MEETING RECORD

NAME OF GROUP:	PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING:	Wednesday, September 30, 2015, 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, Tracy Corr, Michael Cornelius, Maja V. Harris, Chris Hove, Jeanelle Lust, and Dennis Scheer Lynn Sunderman present; (Ken Weber absent); David Cary, Steve Henrichsen, Paul Barnes, Mike Brienzo, Geri Rorabaugh and Amy Huffman of the Planning Department; media and other interested citizens.
STATED PURPOSE OF MEETING:	Regular Planning Commission meeting

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

Hove requested a motion approving the minutes for the regular meeting held September 30, 2015. Beecham moved approval, seconded by Harris and carried 6-0: Beecham, Corr, Harris, Hove, Lust and Scheer voting 'yes'; Cornelius and Sunderman abstaining; Weber absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION: **September 30, 2015**

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

The Consent Agenda consisted of the following item: **TEXT AMENDMENT NO. 15020.**

There were no ex parte communications disclosed.

Beecham moved to approve the Consent Agenda, seconded by Cornelius and carried 8-0: Beecham , Cornelius, Corr, Harris, Hove, Lust, Scheer, and Sunderman, voting 'yes'; Weber absent.

COMPREHENSIVE PLAN CONFORMANCE NO. 15030
"LANCASTER COUNTY ROAD AND BRIDGE CONSTRUCTION PROGRAM FISCAL YEAR 2016 AND 2017-2021".
PUBLIC HEARING BEFORE PLANNING COMMISSION: **September 30, 2015**

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

Staff recommendation: Conformance with the Comprehensive Plan.

There were no ex parte communications disclosed.

Staff Presentation: **Mike Brienzo of the Planning Department** came forward to state this plan is developed every year based on programming of County funds and other funding sources to implement the County element of the Long Range Transportation Plan. This is an implementation tool that reflects the planning process undertaken in developing the Long Range Plan. The annual review of projects directs the County Engineer and the County Board in their decision making on projects to be undertaken in the upcoming year.

There is a one-year element and a five-year element. The focus is on the one-year element, though staff reviews the entire program for conformity, particularly with projects that are on standby. If there is an opportunity for additional funding or if another project is stalled, these standby projects can move forward. The County Board was very generous in programming additional funds for maintenance and other projects, so the funding has increased slightly. The City will be involved in the coordination of some of the projects along the fringe of City limits. The North 27th Street Project has been "red flagged" due to concern for potential environmental conflicts within that corridor, so the County Engineer was asked to be extra careful and cognizant of those issues. Overall, this program is in conformance.

Pam Dingman, Lancaster County Engineer, began by talking about the "true state" of County infrastructure. For the maintenance fund, she asked for and received a 50% increase in funding, stating that this is unheard of from the standpoint of a County budget. The reality is, that this reflects the state of the infrastructure. It is dramatically behind in roadway and bridge dollars. She thanked the board for having the leadership to find those badly needed funds.

Dingman went on to say that last spring, in the midst of a hopeful time about the projects that could be completed with the additional funds, the County flooded. Now the reality is that the additional monies will likely go to repairing roads and flood damage.

Dingman said that 1917 was the first time the County Engineer was required to provide a report reviewing work done in the last year and plans for work in the upcoming year. During that year, 7.2 miles of Lancaster County roads were paved for approximately $400,000; 5 concrete bridges were constructed; and 509 wooden bridges were repaired . What made that engineer ahead of his time is that in 1918, he urged the County Board to get away from using wooden structures. She showed an image of a wooden bridge on SW 91st Street south of Denton. This bridge was built in the 1970s and is in need of replacement, noting that it may become a trail corridor.

Dingman showed an image of Bridge M-23 on SW 140th Street, between A and O Streets an example for demonstrating how the County Engineer's office has been good stewards of the money they are given. This concrete, earth-filled, arch bridge is held in tension by a beam underneath. It was built in 1917 for $3,400 dollars. In 1985, when the road was widened, a deck was added on the bridge for $30,000 – noting how the County Engineer's Office took a 1917 bridge and brought it forward 98 years. It is now well past its useful life and any design life anyone would have anticipated. This bridge functioned somewhat well until the floods this year until which time, the spread footing was damaged and the only solution now is replacement. Prior to this event, this bridge was not even in the 1 & 6 Year Program.

