REVISED MEETING RECORD

NAME OF GROUP:	PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING:	Wednesday, November 9, 2016, 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	Tracy Corr, Maja Harris, Chris Hove, Jeanelle Lust, Dennis Scheer; (Michael Cornelius, Lynn Sunderman, and Ken Weber absent); David Cary, Steve Henrichsen, Paul Barnes, Tom Cajka, Rachel Jones, Andrew Thierolf, George Wesselhoft, 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 minutes for the regular meeting held October 28, 2016. Motion for approval made by Corr; seconded by Scheer and carried 5-0: Corr, Harris, Lust, Scheer and Hove voting 'yes'; Cornelius, Sunderman, and Weber absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION: **November 9, 2016**

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

The Consent Agenda consisted of the following items: **TEXT AMENDMENT NO. 16011, COUNTY TEXT AMENDMENT NO. 16012; SPECIAL PERMIT NO. 463A** and **COUNTY SPECIAL PERMIT NO. 16049**.

COUNTY SPECIAL PERMIT NO. 16049 was removed from the Consent Agenda at the request of the Applicant, who asked for a deferral to the November 30, 2016 Planning Commission hearing.

There were no ex parte communications disclosed.

Lust moved to defer **Special Permit No. 16049** to the November 30, 2016 hearing; seconded by Corr and carried 5-0: Corr, Harris, Lust, Scheer and Hove voting 'yes'; Cornelius, Sunderman, and Weber absent.

Opponents:

1. Kristen Hassebrook, 2192 W. Mill Rd., stated she lives a quarter mile away from the proposed development and is in opposition. She and her husband have a small livestock operation and strategically picked their location where it is small enough now, but has enough space to grow. They are a young family with a sheep operation and they find it worrisome that such dense housing would be so nearby, and likely filled with people who are not used to agricultural activities. That 1-mile section of road is also a safety concern. That section has numerous steep hills and may not be able to handle more traffic.

Corr noted the layout of this proposal could be changing. She asked if the new layout has been seen. Hassebrook said she has not seen a new plan yet. Corr asked if the placement of the proposed lots make a difference. Hassebrook said it would not. Their concern is over losing the opportunity to grow their business in the surrounding area, including in the direction of the proposed development to the north and east. We have developed very good relationships with neighbors and hope that aids in growth opportunity in the future. With this proposed development, we would be closer to condensed residential housing. It would be difficult living right on top of a subdivision when we are still zoned AG. A new lot layout would not assuage any fears.

Lust asked whether, assuming that the Applicant is seeking to reconfigure the lots, if Hassebrook would be willing to meet with them. Hassebrook replied that she absolutely would.

2. Bob Hackbarth, 2022 W. Mill Rd., asked whether he could make a brief statement today and still present at the full Public Hearing now scheduled for November 30th. Commissioners agreed he could present new information at the next regular meeting. Hackbarth stated he agreed with all comments made by Hassebrook. We have been in preliminary talks with the Hassebrooks regarding leasing them farm ground as another viable agricultural operation on the property. They have a good sheep operation and are great neighbors.

Lust moved Approval of the remaining **Consent Agenda**; seconded by Corr and carried 5-0: Corr, Harris, Lust, Scheer and Hove voting 'yes'; Cornelius, Sunderman, and Weber absent.

Note: This is final action on **Special Permit No. 463A**, unless appealed to the City Council by filing a letter of appeal with the appropriate Clerk within 14 days.

Chair Hove called for Requests for Deferral.

CHANGE OF ZONE NO. 16023
FROM AG TO H-3 ON APPROXIMATELY 2.62 ACRES
GENERALLY LOCATED AT 6625 NW 48TH STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION: **November 9, 2016**

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

There were no ex parte communications disclosed on this item.

Corr moved to defer **Change of Zone No. 16023** three weeks to the regular Planning Commission meeting of November 30, 2016; seconded by Harris and carried 5-0: Corr, Harris, Lust, Scheer and Hove voting 'yes'; Cornelius, Sunderman, and Weber absent.

There was no public testimony on this item.

COMPREHENSIVE PLAN AMENDMENT NO. 16001
TO AMEND CHAPTER 5 TO REMOVE THE REFERENCE TO THE THEATER POLICY.
PUBLIC HEARING BEFORE PLANNING COMMISSION: **November 9, 2016**

AND

TEXT AMENDMENT NO. 16006
TO ALLOW THEATERS AS A PERMITTED USE IN THE B-5 DISTRICT AND TO ALLOW SMALLER THEATERS AS A SPECIAL PERMITTED USE IN B-2 AND B-3 DISTRICTS.
PUBLIC HEARING BEFORE PLANNING COMMISSION: **November 9, 2016**

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

There were no ex parte communications disclosed.

Staff Presentation: **Paul Barnes, Long Range Planning Manager,** stated the Comprehensive Plan has included text that describes the Theater Policy since 1994. That is carried over and enforced throughout the Zoning codes. The proposal is to remove the maximum screen count in the B-5 zone and to allow smaller theaters in B-2 and B-3 Districts. It is notable that there have been two previous applications, one in 2005 and one in 2013, that both failed. With this bundle, there is no specific request to construct a new theater, so today we are only considering changing text in the Comprehensive Plan and Zoning codes.

The Comprehensive Plan identifies downtown as a hub for entertainment and that those uses should be located there and expanded upon. It is also a destination. The theater supports downtown entertainment by offering an off-night activity. There were approximately 600,000 attendees in 2015, so it is easy to imagine the spillover effect from having that many people downtown. The Downtown Lincoln Association recently reported that $1.3 billion has been invested downtown. The theater supports those other efforts.

As part of our analysis, we worked with Economic and Planning Systems. They specialize in market studies pertaining to movie theaters. They found that Lincoln is currently adequately served by movie screens with 1 screen per 10,000 residents. Most of these theaters are well-amenitized with the large format screens and reclining seats. This is due to ongoing investments made by the operator. As a result of these efforts, attendance has improved and the per-capita attendance is higher in Lincoln than the North American average.

In addition to impacting the utilization rate of the Grand Theater located downtown, large multiplex theaters would have an impact on at least one or two of these 6-screen neighborhood theaters currently located in East Park, Edgewood, and at Southpointe. The current rate is around 15%, which is healthy. An added multiplex could drop that rate to 11-12%, and would likely close other theaters. The movie industry itself is increasingly in competition with personal devices, home streaming services, and home theaters.

Because the current operator owns all the theaters, we asked the consultant if they are operating in a monopolistic manner. The response is that the majority of the theaters have seen considerable investment and upgrades, probably in response to competition from other entertainment sources. The large format screens comprise 16% when the national average is only 1-2% or all screens. Ticket prices are only slightly higher and still within an acceptable range when compared with prices in communities of comparable size. That comparison also did not take into account the discount nights offered in Lincoln. The conclusion is that they do not operate as a monopoly. Another theater could come to town, and there are other B-5 areas so a proposal could be made.

