BRIEFING NOTES

NAME OF GROUP:	PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING:	Wednesday, November 30, 2011, 11:45 a.m., Room 113, County-City Building, 555 S. 10th Street, Lincoln, Nebraska
MEMBERS IN ATTENDANCE:	Greg Butcher, Michael Cornelius, Dick Esseks, Wendy Francis, Leirion Gaylor Baird, Chris Hove, Jeanelle Lust, Jim Partington, Lynn Sunderman and Ken Weber.
OTHERS IN ATTENDANCE:	Marvin Krout, Nicole Fleck-Tooze, David Cary, Sara Hartzell, Steve Henrichsen, Brandon Garrett and Michele Abendroth of the Planning Department.
STATED PURPOSE OF MEETING:	2040 Comprehensive Plan Amendments

The meeting was called to order at 11:45 a.m. The Nebraska Open Meetings Act was acknowledged. Those present introduced themselves.

Fleck-Tooze stated that there are several amendments proposed to the 2040 Comprehensive Plan.

Garrett explained that CPA 11004 is related to the Priority Tiers Growth map. This change is due to an oversight at N. 56th Street and Arbor Road, which should have been in Tier 1 Priority A. There is also a change in language from Downtown/Antelope Valley to Greater Downtown; this is to be consistent with the rest of the Plan.

CPA 11007 is related to the Fallbrook expansion. This is a change in the land use plan from urban density residential to commercial. This is on the Planning Commission agenda today, and staff is recommending approval. The Fallbrook area is not well-served by commercial. Part of the PUD is a grocery store. The closest commercial area is in Highlands, but it does not have a grocery store, and this amendment would fill that need.

Gaylor Baird asked about the reasons given in the staff report regarding the recommendation for approval, as they seemed more as if they were against this amendment. Garrett stated that this has some unique circumstances. One is that they were in conversation during the 2040 Plan process, but were not ready to submit during the process. In terms of the bigger picture, it fulfills a regional need for a grocery store and possibly reducing the number and length of trips for people living in this area. Krout stated that if you look at this project, it incorporates a lot of principles in the Comprehensive Plan and meets the standards. Overall, having a grocery store as part of a planned community is a very important principle, and that is why staff is more flexible about what it looks like. Even though it has a parking lot in front of it

instead of behind it or next to it which is the preference, staff felt it still meets a lot of the principles. The site also has a lot of topography and drainage, and it would be difficult to build that portion of the site.

Esseks asked if the Fallbrook development prior to this had any space identified for a grocery store. Krout stated that it did. He stated that it is within walking or bicycling distance of the whole neighborhood. The site plan may not be ideal, but staff felt it was too late to rework it.

Cary explained that CPA 11005 is being proposed to clean up language to clarify the relationship between the Transportation chapter and the Long Range Transportation Plan. This is to make the language consistent between the two documents. Staff recommends approval of this amendment.

Fleck-Tooze reviewed CPA 11006, which is to amend the Plan to add introductory language clarifying the Plan's purpose as a policy guide, and not a legally binding document. There was concern expressed by the City Council and County Board to clarify this point. She also provided the State Statute for reference. Staff asked for the City Attorney's opinion on the legal effect of the Plan. The City Attorney rendered the following opinion: "While the plan sets forth general guidelines and policies for improvement and development of the City, failure to adhere to the plan is permissible in specific instances in which circumstances justify deviating from its terms and provisions." Staff has drafted three introductory paragraphs to clarify the purpose of the Plan, and to confirm it is not a legal document.

Esseks commented that there is language stating that it is legally permissible to deviate from the Plan, and asked if there are circumstances in which it is not legally permissible to deviate from the Plan. Fleck-Tooze stated that there is some ambiguity in the language. Lust stated that she would like to see the full legal opinion by the City Attorney. She noted that the opinion states that there are circumstances in which it is legally permissible to deviate from the Plan, but she believes it should also state that there are circumstances in which it is not legally permissible to deviate from the Plan. Krout stated that it is a very situational thing. He stated that Commissioners can provide suggested language for consideration. Esseks stated that it should be a standard. Political bodies can deviate from the standard, but standards can be useful as a basis of comparison. He believes it should be made clear if there are circumstances in which the Plan cannot be deviated.

Hartzell explained the County Comp Plan Amendments. CPA 11001 is proposing the following language to the Neighborhoods and Housing chapter, as follows: "Areas not designated for acreages should remain agriculturally zoned and retain the current overall density of 32 dwellings per square mile (1 dwelling unit per 20 acres). However, consideration should be

given to new ways that smaller lots can be subdivided and sold, within the County jurisdiction, while still maintaining that overall density and maintaining good access management along the County's section line roads." The intent of this amendment is to maintain the overall density of 1 dwelling unit per 20 acres, control access points on county section line roads, to continue to preserve agricultural land, and to create small lots in the AG district. In order to accomplish this, there would be zoning and subdivision code amendments and would likely be done through final plat. It would have one residential lot of 3 to 5 acres per each 20 acres with the remainder preserved as an outlot (unbuildable).

Gaylor Baird asked about the infrastructure as you start to increase the dwelling units. Hartzell stated that they are always concerned about trips on gravel roads because they require more maintenance. This is why they would like the overall density at 32 dwelling units per square mile.

Hartzell then provided a brief history on acreage developments, supply and demand, and population trends. Lust asked if there is a demand for acreage development. Hartzell stated that there is a 7-8 year supply of acreages. Esseks stated that one of the issues raised by the County Board is that the 20-acre rule is no longer viable because the value of the land is so high. He hopes that we can make acreage lots more affordable. Lust stated that she does not believe it is good to encourage prime agricultural land to be used for acreages.

Hartzell explained the proposed changes in CPA 11002. This is to amend language in the Neighborhoods and Housing chapter to specify that build through standards should only be applied within the Lincoln 3-mile extraterritorial jurisdiction (ETJ). The current language encourages the County Board to "consider adopting and applying "build through" standards" to growth tiers that extend beyond the 3-mile ETJ. Staff is recommending the following language: For areas outside of the Lincoln three mile jurisdiction but inside a future Lincoln growth tier, the County should consider applying "build-through" standards, on a case-by-case basis, when a proposed development is in a location that is more likely than others to have city services extended in the foreseeable future. Lust stated that she does not understand the County Board's concern with this amendment. Krout stated that this may be viewed as putting some encumbrances on the land and questioning the future of it. It is telling future potential lot buyers that this area may look different in the future than it does now, and we are trying to plan for that. Lust stated that it seems that people would want to know more about the future of the land.

Hartzell described CPA 11003, which is to amend the Land Use Plan to show the interchange of Highway 2 and Highway 43 as having future commercial and industrial designations. It also

has the addition of language in the Business and Economy chapter to show the general intent of commercial that supports agriculture and traveling public and industrial reserved for a potential large employer. This does violate the long-standing policy of directing commercial and industrial development toward existing towns and cities. The Planning Department is not opposed to revisiting current and proposed policies and discussing the potential for limited development at certain locations in the County. Lust asked how Bennet feels about this proposed amendment. Hartzell stated that there is a Bennet Planning Commission meeting tonight, during which this item will be discussed.

The meeting was adjourned at 12:57 p.m.

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