help to further change the marketing image of the neighborhood. It will build upon the streetscape already started on the commercial corridor on 17th Street. After working closely with the City to make sure all ordinances and codes are followed, they came up with 16 owner occupied townhomes and still work within the low income price point of $150,000.00. There will be 29 off-street parking spaces. Each unit will have a private entry. All vehicular traffic is directed around the perimeter and all pedestrian traffic through the courtyard. They wanted to keep necessary curb cuts to a minimum. Because of its close proximity to the neighborhood, residents can walk to many services in the area. He

believes all aspects of the neighborhood are being respected with this development. This proposal takes advantage of existing streets and services. This project enhances the walking environment.

3. Kent Seacrest, 1111 Lincoln Mall, Suite 350, appeared on behalf of the applicant. Olsson Associates worked on the site plan. They were asking to reduce the width for the 90 degree parking aisles from 24 feet to 22 feet, but have amended their request back to 23 feet. Seacrest thanked staff for working with them beyond the call of duty. There were a lot of meetings regarding this project.

Francis inquired if Seacrest has an aerial view of how the drive might impact the neighboring properties. Seacrest stated that there is an outer perimeter plus a driving aisle.

Esseks questioned what kind of household income would be needed if these properties are marketed at $150,000.00. Halperin replied that she does not have the figures, but they have worked with Urban Development to create this.

Esseks would like to hear some of the attractions of the Near South Neighborhood. Halperin replied that there is a remodeled grocery store and coffee shop within walking distance. There is a park on 19th and “A” Street. There is bus service on 17th Street.

Francis knows there is a letter of support from the Near South Neighborhood Association. But, she has also heard some displeasure from the immediate neighbors. Halperin stated that the neighbor at 1809 Washington was notified of this hearing and was also on the list of people asked to attend a neighborhood meeting that they held. A meeting was also held with the Near South Board of Directors.

Esseks wondered whose interest is affected with these waivers. Seacrest stated that the pattern of this development has two traffic options, left or right. The current property is 1960's units that are about three feet away from the neighbor. The new buildings will be 22 feet from the southern neighbors. He believes the architectural features will be more compatible with the neighborhood.

Esseks noted that one of the waivers would allow a two foot front setback. He questioned who would be most affected by this. Badami stated that they took measurements. This would be about 20 feet from the curb. He does not think this will take away from the street or block.

Esseks inquired who could be hurt from the traffic flow patterns. Seacrest replied that this has all been reviewed with Public Works Engineering Dept. They showed them the sight distance triangles and he believes they have met the minimum standards.

Gaylor-Baird inquired if the applicant believes the neighbors would benefit from a new development. Seacrest replied that one reason you see increasing blight is some bad design, but sometimes the character of the neighborhood getting older and slip in apartment buildings. If you want to turn the tide of these neighborhoods, you need to get more home ownership. The neighborhoods that have the highest degree of blight have the highest degree of rentals. Density itself is not the issue, it's bad design. People who own tend to maintain better.

Carroll asked about density. The design has more bedrooms and less garages. Seacrest believes if you looked at trend lines, home ownership has less people per bedrooms than rentals do.

Badami stated that currently there are 16 off-street parking stalls in the apartments as is. This would be almost doubled to 29.

Carroll stated that Ed Zimmer of the Planning Dept. noted he could not render an opinion. Badami replied that a much smaller setback was requested. The other is a roof pitch. Traditionally there is a 6-12 or greater. They are going to a 4-12. A lot of homes in these neighborhoods have a raised porch.

Halperin stated that if you read the current design standards, what you most see is flat building faces in the neighborhood. There are mostly apartment buildings in this neighborhood.

Carroll noted that Eichorn pointed out that the units would be owner occupied. He questioned why we would want to remove this from the conditions. Seacrest replied that the way the condition was worded is difficult. They want to leave the option open for someone who might be transferred and wants to rent their home for a period of time. They also felt they needed to figure out how to word this. They feel this is more appropriate to do this condition in a redevelopment plan.

