

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 30, 2024.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, August 7, 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: Dick Campbell, Maribel Cruz, Gloria Eddins, Bailey Feit, Cristy Joy, Rich Rodenburg, and Cindy Ryman Yost; Lorenzo Ball and Brett Ebert absent. David Cary, Steve Henrichsen, Shelli Reid, Jennifer McDonald, Emma Martin and George Wesselhoft with the Planning Department; media and other interested citizens were present.

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.

Ryman Yost requested a motion approving the minutes for the regular meeting held August 7, 2024.

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

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

Note: This is **Final Action** on the following item **Special Permit 24024** unless appealed by filing a Notice of Appeal with the **County Clerk within 14 days**.

TEXT AMENDMENT 24011

AMENDMENT TO LINCOLN MUNICIPAL CODE SECTION 27.59.060 TO EXPAND THE ABILITY TO OBTAIN BLANKET HEIGHT PERMITS ON AREAS WITHIN THE AIRPORT HAZARD AREA THAT HAVE AN ELEVATION OF MORE THAN 100 FEET BUT NOT MORE THAN 115 FEET ABOVE THE ELEVATION ON THE NEAREST EXISTING OR PROPOSED RUNWAY END IN RESIDENTIAL AREAS AND TO MODIFY WHEN POST-CONSTRUCTION CERTIFICATION IS REQUIRED.

PUBLIC HEARING:

August 7, 2024

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

Staff Recommendation: 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 is a request to amend the Lincoln Municipal Code, specifically Section 27.59.060 Airport Zoning Regulations, to allow blanket height permits over properties in the shaded area of the Airport Zoning Map when the properties meet proposed conditions. It also clarifies when post-construction certification is required after a blanket height permit. This amendment was submitted after several meetings and drafts regarding the rules and regulations surrounding blanket height permits within the shaded area of the Lincoln Airport Zoning Map and post-construction certification. All discussions in regard to the amendment involved the Lincoln Airport Authority.

Martin stated in the airport turning zones, no structure can be built if it is higher than 150 feet above the elevation at the closest runway end. Shaded areas are generally found in the turning zones and have elevations that are 75 feet or more above the elevation on the nearest runway end. This amendment does not permit construction where none was previously allowed. Instead, it will help streamline the height permit and building permit processes by reducing the time and cost involved with applying for multiple height permits at once, as well as reduce the time and effort required for post-construction certification. The amendment will provide a minor reduction in the final cost to the homebuyer or renter. The Lincoln Airport Authority has reviewed the amendment and is not opposed to the change in the text. The amendment is compatible with the 2050 Comprehensive Plan by helping Lincoln and Lancaster County meet a variety of goals and policies, including safe and affordable housing and streamlining the zoning and building permitting processes.

Applicant

DaNay Kalkowski, Seacrest and Kalkowski, 1128 Lincoln Mall, Suite 105, Lincoln, NE came forward and stated she is here on behalf of the applicant. Kalkowski stated that the text amendment is confusing, and Martin did a great job explaining. Kalkowski stated that a small regulatory adjustment will keep the housing area affordable and reduce cost for the homebuilders. This boils down to finding a way for residential property to use the blanket height permit. The second component is that it will not require a post construction certification to be done for each lot. By putting some of these in place it assures a little extra room on the top for extra protection. Kalkowski stated that this will allow areas that will be able to utilize the blanket height permit and the post construction certification. Kalkowski noted there are areas in Hub Hall Heights that are subject to the elevation. There are 36 lots that are impacted by the Text Amendment that have an elevation of more than 100 feet but

less than 115 feet. This will have the protections in place and will also protect the dwellings that are built in that area.

Proponents:

No one approached in support.

Neutral:

No one approached in neutral.

Opposition:

No one approached in opposition.

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

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

TEXT AMENDMENT 24011

ACTION BY PLANNING COMMISSION:

August 7, 2024

Campbell moved to approve Text Amendment 24011; seconded by Joy.

Campbell stated that this is great that so many departments and the applicant worked together. This will be an addition of more moderate cost homes that are needed in this community. Campbell is in full support of this.

Ryman Yost stated that this is fantastic when so many people can partner together to find better solutions to the homeowners.

