

**DIRECTORS' MEETING
MONDAY, NOVEMBER 7, 2005 - 11:00 A.M.
CONFERENCE ROOM 113**

I. MAYOR

1. NEWS RELEASE - RE: Mayor To Dedicate Liberty Bell On Veterans Day-Seabees Memorial also to be dedicated at Veterans Memorial Garden- (See Release)
2. Washington Report - October 28, 2005.

II. DIRECTORS

COUNTY COMMISSIONERS

1. Letter from Larry Hudkins, Chair, County Board of Commissioners to Mayor Coleen Seng - RE: Village of Emerald Water Problem - (See Letter)

PLANNING

PLANNING COMMISSION FINAL ACTION.....

1. Special Permit #1883A, an amendment to the Stevens Creek Pointe Community Unit Plan (North 134th and Adams Streets) Resolution No. PC-00957.
2. Special Permit #05048 (4th & F Streets) Resolution No. PC-00958.

WOMEN'S COMMISSION

1. NEWS RELEASE - RE: Movies Are For Mommies - And Daddies, Too!!- Lincoln/Lancaster Women's Commission coordinates discount movie program for parents of small children -(See Release)

III. CITY CLERK

IV. COUNCIL

A. COUNCIL REQUESTS/CORRESPONDENCE

JON CAMP

1. E-Mail from Roger Bratt sent to Jon Camp - RE: In Support of the new Wal-Mart & residential development, proposed for northeast Lincoln at 84th & Adams Streets - (See E-Mail)

V. MISCELLANEOUS -

1. E-Mail from John May - RE: Group Homes - (See E-Mail)
2. E-Mail from Bob Stewart - RE: Event Center -(See E-Mail)
3. Letter from Pat Raybould, President, B&R Stores, Inc. - RE: The north 84th Street Wal-Mart development -(See Letter)
4. E-Mail from Vicky Valenta - RE: Lincoln Main Post Office -(See E-Mail)
5. E-Mail from Tony Stemick - RE: Possible solution for Emerald's water situation -(See E-Mail)
6. E-Mail from Bob Hampton - RE: The Emerald water problem -(See E-Mail)
7. E-Mail from Rhiannon Sanford - RE: The proposed ordinance to limit where convicted sex offenders can live within the City of Lincoln -(See E-Mail)
8. Letter from Stuart R. Long - RE: Writing as a member of the Mayor's Cable TV Advisory Board who has reservations about the new franchise agreement -(See Letter)
9. E-Mail from Sharon Miller-Received on City Council InterLinc Action Center - RE: Beal Slough -Hwy 2 off of Southwood Drive -(This has been received by Public Works and they are responding) (See E-Mail)

VI. ADJOURNMENT

da110705/tjg

**DIRECTORS' MEETING
MINUTES
MONDAY, NOVEMBER 7, 2005
CONFERENCE ROOM 113**

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

Others Present: Mark Bowen, Ann Harrell, Lin Quenzer, Rick Hoppe, Darl Naumann, Mayor's Office; City Clerk, Joan Ross; Dana Roper, City Attorney; Directors and Department Heads; Tammy Grammar, City Council Staff; Deena Winter, Lincoln Journal Star Representative; and Coby Mach, LIBA.

I. MAYOR

[Mayor Coleen Seng not present.] Mark Bowen noted he's filling in for the Mayor. The Mayor has a cold and touch of the flu so she's home this morning.

Mr. Bowen stated one of the items on Council Agenda today is the vehicle registration ordinance this is the City's through administration effort to try to make sure that there is more uniformed compliance. This will now give the Police more authority to go after those folks to make sure they register their vehicles in Lincoln where they are actually housed. Police Chief Casady stated he will be at the Formal Council Meeting today to explain it. Noting, 17,000 of those tickets last year was people parking on the streets with improper registrations.

[Item#2, 05-162, Amending Section 10.08.010 of the Lincoln Municipal Code regarding registration of vehicles to provide for a rebuttal presumption that any vehicle stored and kept for more than 30 days in the City of Lincoln is being operated or parked on the streets of the City and that such vehicle shall be registered in accordance with Chapter 10.08 of the Lincoln Municipal Code.]