Francis is concerned that the owner occupied wording would be removed. She assumes there is Tax Increment Finance money for this project. Seacrest replied that they need the TIF money to make this project work.

4. **Jennifer Buxton** testified in support on behalf of **NeighborWorks Inc**., 2121 N. 27th Street. She wants the Planning Commission to know that this project qualifies for all of their programs. They feel to switch to predominantly home ownership is the way to turn the neighborhood around.

Esseks inquired if owner occupancy is required for down payment assistance. Buxton replied that 10 years occupancy is minimum. They require repayment at some point.

Esseks sees that mortgage, taxes and insurance would require a $35,000 - $40,000 income to qualify for down payment assistance. Buxton replied that those numbers sound about right. They would qualify for down payment assistance.

5. Mike Ruth, 1545 S. 19th Street, is the homeowner directly south of the proposed project. He would love to see this project go forward. He believes he is about eight feet away from the current apartment building. He is about two feet from the lot line. The curb cut on the diagram sent to him looks pretty small. This is somewhat of a concern. He also questioned the back alley, if it would be able to be closed off. He does not know how far back the proposed units will be from the sidewalk. Some of the neighbors think it might be a little close. He would like to see it more inline with the rest of the neighborhood.

6. Scott Baird, 1932 S. 24th Street, testified in support as President of the Near South Neighborhood Association. He discussed the importance of home ownership. It is extraordinarily important. Rentals are significantly higher in this area than other neighborhoods. New investment is important. They have been fortunate to have neighbors that have converted houses in the area from multi-family to single family units. He believes this project brings in a new element. They are excited about this. Design standards are important. There were long discussions about this. These vary from the neighborhood design standards. The character of the homes in this neighborhood is what makes it special.

Esseks inquired about the boundary of the Near South neighborhood. Baird replied that it is generally from 15th St. to 27th St., "G" St. to South St.

7. David Landis, Director of Urban Development, appeared. Urban Development expects to oversee the TIF agreement. It is not a game on every front. It isn't a win in every way of looking at the project, but it is a win in more ways than not. If he was down the block, he would love to see the existing apartments taken down and two homes put up in their place. Infill will be different than everything else. There are many different types of design in this neighborhood. The setbacks vary from 18 feet to 36 feet. It is hard to get an idea of the neighborhood standard when things vary so greatly. This is a neighborhood that has had slip-ins and nonconforming uses. The market for $150,000.00 is the market that generally stays throughout the up and down market. This originally had one stall per unit. His estimates income of $40,000.00 - $45,000.00 to live here. A family of four would be an income of $52,000.00. All of these incomes could qualify for assistance in purchasing a home. You can't get these funds unless it involves home ownership. What if the housing market is difficult and there isn't a buyer? Should the other units remain empty? Perhaps a rent to own option would be a good idea. He personally used to own a home on Touzalin that he now rents out. He has that option like every other person in the city.

Francis appreciates that point. She also does not want the property owner to go belly up. She would want some assurance that there would be accountability for the owner as to their tenants. She is concerned because she does not want this to turn into a sixteen plex

of tenants who do not care about their residence.

There was no testimony in opposition.

Staff response and questions:

Eichorn stated she is agreeable with the applicant's request to change the 90 degree parking aisles from 24 feet to 23 feet and the minimum drive aisle width from 24 feet to 23 feet, instead of the previous 22.

Esseks noted that the gentleman who owns a house to the south had some questions. Eichorn replied that some of the questions raised had to do with the corner. The applicant needs to obtain an overlap agreement. They haven't asked for a 15 foot return radius to the curb. In order to meet design standards, it would have to be 15 foot. There have been several revisions of the site plan.

Esseks stated that the neighbor was also concerned about the setback. Eichorn replied that the site plan shows the setback at two feet. There has been talk of moving it to five feet. The applicant is not sure they can get the engineering to work at five feet.

Esseks wondered what is lost by having a two foot setback instead of five feet. Eichorn replied that the character of this area is very eclectic. It has to do with the character of the street. She does not feel there is a great impact on the neighborhood. The applicant has been trying to work with the neighbors.

