

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, August 27, 2024.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, September 4, 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, and Cindy Ryman Yost. Maribel Cruz, Bailey Feit, Cristy Joy and Rich Rodenburg absent. David Cary, Steve Henrichsen, Shelli Reid, Jennifer McDonald, Andrew Thierolf, Emma Martin, and Steve Dush 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.

Note: This is **Final Action** on the following item **Special Permit 24027** unless appealed by filing a Notice of Appeal with the **City Council** or the **County Board within 14 days**.

Ryman Yost requested a motion approving the minutes for the regular meeting held August 21, 2024.

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

Minutes approved 5-0: Ball, Campbell, Ebert, Eddins, and Ryman Yost voting "yes"; Cruz, Feit, Joy, and Rodenburg absent.

Clerk stated that Consent Item 1.2 – Special Permit 24026 is being removed from the Consent Agenda and moved to public hearing on today's agenda.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

September 4, 2024

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

The Consent Agenda consisted of the following item: Annexation 24008.

There were no ex-parte communications disclosed.

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

Campbell made a motion for approval of the Consent Agenda Item Annexation 24008; seconded by Eddins.

Motion carried 5-0: Ball, Campbell, Ebert, Eddins, and Ryman Yost voting “yes”; Cruz, Feit, Joy, and Rodenburg absent.

Clerk stated that written communication was received from the applicant requesting a 2-week deferral to September 18, 2024, Planning Commission Hearing for item 2.1a – Comprehensive Plan Amendment 24004, associated item 2.1b – Change of Zone 24003 and associated item 2.1c – Use Permit 24003.

COMPREHENSIVE PLAN AMENDMENT 24004

TO AMEND THE LINCOLN-LANCASTER COUNTY 2050 COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE DESIGNATION FROM URBAN-DENSITY RESIDENTIAL TO COMMERCIAL, and

CHANGE OF ZONE 24003

FROM AGR (AGRICULTURAL RESIDENTIAL DISTRICT) TO O-3 (OFFICE DISTRICT), and USE PERMIT 24003

TO ALLOW A USE PERMIT IN THE O-3 (OFFICE DISTRICT) ZONING DISTRICT FOR APPROXIMATELY 51,000 SQUARE FEET OF COMMERCIAL FLOOR AREA, WITH WAIVERS TO SETBACKS, ON PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF S 70TH STREET AND NEBRASKA PARKWAY.

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

Staff Recommendation: Two-week deferral

Campbell moved to approve the request for deferral to September 18th, 2024; seconded by Eddins.

Motion carried 5-0: Ball, Campbell, Ebert, Eddins, and Ryman Yost voting “yes”; Cruz, Feit, Joy, and Rodenburg absent.

SPECIAL PERMIT 24026

TO ALLOW A PORTION OF THE EXISTING BUILDING TO BE USED FOR AN EARLY CHILDCARE FACILITY WITH UP TO 35 CHILDREN AND A WAIVER TO THE SCREENING REQUIREMENTS OF THE OUTDOOR PLAY AREA ON PROPERTY GENERALLY LOCATED AT 6300 A STREET.

PUBLIC HEARING:

September 4, 2024

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

Staff Recommendation: Conditional Approval

There were no ex-parte communications disclosed.

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

Staff Presentation:

Steve Dush, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated that Special Permit 24026 was originally a consent item, since there is a waiver to the design standards it must be now go to City Council. The site is effectively completed and will remain unchanged. The waiver is for the location of the fence and the proximity of the outdoor play area.

Applicant:

Jean Helms, 6121 S 52nd Street Court, Lincoln, NE came forward and stated that she is the Administrative Director to the Unitarian Church of Lincoln and is asking a waiver for a fence requirement. The existing playground is adjacent to the building. Helms stated that the daycare children will not have access to the wooded areas which was mentioned by a neighbor.

Campbell asked when the previous daycare started in that location. Helms stated that there use to be a Montessori School that operated in the building for 7 years. These were older children and had access to the wooded area at that time.

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 Eddins.

Motion carried 5-0: Ball, Campbell, Ebert, Eddins, and Ryman Yost voting "yes"; Cruz, Feit, Joy, and Rodenburg absent.

SPECIAL PERMIT 24026

ACTION BY PLANNING COMMISSION:

September 4, 2024

Campbell moved to approve Special Permit 24026 with the requested waivers; seconded by Eddins.

Campbell stated that the only letter received was in concern with the east side of the building, that is not the case in this instance. Campbell stated that the church has addressed this nicely and will be very helpful with the number of daycares.

Ball stated that the waiver is on the interior of the property and is isolated to the building and the parking lot. Ball will be supporting this Special Permit.

Ryman Yost agrees that the need for quality licensed childcare in the city is growing and appreciates the partners working together to meet this need.

Motion carried 5-0: Ball, Campbell, Ebert, Eddins, and Ryman Yost voting "yes"; Cruz, Feit, Joy, and Rodenburg absent.

SPECIAL PERMIT 24027

TO ALLOW THE OPERATION OF A MOBILE ROCK CRUSHER ON SITE DURING THE DEMOLITION OF STRUCTURES, ON PROPERTY GENERALLY LOCATED ON 3001 CORNHUSKER HIGHWAY. THE PLANNING COMMISSION ACTION IS FINAL, UNLESS APPEALED TO THE LINCOLN CITY COUNCIL. **FINAL ACTION**

PUBLIC HEARING:

September 4, 2024

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

Staff Recommendation: Conditional Approval

Eddins stated that this was a topic at the Clinton Neighborhood meeting and that the applicant will be attending the next Clinton Neighborhood meeting for discussion.