Mark Bowen called on Directors. Bruce Dart (Health Director) reported in lieu of all the national press on the epidemic flu issue this is not a new issue to them in public health. They have been working on [inaudible] for several years. He wants to make the distinction that they have the seasonal flu of vaccine they have every year that will not effect it. If you think is going to be a deterrent to avian flu, it is not, it is important people continue to get the flu vaccine. One of our concerns is if the avian flu shows up at the same time as our regular normal flu virus that's circulating through communities that is when they are going to see a shift in the virus. They need to know that it will not cover at this time the avian bird flu, but it's a vaccine the Feds are working on and they will continue to work on a response plan at the local level. Ms. Newman asked if they are open to the

public right now and how much does flu shots cost? Mr. Dart replied yes, \$20.00 for flu and \$30.00 for ammonia shots. Also, they will have a clinic for City and County employees in the County-City Building on November 10th, 15th & 16th. Noting, free for employees, if you have health insurance coverage through the City, and if not it is \$20.00 without the insurance coverage.

[Marvin Krout handed out a memo regarding Items 4, 5, & 6-Prairie Village North Planned Unit Development North 84th Street & Adams Street, Wal-Mart.] Marvin Krout (Planning Director) reported this is a status report and they probably know already the annexation discussions had continued and they don't have a complete draft annexation agreement in their hands. Mr. Krout stated Rick Peo (City Law Department) is working on it, and they hope to have it to Council soon. Mr. Krout commented that this development proposal also has generated inquiries from individual Council members that are probably of interest to the entire Council. So, this memo attempts to respond to those questions and identify the remaining issues on public improvements. However, because the City Council does not have an annexation agreement in hand in advance of the hearing, and there are likely to be other questions and issues raised by the Council and perhaps by the public, the applicant has agreed that the public hearing should be continued until the following week. Mr. Krout went over the memo with Council.

Mr. Cook noted he heard that there has been some talk that maybe Council members were pushing this along and that's why maybe there was pressure to schedule it. Mr. Cook commented he was asking because he wanted to be able to tell people who had been asking him about it. Mr. Cook stated to Mr. Krout if he could explain today that this did not have anything to do with Council pressure, it was Wal-Mart's plan that they wanted it scheduled for this particular date. Mr. Krout replied right, the fact that the Council had asked him every week for the past four weeks when is the Wal-Mart hearing going to be scheduled had nothing to do on scheduling it. Mr. Camp asked Mr. Krout if he would be prepared to go through some of the economic elements because he's going to have some questions for him this afternoon. Mr. Krout stated he thinks between the applicant, myself and Public Works, he's sure they can try to respond to his questions. Mr. Svoboda indicated he will make an announcement as this is called, but somebody will need to make a motion to hold the public hearing open until the next week. Adding, he will also make the comment that they would be allowed to speak only on the new information provided as the date of the 2nd public hearing.

[See Attachment 'A']

Mark Bowen announced the City offices are closed on Friday due to Veteran's Day.

Lynn Johnson (Parks & Recreation Director) stated the Veteran's Day event is Friday morning at 11:00 a.m. at the Veterans Memorial Garden and if it rains, they will be at the Auld Recreation Center. Also, the new Liberty Bell Pavilion is going up. They will have the cover off and the Mayor will be ringing the Liberty Bell that day to celebrate dedication of it.

Council should have received in their packet an invitation to an event on Sunday afternoon at 4:00 p.m. They are going to be naming the trail along Highway 2 from 56th to 17th Street in honor of Helen Boosalis. They will be doing that at 4:00 p.m. and then there will be a reception at Trinity Baptist Church at 38th & LaSalle Street immediately there after.

1. NEWS RELEASE - RE: Mayor To Dedicate Liberty Bell On Veterans Day-Seabees Memorial also to be dedicated at Veterans Memorial Garden. — NO COMMENTS
2. Washington Report - October 28, 2005. — NO COMMENTS

II. DIRECTORS

COUNTY COMMISSIONERS

1. Letter from Larry Hudkins, Chair, County Board of Commissioners to Mayor Coleen Seng - RE: Village of Emerald Water Problem. — NO COMMENTS

PLANNING

PLANNING COMMISSION FINAL ACTION.....

