

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, July 30, 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, Roger Larson, Jim Partington, Lynn Sunderman and Tommy Taylor. Marvin Krout, Mike DeKalb, Ed Zimmer, Brian Will, Tom Cajka, Christy Eichorn, Jean Preister 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 July 16, 2008. Motion for approval made by Sunderman, seconded by Francis and carried 7-0: Gaylor Baird, Carroll, Cornelius, Francis, Larson, Partington and Sunderman voting 'yes'; Esseks abstained; Taylor absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

July 30, 2008

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

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 08017, COMPREHENSIVE PLAN CONFORMANCE NO. 08018, USE PERMIT NO. 80B, CHANGE OF ZONE NO. 08037, USE PERMIT NO. 132B, SPECIAL PERMIT NO. 08032, SPECIAL PERMIT NO. 08033 AND WAIVER NO. 08003.**

Ex Parte Communications: None

Item No. 1.2a, Comprehensive Plan Conformance No. 08018; Item No. 1.2b, Use Permit No. 80B; and Item No. 1.3, Change of Zone No. 08037, were removed from the Consent Agenda and scheduled for separate public hearing.

Cornelius moved to approve the remaining Consent Agenda, seconded by Larson and carried 8-0: Gaylor Baird, Carroll, Cornelius, Esseks, Francis, Larson, Partington and Sunderman voting 'yes'; Taylor absent.

Note: This is final action on Comprehensive Plan Conformance No. 08017, Use Permit No. 132B, Special Permit No. 08032, Special Permit No. 08033 and Waiver No. 08003, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

**COMPREHENSIVE PLAN CONFORMANCE NO. 08018
AMENDMENT TO THE “NORTHWEST CORRIDORS
REDEVELOPMENT PLAN”**

and

USE PERMIT NO. 80B

**TO REVISE THE SITE PLAN BY CHANGING THE LOT LAYOUT
TO ALLOW THE CONSTRUCTION OF A 150,000 Sq. Ft. BUILDING
ON PROPERTY GENERALLY LOCATED AT
N.W. 1ST STREET AND W. HIGHLANDS BOULEVARD.
PUBLIC HEARING BEFORE PLANNING COMMISSION:**

July 30, 2008

Members present: Gaylor Baird, Carroll, Cornelius, Esseks, Francis, Larson, Partington, Sunderman and Taylor.

Ex Parte Communications: None

Staff recommendation: A finding of Conformance with the Comprehensive Plan on Comprehensive Plan Conformance No. 08018 and Conditional Approval of Use Permit No. 80B.

These applications were removed from the Consent Agenda and scheduled for separate public hearing due to a letter received stating concerns about using TIF funds for the redevelopment.

Additional Information for the record: Tom Cajka of Planning staff noted that the Commissioners received a letter from Larry Jablonski noting his concerns about using tax increment financing (TIF) for this project.

Staff presentation: **Wynn Hjermsstad of Urban Development** stated that this amendment adds a new project to the existing redevelopment plan, University of Nebraska Technology Park Project No. 2. This is the Perot Systems project. Public improvements in the area include extension of roads, extension of sanitary sewer, stormwater and water, amongst others. Lighting and ornamental lighting are also included. This is a projected 25 million dollar project with approximately three million dollars in Tax Increment Financing. If this is approved by the Planning Commission, it will go on to the City Council to identify it as a project in the redevelopment plan. If that is approved, staff will go into negotiations with Perot Systems for the redevelopment agreement. Perot is an international company. They have about 1,000 employees in Lincoln. This will consolidate about six different sites that they currently have. They are looking to add about 100 employees. Lincoln will be the

second largest campus for Perot. They look to be underway in the third quarter of 2009. Perot Systems is looking at establishing a strong relationship with UNL. Total employment could reach as high as 2,300 people at UN Tech Park in 24 months. Total private investment is approximately 80 million dollars. They will have about 407,000 square feet of office, lab and space.

Larson questioned if TIF goes for public infrastructure costs. Hjermstad replied that was correct.

Esseks wondered whether his area has been blighted. Hjermstad stated that this area has already been declared blighted. This is another project being added to the redevelopment plan.

