

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, May 13, 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, Cristy Joy, Cindy Ryman Yost and Dennis Scheer; Tracy Edgerton and Deane Finnegan absent; Steve Henrichsen, 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 that the public hearing on Agenda Item 4.3 – Special Permit 20005, the transitional living project located at 420 South 28th Street, is postponed until further notification, as required by Directed Health Measure Order 2020-03, issued by the Lincoln-Lancaster County Health Department.

Chair Corr requested a motion approving the minutes for the regular meeting held April 15, 2020.

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

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

May 13, 2020

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

The Consent Agenda consisted of the following items: Annexation 20007, Change of Zone 20012, Annexation 20008, Change of Zone 20013, Change of Zone 20009, Special Permit 1791A and Special Permit 15062A.

There were no ex-parte communications disclosed.

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

Item 1.3, Change of Zone 20009, was removed from the Consent Agenda for a separate public hearing.

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

Note: This is **FINAL ACTION** on **Special Permit 1791A and Special Permit 15062A** 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 REGULATIONS, ON PROPERTY GENERALLY LOCATED AT SOUTH 59TH CIRCLE AND PINE LAKE ROAD
PUBLIC HEARING: **May 13, 2020**

Members present: Al-Badry, Campbell, Joy, Ryman Yost, Scheer, Beckius and Corr; Edgerton and Finnegan 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 request is for a change of zone from R-3 to R-3 PUD (Planned Unit Development). He further stated there are some cleanup items with this, as an area mostly owned by the City, which is zoned AGR and R-3, will be re-zoned to P (Public). The applicant for this project is a coalition of property owners working together to come up with a concept plan. At this point, there are not a lot of details for this project, but they wanted to make sure that they were in agreement before moving forward. This site plan has three distinct areas within the PUD – Area 1 for

commercial (O-3 Office) uses; Area 2 for attached/detached single-family dwellings (R-3 Residential); and Area 3 for multiple-family dwellings (R-5 Residential).

Campbell asked about a small part of the floodplain that is on a portion of one owner's property and what would happen to that property. Henrichsen stated that property would be re-zoned R-3, but one of the conditions is they need to show the areas in the floodplain are not being re-zoned for development.

Applicant:

Mike Eckert, Civil Design Group, Inc., 8535 Executive Woods Drive, Suite 200, came forward on behalf of the South 59th Street Coalition, and stated they wanted the revised site plan on the record for the Jaquez family (see Exhibit "1"). Eckert shared that the Jaquez property is within this project's boundary, but they have no intentions of selling. The main concern of the Jaquez family is that their house is close to the end of the cul-de-sac. When working with the Jaquez family, they discussed when the family decided to come into the project area, a portion of the cul-de-sac would be vacated and this would be positive for them. He explained when each parcel comes forward, they will amend the PUD with a site-specific layout, which would include the road profiles and detention calculations. Eckert stated that they want to be firm with the road network layout proposed on 59th Street, because they would like to start the road construction on this project. He explained that there has been some cleanup to some area use lines so they do not extend into the floodway.

Scheer wanted to confirm that the area on the map that looks like a shadow is the Jaquez property. Eckert said yes.

There was no testimony in support or opposition.

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

CHANGE OF ZONE 20009

ACTION BY PLANNING COMMISSION:

MAY 13, 2020

Scheer moved approval, seconded by Beckius.

Beckius stated this project seems to be an appropriate first step for the redevelopment of this property, and he further stated that they have given a high-level overview on this project to show their plans moving forward. These proposed uses are appropriate with the uses that are currently there.

Scheer stated he appreciates the explanation of the process that will occur in years to come. This is a good approach, and he is in favor.

Corr stated she appreciates the forward thinking and the planning that has gone into this project, and she further stated as this moves forward it will make doing the phases clearer.

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

Joy declared a Conflict of Interest on Item 4.1 – Special Permit 16021B and exited the chambers.

