

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, August 15, 2023.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, August 23, 2023, 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: Dick Campbell, Tracy Corr, Maribel Cruz, Cristy Joy, Rich Rodenburg, and Cindy Ryman Yost. Lorenzo Ball, Gloria Eddins and Tracy Edgerton absent. David Cary, Steve Henrichsen, Shelli Reid, Jennifer McDonald, Ben Callahan, Andrew Thierolf, and Tom Cajka of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

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

Ryman Yost requested a motion approving the minutes for the regular meeting held August 9, 2023. Motion for approval of the minutes made by Campbell, seconded Joy. Minutes approved 5-0: Campbell, Cruz, Joy, Rodenburg, and Ryman Yost voting "yes"; Corr abstained; Ball, Eddins and Edgerton absent.

Clerk read a Resolution of Appreciation for Commissioner Corr into the record. Corr was appointed to the City of Lincoln-Lancaster County Planning Commission on December 17, 2012 and contributed over ten years of volunteer service to the community. During her service, Corr contributed countless hours of effort towards the implementation of the Lincoln-Lancaster County Comprehensive Plan, Long-Range Transportation Plan, updates to the County and City Zoning Codes and has reviewed approximately 1,980 applications, along with numerous studies and subarea plans. Corr was commended for her dedication and service.

Campbell moved approval of the Resolution of Appreciation, second Joy.

David Cary, Planning Department, 555 S. 10th Street, Lincoln, NE approached to present Corr with a plaque for service. Cary stated that Corr had nearly 2000 items that have come before the Planning Commission the time that Corr was on the Planning Commission. Cary presented Corr

with a plaque to show appreciation to Corr for everything that she has done for the Planning Commission and the community.

Campbell stated that it has been a joy working with Corr. Campbell stated that Corr had thought out and had sound reasoning the with the issues that had come before the Planning Commission.

Joy stated her appreciation for Corr and all her wisdom, guidance, and effort through her years of service.

Cruz wanted to thank Corr for calm and consideration to the facts at hand. Corr has the ability to see all sides of a particular issue. Cruz stated that Corr is leaving big shoes to fill.

Ryman Yost stated that Corr has showed leadership and conviction to representing the neighbors in the community with the wealth of wisdom that she has provided.

City Council Chair Tom Beckius and Vice-Chair Sandra Washington came forward and stated that they wanted to express their gratitude and thanks on behalf of the City Council to Commissioner Corr. Beckius wanted to personally thank Corr for her knowledge and consideration that she has taught him. Chairperson Washington stated that Corr is wise, considerate, and thoughtful. Corr has shown a way to dig in, expose and bring forward history to the decision making for the City of Lincoln. Washington wanted to thank Corr for giving Lincoln 10 years of making Lincoln more beautiful.

Corr stated that it is time for her to step down and finish her term. When Corr first started at the Planning Commission, it was packets in the mail, and now a lot has changed. Corr stated her first meeting was sitting next to the current Mayor Leirion Gaylor Baird. Corr wanted to state to the Commissioners to “flush out” things and help the public understand the terminology and what is being said before the items go to City Council.

Motion for approval of the Resolution of Appreciation carried 5-0: Campbell, Cruz, Joy, Rodenburg and Ryman Yost voting ‘yes’; Corr abstained; Ball, Eddins and Edgerton absent.

Chair Ryman Yost called for **Requests for Deferral**.

STREET AND ALLEY VACATION 23005
TO VACATE A PORTION OF THE SOUTH 1ST STREET (RIGHT OF WAY) BETWEEN PIONEERS BLVD.
AND OLD CHENEY ROAD, ADJACENT TO PROPERTY GENERALLY LOCATED AT SOUTH 1ST STREET
AND PIONEERS BOULEVARD.

BEFORE PLANNING COMMISSION:

August 23, 2023

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

Staff Recommendation: Four-week deferral

Clerk noted that the applicant has requested a four-week deferral of item 4.4 Street and Alley Vacation 23005, to the September 20, 2023, Planning Commission hearing.

Campbell moved to grant the request for deferral for public hearing and action on September 20, 2023, seconded Joy and carried 6-0: Campbell, Corr, Cruz, Joy, Rodenburg, and Ryman Yost voting “yes”; Ball, Eddins and Edgerton absent.

Ryman Yost stated that if anyone present wishing to testify on this Street and Alley Vacation 23005 today may do so when the item is called at the end of today’s agenda but will not be able to testify again at the September 20th hearing.