Cajka addressed Use Permit 80B. It deletes a previous street shown on the site plan. Cattail Rd. will be extended into a cul-de-sac. Previously the street network showed Cattail as turning onto a northbound 7th Street. That has been deleted. There is still Research Drive to the north. A block length waiver is being requested by the applicant. Staff feels this is appropriate to recommend approval.

Gaylor Baird questioned if emergency services indicated any issues with this application. Cajka replied that they had no objections.

Proponents

1. Dave Landis, Director of Urban Development appeared. He stated that Mr. Jablonski had expressed his opinion that this is an unwise use of TIF in a letter sent to staff. He felt the need to address those thoughts. There was a claim that state and local governments don't keep track of the TIF money. He presented a list of the TIF bonds that have been used. If you take 14 of these, the beginning value is 14 million dollars. At the end of the TIF process, those same projects had 104 million dollars of valuation. They have kept score and there are no failures. State figures go back to 1994. The known valuation is an increase of 139 million dollars of retired projects.

Mr. Jablonski's letter also questioned the tax base. Perot Systems will move from their existing buildings and add a 25 million dollar structure. This will add to the tax base. The existing buildings will not be destroyed. He sees companies as becoming more efficient and profitable. He believes this is something where the city should assist.

Gaylor Baird noted a claim in the letter was that without government assistance, this project would not happen. She asked that Landis explain TIF. Landis replied that it states "but for" this project, it would not occur in this form. The project could happen in a non-blighted area. In this case, Perot is building in the kind of area in which the city would like them to build. The edge of the city is the easiest place to build. When a city is built continually at its edge, the cost goes up for the entire city. The most efficient way of providing

infrastructure is at the city's core. He imagines there are numerous cities that would like to have this business and expansion. This simply makes us competitive.

Esseks noted that under TIF, school districts forego the increment in property taxes because the city is using these funds. Landis replied that the assessed valuations under TIF have appreciated in value. This looks like an impressive increase. Landis believes that this increase covers what the schools and other agencies lost. The growth more than makes up the difference.

2. Tom Huston appeared on behalf of the **University of Nebraska Foundation**. He reaffirmed that the amendment conforms to the Comprehensive Plan. This is a part of Use Permit No. 80A which included the western 12 acres in this project. The size of this project requires a large parcel. There is a provision in the subdivision code that requires a cul-de-sac to be named as a Place, Bay, Circle or Court. They don't want Lincoln Poultry to have to change their address.

There was no testimony in opposition.

COMPREHENSIVE PLAN CONFORMANCE NO. 08018
ACTION BY PLANNING COMMISSION:

July 30, 2008

Larson moved a finding of conformance with the Comprehensive Plan, seconded by Taylor.

Gaylor Baird believes this is an exciting project. She thinks the concerns were more than adequately addressed with regard to TIF. This is a chance to show that Lincoln can compete for large businesses.

Sunderman stated that this company will be adding 150 jobs and 25 million dollars in property value. These are some serious numbers and this is a good thing.

Taylor noted that there will be a lot of traffic related to this. NW 12th will be more highly used. There are two railroad crossings. He has contacted Nebraska Dept. Of Roads as well as the city about these crossings. It is unsafe right now.

Carroll stated that Lincoln looked to the future for this technology park and this is a good reason.

Motion for a finding of conformance carried 9-0: Gaylor Baird, Carroll, Cornelius, Esseks, Francis, Larson, Partington, Sunderman and Taylor voting 'yes'. This is a recommendation to the City Council.

USE PERMIT NO. 80B

ACTION BY PLANNING COMMISSION:

July 30, 2008

Larson moved approval of the staff recommendation of conditional approval, seconded by Gaylor Baird and carried 9-0: Gaylor Baird, Carroll, Cornelius, Esseks, Francis, Larson, Partington, Sunderman and Taylor voting 'yes'. This is final action unless appealed to the City Council within 14 days.

CHANGE OF ZONE NO. 08037
FROM R-7 RESIDENTIAL DISTRICT
TO O-1 OFFICE DISTRICT,
ON PROPERTY GENERALLY LOCATED
AT S. 10TH STREET AND G STREET.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 30, 2008

Members present: Gaylor Baird, Carroll, Cornelius, Esseks, Francis, Larson, Partington, Sunderman and Taylor.