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

SPECIAL PERMIT 24024

FOR LAST ENCHANTMENT HELIPORT TO ALLOW FOR A HELIPORT, WITH ASSOCIATED WAIVERS, ON PROPERTY GENERALLY LOCATED AT 801 CRESTHILL LANE.

FINAL ACTION

PUBLIC HEARING:

August 7, 2024

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

George Wesselhoft, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated that this is a request for a heliport in the Special Permit section of the County regulations. The applicant noted that this property had been approved in 1985 for a personal use heliport. Wesselhoft stated that a complaint was received through the Building and Safety Department. Upon investigation, Wesselhoft noted that a Special Permit was not in place. The plan use is for one helicopter. There will not be any commercial operations. The applicant noted that there will not be more than 3 take-offs during the week. Wesselhoft stated that there is not a noise ordinance that will apply at this location. Wesselhoft stated that there was one waiver requested. That waiver was from the drainage and grading plan requirements. The Lancaster County Engineer agrees that the drainage and grading plans should be waived. It was also noted that there were no issues noted by the Airport Authority. Wesselhoft stated that the proposal for the heliport does meet the Lancaster County Zoning Regulations.

Applicant

Richard Greb, 801 Cresthill Lane, Davey, NE came forward and wanted to thank Wesselhoft and the Planning Commission for all the hard work on this Special Permit. Greb stated that he has operated a helicopter from that location since the 1980's. Greb stated that safety is the most important issue. The second is the noise level and the neighbors have written in and stated that the noise level is not an issue. Greb stated that the safety concern is that there are no homes in the depart or arrival path. Greb stated that the National Guard does maneuvers in the area and are fully authorized to use this property if there is an issue and need to land. Also, the public can use the property in an emergency.

Campbell asked how the helicopter is moved in and out of the building. Greb stated that it has ground handling wheels and uses a tractor. Campbell asked what Greb uses the helicopter for? Greb stated that it is for recreational use and offers his services to the Nebraska State Patrol. Greb stated that they go camping and use it for personal use.

Eddins asked if the Air National Guard can land in case of an emergency? Greb stated that the Air National Guard operates between there and Wahoo, so he has offered his services to them.

Ryman Yost wanted to clarify that when public comments are received, the Planning Commissioners do receive and review the comments.

Proponents:

Julie Parham, 17301 Northridge Lane, Davey, NE came forward and stated that her husband, Randy, submitted a public record comment in support. Parham stated that her property line is shared with the Greb property line. Parham stated that she works in her home office daily and during the past 8 years, has never found this to be disruptive to her or her family. Parham has been the secretary and treasurer for the Northridge Neighborhood Association. There has never been an issue brought forward to the Homeowner's Association in regard to the helicopter or landing pad. Parham stated that they are in support to this application.

Stephanie Thompson, 641 Davey Road, Davey, NE came forward in support to this application. Thompson stated that there have not been any issues and have only heard the helicopter a couple of times.

Neutral:

No one approached in neutral.

Opposition:

Chuck Kohles, 17700 Northridge Lane, Davey, NE came forward and stated that they are opposed to the Special Permit application to allow the helicopter to be stored and to land in a residential area. Kohles stated that the concerned citizens in the area have other issues that they had to deal with in Lancaster County and now are having to oppose the heliport. Kohles stated that some other concerns are of the environmental impact on property values. Part of buying a home is researching zoning ordinances and what will affect the buyers and sellers. There are also noise issues, concern of flight pattern of airport traffic, and complaints about the helicopter hovering over the homes. Kohles stated that the low flying helicopter spooks the livestock and farm animals. There is also concern about the tall trees and the fueling the helicopter.

Krista Kohles, 17700 Northridge Lane, Davey, NE came forward and stated that she has 42 signatures of some of the landowners within a mile that have been notified that are protesting this application. Kohles stated that an accident can happen at any time and there is a concern with an accident happening in the area. Kohles stated that the applicant was aware of needing to take out a permit in 1985, and wanted to know why a Special Permit was not taken out at that time. She also questioned as to why one person's convenience could trump another person's lives. The noise can be acceptable, but how it will affect the residential property value, is not fair. Kohles is not sure why this has gone on so long and it was required in 1985, and nothing has been done.