Staff supports the changes in the B-2 and B-3 Districts which would allow smaller theaters in those districts, so long as the text is more consistent with other special permits and use permits in allowing Planning to address site-specific items like parking and screening.

Overall, it is good to periodically review these policies in relation to how the community is changing. We have been informed that there are other barriers in Lincoln, such as land costs, fixtures, equipment and other infrastructure associated with the construction and operation of theaters, but there is no barrier due to the zoning itself. That is why we recommend denial to the changes requested for the Comprehensive Plan.

Corr disclosed she attended a Mayor's Neighborhood Roundtable meeting and these proposed changes were presented.

Hove noted the changes have a "sunset" period and would not take effect immediately in order to allow the current operator enough time to adjust. He thought that should make a difference. Barnes noted the Staff Report is not in favor of supporting any of the B-5 piece, only the changes to B-2 and B-3.

Harris asked for further explanation as to why Marcus Theaters is not operating in a monopolistic manner, since they are the only operator. Barnes said that consideration of that was a factor in the proposal coming forward to begin with. We wanted to make sure they were serving the community, there was no price gouging, and look at attendance levels. Based on the data, we concluded that it is not the case that they are operating in a monopolistic way.

Harris indicated that the market study suggested that getting rid of the theater policy could have negative effects. She asked if there was any speculation as to what that effect would be. Barnes said that there have been studies done, not in Lincoln, but in similar communities, in terms of the spillover effect, and it is expected that people often dine or grab a drink before or after a movie, so it is expected that the 600,000 attendees does have an impact.

Harris said that if Commissioners were to vote against the denial, there was an alternate suggestion for conditions that would be attached. Barnes responded that an alternate is a consideration, but not the recommendation of staff. Under that scenario, theaters would remain as a special permitted use in the B-5 District, but the other condition would be removed, including the 6-screen limit.

Hove wondered what types of stipulations are required in any market study that would be done. Barnes said the market study is a requirement that is currently in place. It is found in the design standards and it does lay out what the study should look at.

Proponents:

1. Tim Sieh, Law Department, came forward on behalf of the applicant, City Councilman at-large, Roy Christensen, who submitted this request. One caveat is that this is not about an individual theater, but rather a philosophical and policy-driven discussion. The deletion of the provisions in the Comprehensive Plan originated from the idea that the market should be allowed to operate in the City. The current rules are a significant barrier to anyone who wants to come in with a new concept. By opening the market, we invite people to come in with new ideas, even if we do not know what those would be at this time; no one knows what the next big idea will be. Another factor is that the policy has worked. The theater has been protected and there has been a significant amount of investment. Councilman Christensen suggests that it is time to let downtown stand on its own and to remove restrictions to allow people to put new ideas and concepts out there. This is not an indictment of the current theater operation; they do a fine job, as the study confirms. This is also reflected in the fact that the proposal would not go into effect until 2022. With respect to the proposed changed in the B-2 and B-3 Districts, that is a recognition that there are other theater concepts out there, so that option should be opened up.

Lust asked if Sieh agreed that any theater company currently has the option of competing downtown. Sieh agreed that is the case.

Opponents:

1. Tim O'Neill, 800 Lincoln Square, came forward representing Marcus Theaters, who oppose any change to the Theater Policy. The policy is a unique approach and it has worked. He mainly works in the restaurant business and knows how fragile it can be, so the fact that the downtown theater brings in 600,000 people per year is significant. His client has invested millions of dollars and implemented much need renovations to neighborhood theaters. This proposed change will have an effect on future decisions. It is not enticing to invest millions of dollars and plan to get a return on it within the 5-year sunset period. Lincoln could turn into every other town that has two big mega-plexes that will draw people away from downtown. Maybe that is the direction that the City would like to head, but the fact that there are no local downtown businesses here in support of these changes speaks volumes.

1. Mark Gramz, Vice President of Marcus Theaters, 100 E. Wisconsin Ave., Milwaukee, WI, stated that he has been in the movie business for 45 years and the downtown theater policy is very rare and precious. The theater brings thousands of people on weekends, weekdays, all throughout the year. People do their shopping, go to restaurants, and become more familiar with downtown if nothing else. The theaters here are doing well and are popular. Marcus Theaters is ready to invest more downtown, but in order to do that, there needs to be a level of predictability. Our competitors are not other theater operations, but other forms of entertainment. All of the theaters currently in Lincoln would suffer if large, multi-plex theaters are built. We have been able to work with the inability to show all major releases at the smaller theaters on opening weekends. Downtown is still the major theater and is the most popular. We will work with whatever policy is in place, but Marcus has been responsible and competitive, and the environment in place with the Theater Policy is special.

Lust asked if the expansion of food and drink offered in the theaters is in competition with restaurants. Gramz said that Marcus looks to leverage attendance. That is accomplished by increasing offerings. The primary movie audience is no longer ages 17-24, but is more like ages 40 and up. Those theater goers want the amenities we offer.

Hove asked what other communities have a protective policy like this. Gramz said that he knows of no others. He applauds the City for keeping downtown vibrant and active.

3. Terry Uland, Downtown Lincoln Association, 206 S. 16th Street, came forward in support of the current policy in place. Downtown has been identified as an entertainment district. The ongoing updates reaffirm the desire to maintain that. We oppose the changes, with the exception of B-2 and B-3 District changes to allow smaller theaters. The Grand Theater downtown has been critical and countless other businesses benefit from the influx of people they bring. It is a keystone to the overall health of downtown. Changes to the policy create potential for harm. DLA voted unanimously to support the Theater Policy as it is. Mr. Sieh suggested that if the downtown is successful, the policy is no longer needed. DLA strongly disagrees. We don't want to have active western and eastern edges of downtown, but not have a policy in place to protect the central corridor.

Staff Questions:

Corr stated this has two parts, the first involving changes in B-5, and then the other changes to B-2 and B-3; she has a hard time separating them. Staff isn't necessarily supporting the B-5 changes, but is supporting the other changes. Barnes noted that support of the changes in B-2 and B-3 include replacing text relating to site specific issues. Corr asked if the language of the proposal would have to be amended to follow the Staff recommendation. Barnes said the Staff Report is different from the applicant's request.

Harris asked what was not liked about the language. Barnes said B-2 and B-3 talks about conditions applicable to those districts and supports the review of other factors, like parking and landscape, among others.

COMPREHENSIVE PLAN AMENDMENT NO. 16001
ACTION BY PLANNING COMMISSION: **November 9, 2016**

Lust moved Denial; seconded by Corr.

Lust said City Planners had a great vision for downtown over 30 years ago and that was to maintain a vibrant downtown. We are seeing the results of that. It should not only be the edges of downtown that are great. We still need something that brings people downtown outside of normal business hours. She is happy to hear that the policy is unique and it is a great policy and she does not support changing the Comprehensive Plan to remove the policy or to allow larger multi-plexes outside of downtown.

Scheer stated the current policy is a good component of the Comprehensive Plan. It belongs there and should not be changed. This is about downtown Lincoln and not any one theater operator. The study proves the policy is working well, and as a planning issue, it should remain as-is.