Ex Parte Communications: None

Staff recommendation: Approval

Staff presentation: **Christy Eichorn of Planning staff** stated that the applicant has told Planning she would like to put Law offices on this corner. The surrounding area is the County/City Building. North of this property is a landmark special permit. There is O-1 zoning to the east and west. Because of the location of O-1 on either side of the County/City building, staff felt that this is a reasonable request.

Esseks questioned the hours of operation. Eichorn replied the applicant is better to answer that question.

Taylor wondered if R-8 zoning would accommodate this office use. Eichorn doesn't believe that would work for this applicant.

Proponents

1. **Joy Shiffermiller** stated that her office is currently located at 3930 South St. She has entered into a contract to purchase this property conditional on obtaining the zoning to use it as a law office. There are two other lawyers in her current office. She is requesting a change to O-1 zoning. Normally, her office hours are from 8:00 a.m. to 5:00 p.m. She has seen this property on several different occasions. This building has sat vacant for at least a year and a half. It had been previously utilized as a rental. On the same block, there is

a restaurant, a technology business and an apartment building. She could use R-8 zoning if she lived in the building and used it as a law office. She does not plan to live in the same building. She has already obtained estimates for a parking area. She would like to form a small courtyard area. This would improve the appearance. She believes this would be an ideal location for her to go to and from court.

Esseks stated there are residential uses to the east. Shiffermiller noted those are south and to the east. There is an apartment building to the north that takes up the north half of the lot. To the east is a multi-family apartment building.

Esseks questioned if the applicant has any plans for buffering. Shiffermiller stated the property to the east has a brick wall. She has talked to the landowner to the north. That building has a large parking lot in-between the lot line and the structure. There has been some talk about purchasing that property to possibly expand the parking for this building.

Francis questioned how many employees and clients there will be on a daily basis. Shiffermiller replied that besides herself, there is another attorney, a full-time employee, a part time receptionist who works 2 hours a days and a part time law clerk who works about 15 hours a week. It is hard to gauge how many clients she sees in a day. Some clients are at the County/City building and others are juveniles who are visited in facilities. There are parking meters available in the immediate area.

Opposition

1. Steve Osborn, 931 "G" St. His dad bought this apartment complex many years ago. There have been a lot of problems with "G" St. The new jail was built and the one way direction of "H" St. was changed. The first three to four feet of the corner is being smashed by semi trucks and buses. "G" St. is a narrow street. The city decided that "G" St. should have no parking between 9th St. and 10th St. on the north side. There are many apartment complexes in the area. Currently, his tenants can only park on the south side of "G" St. Everyone is always trying to find a place to park. "G" St. needs to be wider with parking on both sides.

Staff questions

Francis inquired about the parking stalls required for O-1 zoning. Eichorn believes it is one parking space per 1200 square feet. The applicant is required to have two parking stalls or she won't be able to obtain an occupancy permit.

Gaylor Baird questioned if there will be any streetscaping or landscaping for a buffer. Eichorn replied the applicant would have to meet the same design standards as everyone else. This is strictly a change of zone, she has not seen a site plan. There are many requirements the applicant would need to meet.

Response by the applicant

Shiffermiller presented a picture of the property. The existing driveway off of 10th St. goes to a garage. A parking area would be created on her property. This house is on the corner of 10th and "G" Streets.

ACTION BY THE PLANNING COMMISSION:

July 30, 2008

Francis moved approval, seconded by Taylor.

Francis thinks this is a good use for the building. She knows it has been vacant for one and a half years and this will be an improvement.

Motion for approval carried 9-0: Gaylor Baird, Carroll, Cornelius, Esseks, Francis, Larson, Partington, Sunderman and Taylor voting 'yes'. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 08034

WHISPERING MEADOWS COMMUNITY UNIT PLAN

ON PROPERTY GENERALLY LOCATED

AT SW 56TH STREET AND W. CLAIRE AVENUE.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 30, 2008

Members present: Gaylor Baird, Carroll, Cornelius, Esseks, Francis, Larson, Partington, Sunderman and Taylor.

