

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING: Wednesday, July 10, 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, Tracy Corr, Cristy Joy, Dick Campbell, Tracy Edgerton, Dennis Scheer and Deanne Finnegan. Steve Henrichsen, Brian Will, Dessie Redmond, Tom, Cajka, Stacy Groshong-Hageman, Geri Rorabaugh and Rhonda Haas 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 as revised for the regular meeting held June 26, 2019.

Rorabaugh requested a revision to the minutes to include the following language on page 4, line 2, under staff presentation, it references the western portion of Lot 1 and it should state the eastern portion of Lot 1.

Motion for approval of the minutes, as revised, made by Finnegan, seconded by Beckius and carried 6-0: Beckius, Corr, Edgerton, Joy, Finnegan and Scheer voting 'yes'; Campbell abstained.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

July 10, 2019

Members present: Beckius, Corr, Joy, Scheer, Campbell, Edgerton and Finnegan.

The Consent Agenda consisted of the following items: **Special Permit 16029A and Special Permit 19031.**

There were no ex parte communications disclosed.

SPECIAL PERMIT 19031 was removed from the Consent Agenda to have a separate public hearing.

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

Note: This is **FINAL ACTION** on **Special Permit 16029A and Special Permit 19031** unless appealed by filing a letter in the Office of the County Clerk within 14 days. This is a recommendation to the City Council all other items.

SPECIAL PERMIT 19031, TO ALLOW FOR THE CONSTRUCTION OF AN OUTDOOR RECREATIONAL FACILITY, ON PROPERTY GENERALLY LOCATED AT 3100 NORTH 112TH STREET;
PUBLIC HEARING:

July 10, 2019

Members present: Beckius, Corr, Joy, Scheer, Campbell, Edgerton and Finnegan.

There were no ex parte communications disclosed.

Staff Recommendation: Conditional Approval

Staff Presentation: Tom Cajka, Planning Department, stated this request is for an outdoor recreational facility for Prairie Pines Nature Preserve located at North 112th and Adams. The recreational facility would consist of nature trails, gardening, special events and educational events. Prairie Pine Nature Preserve is a 145 acre property of woodland, grassland, wetlands and tallgrass prairie. This entire site is in a conservation easement and the property is owned by University of Nebraska Foundation and is maintained by the Nebraska Forest Service in collaboration with the Prairie Pine Partners. To help support their goal and mission they occasionally have special events as fundraisers. Under the city's zoning application, in the agriculture district, only one amusement license is allowed per year. The special permit for outdoor recreational would allow more than the one amusement license. The Planning Department, is suggesting, the number be limited to 8 per calendar year. They would still be required to get those amusement licenses through the County Board, with this special permit. The area is fairly isolated, with only a few houses ¼ to ½ mile from the event areas. The Planning Department supports this special permit and that it will have minimal impact on the surrounding neighbors.

Edgerton inquired if the applicant was comfortable with having 8 events per calendar year. Cajka said yes.

APPLICANT: Aaron Clare, Properties Manager for Nebraska Forest Services, came forward and stated in 1959 the Bagleys' purchased this property, and over time, it grew into grassland and diverse woodland to provide wildlife habitat to all types of wild life. Wanting to protect the property they put the first Environmental Conservation Easement in Nebraska on the property and then donated it to the University of Nebraska Foundation. The property is leased by the University of Nebraska Institute of Agriculture and Natural Resources and we manage this property on their behalf. The Nebraska Forest Service makes the property available to the public in collaboration with the Prairie Pines partners. Prior, to 2017 the property was not open to the public and in an effort to increase the public awareness to the property we started doing an open house once a month. There have been requests for more access and more events and that is why we came up with a couple more activities for this year. One of the events will be this Saturday, and the other, is planned for Saturday, August 10, which is a fundraiser for Prairie Pines connecting its trail to the Murdock Trail. Community Crops has growing plots on the site, and they have been using the one event each year for their fundraising. The Foundation, gave permission to apply for a special permit. We think that making this property accessible to the community would be a benefit for Lincoln and Lancaster County. He stated that there is adequate parking and the access to do this, and it will not have a negative impact on neighbors.

