

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, February 5, 2020, 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, Cristy Joy, Tracy Edgerton, Deane Finnegan, Dennis Scheer and Cindy Ryman Yost; Tracy Corr absent; David Cary, Dessie Redmond, Rachel Jones, Brian Will, George Wesselhoft, Geri Rorabaugh and Rhonda Haas of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

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

David Cary, Planning Department, came forward to announce the kickoff of the Lincoln-Lancaster County 2050 Comprehensive Plan update called Plan Forward 2050. There is information available on the website, planforward2050.com, and a public meeting will be held at Pinnacle Bank Arena on Thursday, February 6, 2020, from 5:00 pm – 7:00 pm. There will be a more formal presentation at 5:30 pm to provide information, followed by open house activities.

Vice Chair Beckius requested a motion approving the minutes for the regular meeting held January 22, 2020.

Motion for approval of the minutes made by Campbell, seconded by Scheer and carried 8-0: Al-Badry, Campbell, Edgerton, Finnegan, Joy, Ryman Yost, Scheer and Beckius voting 'yes'; Corr absent.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

February 5, 2020

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

The Consent Agenda consisted of the following items: Change of Zone 06063B, Change of Zone 19034, Special Permit 19061 and Use Permit 19023.

There were no ex parte communications disclosed.

There was no ex-parte communications disclosed relating to site visits.

Item 1.1, Change of Zone 06063B, was removed from the Consent Agenda to a separate public hearing.

Campbell moved approval of the remaining Consent Agenda items, seconded by Finnegan and carried 8-0: Al-Badry, Campbell, Edgerton, Finnegan, Joy and Ryman Yost, Scheer and Beckius voting 'yes'; Corr absent.

Note: This is **FINAL ACTION** on **Special Permit 19061**, unless appealed by filing a letter in the Office of the City Clerk within 14 days.

Beckius and Scheer declared Conflicts of Interest on Item 1.1 – Change of Zone 06063B and, therefore, Acting Chair Beckius appointed Commissioner Joy as Temporary Chair; Beckius and Scheer exited the chambers. Joy took over as Chair.

CHANGE OF ZONE 06063B

TO ADJUST THE ZONING LINE BETWEEN THE B-2 (PLANNED NEIGHBORHOOD BUSINESS DISTRICT) PLANNED UNIT DEVELOPMENT AND R-3 (RESIDENTIAL DISTRICT) PLANNED UNIT DEVELOPMENT DISTRICTS, CONVERT OFFICE AND COMMERCIAL LOTS TO ATTACHED SINGLE-FAMILY LOTS, AND APPROVAL OF A DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING AND SUBDIVISION ORDINANCES, ON PROPERTY GENERALLY LOCATED AT 84TH AND ADAMS STREETS.
PUBLIC HEARING: **February 5, 2020**

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

Staff Recommendation: Conditional Approval

There were no ex parte communications disclosed.

There was no ex-parte communications disclosed relating to site visits.

Staff Presentation: Rachel Jones, Planning Department, came forward and stated this request is to amend the North Forty Plaza Planned Unit Development (PUD) to convert office and commercial lots to attached single-family lots and adjust the zoning line between the B-2 and R-3 PUD districts to correct the existing zoning line and match the intended uses. Several waivers are requested to modify lot dimensions for the attached single-family lots and the lot that created for the existing wireless tower. The conversion of commercial lots to residential uses is appropriate with consideration given to the surroundings. The requested waivers facilitate housing at an appropriate urban density that fits the character of the neighborhood. The new

housing will serve as an additional transition between the existing residential and commercial areas. There have been some complaints with the pedestrian easement location. The developer has relocated this to run east and connecting to North 83rd Street south of Jensen Tire. The Planning Departments position is that this is a reasonable compromise.

Applicant:

Luke Summers, The Clark Enersen Partners, 1010 Lincoln Mall, Suite 200 came forward on behalf of Apples Way, LLC and stated this was originally to be commercial, but have had interest in this becoming residential. With this, the Planning Department has asked for the zoning boundaries to be cleaned up and this will show what the defined uses are. The developer is willing to move the placement of the pedestrian easement to the east to make things more agreeable with the neighbors.

Proponents:

No one came forward

Opponents:

Britney Bandars, 8224 Windmill Drive, came forward and stated that they agree with the change of zone, but they feel the proposed sidewalk is too close to their back yard. They purposely picked the end lot for the privacy and now it is being taken away. They think that it needs to go between the businesses and not by her house.

Campbell asked if the yard was fenced. Bandars said no, and they are not wanting to fence it because it will make their yard feel smaller. Campbell asked if there was any concern with the B-2 area east of the lot. Bandars said no, not with the change of zone.

Staff Questions:

Finnegan asked about the sidewalk going between the two businesses that the neighbors are proposing. Jones showed on map where the neighbors are proposing the sidewalk should go. Campbell asked if it would eliminate a residential lot if it were place between the businesses. Jones said it could and that would be something that the applicant would need to look at.

Applicant Rebuttal:

Summers stated that they have looked at the possibility of the area between the businesses for placement of the sidewalk. However, they do not own either of the properties and there is no existing easement for an access across that area. It would take some property easement acquisition to make that happen and it does not flow well with the current layout. They would need to revise some of the lots and it would be challenging to make that work. There is a significant drainage way that will help separate the property from the sidewalk.

Egerton inquired how far the path would be from the property to the south. Summers said that it would be 30 feet at the closest point.

Campbell asked if the developer would be willing to do some landscaping on the corner to separate from the homeowner. Summers stated that he could talk to the developer.

Joy inquired about going between Lots 45 and 46 and going down to the sidewalk. Summers stated between those lots is meant to be a shared lot, and he further stated it would need to be between Lots 46 and 47, and they have not looked at that option, although it would lengthen the walkway even more. The area that the developer has proposed is on an outlot that is not buildable.

Ryman Yost stated that if it is an outlot that is not going to be built on, there is a chance that people will still walk through. Summers said correct; this area will be graded for drainage and this will make it a gentler grading.

Campbell moved to close the public hearing on this item, seconded by Edgerton and carried 6-0: Al-Badry, Campbell, Edgerton, Finnegan, Joy and Ryman Yost voting 'yes'; Scheer and Beckius Conflict of Interest; Corr absent.

CHANGE OF ZONE 06063B

ACTION BY PLANNING COMMISSION:

February 5, 2020

Campbell moved approval, as amended as offered by staff in the memorandum dated February 4, 2020, and suggests that the developer add some landscaping on the corner to give the homeowners a little separation from the path, second by Edgerton.