Corr indicated the amount of new development at the ends of downtown and is concerned that the more traditional part of downtown should be maintained. She will vote in favor of the denial.

Harris stated she is torn. There has been great public and private investment and downtown has had strong growth. She hopes it remains that way and will one day expand on its own. It is still very early in the days of these major investments. This is a proposal with no specific project. She may see things differently if there was a project, but with no tangible reward, there is not good reason to take the risk.

Hove stated he will not support the denial. This is a protective policy. Lincoln is growing and competition should be allowed to thrive. He appreciates the fact that this has helped downtown to thrive, but he belies it will thrive without the policy. He also appreciates the sunset period.

The Motion failed to advance (4-1) due to lack of 5 affirmative votes and will carry over to the next regular Planning Commission hearing held on November 30, 2016: Corr, Harris, Lust, and Scheer voting 'yes', Hove dissenting; Cornelius, Sunderman, and Weber absent.

Scheer moved to close public testimony, seconded by Corr and carried 5-0: Corr, Harris, Lust, Scheer, and Hove voting 'yes'; Cornelius, Sunderman, and Weber absent.

TEXT AMENDMENT NO. 16006
ACTION BY PLANNING COMMISSION: **November 9, 2016**

Lust moved Conditional Approval, as recommended by the Staff Report; seconded by Harris.

Corr said she still did not fully understand this one. She wondered if everything would operate as-is, but allow small operations would be allowed in B-2 and B-3.

Rick Peo, Law Department, came forward to clarify that there is a draft as proposed by Councilman Roy Christensen. The Planning Staff recommendation differs and would remove the termination date of 2022, to remove the B-5 restrictions expiring. Staff also recommends a change in language regarding changes of ingress and egress and so there would be language allowing the special permit for theaters in B-2, B-3 and B-5. That exists now for B-5, so this would add the B-2 and B-3, with the conditions for site specific review. B-5 doesn't change, per se.

Hove asked if the motion is for approval, subject to the Staff recommendations Harris confirmed that is the motion she seconded.

Peo said if that is adopted, the language would be drafted by Law, "as recommended by Planning Commission."

The Motion failed to advance (3-1-1) due to lack of 5 affirmative votes and will carry over to the next regular Planning Commission hearing held on November 30, 2016: Harris, Lust, and Scheer voting 'yes', Corr abstaining, Hove dissenting; Cornelius, Sunderman, and Weber absent.

Scheer moved to close public testimony, seconded by Lust.

Harris asked if there would still be opportunity to get legal clarification or to ask questions of Staff. Peo said legal Staff would provide an ordinance with language for one "as proposed by the applicant" and one "as proposed by Planning" so one or the other could be adopted. Clarification questions can be asked.

Motion carried 5-0: Corr, Harris, Lust, Scheer, and Hove voting 'yes'; Cornelius, Sunderman, and Weber absent.

SPECIAL PERMIT NO. 384H
TO EXPAND AN EXISTING HEALTH CARE FACILITY
GENERALLY LOCATED AT 4720 RANDOLPH STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION: **November 9, 2016**

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

There were no ex parte communications disclosed on this item.

Staff Presentation: **George Wesselhoft of the Planning Department,** stated this project proposal is divided into four areas. Area 1 is located south of Randolph Street along 46th Street and proposes adding 20 parking stalls. Area 2 is located near the main facility for the addition of 8 parking stalls on the west side. Area 3 is between S. 47th and S. 48th and includes location for 2 new buildings, for 19-bed facilities. There will also be a commons courtyard area and 12 on-street parking stalls within the right-of-way. Area 4 includes 24 parking stalls located west of Area 3.

Tabitha exceeds the 207 parking stalls required and nearly doubles that requirement by providing 397 stalls. They must comply with all State statutes. There are two zoning designations for this area. South of Randolph, it is R-4 and north is R-2. Density is determined based on area. R-2 allows 1 person per 2,000 square feet of lot area. At a total of 348 residents, this is a 5% increase. Planning Commission may grant an increased number of residents where the site plan complies with Barrier Free Standards and Design Standards. The increase could not exceed 50% and would be verified by the Building and Safety Department. There were no waivers requested and Planning received two letters either in support or with no objections. The special permit area is subject to all architectural and neighborhood design standards so it will be reviewed as part of the building permit.

Corr asked if Barrier-Free Standards are related to ADA Requirements. Wesselhoft said yes.

Corr noted this proposal includes the demolition of 11 homes and 1 multi-family unit. Wesselhoft explained that the multi-family is south of Randolph in the area of the proposed parking and the 11 homes are in Areas 3 and 4, between L and J streets.

Harris asked if homeowners were notified and if there was any opposition. Wesselhoft said Tabitha owns all of the properties to be demolished. We have not received any letters in opposition.

Proponents:

1. Joseph Hakenkamp, Facilities Director at Tabitha, 4720 Randolph Street, came forward with **Nate Buss, Olsson Associates**. Tabitha has been in the neighborhood since 1886 and are very proud of their history of creating a positive environment offering a continuum of care. This project started in 2006 with the first small, residential style house.

This will be the final phase. With the small house model, care increases and patients come alive. This will be our seventh house at this campus.

Buss stated the two main houses create some loss of parking in that area but creates an overall gain in parking for the campus. We ask for a 5% increase to allow for this expansion opportunity. The 16 units would been the Barrier-Free Standards.

Corr asked for more information about the 11 houses being demolished and the changes to the south of Randolph. Buss said Tabitha now owns all of the homes to be demolished. Across Randolph, there is an existing multi-family building that we propose to tear down to add the parking. There are three additional structures there. Right now they are apartment-style but the idea is that they could be renovated or knocked down, with the lot to serve those units. Corr asked if those three units will remain. Buss said they will for now. Hakenkamp added that Tabitha also owns those. The garages are staying. Buss said they house equipment.

Corr inquired about neighborhood meetings or notifications. Hakenkamp said they did not reach out to the 40th and A neighborhood. Corr encouraged Tabitha to do so. Tabitha has been a good neighbor and has reached out before to talk proposals over with the neighborhood. She wondered if they would appear before Planning Commission again if they were to tear the additional three buildings down. Hakenkamp said yes.

There was no testimony in oppositions.

Staff Questions:

Harris asked for further confirmation about activity south of Randolph. Wesselhoft said that the drawing references and acknowledges plans for housing up to 20 units so there could be demolition. Corr noted that they are duplexes. Wesselhoft confirmed that existing structures are duplexes.

Corr wondered if they would have to come back if they got rid of the duplexes. Wesselhoft said that as long as they comply with the approved special permit, which includes 20 units within the area, as well as 12 in Area 4. Corr asked if that means they could potentially get rid of the lot and add dwellings. Wesselhoft said that is correct. Corr asked if they proposed to change the courtyard area to add a living facility to up their capacity, if they would then appear before Planning Commission. Wesselhoft said that if Tabitha goes beyond the boundary of what is approved today, then they would.

