MEETING RECORD

NAME OF GROUP:	PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING:	Wednesday, April 1, 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, Cindy Ryman Yost and Cristy Joy; Dennis Scheer and Deane Finnegan absent; David Cary, Steve Henrichsen, Brian Will, George Wesselhoft, Rachel Jones, Tom Cajka, Geri Rorabaugh and Rhonda Haas (via broadcast) of the Planning Department; media and other interested citizens.
STATED PURPOSE OF MEETING:	Regular Planning Commission Hearing

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

Corr stated Agenda Item 4.4 – Special Permit 20005, the transitional living project located at 420 South 28th Street, the public hearing on this application is postponed, as required by Directed Health Measure Order 2020-02, issued by the Lincoln-Lancaster County Health Department.

Corr announced in order to meet the required "social distancing" protocols, we must limit the number of people inside the Chambers. Staff is assisting individuals who are present and wish to testify on item(s) on today's agenda by ensuring that each person has signed in. Staff will direct you into the Chambers based on what item(s) you are testifying on and your position on that item. Please note, that only one additional person will be allowed in the chambers at a time. Once you have testified, you should exit the chambers using the doors to the right of dais and then the next individual will be directed in. It is recommended that once you testify, you leave the building.

David Cary, Planning Department, came forward and stated there have been two City Council meetings where this set-up was used and it does work with smaller crowds. The purpose of the postponement for the special permit was a health directive from the Health Department. The intention for future items that could potentially draw large interest by the public is to delay

them indefinitely. This is the reality of the situation we are dealing with and we feel confident that this can be done in a safe way.

Chair Corr requested a motion approving the minutes for the regular meeting held March 4, 2020.

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

The Clerk noted that the applicant has requested to defer Item 1.4, CHANGE OF ZONE 20009 for two weeks to the regular Planning Commission hearing on April 15, 2020; therefore, this application was removed from the Consent Agenda.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION: April 1, 2020

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

The Consent Agenda consisted of the following item: Annexation 20001, Change of Zone 20002, Annexation 20005, Change of Zone 05085C, Change of Zone 08066A, Special Permit 20009, Special Permit 20010 and Text Amendment 20001.

Scheer declared Conflicts of Interest on Item 1.1a and 1.1b – Annexation 20001 and Change of Zone 20002 and 1.2a and 1.2b – Annexation 20005 and Change of Zone 05085C.

There was ex parte communications disclosed by Commissioner Corr on Item 1.7, Text Amendment 20001. She noted staff presented this item to the Mayor's Neighborhood Roundtable on March 9, 2020.

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

Beckius moved approval of the remaining Consent Agenda items, seconded by Ryman Yost.

Beckius stated this is the first Planning Commission meeting since the required social distancing throughout the community. He shared that the Planning Commissioners do receive emails, which they do read and they become public record. The Commissioners pay careful attention to the information that comes in and understands with the social distancing it may be impossible to attend to testify in person. Emailing comments is acceptable and they will be read and included as part of the public record. If you have questions on an application, please do not

hesitate to reach out to the planner assigned to that application and email all comments to the Commissioners.

Corr stated if the item is not final action, there is still time to submit comments before it goes to the City Council or County Board.

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

Note: This is **FINAL ACTION** on **Special Permit 20009 and Special Permit 20010**, unless appealed by filing a letter in the Office of the City Clerk within 14 days.

CHANGE OF ZONE 20009
FROM R-3 (RESIDENTIAL DISTRICT) TO R-3 PUD (PLANNED UNIT DEVELOPMENT) TO ALLOW UP TO 130,000 SQUARE FEET OF COMMERCIAL FLOOR AREA AND UP TO 322 SINGLE AND MULTIPLE-FAMILY DWELLING UNITS WITH WAIVERS TO THE ZONING AND SUBDIVISION EGULATIONS, ON PROPERTY GENERALLY LOCATED AT SOUTH 59TH CIRCLE AND PINE LAKE ROAD

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

Staff Recommendation: Two-week deferral.

The Clerk noted that the applicant has requested to defer this item for two weeks to the regular Planning Commission hearing on April 15, 2020.

Campbell moved to grant the request for a 2-week deferral for public hearing and action on April 15, 2020, seconded by Al-Badry and carried 7-0: Al-Badry, Campbell, Edgerton, Joy, Ryman Yost, Corr and Beckius voting 'yes'; Finnegan and Scheer.

TEXT AMENDMENT 20002
TO AMEND THE LINCOLN MUNICIPAL CODE SECTION 27.02 DEFINITIONS, 27.02.040(C) CAMPGROUNDS AND 27.02.190(R) RECREATIONAL VEHICLE, AND AMEND SPECIAL PERMIT FOR CAMPGROUNDS PER SECTION 27.63.270, AND REPEALING SAID SECTIONS AS HITHERTO EXISTING
PUBLIC HEARING: April 1, 2020

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

Staff Recommendation: Approval

There were no ex parte communications disclosed.

Staff Presentation: Tom Cajka, Planning Department, came forward and stated that this proposed text amendment was submitted by Kent Seacrest on behalf of David and Jolene Queen to amend the City of Lincoln Zoning Regulations by amending Chapter 27.02 Definitions and Chapter 27.63 Special Permit for campgrounds. The proposed changes would allow more types of camping, designate setbacks for the campground from lot lines, allow a caretaker or owner to live on site year round and require the campground to take access to a paved road. This proposed text change would add a condition that a campground would have a minimum of 40 campsites and would better define what a campground is and provide appropriate conditions. The proposed conditions will help offset impacts to surrounding properties.

Edgerton asked if a special permit would still be required. Cajka said yes. Edgerton inquired if this is similar to the provisions brought forward with a previous application. Cajka said yes. Edgerton asked if they were part of the City regulations. Cajka stated this application is only for the City regulations.

Joy inquired if the county text amendment allows for the sale of alcohol. Cajka stated it is not in the initial one, but could be added at some point. Joy inquired if they could ask for a waiver on alcohol if they wanted. Cajka said yes, they could ask for a waiver to any of the conditions, unless it is specifically stated in the special permit section that a specific condition cannot be waived.

Edgerton stated that there was no community group put together to review these, and she asked if that was correct. Cajka said correct.

Corr asked Mr. Cajka to distinguish the difference between a campground and a campsite. Cajka stated a campground would be the entire area, which would include recreational facilities, offices, stores, open space and the individual campsites. Campsites would be the individual areas where you would park a trailer, RV or set up a tent. Corr inquired if someone came to the facility and stayed for 30 days and then left for 30 days, and then came back for another 30 days, if that would put them in the 35 percent category. Cajka shared that was a good point, and said that the idea on this was if someone stayed for a long period without leaving in-between. Corr stated that she did not know which would apply if someone left the campground and then needed to come back. Cajka stated with the way that it is written, he

thinks it would be allowed, as long as they are below the 35 percent threshold. Joy stated that was a good point with today's current events.

Edgerton inquired about the 40 minimum campsites spaces and asked what would happen if a property owner allowed 20 campers on their property. Cajka explained that they would not be in conformance with the zoning code. When something like this happens, a complaint from a neighbor would go to Building & Safety, who would go investigate. If they were found to be in violation, Building & Safety would send a letter to the property owner asking them to stop what they are doing. Edgerton stated this would start the process. Cajka said correct.

Beckius inquired why the city supports the minimum of 40 sites for a campground. Cajka stated they were trying to come up with a number that most people would think of when they thought of a campground. Also, not wanting to be too restrictive with using a higher number of sites. Beckius inquired about a Park Model RV and assumes that it is owned by the park and then leased on a short-term basis to a third party. Cajka said no, that the campground could own them and rent them out, but they are like a cabin. Beckius asked what a Park Model RV was then. Cajka stated that it looks like a cabin on wheels, which are meant to be moved around. Beckius said then they are a mobile home. Cajka said no, they do not meet the definition of mobile home. Beckius stated they could not be moved on their own under their own power, correct. Cajka said that was correct, they are like a travel trailer and need moved.