SPECIAL PERMIT 16021B

TO ALLOW FOR AN AMENDMENT TO CURRENT SPECIAL PERMIT, AMENDING THE NUMBER OF EVENTS HELD PER MONTH, ON PROPERTY GENERALLY LOCATED AT 12400 WEST DENTON ROAD

PUBLIC HEARING:

May 13, 2020

Members present: Al-Badry, Campbell, Ryman Yost, Scheer, Beckius and Corr; Joy declared a Conflict of Interest; Edgerton and Finnegan 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 to amend an existing Special Permit for an Expanded Home Occupation, which was approved in 2016, with conditions. The applicant has been operating for over two years and there have been no known complaints on this site. Henrichsen stated they would like to have events on Fridays, Saturdays and Sundays, and not be limited to just two days. He further stated they want to have events year round. Currently, they are allowed to have events from March 1 to November 30. The Planning Department recommends approval with conditions.

Campbell stated the site-specific conditions listed allows for 10 days in any 1 calendar month on Fridays, Saturdays, and Sundays only, and he asked if out of the 12 weekend days each month if they could have events on 10 of those days. Henrichsen said correct, they could use any of those days, because it is limited to just the 10 per month.

Applicant:

Melissa and Tyler Smith, 12400 W. Denton Road, Melissa Smith came forward and shared that they started this process when they were trying to reschedule some events to a later date in the year, because of the current pandemic. In doing this, they decided to request that this become a permanent change to their special permit to allow for more flexibility with events.

Beckius inquired how the business has done over the past couple of years. Smith said it has been good, and she further said that they have been working hard on making sure they are doing things correct. Beckius asked if they currently have a full schedule booked. Smith shared that March and November are not as full as the rest of the months, and most of the weddings that did reschedule, booked dates for 2021. They are working with the Health Department on the weddings that have not rescheduled to see what needs to be done to continue to have events. Beckius asked if they have received any complaints from their neighbors. Smith stated she is not aware of any complaints by their neighbors, and she further stated that the neighbors across the street from them are in favor of this.

Proponents:

There was no testimony in support.

Opponents:

1. **Chet Bennetts, 12121 W. Denton Road, Denton,** came forward and shared he is in opposition, in part. Bennetts stated with everything that is going on governments have made many exceptions to the rules and accommodations to individuals with businesses. He shared that they should only be allowed this request through the end of the year and not permanently. He shared that they have done a good job with their events, and they have not called in any complaints, but this should not be permanent. This will increase the traffic in the area and is not right for this small community.

Applicant Rebuttal:

Melissa Smith came forward to answer questions. She stated she appreciates that the neighbors do see that they are trying to be good neighbors.

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

SPECIAL PERMIT 16021B**ACTION BY PLANNING COMMISSION:****MAY 13, 2020**

Scheer moved approval, seconded by Campbell.

Scheer shared that he recalls the original special permit hearing a few years ago and there was a long discussion about what happens if the special permit conditions were violated. At that time, they had discussed that enforcement was complaint based. There was also discussion of what would happen if there were a complaint. Scheer shared that is why he had made the motion, because there have been no complaints, and he further shared that he is comfortable with extending the ability to offer more event times.

Al-Badry stated she does understand the concerns of the neighbors, and further stated that the neighbor had stated the family has been compliant and willing to work with them. She stated that she is in support.

Corr stated that she does understand the neighbors' concerns and that they are wanting to put a time limit on how long they can operate. She stated that they do not know how long the fallout from the Coronavirus will last. Each event will pursue different scheduling options and that might last longer than a year, because these types of events are already scheduled out far in advance. Corr stated that she hesitates to put an end date on this because of the current situation. She stated it is very telling that there have been no complaints--that speaks volumes, and they have earned the right to further their business and operate fully.

Scheer stated if something changes in terms of the operation, the neighbors can still make a complaint if they have issues.

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

Note: This is FINAL ACTION on Special Permit 16021B unless appealed by filing a letter in the Office of the County Clerk within 14 days.

[Break at 1:41 P.M.

Resumed at 2:00 P.M.]

Joy returned to the chambers at 2:00 P.M.

