MEETING RECORD

NAME OF GROUP:	PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING:	Wednesday, September 27, 2017, 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	Tom Beckius, Tracy Corr, Tracy Edgerton, Maja V. Harris, Chris Hove, Dennis Scheer and Sändra Washington; Deane Finnegan and Christy Joy absent. David Cary, Steve Henrichsen, Tom Cajka, Stacey Hageman, Rachel Jones, Andrew Thierolf, Ed Zimmer, Geri Rorabaugh and Amy Huffman of the Planning Department; media and other interested citizens.
STATED PURPOSE OF MEETING:	Regular Planning Commission meeting

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

Scheer requested a motion approving the minutes for the regular meeting held September 13, 2017. Motion for approval made by Beckius, seconded by Hove and carried 7-0: Beckius, Corr, Edgerton, Harris, Hove, Washington, and Scheer voting 'yes'; Finnegan and Joy absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION: **September 27, 2017**

Members present: Beckius, Corr, Edgerton, Harris, Hove, Scheer and Washington; Finnegan and Joy absent.

The Consent Agenda consisted of the following items: **TEXT AMENDMENT NO. 17016, SPECIAL PERMIT NO. 2004A, ANNEXATION NO. 17010, ANNEXATION NO. 17012, ANNEXATION NO. 17013, CHANGE OF ZONE NO. 17026,** and **CHANGE OF ZONE NO. 17027.**

Scheer disclosed he had a brief conversation with Nebco, Inc. regarding Annexation No. 17010 and advised them to contact the Planning Department with comments or concerns.

Hove declared a conflict of interest on Change of Zone No. 17026 and exited the Chambers.

The following items were removed from the Consent Agenda to have separate Public Hearing: **Annexation No. 17010** and **Annexation No. 17012**.

Beckius moved approval of the remaining Consent Agenda, seconded by Washington and carried 6-0: Beckius, Corr, Edgerton, Harris, Washington, and Scheer voting 'yes'; Hove declared a Conflict of Interest, Finnegan and Joy absent.

Note: This is a recommendation to the City Council on all items.

Hove returned to the chambers.

ANNEXATION NO. 17010, FOR A CITY-INITIATED ANNEXATION OF APPROXIMATELY 211 ACRES, MORE OR LESS, ON PROPERTY GENERALLY LOCATED AT NORTH 56TH STREET AND FLETCHER AVENUE: **September 27, 2017**

Members present: Beckius, Corr, Edgerton, Harris, Hove, Scheer and Washington; Finnegan and Joy absent.

Staff recommendation: Approval.

There were no ex parte communications disclosed on this item.

Staff Presentation: Andrew Thierolf of the Planning Department stated this area was identified in the 2017 Annexation Study as a good candidate for annexation. The study was released in July. Normally, annexations happen at the request of the property owner, often when they are seeking City services such as paved surfaces and attachment to City sewer and water lines. There are, however, areas that are already developed or that will not otherwise request annexation for various reasons. In those cases, the City may initiate annexations to ensure equity among tax payers, to provide clarity for emergency services, and to make sure the City grows in an orderly and efficient way; it doesn't make sense to have an overwhelmingly urban area with holes of County jurisdiction scattered within.

The methodology in determining which areas were ready for annexation included examination of all areas that met any or all of the following criteria: all land is within Tier I, Priority A and B; all areas are engulfed by the City; contiguous areas with urban characteristics; and agricultural areas with enough City infrastructure in place as to make it urban in character. These characteristics are noted and supported by the Comprehensive Plan which includes an established annexation policy.

Eight areas were identified as being appropriate for annexation. Four public meetings were held and letters went out to all property owners in each area. The process has been very open throughout.

This particular annexation is for approximately 211 acres that are zoned AG and completely surrounded by the City. The area includes two parcels and is part of the Lincoln Public Schools system. When it comes to emergency services, the western portion is served by Raymond and the east by Waverly. All of the surrounding area is within the Lincoln Fire and Rescue jurisdiction. It is easy to understand how this creates a potentially confusing situation. The property currently has Greenbelt status so it qualifies for reduced taxation. The area was originally proposed for Annexation in 2008 but it was excluded to give Nebco the opportunity to seek a conservation easement to protect that Greenbelt status. There is still no easement in place, so this is the time for annexation.