Dingman went on to say that water overtops the 1940s era, 1st and Raymond Road Bridge in any rain event greater than a 5-year storm. This happens so frequently that when storms are forecast, barricades are dropped off beforehand in anticipation of the call that water is over the road. We are currently planning to replace this bridge. It is in the Salt Creek Tiger Beetle habitat with saline wetlands around it. It also has an endangered plant called "saltwort".

Dingman displayed a map of all areas damaged during the flooding of May and June of this year. There was road damage to over 1,800 locations and 28 structures were severely damaged. The most severely damaged bridge is H-207. It lost 25-30 feet of horizontal embankment. The County Engineer is currently working with multiple agencies to stabilize this bridge so that future storms do not damage it even more. At 134th Street near Waverly Road, water covered the road for more than a mile, for a significant period of time. This damaged the slab and created debris issues. At several points, plows were used to keep debris off the roads. Dingman went on to show several other specific examples of damage that occurred to bridges and roads as a result of the spring flooding. Various repairs and updates have been undertaken over the years but many of these were completely washed away. She stated it is important to understand that most of the construction items on the one year part of the program will not be constructed, despite the extra dollars. With that in mind, some of the major changes planned included the replacement of a bridge referred to as X-205, which has been on the list for over 10 years. Dingman noted that 80 bridges are past their useful life. To keep up, the County should have been replacing 5 bridges per year for the last 20 years.

For many of these projects, the Engineer's office is applying for Federal programs in order to assist the taxpayers. Lancaster County cannot handle a property tax increase in order to replace these. To replace this one bridge, we placed our money in a sinking fund for 5 years.

Dingman said another project on the one year program, hopefully in partnership with the State, is the mill and overlay of the area around Branched Oak and Wagon Train. If the State backs out due to their own funding issues, this project may get pushed off, which includes 7.2 miles of paving, including: 2 miles from Denton to the County Line, 3 miles from Old Cheney to the County line, 2 miles from Bluff Creek to the I-80 interchange done in a partnership with Waverly, and the overlay of Agnew Road at the north end of the county.

Dingman stated that paving occurs when a traffic count of 300 per day is reached. At that point, maintenance is needed multiple times a week. There are 30 miles of roads this year with traffic counts higher than 300. There are currently 272 miles of asphalt and 80 miles of that is in dramatic need of overlay in order to stabilize the infrastructure. This year, Van Dorn was disintegrating to a point at which it was crumbling back to gravel and dirt and sections required emergency repairs. The County needs to get to the point where the overlay is not being done as the road is simultaneously disintegrating, as this is way too late.

In this plan, 20 miles of asphalt is proposed. That will put a dent of about 25% out of the total. When this was presented to County Board, they asked if it would be enough to handle the problem if additional funds for maintenance were available for four years. The reality is, it would not, because as asphalt ages, it continues to need maintenance.

Dingman stated that looking forward to years two through six, one of the major changes she promised to make included cost justification of proposed projects. In the past, other County Engineers put anything constituents called about on the list of potential projects even though there is no reason to pave those areas, so some areas have been taken off the list. She noted that Saltillo Road was added to the list to add shoulders, as it is the most deadly road in the County. It will take a substantial amount of grading and the County will probably have to acquire some right-of-way. This should be a partnership between the County and City because the City is only around a mile away and, ultimately, this road will end up being in the City.

STAFF QUESTIONS:

Beecham asked about the process the County Engineer's Office goes through when faced with prioritization of the roads and bridges. Dingman replied that with asphalt, the County uses the Minnesota Department of Transportation inspection, which is a 10-point rating for

each road. If asphalt gets a good inspection, it may only need cracks repaired. It can reach a point of disintegration where overlay no longer makes sense because the damage is already too severe. There are roads that are on the edge of that point now. All roads are reinspected and photographed every year to document the progression.