Campbell asked the Kohles how long have lived at their property. Krista Kohles stated that they have lived there as long as the Greb's have lived there (since April of 1979). Krista Kohles stated that a helicopter accident can happen to anyone. That is why she started to look into the permits needed and found out all the other information.

Rodenburg asked how many times a week does the helicopter take off or land. Krista Kohles stated that they would have to be home or outside to hear, but you can feel the vibration. Krista Kohles stated her major concern is property value and safety. There are 42 people and 38 property owners that have signed petition being opposed to this permit.

Ryman Yost asked if they are going to submit the names and addresses of the signatures. Krista Kohles gave the clerk the pages for the petition (Exhibit 1) that included names, addresses and phone numbers of the people opposed to this Special Permit.

Mike Ketterer, 17900 Northridge Lane, Davey, NE came forward and stated that he opposes this permit and has many concerns. Ketterer stated that he contacted some real estate agents about the heliport in being in the area and stated that many insurance companies do not offer insurance for this. Ketterer wanted to know who will regulate the compliance issues and abuses? Ketterer stated that he can see this as being a common issue throughout with additional sites within the area and other areas. Ketterer read a letter from a Civil Engineer that focuses on airports and is an Aviation expert. (Exhibit 2)

Debra Krohn, 17600 Northridge Lane, Davey, NE came forward and stated that she is not in opposition. Krohn stated that the Kohles's did not come to ask what her opinion was. Krohn stated that she lives closer to the heliport than the Kohles's do. Krohn stated that her riding mower makes more noise than the helicopter.

Feit asked if there are issues and are not following the process that are not set forth in the application, who do they call? Wesselhoft stated that a special permit can be revoked if it is not meeting the criteria. Feit asked if they would call the Planning Department or Building and Safety. Wesselhoft stated that Building and Safety or the Planning Department would be recipients of the complaints. Wesselhoft noted that Building and Safety was contacted in 2020, which was the year that a complaint was received. Wesselhoft noted that they are not aware of any violations on the property prior.

Rodenburg asked if the Special Permit goes with the applicant or run with the land. Wesselhoft stated it runs with the land.

Feit asked if the Special Permit would last a certain number of years, would the applicant need to reapply. Wesselhoft stated that it would last in perpetuity regardless of ownership.

Campbell asked that with the Special Permit and the flying three times a week, will that follow also? Wesselhoft stated that is not a condition listed under the conditions of approval, but information that was provided on the application.

Ryman Yost asked Wesselhoft about the comments made about the FAA and violations. Wesselhoft stated that the Planning Department was not aware of any violations with the FAA and enforcement would be through those agencies for their regulations.

Joy asked if Wesselhoft contacted the FAA or if the Nebraska Department of Transportation was contacted? Wesselhoft stated that he did not contact them since they were not included.

Applicant Rebuttal:

Greb came forward in regards to the original application and stated that the information about the FAA was in the original staff report. All the documentation is date stamped back in 1985-1986. Ryman Yost stated that it is part of the application and is online to view. Greb stated that

the highest elevation a helicopter flies at is 500 feet which is the maximum height that he travels. This will decrease once he starts descending back down. Greb stated that he was not aware of any signatures that were received and would like to know if the signatures or comments were verified and would hope that they would enter their questions or comments through a portal so he could respond.

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

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

SPECIAL PERMIT 24024

ACTION BY PLANNING COMMISSION:

August 7, 2024

Campbell moved to pass the conditional approval of Special Permit 24024; seconded by Joy.

Campbell stated that the reason that he will support this is the fact that this has been in place since 1986 and the neighbors closest to this property support this application. The neighbors closest would have the most impact of noise and do not have an issue. Campbell stated that a helicopter does not take off straight up, it must take off on a glide path, the same with landing. Campbell will be supporting this approval.

Joy stated that the path of the airport goes over this portion of the county. Joy will be supporting this application.

Feit stated that she is a little concerned that the Special Permit going with the land and does not know how the next person will be as safe. Feit stated that she will not be supporting this today.

Motion carried 5-2; Campbell, Cruz, Eddins, Joy, and Ryman Yost voting "yes", Feit and Rodenburg dissenting. Ball and Ebert absent.

Campbell moved to adjourn the Planning Commission meeting of August 7, 2024; seconded by Joy.

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

There being no further business the meeting was adjourned at 2:11 p.m.