

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, April 17, 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; Marvin Krout, Brian Will, Sara Hartzell, 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 April 3, 2013. Motion for approval made by Sunderman, seconded by Lust and carried 7-0: Gaylor Baird, Cornelius, Corr, Hove, Lust, Scheer and Sunderman voting 'yes'; Weber absent at time of vote; Francis resigned.

CONSENT AGENDA **PUBLIC HEARING & ADMINISTRATIVE ACTION** **BEFORE PLANNING COMMISSION:**

April 17, 2013

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

The Consent Agenda consisted of the following items: **PRELIMINARY PLAT NO. 13002, Cedar Cove Townhomes 1st Addition.**

There were no ex parte communications disclosed.

Lust moved approval of the Consent Agenda, seconded by Sunderman and carried 7-0: Gaylor Baird, Cornelius, Corr, Hove, Lust, Scheer and Sunderman; Weber absent at time of vote.

Note: This is final action on Preliminary Plat No. 13002, 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 AGRICULTURE DISTRICT TO
AGR AGRICULTURE RESIDENTIAL DISTRICT,
ON PROPERTY GENERALLY LOCATED
AT N.W. 126TH STREET AND W. BLUFF ROAD.**

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: April 17, 2013

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

The Clerk announced that the applicant has requested continued deferral of the public hearing on this application.

Sara Hartzell of Planning staff explained that the staff has discussed with the applicant the likelihood of requiring a community unit plan or preliminary plat along with this change of zone request because the property is oddly shaped and there are concerns about access to the property. The applicant has agreed to provide that information but has not yet submitted an official application. The applicant has also moved to Florida and the property is up for sale. The applicant's request for deferral did not include a date certain and the staff has been unable to communicate with the applicant about a specific date. Therefore, Hartzell suggested that this public hearing be deferral until May 29, 2013.

Lust moved to defer, with continued public hearing and action scheduled for May 29, 2013, seconded by Gaylor Baird and carried 8-0: Sunderman, Corr, Gaylor Baird, Weber, Hove, Lust, Scheer and Cornelius voting 'yes'.

There was no other public testimony.

**ANNEXATION NO. 12005;
CHANGE OF ZONE NO. 12030,
FROM AG AGRICULTURE DISTRICT AND R-3 PUD DISTRICT
TO R-3 RESIDENTIAL DISTRICT;
AND
SPECIAL PERMIT NO. 12034,
GRANDVIEW ESTATES COMMUNITY UNIT PLAN,
ON PROPERTY GENERALLY LOCATED
AT SOUTH 70TH STREET AND COUNTRYVIEW ROAD.**

PUBLIC HEARING BEFORE PLANNING COMMISSION: April 17, 2013

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

There were no ex parte communications disclosed.

Staff recommendation: Conditional approval of the annexation; approval of the change of zone; and conditional approval of the special permit.

Staff presentation: **Brian Will of Planning staff** explained that each of these applications has a different legal description. The larger irregular tract is the area of the annexation request. The change of zone request from AG to R-3 includes the annexation area and also brings in a few smaller adjacent parcels from The Woodlands at Yankee Hill PUD, with some land swapping going on. The property zoned R-3 PUD needs to be changed to R-3. The community unit plan covers the entire area.

Relative to the change of zone and annexation, Will stated that staff is recommending approval, finding that the change of zone to R-3 is consistent with the Future Land Use Map of the 2040 Comprehensive Plan, which designates future residential land uses in this area. Staff also finds that the full range of municipal services can be provided to this area.

With regard to the community unit plan, Will explained that there is an issue relative to providing water service, so there will be an interim solution. Normally, the goal for utilities for a development like this would be a loop system. As this property is developing, the adjacent Woodlands at Yankee Hill was also recently annexed and rezoned. This development can make a connection to the utilities in The Woodlands, but that is the only place they can make connection to water until other development occurs. There are two solutions: 1) they can connect to the property to the east as it develops, or 2) they can extend a main in South 70th Street. Public Works has reviewed this issue, and given there are only 60 lots involved with new development and new infrastructure, the likelihood of failure in the interim is relatively low.

Will stated that there are no waivers or exceptions being requested in the community unit plan. The CUP is being proposed because there is some property between this development and the intersection of 70th & Rokeby Road which talks about proposed future apartments. This CUP provides some excess density that can be used in the future for apartments. Otherwise, this is a fairly straight forward, routine lot and block layout.

Staff is recommending approval of this application subject to the conditions in the staff report.