CITY COMPREHENSIVE PLAN AMENDMENT 23009
TO AMEND THE LINCOLN LANCASTER COUNTY 2050 COMPREHENSIVE PLAN TO ADOPT THE LOCAL FOOD SYSTEM PLAN AS PART OF THE LINCOLN LANCASTER COUNTY COMPREHENSIVE PLAN.

PUBLIC HEARING:

August 23, 2023

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

Staff Recommendation: Approval

There were no ex-parte communications disclosed.

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

Staff Presentation:

Andrew Thierolf, Planning Department, 555 S. 10th Street, Suite 213, Lincoln, NE, came forward and stated that they are here today to discuss adopting the Local Food System Plan into the existing Comprehensive Plan. Thierolf stated that this is adopting the entire Local Food System Plan into the Comprehensive Plan.

Applicant:

Kim Morrow, City of Lincoln LTU, 555 S 10th Street, Lincoln, NE, came forward and stated that the process to create this plan was a 15-month process. This involved a total of 788 residents were surveyed along with including local dining, farmers, county board and social service agencies to name a few. The goal is to increase local food production, reduce food waste, protect soil, water, air, and insure healthy services. This is also to encourage the support of local food and distribution.

Megan McGuffey, Community Crops Program, 501 S 7th Street, Lincoln, NE, came forward to state that this program supports more than just the local food, but also the transportation and water systems of the community. McGuffey stated that the global food supply chain has only

has a three-day supply for the average American City if there is a disruption in the food chain. McGuffey stated that this plan is monumental to the community. This Local Food Plan addresses some of the biggest challenges that are seen in the daily work from expanding land challenges to access land so more people can grow food to open markets so that farmers can find more ways to grow food. This plan is important for the long-term vision of the community.

Corr asked if there is an example of row crop production on City owned land. McGuffey stated that the city manages approximately 1400 acres of agricultural land that they currently own.

Rodenburg stated that he had heard that an average statistic is that food travels an average of 1500 miles to a grocery store. McGuffey stated that is correct and some of those statistics come from the Department of Defense.

Campbell stated that as a young man, he use to sell tomatoes to the local grocery stores, but the product had to be in excellent condition and would only get half of the selling. Campbell stated that it is very important to continue into this direction and he will be supporting this program.

Proponents:

Charuth Van Beuzekon, Shadow Brook Farms, 2201 W. Denton Road, Lincoln, NE, came forward and stated that for the last 28 years have been supporting the farmers market and selling to local restaurants and the community. Van Beuzekon stated that as she is looking towards retirement, she has looked for ways to continue to grow and pass this on to the future growers.

Van Beuzekon stated that if they could attain their plan and not be forced to sell, but with a special use permit, there could be a wide range of things that could help implement the Local Food System Plan. Some of those things that Shadow Brook Farms could do is to have community gardens, leasing farm ground, teach cooking classes, host, and have a shared processing center and much more. Van Beuzekon stated that they are invested in the future and supporting the Local Food Plan.

Naziem Khan, Executive Chef, Bryan Hospital, 1600 S. 48th Street, Lincoln, NE, approached and stated his life is all around food as a Certified Master Chef. Kaham stated that good chefs focus on all the ingredients and not just the spices. With good ingredients, there will be little to no spices used. Khan has learned that the best ingredients and foods are the local ingredients. Khan stated that he cannot compromise the ingredients. Khan stated that the local ingredients are packed with nutrients. He mixes the local ingredients with the ingredients that are brought in so they can provide more nutrients. Khan stated that the food plan should be done the right way; with all the rules and regulations followed. A diverse community can have the resources to pick from and will strengthen the resources. Khan stated that there are a few challenges when it comes to the product availability in determining the recipes and food planning for the patients, families and staff at Bryan Health, University of Lincoln, and the kids in school.

Marilyn McNabb, 1701 W. Rose Street, Lincoln, NE, came forward and stated that she is in support of the Lincoln Local Food Systems Plan. McNabb stated that the Lincoln Local Food System Plan moves in the right direction to keep young talent here in Lincoln. McNabb stated that this is a great list of opportunities for creative and challenging work.

Kjersten Hyberger, 7201 Candletree Lane, Lincoln, NE, stated that she is in support of the Local Food Plan because it continues to work towards a healthier community for all of Lincoln. Hyberger is thrilled that the Local Food Plan is a key to sustaining the City's quality of life and economic viability for generations to come.

