

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 7, 2023.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, November 15, 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, Bailey Feit, Christy Joy, Rich Rodenburg, and Cindy Ryman Yost; Maribel Cruz, Gloria Eddins, and Tracy Edgerton absent; David Cary, Steve Henrichsen, Shelli Reid, Jennifer McDonald, Andrew Thierolf, Ben Callahan, George Wesselhoft, 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 November 1, 2023.

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

Minutes approved 6-0: Ball, Campbell, Feit, Joy, Rodenburg, and Ryman Yost voting "yes"; Cruz, Eddins, and Edgerton absent.

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

Clerk stated that written communication on behalf of the applicant was received requesting item 1.4 – Use Permit 145C to be put on hold until further notice.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

November 15, 2023

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

The Consent Agenda consisted of the following items: Comprehensive Plan Conformance 23016, Comprehensive Plan Conformance 23017, Text Amendment 23014, and County Waiver 23006.

There were no ex-parte communications disclosed.

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

Clerk asked if anyone wanted to speak on the consent items. There was one individual who wanted to testify on Comprehensive Plan Conformance 23016. Ryman Yost stated that this item will be pulled from the Consent Agenda and moved to public hearing.

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

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

Note: This is Final Action on Comprehensive Plan Conformance 23016, County Waiver 23006, Special Permit 23039, Special Permit 23040, and Special Permit 06022C 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**.

USE PERMIT 145C

PINE LAKE PLAZA USE PERMIT, TO REVISE THE LOT LAYOUT AND INCLUDE THE CONDITIONAL USE OF RETAIL SALES, AND SPECIAL PERMITS FOR A RESTAURANT AND THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES IN CONJUNCTION WITH A RESTAURANT, ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND NEBRASKA PARKWAY.

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

Staff Recommendation: Place on hold

Campbell moved to grant the request for Use Permit 145C to be placed on hold until further notice, seconded by Joy. Motion carried 6-0: Ball, Campbell, Feit, Joy, Rodenburg, and Ryman Yost voting “yes”; Cruz, Eddins, and Edgerton absent.

COMPREHENSIVE PLAN CONFORMANCE 23016 TO REVIEW AS TO CONFORMANCE WITH THE 2050 LINCOLN - LANCASTER COUNTY COMPREHENSIVE PLAN, ADDING A NEW FIRE ADMINISTRATION OFFICE PROJECT TO THE CITY OF LINCOLN'S CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FY 2023/2024.

PUBLIC HEARING:

November 15, 2023

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

Staff Recommendation: In General Conformance of the Comprehensive Plan

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, Lincoln, NE came forward and stated that this application is an amendment for the CIP to move the Fire Administration office project to the Municipal Service Center (MSC). To add this to the CIP, there needs to be a finding of conformance from the Planning Commission. This project has already been approved to the budget.

Proponents:

Teri Pope Gonzalez, 349 S. 1st Street, Lincoln, NE came forward wanted to say thank you to the Planning Commissioners for taking care of the firemen.

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

COMPREHENSIVE PLAN CONFORMANCE 23016

ACTION BY PLANNING COMMISSION

November 15, 2023

Campbell moved to approve Comprehensive Plan Conformance 23016, seconded by Joy.

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

CHANGE OF ZONE 23068

FROM R-2 (RESIDENTIAL DISTRICT) TO R-5 (RESIDENTIAL DISTRICT), ON PROPERTY GENERALLY LOCATED AT 4618 PIONEERS BOULEVARD

AND

SPECIAL PERMIT 23039

TO ALLOW FOR THE NEIGHBORWORKS COLLEGE VIEW BLOCK 47 CUP (COMMUNITY UNIT PLAN) FOR UP TO 31 DWELLING UNITS, WITH ASSOCIATED WAIVERS TO SETBACK REQUIREMENTS AND STORMWATER DETENTION, ON PROPERTY GENERALLY LOCATED AT 4618 PIONEERS BOULEVARD.

PUBLIC HEARING:

November 15, 2023

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

Staff Recommendation:

Change of Zone 23068
Special Permit 23039

Approval
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, Lincoln, NE came forward and stated that this Change of Zone is associated with the Special Permit 23039. Callahan stated that there is a waiver to reduce the parking due to being one parking space short of the requirement and to add five units for affordable housing. This will allow more flexibility for being an infill project. Callahan also stated that the alley will be paved as it serves the multi-family building to the north. With this being an infill project, the Comprehensive Plan supports the project within the existing neighborhood. There are multiple zoning districts in the College View area with a mix of density.

Feit asked Callahan where the open space is located. Callahan stated that there is an open/green space between the two buildings.

