

COUNCIL RECORD NO. 202

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MINUTES
JOINT PUBLIC HEARING
LANCASTER COUNTY BOARD OF COMMISSIONERS
CITY OF LINCOLN CITY COUNCIL
MONDAY, JUNE 20, 2005
555 S. 10TH STREET, LINCOLN, NE
4:15 P.M.

LANCASTER COUNTY COMMISSIONERS

Larry Hudkins, Chair; Deb Schorr, Vice Chair; Commissioners: Bernie Heier, Ray Stevens, and Bob Workman.

CITY OF LINCOLN CITY COUNCIL MEMBERS

Ken Svoboda, Chair, Patte Newman, Vice Chair; Council Members: Jon Camp, Robin Eschliman, Dan Marvin, Annette McRoy; ABSENT: Cook.

CALL TO ORDER

The Joint Meeting of the Lancaster County Board and the Lincoln City Council was convened at 4:15 p.m.

Lancaster County Board Chair Larry Hudkins made introductions and called the Lancaster County Board of Commissioners to order.

Lincoln City Council Chair Ken Svoboda made introductions and called the Lincoln City Council Members to order.

ELECTION OF JOINT BODY CHAIR

A motion was made by Stevens, seconded by Workman to nominate Patte Newman, Lincoln City Council, to serve as Chair of the Joint Bodies for this public hearing. With no further nominations being brought forward, the call for nominations was closed.

County Commissioners: AYES: Heier, Hudkins, Stevens, Schorr, Workman.
NAYS: None. Motion carried.

City Council: AYES: Camp, Eschliman, Marvin, McRoy, Newman, Svoboda.
NAYS: None; ABSENT: Cook. Motion carried.

OPENING STATEMENT

Chairman Patte Newman made brief introductory remarks regarding the public hearing procedures and protocol.

Chairman Newman invited those wishing to provide testimony to come forward, indicating that a five minute time limit would be utilized for those providing comments.

PUBLIC TESTIMONY AND VOTING SESSION

COMP. PLAN AMENDMENT NO. 05003 - TO UPDATE AND AMEND THE TRAILS & BICYCLE FACILITIES PLAN MAP IN THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO REFLECT THE LOCATION OF THE DEAD MAN'S RUN TRAIL FROM N. 33RD TO N. 48TH STREETS ON THE SOUTH SIDE OF HUNTINGTON/LEIGHTON, AND TO UPDATE THE MAP TO SHOW COMPLETED TRAIL AND GRADE SEPARATIONS.

David Cary, Planning Department, came forward to explain that this item is mainly a clean up item which they do every year as part of this process. They are identifying a slight change in the location of the trail though the University Campus between 33rd and 48th Street, and they are also identifying completed trails to the South of the University. He stated that the intent of this plan remains the same, and the University has obtained the funds for them to go complete this project. Further discussion followed.

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Ray Stevens, County Board, stated that there is about 1.1 million dollars of various funds to complete this project.

Mr. Cary agreed.

VOTE

STEVENS Moved for approval of Comp. Plan 05003.
Seconded by Hudkins & carried by the following vote: AYES:
Workman, Schorr, Heier, Stevens, Hudkins; NAYS: None.

ESCHLIMAN Moved for approval of Comp. Plan 05003:
Seconded by Svoboda & carried by the following vote: AYES:
Camp, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None;
ABSENT: Cook.

The City Council resolution is numbered: A-83385

COMP. PLAN AMENDMENT NO. 05004 - TO UPDATE AND AMEND THE FUTURE ROAD IMPROVEMENTS COUNTY MAP IN THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO DESIGNATE S. 82ND STREET FROM HICKMAN ROAD TO PANAMA ROAD AS POTENTIAL PAVING.

David Cary, Planning Department, came forward to explain that this item is to identify this segment of South 82nd Street and Hickman Road to Panama Road as future paving. He said that there is a need for this because when the South 68th Street railroad viaduct project takes place, it will be closed down for around two years and the identified detoured route is South 82nd Street for this two mile segment. He stated that it was identified that there was a need to pave that segment of the roadway, which was agreed to by all parties involved.

