

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, March 19, 2024.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, March 27, 2024, 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, Maribel Cruz, Brett Ebert, Gloria Eddins, Bailey Feit, Rich Rodenburg and Cristy Joy. Dick Campbell and Cindy Ryman Yost absent. David Cary, Steve Henrichsen, Shelli Reid, Jennifer McDonald, Emma Martin, Brian Will, and Andrew Thierolf of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

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

Joy requested a motion approving the minutes for the regular meeting held March 13, 2024.

Motion for approval of the minutes made by Eddins; seconded Cruz.

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

Joy asked the Clerk to call for the Consent Agenda Items.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

March 27, 2024

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

The Consent Agenda consisted of the following items: Comprehensive Plan Conformance 24003, Comprehensive Plan Conformance 24004, Special Permit 24003, Special Permit 24004, and Special Permit 24006.

There were no ex-parte communications disclosed.

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

There was a request to move item 1.2 - Comprehensive Plan Conformance 24004 from the Consent Agenda to a separate public hearing.

Eddins made a motion for approval of the Consent Agenda; seconded by Cruz.

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

Note: This is Final Action on the following item: Special Permit 24003, Special Permit 24004 and Special Permit 24006 unless appealed by filing a Notice of Appeal with the City Council or the County Clerk within 14 days.

Vice Chairperson Joy called for **Requests for Deferral.**

Clerk stated that written communication was received on behalf of the applicant requesting that item 2.1a – County Change of Zone 24002 and associated item 2.1b – County Preliminary Plat 24001, be placed on pending at this time until further notice, rather than being delayed for two weeks as originally noted.

COUNTY CHANGE OF ZONE 24002

FROM AG (AGRICULTURAL DISTRICT) TO I (INDUSTRIAL DISTRICT) FOR D.C. ADDITION ON PROPERTY GENERALLY LOCATED AT THE SW CORNER OF THE INTERSECTION OF MILL ROAD AND NORTH 162ND STREET.

AND

COUNTY PRELIMINARY PLAT 24001

TO PLAT 10 LOTS ALONG WITH OUTLOTS AS PART OF D.C. ADDITION, A PROPOSED INDUSTRIAL SUBDIVISION, ON PROPERTY GENERALLY LOCATED AT THE SW CORNER OF THE INTERSECTION OF MILL ROAD AND NORTH 162ND STREET.

BEFORE PLANNING COMMISSION:

March 27, 2024

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

Staff Recommendation: Deferral of application requested by applicant.

Eddins made a motion for approval for Change of Zone 24002 and Preliminary Plat 24001 to be put on pending until further notice; seconded by Cruz.

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

**COMPREHENSIVE PLAN CONFORMANCE 24004,
TO REVIEW AS TO CONFORMANCE WITH THE 2050 LINCOLN-LANCASTER COUNTY
COMPREHENSIVE PLAN, A REQUEST TO DECLARE CITY PROPERTY AS SURPLUS, ON PROPERTY
GENERALLY LOCATED AT 10TH & N STREETS.**

PUBLIC HEARING:

March 27, 2024

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

Staff Recommendation: In Conformance with the Comprehensive Plan

There were no ex-parte communications disclosed.

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

Steve Henrichsen, Planning Department, 555 S. 10th Street, Lincoln, NE approached and stated that this property has functioned for years as an alley, but it is not actually part of the alley. This property is city owned land. This is so it can be sold to be developed. This is the reason for the request to declare the property surplus. There is an alley currently there.

Feit asked if the city owns the neighboring buildings and land. Henrichsen stated that the land to the south is privately owned.

Eddins asked what the history of the lot is. Henrichsen stated that he does not know the history. The lot is not part of the alley, it legally is a separate lot under city ownership.

Proponents:

No one approached in support.

Neutral:

Tyler Redwine, 1001 O Street, Unit 103, Lincoln, NE came forward and stated that he lives in the Lincoln building and is not sure what part of the map shown that the city owns. Redwine is President of the HOA for the adjacent building. Redwine stated that because of the construction that is going on around the building, he has noticed that there are some cracks and some slight damage as a result. Redwine stated that with the demolition of Golds Building, he would like to have constant monitoring of this building as things are developed around him. Redwine stated that from the designs, windows around the building will be occluded and would like to know if there will be any type of compensation to the owners of those units.