Lust inquired about the finger of property to the north that is included in the change of zone. Will explained that there is an outlot there that extends up to the street. It is already platted that way. Unless they were to subdivide and split it off, it comes with the rest of the outlot. Lust noted that typically we do not like to have just one little property zoned differently than the surrounding property. Will clarified that it is all R-3 zoning. The only distinction is PUD versus CUP, but both are zoned R-3.

Weber expressed concern about the roads. This is going to be a pretty good sized development with traffic from the south and he is concerned about 70th Street being two-lane from Yankee Hill Road to Rokeby Road. At what point and who is responsible for widening the streets to this development? Will pointed out that Public Works is requesting temporary turn lanes for the intersection on 70th Street. This is a two-lane county asphalt road at this point in time, which is deemed to be adequate for this small development. As other development occurs to the south, it may not be adequate. Will also pointed out that improvements for arterial streets are a function of the CIP and that is an improvement that would be funded through the CIP; however, it is not currently a part of the CIP. With the installation of the temporary turn lanes at the developer's cost, this development did not rise to that level of impact to require those improvements. Weber was hoping not to have a two-lane stretch burdened like it is on 56th Street from Rokeby Road to Old Cheney Road.

Corr confirmed that the developer is not putting in the water main on 70th Street now, just the connection to the previous development. Will agreed. The expense of installing the water main in 70th Street would be borne by the developer at this time if it were required to serve this development. That would be included in an annexation agreement, but it is not being required with this development.

Proponents

1. Mike Eckert of Civil Design Group appeared on behalf of **Rokeby Holdings, LLC**, the owner of the subject property. He advised that they originally submitted this application last October and backed up a little bit and did more cost estimates. Then there was a period where they looked at coming in with The Woodlands PUD. All of the property is R-3 zoning, and the primary purpose of the community unit plan is to serve notice to those neighbors that there could be multi-family or commercial on the north side of that road someday. The water issue is resolved. This will be the first of what is hoped to be successive phases of this land that go clear down to Rokeby Road and then over towards 84th Street. This is a current growth area in the Comprehensive Plan.

With regard to 70th Street, Eckert pointed out that it is considered an arterial, which has always been the obligation of the City. This project is 60 lots that will generate about \$275,000 in impact fees, about \$125,000 of which will be just for roads; the developer is paying for the temporary turn lanes in 70th Street, including right-hand turn lane for traffic coming from the south; this developer will put in all sewer and water lines and all interior roads. There is no direct cost to the city with this development. This development will bring tax revenue for LPS, the County and the City. This is another development that will generate property taxes and impact fees – he understands that 56th Street between Pine Lake Road and Old Cheney Road and between 70th Street and 84th Street seem to lag. We all need to work with the City on getting those funds for those widening improvements. In 10 years of impact fees, there has been \$15 million generated for road funds, with about \$12 million which appear to have been spent on

design. He believes that a lot of design has already been done on all those important roadways.

Gaylor Baird noted that this is one of a number of annexations that have come before the Commission, and she noted that the Fire Department is now giving a different take on noting that response times are compromised on the edge of the city. We are now seeing that the CIP includes a bond that is programming new stations. She asked Eckert for his perspective on this issue. From a developer standpoint, Eckert suggested that the developer takes the position that they are building everything and paying impact fees and permit fees. Their general perspective is that they contribute growth in tax base and that the elected and appointed officials need to decide how to best use the funds. He agrees that it is important to the developer and lot purchasers that those response times get addressed, but that will only be addressed by the CIP funding another fire station that is closer.

Gaylor Baird further commented that this is eventually a cost to the city. She asked Eckert whether this is a cost to the city that would help the developer do the work. Would more fire stations help support the growth of the city? Eckert, on behalf of this client and other developer clients, stated that traditionally it had never been an issue. There was never discussion about what needed to be done outside of the subdivisions until about the early 1990's when the city started asking for contributions from the developer. The taxpayers are going to have to pay for a fire station funded by a bond. He also pointed out that it costs more now to build roads and fire stations, but with Lincoln's traditional gravity based sewer policy and how it has helped the community to have fairly tight growth, the developer thinks there is enough growth in tax base that the City should be able to find the funds to build that fire station.

Weber stated that he is not targeting this particular project with his comments about the road situation. He is just looking at the big picture as development continues out there. He wants to make sure at some point the road issue is addressed and this seemed to be a good time to ask the question. Eckert agreed that it is a valid concern. The good news is that we have adjusted all of the grades in this development for the future grading. Public Works requires the development to match the future profiles for the roads. Weber is more concerned about the mile north. Eckert suggested that, hopefully, there will be continued impact fee contributions and as growth continues out there, that pot of money will swell and be able to provide for some of those improvements. Eckert pointed out that the developer is not in control of how the impact fee dollars are spent.