Applicant:

Kent Seacrest, 1128 Lincoln Mall, Suite 105, came forward on behalf of the Queen Family--the operators of Camp-a-way. He stated they have a lease with the City until 2025, at the current site and recently there has been discussions with the City to extend the lease for an additional five years. This text amendment needs to be brought current and up to date so that Camp-a-way is in compliance and they can search for a new site. The current code is from 1966 and, back then, they did not have what we have now for campgrounds. When this request was originally written, the 30 days was added and now they have realized that was not wise given what the use of campgrounds are today. He shared that Lynn Johnson, Director of Lincoln Parks and Recreation, had shared that they received a request from someone to extend their stay past the 30-days for medical reasons. The City did grant this request and they are now realizing the 30 days is becoming problematic to the industry. Overnight guests fall under the 30 days, seasonal guests are from the 30 days up to 180 days and there is a lot of need in this community for this type of guest. The Lancaster Event Center, who does not need to comply with zoning, allows guests to stay for their football package 3-months and with permission you would be able to stay longer with no limitation.

This text amendment is putting in the limitation of 180 days. He wanted to point out that neither the City or the County regulate how long someone can stay in a hotel or motel, and further stated if the hotels and motels do not have a 30day limit on stays, why should campgrounds. Several campgrounds within the state allow seasonal guest, which is more than the 30 days. There is a Letter of Support from Lynn Johnson on this item, and Jeff Maul from the Lancaster Convention Visitor Center has sent in a Letter of Support, saying this is a good idea.

Edgerton asked about Commissioner Corr's earlier question where someone would stay for 30 days, leave, and come back and asked what his interpretation of how something like this would be handled. Seacrest stated that the first time they would be under the 31 days and they would not be counted towards the 35 percent. However, the second, third or fourth time that they would show up, they would be in the 35 percent limitation. Edgerton said that it would be within the purview of the campsite owner to be monitoring where that are at on the 35 percent. If someone wanted to come back and they were close to or at that threshold, they would have to say no, is that correct. Seacrest said yes, that is correct, and the city has the right to audit the campground.

Joy asked if they have the ability to increase the 35 percent later, if the campground wanted because of the clientele that they are serving. Seacrest stated, as far as the text is concerned that is not an option, although Lynn Johnson had approved an extended stay for medical reasons.

Corr stated that they would need to get a special permit and they could amend the special permit when it was applied for. Joy stated that she did not want to tie their hands for requesting more. **Tim Sieh, City Attorney's Office,** came forward and stated that the way this ordinance is written, 35 percent is the maximum. It would take a change to the ordinance to allow it to expand.

Corr asked Mr. Seacrest if his client felt confident in the 35 percent and if that would be a large enough percentage for them to operate. Seacrest said the owner will testify next and the Commissioners could ask them; however, they would be glad to take a number larger than the 35 percent if it is felt that percent is too low.

Corr asked how they arrived at a 60-foot setback for the rear yard and why not the 100-foot setback. Seacrest shared if you look at the typical zoning ordinance 35 feet is a big setback on certain intense land uses and he was not sure why it was 60-feet, because compared to other land uses the required setback is less.

Beckius asked about the 40 campsite as a minimum. Seacrest said this was not in the original request, but the staff felt a minimum was needed. If campgrounds were to be done correctly, you would need a minimum for each site; this would help ensure that there is not a lot of small campgrounds popping up everywhere. Beckius asked if his client cared about the minimum of 40 campsites. Seacrest said no, and they would be doing more than 40 campsites. Beckius asked about their thoughts on the restriction on alcohol. Seacrest said that has been their practice and they believe they can live with this requirement, but the next person may not want this and request a waiver.

Proponents:

1. **David Queen, Camp-a-Way, 200 Campers Circle,** came forward and stated that their business has a major impact in Lincoln's tourism economy. The money generated from this is not local, but comes from outside the area. The letters of support also came from outside this region and this is where they like to stay. This facility has had an impact of $3.3 million from May to October on Lincoln's economy. Cass County has 3 campgrounds that are 100 percent seasonal, which is not what they are trying to do. He stated that 93 percent of their reservations stay less than 7 days and this is their core business and their focus is 365 days a year. It takes 18 of the 7-day reservations to make 1 monthly stay. He provided a copy of what he had referenced during his testimony to the Clerk (see Exhibit '1').

Corr asked what percentage of the stays that are more than the 30 days. David Queen stated that is about 7 percent, which is about 20 percent of their revenue. Corr asked if the 35 percent was a high enough threshold for them. David Queen said he would like more, but it was decided after talking with the Planning Department that the 35 percent was a reasonable number.

Joy asked if being in the city or just closer to the city would warrant the percentage being higher. David Queen said that it is about the same as being out in the county.

2. **Chris Queen, Camp-a-Way, 13901 NW 126th Street,** came forward and said this is private owned and with what is currently going on many states consider them essential. He shared that they have ability to quickly evolve to accommodate emergency citations. Just last week California bought 1309 RV's, to house as emergency isolation units for their front-line staff and to house vulnerable citizens. Both, overnight and extended stay are included in the designations. There are also central trades people that continue to use RV's as their home as they work and provide service to communities. Until the end of February, Camp-a-Way played host

to a number of front-line medical professionals who, under the current code, had to leave for other communities instead of doing work here. People are also using this as their housing because of stay-in-place orders.

Opponents:

There was no testimony in opposition.

Staff Questions:

Joy asked if they wanted to allow more than 35 percent for the ability to house temporary nursing and possibility others because of what we could be dealing with in the next few months or years, if that was something that they could do. Cajka said currently, it is at 35 percent and maybe later they could request more if it is working out.

Beckius stated that the applicant currently is being allowed to participate in camping that may not meet the code today at their current site, and asked if that was correct. Cajka said that it was his understanding they had been allowing stays for more than 30 days because they thought they were allowed to.

Campbell stated for over three years FEMA has rented rooms in the Marriott Residents Inn non-stop and with hotels being able to do this, he wonders if the 180 days would be sufficient in some cases. Cajka stated that he is not sure how the rules for hotels and long-term stays work. Campbell stated that he does not think there are rules for long-term stays. **Tim Sieh, City Attorney's Office,** came forward and stated that they are two different types of uses and they have different restrictions that go with them. He wanted to remind the Commissioners in regards to changing the text amendment, that this is an ordinance that would be in effect long after the current circumstances have ended.

Al-Badry stated that she feels comfortable with the 35 percent, and if, in the future, it needs to be amended, she would be willing to do that.

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

TEXT AMENDMENT 20002
ACTION BY PLANNING COMMISSION: **April 1, 2020**

Campbell moved approval, seconded by Al-Badry.

Campbell stated this helps solve what was seen in the hearings that there have been, and that there really were no regulations in place to deal with this. This helps clean the message up.

Edgerton stated that there has been an appropriate balance struck here. That will encourage recreational activities and looks at border uses in the context of what this campground protection is and also protects the surrounding property.

Beckius supportive of the applicant and he has seen that they do a good job of managing of what they do. He shared that he does have concerns with the text amendment that is before them. He stated he does not necessarily believe that 40 is some magical number, and that you cannot have a family-friendly environment without the sale of alcohol. He further stated that this would prohibit other people of running a similar business. It appears the current issue before the applicant is they currently run their business as they want to and that seems to be okay with the City of Lincoln. A lot of this text amendment makes since in the city, but is not sure that this makes since yet for him.

Joy stated that she is in support of the text amendment, and she agrees with her fellow commissioners. She would be in support of looking at some other changes in the future after they see how it works for private campgrounds and this is a good first step.

Corr stated that it is important when looking at a text amendment, that this is going to be over the entire City and not just for this particular business; she believes that they have done a great job of clarifying some of the rules. The 35 percent is a good starting point and, down the road, it can be looked at to see if it needs to be increased or decreased. She stated that she would be supporting this text amendment.

Motion carried 6-1: Al-Badry, Campbell, Edgerton, Joy, Ryman Yost and Corr voting 'yes'; Beckius voting 'no'; Finnegan and Scheer absent.

