

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, September 18, 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: Shams Al-Badry, Tom Beckius, Dick Campbell, Tracy Corr, Tracy Edgerton, Cristy Joy, Cindy Ryman Yost, Dennis Scheer and Deane Finnegan. David Cary, Steve Henrichsen, George Wesselhoft, Tom Cajka, Kellee Van Bruggen, Geri Rorabaugh and Rhonda Haas of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

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

Corr requested a motion approving the minutes for the regular meeting held September 4, 2019.

Motion for approval made by Campbell, seconded by Beckius and carried 9-0: Al-Badry, Campbell, Joy, Ryman Yost, Edgerton, Finnegan, Scheer, Beckius and Corr voting 'yes'.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

September 18, 2019

Members present: Al-Badry, Beckius, Campbell, Corr, Edgerton, Joy, Ryman Yost, Scheer and Finnegan.

The Consent Agenda consisted of the following items: **Comprehensive Plan Conformance 19009, Change of Zone 19021 and Use Permit 19013.**

There were no ex parte communications disclosed.

Scheer moved approval of the Consent Agenda, seconded by Campbell and carried 9-0: Al-Badry, Campbell, Joy, Ryman Yost, Edgerton, Finnegan, Scheer, Beckius and Corr voting 'yes'.

Note: This is **FINAL ACTION** on **Comprehensive Plan Conformance 19009**, unless appealed by filing a letter in the Office of the City Clerk within 14 days. This is a recommendation to the City Council for all other items.

Chair Corr stated no Requests for Deferral.

SPECIAL PERMIT 19038

TO ALLOW FOR THE DEVELOPMENT OF A CUP (COMMUNITY UNIT PLAN) WITH WAIVERS TO SIDEWALKS, STREET TREES, STREET LIGHTS AND BLOCK LENGTH, ON PROPERTY GENERALLY LOCATED AT 110TH STREET AND SALTILLO ROAD

PUBLIC HEARING:

September 18, 2019

Members present: Al-Badry, Beckius, Campbell, Corr, Edgerton, Joy, Ryman Yost, Scheer and Finnegan.

Staff Recommendation: Conditional Approval

There were no ex parte communications disclosed.

Staff Presentation: Tom Cajka, Planning Department, came forward and stated this request is to develop 10 dwelling units on approximately 132.5 acres with waivers to sidewalks, street lighting, street trees, and block length. The waivers are typical of acreage developments in the AG District. The lots are located in the southeast portion of the parcel and the streets are shown as private roadways. The site plan also has an “urban reserve” area, which can be further subdivided at such time as the property is annexed. The water is to be supplied by Lancaster County Rural Water District No. 1 (RWD). The owner has not submitted an application for water service hook ups at this time. He stated based on the projected traffic volume and the speed limit of 55 mph on Saltillo Road, the Lancaster County Engineer Department and Lincoln Transportation and Utilities Department (LTU) are recommending right and left hand turn lanes from Saltillo Road into this development.

Staff Questions:

Campbell inquired about the road called Hunter Lane and where it would be located. Cajka stated that the Planning Department has requested that they move Hunter Lane to line up with the existing 110th Street to the south. He stated that the LTU has noted that it is safer to have 110th Street and Hunters Lane lining up, rather than having two T-intersections.

Edgerton inquired what the difference is between a major collector and a minor arterial road. Cajka stated that an arterial will handle more traffic. **Bob Simmering, Lincoln Transportation & Utilities**, came forward and stated that a collector would have lower speeds and less traffic and that allows for more connection points on the road. He stated an arterial is more of a thru street, which does not allow individual access to private drive ways. Edgerton inquired what Saltillo Road is considered at this location. Cajka stated that it is a major collector in the Comprehensive Plan and it is not shown in Access Management. Edgerton stated then it is not a minor arterial road, and asked if that was correct. Cajka said correct.

