

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, November 14, 2018, 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, Dick Campbell, Tracy Corr, Tracy Edgerton, Maja Harris, Dennis Scheer and Sandra Washington; Deane Finnegan and Cristy Joy absent. David Cary, Steve Henrichsen, Paul Barnes, Tom Cajka, Collin Christopher, George Wesselhoft, Rachel Jones, Andrew Thierolf, Brian Will, Geri Rorabaugh and Amy Huffman of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

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 Planning Commission hearing held October 24, 2018. Motion for approval made by Campbell, seconded by Washington and carried 7-0: Beckius, Campbell, Corr, Edgerton, Harris, Scheer and Washington voting 'yes'; Finnegan and Joy absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

November 14, 2018

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

The Consent Agenda consisted of the following item: **CHANGE OF ZONE 08041B, SPECIAL/USE PERMIT 06022B, SPECIAL PERMIT 18034, and USE PERMIT 10001A.**

There were no ex parte communications disclosed.

CHANGE OF ZONE 08041B was removed from the Consent Agenda to have separate Public Hearing.

Beckius moved approval of the remaining Consent Agenda, seconded by Campbell and carried 7-0: Beckius, Campbell, Corr, Edgerton, Harris, Washington, and Scheer voting 'yes'; Finnegan and Joy absent.

Note: This is FINAL ACTION on SPECIAL PERMIT 06022B and SPECIAL PERMIT 18034 unless appealed by filing a Letter of Appeal with the Office of the City Clerk within 14 days. This is a recommendation to the City Council on all other items.

CHANGE OF ZONE 08041B, FROM AGT TO R-3 PUD TO EXPAND THE EXISTING PUD BY APPROXIMATELY 16.63 ACRES TO ALLOW SINGLE FAMILY RESIDENTIAL AND UP TO 12,500 S.F. OF COMMERCIAL FLOOR AREA;
PUBLIC HEARING: **November 14, 2018**

Members present: Beckius, Campbell, Corr, Edgerton, Harris, and Washington; Commissioner Scheer declared and Conflict of Interest and exited the Chambers; Finnegan and Joy absent.

There were no ex parte communications disclosed on this item.

Staff Presentation: **Brian Will, Planning Department,** stated this item has been before Planning Commission two times. This application is to expand the application by another 16 acres including the 3 adjacent lots to the west. One lot has a single-family home and that owner has not been participating in this process, but is not objecting being included. The larger tract is the site of the new fire station, currently under construction. The western-most lot consisting of 12,500 feet is being requested to allow for contractor services. They have a building that has been constructed, but there is also a single-family dwelling near Pine Lake Road. If approved, the drywall business will be allowed to continue concurrent with the residential use. The PUD tool is not often used for this purpose, but there are special constraints in the area such as the railroad tracks and Beal Slough that make the area more difficult to develop. The applicant wants to modify conditions, which is why the application was pulled from the Consent Agenda.

PROPOSERS:

1. **Mark Hunzeker, 1248 O Street, Baylor Evnen Law Firm,** came forward on behalf of the applicant. Staff is in agreement on the two proposed changes to the conditions. The first request is to waive the requirement for submittal of a drainage plan. This property is next to the creek so it would be unusual to include detention in that area. The next request relates to the 24-foot wide access to the lot adjacent to the west. We are willing to grant the easement under the conditions that it not be effective until either the owner of Lot 15, Block 2 provides garage access to the east or south, and paves the drive from Pine Lake and maintains it in perpetuity, or the Campus Life

property is included in the PUD and that owner agrees to pave the access. It is not out of the question that will administratively convert the house into the office of the drywall business in the near future.

Harris and Washington asked for clarification on the changes to conditions. Hunzeker explained the applicant will grant the easement if the house is removed or the use changes, or Campus Life is included in the PUD, including responsibility for paving.

Campbell asked for clarification about the numbers related to setbacks and access easements. Hunzeker agreed there is a sentence that needs to be deleted to clarify.

Edgerton asked if it is likely the use will convert. Hunzeker said it is; economically, it is a better use of the house if converted to office space.

