

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, May 15, 2019, 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, Cristy Joy, Maja V. Harris, Dennis Scheer and Sändra Washington; (Deanne Finnegan absent). David Cary, Steve Henrichsen, Brian Will, Tom Cajka, Rachel Jones, George Wesselhoft, Dessie Redmond, Geri Rorabaugh and Teresa McKinstry 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 meeting held May 1, 2019. Motion for approval made by Campbell, seconded by Washington and carried 6-0: Campbell, Corr, Joy, Harris, Scheer and Washington voting 'yes'; Beckius abstaining; Edgerton absent at time of vote; Finnegan absent.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

May 15, 2019

Members present: Beckius, Campbell, Corr, Edgerton, Joy, Harris and Washington; Finnegan absent; Scheer declared a conflict of interest.

The Consent Agenda consisted of the following items: **ANNEXATION 19003, CHANGE OF ZONE 19011, WAIVER 19001, CHANGE OF ZONE 19009, USE PERMIT 33E, CHANGE OF ZONE 19010, SPECIAL PERMIT 19018, SPECIAL PERMIT 16020A AND SPECIAL PERMIT 19019.**

Washington indicated she would like to ask some questions regarding Item 1.1A – Annexation 19003. As such, all associated agenda items (1.1A - Annexation 19003, 1.1B - Change of Zone 19011, and 1.1C - Waiver 19001) were removed from the Consent Agenda and scheduled for separate public hearing.

Campbell moved approval of the remaining Consent Agenda, seconded by Beckius and carried 7-0: Beckius, Campbell, Corr, Edgerton, Joy, Harris and Washington voting 'yes'; Scheer declared a conflict of interest on Annexation 19003, Change of Zone 19011, and Waiver 19001 and recused himself from voting on the Consent Agenda; Finnegan absent.

Note: This is FINAL ACTION on **USE PERMIT 33E, SPECIAL PERMIT 19018, SPECIAL PERMIT 16020A AND SPECIAL PERMIT 19019** unless appealed by filing a letter in the Office of the City Clerk or County Clerk within 14 days. This is a recommendation to City Council or the Lancaster County Board on all other Consent Agenda items.

Vice-Chair Corr called for Requests for Deferral.

PRELIMINARY PLAT 18002

TO ADD 430 RESIDENTIAL LOTS ON APPROXIMATELY 152.1 ACRES, MORE OR LESS, ON PROPERTY GENERALLY LOCATED AT THE SW CORNER OF WEST OLD CHENEY ROAD AND SOUTH FOLSOM STREET:

May 15, 2019

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

Staff recommendation: Two-week deferral

The Clerk noted that the applicant has requested to defer this item for two weeks to the regular Planning Commission hearing on May 29, 2019.

Harris moved for a two-week deferral until May 29, 2019, seconded by Campbell and carried 7-0: Beckius, Campbell, Corr, Edgerton, Joy, Harris and Washington voting 'yes'; Scheer and Finnegan absent.

There were no ex parte communications disclosed on this item. There was no testimony in support or opposition.

ANNEXATION 19003
TO ANNEX APPROXIMATELY 4.5 ACRES, MORE OR LESS
AND
CHANGE OF ZONE 19011
FROM AG AGRICULTURAL DISTRICT TO R-1 RESIDENTIAL DISTRICT
AND
WAIVER 19001
TO WAIVE THE SUBDIVISION IMPROVEMENT REQUIREMENTS ON PROPERTY GENERAL
LOCATED AT 6301 NORTH 7TH STREET
PUBLIC HEARING: **May 15, 2019**

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

Staff recommendation: Conditional Approval of Annexation 19003 and Waiver 19001
Approval of Change of Zone 19011

There were no ex parte communications disclosed on these items.

Staff Presentation: Rachel Jones, Planning Department, stated that these applications are comprised on one lot. There is no water or sewer in the vicinity at this time. The annexation agreement acknowledges that those services are not available. The change of zone request is to R-1. This is the lowest density. The property will continue to be served by well and septic systems. The existing house on the south side of the property will be on one lot and a new residential lot is proposed on the north side. The waiver to the subdivision ordinance would waive the typical subdivision requirements associated with a final plat such as street paving, sidewalks and street trees, amongst other items. These are gravel streets; North 7th Street is gravel all the way to Fletcher Avenue. It doesn't make sense to require paving or all the other typical things for one lot.