Harris noted there was a change to the annexation policy in 2008. She wondered what changed with regards to the Comprehensive Plan and what the guiding philosophical principles were in making changes. Thierolf responded that there are 10 paragraphs that discuss different aspects of annexation. The piece used for these City-initiated annexations did not change at all. At a future meeting, there will be discussion related to changes in policy as applied to acreages.

Harris commented that the overruling principle for annexation is still owner-initiated. She wondered if the idea was to roll out changes slowly and what the reason was for the gap in time between the City-initiated annexations in 2008 and now. Thierolf said Staff looked at thousands of acres. There was no policy or intention behind waiting so long; it was simply the case that there were other priorities that came first. Moving forward, Staff intends to do the City-initiated annexations more frequently in order to keep up with City growth.

Washington noted that the agency review mentioned the distance from sewer lines but does not say how far away they are. She also wanted to know the cost difference between taxation with the Greenbelt status and without. Thierolf said that if a main building on a property is within 300 feet, it is required to connect to the sewer line. That rule does not apply for this particular annexation since there is no main building. Under Greenbelt status, value is assessed at 75 percent of the ag value. If that status is lost, the property would be assessed at full value, which includes its development potential. The majority of the property is floodway and cannot be easily developed.

Beckius asked if Watershed Management has been contacted about the Greenbelt status. Thierolf said they are aware of this property, but he does not know of any specific requests.

Opponents:

1. Bob Caldwell, Nebco, Inc., 6101 Luann Lane, stated Nebco has a long history of development around Lincoln. Their goal has always been to cooperate and collaborate with the City on projects and there is no animosity over this proposed annexation. That said, the attributes of this property do not lend themselves to this annexation. The reason the property has not been developed is that the northern portion is all floodway and on the west, there is a drainage canal with an easement granted by Nebco to the NRD to enlarge that portion to Salt Creek. Only a small area along the south, abutted by two active creeks, and a small strip along the east could be developed. Nebco has even referred to this property as the “duck preserve.” Farming occurs only when there is no standing water.

The main points for annexation do not apply to this area. No one is on the property drawing from City services so there is no case for tax equity. In terms of clarity for emergency services, there are no buildings on the property to protect. The City avoids taking on wetland maintenance, which is what this property would entail. Finally, Nebco owns many of the surrounding properties, which are annexed and properly zoned. To say that annexation should allow for continued growth is not applicable since the property is so difficult to develop. Though the area is included in Tier I, no reputable study would find this land easily

developable. Furthermore, this land does not include any houses or churches like many of the other proposed areas. If there was need for services, annexation would make more sense. Nebco is currently studying the area to decide what can be done. Until that decision is made, we are opposed to the annexation.

Beckius asked what the current use of the property is. Caldwell said it is farmed when there is no standing water. Beckius noted that in an aerial photo, there appeared to be a large rock pile on the property and he wondered the history of that use. Caldwell said there was a concrete pile there for 30 years. Nebco was informed it was not allowed and the operation has since been moved.

Hove asked for the reason the conservation easement has not been applied for. Caldwell said consideration of that easement is part of the research being done now. It is important to understand the tax consequences and what entities might be interested in the property. If the annexation does not move forward, the research into the easement and potential development will continue. There is a reason that this property has been empty for so long.

Washington asked for clarification about the flood map and whether Nebco is prohibited from building in the floodplain. Caldwell said there is no access from 56th Street. In order to develop, a bridge would have to be constructed across the drainage way which is set to be enlarged by the NRD. There are active creeks in the area and the floodplain would have to be built up.

Staff Questions:

Harris asked Staff to address the points regarding the lack of benefit from annexation, given that the property will not be developed and City services will not have the same benefit. Thierolf said there are many areas of floodplain and flood way throughout the City and if they were never annexed, there would be holes all over the City. The properties surrounding the area pay City taxes. The argument for clarification of emergency services is strong since there are currently three jurisdictions.

Hove asked if there are any plans to alleviate some of the flood issues. Thierolf said not that he is aware of.

