

MEETING RECORD

NAME OF GROUP:

PLANNING COMMISSION

**DATE, TIME AND
PLACE OF MEETING:**

Wednesday, February 19, 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, Tracy Corr,
Tracy Edgerton (arrived at 1:21 pm), Deane Finnegan and
Cindy Ryman Yost (arrived at 1:08 pm); Cristy Joy and
Dennis Scheer absent; David Cary, Steve Henrichsen,
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

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

Chair Corr requested a motion approving the minutes for the regular meeting held February 5, 2020.

Motion for approval of the minutes made by Campbell, seconded by Beckius and carried 5-0: Al-Badry, Campbell, Finnegan, Beckius, and Corr voting 'yes'; Edgerton, Joy, Ryman Yost and Scheer absent.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

February 19, 2020

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

The Consent Agenda consisted of the following items: Annexation 19011, Change of Zone 07063D, Special Permit 15019B and Street & Alley Vacation 20001.

There were no ex parte communications disclosed.

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

Campbell moved approval of the Consent Agenda items, seconded by Finnegan and carried 5-0: Al-Badry, Campbell, Finnegan, Corr and Beckius voting 'yes'; Edgerton, Ryman Yost, Joy and Scheer absent.

Note: This is **FINAL ACTION** on **Special Permit 15019B**, unless appealed by filing a letter in the Office of the City Clerk within 14 days.

Chair Corr called for **Request to be placed on Pending.**

SPECIAL PERMIT 15062A

TO ALLOW FOR THE EXPANSION OF THE SALE OF ALCOHOL FOR CONSUMPTION ON AND OFF THE PREMISES, ON PROPERTY, GENERALLY LOCATED AT 925 ROBBERS CAVE ROAD

PUBLIC HEARING:

February 19, 2020

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

Staff Recommendation: Place on pending.

The Clerk noted that the applicant has requested to place Item 5.1 – Special Permit 15062A, on pending until further notice.

Campbell moved to grant the request to place Item 5.1, on pending until further notice, seconded by Beckius and carried 5-0: Al-Badry, Campbell, Finnegan, Corr and Beckius voting 'yes'; Ryman Yost abstained; Joy, Edgerton and Scheer absent.

ANNEXATION 20002

TO ANNEX APPROXIMATELY 11.15 ACRES, ON PROPERTY GENERALLY LOCATED AT 9500 ADAMS STREET;

AND

CHANGE OF ZONE 20003

FROM AG (AGRICULTURE DISTRICT) TO R-3 (RESIDENTIAL DISTRICT), ON PROPERTY GENERALLY LOCATED AT 9500 ADAMS STREET;

AND

SPECIAL PERMIT 20002

TO ALLOW FOR THE DEVELOPMENT OF A CUP (COMMUNITY UNIT PLAN) WITH UP TO 77 MULTI-FAMILY DWELLINGS, WITH REQUESTED WAIVERS, ON PROPERTY GENERALLY LOCATED AT 9500 ADAMS STREET

PUBLIC HEARING:

February 19, 2020

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

<u>Staff Recommendation:</u>	Annexation 20002	Approval
	Change of Zone 20003	Approval
	Special Permit 20002	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 is a combined staff report for an annexation and change of zone for the Stevens Creek Villas Community Unit Plan (CUP). The proposed annexation and change of zone comprise a portion of one irregular tract approximately 11.15 acres in size. A change of zone is requested from AG Agriculture District to R-3 Residential District. Site and grading plan details were submitted with related Special Permit #20002 for up to 77 multi-family dwelling units adjacent to the Prairie Village North neighborhood. The units will take access off Blacksmith Road via a new public cul-de-sac. The property is contiguous to the City limits on the west. It is located in the Tier I, Priority B Growth Area, which is appropriate for annexation. The proposed zoning conforms to the Future Land Use Map in the Comprehensive Plan. She stated that a memorandum was submitted to amend the staff report, this is to change Blacksmith Court to a private roadway from a public street. The driveway design shown for this could not be accommodated on a public street. The developer agrees to maintain Blacksmith Court as well as that portion of Blacksmith Road, a public street, which lies east of N. 95th Street, which are the roads that this development will use for access.

Finnegan asked if where Blacksmith Road dead ends, if those properties at the end would stay or if they will be gone when annexed. Jones said yes, there is an existing house and it would be redeveloped as part of this.

Corr stated that normally on a dead end street, they do not like to see more than 40 dwellings, and she asked how the number 40 was decided on. Jones stated that it is in the subdivision ordinance; she further stated that she was unsure of the history, but it was most likely determined over time in coordination with emergency services that more than one way out was needed in a larger development. Corr stated that during construction, they will have the additional access onto Adams Street, and she wanted to clarify that once a building was occupied, the construction access would be closed. Jones stated that the intent was not to have this as a permanent access, and it would close once the buildings were occupied.

Campbell stated that traffic-calming devices are common on private streets and shopping centers, and he asked what the City's regulations are for these on a public street. Jones stated the developer will install them and the City will maintain them. Campbell asked if there were other public streets in the city with traffic-calming devices. Jones stated that there is one northeast of SouthPointe Mall. **Bob Simmering, Lincoln Transportation & Utilities (LTU),** came forward and stated that there are some near the trails at Browning Street. He shared that they are

traffic tables, because LTU does not allow speed bumps. These elongated tables slow down the traffic and have less potential of damaging cars. It is within the scope of LTU's jurisdiction to allow or to request that they be added. Campbell asked if the table still allows for proper snow plowing. Simmering said yes.

