

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, November 13, 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, Deane Finnegan, Cristy Joy, Dennis Scheer and Cindy Ryman Yost; Tracy Edgerton and Al-Badry Shams absent. David Cary, Steve Henrichsen, Dessie Redmond, Kellee Van Bruggen, George Wesselhoft and 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 October 30, 2019.

Motion for approval made by Campbell, seconded by Finnegan and carried 7-0: Campbell, Finnegan, Joy, Ryman Yost, Scheer, Beckius and Corr voting 'yes'; Al-Badry and Edgerton absent.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION BEFORE PLANNING COMMISSION:

November 13, 2019

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

The Consent Agenda consisted of the following items: Comprehensive Plan Conformance 19015, Special Permit 16055A and Special Permit 19048.

There were no ex parte communications disclosed.

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

[It should be noted that the Planning Commission action relative to Comprehensive Plan Conformance 19015 relates to a finding of Conformance with the 2040 Comprehensive Plan by updating the Capital Improvement Plan for the purpose of StarTran moving forward with a federally-funded project.]

Note: This is **FINAL ACTION** on **Special Permit 19048**, 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.

CHANGE OF ZONE 19026, FROM AG (AGRICULTURAL DISTRICT) TO R-3 (RESIDENTIAL DISTRICT) AND FROM AG (AGRICULTURAL DISTRICT) TO R-5 (RESIDENTIAL DISTRICT), ON PROPERTY GENERALLY LOCATED AT 8801 HOLDREGE STREET

AND

SPECIAL PERMIT 19047, TO ALLOW FOR THE DEVELOPMENT OF A CUP (COMMUNITY UNIT PLAN) WITH UP TO 719 MULTIPLE-FAMILY DWELLING UNITS ON APPROXIMATELY 35.31 ACRES, WITH REQUESTED WAIVERS, ON PROPERTY GENERALLY LOCATED AT 8801 HOLDREGE STREET: November 13, 2019

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

Staff Recommendation: 2-week deferral

The Clerk noted that the applicant has requested to defer these items for two-weeks to the regular Planning Commission hearing on December 4, 2019.

Campbell moved approval of a 2-week deferral until December 4, 2019, seconded by Finnegan and carried 7-0: Campbell, Finnegan, Joy, Ryman Yost, Scheer, Beckius and Corr voting 'yes'; Al-Badry and Edgerton absent.

CHANGE OF ZONE 19027, FROM R-3 (RESIDENTIAL DISTRICT) TO R-4 (RESIDENTIAL DISTRICT), ON PROPERTY GENERALLY LOCATED AT SW 27TH AND WEST A STREETS

AND

SPECIAL PERMIT 08034B, TO AMEND SPECIAL PERMIT 08034 TO INCLUDE 28 SINGLE-FAMILY LOTS, 48 ATTACHED SINGLE-FAMILY LOTS, 200 MULTI-FAMILY UNITS AND 75 UNASSIGNED UNITS AND ASSOCIATED WAIVERS, ON PROPERTY GENERALLY LOCATED AT SW 27TH AND WEST A STREETS
PUBLIC HEARING: November 13, 2019

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

Staff Recommendation: Change of Zone 19027: Approval.
Special Permit 08034B: Conditional Approval.

There were no ex parte communications disclosed.

Staff Presentation: Dessie Redmond, Planning Department, came forward and stated this property is located along West A Street between Southwest 27th and Southwest 25th Street. This is a request to amend the Whispering Meadows special permit for a Community Unit Plan (CUP) and an associated change of zone from R-3 to R-4. This change of zone is for approximately 14 acres for a total of 35 acres and will increase the density of the CUP. The original approved permit was back in

2008, which was approved for a total of 238 dwelling units, and it was specifically stated on the site plan that this area is reserved for 155 attached single-family homes to be determined at a later time, and this is what is being amended today. This area has been through multiple change of zones and amendments to special permits, but has always shown a higher density and some type of multi-family units. The applicant is requesting a total of 351 units from the original 238 units, although the Planning staff has recommended a total of 300 units. She stated this would be an increase of 62 units, which is a reasonable number of units on this property. This would be consistent with what was approved previously and is compatible with the surrounding areas because of the existing buffers. She further stated that an increase in density is appropriate at this location because of the West A Street Improvement Project that is set to start construction 2021 with a round-about at Southwest 27th Street and West A Street. There is commercial zoning to the west of the property, which complements a higher density. The applicant is requesting a waiver to street paving standards along a portion of Southwest 27th Street. The developer is proposing to pay for the improvements from the West A Street Improvement Project to the proposed access point to the multi-family dwelling development, with the remainder of Southwest 27th Street to remain gravel. Typically, the cost of paving Southwest 27th Street would be split with the adjacent developer to the west. This property owner has stated that they are not interested in helping to improve Southwest 27th Street, at this time. However, there will be a condition of approval that once the H-4 property owner does decide to develop their property, they would be required to pay for the remainder of Southwest 27th Street paving. Therefore, there is a plan to have Southwest 27th Street paved and this allows justification of why this waiver can be approved.