Carroll noted that Unit No. 9 shows if a car is parked in front of the garage it would be in the right-of-way. Eichorn noted that a seventeen foot car could still be parked in the driveway.

Dennis Bartels of Public Works Engineering appeared and clarified measurements on the site plan. The parking area between the garage door and the sidewalk is 15 feet.

Francis stated that Mr. Ruth talked about the alley behind his property. He would like to see the property blocked off. Is that a possibility? Eichorn does not believe she is the appropriate person to address that question. It would be up to the applicant if they want to close the alley off. The applicant has not expressed any wish to close it.

Bartels stated that the alley has been vacated. This is private property and a driveway.

Francis inquired how many property owners are mentioned in the easement. Eichorn replied three.

Response by the Applicant:

Kent Seacrest commented that their building will be twenty-three feet away from the neighbor as opposed to the eight feet now. The driveway might have to be shifted. They feel that the City interest and the neighbor interest is protected. The predecessors vacated the alley and the current owner paved it. They are willing to talk with the neighbors about the alley and easement but they have to talk with their bank about the impact this might have. They are seven feet back from the sidewalk and twenty feet back from the curb. Five feet won't work. Parking stalls and garages won't work if you take away three feet. Changes could cost them two units. He thinks the true test is property values. There is a net positive to the city and to the neighbors with this project.

ACTION BY PLANNING COMMISSION: February 27, 2008

Francis moved to approve the staff recommendation of conditional approval, as revised today, with the amendments requested by the applicant, seconded by Gaylor-Baird.

Francis thinks this is a great project. Esseks noted that Francis specializes in modest income properties.

Cornelius sees this as a balancing act between the design standards and infill development to make an improvement to the neighborhood. The spirit of the design standards is to avoid the development that is there now. Personally he lives in one of the neighborhoods that Seacrest mentioned as being stressed by a decreasing ratio of home ownership. He intends to vote in favor of this.

Gaylor-Baird plans to support this as well. This sends a positive message to developers to revitalize important neighborhoods of this community.

Carroll noted this is a difficult project. The design standards are there for a reason. He hopes the home ownership will be there. This is a difficult decision for Planning Commission. They want to keep the standards in place. He does not want to be saying that they will waive the standards, but in this one location, this is a positive thing.

Motion for conditional approval as amended carried 7-0: Gaylor-Baird, Carroll, Cornelius, Esseks, Francis, Sunderman and Taylor voting 'yes'; Larson and Moline absent. This is final action, unless appealed to the City Council within 14 days.

PRELIMINARY PLAT NO. 08002
HORIZONS VIEW ADDITION
ON PROPERTY GENERALLY LOCATED
AT O'MALLEY DRIVE AND BRUMMOND DRIVE.
PUBLIC HEARING BEFORE PLANNING COMMISSION: February 27, 2008

Members present: Gaylor-Baird, Carroll, Cornelius, Esseks, Francis, Sunderman and Taylor; Larson and Moline absent.

Staff recommendation: Conditional Approval

Ex Parte Communications: None

Staff presentation: **Christy Eichorn of Planning staff** stated that this plat is for 29 lots. No waivers have been requested. This complies with all requirements. All land surrounding this has already been developed. There is concern about the grading and drainage. This will have to be addressed to the satisfaction of Public Works and Watershed Management. They have asked the applicant to do some redesigning.

Proponents:

1. Don Day of Olsson Associates appeared on behalf of the applicant. There are 30 acres to this property. A steering committee decided they would like to develop 7 acres as single family. They have met with the neighborhood association. He does not have it in writing but he has received verbal instruction from the association that they do not oppose this development.

Francis inquired about the length of the cul-de-sac. Day replied about 700 feet. He believes the standard is no longer than 1000 feet

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION: February 27, 2008

Esseks moved conditional approval, seconded by Cornelius and carried 7-0: Gaylor-Baird, Carroll, Cornelius, Esseks, Francis, Sunderman and Taylor voting 'yes'; Larson and Moline absent. This is final action, unless appealed to the City Council within 14 days.