USE PERMIT 116A**TO REVISE A PORTION OF THE COMMERCIAL AREA TO ALLOW UP TO 180 MULTI-FAMILY DWELLING UNITS OR 43,300 SQUARE FEET OF COMMERCIAL FLOOR AREA, AND A REVISED COMMERCIAL LOT LAYOUT, WITH UP TO 216,000 SQUARE FEET OF TOTAL COMMERCIAL FLOOR AREA, ON PROPERTY GENERALLY LOCATED AT NORTH 84TH STREET AND NORTHERN LIGHTS DRIVE****PUBLIC HEARING:****May 13, 2020**

Members present: Al-Badry, Campbell, Joy, Ryman Yost, Scheer, Beckius and Corr; Edgerton and Finnegan 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 an amendment to an existing use permit application. This will give the applicant the ability to have up to 216,000 square feet of commercial use and will add 180 dwelling units or 430,000 square feet of commercial space on the vacant part of this site. He stated that there are three main ways to get into the apartment area, but the concern with the townhome owners to the west is that this will increase the traffic on Sawyer Court. Henrichsen stated with the placement of the buildings, it is unlikely that the tenants would go back up and around to use Sawyer Court. He further stated that Northwoods Drive would be a more direct route for traffic to take to Holdrege Street.

Beckius stated that the issuance of a building permit for a multi-family dwelling would not trigger a reduction to square footage allowed for commercial space in the center, and he asked if that was correct. Henrichsen said yes.

Scheer asked if there was consideration given to closing the existing median break on Northern Lights Drive, which would stop any left turns coming out of the new development to the west. Henrichsen stated that they have not discussed this, and that it may have a slight impact on the townhomes.

Corr asked about the 30-foot landscape buffer and its location. Henrichsen stated it is on the west side. Corr stated that there is no fence on the west, just the landscaping, and she asked if that was correct. Henrichsen said correct. Corr asked if there would be traffic control measures

on Northern Lights Drive where it meets with the road behind Walgreens. Henrichsen stated Northern Lights Drive is a private road and he did not think that they had contemplated putting one there. Corr inquired if the road to the south of Northern Lights Drive would remain. Henrichsen said yes it would remain. Corr shared that she travels that area and it is rather weird. Henrichsen explained it is a little odd and one of the roads was supposed to be extended all of the way across, which is not yet done.

Campbell asked if the access to 84th Street was a right in and right out. Henrichsen said correct.

Applicant:

Nate Buss, Olsson, 601 P Street, Suite 200, came forward on behalf of 7510 Investments, LLC. Buss shared that 80 percent of the tenants will be parking on the interior of this development. They did look at closing the median as Commissioner Scheer had asked about, but thought that it might hinder the townhomes. Buss shared there is a stop sign by the Walgreens to stop traffic. There will be a reduction in trips with this development. The landscaping is thicker to the south and that is something that they will take care of. He shared there is a plan to start with the roads to help with the traffic in the area, and they do plan to add sidewalks.

Beckius asked about the private road by Wendy's and the trucks that park there for easy delivery to the facility, and he further asked if that would be addressed at some point. Buss said yes. Beckius inquired about the maintenance on some of the interior roads, and who would be monitoring them. Buss shared that this area does have an association, and he further shared one of the conditions was to limit the number of stalls on that drive to have a curved lane. Beckius stated that he would like to see the delivery trucks not parking on the private drives. Buss stated that seems like a reasonable request.

Corr stated that there was a request for a fence in addition to the landscaping in the area, and she asked if that was a possibility. Buss said that there are grade changes in that area and the fence would be down the hill and not a benefit. He stated that they would be redoing or improving the landscape, which is the better option for that area. Corr asked if there was underground parking. Buss said no. Corr asked if they would be 2-story buildings. Buss said they will be 3-story.

There was no testimony in support or opposition.

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

USE PERMIT 116A

ACTION BY PLANNING COMMISSION:

May 13, 2020

Beckius moved approval, seconded by Campbell.

Beckius stated that the proposed uses align well with this space being reimagined from commercial to a transitional residential use. There are townhomes to the west, which are dense in their use. The density of the townhomes is not necessarily incompatible with the multi-family uses proposed to the east. The landscaping is the best potential buffer between the two uses. This proposal for this site is appropriate at this location.