SPECIAL PERMIT NO. 684H
ACTION BY PLANNING COMMISSION: **November 9, 2016**

Lust moved Conditional Approval; seconded by Harris.

Corr said that Tabitha is a good neighbor. She reiterated her concerns regarding contacting the 40th & A Neighborhood.

Hove said Tabitha is a good organization and this will be a good move for them.

Motion carried 5-0: Corr, Harris, Lust, Scheer, and Hove voting 'yes'; Cornelius, Sunderman, and Weber absent. This is a recommendation to the City Council.

[Break: 2:26 P.M. Meeting resumed at 2:31 P.M.]

COMPREHENSIVE PLAN AMENDMENT NO. 16004
TO REVISE THE FUTURE LAND USE MAP DESIGNATIONS TO "COMMERCIAL"
GENERALLY LOCATED AT SOUTH 14TH STREET AND PINE LAKE ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION: November 9, 2016

AND

CHANGE OF ZONE NO. 16030
FOR VARIOUS CHANGES OF ZONE
GENERALLY LOCATED AT SOUTH 14TH STREET AND PINE LAKE ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION: November 9, 2016

AND

USE PERMIT NO. 16009
TO ALLOW UP TO 177,000 SQUARE FEET OF NEW COMMERCIAL FLOOR AREA
GENERALLY LOCATED AT SOUTH 14TH STREET AND PINE LAKE ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION: November 9, 2016

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

Harris disclosed she was contacted by several people in regards to this project and referred them to the Planning Department to submit official comments. One citizen held a neutral position and simply asked that careful consideration be given to traffic lights and pedestrian traffic. She attended an event where City Councilwoman Gaylor-Baird inquired about the general status of the applications. Several comments have appeared on a personal social media page, but she did not comment on or acknowledge any of them.

Lust stated she lives in the area and her sons have attended Scott Middle School and Southwest High School. Her social media feed has also been full and she has not commented in any way. One work associate lives in the neighborhood and asked general questions about the proposal but did not make any comments that could be perceived as an attempt to influence her favor.

Scheer disclosed that he has been inundated with comments from the general community about this and has not made any comments either way.

Hove disclosed that he is President of the Ridge Homeowner's Association. He asked the Nebraska Accountability and Disclosure Commission if this would constitute a conflict of interest and they said it would not. He attended both neighborhood meetings and has explained the Planning process, in general. Those with comments were directed to send comments to the Planning Department.

Corr stated she had a request to meet to discuss the general application process but did not meet with the person.

Staff Presentation: **Rachel Jones of the Planning Department** stated many comments were received for the applications. There were many concerns about potential impacts to surrounding land uses, especially with the proximity to two schools. All factors were carefully considered. The traffic levels projected in the traffic study along with the conditions of approval sufficiently address concerns. The area has been designated as future Public or semi-Public use, in anticipation of cemetery expansion. The eastern portion was originally conceptualized with housing but was never platted.

The Comprehensive Plan Amendment would revise the future land uses within the boundary to commercial. This would allow the first location for this user in Lincoln. They have not been able to find another suitable site. The road capacity and access points are there. There is also commercial development to the south, so this could act as an entire commercial center. The change of zone provides the foundation for this. The B-2 District is the main focus and includes a use permit provision, which is essentially a site plan to provide for integration of the new areas. The funeral home for Lincoln Memorial Cemetery is remaining for the time being and would be included as part of the use permit, which is appropriate. There are provisions if it should develop in the future.

The concept shows a total of 199,000 square feet with six commercial lots and an outlot in the southeast for detention. Costco would occupy the center Lot 5 and would be approved for up to 157,000 square feet. The funeral home is allotted 22,000 square feet and the remaining square footage would be divided among the other pad sites. There are two proposed access points on the west with a connecting drive to the Costco lot. The applicant does not show the north access, but we require that it be added so the south would be right-in/right-out. We have requested the funeral home show a common access through their lot, which Staff felt was critical to traffic movement.

Hove asked if there will be a light at either of those points. Jones said no. The biggest aspect in terms of traffic is the intersection of 16th and Pine Lake Road where the applicant proposes a light. The City asks for removal of that since it does not meet Access Management standards. Instead, it could be shown as a 3/4 access, meaning no left-out turns would be allowed. Two access points were originally shown on Hazel Scott along the east but, due to concerns of neighbors, there is now only one with right-out, left-in access in order to minimize traffic going north into the neighborhood.

Hove asked if there would be a median on Hazel Scott. Jones said she does not believe so and this is because it would help preserve some flexibility for parents dropping kids off. There are small medians at the access points to keep traffic flowing the correct direction in and out.

Jones went on to say there is a trail along Pine Lake so there are a number of conditions to protect pedestrian and bicycle traffic. There is a proposed alternate route along the north of the site and safety enhancements to the access points, such as signage and raised traffic tables.

There are several screening requirements that would apply to any development like this, and Staff has asked for some additional increases in order to help reduce visibility and noise impacts, such as a higher percentage of screening and incorporation of a berm along the north. There are a number of use restrictions for Lot 6, at the request of the neighborhood. These include auto uses, off-sale of alcohol, and drive-thru restaurants, though other less intensive drive-thru uses could be allowed. There are also design standards for the development as a whole to make sure the overall design is cohesive, maintains a high quality of appearance over time, and relates well to the area. For buildings over 50,000 square feet, this includes incorporation of at least 20% decorative masonry or stone and 50% for smaller buildings. The masonry would be used on facades facing public streets. These conditions of approval are critical elements that for ensuring that the development is suitable for the area and does not have adverse impacts to the sensitive surrounding areas.

Harris asked for clarification about the changes made from the first Staff Report. Jones said that a previous iteration of the site plan showed right-of-way for a future roundabout at Hazel Scott and 20th Street. Staff asks that it be put back in. It would be a traffic signal initially, but we want to make sure we get the right-of-way now. The previous plan also showed two access points along Haze Scott, but one was removed in response to neighbors. Corr noted the gas station also changed its orientation.

Hove asked if there could be a roundabout at 20th Street. Jones said that is correct, we are reserving that right and want it shown on the plan in the event that it be converted. Corr asked for confirmation that there would be a signal for now. Jones said yes. They also show one at 16th Street that we would like removed because the development does not warrant two signals.

Lust asked what uses would be included under the Public and semi-Public designations. Jones said she thought it would include things like schools, parks, or open spaces. It was assumed in the past that the cemetery would expand. Lust asked how long the area has had this designation. Jones said she did not know. Lust asked if the current use and zoning is AG and what uses are included. Jones said it is AG and that might allow single-family homes.

Lust asked what time of day the traffic studies were conducted.

Lonnie Burklund, Engineering Services Manager, said a typical traffic study looks at peak A.M., P.M. periods and worst-case, conservative conditions and then adds the trips proposed. Lust asked if, in this case, that would mean school hours or rush hour. Burklund said the worst-case was around 4:30-5:30. Lust asked how "worst-case" is determined. Burklund said existing counts are conducted from 7:00-9:00, from11:00-12:00, and from 3:00 to 6:00. This establishes standard counts for intersections. Lust asked if that information is then passed onto Costco. Burklund said yes.