Applicant:

1. Tom Huston, Cline Williams Wright Johnson & Oldfather, 233 S. 13th Street, #1900, came forward and he stated that developing in a cluster is favored in the Comprehensive Plan in the AG Zone. He explained that the application is for 10 lots and the staff report is 5 pages of comments and conditions, and he said he was astounded that there are that many conditions for this subdivision. He explained that most of the conditions they agree with, but they do take exception with two of the conditions. He further stated they are asking for a motion to amend (see Exhibit "1"), which he handed to the Commission members. The motion to amend would seek to modify the conditions of item No. 1.5 and delete 1.6. On Condition 1.5 that deals with the alignment of the road and whether it would line up with 110th Street or 112th Street, which is called Hunter Road.??? He stated with this proposal they would like to align Hunter Road with 112th Street and then relocate to align with 110th Street when urban reserve parcel develops in the future, believing it will be 50 years before this happens. He further stated that 110th Street is a gravel road with minimal traffic, and this area does not play a role in the Access Management Plan or the 2040 Comprehensive Plan. The cost to do this would increase by \$50,000 to \$60,000 dollars to make this change to align with 110th Street. Next, they want to address the turn lanes, the staff report indicates that a turn lane in the Access Management Policy, if it even applied, would require a turn lane with 240 feet of stacking. He stated they feel that this is unnecessary and any benefit of this is outweighed by the cost, and if required this would eliminate the ability to do this project.

Edgerton asked if 110th Street going south was gravel. Huston said correct.

Campbell inquired if there were any other gravel roads that required turn lanes. Huston stated not to his knowledge.

Beckius asked for more details on the abandonment and the moving of Hunter Road in the future. Huston stated for the short term they would utilize an area on 112th Street. In the future, when the property would be developed, it will be easy to close the road with it not being a dedicated road. He stated that they would also inform property owners of this development by stating the relocation of Hunter Road in the covenant.

Scheer inquired if it was 10 lots for 40 years or 75 lots. Huston stated that it is 10 lots until a change of zone would be approved in the future, which won't happen until it is urbanized and that is when sanitary sewer can be provided.

Corr stated that there will be a time delay on the project, because this area needs to have water first, and she asked if that was correct. Huston said yes, that there is a condition that they cannot final plat until there is water service. He explained that they have been in contact with Rural Water District No. 1 who is currently making water line improvements. Now, the application has been submitted and paid for although, Rural Water District No. 1 will not approve the application until they are done with their improvements, which will be sometime in 2019. He stated that construction would not start until they receive an approval from Rural Water District No. 1.

Proponents:

None came forward.

Opponents:

None came forward.

Staff Questions:

Corr asked Cajka how he feels about the amendment proposed by the applicant. Cajka stated that he stands by the conditions in the staff report.

Campbell asked Mr. Cajka if the turn lanes were not done now, but at a later date when it moves from 112th Street to 110th Street, and asked if he would agree with that. Cajka said yes, that wherever the street connects with Saltillo Road they would want turning lanes. Campbell stated that when the population goes up with additional lots in the future then turn lanes should be required, but with 10 homes a turn lane is not needed. Cajka stated that LTU and County Engineers have recommend turn lanes for this development area.

Scheer inquired if there is any way that this development could be more than 10 lots within the next 40 years. Cajka stated that sometimes sewer projects get moved up depending on the development pressures.

Campbell inquired if this area would still drain back to 14th Street. Cajka stated that he was unsure. Campbell asked that if this area drains southwest would it require a pumping station or a new treatment plan. **Steve Henrichsen, Planning Department**, came forward and stated most of the property would drain to the southeast and not into Stevens Creek, but much farther to the south.

Joy inquired if they would want to do more than the 10 homes in the area they would then need to come back to the Planning Commission for approval. Cajka said yes. Joy asked if at that time they could enforce more rules at the 110th Street intersection if it was decided to not move the road. Cajka said yes.

Edgerton stated that the staff report indicates that it is safer to have entryway at 110th Street instead of 112th Street, because of the two T-intersections, and asked why that would be safer. Simmering explained that it would be the number of conflict points that arise on any stretch of road.

Corr asked what the vehicle count would need to be to require a turn lane. Simmering stated that on Saltillo Road the 55 mph speed limit should be considered and that the Access Management Policy is not the overall rule book that covers the entire system. The knowledge of traffic safety, traffic counts, and speed is what dictates if a turn lane is reasonable or not. He stated there should be a traffic study done, and this decision should be made by having discussions with transportation and engineers and not on assumptions.

Scheer wanted to follow-up on what Mr. Simmering said and asked if the condition on Saltillo Road is not just about one point like 112th or 110th, but it is what happens in context to not only Saltillo but to everything around it, in terms of a traffic perspective. Simmering said yes.