Edgerton stated that the landscaping maybe a challenge to implement, given the developer is different. Campbell said yes, that is why he is just suggesting that the landscaping be placed.

Edgerton stated that she would vote to approve. The conditions of approval met with the standards and she feels that they have come up with a good compromise on the path through the outlot.

Finnegan stated that she agrees.

Al-Badry echoing her fellow Commissioners stated she understands where the neighbors are coming from, but Ryman Yost made a good point that the outlot will be an area where people would be.

Joy stated that she will be supporting this and that some good points and compromises have been made. She further stated that she agrees with her fellow Commissioners.

Motion carried 6-0: Al-Badry, Campbell, Edgerton, Finnegan, Joy and Ryman Yost voting 'yes'; Scheer and Beckius declared Conflicts of Interest; Corr absent.

Beckius and Scheer returned to the chambers.

USE PERMIT 15E

TO ALLOW FOR AN EARLY CHILDHOOD CARE FACILITY FOR UP TO 266 CHILDREN AND 25 STAFF, ON PROPERTY GENERALLY LOCATED AT SOUTH 27TH STREET AND OLD CHENEY ROAD.

PUBLIC HEARING:

February 5, 2020

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

Staff Recommendation: Conditional Approval

There were no ex parte communications disclosed.

There was no ex-parte communications disclosed relating to site visits.

Staff Presentation: **Dessie Redmond, Planning Department**, came forward and stated this is a request for an amendment to a Use Permit to increase the approved commercial square footage on Lot 4 from 14,400 square feet to 16,500 square feet to build an Early Childhood Care Facility for approximately 266 children. The overall commercial square footage for the Use Permit will remain at 101,929 square feet as approved with Use Permit 15D. The subject property is part of a Use Permit bounded by two arterial streets with residential to the west. This request proposes to add a use that is compatible with this mix of uses that can provide services for the existing residences and the surrounding area. The Comprehensive Plan encourages development with a mix of uses that are compatible with surrounding land uses. Revisions are required but, with those changes, this request complies with the Zoning Ordinance and Comprehensive Plan.

Edgerton asked for an explanation of what a stacking area is and how it works. Redmond stated that in areas where there is someone being dropped off, the stacking is where cars line up and stack along the road.

Finnegan asked where most of the parking for this facility would go within the area. Redmond said that there are cross parking arrangements throughout the surrounding Lots 1 thru 7. They anticipate that there will be parking on the west side along with wherever there is an open parking spot.

Edgerton asked if there was parking being added. Redmond said that she does not think there was.

Campbell stated that the ground slopes to the west, and asked if there was any indication in working with them on how they will be handling the drainage coming off the other sides. Redmond said that would be a question for the applicant. There is an existing detention facility built to handle the full buildout of the development.

Applicant:

Brad Marshall, Olsson Associates, 601 P Street, Suite 200, came forward on behalf of JDM Learning, LLC, and stated that this would not increase the overall use permit square footage. The maximum children at this facility could be 266. Based on their other franchises, between 25% and 50% of the children that attend the facility will have siblings, and this would reduce the trips to the site. There is an afternoon school program offered at this site in which the children are bussed in from several locations in the afternoon that will not attend the daycare in the morning. Most children will arrive between 6:30 am and 9:00 am in the morning, and 5 of the 18 businesses open at 8:00 am, and the remainder of the businesses open at 8:30 am or later. Most of the drop-offs will be on the west side and then entering the lower level of the building. There will be parking stalls added on the east side by the play area. The employees will be able to park on the east or the south side of the property. Ninety percent of the drainage is installed, and additional parking will connect there with a detention cell to the south that takes the additional runoff for this development. The use permit boundary has two full access locations.

Finnegan asked how much stacking they anticipate there. Marshall said there would be enough room on the west side of the building for 5 or 6 vehicles. He shared that Lincoln Transportation & Utilities (LTU) had mentioned drop off times, but this will be more spread out than what a school would be. Finnegan stated that parents would have to get out and they would be in a longer stacking time. Marshall said yes.

Edgerton asked if there was driving in both directions on the south side by the stacking area. Marshall said yes. Edgerton stated that the thought would be that the teachers would not be parking on that side. Marshall said yes.

Campbell asked if you were to take Old Cheney how would they get to the property. Marshall said there is a drive on the west side of CVS. Campbell indicated that from north and south of the stacking lanes, they would need to go around the other building. Marshall stated they could turn right and otherwise they would go to the half block and to the full access intersection.

Scheer stated that the perpendicular parking that is directly across from this facility can also be used for parents. Marshall said absolutely. Scheer said there is a stacking lane for dropping of children and there is available parking that is perpendicular. He further stated that that you can access this facility from both directions and park if needed. Marshall said correct.

Campbell asked if there was a signal at the north entrance. Marshall said there is not; it is at Jameson and 27th Street and Old Cheney.

Joy asked if there was a sidewalk on the corner by Canterbury Lane. Marshall said yes.

Scheer inquired if there was parking allowed on Canterbury Lane. Marshall stated that he does not know if parking is prohibited on Canterbury Lane. He shared there is enough parking in the area and they would encourage parents to use the parking and not the street.

Proponents:

No one came forward

Opponents:

Dan Anderson, 6520 Winding Ridge Court, came forward and stated that he works in the building on the northwest corner and has concerns with the cross parking in the area, which does not work well. He stated that there are six businesses in just his building that open at a variety of times. CVS has a "Do Not Enter" sign posted in the area where cars go. There are not enough access points for this area and there should be a light with this much traffic.

Beckius asked if they have ever used the church parking lot to the north. Anderson stated that the owner does, and some tenants might also park there. There is more traffic earlier in the morning than people may think.

Finnegan asked if his main complaint was the traffic. Anderson said yes, but also the parking. He further stated that he would like a light put in.

Staff Questions:

Edgerton inquired about Lincoln Transportations & Utilities (LTU) reasons for deciding this could move forward. **Bob Simmering, Lincoln Transportations & Utilities (LTU)**, came forward and stated that they pulled information for the peak traffic off the ITE, which showed 170 vehicles per peak hour. The concern was jamming up all of the intersection along the residential streets coming in and possibly even stacking around the streets. When they provided information that showed this spread out over a longer period of time it diminished the impact at any of those intersections. With the intersections and the other options that everyone had, it was felt that this addressed their concerns.