Campbell asked how many lots the plan has. Redmond stated that the CUP would allow for a total of 300 units. Campbell stated that the applicant had proposed a higher number of units, and he wondered if this plan was at the 300 units or the higher number of units proposed by the developer. Redmond stated the plan is proposed for 351 units, which included 79 unassigned units. She further stated with the 300 units that staff is recommending, there would be a total of 59 unassigned units.

Beckius inquired if there were a couple of parties in the development group that are sharing the cost for the road. Redmond said yes, that the two developers have set up a private agreement.

Corr inquired how the 300 units would work, and if the developer just needs to prepare a plan to meet the requirements. Redmond said yes, that the developer would not be allowed to build more than 300 dwelling units on this property with the condition of approval. Corr stated that they would not need to remove an apartment complex, just the number of apartments in the complex, and she asked if that was correct. Redmond stated that there will be 48 units in each apartment building and that is why they are requesting 200 multi-family units. Corr asked Redmond to show on the overhead map where the entrance point to the complex will be on Southwest 27th Street. Corr inquired if the cost sharing for this road pavement was divided in half for the two developers.

Redmond stated that the gravel portion to be done at a later time is longer and the property owner is aware of this and still agrees.

Applicant:

Dan Rosenthol, REGA Engineering Group, Inc., 610 Old Cheney Road, came forward and stated that the developer has agreed to all of the terms of the conditional permit. He further stated that their layout currently shows that there will be 292 units total on this property and the apartment buildings will have 50 units each.

Corr inquired which part of this development would start first, single-family or the apartments. Rosenthol explained that they will be starting construction on the duplexes, which will most likely be senior housing with the funding for that to be in February. So, construction will start in the latter part of 2020 and finish sometime in 2021, which will line up with the construction of West A Street. The developer has stated that once the final plats were approved, they could move forward with the financing of the apartments and the construction should end after West A Street has opened. Corr stated that they have seen in the past where the townhomes were built first and the occupants were used to the wide open space and not tall apartment buildings, and encouraged the developer not to wait too long before construction on the apartments to avoid issues. Rosenthol stated that the senior living duplexes will all be rentals and they feel that they will be a nice screen between the houses to the south and apartments to the north. Corr inquired if the occupants of the senior living duplexes would be made aware that there will be apartment complexes going in. Rosenthol said yes, that they would be made aware of the apartments. Corr inquired about the recreational facility requirement and asked if the developer was okay with this requirement. Rosenthol stated that the developer was okay with everything. Corr inquired if the neighborhood voiced any concerns at the meeting that was held last week. Rosenthol stated that there were questions about the road construction, drainage, screening, an area for children to play and moving the garages to the west side. He stated that all of the concerns that were mentioned at the neighborhood meeting have been addressed.

Scheer stated that there is an area north of West A Street that is between the street and the property line, and he asked if that was a utilities easement and if there were electric lines there now. Rosenthol stated that he thinks that area is a dedicated right-of-way and will stay where it is, as shown on the site plan.

Proponents:

1. Mark Antonson, 4710 Faulkner Court, came forward and stated he is generally in favor, but has some questions. He further stated that he is representing the West A Neighborhood Association, which goes from Salt Creek to Southwest 40th Street and West O to West Van Dorn Street. He shared

that the main concern is the amount of traffic on West A Street and the timing of these events. He stated that the road project that abuts this property is scheduled for 2021; however, they plan on starting in 2020. He stated that there is a lot of time between now and 2021 and a lot of uncertainty when it comes to the proper allocation of roads' budgets and capital projects. They are wanting to make sure that this project can stand on its own with the existing capacity of West A Street. Antonson asked if the West A Street Project were not to move forward into actual construction, would the road be able to handle the traffic of an additional 62 units. He stated that this development would put West A Street over its current designed capacity, and they are requesting that the applicant make a commitment on public record that they would cooperate fully with the City on the West A Street Project and not delay or impede it in anyway.

Opponents:

1. Jolene Wagner, 2514 West Timberlake Drive, came forward and stated that she is on the Board of Directors for the Whispering Meadows Homeowner Association, and they are in opposition to this special permit. She stated that they have concerns with the apartment buildings and their height. She shared that she purchased her home in 2008 and was aware additional townhomes would be going in but not apartment buildings. She shared that had she known this when she purchased her home, she could have made a different or more informed decision.