Applicant:

Mike Eckert, Civil Design Group, Inc., 8535 Executive Woods Drive, Suite 200, came forward on behalf of Starostka-Lewis Group and provided more history on the project and he referenced an aerial map (see Exhibit '1'), which shows Greater Prairie Village North outlined in yellow. This development was done by Civil Design Group in 2006, and is almost at full buildout and is on the last phase. The triangle shown on the map (see Exhibit '1'), shows where today's application is for. This property was always off the radar in terms of development, because it drops off significantly and the gravity sewer was going to be difficult to get to the area. There is a provision if you have a private commercial development or a private development on one lot, you can use a private force main to take your sewer back up into the gravity flow system. In July, there were discussions with the Planning Department to see if multi-family was feasible for this area. Planning staff indicated that it would be appropriate if they stayed within the R-3 density and the buildings would not exceed 2-stories in height. In September, there were discussions with the area neighbors, which involved some good give and take. Eckert referenced another map to show changes that were agreed to (see Exhibit '2'). First, shown in green on the map is an outlot with greenspace and existing trees that provided a nice screening for the neighbors. The neighbors had also requested that they go an additional 20 feet back from the greenspace for the new buildings, shown in yellow on the map. This would make the setback a total of 40 feet from their property lines. The areas shown in red is where 6-foot high opaque fences will go. Shown in orange is where dumpsters will be placed within the development. The developer had asked LTU for a construction entrance to the site, which is shown in pink on the map. Eckert stated to answer Commissioner Corr's previous question, the plan is to build all of the buildings at the same time and achieve the occupancies at the same time, and that is when the construction entrance will be closed. There is also a provision that the applicant of the apartment complex will be responsible for snow removal on Blacksmith Road and this is because Blacksmith will be changed to a private road. This land sits 4 to 10 feet below the neighboring houses and this will put the eave line of the second floor of the apartment building with the eave line of a ranch home. There will be no decks on the west side of two of the buildings and the lighting will be turned internally.

Corr inquired if in the future when the sewer extends, will the lift station be abandoned. Eckert stated that the flood plain is extremely wide (see Exhibit '1') and goes almost a mile. It has been determined that it would not be economically feasible to tap into the Stevens Creek trunk sewer, so they feel that the lift station will be there for the duration of the project as it exists.

Eckert placed a map on the viewer (see Exhibit '3') and stated to answer Commissioner Campbell's question on the speed humps. They have worked with LTU on placement of the speed humps, which will be on places on 94th Street, Renegade Blvd., and Buckshot Road, shown by the blue circles on the map.

Proponents:

There was no testimony in support.

Opponents:

1. **Matt Jonas, 3050 N. 95th Street**, came forward and stated that they just moved there in December 2019 and he has concerns that there is going to be too much traffic with one access point to the development and would like another access point put in. He further stated this development is close to the flood plain and a couple of years ago Adams Street was washed out. He stated that his back yard would be adjoining this development.
2. **Brian Luther, 3110 N. 95th Street**, came forward and stated that the construction on their house started in 2018. He shared that when they built their house, they were told that it was a flood plain behind them and there would be no construction in the area. The meeting that he had attended in September had paperwork on the development that stated 2017 on it, so it was not just decided this summer. He would have purchased different property to build his house had he known this was going to happen. At the first meeting, they were told that it would be a safety issue to have an access on Adams Street because of speeds to leave the City. So how is it that the construction can have an access, and he asked if it is safe with all the heavy trucks from the development going in and out and all of the vehicles coming in and out of the city? They are also concerned with the speeds of traffic in the area. He asked who would be responsible for replacing trees in the tree line and there needs to be clarity on this, because he does not want to look at apartments. Luther shared that his yard has a 5-foot fence and a pool in the back yard and is very concerned with trespassing, safety and security if a sidewalk extension goes in through the trees to the apartments.

Corr asked Mr. Luther if the fence was on the north or east side of his property. Luther explained that his fence is on the east side and goes all of the way to the tree line. Corr asked if he has a fence between the sidewalk and his property. Luther said yes, but the sidewalk is right beside his property.

Staff Questions:

Corr asked for an explanation of the Access Management Policy to Adams Street and why a temporary access for construction is allowed and not a permanent access. **Bob Simmering, Lincoln Transportation & Utilities (LTU)**, came forward and stated the basis of the policy is first safety and second efficiency. When looking at something like this a short-term situation is

preferable to a long-term situation. The other option was to bring all of the construction traffic through the neighborhood and it was decided that a short-term access would be better. Corr inquired if at some point in the future when traffic counts warrant it, will the speed limit on Adams Street decrease. Simmering stated that could happen. Corr asked for more information on the flood plain. Jones stated that there was a grading plan submitted with this application and there is a portion that is buildable. They may be bring in infill and the Watershed Management Division will review the plans to make sure that they are not negatively effecting the adjacent properties.

Finnegan asked where the construction access was located. Campbell stated that it is by the third unit in the development.

Corr asked about the sidewalk placement and why it needs to go there. Jones stated that the pedestrian easement was approved as part of the previous development. The intention was to connect future developments to the east, which is required to help break up block length for pedestrian access. The intention of this sidewalk is to connect with the apartments on the other side.

Edgerton asked for a description of the tree line that is between the houses and the new development. Jones stated that there are trees along there and the intention is to preserve as much as possible, and further stated that she is unsure if there is a private agreement about the trees.