Washington requested this be removed from the Consent Agenda for the annexation. She is aware that there is a process to review areas we believe we should be annexed. This is a request by the homeowner. How does a single annexation lot affect the neighbors? She wondered if there is more pressure on the neighbors for annexation in the sense that they will be surrounded on all three sides. Jones replied that it doesn't affect the neighbor's property at all. Their zoning isn't changing and none of the existing conditions are changing. Washington wondered if it is more likely that the City would want to annex the neighbors. Jones noted that this property is in Tier One, Priority B Growth Area of the Comprehensive Plan. That means it is generally sewer-able based on the topography and major water and sewer trunk lines are in place. It is potentially suitable for annexation in the near term. In 2017, we annexed other lots in the area along the north side of Fletcher Avenue. These other lots, including this one, were considered for inclusion in the study at the time. They were not

included because they didn't have all the properties that the pieces on the north side of Fletcher Avenue did. We would definitely be looking at this area in the future. It is surrounded on all three sides and considered urban in character. This differs in that it was the owner of this property that requested annexation.

Harris believes the surrounding properties are in Tier 1, Priority B as well. Jones replied she was correct.

Beckius stated that it sounds like those qualities identified pertain to most everything we see on the map identified today. He wondered if it is fair to state that this property bears little influence on annexation of the neighboring properties because all of the surrounding properties have qualities today that would make them acceptable with annexation. Jones replied yes, that would be a fair statement.

Washington questioned when it is forecasted that water and sewer be extended to this area. Jones does not know. This property could be sewerred with an extension from the Hartland Homes development. It is her understanding the lines that would be extended someday would be private smaller lines, not trunk lines.

APPLICANT:

1. Peter Katt stated that he is a long time resident of Lincoln. He bought this property with his son. He has been living on the south side of town and his son has been living on this property. Over the last several years, Katt and his wife have discussed possibly relocating from the south side of town to the north. He commutes to Omaha and this would save him considerable drive time. He plans to build on one of the lots. He is very familiar with this area. He was the attorney for the Hartland Homes development. He thinks this area is ripe for redevelopment. In his opinion, this won't speed along the annexation of the other properties in the area, and he doesn't believe this will create any added pressure. The real question is what is the next adjoining property that can connect to water and sewer. He would like an opportunity to build a new house. He likes being part of the City.

No one appeared in support or opposition.

ANNEXATION 19003

ACTION BY PLANNING COMMISSION:

May 15, 2019

Washington moved Conditional Approval, seconded by Harris and carried 7-0: Beckius, Campbell, Corr, Edgerton, Joy, Harris and Washington voting 'yes'; Finnegan absent; Scheer declared a conflict of interest.

CHANGE OF ZONE 19011

ACTION BY PLANNING COMMISSION:

May 15, 2019

Campbell moved approval, seconded by Edgerton and carried 7-0: Beckius, Campbell, Corr, Edgerton, Joy, Harris and Washington voting ‘yes’; Finnegan absent; Scheer declared a conflict of interest.

WAIVER 19001

ACTION BY PLANNING COMMISSION:

May 15, 2019

Washington moved Conditional Approval, seconded by Campbell and carried 7-0: Beckius, Campbell, Corr, Edgerton, Joy, Harris and Washington voting ‘yes’; Finnegan absent; Scheer declared a conflict of interest.

Note: This is FINAL ACTION unless appealed by filing a letter in the Office of the City Clerk within 14 days.

ANNEXATION 19004

TO ANNEX APPROXIMATELY 50 ACRES, MORE OR LESS AND ADJACENT RIGHTS-OF-WAY, FOR A RESIDENTIAL DEVELOPMENT

AND

CHANGE OF ZONE 19012

FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT AND R-5 RESIDENTIAL DISTRICT FOR APPROXIMATELY 50 ACRES

AND

SPECIAL PERMIT 19021

TO ALLOW FOR A COMMUNITY UNIT PLAN OVER APPROXIMATELY 50 ACRES, FOR SINGLE-FAMILY DWELLING UNITS AND MULTIPLE-FAMILY DWELLING UNITS, WITH WAIVERS TO INCREASE THE HEIGHT REQUIREMENT FOR MULTIPLE-FAMILY DWELLINGS AND TO EXCEED THE MAXIMUM BLOCK LENGTH OF 1,320 FEET, ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTH 84TH STREET AND ROKEBY ROAD.

PUBLIC HEARING:

May 15, 2019

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

Staff recommendation:

Conditional Approval of Annexation 19004 and Special Permit 19021
Approval of Change of Zone 19012

There were no ex parte communications disclosed on these items.

Staff Presentation: Brian Will, Planning Department, stated that this area is 50 acres in size. Two of these applications talk about the same area, the annexation and special permit. The change of zone is a little different. The north portion is requested for 39 acres to R-3 and 11 acres to the south is requested to change to R-5. The proposed layout is for approximately 400 dwelling units. The apartments will be on the southeast portion. Originally, this application was submitted pretty straightforward. There is a height waiver that is involved with the apartments, from 35 feet to 55 feet. For the purpose of annexation, this property is contiguous to the City limit and all utilities are available. It meets the annexation policy. There will be an associated annexation agreement. The site plan will be revised to show rights-of-way for a roundabout on Rokeby Rd. The layout is consistent with urban residential. The change of zone is consistent with the Comprehensive Plan. The special permit meets the requirements as well. There is a block that has the potential to be very long. He has spoken to the engineering company for the owner to the north and let them know we will be asking to show a street connection. They did not seem to have any issues with that. There are two long streets. This developer will solve one street issue and the owner to the north will take care of the other one.