Washington expressed concern about the removal of the requirement to show no increase in runoff. Hunzeker replied that they are not doing any paving or grading that would increase runoff. That will only happen if the driveway gets paved.

2. Tim Gergen, Clark Enersen Partners, said that Watershed Management indicated that the runoff condition was from 1999. He suggested that instead of striking the language altogether, it would be appropriate to explain the reason the waiver is appropriate. We have no opposition to protection of storm water quality, only the detention, which would not be appropriate in this location where the goal is to make sure water moves downstream.

There was no further public testimony on this item.

STAFF QUESTIONS:

Corr, Campbell, and Harris asked how Staff responds to the various amendments proposed by the Applicant today. Will said these topics have been discussed and Staff is fine with the changes. Public Works and Watershed Management have also been consulted. There was further discussion related to the refinement of amendment language in the conditions. Washington reiterated her concern for water quality issues and the confusion of whether conditions harken back to 1990 or are current for this application. Will said they are current and the distinction may not matter at this point since all appropriate reviews have been conducted by City departments.

There were applicant rebuttal.

CHANGE OF ZONE 08041B
ACTION BY PLANNING COMMISSION:

November 14, 2018

Harris moved Approval with amendments to Conditions, to be worded appropriately by Staff and the applicant, seconded by Beckius.

Corr stated she understands where Commissioner Washington is coming from in terms of her concerns about protecting water quality and dealing with runoff. She trusts that Staff has reviewed this thoroughly.

Motion for Approval carried 6-0: Beckius, Campbell, Corr, Edgerton, Harris, Scheer and Washington voting 'yes'; Commissioner Scheer abstained; Finnegan and Joy absent.

Commissioner Scheer returned to the Chambers.

TEXT AMENDMENT 18014, AMENDING VARIOUS SECTION OF THE LINCOLN MUNICIPAL CODE RELATED TO PARKING, SCREENING, AND LANDSCAPRE REQUIREMENTS;

PUBLIC HEARING:

November 14, 2018

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

Staff Recommendation: Approval.

Corr disclosed that she attended two Mayor's Neighborhood Roundtable meetings where this topic was presented. Beckius said he was present at meetings where this topic was discussed and knows that comments were submitted to Planning by parties also in attendance.

Staff Presentation: Rachel Jones and Collin Christopher, Planning Department, came forward. Jones said this text amendment package was presented in detail at a briefing, so today's explanation will be brief. The package was thoughtfully designed to balance parking reductions and built-flexibility in the requirements for landscaping and street trees. There are various incentives for developers, with opportunities for additional aesthetic improvements. The Comprehensive Plan supports enforcement of design standards and place-making measures, while encouraging flexibility to allow for redevelopment and growth. These were presented at the Mayor's Roundtable meetings and received unanimous approval from the Urban Design Committee.

Jones reviewed parking changes, emphasizing reductions in areas where it makes sense and the support for redevelopment through added flexibility to serve the development community while still taking into account neighboring properties. Included are the reduction in minimum parking amounts, expanded opportunities for offsite parking and shared parking, and a process for allowing minor changes to be done by Administrative Amendment.

Christopher said changes to landscaping and screening are driven by the Comprehensive Plan and staff analysis of how current practices could be better applied. The more significant changes fall under three categories: parking, open spaces, and street changes. The changes in requirements for large lots will positively impact appearance and functionality, soften visual harshness, and preserve sightlines to properties. The proposal removes and clarifies exemptions and proposes a small increase in the number of shade trees required internally for certain lots. Open space landscaping targets large development opportunities with the intent to provide minor increases to open spaces. These can be applied anywhere on the site and increase the landscaping from 3 shade trees and 400 feet of understory per 10,000 square feet to 4 trees and 700 feet of understory. Finally, street trees add great value to communities, frame views, and make areas more comfortable and safer. They slow down traffic and increase pedestrian traffic and also mitigate certain urban problems.

Urban Design Committee did express concerns about the 50% value threshold that would trigger the increase in landscaping and street trees. The language was amended and clarified so that the increase would only apply to additions and external renovation projects. The intent is not to increase the requirement for every type of project, but to apply common sense in its application of the requirements.