Applicant Rebuttal:

Huston stated that 100 cars an hour would trigger a traffic study and with this development there will be only 90 additional trips a day. He wanted to emphasize that there is language in the staff report that indicates in 2026 that the trips per day will be 1,261 and in 2040 there would be 1,300 per day. He further stated that it was his understanding the count did not take into consideration the affect the bypass would have on the traffic on Saltillo Road and that is a huge omission. He stated that the bypass will be safer, cleaner and quicker for everyone and Saltillo Road will become a local street with just local traffic.

SPECIAL PERMIT 19038

ACTION BY PLANNING COMMISSION:

September 18, 2019

Campbell moved to amend the conditions for approval of Special Permit 19038, and adopt Item No. 1 of the proposed amendment and add" that turn lanes would be installed at the same time".
Seconded by Scheer.

Campbell stated living on Pine Lake Road when it was gravel a road the traffic counts are greatly diminished. When you get past 84th on Saltillo Road the traffic drops off tremendously, with 56th to 68th being the most traveled area on that road. He stated at this point, with the number of cars going in and out for 10 lots and with a 900 foot viewing radius ahead should not develop into an accident prone area.

Beckius stated that the number of lots does not concern him in terms of impact today, and stated that he is in favor of adding the note to the special permit stating that the road will be closed at 112th and realigned at 110th at the time of development. He stated that he would like to see if turn lanes are needed at the time of development rather than requiring them now.

Campbell stated that the turn lanes would be on Saltillo Road, and if there are more lots for development there would need to be a traffic study, which could determine the turn lanes.

Scheer stated the applicant and the Planning Department are in agreement that there will not be a tremendous amount of lots being built beyond these 10 for another 40 years, so the number of lots and the amount of traffic is not what concerns him. He shared he is concerned by the reputation of Saltillo Road and it being a dangerous road and the speed limit of the road. He stated he agrees with Mr. Cajka, but would like to see this area developed because it is so far out.

Edgerton stated that she has the same concerns as Scheer and that it is the balance that they are struggling with it being only 10 lots at this time. She stated that Saltillo Road is problematic at those speeds, and she is wanting to ensure that the Commission does the right thing, for the long term. She explained that with the amendment they are trying to balance the competing responsibilities.

Corr asked about requiring a traffic study to see how that would go before any further decisions are made. She stated that she would rather see the data. She, too, agrees that Saltillo Road is very dangerous, but is unfamiliar with the roads in this area.

Beckius stated that the lot count does matter and it is a small number. He stated that the one thing that has made him feel more comfortable with this, is that it is almost double the sightline in terms of visibility to alert those traveling quickly on Saltillo Road that a stopped car may be in front of them.

Joy stated at 120th and Saltillo Road it turns to gravel, and she asked if that was correct. Campbell stated that he believes that is correct.

Tim Sieh, City Attorney's Office, came forward and stated that there needs to be an original motion and then a motion to amend. He stated that there needs to be a vote on the motions to amend first then the main motion.

Campbell restated his motion to amend by "adding a note to the special permit to require when urban reserve component reflected for "build through development" is developed in the future the entrance road identified as Hunters Avenue or 112th Street shall be abandoned and replaced with an entrance road on Saltillo Road that aligns with the corridor for 110th Street and turn lanes will be installed at that time," seconded by Scheer.

Motion for approval on the amendment carried 8-1: Al-Badry, Campbell, Joy, Ryman Yost, Edgerton, Finnegan, Scheer and Corr voting 'yes'; Beckius voting 'no'.

Campbell moved approval, as amended, seconded by Beckius carried 9-0: Al-Badry, Campbell, Joy, Ryman Yost, Edgerton, Finnegan, Scheer, Beckius and Corr voting 'yes'.

Note: This is **FINAL ACTION** on **Special Permit 19038**, unless appealed by filing a letter in the Office of the City Clerk within 14 days.

STREET AND ALLEY VACATION 19006, TO VACATE THE NORTH 142 FEET OF THE ALLEY ADJACENT TO LOT 3, BLOCK 86, ORIGINAL LINCOLN SUBDIVISION, GENERALLY LOCATED BETWEEN 9TH AND 10TH STREETS AND M AND L STREETS

PUBLIC HEARING:

September 18, 2019

Members present: Al-Badry, Beckius, Campbell, Corr, Edgerton, Joy, Ryman Yost, Scheer and Finnegan.

Scheer declared a Conflict of Interest and exited the chambers.

Staff Recommendation: Conforms to the Comprehensive Plan

There were no ex parte communications disclosed.