STREET & ALLEY VACATION 20002
TO VACATE THAT PORTION OF WEST SAUNDERS AVENUE LYING WEST OF THE WEST LINE OF NW 10TH STREET AND EAST OF THE EAST LINE OF CORNHUSKER HIGHWAY, GENERALLY LOCATED AT 1010 WEST CORNHUSKER HIGHWAY
PUBLIC HEARING: **April 1, 2020**

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

Staff Recommendation: Does not conform to the Comprehensive Plan

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

<u>Staff Presentation:</u> Brian Will, Planning Department, came forward and stated this is a request to vacate a portion of West Saunders Avenue at the point where it intersects with Cornhusker Highway. The petitioner owns the land adjacent to it and proposes to use it in conjunction with the adjacent auto sales facility. Owning it would allow the area to be graded and more easily maintained. The area to be vacated is approximately 0.08 acres in area. West Saunders Avenue is not improved to Cornhusker Highway and only extends to Northwest 10th Street, both of which are gravel streets in this area. Cornhusker Highway is an entryway corridor into the city and significant improvements in the roadway have been made in recent years. Any public improvements, zoning changes or other similar actions should advance the goal of continuous improvement and redevelopment in the area. This action by itself will not have that effect. Rather, as part of a larger redevelopment effort of this approximately 2-block area, it may be warranted. A realignment of access points onto Cornhusker Highway, including the potential extension of Northwest 10th Street and closing of Northwest 9th, coupled with a consolidation of properties, could yield a significant benefit for both the petitioner and the public. But until it can be determined that the subject right-of-way will not be needed as part of a redevelopment effort, this request is premature and not supported by the Planning Department, who is hopeful that some other redevelopment will happen in the area.

Beckius stated the applicant had originally talked about doing something with the larger portion of the property, but currently the applicant has no wishes to redevelop this section, and asked if that was correct. Will stated they did not discuss a larger redevelopment that involves all of the property. Beckius inquired if the applicant has discussed their intended use for the property. Will said no, and shared that the applicant is present to answer questions. He shared that it was mentioned something residential under R-4 would not be appropriate in this area and, based on the pattern, it would be H-3 zoning. Beckius stated that he is assuming the City has not designated any money for improvements and they would be part of a redevelopment agreement. Will stated he has not found anything at this point that the city was going to do improvements in the area. Beckius said that it does not look like this is a separate parcel, but just part of a public right-of-way that is being discussed today. Will said yes, it is a portion of the right-of-way. Beckius asked if the City rents this to the adjacent landowner. Will said no, the City does not generally rent right-of-ways.

Campbell asked if this layout came from Planning or Transportation. Will said Planning came up with the concept. Campbell shared that he knows that transportation likes to keep the 90-degree intersections and it would seem that the extension of Northwest 10th on the angle has a strong curve. Will explained where this road would intersect with Cornhusker, it would need to be at an angle and have a bend. They would try to curve the road as much as possible to have it at a 90-degree angle. Campbell asked why the extension at 10th Street when there is

9th Street above. Will stated that the 9th Street entrance on to Cornhusker would go away and they would use the 10th Street instead with the property in question. This would take away the driveway for the lot that currently has auto sales on it, because they limit the number of driveways on arterial roads like Cornhusker Highway. There are some development constraints on this property, as well.

Al-Badry asked for clarification on if there was a plan in place for this property or if this was something that was planned for the future. Will said no, that this is something that they are proposing that could be an option for interested parties in the future.

Beckius asked what is it about the potential vacation that would preclude the possibility of a larger development and the layout that is being shown today. Will stated that what is being proposed for vacation would need to be rededicated or repurchased later on. With not knowing what could potentially happen on this site so to make the finding that this is unneeded and unnecessary and is premature, and the Planning Department was not able to make that finding.

Corr stated that there are access management policies, and when she first saw the driveway off the 1010 location, she asked if it was too close to Dawes Avenue. Will stated that it would not meet any standard today. Corr asked if these properties were to redevelop, this would fall under LTU (Lincoln Transportation & Utilities) direction, and that they would want to get rid of that driveway anyway. Will said absolutely. Corr stated the intersection that the staff is proposing off Northwest 10th Street would meet the requirements and LTU's access management policy. Will explained that it may, and if it did not for some reason and it needed a deviation request, because the driveway and 9th Street would go away. LTU has indicated that they would approve the deviation request if needed. Corr stated that they had approved TIF funds for Cornhusker revitalization, and she asked if that was still ongoing or if he knew where the City was with that project. Will said work has been done in the area and that there could be some more. He shared he did discuss this property with Urban Development, and you would need a critical mass for it to be of any value. The project that is being discussed might not be large enough to use TIF funds. It would need to be demonstrated that there was some type of public benefit to use TIF funds. Corr stated from the City's prospective, there is no clear-cut timeline for this section, and asked if that was correct. Will said correct, and the primary funds would be coming from a redevelopment.

Applicant:

3. **Mark Becher, John Galt Development, LLC, 1901 West O Street,** came forward and stated part of this property is rented out for used auto sales and a few of the cars are

on the right-of-way. The purpose of this was to fix the problems on this property, which he has owned for the past 26 to 28 years. The only reason this is a problem is because of the request for the vacation. For the past 28 years, he has been doing all of the mowing and snow removal for this property, and since he broke his mower because the land needed to be graded, he thought that he would request the vacation to have the ability to grade the land. This would also allow his tenant to park three cars on the property where they currently are. This vacation would allow him to grade the area and improve the way it looks. Now that this was brought up, they want to change the access points and that does not make any sense. If this is done, there would be no access to the mini storage and all of the traffic would be turning into a house on the corner. He shared that he would just like to get this area graded and start mowing the property this summer.

Beckius asked if vacated what would he do with the property. Becher explained that he would grade the land and then continue to maintain the property as he has been for the last 28 years. Beckius stated that he would not extend the parking lot for the tenant to the north. Becher stated it would remain the same with only three of the cars on the right-of-way. Beckius asked if he was the original buyer of the property and if it was purchased directly from the City. Becher said yes, and he was told it was commercial property, but just before they closed on the property, they changed the big parcel to residential. It was his understanding that it would not be a problem to have it switched back in the future if they had an approved use. The biggest problem on this land is the city sewer line.

Campbell asked if there was any reason that you would not just grade it, fill in any soil that was needed and just use it as is. Becher stated that would be his intension, but after maintaining this property for 26 years he feels that it would be fair for the city to just concede this land to him so that his tenant could park where he has been. In addition, he is unsure if he can just go in and grade city property, and if he were going to do this, he would like it to be his property.

Edgerton asked if the property at 2640 was a residential house. Becher said yes. Edgerton asked if there was a tenant in the residence. Becher said yes. He shared that if they were to get rid of the access for the car lot onto Cornhusker Highway they would have no access onto their lot and they would lose the business. This would also deflect all of the commercial traffic back into the residential area.

Edgerton asked what was directly to the east of the storage facility. Becher stated that it was an empty lot that is about 5 feet higher.

There was no testimony in support or opposition.

Staff Questions:

Corr asked if apartments could be built in H-3. Will said he did not believe so. **Steve Henrichsen, Planning Department,** came forward and said no. Corr stated in an R-4 zoned area, you could put an apartment complex or duplex. Will said if you had enough area. Corr said the area was a little over an acre and asked how much was needed for a CUP. Will said an acre. Corr said that someone could come in and do an apartment and then they could change the access points.

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

STREET & ALLEY VACATION
ACTION BY PLANNING COMMISSION: April 1, 2020

Beckius moved that the application does conform to the Comprehensive Plan, seconded by Campbell.

Beckius stated for the lack of a better alternative here, we have a right-of-way encompassed by the same landowner that is not being used adjacent to previously owned property that the city had decided that they did not want. He shared that he does not see how the potential of a redevelopment is necessarily practical or economically sound for the property owner. This would not preclude future development efforts. There has not been significant redevelopment along Cornhusker Highway and he does not foresee that happening anytime soon.

Campbell said that he would agree. He shared that he is having great difficulty seeing Northwest 9th Street shut down with the storage unites there. He stated that he has not seen improvements in that area. Allowing that triangle area to be moved back to the applicant will put it back on the taxes and allows it to be cleaned-up.

Joy stated that she agrees with her two fellow commissioners and that this will put it back on tax roll and give it a since of ownership. She shared that she is in support of motion.

Corr said she could go either way on this. She is unsure of having the Northwest 9th Street access being closed would be a good idea with redevelopment in the area. She shared that she would support her fellow commissioners and get this back on the tax rolls.