Harris was under the impression from reading the minutes of the Urban Design Committee meeting that they wanted to do away with the 50% trigger, though the minutes were not specific about the details of the discussion. Christopher acknowledged that the discussion occurred, and the main focus was on how the standard would or would not apply to interior remodels that may surpass that 50% property valuation increase. Harris was concerned about the lack of clarity regarding what Urban Design Committee member Huston included in his motion for approval. She asked if there was a clear idea of what was moved and whether it was reflected in proposed text amendment. Christopher said the motion requested consideration of the matter, but he did not recall whether it was explicitly stated that certain conditions must be applied. Jones agreed that the motion asked to consider narrowing the scope of the standards to make sure things like strictly interior remodels were not caught by the standards. Christopher said his sense was that Committee members understood that the intent was for reasonable application of the requirement for street trees based on the type and scope of a building remodel.

Harris asked for more information on enforcement of these standards. Christopher said the goal is achievable and is built into the permitting process. Similar to the enforcement of other building standards, once entered into the system, there are certain triggers that would require someone to go out and inspect a site. Harris wondered about the accuracy of property valuation as they relate to these standards. Christopher said Building and Safety determines that information.

Harris asked how the standards are applied in a catastrophe. Christopher said Law Department was consulted. If a building is entirely destroyed in an “act of God” scenario, and the owner wants to raze what is left and build new, then the requirements would be applied. If there is damage and the building will just be restored, even beyond 50% of its valuation, the owner would be allowed to rebuild without applying new design standards.

Washington noted she had the same concerns raised by Harris. She appreciates the language removing interior renovations from inclusion and is more comfortable with that. Triggering the requirement for street trees for major additions and exterior improvements makes sense.

Beckius commented that the changes in parking in B2 and B5 Districts rang hollow for him. A parking minimum of eight is an unreasonable number. Jones replied that there are minimums in every district and the best effort is made to set the numbers at a reasonable place; of course many will provide more than that. We try to allow the individual to decide if they need to provide more and not set the number so high as to be detrimental or inflexible for those who do not need to over-park their site.

Beckius asked about removal of a certificate of occupancy in certain situations. Christopher said that is in line with current practices and serves as a last-resort enforcement action to be taken after the typical steps have not forced compliance. Beckius asked how the application of standards applies in expansion of lots. Christopher said if more stalls are requested, the portion added on is the portion required to meet the standard. Beckius asked for explanation about drive aisles. Christopher said those are aisles that run horizontally in lots.

There was no testimony in support.

OPPOSITION:

1. Mark Hunzeker, 1248 O Street, Baylor Evnen Law Firm, came forward on behalf of B & J Partnership. The costs of the newly required landscape is not offset by parking incentives. There has not been enough input from the development community. The changes are excessive in their requirement for more screening, open space and expensive design standards. Reduced visibility is an important consideration, particularly in older areas and for small businesses. Effectiveness of lighting, and surveillance of property is a concern. This will be devastating to rehabilitation projects such as those that occurred at 33rd and O Streets and the Piedmont Center. These are often dilapidated buildings that require huge investments to rehabilitate; the added requirements could be enough to halt these types of projects. Perhaps it is more reasonable to establish these requirements for new developments that have more land to work with.

Harris asked what specific aspects of the proposed amendments would not work. She wondered if it was the additional cost or lack of space. Hunzeker replied the physical space is often the problem in areas where there is not enough parking to begin with. Requiring an extra island every twenty stalls could become impossible. Once you lose the parking, you lost the project.

2. Kent Thompson, Lincoln Realtors and Thompson Realty Group, submitted two letters into the record (See Exhibit #1, Letter on behalf of Thompson Realty Group, and Exhibit #2, Letter on behalf of Realtors Association of Lincoln). He does a lot of rehabilitation and redevelopment projects. Trees often cannot survive on islands due to the pavement. Snow is often put on the islands, and some of that may contain the chemical used to keep the lot ice-free and safe. Storefront visibility is a major reason spaces can be leased to quality business. These requirements coupled with additional ADA standards could make rehabilitation projects unattractive. Buildings must be kept in good shape to attract tenants and that already comes at high cost. If anything, uses like restaurants and offices need more parking.