Lust asked how far apart traffic signals need to be. Burklund said the applicant's engineer did a standard study and covered all of the typical processes. We ran through many scenarios and, for the most part, they were consistent with Access Management. We have not yet received any information that discusses signal warrants being satisfied for two locations or even for 16th Street alone. Three-quarters access at 16th and full access at 20th are consistent with the conclusions reached by our engineers. All of the various conditions were detailed out as minimum requirements that we are comfortable with. We omitted some recommendations made by their engineer. 16th Street would need to satisfy federal warrants and we do not expect that it would.

Lust asked if there is anything else that Staff would ask be removed from the plans. Burklund said the Staff Report has a detailed list of conditions for approval. Those were vetted though Public Works and with the consultant. They are stated as the minimum requirements that we would be comfortable with for managing traffic in that area.

Lust asked about the second route for the trail and what the trail is used for now. Burklund said it is a mix of pedestrian and bicycle traffic. The applicant was responsive. There are other trail facilities, for example, along 84th Street. When done correctly, we are comfortable. We want to make sure the conditions are approved as-is, without variances.

Harris asked what would have been too much, according to the traffic study. Burklund said we look at numerous hypothetical uses. The bottom line is that there is capacity in the area to handle the traffic. Conditions may not be the absolute ideal when people pick up kids, but there are many other sites like this around town and when done correctly, we can mitigate the majority of traffic issues for the couple of hours a day when it is worst. This is a peak-hour issue, and we want to get the timing and geometry right. The last thing we want is to install an unwarranted signal.

Harris asked if the study is cross-referenced with pedestrian traffic projections and taken into consideration. Burklund said yes. That information is gathered before and after school as well as for recreational uses on weekends. The consideration of these factors is reflected in the setbacks, speed tables, crosswalks and other traffic-calming devices.

Scheer asked if LPS had any input or comment. Burklund said there were general discussions about working on pick-up and drop-off solutions.

Lust asked how old the residential development behind is. Jones said she does not know, but it is probably within the last 20 years. Lust asked if any of those residents would have been given any indication that the designation of Public and Ag zoning would change and permit commercial. Jones said there would have been no reason to foresee the change based on the Future-Land Use designation; that is the best estimate of what land might be used for in the future. This land came up for sale so it became necessary to instigate the discussion of what would be suitable, given the conditions.

Proponents:

1. Mark Hunzeker, Baylor Evnen Law Firm, came forward on behalf of his client to request more time for their presentation. Chair Hove granted additional time for testimony.

2. Brian Whelan, Costco, 2311 W. 22nd, Oak Brook, IL, stated that Costco is a membership-based wholesale business selling to small businesses and individuals. We sell fewer items than other retailers and have greater breadth but very little depth; our buyers try to identify what the best products are and then buy as much as possible in order to leverage the lowest possible price. At this location, we would hire approximately 175-200 employees with cashier wages starting at $13.50 per hour, built-in bonus and salary growth, and a salary average of $54,000 per year. Benefits are offered to both full and part-time employees. Due to these employment practices, the turnover rate is only 7%. Our operating hours are also unique because we have limited hours, opening at 10:00 A.M., meaning we have little to no impact to morning traffic. The fueling station is open for members only and does not include a convenience store.

3. Ted Johnson, TJ Design Strategies, 2311 W. 22nd, Oak Brook, IL, came forward as design consultant for Costco. There were two neighborhood meetings. Changes were incorporated based on input from neighbors and the plans are better as a result. The initial plan was presented in August and we heard concerns from the neighborhood to the northeast, commercial owners to the south, particularly regarding access points. Based on these concerns, we now propose a full access intersection with a signal at Pine Lake Road and 16th Street and various other access-related modifications. The gas station stayed in the same area but the orientation was flipped. The building will be positioned at a 45-degree angle. Unlike many other retailers, Costco only has one entrance. The area to the southwest is the loading dock. We get 10 to 14 truck deliveries per day between 4:30 and 9:30 A.M. Trucks will not use Hazel Scott at all. Gas tankers will come off of Pine Lake at 16th Street.

Johnson went on to say that they have worked with the cemetery to create intensive screening along. On the eastern edge of the site, the two locations are roughly the same elevation so we propose a 4-foot berm with trees to achieve the 10-foot height. Farther west, the property slopes up from Pine Lake. We will cut into the area so Costco will be at a lower elevation than the cemetery at about a 3:1 slope.

Harris asked for more information about the detention area and how it will look. Johnson said there will be screening per City requirements at the north end, between the pond and the lot. There will be some minimal, low-level landscaping along Pine Lake. We will install street trees every 50 feet along Hazel Scott Drive and along Pine Lake up to 16th Street.

Lust asked where the traffic lights are proposed. Johnson said at Hazel Scott and, at the request of neighbors to the south, 16th Street. We also provided level of services for each leg of that intersection if it is full-movement. Lust said she thought they were asked to remove the light at 16th Street. Johnson replied that he will let the traffic engineers comment on that.

Lust asked where truck traffic would originate. Johnson said that coming from Chicago via the interstate, they would come from the north on 14th Street.

4. Brett Lauritsen, Olsson Associates, 601 P Street, stated that he and Mark Palmer were retained by Costco to provide traffic and civil engineering services. A full traffic study was completed for the originally proposed plan and included the entire use permit being developed, including the outlots and the northeast corner. The uses were anticipated to be in-line with City regulations. That plan changed after discussion with the neighborhoods and Staff. It is not typical to complete another full study if adjustments are made. We issued a formal memorandum to City Staff and focused on the 16th and Pine Lake intersection, comparing 3/4 access vs. open access. Traffic warrants have not been completed as this was an analysis for the option; further analysis may be needed.

5. Mark Palmer, Olsson Associates, 601 P Street, stated the traffic study is revised as we get geometrics. The signal will require warrants. In terms of off-site improvements, we feel the neighborhood will be happy when the dual left-turn lanes get lifted. Turn lanes will be expanded to maximize storage lengths east and west. There are right turns at various locations or at access points along with an extended left-turn lane in Hazel Scott. Based on City policy, we would improve the north and south boundary areas. There are some geometric challenges given the as-built environment. The deviation requested is a typical one that has been approved before at other locations. In terms of the Access Management Policy, this area was built before that was in place, so 16th Street does not meet the spacing distance from 14th Street. It is a full access point with a development to the south. A signal and opening of the intersection has been shown.

Harris asked if the traffic study will be revised before City Council reviews the applications. Palmer said yes.

Lust asked if they are seeking an amendment to the Staff recommendations on the 16th Street signal. Palmer said that Hunzeker would elaborate on that.

Hove asked what the peak hours are. Palmer said the peak business and traffic hours overlap somewhat.

