

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, October 24, 2023.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, November 1, 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: Lorenzo Ball, Dick Campbell, Maribel Cruz, Gloria Eddins, Bailey Feit, Christy Joy, Rich Rodenburg, and Cindy Ryman Yost; Tracy Edgerton absent; David Cary, Steve Henrichsen, Shelli Reid, Jennifer McDonald, Emma Martin, and Tom Cajka of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

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

Chair Ryman Yost requested a motion approving the minutes for the regular meeting held October 18, 2023.

Motion for approval of the minutes made by Campbell, seconded Joy.

Minutes approved 7-0: Campbell, Cruz, Eddins, Feit, Joy, Rodenburg, and Ryman Yost voting "yes"; Edgerton absent, Ball abstained.

Chair Ryman Yost asked the Clerk to call for the Consent Agenda Items.

Clerk noted that Commissioner Joy has declared a conflict of interest on item 1.2 – Street and Alley Vacation 23008 on today's Consent Agenda and, therefore, will recuse herself from voting on the Consent Agenda.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

November 1, 2023

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

Clerk noted that the Planning Commission members did receive a Staff Memo dated October 21, 2023, reflecting corrections to the staff report for Annexation 23009 and Change of Zone 23067.

The Consent Agenda consisted of the following items: Annexation 23009, Change of Zone 23067 and Street and Alley Vacation 23008.

There were no ex-parte communications disclosed.

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

Campbell moved approval of the Consent Agenda items, seconded by Eddins.

Motion carried 7-0: Ball, Campbell, Cruz, Eddins, Feit, Rodenburg, and Ryman Yost voting “yes”; Edgerton absent, Joy recused.

Note: This is Final Action on County Special Permit 07011A unless appealed by filing a Notice of Appeal with the City Council or County Board within 14 days.

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

Clerk stated that written communication on behalf of the applicant was received requesting a 2-week deferral for item 4.2 – Special Permit 06022C – this would delay public hearing and action to the November 15, 2023, Planning Commission hearing.

SPECIAL PERMIT 06022C

TO AMEND AND EXPAND THE LIMITS OF THE EXISTING SPECIAL PERMIT ALLOWING A GARDEN CENTER BY APPROXIMATELY 10.98 ACRES, ON PROPERTY GENERALLY LOCATED AT 10901 AND 10777 SOUTH 14TH STREET.

BEFORE PLANNING COMMISSION:

November 1, 2023

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

Staff Recommendation: Two-week deferral.

Campbell moved to grant the request for a 2-week deferral for public hearing and action on November 15, 2023, of Special Permit 06022C, seconded by Joy. Motion carried 8-0: Ball, Campbell, Cruz, Eddins, Feit, Joy, Rodenburg, and Ryman Yost voting “yes”; Edgerton absent.

CHANGE OF ZONE 23065

FROM R-2 (RESIDENTIAL DISTRICT) TO R-5 (RESIDENTIAL DISTRICT), ON PROPERTY GENERALLY LOCATED AT 4734 AND 4744 GLADSTONE STREET.

BEFORE PLANNING COMMISSION:

November 1, 2023

Members present: Ball, Campbell, Cruz, Eddins, Feit, Joy, Rodenburg, and Ryman Yost; 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:

Emma Martin, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated that this application is a request for a change of zone from R-2 residential to R-5 residential over two residential lots, generally located at the NW corner of N. 48th Street and Gladstone Street. There is an associated zoning agreement which will restrict the number of units allowed on the property to the number that exists today. Martin stated this application will not be considered "spot-zoning", as the properties border R-5 zoning to the south and I-1 zoning to the north. The properties will not be the sole R-5 use in the area, which precludes spot-zoning. This application will not increase density within 300 feet of an industrial zoning district, either. The existing density will remain as it is today, and no increase in dwelling units on 4744 and 4734 Gladstone will be permitted. Martin stated that is part of the associated zoning agreement, which requires that each property is restricted to the number of dwelling units that exist today. County Health has agreed that in this circumstance the change of zone is appropriate.