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

Clerk stated under Special Permits, Item 4.3, this application should have been advertised as final action by the Planning Commission. Public testimony will be taken on this matter today, and will have continued public hearing and action on April 15, 2020, in order to appropriately re-advertise the public hearing notice as final action.

SPECIAL PERMIT 20008
TO ALLOW FOR THE DEVELOPMENT OF A CUP (COMMUNITY UNIT PLAN) WITH UP TO 28 DWELLING UNITS, WITH REQUESTED WAIVERS TO LOT DIMENSIONS, SETBACKS AND THE PRIVATE ROADWAY DESIGN STANDARDS, ON PROPERTY GENERALLY LOCATED AT FLETCHER AVENUE AND TELLURIDE DRIVE
PUBLIC HEARING: April 1, 2020

Members present: Al-Badry, Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr; Finnegan 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: Rachel Jones, Planning Department, came forward and stated this is a request for a Community Unit Plan (CUP) to develop 28 dwelling units in the North Creek neighborhood on a site formerly approved for an assisted living facility and daycare. The applicant proposes seven 4-plex buildings that will take access via Telluride Circle and a new private roadway. The CUP will use the existing R-4 Residential District zoning. Multi-family residential is an appropriate land use for this site. The zoning density allowed by the CUP will not be exceeded. The character of the units will be similar to those around them in the sense that they will be attached single-family dwellings although constructed at a higher density. Subject to the conditions of approval, this proposal is in conformance with the Comprehensive Plan.

Campbell stated that it was said that it exceeded the 14 required parking spaces, and he further stated that he had counted the stalls and he did not come up with it exceeding 14 and

asked if he miscounted. Jones stated the off-street parking counts as guest parking, and if there is at least 22 feet of contiguous curb space along the streets with parallel parking. Campbell asked who owns the R-3 property that wraps around behind the houses on the circle, and he wondered if they could pay to have parking there for guests, because it looks like an outlot. Jones stated yes, it is probably an outlot for a drainage way and it is outside of this development. Telluride Circle is a public street and they can park along it.

Edgerton stated that the homes on the west side of Telluride Drive and turn on to Telluride Circle is a long way to go down to the circle to get guest parking, that is a long block.

Corr asked if the sidewalk has been complete on Telluride Circle, because she had noticed that they have asked for delays on several occasions. Jones stated that she did not think that it has been finished yet, but for this development, it would need to be completed. Edgerton stated that it looks as if there is a sidewalk on the south side of Telluride Circle and not on the north side.

Applicant:

Mike Eckert, Civil Design Group, 8535 Executive Woods Drive, suite 200, came forward and stated with this development the staff wanted them to find a way to have a contiguous street through the area. The only way to do this was to have several waivers to some of the design standards. This has worked out well with the interior road in to the area. There is room for vehicular circulation and pedestrian circulation in the area. As Commissioner Campbell stated, there are 13 stalls there, but they had also agreed to change the size of their driveways from 21 feet to 25 feet to get additional parking on one side of the street, which will raise the cost to the developer. Each unit will have 2 stalls in the garage, 2 in front of the garage and at least 19 or 20 accessory spaces outside of that. It is unfortunate for the houses on the south when their subdivision was developed, these standards were not in place for them. The developer will be responsible for putting in the sidewalk on the north side of Telluride.

Edgerton asked if there were 19 unassigned units. Eckert said yes.

Beckius asked if the product that will eventually go in on this site is slab-on-grade or if is it a basement product. Eckert said that they would be slab on grade and 2-story units.

Corr stated that it looks like the existing homes in the area have short driveways and they do not have sufficient space for parking in their drives as this development will. Eckert said that he has not looked close at the depth of them. The code now has 22 foot for the driveway, and you cannot park in the driveway and have your vehicle hang over the sidewalk. Some of the existing driveways are deeper than others, and he is unsure of the length of them.

Campbell stated that he has looked at past aerials and it looks like the cars are parked all way inside the sidewalk, so they could be 22 feet.

Corr asked what the targeted sale price would be for the new units. Eckert said that he was unsure and they are still working on the design. They will be around 1800 square feet and probably be around $200,000.

Beckius said that the units on the south side would be considered very affordable at the time of construction. Eckert said correct. Beckius asked if it would be fair to say that the units to be constructed would be similar in nature. Eckert said yes, he thought so.

Edgerton asked if there would be a HOA (Homeowners Association) with this development. Eckert said yes, and there will be greenspace and a private roadway. Edgerton asked if the lighting would be controlled by the HOA. Eckert said yes, the HOA would be in charge of that and they will need to work with LES for the standards on internal and external lighting.

Corr inquired if there was an easement for sanitary sewer that was greenspace. Eckert said yes, the area that Corr had described would be an underground storm sewer and a greenspace, and maybe in the future it will be a path for pedestrians. Detention for this property had already been allowed for. Corr stated that there was a question about how Kokomo Drive comes out and asked if it is too close to the stop sign on Telluride Drive. Eckert stated that is one of the waivers and it is only a few feet there. The overall need in trying to provide another way out instead of all of the traffic being on Telluride Circle. Planning and Public Works agreed that a waiver in this case was reasonable and it was decided that there is adequate stacking from the stop sign. It was good in this case, that the developer agreed to put in more road with the overall goal of providing more parking, providing better routes for vehicles and pedestrians and this is only a few feet shy of the standard.

Proponents:
There was no testimony in support.

Opponents:

1. **Elly Hardekopf, 2365 Telluride Circle,** came forward in opposition and stated she has talked to the neighbors and only 12 are homeowners with the rest being rentals. This means that there are always extra cars on the street. She questioned why they need 28 units and said that Telluride is not large enough for the additional houses and driveways. All of Telluride Drive is no parking, and this will leave no place to park. This area is not a HOA for her area and she wondered who would pay for additional parking. She stated that she does not feel that they should have to pay for parking. She inquired why Kokomo Drive had to be a drive-thru street and thought that it would be a dead-end. Fire trucks will not be able to get into the circle, because they would have a hard time to do this now. She stated that she purchased her house two years ago and now to

get more parking for them, she will need to pay for additional parking and she does not feel that she should have to do that. There is not enough greenspace for children to play in this area either.

Corr asked for clarification on Ms. Hardekopf's statement about the paying for parking that she had mentioned. Hardekopf stated a comment made by Commissioner Campbell earlier, was that they could pay and add additional parking at the circle. She asked who would do that and if the was City going to do this because they have lost their parking and she does not feel that they should be responsible to pay for parking because of this development.

Staff Questions:

Tim Sieh, City Attorney's Office, came forward and suggested that there be no staff questions for this, because there may be folks that come and testify at the next hearing and they may raise issues that have not come up yet. He stated that the staff questions should be reserved until the next Planning Commission hearing. He stated the next course of action on this would be to continue the public hearing and action to the meeting on April 15, 2020.

Beckius moved to continue public hearing and action on this item for two weeks at the regular Planning Commission hearing on April 15, 2020, seconded by Edgerton and carried 7-0: Al-Badry, Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr voting "yes"; Finnegan and Scheer absent.

[Break at 3:17 P.M. Resumed at 3:30 P.M.]

ADMINISTRATIVE ADMENDMENT 20007
AN APPEAL TO THE PLANNING DIRECTOR'S DENIAL TO AMEND THE LAND USE/TRIP TABLE FOR PROPERTIES LOCATED WITHIN THE APPIAN WAY REGIONAL CENTER PHASE II COMMERCIAL CENTER, GENERALLY LOCATERD AT SOUTH 87TH STREET AND HIGHWAY 2
PUBLIC HEARING: April 1, 2020

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

Staff Recommendation: Denial

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

Staff Presentation: Brian Will, Planning Department, came forward and stated this is an appeal of an administrative amendment denied by the Planning Director on February 21, 2020. The administrative amendment was submitted to revise the land use/trip generation table contained on the site plan for Use Permit #150B. The applicant disputed information

contained in the table and the amendment that was submitted to revise it. When an administrative amendment is appealed, the Planning Director's original decision is void, and the amendment is forwarded to the Planning Commission for consideration. As with the Director's decision, the Planning Commission's action can also be appealed to the City Council. The developer of the Appian Way Phase II Shopping Center submitted Use Permit #150C and Special Permit #2046B where the land use/trip generation table was found. The amendments were submitted to delete the table entirely from the permits because it proved an impediment to development and no longer served a purpose. The amendments to both permits were approved by the Planning Commission on March 4, 2020, and the decision was not appealed to the City Council. With the approval now effective, the table no longer exists on the permits, therefore this appeal the revise the table is moot, because the land use table does not exist for these permits any longer.