Ken Winston, 1327 H Street, Suite 300, Lincoln, NE, came forward and stated that he is appearing on behalf of the Sierra Club and the Interfaith Power and Light. Winston stated that this is just the beginning for the Local Food Plan. Winston wanted to discuss that the greenhouse gas is being recognized on the local level. Winston mentioned greenhouse gas reduction is a very important part of this process. If the food is local, it is more nutritious because it is fresher and does not involve the traveling, transporting, or processing. Winston stated that this plan supports the local economy. Winston stated that the Local Food Plan is consistent with the Climate Action Plan.

Neutral:

No one came forward for neutral testimony.

Opposition:

No one came forward in opposition.

Staff Questions:

Rodenburg asked if there is an educational part of the Local Food Plan. Morrow stated that community engagement and education is an important part of this plan. Morrow is hoping to partner with other nonprofits, community crops, extension, and other groups to help get the word out.

Campbell asked if Shadow Brook Farms is zoned AG and is wanting to know if there is a better label that can be used to reduce some of the tax liability on the vegetable and fruit production. Thierolf stated that he is not aware of any discussion about that at this time. Joy stated that maybe a Market Farmers Use Permit can be utilized to support through zoning action with the food plan. Joy wanted to get this on record and that Council and Mayor can direct and move forward on. Thierolf stated that there is more Urban activities through zoning to be able to sell products on site because it's somewhat limited in the current zoning today. Joy is very supportive of this program.

Campbell moved to close public hearing, second Joy. Motion carried 6-0: Campbell, Corr, Cruz, Joy, Rodenburg, and Ryman Yost voting "yes". Ball, Eddins and Edgerton absent.

COMPREHENSIVE PLAN AMENDMENT 23009

ACTION BY PLANNING COMMISSION

August 23, 2023

Campbell moved approval of Comprehensive Plan Amendment 23009, seconded by Corr.

Campbell stated that he is very supportive of this program. Campbell stated that his church has set aside some acres that do provide for a community garden, a food forest, outdoor classroom, and space for individuals to grow and produce.

Rodenburg stated that he was alarmed that Nebraska is in a food desert. An entirety of the crops grown here is for feed and fuel. Rodenburg stated that he is in full support of this program.

Corr stated that she loves this plan and is in full support. Corr had the opportunity in learning from the market in the College View area. Corr stated that one thing that she has learned from being with the Farmers Market, is that there are people that bring foods in from out-of-state and people need to ask where it is grown.

Joy is in support of this program. Joy stated that she has learned how much it takes to feed 20-30 families off a garden and looks forward to the next steps.

Cruz remembers her first garden, her first home and her the first tomatoes she planted in her garden. Cruz stated the excitement that people around her have by being able to share, learn from others and the partnerships that are going to be built from this.

Ryman Yost is in support and excited about this plan. Ryman Yost wanted to thank the committee that has worked at the local level to create this plan. This shows how much commitment there is to make this plan an action.

Motion carried 6-0: Campbell, Corr, Cruz, Joy, Rodenburg, and Ryman Yost voting “yes”; Ball, Eddins and Edgerton absent.

TEXT AMENDMENT 23011

TO AMEND THE LINCOLN MUNICIPAL CODE, SECTION 27.02

DEFINITIONS TO ADD A NEW DEFINITION, PASSENGER CARRIER VEHICLES; AMEND SECTION 27.06 RETAIL SALES AND SERVICE USE GROUP TO ADD STORAGE AND MAINTENANCE OF PASSENGER CARRIER VEHICLES, AND AMEND SECTION 27.63 SPECIAL PERMITS TO ALLOW STORAGE AND MAINTENANCE OF PASSENGER CARRIER VEHICLES IN AG AND AGR ZONING DISTRICTS BY SPECIAL PERMIT.

PUBLIC HEARING:

August 23, 2023

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

Staff Recommendation: Denial

There were no ex-parte communications disclosed.