Ex Parte Communications: None

Staff recommendation: Conditional Approval

Staff presentation: **Christy Eichorn of Planning staff** stated that in 1998, a special permit was approved on this property for a CUP called Timber Woods. This is for 238 dwelling units, 27 single family and 211 attached single family. This special permit makes a connection to "C" St. Some of the things that have been asked of the applicant is to make additional pedestrian connections off the cul-de-sac. Oxbow Drive on the north connection would be eliminated. There have been discussions on maintaining some form of access, perhaps an outlot. There would be 155 townhouse units on a portion for future development; however, the applicant is not ready to submit that plan yet.

Francis wanted to know the relationship of this property with the airport runways. Eichorn replied that there used to be a limitation on where lots could be placed, but in 2005 that limitation was lifted.

Gaylor Baird would like traffic patterns addressed. Eichorn replied that a traffic analysis was done in 1998. She understands there was opposition to coming off West "C" St. in 1998. Dennis Bartels of Public Works informed her that there wouldn't be peak trips above and beyond what is anticipated with residential development.

Partington believes the airport study reduced the noise level due to the fact that air traffic has been reduced. He questioned if the expansion of the airport would be limited by allowing this development due to the noise levels of the aircraft changes. Eichorn replied that the Airport Authority has reviewed this application and found residential development acceptable.

Marvin Krout, Planning Director stated that with final plats, there is submission of an aviation easement drafted by the Airport Authority. Staff talked with the airport on how they foresaw the future of the airport and whether this application would hamper their operations. The airport did not believe it would. They think the aviation easement gives them legal protection if their operations were to expand.

Esseks sees that seven lots are in the floodplain. He questioned why there is an option to raise the elevation or revise the lot configurations. Eichorn replied that Lots 18, 19, 20, a portion of Lot 2 and Lots 6, 7 and 8 have a portion in the floodplain. There is no regulation that says the lot cannot be in the floodplain. The homeowners would have to obtain flood insurance if this isn't raised out of the 100-year floodplain. There would be limitations on what could be placed in the floodplain – no sheds, playground equipment, etc.

Esseks questioned how much land would have to be given up in Outlot C. Eichorn could not accurately answer that question. The applicant has a nationwide flood permit. Watershed Management expressed to her that filling in the back part of these lots would most likely not have a significant impact on the floodplain.

Proponents

1. Peter Katt appeared on behalf of the applicant. He will try to address issues that were raised in the adjoining neighborhood. The Coddington Mill neighborhood to the east has sent in several letters. The area to the west has been platted. In regard to this development, the primary issues relate to Oxbow Court. Property to the north of Oxbow is not the same owner and not part of this application. They have spent about a year and a half trying to get Army Corp. of Engineers approval to make changes to the wetland area. In order to move this project forward, they have changed the wetlands to meet the Corp. of Engineers approval. They are having discussions with Watershed Management and the Natural Resources District to acquire conservation easements on the property to the north. That is not ready.

The applicant has one issue with the staff condition #1.1.2 - Eliminate OxBow Rd. Without

that public road, there is no public access to the parcel to the north. It becomes an unmarketable piece of property. If it remains a wetland, there still needs to be access to the property.

Francis has seen many different styles of properties in the neighborhood to the east. Modulares seem to be allowed amongst many other home types. Katt replied that the applicant is a home builder. This area will have built homes, not modular. The lot size is the same or larger than the existing houses. He believes this development will be complementary to the existing neighborhood.

Francis inquired what Katt anticipates with regard to the airport noise and floodplain issues. Katt replied that there are airport noise standards. They will follow all the existing standards. There are a number of homes already built in the area. He doesn't know what happens in the wetlands area. He thought the plan his client put together was a very good plan. His client can't do anything to that area without getting permission from the Army Corp. of Engineers. There are currently mosquitos and maintenance issues. This is in the urban environment and he thinks we need to realize how we take care of these areas is different. He is hopeful that after discussions with the NRD and the Corp., a permit can be obtained to take advantage of a nationwide permit to increase the function of this area. His client's goal is to improve this area.