Dingman said the State requires inspection of bridges. There is a list of bridges with areas of concern. County Engineer's offices has a team of three bridge inspectors and two engineers who are certified. After any significant event, bridges of concern are inspected to make sure they are still safe for the public. Each bridge has a rating and ranks on a priority list. Bridge C-91 is in the one year as a standby. It has been in the 1 & 6 for replacement since the late 1990s. It is humbling to look at the depth of the infrastructure crisis.

Beecham asked about factoring how many people traverse a certain road and alternative access roads. Dingman replied that traffic counts are done on all roads. County Engineer borrows sophisticated equipment from other agencies. Around Branched Oak, in addition to traffic counts, cores of the road were taken. It has 12 inches of solid material. That means the design can be backed off to a 2-inch mill and overlay design, which also helps environmentally. Around Wagon Train, there was two inches and the rest underneath had disintegrated, so that will require thicker asphalt.

Lust asked if it is fair to say that with infrastructure needs, the lack of repair and upkeep costs more in the long run than if it had been maintained. Dingman said it absolutely costs more.

Harris asked for more information about the potential hazards mentioned by Brienzo on N. 27th Street. Dingman agreed that it is a very sensitive environmental area. A number of protocols and criteria for dealing with environmental issues are now in place. This project has been on the standby list since 2012. Positive feedback was received from both state and federal agencies with regard to environmental certification. Generally this year, there will not be as much grading of roads since there are 26 miles that are graded and not paved. The goal is not to catch up on paving before continuing to spend resources on grading. The exception is N. 27th Street because the County Engineer's Office has worked on it for so long to get the environmental certifications, the grading needs to move forward. It may not get that far again.

ACTION BY PLANNING COMMISSION: September 30, 2015

Lust moved approval, seconded by Beecham.

Beecham stated she was lucky enough to tour the County Engineering facility and was impressed by the absolute dedication by the staff to stretching the dollar as far as it could go, to the point where of recycling and reusing supplies. She will support this finding of

conformance because she believes that if County Engineer has identified a real need, it can be trusted that there is a real need. They have done a great job of trying to use their dollar wisely and she doubts if there is any more excess that could be cut off.

Lust stated she will also vote for a finding of conformance with the Comprehensive Plan. However, it is troubling to vote for conformance when presented with funding that severely under funds what needs to be accomplished. In a sense, that makes it out of conformance due to that under funding. I do agree that the department is doing a remarkable job with the funds they are given, but it is unfortunate that it will cost more in the long term. This is the second year in a row where the County has been unable to do any bridge work when there are 80 bridges in desperate need of repair. At some point, it could become dangerous to the public. Lust complimented the County Board for attempting to find more funding.

Hove stated he will also support this finding.

Motion for a finding of conformance carried 8-0: Beecham, Cornelius, Harris, Corr, Scheer, Hove, Sunderman and Lust voting 'yes'; Weber absent. This is a recommendation to the Lancaster County Board of Commissioners.

SPECIAL PERMIT NO. 15043
CUP FOR ADDITIONAL 193-RESIDENTIAL APARTMENTS
WITH PARKING AND HEIGHT WAIVERS
ON PROPERTY GENERALLY LOCATED AT
NORTH 42ND STREET AND VINE STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION: **September 30, 2015**

Staff recommendation: Conditional Approval

Rorabaugh noted that Commissioner Scheer declared a conflict of interest on **Item 5.1,Special Permit No. 15043**; Scheer exited the chambers.

Members present: Beecham, Cornelius, Corr, Harris, Hove, Lust, and Sunderman; Scheer declaring Conflict of Interest; Weber absent.

There were no ex parte communications disclosed.

Staff Presentation: **Paul Barnes of Planning Staff** stated this is a request to develop a Community Unit Plan (CUP) located on the property that is owned today by Wyuka. The area includes land near the intersection of Vine Street to the north and 45th Street to the east.

This item first appeared on the agenda four weeks ago with two associated items, including a change of zone for the Tanglewood Apartments property to the south, which has now been approved by City Council, and a special permit for the existing broadcast tower, which will be relocated closer to a detention pond on the property.