Campbell asked with this being a block from Jameson Lane, have any studies been done for traffic counts or a stop light. Simmering stated that this is probably not a going to be a candidate for a traffic signal because of the proximity of the other traffic signals and when too close they do not function properly.

Finnegan asked about the distance from the new building and Mr. Anderson's building and said that it looks like it is far enough that she questions if parents will park there. Redmond said she could scale it off. Someone from the audience stated it was 40 yards.

Joy asked if traffic asked for any additional turn lanes to look at some of the congestion. Simmering said that they did not and with the impact of the additional traffic not being during the peak hours, they have alleviated that concern. Joy asked what the numbers were instead of the 170 during peak hours. Redmond said with 5 different access points there would be roughly five additional cars per 15 minutes.

Ryman Yost asked the location of the other facility that they are referring too. Redmond said that she did not know.

Campbell asked if there was a pickup chart. Redmond said no.

Applicant Rebuttal:

Marshall stated that they know that traffic is the main concern and it is more than an office use. In one hour from what the chart shows, it would be from 60 to 70 vehicles. Not everyone will use the same roads to get to the facility they will look for the easies route for them. He feels Canterbury will be used more and that there will be some stacking during the peak times.

Finnegan asked how many staff members they would have. Marshall said a maximum of 25 employees with the 266 children. Finnegan asked how many parking spots there are on the west side. Marshall said that it looks like 15 on the east and just as many on the west.

Beckius asked for confirmation that there would not be parent drop off on the east side of the building at all. Marshall stated that it is not intended to have a main entrance on the east side.

Campbell asked if the play area would be fenced. Marshall said yes.

Joy asked if they were provided with a pickup chart on the number of trips. Marshall said no. Joy the outlot around the detention and asked if that was 29 parking stalls. Marshall said he counted 27 stalls.

Campbell moved to close the public hearing on this item, seconded by Joy and carried 8-0: Al-Badry, Campbell, Edgerton, Finnegan, Joy, Ryman Yost, Scheer, Corr and Beckius voting 'yes'.

USE PERMIT 15E

ACTION BY PLANNING COMMISSION:

February 5, 2020

Campbell moved approval, as revised in the staff report dated February 4, 2020, second by Al-Badry.

Campbell stated that this property had been difficult to fill in the past, and childcare makes a great deal of since there. There are several entrances and exits for this project and would be a good fit for this property.

Edgerton stated that it is a good infill project and a nice opportunity. She further stated that she appreciates LTU's review and that parking in the area is sufficient and that they have made appropriate allocations for parent traffic and other uses of the property.

Finnegan stated that she is in support and it was a hard decision but thinks that childcare is a good use for this. Staff and the applicant have done well adjusting as they have seen fit.

Joy shared that she will be supporting this, and her fellow Commissioners have made good points. Further stating that she likes the use of the 27 stalls to the south as it comes off around Canterbury Lane and encourage that use verses through the other businesses on site.

Scheer shared that he will also be supporting this but does have some concerns with traffic issues. He further stated that he thinks Canterbury will see a lot more traffic than it does now. He agrees with the comment on the parking and if there were any way that they can encourage that to happen it would be very beneficial. If the southern parking lot could be used by this facility, that would be great.

Motion carried 8-0: Al-Badry, Campbell, Edgerton, Finnegan, Joy, Ryman Yost, Scheer and Beckius voting 'yes'; Corr absent.

Scheer declared a Conflict of Interest on Item 4.2 and exited the chambers.

ADMINISTRATIVE AMENDMENT 19070

AN APPEAL TO THE PLANNING DIRECTOR'S APPROVAL TO REVISE THE LAND USE AND FLOOR AREA, ON PROPERTY GENERALLY LOCATED AT SOUTH 87TH STREET AND HIGHWAY 2

PUBLIC HEARING:

February 5, 2020

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

Staff Recommendation: Approval

There were no ex parte communications disclosed.

There was no ex-parte communications disclosed relating to site visits.

Staff Presentation: Abigail Littrell, City Attorney's Office, came forward to explain the process of what is before the Commissioners today. This is an appeal to an administrative amendment to a use permit. The ordinance allows the Planning Director to make minor changes to use permits, which is what has happened in this case. A letter was sent out to the individuals which could be

impacted and they are given time to appeal the decision. This is what has happened in this case. When appealed the Planning Director's decision is advisory to the Planning Commission. It would be helpful if this were looked at as coming before the Commission for the first time, and as if the applicant has asked the Commission to make these changes. **Brian Will, Planning Department**, came forward and stated this is an appeal of an administrative amendment approved on December 19, 2019. That approval changed the land use on Lot 3, Block 1 of the use permit from an automotive care center to a furniture store/warehouse to more closely reflect the applicant's proposed use. The vehicle trip generation rates were also updated accordingly. The appellant disputes information contained in the Land Use Table shown on Page 1 of the use permit plan set for both this use and others. The process for appealing an administrative amendment is in the Zoning Ordinance Section 27.81.021. When an administrative amendment is appealed, the Planning Director's original approval is void, and the amendment is then forwarded to the Planning Commission for consideration. As with the Director's approval, the Planning Commission's action can also be appealed to the City Council. The change in land use for the applicant's lot, Lot 3, Block 1 of the use permit, from an automotive care center to a furniture store/warehouse more closely reflect the applicant's proposed use and is appropriate. The land use/trip generation table dates back to the original traffic study associated with the annexation agreement approved when the property was first annexed in 2004. The uses listed often relate more closely to the Institute of Transportation Engineers (ITE) Trip Generation Manual than the Zoning Ordinance due to differing trip generation rates, among uses. Since all required public improvements have been installed in the area, there is limited value in tracking uses and their traffic impact. While useful at one time, it no longer serves the original purpose and only impedes development. The center's developer, Eiger Corp., and the applicant for Administrative Amendment 19070 both agree it is no longer necessary for implementation of the Zoning Ordinance or annexation agreement. In the future, it is proposed to delete the table entirely. The application submitted by Barry Fowler on behalf of Gotcha Covered to change the land use from automotive care center to furniture store and warehouse.

Campbell stated the reason this is before the Planning Commission is because the Planning Director did not change and add those two. Will said no, that the land use table from the approved plan shows a furniture store and warehouse. Campbell stated that this is because this table still exists, and that is why this is before the Commission. Will said correct, and the appellant has an issue with the use as a furniture store.

Beckius inquired about the rationale on the classification as to the use of this for this particular user and why it is being called a furniture use verses another type of use. Will stated that the City did not say it was a furniture store because this amendment comes from the applicant, although the City does agree that it was close and it was approved. Beckius asked if there were items that they looked at with a hardware superstore that is not consistent with this applicant. Will said yes they had and it is not the size of a hardware superstore.

