

## 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, January 9, 2024.*

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, January 17, 2024, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska.

**MEMBERS AND OTHERS IN ATTENDANCE:** Maribel Cruz, Gloria Eddins, Bailey Feit, Christy Joy, Rich Rodenburg, and Cindy Ryman Yost; Lorenzo Ball and Dick Campbell absent; one vacant seat. David Cary, Steve Henrichsen, Shelli Reid, Jennifer McDonald, Brian Will, George Wesselhoft, Emma Martin, and Andrew Thierolf 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.

**Note: This is Final Action on the following items: Use Permit 125B, County Special Permit 23048, and County Special Permit 23042 unless appealed by filing a Notice of Appeal with the City Council or County Board within 14 days.**

Chair Ryman Yost requested a motion approving the minutes for the regular meeting held January 3, 2024.

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

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

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

Clerk noted that Agenda item 1.6, Special Permit 20016A is being withdrawn as requested by the applicant and removed from today's Consent Agenda. No further action is needed on this application.

Clerk noted that agenda item 1.8 Miscellaneous 23011 is being removed from the Consent Agenda and scheduled for public hearing.

**CONSENT AGENDA**

**PUBLIC HEARING & ADMINISTRATIVE ACTION**

**BEFORE PLANNING COMMISSION:**

**January 17, 2024**

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

**The Consent Agenda consisted of the following items: Comprehensive Plan Conformance 23020, Annexation 23013, Text Amendment 23017, Change of Zone 23075, Use Permit 125B, and County Special Permit 23048.**

There were no ex-parte communications disclosed.

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

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

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

**MISCELLANEOUS 23011**

**TO REVIEW THE PROPOSED DETERMINATION THAT THE FORMER SEARS AND ENVIRONS REDEVELOPMENT AREA (SHOPS AT LINCOLN) MEETS THE STATUTORY DEFINITION OF A BLIGHTED AND SUBSTANDARD AREA AS DEFINED IN THE NEBRASKA COMMUNITY DEVELOPMENT LAW. THE STUDY AREA IS 51 ACRES, GENERALLY LOCATED BETWEEN VINE ON THE NORTH, N 66<sup>TH</sup> STREET ON THE EAST, O STREET ON THE SOUTH AND N 56<sup>TH</sup> STREET ON THE WEST.**

**BEFORE PLANNING COMMISSION:**

**January 17, 2024**

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

**Staff Recommendation:** Finding of Substandard and Blighted Conditions

There were no ex-parte communications disclosed.

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

**Staff Presentation:**

**Peter Hind, Director Urban Development, 555 S. 10<sup>th</sup> Street, Lincoln, NE** came forward and stated that what is being requested is an expansion of the study to include the right-of-way.

**Proponents:**

DaNay Kalkowski, Seacrest & Kalkowski, 1128 Lincoln Mall, Suite 105, Lincoln, NE approached and stated that she is there representing two owners of properties in the area. Kalkowski stated that the two owners are in support of this blight and substandard development of this sight. Kalkowski stated that this is the first step in the redevelopment plan in the area.

**Neutral:**

No one approached in neutral testimony.

**Opposition:**

No one came forward in opposition.

Joy moved to close the public hearing, seconded by Eddins.

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

**MISCELLANEOUS 23011**

**ACTION BY PLANNING COMMISSION**

**January 17, 2024**

Joy moved to approve Miscellaneous 23011 with the right-of-way, seconded by Cruz.

Eddins mentioned that Peter Hind, Director of Urban Development was at Mayor’s Round table, and this was discussed briefly.

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

**TEXT AMENDMENT 23016**

**AMENDING LINCOLN MUNICIPAL CODE 27.67 PARKING TO REMOVE MINIMUM PARKING REQUIREMENTS FOR B-2, B-5, O-3, R-T, AND ALL H AND I DISTRICTS, AND REMOVING SPECIAL PARKING CONDITIONS THAT APPLY TO THOSE DISTRICTS; AMENDING 27.64 USE PERMITS TO REMOVE PARKING REQUIREMENTS ON ALL PREVIOUSLY-APPROVED USE PERMITS; AMENDING 27.63.470 PLANNED SERVICE COMMERCIAL TO REMOVE PARKING REQUIREMENTS ON ALL PREVIOUSLY-APPROVED PLANNED SERVICE COMMERCIAL SPECIAL PERMITS; AMENDING 27.60 PLANNED UNIT DEVELOPMENT DISTRICT TO REMOVE PARKING REQUIREMENTS ON ALL PREVIOUSLY-APPROVED PLANNED UNIT DEVELOPMENTS THAT REFERENCE PARKING STANDARDS FROM A DISTRICT WITH NO PARKING REQUIREMENTS.**

**BEFORE PLANNING COMMISSION:**

**January 17, 2024**

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

Clerk noted a staff memo dated January 16, 2024, was sent to Planning Commission members identifying minor updates to the parking proposal included with Text Amendment 23016.

