

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, July 16, 2024.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, July 24, 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, Dick Campbell, Brett Ebert, Gloria Eddins, Bailey Feit, Rich Rodenburg, and Cristy Joy. Maribel Cruz and Cindy Ryman Yost, absent. David Cary, Steve Henrichsen, Shelli Reid, Jennifer McDonald, Steve Dush, and Brian Will with the Planning Department; media and other interested citizens were present.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

Vice Chair 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 July 10, 2024.

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

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

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

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

July 24, 2024

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

The Consent Agenda consisted of the following items: Street and Alley Vacation 24008, Text Amendment 24009 and Text Amendment 24010.

Eddins stated that Hope Village comes to the Clinton Neighborhood organization meeting every month and gave an update on the progress of Text Amendment 24010.

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

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

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

TEXT AMENDMENT 24007

AN ORDINANCE AMENDING SECTIONS 27.62 AND 27.63 OF THE LINCOLN MUNICIPAL CODE TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON AND OFF THE PREMISES AS A CONDITIONAL, RATHER THAN SPECIAL PERMITTED, USE. THE ORDINANCE WOULD FURTHER AMEND SECTIONS 27.62 AND 27.63 TO CLARIFY THE CONDITIONS WHERE SALE OF ALCOHOLIC BEVERAGES, ON OR OFF THE PREMISES, ARE PERMITTED FOR RESIDENTIAL HEALTH CARE AND OUTDOOR RECREATIONAL FACILITIES.

PUBLIC HEARING:

July 24, 2024

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

Staff Recommendation: Approval

Eddins stated that Brian Will and David Cary of the Planning Department gave a presentation on Text Amendment 24007 at the Mayor's Round Table meeting.

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

David Cary, Director of Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated that after 23 Years with the Planning Department, today is Brian Will's last hearing. Will is retiring at the end of the month and Cary wanted to thank him for all his service and for all the work that he has done for the Planning Department.

Brian Will, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated that he appreciates the kind words that Cary mentioned. Will stated the Text Amendment that is being presented today is to allow the sale of alcoholic beverages for the consumption on and off the premises as a conditional rather than a special permitted, use. Will stated that this was originally adopted in 1994 and has been operating under the Zoning Ordinance with Special Permit on/off sale. In 2004, the first major change come forward. This major change was to allow special permits to become final action at the Planning Commission meetings. It also eliminated the 100-foot separation limit. With the new Text Amendment, Will stated that the applicants can now come in, meet the requirements and apply for a Special Permit. If the requirements are not met, then the applicant cannot apply. Will stated that there is a long list of conditions of the requirements that needs to be met before the applicant can apply. The requirements are a liquor license would need to be approved from the State and a Special

Permit under the ordinance where it is allowed. This process would need to be approved and obtained to get a liquor license. Will stated that there has been confusion between the City and State, and this will make it easier and more time effective for the applicant. Will stated that on July 8th, this was discussed at the Mayor's Round Table meeting and there was not any opposition at that time for Text Amendment 24007.

Rodenburg asked if this will eliminate the \$1,100 fee that was previously required. Will stated that is correct, the fee will be eliminated since it will be part of the building permit process or the internal license review. Rodenburg asked how this would affect the Hub and Sole Music series with a rain date delay, fundraising event or any city events? Will stated that this will not have any effect on it at all. Will stated that the determination would almost instantly be determined if the requirements are met or not met.

Proponents:

No one approached in support.

Neutral:

No one approached in neutral.

Opposition:

No one approached in opposition.

Will re-distributed page 4 of the Staff Report to the Commissioners due to a printing issue on the copy they received.

Campbell asked if there are other commercial areas like Village Gardens where the City Standards included alcohol throughout? Will stated that Village Gardens is a Planned Unit Development (PUD) and was done in several examples and in some cases beyond a PUD. Will stated that it is customary any more these days that a development working through the process that some sort of adjustments upfront are made in the review process.

Rodenburg thanked Will for the many years of service. Will thanked him and the Planning Commission.

Ball stated that he has a potential conflict with county perspective and wanted to know if he should recuse himself. **Tim Sieh, Assistant City Attorney, 555 S 10th Street, Lincoln, NE** came forward and stated that there is not any conflict since this applies to the city limit and the three-mile jurisdiction.

Will wanted to thank the Planning Commission Members today and previously for being well served.

Campbell moved to close the public hearing; seconded by Eddins.

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

TEXT AMENDMENT 24007

ACTION BY PLANNING COMMISSION:

July 24, 2024

Campbell moved to approve Text Amendment 24007; seconded by Eddins.

Eddins stated that there was not any issue with this at the Mayor's Round Table discussion with the attendees and neighborhoods represented.

Campbell stated that through the help of Will, the Planning Department has been very helpful with the Village Gardens permitted use.

Ball stated that procedurally, this speeds things up for the licensing. This is very positive.

Ebert stated that she appreciates the Planning Department recognizing the confusion and frustration and doing something to correct it.

Joy agrees with fellow commissioners and appreciates Will's help and all his efforts making their job easier.

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

Campbell moved to adjourn the Planning Commission meeting of July 24, 2024; seconded by Eddins.

Motion to adjourn 7-0 Ball, Campbell, Ebert, Eddins, Feit, Rodenburg and Joy voting "yes"; Cruz and Ryman Yost absent.

There being no further business the meeting was adjourned at 1:27 p.m.