Hove indicated that Hazel Scott Road would be the only access to head east unless there is an additional stop light. He wondered how long that segment of road is. Palmer said it is 350-400 feet in length. The right-turn lane is 190 feet and storage is roughly 300 feet.

Harris asked if PLC days for Scott and Southwest were factored into peak traffic times. Palmer said they worked on the allowable days. They observed the pick-up and drop-off activity at Scott. By 3:10, Scott was empty.

Lust asked if there were any stacking issues with lights at both 14th and 16th Streets. Palmer said the situation is different from most in that 14th Street is a dead end. We fully know that it does not meet spacing requirements. Interestingly, traffic slows on Pine Lake as it approaches 14th so this is planned, slower traffic. It does affect the level of service for the east/west operation.

Hove asked if the requirements for signal warrants will be met. Palmer said the applicant was pushing for this, but it would stay as an open intersection, as it is today.

Hunzeker submitted proposed amendments to the site-specific conditions. The City Access Management Policy standards were adopted long after the arterials were built, so there are existing access points that do not meet the standards. The City also applies design standards that dictate materials to be used, which is normally a practice used downtown.

Based on neighborhood input, 16th Street would be fully signalized. The reduction from two drives to one was done with the idea of reducing traffic on Hazel Scott; without the signal, more people would choose that route and this would create additional pedestrian conflict. We agree that we need a full-access intersection. It is difficult to think of another commercial location in Lincoln that does not have full access onto an arterial street. The engineers produced an addendum that shows the intersection at Level-of-Service ‘C’ with a signal at 16th. Staff has countered that request with a proposal that there should be no signal at 20th Street. We disagree and think Pine Lake would function with both.

We also request to reduce the amount of brick and stone from 50% to 25%. This is a warehouse and prices are kept low by not spending excessive amounts on design. With regard to the landscaping, Costco has an internal mandate to exceed City standards and we have submitted a plan that exceeds every existing design standard. Lincoln Memorial is satisfied that we have done a sufficient job and gave permission to plant evergreens along the boundary to further block the view to our site from the nearest house, which is 600 feet away. We request to eliminate the unprecedented requirement for screening from the ground up to 10 feet. At the closest point, the middle school is 650 feet in distance. There is a 5-acre field between the properties. We do not believe this use will infringe in any way upon school sues.

Lust asked why it was difficult to find other appropriate sites. Hunzeker replied that he was not part of the site search, but it has been going on for years. Whelan said this has been a 10-year effort. He does not want to give the impression that there was anything wrong

with other sites. Lust asked for more detail as to why they were not appropriate. Whelan said that in general, they were too small or too far at the perimeter of the City where there is not enough population density. We did monitor whether there were new roads and developments. We were not able to find any other internal options. Highway 77 was mentioned at neighborhood meetings, but it is correct that we do not want to be too far away.

Corr asked if there were any sites along Yankee Hill Road, adding that she finds it hard to believe that it would not be internal enough. Whelan said there were areas to the east, but the main growth of the City is occurring to the south, so that is the area we targeted.

Hunzeker said finding sites can be difficult due to Lincoln's longstanding and very tight control of its urban areas. There are not many large in-fill sites. Maintaining that control has been successful, but it does create challenges for these types of projects.

Harris asked for clarification of the proposed amendments. She wondered if the commercial interests are aligned with the homeowners' interests. Hunzeker said he cannot speak for the residents, but we are on the same page with commercial owners. What we propose better addresses the traffic concerns of neighbors. Harris asked why they were opposed to removing the light at 20th. Hunzeker said that the light would still work there so there is no need to take it out. As was mentioned, the speed limit slows in that area. Harris asked if Costco ran their analysis with both lights in place. Hunzeker said he did not know.

Harris asked for more information about the requested reduction in the requirement for exterior stone elements. Johnson said modifications can be made to meet the lower, 25% standard. He presented images of similar exterior finishes with textured metal panels that have the appearance of stucco and are energy efficient. Ribbed metal panels are used both vertically and horizontally. Quick brick is an efficient option since true brick requires a cinder block support behind it. Quick brick is 8-inches thick and does not require double-construction. We considered putting the brick features at the main entrance.

Harris said that voluntary screening was mentioned to help shield the development from residential neighbors. She wondered if that hinges upon approval of the conditions or if they plan to do it anyways. Johnson said that if we get approval for the plan intended to be built, they will do the screening and will also extend the sidewalk into the neighborhood.

Harris asked what the result would be if not approved. Johnson said he is unsure whether he would have an economical product. He does not see other commercial areas in Lincoln with screening that extensive. Hunzeker added that these types of landscapes have almost never been approved.

Scheer pointed out that the level of screening recommended by Planning does not cost more. Johnson said the current requirement is for 60% screen, up to 10 feet. He is willing to do that. Staff wants us to go 100%. Scheer said so it is not as much the height as it is

the density. Hunzeker agreed that it is the density. Lust thought that was the request of the cemetery. Hunzeker said the request of the cemetery has been met and they are willing to accept what we have suggested. Planning essentially doubles that amount.

[Break: 4:29 P.M. Meeting resumed at 4:34 P.M.]

Hove called the meeting back to order and noted that all items related to Costco were called together so Public Testimony will be for all items.

6. DaNay Kalkowski, Seacrest & Kalkowski, 1111 Lincoln Mall, came forward representing the property owners to the south, across Pine Lake Road. They were approved for 184,000 square feet of office and retail space in 1996 and have made significant investments over the past 20 years. They paid 75% of the cost to add the north thru-lanes on Pine Lake and paid for improvements on 14th and 16th Streets. They have invested approximately $25 million in construction and improvements in the area. They have done about 160,000 square feet of development and anticipate significant investment in the remainder. The commercial area is a quality development, home to over 30 national and local businesses.

Her clients are supportive of the Costco proposal to the north and feel it would be a good addition to the commercial area. They should not be penalized by reducing the full access to 16th Street. The applicant has been responsive. The improvements that were made to the south will also be of benefit to any development to the north and will allow access between the two neighborhoods. Though the intersection does not meet Access standards, these access points were constructed in 1996, prior to the implementation of the standards. They can't simply be applied now, in the built environment. Allowing the signal would not have unreasonable impact at this unique intersection. We support full access at 16th and 20th with signals. Removing them would have a detrimental impact, including on the Vavrina Meadows neighborhood. The City needs to protect the investments that were already made.

Harris ask if the business owners take a position on the other proposed amendments. Kalkowski said no, their primary concern is the intersections. They are neutral about the screening.

Hove asked what would happen if the signal warrants are not met. Kalkowski said there is potential for the signal at both intersections.

7. Aaron Herold, 5150 S. 78th Street, stated he manages the Amigo's location to the south on Pine Lake Road. We are in support of lights at the intersections of 16th and 20th Streets. He has been at the location since 2010 and sees the traffic flow for 10 hours every day. Both lights are needed. Slowing the traffic would help with safety of the students in the area and it would be nice to have a button to cross the street. The lack of access would hurt other businesses and the neighborhoods.