Staff Presentation: **George Wesselhoft, Planning Department**, came forward and stated this request is to vacate a portion of the alley between M and L Streets and 9th and 10th Streets. He stated that at the prior meeting on September 4, 2019, there were concerns identified by B & J Partnership, which is located to the southeast of the alley vacation area. The issues identified were truck-turning movements in the remaining L-shaped alley; the relocation of the sanitary sewer and the potential impact to the building and the portion of the alley that remains; and there are concerns with storm water drainage. These concerns were looked at by LTU (Lincoln Transportation & Utilities) staff and they are okay with this item moving forward, with respect to these areas. He noted that the vacation of this alley in regards to the trucks turning around would require a change to the direction of the alley.

Staff Questions:

Campbell asked Mr. Wesselhoft if he had participated in any of the meetings between the two parties. Wesselhoft said no.

Applicant:

1. Carter Page, Partner of Campion LLC, 55 East Monroe Street, Suite 3900, Chicago, Illinois, came forward to introduce himself and Nate Burnett as their engineer. **Nate Burnett, REGA Engineering, 601 Old Cheney Rd.**, came forward on behalf of Campion Development and stated this street and alley vacation of 142 feet is between L and M Streets and 9th and 10th Streets. This is part of a project that will have a 7-story structure with student housing and townhomes. He explained with the concerns that have been mentioned, they have verified that the existing sanitary services will be serviceable and that a 3-point turn will work, which was verified with LTU. He stated with the storm water drainage that comes into the alley will be minimized by the building drainage running off the east and south sides and by adding a pipe that goes from the alley through the parking garage for water that might accumulate. Lastly, the slope of the alley will be lowered when the work is done on the sanitary sewer, which should take care of the steepness of the alley.

Corr stated when the sanitary sewer is rerouted, the alley will be re-graded to lower the slope. Burnett said correct. Corr asked if they would be repaving the alley. Burnett said yes, the current alley does look rough.

Joy inquired if the alley change would affect the adjacent property owner's access to the parking lot. Burnett stated they would maintain the access, and he stated that with the grading there may be some additional work needed to their parking lot, which Campion will be paying for.

Proponents:

None came forward.

Opponents:

1. Ann Post, Baylor Evnen, 1248 O Street, Suite 600, came forward on behalf B & J Partnership Speedway Properties who owns the property in the southeast corner, and asked to defer this item to a “date uncertain.” She stated that they still need to come to an agreement. Ideas have been presented, but nothing with a level of detail that will give them the assurances that these items will be addressed if this moves forward. She further stated that these ideas are just that, ideas, and that they have not seen any binding agreements to ensure that the work will be done. She explained they presented Campion with a draft agreement yesterday, which addressed these issues and shows that B & J Partnership is dedicated in working through this project.

2. Tim Gergen, Clark Enersen Partners, 1010 Lincoln Mall, Suite 200, came forward stated the existing building is not a freestanding building, and explained that it has columns down the middle of the building. The current solution for the truck to turn around will not work with the columns in the middle of the building. With the parking lot access there will need to be serious grading for this portion of the alley to work to get to the parking lot. He stated that they will need to take about 6 feet off for grading in the alley and that will make the parking lot unusable. He stated they are willing to work with the applicant on this but, so far, the access to the alley has not been worked out.

Beckius inquired if the truck movement is internal within the building. Gergen said yes, and for the trucks to maneuver around it will need a space double in size to what the applicant has proposed to make this possible. Beckius stated that his primary concern is that the alley is usable and not how B & J uses their building. Gergen stated that the alley is a current condition and being used today and if you were to take away that condition, then you would take away some of the property value. Post stated this is about maintaining reasonable access to the building.

Joy inquired how a truck uses the alley as it turns if it does not go straight through. Gergen stated this alley would need to be reversed and would come in off of 10th Street.

Campbell asked if the truck could come into the alley off 10th Street and go straight forward and back into their door, and asked how much distance they would need. Gergen stated that it would be similar to what they have already mapped out. Campbell stated that the easement is for part of the parking garage and asked if that was correct. Gergen said correct. Post clarified they would need an easement, which they currently do not have.

Ryman Yost inquired about the “for lease” sign that is posted on this property and asked if this business is continuing to operate at this site or will it be turned into something else that does not need a 40-foot truck. Post stated that she is unaware of the status of the current tenant and the “for lease” sign, and she stated that this building is built to be able to pull a truck through and that is the value of this building for the owner.