Eckert offered that with this development, they were able to adjust the basin line with some grading for the Rokeby Coalition, but when you go about ½ mile south of Rokeby Road, that all drains down into Wagon Train Lake. This is a little pocket that will develop and anything further south will be many, many, many years off. Thus, 70th

Street south of here and then Yankee Hill will not see the kind of traffic in the next quarter century that we have ended up with on 56th Street.

There was no testimony in opposition.

ANNEXATION NO. 12005

ACTION BY PLANNING COMMISSION:

April 17, 2013

Hove moved to approve the staff recommendation of conditional approval, seconded by Sunderman.

Gaylor Baird noted again that whenever there is an annexation request, Lincoln Fire & Rescue comments that response times are diminished at the edge. She believes that this body does have the responsibility to bring attention to that so that people can make informed choices. We are also seeing a change in the way the analysis is presented to the Commission, and there is no guarantee as to how the diminished response times will be resolved.

Hove agrees that the response times are an issue, but he believes that is a city issue as opposed to a developer issue and he thinks we are sending the wrong message to the developers and home builders by asking the question of the developer.

Gaylor Baird explained that she was not asking the developer to figure it out, but it does affect the work they do. Growth is important, and making sure that we are growing responsibly is important.

Cornelius suggested that this forum is a good place to go on the record and say to the City Council that we need to think about these services to serve these developments.

Hove can appreciate that if we ask the City planners those questions. He does not believe it is appropriate to ask the developer to answer that question since it is the city's issue.

Gaylor Baird believes the staff report did a nice job of pointing out the infrastructure for which the developer is taking responsibility.

Corr agreed with concern about fire response times. She is concerned that buyers do not understand that their response times will lag. She also hopes that people remember this when we are having a budget crisis and they do not want property taxes to increase. There is going to be a time when we need to have new fire stations for better response times. This causes her some pause.

Cornelius suggested that potential home buyers go in with the assumption that they are in a new part of the city and that the level of service will be commensurate with other

areas of the city. He believes it would be a surprise to a potential home owner to realize the response times are not what they expect. On the other hand, there is going to tend to be a lag – it seems like a no win situation. As a community, we would object to building fire stations that don't serve anything, but we don't want to build where there is not enough fire coverage. There is a little bit of "we'll build it and they will come". He is sympathetic to the argument that we really need to think about how we grow and extend these services, but he will support the motion.

Motion for conditional approval carried 8-0: Sunderman, Corr, Gaylor Baird, Weber, Hove, Lust, Scheer and Cornelius voting 'yes'. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 12030

ACTION BY PLANNING COMMISSION:

April 17, 2013

Hove moved approval, seconded by Weber and carried 8-0: Sunderman, Corr, Gaylor Baird, Weber, Hove, Lust, Scheer and Cornelius voting 'yes'. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 12034

ACTION BY PLANNING COMMISSION:

April 17, 2013

Hove moved to approve the staff recommendation of conditional approval, seconded by Sunderman and carried 8-0: Sunderman, Corr, Gaylor Baird, Weber, Hove, Lust, Scheer and Cornelius voting 'yes'. This is final action unless appealed to the City Council within 14 days.

**COUNTY SPECIAL PERMIT NO. 13011,
TO ALLOW A TEMPORARY MOBILE HOME FOR
RESIDENTIAL OCCUPANCY DURING CONSTRUCTION
OF A PERMANENT RESIDENCE, ON PROPERTY
GENERALLY LOCATED AT N.W. 112TH STREET AND
W. ROCK CREEK ROAD.**

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

April 17, 2013

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

There were no ex parte communications disclosed.

Staff recommendation: Conditional approval.

The Clerk reminded the Commission that this application was held over for continued public hearing to satisfy certain advertising requirements.

Proponents

1. **Ben Hain**, the applicant and owner was present. He stated that he is still very interested in carrying through with this special permit and building a home.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

April 17, 2013

Lust moved to approve the staff recommendation of conditional approval, seconded by Weber and carried 8-0: Sunderman, Corr, Gaylor Baird, Weber, Hove, Lust, Scheer and Cornelius voting 'yes'. This is final action unless appealed to the Lancaster County Board of Commissioners within 14 days.

There being no further business, the meeting was adjourned at 1:40 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on May 1, 2013.