Applicant Rebuttal:

Eckert came forward to discuss a couple of the issues just mentioned. With the dated of 2017, he is unsure of where that date came from, and he wondered if it came from one of the exhibits from Prairie Village North 16th Addition that they would have used to start to do the layout for this project. Eckert assured the Commissioners and the public that there was no conception of this multi-family project until July of last year. With the speed humps, LTU discussed with the developer that a speed hump was not needed on 95th Street. Eckert referenced a site plan (see Exhibit '4') to show the tree line that would be between the development and the existing houses, pointing out where the pedestrian easement was located and that there was an area with fewer trees. He shared that the note states that Outlot A shall be final platted as a 20-foot wide outlot that is to be dedicated to the Prairie Village North Homeowners Association (HOA) for preservation and maintenance. There will not be any tree removal on Outlot A prior to the final plating and dedicating of this outlot to the HOA. He shared that the applicant would be happy to work with Mr. Luther in regards to the tree line. There was a pedestrian easement already with this property with the anticipation that there would be a future residential use there.

Corr stated that there was some concern with a previous washout on Adams Street, and she asked when developed what type of mitigating treatment the developer will do. Eckert stated that there were issues with the culvert of the tributary shown on (see Exhibit '3'), and this has been addressed by the County. The County has replaced and possibly upsized the culvert. He shared that they do know it is their responsibility to stay out of the flood plain and to make sure that all of the buildings are out of it. The buildings will need to be certified by Building & Safety that they are least one foot out of the flood plain. There are three detention cells integrated into this development, which will detain a 100-year flood event.

Campbell inquired about the sidewalk that goes through the area that appears to be 20-foot wide between the two lots. Eckert stated that he believes that it is a 15-foot wide easement with a 5-foot easement on either side. Campbell stated so the sidewalk is 5-foot. Eckert said yes.

Corr asked about the tree line and the type of trees that the developer would be willing to put in. Eckert stated that the developer would possibly be able to bring trees in with a tree spade. This would allow for the planting of larger tree with several years of growth already. Corr asked if the developer would be willing to take on the cost for adding trees. Eckert said yes, they would be willing to do this.

Campbell asked to see the map of the tree line (see Exhibit '4'), and asked about the clump of trees on the south end of the development and if they would need to be removed. Eckert shared that the trees within the 20-foot outlot would remain and with the road being a private road, they will be able to leave trees closer to the curb and sidewalk. Campbell asked if the trees to the east, shown on the map, would need to be removed. Eckert stated that the trees shown that are in the blue area on the map (see Exhibit '1') are in the flood plain and would remain.

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

ANNEXATION 20002

ACTION BY PLANNING COMMISSION:

February 19, 2020

Finnegan Moved approval, seconded by Campbell.

Campbell stated that the developer has been responsive to the neighbors. The developer has added for the record that he is willing to address the tree concerns. This appears to be a good use of the irregular piece of ground.

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

CHANGE OF ZONE 20003

ACTION BY PLANNING COMMISSION:**February 19, 2020**

Beckius moved approval, seconded by Campbell.

Corr stated that she would like to echo what Commissioner Campbell said. She stated that she appreciates that the developer has gone above and beyond on this and working with the neighborhood. Sometimes it is difficult to blend in a new development with something that is already existing, and thanks the developer for meeting with the neighborhood and putting a lot of the concessions in. the annexation is appropriate and the change of zone is the right designation and the special permit looks great.

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

SPECIAL PERMIT 20002**ACTION BY PLANNING COMMISSION:****February 19, 2020**

Campbell moved approval, as amended, as offered by the staff in the memorandum dated February 19, 2020, seconded by Beckius and carried 7-0: Al-Badry, Campbell, Edgerton, Finnegan, Ryman Yost, Corr and Beckius voting 'yes'; Joy and Scheer absent.

Note: This is **FINAL ACTION** on **Special Permit 20002**, unless appealed by filing a letter in the Office of the City Clerk within 14 days.

ANNEXATION 20003**TO ANNEX APPROXIMATELY 71.83 ACRES, AND ADJACENT RIGHTS-OF-WAY, ON PROPERTY GENERALLY LOCATED AT NW 48TH AND WEST HOLDREGE STREETS****AND****CHANGE OF ZONE 07063E****FROM AG (AGRICULTURAL DISTRICT) AND H-3 PUD (PLANNED UNIT DEVELOPMENT) TO R-3 PUD, WITH UPDATES TO SITE LAYOUT, ON PROPERTY GENERALLY LOCATED AT NW 48TH AND WEST HOLDREGE STREETS****PUBLIC HEARING:****February 19, 2020**

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

Staff Recommendation:

Annexation 20003

Conditional Approval

Change of Zone 07063E

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 is a combined staff report for an annexation and change of zone for the I-80 West Lincoln Business Center Planned Unit Development (PUD). The proposed annexation and change of zone include portions of several tracts located south of W. Holdrege Street between NW 48th and NW 56th Street. A change of zone is requested from AG Agriculture District and H-3 Highway Commercial District PUD to R-3 Residential District PUD for the future Lincoln Public Schools (LPS) school site. These changes would amend the plan for the area south W. Holdrege Street, primarily to show the proposed LPS High School site. The area to the west of the site is anticipated for residential uses and up to 287 dwelling units. South of W. Vine Street is for a future commercial area for up to 401,000 square feet of floor area. Site and grading information have been provided.

Beckius inquired about the commercial area to the south of Vine Street and asked if there were any restriction on that area, in addition to the regular zoning overlay. Jones stated that they would follow the H-3 zoning allowances.

Campbell asked about the access road and if it would remain to the north of the Interstate in the Commercial District. Jones stated that she would guess that the intention would be for that access to go away, in the long term. Campbell asked where the access would be from 56th Street to 48th Street. Jones stated that the access to 56th Street would be at West Vine Street.

Applicant:

Kent Seacrest, 1128 Lincoln Mall, Suite 105, came forward on behalf of Ringneck Development, LLC, who is the property owner. There have been discussions with LPS on this development project site. He shared that they will be amending the existing PUD that was done in the past. There is a contract currently with LPS to purchase of a portion of the land in the middle of the development. There will be commercial to the south of Vine Street. This complies with the Comprehensive Plan. The high school will be the first phase of this project. There have been several meetings with City staff and LPS to work out many of the details on this project and they would like to have a high school there in two years. They are in full agreement with the staff recommendations. Seacrest thanked City staff and LPS staff for meeting often on this project so that they could move forward.

