

MEETING RECORD

Advanced public notice of the Planning Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Tuesday, November 8, 2022.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, December 7, 2022, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska.

MEMBERS AND OTHERS IN ATTENDANCE: Lorenzo Ball, Dick Campbell, Gloria Eddins, Cristy Joy, Rich Rodenburg, Cindy Ryman Yost, and Tracy Edgerton; Maribel Cruz and Tracy Corr absent. David Cary, Steve Henrichsen, Shelli Reid, Andrew Thierolf, George Wesselhoft, and Jennifer McDonald of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

Chairperson Edgerton called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

Edgerton requested a motion approving the minutes for the regular meeting held November 16, 2022. Motion for approval of the minutes made by Campbell, seconded by Rodenburg and carried 6-0: Campbell, Eddins, Joy, Rodenburg, Ryman Yost, and Edgerton voting 'yes'; Ball abstained; Cruz and Corr absent.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

December 7, 2022

Members present Ball, Campbell, Eddins, Joy, Rodenburg, Ryman Yost and Edgerton: Cruz and Corr absent.

Joy recused herself from voting on the Consent Agenda due to conflict of interest on Pre-Existing Special Permit 28E.

The Consent Agenda consisted of the following items: Comprehensive Plan Conformance 22024, Annexation 22013, Comprehensive Plan Amendment 22006, Change of Zone 22036, Preliminary Plat 22003, Text Amendment 22014, Special Permit 18004A, Pre-Existing Special Permit 28E, Special Permit 22039, Street & Alley Vacation 22007.

There were no ex-parte communications disclosed.

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

John Ward, Lancaster County Attorney Office, 605 S 10th St, approached to address item 1.3, Text Amendment 22014 regarding page 69 of the online version of the agenda. Ward stated that Sections 13.029 and ~~13.034~~ 13.022, of the Lancaster County Zoning Regulations, which both include the word “processes”. Ward is going to amend the word and change to “processed”. Ward will ask Planning Department to update that also for the County Board action.

Campbell moved approval of the Consent Agenda items, subject to the change to the amended staff report and the change brought forth per John Ward in regard to Item 1.3, seconded Rodenburg. Motion carried 6-0: Ball, Campbell, Eddins, Rodenburg, Ryman Yost, and Edgerton voting ‘yes’; Joy abstained; Corr and Cruz absent.

Note: This is Final Action on Preliminary Plat 22003, Special Permit 18004A, Pre-Existing Special Permit 28E, and Special Permit 22039 unless appealed by filing a letter in the Office of the City or County Clerk within 14 days.

Chair Edgerton called for **Requests for Deferral**.

CHANGE OF ZONE 22035

FROM B-1 (LOCAL BUSINESS DISTRICT) TO R-1 (RESIDENTIAL DISTRICT) AND B-2 (PLANNED NEIGHBORHOOD BUSINESS DISTRICT) AND FROM R-1 (RESIDENTIAL DISTRICT) TO B-2 (PLANNED NEIGHBORHOOD BUSINESS DISTRICT), ON PROPERTY GENERALLY LOCATED AT 2201 OLD CHENEY ROAD.

AND

USE PERMIT 22013

TO ALLOW FOR A USE PERMIT WITH AN ASSOCIATED CHANGE OF ZONE TO B-2 (PLANNED NEIGHBORHOOD BUSINESS DISTRICT) AND ALLOW UP TO 75,000 SQUARE FEET OF COMMERCIAL FLOOR AREA, ON PROPERTY GENERALLY LOCATED AT 2201 OLD CHENEY ROAD. THE PLANNING COMMISSION ACTION IS FINAL, UNLESS APPEALED TO THE LINCOLN CITY COUNCIL.

AND

SPECIAL PERMIT 22038

TO ALLOW FOR A CUP (COMMUNITY UNIT PLAN) FOR UP TO 36 DWELLING UNITS, WITH ASSOCIATED WAIVERS TO THE MAXIMUM BLOCK LENGTH AND SETBACK REQUIREMENTS, ON PROPERTY GENERALLY LOCATED AT 2201 OLD CHENEY ROAD. THE PLANNING COMMISSION ACTION IS FINAL, UNLESS APPEALED TO THE LINCOLN CITY COUNCIL.

PUBLIC HEARING

December 7, 2022

Members present: Ball, Campbell, Eddins, Joy, Rodenburg, Ryman Yost and Edgerton;
Corr and Cruz absent.

Staff Recommendation: Two-week deferral

There was an ex-parte communication disclosed.

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

The Clerk noted that applicant is recommending a deferral on Change of Zone 22035, Use Permit 22013, and Special Permit 22038 – for **two weeks** to the regular Planning Commission on December 21, 2022.

Campbell moved to grant the request for 2-week deferral for public hearing and action on December 21, 2022, seconded Joy. Motion carried 7-0: Ball, Campbell, Eddins, Joy, Rodenburg, Ryman Yost, and Edgerton voting ‘yes’; Corr and Cruz absent.

TEXT AMENDMENT 22013

AMENDING VARIOUS SECTIONS OF THE ZONING ORDINANCE AS PRINTED ON THE AGENDA.

PUBLIC HEARING:

December 7, 2022

Members present Ball, Campbell, Eddins, Joy, Rodenburg, Ryman Yost and Edgerton. Corr and Cruz absent.

Staff Recommendation: Approval

There was no ex-parte communication disclosed.

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

Staff Presentation:

George Wesselhoft, Planning Department, 555 South 10th Street, Lincoln, NE came forward and stated that the Text Amendments listed identify or have been identified to improve the development process. Wesselhoft referenced a few of the current Text Amendments and stated what the changes to the amendments will address. He also stated that there is overlapping and redundant verbiage throughout the ordinances that will be adjusted.

Ryman Yost asked what makes a private school not need to meet requirements of the State of Nebraska. Wesselhoft stated that there is a procedure that they need to follow, State Statue Title 92, Chapter 13, that they are not exactly like a public-school facility, but still offer curriculum and have an exemption that they can follow under the state.

Proponents:

Libby Farman, 7821 Amelia Dr., Lincoln, NE came forward and stated that she operates one of the schools that Wesselhoft was referencing. Farman stated that the school that she represents follows the University model and meets the state requirements and covers all the core academic requirements with 3 days of school and 2 days of home study. The amendment changes will be helpful to the school that will be aligned with the peers that are offering academic instruction.

Neutral:

No one appeared in neutral testimony.

Opposition:

No one appeared in opposition.

Applicant Rebuttal:

No one appeared to rebuttal.

Campbell moved to close public hearing, seconded Joy, motion carried 7-0: Ball, Campbell, Eddins, Joy, Rodenburg, Ryman Yost and Edgerton voting 'yes'. Corr and Cruz absent.

TEXT AMENDMENT 22013

ACTION BY PLANNING COMMISSION

December 7, 2022

Campbell moved approval of text Amendment 22013, seconded Eddins.

Campbell stated that it will clean up the process for everyone.

Edgerton added it will improve the development process, add clarity and flexibility.

Motion carried 7-0: Ball, Campbell, Eddins, Joy, Rodenburg, Ryman Yost and Edgerton voting 'yes'. Corr and Cruz absent.

Campbell moved to adjourn the Planning Commission meeting of December 7, 2022, seconded by Eddins. Motion carried 7-0: Ball, Campbell, Eddins, Joy, Rodenburg, Ryman Yost, and Edgerton. Cruz and Corr absent.

There being no further business, the meeting was adjourned at 1:23 p.m.