Opponents:

1. Amy Best, 7433 S. 21st Street, came forward in opposition as a resident of Vavrina Meadows. She has concerns about the traffic study and the variations of observation times that were used to gather data. They did some observation the week after spring break so school activities were just starting back up and monitoring did not seem to occur during the time of dismissal of our high school students. There was no study done regarding incorporating a crosswalk signal even though pedestrians have been observed crossing Pine Lake. There is not a full picture of what goes on. Scott Middle School has the highest population of students in the City and that number could increase. The high school only has to exit onto 14th Street. She is concerned that this will force traffic closer to the middle school.

Corr pointed out that the land is up for sale and could be developed another way. She asked what would be preferable to the proposal today. Best said she would prefer something more like the development to the south, like a smaller strip mall. They have done a good job of staggering buildings and parking and incorporated a neighborhood-feel.

2. Christy Dionisopulos, 2421 Switchback Road, stated she lives in the Ridge neighborhood and has similar concerns about traffic as those already mentioned. In her experience, people cut through the neighborhood when leaving the middle school. They easily get 100 cars per day. This was poor planning when the neighborhood was first developed. We tried to get a light at 27th and Switchback, but our only option would be to pay to install speed bumps. We accept the school but are concerned that people from Costco will also cut through the neighborhood. We also anticipate the closure of 14th and Old Cheney and wonder how that will impact this situation. With regard to the facade and landscaping, the foundation for the Woods Park Tennis Center raised an additional $300,000 to add a brick facade and landscaping since the City required it because the building is in a park. In Lincoln, we want to be proud of our buildings. Even though our neighborhood has high design standards, Costco should be willing to meet them if they want to be part of the neighborhood.

Corr commented that an effective alternative to speed bumps is the use of street art to slow traffic.

Harris inquired for clarification if the design standards proposed by Staff alleviate some concerns. Dionisopulos said they do. The warehouse design does not fit.

3. Debbie Stuart, 3617 Potomac Lane, said there is an enormous range of what is allowed in a B-2 District. She is not opposed to development of the area or the change of zone, but there is a big difference between Costco and the residential business development across the street. It seems a lot of accommodations have been necessary to make this site appropriate for Costco. Costco is a destination store. Highway 77 is 5 minutes away from this proposed location. There is no other business of this size without full access to a major arterial street. No matter how many modifications are made, a business this size should find a more suitable locations.

4. Sarah McCurley, 6600 S. 21st Street, stated she has submitted data-filled letters as to why she is opposed to the zoning change and to the Costco at this location. She asked the Lincoln Police Department to assist in compiling data and to try to find a comparable location with a large business between two schools and we could not come up with a single location. The area ranks high among locations in terms of numbers of traffic accidents. The access points are not adequate, especially for those coming from the north. The only other Costco located adjacent to a school is in California and the conditions there are very different, included the fact that it is located on a 6-lane highway, has 4 exits to arterial roads, and different employment demographics. Lincoln wants the Costco, but there are other locations more suitable.

5. Jeff Lapin, 2120 Southern Light Drive, stated he lives to the north of the area. He is not able to gather the opinion of his neighborhood because the plans keep changing. When there are events at Scott, people are parked all the way up to his neighborhood and there is very little room left on the road if people park on both sides. The school is not at capacity yet. There are concerns about noise, light, and decrease in property values. He has lived there since 2003 and would never have expected a big box store to locate there. Costco should abide by design standards consistent with the neighbors. There is concern over the cemetery easement that runs through his neighborhood and what it might be used for in the future. Adding a Costco between two big schools seems like an experiment they should not be allowed to carry out.

Staff Questions:

Lust said she does not think they have ever seen three pages of amendments. She would like more clarification on those. Jones said that, in general, they would not find any of the amendments acceptable and would like to see approval of the conditions as they appear in the Staff Report.

Corr said that it seems backwards to go through a traffic light and then to hit another stop light. Burklund said there is an aggressive plan to look at roundabouts throughout the City; and that is where we are headed in terms of implementing best practices. We are also realistic about what can be funded. It is smart to acquire the right-of-way now and is just part of our planning practice.

Lust said there are three signal within six blocks and the one at 16th Street appears to be the result of comments made, including the fact that the Access Management Policy was not in place in 1996. Burklund said that it is our job in working for the public to give our professional recommendations. Just because we did it one way previously does not mean we should not attempt to be smarter.

Hove asked if South Pointe is also considered a commercial center and if that is related to the stop lights. Burklund said it is really tight up to 14th street. Even though it does not extend past 14th, operationally, it creates operation challenges and signal timing challenges. A signal at that spot fights against what we are trying to do. The memo from Olsson's does not consider the interaction with adjacent intersections.

Scheer asked if anything could be added about concerns over eastbound traffic having to use Hazel Scott. He wondered if it was a sufficient intersection to handle that. Burklund said the applicant has attempted to move farther north to get necessary storage length. They have been very good to work with. That will be a busy segment of roadway, but it will not be an attractive option to cut through the neighborhood.

Hove asked what would prevent customers from immediately turning around to head to the neighborhood if there is no median. Burklund said that he is unsure if anyone is opposed to doing something geometric at the location. What they came up with was a compromise.

Harris said that when she heard business owners to the south were in support of the light, she hoped there would be something that would bring both sides closer together. She wonders about domino effects of coming up with some kind of compromise and what opportunity exists to correct mistakes. Burklund said that what is before Commissioners is a traffic study compiled by trained professional engineers. From our perspective, the conditions staff recommended create a good game plan. There are options to fall back to. In the long-term, there could be reasons that the setup is undesirable and we could find more permanent fixes.

Harris asked if we incorporated the amendments, if it would set up a negative domino effect. Burklund said that the traffic changes could and he would not want to fall back to a signal at 16th Street. We don't install a signal until it is warranted and he would not anticipate that it will satisfy those conditions under this current development condition. There are other big box stores with one signal. This site has between 16-18 turning movements in and out to provide access; that is plenty.

Corr asked how many trips per day this proposal would generate. Burklund said it would be around 5,000 trips daily, in and out. That is typical. Corr wondered how that compares with the development across the street. Burklund said other scenarios were run. Jones said that mirroring what is on the other side would have a greater impact than what is proposed. We also ran numbers with multi-family or townhome developments, which could have less, but the site could accommodate more. Corr wanted to confirm that if the development to the north were built as it is to the south, it would have more daily trips. Jones said yes, as it is currently proposed. Hove asked if that was concluded by a study or analysis. Burklund said yes, it was a trip generation analysis which anticipates trips generated. It is not exact, but it does provide some idea. Corr asked how much larger that impact would be. Burklund said Costco showed net trips in the morning at 400 and around 990 in the afternoon/evening. Hove asked if that was per hour. Burklund said yes, at a peak hour. The numbers for a development like the one to the south showed around 1,400 for a P.M. peak hour, or daily trips of around 10,000 per day at Costco verses around 14,000 per day.
Harris asked for clarification that several smaller commercial sites would create comparable, or more traffic. Burklund said several smaller sites would create much more traffic.