ANNEXATION NO. 17010
ACTION BY PLANNING COMMISSION: **September 27, 2017**

Corr moved for Approval, seconded by Beckius.

Washington said this area was considered for annexation in 2008 and was excluded in order to allow time for a conservation easement. She is disappointed that the easement has been left unattended, though she also understands why they are not interested in moving forward at this time. For tax payer equity, it seems right to treat the property as others are treated.

Beckius agreed with Staff that if all flood areas were left unannexed, there would be gaps all over the City. This parcel is completely surrounded. Nebco has purchased the abutting

property. There is continued investment in the area, overall, so it is equitable for tax payers, even though this particular area has limited use, to become part of the City.

Harris agreed with some of what has been said. This is similar to talking about development agreements in that the scope of this body is limited; even if there are other issues and bigger questions, much of that falls outside of the purview of the Planning Commission. Within the strict confines of appropriate land use and conformance with the Comprehensive Plan, this checks all of the boxes. This is not a typical piece of land, but it merits a robust discussion at the City Council level regarding how to do this equitably, and how interests are weighed so that the greater good wins and everyone is treated fairly throughout the process.

Scheer agreed with Harris regarding the limited perspective of the Planning Commission.

Motion carried, 7-0: Beckius, Corr, Edgerton, Harris, Hove, Washington, and Scheer voting 'yes'; Finnegan and Joy absent.

Note: This is a recommendation to the City Council.

ANNEXATION NO. 17012, FOR A CITY-INITIATED ANNEXATION OF APPROXIMATELY 32 ACRES, MORE OR LESS, ON PROPERTY GENERALLY LOCATED AT SW 1st STREET AND WEST DENTON ROAD: **September 27, 2017**

Members present: Beckius, Corr, Edgerton, Harris, Hove, Scheer and Washington; Finnegan and Joy absent.

Staff recommendation: Approval.

There were no ex parte communications disclosed on this item.

Staff Presentation: Andrew Thierolf of the Planning Department stated this area was identified in the 2017 Annexation Study as a good candidate for annexation. The study was released in July. Normally, annexations happen at the request of the property owner, often when they are seeking City services such as paved surfaces, and attachment to City sewer and water lines. There are, however, areas that are already developed or that will not otherwise request annexation for various reasons. In those cases, the City may initiate annexations to ensure equity among tax payers, to provide clarity for emergency services, and to make sure the City grows in an orderly and efficient way; it doesn't make sense to have an overwhelmingly urban area to have holes of County jurisdiction scattered within.

The methodology in determining which areas were ready for annexation included examination of all areas that met any or all of the following criteria: all land within Tier I, Priority A and B; all areas engulfed by the City; contiguous areas with urban characteristics; and agricultural areas with enough City infrastructure in place as to make it urban in character. These characteristics are noted and supported by the Comprehensive Plan which includes an established annexation policy.

Eight areas were identified as being appropriate for annexation. Four public meetings were held and letters went out to all property owners in each area. The process has been very open throughout.

This property is adjacent to City limits on three sides so it is nearly engulfed. The only area outside of City limits is Wilderness Park, located directly east of the property. Half of the area is right-of-way. It is zoned AG and is part of the Norris School District. The area is served by Southwest Rural Fire. This is also another Greenbelt property so it could lose that status unless a conservation easement is obtained. Southwest Village was developed in 2006 so the area has been nearly surrounded for 11 years.

Washington wanted to know the impact on taxes. Thierolf said that in the Greenbelt area, the assessor valuates the property at 75% of agricultural value alone. If the status is lost, the property will be assessed at 75% of full value, which includes development potential.

Washington asked how close to city sewer the area is and if there is any idea of what future development will be. She noted the proximity to the simulcast horse racing facility. Thierolf said sewer is roughly to the north and west. There is a temporary lift station. Water is in S. 1st Street, so they are pretty close. There are currently no approved development plans in place.

Hove asked why Wilderness Park is not being considered for annexation. Thierolf said that will be examined in the future. There are some areas in the park or adjacent that are outside of service areas so if annexed, islands that cannot get services would be created. It could be on the table in the future.