Dennis stated everything that is being proposed is permitted. He shared that he agrees with Commissioner Beckius, and that this is a good change from what was originally proposed. He stated that he is in support.

Joy stated that she is in support and concurs with her fellow commissioners.

Corr stated that she agrees with what her fellow commissioners have said. She shared that they like having a transition from commercial to multi-family, then townhomes, to single-family, and this accomplishes that. Corr shared that the residential aspect of this will have less traffic than the commercial project, which was originally planned. She stated this will be a change from the vacant area that is now there, but there could be worse things going in. This project meets all of the requirements and that is great.

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

Note: This is FINAL ACTION on Use Permit 116A, unless appealed by filing a letter in the Office of the City Clerk within 14 days.

Clerk noted that the public hearing on Agenda Item 4.3 – Special Permit 20005, the transitional living project located at 420 South 28th Street, is postponed due to enhanced public interest and is tentatively scheduled for June 10, 2020.

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.

Beckius moved to adjourn the Planning Commission Meeting of May 13, 2020, seconded by Scheer and carried 7-0: Al-Badry, Campbell, Joy, Ryman Yost, Scheer, Beckius and Corr voting 'yes'; Edgerton and Finnegan absent.

Meeting adjourned 2:30 p.m.

Note: The Planning Commission will not formally approve these minutes until their next regular meeting on Wednesday, May 27, 2020.