Beckius asked about the impact on triple net leases. Thompson said the costs include real estate taxes, maintenance and other things. Right now it is \$1.35 per square foot.

Harris asked if more parking is needed and if Mr. Thompson is in opposition to the parking requirements. He said that with rehabilitation projects, it is typical that as much parking as possible has been jammed into the space available. These centers were built back when families only owned one car. Harris asked if these factors need to be codified, or if the ordinance, as it stands today, is sufficient. Thompson said it depends on the property, but it is not effective to take away parking to install landscaping. These rehab projects do not make much profit.

3. Lincoln Zehr, Hampton Enterprises, stated he agrees with the previous testimony. Hampton owns Meadowlane and he challenges people to find parking during peak times at the restaurant Honest Abe's. In terms of redevelopment of these older buildings, it would not be uncommon for them to far exceed the 50% threshold which is problematic. Some developers may not declare the full value since they are paying; assessments may not be accurate. The irony is that the smaller businesses will end up paying for these improvements in the form of higher triple net lease amounts. Finally, the development community has only seen this proposal for two weeks, which is not enough time to fully understand the implications of the proposed changes.

4. Anne Post, 1248 O Street, Baylor Evnen Law Firm, wonders who benefits from these changes if they do not fall evenly across the city. Changes in parking in side yards will benefit only a very few properties. Standalone businesses can get no benefit from shared parking. Businesses develop despite having offsite parking, not because of it.

The actual practical applications of these changes are extremely limited.

5. Richard McGinnis, Commercial Real Estate, stated that people today look for affordable areas and there are more boutique shops. The smaller, redeveloped centers in the older parts of town are filling up. As they are redeveloped, rates will go up and retail is a fragile enough endeavor without the added burdens. There are several examples around town that would be excellent candidates for redevelopment. He would also like more time to comment on the proposed changes.

Beckius asked if there is room for negotiation in what has been proposed. McGinnis said yes, he wished it could have been discussed beforehand.

6. Tim Gergen, Clark Enersen Partners, stated that as a designer, he shares the concerns raised by the Urban Design Committee related to further discussion on the need to connect storm water requirements with the landscaping. The screening materials used for standard landscapes are often not appropriate for stormwater mitigation. Right of way in some areas is just too narrow to properly apply street trees, particularly with lots against arterial streets where the City has acquired right of way, creating shallower lots. It is challenging to assemble parking lots and meet all of the requirements in an urban environment.

7. Dustin Antonello, LIBA, submitted documents into the public record (See Exhibit #3, Letter from LIBA and visual aid). He stated he supports the beautification of the city and understands the desire to ensure proper screening. The current standards achieve those goals. It was recently noted that replacing one tree near Pinnacle Bank Arena will cost \$1,700. Internal islands will limit parking and are not environmentally friendly since the landscaping uses additional water and maintenance. The benefits do not outweigh the costs.

STAFF QUESTIONS:

Campbell asked if there is a waiver available when there are legitimate problems with meeting regulation on a site. Christopher said yes. The comments heard today make it sound like there is no flexibility when there is. Waivers have several avenues for being approved. Though we are attempting to reign in exemptions, there are many allowances for urban redevelopment. There are also alternatives and flexibility in what is considered to be appropriate screening material. Christopher provided several examples of locations where the proposed requirements could be met and would enhance the functionality and appearance of sites. This package does not represent a dramatic shift in how sites can be laid out. We did studies to analyze impact to sites. Often, islands can take over unused paved areas without a loss to parking and have a dramatic impact. Piedmont was given as an example. They do have islands in their lot and trees along their perimeter. Since it was part of a PUD, many irregularities of the

site were accommodated. When it comes to storefront visibility, it is true that facades could be blocked from certain angles, but travel a little bit forward on the same road, and the business is clearly visible. He showed an example where the street tree separation was more than what was required and the visibility was still apparent. The obstruction caused by trees is not as prohibitive as has been suggested.