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

Staff Presentation:

Emma Martin, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated this is a request for a Special Permit for the temporary operation of a mobile rock crusher to assist in the demolition of a grain elevator located at 3001 Cornhusker Highway. The rock crusher will be used to break down the concrete from the demolished elevator before it is eventually transported off site for reuse and resale. The application was submitted after discussions between the property owner and the City of Lincoln regarding the health and safety of the community and environment while the rock crusher is in use. The discussions included Lincoln Watershed Management and the Lincoln-Lancaster County Health Department and laid out specific requirements that the operation would need to

meet. Grain elevators that are defunct due to wear and tear can be left to deteriorate for years or even decades, causing health concerns, occupying useable land, and becoming a general blight on the community. By operating a rock crusher to render the concrete, CL Construction will be able to offset some of the cost of demolition while recycling the elevator into useful material once again and opening the property for reuse. This application meets the requirements created for this specific I-1 District Special Permit. It is compatible with 2050 Comprehensive Plan policies and goals by encouraging infill and redevelopment and improved community appearance. This will have an overall positive impact on the community of Lincoln.

Applicant:

Andrew Willis, 233 S. 13th Street, Lincoln, NE came forward on behalf of the applicant. Willis stated that this is a large obsolete grain bin. It is an expensive process including the rock crusher that will allow the reuse and recycle the material. The demolition permit will also include a flood plain development permit, a rock crusher permit, air quality permit, demolition permit and manage the dust. This is a positive benefit to the community. Willis stated that this is a temporary permit that may last up to 3 years only as part of the demolition process.

Campbell asked Willis if a dozer and other equipment will be involved in the knocking down the silos, and was wondering why they would not implode like done on other scales. **Chris Lautenschlager, CL Construction, 2700 Fletcher Avenue, Lincoln, NE,** came forward and stated that imploding will create a larger hazardous situation with all the dust going into the air. The rock crusher is the simplest and most cost-effective way to complete the demolition and keep the dust down and from blowing.

Proponents:

No one approached in support.

Neutral:

No one approached in neutral.

Opposition:

Troy Foster, 2959 Cornhusker Highway, Lincoln, Ne came forward and stated he is close to the elevator. Foster is concerned with the dust control that will be coming off the project and concrete. Another concern is with the age of the elevator having the possibility of asbestos within the concrete. Foster stated that his employees are within 200-250 feet and has concerns with this being a safe environment for them.

Campbell asked Foster what the nature of his business is. Foster stated that his employees are inside and outside all day long. They have machines and equipment that can be effective by the concrete dust along with effecting his employees breathing. Campbell asked if these concerns have been discussed with CL Construction? Foster stated that he discussed it with them yesterday. Foster is unsure how the process works or how it is controlled. Campbell asked if there was any discussion to reimburse Foster for the filters, condensers or anything that would need to be replaced. Foster stated there has not been a discussion.

Ball stated regarding the dust and air quality control, is another permit will be required. Martin stated that the permit would be required through the Lancaster County Health Department. There will be health regulations and requirements for controlling the offsite dust emissions. Martin stated that CL Construction will be using dust trapping and misters to control dust.

Willis approached and stated that CL Construction has hired a third-party consulting firm who will do a study on all the issues that may arise. This includes the air and asbestos, then including what needs to be done to not harm the neighbors.

Campbell asked if this was part of the Health Departments requirement or if it is being done on their own. Willis stated that CL Construction is doing this on their own even if it is not a requirement of the Health Department. Lautenschlager approached and stated that there is a mitigation through the water process. This is not a large amount of water, but enough to keep the dust particles from flying. Campbell asked if there was any discussion with the Heating and Air Company, if there would be a good guidance for their employees as what to do or not to do when working inside and outside. Lautenschlager stated that his employees will have monitors on them that will monitor the dust and particle levels. Lautenschlager stated that he is going to provide a safe place for his employees and for the neighbors. Campbell asked if the dust is crossing the line, will they provide a safe environment for the neighbors? Lautenschlager stated that they will provide a safe working environment for all the neighbors surrounding.

Eddins asked what the hours of operation would be of the rock crusher. Lautenschlager stated that he does not know what the time would be, but the plan of business operation is standard normal business hours with 2 days of the week of operation for the rock crusher and 5 days a week for the demolition process.

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

Motion carried 5-0: Ball, Campbell, Eddins, Ebert, and Ryman Yost voting "yes"; Cruz, Feit, Joy, and Rodenburg absent.

SPECIAL PERMIT 24027

ACTION BY PLANNING COMMISSION:

September 4, 2024

Campbell moved to approve Special Permit 24027; seconded by Ball.

Campbell stated that this is thought through and it is only the first step for the applicant. Campbell thinks that it is best to approve and let the applicant proceed for the remaining permits that they will need.

Ball agrees with Campbell and knowing that there is an expectation from the environmental process for the safety and concerns of the employees and surrounding businesses.

Eddins has concerns with this project since it is one of the largest grain elevators in the State of Nebraska. Eddins is disappointed that the applicant did not reach out to the Neighborhood Organization prior to the Planning Commission Hearing. Eddins is concerned with the proximity of the parks and play area for the small children in the area.

Ebert stated that she will be supporting this and understands that there are concerns. This is a complex problem and feels that the steps are being taken to do this safely.

Motion carried 5-0: Ball, Campbell, Eddins, Ebert, and Ryman Yost voting "yes"; Cruz, Feit, Joy, and Rodenburg absent.

Campbell moved to adjourn the Planning Commission meeting of September 4, 2024; seconded by Eddins.

Motion to adjourn 5-0: Ball, Campbell, Eddins, Ebert, and Ryman Yost voting "yes"; Cruz, Feit, Joy, and Rodenburg absent.

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