Applicant:

DaNay Kalkowski, Seacrest & Kalkowski, 1128 Lincoln Mall, Ste. 105, came forward on behalf of Eiger Corp., who was the developer of the shopping centers in this area. The purpose of today's meeting is to see if the trip counts for Gotcha Covered was filled out correctly for their use. There have been discussions with City Attorney's Office and Planning Department to remove the land use table because the conditions of today are different from back then. She shared that Barry Fowler will be explaining his use on this property and that is what the Commissioners should be focusing on. **Barry Fowler, Gotcha Covered, 3800 Old Cheney Road**, came forward and shared that his store is a design center. They help with remodeling needs and construction. The customers come in and decide what products that they want to have in their house. There is a show room for the customer to decide what they are wanting; this store does not stock furniture. They wait to do the remodeling on a project until all of the products come in. **Tim Gergen, Clark Enersen Partners, 1010 Lincoln Mall, Suite 200**, came forward and stated that the administrative amendment was submitted for 12, 200 square feet for a small retail store. Nothing has changed within the lot plan, and the only thing that did change was the land use table, which there was a change to Lot 1, Block 3, into two categories based on what is sold at Gotcha Covered. This was then labeled as a furniture store/warehouse and the city agreed with that decision.

Finnegan wanted to clarify that this is closer to a "Mrs.s B" furniture store than a "Menard's". Fowler said correct.

Campbell asked why they appealed the amendment approval by the Planning Director. Fowler said that he did not appeal. Campbell asked if they were saying that it should stay a furniture store and warehouse. Fowler said correct.

Beckius inquired about the number of customers on a daily basis and the number of staff onsite. Fowler said on average there are 4 to 10 clients a day with about 10 employees.

Joy inquired about the amount of truck traffic. Fowler stated there was about two or three per day. Joy asked about the size of the trucks. Fowler stated that they are from the size of a box truck to a semi.

Beckius inquired about the division of the trip count to warehouse and retail, and asked what it if was full retail what type of impact would it have with that size of building, it would still be a minimal change. Gergen said that it would be a fraction of a pm trip. The overall site generates 4 pm trips, so this is a very low trip generator.

Proponents:

There was no testimony in support.

Opponents:

David Fiala, 492 West Lake Shore Capital Beach, came forward and provided copies to the clerk (see Exhibit "1"). He stated that he has several businesses over the years. An item that was not mentioned is the letters were not set out to when amendments were proposed. With the application that was provided, it did ask for a special retail use. He further stated that it does matter if the uses are correct for this particular development because it was set up in 2004, with these traffic studies mattering because of the percentage of the cost share with the businesses. The difference between 4 trips and the retail use of 41 trips, is a difference of paying .5% and 5% of the assessments annually made on the current bylaws and protective convenience of the association. There is a material impact on them that is financial to assure that these calculations are accurate.

[Break at 2:45 P.M.]

Resumed at 2:50 P.M.]

Fiala stated that the application is asking for a specialty retail store, and he is not appealing this. The pm trip calculation that was provided in the table along with that requested use, and the specific approval from the city for that use. The use of the warehouse should be included in the calculations with the retail use.

Beckius stated that the concern is that the calculations from the table are then used in terms of your private management agreement for commercial center, which are a shared cost for maintenance, and asked if that was correct. Fiala said correct. Beckius stated that the private agreement relies upon the trip count generator in order to break those fees down. Fiala said correct, and he further stated if the proposed use is approve, the table should reflect that and it does not.

Campbell stated that the argument is with Eiger Corp. and not the applicant. Fiala said in either instance, it is not applicable today. Campbell said that Eiger Corp. would have set the parameters originally for what the charges would be, correct. Fiala said in terms of what the charges would be, that question would be answered with the specific services. Campbell asked how close is the association to taking over the association itself verses Eiger Corp. Fiala stated that he also has that question, which has been a challenge to get answered. Campbell asked if all of the outlots are listed. Fiala said yes. Campbell stated that this is being appealed as a start and that there are other corrections that need to be made. Fiala said he is not appealing it, and he has already provided an amendment with the corrections. The proposal is that they want these things correct and to match up with the book. Campbell stated that his contention is that it is specialty retail other than furniture. Fiala said that it is not a furniture store; it is more than a furniture store it is a specialty retail.

Staff Questions:

Joy asked what the Commissioners were making a decision on today. Littrell stated that the Commissioners are to determine whether the applicant's request to change the use designation for that one block should be approved. The other information provided about the table is beyond the scope of what you are being asked to do here today. The letter being sent out is done by ordinance and not when the application comes in but rather when the approval is made. The discussion about the cost share and cam charges is not something that the City is a party to and the City did not require that agreement as part of any annexation agreement or use permit. The City has no control over private agreements among private parties. Joy asked if the chart was the responsibility of the City or the engineer. Will stated that the applicant submits the information to the city, and the city will look at it and determine if it is correct or appropriate.

Edgerton stated that the previous use was automotive/care center and the proposed change is specialty retail/warehouse. Will explained that when the application and fee were submitted to the city, the letter stated specialty retail and warehouse. When the site plan was uploaded, it stated furniture store. When the approval letter was sent out, it stated specialty retail and that error was not caught after the letter was sent out. There was an additional letter sent out with the correction to correct the use type. Will stated that specialty retail came into this discussion in error. Edgerton said that it is a furniture store/warehouse. Will said yes, as it is shown on the site plan. Edgerton said the City agrees with this. Will said yes. The land use table with the information on it is primarily for the purpose of the City's use in zoning enforcement. He cautioned any using a table like the table from this discussion, to set up an association and setting up cam charges, or anything else within private agreements. This table is not useful, and no longer serves a purpose, and needs to go.

Finnegan asked who's responsibility it would be to get rid of this table. Will stated that it is not something that they would initiate, however the applicant has submitted an application today to do just that.

Applicant Rebuttal:

Kalkowski stated that she has a few points of clarification on this item. The land use of specialty retail is used in many strip shopping centers. They would have a variety of retail shops and specialty shops. The covenants are a private agreement and is a separate issue and has nothing to do with today's item. What has been proposed is an appropriate use for this area.

Joy stated that today all that is being discussed is the furniture and warehouse and they are not getting rid of the table. Kalkowski said correct.