Finnegan inquired if the parking was through the gated area. Clare said yes, it is within the property and there is a number of areas that have been cleared out for parking.

Corr asked how they decided that it would be eight permits. Clare explained that it was a Planning Department recommended and based on the site plan that was provided at the time. Corr asked what if you are approached by someone that is wanting to have a wedding. Clare stated that so far, they have decided not to do weddings, which would be a larger event that they are not equipped for.

There was no testimony in support or opposition.

Staff questions:

Corr asked Cajka for verification that the open houses do not need an amusement license. Cajka stated that when they are doing the open houses, they are more like an educational event and it was determined they are not a big public gathering type event.

SPECIAL PERMIT 19031

ACTION BY PLANNING COMMISSION:

July 10, 2019

Edgerton moved Conditional Approval, seconded by Campbell.

Edgerton stated that she has had the opportunity and privilege of meeting Mr. & Mrs. Bagley when they owned this property, and they would be thrilled that this was the use of the property and that the public was getting out there.

Campbell stated that he knew Walt very well, and has toured the property. Agreeing that Bagley would be very supportive of this.

Scheer stated that it really enhances the use of the property.

Motion of Conditional Approval carried, 7-0: Beckius, Campbell, Edgerton, Finnegan, Joy, Corr and Scheer 'yes'.

Note: This is FINAL ACTION on Special Permit 19031 unless appealed by filing a letter in the Office of the County Clerk within 14 days. This is a recommendation to the City Council all other items.

Chair Sheer stated no Requests for Deferral.

CHANGE OF ZONE 19018

FROM AG (AGRICULTURAL DISTRICT) TO AG WITH HISTORIC LANDMARK OVERLAY, ON PROPERTY LOCATED AT 17185 BLUFF ROAD

AND

SPECIAL PERMIT 19033

**TO ALLOW FOR THE HOSTING OF SPECIAL EVENTS AT A HISTORIC LANDMARK, ON PROPERTY
GENERALLY 17185 BLUFF ROAD**

PUBLIC HEARING:

July 10, 2019

Members present: Beckius, Corr, Joy, Campbell, Edgerton, Scheer and Finnegan.

Staff recommendation: Approval of Change of Zone 19018
Conditional Approval of Special Permit 19033

There were no ex parte communications disclosed on this item.

Rorabaugh noted that there have been a number of public comments submitted to the Planning Department, both in support and opposition to these applications.

Staff Presentation: **Stacy Hageman, Planning Department**, stated this property is located roughly at the intersection of Interstate 80 and Bluff Road. The Cooley-Dodge Farmstead is an ensemble of well preserved and maintained buildings that includes a large farmhouse, garage, barn, chicken coop, corn crib and machine shop. The farmstead, is surrounded by shelter belt of trees and an open pasture to the north. This being a good example of an early farmstead in the early 20th century. The house is in the American Foursquare style that is oriented to the east towards the driveway. It has a two story enclosed porch on the east side and on the first floor that porch wraps around. The farmhouse and the outbuilding are well maintained and in active use. The landmark application was unanimously approved by the Historic Preservation Committee. **Steve Henrichsen, Planning Department**, stated once the property has been designated for Historic Preservation, the local landmark has the option to use a special permit. The special permit, would allow for any use to preserve the local landmark. In this case, the application is on the north side of the homestead, just outside the tree line is where the event center would go with a small parking lot. The site plan will be detailed once approved. The final decision of what the site will look like will go through the Historic Preservation Commission for review. They wouldn't want something that is a false representation of history, so this will be something modern that fits in nicely with the site. The impact of this special permitted use on the surrounding areas would be compatible with the adjacent uses around it, with the closest residences being 1100 feet to ¼ mile away and farther. In terms of the traffic flow, most of the people will be coming from the west on Bluff Road. The County Engineer does not have any objection to the plan as presented.