Joy asked if there are others that still use the land uses or was the one that was just mentioned for March the last one. Will stated that this was not the only one and he thinks that there are two others.

Applicant:

1. **David Fiala, FAA Properties, LLC, 8601 Amber Hill Court,** came forward and stated he had three handouts for the Commissioners and presented them to the Clerk (see Exhibit "2"). He shared that he is the applicant for this and that he has rights, which get ignored all of the time. Fact or opinion and most of the time he is being told it is his opinion, when he knows it is fact. In 2015, he had started asking for the ITE Transportation, 6th Edition Manual, which is where the numbers were taken from and he was never given the manual. He stated that he had wanted to see the manual because there were multiple numbers for the same thing, which made no sense. There was no notice provided to the property owners for the increase in the trip count, and he feels that they should be notified when something changes on their property. He stated that when he received the book in December and had pointed out the inconsistencies with what the tables in the book stated and what the assessed dues are, and was told this is his opinion. He stated that this is fraud and this is wrong. They should have been fixed and what has been presented was fact and not opinion.

Campbell stated your argument has to do with the fact that the CAM charges are based on the numbers from the pm trip counts. Fiala stated that is not fully correct, it is diverting form the topic of these calculations and the correctness of them and that they mean something. Fraud has occurred.

Beckius said that is why you are here, but it does not deflect from the fact that you want the trip count calculator to be correct. Fiala said yes, it should be correct.

Campbell asked if the association should come up with different calculating CAM charges, since there are no pm trip counts anymore. Fiala said that would be a great topic and it is not what is being discussed today. What we are talking about today is the fraud.

Staff Questions:

Abbey Littrell, City Attorney's Office, came forward and stated that it is Law's and Planning's position at this point that these tables do not exist, and she further stated that there is nothing to amend or change. Planning has been considering this for some time and on March 4, the Planning Commission approved that decision and the period to appeal has lapsed. It is Law's position that you cannot amend something that has been removed.

Beckius stated that you feel that the ability to appeal is not valid. Littrell stated the ordinance reads "When Planning Commission takes final action, that action can be appealed for 14 days to City Council," and those 14 days have passed from March 4, when the trip tables were deleted. Beckius stated what has gotten us here today is the appeal from the applicants on the denial of the administrative amendment. Littrell said that is correct, he is appealing the denial and it is to be treated like a brand new application. Beckius stated that the city's position is unchanged and that they believe that the trip count calculation was correct. Littrell stated that is not the question before you. She stated that she is unsure if the City has had an opportunity to consider that question, because that is not what was brought to the Planning Commission until now. This is before you for the first time, and she further advised the Commissioners that you would not get to that question because the table does not exists. Planning did not render an opinion on if the numbers were correct, because the table does not exist. Beckius stated that the Planning Department's process is generally valid. Littrell stated that the process always has a public component to it, and this is Mr. Fiala's chance to have a public hearing. There is a process in place that allows for due process and appearing here is one component of that.

Corr stated that they are not to determine if this is fraud today, but to decide on the trip generation table, which is no longer applicable. Littrell stated that is correct.

Joy stated that there is no recourse now that you can or will bring up, because of the city's position. Littrell asked what she is meaning by recourse. Joy said since the public has come forward to ask about this can you advise how to approach it or fix it.

Beckius stated at this time the applicant's recourse would be to sue the city. Littrell stated that he could appeal to City Council.

There was no testimony in support or opposition.

Applicant Rebuttal:

Fiala came forward and stated in terms of what is supposed to happen and he assumed this would happen, but when fraud occurs, you expect there to be an investigation and then prosecuted. That is what should happen. You have all the numbers and he has done all the math and it has been checked and the numbers are correct.

Ryman Yost stated if you are discussing investigating fraud, the Planning Commission does not have an investigative ability or any law enforcement capability. Fiala stated that he believes it is relevant because there is an appeal process and this application needs to be approved with the numbers. No uses were changed just the numbers were changed and this is fraud and the city should say that this needs to be corrected.

Corr said that they cannot rule on that, and they are here to rule on the land use. Fiala said that he is trying to get someone to say yes that is correct, and they agree. Nobody should deny the right numbers that have been fully proven as fact through a book with the city.

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

ADMINISTRATIVE AMENDMENT

ACTION BY PLANNING COMMISSION: April 1, 2020

Campbell moved denial, seconded by Beckius.

Campbell stated that this issue is between Eiger Corp and Mr. Fiala, which has to do with the CAM charges that were all based on pm trip count. The pm trip count is go now, so the discussion should relate to the association recalculating how they will break down the CAM charges for the properties. That is not this body's purview.

Beckius stated that he agrees with Commissioner Campbell. He stated that he does not see that this table should be a part of this development any longer, and further stated that he may have valid grievances with the common area maintenance. That would be between yourself and the developer that is managing that. He stated that he does feel that it is an accurate trip count number that is being used for whatever purpose, but the City of Lincoln should be accurate; unfortunately, he does not think that the Planning Commission is the body which to express those concerns.

Joy stated that she will be voting with the denial and she does appreciate the fact that all of the Commissioners take the time to listen to the public and give them a forum to discuss items that are in front of them and challenges they may have.

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

Note: This is **FINAL ACTION** on **Administrative Amendment 20007**, unless appealed by filing a letter in the Office of the City Clerk within 14 days.

Corr stated at this point, we generally invite anyone wishing to speak on an item not on the agenda to come forward and do so. However, we are suspending this portion of the hearing until further notice. If you do have comments please direct them to Plan@lincoln.ne.gov or by calling 402-441-7941.

Joy moved to adjourn the Planning Commission Meeting of April 1, 2020, seconded by Beckius and carried 7-0: Al-Badry, Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr voting 'yes'; Finnegan and Scheer absent.

Meeting adjourned 4:14 p.m.

Note: The Planning Commission will not formally approve these minutes until their next regular meeting on Wednesday, April 15, 2020.

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Guest Type	# of guests	average length of stay	site nights
Daily Guest	85	1.7 days	144.5
Monthly Guest	5	30 days	150

PLANNING EXHIBIT #1 TX20002 PC HEARING 4/1/20 DAVID QUEEN

CITY OF LINCOLN NEBRASKA

LINCOLN-LANCASTER COUNTY
PLANNING DEPARTMENT
555 South 10th Street Suite 213 Lincoln, NE 68508
402-441-7491 fax: 402-441-6377 lincoln.ne.gov

LANCASTER COUNTY NEBRASKA

February 21, 2020

David Fiala
PO Box 83821
Lincoln, NE 68501

RE: Administrative Amendment #20007 to Use Permit #150B
Appian Way Regional Center Phase II
Generally located southeast of South 84th Street and Highway 2

Staff have reviewed your request for an administrative amendment to amend the site plan by revising the land use/trip generation table. There were several items noted that would have had to have been corrected before the amendment could have been approved.

Those items included revising the land use table to state the use type category being referenced from the ITE manual, correcting Lot 1B, Block 4 which lists a trip rate of 4.38 but is actually 4.36 (based upon the ITE 6th Addition data provided as part of the application), correct the acreage for Lot 5, Block 2 which is 3.32 acres and not the 1.32 stated on the table, and updating the site plan for UP#150B which needs to be updated to reflect the revised table.

Because the proposed changes affect multiple owners beyond your own by adjusting their trip generation rates upward, letters of no objection to the proposed changes from the affected owners would also need to be submitted as part of the application to be approved.

Given that it is very unlikely you would get the approval of nine other people, and because there are amendments scheduled on the Planning Commission agenda March 4, 2020 to delete the land use/trip generation table from both Use Permit #150 and Special Permit #2046, this amendment is being denied. The Planning Department believes that the deletion of the land use/trip generation table is the best resolution overall.

You may appeal this denial to the Planning Commission within 14 days of the date of this letter. If you have any questions, please do not hesitate to contact Brian Will at (402) 441-6362 or bwill@lincoln.ne.gov.