1. Special Permit #1883A, an amendment to the Stevens Creek Pointe Community Unit Plan (North 134th and Adams Streets) Resolution No. PC-00957. — NO COMMENTS

2. Special Permit #05048 (4th & F Streets) Resolution No. PC-00958. — NO COMMENTS

WOMEN'S COMMISSION

1. NEWS RELEASE - RE: Movies Are For Mommies - And Daddies, Too!!- Lincoln/Lancaster Women's Commission coordinates discount movie program for parents of small children. — NO COMMENTS

III. CITY CLERK

City Clerk Joan Ross stated on their Agenda today, they have the Board of Equalization for the Downtown Business Improvement District, the Core Business Improvement District Overlay and the Maintenance Improvement Business District at 1:30 p.m. and then they will continue on with the Formal Council Meeting.

On the Formal Council Agenda, Items 4, 5, & 6 will be called together and for Item 6, Council should have received in their packet a Motion-To-Amend. *[#4, 05-164, Annexation 05013-Amending the Lincoln Corporate Limits Map by annexing approximately 149.09 acres of property generally located at North 84th Street and Adams Street.; #5, 05R-262, Approving the Prairie Village North Conditional Annexation and Zoning Agreement between the City and Dubois Land LLC, Prairie Village North LLC, Prairie Home Builders Inc., Roland Group LLC, and Faith Evangelical Lutheran Church, relating to the annexation of approximately 149.09 acres, generally located at the northeast corner of N. 84th Street and Adams Street and the use of said 149.09 acres along with approximately 23 acres located at the southeast corner of N. 84th Street and Adams Street under a Planned Unit Development.; and #6, 05-165, Change of Zone 05054-Application of Prairie Home Builders for a change of zone from AG Agricultural District to R-3 and R-5 Residential Districts, B-2 Planned Neighborhood Business District and O-3 Office Park District, on property generally located at N. 84th Street and Adams Street; for a Planned Unit Development District designation of said property; and for approval of a development plan which proposes modifications to the Zoning Ordinance, Land Subdivision Ordinance, and Design Standards to allow approximately 1,161 dwelling units in the underlying R-3 and R-5 zoned areas (total number of allocated units is 1,071 and the total number of available unassigned units is 90) and approximately 585,000 square feet of office, retail, and commercial floor area in the underlying O-3 and B-2 zoned areas.]*

For Item 18, they have a request for 2nd & 3rd Reading which will come up next week. *[05-166, Approving (1) Site Lease from the City and the County of Lancaster, Nebraska to the Lincoln-Lancaster County Public Building Commission, (2) Lease Agreement from the Commission to the County and the City and (3) the issuance of not to exceed \$2,000,000 of the Commission's Tax Supported Lease Rental Revenue Bonds, series 2005, all with respect to the acquisition of the Courthouse Plaza Building.]*

For Item 21, they have a request for 2nd & 3rd Reading which will come up next week. *[05-168, Declaring approximately 35,500 square feet as surplus property generally located at 305 and 345 F Street.]*

For Item 45, on the listing of names for Appointments, Cinnamon 'Pokken', should be Cinnamon 'Dokken' with a 'D', not 'P', they misread some hand writing. *[05R-275, Appointing Debbie Brehm, Terry Bundy, Chris Jackson, Cinnamon **Pokken**, Cheryl Kruger, Scott Miller, Rick Noyes, Robert Scoot, Ed Swotek, Nick Vuko, and Dick Young to the Downtown Business Area Improvement Board for three-year terms expiring September 1, 2006.]*

Mr. Svoboda asked Police Chief Casady if he will be at the meeting this afternoon to speak on the denial suggestion recommendation on the Wine Dock? Police Chief Casady replied yes, he will.

Mr. Svoboda mentioned that he had directed City Clerk Joan Ross to do a sign up sheet for Items 4, 5 & 6. It will not be two separate sign up sheets, it will just be a single sign up sheet that way those who are here early are rewarded by being able to speak early. But, after that sheet fills up and they start collecting them, they are not going to have sign up sheets, it will just be first come first served after that.