Barnes said this is property is proposed to be developed in two phases. The first would be for 140 multifamily units. The second phase will occur when the broadcast tower goes away completely from the site and will allow for 58 additional units.

Barnes went on to say this site is impacted greatly by the detention pond, which has standing water. The flowage easement extends well beyond the area so much of this land cannot be developed with residential structures. Somewhat in response to that, there are waivers being requested. One is to the height. This is in R-4 District and the maximum height allowed is 35 feet. The structures are proposed to be 4 stories and go up to 48 feet in height. The second waiver has to do with parking. In this district, the requirement is for 2 spaces per unit. The applicant is asking for a reduction to 1.75 per unit. That requirement is similar to R-5 or R-6 district. These types of parking waivers are a common request with community unit plans, and this is an ideal site to use this, since there are unique circumstances for developing this property.

Barnes said that overall, as a site for multifamily development, this is appropriate and is supported by the Comprehensive Plan. It is currently zoned R-4 which is an urban density residential zoning. Staff looks at existing infrastructure to be utilized, surrounding commercial development and how it connects to adjacent sites. South of the detention pond is the Tanglewood Apartments. Staff recommends that a connection be made from the new development for both vehicles and pedestrians. Staff also looks at how the streetscape can be improved with new developments. In this case, the sidewalk along Vine Street will be moved off the back of the curb and trees and landscaping will be installed.

Barnes noted that there is also a right turn lane shown in to the driveway access to these apartments. There are some existing evergreen trees on the Wyuka property that will need to be removed to install that lane. Historic Preservation Commission was consulted to look at this project as a whole. They felt that the impact was minimal and they supported having the evergreens replanted once the turn lane was completed, so that was also a condition of approval.

Barnes said that in terms of connectivity, Planning recommends that a conceptual connection be shown across the property to the east, which is not included in this CUP because it is owned separately. Supporting connections across developments is an important development recommendation. In this case, this would not be installed at this time, but when the property to the east is developed.

Barnes also explained the revised Staff recommendation submitted this afternoon. The first is an amendment to the recommendation for setbacks. The Design Standards state that if the height of the multifamily building exceeds the height limit, the setback needs to be increased. The minimum needs to be 40 feet or the height of the building – in this case, 48 feet. If they met the height requirement, this increase would not apply.

Barnes said the second revision is the deviation request that was required for access onto Vine Street. There were a couple of factors, including the length of the right turn lane, and dealing with the left turn movement coming in to the development across the driveway. That request has been approved with conditions. The language is being worked out with Public Works, but Staff added to the plan now because it will impact development into the future.

Barnes said that the final revision addresses the east access across the neighboring property. The Planning Department sees this as an important part of the plan, but it is also conceptual. Shortly before this hearing, the applicant submitted a more detailed version that they ask this body to adopt as part of this review. This final note allows that to occur, but at the discretion of the Planning Director. That allows the department some time to coordinate with Public Works and the applicant to show that it is appropriate.

Beecham asked Barnes to address the parking waiver and potential overflow parking in more detail, since this is an area with less than the full area to work with due to drainage. Barnes said the parking requirement is what you would see in R-5 or R-6 Districts. That amount of density is still appropriate here. Density is taken off the unbuildable area when looking at how the parking could be adjusted to make this a viable development. There is a note to address where additional parking could be built in the future on the north and east of the site, if the needs of the parking increased. The tandem parking allows stalls to be counted in front of the garages. Seventy percent of these units will be one bedroom and the rest two, so it is unlikely you will exceed a maximum of two cars per unit. Again, this reduction is supported by staff.

Beecham asked for clarification about language describing parking “along” Vine Street. Barnes clarified there is no street parking on Vine Street or 45th Street.

Beecham went on to ask about connectivity to the Wyuka Cemetery to the west. This is such a unique area, bounded by major streets. It is important to look at connectivity and providing an experience for these residents. This also encourages use of historic resources. Barnes said the driveway access off of Vine will also connect south to the Tanglewood Apartments, both for vehicles and pedestrians. With the enhanced streetscape along Vine, anyone in the new complex or even Tanglewood could take the new sidewalk west to the Wyuka access, which is open to the public during the daytime and is only a block and a half away. Beecham reiterated that Tanglewood and Wyuka are next to each other, but there is no east/west connection. Barnes said that is correct.