DEVELOPMENT SERVICES CENTER DSC

Sincerely,

Stephen Henderson for

David R. Cary
Director of Planning

xc: Eiger Corp.
File

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FELSBURG HOLT & ULLEVIG

January 9, 2020

MEMORANDUM

TO: Mr. David Fiala
F.A.A. Properties LLC
P.O. Box 83821
Lincoln, NE 68501

FROM: Mark Meisinger, PE, PTOE
Felsburg Holt & Ullevig

SUBJECT: Prairie Lake South Development Trip Generation Review
FHU Reference No. 19-604

Felsburg Holt & Ullevig (FHU) has reviewed ITE Trip Generation estimates for the Land Use Permit 6th Edition net PM Peak Hour Trip Table and the Conditional Annexation and Zoning Agreement dated November 13, 2001 for the Prairie Lake Plaza South development at 84th Street with Nebraska Highway 2 (N-2) in Lincoln, NE. As part of the review, FHU found inconsistencies with unconfirmed data in the table calculations.

Exhibit A contains the version of the land use table that was provided to FHU along with two additional tables that were provided to FHU to represent the ***Site Trip Generation Review*** based upon the site buildings and improvements.

FHU reviewed and adjusted the tables to the believed accurate traffic calculation estimates. Upon review of the above-mentioned table and annexation agreement on item VI (B) there is language referencing: "PM Peak Hour" trips, while a more commonly used time period is "Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 PM" Data from both time periods were found in the Land Use permit table. David Fiala for F.A.A. Properties LLC requested FHU's review asking for confirmation on calculations for both studies. **Exhibit B** has selected pages from the *ITE Trip Generation Manual*, 6th Edition, 1997 for support and reference with this review.

The original trip generation table assumptions of 15% internal trip reduction and 20% pass by reduction were incorporated in the two tables. Calculations for Block 3 Lot 2 were requested using available study data for square footage (sq. ft.) of the building rather than the number of employees. FHU broke out the represented two uses of 4,000 sq. ft. of showroom (ITE Use 812) and 6,000 sq. ft. of warehouse (ITE Use 150). This resulted in 16 net trips for the PM Peak Hour of Generator time period, or 13 net trips using PM Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 PM time period. If all 10,000 sq. ft. of space within the enclosed building is calculated using ITE code 812 data, the calculation would provide 35 net trips for the PM Peak Hour of Generator time period, or 27 net trips using PM Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 PM time period.

Exhibit A

LAND USE

LOT	ZONE	FLOOR AREA (S.F)	LOT AREA (A.C)	USE	MAX HEIGHT (FT)	TRIP UNITS	ITE 6TH EDITION	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	4,450	0.65	Automobile Care Center	40	1000 SF	841	3.38	15	15%	13	20%	10
4	B-5	4,100	0.77	****Car Service Lube 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	-	1.06	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		219,095	51.19						932		793		642
											TOTAL PM TRIPS ALLOWED BY ANNEXATION AGREEMENT		**1,239**

21 21 21 21

* 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

Prairie Lake Plaza South Lots:	Lancaster County Assessor Parcel #	Lot Address	Floor Area (Sq. Ft.)	Lot Area (Acres)	Member of PLPS (OCCUPANT Business NAME)(brief discription if needed.	Trip Units	ITE 6th Addition Use	ITE P.M. Peak Hour of Generator Trip Rates	PM Peak Hour Trips Generated	Internal Trip Reduction	Net PM Peak Hour Trips	Pass By Reduction	Net PM Peak Hour Trips
Block 1													
Lot 1	16-23-309-001-000	8420 Amber Hill Ct	29399	4.81	Eiger Corp (Commercial/Electronics)	1000 SF	863	4.5	132	15%	112	20%	90
Lot 3	16-23-306-001-000	8480 Amber Hill Ct	4450	0.65	Eiger Corp (Automobile Care Center)	1000 SF	840	4.01	18	15%	15	20%	12
Lot 4	16-23-306-002-000	8500 Amber Hill Ct	4100	0.77	Sierra Holdings LLC (VALVOLINE Lube) (3 Lanes)	Per Service Position	837	4.6	14	15%	12	20%	9
Lot 5A	16-23-306-003-000	8600 Amber Hill Ct	9850	2.14	Eiger Corp PRAIRIE LAKE MOBIL (20 Fueling Positions)	Per Fueling Position	846	13.77	275	15%	234	20%	187
Block2													
Lot 1	16-23-305-001-000	7900 S 87th St	4927	0.99	GREENFIELD's Properties LLC (high turn-over Sit-down Restaurant)	1000 SF	832	19.38	95	15%	81	20%	65
Lot 2	16-23-305-002-000	7920 S 87th St	7000	0.75	Eiger Corp (Commercial Retail)	1000 SF	814	4.93	35	15%	29	20%	23
Lot 3A	16-23-317-001-000	8740 Amber Hill Ct	5700	1.52	R & M Investment Prop. LLC (MIRACLE MILE)(Used Cars)	1000 SF	841	2.5	14	15%	12	20%	10
Lot 3B	16-23-323-001-000	8820 Amber Hill Ct	16100	1.46	Keller Real Estate (EUSTIS BODY SHOP)	1000 SF	840	4.01	65	15%	55	20%	44
Lot 4A	16-23-323-002-000	8860 Amber Hill Ct	8900	1.45	Eiger Corp (Automobile Parts Sales)	1000 SF	843	6.44	57	15%	49	20%	39
Lot 4B	16-23-323-003-000	8900 Amber Hill Ct	20000	1.53	Ne School of Gymnastics (Pioneer Gymnastics)	1000 SF	492	1.28	26	15%	22	20%	17
Lot 5	16-23-309-001-000	9000 Amber Hill Ct	22500	1.32	TKC CCXXXV, LLC (TRACTOR SUPPLY)	1000 SF	814	4.93	111	15%	94	20%	75
Lot 6	16-23-302-002-000	9009 Amber Hill Ct	20000	1.28	Eiger Corp (Self Storage)	1000 SF	151	0.29	6	15%	5	20%	4
Block 3													
Lot 1	16-23-304-004-000	8601 Amber Hill Ct	40000	4.7	F.A.A. Properties LLC (Good Life Fitness) (Cardio, Weights & Exercise Classes only)	1000 SF	492	1.28	51	15%	44	20%	35
Lot 2	16-23-307-001-000	8655 Amber Hill Ct	4000	1.78	Funk Family LLC (FIREPLACE STONE & PATIO) Retail products and install	1000 SF	812	5.15	21	15%	18	20%	14
Lot 2	16-23-307-001-000	8655 Amber Hill Ct	6000	1.78	Funk Family LLC (FIREPLACE STONE & PATIO) Retail products and install	1000 SF	150	0.61	4	15%	3	20%	2
Lot 3	16-23-317-001-000	8740 Amber Hill Ct	38182	1.82	Lincoln Lodge & Suites South LLC (AMERICINN) Motel	Room (70)	320	0.56	39	15%	33	20%	27
Lot 4	16-23-303-001-000	8801 Amber Hill Ct	36000	1.38	Husker Lodging LLC (HOLIDAY INN EXPRESS) Motel	Room (66)	320	0.56	37	15%	31	20%	25
Block 4													
Lot 1A	16-23-308-001-000	8421 Amber Hill Ct	3045	0.69	VAN HORN FAMILY BLDG (State Farm) (Office)	1000 SF	710	1.49	5	15%	4	20%	3
Lot 1B	16-23-308-001-000	8421 Amber Hill Ct	3045		VAN HORN FAMILY BLDG (Rental to Dr./Medical)	1000 SF	720	4.36	13	15%	11	20%	9
Lot 2	16-23-308-002-000	8420 Amber Hill Rd	6090	0.76	Eiger Corp (Office)	1000 SF	710	1.49	9	15%	8	20%	6
Lot 3	16-23-308-003-000	8450 Amber Hill Rd	4500	0.55	AMBER HILL INVESTMENTS/Amber Hill Salon	1000 SF	814	4.93	22	15%	19	20%	15
Right-of-Way/Outlots													
A				5.98	Public Access & Utilities (streets)								
B				1.66	Right-of-Way Required Space/Greenspace HYW 2								
C				3.11	Right-of-Way Required Space/Greenspace HYW 2								
D				2.12	Storm or Water Detention-Wetland								
E				2.05	Required Right-of-way space - City Parks & Rec								
F				2.1	Storm or Water Detention-Wetland								
G				1.04	Storm or Water Detention-Wetland								
H				0.59	Storm or Water Detention-Wetland								
I				0.19	Right-of-Way Required Space/Greenspace								
Total				50.97									