Note: This is FINAL ACTION on Administrative Amendment 19070, unless appealed by filing a letter in the Office of the City Clerk within 14 days.

Ryman Yost moved to close the public hearing on this item, seconded by Campbell and carried 7-0: Al-Badry, Campbell, Edgerton, Finnegan, Joy, Ryman Yost and Beckius voting 'yes'; Scheer declared a Conflict of Interest; Corr absent.

ADMINISTRATIVE AMENDMENT 19070

ACTION BY PLANNING COMMISSION:

February 5, 2020

Campbell moved approval, seconded by Al-Badry.

Campbell said that they are a furniture store and they have interior decorating approach to thing, but this not specialty retail. He shared that he has gotten enough explanation on the error and it is very understandable. With what Mr. Fiala has discussed today, that is between the property owner and the property owners, and is in support.

Joy stated that she would be supporting this motion. Sympathizing with opponent of this application and encouraged him to bring his items forward with the City. The application is for Gotcha Covered and with it being a warehouse is very appropriate with what is being done today.

Beckius stated he is in support of this motion. He stated that the revisions were appropriate and the Planning Director made an appropriate move with this. He shared that the Commissioners are notified every week with the approvals made by the Planning Director, which he looks at and has never found them to be out of line, and this follows suite.

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

Scheer returned to the chambers at 3:25 P.M.

Al-Badry left chambers at 3:25 P.M.

SPECIAL PERMIT 450R

**TO ALLOW FOR THE EXPANSION TO AN EXISTING NON-RESIDENTIAL HEALTH CARE FACILITY,
WITH WAIVERS, ON PROPERTY, GENERALLY LOCATED AT 5401 SOUTH STREET**

PUBLIC HEARING:

February 5, 2020

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

Staff Recommendation: Conditional Approval

There were no ex parte communications disclosed.

There was no ex-parte communications disclosed relating to site visits.

Staff Presentation: George Wesselhoft, Planning Department, came forward and stated this is a request for a non-residential health care facility expansion to allow for a new 3-story building on the east side of the Madonna Rehabilitation Hospital campus, new front entrance and lobby, parking and vehicle circulation improvements. The new hospital building area will be 48,000 square feet in size. The number of beds in the hospital will not increase. Access to the site will include a new consolidated entrance on South Street and a relocated entrance on S. 56th Street. The proposed Special Permit is justified, as it will allow for improvements within an existing non-residential health care facility internal to the site. The requested waiver to allow an increase in the maximum height for R-2 District from 35' to 45' is justifiable, as this waiver will not negatively affect adjacent properties. The requested waivers for the front yard setback reduction to accommodate parking along South Street and a drive along Glade Street are not justified in that these improvements could be designed to meet Ordinance requirements.

Finnegan asked where the new entrance would be. Wesselhoft stated that the building would be on the southeast side of the existing building.

Campbell stated that the application states they would be moving or redoing the entrance, and he asked if it would be with the new building to the south. Wesselhoft said that the applicant could clarify, but he thinks that they are talking about the entrance on South 56th Street. Campbell said he thought that it said the main entrance to the building, which is further north by the circle. Wesselhoft said there is a facility entrance on the east side of the new building. Campbell stated that it appears that the northeast entrance is closed by this change. Wesselhoft stated that he would defer to the applicant on the specifics.

Applicant:

Tom Huston, Cline Williams Wright Johnson & Oldfather, 233 S. 13th Street, #1900, came forward on behalf of Madonna Rehabilitation Center, and provided copies of an amended Motion to Amend (see Exhibit "2"). This is for a major expansion and addition to the building. The site plan includes a new 3-story building on the east side of the campus, a new front entrance and lobby and improving parking circulation and wayfinding within the campus. The current drive and physical building will be located to one central location off South Street. The entrance on 56th Street will be moved further to the south, and it will be restricted to right in, right out. The parking required now is 599 stalls and currently there is 960 stalls. He stated that the handout of the Motion to Amend is the real issue. There have been discussions with the Planning Department about the waivers because they wanted to preserve the parking and to make sure that the internal circulation was appropriate. The compromise that was worked out is in the Motion to Amend --Items 1.8 and 1.9 of the staff report in the site-specific conditions of approval. He

stated with Item 1.8, they are reducing the front yard from 25 feet to 15 feet; this is to retain 22 parking stalls in this location. In Item 1.9, this waiver is to allow the deliveries in the back of the house activities, which occur on the south face of this new building. This will allow for a drive in the front yard setback for Glade Street and they will be keeping all of the screening that is currently in the area.

Joy asked if on the south side where the drive was in the right of way if the retaining wall would remain there. Huston said yes, he believes it will. Joy stated that the owners are used to the wall then. Huston said yes.

Finnegan stated that there was not going to be an expansion on rooms, and asked what they would be doing with the extra space. Huston explained that several other activities, staff offices and other offices would consume it.

Scheer asked about the new drive and if it was within the property line. A drive can be within a setback but a parking lot cannot be. Huston said there is a unique provision in the parking provision as it relates to a healthcare facility.

Beckius said that there is already a drive lane on the site and this is just an extension of that lane, because of the building extension. Huston said correct.

Scheer inquired about the children's outpatient building and associated parking lot, and asked if this is the only parking that is not connected internally and is this because it is not connected to the other uses, saying it would be great if it could be connected. **Nate Buss, Olsson Associates, 601 P Street**, came forward and stated that in the area there is a significant grade change, and there would be a significant amount of work and grade change to make that connection.

There was no testimony in support or opposition.

Campbell moved to close the public hearing on this item, seconded by Joy and carried 7-0: Campbell, Edgerton, Finnegan, Joy, Ryman Yost, Scheer and Beckius voting 'yes'; Corr and Al-Badry absent.

SPECIAL PERMIT 450R

ACTION BY PLANNING COMMISSION:

February 5, 2020

Finnegan moved approval, as amended, as offered by applicant and agreed upon by staff, seconded by Campbell.

Finnegan shared that her dog was an angel dog at Madonna for years. Sharing that she is in support this expansion. This is a wonderful facility and miracles have happened there. Ryman Yost shared that she too, is in support, and that two of her three children have had their lives changed by Madonna and Children's Hospital. This parking lot is very crowded and she is excited to support this.

Campbell stated that he is in support and that Madonna has been a longtime member of this community. To see them continue to improve their facility is excellent.

Scheer stated that he too is in support. Appreciating that they remain committed to this site. He further stated he feels this site is important for this type of use and appreciates the work that they have done to make it work here.