Campbell asked if Community Crops were involved in this project. Callahan stated that there was a meeting last week and are in the process of moving to a new site.

Applicant:

Wayne Mortensen, NeighborWorks Lincoln, 2530 Q Street, Lincoln NE came forward and stated there is a lot of hope and excitement for this project. There is a large need for affordable housing in the community. Unfortunately, they are lacking the tools and direct subsidy available to do that. Mortensen stated that five units of affordable housing will remain affordable and be placed in a land trust so when it is sold, it will go towards a family in the same economic circumstance when bought. Mortensen stated that they are excited about this site and the project. Mortensen stated that there has been ongoing dialogue with the College View Neighborhood to ensure the neighbors are comfortable with what is going on in this area.

Aaron Bright, Olsson, 601 P Street, Suite 200, Lincoln, NE approached and stated that one of the conditions that was a struggle was the density and the minimum requirements with the

CUP. Bright stated that the property owner to the north agreed to sign the application, and this has allowed them to get over the 1-acre threshold for the CUP requirement. Bright stated that the south units are set up with an exterior porch that will extend along the property line on Pioneers. Bright stated that all the access will be off the back side of the property or from the alley. Bright stated that parking is not allowed in the alley.

Ryman Yost asked if any of the units are first floor accessible. Mortensen stated that everything on the first floor is designed for ADA access and because of the topography of the site, they were able to do three units.

Rodenburg asked what the nature of the green space will be. Mortensen stated that the promenade between the two homes to be desirable and excitable space to meet the neighbors. Mortensen also stated that there will be some benches and maybe some art. It is important to have an active recreational infrastructure. Bright stated that between the units is a space for a shared planter with some additional green space. Mortensen stated that there is a generous right away on 46th street to hang out or throw a ball around.

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

CHANGE OF ZONE 23068

ACTION BY PLANNING COMMISSION

November 15, 2023

Campbell moved to approve Change of Zone 23068, seconded by Joy.

Campbell wants to applaud NeighborWorks for what they put together. Campbell was wondering about the community garden, and they were sensitive to help them relocate. Campbell stated that this is a win all around.

Ball applauds NeighborWorks. Ball stated that it is a plus that the community is getting the lot size to make this work and affordable housing.

Ryman Yost agrees with fellow commissioners and the creativity that went into this to utilize the best maximum density and affordable housing.

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

SPECIAL PERMIT 23039

ACTION BY PLANNING COMMISSION

November 15, 2023

Campbell moved to approve Special Permit 23039, seconded by Joy.

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

SPECIAL PERMIT 23040

FOR THE OAKS COMMUNITY UNIT PLAN, TO ALLOW FOR 7 SINGLE-FAMILY DWELLING UNITS WITH ASSOCIATED WAIVERS, ON PROPERTY GENERALLY LOCATED AT S.138TH STREET AND PIONEERS BOULEVARD. THIS IS FINAL ACTION.

PUBLIC HEARING:

November 15, 2023

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

Staff Recommendation: Conditional Approval

Clerk noted that this item is being recommended for approval as revised by staff memo dated November 15, 2023, which was provided to Planning Commission Members.

Feit disclosed ex-parte communications that she had a conversation with Geroge Wesselhoft. Feit stated that she had contacted Wesselhoft for clarification of the zoning of AG lots.

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

Staff Presentation:

George Wesselhoft, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated that the location is on Pioneers Boulevard and 138th Street. This is the furthest extent of the three-mile jurisdiction. Wesselhoft stated that this request is for a Community Unit Plan (CUP) with a total of 7 acreage lots on 97.8 acres. Each lot will have its own well. As a general criteria, AG zoning allows one unit per 20 acres. There was a ground water well data analysis that was completed and concluded that there is a high propensity of ground water in this region of Lancaster County. This was reviewed by the Health Department and waived the test well requirement. Wesselhoft stated that the larger acreage lot has over 16,000 trees on the property. One of the key waivers is to defer pieces of information that is normally required with a Preliminary Plat (PP) or CUP to a future administrative amendment. This will be a conditional approval until they get a final platting of any of the lots. Wesselhoft noted that the

staff memo was to allow flexibility for the outlot and the existing house lot. Staff is supportive of the request to make amendments to the conditions.

Campbell asked Wesselhoft about this not having access to Pioneers Boulevard, but this will have access until further developed. Wesselhoft stated that access is there until the lots are plated. At that time, there will be a new street. The new lots will not be allowed new access points on Pioneers.

Rodenburg stated that one of the letters in opposition that was received stated that the area is on water restrictions. Wesselhoft stated that the Health Department had reviewed and done an extensive water study. Campbell stated that the letter in opposition is in rural water and would not affect the wells.