Net PM Peak Hour Generated	713
Net PM Peak Hour trips allowed	1239
Total Net Trips of those highlighted ir	538

Lot	Lancaster County Assessor Parcel #	Lot Address	Floor Area (Sq. Ft.)	Lot Area (Acres)	Member of PLPS (OCCUPANT Business NAME)(brief discription if needed.	Trip Units	ITE 6th Addition Use	ITE Peak Hour 4 to 6 PM Rates	PM Peak Hour Trips Generated	Internal Trip Reduction	Net PM Peak Hour Trips	Pass By Reduction	Net PM Peak Hour Trips
Block 1													
Lot 1	16-23-309-001-000	8420 Amber Hill Ct	29399	4.81	Eiger Corp (Commercial/Electronics)	1000 SF	863	4.5	132	15%	112	20%	*90*
Lot 3	16-23-306-001-000	8480 Amber Hill Ct	4450	0.65	Eiger Corp (Automobile Care Center)	1000 SF	840	3.38	15	15%	13	20%	*10*
Lot 4	16-23-306-002-000	8500 Amber Hill Ct	4100	0.77	Sierra Holdings LLC (VALVOLINE Lube) (3 Lanes)	Per Service Position	837	5.19	16	15%	13	20%	11
Lot 5A	16-23-306-003-000	8600 Amber Hill Ct	9850	2.14	Eiger Corp PRAIRIE LAKE MOBIL (20 Fueling Positions)	Per Fueling Position	846	13.19	264	15%	224	20%	179
Block2													
Lot 1	16-23-305-001-000	7900 S 87th St	4927	0.99	GREENFIELD's Properties LLC (high turn-over Sit-down Restaurant)	1000 SF	832	10.86	54	15%	45	20%	36
Lot 2	16-23-305-002-000	7920 S 87th St	7000	0.75	Eiger Corp (Commercial Retail)	1000 SF	814	2.59	18	15%	15	20%	*12*
Lot 3A	16-23-317-001-000	8740 Amber Hill Ct	5700	1.52	R & M Investment Prop. LLC (MIRACLE MILE)(Used Cars)	1000 SF	841	2.8	16	15%	14	20%	11
Lot 3B	16-23-323-001-000	8820 Amber Hill Ct	16100	1.46	Keller Real Estate (EUSTIS BODY SHOP)	1000 SF	840	3.38	54	15%	46	20%	37
Lot 4A	16-23-323-002-000	8860 Amber Hill Ct	8900	1.45	Eiger Corp (Automobile Parts Sales)	1000 SF	843	2.57	23	15%	19	20%	*16*
Lot 4B	16-23-323-003-000	8900 Amber Hill Ct	20000	1.53	Ne School of Gymnastics (Pioneer Gymnastics)	1000 SF	492	1.83	37	15%	31	20%	25
Lot 5	16-23-309-001-000	9000 Amber Hill Ct	22500	1.32	TKC CCXXXV, LLC (TRACTOR SUPPLY)	1000 SF	814	2.59	58	15%	50	20%	40
Lot 6	16-23-302-002-000	9009 Amber Hill Ct	20000	1.28	Eiger Corp (Self Storage)	1000 SF	151	0.26	5	15%	4	20%	*4*
Block 3													
Lot 1	16-23-304-004-000	8601 Amber Hill Ct	40000	4.7	F.A.A. Properties LLC (Good Life Fitness) (Cardio, Weights & Exercise Classes only)	1000 SF	492	1.83	73	15%	62	20%	50
Lot 2	16-23-307-001-000	8655 Amber Hill Ct	4000	1.78	Funk Family LLC (FIREPLACE STONE & PATIO) Retail products and install	1000 SF	812	4.04	16	15%	14	20%	11
Lot 2	16-23-307-001-000	8655 Amber Hill Ct	6000	1.78	Funk Family LLC (FIREPLACE STONE & PATIO) Retail products and install	1000 SF	150	0.51	3	15%	3	20%	2
Lot 3	16-23-317-001-000	8740 Amber Hill Ct	38182	1.82	Lincoln Lodge & Suites South LLC (AMERICINN) Motel	Room (70)	320	0.47	33	15%	28	20%	22
Lot 4	16-23-303-001-000	8801 Amber Hill Ct	36000	1.38	Husker Lodging LLC (HOLIDAY INN EXPRESS) Motel	Room (66)	320	0.47	31	15%	26	20%	21
Block 4													
Lot 1A	16-23-308-001-000	8421 Amber Hill Ct	3045	0.69	VAN HORN FAMILY BLDG (State Farm) (Office)	1000 SF	710	1.49	5	15%	4	20%	3
Lot 1B	16-23-308-001-000	8421 Amber Hill Ct	3045		VAN HORN FAMILY BLDG (Rental to Dr./Medical)	1000 SF	720	3.66	11	15%	9	20%	8
Lot 2	16-23-308-002-000	8420 Amber Hill Rd	6090	0.76	Eiger Corp (Office)	1000 SF	710	1.49	9	15%	8	20%	*6*
Lot 3	16-23-308-003-000	8450 Amber Hill Rd	4500	0.55	AMBER HILL INVESTMENTS/Amber Hill Salon	1000 SF	814	2.59	12	15%	10	20%	8
Right-of-Way/Outlots													
A				5.98	Public Access & Utilities (streets)								
B				1.66	Right-of-Way Required Space/Greenspace HYW 2								
C				3.11	Right-of-Way Required Space/Greenspace HYW 2								
D				2.12	Storm or Water Detention-Wetland								
E				2.05	Required Right-of-way space - City Parks & Rec								
F				2.1	Storm or Water Detention-Wetland								
G				1.04	Storm or Water Detention-Wetland								
H				0.59	Storm or Water Detention-Wetland								
I				0.19	Right-of-Way Required Space/Greenspace								
Total				50.97									

Net PM Peak Hour Generated	601
Net PM Peak Hour trips allowed	1239

David Fiala

From: Randy W. Hoskins <rhoskins@lincoln.ne.gov>
Sent: Tuesday, December 17, 2019 4:18 PM
To: David Fiala
Subject: RE: 84th and Highway2 Annex Agreement calculations

David: I went through your calculations in the spreadsheet you sent me. I noted two exceptions:

- Block 3, Lot 2: According to the ITE Trip Generation Manual, if the warehouse is located within the 4 exterior walls (not a separate building), it would be included within the trip generation numbers. Your calculation excluded the warehouse portion of 4KSF, but that might not necessarily be the case.
- Block 4, Lot 1B: The trip generation rate should be 4.36, not 4.38 as shown. A quick calculation showed that this did not impact the number shown.

Based on the uses and floor areas shown, your calculations appear to be correct.

Randy Hoskins, P.E.
Assistant City Engineer

From: David Fiala [mailto:fiala@futuresone.com]
Sent: Monday, December 16, 2019 6:02 PM
To: Randy W. Hoskins <rhoskins@lincoln.ne.gov>
Subject: RE: 84th and Highway2 Annex Agreement calculations

Thanks Randy, I understand. I'll try to keep it simple. I believe the material few pages in the City Annex Agreement, that are applicable for the question here, I've attached, that can be verified. The language says/mentions the consistent data across uses, "P.M. Peak Hour," ITE study, and pass by and internal discount calculations that were the purposed agreement the City agreed to.

The ITE 6th Addition table of contents, and P.M. Peak Hour study pages are attached that can also be verified.

The question is seeing if you believe the calculations are correct in the attached excel, or what would be an alternative. From my understanding at this juncture is that if not for the annex agreement the Peak Hour adjacent street 4 to 6 pm ITE study would have been used, and the pass by and internal discounts would have been different or not part of the normal City traffic calculations/policy.

David
402 304 0200 cell
402 434 2170 office.