Proponents:

1. Peter Katt, Baylor Evnen Law Firm, came forward on behalf of Wyuka. Tim Gergen, Project Engineer from Clark Enersen Partners, and Jerry Kavan, Project Manager from Slosburg Company were also on hand to answer questions.

Katt said the Slosburg's have a contract with Wyuka to purchase this property. Their input in creating this plan has been very good. In the big picture, this has been a project on Wyuka's horizon for several years while waiting for the tower lease to end. Relocating the tower to a less utilized site is a good solution. With modern technology, it will not have as big a footprint as it did. The Comprehensive Plan is supportive of taking advantage of existing infrastructure. This property has been off the tax roll and will now be added in, which is a positive result for the community as a whole.

Katt went on to address the condition. The adjoining property is owned by the Stuart Family and Mr. Kent Seacrest is their legal representative. There have been ongoing discussions about how to accommodate that property. There is one open issue that has to do with the conceptual drive. It is not technically part of this site plan, but we accommodated the staff request to show it on the drawing. On the original drawing, the drive is shown as slightly skewed. Everyone agreed it should be directly opposite from the site across 45th Street. Mr. Seacrest requested that it be reoriented on the conceptual plan to make it 90 degrees so the drawing is slightly different.

Katt said that a commitment was made to the other party to submit an alternative and a request is being made for a slight amendment to the Staff recommendation. It reads as follows: Change Condition 2.16 to read "add a condition that the revised site plan to be submitted show the minor adjustments to the conceptual S. 45th Street access across the adjoining property, as shown on 'Exhibit A'". So this would obligate the applicant, Wyuka, to indicate this 90 degree drive across the Stuart property. Mr. Katt stated that in his opinion, the design is still conceptual and nothing will be built on it until they are ready.

Hove asked if this amendment has been discussed with staff. Katt said it has, but he not believe that they support the wording change. In general, they appear to be saying that it really does not matter since it is not part of this site plan, but they do not want it to appear to be any sort of approval where someone could build that drive in the future. From the perspective of the applicant, showing this conceptual drive obligates no one to that design.

Lust asked if this amendment is not approved, if the end result is simply that Mr. Seacrest is mad. She wondered what the difference is getting Planning Director's approval and what the applicant is now proposing. Mr. Katt said that is probably the difference, that a commitment

was made to the other party. He committed to make and support this reasonable request of the adjoining property owner. It does not harm the City at all using this language as opposed to staff's recommendation. Lust asked if it is the adjoining owner that wants this. Katt said yes, and he is in support of it.

Hove asked if he would be opposed to having the Planning Director approve it. Katt responded that he is in support of the language that he submitted. Hove said that is not what he asked. Katt replied that he wants to honor his commitment to Mr. Seacrest that the language be approved as he proposed. Mr. Seacrest was unable to remain here to advance his position.

Corr wondered if a decision was made either way, if the end result is the same. Katt said that is correct. Nothing is being approved for construction as part of this submission.

Beecham requested to see the language being submitted.

Corr said she noticed on the original application letter, it mentioned making a connection to the Wyuka property, but now there is not one shown. Katt said there is not. He believes the connection referenced was between the existing Tanglewood and Wyuka properties, not necessarily the new development. Corr said that it did talk about the Tanglewood to Wyuka connection and then went further and mentioned an additional connection. Katt said Wyuka had discussions about this. This is the back side of their property and there are facilities there that need to be kept secure and so another access point in undesirable. The cemetery is open during certain hours when people are there to control the entryways.

Beecham asked if the other access points are locked. Katt said they are open for certain hours and then locked and that is how Wyuka controls access. Beecham asked if there is anyone from Wyuka in attendance. Katt said he represents them.