Ray Stevens, County Board, wanted to verify that this is for the two mile stretch between Hickman and Panama Road and that from Saltillo Road to Roca Road is already in the Comprehensive Plan. He then asked Mr. Cary, "So will that leave a two mile stretch that will not be paved, correct?"

Mr. Cary answered, "Correct, that is how the Comprehensive Plan will read."

VOTE

SCHORR Moved for approval of Comp. Plan 05004.
Seconded by Heier & carried by the following vote: AYES:
Heier, Workman, Stevens, Schorr, Hudkins; NAYS: None.

MARVIN Moved for approval of Comp. Plan 05004.
Seconded by Svoboda & carried by the following vote: AYES:
Camp, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None;
ABSENT: Cook.

The City Council resolution is numbered: A-83386

COMP. PLAN AMENDMENT NO. 05005 - AMENDING THE LINCOLN AREA STREET AND ROADWAY IMPROVEMENT MAP AND RELATED TEXT IN THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE FLETCHER AVENUE FROM 4+1 LANES TO 2+1 LANES AND TO CHANGE ITS FUNCTIONAL CLASSIFICATION FROM MINOR ARTERIAL TO URBAN COLLECTOR.

J.R. Brown, Applicant, 5501 Rockford Drive, came forward in opposition. He stated that in the year of 2003 he decided to build his first home. While in search for an area to build, he narrowed it down to two locations, which was 20 acres north of Lincoln, or the lot that he ultimately chose and is now on. He stated that he purchased his lot because of the quality of the neighborhood, excellent reputation of the developer, and the fact that North Hills has many great features such as natural wetlands, a proposed school site, and a proposed neighborhood business center. He is concerned that if the City builds a large street like Superior Street in their back yard, that it will only increase a negative impact on their neighborhood and their property values. He is concerned about the noise, the proposed 2,000 square foot regional

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center, the widening of I-80 to six lanes, speed and safety in their neighborhood, and the excess trash and pollution near their wetlands. He asked the City Council and County Board to vote to place this item on pending and to give direction to the Planning Department to sit down with his neighborhood to help come up with solutions to their concerns.

Ken Svoboda, City Council, asked Mr. Brown, "When you bought the house did you check into the fact that Fletcher was platted, graded, and designed as a four lane?"

Mr. Brown stated that he felt that he did as much looking into it as possible. He said that he looked into it on the County Assessor website, which did not share much information on that street. He said that he knew there was going to be a street there and that the neighborhood is okay with that, he just wishes that they could do it in a way that will work well with the neighborhood and with the businesses.

Annette McRoy, City Council, asked Mr. Brown, "I know that at one point, your neighborhood association was working with the developer, who will be developing across from Fletcher Avenue. Are you still continuing those negotiations with them, as far as what businesses will be on the parameter?"

Mr. Brown stated, "Yes, we have a plan that we have handed off to the developer and they are currently reviewing that."

Ken Svoboda, City Council, asked, "Are you currently the President of your Neighborhood Association?"

Mr. Brown replied, "No, but our neighborhood is so new right now that our Neighborhood Association is incorporated by the developer."

Bill Rogers, 5821 Kennedy Court, came forward in opposition. He also stated that Mr. Brown has acted as their neighborhood "ramrod" and has been actively visiting with the neighbors by making us aware of what is taking place. Mr. Rogers stated that he and his wife built their home in 2003, and it is right next to the back side of the wetlands. He stated that they talked to their real estate agent and their developer before they built their house, and they didn't think that a four lane highway would be developed in their area. He stated that he would like to work with the City while they put this plan together.

Bob Workman, County Board, asked Mr. Rogers, "Would you please show us where your house is located on the site map on the overhead?"

Mr. Rogers pointed out his lot on the site map.

Bob Workman, County Board, asked Mr. Rogers, "Do you think that it would be better for your neighborhood to have a two lane rather than a four lane?"

Mr. Rogers agreed.

Bob Workman, County Board, asked, "Do you get a lot of disturbances from Interstate 80?"

Mr. Rogers said that they do.

Ken Svoboda, City Council, asked, "If you would have known that a four lane road and a business area was platted for your area before you moved into the neighborhood, would you have still moved there?"