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

Staff Presentation:

Tom Cajka, Planning Department, 555 S. 10th Street, Suite 213, Lincoln, NE, came forward to state that this application is to amend the Lincoln zoning code to add a new storage and maintenance of passenger vehicles. Cajka stated that the amendment is needed to legalize a party bus business that has been operating on an acreage residential area. The proposed text will add a definition of passenger carrier vehicles and include open class carriers. Cajka stated that the proposed conditions would include that the vehicles be stored in an enclosed structure, no fueling on site, no hazardous materials stored, and the lot must be three acres. There are other conditions that need more clarifications as to what setback this applies to. Cajka also stated that this would allow the owner to rent out the property to store vehicles. Cajka stated that the 2050 Comprehensive Plan clearly states that it does not support commercial use outside of incorporated towns. Cajka stated that this amendment is not in conformance with the Comprehensive Plan, and it is an attempt to legalize an illegal use that should not be allowed. The Planning Department does not recommend approval of this Text Amendment.

Steve Henrichsen, Planning Department, 555 S. 10th Street, Suite 213, Lincoln, NE, approached and stated the bigger picture of the zoning because fundamentally, that is actual part of the problem with this Text Amendment. The reason for this use is to legalize a specific use and then treat it differently than other similar uses that might have a similar impact in an AG area. Henrichsen stated that there are a few agricultural areas that have agricultural commercial uses and some traditional uses in an agricultural area. Henrichsen stated that this is not the first time or the first person in which a user is trying to locate a business outside the City of Lincoln and locate a business without getting a building permit in advance. Henrichsen stated fundamentally this is a use that does not need to be in an agricultural or residential area, but it is to be in the City of Lincoln. Henrichsen stated that is why the Planning Department is recommending denial.

Campbell stated that there are two refuse companies located outside of the county and what allowed that to happen. Henrichsen stated that there currently is not a Special Permit for a garbage service outside of the county.

Joy asked what zoning this is permitted in. Henrichsen stated that the zoning would be the H Commercial Districts. Cajka stated that it would be the H and I Districts. Henrichsen stated that there are a lot of sites that would accommodate this.

Applicant:

Bill Austin, Attorney, 2511 S. 77th Place, Lincoln, NE, approached on behalf of the applicant of this Text Amendment. Austin stated in April there was a proposal in front of the Planning Commission. The concerns were heard, and the applicant decided to retool the proposal instead

of a Conditional Use to a Special Permit. That way it could be focused on one particular property. Austin stated that they are proposing a pass forward for a legislative change to allow consideration for a Special Permit. Austin mentioned that ownership, maintenance, yard issues are agreed upon by the owners and were presented to Cajka. Austin stated that the overall concern by the Planning Department is that this is a commercial business. Austin stated that what needs to be looked at is what is commercial and the elements of commercial use to make it compatible in other areas. Austin is suggesting that none of the uses would be utilized by the Casey's is under the current text amendment at this location. Austin stated that an actual Special Permit is not being looked at today but discussed what the Special Permit would look like if it was proposed.

Campbell asked Austin what he was referring to regarding the definitions that Austin gave to the Planning Department. Austin stated that he gave Cajka what he thought the definition is for yard and ownership. Ryman Yost stated if Austin could find that document or make notes of that document to present to the Commissioners in rebuttal.

Proponents:

Charles Hibberd, 8401 Liana Lane, Lincoln, NE, approached and stated that he is here to refute the negative statements that have been made about the owners, Dan and Tammy Casey at 8500 Liana Lane. In 2014, Dan and Tammy Casey started the Elite Party Busses to utilize out of their acreage. Hibberd stated that he is pleased that the drivers are courteous, drive slow and this has not had any impact on his property. Hibberd stated that there have been numerous complaints stated on the staff report and wanted to know if the validity of the complaints have been assessed. Hibberd encouraged the commissioners to read his letter and that the complaints can easily be refuted. Hibberd stated that this is not fair or equitable to the Caseys' business. Hibberd is in support of this proposed Text Amendment.

Neutral:

No one came forward for neutral testimony.

Opposition:

Jill Timmerman, 8600 Liana Lane, Lincoln, NE, approached and stated that her family lives next door to the Caseys' acreage. Timmerman stated when they bought the land, they were unaware of Elite Party Buss business being next to her property. Timmerman has young children and does not feel safe with her kids being outside without supervision. She does not know who is over there or who is watching her or her kids because there are always people and traffic. Timmerman stated that this is about freedom, and they do not feel safe on their own property.