Joy shared that she is also in support and concurs with her fellow Commissioners on their statements. She stated that they have done a good job protecting the neighbors with good landscaping and continuing to uphold what they have done on the site.

Beckius in support of the motion. Sharing that the expansion at this site has been delicately weighed with the existing neighborhood. The waivers are not out of line, considering that this use has been in place for a number of years and is not changing in a significant manner. Although he does not concur with the number of parking spaces exceeding what is required by code is relevant.

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

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

Edgerton moved to adjourn the Planning Commission Meeting of February 5, 2020, seconded by Campbell and carried 7-0: Campbell, Edgerton, Finnegan, Joy, Ryman Yost, Scheer and Beckius voting 'yes'; Corr and Al-Badry absent.

Meeting adjourned 3:46 p.m.

Note: The Planning Commission will not formally approve these minutes until their next regular meeting on Wednesday, February 19, 2020.

February 5th, 2020 – Planning Commission Hearing RE:

RECOMMENDATION OF APPELLANT:

APPROVAL OF AA#19070 12.19.19 Use *as written* in the application and approval letters for a Specialty Retail Use with a 41 Net PM Peak Hour calculation in the Use table calculations. The net pm peak hour trip *calculation* for a Planning Commission conditional approval is supported with Exhibit A attached to this recommendation.

Many uses fall within the same ITE Use Code 814. There is no separate warehouse business use intended with the current appealed application and this use is not just selling furniture and carpet. The business sells a wide variety of products and services.

The Attachments to my Appellant Appeal Letter Contain the 6th Edition ITE Use Descriptions with the appeal letter. The letter has the copy and pasted intended use description off of the applicant website providing the detailed description of the use for the commission. The attachments include copies of the suggested 890 and 150 use code descriptions and data. I am providing this as the appellant to assist in the Commission's decision, as well as uses 814 and 862.

I will respect the Planning Commissions decision and ask for attention toward the approval of the pending amendment filed, and that the application currently appealed be approved pending an accurate letter requesting the use the planning commission approves. The appeal is asking for accuracy, not protesting any lawful use that falls within the development approvals. Which a furniture store, or specialty retail both are believed acceptable.

The currently pending amendment with the Planning Department provides the missing data that supports the changes.
<https://www.lincoln.ne.gov.aspx/city/pats/default.aspx?AppNum=AA20007> only has the amendment application letter.

It is in everyone's best interest and duty to accept correcting amendments with support, versus stop the table when a party brings attention to the errors that financially hurt us, to the benefit of others involved.

My appeal brought attention to the discrepancy in the Block 1 Lot 3 amendment application. The topic of supportive documents for the presented calculations has been a topic dating back to 2018 with the Planning Department, when the 6th Edition ITE book was needed by the City to verify data in approvals, and the City didn't have it.

Please feel free to call or email me with any questions about the application approval, or the development.

David Fiala

402 304 0200 cell / fiala@futuresone.com

From: David Fiala <fiala@futuresone.com>
Sent: Friday, December 20, 2019 10:57 AM
To: Tim Gergen <tim.gergen@clarkenersen.com>; 'dennis.scheer@clarkenersen.com' <dennis.scheer@clarkenersen.com>
Cc: 'Jason Auxier' <jason@goodlifefit.com>
Subject: FW: Few minute look, confirmation requested.
Importance: High

Tim / Dennis:

Guys I don't mean to bother you, as we have been greatly bothered and harmed by falsely represented numbers at the control of Eiger as it appears to us, but I believe professionally it is best for Clark Enerson to come clean and admit knowledge and conflicts of interest with the work, in order to hold credibility as engineers moving forward. I was asking you to do so, and frankly was shocked when you choose to carry forward the lies. We are good Christian men and forgive, and believe you need to do the right thing to help stop the ongoing harassment providing the known false impression and continuing to reinforce the false impression while you have collected professional level fees for this conflict of interest work, and professionally flawed work. Correction is the right thing to do, and I believe best for you personally and professionally.

I've had two engineers provide a few corrections to me, and now verify the attached excel sheet calculations based on the annex agreement and use of the 6th addition P.M. Peak Hour ITE data. Proof and support of the data for which is attached on this email. It was also pointed out to me that a parent document with the development had a calculation with the accurate 20 fueling stations for Eiger Corp.

Can you kindly respond formally, prefer today, that you agree with the attached limited number of calculations, or point to any that you don't agree with?

David

From: David Fiala <fiala@futuresone.com>
Sent: Wednesday, December 04, 2019 3:31 PM
To: Tim Gergen <tim.gergen@clarkenersen.com>
Cc: 'dennis.scheer@clarkenersen.com' <dennis.scheer@clarkenersen.com>
Subject: Few minute look, confirmation requested.
Importance: High

Tim and Dennis:

There are 4 short attachments on this email. 1. Institute of Transportation Engineers 6th Edition 492 Use PM Peak Hour page, with a copy of book front pages. 2. How the calculations are disclosed to the public/publicly. Front page and PM trip language only (not the full filed document with the recorder, but available), 3. The believed latest Use Permit you provided with calculations you represented came from the City Dated October 26th, 2019 where the changes included that of Block 2 Lots 4B using the same 492 Use with a calculation that used the 1.28 generator. 4. City Annex Agreement front page, with few pages with the PM Peak Hour language. 5. A page from the 6th Addition Book provided to us in November of last year by Kelvin Korver. This attachment has hand written numbers on it that reflect what was changed to in the September 2015 document.

Following the rules of the City or in calculating the Net PM Peak Hour trips, do you agree that Block 3, Lot 1, the calculation leads to 34. Using the 492 ITE PM Peak hour generator of 1.28, the building was planned for and can be verified that it is 40,000 sq. ft that can be verified via permits or county records, therefore $(1.28 \times 40 = 51)$ then discounts of 15% = 43, and then 20% = 34): 34 is the correctly calculated Net Peak Hour trip calculation following the rules of the City for this development. The calculation is done by taking the number out of the book, the first attached, taking it times the number of 1,000 sq. ft, rounded to the nearest 1,000 sq. ft. leading to a number of 40 in this case. Then (as noted in the Annex Agreement (pages attached) take the 15% and then 20% internal and passerby discounts respectively to reach the 34 by rounding to the nearest number for each calculation.

Please confirm if you agree this is a correct calculation, and if not please provide the alternative result for this simple calculation.