Opponents:

1. Dale Schmidt, 8401 S. 1st Street, stated he is concerned about taxation and regulation without representation. For as long as they have owned the property, the City, County, and State have all made changes around them, many of which were not beneficial or necessary, only to change things back to the way they were before. 1st Street has been changed several times. The city does not maintain nearby areas now; there is no snow removal. One street had to be rebuilt to give access to their property because it was torn out during another annexation when the Southwest Village development went in. The adjacent areas were annexed solely for the development of the resources. If not for that, this would still be a rural area. One major area of concern is wildlife. He has put up electric fences and traps to keep the wildlife in check while raising trees. Game and Parks must also deal with wildlife accidents along Highway 77. He is unsure of how the City would handle dealing with these wildlife issues that are currently being maintained by them as property owners. The property in question is within the flood plain and development would be very difficult, if not impossible. Sewer connections are not very close and it would not be practical to install fire hydrants. The Southwest Rural emergency services has managed grass fires along Highway 77 just fine. He is not opposed to annexation at some point in the future. The State will need to acquire some property for the southbound ramp which will be the final hookup to the South Beltway.

Beckius asked if the area is still used as a tree farm. Schmidt replied that it has more or less been abandoned for now, though they still maintain their grower's license required by the State. Messes from flooding are still being cleaned up, but they hope to continue growing trees or revert the area back to ag land in the near future.

Beckius asked about current access to the property. Schmidt said that they currently access the shed by coming in from the west and going through the property. There was supposedly an easement to allow permanent access; however, that easement was never recorded. Because of that, the road had to be put back in, at their request. The area is not paved; only the area from Schmidt Drive up to the pump station is.

Hove asked for clarification about the lack of representation. Schmidt said that within the 3-mile jurisdiction, City taxes are paid, but there are no voting rights. He would have no legal way of making changes. Hove wondered if being annexed would solve that. Schmidt clarified that they would not be able to vote unless their residence was within the annexation area. If the racetrack ever develops, the track will go on the south end of their property, so it is possible the ag area may become pasture. There would have to be substantial mitigation to the flood plain to ever be developed.

Scheer asked if they currently vote for County Commissioners where they reside. Schmidt said yes.

Staff Questions:

Beckius asked staff if any background could be provided about the development of Southwest Village. **Steve Henrichsen of the Planning Department** stated the area has a complicated history. The adjacent area was set up for a Wal-Mart, but the recession happened so the betting facility was built to the west instead. Because of interest in residential development, the interchanges including those proposed to South Beltway, South 1st Street had to bend. This all resulted in various states for Schmidt Drive. None of the issues have a negative impact of future development. The flood plain limits it, but again, is not negative in terms of annexation.

Beckius asked how the out building is currently accessed. Thierolf pointed out a drive off of S. 1st Street. Beckius asked for confirmation that it does not use Schmidt's Drive. Thierolf said that is correct.

Washington asked if there is a time frame between now and the building of the interchange. **David Cary, Director of Planning**, stated the South Beltway will have an interchange near the southern alignment of a new road. Construction is set to start on the beltway in 2020 and to take up to 7 years to complete, so roughly within the next 10 years. Washington wondered if the City prefers areas to be annexed beforehand.

Cary said there is not a direct relationship between annexation and the interchanges. The points made by Thierolf regarding how the annexation areas were chosen are more pertinent.

Harris asked why the area is considered "surrounded" by City limits when the Wilderness Park area is not within City limits. Thierolf said the City surrounds the area with exception of the park. Harris asked for clarification about the terminology used. Thierolf noted that the land only has to be contiguous. "Surrounded" and "engulfed" are different terms. In the broad sense, this area is surrounded and is directly adjacent on three sides.

Scheer said he understands the difference between contiguous versus surrounding; however, the properties located not far south and directly to the east are not annexed. He wondered if it would make more sense to consider this particular area when a bigger piece is done. Thierolf said the annexation proposed today is appropriate since it is adjacent on three sides. He clarified earlier his comment regarding Wilderness Park; the City is not planning an imminent annexation of Wilderness Park, it is just an area that will continue to be examined in the future. Waiting to tie this annexation to that future action would not be appropriate.

ANNEXATION NO. 17012
ACTION BY PLANNING COMMISSION: **September 27, 2017**

Corr moved for Approval, seconded by Beckius.