Feit asked Redwine to clarify what building he is referring to. Redwine showed the location on the map of the building he is referencing.

Opposition:

No one approached in opposition.

Peter Hind, Director Urban Development, 555 S. 10th Street, Lincoln, NE approached and wanted to respond to the use and the purpose for this lot. The reason for the surplus of this land is to be able to sell this land to the developer with the assurance that all the utilities will have access that is needed. The reason for the development is for access and control of this land to prevent future development or sale. Hind stated that he will check on the east windows of the Lincoln Building and follow up.

Ball asked Hind about the access to the utilities and if it is only done through the adjacent buildings. Hind stated that a use or access agreement would be in place. Hind stated that he will check to see if there are any legacy agreements that need to be brought forward.

Joy asked if there was a way to monitor or to discuss issues that come up with the building if any issues come up. Hind stated that this is a question for the Law Department.

Tim Sieh, Assistant City Attorney, 555 S. 10th Street, Lincoln, NE came forward and stated that is a matter between the two owners of the properties.

Feit asked if it is public knowledge so that Redwine can look up and have that conversation. Sieh stated that this is on the website and on record of who the owner is.

Eddins moved to close the public hearing; second by Cruz.

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

COMPREHENSIVE PLAN CONFORMANCE 24004

ACTION BY PLANNING COMMISSION:

March 27, 2024

Eddins moved to approve Comprehensive Plan Conformance 24004; seconded by Cruz.

Eddins stated that this is a small piece of land for the city, and it makes sense that it would go to the developer. Eddins stated that she would love to know the history of it.

Rodenburg stated that this property will go back on the tax roll.

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

Clerk noted that Commissioner Eddins has declared a conflict of interest on public hearing items 4.1a through 4.1e and will recuse herself at this time.

COMPREHENSIVE PLAN AMENDMENT 24002

TO AMEND THE LINCOLN-LANCASTER COUNTY 2050 COMPREHENSIVE PLAN TO REIVSE THE PRIORITY GROWTH AREAS MAY, TO CHANGE FROM TIER III AND TIER 1 PRIORITY A ON PROPERTY GENERALLY LOCATED NEAR THE INTERSECTION OF NORTH 70TH STREET AND INTERSTATE 80.

AND

COMPREHENSIVE PLAN CONFORMANCE 24005

TO DECLARE SURPLUS CITY-OWNED PROPERTY GENERALLY LOCATED NEAR THE INTERSECTION OF NORTH 70TH STREET AND INTERSTATE 80.

AND

ANNEXATION 24002

TO ANNEX APPROXIMATELY 448 ACRES, INCLUDING 314 ACRES FOR THE FUTURE STATE OF NEBRASKA CORRECTIONAL FACILITY, ON PROPERTY GENERALLY LOCATED NEAR THE INTERSECTION OF NORTH 70TH STREET AND INTERSTATE 80.

AND

CHANGE OF ZONE 24004

FROM AG (AGRICULTURAL DISTRICT) TO P (PUBLIC), ON PROPERTY GENERALLY LOCATED BETWEEN HIGHWAY 77 AND North 84TH STREET FROM INTERSTATE 8 TO BLUFF ROAD.

AND

STREET AND ALLEY VACATION 24004

VACATING MCKELVIE ROAD EAST OF NORTH 70TH STREEET ADJACENT TO PROPERTY GENERALLY LOCATED AT MCKELVIE ROAD EAST OF NORTH 70TH STREET.

PUBLIC HEARING:

March 27, 2024

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

Staff Recommendation:

Comprehensive Plan Amendment 24002	Approval
Comprehensive Plan Conformance 24005	In Conformance with the Comprehensive Plan
Annexation 24002	Approval
Change of Zone 24004	Approval
Street and Alley Vacation 24004	Conforms to the Comprehensive Plan

There were no ex-parte communications disclosed.