Corr asked if the parking area would be paved or rock and if there is a requirement. Henrichsen stated there is not a parking chapter in county regulations. This would be looked at as part of the future application when it comes forward, and would probably be a detail that is worked out as part of the application. If there became an issue with dust the Health Department does have the ability to regulate in terms of a dust complaint, or it could be looked at as part of the special permit. Corr asked if putting historic overlay on something would decrease the property tax bill. Henrichsen stated this would be a separate decision of the County Assessor, who in the past has ignored a historic overlay. On a local landmark the owner not able to make any additions or changes to the buildings on their property, without prior approval. New construction on the property would increase the value of the property. Corr stated that in theory there is no tax break for pursuing a historic landmark designation and may make it harder for the land owner to comply with the standards of any changes to property. Hageman said yes, with there being an additional layer of review. Corr inquired about tax incentives from the State

Government for some of the improvements, although it would not change the tax you paid. Hageman stated the incentives would not include a newly constructed building. There is an even higher level of review with the State and detached single family units would not qualify for the tax credit. Corr wanted more clarification on the newly constructed building, and that it would not fall under the historic overlay. Henrichsen stated the new building is not being designated historic itself. Corr asked if they needed to adhere to the historic standards on this building. Hageman stated they would have to adhere to the historic standards, because of the condition that HPC has recommended that it comes to them for a certificate of appropriateness. Corr stated there have been questions on how a business could be appropriate in an Ag zoned area. Henrichsen stated that Ag Zoning District area does allow for other uses by a special permit. There are recreational facilities, campgrounds and other things that are truly not farming, but are allowed and an agricultural area.

Edgerton stated because of the use in this circumstance, without the historic landmark overlay this use would not be entitled to a special permit, asking if that would that be correct? Henrichsen stated the county does have an expanded home occupation special permit, which could have been another route that they could have gone. Edgerton inquired if through the process there was any kind of evaluation of the traffic on Bluffs Road. Henrichsen said not in terms of a traffic study.

Corr stated that on the Camp Creek Thresher grounds in was noted there are couple of residences, is there someone living there? Henrichsen stated one is owned by the campground, but he is unsure of how it is being use.

APPLICANT: Carol and Jed Hartweg, 17185 Bluff Road, came forward and stated she grew up on farm like the one she currently lives on and has a deep appreciation of the agriculture community. She stated that there have been conversations with the Mayor of Waverly, Mike Werner, on the paved road and how close it is to town. The Mayor, then suggested to them that it would be a great place to have a Christmas tree farm or pumpkin patch. Looking into the Christmas tree farm idea then there was the flood, and that is when it was decided to hold a fundraiser in the barn to help the farmers and ranchers. It was discovered, during that process the barn does not meet any of the standards that are required for hosting any events. She stated that they have received several requests regarding the use of their barn and that is what gave them the idea. With the expense of getting their current barn up to code to hold events, they decided to build a new building away from their house.

Edgerton asked how long they have owned the property. Carol Hartweg stated over a year.

Corr thanked the Hartwegs' for doing their due diligence upfront and going through the proper process and asked if they would be employing anyone. Carol Hartweg stated it would just be their children. Corr asked if caterers would be helping with the events. Carol Hartweg said yes. Corr asked about the Thresher campground and if someone was living there. Carol Hartweg stated the past owner has moved and she has not been able to contact her.

Campbell asked about an agreement to use some of the Threshers property for parking at the events. Carol Hartweg stated they had contacted the Threshers Camp, in the past, when they were wanting to do the event for the flood relief, if extra parking was needed. Jed Hartweg stated it was just going to be the backup plan if needed.

Corr asked if they have had discussions with the neighbors in the area. Carol Hartweg said yes, she has stopped by the homes on Bluff Road in the surrounding area. She stated that almost everyone that she has spoken with is in support.

Edgerton asked about new concerns of traffic increase on 176th and McKelvie, south of the interstate. Jed Hartweg stated that there would not be traffic coming from that area. Carol Hartweg stated that Google maps would keep drivers on the paved roads and not direct them in that direction.