COMPREHENSIVE PLAN AMENDMENT NO. 08001
ADOPTING THE LINCOLN WASTEWATER FACILITIES MASTER PLAN
PUBLIC HEARING BEFORE PLANNING COMMISSION: February 27, 2008

Members present: Gaylor-Baird, Carroll, Cornelius, Esseks, Francis, Sunderman and Taylor; Larson and Moline absent.

Staff recommendation: Approval

Ex Parte Communications: None

Staff presentation: **Steve Henrichsen of Planning staff** stated that Planning generally reviews these applications for conformance with the Comprehensive Plan. These master plans provide a lot of technical information. This is a big picture of over 200 square miles of future growth area. This looks at Tier I, Tier II and Tier III Growth Areas. This takes into account a lot of the environmental and economical factors. Later this year, we anticipate to have the Water Master Plan in front of Planning Commission. This updates the current reference to the new Wastewater Master Plan as an approved component of the Watershed Master Plan. There was a specific question for an alternative southwest treatment plant. It notes that out of four different alternatives, the preferred alternative was increasing the storage capacity, not for the treatment plant. The proposed language states that alternative storage is the preferred alternative.

Staff offers the clarifying amendment for page 1-20 of the Executive Summary, page 24-17 "Wastewater Treatment Facilities Future Improvements" and other appropriate locations:

> ~~For the purposes of planning, a cost of $416,000.00 from Alternative 4 was included in the Tier III Theresa Street WWTF improvement~~. Alternative 4, "Increased Storage" is the preferred alternative and is the basis for all improvements and calculations of the Wastewater Master Plan. The costs for this alternative are spread over a 20 year period starting in the year 2055.

Proponents

1. Steve Masters of Public Works stated that the Lincoln Wastewater System serves the Lincoln community. They need to be mindful of environmental quality. They make use of the tiered growth areas. Detailed information is provided about pipe capacity in the plan. Corolla Engineers began work on the facilities study in 2006. There is a change in the modeling technology that was used. This was a concept that was not used in 2003. It also includes an alternative peak flow storage. As the pipes fill during extreme rain events, off truck storage water could be held until flows recede. This is a concept that has not been included in previous facilities plans. Continued flow monitoring, continued inflow and infiltration reduction are all utilized. The facilities study places emphasis on maintenance.

They met last year with the Chamber of Commerce, the Planning Commission, County Board, County Ecological Committee, Home Builders Association of Lincoln, and posted the study on the city website and with the library. He sees the facilities as vital to the public health.

Esseks likes the amendment stating increased storage is the preferred alternative. He asked Masters to elaborate how this will guide future planning. Masters replied that the other alternatives are construction of parallel trunk sewers. They will not be looking at cost of easement and right-of-way. The other alternative that is not included is additional treatment. Much less land area for storage is required than for additional treatment. We will not be acquiring land for a treatment facility but for storage.

Gaylor-Baird inquired about funding. Henrichsen stated that utility rates is how the improvements are paid for. Impact fees are also part of the program. In the past there have been funds for projects. Public Works will be looking at all venues to fund this.

Esseks asked if this will be above ground or below ground storage. Masters stated that it could be a structure with pumps and controls.

Esseks wondered if there are concerns about public hearing and input. Masters would encourage people to contact them and not necessarily wait for a public hearing. There will be public input as the projects are brought forward.

Esseks wondered if this plan approves specific sites. Masters replied that specific locations are not in this study. There are general locations. There is a need to acquire these properties before the properties are located in a Tier One area. Esseks asked if any of these facilities are located in Wilderness Park. Masters replied that there is one adjacent perhaps, but not in.

Sunderman asked what Tier III represents. Henrichsen replied that Tier III could be year 2055 in most cases.

Opposition:

1. Mike Carlin is on the Board of Directors for Friends of Wilderness Park. He submitted a letter from the organization. He has a fair amount of experience in contract management. There is a lack of cost benefit analysis. An independent study is included in the plan as an appendix. This report contains statements that seem to directly contradict the plan. He is concerned that in Chapter 7, cost estimates are provided but presented without adequate explanation of how they were determined. The plan does note that the anticipated accuracy is generally plus 50 percent to minus 30 percent. He asks for a more definitive explanation of how they were determined.