Campbell stated that in the middle of the school ground there is a darker area, and he asked if that was a detention basin. Seacrest stated that was not a detention basin and assumed it was a crop field. **Brad Marshall, Olsson Associates, 601 P Street, Suite 200,** came forward and stated the darker area was graded several years ago for the commercial area coming off Vine Street.

Proponents:

1. **Derek Aldridge, Perry Law Firm, 233 South 13th Street,** came forward on behalf of Lincoln Public Schools and stated that they wanted to thank the Planning Commission,

City Staff for all of their collaborative efforts in getting to where they are now. LPS wanted to thank the design professionals and Ringneck and their team for their efforts. Most of all, LPS is wanting to thank the community, for their trust in LPS as shown by the passage of the Bond, which allows LPS to move forward on this. On this site there will be a high school and an athletic and activities complex with the intention of opening by the fall of 2022.

Opponents:

There was no testimony in opposition.

Staff Questions:

Beckius asked if staff had concerns with the permitted H-3 uses abutting the high school and the 35-foot separation between them. Jones said no, staff did not identify any concerns. Beckius stated that it looks like there is residential directly to the west that is also 35 feet away from the H-3 zoning and asked if that was typical. Jones stated that the primary concern with staff and residential uses abutting commercial is more when there is an industrial use present or allowed.

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

ANNEXATION 20003

ACTION BY PLANNING COMMISSION:

February 19, 2020

Campbell moved approval, seconded by Beckius.

Beckius stated that he hopes to see the permitted uses in H-3 just to the south of the site and that those possible uses do not get too heavy into what can be done on H-3 that might impact the surrounding neighborhood. With this use siting a high school, which is a ways away itself. The activities area seems to be closer, and he further stated that he would support the site and hopes that LPS is considering this when negotiating this site with the developer.

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

CHANGE OF ZONE 07063E

ACTION BY PLANNING COMMISSION:

February 19, 2020

Campbell moved approval, seconded by Finnegan.

Corr stated the annexation makes sense since as it is contiguous to the current city limits and the change of zone looks appropriate. She further stated that she appreciated Commissioner Beckius concerns about what could possibly go into the H-3.

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

PRELIMINARY PLAT 20001

TO ALLOW FOR THE DEVELOPMENT OF 36 ADDITIONAL SINGLE-FAMILY LOTS AND 1 ADDITIONAL OUTLOT ON 12.08 ACRES, WITH ASSOCIATED WAIVERS, ON PROPERTY GENERALLY LOCATED AT NORTH 103RD STREET AND SHORE FRONT DRIVE

PUBLIC HEARING:

February 19, 2020

Members present: Al-Badry, Campbell, Edgerton, Finnegan, Ryman Yost, Corr and Beckius; Joy and Scheer 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 an amendment to the Waterford Estates 1st Addition preliminary plat. This amendment will allow for the development of 36 additional single-family lots on approximately 12.08 acres. This area is located north of O Street between Boathouse Road and Short Front Drive just west of N. 104th Street. Waivers requested include lot lines being radial and perpendicular to street right-of-way, sanitary sewer running opposite of street grade, street and right of way widths and sidewalk requirement. The proposed preliminary plat as modified by the proposed conditions is in conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, zoning and subdivision regulations. The requested waivers for sanitary sewer running opposite street grades and sidewalk installation along the east side of N. 102nd Street are justified. The requested waivers for street and right-of-way width reduction for N. 102nd Street are not justified as the adjacent lots can be redesigned in a way that meets both lot and street requirements and the developer has agreed to withdraw these waivers.

Campbell asked if the space on 103rd Street was to allow water to go into the detention basin. Wesselhoft stated that he thought that would be correct and the applicant's engineer could confirm.

Applicant:

Matt Langston, Olsson Associates, 601 P Street, Suite 200, came forward on behalf of the owner Waterford Estates, LLC. He shared the one waiver that they are requesting that is not

typical is for the sidewalk and there are no houses on this side, so they feel it is reasonable. The area where the space is, that Commissioner Campbell inquired about, is a low space in the road and is it to convey the 100-year storm event.

Campbell inquired if it would run into the detention basin. Langston said correct.

There was no testimony in support or opposition.

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

Note: This is **FINAL ACTION** on **Preliminary Plat 20001**, unless appealed by filing a letter in the Office of the City Clerk within 14 days.

PRELIMINARY PLAT 20001

ACTION BY PLANNING COMMISSION:

February 19, 2020

Edgerton moved approval, as amended with the recommended conditions, seconded by Campbell.

Corr stated this looks like a straightforward application and looks good.

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

SPECIAL PERMIT 20003

TO ALLOW FOR A CUP (COMMUNITY UNIT PLAN) FOR UP TO 192 DWELLING UNITS, WITH WAIVERS TO SETBACKS, LOT AREA AND, LOT WIDTH, ON PROPERTY GENERALLY LOCATED AT THE SE CORNER OF OLD CHENEY ROAD AND SOUTH 93RD STREET

PUBLIC HEARING:

February 19, 2020

Members present: Al-Badry, Campbell, Edgerton, Finnegan, Ryman Yost, Corr and Beckius; Joy and Scheer 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: Steve Henrichsen, Planning Department, came forward and stated this is site is owned by Lincoln Public Schools, which they had purchased for a middle school. This is a request

for a Community Unit Plan (CUP) located at approximately South 93rd Street and Old Cheney Road. The CUP is approximately 27.59 acres in area and proposes 133 dwelling units. Based upon the land area involved, a maximum density of 192 dwelling units is permitted by the Design Standards, so the remaining 59 allowed dwelling units will be unassigned and can be used in the future to allow for flexibility in adjusting the layout as the project develops. The full range of municipal services can be provided to serve this development. At the southern end of this development, there is an area with the potential to have additional parking, garden or other open space uses. A gas pipeline runs across the south end of the property impacting residential development of the property due to the Pipeline Planning Area. The Comprehensive Plan designates the area of the CUP for future urban density land uses. Infill development such as this, which offers a mix of dwelling types, is encouraged by the Comprehensive Plan. Minor revisions are required, but with those changes, this request complies with the Zoning Ordinance and Comprehensive Plan. There is a waiver in this application for block length. A staff memo was sent out on this application today with a revision to Condition 1.1.11, and this is in regards to a sanitary sewer line needing to be shown. The staff report has been amended to show this condition.

Corr asked about where the extra parking was located. Henrichsen stated it would be in the southern end of this development and there is additional parking in the area for the residents on the south end. Corr asked about the reduction of some of the setbacks on Block 1, and asked for Henrichsen to point out Block 1. Henrichsen pointed out Block 1 and stated that the developer, who had done this before, will build a smaller house that sits on its own individual lot, and so you have a reduction in setbacks for those lots. On some of the lots, there is a 20-foot setback to the east, but to their own lot line, the setback is reduced. There are many 0-foot setbacks, but that is just the house to its own lot line and around it will be typical open space.

Applicant:

Kent Seacrest, Seacrest & Kalkowski, 1128 Lincoln Mall, Ste. 105, came forward on behalf of Pine Lake Development, LLC ("Developer"). Ringneck has the option to purchase this property and they are assigning their option to Pine Lake Development, LLC, who was the original developer of the Vintage Heights area. There was a meeting with the neighborhood on January 16, and many good questions were raised. He shared this will be a series of new products and will be unique for the area. Some of these units could be smaller with some traditionally-sized townhome units. The developer is requesting a special permit for a Community Unit Plan ("CUP") on the property permitting a mix of 57 small single-family units, 57 single-family attached units (duplexes), and 19 row homes that will provide a variety of home choices for the Vintage Heights neighborhood, and these are not tiny homes. The CUP provides flexibility to distribute the density on the property under the R-3 zone while keeping open space over the pipeline planning area. The overall density for the proposed project is 4.8 units per acre. The proposed residential use of the property will generate less daily morning and afternoon trips

than a school site. This is not a rezoning of the area and does comply with the Health Departments requirements, because of the pipeline.

Edgerton asked where the entry points to this development would be. **Brad Marshall, Olsson Associates, 601 P Street, Suite 200**, came forward and stated that most would enter off Old Cheney and 93rd Street, and further stated that most of the entry points have been constructed in this situation with the development already built out. Access Management Policy does prohibit any additional access being taken onto an arterial roadway. There are two connections one at Merryvale Drive and the another on Stone Hill Lane and they take access off 93rd Street.

Campbell stated that there was a letter of opposition to the townhouse lots along 93rd Street and that having driveway access is out and asked if it would have one driveway between the two townhomes to 93rd Street. Marshall said that an attached single-family would have two units and each unit would be able to take one driveway out. Campbell stated that would be one per lot then. Marshall said yes.

Finnegan inquired about the smaller houses and asked if they were in the affordable range. Seacrest stated that they are not for low-income housing, affordability is an issue for all incomes and these homes would be more for middle income.

Proponents:

1. **Jayson Becker, 9645 Saint Gregory Circle**, came forward representing the Homeowners Association. He read a letter on behalf of the Homeowners Association who are in support of this proposed development. They have had several discussions with all who are involved on several occasions and after careful consideration, they are in support of the non-rental homes and the price range that is proposed for these homes in this development.

Beckius inquired about the non-rental units statement that he had read. Becker stated they want this to be an owner-occupied development and with the way that these will be priced, it would not make since for an investor to purchase for rentals.

2. **Marty Fortney, 3600 Calvert Street**, came forward and stated that he is one of the two builders that will be building within this development. He stated that he has been a builder since 1992, and when he sees is that multi-family outpaces single-family two to one, this is concerning to him. This development will have single-family, ranch-style homes, and he further stated that there needs to be more homes for first time homeowners.
3. **Doug Kroeker, 6300 Country View Court**, came forward and stated that he is the other builder for this development. He shared that he will be building the townhomes and there is a great need for this. This will add value to the area and the houses around it.

Opponents:

1. **Michael Bassinger, 9549 Mortenson Court**, came forward in opposition and said that his property backs up to the vacant lot now. He stated that he has concerns with traffic, because the only way in is 93rd Street. He wondered if people were going to start parking on 93rd Street. Another concern is watershed. He stated that he already has water problems at his house and is wanting to know what they will do to fix the water problems. There is nothing to stop someone from making one of these houses a rental. The elementary school in the area is already at max capacity, and he wanted to know what was going to happen with all of the new children in the area, because the school is not large enough.
2. **Jeremy Kraemer, 9210 Rockland Circle**, came forward, stated that he lives to the west of this development and moved in the neighborhood in 2015. They had asked questions on what was proposed for the land and they were told a middle school. They have concerns with the proposal of this huge development and the traffic on 93rd Street. How are they going to control the traffic in and out on 93rd Street? He stated that he lives in \$400,000 home and he does not see how building homes worth \$250,000 will increase his home value; if anything, it will decrease the value. With the pipeline on the south end of this development, do we want family and kids in that area? This development will not complement Village Heights.
3. **Lori Smith, 9338 Forest Glen Drive**, came forward in opposition to this development. She shared this is too over populated for this size of a neighborhood. The units are so small and she does not like the row houses that are proposed. Some of the trees were taken is not sure of the row houses. She stated that in years past, some of the trees had been removed because of the Emerald Ash Borer and now there is a bare spot and she would like some mature trees to block the view.
4. **Wayne Janssen, 9200 Merryvale Drive**, came forward and stated that his street is one of the streets that comes out of this. He stated that this development looks like the chambers of a beehive and not even close to what is in the surrounding neighborhood. He stated that you could make more money if you pack them. In 2000, when they built their house, they were told it was going to be a school, which would not give the constant traffic that this will. There could be as many as 400 cars going to 93rd and Old Cheney every morning and every night and throughout the day. Something will need to be done with this intersection. He asked if Vintage Heights Homeowners Association would be responsible for the mowing and removal of the snow and he does not want pay for their mowing and snow removal. It would be nice to be able to build a house in Lincoln, where they tell you the surrounding area is going to stay the way it is, to enticed people to build on the land and then they put a beehive in your backyard.

