

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, February 20, 2013, 1:00 p.m., Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Leirion Gaylor Baird, Michael Cornelius, Tracy Corr, Chris Hove, Jeanelle Lust, Dennis Scheer, Lynn Sunderman and Ken Weber (Wendy Francis absent); Marvin Krout, Steve Henrichsen, Brian Will, Paul Barnes, Jean Preister and Teresa McKinstry of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Meeting

Chair Michael Cornelius called the meeting to order and acknowledged the posting of the Open Meetings Act in the back of the room.

Cornelius requested a motion approving the minutes for the regular meeting held January 23, 2013. Motion for approval made by Lust, seconded by Hove and carried 8-0: Gaylor Baird, Cornelius, Corr, Hove, Lust, Scheer, Sunderman and Weber voting 'yes'; Francis absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

February 20, 2013

Members present: Gaylor Baird, Cornelius, Corr, Hove, Lust, Scheer, Sunderman and Weber; Francis absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 13003 and SPECIAL PERMIT NO. 13001.**

There were no ex parte communications disclosed.

Lust moved approval of the Consent Agenda, seconded by Weber and carried 8-0: Gaylor Baird, Cornelius, Corr, Hove, Lust, Scheer, Sunderman and Weber voting 'yes'; Francis absent.

Note: This is final action on Special Permit No. 13001, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days.

**COUNTY CHANGE OF ZONE NO. 12038,
FROM AG AGRICULTURAL DISTRICT TO
AGR AGRICULTURAL RESIDENTIAL DISTRICT,
ON PROPERTY GENERALLY LOCATED AT
N.W. 126TH STREET AND W. BLUFF ROAD.**

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: February 20, 2013

Members present: Weber, Corr, Gaylor Baird, Hove, Scheer, Sunderman, Lust and Cornelius; Francis absent.

The Clerk announced that the applicant has requested an additional deferral of the public hearing until April 17, 2013.

Hove moved to defer, seconded by Lust, with continued public hearing and action scheduled for Wednesday, April 17, 2013, at 1:00 p.m. Motion carried 8-0: Weber, Corr, Gaylor Baird, Hove, Scheer, Sunderman, Lust and Cornelius voting 'yes'; Francis absent.

**SPECIAL PERMIT NO. 13006,
SCOUT'S TOWER ADDITION COMMUNITY UNIT PLAN,
ON PROPERTY GENERALLY LOCATED
AT S.W. 8TH STREET AND W. ROSE STREET.**

PUBLIC HEARING BEFORE PLANNING COMMISSION: February 20, 2013

Members present: Weber, Corr, Gaylor Baird, Hove, Scheer, Sunderman, Lust and Cornelius; Francis absent.

There were no ex parte communications disclosed.

Staff recommendation: Conditional approval, as revised on February 20, 2013.

Staff presentation: **Paul Barnes of Planning staff** explained that this is request for a special permit for a community unit plan known as Scout's Tower Addition, generally located at S.W. 8th Street and W. Rose Street, encompassing approximately 4.5 acres. The property is currently split-zoned with R-2 on the north and R-3 on the south. The CUP request would allow for 20 dwelling units with requested waivers and modifications to the front yard setbacks, storm water detention and recreation facility.

Barnes then explained the requested waivers on the site plan:

Lots 2 and 9 are currently zoned R-2 and require 25' front yard setback. They are corner lots and require that setback both on S.W. 8th Street and S. Folsom, in addition to the new Tower Hill Road. The request for these two corner lots is to reduce the setback from 25' to 10'.

The front yard setback on Tower Hill Road for Lot 2, Block 2, requires 20'. The applicant is requesting a reduction to 10'.

The applicant is requesting to reduce the front yard setbacks for Lots 1 and 2 in Block 1 facing S.W. 8th Street, and also Lots 9 and 10, Block 1, facing S. Folsom. Again, R-2 requires 25' front yard setback and the request on these streets is to reduce to 20'. This would match the required front yard setback on the lots to the south in R-3.

The required front yard setback for Lot 2, Block 2, in R-3 is 20'. The applicant is requesting a reduction to 10'.

There is a request to reduce the front yard setback for Lots 3-8, Block 1, from 25' to 20', matching the R-3 zoning district on the south.

The waivers of the recreational facility and stormwater detention facilities have been recommended for approval by the Parks Department and Public Works & Utilities, respectively.

Barnes noted that the Commission received two letters from neighbors to the south expressing concerns about future stormwater runoff and drainage, which Dennis Bartels of Public Works will address.

Barnes stated that the staff is recommending approval of the reduction of the front yard setbacks, with the condition that design standards be added for the three corner lots. The request to reduce essentially half of the front yard setback along Tower Hill Road is something we look at in terms of good neighborhood design and would add design standards. The proposed design standards come from the Neighborhood Design Standards and the R-3 small lot design standards, with modifications.