Beecham said that she recognizes that a connectivity point from Tanglewood to Wyuka is outside the scope of this but at some point in the future a pedestrian access would enhance life for the residents and be a benefit to Wyuka, which was created was as an outdoor space. She is a fan of using the historic features around the community. If the fence ever needed repairs, she would love to see even a small dirt path between the two properties. Katt said those discussions occurred between the new property owner and Wyuka because new fencing is required at the north end. The issue from Wyuka's side will be security and control of access. Beecham said that she understands but believes they will end up gaining public awareness and support. She stated she is sharing this idea in the hopes that it will be passed along. Katt said he would pass the idea along to Wyuka. They are very proud of what they have and they like people to use it. The Board of Trustees is very cognizant of providing the community with all of the access they can to enjoying the beautiful grounds, and they try to balance that with security and their ability to staff and protect it.

Harris noted that the applicant is requesting a fairly significant height waiver and wondered if there is any architecturally pleasing elements that require the extra height, or if it is just a matter of fitting a certain number of dwelling units into the structure.

2. Tim Gergen, Enersen Partners, came forward to reply that it is a 4-story structure with a residential style including a pitched roof.

Harris asked if outside of the pitched roof will be a straight line or if there will be undulations.

3. Jerry Kavan, Slosburg Company, came forward and corrected Gergen, stating that the roof will be flat. There will be about 12 feet per floor with 10-foot ceilings inside the units. He showed illustrations of building designs used by Slosburg in other communities.

Beecham said seeing the elevations is helpful because even though Vine is a wider street, this is a big height difference from surrounding structures.

Corr added that there are single story homes across the street.

Kavan said Slosburg Company has been part of the Lincoln community since the late 1980s and has developed four residential and to retail projects. One is at 70th and Pioneers, the
Hy-Vee store and 15 acres of apartments surrounding it. This development was mentioned by the City as an example of a neighborhood development. He went on to list other locations throughout Lincoln developed and owned by Slosburg Company. Slosburg Company is a 5th generation family held company. They buy properties and develop them for their own use and do not sell them off. They are also currently developing in four more cities. Kavan showed examples of multiifamily units built in other communities. Kavan went on to address comments about parking ratios. Most of the examples shown today are around 1.6 cars per unit. With the 70% one bedroom plan, there are many career professionals and empty nesters, so that parking balance works well for this type of development. When the area of the detention pond is taken out, we are really left with an R-5 or R-6 zoning element. The challenge is to get enough units into the space to make it viable and balance that with the amount of parking. To get the number of units that would fit on the ground level, the building had to go to four stories. That is still less than what is allowable in the district, but we could not get to that number with the amount of land carved out for the radio tower.

Corr asked which design among the examples shown might be most similar to the design for this site. Kavan said it might be closest to a flat-roofed, 4-story Tuscany project shown. The exterior will incorporate brick for a few stories.

Gergen said the city has a design standard requirement for one foot of setback for every foot of height for the building, so in this case, it would be 48 feet. The site plan right now is showing about 80 feet of setback. It was important to the applicant to respect the neighborhood, so this is much farther back than what is required by City criteria.

Corr asked 80 feet from which street. Gergen said from the property line, so from Vine Street and the neighboring property to the east. Corr went on to ask for clarification about the buildings shown in the submitted site map. Gergen showed the footprints of each building and explained the use of each. Corr asked if neighborhood meetings were held with the neighbors across Vine Street to the north and stated she assumes they were notified of the applications. Gergen said that at the first meeting regarding the tower, one neighbor came in support.

Beecham asked about the materials used at the back of the garage buildings. Kavan said on that type of building they would typically use brick up to the eaves and gables facing the street. They believe strongly in a lot of brick and strong, classic, architectural styling. Because they own the properties, they want them to look good for many years. They also emphasize maintenance.

Corr asked about the maintenance program because when you get close to the Tanglewood structures, there are some maintenance concerns such as peeling paint and muddy areas. Kavan said Tanglewood has been on the list to be completely repainted for a year and a half but has it has been difficult to find painters because everyone is booked. The rains also hurt the property. Two retaining walls at Tanglewood were already replaced, and drainage patterns that worked for decades did not work this year. Corr said that these problems have been going on more than just the last couple of years. She encouraged them to step up maintenance. Kavan said there is a regional manager for each property and he will visit with that manager regarding the maintenance concerns.