Gaylor Baird noted a letter regarding runoff from the marsh area. Katt replied that they will meet all the city standards with regard to runoff. They won't make it any worse than it is today, but they can't make it better without permission from the Corp.

Esseks believes there will be considerably more traffic if the lots to the north would develop. He wondered why Oxbow Court couldn't be directed down to "A" St. Katt replied that the city is protective of their access points on arterial streets. These are all public roads and the road stub was designed to be connected to this area. He believes this development is appropriate for this area.

Taylor wondered if there has been opposition to the noise level and if the developer is going to do anything to inform potential purchasers that there will be aircraft noise. Katt doesn't believe anything extra special needs to be done. If you've been in the area, it's fairly obvious that there are airplanes flying over.

Cornelius questioned if there are plans to connect a possible townhouse development to "C" Street. Katt replied that the plan is to not connect that. There is a higher level of density to the west. Staff indicated to him that they were supportive of this higher density. The existing infrastructure is there. He thinks this finds a nice balance.

Carroll sees a preliminary design of a potential design to the north of Oxbow Rd. Katt believes there is clearly potential and this is a sizeable area. He thinks it makes the most sense at this point to keep the legal requirement of keeping Oxbow Rd. in. He doesn't think

this should be a future development issue. If this road is eliminated, then there is the question of what is the legal access to the north property? There is a statute that says if there is no legal access, the city has the obligation to build a public access. He thinks it is preferable to leave the access there for now.

Opposition

1. JoAnn Johnson, 2241 W. Millstone Rd., stated that the planes can be quite annoying to some people. She doesn't object to having a development to the west. There is a lot of property being developed to the south. There are people cutting through the neighborhood now trying to avoid Coddington and West "A" St. This is a family neighborhood. People continually speed. It seems that there are so many things going on to the west. She heard the developer bought a narrow lot to the west. It has not been maintained. She wants to know what is going to be done with it. The biggest issue is all the traffic cutting through the neighborhood and the congestion.

Esseks questioned S.W. 24th St. Johnson replied that SW. 24th St. is a residential street. It is hard to try and get onto West "A" St. It is unmanageable. She doesn't like the idea of the only access being onto West "C" St.

2. Krystal Gabel, 1208 S.W. 24th St. is concerned with the traffic and floodplain. There is runoff from the wetlands. This water makes its way into the Oxbow area. On West "C" St. at the stub, there is a 5.5 foot grade difference. Additional water is coming through the wetlands. There is a lower elevation on the property for this application. The property owner north of Coddington Mill was given a permit to raise their property. Their water backs up further into the Oxbow. She agrees that it needs to be managed by someone more knowledgeable. She doesn't disagree that this should be a developed area, but there is a lot of traffic that passes through this area in the morning. She believes that with the paving of SW. 27th St., there should be traffic control.

Staff questions

Partington noted that we consistently hear opposition to increased traffic. Dennis Bartels replied that both Coddington and West "A" are designated arterials. The problem is that the city does not have the funds to do a lot of needed improvements to the arterials, but staff recognizes the need to improve the arterial system in this area.

Esseks appreciates the street stub that was built. He questioned if Oxbow Court could be connected to "A" Street. Bartels replied that the city likes to control the number of access points onto an arterial. Someday this could be a four lane street. The subdivision ordinance right now allows 40 units on a cul-de-sac. This proposal has 25 units. There hasn't been a formal traffic study, but this proposal is single family dwellings.

Esseks questioned if S.W. 24th St. is a residential street. A letter from a neighbor states

that people park on both sides. Bartels replied that it is 27 feet wide like any other neighborhood street. You could put two or three times the density on this application area than is being proposed and still be within the current standards.

Francis wanted the grade question addressed. Bartels believes the applicant will have to fill to accommodate the grade difference. He would foresee the drainage study for Coddington Mill as similar to what would be needed for this development.

Gaylor Baird noted the request to waive lot requirements was met with a recommendation of approval by staff. Eichorn replied that staff felt it would be appropriate to have a little higher density to the west.

Eichorn addressed the Oxbow question. The area to the north has already been deeded off to another owner. There needs to be access. Perhaps Condition #1.1.2 could be modified to add a 20 foot outlot between Lots 1 and 2 for a common access easement.