F:\Boards\PC\Minutes\2020\pcm051320.docx

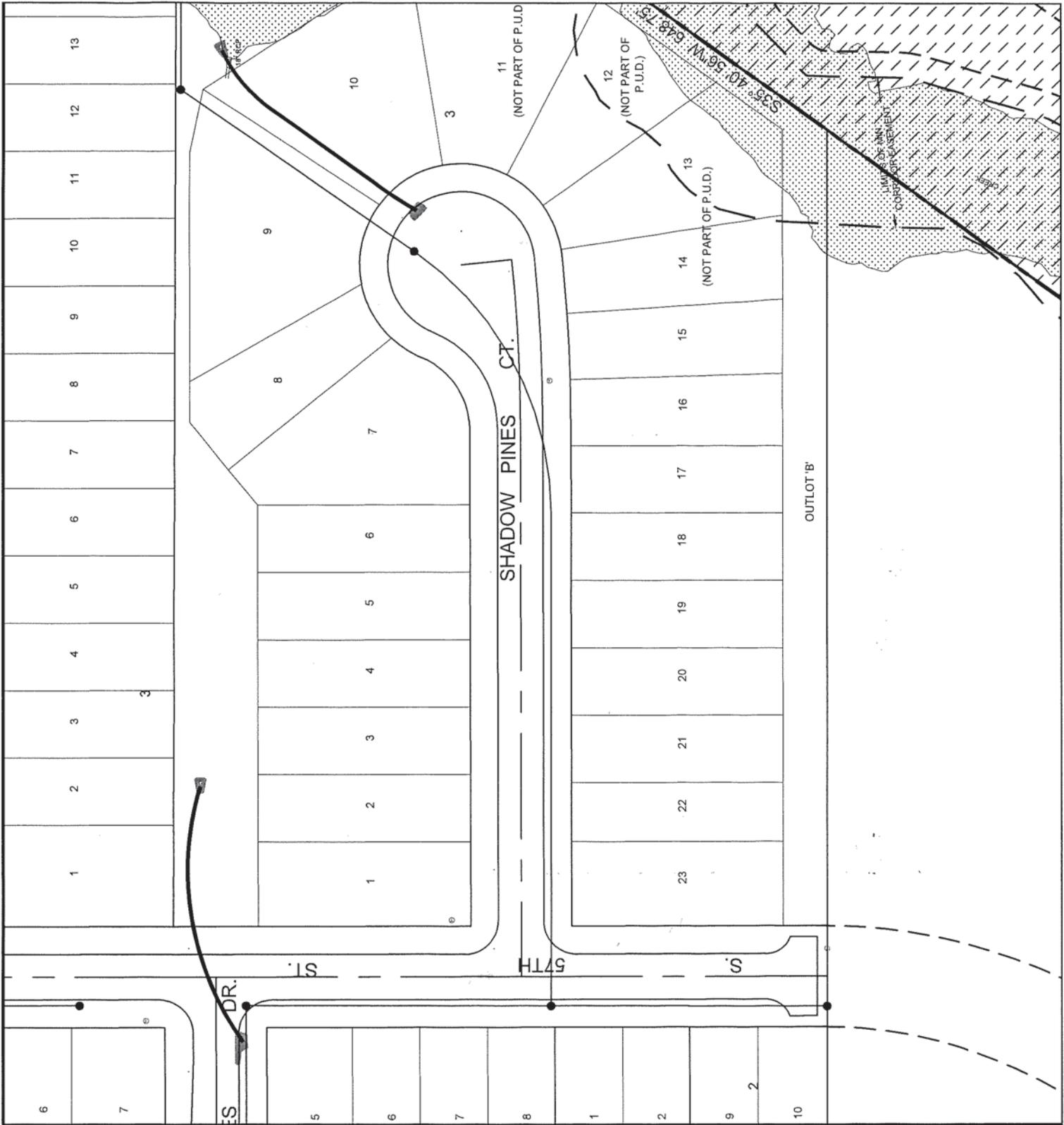




EXHIBIT
1

Civil Design Group, Inc.
 8535 EXECUTIVE WOODS, DR., SUITE 200
 Lincoln, Nebraska 68512
 Ph. 402-434-8484 Fax 866-215-8747
 www.civilidg.com

Civil Design Group, Inc.
 CONSULTING ENGINEERS • LAND USE PLANNERS
 CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING

**CHANGE OF ZONE EXHIBIT
 S. 59TH STREET COALITION
 LINCOLN, NEBRASKA**

drawn by: jds
 checked by: -
 project no.: 2019-0277
 date: 04/24/2020

DATE: F:\Projects\2019\20190277\Landplanning\Exhibit\190277 COZ.dwg
 DATE: Apr 24 2020 2:45pm
 XREFS:
 USER: jll

P.U.D. Legal description

Legal description for a P.U.D. being comprised of Lot 1 and Lot 3, Tara Hill Addition and Lots 166, 175, 176, 181, 182 of Irregular Tracts located in the South half of the Southwest Quarter of Section 16, Township 9 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Beginning at the Southeast corner of said Lot 182, said point being located 284.47' West of the East line of the South half of the Southwest Quarter of said Section 16 and on the Northerly 60.00' Right-of-Way line of Pine Lake Road; thence in a Northerly direction on the Easterly line of said Lot 182 and on the Westerly line of Lot 115 of Irregular Tracts and on a line parallel to the East line of the South half of the Southwest Quarter of said Section 16 and on an assumed bearing of N 00°00'02" W, for a distance of 746.66' to the Northeast corner of said Lot 182 and the Northwest corner of said Lot 115;

Thence S 89°58'24" W on the Northerly line of said Lots 182 and 181, for a distance of 343.81' to the Northwest corner of said Lot 181, said point also being the Northeast corner of Lot 2, Tara Hill Addition and the Southeast corner of Lot 137 of Irregular Tracts;

Thence S 00°02'14" W on a line common to said Lot 2 and Lot 181, for a distance of 196.63' to the Southeast corner of said Lot 2, said point also being the Northeast corner of said Lot 3;

Thence N 89°57'05" W on a line common to said Lots 2 and 3, for a distance of 409.38';

Thence N 54°19'25" W on a line common to said Lots 2 and 3, for a distance of 185.82' to the most Northerly corner of said Lot 3, said point being located on the Easterly 30.00' Right-of-Way line of South 59th Street Circle;

Thence N 35°30'01" E on the Easterly 30.00' Right-of-Way line of South 59th Street Circle and on the Westerly line of said Lot 2, for a distance of 35.26';

Thence continuing on the Easterly Right-of-Way line of South 59th Street Circle and on the Westerly line of said Lot 2 and on a curve turning to the right with an arc length of 26.29', a radius of 44.00', a chord bearing of N 52°36'59" E, for a chord length of 25.90';

Thence N 69°44'01" E on the Easterly Right-of-Way line of South 59th Street Circle and on the Westerly line of said Lot 2, for a distance of 21.30';