Applicant:

Mike Eckert, Civil Design Group, 8535 Executive Woods Drive, Suite 200, Lincoln, NE came forward and stated this is where the CUP makes a lot of value in taking all that density and moving it then getting the clustering bonus, wastewater system bonus and leaving an area for greenspace development.

Matt Kleinschmidt, 11401 Van Dorn Street, Walton, NE approached and stated that he has a passion for this property with its 16,000 oak trees planted so perfectly has a unique value to it. Kleinschmidt feels that he has been called to support this value and land. Kleinschmidt is creating a charitable foundation that will support the Lincoln Community by making it a park of some sort. The goal is to create actions moving forward to protect the trees and by removing the density from 87 acres.

Ryman Yost asked what the vision for future recreation would look like. Kleinschmidt stated that it is a vision of a park open to the public like Pioneers Park. Kleinschmidt's goal is to create a quiet peaceful place for people to go. Kleinschmidt stated that it is his intent to make open to the public. There are some natural green spaces that have the potential to create monuments or gathering spots and it is his intent to clear trees to create pathways. This will end up with a couple miles of walking trails for the public.

Eckert stated that there is enough ground water on the site. In the study, it showed that there is adequate water available.

Joy asked Eckert about the comment in one of the letters about the road conditions. Eckert stated that County Engineering will determine the road conditions.

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 Special Permit 23040, seconded by Joy. Motion carried 6-0: Ball, Campbell, Feit, Joy, Rodenburg, and Ryman Yost voting “yes”; Cruz, Eddins, and Edgerton absent.

SPECIAL PERMIT 23040

ACTION BY PLANNING COMMISSION

November 15, 2023

Campbell moved to approve Special Permit 23040 with the conditions of the staff memo, seconded by Joy.

Campbell will be supporting this, and it is a great use for the property.

Feit stated that this space can be used as an educational space for young people and appreciates the willingness to conserve the trees.

Ryman Yost stated that this is an interesting project and a unique property. It will be fun to see how it develops.

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

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. THIS IS FINAL ACTION.

PUBLIC HEARING: _____

November 15, 2023

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

Staff Recommendation: Conditional Approval

Clerk noted that this item is being recommended for approval as revised by staff memo dated November 15, 2023, which was provided to Planning Commission Members.

There were no ex-parte communications disclosed.

Rodenburg disclosed ex-parte communications relating to a site visit. Rodenburg stated that he had been to the site previously before it was on the agenda and deferred. Rodenburg commented about the piece of equipment getting into the boulder weeds and that an

employee mentioned through conversation that they are hoping to acquire another parcel to spread out a little bit and make their lives easier.

Staff Presentation:

Ben Callahan, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated that this is a request to amend the existing Special Permit. Callahan stated that it is now requesting to add 10 acres for additional bulk storage for the landscaping company. This property is currently outside of city limits and will remain outside of city limits. Callahan stated that this is extending the boundary only and not for building space. Callahan stated that the memo was revising the conditions as to how the driveways will relate to the plan. The north and south access will be allowed to remain with no changes required. The northern access will remain until the fill permit that is on the property is used or until January 2027.

Applicant:

Jeremy Williams, Design Associates of Lincoln, 1609 N Street, Lincoln, NE came forward and stated that Callahan presented what was requested.

Campbell asked if this area will be rocked like the existing areas. Williams stated it will be done similar to the area south of the area.

Proponents:

Adam Hintz, Friends of Wilderness Park, 1919 Prospect Street, Lincoln, NE came forward and stated that Friends of Wilderness Park is in support of this Special Permit. In 2015, there was a flood that created quite a bit of debris that floated into Wilderness Park. Hintz stated that the wetlands constructed east of 14th street created a lot of flood storage and habitat. Hintz stated his understanding is that extra flood storage is to be supplied.

John Hendricks, Outdoor Solutions, 10109 S. 14th Street, Roca, NE approached and stated that there is a plan to add another three-acre wetland to the northeast corner in the future.

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

SPECIAL PERMIT 06022C
ACTION BY PLANNING COMMISSION

November 15, 2023

Campbell moved to approve Special Permit 06022C, as amended, seconded by Joy.

Campbell stated that Outdoor Solutions has done a great job with this property. Campbell's company has great relations with Outdoor Solutions.

Steve Henrichsen approached and stated to commissioners that the approval is with the revised staff memo.

Ryman Yost stated that she is glad to see everyone working together and the work to ensure everything is good with Wilderness Park.

Motion carried 6-0: Ball, Campbell, Feit, Joy, Rodenburg, and Ryman Yost voting "yes"; Cruz, Eddins, and 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 15, 2023, seconded by Joy.

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

There being no further business, the meeting was adjourned at 2:05 p.m.