Mr. Rogers stated that he and his wife were seriously looking into a lot at North 94th and Waverly Road, but when they saw their current lot and that they were no current roads in the area, they put a down payment down on their lot.

Carol Brown, 2201 Elba Circle, came forward in opposition. She stated that in 2000 she was part of the Long Range Transportation Task Force where they addressed the need for an updated road system for Lincoln and Lancaster Country. She stated that at the time of the meetings, they felt that a road of four lanes made sense to them. However, now this neighborhood is faced with the concerns of having to deal with this main road being drug through their neighborhood. She stated her concerns of the high speeds of this new road in that area. She is concerned with the high volume and speeds that the traffic will create, and feels that it will cause many accidents.

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DeNay Kalkowski, Attorney, 1111 Lincoln Mall, Suite 350, came forward on behalf of Northern Lights LLC and Southview Inc in opposition. She stated that the applicants are the owners of the B-2 property that exists on the North side of Fletcher Avenue. She stated that they would support denial of this comprehensive plan amendment, and they would like to have the comprehensive plan remain as it is today as showing Fletcher as an arterial street.

Ken Svoboda, City Council, asked, "I take it that your client has developed this area including the green space that is currently there. Are there trees or proposed trees on that area, or what is the layout of the plan?"

Ms. Kalkowski replied that there are trees within the area that will probably be removed as part of the grading for Fletcher.

Ken Svoboda, City Council, asked, "Is your client required to put in trees in that area?"

Ms. Kalkowski replied, "They will be required to put street trees along Fletcher Avenue."

Ray Stevens, County Board, asked, "Does your client own any of the land south or east of Fletcher?"

Ms. Kalkowski replied no.

Patte Newman, City Council, "Generally when these kind of developments come through, the developer generally makes a commitment to preserve as much as the tree mass as possible. Did you make that commitment, or was it always in the plan to remove those trees?"

Ms. Kalkowski replied, "This was done back in 1999, and obviously with our standards today we are more careful in planning and preserving these things. We had an access point set that we had to meet, so many of the trees came out so that Fletcher could take that access to 14th street. So I can't say if any special preservation was taken on the trees."

Ray Stevens, County Board, asked Mr. Cary, "What is the work that is being done out there now from 14th street up to where Fletcher ends today?"

David Cary, Planning Department, stated, "The road way from 14th Street up to where Fletcher ends today has not been constructed yet. The rest going on from the north and east is constructed at least to a two-lane facility with a future four-lane to be put in when the traffic indicates that it is needed."

J.R. Brown, came forward for rebuttal. He also reiterated that they would like this comprehensive plan be placed on pending.

VOTE

ESCHLIMAN Moved for denial of Comp. Plan 05005.

Seconded by Svoboda & LOST by the following vote: AYES:

Eschliman, Svoboda; NAYS: Camp, Marvin, McRoy, Newman; ABSENT:

Cook.

(Five Votes Req'd to overturn Planning Commission Recommendation)

SCHORR Moved for denial of Comp. Plan 05005.

Seconded by Heier & carried by the following vote: AYES:

Heier, Workman, Stevens, Schorr, Hudkins; NAYS: None.

The resolution, having LOST, was assigned the File #38-4504 & was placed on file in the Office of the City Clerk.

COMP. PLAN AMENDMENT NO. 05007 - AMENDING THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE THE URBAN GROWTH AREA DESIGNATION FROM PRIORITY B OF TIER 1 TO PRIORITY A OF TIER 1, ON PROPERTY GENERALLY LOCATED BETWEEN N.W. 70TH AND N.W. 56TH STREET, FROM W. SUPERIOR TO W. ADAMS STREET.

Duncan Ross, Planning Department, came forward and stated that he believes that the applicant received notice of the public hearing so he is not sure why he isn't present. Mr. Ross further explained that this item is a request from Michael Rierden on behalf of Lincoln Federal Savings to move approximately 480 acres of land in northwest Lincoln

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from Tier I, Priority B, to Tier I, Priority A. He stated that the staff recommendation on this was denial, and Planning Commission carried that vote of denial with a 6-0 vote.