IV. COUNCIL

A. COUNCIL REQUESTS/CORRESPONDENCE

ANNETTE McROY - NO COMMENTS

DAN MARVIN -

Mr. Marvin stated to Karl Fredrickson (Public Works & Utilities Director) that he has had a couple of phone calls about the 9th & 10th Street intersection of Van Dorn wondering where they are on the design, where it might go and how many trees it's going to effect. Karl Fredrickson stated he does not know at this time, they should be in final negotiations with the consultant. But, they selected HDR to do the design work and so they are going over the agreement which should be about done. As soon as that happens than they will start doing some preliminary survey work identifying locations and then launch into that, and have public information meetings from there, so they do not have the data yet. Also, he thinks Ken (Svoboda) asked that they look into other extensions of turn lanes and things like that so that process will continue, but they are not there yet. Mr. Fredrickson noted for your information the State was out there last week doing some survey, they are going to resurface Highway 2 next year from Van Dorn clear to 56th Street. An agreement will be showing up on their Agenda with the State, no cost to the City, but spell out some details, the State likes to have those agreements in place.

Mr. Marvin commented that raises another question, he knows from time to time they've talked about taking 9th Street to three lanes south of South Street and then when you get to Van Dorn the idea is to go six lanes at some point. Mr. Fredrickson responded yes at some point. Mr. Marvin questioned so if the State does a resurfacing will that close off the time table of when they might be able to move forward with it. Mr. Fredrickson replied no, he thinks they are ways off from proposing to six lanes and they would still need to do some corridor study in regards to should it go from Van Dorn to 14th, or should it go clear out to 70th Street and things like that need to be determined. So, there is some internal study to do before that happens and then the other things, do they just cut the curb off and add three lanes and match the surfacing height. Mr. Fredrickson noted they have been in contact with the State and they're trying to work out things and so that coordination continues.

PATTE NEWMAN -

Ms. Newman stated she would like to speak with Mike Merwick (Building & Safety Director) after the Directors' Meeting today.

JON CAMP -

Mr. Camp asked Dana Roper how are they doing on the ordinance regarding the flyers? Dana Roper replied they don't think that they can do it constitutionally. To take them down, such as the Girl Scouts or whomever because of the fines and penalties go to the school funds [inaudible]. They had two thoughts, they can add into as part of the Downtown Lincoln Association (DLA) contract that they can pay them so much for each poster they take down, noting that he is not sure if this isn't included in their work already. Secondly, they thought about writing in the ordinance that there was a presumption [inaudible] authorized or consented to the placing of these posters and they can give them a ticket. Then they would come in and at least would have to tell a judge under oath no I did not know anything about this and had no idea this was being done and if they can convince a judge, they can convince a judge, but it would be something. Mr. Camp commented it has become such a littering thing [inaudible]. So, he would still like to pursue something like that plus increasing the fine and asked what is the fine right now. Mr. Roper replied he thinks maximum is a \$500 fine. He thinks what they have in the ordinance has some specifics about it, he will check on that. But, he doesn't know if increasing the fine is going to help them or hurt them, the problem is not the penalty, the problem is finding who did it.

Mr. Camp stated he would like to speak with Don Herz (Finance Director) after the Directors' Meeting today.

1. E-Mail from Roger Bratt sent to Jon Camp - RE: In Support of the new Wal-Mart & residential development, proposed for northeast Lincoln at 84th & Adams Streets. — NO COMMENTS

JONATHAN COOK - NO COMMENTS

ROBIN ESCHLIMAN

Ms. Eschliman stated she would like to speak with Marc Wullschleger (Urban Development Director) after the Directors' Meeting today.

KEN SVOBODA -

Mr. Svoboda stated he would like to speak with Marvin Krout (Planning Director) after the Directors' Meeting today.

V. MISCELLANEOUS -

1. E-Mail from John May - RE: Group Homes. — NO COMMENTS
2. E-Mail from Bob Stewart - RE: Event Center. — NO COMMENTS
3. Letter from Pat Raybould, President, B&R Stores, Inc. - RE: The north 84th Street Wal-Mart development. — NO COMMENTS
4. E-Mail from Vicky Valenta - RE: Lincoln Main Post Office. — NO COMMENTS
5. E-Mail from Tony Stemick - RE: Possible solution for Emerald's water situation. — NO COMMENTS
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8. Letter from Stuart R. Long - RE: Writing as a member of the Mayor's Cable TV Advisory Board who has reservations about the new franchise agreement. — NO COMMENTS
9. E-Mail from Sharon Miller-Received on City Council InterLinc Action Center - RE: Beal Slough -Hwy 2 off of Southwood Drive -(This has been received by Public Works and they are responding). — NO COMMENTS