Rich and Tammy Eymann, 8420 Liana Lane, Lincoln, NE, both came forward and distributed Exhibit 1. Mr. Eymann stated that he purchased his house to be in an AG setting. That is not the case. Storage is to store and not come and go every day. Mr. Eymann stated that nothing has changed with the constant noise, dust, fuel trucks and employees coming and going at all times

of the day and night. Mr. Eymann stated that Exhibit 1 is time and date stamped to show that it is not during normal business hours but operating all the time. Mr. Eymann opposes this Text Amendment. Mrs. Eymann stated that they cannot hear or enjoy the quiet, the goats, chickens, or family members when they are outside. Mrs. Eymann stated that the employees are using the back of the building as a restroom and have bad language that is not appropriate for her grandkids to hear. This is an employee problem and not a farm problem. Mrs. Eymann stated that the employees bring friends, spouses, or families which adds more people, noise, and traffic to the area. Mrs. Eymann stated that she opposes this and was blindsided by a Party Bus business being able to operate next door as part of an AG zoning. This is something that was not known prior to purchasing their land.

Ryman Yost asked Mrs. Eymann when they moved in; Eymann replied 2018.

Drew Ferguson, 8601 Liana Lane, Lincoln, NE, approached and read a statement from wife, Heather Ferguson, who was unable to attend hearing. Per the statement, the buses continue to run, the washing runoff goes into Stevens Creek and the wear of the communal property which is maintained by the neighbors at an additional cost. There were several points that Ferguson read including property evaluation, resale value will decrease, infringement of the other property owner's rights and quiet enjoyment.

Staff Questions:

Joy clarified that from a use on this property standpoint, an amendment to the current zone or a zoning change will need to be in place for this business to operate in its current state. Henrichsen stated that all the complaints are valid and that this use is not allowed by the current zoning. Henrichsen stated that this is specific circumstance, but this Text Amendment will affect all AG and AGR neighborhoods if approved. This use is not allowed and that the Planning Department is recommending that the responsible business should find a place where it is permitted. Joy asked if this is just in Lancaster County that is allowing this specific use and Henrichsen stated that it is just within the three-mile zoning jurisdiction.

Rodenburg wanted to know how many other like services (Party Bus) are in operation that are having to pay for being in the correct zoning. Henrichsen stated that there is other Charter Bus organizations but does not know the exact count. Rodenburg asked if they are all complaints, Henrichsen stated that he is not aware of any of them having this issue.

Campbell asked if the amendments that Austin brought forward were looked at. Cajka stated that he briefly looked at them and that they would clarify some of the conditions, but the Planning Staff will not change their recommendation. Cajka stated that it still is a commercial use in an AG and AGR district. This Text Amendment could open the door to other commercial type uses. Cajka stated that on Special Permits, there are conditions and that all the conditions

need to be met in which it is then hard to justify denying a Special Permit. Henrichsen stated that the focus is not the individual conditions.

Applicant Rebuttal:

Austin approached and wanted to clarify the equity and application of zoning. Austin stated that the garbage business on 84th and Cornhusker was in violation of the zoning ordinance and carved out an I-2 in the middle of an AG. Austin stated that there are approximately seventy Special Permits in the codes. Austin stated that there is a row of evergreen trees between the property and the Timmerman property. Austin also stated that the Casey's have been operating for over 10 years and there has never been a complaint prior to pollution or hazardous materials. Austin stated that the Casey's currently have a fuel tank on the premises that would be removed if it is a condition.

Campbell asked Austin if he had the proposed amendments to the motion that was presented to the Planning Department earlier. Austin stated that it was adding a definition of the word "maintenance", ownership, and rental wording.

Campbell moved to close public hearing, second Joy. Motion carried 6-0: Campbell, Corr, Cruz, Joy, Rodenburg, and Ryman Yost voting "yes". Ball, Eddins and Edgerton absent.

TEXT AMENDMENT 23011

ACTION BY PLANNING COMMISSION

August 23, 2023

Campbell moved approval of the denial of Text Amendment 23011, seconded by Corr.

Campbell emphasized with the property owners with what they have done with the building and business. Campbell recommended that they go back to the Planning Department to see if there is another option or solution. But at this time, Campbell stated that they are not at this point of approval.

Rodenburg stated that he is concerned with the can of worms that this can lead to if another company decides that they want to do this on an acreage or land. This would box in a property owner that wanted a quiet life. Rodenburg is supporting the motion to deny and protect the zoning as it currently is. That is the job as a commissioner to protect the zoning.