Lust asked to see the difference between the conceptual road on the submitted site plan verses the one on ‘Exhibit A’ submitted during testimony today. Gergen said it is about a difference of 13 feet. There is an 8 degree skew of access and then a larger degree of angle. The neighboring owners propose a completely straight road with less curve at the end. The reason is that they do not yet know what will be developed on the property. By having a straighter road with less curve, it allows more flexibility. It is easier to develop right angles. Lust asked if this changes anything in the rest of the development. Gergen said only a very minor change in one area.

Corr noted that on the parking calculations, it goes from 2 to 1.75 per unit, which is a reduction of 48 stalls. She wondered if that calculation was based on the 194 units. Gergen said correct. If we are building only what is shown in phase one, which would be 150, then that amounts to about 30 less stalls. Corr asked if it is prorated given how many units are there. Gergen said that is correct.

Corr went on to ask if Vine will be widened for a left turn lane. Gergen said right now, the Vine Street right-of-way is very restricted and has multiple property owners all the way down. Slosburg has graciously agreed to pull the sidewalk off of the curb and add an additional planting area, so they will have additional easment on their property for that. There is not enough room to do any left turn lanes in the Vine Street right-of-way. Corr asked if Public Works has approved that concept. Gergen said the Public Works approved it for this phase, and then restricts left turn movement when the other 50 units are built, if the radio tower lease ever comes up. Corr asked how they will restrict the movement. Gergen said they will use a curbed island referred to as a “pork chop”. Essentially, the island will only allow traffic to go forward and take a right turn. Corr said that will only be built if the additional units are built. Gergen said correct. Right now the plan shows the 150 units. We are permitting for the change of zone to allow 50 more units. At that time, it would come back to Planning and show another building if that radio tower goes away. It is at that point when that left turn lane would get restricted.

Corr said the sidewalk is currently abutting Vine Street. She wondered if there will be a diagonal back to the existing sidewalk. Gergen said that the sidewalk would transition back into the existing after the turn lane. Corr wondered if the new access road to the tower will be public or have limited access. Gergen said it will be a narrow drive and open to tower employees and to people who live there but there could be, noting that they could post a ‘Private Property’ sign. The tower building and base will be fenced off.

Beecham asked if there is another fence besides the wrought iron fence at Wyuka. Gergen said there is a fence. Kavan confirmed that it stops at a certain point.

STAFF QUESTIONS:

Lust asked why City staff does not agree to the language proposed by Mr. Katt. Barnes said that at this point, the Planning Department was not prepared to speak for other departments on this proposal. Even though it is conceptual, this is an important connection and it does impact the parking lot, so there needs to be other eyes on it. Lust asked if he meant other City departments, such as Public Works. Barnes said that is correct. Lust asked if there is anything that can be done to accommodate the request for a straighter road that the adjoining property owner wants today and still allow time for other departments to review it. Barnes said that attempt was made with the third condition in the revised recommendation made by staff.

Hove asked if staff would be supportive of the new proposed language if it also included language about the Planning Director having the final say. Barnes said he would caution against the tying of that condition to approval at this time because it was submitted just before this hearing. Staff has seen it only as much as this body and no one else has had time to review it.

Beecham asked if the change brought forward today would qualify as a minor adjustment that could approved by the Planning Director.

Cornelius expanded on this idea asking if hypothetically, whether or not it is approved, would it qualify as a minor adjustment that would not be forbidden by this clause. Beecham wondered if there is anything that precludes them from coming to staff with their suggestion. Barnes said no, not with the language proposed by staff. It is probably considered a minor adjustment but the timing was off. Staff feels more comfortable with the way it was proposed.

Lust asked if this item goes on to City Council. Barnes said no, this if final action unless appealed.

Harris asked if the proposed amendment would still be considered conceptual and be more similar to the staff proposed amendment. Barnes replied that the connection to 45th Street is an important piece. We want to see it made and for it to meet design standards. There are some slight adjustments to the property within the CUP boundary, so that is part of the hesitation as well.

Lust asked if it would be better if Mr. Katt's language was used, but after that language, it said "subject to approval of the Planning Director and the other City departments"?