I finally found someone that had the ITE 6th Addition that was willing to provide the attached. What is publicly disclosed/provided is the representations that the net PM Peak Hour calculations are following the rules of the City of Lincoln based upon the uses and size of the buildings or improvements that is a calculation. With changes in the buildings or uses or improvements the activity that would change the PM Peak Hour trips generated by the property. That is only what should generate a need to change the assigned or properly calculated net PM Peak Hour calculation, and there really never seems to be a reason to not provide consistency in the calculation methods, especially when there is or was a known financial consequence to the abuse, or improper calculations. Therefore if our number was correctly calculated as 34, a lot of time would not have been wasted. If the buildings/improvements would change or expand for any lot, then the number would be recalculated based upon the change if there is an effort to keep accurate PM Peak Hour calculations in good faith, by anyone.

Thanks,

David

David Fiala



1-800-488-5121
fiala@futuresone.com
P.O.Box 85205
301 Van Dorn # 100
Lincoln, NE 68501

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EXHIBIT B

LAND USE													
LOT	ZONE	FLOOR AREA (S.F)	LOT AREA (A.C)	USE	MAX HEIGHT (FT)	TRIP UNITS	ITE EDITION	6TH TRIP RATES	PM PEAK HOUR TRIP	INTERNAL TRIP REDUCTION	NET PM TRIPS	PASS BY REDUCTION	NET PM TRIPS
BLOCK 1													
1	B-5	29,388	4.81	Commercial/Retail/Electronics/ Superstore	40	1000 SF	863	4.5	132	15%	112	20%	90
3	B-5	6,000	0.65	Furniture Store	40	1000 SF	890	0.45	3	15%	2	20%	2
3	B-5	6,200	0.65	Warehousing	40	1000 SF	150	0.51	3	15%	3	20%	2
4	B-5	4,100	0.77	***Car Service Tube Shop	40	Per Service Position	837	5.19	16	15%	13	20%	11
5A	B-5	8,100	2.14	**Gas Station/Convenience Store/Car Wash	40	Per Fueling Position	846	13.19	211	15%	179	20%	144
5B	B-5	1,750		Sit Down Restaurant	40	1000 SF	832	10.86	19	15%	16	20%	13
BLOCK 2													
1	B-5	4,927	0.99	High Sit-Down Restaurant	40	1000 SF	832	10.86	54	15%	45	20%	36
2	B-5	7,000	0.75	Commercial/Retail	40	1000 SF	814	2.59	18	15%	15	20%	12
3A	B-5	5,200	1.52	New Car Sales	40	1000 SF	841	2.8	15	15%	13	20%	10
3B	B-5	16,100	1.46	Automobile Care Center	40	1000 SF	942	3.38	55	15%	47	20%	38
4A	B-5	8,900	1.45	Automobile Parts Sales	40	1000 SF	843	2.57	23	15%	20	20%	16
4B	B-5	20,000	1.53	Racquet Club (Gymnastics/Karate Instructional)	40	1000 SF	492	1.28	26	15%	23	20%	18
5	H-4	22,500	3.32	***Commerical/Retail	40	1000 SF	814	2.59	58	15%	50	20%	40
6	H-4	20,000	1.28	***Mini Warehouse	40	1000 SF	151	0.26	5	15%	4	20%	3
BLOCK 3													
1	H-4	40,000	4.70	Commercial Recreational Facility	40	1000 SF	492	3.53	142	15%	121	20%	97
2	B-5	10,000	1.78	Building Materials & Lumber Store (4000 SF Warehouse)	60	Per Employee (12)	812	2.26	27	15%	23	20%	18
3	B-5	*38,182	1.82	Motel (70 Rooms)	60	Per Room	320	0.58	41	15%	35	20%	28
4	B-5	*36,000	1.38	Motel (66 Rooms)	60	Per Room	320	0.58	38	15%	33	20%	26
BLOCK 4													
1A	B-5	3,045	0.69	Office	40	1000 SF	710	1.49	5	15%	4	20%	5
1B	B-5	3,045		Medical Office	40	1000 SF	720	3.66	11	15%	9	20%	13
2	B-5	6,090	0.76	Office	40	1000 SF	710	1.49	9	15%	8	20%	6
3	B-5	4,500	0.55	Specialty Retail	40	1000 SF	814	2.59	12	15%	10	20%	8
OUTLOTS													
A	B-5 & H-4	-	5.98	Public Access & Utilities	-	-	-	-	-	-	-	-	-
B	B-5	-	1.66	Green Space-Landscaping	-	-	-	-	-	-	-	-	-
C	B-5 & H-4	-	3.11	Green Space-Landscaping	-	-	-	-	-	-	-	-	-
D	H-4	-	2.12	Green Space-Landscaping-Storm Detention-Wetlands	-	-	-	-	-	-	-	-	-
E	B-5	-	2.05	For City Parks & Recreation Trail Corridor & Utilities	-	-	-	-	-	-	-	-	-
F	B-5	-	2.10	Green Space-Landscaping-Storm Detention-Wetlands	-	-	-	-	-	-	-	-	-
G	B-5	-	1.04	Green Space-Landscaping-Wetlands	-	-	-	-	-	-	-	-	-
H	B-5	-	0.59	Green Space-Landscaping-Storm Detention	-	-	-	-	-	-	-	-	-
I	B-5	-	0.19	Green Space-Landscaping	-	-	-	-	-	-	-	-	-
TOTAL		226,845	51.84						923		785		636
TOTAL PM TRIPS ALLOWED BY ANNEXATION AGREEMENT												1,239	
* Hotels Based On Number Of Rooms ** Gas Station with Convenience Store And Car Wash Based on Number of Fueling Positions (16)				***Commercial Retail With Limited Business Hours, Service Stations, Convenience Stores And Fast-Food Restaurants/Drive Thru Restaurants Are Prohibited ****3 Service Positions									

ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR MY DIRECT SUPERVISION AND THAT I AM A REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF NEBRASKA. THESE PLANS MEET THE REQUIREMENTS OF THE CITY ENGINEER'S OFFICE DESIGN REQUIREMENTS.



Cost and Voting Share Audit Determination 12.27.19 with ITE 6th Addition Data supporting the verified Calculations.