Esseks asked what would be gained from a more elaborate analysis as opposed to the cost effective analysis that was provided. Carlin replied that the gain would be a better idea of what we will be spending money on in the future. The 50 percent/30 percent variable is quite the range. He thinks it can be scaled in a little bit so the alternatives are better defined.

2. Lynn Moorer, 404 S. 27th Street, urged Planning Commission not to recommend adoption of the Wastewater Facilities Master Plan update. She submitted a letter in opposition.

Esseks asked Moorer is she could direct him to the City Council minutes referencing cost benefit analysis. He can't find a reference to cost benefit analysis. He would like someone to point it out for him. Moorer noted that Svoboda and Newman both mentioned it.

Staff response and questions:

Esseks believes that a full cost benefit analysis should have been done if it was so stated by the City Council. Henrichsen replied that there were differing opinions in the discussion by City Council. The approved Resolution from City Council talks about a study. The $500,000.00 was removed to acquire a site and it was changed to a study. Public Works has done an alternative analysis. It is part of a Wastewater Master Plan. A lot of considerations went into the plan. The conclusion was to use storage. He doesn't see what would be gained by spending additional time and funds to probably come to the same conclusion.

Masters commented that they met with Friends of Wilderness Park some time back and talked about many of these same points. He reviewed what was in the plan including their concern about the way Lincoln grows and plans its future. He emphasized that they did not contract with Corolla to do a cost benefit analysis. They asked for their judgement as a company that does nationwide business on water and wastewater engineering. A comment was made that the accuracy of cost estimates was 50 percent/30 percent and that this is not acceptable. He can point to a variety of projects following the range of those costs. An example is the anaerobic digesters on Theresa Street. Public Works was reluctant to accept the bid that they did because the actual cost was 60 percent higher than the estimate. He believes that the costs they use are inline and reasonable.

Henrichsen addressed the amendment to eliminate appendix N. The first appendix A is from 1958. A southwest treatment plan is not recommended. It does note a site by the Nebraska State Penitentiary that would be good for a storage facility. There is a lot of useful information. He sees the appendices as background references.

ACTION BY PLANNING COMMISSION: February 27, 2008

Cornelius moved approval as revised by staff, seconded by Sunderman.

Cornelius stated that he has heard testimony that a cost benefit analysis might or might not be useful. As he understands the report's usefulness, it talks about four different approaches to wastewater treatment in Lincoln. It may or may not be appropriate to look at a cost benefit analysis.

Esseks is not sure the cost benefit analysis was a mandate, simply just advice. He thinks that perhaps for land to be purchased so far into the future, monetary benefits would be difficult. Re-reading the documents we have, there seems to be enough evidence to say this is a useful study. He likes the idea of recommending storage.

Gaylor-Baird believes that by doing this so far in the future allows plenty of public notice as to where anything will be located.

Taylor thinks it is important that we continue to encourage discussion from people in the vicinity of Wilderness Park.

Carroll noted that this puts the Master Plan as an approved study into the Comprehensive Plan. He thinks the plan has followed what it is supposed to do.

Motion for approval as amended carried 7-0: Gaylor-Baird, Carroll, Cornelius, Esseks, Francis, Sunderman and Taylor voting 'yes'; Larson and Moline absent. This is a recommendation to the City Council.

WAIVER NO. 07009
TO WAIVE STREET PAVING, SIDEWALKS AND STREET TREES
ON PROPERTY GENERALLY LOCATED
AT N. 36TH STREET AND Q STREET
CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: February 27, 2008

Members present: Gaylor-Baird, Carroll, Cornelius, Esseks, Francis, Sunderman and Taylor; Larson and Moline absent.