Washington finds this annexation challenging. The area is up against Wilderness Park and half is within right-of-way. This owner does not have much control of the property they have now. Southwest Fire seems to have managed the area without incident thus far. She understands the challenge of managing wildlife when operating a tree farm, so she has concerns about the City taking that management over. Additionally, the roads in the already annexed areas are not being serviced and the access to the property is confusing. It is possible this particular area might seem more suitable for annexation in the future, but not today.

Beckius said he also finds this one challenging. In his experience, there is often a correlation between market demands and annexation and much of the area is not currently bearing the need for annexation. He does not believe this is a direct correlation, but the argument that the area is mostly surrounded by City limits is not as compelling in this case.

Harris referred back to her comments for the first annexation. There are challenges with both of these properties and they are not clear cut. The definition of "surrounding" needs to be discussed, especially by elected officials. She again feels this application must be viewed within a limited scope and she has not heard arguments compelling enough to say this should not be annexed, given the guiding principles of the Comprehensive Plan.

Scheer stated he finds this area different from the last. Wilderness Park makes this property different in terms of how it relates to the City. This body voted previously with the comment that it is important to avoid creating holes in the City limits, but Wilderness Park is a hole that is not being annexed. He is glad this area is being considered, but for him, this application is different and he will not support the motion.

Motion carried, 5-2: Beckius, Corr, Edgerton, Harris, and Hove voting 'yes; Washington and Scheer voting 'no'; Finnegan and Joy absent.

Note: This is a recommendation to the City Council.

ANNEXATION NO. 17011, FOR A CITY-INITIATED ANNEXATION OF APPROXIMATELY 161 ACRES, MORE OR LESS, ON PROPERTY GENERALLY LOCATED AT SOUTH 40th STREET AND YANKEE HILL ROAD: **September 27, 2017**

Members present: Beckius, Corr, Edgerton, Harris, Hove, Scheer and Washington; Finnegan and Joy absent.

Staff recommendation: Approval.

There were no ex parte communications disclosed on this item.

Staff Presentation: Andrew Thierolf of the Planning Department stated this area was identified in the 2017 Annexation Study as a good candidate for annexation. The study was released in July. Normally, annexations happen at the request of the property owner, often when they are seeking City services such as paved surfaces, and attachment to City sewer and water lines. There are, however, areas that are already developed or that will not otherwise request annexation for various reasons. In those cases, the City may initiate annexations to ensure equity among tax payers, to provide clarity for emergency services, and to make sure the City grows in an orderly and efficient way; it doesn't make sense to have an overwhelmingly urban area to have holes of County jurisdiction scattered within.

The methodology in determining which areas were ready for annexation included examination of all areas that met any or all of the following criteria: all land within Tier I, Priority A and B; all areas engulfed by the City; contiguous areas with urban characteristics; and agricultural areas with enough City infrastructure in place as to make it urban in character. These characteristics are noted and supported by the Comprehensive Plan which includes an established annexation policy.

Eight areas were identified as being appropriate for annexation. Four public meetings were held and letters went out to all property owners in each area. The process has been very open throughout.

This area is 161 acres, adjacent to City limits on three sides. The City stretches a mile to the south of this area and it is very urban in character. It is currently zoned AG and in the Norris School District. The unique thing about this area is that the golf course is outside of City limits, but the clubhouse is within. This causes confusion for emergency services because, if someone

were having a heart attack on the course, it would be the rural fire district that should respond, but if this emergency occurred within the clubhouse, LFR would respond. Another aspect of this area that is different from the others heard today is that this area is partially within the Rural Water District so there would be a payment due at the time of annexation. The clubhouse was annexed in 1998. This area was also proposed for annexation in 2008 but, at that time, the payment to the NRD could not be worked out. Since then, those formulas have been established so the City would pay $9,100 for the loss of customers in the NRD.

Harris asked why the clubhouse was annexed. Thierolf said he assumed it was because they were requesting urban services. Henrichsen said the sewer was not brought up to the golf course because the land to the north was sewering in a different direction. That has now been brought up so the entire area can be served.

Thierolf concluded by noting that the residential property within the area would be required to connect.