Applicant:

Ben Swanson, Rembolt Ludtke, 1128 Lincoln Mall, Suite 300, Lincoln NE came forward on behalf of applicant and stated that Martin explained this application and the justification as what they are requesting. Swanson stated that what is important is that it allows the existing stock of housing in the neighborhood to stay where it is and not expand it. Swanson stated that this is in the future urban residential zone in the Comprehensive Plan.

Proponents:

No one came forward in support of the application.

Neutral:

No one came forward in neutral testimony.

Opposition:

No one came forward in opposition.

Staff Questions:

Campbell asked if this could have been handled administratively. **Steve Henrichsen, Planning Department, 555 S 10th Street, Lincoln, NE** approached and stated that the property had lost its non-conforming status, so a Change of Zone was the only way to handle this through the City Council.

Campbell moved to close the public hearing, seconded by Joy. Motion carried 8-0: Ball, Campbell, Cruz, Eddins, Feit, Joy, Rodenburg, and Ryman Yost voting “yes”; Edgerton absent.

CHANGE OF ZONE 23065

ACTION BY PLANNING COMMISSION

November 1, 2023

Campbell moved to approve Change of Zone 23065, seconded by Joy.

Campbell stated that this is a logical move.

Motion carried to approve Change of Zone 23065, 8-0: Ball, Campbell, Cruz, Eddins, Feit, Joy, Rodenburg, and Ryman Yost voting “yes”; Edgerton absent.

COUNTY SPECIAL PERMIT 07011A

TO AMEND SPECIAL PERMIT 07011, TO ADD ONE DWELLING UNIT TO THE WILD ACRES COMMUNITY UNIT PLAN FOR A TOTAL 17 SINGLE-FAMILY DWELLING UNITS, ON PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND ASHLAND ROAD. THIS IS FINAL ACTION. BEFORE PLANNING COMMISSION:

November 1, 2023

Members present: Ball, Campbell, Cruz, Eddins, Feit, Joy, Rodenburg, and Ryman Yost; 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:

Tom Cajka, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated that this application is to amend a previously approved Community Unit Plan (CUP). This amendment is to add one dwelling unit to the previously approved 16 lots to make it a total of 17 lots. Cajka stated that the amended plan slightly changes the previously approved plan from 2007. The change will include adding access to three new streets and a new lot. Cajka stated that they are allowed to add one more lot due to the calculations of density of preserving open space. There has been a test well on site and two existing wells on site. The City-County Health Department has determined that there is adequate water for the 17 lots on site. Cajka stated that they are required to maintain 70 percent of the overall area to be maintained as an open area. The Natural Resource District has no concerns.

Ball asked if the open space is part of the CUP. Cajka stated that for the density bonus, 70 percent of the overall area needed to be preserved as open space.

Applicant:

Nate Burnett, REGA Engineering, 601 Old Cheney Road, Suite A, Lincoln, NE came forward and stated that Cajka did a great job explaining and this is pretty with straight forward. Burnett stated that all the regulations have been met and the Health Department is okay with the water.

Proponents:

No one came forward in support of the application.

Neutral:

No one came forward in neutral testimony.

Opposition:

No one came forward in opposition.

Campbell moved to close the public hearing, seconded by Joy. Motion to close public hearing carried 8-0: Ball, Campbell, Cruz, Eddins, Edgerton, Feit, Joy, Rodenburg, and Ryman Yost voting “yes”; Edgerton absent.

COUNTY SPECIAL PERMIT 07011A
ACTION BY PLANNING COMMISSION

November 1, 2023

Campbell moved to approve County Special Permit 07011A, seconded by Joy.

Campbell stated that this is very logical, Rodenburg stated that this makes sense.

Motion carried 8-0: Ball, Campbell, Cruz, Eddins, Feit, Joy, Rodenburg, and Ryman Yost voting “yes”. Edgerton absent.

Chair Ryman Yost asked if there was anyone wishing to speak on an item not on the agenda, may do so at this time.

Campbell moved to adjourn the Planning Commission meeting of November 1, 2023, seconded by Joy. Motion to adjourn carried 8-0: Ball, Campbell, Cruz, Eddins, Feit, Joy, Rodenburg, and Ryman Yost voting “yes”. Edgerton absent.

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