Staff recommendation: Approval

Ex Parte Communications: None

Staff presentation: **Brandon Garrett** stated that this series of waivers for street paving, sidewalks and street trees are all tied into a final plat that dates to 1996. It has not been approved yet. In 2002, the applicant requested the same waivers and they were denied. The subdivision would divide the lot north and south. The required paving would be for "Q"

Street to the south. There are also required sidewalks for the south side and along 36th Street to the east. There may be some trees that would qualify. There are no street trees along 36th Street. This item was deferred for the applicant to give him time to request funding from the City Council. Elmer Cole from Public Works estimated $55,000.00 for paving. Approval from City Council would have had an estimated cost of $27,500.00. The applicant submitted a formal request to City Council to receive the funds. That was before City Council on Monday and the applicant requested the City Council to deny his request.

Proponents:

1. Gerald Spahn, 3528 "Q" Street, the applicant, stated that he wants to subdivide the lot. He is tired of mowing it and doesn't want anything built on it. He can't use the property for anything. His only problem is the ordinance that talks about paving, sidewalks and street trees. He talked with Steve Nosal at Parks and Recreation. He has 40-50 foot high pine trees and lots of deciduous trees. He is against a sidewalk that goes to nowhere. He is against paving for monetary reasons. The waivers have come before a previous Planning Commission. Wyuka Cemetery owns the property to the south. Half of the cost of the paving would be borne by Wyuka. He requests approval of the requested waivers.

Cornelius asked if Wyuka is interested in the property. Spahn replied that they have expressed a great deal of interest. They don't want a duplex built on the property. Someday in the future, he would see it donated to the cemetery as the proper thing to do.

Cornelius wondered what Wyuka's use of the property would be. Spahn believes it would be cemetery.

There was no testimony in opposition.

Staff response and questions:

Francis wondered where 36th St. goes. Garrett replied that it goes into "R" Street.

Taylor understands this would make a buildable lot. Is it practical for a buildable lot? Garrett can't say if the lot would be desirable or not. Once the land is subdivided, it would be two lots split down the middle. The vacant lot would be on the corner. One could argue it is a quiet spot adjacent to a lot of green space.

Taylor believes that sidewalks should go somewhere. He wants to understand the wisdom of paving and sidewalks that go nowhere. He is for paving and sidewalks and trees. Evidently there are a lot of trees there already. He tends to favor the applicant. He wonders if further improving on the area would be counter productive. Garrett believes to the contrary. The sidewalks would connect to sidewalks that go all the way around the block and continue in the area.

Francis wondered what year the adjacent lot was developed. Garrett does not have that information.

Marvin Krout, Director of Planning, pointed out that one question that came up at City Council on Monday was they thought it more likely that land to the south that would front on this street might more likely be sold off as Wyuka tries to deal with its financial problems. If that is the case, the lots would be more marketable. We don't know if Wyuka would be able to pay the assessment or not. Public Works and Planning believe there is a real benefit to paved streets and sidewalks. There is some limited money that runs out in Nov. 2008 that subsidizes public improvements in low income neighborhoods. City Council is wrestling with the idea of whether or not they should take advantage of this opportunity.

Response by the Applicant:

Spahn stated that Lincoln Housing Authority tried to buy the lot from his son. They had an appraisal and found out how long it would take to have it divided and then they lost interest. He has the appraisal.

Taylor asked if it would be beneficial to develop the lot. Spahn replied that it would be more valuable.

ACTION BY PLANNING COMMISSION: February 27, 2008

Taylor moved denial, seconded by Cornelius.

Cornelius stated that improvements and subdivision must go hand in hand. There is a benefit to the rest of the neighborhood. It is not a street to nowhere. He believes this Commission is compelled by ordinance to complete the paving. He agrees with the denial of the waivers.

Taylor stated there are so many unpaved streets in the city and they should be paved.

Carroll is in favor of the denial. He would encourage Mr. Spahn to go before City Council and request the matching funds.

Motion for denial carried 7-0: Gaylor-Baird, Carroll, Cornelius, Esseks, Francis, Sunderman and Taylor voting 'yes'; Larson and Moline absent. This is a recommendation to the City Council.