Proponents:

1. Mike Warner, Mayor of Waverly, stated that the City of Waverly supports this type of venue. Currently, the city struggles on where to have a larger event. He stated that he likes the idea of a restricted building use. He also wants to protect the 80 acres of the Threshers Camp and the surrounding area. He stated he would like a building built that blends into the surrounding and the general area. There is a need for a place like this for people to go.

Opponents:

1. Clarence Althouse, 8650 N. 134th Street, Waverly, came forward and stated he is in opposition to the landmark designation and doesn't understand what it does. He has spent several hours on this land, with his grandparents working hard, and they would not want this. He stated that neighbors were not contacted. He found out about this from the newspaper.

2. Andrew Stock, 9503 286th Street, Murdock, stated that he owns property that borders the south & east of this property and he did not hear about this proposal until he received a letter for the City. Using the historical overlay is just a way to get a commercial facility onto a farm. He stated that he actively farms his land and is concerned about being restricted to do his farming. Thresher with their activities understands this is a farm and there will be dust and noise.

Corr asked Stock about events at Camp Creek Thresher and if he has had to make any changes to what he would be doing. Stock said he operates as normal. Corr asked if Camp Creek Thresher and there activities interferes with his operations. Stock said no.

3. Marlan Johnson, 5218 N. 202nd Street, Alvo, stated he owns property to the east northeast of this property and more property to the east, which is at a "T" intersection. He stated that people are always driving onto his property because of this intersection and not seeing the turn. With this event center people will be drinking and they do not need this type of traffic. Adding, with all of the farm equipment on the roads there could be more accidents. He stated the first he heard of this was when he received a letter from the city in the mail.

4. Mary Johnson 17705 Bluff Road, Waverly, stated that they purchased their land in 2017 and are currently remodeling the house. She stated that the letter from the City is how she first heard of this. Having concerns about needing more security in the area for events. There needs to be more information about this project.

Corr inquired what it is like when Camp Creek Thresher has an event. Johnson stated it is very well organized and quiet, they don't have alcohol at events.

5. Mary Alice Johnson, 11651 N. 176th Street, Waverly, stated she had lived on this property for 41 years and it is located ½ mile to the north. Over the years, people have dumped trash on her property and with this event center and alcohol it will get worse. She stated the noise level will affect them and they moved to the country for peace and quiet. If this is something that Waverly wants then they should build it.

Staff Questions:

Scheer asked Henrichsen for a brief summary of this project if it moves forward today with the approval of the motions to consider. Henrichsen stated the site plan needs to be revised on what the building will look like. There will be additional meetings with planning on the building and parking on this site. It will go before the Historic Preservation Committee for review and also Building & Safety. Certainly, there will be SDL's applied for and the County Board can revoke any special permit if there are issues or if they are not following the rules.

Finnegan inquired if they would need to get an SDL for events. Henrichsen stated they (property owners) would use a vendor and the vendor is the one to get the permit.

Corr stated that she did not see anything in the report to show that the County Engineer has weighed in on the roads and asked if they were concerned about the traffic. Henrichsen stated he believed it was routed to them and has heard nothing back. Corr inquired about putting up a sign on Bluff Road and if this would be allowed if the county has not required it. Henrichsen stated that sign permits go through the Planning Department and the County Engineer does not always require a sign be put up.

Joy inquired if you need this to be a historic designation to have an event center. Henrichsen said no, he stated that you might need to ask for a waiver, because there is a limit of two persons engaged in the home occupation that do not live there.

Edgerton stated that this type of opportunity would be a limiting factor in terms of the types of events you could have. Henrichsen said yes, with the expanded home occupation you would have some type of limits.

Finnegan stated there have been questions on if this is really a historical landmark and asked Hageman if she is comfortable that this meets those requirements. Hageman said yes, explaining that this property meets the requirement because of the people and events, namely the Cooley Family. This is a typical example of what a farmstead would have looked like in the early 20th Century.