AD D E N D U M - (NOVEMBER 7TH)

I. MAYOR

1. NEWS ADVISORY - RE: Mayor Seng's Public Schedule Week of November 5 through 11, 2005-Schedule subject to change -(See Advisory).
— NO COMMENTS

II. CITY CLERK - NONE

III. CORRESPONDENCE

A. COUNCIL REQUESTS/CORRESPONDENCE - NONE

B. DIRECTORS AND DEPARTMENT HEADS

PLANNING

1. E-Mail from Paula McClung to Jean Walker - RE: Wal-Mart at 84th & Adams. — NO COMMENTS

C. MISCELLANEOUS

1. E-Mail from Larry & Deb Elias - RE: Annexation #05013 & Change of Zone #5054 -Opposed to allowing Wal-Mart to build any more stores in our city. — NO COMMENTS
2. E-Mail from Art Kavan - RE: Wal-Mart. — NO COMMENTS
3. E-Mail from Russell Miller - RE: Floodplain & Prairie Village North. — NO COMMENTS
4. E-Mail & Material from Jane Raybould, Buildings & Equipment Director, B & R Stores, Inc. - RE: 84th & Adams Development -(See Material). — NO COMMENTS
5. E-Mail from Michael Douglas Olson - RE: 84th Street Supercenter. — NO COMMENTS

6. E-Mail from Don & Diane Crouch - RE: Wal-Mart. — NO COMMENTS
7. E-Mail from Gretchen Goering - RE: Wal-Mart near 84th & Adams. — NO COMMENTS
8. E-Mail from Ginny Wright - RE: Wal-Mart. — NO COMMENTS
9. E-Mail from Brad Parker - RE: Development at 84th & Adams - Wal-Mart. — NO COMMENTS
10. E-Mail from Roger, Donna, Claire, & Brad Baddeley - RE: Wal-Mart. — NO COMMENTS
11. E-Mail from Dave Brady - RE: Editorial about Wal-Mart. — NO COMMENTS
12. E-Mail from Doc Mullet - RE: Enough Wal-Marts!!!!. — NO COMMENTS
13. Letter from Polly McMullen, President, Downtown Lincoln Association to Jeff Lewis - RE: Writing to follow up your recent communication to the Lincoln City Council on the assessments for the 2004-05 Maintenance and Management Business Improvement Districts (BIDs) administered by the DLA. - (Council received this letter in their Thursday packets on 11/03/05). — NO COMMENTS
14. Faxed Letter from Brian & Dana Meves - RE: Concerns - Wal-Mart near 84th & Adams. — NO COMMENTS
15. 2 E-Mail's from Teresa Andersen - RE: The proposed Wal-Mart. — NO COMMENTS

[End of Addendum]

VI. MEETING ADJOURNED - Approximately at 11:40 a.m.

dm110705/tjg

MEMORANDUM

TO: City Council

FROM: Marvin Krout, Director of Planning

SUBJECT: Prairie Village North Planned Unit Development
North 84th Street and Adams Street
(Bill #05-164, 05R-262 and O5-165)

DATE: November 7, 2005

cc : Mayor Coleen Seng
Ann Harrell, Mayor's Office
Dana Roper, City Attorney
Rick Peo, Chief Asst. City Attorney
Karl Fredrickson, Director of Public Works & Utilities
Peter Katt, Attorney

The applicant requested to have items 4, 5 and 6 on the City Council agenda for this Monday, November 7, and the Planning Department agreed, with the good intention that all of the details in the annexation agreement regarding the extent and responsibility and timing for public improvements required for this proposed development would be worked out in advance of the hearing. Both sides have worked diligently and narrowed down the issues to just a few, and these few issues may be resolved soon as well. However, because the City Council does not have an annexation agreement in hand in advance of this hearing, and there are likely to be other questions and issues raised by the Council and perhaps by the public, the applicant has agreed that the public hearing should be continued until the following week.

This development proposal also has generated inquiries from individual Council members that are probably of interest to the entire Council. This memo attempts to respond to those questions and identify the remaining issues on public improvements.