**Staff Recommendation:** Approval

Eddins disclosed ex-parte communications that the Text Amendment was discussed at the Mayor's Round table and at the Clinton Neighborhood meeting.

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

**Staff Presentation:**

**Paul Barnes, Planning Department, 555 S. 10<sup>th</sup> Street, Lincoln NE** came forward and stated that this is to modernize Lincoln's off-street parking requirements in the commercial districts. This has been discussed for a few years and was a recommendation going forward. Barnes stated that this is the first in the State of Nebraska and the first municipality to bring this forward.

**Andrew Thierolf, Planning Department, 555 S. 10<sup>th</sup> Street, Lincoln, NE** came forward and stated that this proposal has two elements. The first is eliminating automobile parking minimums and the second is maintaining existing minimum parking requirements in residential districts and commercial districts typically found near neighborhoods. Thierolf stated that there are goals with parking modernization. Some of the goals are to allow for more market parking decisions and promote economic development. Thierolf stated that there are cities across the country that have eliminated parking requirements. Thierolf stated that this proposal is to eliminate automobile parking minimums for most commercial and industrial zoning districts. Thierolf stated that all previously approved special permits and PUDs located in a zoning district would have their parking requirements removed. Residential and public will not have any change in the required parking. Thierolf stated there are expected results from this proposal, including shorter automobile trips, reduced carbon emissions and a more vibrant environment. The biggest impact will be long-term. Thierolf stated that this will include approximately 95% of commercial and industrial acreage in Lincoln.

Feit asked Thierolf if the previously approved special permits wanted to adjust their current layout, would a new plan need to be presented back to the Planning Department? Thierolf stated small changes can be made internally within the planning department, but major changes with reconfiguring would need to be presented to the Planning Commission and in some cases to the City Council.

Rodenburg stated that this will help eliminate heat islands and improve storm runoff water. Thierolf stated that this is correct.

**Proponents:**

**Katie Bohlmeier, Lincoln Chamber of Commerce, 1128 Lincoln Mall, Suite 100, Lincoln, NE** approached and thanked Councilman Beckius for engaging with the Chamber on the awareness

of the Text Amendment. Bohlmeyer wanted to express the Chamber’s support and stated that this is of great economic value to the community.

**Neutral:**

No one approached in neutral testimony.

**Opposition:**

No one came forward in opposition.

**Staff Questions:**

Thierolf approached and wanted to make sure that the motion included the staff memo.

Joy moved to close the public hearing, seconded by Eddins.

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

**TEXT AMENDMENT 23016**

**ACTION BY PLANNING COMMISSION**

**January 17, 2024**

Joy moved to approve Text Amendment 23016 to include the staff memo received on January 16, 2024, seconded by Eddins.

Rodenburg stated that he believes the developers will put in just enough parking and more than what is needed. This will also eliminate the areas that are never half full.

Joy stated that she is in support of the Text Amendment and the memo. Joy stated that this will help the city with this type of project and infill.

Ryman Yost is in full support of this and excited that the city will take part in joining other communities around the country.

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

**COUNTY SPECIAL PERMIT 23042**

**FOR PERSONAL WIRELESS FACILITIES TO ALLOW A 239' SELF-SUPPORT TOWER, ON PROPERTY GENERALLY LOCATED AT 7459 W ROCA ROAD.**

**BEFORE PLANNING COMMISSION:**

**January 17, 2024**

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

Clerk noted a staff memo dated January 16, 2024, and was sent to Planning Commission members – identifying an addition to the staff report for County Special Permit 23042.

**Staff Recommendation:** Conditional Approval

There were no ex-parte communications disclosed.

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

**Staff Presentation:**

**Brian Will, Planning Department, 555 S. 10<sup>th</sup> Street, Lincoln, NE** came forward and stated that this Special Permit is on approximately 150-acre parcel. The proposed application is for a personal wireless tower approximately 239 feet in height. Will stated that the tower is to accommodate up to three carriers. Will stated that this application was originally scheduled a month ago, and the initial staff review checked all the boxes. After that review, it was noted that another tower was already in that area. Will stated that this tower had one of the carriers that was previously on the other tower in the area. Will added that preference location is a sensitive location based on the proximity of the residences in the area. The regulations talk about eliminating other colocation possibilities within a half mile. Will stated that a letter of explanation was submitted to the Planning Department. Will stated that the recommendation today is for conditional approval, and that the applicant will present and explain the letter provided to the Planning Department.