Harris asked for comment from Lincoln Fire and Rescue about the agency notes made in the report. **Pat Borer, Lincoln Fire and Rescue**, said that currently, the closest station is Station #4 at 27th Street and Old Cheney Road. Travel time is a component factored into response time and that calculation is approximately two minutes for every mile. The travel time in this case would be quite long. LFR is in the process of building four new stations around the east and south edges of town.

Harris asked who would respond to an emergency call made in the example of someone having a heart attack on the golf course. Borer said it is confusing dealing with abutting districts. The current call system is not geo-aware, so it is based on cell phone location or closest address. Dispatchers rely on caller information. From a public safety perspective, if a property is completely engulfed within the City limits, it should be annexed. If a caller said they were near the clubhouse, LFR could be the ones to respond.

Beckius asked when new response times will be calculated after the new fire stations open. Borer said in this case, the distance will be almost the same from the Old Cheney station to any of the new proposed locations.

Washington asked about the status of other nearby properties that are not included within the proposed annexation area. Thierolf said those areas are Tier I, Priority C, so per the Comprehensive Plan, annexation might be expected after 2025. They are not dependent on sewer and other infrastructure and today, cannot be served with sewer. The area could move up in consideration as the areas to farther south continue to develop.

Corr asked if the house outside of City limits is occupied. Thierolf said yes; the property owner is present.

Beckius asked if it is the Southeast Rural Fire District that serves this area. Thierolf said he was unsure since he is not as familiar with rural stations. The thing to remember is that since they are volunteer units, their response time might be longer than a City station where firefighters

are present and ready to go. Beckius agreed and noted he was trying to get an idea for the difference between the two response times.

Opponents:

1. Steve Speidel, 7800 S. 40th Street, stated his property is the northwest corner of the area. His grandfather moved to this farm 100 years ago. The land has been farmed in much the same way since then. He produces grass seed, baled hay, and large ear corn, all of which is sold and used locally. It takes a lot of labor to do all of that, but these crops have provided enough of a living to pay property taxes. If the land is annexed, he does not believe that will continue to be the case due to the increase in the taxes he will owe. The land also has a historical barn, farm machinery and a tractor combine so he disagrees with staff that the land is urban in character. He does not plan to move or to put houses around his own. He has an easement and restrictive covenant on the golf course that nothing can be built from his property to Yankee Hill Road, so the golf course will have to remain as long as he does. The entire area to the east is not annexed. Since the land is being intensely farmed, it is not urban, is not surrounded, and will not be developed by 2025, annexation is not appropriate at this time. The area is served by the Southeast Rural Fire District. The clubhouse is located over the ridgeline. The valuation on his property will rise significantly per acre if annexed.

Staff Questions:

Beckius asked if the clubhouse is served by a pump station. Thierolf said not that he is aware of. Beckius asked what other factors surrounding the property have changed over time since the clubhouse was built. Henrichsen replied the clubhouse has always been on gravity flow. There is a small ridge and perhaps some houses with an extra bathroom in the basement may use a pump, but the majority were set up to be served by gravity.

Beckius asked why the rest of the golf course was not annexed at the same time as the clubhouse. Henrichsen said that at the time, services would have to have been available. It was proposed to be a golf course, but Staff must assume that use could go away in the future and that there would be a proposal to develop, so then the lack of service would become an issue.

Washington said that she can see the safety implication for annexing the course so there is less confusion, but she is also troubled by the tax burden placed on an individual business; it seem prohibitive. She wondered if there was any available relief. Thierolf said the Greenbelt status is the program for that relief and the property would be eligible even within the City. He is not aware of other programs available for those who farm within City limits.

Washington wondered what the mechanism would be for changing this proposal, if one wanted to do so. Cary said that an amendment could be proposed to see if there is support from other Commissioners. That could happen at the City Council level, as well. He suggested that Staff would not encourage a change that would create a property becoming completely encircled by City limits.

Washington wondered if there was any representation from the golf course on hand. Thierolf said they were consulted a number of times. They were unsure of whether they would support or oppose, but they did not appear today or send any correspondence. He added that the taxes would go up on this property since it would be assessed the same as other City property, but Staff does not see that as a compelling argument since the property has City limits adjacent on three sides. The taxes will be the same as other taxes in the City.