Barnes then submitted a motion to amend the conditions of approval based upon communication with the developer's attorney regarding the proposed design standards as follows:

1.1 Add a note to the plan which states:

"This note shall apply to Lots 2 & 9, Block 1 and Lot 2, Block 2 only. The front yard setback along Tower Hill Road is 20 feet for Lots 2 & 9, Block 1, and Lot 2, Block 2. ~~The Planning Director may reduce the front yard on Tower Hill Road~~ may be reduced up to 10 feet for Lots 2 & 9, Block 1, and Lot 2, Block 2, upon ~~approval of a future administrative amendment that provides justification for the reduced setback and building elevations for each lot.~~ approval of a future administrative amendment that provides justification for the reduced setback and building elevations for each lot. ~~The building elevations must meeting~~ meeting the following design standards at the time of building permit:

1. Building elevations facing Tower Hill Road shall provide a minimum of two window openings per story.
2. Facades over 50 feet in length which face Tower Hill Road shall provide a minimum of two of the following variations: change in vertical plane, materials, colors, and/or textures. The individual variations selected may not individually total less than ~~40%~~ 30% of the total facade. Windows, garage doors and the roof are not counted as part of the Tower Hill facade, but all remaining surface must be included.
3. The minimum setback for any garage doors facing Tower Hill Road shall remain at 20 feet, and garage doors will not occupy more than 40% of the length of the Tower Hill Road facade.
4. ~~The Planning Director may approve additional design requirements to address the visual impact of the reduced setback.~~

Dennis Bartels of Public Works addressed the concerns in the letters from the property owners concerned about drainage. He did call the two individuals earlier this week because they had not really seen the site plan. They just know that they have had some problems which were occurring in the lots about one-third of the way east between S.W. 8th Street and S. Folsom Street. Bartels explained that presently, the drainage off of this site starts just north of the north property line of this CUP and drains pretty much straight south into these lots. He has concluded from the grading plan that the developer's engineer prepared, that when Tower Hill Road is constructed down the middle of that site, all of the drainage from the north will be intercepted by the street because it continues downward between S.W. 8th and S. Folsom. The lots on the south side of the road will be drained so that the front yard area will be drained to the street. It is Bartels' opinion that there will actually be a reduction of one-half to two-thirds in the drainage coming to these neighbors.

In addition, Bartels advised that the developer's engineer has agreed to discuss a berm along that south property line to keep the drainage going further east rather than north into these lots.

In summary, Bartels suggested that this plat is not making the drainage problem any worse and he believes the grading plan as presented actually improves the situation. There will still be open ditch drainage under Folsom Street. He stated that the waiver of detention has little or nothing to do with the property of the property owners who have expressed concern about the drainage.

Scheer confirmed with Bartels that the only impact of any drainage after development would be part of a rear yard and maybe part of a roof, which may or may not even occur. Bartels agreed that to be his conclusion.

Bartels reiterated that he has suggested that the engineer consider a berm along the south property line and the developer has agreed with this condition of approval, i.e. to work with Public Works to add a little extra protection.

Proponents

1. Mark Hunzeker appeared on behalf of the applicant. This is an infill project which is roughly the equivalent of two square lots of single family homes. The site is somewhat constrained by the width. By the time you take the 60' public street out, the depth of the lot becomes a little shorter than we would like, especially when you reach the intersections of Tower Hill Road, Folsom Street and A Street. The desire is to face some lots towards those two streets to blend in with the existing housing.

With respect to the setback waivers and design standards, Hunzeker stated that the applicant agrees with the staff report, as revised. He acknowledged that he has also spoken with Bartels about the drainage issue. The applicant must submit a revised drainage study and they will be working on the construction of a small berm along the south side of the property where it affects the property owners who have raised an objection, at least far enough east that it runs into a depressed area and should not be a problem. Hunzeker believes that this development is going to improve the situation that exists today rather than make it worse.

Public Comment

1. Jim Wunderlich, 14817 S. 25th Street, Roca, inquired about the location of the berm. He owns the property to the east. Bartels offered to visit with Wunderlich.

Response by the Applicant

Hunzeker stated that when he spoke to Bartels, they talked about the area for the berm being southwest of the entire site, i.e. the lots in the west one-third to one-half of the subdivision as opposed to the lots owned by Mr. Wunderlich.

ACTION BY PLANNING COMMISSION:

February 20, 2013

Lust moved to approve the staff recommendation of conditional approval, as revised today, seconded by Scheer.

Lust believes this is a good project for infill and redevelopment in the City. She also expressed appreciation to Barnes for such a clear and understandable presentation.

Cornelius agreed. This is in keeping with the spirit of LPlan 2040 with use of land in the City. The use of smaller lots is also an interesting touch.

Motion for conditional approval, as revised, carried 8-0: Weber, Corr, Gaylor Baird, Hove, Scheer, Sunderman, Lust and Cornelius voting 'yes'; Francis absent. This is final action, unless appealed to the City Council within 14 days.

There being no further business, the meeting was adjourned at 1:25 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on March 6, 2013.

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