Corr noted that many of the locations are eligible for center signs which would eliminate the concerns about visibility.

Beckius asked if the trees shown were full height. Christopher said they are not, but they are around 10 years old. As trees grow, the gap between them may decrease slightly, but the height of the canopy also increases.

Christopher went on to point out the Parks and Recreation review plans, and determine whether or not there is room for trees. There are many cases where a street tree would not be required due to lack of space. There is significant flexibility built in to the amendment package.

Scheer asked for comment on the lack of input from the development community. He asked if there would be value in meeting to eliminate any confusion. **David Cary, Director of Planning**, stated that the question is appreciated. We ask for a vote on this package today, whether in favor or against. Then it would move on to City Council. Between today and City Council public hearing, there would be time for discussion. The process for this text amendment was typical. It has been available for several weeks and a blast email was sent out to find out the reaction. We got a few responses last week, but there has been more today. The comments are useful.

Corr asked when work on the amendment started. Cary said there has been incremental consideration of various parts of these guidelines over several years. This package started over the summer but there were not public conversations until more recently. We felt it was ready for discussion.

Campbell wondered if an amended version would go to City Council, if it were to move forward today, and then discussion occurred with developers. Cary said that as long as the intent of the package is not changed significantly, smaller changes could go forward. Anything more significant changes or complete disagreement, we would not move forward with what we have today. Things have been tweaked before City Council.

Washington also wondered the extent of changes that staff would be willing to take forward to City Council. Cary responded that there is no way to know the outcome of discussions that might occur.

Steve Henrichsen, Planning Department, stated that he would like to add perspective.

Over the past three years, there have been roughly 12-15 amendments to parking alone, including various reductions in certain districts and for certain uses. There were also increases in parking required for townhomes based on feedback from the public that it was needed. When you look at all of those changes, no changes were made to landscaping, so when we speak of balance, it comes here, at the end of several years of updates that have taken place. To address concerns about inflexibility, Piedmont is a good example of a site where significant compromise was made to assist in getting the redevelopment to move forward and significant improvements installed. 33rd and O Streets is a good example of what we want to avoid in the future. These are not dramatic changes being requested. Yes, it is easier in newer areas, but it is still possible in older areas and is worth striving for. Today we heard opposition and that there are no benefits. There are, however, many independent businesses who have said the opposite, who do want a less clunky process. The example of the offsite parking came about because a certain business wanted employee parking in a nearby lot; the lot was within 300 feet, but not all of the stalls so the proposed change is intended to accommodate similar needs. This package has essentially been developed incrementally over three years. There are good things for both old and new neighborhoods, and it is good for the community as a whole.

TEXT AMENDMENT 18014

ACTION BY PLANNING COMMISSION:

November 14, 2018

Corr moved Approval, seconded by Edgerton.

Harris said she is stumped about this process because she would like the input from the development community to help inform her vote. She would not want to propose amendments and send things forward without some of the issues raised today being addressed. She will hear the comments of her fellow commissioners before deciding on her vote.

Campbell expressed concern that there is not more resolution with the development community. His inclination is to delay action until more feedback has been gathered.

Corr said these proposals have been flushed out since 2013 or 2014 and the community has had ample time to respond. She has confidence in the process of Planning staff and has no problem sending this package forward. We heard opposition about the inflexibility when the reality is, Planning Commission views applications individually and there is rarely a “hard line” drawn. She was on the Commission when Piedmont was approved and remembers the amount of compromise made to make the project work for all parties. Street trees and landscaping do not have to be terribly expensive. This has been a balanced approach and was well vetted. She has concerns about Lincoln falling behind when it comes to maintaining design standards.

Washington said she is not as familiar with the long history of these changes but today, as part of the public process, she hears concern that the development community did not have enough input or even enough time to respond. She is more willing to set this aside to ask for more discussion. Even if the ultimate package ends up mostly the same, she wants to know that process has occurred before sending on to City Council.