Ryman Yost asked if the height is 235 feet and a width of 25 feet. Ryman Yost asked what the base size would be. Will stated that the lease area is 100x100 and within that the tower has a lease area of 25 square feet. Will stated that the applicant will need to respond to this question.

Rodenburg stated that a letter came in a month ago about the concern with the 5G health concerns and if this has been passed through to the health department. Will stated that this has been passed through to the health department and health department staff is available today if there are any questions for them.

**Chris Schroeder, Lincoln Lancaster County Health Department, 3131 O Street, Lincoln, NE** came forward and stated that the current scientific consensus is that technologies when operating guidelines and regulations, do not pose a significant health risk to the public.

Eddins asked Will about the half mile guidelines and was wondering if there was a height guideline or if it is just a half mile guideline? Will stated that does not matter in regard to the height. A taller tower is more appropriate in the county where there is less density.

**Applicant:**

**Ryan Streff, Powder River Development, 8305 E. Willow Leaf, Sioux Falls, SD** came forward and stated that the tower is 235 feet with a 4-foot lightening rod on top to make it a total of

239 feet. Ryman Yost asked Streff what the width of the base is. Streff stated that the base of the tower is approximately 20 feet by 20 feet.

Eddins asked what compound area means. Streff stated that the compound area is a 60x60 feet fenced in area with an additional space for additional carriers and their equipment.

Rodenburg asked if the lighting on top of the tower will be a strobe or a flashing light? Streff stated that the Federal Communications Commission (FCC) does regulate all the regulations for lighting. Rodenburg asked if there are any guidelines or restrictions for air traffic and if there is a way to put a shield or blind up to prevent the light from shining on the properties nearby. Streff stated that this is again FCC regulated and he will check to see what the FCC requires.

Ryman Yost asked about the materials that were submitted to the Planning Department for the coverage map. Streff stated that the coverage map with the proposed tower compared to the coverage of the current tower. The proposed tower is going to provide better coverage and stronger signal coverage.

**Brent Meyer, Husch Blackwell, 14606 Branch Street, Omaha, NE** approached and displayed the proposed coverage area of the Bluestem Site. The intent of the coverage is to improve the Bluestem, Martell, and Sprague area. This will also improve the coverage on Highway 33.

Ryman Yost asked if the coverage map is for one carrier. Meyer stated that is correct. Ryman Yost asked if the other carriers may have different coverage. Meyer stated that is correct.

Feit asked Meyer if the carrier is planning to use both towers or switch to the new tower. Streff stated that Verizon is requesting to move from the existing tower to the new tower to increase their service area.

Ryman Yost asked if people to the west will lose coverage with Verizon moving to the new tower. Meyer stated that the intent is to provide a plus net as far as coverage.

Cruz stated that the existing tower will no longer have three carriers since one of the carriers is moving to the new tower. Cruz asked if there are two other carriers that will be coming to the new tower? Eddins stated that it is up to three carriers and does not have a minimum.

Rodenburg asked how many carriers are there with the current carriers and competition? Streff stated that there is a variety of users that can fulfill and use the new tower location to serve their needs. Rodenburg asked if they move from the existing tower to the new tower and get broader range as well. Streff stated that is correct or a new carrier can come into the area.

**Proponents:**

No one came forward in support of this application.

**Neutral:**

No one approached in neutral testimony.

**Opposition:**

**Rick Hill, 6705 SW 16<sup>th</sup> Street, Lincoln, NE** came forward and stated that there was a testimony about the safeness of the 5G by the Health Department. Hill stated that 5G is weaponized and designed with a clotshot. The clotshot is a cancer forming agent that will devastate the world. The 5G is used to activate the hydrogel and release these diseases. Hill stated that he has research from the military that will show that 5G is not safe and weaponized. Hill stated he will provide the documentation from the military and is requesting that 4G be approved instead of 5G.

**Scott Meinke, 17155 SW 72<sup>nd</sup> Street, Martell, NE** approached and stated that he is in opposition to this Special Permit. Meinke stated that he lives south of the proposed tower. This tower is not needed. Meinke stated that the application checks all the boxes, but this is a sensitive area to the people who live around it. Meinke stated that there are negative impacts of the tower being placed there. The landowner does not live near the area that is being impacted. There does not need to be improved service in that area. There is a half mile between the existing tower and the new tower. Meinke understands the desire for a 5G in the area, but there is already a tower in the area that is sufficient for the needs and service. Meinke stated that he did submit a letter in opposition but wanted his concerns to be heard.