Staff Questions:

Edgerton inquired about the conversations on traffic and traffic control to date. **Bob Simmering, Lincoln Transportation & Utilities (LTU)**, came forward and stated the 93rd Street to Old Cheney is an existing access point but had they been going in and building 93rd Street, it would have required

some improvements there by the developer. However, because it already exists, those obligations will fall on the City. As this develops, traffic counts will be done and as Old Cheney Road, improvements continue to 98th Street, this intersection will see some changes. Edgerton stated that it is currently a round a bout. Simmering said it is not, that 98th Street is a round a bout. Edgerton asked how this development would compare to a school going in. Simmering explained that the difference is the schools peak hour of traffic would be far above what this would generate in the peak hours. However, during the day the school would probably have the lower traffic. Edgerton asked if there is currently parking on 93rd Street. Simmering said there was no restrictions for parking on 93rd Street.

Al-Badry inquired about the watershed and asked if that was a concern. Simmering stated that they would need to take care of the increase of runoff in the subdivision. They will then need to submit information to Watershed Management to prove that they have taken care of the issue.

Beckius stated that there is not a lot of connectivity with this neighborhood and asked if there were any concerns with the higher density use and the connectivity is not as important. Henrichsen stated that originally this was going to be a middle school. LPS was concerned that access be focused on one point and they did not want an additional access to the east. The density is appropriate for R-3 and access is appropriate for this development.

Edgerton stated that given the zoning that is in place, rezoning is not required to accomplish this, correct. Henrichsen said correct. Edgerton asked if all of the waivers requested are internal to the site. Henrichsen said correct.

Beckius asked why this is going through the CUP process and not just platting lots. Henrichsen stated that the special permit is necessary because you can do single-family and two-family by right. With the different design elements and they wanted to have lots with zero setback, and three and four units connected together, and this is why they needed the special permit. Beckius stated in essence the end result is that this is an increase in density. Henrichsen stated that depending on how creative they were, it might have been a little less. Beckius stated that this is an important part when you are talking about zoning and it could have been laid out if they had wanted to. Beckius stated that with LPS sites, in general, there is a difference with connectivity and wondered how a site would be laid out if it were not known at that time that it would be an LPS site. Henrichsen stated that they try to take into account with sites now that they could go one way or another. The City does try to work with LPS to provide flexibility with the connections.

Applicant Rebuttal:

Seacrest stated that the staff did a nice job explaining the traffic and the school would have made more traffic and that is why they were not required to do a traffic study. He shared that the homeowner association is in support of this project, and they will work with the neighbors

on the south. The staff has approved of this type of infill with no significant impact on the adjacent neighbors.

Marshall stated that he wanted to address the traffic and they did look at other elementary schools traffic counts for an idea of the traffic difference. The daily trips with this development are 22 percent less than the schools would have been. The most notable difference with the traffic count would be in the morning where this development would have 85 percent less traffic than if there were a school. With the drainage, this property was part of the Vintage Heights 4th Addition who did have grading and drainage that included this parcel of property. This property has been accounted for in the detention at a site just south and west of this property with the 4th Addition; however, they do show detention in the 7-acre pipeline area that will treat additional runoff and water quality. The developer will be adding landscaping with this development and maintain the trees discussed earlier. They will be working with the pipeline on what the developer can and cannot do in the area.

Corr asked if they would be willing to plant more trees. Marshall stated that in this project, they do plan to add trees and they will need to check with the pipeline to make sure that they will be allowed to add them in the area.

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

Note: This is **FINAL ACTION** on **Special Permit 20003**, unless appealed by filing a letter in the Office of the City Clerk within 14 days.

SPECIAL PERMIT 20003

ACTION BY PLANNING COMMISSION:

February 19, 2020

Campbell moved approval, as amended with the additional Condition 1.1.11 as presented by staff, seconded by Campbell.

Campbell shared that he applauds this development and layout. Having developed Village Gardens, they have the same type combination with lots as this project. The cottage area and the four and five unit row houses will sell quickly. He shared that he has been amazed with how fast they sell. He stated that it is a price point that is not available in the community. It makes a nice contribution to the development.

Beckius stated that he is in support, but stated that he can fully understand some of the neighborhood concerns. Not everyone would want to live in a neighborhood like that, because he would not and he does not think that it is necessarily a relevant talking point a lot of the time. This development makes a lot of sense and sees how it can be a shock to the neighborhood and what is generally around it. He stated that he would support; however, he stated that it is also problematic to have an owner that says they do not want connectivity or lanes of traffic accessing the site. Sharing that he is familiar with what is being proposed to be built on this site and he feels that it will pleasantly surprise the neighbors. He understands and can sympathize with the neighbors that this could be a shock with what is currently in the neighborhood.