Beckius said he assumes the property owner of the single-family home sold the property for use by the golf course. Thierolf said yes, much of the development was initiated by the property owner.

ANNEXATION NO. 17011
ACTION BY PLANNING COMMISSION: **September 27, 2017**

Beckius moved for Approval, seconded by Harris.

Beckius stated that his primary concern is the public safety aspect. It is easily anticipated that a user of this course would assume LFR would be the ones to respond to an emergency, so that is not equitable. He has no issues with annexing the golf course. That, in turn, encompasses the single-family home.

Harris agreed. She said if the lot with the farm would have been anywhere else, she may not have voted in favor of annexation, but she does not see how it would be equitable if the first application was approved by this body, but this one was not, given that the inevitable consequence of annexing the golf course is the creation of an island outside of City limits.

Motion carried, 7-0: Beckius, Corr, Edgerton, Harris, Hove, Washington, and Scheer voting 'yes'; Finnegan and Joy absent.

Note: This is a recommendation to the City Council.

CHANGE OF ZONE NO. 17022, FROM B-3 COMMERCIAL DISTRICT TO B-3 WITH HISTORIC LANDMARK OVERLAY, ON PROPERTY GENERALLY LOCATED AT 2601 NORTH 48TH STREET: **September 27, 2017**

Members present: Beckius, Corr, Edgerton, Hove, Scheer and Washington; Finnegan, Harris, and Joy absent.

Staff recommendation: Approval.

There were no ex parte communications disclosed on this item.

Harris declared a conflict of interest and exited the Chambers prior to testimony.

Staff Presentation: Ed Zimmer of the Planning Department stated this building was constructed in 1914-1915 as the multi-purpose City Hall building for University Place, which at

that time, had a population of between 2,500 and 3,000. The building housed an auditorium, the City Council, water, fire and police departments. The architect was John R. Smith, who built churches and libraries. His masterpiece was this city hall. After annexation in 1926, the building served as the fire station. It became an art gallery and education center in the 1980s. The adjacent building to the north was once a bakery and is now joined internally. Both buildings are included in the application. Renovation plans for the Lux Center are moving forward and would benefit from the landmark status, which would help with fundraising. The interior, though not a major part in the consideration for landmark designation, still has some elements that closely resemble the original treatments, including the prominent staircase. The package includes preservation guidelines.

Beckius asked if this is the first historic application for the building. Zimmer said the same question was asked by the Historic Preservation Commission. Many have assumed the building was already officially a landmark. Hove asked for clarification that the building was not already an officially designated building. Zimmer said that is correct.

Corr asked what was next door before the bakery. Zimmer said the earlier building was an auto garage built in 1957.

Proponents:

1. Joe Shaw, 2311 Q Street, came forward as Director of the Lux, on behalf of the staff, leadership and Board. Zimmer presented a full and complete reason for why this property should be landmarked and preserved and he is available to answer any questions.

There was no testimony in opposition.

Corr noted a clerical error made on the owner list in the report. Zimmer said the error will be corrected. The Lux is the correct owner.

CHANGE OF ZONE NO. 17022
ACTION BY PLANNING COMMISSION: **September 27, 2017**

Washington moved for Approval, seconded by Beckius.

Washington commended The Lux for pursuing the Landmark designation.

Corr said this is an excellent example of a property that we want to preserve.

Sheer said he is glad preservation benefits will be used for such a fantastic property.

Motion carried, 6-0: Beckius, Corr, Edgerton, Hove, Washington, and Scheer voting 'yes'; Harris declared a conflict of interest; Finnegan and Joy absent.

Note: This is a recommendation to the City Council.

Harris returned to the chambers.

CHANGE OF ZONE NO. 17024, FROM AG AGRICULTURAL DISTRICT TO AG AGRICULTURAL DISTRICT WITH HISTORIC LANDMARK OVERLAY, ON PROPERTY GENERALLY LOCATED AT 6501 SW 40TH STREET: **September 27, 2017**

Members present: Beckius, Corr, Edgerton, Harris, Hove, Scheer and Washington; Finnegan and Joy absent.

Staff recommendation: Approval.