Staff Questions:

Corr inquired about the concerns with the capacity of West A Street before the improvements are scheduled. **Bob Simmering, Lincoln Transportation and Utilities (LTU)**, came forward and stated that Olsson has done a traffic study for the design of the project and taking into account the 2040 traffic projections for the entire area. There were discussions with Olsson on what happens if some of the construction goes on ahead of the road project. It was pointed out by Olsson that the traffic volume from 27th Street to 25th Street would not exceed the current volume and there is the road from 24th to South Coddington, which is two-lanes, -- this road may not be the preference, but it is functional.

Scheer inquired about the road improvement on the round-about and asked if the center of that was intended to be a green area. Simmering stated that he does not know.

Campbell asked if he was correct that there is an access point to the multi-family area off West B Street and Northwest 27th Street, and that would mean that there are two access points. Redmond said that is correct. Simmering stated that LTU requires two points of access for the area.

Beckius asked if there was an already approved or a new request for the height variance for the multi-family. Redmond said that there are no past requests and she is not aware of any now, and she further stated that the R-3 and R-4 have the same maximum height of 35 feet.

Corr asked how high the apartment buildings are proposed for currently. Redmond stated that she believes the developer has stated that they would be 3-story buildings.

Applicant Rebuttal:

Rosenthal stated that the construction time for both the single-family senior housing and the apartments would be 2021 and it has been stated that the traffic would not bother West A Street at all.

Corr asked if they are will to work with the City on the street improvements and will not purposely hinder the process as it moves along. Rosenthal stated that they do not have anything to do with West A Street. He stated that the developer would not want to wait on construction for this project and West A Street has the capacity to handle the additional traffic.

Scheer asked if the development that would coincide with West A Street beginning in 2020 would be just the duplexes. Rosenthal stated that in February 2020 they will find out about funding, so they may start construction in the fall of 2020. On the apartments, the developer has indicated that after the final plats are approved it will take an additional 18 months for their funding and they are looking at starting the apartments in 2021.

Campbell inquired how they would get to the construction site if West A Street is under construction. Rosenthal stated that Northwest 27th Street would need to be in place first and then B Street would need to be constructed next, before they would be able to get building permits for construction.

CHANGE OF ZONE 19027

ACTION BY PLANNING COMMISSION:

November 13, 2019

Beckius moved approval, seconded by Campbell.

Beckius stated that the change of zone from R-3 to R-4 and the special permit does a nice job of respecting the existing residential nature of what is there today, while allowing for a higher density. He further stated that he is not concerned about the capacity of West A Street while it is being improved. He shared that he appreciates the questions from the neighbors in regards to the height of the apartment complexes and does not feel that 35 feet, when adding in the distance, would be a hardship to the neighbors. He stated that he is in support of this change of zone and special permit.

Scheer stated that with the existing site conditions, he is in support of the change of zone and special permit. He further stated that the apartments will be a good distance away from the existing residential houses and with the trees this will provide an additional buffer between the future development and what is there now. This is also true with the existing housing to the south of West A Street and that the road improvement will be a nice improvement with the round-about. This project fits really well and he is not concerned with issues with regard to capacity of the roads or having the construction of these projects at the same time. He stated that there will need to be construction of some additional roads

before the construction can take place, and that will likely happen when West A Street is under construction.

Corr stated that she appreciates the neighborhood's concerns with the roads and the timing of all the projects, and she further stated there is a lot of leg work that needs to be done on both of these projects and they will coincide nicely together. She stated that she is hoping that the West A Street Project is finished before this project gets too far along and agrees with the change of zone and the CUP.

Motion carried 7-0: Campbell, Finnegan, Joy, Ryman Yost, Scheer, Beckius and Corr voting 'yes'; Al-Badry and Edgerton absent.

SPECIAL PERMIT 08034B

ACTION BY PLANNING COMMISSION:

November 13, 2019

Beckius moved approval, seconded by Campbell and carried 7-0: Campbell, Finnegan, Joy, Ryman Yost, Scheer, Beckius and Corr voting 'yes'; Al-Badry and Edgerton absent.

Note: This is FINAL ACTION on Special Permit 08034B, unless appealed by filing a letter in the Office of the City Clerk within 14 days.

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.

Campbell moved to adjourn the Planning Commission Meeting of November 13, 2019, seconded by Joy and carried 7-0: Campbell, Finnegan, Joy, Ryman Yost, Scheer, Beckius and Corr voting 'yes'; Al-Badry and Edgerton absent.

Meeting adjourned 1:49 p.m.

Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, December 4, 2019.

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