Beecham asked Lust to read the language again since they were not provided with printed copies.

Lust reread the amendment as follows: "add a condition that the revised site plan to be submitted show the minor adjustments to the conceptual S. 45th Street access across the adjoining property, as shown on 'Exhibit A'. She reiterated her question, wondering if it would be desirable to add "subject to the approval of the Planning Director and the other City departments" after the proposed language by Mr. Katt.

Beecham wondered if that language would tie hands in the case 'Exhibit A' proves to be unworkable. She stated it is better to leave it broad so if there is another small change, they can work it out administratively with the Planning Department. Lust noted that site plans are always subject to approval. Beecham responded that is why she would be hesitant to put the extra language saying "as amended by Exhibit A". She would rather leave it broad unless there is language that would preclude them from present it to Planning.

Lust asked if the language she proposed would be satisfactory to the Planning Department. Barnes said, if the condition can include text that allows the Planning Director to approve it, that would be a step in the right direction.

Hove asked if, at a glance, Barnes sees any issues with the proposed plan as submitted today? Barnes stated that he can only speak on behalf of Planning. The connection is important and we want to see it made. He cannot respond to the changes and details presented just prior to today's meeting. Hove said that in concept, what is shown is okay. Barnes said the connection shown is a concept, so that is the recommendation.

Cornelius suggested striking the word "minor" from the 2.16 amendment. It appears this body is quibbling over what 'minor' means. He wondered if it would be better not to try to amend to include the geometry of the connection at all and leave it open.

Lust said she believes that Mr. Katt is saying that he has made a commitment to the adjoining property owner to submit this particular amendment. Cornelius said that Katt has made the commitment, and he came forward in support of that language. This body is not precluding the language.

APPLICANT REBUTTAL:

Lust asked Mr. Katt the result of adding language "as approved by the Planning Director and the other City departments". Katt said he has made the request and the decision of this body is up to them.

ACTION BY PLANNING COMMISSION: September 30, 2015

Beecham moved approval, as amended by staff, seconded by Cornelius.

Beecham said that she is uncomfortable putting specifics on the conditions. She has not been convinced that the language proposed by staff would preclude the applicant from being able to submit the newer plan and get it approved. There is no need to change what staff proposed.

Lust said she agrees. Since the applicant proposed leaving in the words "minor adjustments" she does not see a reason to make the change.

Cornelius said he also agrees. The representative of the applicant has discharged his responsibility and he points out that this conceptual connection is not even on the property of the application. There is plenty of room for adjustment when an applicant for the neighboring property with the connection is under consideration. Though a drawing has been provided that shows something that looks like it will work, it is still a good idea to get other eyes on it. A change of eight degrees over that distance feels like a minor adjustment. He is comfortable with the language as it stands.

Corr said she is fine with the staff proposed amendment and it will cover anything that happens down the road. She stated that she had concerns about the height and the effect to the neighbors to the north across Vine, but her worries were alleviated in learning that the building is set back 80 feet from the property line. She would like to have seen that there had been a neighborhood meeting with those residents on the north side.

Beecham reiterated her desire to see connection with Wyuka. It would be a benefit to marketing the apartments and to encouraging more citizens to use the amazing Wyuka property.

Cornelius said he agrees with Beecham's sentiments. He lives near there and uses Wyuka in the way that was discussed. He wanted to be on record stating that he agrees that it would be really nice to have that east/west connection and movement through Wyuka.

Sunderman said that he believes it is a good idea to keep the conceptual roadway connection to 45th Street as close to a straight throughfare as possible. It appears the applicant is working with their neighbors to accomplish that and much of this discussion has been word smithing. He understands staff's caution due to the change in curve, grading, and meeting required standards. Overall, the conceptual plan of a straight drive sounds good.

Hove agreed with Sunderman's comments, stating it is a minor change and hopefully staff can work through that issue.

Motion carried 7-0: Scheer declared a conflict of interest; Weber absent.

There being no further business to come before the Commission, the meeting was adjourned at 2:39 p.m.

Note: These minutes will not be formally approved by the Planning Commission until the next regular meeting on Wednesday, October 14, 2015.