AND

SPECIAL PERMIT NO. 17031, FROM B-3 COMMERCIAL DISTRICT TO B-3 WITH HISTORIC LANDMARK OVERLAY, ON PROPERTY GENERALLY LOCATED AT 2601 NORTH 48TH STREET: **September 27, 2017**

Members present: Beckius, Corr, Edgerton, Harris, Hove, Scheer and Washington; Finnegan and Joy absent.

Staff recommendation: Conditional Approval.

Members present: Beckius, Corr, Edgerton, Harris, Hove, Scheer and Washington; Finnegan and Joy absent.

There were no ex parte communications disclosed on this item.

Staff Presentation: **Stacey Hageman of the Planning Department** stated these applications are a change of zone for a landmark designation of the Burgess Farmstead and a special permit to allow a bed & breakfast. The farmstead is surrounded by a dense windbreak of mature trees and the house faces east to the road. The original barn is still on the property. Joseph and Annie Burgess emigrated from England and by 1883, owned 240 acres. Joseph worked as a successful farmer for 40 years and was known for his management and local involvement. Their youngest son Joseph took over the farm. The surviving 10 children remained in the area. Photos show the construction of the current house which was built in 1912 after a fire set by fireworks destroyed the previous house they had just built. The house has stayed in the family and the current owners are the great-grandson of Joseph and his wife. It is still active as a farm.

The house is a 2 ½ story American Foursquare, which was the most popular design of the time and reflects the family's prosperity. The house features a gabled roof, six bedrooms, a full-length front porch, a secondary porch on the south side, and a 2-story bay window. The landmark designation will allow the special permit for the bed & breakfast and will provide protection for the property. This project went before Historic Preservation Commission in August and they recommended approval.

Proponents:

1. John Thomas, 6501 SW 40th Street, came forward as applicant. He is the great grandson of Joe. His grandfather was the youngest of 13 children; 11 survived to adulthood. They have a rich family history and most of the family still lives in the area. He and his wife are preservationists at heart and have taken extreme care in renovating the home, including preservation of all of the original interior features. The home is a great location for a bed & breakfast because it is secluded and has plenty of off street parking. It is unlikely neighbors will even notice when guests are staying.

Beckius asked if three of the bedrooms will ultimately be used for the bed & breakfast. Thomas said that currently, two bedrooms have been remodeled to be suites. There is a much greater expense to operate with a third room because the fire code requirements become much greater at that point, though that could change in the future. Beckius asked how many guests can stay at one time. Thomas said a maximum of four at a time.

Harris congratulated Mr. Thomas on what looks to be a beautiful home. The Staff Report refers to the exemplary rehabilitation of the property. She expressed her appreciation for the efforts. She wondered if the family picture was taken in front of the home. Thomas said he was unsure of where the photo was taken.

Scheer asked about the response of neighbors to this project. Thomas explained that they have been in the process of doing this for around seven years and have never hidden their intentions from neighbors. Their responses have either been neutral or positive. Letters were sent out to property owners nearby. They received one phone call offering support.

Hageman came forward to note that the photo was taken in front of the house in 1929 when all of the kids came home to surprise Annie for her 70th birthday.

CHANGE OF ZONE NO. 17024
ACTION BY PLANNING COMMISSION: **September 27, 2017**

Washington moved for Approval, seconded by Corr.

Corr thanked the applicants for preserving this home, stating that it is honorable that they have taken the time to do it the right way.

Scheer congratulated the applicants on a great project and thanked them for their time and effort in their renovations.

Motion carried, 7-0: Beckius, Corr, Edgerton, Harris, Hove, Washington, and Scheer voting 'yes'; Finnegan and Joy absent.

SPECIAL PERMIT NO. 17031
ACTION BY PLANNING COMMISSION: **September 27, 2017**

Corr moved for Approval, seconded by Edgerton and carried, 7-0: Beckius, Corr, Edgerton, Harris, Hove, Washington, and Scheer voting 'yes'; Finnegan and Joy absent.

Note: This is FINAL ACTION unless appealed to the City Clerk within 14 days.

There being no further business to come before the Commission, the meeting was adjourned at 2:50 p.m.

Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, October 11, 2017.

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