Beckius said he is also inclined to support a delay. He has not heard feedback of this nature about any other topic. It is true that consensus may not be reached as a group, but what he hears is that a significant group of stakeholders feels that they were not included in the process. There are different perspectives to be mindful of and additional costs that will be passed on.

Cary requested that if a vote for delay is made, the regular meeting of December 12th would be appropriate in order to accommodate for the holiday.

Edgerton said she is amazed that she reads the materials and draws one conclusion and then comes to the hearing and connects with different information that is presented. She values those viewpoints in making decisions and would also appreciate the additional time for review.

Scheer said he does not want to vote against this package because the concept is generally solid. He is in favor of the delay to allow discussion. There is much angst about not having an understanding between the development community and staff. The action will be stronger with the additional input.

Harris thanked Commissioners for their input. She was prepared to vote because that was requested by the applicant and she seeks to honor that. For the sake of disclosure, she would have voted the amendment down. She wants the additional input to see how far apart the development community and staff really are on this, and if there is compromise. She also requests clarification about the motion made by Urban Design Committee. She wants to be sure that the intent was not strike the 50% threshold and to have more detail on their discussion. Even though costs may be incremental, she worries about the small businesses, as she has done with the grocery store exception in the past. Profit margins for business owners are fragile and even small changes can have an impact, so she would like some assurance that this has been considered.

Motion failed to carry, 6-1: Beckius, Campbell, Edgerton, Harris, Washington and Scheer voting 'no'; Corr voting 'yes'; Finnegan and Joy absent.

Campbell moved to postpone the hearing and action to the regular Planning Commission hearing of December 12, 2018, encouraging further discussion with the development community and clarification of the Urban Design Committee discussion and vote; seconded by Washington and carried, 7-0: Beckius, Campbell, Corr, Edgerton, Harris,

Washington, and Scheer voting ‘yes’; Finnegan and Joy absent.

CHANGE OF ZONE 18030, FROM AG (AGRICULTURAL DISTRICT) TO AGR (AGRICULTURAL RESIDENTIAL DISTRICT) GENERALLY LOCATED AT 6705 WEST VAN DORN STREET;
PUBLIC HEARING: **November 14, 2018**

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

Staff Recommendation: Denial.

There were no ex parte communications disclosed.

Staff Presentation: Tom Cajka, Planning Department, stated this is for a change of zone on approximately 157 acres. The area to the west is AGR, but to the north, south, and east, are all AG District areas. The site is shown to remain AG in the 2040 Future Land Use Plan. The Comp Plan also discourages low-density residential zoning within the 3-mile jurisdiction of the City, which this is. The Comp Plan supports retention of agricultural uses in the bulk of the County. West Van Dorn is a 2-lane paved rural road. Health Department as determined that there is adequate water quality and quantity for up to 41 lots. Emergency services would be provided by Lancaster County Sheriff and Southwest Rural Fire Department. If developed, each lot would have its own private well and wastewater. Ridge Park and Meadow View Additions are to west and were both approved in 1995. Meadow View 2nd Addition was approved in 2005. At that time, staff and Planning Commission had recommended denial, but since it is in split jurisdiction, both the City Council and County Board subsequently approved it. West Van Dorn Heights was also approved in 2005 as a CUP with 70 acres of open space.

As part of this application, Planning reviewed existing and potential dwellings. The analysis showed potential for 2,580 dwelling units countywide, not including those in other jurisdictions. If the other jurisdictions are added, that adds another 3,678 units for a total of 6,258 units. The average development of acreage lots has been 100 per year for the last 5 years. We also focused on a sub-area from Van Dorn down to Denton, and from SW 112th to SW 56th Streets. In the subarea, we calculated there was potential for 361 dwelling units. If you included Denton’s area an additional 248 acreage developments could be added.

Corr asked about the zoning in the development north of Pioneers Park. Cajka confirmed it is AGR.

Cajka said that based on our analysis, there is enough AGR zoning for a 60-year supply, based on current demand. Over the years we have found that there is issues with when

the city grows out and has to annex acreages.