Edgerton wanting to clarify, asking without the historical overlay the special permit as presented would not be allowed on this site. Henrichsen said correct. Edgerton stated that is because we are in an Ag Zoning District and that would have been seen as not compatible with traditional uses of agricultural land. Henrichsen state this special permit is specifically for the Historic Preservation and you are allowed to have additional uses. Edgerton asked if the numbers would be determined later in the process for the event center. Henrichsen said that is correct, and that the site plan shows a 60' by 100' building for this site and that is what you are approving.

Campbell inquired if the Fire Marshal would set a limit on the number with this being a public facility. Henrichsen said correct.

Corr inquired if it's a normal process for someone to make sure they have a solid business plan that passes before they put money into more details. Steve said yes, they don't want to spend a lot of money and then be turned down. Corr asked if this would be considered a commercial building. Henrichsen said yes, this would be considered a commercial building. Corr inquired about the right to farm. Henrichsen stated it does not put restrictions on someone else's farm and that this would not change the farming environment.

Applicant Rebuttal: Carol Hartweg stated that they do want to be good neighbors. She stated that anyone that comes to them for an event should know that this is in the country, and they will put something in their contract about the noise. Jed Hartweg stated that the neighbors that were contact we not the farm land owners, but the nearby houses. Corr asked if they would be willing to have neighborhood meeting and if they would put up signs. Carol Hartweg said of course. Corr inquired on the size of the building and it capacity. Jed Hartweg stated it will be for a maximum of 300. Carol Hartweg stated it would be for 299, needing to stay under 300, otherwise they would need fire sprinklers. Corr asked how long before they would be up and running. Jed Hartweg stated by spring.

CHANGE OF ZONE 19018

ACTION BY PLANNING COMMISSION:

July 10, 2019

Campbell moved approval, seconded by Corr and carried 7-0: Beckius, Campbell, Edgerton, Finnegan, Joy, Corr and Scheer 'yes'.

Campbell stated he believe this meets the Historic Design standards.

Finnegan agreed with Campbell.

Joy stated that it appears to have gone through the processes that we have in place and a vote from a committee that recommends this.

Edgerton stating that it is an example of early 20th Century farming, which is important, especially here and to also preserve this area.

Scheer agreeing with Edgerton and that she has made a great point.

Corr stated that growing up with this type of property makes it seem normal, but they really are dwindling, so we have to take precautions to protect them.

SPECIAL PERMIT 19033

ACTION BY PLANNING COMMISSION:

July 10, 2019

Beckius moved approval, seconded by Finnegan and carried 7-0: Beckius, Campbell, Edgerton, Finnegan, Joy, Corr and Scheer 'yes'.

Beckius stated that the proposed special permit is appropriate in this site with the historic overlay and there is some distance from residence. He stated that he fully expects all of the agricultural uses will continue and would not support any restrictions on the surrounding properties.

Campbell stated with all of the emails that were received he noticed that the closest addresses were in support and the ones that were farther were the ones that are having problems with this, and he strongly believes they have done their due diligence.

Corr encourage the applicants to have a neighborhood meeting because of their concerns with the traffic. She also stated this was well thought out.

Scheer stated it fits the property and that the agricultural work will continue. He is impressed with the Mayors comments and thinks it will be a good addition for the City of Waverly.

[Break 2:50 P.M.

Resumed 3:00 P.M.]

SPECIAL PERMIT 19030

TO ALLOW FOR A NEW ADU (ACCESSORY DWELLING UNIT), WITH WAIVERS TO INCREASE THE FLOOR AREA AND TO HAVE A SEPARATE SEPTIC SYSTEM, ON PROPERTY GENERALLY LOCATED AT 14000 NW 27TH STREET

PUBLIC HEARING:

ACTION BY PLANNING COMMISSION:

July 10, 2019

Members present: Beckius, Corr, Joy, Campbell, Edgerton, Scheer and Finnegan.

Staff Recommendation: Conditional Approval

There were no ex parte communications disclosed on this item.