VOTE

ESCHLIMAN Moved for denial of Comp. Plan #05007.
Seconded by Camp & LOST by the following vote: AYES: Camp;
NAYS: Eschliman, Marvin, McRoy, Newman, Svoboda; ABSENT: Cook.

SVOBODA Moved for approval of Comp. Plan #05007.
Seconded by Marvin & carried by the following vote: AYES:
Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: Camp; ABSENT:
Cook.

HEIER Moved for approval of Comp. Plan #05007.
Seconded by Hudkins & carried by the following vote: AYES:
Heier, Schorr, Hudkins; NAYS: Stevens, Workman.

The City Council resolution is numbered: A-83387

COMP. PLAN AMENDMENT NO. 05009 - AMENDING THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE THE LAND USE FROM AGRICULTURAL TO INDUSTRIAL AND REGIONAL COMMERCIAL, FOR INCLUSION IN THE FUTURE SERVICE LIMIT, AND TO CHANGE THE URBAN GROWTH AREA DESIGNATION FROM TIER II TO TIER I, PRIORITY A, ON PROPERTY LOCATED ON THE NORTHWEST CORNER OF THE INTERCHANGE OF INTERSTATE 80 AND HIGHWAY 77 (N. 56TH STREET).

Mark Hunzeker, Attorney, 1045 Lincoln Mall, Suite 200, came forward on behalf of JTS LLC for approval. He stated that this application is to move approximately 208 acres, located on the northwest corner of North 56th Street or Highway 77 and Interstate 80, from Tier II to Tier I A. He stated that the Planning Staff increased it to approximately 225 acres, after reading their application. Mr. Hunzeker stated that they have no problem with those changes. He also stated that at the corner of 56th and I-80, they have requested a regional shopping center designation. He stated that his applicant and the Planning Commission both feel that this is a good site and would be ideal for a large employment center as well as some commercial activity. He feels that this will give people a reason to stop and drop a few dollars in Lincoln, rather than driving past Lincoln on the interstate. He also stated that they are in the process of examining the likelihood of extending this site further as they go forward with the land use map updates in conjunction with the 20 year transportation plan updates that are moving forward.

Bernie Heier, County Board, asked, "The amendment that you are asking for does include the site specifics on here, correct, and not what the staff is recommending?"

Mr. Hunzeker, replied, "Our original application was to designate a regional shopping center specifically at that corner. At this point, the Planning Commission did not include that. We do intend to bring forward an application that will include a significant retail component."

Duncan Ross, Planning Department, came forward to help answer questions of the City Council and the County Board. Further discussion followed.

Mr. Hunzeker came forward for rebuttal. Further discussion followed.

VOTE

ESCHLIMAN Moved approval of Comp. Plan #05009.
Seconded by Marvin & carried by the following vote: AYES:
Camp, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None;
ABSENT: Cook.

HUDKINS Moved approval of Comp. Plan #05009.
Seconded by Workman & carried by the following vote: AYES:
Heier, Workman, Schorr, Stevens, Hudkins; NAYS: None.

STEVENS Moved to reconsider Comp. Plan #05009.
Seconded by Workman & LOST the following vote: AYES:
Stevens, Workman; NAYS: HEIER, SCHORR, HUDKINS.

The City Council resolution is numbered: A-83388

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CALL TO ADJOURNMENT

Council Chair Patte Newman, as joint body chair, closed the public hearing.

CAMP Moved to adjourn the Joint City/County Meeting of June 20, 2005.

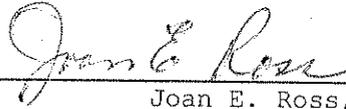
 Seconded by McRoy & carried by the following vote: AYES: Camp, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Cook.

STEVENS Moved to adjourn the Joint City/County Meeting of June 20, 2005.

 Seconded by Workman & carried by the following vote: AYES: Heier, Stevens, Schorr, Workman, Hudkins; NAYS: None.

ADJOURNMENT

The Joint City/County meeting adjourned at 6:20 P.M.



Joan E. Ross, CMC, City Clerk



Jamie Phillips, Senior Office Assistant