Andrew Thierolf, Planning Staff came forward and stated that the Growth Tier map from the Comp Plan shows the area in question is in Growth Tier 3, so it is not expected to be annexed until after 2060. It is safe to say that the city will be to this property in 40-60 years. Looking at the wastewater plan, just south of the area is a branch of Salt Creek which will be a major trunk sewer line and are there currently lines going to the area. There are reasons we avoid placing acreage development with growth tiers. First, the land is meant to be protected for future urban development and is thus encouraged to be preserved as AG today. It is also much more difficult to transition from acreage to urban with all the different ownerships. The City initiates annexation for reasons of tax equity and jurisdictional clarity for emergency services. It is a tough process for everyone involved. Many have moved to acreages because they don't want to be in the city. We create a future conflict by putting acreages in growth areas. Hillcrest is a good recent example. It was approved in 1956. In 2017, it was part of a City-initiated annexation. Lots of homeowners were upset and had questions. The way to avoid the predicament is to not put acreage subdivisions in growth areas. As Staff has shown, there is ample supply in other locations.

Cajka mentioned the adjacent Meadow View 2nd that was approved in 2005 still has 30 lots that have not been final platted. An alternative solution would be to do an AG CUP. The number of lots goes own substantially to 10 lots, or if they used a community sewage unit, it could go up to 12 lots.

Corr asked if staff would you support a CUP application on this site. Cajka said he can't say for sure without seeing it, but staff would typically support that type of application.

Proponents:

1. **Mark Hunzeker, 1248 O Street, Baylor Evnen Law Firm** came forward on behalf of applicant. He submitted visual aids (See Exhibit #4). It is important to keep context in mind for this application. From the staff report, you would get impression that growth is an orderly and detailed process when siting these acreage developments; you can see that they are actually spread out all over and there is no particular clustering of these areas. Growth Tier 3 covers a huge amount of area with 131 square miles and a forecasted population of 660,000 people. That takes you out a long, long time. That suggests all of these areas should be frozen in time, beyond 2060, until the City needs to annex. That is not fair.

This ground is not good farm ground. You could argue that we have allocated too much for future urbanization. It is unreasonable to say these owners ought to wait 50-60 years to do anything with their land. There are acreages in the area and it has good water and paved roads. This proposal is a reasonable use of the property in an area that is

very well-suited for acreage development. Approval will enable this family to get a reasonable return on their land without waiting for grandchildren to realize it.

CHANGE OF ZONE 18030

ACTION BY PLANNING COMMISSION:

November 14, 2018

Campbell moved Approval of the change of zone to AGR, seconded by Beckius.

Campbell said there are low-density acreage developments all around the area. He cannot justify postponing development for 50 years on a piece of ground that is surrounded by what the applicant has requested. He understands the recommendation for denial by staff, but does not agree.

Beckius said he also fully understands the staff recommendation. The problem is that this site has the makings of a good acreage development in every other way but the Comp Plan. He is interested in discussing further what triggers automatic annexation going forward rather than limiting a property owner's right to use land that really may not have another use for decades. He will vote in favor of the change of zone.

Scheer said he will not support the motion. He supports the goals of the Comprehensive Plan and will continue to follow that interpretation, though he can see the argument both ways.

Harris said she also agrees with both sides but will be voting against the change of zone because it is clear that it is not supported by Comprehensive Plan. The topic merits discussion.

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

Corr moved Denial of the change of zone, seconded by Washington.

Washington stated she supports the Comprehensive Plan process, which is valuable. There is room here for a CUP to come forward and she encourages the applicant to consider that option. She recognizes that it feels unfair since neighbors were allowed to have this type of development, but they were not operating under the 2040 Comp Plan, and she supports the process that created that document.

Corr said she also support the Comprehensive Plan and encourages the applicant to come back with CUP proposal. She knows how difficult the annexation process is for citizens living in those areas.

The motion for Denial carried, 5-2: Corr, Edgerton, Harris, Washington and Scheer voting 'yes'; Beckius and Campbell voting 'no'; Finnegan and Joy absent.

There being no further business to come before the Commission, the meeting was adjourned at 4:20 p.m.

Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, December 12, 2018.

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