Staff Presentation: Tom Cajka, Planning Department, stated this is for an Accessory Dwelling Unit (ADU) on 20 acres, located on NW 27th and North on West Mill Road, just outside the Raymond area. Lancaster County recently amended the zoning regulations to allow for Accessory Dwelling Units in December 2018. This ADU is proposed on a lot that is 20.69 acres and will have 2 bedrooms, share the driveway with the principal dwelling and meets the required setbacks. The applicant is requesting a waiver to allow the ADU to have its own septic system this is due to the location of the other septic system, several existing underground waterlines and utility lines. The other waiver is to increase the floor area from 40 percent of the principal dwelling to 45 percent. The proposed ADU is 870 sq. ft. and the 40 percent would only allow a dwelling of 763 sq. ft.

Corr inquired why an ADU, why not something else on this lot. Cajka stated that they can't. Corr inquired why. Cajka stated in the Ag District this lot is not large enough to subdivide the property to build another house.

Applicant: Kelly and Wade Walling, 14000 NW 27th, Raymond, Kelly Walling stated that the father lives in the primary dwelling and this will allow the father to live out his retirement in his home. This will also allow them to grow their family, while continuing to care for the father. Building a house on a different property would not help make it easier to care for their father.

Campbell inquired if the father would be living in the new unit. Kelly Walling stated that the father will continue to live in the primary unit, which he has just remodeled.

There was no testimony in support or opposition.

Beckius moved approval, seconded by Joy and carried 7-0: Beckius, Campbell, Edgerton, Finnegan, Joy, Corr and Scheer 'yes'.

Corr stated she has concerns that this exceeds the 40 percent and questions if this ADU really needs to be over that percentage.

Campbell stated that there are several ADU's in Village Gardens and the only restriction they placed was less than 1000 feet, so he approves this.

Joy stated that she was on the County ADU, and they had discussions on this and with this being less than 1000 feet, she will also approve.

Edgerton stated that she has no concerns with this and approves.

Beckius stated that even though this application has a couple of waivers this is exactly what this is for to have multiple generations on a homestead and is in support.

Scheer agreed with Beckius.

Note: This is **FINAL ACTION** on **Special Permit 19030** unless appealed by filing a Letter of Appeal with the Office of the City Clerk within 14 days.

SPECIAL PERMIT 19032

TO ALLOW FOR SOIL EXCAVATION, ON PROPERTY GENERALLY LOCATED AT NORTH 112TH STREET AND HAVELOCK AVENUE

PUBLIC HEARING:

ACTION BY PLANNING COMMISSION:

July 10, 2019

Members present: Beckius, Corr, Joy, Campbell, Edgerton, Scheer and Finnegan.

Staff Recommendation: Conditional Approval

There were ex parte communications disclosed on this item.

Finnegan stated she had received a text from Tim Baker on this item.

Staff Presentation: Tom Cajka, Planning Department, stated this request is on property that is 105 acres. The applicant has indicated they would be removing 800,000 cubic yards over the next 3 years on this property. The site plan will need to be revised and pulled back some, because of a requirement that you can't excavate within a 1000 ft. of a private well, unless you have done a ground water report. They have decided not to do the ground water report, so they will be revising the site plan. Currently, the site

plan shows access off 112th Street and Havelock Street. Operating hours are limited to daylight Monday thru Saturday. The applicant, estimates truck traffic to be 6 to 7 trucks an hour and some days up to 10 trucks an hour. The County Engineer is requiring a road maintenance agreement with the applicant and one of the requirements is the control of dust onsite. Typically, they will require dust control on adjacent roads as well.

Finnegan asked if up to ten trucks an hour was typical. Cajka stated he was unsure.

Edgerton talked about a letter in opposition because of the proximity to Prairie Pines and asked there location. Cajka showed location.

Finnegan inquired if there was communication between Prairie Pines and the applicant. Cajka said she was unsure.