Joy is focused on the Text Amendment that is in front of the Planning Commission and the Commissioners need to be true to their role to look at the zoning, land use and text amendment. Joy will be supporting the motion to deny.

Corr stated that this will affect the whole county and is not appropriate to make a blanket zoning change to accommodate this one use. Corr is stating that a business cannot be put in a residential area and will not be supporting this Text Amendment.

Motion carried 6-0: Campbell, Corr, Cruz, Joy, Rodenburg, and Ryman Yost voting "yes". Ball, Eddins and Edgerton absent.

CHANGE OF ZONE 15013B

TO AMEND THE TOWER HEIGHTS PLANNED UNIT DEVELOPMENT (PUD) WITH A MODIFICATION TO THE LAND USE PLAN FROM O-3 (OFFICE PARK DISTRICT) TO B-2 (PLANNED NEIGHBORHOOD BUSINESS DISTRICT), WITH RESTRICTED USES, ON PROPERTY GENERALLY LOCATED AT THE SW CORNER OF SOUTH 52ND STREET AND YANKEE HILL ROAD.

PUBLIC HEARING:

August 23, 2023

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

Staff Recommendation: Conditional Approval

There were no ex-parte communications disclosed.

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

Staff Presentation:

Ben Callahan, Planning Department, 555 S. 10th Street, Suite 213, Lincoln, NE, came forward and stated that this request is to amend the existing Planned Unit Development (PUD) along SW 52nd and Yankee Hill Road. The applicant is requesting one lot to be changed from an office use to match the remainder of the sight with B-2 uses. Callahan stated a B-2 is being requested with some requirements within the PUD. Callahan also stated that limited uses would be noted within the commercial, recreation and entertainment along with some other facilities not allowed on the site.

Campbell asked if it is just on one lot that the restrictions will be made on. Callahan stated that it is just the northeast lot will have the restrictions and not the other lots.

Rodenburg mentioned that it states conditional approval and have those conditions been met or resolved. Callahan stated they would be approving on the bases of the conditions listed under site specific on the staff report.

Corr stated one of the letters mentions a Block 1, Lot 5 and she is unable to find that on the map. Callahan stated that this was a mistake. Corr asked if this proposed project does not happen, what could then become of the project. Callahan stated that the limitations in the PUD on the B-2. Corr said that there was some confusion to Lot 4 already being a B-2 and these changes do not affect this. Callahan stated that the changes will not affect the other lots. Corr asked if the conditions in the applicant letter be included in the site conditions. Callahan stated that they do not get that detailed on the PUD plans to restrict the business hours and number of employees. It would be hard to enforce by site. Corr asked if it would be workable to add that there is not an outside speaker to be added on the site conditions. Callahan stated that he thinks that can be

added to the site conditions. Corr asked if any of the residences have been built to the south of the PUD. Callahan stated that there is some developing currently and there is AGR south of the PUD. Corr asked if any of the houses are being built. Callahan stated that he believes that there are houses there.

Applicant:

Brad Marshall, Olssen, 601 P Street, Suite 200, Lincoln, NE, came forward on behalf of the applicant. Marshall stated that they are requesting a revision to some of the previous conditions. Marshall stated that this is concentrated to the end lot adjacent to 52nd Street. Marshall stated that a smaller local repair shop is requesting the change. It is not a chain company, that will have smaller clientele with 10-14 customers a day operating in a controlled environment. Marshall stated the conditions of outdoor speakers is perfect to add to the list of conditions. Marshall stated some of the other things that could be allowed with the O-3 zoning to include banks, hotels, restaurants that was taken into consideration. Marshall proposed adding a screening requirement with landscaping and trees being added or changed to the application. Also, restricting the height of the building and increase the setback. Marshall stated that the B-2 use presented by the Planning Department is agreed upon by both parties. Marshall also stated that there has been a discussion with the neighbor, Mr. Shaw, who was in opposition to this. Marshall also sent Mr. Shaw some information but has yet to hear back from him.

Corr asked if neighborhood meeting was held. Marshall stated that he has reached out to the neighbor, Mr. Shaw prior to the application and met with him after the application and sent information. Corr asked if there is an appropriate storage for chemicals in place and the approval process of how this works. Marshall stated that he cannot state what this would be but is sure that there is a process that will need to be approved and passed.

Proponents:

No one came forward in support.

Neutral:

No one came forward for neutral testimony.