Corr wondered about the square footage allowed for this area.

Steve Henrichsen of the Planning Department stated that typically, 10,000 square feet are allowed per acre, so on a site with 40 acres overall, potentially up to 400,000 square feet might be allowed. Because this site has more parking and does not utilize the funeral home space, it could request more square footage. By some of our other standards, it is a lower density use.

Lust asked why a 100% landscape screen was asked for along the north. Jones said that does exceed the typical minimum standard in order to provide additional noise and visual screening. It was a concern that was brought up repeatedly and it would be applied to whatever commercial development went in. Henrichsen said the cemetery and residential are to the north. The neighborhood expressed considerable concern, particularly about Pad Site 6, which could be a different use. We also heard from people who had cemetery plots and wanted screening.

Lust asked what 100% screen looks like. Henrichsen said rather than having gaps when it reaches maturity, it would cover the entire area. Scheer gave the example of a row of evergreens at maturity, up to 10 feet. Lust asked if fencing is a solution. Henrichsen said fencing up to that height would not be standard. Hove asked if the hill adds. Henrichsen said the elevation and berm contribute. The site is more exposed at the east end. Jones noted that there was a statement that the requirement exceeded, but we did not find that it exceeded it in all cases.

Lust asked about the change in building materials for the exterior. Jones said this rule does not apply to buildings over 50,000 square feet; it is not half of the surface area, it is half of 20% and we do not find that onerous at all. There are other developments with design standards so this is not unprecedented. There is less of a requirement for the Costco building and more for the smaller buildings.

Lust asked about the difference between “similar to” and “compatible with” and Jones said their stance is that it changes from objective to subjective; “compatible” is much more subjective to assess than “similar to”. This will be assessed by an architect, but we would like to stick with the more protective standard.

Harris asked what the Planning Department might find more appropriate in terms of zoning and if there is a higher use for this land. Jones said that is a tough question. We take proposals as they come in and treat them individually. If another application came in, we would start from scratch. Much of what we do is applicant-driven. Harris wondered if the land use would change down the line if the applicant was not requesting this change. Jones said she does not make that choice. The use would probably stay the same.

Applicant Rebuttal:

Hunzeker said that the Access Management Policy was devised years after this area was built. As he understands, the signal at 20th is warranted today and the one on 16th Street may be, as well. It is important to maintain proper access to the south. A mirror image of that type of development would have a bigger impact. This land is now surplus to the

cemetery and it will get developed. The landscape requirements proposed by the City are arbitrary exactions that cost the developer money. The nearest house to the property at the northeast corner is 650 feet away and all others are also a long distance. To the extent that we are trying to screen from houses a quarter mile away seems excessive.

Corr asked what the plans are for Lots 2-4. Hunzeker responded that they are retained by the cemetery for sale to developers of commercial sites, such as retail or restaurant. Corr asked for confirmation that Lincoln Memorial will retain ownership of those sites. Hunzeker said they will own those lots and they are already listed for sale.

Corr asked how long construction would last. Hunzeker said he did not know, but the site might take 2-5 weeks to prepare and then a store could open 110 days later.

Hove asked how the applicant would proceed if the amendments proposed were found to be unacceptable. Hunzeker said these are serious cost items that affect the ability of a project like this to be successful. The project would have to be reevaluated.

COMPREHENSIVE PLAN AMENDMENT NO. 16005
ACTION BY PLANNING COMMISSION: **November 9, 2016**

Corr moved Approval; seconded by Lust.

Corr said there is already commercial area on the south so it makes sense to put it on the north. From there, she questions whether a big box store is appropriate. It is interesting that mirroring the development on the south would have a bigger impact, and that is not what the neighborhood wants. Costco said they do not want to be located on the edge of the City and that they have looked elsewhere. She mentioned the old Anderson Ford lot by Gateway Mall that has been empty for some time. If this is to be an infill project, the developer should be willing to screen and work with who is already there, and give precedence to the people there first. If they are unwilling to do that, it would be better to find a location without those obstructions. There are people who drive to Omaha to go to Costco, so she finds it hard to believe they would not be successful in another location.

Scheer said he will support the Comprehensive Plan change and the change of zone. He has similar issues as Corr with regard to the permit. This building, because of its scale and mass, is being forced in this location. There are schools bracketing on both sides. Further, the building design standards are important to consider. There are not other, utilitarian structures around, so the question is how to get this warehouse concept to fit in. If we do, he will be adamant that we work with the conditions proposed by Staff.

Lust said she has struggled with this. Normally, a commercial use in a residential area is part of a larger CUP or PUD where there has been a commercial pad site, so everyone knows what to expect. That is not the case here. She shares the concern that this is the only possible site, but she will take the applicant at their word that this is where they need to be located. She likes snazzy design standards, especially when there has been

substantial investment in the beautiful homes and developments nearby. In order to have this site, the applicant will have to live with the design standards and landscaping. She also supports the traffic engineers' assessment.

Harris agreed that a development like the one to the south could potentially generate more traffic, which sways her to some extent. This is a part of town with significant investment, not only in dollars, but with schools, kids, the YMCA and library. There are other locations, so if Costco wants to be here, it is reasonable to impose conditions. She would feel more comfortable if some agreement could be reached about the access points. She encourages the applicant to have that resolved with the City before going to City Council.

Hove said it seems short-sighted to cram this kind of large business into a high-traffic area. The applicant is looking at population density, but in Lincoln, it is all about access. The people of central, north and east Lincoln would have a much easier time accessing a location on Highway 77. People in other parts of the City might even find it easier to continue to go to the Omaha location. He challenges the traffic study and finds it hard to believe there are 14,000 cars coming in and out of the development to the south. This is like a regional center. It does not make sense at this location.

The Motion failed to advance (4-1) due to lack of 5 affirmative votes and will carry over to the next regular Planning Commission hearing held on November 30, 2016: Corr, Harris, Lust, and Scheer voting 'yes', Hove dissenting; Cornelius, Sunderman, and Weber absent

CHANGE OF ZONE NO. 16030
ACTION BY PLANNING COMMISSION: **November 9, 2016**

Scheer moved Conditional Approval; seconded by Corr. The Motion failed to advance (4-1) due to lack of 5 affirmative votes and will carry over to the next regular Planning Commission hearing held on November 30, 2016: Corr, Harris, Lust, and Scheer voting 'yes', Hove dissenting; Cornelius, Sunderman, and Weber absent

USE PERMIT NO. 16009
ACTION BY PLANNING COMMISSION: **November 9, 2016**

Scheer moved Conditional Approval; seconded by Corr. The Motion failed to advance (4-1) due to lack of 5 affirmative votes and will carry over to the next regular Planning Commission hearing held on November 30, 2016: Corr, Harris, Lust, and Scheer voting 'yes', Hove dissenting; Cornelius, Sunderman, and Weber absent

There being no further business to come before the Commission, the meeting was adjourned at 6:20 p.m.

Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, November 30, 2016.