APPLICANT: Mike Eckert, Civil Design, came forward and stated they were wanting to keep this on schedule and they could always go back at a later time to do the water studies. So, the site plan will be reduced to allow for the 3 wells that are within 1000 ft. of the excavation site and this will limit them to the center of the site. Even if, the well study is done in the future, they would need to have a 300 ft. buffer from surrounding properties. Also stating, that he contacted the resident that owns the land to the east and lives offsite and has concerns if there would be grading onsite, because they do not want their fence disturbed. Prairie Pines, who he also spoke with, have concerns with the traffic in the area. It has been worked out that Gana will be operating this property and they said they would be using the Havelock entrance, so the entry on 112th Street would be removed. There will be a county maintenance agreement signed, giving the county the right to require that Gana waters the roads to help with the dust. This special permit is unique, because it expires in 3 years, with Building & Safety having the ability to do an annual inspection. We can only have 20 acres open at a time on this property. As for traffic, Gana thought on the busiest days the most that they could load would be 10 trucks an hour, and that will depend on use.

Finnegan asked about Eckert's statement of 10 trucks a day when the report says 10 trucks an hour. Eckert stated on a busy day it would be 10 per hour, but otherwise, it will be less than ten per day.

Scheer inquired about the stripping of the top soil and wanted to verify it was not leaving the site. Eckert said that is correct.

Opponents:

1. Nancy Oluffsen, 12101 Havelock, stated she is on the east side and has had conversations with Mike Eckert, and is in opposition of this. She does not want her fence removed, it has been there for 40 years and she still has live stalk on this property. Weed control is also a concern.

2. David Cole, 4200 North 48th Street, stated he has spent a lot of time and money on his property and his house is only 100 feet from the road. He thinks that the number of trucks is low and you could double the number they have said. This will create a lot of dust in the area and it will affect the quality of life. He has concerns with all of the traffic that this will make and they should restrict them to just using the Havelock entrance.

3. Joel Armstrong, 10000 Benton Street, stated that he is across from the potential driveway on the west and even though they say they will use Havelock they will use whichever route is easiest. He stated Gana created a lot of issues when they were working on the event center. He has concerns on where Gana going to get the water, and if this will affect the water table if they need to put in a well.

4. Sue Kohles, Prairie Pines Partners, 3100 N. 112th Street, stated they feel that activities of at the excavation site will increase large trucks, noise and dust. This will result in a significant disturbance that will impact the Nature Center and will undermine its use and benefits to the public. Currently, they are working on connecting Prairie Pines trail with the Murdock trail and the trucks are a concern.

4. Tim Becker, 7631 Erin Court, stated he live at about 84th and Adams and has concerns with the traffic that this will create and the fact that this is final action. With some of the surrounding roads still closed this will create traffic problems. We have school children crossing on 84th Street, which is already a problem with safety.

Applicant Rebuttal:

Eckert stated that they won't get near the fence and will need to have a 300 strip buffer by her property. Gana did work for event center and that road should be finished in a couple of weeks. For a water source they have water trucks that they use and the water will be brought in. Talking with Sue, the neighbor to the south, they will only be excavating 20 acers at a time. The traffic is a concern and they think that can be manageable. With the earlier discussion this special permit does expire and there will be reviews.

Edgerton asked if since they would not be using 112th Street if they would be moving the driveway on Havelock. Eckert said no they will mark the area off and just use the same driveway.

Corr asked if this needed to be amend. Eckert said yes. Corr move to add a condition requiring that access to the area only be from Havelock and to approve the special permit.

Finnegan stated that she drove out to all of the properties and they were not able to get anywhere, she stated that she is concerned about traffic and is opposed to this.

Beckius stated that the restriction that has been added will help. One of the many reasons that we build roads is to facilitate travel and commerce, and this dirt will provide a lot of benefits.

Campbell stated he will support this and worked with Gana on the south project and it was well maintained. He agreed that shutting down 112th Street will help.

Corr stated that she appreciates all of the concern that there is with the trucks, and is in support.

Scheer stated he is in support and if we have to depend on site to support the building we have less buildings.

Corr moved approval as amended, seconded by Campbell and carried 6-1: Beckius, Campbell, Edgerton, Joy, Corr and Scheer 'yes'; Finnegan dissenting.

Note: This is **FINAL ACTION** on **Special Permit 19032** unless appealed by filing a Letter of Appeal with the Office of the City Clerk within 14 days.

There being no further business to come before the Commission, the meeting was adjourned at 4:14p.m.

Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, July 24, 2019.

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