

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, February 5, 2014, 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: Cathy Beecham, Michael Cornelius, Tracy Corr, Maja Harris, Jeanelle Lust, Dennis Scheer, Lynn Sunderman, Chris Hove and Ken Weber; Marvin Krout, Steve Henrichsen, Brian Will, Christy Eichorn, Brandon Garrett, Jean Preister and Teresa McKinstry of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Meeting

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

Lust requested a motion approving the minutes for the regular meeting held January 22, 2014. Cornelius moved approval, seconded by Beecham and carried 8-0: Beecham, Cornelius, Corr, Harris, Lust, Scheer, Sunderman and Weber voting 'yes'; Hove abstained.

There was no consent agenda.

**SPECIAL PERMIT NO. 985A,
AN AMENDMENT TO THE KESS KOVE COMMUNITY UNIT PLAN,
ON PROPERTY GENERALLY LOCATED
AT SOUTH 60TH STREET AND KESS DRIVE.**

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: February 5, 2014

Members present: Sunderman, Cornelius, Corr, Beecham, Harris, Weber, Hove, Scheer and Lust.

Staff recommendation: Conditional approval.

The Clerk announced that the applicant has submitted a written request for an additional two-week deferral of the public hearing.

Scheer moved to defer, with continued public hearing and action scheduled for Wednesday, February 19, 2014, seconded by Hove and carried 9-0: Sunderman, Cornelius, Corr, Beecham, Harris, Weber, Hove, Scheer and Lust voting 'yes'.

There was no public testimony.

**COMPREHENSIVE PLAN CONFORMANCE NO. 14001,
PROPOSED DECLARATION OF SURPLUS PROPERTY
GENERALLY LOCATED AT SUN VALLEY BOULEVARD
AND LINE DRIVE.
PUBLIC HEARING BEFORE PLANNING COMMISSION:**

February 5, 2015

Members present: Sunderman, Cornelius, Corr, Beecham, Harris, Weber, Hove, Scheer and Lust.

Staff recommendation: A finding of conformance with the Comprehensive Plan.

There were no ex parte communications disclosed.

Staff presentation: **Brandon Garrett of Planning staff** explained that the proposed declaration of surplus property consists of approximately 7.73 acres. The question before the Planning Commission is whether the declaration of surplus property is in conformance with the Comprehensive Plan. The property in question is the old Public Works maintenance building on Lot 2. Lot 1 has been used to store salt and sand. The building is currently vacant except for some temporary storage. Lot 1 is currently cleared of all materials except for the remaining pavement. Lot 1, which is the west lot, would be the proposed future location for the Breslow Ice Center.

Lust inquired what it means when the city surpluses property. Garrett explained that today's process only declares that the proposed declaration is in conformance with the Comprehensive Plan. If the Planning Commission agrees, the property is then eligible to be surplus and sold to private individuals. The property is not being sold by this action.

Jocelyn Golden, City Law Department, further explained that once the property is declared surplus, then the city would enter into a real estate purchase agreement with the potential buyer, which would be approved by City Council. The Law Department is now working on details of potential sale of both lots so there is nothing finalized and in place at this time. Sometimes the surplus and contract are approved by the City Council at the same time, but in this case it will only be the declaration of surplus property to start the process.

Hove inquired whether surplus property is sold at auction. Golden stated that typically, the city has a buyer in mind, and she was not knowledgeable about any auctioning. Rick Peo of City Law Department was not available for testimony on this question.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

February 5, 2014

Cornelius moved a finding of conformance with the Comprehensive Plan, seconded by Weber.

Cornelius agrees with the analysis presented in the staff report. This is an extension of a recreational area and that use is consistent with the designation in the Comprehensive Plan, and the uses called out in the Future Land Use plan include green space and public use, which would be the case as a recreational area.

Lust stated that she will support the motion. The city does a good job in declaring property as surplus when there is a buyer and reasonable opportunity for development of the property that the city is not otherwise using.

Motion for a finding of conformance carried 9-0: Sunderman, Cornelius, Corr, Beecham, Harris, Weber, Hove, Scheer and Lust voting 'yes'. This is a recommendation to the City Council.

**USE PERMIT NO. 149A,
TO RECONFIGURE THE BUILDING AND PARKING LAYOUT
ON PROPERTY GENERALLY LOCATED AT
SOUTH 27TH STREET AND JAMIE LANE.**

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: February 5, 2014

Members present: Sunderman, Cornelius, Corr, Beecham, Harris, Weber, Hove, Scheer and Lust.

Staff recommendation: Conditional approval, as revised on February 5, 2014.

There were no ex parte communications disclosed.

Staff presentation: **Christy Eichorn of Planning staff** explained that this application was on the consent agenda a few weeks ago. After the staff report was completed, the staff became aware of a property owner to the south that was concerned about the site plan. The applicant did make contact and has worked with that neighbor to come to a common understanding about the reduction of setbacks. The memo submitted by staff today represents the compromise between the neighbor and the applicant.

Eichorn further explained that the compromise would include changes to the staff report to show that the current approved square footage approved stays the same – there will be no increase in square footage. The setback on the south side of the property which was proposed to be reduced from 50 feet to 15 feet is now going to be reduced from 50 feet to 25 feet. In that setback there will be a berm, which already exists, and there is already landscaping on the berm. Any trees or shrubbery that need to be removed will not be

removed but will be moved to that 25' setback. It will be a denser landscape screen than today. The applicant has agreed to plant some additional evergreen trees and plantings.

Eichorn stated that the project is located on South 27th Street halfway between Yankee Hill Road and Grainger Parkway. The B-2 area is where Walmart was recently constructed with Jamie Lane dividing the Walmart property from the site to be developed. The R-4 to the south is apartments, so the buffer would be created along the south portion of the property line between the apartments and the commercial development. Everything else in the staff report remains the same.

Beecham asked staff to clarify Condition #1.8 to remove the liquor setback line. She assumes that this condition does not change any setbacks, but simply removes something from the plan that was confusing. Eichorn agreed. The original site plan showed a line identified as "liquor setback line", which was being used by the applicant to judge where doors on a restaurant would need to be located to meet the alcohol requirements. They now have a building envelope and setbacks so that line is not necessary to be on the site plan. The applicant is not asking for any waivers to the alcohol requirements.

Eichorn clarified that the only waiver being requested is to reduce the setback from 50 feet to 25 feet on the south property line and from 50 feet to 15 feet on the west property line.

Proponents

1. Mark Hunzeker appeared on behalf of **Kent Thompson**, the owner. Originally, there was a small misunderstanding about whether or not the site plan was acceptable to the abutting property owners. The applicant met with the concerned owners and worked out what Hunzeker believes to be a good compromise. This will put a very nice upscale building to the west of the existing bank building along 27th Street, and it will be very compatible with the apartment complex and enhance this area.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

February 5, 2014

Hove moved to approve the staff recommendation of conditional approval, as revised by memo dated February 5, 2014, seconded by Beecham.

Beecham believes that the current screening in place is very nice with the berm and the trees. Some additional screening will be a really nice solution to the development.

Lust commented that it is great when applicants are able to work out everything with the neighbors and it makes the process very smooth. She complimented the applicant for getting that accomplished.

Motion for conditional approval, as revised, carried 9-0: Sunderman, Cornelius, Corr, Beecham, Harris, Weber, Hove, Scheer and Lust voting 'yes'. This is a recommendation to the City Council.

There being no further business, the meeting was adjourned at 1:17 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on February 19, 2014.

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