Prairie Lake Plaza South Lots:	Owner / Use	Trip Units	ITE 6th Addition Use	ITE P.M. Peak Hour Trip Rates	PM Peak Hour Trips Generated	Internal Trip Reduction	Net PM Peak Hour Trips	Pass By Reduction	Net P.M. Peak Hour Trips	2019 % of total net P.M. Peak Hour trips with Occupancy Permit. This reflects the member # of Votes	True Up of Percentages of Dues that were Assessed				4 Year 2016-2019 Assessed Dues	2016 - 2019 Payments	2016-2019 True Up on Dues Owed vs. Paid to illustrate Dues Due, -- or -- (Refund)	Late Fee adjustments	2016-2019 Net True-Up Dues Due, -- (refund due)	Eiger Payback Solution Proposed for discussion = Pay Back of Half Dues Assessed	Net Out of Eiger Refund, \$86,408 to be paid back to members for Embezzlement	
											2016	2017	2018	2019								
Block 1																						
Lot 1	Eiger Corp (Commercial/Retail/Electronics/Superstore)	1000 SF	863	4.5	132	15%	112	20%	90													
Lot 3	Eiger Corp (Home Improvement Superstore)	1000 SF	862	3.84	47	15%	40	20%	32													
Lot 4	Sierra Holdings LLC/ Car Service Lub Shop	Per Service Position (3)	837	4.6	14	15%	12	20%	9	2%	\$1,562	\$1,179	\$1,515	\$1,265	\$5,521.58	\$6,787	(\$1,265)		(\$1,265)	\$2,761	(\$4,026)	
Lot 5A	Eiger Corp / Gas Station/Convenience Store/Car wash	Per Fueling Position (20)	846	13.77	275	15%	234	20%	187	35%	\$31,177	\$23,528	\$30,237	\$25,250	\$110,191.55	\$91,760	\$18,432		\$18,432	\$55,096	(\$36,664)	
Block 2																						
Lot 1	GREENFIELD'S Properties LLC / High turn-over Sit-down Restaurant	1000 SF	832	19.38	95	15%	81	20%	65	10%	\$10,810	\$8,157	\$10,484	\$8,754	\$38,205.04	\$27,469	\$10,736	\$1,536	\$12,272	\$19,103	(\$6,831)	
Lot 2	Eiger Corp / Commercial Retail	1000 SF	814	4.93	35	15%	29	20%	23													
Lot 3A	R & M Investment Prop. LLC / New (Used) Car Sales	1000 SF	841	2.5	14	15%	12	20%	10	2%	\$1,613	\$1,217	\$1,565	\$1,306	\$5,701.63	\$6,373	(\$671)		(\$671)	\$2,851	(\$3,522)	
Lot 3B	Keller Real Estate / Automobile Care Center	1000 SF	840	4.01	65	15%	55	20%	44	8%			\$2,721	\$5,919	\$8,640.54	\$5,841	\$2,799		\$2,799	\$4,320	(\$1,521)	
Lot 4A	Eiger Corp / Automobile Parts Sales	1000 SF	843	6.44	57	15%	49	20%	39													
Lot 4B	Ne School of Gymnastics / Racquet Club	1000 SF	492	1.28	26	15%	22	20%	17													
Lot 5	TKC CCXXXV, LLC / Commercial - Specialty Retail	1000 SF	814	4.93	111	15%	94	20%	75	14%	\$12,557	\$9,476	\$12,179	\$10,170	\$44,382.71	\$25,484	\$18,898		\$18,898	\$22,191	(\$3,293)	
Lot 6	Eiger Corp / Mini Warehouse	1000 SF	151	0.29	6	15%	5	20%	4													
Block 3																						
Lot 1	F.A.A. Properties LLC / Racquet Club	1000 SF	492	1.28	51	15%	44	20%	35	6%	\$451	\$4,374	\$5,621	\$4,694	\$15,140.71	\$56,762	(\$41,621)	-\$967	(\$42,589)	\$7,570	(\$50,159)	
Lot 2	Funk Family LLC / Building Materials and Lumber Store	1000 SF	812	5.15	52	15%	44	20%	35	5%	\$5,830	\$4,400	\$5,654	\$4,722	\$20,605.90	\$11,473	\$9,133		\$9,133	\$10,303	(\$1,170)	
Lot 3	Birch Creek Holdings, LLC / Motel	Rooms (70)	320	0.56	39	15%	33	20%	27	5%	\$4,438	\$3,349	\$4,304	\$3,594	\$15,684.49	\$14,659	\$1,025		\$1,025	\$7,842	(\$6,817)	
Lot 4	Husker Lodging LLC / Motel	Rooms (66)	320	0.56	37	15%	31	20%	25	5%	\$4,184	\$3,158	\$4,058	\$3,389	\$14,788.23	\$14,938	(\$149)	\$1,628	\$1,478	\$7,394	(\$5,916)	
Block 4																						
Lot 1A	VAN HORN FAMILY BLDG / Office	1000 SF	710	1.49	5	15%	4	20%	3	1%	\$514	\$388	\$498	\$416	\$1,815.34	\$7,148	(\$21)		(\$21)	\$4,471	(\$4,492)	
Lot 1B	VAN HORN FAMILY BLDG / Medical	1000 SF	720	4.36	13	15%	11	20%	9	2%	\$1,503	\$1,134	\$1,458	\$1,217	\$5,312.00							
Lot 2	Eiger Corp / Office	1000 SF	710	1.49	9	15%	8	20%	6													
Lot 3	AMBER HILL INVESTMENTS/ Specialty Retail	1000 SF	814	4.93	22	15%	19	20%	15	5%	\$2,511	\$1,895	\$2,436	\$2,034	\$8,876.54	\$5,100	\$3,777		\$3,777	\$4,438	(\$662)	
"P.M. Peak Hour" Generated/Assigned net trips for 19 Buildable Lots										751	461	496	496	539	273794				148341	-88408		
"P.M. Peak Hour" net trips allowed in 2001 Annex Agreement										1239												
12 Lots with Buildings Total Net P.M. Peak Hour trips										Total Net Trips of those highlighted in yellow										539		

**MOTION TO AMEND CONDITIONS OF APPROVAL
FOR SPECIAL PERMIT NO. 450R**

I hereby move to amend the Conditions of Approval – Special Permit No. 450R in the following manner:

- 1.8 ~~Remove new parking area from front yard setback along Glade Street.~~ The front yard setback along South Street may be reduced from 25’ to 15’ to accommodate additional parking conditioned upon permittee installing a double row of landscaping in the front yard to screen the parking lot;
- 1.9 ~~Remove new parking area in front yard setback along Glade Street.~~ Permittee is permitted to locate its drive and drive aisle within 6’ of the property line except that the 25’ front yard setback shall be observed and complied with for the east 200’ along Glade Street. The final design shall be submitted to the Planning Department for it review and approval.

Introduced by: _____

Seconded by: _____

Ayes: _____

Nays: _____