Opposition:

Warren Baxter, 5301 Carlisle Court, Lincoln, NE, approached and stated that there will need to be EPA and OSHA standards to that area. There is a lot of concern with his acreage being near that area and how is it going to be contained. Baxter stated that adding more traffic to the neighborhood would be more dangerous because there is already a traffic issue in that area. Baxter also stated that the acreages are on well water. He wants to know if there will be any type of storage to contain the chemicals and hazardous chemicals that the property is going to have. Baxter stated that there are already a lot of repair shops on Yankee Hill. Baxter asked the question if there is a need to add more repair shops?

Linda Whitmire, 5300 Carlisle Court, Lincoln, NE, approached and stated that she does not know why lot 4 is showing as such a big lot. Whitmire stated that the neighbor, Mr. Shaw, is opposed to this and did provide the letter that he received in the mail to submit comments. Whitmire stated that the outdoor speakers, limit the hours of services and exterior lighting are all concerns that she is wanting restrictions on. Whitmire is requesting that the set back and landscaping requirements be continued on to the new zoning as a buffer.

Campbell asked Whitmire where her house is located on the map. Whitmire stated that her house is located to the south of Mr. Shaw's house.

Carla Baxter, 5301 Carlisle Court, Lincoln, NE, approached and stated that an auto body shop will have more noise than a two-story medical center. Baxter mentioned that the traffic circle is dangerous and there is also a flood plain/wetlands that is located there. Baxter is concerned with the whole development, the increase in traffic and the noise.

Staff Questions:

Corr asked Callahan why lot 3 and lot 4 are in the rectangle section on the notice and not just lot 4. Callahan stated that this has not been final platted yet. Corr asked if this project was to fall through, would this have to go through the whole process again for approval with the Planning Department. Callahan stated if it is anything outside of the "ok" use, it would need to come back and be amended. Corr asked if there are certain standards when it comes to the lighting. Callahan stated that the city standards would need to be followed for the lighting standards. Corr asked if removal of a condition so it would revert, Callahan stated that this was by request by the applicant that it could fall back to the O-3 that was currently approved. Callahan stated that this was not a concern since it is already approved onsite. Corr asked if an operation limit can be placed on the site. Callahan stated that cannot be limited or enforced within a PUD.

Applicant Rebuttal:

Marshall approached and stated that part of the overall process is detention and water quality. All the drainage is captured and released into a detention cell. Marshall also stated that the roundabout was put in to handle the increase capacity of the traffic. Marshall stated that this is a compact roundabout to minimize the amount of the intrusion of traffic to the north. Marshall stated that there are other vehicles that a service shop can serve. There are so many types of cars and are trying to match the market. Marshall stated that they will adhere to the lighting and noise standards.

Joy asked if the two detention cells would be maintained onsite. Marshall stated yes.

Campbell moved to close public hearing, second Joy. Motion carried 6-0: Campbell, Corr, Cruz, Joy, Rodenburg, and Ryman Yost voting "yes"; Ball, Eddins and Edgerton absent.

CHANGE OF ZONE 15013B
ACTION BY PLANNING COMMISSION

August 23, 2023

Corr moved to amend the conditions of approval and add a number 5 that prohibits outdoor speakers, to Change of Zone 15013B, seconded by Campbell.

Corr stated that this is a good project and will have more protection than was currently there. Corr thinks that this is an appropriate placement of this type of business.

Campbell stated that there is plenty of office space available in this community and the change to B-2 is common sense to this development.

Corr stated that if this project goes through and is constructed, would recommend utilizing the used oil to heat the floors.

Rodenburg stated that there are concerns with the roundabout and recommends a way to reduce the speed limit or a traffic light to slow down the speed.

Motion carried 6-0: Campbell, Corr, Cruz, Joy, Rodenburg, and Ryman Yost voting "yes". Ball, Eddins and Edgerton absent.

Clerk stated if anyone present wishing to testify on this Street and Alley Vacation 23005 rather than waiting until the September 20th hearing, can do so at this time, but if you do testify today, you will not be able to testify again on September 20th, 2023.

No one approached to testify.

Corr moved to adjourn the Planning Commission meeting of August 23, 2023, seconded by Joy.

Motion carried 6-0: Campbell, Corr, Cruz, Joy, Rodenburg, and Ryman Yost voting "yes". Ball, Eddins and Edgerton absent.

There being no further business, the meeting was adjourned at 3:42 p.m.