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

Staff Presentation:

David Cary, Director of the Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated that all five of the items are related to processing the project of the Corrections facility. Cary gave a brief overview and that these applications come as a package but will need to react to each individually. Cary is to ensure that the process is followed, and it can move forward.

Jon Carlson, Mayors Office, 555 S. 10th Street, Lincoln, NE came forward and stated that the background of this is to de-commission the current correctional facility near 14th and Nebraska Parkway and build a new facility. Carlson stated that the State does not need permission to purchase land or construct their facility. Carlson stated that the purpose for today's action is to make the Interstate site available for exchange with the State. The parcels are the same size but different shape. The Interstate site is north of I-80 along 70th Street and is a more suitable location for an institutional type of facility like corrections. Carlson explained what each of the five items that are presented would mean. Carlson stated that this property is being declared surplus for it to be available to exchange with the State. All five of the items that are being presented will make the interstate site available for the exchange. It is an even trade of 300 acres for 300 acres and the sites match up better for the proposed uses.

Rodenburg asked what reason the City had to purchase that property and what the future plans were at that time. Carlson stated that Solid Waste purchased this land decades ago as an expansion usage for the landfill. Rodenburg asked if there was a building on the map. Carlson stated that is an old lagoon that has been removed.

Proponents:

No one approached in support.

Neutral:

No one approached in neutral testimony.

Opposition:

No one approached in opposition.

Feit moved to close the public hearing; seconded by Cruz.

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

COMPREHENSIVE PLAN AMENDMENT 24002
ACTION BY PLANNING COMMISSION

March 27, 2024

Feit moved to approve Comprehensive Plan Amendment 24002; seconded by Cruz.

Rodenburg stated that this is a good compromise as opposed to the original site plan. Rodenburg stated that this seems to be a good plan.

Feit stated that she agrees with what Commissioner Rodenburg stated and with the growth of Lincoln, this growth is more fit for the east. Feit stated that this is a great compromise.

Joy stated that this is a good opportunity for the public to have input. Joy stated that some of the things that the city did was to utilize the area as a buffer and to add other public zoning. Joy wanted to thank everyone involved.

Motion carried 6-0: Ball, Cruz, Ebert, Feit, Rodenburg, and Joy voting “yes”; Eddins declared a conflict of interest; Campbell and Ryman Yost absent.

COMPREHENSIVE PLAN CONFORMANCE 24005

ACTION BY PLANNING COMMISSION

March 27, 2024

Feit moved to approve Comprehensive Plan Conformance 24005; seconded by Cruz.

Motion carried 6-0: Ball, Cruz, Ebert, Feit, Rodenburg, and Joy voting “yes”; Eddins declared a conflict of interest; Campbell and Ryman Yost absent.

ANNEXATION 24002

ACTION BY PLANNING COMMISSION

March 27, 2024

Feit moved to approve Annexation 24002; seconded by Cruz.

Motion carried 6-0: Ball, Cruz, Ebert, Feit, Rodenburg, and Joy voting “yes”; Eddins declared a conflict of interest; Campbell and Ryman Yost absent.

CHANGE OF ZONE 24004

ACTION BY PLANNING COMMISSION

March 27, 2024

Feit moved to approve Change of Zone 24004; seconded by Cruz.

Motion carried 6-0: Ball, Cruz, Ebert, Feit, Rodenburg, and Joy voting “yes”; Eddins declared a conflict of interest; Campbell and Ryman Yost absent.

STREET AND ALLEY VACATION 24004

ACTION BY PLANNING COMMISSION

March 27, 2024

Feit moved to approve Street and Alley Vacation 24004; seconded by Cruz.

Motion carried 6-0: Ball, Cruz, Ebert, Feit, Rodenburg, and Joy voting “yes”; Eddins declared a conflict of interest; Campbell and Ryman Yost absent.

Joy asked if anyone wishing to speak on an item not on the agenda, may do so.

Feit moved to adjourn the Planning Commission meeting of March 27, 2024; seconded by Cruz.

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

There being no further business the meeting was adjourned at 1:40 p.m.