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

PRE EXISTING SPECIAL PERMIT 231
TO EXPAND THE AREA OF THE SPECIAL PERMIT TO ADD PARKING, ON GENERALLY LOCATED AT
5034 MADISON AND 5043 HUNTINGTON AVENUES
PUBLIC HEARING: **February 19, 2020**

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

Staff Recommendation: Conditional Approval

There was ex parte communications disclosed.

[Following the hearing, Finnegan disclosed that she had sent an email to Tom Cajka regarding this application and was advised by the Assistant City Attorney to include this as part of the record.]

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

Staff Presentation: **Tom Cajka, Planning Department**, came forward and stated this is a request for a private school to expand the area of the special permit to accommodate additional off-street parking for Nebraska Wesleyan University, a private school. The planned additional parking will help relieve the pressure for on-street parking and should serve to benefit the neighborhood.

Applicant:

Tom Huston, Cline Williams Wright Johnson & Oldfather, 233 S. 13th Street, Suite 1900, came forward on behalf of Nebraska Wesleyan University. This is for the addition of the parking lot because parking independently is not a permitted use in R-6 zoning. The only way to do this is to have a special permit. One of the neighbors had complained that he did not want the removal of the home on Madison Avenue. The removal of this home was made because of several factors--this house has been empty for the last four or five years. With the costs for security and insurance

and there is asbestos and mold in the house, the University could not see to try to resolve. In 2016, the new Science Focus Building was approved and the enrollment in the University has increased by 19 percent. More students means more parking and the University is trying to accommodate this. The University intends to remove the home, grade the lot and convert it to a parking use to support the University. The parking lot will comply with the screening requirements and design standards.

There was no testimony in support or opposition.

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

Note: This is **FINAL ACTION** on **Pre-Existing Special Permit 23I**, unless appealed by filing a letter in the Office of the City Clerk within 14 days.

PRE-EXISTING SPECIAL PERMIT 23I
ACTION BY PLANNING COMMISSION:

February 19, 2020

Campbell moved approval, seconded by Finnegan.

Corr stated that it looks like a good plan, and further stated she is not a huge fan of tearing down family houses or houses in general, she understands the need for parking in the area. This is a wise move on the part of Wesleyan.

Beckius stated these things are always a give and take for the neighborhood and its expanding an education facility and the Commissioners can understand and appreciate that.

Campbell stated that Wesleyan has does a good job renting houses that they own if the structure is sound. In both cases, it does not sound like these structures have been sound.

Motion carried 7-0: Al-Badry, Campbell, Edgerton, Finnegan, Ryman Yost, Corr and Beckius voting 'yes'; Joy and Scheer 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 19, 2020, seconded by and carried 7-0: Al-Badry, Campbell, Edgerton, Finnegan, Ryman Yost, Corr and Beckius voting 'yes'; Joy and Scheer absent.

Meeting adjourned 3:25 p.m.

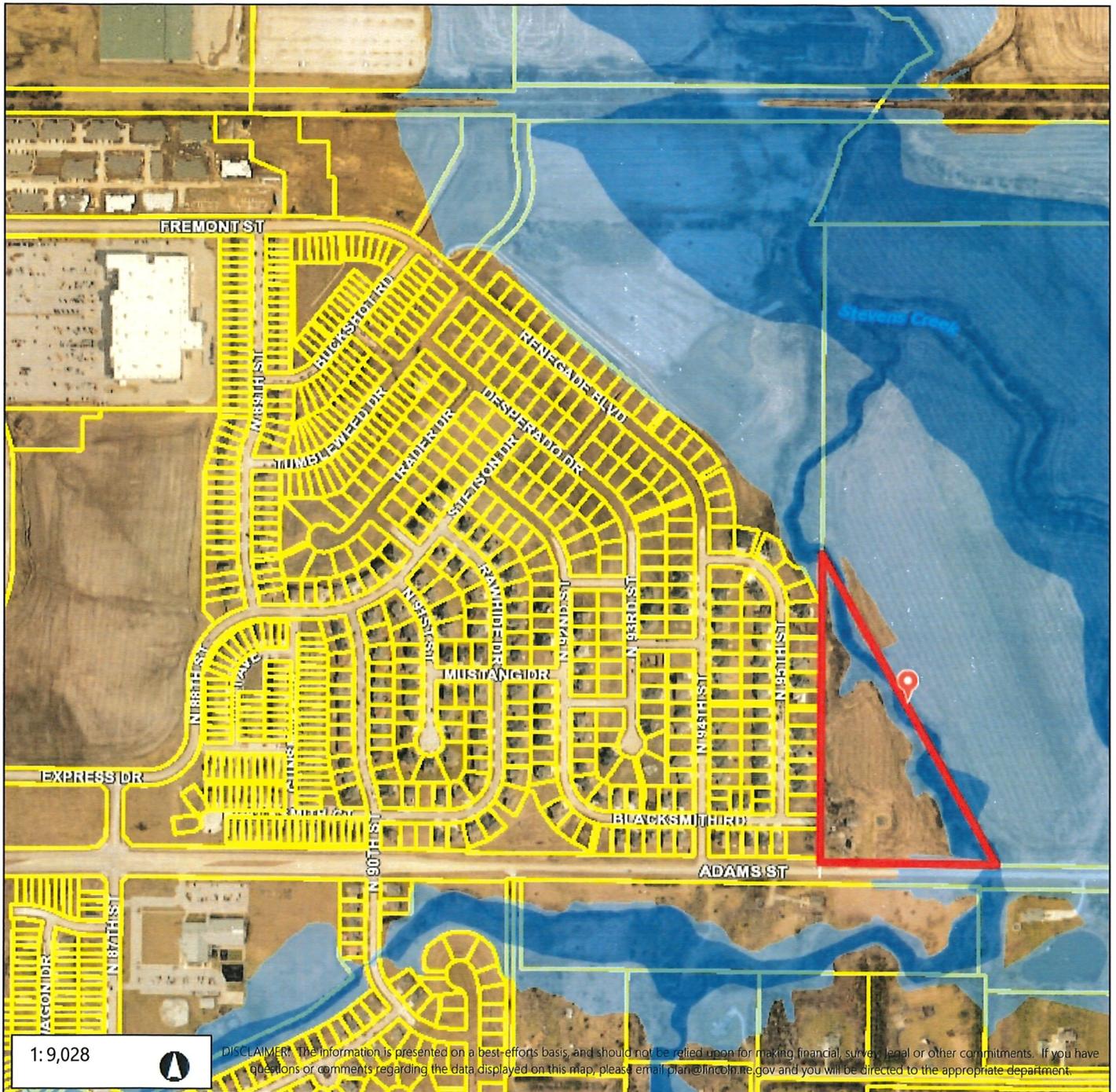
Note: The Planning Commission will not formally approve these minutes until their next regular meeting on Wednesday, March 4, 2020.