Thence continuing on the Easterly Right-of-Way line of South 59th Street Circle and on the Westerly line of said Lot 2 and on a curve turning to the left with an arc length of 168.00', a radius of 60.00', a chord bearing of N 10°28'43" W, for a chord length of 118.25';

Thence N 00°41'37" W on a line common to said Lots 1 and 2, for a distance of 308.07' to the most Northerly corner of said Lot 2;

Thence N 53°30'01" W on the Northeasterly line of said Lot 1, for a distance of 207.02' to the Northwest corner of said Lot 137 of Irregular Tracts, said point being located on the North line of the South half of the Southwest Quarter of said Section 16;

Thence N 89°55'26" W on the most Northerly line of said Lot 1 and on the North line of the South half of the Southwest Quarter of said Section 16, for a distance of 199.36' to the Northwest corner of said Lot 1;

Thence S 35°40'56" W on the Northwesterly line of said Tara Hill Addition, for a distance of 648.75' to the most Westerly corner of said Tara Hill Addition, said point also being the most Northerly corner of said Lot 166;

Thence S 35°37'36" W on the Northwesterly line of said Lot 166, for a distance of 174.63' to the most Westerly corner of said Lot 166, said point also being the Northeast corner of Lot 167 of Irregular Tracts;

Thence S 26°42'25" E on a line common to said Lots 166 and 167, for a distance of 356.29';

Thence S 00°03'40" W on a line common to said Lots 166 and 167, for a distance of 270.08' to the Southwest corner of said Lot 166, said point being located on the Northerly 60.00' Right-of-Way line of Pine Lake Road;

Thence S 89°58'05" E on the Northerly 60.00' Right-of-Way line of Pine Lake Road and on the Southerly line of said Lot 166, for a distance of 235.18' to the Westerly Right-of-Way line of South 59th Street Circle;

Thence N 45°01'55" E on the Westerly Right-of-Way line of South 59th Street Circle and on the Easterly line of said Lot 166, for a distance of 21.21' to point 75.00' North of the South line of the South half of the Southwest Quarter of said Section 16 and on the Westerly 60.00' Right-of-Way line of South 59th Street Circle;

Thence S 89°58'05" E on a line 75.00' North of and parallel to the South line of the South half of the Southwest Quarter of said Section 16, for a distance of 60.00' to the Easterly 60.00' Right-of-Way line of South 59th Street Circle said point also being on the Westerly line of said Lot 175;

Thence S 44°58'05" E on the Easterly Right-of-Way line of South 59th Street Circle and on the Southwesterly line of said Lot 175, for a distance of 14.14' to a point on the Northerly 65.00' Right-of-Way line of Pine Lake Road;

Thence S 89°58'05" E on the Northerly 65.00' Right-of-Way line of Pine Lake Road and on the Southerly line of said Lot 175, for a distance of 295.41';

Thence S 00°01'55" W on the Southerly line of said Lot 175, for a distance of 15.00' to a point on the Northerly 50.00' Right-of-Way line of Pine Lake Road;

Thence S 89°58'05" E on the Northerly 50.00' Right-of-Way line of Pine Lake Road and on the Southerly line of said Lots 175 and 176, for a distance of 350.10';

Thence N 00°01'37" W on the Southerly line of said Lot 176, for a distance of 15.00' to a point on the Northerly 65.00' Right-of-Way line of Pine Lake Road;

Thence S 89°58'05" E on the Northerly 65.00' Right-of-Way line of Pine Lake Road and on the Southerly line of said Lot 176, for a distance of 244.57' to the Southeast corner of said Lot 176, said point also being located on the Westerly line of said Lot 181;

Thence S 00°02'14" W on the West line of said Lot 181, for a distance of 5.00' to the Southwest corner of said Lot 181, said point being located on the Northerly 60.00' Right-of-Way line of Pine Lake Road;

Thence S 89°58'05" E on the Northerly 60.00' Right-of-Way line of Pine Lake Road, for a distance of 344.30' to the **POINT OF BEGINNING** and containing a calculated area of 31.66 acres, more or less.