Edgerton stated that what is before the Commission today is to approve the alley vacation and whether or not it conforms to the Comprehensive Plan, and that you are not saying that it does not

conform, you are just asking for another deferral, is that correct. Post said correct, because it does not allow reasonable access to the property.

Finnegan stated that her concern is that the Commission already deferred this for two weeks with the understanding that everything could be worked out and asked the applicant how long they think this will take. Post stated that they feel they should be involved in these conversations and the meetings should take place with everyone in the room.

Corr asked if they reached out to the applicant to set up a meeting with them. Post stated that her client did reach out the day after the last Planning Commission meeting. The initial meeting was held, although they did not get a response for several days, which did not leave a lot of time. Corr inquired about the building being leased currently. Post stated that she did not know. Gergen stated that a portion of it is, but it is not fully leased. Corr stated it has been mentioned if this project goes forward as proposed, B & J Partnership would not be able to access the northern lot and, from the way it looks now, it is not being used. Otherwise, it would not be in the shape it is. Gergen stated that the building is not currently occupied so the parking lot is not being used. Corr stated that there is infrastructure inside the building that prohibits them from turning from within the building. Gergen stated that is correct, there is a row of columns that would prohibit a single-unit truck to make a turn inside the building.

Ryman Yost stated that there is not currently anyone operating in the building that uses this garage door, and she asked if that was correct. Gergen said correct. Ryman Yost stated that currently trucks are not going through the building. Gergen said currently, no.

Corr inquired if they have offered to sell the building to the applicant. Post stated they have had that conversation for a 99-year ground lease and the applicant is not wanting to do this.

Corr asked if they were working on a car or SUV would they still have these problems of turning around. Gergen said there would still be issues just not as large as with a truck. Corr inquired how long it has been since an auto repair business was there. Gergen said he did not know.

Campbell asked about the need for a 40-foot truck with this building. Gergen stated that size of truck would bring in parts to the auto shop.

Finnegan inquired if they knew when the last time was that a truck went through. Gergen said no.

Staff Questions:

Campbell inquired if approved, when it would go to City Council. Rorabaugh stated fees would need to be paid first before scheduling it for City Council, so very likely it will be several weeks.

Al-Badry inquired if it conforms to the Comprehensive Plan. Wesselhoft stated that it does, and he stated that he believes that is where the common access easement would be added as a condition.

Applicant Rebuttal:

Page stated that they did meet with Speedway after the last Planning Commission meeting and, at that point, Speedway said that this would all go away if they purchased the property, and then changed it to ground lease the property. He explained that they have had conversations with B & J Partnership on ground leasing this property even though it was of no use to them, and came to the conclusion a ground lease for land that they have no use for makes no sense. Burnett stated that on the south side of the building there is an oversized door that can easily be used to enter the building. The building is currently vacant; the measurement of the overhead door is 10-feet tall and a typical straight truck is 12.5 to 13 feet, so these trucks would not even be able to get into the door.

Beckius inquired about granting the easement. Burnett said yes they would.

STREET AND ALLEY VACATION 19006
ACTION BY PLANNING COMMISSION:**September 18, 2019**

Campbell moved approval, seconded by Finnegan.

Campbell stated that he feels that they have plenty of time to come to an agreement before it goes to City Council.

Edgerton stated that she agrees.

Beckius stated that he feels that the applicant has made a reasonable effort to continue to allow reasonable access to the adjacent property owners for the use of the alley. He stated that they have made changes to the site to maintain reasonable access.

Corr stated with the way the building is currently being used and has been used for a while, the applicant had made reasonable effort to accommodate, and she stated she will support the street and alley vacation.

Motion for approval carried 8-0: Al-Badry, Campbell, Joy, Ryman Yost, Edgerton, Finnegan, Beckius and Corr voting 'yes'; Scheer declared a conflict of interest.

Scheer returned to chambers at 2:35 P.M.

The Chair stated that anyone wishing to speak on an item not on the agenda, may come forward and do so; no one came forward.

Beckius moved to adjourn the Planning Commission Meeting of September 18, 2019, seconded by Joy and carried 9-0: Al-Badry, Campbell, Joy, Ryman Yost, Edgerton, Finnegan, Scheer, Beckius and Corr voting 'yes'.

Meeting adjourned at 2:39 p.m.

Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, October 2, 2019.

F:\Boards\PC\Minutes\2019\pcm091819.docx