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Development Viewer
CITY OF LINCOLN - LANCASTER COUNTY, NE

Lincoln / Lancaster County Planning



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Legend

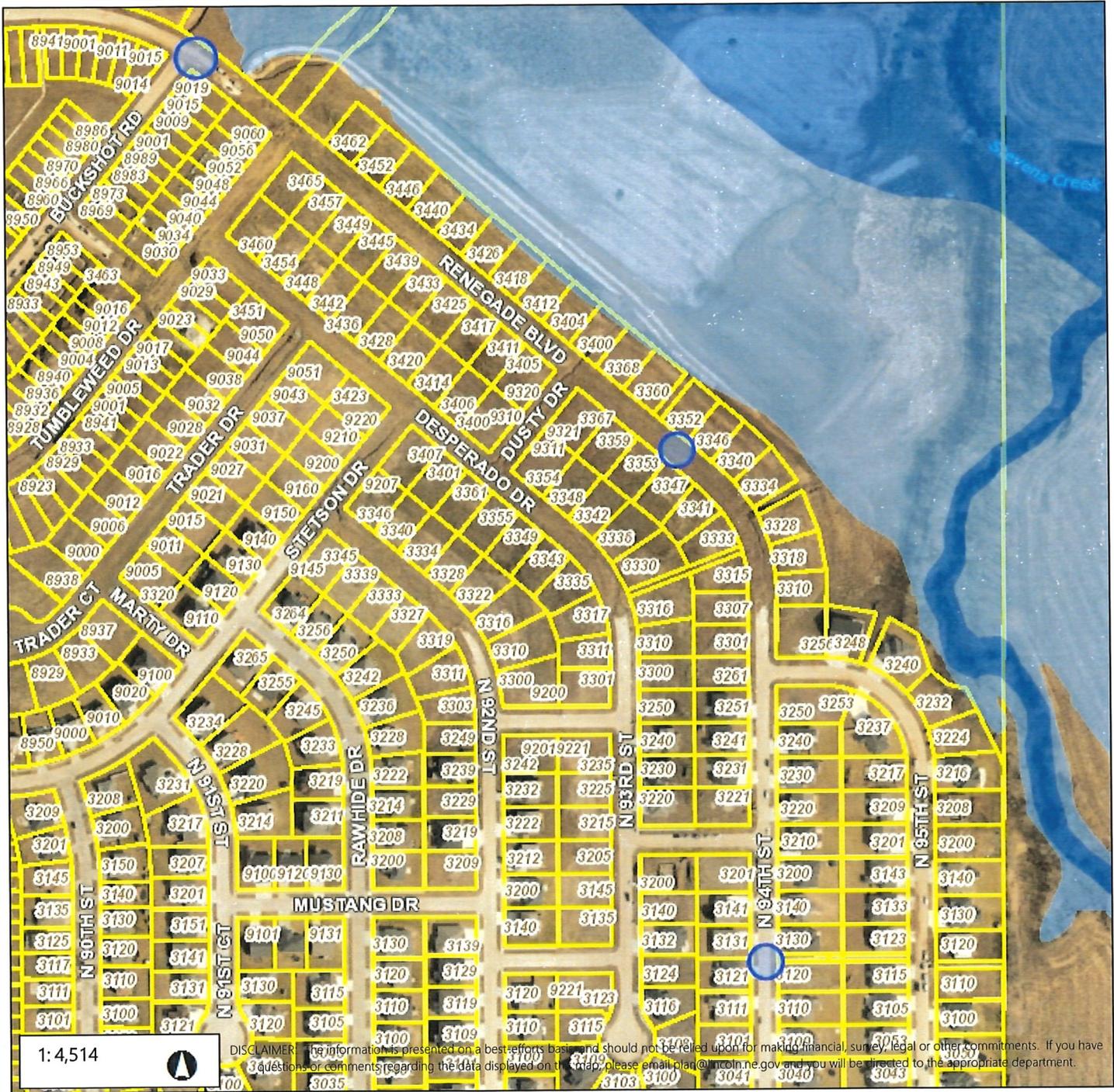
- FEMA Floodplain
 - Floodplain
 - Floodway
- Flood Prone Areas
- Parcels_Aerial





Development Viewer
CITY OF LINCOLN - LANCASTER COUNTY, NE

Lincoln / Lancaster County Planning



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Legend

- Address Labels
- FEMA Floodplain
 - Floodplain
 - Floodway
 - Flood Prone Areas
- Parcels_Aerial