Changes in the plan

1. The plan originally submitted by the applicant, that is described and pictured in the staff report to the Planning Commission, covers 23 acres on the southeast corner of the intersection, proposed for commercial, and 277 acres on the northeast corner, proposed for retail and office uses, multifamily, townhouse and single family units.
2. The staff recommendation to the Planning Commission recommended that the floor area devoted to retail and office uses on the northeast corner be reduced. The reasons were to

avoid a long strip commercial appearance to the street, and to limit the commercial north of Adams to the size of a "neighborhood" commercial center as shown in the Comprehensive Plan, an objective which the Council reinforced in their previous denial of the requested amendment to allow a "community"-sized commercial center. The Planning Commission voted in agreement with the staff recommendations. This resulted in a reduction of commercial floor area north of Adams from 426,000 square feet to 300,000 square feet, and a corresponding increase in multi-family units. The applicant is not appealing the Planning Commission's recommendations.

3. After the Planning Commission meeting, the applicant attempted to work with staff to resolve issues regarding the treatment of land in the northeast corner of this development that was in the floodplain, a part of which was covered by a previously approved fill permit. The applicant wanted to look at the possibility of reducing the floodplain elevation on his property by lowering the grade of the Murdock bike trail which is developed in former railroad right-of-way that runs east-west on the northern edge of this property. The resolution of this proposal will require detailed engineering studies, and after several weeks of discussion, the applicant decided to remove 128 acres in the northeast portion of the residential development, including about 12 acres within the floodplain. The reduction in area required corresponding reductions in the total number of dwelling units allowed in the PUD, from 1,685 to 1,161.

Extent, cost, and responsibility for infrastructure improvements

1. Road improvements. The traffic study submitted by the applicant and accepted by Public Works identified extensive street improvements that are needed as a result of the anticipated traffic increase from the development in the PUD, as well as substantial other commercial development that is anticipated to the south along North 84th Street. Staff and the applicant are still working on the dollar figures for these improvements. The annexation agreement will have a listing of these improvements, their estimated cost, and designation as "impact fee" (considered to be part of the standard set of improvements that were assumed for arterial streets in the calculation of impact fees, and which therefore the City is obliged to reimburse, with the impact fees generated by this development and other funds if the site-generated impact fees are not sufficient) or "site-related" (improvements that are needed beyond the standard set due to the impact of the development and therefore paid for by the developer). Staff and applicant have also discussed questions of "timing" -- when these improvements should be installed relative to different levels of development and traffic -- and these will be spelled out in the annexation agreement.

2. Water improvements. The applicant will construct a 16 inch main in Adams from 82nd to 94th Street. This line is shown in the latest CIP to be constructed by the City in 2006-07. The applicant will construct the line this next year at his cost, and the City would pledge its best efforts to reimburse the applicant with water funds in 2006-07. Applicant will also construct a 12 inch line internal to the property, and, per normal policy, the City will reimburse him for the "oversizing" cost above a standard 6 inch (abutting residential) and 8 inch (abutting commercial) main.

3. Sewer improvements. The site being annexed can be served by the existing Regent

Heights/Northern Lights trunk sewer. Staff is requesting that the developer dedicate an easement of 1700+ feet for a future connection to the new Stevens Creek trunk sewer that will be constructed along the creek. That connection would be constructed as part of the Stevens Creek project.

Remaining issues between staff and applicant.

As of this date, there are several questions regarding responsibilities and reimbursement for some improvements. These include:

1. Right-turn lanes for northbound and southbound 84th Street traffic at Leighton, and traffic signal at this intersection. The applicant contends that the traffic using these turn lanes would not be generated by his development, and that the signal cost is all or mostly covered by commitments in other agreements with the adjoining properties. Staff believes the right turns are needed to help accommodate the additional traffic that will be generated by the Prairie Village North development through this intersection.
2. Out-of-pocket cost for redo of LES power lines and poles. Today there are 35 kV lines running along the east side of North 84th Street, and large transmission lines and poles running parallel just to the east of the smaller lines. The smaller lines need to be relocated east and out of the way of the proposed road improvements. That could be done by moving the 35 kV line east of the existing transmission lines, in a new 30 foot easement that the applicant would dedicate. Staff has agreed that this is an impact fee-eligible expense, and the estimated cost is \$300,000. There is also an opportunity to work with LES to replace the older transmission poles and bury the smaller lines in a project where the City, LES, and the applicant would each contribute about \$300,000. This is a win-win solution; it will result in a much more attractive streetscape and leave the applicant with more developable land. The only issue is that the applicant is asking the City to make its contribution from available funds rather than front the City's cost and be reimbursed out of impact fees later. The applicant points out that the City reimbursement would come later and not cover all costs, and reminds staff that he is dedicating extra right-of-way for 84th Street at no cost. Staff was not able to identify a funding source as of last week.
3. "Traffic cap" for major street improvements. Public Works and the applicant apparently have not yet arrived at an agreement on what number of trips generated by this development should trigger the major street improvements associated with this request.