From: Randy W. Hoskins <rhoskins@lincoln.ne.gov>
Sent: Monday, December 16, 2019 2:37 PM
To: David Fiala <fiala@futuresone.com>
Subject: RE: 84th and Highway2 Annex Agreement calculations

I will try to dig into your questions tomorrow and get back in touch with you. While I've had some interaction with this process over the years, I was not around when the agreement was originally crafted, so will need to do some more investigation.

From: David Fiala [mailto:fiala@futuresone.com]
Sent: Friday, December 13, 2019 1:31 PM
To: Randy W. Hoskins <rhoskins@lincoln.ne.gov>
Subject: 84th and Highway2 Annex Agreement calculations
Importance: High

Randy,

I was checking when you would have time for another call, or comment on the calculations following the rules of the City with this specific Annex Agreement / development.

Both in speaking with City Planning and other Engineers, comments that normal calculations or within the City rules, that the Peak Hour 4 to 6 PM ITE study would be used to measure traffic peak, not the "PM PEAK HOUR" study, as well as the pass bys or internal discounts would not be part of the equation in part or whole based on the Use. They also noted irregularities in the tables with no knowledge where the Block 3 Lot 1 ITE number (492 Use number of 3.53) came from in the 6th Addition, as well as if there are 20 pumps, then that is what should be calculated for Block 1 Lot 5a or updated if something was built different than the initial plan. Both PM Peak Hour and Peak Hour of adjacent streets 4 to 6 Pm numbers appeared in the tables.

It is almost 20 years ago, I have the 6th Addition books if you want them, or want specific studies, opinions have been that the calculations should be per the Annex Agreement, I talked to one engineer yesterday that thought the 4 to 6 study should have been used and looked to be used more.

The reality for today, for this old agreement, is its important with any agreement that ambiguity be make clear, vs. left open ended if the calculations are used for something other than City approvals. Nowhere in the Annex agreement does it say Peak Hour of adjacent street 4 to 6 pm study. It only says specifically "PM Peak Hour" and the 20% and 15% pass by and internal discounts respectively, that are in the tables, but also with some irregularity. I'm seeking your opinion or agreement that these calculations, based on the ITE 6th addition data I emailed as an attachment. That the calculations are following the city rules, or agreement corresponding with this annex agreement, I can send, or you can look up the full agreement if needed, or bring you the ITE 6th Addition books.

David

David Fiala

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Exhibit A

Lot	Lot Address	Floor Area (Sq. Ft.)	Lot Area (Acres)	Member of PLPS (OCCUPANT Business NAME)	Trip Units	ITE 6th Edition Use	ITE PM Peak Hour Trip Rates	PM Peak Hour Trips Generated	Internal Trip Reduction	Net PM Peak Hour Trips	Pass By Reduction	Net PM Peak Hour Trips	Notes
				Land Use									
Block 1													Green= No Change Blue= Higher Orange= Lower
Lot 1	8420 Amber Hill Ct	29399	4.81	Eiger Corp (Commercial/Electronics)	1000 SF	863	4.5	132	15%	112	20%	*90*	Correct, no change
Lot 3	8480 Amber Hill Ct	12200	0.65	Eiger Corp (Specialty Retail)	1000 SF	814	4.93	60	15%	51	20%	*41*	*Not part of this Amendment*
Lot 4	8500 Amber Hill Ct	4100	0.77	Sierra Holdings LLC (VALVOLINE) (3 Lanes)	Per Service Position	837	4.6	14	15%	12	20%	9	Trip Change down, ITE Data Corrected
Lot 5A	8600 Amber Hill Ct	9850	2.14	Eiger Corp PRAIRIE LAKE MOBIL (20 Fueling Positions)	Per Fueling Position	846	13.77	275	15%	234	20%	187	*Trip change up, proper 20 pumps counted, ITE data corrected
Block2													*only 16 of 20 pumps calculated to articially lower PM number*
Lot 1	7900 S 87th St	4927	0.99	GREENFIELD's Properties LLC	1000 SF	832	19.38	95	15%	81	20%	65	Trip change up, ITE data corrected
Lot 2	7920 S 87th St	7000	0.75	Eiger Corp (Commerical Retail)	1000 SF	814	4.93	35	15%	29	20%	*23*	Trip change up, ITE data corrected
Lot 3A	8740 Amber Hill Ct	5700	1.52	R & M Investment Prop. LLC (MIRACLE MILE)	1000 SF	841	2.5	14	15%	12	20%	10	Correct, No net change, ITE data corrected
Lot 3B	8820 Amber Hill Ct	16100	1.46	Keller Real Estate (EUSTIS BODY SHOP)	1000 SF	840	4.01	65	15%	55	20%	44	Trip change up, ITE data corrected
Lot 4A	8860 Amber Hill Ct	8900	1.45	Eiger Corp (Automobile Parts Sales)	1000 SF	843	6.44	57	15%	49	20%	*39*	Trip change up, ITE data corrected
Lot 4B	8900 Amber Hill Ct	20000	1.53	Ne School of Gymnastics (Pioneer Gymnastics)	1000 SF	492	1.28	26	15%	22	20%	17	"Correct," trip change down 1 due to a rounding error
Lot 5	9000 Amber Hill Ct	22500	1.32	TKC CCXXXV, LLC (TRACTOR SUPPLY)	1000 SF	814	4.93	111	15%	94	20%	75	Trip change up, ITE data corrected
Lot 6	9009 Amber Hill Ct	20000	1.28	Eiger Corp (Self Storage)	1000 SF	151	0.29	6	15%	5	20%	*4*	Trip change up, ITE data corrected
Block 3													
Lot 1	8601 Amber Hill Ct	40000	4.7	F.A.A. Properties LLC (GOOD LIFE FITNESS)	1000 SF	492	1.28	51	15%	44	20%	35	Trip Change down, ITE Data Corrected
Lot 2	8655 Amber Hill Ct	10000	1.78	Funk Family LLC (FIREPLACE STONE & PATIO)	1000 SF	812	5.15	52	15%	44	20%	35	Trip change up, use all sq ft, ITE data corrected to sq ft study
Lot 3	8740 Amber Hill Ct	38182	1.82	Lincoln Lodge & Suties South LLC (AMERICINN)	Room (70)	320	0.56	39	15%	33	20%	27	Trip Change down, ITE Data Corrected
Lot 4	8801 Amber Hill Ct	36000	1.38	Husker Lodging LLC (HOLIDAY INN EXPRESS)	Room (66)	320	0.56	37	15%	31	20%	25	Trip Change down, ITE Data Corrected
Block 4													
Lot 1A	8421 Amber Hill Ct	3045	0.69	VAN HORN FAMILY BLDG (State Farm) (Office)	1000 SF	710	1.49	5	15%	4	20%	3	Trip Change down, ITE Data Corrected
Lot 1B	8421 Amber Hill Ct	3045		VAN HORN FAMILY BLDG (Rental to Dr./Medical)	1000 SF	720	4.38	13	15%	11	20%	9	Trip Change down, ITE Data Corrected
Lot 2	8420 Amber Hill Rd	6090	0.76	Eiger Corp (Office)	1000 SF	710	1.49	9	15%	8	20%	*6*	Correct
Lot 3	8450 Amber Hill Rd	4500	0.55	AMBER HILL INVESTMENTS/Amber Hill Salon	1000 SF	814	4.93	22	15%	19	20%	15	Trip change up, ITE data corrected
Right-of-Way/Outlots													
A			5.98	Public Access & Utilities (streets)									
B			1.66	Right-of-Way Required Space/Greenspace HYW 2									
C			3.11	Right-of-Way Required Space/Greenspace HYW 2									
D			2.12	Storm or Water Detention-Wetland									
E			2.05	Required Right-of-way space - City Parks & Rec									
F			2.1	Storm or Water Detention-Wetland									
G			1.04	Storm or Water Detention-Wetland									
H			0.59	Storm or Water Detention-Wetland									
I			0.19	Right-of-Way Required Space/Greenspace									
Total			49.19										

Net PM Peak Hour Generated	760
Net PM Peak Hour trips allowe	1239

Trip Audit Corrections Summary
correct data count is 4
higher change count is 9
lower change count is 6
use change count is 1