Ryman Yost stated to Meinke that his letter was received and was entered into the record. Ryman Yost stated that Meinke mentioned that his family does host a tower or has a lease for one. Meinke stated no, he is referring to the existing tower that is very visible from his house.

**Joyce Howlett, 3780 W Roca Road, Martell, NE** came forward and stated that this will affect a lot of families and that there is already a tower in the area. Howlett wanted to know if this was not suitable to be put in Lincoln by residents, then why is it okay to have this size of tower put by her? Howlett asked why there is not more smaller towers in place instead of a big tower. If this is not good enough to put near your home, then why put it by her home.

**Staff Questions:**

Rodenburg asked Schroeder about the testimony that Howlett gave regarding the 5G not being safe enough to be in the city. Schroeder stated that there is 5G in the City of Lincoln. Rodenburg asked Schroeder about Hill's testimony of the 5G being weaponized. Schroeder stated that the studies that were referred to were not seen by the Health Department. Schroeder stated that the SEC regulations did not find negative public health effects and the towers follow the FCC regulations.

Eddins asked what the height of the other tower is. Will stated that the other tower is about the same height. Will stated that the Federal Aviation Administration (FAA) regulations will require a glowing red light at night and a white strobe during the day. The strobe light does not operate at night.

Ryman Yost asked if the conditions of the approval include a surety bond to pay for the removal and how much is that bond? Will stated that the bond includes that at one point if the tower is abandoned, the city and county will require and hold a bond that the cost can be used to remove the tower. Will stated that the requirement is an estimate of removal that will be submitted, then a bond will be provided for those costs. Will stated that it must be demonstrated that there is a need for a new tower. In this case, documentation was required to demonstrate a benefit to the community that there was a need for this.

**Applicant Rebuttal:**

Streff approached and stated that the coloring and the position of the light is based on what the FAA will allow and determine.

**Hugh Sieck III, 4930 Thomasbrook Lane, Lincoln, NE** came forward and is the property owner of the parcel that the tower is proposed to be constructed on. Sieck stated that he does live near 70<sup>th</sup> and Pioneers in Lincoln and he is within  $\frac{3}{4}$  mile of four cellular installations. Sieck stated that his family has been in that area for over 100 years. Sieck stated that the property where the other existing tower is located is owned by a Sieck, but is a distant relative not associated with his close family.

Rodenburg asked Sieck if he had family in the area where the proposed tower is to be located. Sieck stated that they are distant family with the same last name.

Meyer stated that there is a process with the zoning regulations. There is an analysis that the applicant went through, and all the zoning regulations have been met and the information provided was sufficient for the zoning regulations.

Rodenburg asked that the applicant continue to look into the ability to shield the light for the people that live close to the tower.

Eddins moved to close the public hearing, seconded by Joy.

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

**COUNTY SPECIAL PERMIT 23042**  
**ACTION BY PLANNING COMMISSION**

**January 17, 2024**

Joy moved to approve County Special Permit 23042, seconded by Eddins.

Eddins stated that she does not know how to find the balance between the people on the land and the tower that no one wants beside them in their backyard. Eddins will be supporting this because it is what the code states and the boxes have been checked.

Cruz is in opposition and stated that she previously lived in this area and does not know why a cell phone is needed when you are enjoying nature at a state park. Cruz asked what the cost benefit ratio would be when there is improved access. Cruz stated that the enhanced graphics do not tell anything compelling. Cruz wanted to know what it means, what is the impact number of households and what is the cost benefit ratio.

Feit stated that she is also torn as well as Eddins is. The process and procedures are followed but she does not want it in her backyard either.

Joy stated that this is final action, and the box checking standpoint and land use has been vetted in that respect.

Rodenburg stated that this can be appealed to the County Board of Commissioners, but it does check the boxes for approval. Rodenburg stated that the existing tower will probably be rendered useless. Rodenburg would also like to have seen the number of households who do not get service where they live.

Ryman Yost stated that this is a hard decision when the application meets the technical specifications, but also the two within a section technically fit. Ryman Yost stated that it was not determined who is benefiting from this or who would be the users. Ryman Yost stated that this does meet the requirements.

Motion carried 5-1: Eddins, Feit, Joy, Rodenburg, and Ryman Yost voting "yes", Cruz dissenting. Ball and Campbell absent, one vacant seat.

Eddins moved to adjourn the Planning Commission meeting of January 3, 2024, seconded by Joy.

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

There being no further business, the meeting was adjourned at 2:31 p.m.