Harris understands that the applicant is no longer asking for a block length waiver. When the property to the north comes in for development, the block lengths could turn out to be very long.

Washington noted that this raises a question for her. The owner of the adjoining property has control over acres that are not yet designated but have indicated a desire for commercial. She questioned if staff will ask for any kind of access across the drainage way. Will stated there is a pedestrian easement shown on the plans. Depending on how the outlot is platted, it will allow access but indicated that Brad Marshall may be better able to address this.

Beckius assumes the City of Lincoln anticipates the property to the north developing as residential. Will noted he assumes correctly. That is the information they have.

Will submitted a proposed revision to condition 2.1.10 of Special Permit 19021:

2.1.10 Make revisions and correction for Public Works and Utilities/Watershed Management as noted in the review and redline comments in ProjectDox as of May 7, 2019.

APPLICANT:

1. Brad Marshall with Olsson Associates stated that the annexation is in accordance with the Rokeby Road Coalition. S. 84th Street is an unimproved road. As for the height waiver, we believe that is an agreeable solution. The buildings on the east will be three stories. The community unit plan application is pretty straightforward. We have been working with the

land owner to the north. That is in a transition period. We have been in contact with Krueger Development. We have coordinated the abutments of roadways. The City offered a couple of solutions to the long block lengths. We are in support of adding the condition proposed by staff. This is a drain corridor of the Upper Wagon Trail drainage. We will protect that. We will implement this in the overall drainage analysis. There was quite a bit of discussion on the roundabout. The coalition on the west side has provided those roundabouts in the right-of-way. Thus, we are agreeing to provide the right-of-way. We want to address the public notification. The 84th Street connection is currently shown as a roundabout. There are two owners on the south side who are part of the coalition. Krueger Development approached them about the connection. It may make sense to move this 30 feet to the south to the quarter section line. We have talked with our client. He believes they are agreeable to this. A new site plan layout was presented to Planning staff just this morning. There is a cul-de-sac on the northwest corner and mirrored on the other side of the road. We have looked at shifting that down a little. The revised proposed layout would include a through street with townhome units. They have also added a street connection between the two streets with potential future block length issues. There are two owners. The other owner has been in contact with Krueger Development and seemed to be okay with the potential changes. He believes their name is SSAR, LLC.

Harris inquired if Marshall wants a vote today or not. Marshall talked to Will this morning. He is more than willing to work with Planning staff. He doesn't want anyone to feel rushed if they are uncomfortable voting today. It was his understanding that Will believed this was something that could be worked through.

Beckius assumes the change is to give Krueger a little more wiggle room on the north side. Marshall contacted the engineers for the other property. The shift for the north side will give the other owner an option. He believes they have heard that they are okay with this proposal. On the west side, there are commercial designations which would open more property for Krueger Development.

Beckius believes the roundabout on Rokeby Road looks like it has shifted a little to the west, which he believes is fine, but it looks like the neighbor to the east has plenty of right-of-way for a roundabout. He questioned the road between the two apartment pad sites. He wonders about the property to the east. This would be the quickest way to get out of the neighborhood. How do you see the interface between the two pad sites? Marshall responded that they initiated design and conceptual work on a grade study. We obtained a survey and found the islands were shifted a little. We dug a little deeper and contacted the coalition engineer and looked at the annexation agreement for specific locations for access. We discussed this with the client and all agreed on the locations to be shifted. Two little changes would be one shifts to the east for the roundabout. In order to meet block length, the first concept was for a 10-acre apartment complex. This is a standard section City street. One condition of approval is to provide additional setbacks off the roadway. We are working

closely with the engineer. He hasn't heard any specific concerns. Krueger is possibly developing their part. He doesn't see any potential issue with connectivity. Beckius thinks the connectivity is great. The street in the middle of the two apartment sites could limit access and he is concerned with potential parking on both sides of the street and the impact on accessibility. Marshall has talked about this with Public Works in the past. It is an open roadway, parking is allowed but consideration could be given to prohibit parking on the street.

Harris noted that the special permit is final action by Planning Commission. She wants to make sure that a public process avenue isn't given away if a full agreement isn't reached with Planning. Marshall appreciates the option. He thinks that if staff is comfortable, then he is as well. He believes these are minor changes. They would require a waiver to street radius. He is okay with delaying two weeks if that is what the Commission desires.