ANNEXATION NO. 07004
and
CHANGE OF ZONE NO. 07062,
FROM AG AGRICULTURAL DISTRICT
TO R-3 RESIDENTIAL DISTRICT,
and
PRELIMINARY PLAT NO. 07005,
KOOSER ADDITION,
GENERALLY LOCATED AT N. 14TH STREET AND ALVO ROAD
CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: February 27, 2008

Members present: Gaylor-Baird, Carroll, Cornelius, Esseks, Francis, Sunderman and Taylor; Larson and Moline absent.

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

Staff presentation: **Tom Cajka of Planning staff** stated that this area is currently zoned agricultural. It is in Tier I, Priority A, and contiguous to the city limits. Stone Bridge Creek is to the east and Charleston Heights is to the south of the area of application. The preliminary plat is for one lot, the new Kooser elementary school. The future lots are around the perimeter of the school. The lots are preliminary design only. Water and sewer are available to be extended from Stone Bridge Creek. The sanitary sewer would not be available to serve the entire site. The school could be served. A line would have to be extended north from Charleston Heights to the south.

Esseks wondered what the benefit is to approve a plan with possible lots. Cajka believes the applicant can sell the lots more efficiently.

Proponents:

1. Don Day of Olsson Associates presented a site plan. This was previously submitted and called Parrott Addition. Overall they agree with all the conditions of approval with one exception. He presented the Commissioners with a motion to amend the preliminary plat concerning a street extending from N. 11th St. to the west boundary:

1.1.7 ~~Show a second street extending from N. 11th St. to the west boundary of the subdivision~~ Shift the location of the Kooser Drive west street stub to the south near the detention cell, in order to reduce block length between Kooser Dr. and Middleton Ave.

2. Scott Wieskamp of Lincoln Public Schools added that Lincoln Public Schools

purchased this site around 10 years ago. Three years ago, this was designated as an elementary school. He feels that they have addressed the questions and issues.

Other Public Testimony

1. Peter Katt wondered how LPS planning affects the City of Lincoln long term planning. He submitted pages from the Comprehensive Plan that deal with neighborhood center siting. Opportunities to develop neighborhood centers are constrained. Doing an assemblage that doesn't hurt existing acreage is very difficult. South of this has been developed. It will be extremely difficult if a neighborhood center is not accommodated somewhere. In his opinion, the development of the LPS site as shown is less costly but the point is, if we don't locate commercial on the LPS property, there are opportunities to have it located somewhere in the general vicinity. It requires Julesberg Drive to be designed to be a commercial access,

Katt proposed amended language for the preliminary plat under site specific conditions of approval:

1.1.14 The design of Julesberg Drive and its' dedication be sufficient right-of-way to accommodate a future neighborhood center to the south.

2. Mark Hunzeker appeared on behalf of Steve Keane, who lives to the west of this site. He is concerned about the paving of Alvo Rd. This is the subject of a joint City County agreement necessitated by the school site. Looking at the future land use map in the Comprehensive Plan, the city limits of Lincoln for the next 25 years, there will be no urban development to the north of Alvo Rd. for a very long time. He was involved in the Stone Bridge Creek development and the city deliberately downsized the sewer. To place an elementary school at the edge of town makes little sense to him. His point is the construction of the school at this location is pushing forward the need to pave Alvo Rd. A twenty foot swath of mature trees would be taken out along Alvo Rd. because the County Engineer is unwilling to deviate from the mile grid. One of the points raised by Public Works is that this involves construction of a 2,200 foot dead end water line which does not appear to be adequate for fire protection. There is an obligation on the part of the developer to the east to bring the line west at some point in the future. Maybe we should figure out if there is adequate water pressure for fire protection first.

Taylor asked what is being requested. Hunzeker replied that while it was good planning for the school to acquire the site, it seems bad planning to build a school on it. The schools should be located in neighborhoods as opposed to the edge of town.