Other questions

1. 84th Street widening: are we getting any additional "thru-put capacity?" Yes. North 84th Street is designated in the Long Range Transportation Plan to be a 6-lane road eventually. Although these improvements do not add through lanes, the right turn and left turn lanes take traffic off the through lanes at the intersections, which are the critical points, allowing traffic in the through lanes to move more smoothly. Public Works does not believe this is the time that through lanes need to be constructed.

2. Adams east of 84th Street. The latest draft of the annexation agreement will not list the church as a party to the Prairie Village North agreement. The church is obligated by the existing annexation agreement for all of Prairie Village on the south side of Adams to pay a portion of the \$500,000 commitment to contribute to the reconstruction of Adams. The applicant for Prairie Village North is the developer and party to the Prairie Village agreement. The proposed agreement in effect amends the previous agreement, and transfers the obligation for improving Adams to the property on the north side of the street. The draft agreement requires the City to use its best efforts to have the church maintain its commitment to participate in the cost of improving Adams.

3. Isn't the church opposed to this development? The official position of the church was favorable to the initial request for Prairie Village North, which was denied by the City Council. The church did not testify or offer written comments in our records before or since the Planning Commission hearing on the current request.

4. Impact fees. The estimate of \$3.1 million in road impact fees from this development was based on the applicant's original proposal (or was it based on what the Planning Commission approved?). The proposal as amended by the applicant is now estimated to generate \$2.4 million in road impact fees. If impact fees are upheld in court as legal, the fees are likely to continue to increase each year and so the total will be more than this amount. However, if impact fees are struck down, then the "back-up" guarantee of a contribution in lieu is "frozen" at the amount in the agreement.

5. Directed impact fees. None of the road improvements listed in the agreement are identified in the latest 6-year CIP for funding. The intention with regard to the road improvements is that the developer will build and pay for the improvements through the EO process, and he will be reimbursed by the City with the impact fees that are collected as building permits are issued within his own development, over a period of perhaps 10 years. No interest will be paid on this "loan". This is consistent with an administrative policy on "Directed Arterial Impact Fees" that was issued by the Mayor several months ago to help encourage development and recognize the City's gap in revenues for road improvements. In this case, it appears as though the estimated impact fees from this development will eventually cover all of the reimbursement costs. If it did not, then the City would be obliged to reimburse the total impact fee-eligible expense eventually, more than likely out of road impact fees collected from other developments in the same benefit district.

6. Ground vs. pole signs: any restrictions? The PUD does not contain any special restrictions on signs, but references the standards in the B-2 neighborhood business district. The sign rules in the B-2 district allow for one pole sign of moderate height and size to advertise the entire "project", plus additional ground signs for individual pad sites.

7. Trees and aesthetics. The PUD does not contain any special landscape requirements. According to the current provisions, the applicant would be required to plant street trees along North 84th and Adams and the internal streets. In this case, there should be sufficient right-of-way dedicated for the trees to be planted between the street curb and sidewalk, where they will have more effect than set back on private property. One of the design standards requires low-

growing shrubs and/or berms to partially screen parking lots facing the street, and two other standards require trees and shrubs according to formulas based on the building footprints and parking lot area. No special architectural controls have been proposed for the buildings.

8. Why not dual left turn lanes for eastbound Adams at 84th Street? The right-of-way for Adams at 84th Street is limited by the cemetery to the north and the North Forty golf facility to the south. I understand that acquiring right-of-way to the south would encroach on the miniature golf course and get the City into paying for damages as well as the land itself. Public Works has not indicated that the proposal should not proceed without dual left turn lanes at this location.

q:\cc\Prairie Village North memo