Scheer believes it will be important on how any possible amendment is worded. He questioned if the northwest corner of the development and townhomes in that corner could have any possible impact, negative or positive, on how the land to the north is being thought about now. Sometimes townhomes next to single-family could be a potential worry for some. Marshall noted that these are single-family lots backing to the north. He can almost guarantee that this is not the final layout. It will be tweaked a little.

Campbell questioned where in the documents there is agreement noted that apartments on the east can be three story. Marshall responded it is a condition in the staff report.

Campbell noticed that another roundabout to the commercial area to the south was shown. Marshall stated that the future commercial area is a right-in, right-out access. They have yet to show the roundabout on 88th Street but it will be on the submittal documents.

Washington wondered about the potential impact on drainage. Townhomes density would increase. Marshall stated that the grades will not relatively change dramatically from what was submitted; this drains to the south. The Coalition has master planned the drainage and detention. The detention cell for the first phases are on the property to the north. Developing this property, we still need to meet water quality standards. The east side of 88th Street will be saved for water quality. He believes even with density being looked at, we will meet the drainage study conditions.

Washington noted there appears the potential for five backyards to back up to one backyard. She encouraged him to resolve this, as it can be very difficult to deal with five abutting property owners is there is an issue, such as a fence.

No one appeared in support or opposition.

STAFF QUESTIONS:

Harris asked if this looks like something that can be resolved within the existing conditions. Will answered that staff has talked to the applicant this morning. Planning staff doesn't feel these changes are significant. If approved today, the applicant has to resubmit plans that show all the conditions of approval. A condition could be added to revise the plan generally consistent with what the applicant showed today related to the roundabout.

Harris noted since this is final action, they could appeal if there is disagreement. Will doesn't believe there is any disagreement. One cul-de-sac is being eliminated, another housing type is being injected. He doesn't see any issues.

Washington wondered about the height of the apartment building. Is this just regarding the one that is aligned east-west on the north end of the development? Is it envisioned at 35 feet? Will responded they are just talking about the two. This affects the length of those buildings and the scale of potential increased height. The height would be for the two that are farthest east.

Will continued that at the time of resubmittal of the revised plans, this would need to generally conform to the concept plan presented at today's public hearing. He believes Krueger would also like some assurance on the roundabout. This gives everyone some assurance. Also, a question was raised on the design standard, if those can be approved administratively. All City staff will be looking at the revised plans. That can be approved through the process.

APPLICANT REBUTTAL:

Marshall was clarifying with Will a comment on the pedestrian access. His interpretation is that today, they don't show a connection. He wanted to make sure that staff is comfortable. Right now, the outlot is overflow of drainage.

Beckius would like an estimated length of the lot. He inquired if the drainage is on the west outlot. Marshall replied that is storm piping. It is designed as a pedestrian access for maintenance, etc. Scheer asked if there are any plans to improve that green space. Marshall answered no.

Harris asked if the applicant is comfortable with the conditions. Marshall replied yes. He believes this will benefit everyone. He is also comfortable with the possible amendments.

ANNEXATION 19004

ACTION BY PLANNING COMMISSION:

May 15, 2019

Washington moved Conditional Approval, seconded by Campbell and carried 8-0: Beckius, Campbell, Corr, Edgerton, Joy, Harris, Scheer and Washington voting 'yes'; Finnegan absent.

CHANGE OF ZONE 19012

ACTION BY PLANNING COMMISSION:

May 15, 2019

Corr moved approval, seconded by Beckius and carried 8-0: Beckius, Campbell, Corr, Edgerton, Joy, Harris, Scheer and Washington voting 'yes'; Finnegan absent.

SPECIAL PERMIT 19021

ACTION BY PLANNING COMMISSION:

May 15, 2019

Harris moved Conditional Approval with the amendment to Condition 2.1.10 as submitted by Planning staff and subject to a revised site plan generally consistent with the conceptual plan shown by the applicant today, seconded by Joy.

Beckius believes the subdivision is a nice consideration of the market place. Townhomes offer a varied concept for housing in this area.

Scheer thinks it is great when we have a coalition type arrangement. It works well together.

Edgerton believes it shows great collaboration.

Harris echoes Beckius' comments. This gives a lot of housing choices that people are looking for.

Corr left at 2:25 p.m.

Motion for Conditional Approval as amended carried 7-0: Beckius, Campbell, Edgerton, Joy, Harris, Scheer and Washington voting 'yes'; Corr and Finnegan absent.

Note: This is FINAL ACTION unless appealed by filing a letter in the Office of the City Clerk within 14 days.

There being no further business to come before the Commission, the meeting was adjourned at 2:30 p.m.

Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, May 29, 2019.

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