Staff response and questions:

Cornelius would like Cajka to speak to questions about integration of this site with the surrounding area. Cajka believes there are several different issues here. Before the Planning Commission is a annexation, change of zone and preliminary plat. This is for residential development. It just so happens that one of the lots is being proposed for a school. It meets all the requirements for a preliminary plat. We don't get into uses at the preliminary plat stage.

Cajka went on to state that Alvo Rd. is a completely separate issue. It has been an ongoing issue between the City and the County. It has been shown as a future arterial in the Comprehensive Plan for quite a long time.

As far as the neighborhood centers go, Cajka advised that they are not explicit locations. It could possibly go to the south in Charleston Heights. It could possibly go to the west of this site. With regard to the water issue, Public Works raised a possible concern about fire protection and the dead end. Olssons is currently doing a flow capacity test. Stone Bridge Creek is required to put in a water main on 14th St. from Humphrey Rd. to Alvo Rd. as part of their annexation agreement. He understands they have run into financial troubles. City staff has been talking with the new owner. The timing is still being worked on. Julesberg Dr. is designed as 66 feet right-of-way. He believes that is the minimum for a commercial street.

Esseks wondered if Public Works Engineering takes into issue a school and a commercial district. Cajka knows there are high schools located next to commercial areas.

Cajka is agreeable to Don Day's proposed amendment to condition 1.1.7.

Response by the Applicant:

Don Day is looking into the water main issue. They will be doing a fire flow study. They will have that information. If they have to, a 24 inch water main will be installed. They believe there is a way to get that done before the school opens for occupancy. They have been in discussions with Public Works.

Esseks asked since LPS is a major land user, if there is some sort of procedure to interact with other land users. Wieskamp replied that there are numerous contacts and discussions with landowners. They are projected to have in excess of 400 students the day they open this school. They feel this is a very adequate site for an elementary school. They have spent a lot of time with staff dealing with traffic of all kinds. They don't have all the problems solved yet but they feel they have solved the most of the problems the best that they could. He appreciates the effort.

Esseks wondered if it is prudent to locate at the end of the city's boundaries. Wieskamp would repeat that they plan to open with 400 students and they believe the facility will be full or near capacity. Campbell, Belmont, other schools in the area all have portables on their sites. They are at or above capacity.

Gaylor-Baird wonders how being on the edge enables students to walk to school. Wieskamp noted that today's parent is less likely to have their child walk to school. There will be good walkways and marked crosswalks. Bike paths have been looked at. They work with Parks and Recreation.

Don Day pointed out the location of the pedestrian crossing.

ANNEXATION 07004
ACTION BY PLANNING COMMISSION: February 27, 2008

Taylor moved approval, subject to an annexation agreement, seconded by Sunderman and carried 7-0: Gaylor-Baird, Carroll, Cornelius, Esseks, Francis, Sunderman and Taylor voting 'yes'; Larson and Moline absent. This is a recommendation to the City Council.

CHANGE OF ZONE 07062
ACTION BY PLANNING COMMISSION: February 27, 2008

Taylor moved approval, seconded by Francis and carried 7-0: Gaylor-Baird, Carroll, Cornelius, Esseks, Francis, Sunderman and Taylor voting 'yes'; Larson and Moline absent. This is a recommendation to the City Council.

PRELIMINARY PLAT 07005
ACTION BY PLANNING COMMISSION: February 27, 2008

Taylor moved conditional approval with the amendment requested by the applicant, seconded by Sunderman.

Esseks would like to commend the school district for their interactions with other landowners and developers.

Gaylor-Baird wanted to know if the adequacy of fire protection was identified in the conditions. Rick Peo of City Attorney's office stated that the applicant has to comply with the conditions. The water problem must be resolved so that fire protection is available.

Carroll stated that LPS works with a lot of landowners in the area. He appreciates the forward planning of LPS.

Motion for conditional approval as amended carried 7-0: Gaylor-Baird, Carroll, Cornelius, Esseks, Francis, Sunderman and Taylor voting 'yes'; Larson and Moline absent. This is final action, unless appealed to the City Council within 14 days.

There being no further business, the meeting was adjourned at 4:35 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on March 12, 2008.

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