Taylor believes the applicant is requesting this condition be eliminated. Eichorn concurred, but staff does not believe this is developable land. The Comprehensive Plan talks about street connections but also makes provisions for an environmental asset to the community and possible waivers.

Response by the applicant

Katt stated that they are proposing detention on Outlot D to the north of the wetlands that are not part of this application. That will take care of any additional problems. He is proposing that if a solution can be worked out to the oxbow, there won't be any further problems. Public Works has said the level of traffic impacts from this development are lower than what one would expect in this area. There is a lack of funding by the city. One could argue that with impact fees, the timing of road improvements might actually improve. He questioned where the lawful public access will be if the access into the oxbow is eliminated. Parcels cannot be isolated from public access just when it meets the convenience of the city. As the issues are worked through, he would guess the likelihood this area can ever be developed is not very likely. The road can be vacated in the future if it is not needed. He would like the road to stay.

Francis would like Katt to address the eastern lot that was purchased. Katt stated that when they started the 404 permit process about one and a half years ago, his client bought a lot to the east so utility connections could be made if the area was ever developable. The new property owners of this development would not have access to the private lake. He is not aware of how that could ever happen. Katt doesn't believe the road stub issue is a huge one.

Esseks wondered if the space could be used as a park. Katt replied there would have to

be a wetland crossing to get to the upland area. There may be a lesser crossing standard that would apply to a recreational area as opposed to development. There are a lot of conversations yet to have regarding this area. He thinks maintaining a stub into the area leaves a greater likelihood for some type of use for this area. He wondered how the NRD is going to get into this area without a public access point.

Taylor clarified that Katt would like Condition #1.1.2 eliminated. Katt replied he was correct.

ACTION BY THE PLANNING COMMISSION:

July 30, 2008

Taylor moved approval of the staff recommendation of conditional approval with elimination of Condition #1.1.2, seconded by Sunderman.

Taylor applauds the developer for making a challenging situation work. This is not an easy area to work with. He believes the oxbow area needs to be put to some meaningful use. He acknowledges that the traffic at Coddington and West "A" St. is taking quite a load at the moment. It is just something that needs to be dealt with.

Sunderman agreed that traffic on West "C" would be greater, but he doesn't believe it would be any more than what is happening in other places. He doesn't want to see the oxbow filled in, but without access, it would be lost. He sees restrictions on wetlands as getting tighter and sees any development in the oxbow area as very slim.

Partington questioned the city's idea for access. Eichorn replied that the lots could be turned to face West "C" St. and the equivalent of an alleyway created. There would be access but not a connection.

Carroll stated there is the option of making the street an outlot.

Esseks understands that the wetlands need to be protected but there needs to be access. He is torn.

Taylor would hope there is some way to highlight the wetlands area to its proper use and value.

Larson agreed with the motion to eliminate Condition #1.1.2. He doesn't see wetland restrictions being loosened in the future. He is not worried about expansion of housing into the area.

Gaylor Baird doesn't see why the lots can't be turned around with an access easement. Francis agreed.

Esseks thinks it is conceivable for technology to have a street over there. He is trying to leave open the option to have a few houses to the far north.

Carroll made a motion to amend the main motion, by amending Condition #1.1.2 to create an outlet for access to the north property instead of a road, seconded by Partington.

1.1.2 Eliminate Oxbow Road and ~~align Lots 1 and 2 Block 4 along~~ provide an access outlet from West C Court Street to the oxbow.

Carroll would prefer to see access as an outlet instead of a street which seems to give an indication of further development.

Sunderman would prefer to leave the road as it is. There is potential for the property to the north and east.

Motion to amend carried 8-1: Gaylor Baird, Carroll, Cornelius, Esseks, Francis, Larson, Partington and Taylor voting 'yes'; Sunderman voting 'no'.

Main motion for staff recommendation of conditional approval, as amended, carried 9-0: Gaylor Baird, Carroll, Cornelius, Esseks, Francis, Larson, Partington, Sunderman and Taylor voting 'yes'. This is final action unless appealed to the City Council within 14 days.

There being no further business, the meeting was adjourned at 3:20 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on August 13, 2008.